



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
SPECIAL SESSION MEETING
OCTOBER 22, 2018, 6:30 P.M.
COUNCIL CHAMBERS, CITY HALL
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance

II. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request for a replat of certain property consisting of approximately 5.655 acres of land that is situated in the extraterritorial jurisdiction of the City of Farmersville in an area that is located generally south and east of Shinn Circle, east of Far Hills Lane, along a portion of Willow Bend Road and extending to the east and south from the terminus of Willow Bend Road, and which land is more particularly identified as being a part of Lot 57 of the Rolling Hills Addition Phase 1 (to be replatted as Lots 57A & 57D).
- B. Public hearing to consider, discuss and act upon a text amendment to the Comprehensive Zoning Ordinance that will amend: Section 77-41, "Establishment of Zoning Districts," and Section 77-53, "Non-Residential and Mixed-Use Zoning District Regulations," to establish a new "HII - High Impact Industrial" zoning classification; Section 77-46, "Schedule of Permitted Uses," regarding uses to be allowed in the new "HII - High Impact Industrial" zoning classification as well as certain uses currently allowed in the "HI - Heavy Industrial" zoning classification; and, Section 77-54(a), "Highway Commercial Overlay District," as it may apply to uses allowed in the new "HII - High Impact Industrial" zoning classification that may be situated in the Highway Commercial Overlay District area.

III. ADJOURNMENT

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on October 19, 2018, by 6:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 19th day of October, 2018.



Sandra Green, City Secretary



I. Preliminary Matter

II. Public Hearing

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request for a replat of certain property consisting of approximately 5.655 acres of land that is situated in the extraterritorial jurisdiction of the City of Farmersville in an area that is located generally south and east of Shinn Circle, east of Far Hills Lane, along a portion of Willow Bend Road and extending to the east and south from the terminus of Willow Bend Road, and which land is more particularly identified as being a part of Lot 57 of the Rolling Hills Addition Phase 1 (to be replatted as Lots 57A & 57D).



PLANNING & ZONING AGENDA ITEM

SUBJECT: Rolling Hills Addition, Phase 1

MEETING DATE: October 22, 2018

DEPARTMENT: Planning

CONTACT: Sandra Green, City Secretary

RECOMMENDED CITY COUNCIL ACTION:

- Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request for a replat of certain property consisting of approximately 5.655 acres of land that is situated in the extraterritorial jurisdiction of the City of Farmersville in an area that is located generally south and east of Shinn Circle, east of Far Hills Lane, along a portion of Willow Bend Road and extending to the east and south from the terminus of Willow Bend Road, and which land is more particularly identified as being a part of Lot 57 of the Rolling Hills Addition Phase 1 (to be replatted as Lots 57A & 57D).

ITEM SUMMARY:

- The Planning & Zoning Commission was scheduled for Monday, October 15, 2018 to make a recommendation to the City Council regarding the replat. The Planning & Zoning Commission wanted issues that arose from citizens to be looked into before they approved the plat. The concerns were the roadway to be extended to the property. The question led to discussions of whether the entire roadway would need to be completed with curbs and gutters in order for the plat to be filed. After the meeting and discussions with the City Attorney, he referenced the Local Government Code, Section 212.904. The Commission continued the hearing until Monday, October 22, 2018.
- See code below:

Sec. 212.904. APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS. (a) If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure

improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

(b) A developer who disputes the determination made under Subsection (a) may appeal to the governing body of the municipality. At the appeal, the developer may present evidence and testimony under procedures adopted by the governing body. After hearing any testimony and reviewing the evidence, the governing body shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.

(c) A developer may appeal the determination of the governing body to a county or district court of the county in which the development project is located within 30 days of the final determination by the governing body.

(d) A municipality may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

(e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

(f) This section does not diminish the authority or modify the procedures specified by Chapter 395.

Added by Acts 2005, 79th Leg., Ch. 982 (H.B. 1835), Sec. 1, eff. June 18, 2005.

