

SECTION 43
OVERLAY ZONES

(As amended by Ordinance No. 480-C)
(As further amended by Ordinance No. 480-S)
(As further amended by Ordinance No. 480-CC)
(As further amended by Ordinance No. 480-GG)
(As further amended by Ordinance No. 480-JJ)
(As further amended by Ordinance No. 480-LL)
(As further amended by Ordinance No. 480-QQ)
(As further amended by Ordinance No. 480-UU)
(As further amended by Ordinance No. 480-OOO)
(As further amended by Ordinance No. 480-PPP)
(As further amended by Ordinance No. 480-SSS)
(As further amended by Ordinance No. 480-UUU)
(As further amended by Ordinance No. 480-UUUU)

I. AIRPORT OVERLAY ZONE

- 43.1 AIRPORT ZONING ORDINANCE - Certain areas of the City are or may be impacted by noise and other activities associated with commercial aviation operations originating and terminating at Dallas/Fort Worth International Airport. The impacted areas are shown on the Airport Overlay Zone Map attached to the Airport Compatible Lane Use Zoning Ordinance No. 479 adopted by the City. In addition to the regulations set forth in this ordinance, development in these areas shall be subject to the regulations and restrictions set forth in the Airport Compatible Land Use Zoning Ordinance.
- 43.2 BUILDING PERMITS - No building permit or certificate of occupancy shall be issued for any use within the Airport Overlay Zone unless such use is in compliance with the requirements of this ordinance and the Airport Compatible Land Use Zoning Ordinance.

II. CORRIDOR OVERLAY ZONE

- 43.3 INTENT - In accordance with the Comprehensive Land Use Plan and the regulations in this section, the following summarize the intent for each of the corridors in the City. It is the intent within all corridors to encourage retail and institutional uses to develop at the major intersections where they can benefit from both east-west and north-south traffic access. The State Highway 114 (SH 114) Corridor and the Village Center are intended to be comprised of destination activities such as employment and retail centers. They will reflect comprehensive planning, and have elements of a uniform urban design that mirror the residential quality of the city. The FM 1709 Corridor is intended to be primarily a corridor of residential subdivisions, with some local service retail, offices and institutional uses at major intersections. The FM 1938 Corridor is primarily a service area for Southlake, Keller and North Richland Hills. It is intended to be a mixture of light industrial, large scale retail and wholesale uses. It may include auto service and repair uses.
- 43.4 PURPOSE - The purpose of the SH 114 Corridor Overlay Zone is to provide for consistent development of office, retail, commercial, and residential areas along a major traffic corridor through the City of Southlake. The purpose of the Village Center

is to identify a unique area of the City which is bounded by SH 114, FM 1709 and Carroll Avenue, to encourage pedestrian oriented retail and entertainment uses having high quality urban design characteristics. The purpose of the FM 1709 Corridor Overlay Zone is to provide for consistent developments of residential, office, local service retail and institutional areas along a major traffic corridor through the City of Southlake. The purpose of the FM 1938 Corridor Overlay Zone is to provide for consistent development of light industrial, large scale retail and wholesale areas along a major traffic corridor through the City of Southlake. The standards set forth herein are designed to enhance the visual image of the corridors and maximize traffic safety.

