

ORDINANCE NO. 6193

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED "ZONING ORDINANCE", EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, SECTION 6.8.3, "COLLEGE PARK OVERLAY DISTRICT", AT SUBSECTION (4)(f); PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Chapter 14, Exhibit A, Section 6.8.3 of the General Zoning Ordinance No. 2280 of the City of Sherman, Texas, be and is hereby amended at Subsection (4)(f), so that such section shall read as follows:

Sec. 6.8.3. College Park Overlay District.

(1) Introduction.

- (a) The College Park Overlay District, at the request of Austin College, contains minimum standards for new construction in the Austin College Community. The College Park Overlay District recognizes the special location, architectural character and land-use mix of the college park neighborhood and establishes appropriate standards for uses within the district. The overlay district is designed to help protect the private property values and public investments in and near the college park neighborhood, to reduce conflicts between new construction and existing development in the existing neighborhood, and to preserve the area's special character. The district promotes mixing of land use to foster a livable community of residential, commercial and cultural uses and encourages pedestrian access within the college park neighborhood and provides connectivity to adjacent neighborhoods and the Central Business District. The district also respects socioeconomic diversity by encouraging a variety of home styles and sizes that are sympathetic to the neighborhood's historical diversity of design and fosters a cooperative atmosphere in the college park neighborhood between the City of Sherman, Austin College and private landowners to jointly realize the potential of the district. The College Park Overlay District development standards will make the city a more desirable place to live and conduct business.
- (b) It is important that the development of the College Park Area supports careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the College Park Overlay District development area standards is to

ensure that the development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) Intent and purpose.

- (a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the College Park Overlay District development standards. The following design elements are addressed by the standards. A statement of intent accompanies each element, the planning and zoning commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.
- (b) Building design. Design standards for buildings should ensure that the design, color, materials, and basis for proportion of structures within the College Park Overlay District development area are harmonious with the intent of the ordinance.
- (c) Screening. Required screening should accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and serve as a psychological separation between uses which encourages the peace and repose of residents.
- (d) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of the site. Glare and illumination standards should ensure that the mechanisms providing light do not negatively impact the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

- (a) Area boundaries. College Park Overlay District development areas are those areas bounded as follows:

East: Harrison Street (from Pecan Street to Old Settlers Park)

North: Along the Railroad Tracks to the back of Old Settlers Park creating a natural boundary curving down to College Street.

West: Montgomery Street (from College to Pacific Street).

South: Pacific Street from Montgomery to Lee, south to Pecan, east on Pecan to Harrison Street.

- (b) Compliance required. All property within the boundaries of the College Park Overlay District development areas shall adhere to the overlay district development standards.
 - (c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the College Park Overlay District development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process.
- (4) Building design.
- (a) General provisions. All buildings shall comply with the zoning ordinance, building code and related construction codes of the city.
 - (b) Exterior walls. On new construction, building materials must be specified and may be permitted when such materials are 60% masonry, hardy board or concrete fiber board and consistent with the intent of these standards. A complete set of elevation plans and schedule of wall and roof colors and finishes used on every freestanding building shall be submitted to the building official. (Not required for maintenance of or additions to existing nonconforming structures.)
 - (c) All new residential structures shall have a minimum 1,200 square foot living area, except patio homes authorized by a specific use permit.
 - (d) Carports are prohibited.
 - (e) Detached garages are permitted when architecturally designed to be compatible with historically significant and period style homes.
 - ~~(f) Front entry garages are prohibited on residential structures.~~
- (5) Screening, Privacy Fences.
- (a) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened.
 - (b) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.
 - (A) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy-forming trees where the nonresidential use is at a much lower grade than the residential use).

- (B) All landscaping shall be installed so as to avoid hazards.
- (c) Materials and methods. The materials and methods used in screening under this section shall conform to the following:
 - (A) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble or the built-up panels of these materials designed for exterior use.
 - (B) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.
 - (C) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.
 - (D) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way. Wire, chain link and corrugated fencing materials are not allowed.
 - (E) To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.
- (6) Glare and illumination.
 - (a) Parking area lighting. Standards, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.
 - (b) Walkway lighting. Walkway lighting with standard pole, bollard and wall-mounted fixtures are allowed.
 - (c) Accent lighting. Floodlighting and spotlighting of architecture, graphics or natural features shall not create spillage of light onto adjacent properties.
- (7) Signage.
 - (a) Maximum face area is 16 square foot.

- (b) Maximum height is 4 foot.
 - (c) Off premise signs are prohibited
- (8) Permitted and Specific Uses.
- (a) Uses:
 - (A) No permitted or specific use in the College Park Overlay District may include drive-through facilities, gas pumps or canopies.
 - (B) Permitted Uses. Within the College Park Overlay District, the following uses are permitted in any zoning district.
 - (i) Residential & Educational:
Single family dwellings
Colleges and Universities
 - (C) Specific Uses. With the College Park Overlay District, the following uses are permitted as Specific Use Permits in residential zones under the provisions of this article. Limitations on the size of certain uses are as stated below:
 - (i) Neighborhood & Community Service.
Arts/cultural center or exhibit hall
Bed and breakfast/historic inn
Charitable/religious institutions
Community center/house
Dance studio
Health care hospitality
Health club/fitness center
Parks
Patio Homes
Place of worship
Preschool & Day care centers, small and large
 - (ii) Medical/General Offices:
General offices
Medical and dental offices/services
Medical and other records storage
Medical offices
 - (iii) Ancillary/Retail/Neighborhood Uses allowed only on the first floor and up to a maximum of 3500 square feet of gross floor area per use:

Food store/convenience store excluding the sale of gasoline
General retail
Pharmacy
Research and development facilities
Restaurant/bakery/cafe
Retail bank/ATMs
Scientific and medical research labs
Technical and medical equipment development and/or services

(9) Procedures and notice.

- (a) The planning and zoning commission shall review the specific elements of site and building plans for all commercial development within the College Park Overlay District development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.
- (b) The planning and zoning commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.
- (c) If the planning and zoning commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.
- (d) Any applicant aggrieved by a decision of the planning and zoning commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time convenient to the city council and to its procedures and practices for the scheduling of business before the council.

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the 18th day of March, 2019.

ADOPTED on this the 18th day of March, 2019.

EFFECTIVE DATE on this the 18th day of March, 2019.

CITY OF SHERMAN, TEXAS

BY: DP
DAVID PLYLER, MAYOR

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: Brandon S. Shelby
**BRANDON S. SHELBY
CITY ATTORNEY**