- B. Public hearing to consider, discuss and act upon a text amendment to the Comprehensive Zoning Ordinance that will amend: Section 77-41, "Establishment of Zoning Districts," and Section 77-53, "Non-Residential and Mixed-Use Zoning District Regulations," to establish a new "HII - High Impact Industrial" zoning classification; Section 77-46, "Schedule of Permitted Uses," regarding uses to be allowed in the new "HII - High Impact Industrial" zoning classification as well as certain uses currently allowed in the "HI - Heavy Industrial" zoning classification; and, Section 77-54(a), "Highway Commercial Overlay District," as it may apply to uses allowed in the new "HII - High Impact Industrial" zoning classification that may be situated in the Highway Commercial Overlay District area.

**CITY OF FARMERSVILLE
ORDINANCE #2018-1023-002**

AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERSVILLE, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 77, "ZONING," BY AMENDING SECTION 77-41, "ESTABLISHMENT OF ZONING DISTRICTS," AND SECTION 77-53, "NON-RESIDENTIAL AND MIXED-USE ZONING DISTRICT REGULATIONS," TO ESTABLISH A NEW "HII - HIGH IMPACT INDUSTRIAL" ZONING CLASSIFICATION INCLUDING THE IDENTIFICATION OF THE PURPOSE AND CERTAIN PERMITTED USES, PROHIBITED USES AND DEVELOPMENT STANDARDS; AMENDING SECTION 77-46, "SCHEDULE OF PERMITTED USES," TO IDENTIFY USES ALLOWED IN THE NEW "HII - HIGH IMPACT INDUSTRIAL" ZONING CLASSIFICATION; AND, AMENDING SECTION 77-54(A), "HIGHWAY COMMERCIAL OVERLAY DISTRICT," AS IT APPLIES TO USES ALLOWED IN THE NEW "HII - HIGH IMPACT INDUSTRIAL" ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas ("City") is a Type A General – Law Municipality located in Collin County having a population of less than 5,000 persons as determined by the most recent federal census, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Chapter 211 of the Texas Local Government Code, as amended, authorizes a municipality to adopt and update zoning ordinances for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, the City has previously adopted a Zoning Ordinance under the authority of Chapter 211 of the Texas Local Government Code, which Zoning Ordinance is codified as Chapter 77 of the Farmersville Code; and

WHEREAS, the City Council of the City of Farmersville, Texas ("City Council"), desires to amend Chapter 77 of the Farmersville Code to establish a new HII – High Impact Industrial zoning district to provide areas for manufacturing firms engaged in high impact industrial activity that are generally incompatible with residential, commercial and lower impact industrial uses and sensitive natural areas due to their high generation of traffic, noise levels, emissions, lighting and odors; and

WHEREAS, the City Council of the City of Farmersville, Texas, does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals, and general welfare of the City of Farmersville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:

SECTION 1. INCORPORATION OF FINDINGS

The findings set forth above are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2. AMENDMENT OF CHAPTER 77, “ZONING,” BY AMENDING SECTION 77-41, “ESTABLISHMENT OF ZONING DISTRICTS,” AND SECTION 77-53, “NON-RESIDENTIAL AND MIXED-USE ZONING DISTRICT REGULATIONS,” TO ESTABLISH A NEW “HII - HIGH IMPACT INDUSTRIAL” ZONING CLASSIFICATION INCLUDING THE IDENTIFICATION OF CERTAIN PERMITTED USES, PROHIBITED USES AND DEVELOPMENT STANDARDS

A. Amendment of Section 77-41, “Establishment of Zoning Districts,” by adding “HII – High Impact Industrial District” as a new zoning district

From and after the effective date of this Ordinance, Chapter 77 of the Farmersville Code is amended through the amendment of Section 77-41, “Establishment of Zoning Districts,” by adding a new zoning district to be known as the HII – High Impact Industrial District such that the chart of zoning districts hereafter reads as follows:

Abbreviated Designation	Zoning District Name
A	Agricultural District
ED	Estate Development
SF-1	Single Family Dwelling-1 District
SF-2	Single Family Dwelling-2 District
SF-3	Single Family Dwelling-3 District
2F	Two Family Residence (Duplex) District
MF-1	Multifamily Residence-1
MF-2	Multifamily Residence-2
NS	Neighborhood Service District
GR	General Retail District
C	Commercial District
CA	Central Area District
LI	Light Industrial District
HI	Heavy Industrial District
HII	High Impact Industrial District

B. Amendment of Section 77-53, “Non-Residential and Mixed-Use Zoning District Regulations,” by adding a new Subparagraph (g) entitled “HII - High Impact Industrial” that identifies the purpose and certain permitted uses, prohibited uses and development standards

From and after the effective date of this Ordinance, Section 77-53, “Non-Residential and Mixed-Use Zoning District Regulations,” is hereby amended to establish a new subparagraph (g) “HII - High Impact Industrial” zoning classification to read as follows:

“(g) HII — High Impact Industrial District.