- 43.5 DEFINITION AND APPLICABILITY - The Corridor Overlay Zone includes the entirety of all properties which adjoin or are located within 100 feet of the future SH 114 ROW, the FM 1709 ROW, and FM 1938 ROW. or any property which provides for vehicular access to said Rights-of-Way or which provides for vehicular access to an arterial street within 500' of said Rights-of-Way. The Corridor Overlay Zone also includes the area bounded by SH 114, FM 1709 and Carroll Avenue, designated as the Village Center. Development within the Village Center shall meet all criteria for the SH 114 Corridor or the FM 1709 Corridor as established herein. The standards and regulations set forth in the Corridor Overlay Zone are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.
- 43.6 PERMITTED USES - Permitted uses shall be in accordance with the underlying zoning district. However in C-2, C-3 and C-4 districts, tires, batteries and automobile accessory sales, provided that such activities occur entirely within the confines of the business structure itself and nursery yards may only be allowed as a Specific Use Permit.
- 43.7 ACCESSORY USES - Any accessory uses allowed in the underlying zoning district shall be permitted.
- 43.8 SPECIFIC USE PERMITS - Any specific use permits allowed in the underlying zoning district shall be permitted.
- 43.9 DEVELOPMENT REGULATIONS - Except as follows, any development regulations set forth in the underlying zoning district shall be applicable.
- a. Concept Plan and Site Plan Required - Any applicant for zoning within the Corridor Overlay Zone must submit concurrent with their zoning application, a Concept Plan which meets the requirements of Section 41 or a Site Plan which meets the requirements of Section 40 of the Zoning Ordinance No. 480 as amended. All properties zoned at the effective date of this ordinance which do not have a Council approved Concept Plan or Site Plan on file with the City shall submit a Concept Plan or Site Plan meeting the above requirements prior to the submittal of a building permit request. A Site Plan must be approved by Council prior to the issuance of a building permit. All Concept Plans and Site Plans may only be approved by the City Council after a recommendation by the Planning and Zoning Commission in accordance with the same notice and hearing

requirements for zoning changes as set forth in Section 46 of Ordinance 480, as amended.

- b. Variances - At the time of review of any required Concept Plan or Site Plan, the City Council may grant variances to the development regulations set forth in this Section and to Section 35.6, "Number of Off-Street Parking Spaces Required." A parking space variance can only be at the request of the Owner/Applicant and cannot be required by the City Council as a part of their approval of any Concept Plan, Site Plan, Developer's Agreement or by any other means. The City Council shall be limited to granting a variance to no more than fifteen percent (15%) of the required number of off-street parking spaces. (As amended by Ordinance No. 480-000)
1. To receive a variance, the applicant must demonstrate one of the following:
 - (a) A variance will reduce the impact of the project on surrounding residential properties; or
 - (b) Compliance with this ordinance would impair the architectural design or creativity of the project; or
 - (c) A variance is necessary to assure compatibility with surrounding developed properties; or
 - (d) The proposed construction is an addition to an existing project that does not meet the requirements of this ordinance.

In addition, to receive a variance from the outdoor storage regulations in this section, the applicant must demonstrate that the variance will not substantially impair the intent and purpose of the regulations of this ordinance and one of the following:

- (e) Compliance will result in the destruction of an existing masonry screening device; or
- (f) Compliance would present extraordinary difficulties in the use of the property; or
- (g) Compliance would substantially impair the architectural design of structures dedicated or related to the use.

To qualify for any variance over ten percent (10%) to the off-street parking requirements, an applicant shall demonstrate the adequacy of the provided parking through a parking study or analysis (as amended by Ordinance 480-000).

2. The City Council may grant a variance by an affirmative vote of a majority of the City Council members present and voting on the matter. In order to grant a variance, the City Council must determine that a literal enforcement of the regulations will create an unnecessary hardship or a practical difficulty for the applicant; that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self imposed; that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties; and that the granting of the variance will be in harmony with the spirit and purpose of this ordinance.
 3. If a variance application is denied by the City Council, no other variance of like kind relating to the same project or proposed project shall be considered or acted upon by the City Council for a period of six (6) months subsequent to the denial.
- c. General Development Standards - The following standards shall apply to all non-single family residential development in the Corridor Overlay Zone and the Village Center unless noted otherwise. For any non-single family residential use or building developing within 400' of single family residential property, development regulations set forth in Part III ("Residential Adjacency Standards") of this section shall also be required. (As amended by Ordinance No. 480-CC).

1. Architectural Standards:

- (a) Masonry Requirements: These standards shall apply to facades which are visible from the following roadways and their respective rights-of-way: SH 114, Carroll Avenue between SH 114 and FM 1709, FM 1709, FM 1938, *and* roadways designated as having sixty-foot (60') or greater rights-of-way in the Thoroughfare Plan. All facades of the applicable buildings shall be constructed with the same material and all buildings shall meet the masonry requirements as set out in Ordinance No 557, as amended. However, such masonry requirements shall exclude the use of cement, concrete tilt wall and other masonry materials of similar characteristics. In addition, the use of standard concrete block shall be limited to 10% of any facade visible from adjacent public ROW.