- (1) *Purpose.* The HII district is primarily intended to provide areas for manufacturing firms engaged in high impact industrial activity that is generally incompatible with residential, commercial and lower impact industrial uses and sensitive natural areas due to, among other things, traffic, noise levels, emissions, lighting and odors while allowing office and limited commercial uses which are harmonious with such high impact industrial uses.
- (2) *Permitted uses.* See Section 77-46, Schedule of permitted uses for a complete listing.
- (3) *Area, yard and bulk requirements.*

Description		Requirements
Minimum Lot Area		15,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		30 feet
Minimum Side Yard	<i>Interior Lot</i>	None
	<i>Corner Lot</i>	20 feet
Minimum Rear Yard		20'
Maximum Lot Coverage		None
Maximum Height		None, generally; Except 40 feet height limitation if any part is located within 40 feet of a residential property line

- (4) *Applicable Development Standards.* All uses in the HII — High Impact Industrial District shall meet or

exceed all of the minimum requirements established in article IV., "Development Standards," of this Zoning Ordinance for the HI -- Heavy Industrial District including without limitation, except as otherwise specifically provided herein to the contrary, the requirements set forth in Sections 77-61 through 77-80. Notwithstanding the foregoing, Section 71-71(h) shall not generally apply to uses in the HII — High Impact Industrial District. However, any areas that are not used for buildings, facilities, structures, parking and roadways shall be devoted to living landscape, which shall at a minimum include grass, ground cover, plants, shrubs, or trees.

- (5) *Prohibited Uses.* Uses that are not expressly enumerated herein as permitted uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:
- (a) Refining of petroleum or its products, including tar distillation;
 - (b) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture;
 - (c) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse;
 - (d) Stockyard or slaughtering of animals;
 - (e) Smelting of iron, copper, tin, zinc, or any other ore;
 - (f) Manufacture of explosives or fireworks;
 - (g) Coal distillation or coke ovens;
 - (h) Creosote treatment;
 - (i) Steel mills or furnaces;
 - (j) Coal- or coke-fired kilns;
 - (k) Used tire storage;

- (l) Extraction of raw materials; and
- (m) Concert halls.

SECTION 3. AMENDING SECTION 77-46, "SCHEDULE OF PERMITTED USES," REGARDING USES TO BE ALLOWED IN THE NEW "HII - HIGH IMPACT INDUSTRIAL" ZONING CLASSIFICATION

A. Amendment of Section 77-46, "Schedule of Permitted Uses," to Identify Uses to be Allowed in the New "HII - High Impact Industrial" Zoning District

1. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by inserting a new column labeled "HII-High Impact Industrial District" between "HI-Heavy Industrial District" and "CA-Central Area District" in Paragraph (c) entitled "Residential Uses" to read as follows:

<i>(c) Residential uses.</i> Type of Use	HII - High Impact Industrial District	Use Specific Regulations
Bed and breakfast inn		
Boarding house or rooming house		
Garage apartment		
Bed and breakfast inn		
Boarding house or rooming house		
Garage apartment		
Guest house		
Hotel		
HUD-Code manufactured home		
Industrialized housing (or modular home)		
Mobile Home		
Motel		
Multiple-family dwelling		
One-family dwelling (attached)		
One-family dwelling (detached)		
Residence hotel		
Two-family dwelling (duplex)		
Zero lot line dwelling		

2. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by inserting a new column labeled "HII-High Impact Industrial District" between "HI-Heavy Industrial District" and

"CA-Central Area District" in Paragraph (d) entitled "Accessory and Incidental Uses" to read as follows:

(d) <i>Accessory and incidental uses.</i>	HII - High Impact Industrial District	Use Specific Regulations
Type of Use		
Accessory building	P	
Farm accessory building	P	
Fuel pumps (accessory use)	P	
Home occupation		
Open storage and outside display	P	
Parking lot/garage (accessory)	P	
Stable (private)		
Swimming pool (private)		
Temporary field office	P	
Tennis courts		

3. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by inserting a new column labeled "HII-High Impact Industrial District" between "HI-Heavy Industrial District" and "CA-Central Area District" in Paragraph (e) entitled "Agricultural Uses" to read as follows:

(e) <i>Agricultural uses.</i>	HII - High Impact Industrial District	Use Specific Regulations
Type of Use		
Farm, ranch, garden, or orchard		
Feed store	P	
Nursery, major		
Nursery, minor		
Stable (commercial)		
Veterinarian clinic and/or kennel, indoor		
Veterinarian clinic and/or kennel, outdoor		

4. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by inserting a new column labeled "HII-High Impact Industrial District" between "HI-Heavy Industrial District" and

"CA-Central Area District" in Paragraph (f) entitled "Automobile and Related Uses" to read as follows:

(f) <i>Automobile and related uses.</i>	HII - High Impact Industrial District	Use Specific Regulations
Type of Use		
Auto parts and accessory sales (indoor)	P	
Auto parts and accessory sales (outdoor)	P	
Automobile repair, major	P	
Automobile repair, minor	P	
Automobile sales, used	P	
Automobile sales/leasing, new	P	
Car wash, full service	P	
Car wash, self-service	P	
Convenience store with gas pumps	P	
Convenience store without gas pumps	P	
Motor vehicle towing, motor vehicle recovery, and motor vehicle storage	P	
Motorcycle sales/service	P	
Recreational vehicle sales and service, new/used	P	
Salvage yard	P	
Trailer sales/rental	P	
Truck sales (heavy truck)	P	

5. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by inserting a new column labeled "HII-High Impact Industrial District" between "HI-Heavy Industrial District" and "CA-Central Area District" in Paragraph (g) entitled "Commercial and Professional Uses" to read as follows:

(g) <i>Commercial and professional uses.</i>	HII - High Impact Industrial District	Use Specific Regulations
Type of Use		
Building maintenance service and sales	P	
Clinic, medical or dental	P	

Contractor's shop and storage yard	P	
Dry cleaning plant	P	
Equipment and machinery sales and rental, major	P	
Manufactured home display and sales	S	
Medical or scientific research lab	P	
Office showroom/warehouse	P	
Office, professional, general administrative		
Open storage and outside display	P	
Print shop, major	P	
Propane storage and distribution	P	

6. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by inserting a new column labeled "HII-High Impact Industrial District" between "HI-Heavy Industrial District" and "CA-Central Area District" in Paragraph (h) entitled "Educational, Institutional, and Public Uses" to read as follows:

(h) <i>Educational, institutional, and public uses.</i>	HII - High Impact Industrial District	Use Specific Regulations
Type of Use		
Adult day care center		
Art gallery or museum		
Banquet/meeting hall		
Cemetery or mausoleum		
Church, rectory, or other place of worship		
College, university or private school		
Day care center		
Fire station and public safety building	P	
Fraternal organization, lodge, or civic club		
Hospital		
Nursing/convalescent home		
Post office, government and private	P	
Public building, shop or yard of local, state or federal government	P	
Rehabilitation care facility		
Rehabilitation care institution		

School, private or parochial (primary or secondary)		
School, public		
School, trade or commercial	P	

7. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by inserting a new column labeled "HII-High Impact Industrial District" between "HI-Heavy Industrial District" and "CA-Central Area District" in Paragraph (i) entitled "Entertainment and Recreational Uses" to read as follows:

(i) <i>Entertainment and Recreational Uses.</i>	HII - High Impact Industrial District	Use Specific Regulations
Type of Use		
Amenity center (private)		
Amusement, commercial (indoors)	P	
Amusement, commercial (outdoors)	S	
Community center (public)		
Dancehall or nightclub	S	
Day camp		
Fairgrounds/exhibition area	S	
Game room	S	3.9.8
Golf course and/or country club		
Gun or archery range (indoor)	P	
Park or playground (public)		
Play field or stadium (public)	P	
Recreational vehicle (RV) parks and campgrounds	P	
Swim and tennis club		
Theater (drive-in)		
Theater (indoor)		

8. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by inserting a new column labeled "HII-High Impact Industrial District" between "HI-Heavy Industrial District" and "CA-Central Area District" in Paragraph (j) entitled "Industrial and Wholesale Uses" to read as follows:

<i>(j) Industrial and Wholesale Uses.</i>	HII - High Impact Industrial District	Use Specific Regulations
Type of Use		
Bakery and confectioners works (wholesale)		
Concrete/asphalt batching plant	P	
Concrete/asphalt batching plant, temporary	p	
High impact use	P	
Manufacturing, heavy	P	
Manufacturing, light	P	
Mini-warehouse/self-storage	P	
Open storage and outside display	P	
Sand and gravel storage	P	
Warehouse/distribution center	P	
Wholesale office storage or sales facility	P	

9. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by inserting a new column labeled "HII-High Impact Industrial District" between "HI-Heavy Industrial District" and "CA-Central Area District" in Paragraph (k) entitled "Retail and Service Uses" to read as follows:

<i>(k) Retail and service uses.</i>	HII - High Impact Industrial District	Use Specific Regulations
Type of Use		
Alternative financial institution		
Antique shop and used furniture		
Artisan's workshop	P	
Bakery and confectioners works (retail)		
Banks, savings and loan, or credit union		
Barber shop/beauty salon and personal service shops		
Big box retail development		
Body art studio	S	3.9.5

Building materials and hardware sales, inside storage		
Building materials and hardware sales, outside storage		
Cleaning & laundry, self-service		
Dry cleaning or laundry, minor		
Equipment and machinery sales and rental, minor	P	
Farmer's market		
Flea market, inside		
Flea market, outside		
Florist shop		
Furniture, home furnishing, and equipment stores		
Grocery store or supermarket		
Health/fitness center		
Licensed massage therapy		
Mortuary or funeral parlor		
Pawn shop	P	
Pet grooming		
Pet shop		
Portable building sales		
Private club		
Repair shop, household equipment and appliances	P	
Restaurant (drive-in type)		
Restaurant or cafeteria		
Restaurant or food shop, take-out and delivery		
Retail stores and shops		
Sexually oriented businesses or establishments	S	
Shopping center		
Small engine repair shop	P	
Studio for dance, gymnastics, and/or martial		
Studio for photographer, musician, and artist		
Studio for radio and television		

10. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by inserting a new column labeled "HII-High Impact Industrial District" between "HI-Heavy Industrial District" and "CA-Central Area District" in Paragraph (I) entitled "Transportation, Utility, and Communications Uses." to read as follows:

(l) <i>Transportation, utility, and communications uses.</i>	HII - High Impact Industrial District	Use Specific Regulations
Type of Use		
Airport landing field	P	
Antenna and/or antenna support structure, commercial	S	3.9.2
Antenna and/or antenna support structure, non-commercial	S	3.9.3
Parking lot/garage (commercial)	P	
Private utility, other than listed	S	
Railroad or bus passenger station	P	
Railroad team track, freight depot or docks	P	
Shops, offices, and storage area for public or private utility	P	
Telephone line and exchange	P	
Transportation and utility structures / facilities	P	
Truck terminal	P	
Utility distribution/transmission lines	P	

SECTION 4. AMENDING SECTION 77-54(A), “HIGHWAY COMMERCIAL OVERLAY DISTRICT,” AS IT APPLIES TO USES ALLOWED IN THE NEW “HII - HIGH IMPACT INDUSTRIAL” ZONING DISTRICT

From and after the effective date of this Ordinance, Section 77-54(a), “Highway Commercial Overlay District,” is hereby amended as it applies to uses allowed in the new “HII - High Impact Industrial” zoning district.

“Sec. 77-54. - Special district regulations.

(a) Highway commercial overlay district.

- (1) *Purpose.* The highway commercial (HC) overlay district is intended to provide for retail, service, and office uses within the Highway 380 and Highway 78 corridors, with the high traffic volumes and high visibility. The regulations and standards of this district are designed to enhance the aesthetic and functional characteristics of this transportation corridor. Overlay zoning district regulations apply in combination with

underlying (base) zoning district regulations and all other applicable standards of this chapter. All applicable regulations of the underlying base zoning district apply to property in an overlay zoning district unless otherwise expressly stated. When overlay district standards conflict with standards that otherwise apply in the underlying, base zoning district, the regulations of the overlay zoning district govern unless the regulations of the base zoning district are more stringent, in which event the more stringent or restrictive standards shall apply.