Stucco or plaster shall only be allowed when applied using a 3-step process over diamond metal lath mesh to a 7/8th inch thickness or by other processes producing comparable stucco finish with equal or greater strength and durability specifications.

The use of synthetic products (e.g., EIFS – exterior insulation and finish systems, hardy plank, or other materials) shall not be considered as masonry material. (As amended by Ordinance 480-PPP)

- (b) **Roof Design Standards:** In an effort to screen rooftop mechanical equipment, other appurtenances, and flat or built-up roofs, all structures having a 6,000 square feet or less footprint shall be constructed with a pitched roof as defined in Section 43.12 of this ordinance. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish. Metal roofs with lapped-seamed construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public ROW shall be prohibited.
- (c) **Mechanical Equipment Screening:** All buildings must be designed such that no mechanical equipment (HVAC, etc.) or satellite dishes shall be visible from SH 114, Carroll Avenue between SH 114 and FM 1709, FM 1709, and FM 1938 and any adjacent public ROW. This shall include equipment on the roof, on the ground or otherwise attached to the building or located on the site.

Rooftop mechanical equipment and / or other rooftop appurtenance screening shall be accomplished by either the construction of 1) the roof systems described in subparagraph (b) above or 2) an architectural feature which is integral to the building's design and ensures that such equipment is not visible from adjacent public ROW. The fencing of or enclosure of individual mechanical units shall not be permitted except as described above.

All rooftop mechanicals or architectural features described herein shall be shown on the required building elevations at the time of site plan approval.

- (d) **Facade Articulation:** On all non-single family residential buildings, all facades which are visible from SH 114, Carroll Avenue between SH 114 and FM 1709, or FM 1709, the following horizontal and vertical articulation must be met (see Exhibit 43-A for clarification).
 - i. **Horizontal Articulation:** No building facade shall extend greater than three (3) times the wall's height without having a minimum off-set of 15% of the wall's height, and such off-set shall continue for a minimum distance equal to at least 25% of the maximum length of either adjacent plane.
 - ii. **Vertical Articulation:** No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of 15% of the wall's

height, and such height change shall continue for a minimum distance equal to at least 25% of the maximum length of either adjacent plane.

- (e) Exposed Columns: Exposed structural support columns shall be constructed of, or clad in, the same masonry material as the principal structure. Architecturally significant columns (e.g. fluted, etc.) may be permitted.
- (f) Architectural Fencing: All architectural fencing which runs roughly parallel to the SH 114, Carroll Avenue, FM 1709, FM 1938 rights-of-way, shall be constructed of the primary masonry materials of the building, wrought iron or living plant material. It shall not run in straight line without being off-set by a minimum of 6 feet every 60 feet. It shall be located no closer to the ROW than one half the width of the required bufferyard.
- (g) Reflective Glass: No more than 50% of any facade may be reflective glass. For the purposes of this ordinance, reflective glass shall be defined as glass having a reflectance of greater than 10%.
- (h) Height: Same as in underlying zoning, unless the building is constructed within Village Center. All properties which are located within the Village Center shall be further limited in height to the underlying zoning district or maximum elevation of 710 feet (National Geodetic Vertical Datum of 1929), whichever is lower.

2. Site Design Standards:

- (a) Building Setback: All lots within the Corridor Zone shall maintain a minimum building setback of 50 feet adjacent to SH 114, FM 1709 and FM 1938 rights-of-way and the east ROW of Carroll Avenue. All other building setback regulations shall be the same as in the underlying zoning district except as otherwise noted herein.
- (b) Parking Area Restriction: No parking shall be allowed in any required bufferyard.
- (c) Loading and Service Areas: Loading and service areas shall be located at the side or rear of buildings. A minimum 10 foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This 10 foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the front facade. The accommodation of

adequate access for service delivery trucks may be evaluated to determine the extent of screening required.

- (d) **Trash Receptacles and Recycling Receptacles:** Trash and recycling receptacles shall be four sided with a gate and located outside bufferyards, and to the side or rear of the principal building. They shall be screened by a minimum eight foot (8') solid masonry screen and shall utilize similar masonry materials to the principal structure.
- (e) **Play Structures:** Play structures shall not be placed outdoors between the primary building and any adjacent public ROW.
- (f) **Plan Review:** In addition to other factors set out in the Zoning Ordinance, Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - i. Meeting the intent of the landscape provisions in the Landscape Ordinance No. 544, as amended, and the buffering and screening provisions herein and in Section 42 (Bufferyards) and Section 39 (Screening and Fencing) of the Zoning Ordinance No. 480, as amended.
 - ii. Achieving the intent of Architectural Standards and Site Design Standards.
 - iii. Proper site entry identification and site circulation to avoid congestion at ingress and egress points.

3. **Landscape Standards:** All sites shall, as a minimum, meet the following standards and the standards set out in the Landscape Ordinance No. 544, as amended, and Section 42 (Bufferyards) of the Zoning Ordinance, as amended. Where the following standards conflict with the Landscape Ordinance and the Bufferyards Section of the Zoning Ordinance, these requirements shall prevail:

- (a) **Bufferyard Plantings:** The plants shown in Exhibit 43-B shall be required per one hundred feet (100') of ROW frontage for the referenced bufferyard.

The Landscape Administrator may approve the substitution of canopy trees for the required bufferyard shrubs at the ratio of one (1) 4" caliper canopy tree for every six (6) shrubs up to a maximum of 50% of the required bufferyard shrubs.

- (b) **Required Bufferyards:** The bufferyard required shall be based on the underlying zoning district designation as shown in Exhibit 43-C. For S-P-1, S-P-2 and PUD districts the bufferyard shall be

determined based on the district which most closely resembles the proposed land use. Any building which has a loading dock which is located at the side or rear of the building and is visible from SH 114, Carroll Avenue or FM 1709 shall provide a bufferyard in accordance with Table One, however the calculated quantity of canopy trees shall be doubled along the rear property line.

- (c) Plant Material Sizes: Plant materials shall meet the size requirements set forth in the Landscape Ordinance, as amended. (As amended by Ordinance No. 480-JJ.)
- (d) Plant Material Selections: Plant materials selected for planting within the bufferyards are recommended to come from but not be limited to the following plants:

SH 114 Canopy Trees: Bur Oak, Red Oak, Leyland Cypress

Other Corridor Canopy Trees: Cedar Elm, Lacebark Elm, Red Oak, Leyland Cypress, Live Oak, Bur Oak.

Accent Trees: Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw.

- (e) Sites Larger Than Five Acres: On sites in excess of five (5) acres, the Landscape Administrator may approve variations in the location of the required front bufferyard plantings to an area within two hundred feet (200') of the ROW For every additional fifty feet (50') of bufferyard width, the required number of plantings shall increase by twenty-five percent (25%) of the required number.
- (f) Erosion Control/Retaining Walls: Any slope embankments or retaining walls within public ROW or within the required bufferyard must be terraced every four feet (4') in height (maximum) with a minimum two foot (2') planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone, railroad tie, landscape timbers or any masonry material which matches the masonry material used on the front facade of the primary building. The planting area must contain plant materials other than grass.
- (g) Open Drainage Channel Standards: Any open drainage channels within the corridor overlay zone shall be constructed of materials and methods as established by the City Council.
- (h) Parking Lot Impacts: The parking lot landscape area shall meet the requirements set forth in the Landscape Ordinance, as amended. (As amended by Ordinance No. 480-JJ.)