- (2) *Permitted uses.* All applicable land uses of the underlying base zoning district apply to property in the HC overlay zoning district unless otherwise expressly stated. See section 77-46, Schedule of permitted uses for a complete listing.

The following uses are allowed by right within the HC overlay zoning district unless the base zoning district is HII – High Impact Industrial, in which base zoning district the following uses are allowed, or not, as reflected in Section 77--46, "Schedule of Permitted Uses":

- a. Big box retail development.

- (3) *Specific use permit required.* The following uses require a specific use permit within the HC overlay zoning district unless the base zoning district is HII – High Impact Industrial, in which base zoning district the following uses are allowed, or not, as reflected in Section 77--46, "Schedule of Permitted Uses":

- a. Automobile repair, major.
- b. Building materials and hardware sales, outside storage.
- c. Equipment and machinery sales and rental, major.
- d. Print shop, major.
- e. Warehouse/distribution center.

- (4) *Prohibited uses.* The following uses are prohibited within the HC overlay zoning district unless the base

zoning district is HII – High Impact Industrial, in which base zoning district the following uses are allowed, or not, as reflected in Section 77--46, "Schedule of Permitted Uses":

- a. Car wash, self-service.
- b. Contractor's shop and storage yard.
- c. Game rooms.
- d. Mini-warehouse/self-storage.

(5) *Area, yard and bulk requirements.*

Description	Requirements
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Front Yard	25 feet
Minimum Side Yard	<i>Interior Lot</i> 10 feet
Minimum Corner Lot	25 feet
Minimum Rear Yard	20 feet
Maximum Lot Coverage	50%
Maximum Height	None, unless single family or two-family zoning districts or developments are within 200 feet of the property line, in which a 40-foot height maximum shall apply.
Maximum Floor Area Ratio	1.5:1

(6) *Highway commercial overlay district regulations.*

- a. *Façade design and exterior materials and products* — 75 percent of any front and side exterior wall must be faced with individual unit masonry consisting of brick, native or precast stone, glass and textured concrete masonry. Precast tilt wall systems may be used for 100 percent of the rear façade if it does not face a public street. Precast panels on all sides of the

building shall be scored or seamed to provide visual interest and a repeating pattern.

b. Buildings shall be articulated at all entrances facing streets by a minimum of two offsets (façade articulations that extend outward from the building must be set back at some point in a corresponding manner) in the façade of a minimum two feet in depth. Main building entrances shall be covered by an awning, canopy or building overhang.

c. The planning and zoning commission may consider waivers of the building façade material and design requirements for expansions and reconstruction of buildings that existed within the HC district on the date of adoption of the ordinance from which this chapter is derived in accordance with the requirements below:

1. The expansion or reconstruction does not increase the square footage of the existing building by more than 50 percent; and
2. Strict compliance with these standards would result in significant inconsistency in appearance between existing and proposed sections of the building.

d. The standards set out in subparagraphs a, b and c of this Paragraph (a)(6) shall not be required for the following uses if the base zoning district in which the use is situated is HII – High Impact Industrial:

1. Concrete/asphalt batching plant;
2. Concrete/asphalt batching plant, temporary;
3. High impact use; and
4. Sand and gravel storage.

e. *Prohibited exterior materials and products.* The following materials and products shall not be used for exterior walls or exterior accents on any building within the HC district: metal panels, wood

siding, Masonite, particle board, stucco foam insulation systems, vinyl siding, and aluminum siding. Metal panels may only be used for decorative architectural features, awnings and canopies and may not constitute the exterior building material of any wall. Notwithstanding the foregoing, architectural metal panels (not corrugated metal or galvanized metal) may be used in conjunction with uses situated within the base zoning district of HII – High Impact Industrial.