- 4. Requirements for Ancillary Outdoor Storage: The following are requirements for ancillary outdoor storage in non-residential districts

located in the Corridor Overlay Zone. All uses with ancillary outdoor storage and display of any goods, materials, merchandise, equipment, parts, junk or vehicles (over night parking) shall not be permitted unless in conformance with the following regulations:

- a. All proposed areas used for ancillary outdoor storage and the associated method of screening shall be indicated on an approved site plan, development plan or concept plan along with scaled elevation drawings indicating the type of screening and materials proposed to be utilized.
- b. Outdoor storage screening shall be accomplished by the construction of a minimum eight (8) foot Type I masonry wall. No portion of the screening device shall be used for advertising and display of signage or materials.
- c. The Type I screening wall shall meet the articulation requirements set forth in Section 43.13.d. This requirement shall apply to walls constructed simultaneously with the principal building or those added at a later date.
- d. Outdoor storage areas shall observe all setback requirements for the principal building on the lot.
- e. All surface areas dedicated to outdoor storage must be constructed of an all weather surface material and shall be exclusive of any required parking.
- f. Outdoor storage areas shall not be located forward of the principal building and when possible, shall be located at the side of the building not facing a public street
- g. Outdoor Storage must comply with the screening requirements set forth in Section 39. If the regulations in this section conflict with those in Section 39, the most stringent regulations take precedence.
- h. Materials stored outdoors, excluding vehicles, trailers, and mobile machinery or equipment, shall be stacked no higher than one (1) foot below the top of the required screen. Also, all reasonable measures shall be taken to ensure materials are not clearly visible from elevated roadways (See Exhibit 43-H).
- i. When reviewing site plans, development plans or concept plans associated with the ancillary outdoor display and sale of living plant material (i.e. garden center) and its associated materials, the City Council may waive the requirement for the Type I screen and allow a combination of wrought iron and masonry materials

(similar to the principal building) provided that the applicant clearly demonstrates on the plans submitted that the associated materials meet the screening requirements outlined below.

Any merchandise typically associated with a retail garden center such as mulch, lawn equipment, propane items, barbecue grills, paving stones, landscape timbers, bird baths, garden chemicals, etc. may be stored within this area provided that these items are not prominently displayed or featured from the public right-of-way through the wrought iron portion of the screening wall. This may be accomplished by one of the following: 1) attaching a semi-opaque (Type II) mesh material to the wrought iron portion of the screen; 2) placing living plant materials such that these plants serve as a semi-opaque screen for the non-living plant material; or 3) storing these goods behind the masonry portion of the screen wall in a manner that the goods are not clearly visible from the public right-of-way. The Type II screen must meet the articulation requirements set forth in Section 43.13.d.

j. The following activities are excluded from the requirements of Section 43.9.c.4:

- i. general construction activities; and
- ii. operations with primary outside storage.

5. Requirements for Primary Outdoor Storage: The following are requirements for primary outdoor storage in non-residential districts located in the Corridor Overlay Zone. All uses with primary outdoor storage of any goods, materials, merchandise, equipment, parts, junk or vehicles (over night parking) shall not be permitted unless in conformance with the following regulations.

- a. All areas used for primary outdoor storage and the associated method of screening shall be indicated on a submitted site plan, development plan or concept plan along with scaled elevation drawings indicating the type of screening and materials proposed to be utilized.
- b. All operations that have primary outdoor storage (except those uses specifically identified in Subsections 43.9.c.5.d and e) are also subject to the requirements in Subsection 43.9.c.4 and Subsection 39, except for the following:
 - i. adjacent screening of the principal outside storage material from the public right-of way may be accomplished through any acceptable Type III screen; and

- ii. the Type III screen is not subject to the articulation requirements set forth in Section 43.13.d.
- c. The primary outdoor storage of living plant material stored on the ground is not subject to the screening requirements in Sections 43.9.c.4 or 43.9.c.5. All equipment, tools, vehicles, etc. associated with the upkeep and maintenance of the living plant material that are stored outdoors are subject to the regulations in Section 43.9.c.4.
- d. A periodic market held in an open area, such as a farmers' or flea market, where groups of individual sellers offer goods for sale, are not subject to the regulations in Section 43.9.c.5.
- e. General construction activities are not subject to the regulations in Section 43.9.c.5.

III. RESIDENTIAL ADJACENCY STANDARDS

43.10 The following residential adjacency standards shall apply to all non-single family residential buildings or uses located within the Corridor Overlay Zone, the Village Center, and those buildings and/or uses lying within four hundred feet (400') of single family residential property (See Development Regulations in Section 43.13a) and to all non-single family residential buildings and/or uses located within two hundred feet (200') of property being within the "MH" Manufactured Housing District and also having a low density or medium density residential land use designation according to the Land Use Plan (See Development Regulations in Section 43.13b). (as amended by Ord. 480-QQ)

These standards are in addition to the development regulations applicable to the underlying zoning district and the corridor overlay zone (where applicable). When any requirements in this section are in conflict with any other requirements for the underlying zoning district, the more stringent requirements shall apply.

43.11 PURPOSE AND INTENT - In order to preserve and protect the integrity of residential neighborhoods within the City of Southlake, and in an effort to protect the quiet enjoyment of single family residential properties and to maintain property values, the City has determined that it is necessary and appropriate to adopt specialized regulations for non-single family residential uses and buildings that develop within 400 feet of single family residential properties.

43.12 DEFINITIONS AND APPLICABILITY - For purposes of Part III of Section 43, the four hundred foot (400') distance shall be measured from the non-single family residential building and/or use to the property line of the single family residential property and the following terms shall be defined as:

Non-single Family Residential Use or Building - All nonresidential district uses or buildings as well as two-family and multiple-family residential district uses or buildings.

Pitched Roofs - A roof system having two or more slopes, excluding visible flat or built-up roofs.

Single Family Residential Property - Any lot or tract of land with single family residential zoning (i.e., RE-5, RE-7, SF-1A, SF-1B, SF-30, SF-20A, SF-20B, and R-PUD) or any lot or tract of land designated as low or medium density residential on the Land Use Plan. (As amended by Ordinance No. 480-UUUU.)

Visible - Capable of being seen at a height of six feet (6) while standing at the highest grade on the residential property line.

43.13 DEVELOPMENT REGULATIONS:

a. In addition to the development regulations set forth in the underlying zoning district, a plan meeting the requirements set forth in subparagraph 43.9a of this section and meeting the following additional development regulations shall be required to be submitted for any use or building that develops within 400 feet of single family residential properties. When applicable, line-of-sight drawings shall be submitted with the application to assess issues of visibility.

- (1) **Masonry Requirements:** All facades of the applicable buildings shall be constructed with the same material(s) and all buildings shall meet the masonry requirements as set out in Ordinance No 557, as amended. However, such masonry requirements shall exclude the use of cement, concrete tilt wall and other masonry materials of similar characteristics. In addition, the use of standard concrete block shall be limited to 10% of any facade that is visible.

Stucco or plaster shall only be allowed when applied using a 3-step process over diamond metal lath mesh to a 7/8th inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength and durability specifications.

The use of synthetic products (e.g., EIFS – exterior insulation and finish systems, Hardy plank, or other materials of similar characteristics) shall not be considered a masonry material. (As amended by Ordinance 480-PPP)

- (2) **Roof Design Standards:** In an effort to screen rooftop mechanical equipment, other appurtenances, and flat or built-up roofs, all structures having a 6,000 square feet or less footprint shall be constructed with a pitched roof. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish.

Metal roofs with lapped-seamed construction, bituminous built-up roofs, and flat membrane-type roofs, which are visible, shall be prohibited.

- (3) Mechanical Equipment Screening: All buildings must be designed such that no mechanical equipment (HVAC, etc.) or satellite dishes shall be visible. This shall include equipment on the roof, on the ground or otherwise attached to the building or located on the site.

Rooftop mechanical equipment and / or other rooftop appurtenance screening shall be accomplished by either the construction of 1) the roof systems described in subparagraph (b) above or 2) an architectural feature which is integral to the building's design and ensures that such equipment is not visible. The fencing of or enclosure of individual mechanical units shall not be permitted except as described above. All rooftop mechanicals or architectural features described herein shall be shown on the required building elevations at the time of site plan approval.

- (4) Facade Articulation: On all facades the following horizontal and vertical articulation must be met (see Exhibit 43-A for clarification).

- i. Horizontal Articulation: No building facade shall extend greater than three (3) times the wall's height without having a minimum off-set of 15% of the wall's height, and such off-set shall continue for a minimum distance equal to at least 25% of the maximum length of either adjacent plane.
- ii. Vertical Articulation: No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of 15% of the wall's height, and such height change shall continue for a minimum distance equal to at least 25% of the maximum length of either adjacent plane.