- f. *Building orientation.* Bays for car washes, auto repair and other automotive uses shall not be oriented to face public streets.
- g. *Mechanical screening.* Roof mounted mechanical units shall be screened from view at a point five feet five inches above the property line by solid panels, parapet walls, mansard roofs or other architectural feature. Ground mounted mechanical units, compressors, generators and other equipment must be screened by a minimum six-foot tall solid screening wall or solid, irrigated landscape screen of shrubs that will achieve a height of six feet within two years of planting.
- h. *Open storage and outside display.* No outside storage and display, sales, or operations shall be permitted unless such activity is visually screened from all streets and adjacent residential property in accordance with section 77-68. Outside garden centers are allowed only if attached to the main building and screened by masonry walls constructed of the same materials and manner of construction as the main building. The walls may be interspersed with ornamental metal panels.
- i. *Loading area placement and screening.* Loading areas shall be located on the side and/or rear sides of buildings within the HC district. The loading areas shall be screened from view of public streets and from adjacent residential uses by wing walls, landscaping or other screening features.

- j. *Screening of automobile storage areas.* Storage areas for automobiles that have been towed, are being staged before or after repairs, and/or stored for auction shall be screened by a minimum six-foot tall masonry wall or a solid, irrigated landscaped screen of shrubs that will achieve a height of six feet within two years of planting.
- k. *Cross access.* Cross access easements shall be required between properties within the HC district to allow access to existing and proposed median openings and left turn lanes and to provide access to two public streets. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s). The planning and zoning commission may determine that cross access is not appropriate for security reasons or where topography and existing site conditions make cross access difficult.
- l. *Utility services.* All utility service lines shall be underground.
- m. *Extra requirements for uses in the HC district having a base zoning district of HII – High Impact Industrial.* In addition to complying with the other requirements set forth in this Section 77-54, any use in the HII – High Impact Industrial base zoning district shall to the extent it is situated within the HC district provide a minimum six-foot tall masonry screening wall such that all HII – High Impact Industrial activity on and about the property is visually screened from U.S. Highway 380 and State Highway 78.

(7) *Highway commercial overlay district landscape regulations.* Landscaping shall conform to the following:

- a. Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.
- b. Landscaping adjacent to public right-of-ways.

1. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten feet in depth adjacent to the highway right-of-way.
 2. A minimum 10-foot landscape buffer adjacent to the right-of-way of any minor thoroughfare is required. If the lot is a corner lot, all frontages on minor thoroughfares and private drives of two lanes or greater shall be required to observe the ten-foot buffer.
 3. Developers shall be required to plant one large canopy tree per 40 linear feet or portion thereof of street frontage, not including entry drives or visibility triangles. These required trees must be planted within the landscape setback along thoroughfares, unless otherwise approved. Trees may be grouped or clustered to facilitate site design. Ornamental trees may be substituted for canopy trees at the ratio of two to one along the street frontage for up to 50 percent of the required canopy trees.
- c. Screening of parking areas and drive aisles adjacent to public right-of-way
1. Landscaped screening is required for all parking areas and drive aisles within 50 feet of the property line.
- d. Landscaping adjacent to buildings.
1. Foundation plantings with a minimum six-foot depth are required along 50 percent of a building façade facing a major or minor thoroughfare.
 2. Entries should be accented.
- e. General landscaping standards.
1. All trees shall be a minimum of four feet from all pavement and underground utilities.
 2. Canopy trees shall be a minimum of three inches in caliper (measured six inches above the ground) and seven feet in height at time of planting.

3. Accent or ornamental trees shall be a minimum of one-inch in caliper (measured six inches above the ground) and five feet in height at time of planting.
 4. Evergreen shrubs shall be a minimum height of 24 inches at time of planting.
- f. The standards set out in subparagraphs c and d of this Paragraph (a)(7) shall not be required for the following uses if the base zoning district in which the use is situated is HII – High Impact Industrial:
1. Concrete/asphalt batching plant;
 2. Concrete/asphalt batching plant, temporary;
 3. High impact use; and
 4. Sand and gravel storage."

SECTION 5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 6. REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 7. PENALTY

Any person, firm, partnership, corporation, or other entity violating any provision contained in this Ordinance shall, upon conviction, be fined an amount not more than \$2,000.00; and each day a violation exists shall be deemed a separate offense. A culpable mental state is not required.

SECTION 8. PUBLICATION

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 9. ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 10. SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

PASSED on first reading on the ____ day of _____, 2018, at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS ____ DAY OF _____, 2018.

APPROVED:

BY: _____
Jack Randall Rice
Mayor

ATTEST:

Sandra Green
City Secretary

APPROVED AS TO FORM:

Alan D. Lathrom
City Attorney

III. Adjournment