- (5) Height: Same as in underlying zoning.

- (6) Loading and Service Areas: Loading and service areas shall be located at the side or rear of buildings. Where visible, a minimum 10 foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery. This 10 foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the building's facades. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.

- (7) Trash Receptacles and Recycling Receptacles: No trash receptacles or recycling receptacles shall be located within fifty feet (50') of single family residential property. Trash and recycling receptacles shall be four sided with a gate and located outside bufferyards, and to the side or rear of the

principal building. They shall be screened by a minimum eight-foot (8') solid masonry screen and shall utilize similar masonry materials to the building's facades.

- (8) **Setbacks / Yards:** No non-single family residential building may encroach in the area above a line having a slope of 4:1 from any single-family residential property. However, a structure may be built up to within 40 feet of the residential property line, provided that the structure is no greater than one story or 20 feet in height. (See Exhibit 43-E for clarification.)

Any applicable structures abutting a local street (i.e., residential street and cul-de-sac as defined in the Thoroughfare Plan) shall provide minimum front and side yards equivalent to the front and side yards required for the single family residential property within 400,' but not less than the front and side yards otherwise required in the underlying zoning district.

- (9) **Spill-over Lighting:** No use or operation shall produce direct or indirect illumination across a residential property line except in compliance with the current lighting ordinance, as amended. (As amended by Ordinance No. 480-GG.)
- (10) **Noise:** Noise levels shall comply with the requirements of the current noise ordinance, as amended. (As amended by Ordinance No. 480-KK.)
- (11) **Variances:** Variances to the development regulations in this Section shall be limited to those set forth in Section 43.9 b of this ordinance.

b. In addition to the development regulations set forth in the underlying zoning district, the following additional development regulations shall be required for any non-single family residential use or building within two hundred feet (200') of property being within the "MH" Manufactured Housing District and also having a low or medium density residential land use designation according to the Land Use Plan. (as amended by Ord. 480-QQ)

- 1) **Mechanical Equipment Screening:** All buildings must be designed such that no mechanical equipment (HVAC, etc.) or satellite dishes shall be visible from the adjacent MH district. This shall include equipment on the roof, on the ground or otherwise attached to the building or located on the site. Such equipment shall be appropriately screened with fences or by vegetative or other means.
- 2) **Loading and Service Areas:** Loading and service areas shall be located at the side or rear of buildings. Where visible from the adjoining MH district, a minimum 8-foot screen (either masonry or vegetative) shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery. This 8-foot wall must screen at least 80% of the loading dock or space. The accommodation of adequate access for

service delivery trucks may be evaluated to determine the extent of screening required.

- 3) **Trash Receptacles and Recycling Receptacles:** No trash receptacles or recycling receptacles shall be located within twenty-five feet (25') of MH district property. A minimum six-foot (6') masonry or vegetative screen shall screen trash and recycling receptacles.
- 4) **Setbacks / Yards:** No nonresidential building may encroach in the area above a line having a slope of 2:1 from any MH district property. However, a structure may be built up to within twenty-five feet (25') of the MH district property line, provided that the structure is no greater than one story or twenty feet (20') in height.
- 5) **Spill-over Lighting:** No use or operation shall produce direct or indirect illumination across a residential property line except in compliance with the current lighting ordinance, as amended.
- 6) **Noise:** Noise levels shall comply with the requirements of the current noise ordinance, as amended.
- 7) **Variances:** Variances to the development regulations in this Section shall be limited to those set forth in Section 43.9 b of this ordinance.

IV. NON-RESIDENTIAL DEVELOPMENT OVERLAY

- 43.14 **PURPOSE AND INTENT** - The purpose of these Non-Residential Development Overlay standards is to provide minimum standards for non-residential developments that do not fall within either the Corridor Overlay described in Section 43.5 or the Residential Adjacency Standards described in Section 43.12. The standards set forth herein are designed to enhance and protect the visual image of non-residential development throughout the City, promote the unique character of the City, protect property values, and prevent the establishment of incompatible types of development within the City.
- 43.15 **DEFINITION AND APPLICABILITY** - The standards and regulations set forth herein shall only apply to development in all properties that are zoned for non-residential uses (including but not limited to O-1, O-2, C-1, C-2, C-3, C-4, B-1, B-2, I-1, I-2, HC, and NR-PUD zoning districts, and non-residential uses in the S-P-1, and S-P-2 zoning districts) and are exempt from the Corridor Overlay Zone and/or Residential Adjacency Standards as established in Sections 43.3 and 43.10.
- 43.16 **PERMITTED USES** - Permitted uses shall be in accordance with the underlying zoning district.
- 43.17 **ACCESSORY USES** - Any accessory uses allowed in the underlying zoning district shall be permitted.

43.18 SPECIFIC USE PERMITS - Any specific use permits allowed in the underlying zoning district shall be permitted if approved by the City Council.

43.19 DEVELOPMENT REGULATIONS In addition to the development regulations set forth in the underlying zoning district the following regulations shall be applicable.

General – Requirements herein shall apply to all new non-residential construction within the City of Southlake, except as otherwise provided by state law. Except as otherwise provided by state law, new construction which increases the size of an existing building by more than 30% of the existing building or 5,000 square feet shall require compliance with this ordinance as it applies to the entire square footage of the existing building and proposed addition. New construction intended to increase the square footage by less than 30% of the existing building or less than 5,000 square feet shall be required to meet the requirements herein for that area comprising the square footage of the new construction, except to the extent otherwise provided by state law.

b. Concept Plan and Site Plan Required - Any applicant for zoning must submit concurrent with their zoning application, a Concept Plan which meets the requirements of Section 41 or a Site Plan which meets the requirements of Section 40 of the Zoning Ordinance No. 480 as amended. Except to the extent otherwise provided by state law, all properties zoned at the effective date of this ordinance which do not have a Council approved Concept Plan or Site Plan on file with the City shall submit a Concept Plan or Site Plan meeting the requirements provided herein prior to the submittal of a building permit request. A Site Plan must be approved by Council prior to the issuance of a building permit. All Concept Plans and Site Plans may only be approved by the City Council after a recommendation by the Planning and Zoning Commission in accordance with the same notice and hearing requirements for zoning changes as set forth in Section 46 of Ordinance 480, as amended.

c. Variances - At the time of review of any required Concept Plan or Site Plan, the City Council may grant variances to the development regulations set forth in this Section and to Section 35.6, "Number of Off-Street Parking Spaces Required." A parking space variance can only be granted at the request of the Owner/Applicant and cannot be required by the City Council as a part of their approval of any Concept Plan, Site Plan, Developer's Agreement or by any other means. The City Council shall be limited to granting a variance to no more than fifteen percent (15%) of the required number of off-street parking spaces.

1. To receive a variance, the applicant must demonstrate one of the following:

(a) A variance will reduce the impact of the project on surrounding residential properties; or

(b) Compliance with this ordinance would impair the architectural design or creativity of the project; or

- (c) A variance is necessary to assure compatibility with surrounding developed properties; or
 - (d) The proposed construction is an addition to an existing project that does not meet the requirements of this ordinance.
 - 2. To receive a variance from the outdoor storage regulations in this section, the applicant must demonstrate that the variance will not substantially impair the intent and purpose of the regulations of this ordinance and one of the following:
 - (a) Compliance will result in the destruction of an existing masonry screening device; or
 - (b) Compliance would present extraordinary difficulties in the use of the property; or
 - (c) Compliance would substantially impair the architectural design of structures dedicated or related to the use.
 - 3. To qualify for any variance over ten percent (10%) to the off-street parking requirements, an applicant shall demonstrate the adequacy of the provided parking through a parking study or analysis.
 - 4. The City Council may grant a variance by an affirmative vote of a majority of the City Council members present and voting on the matter. In order to grant a variance, the City Council must determine that a literal enforcement of the regulations will create an unnecessary hardship or a practical difficulty for the applicant; that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property; that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties; and that the granting of the variance will be in harmony with the spirit and purpose of this ordinance.
 - 5. If a variance application is denied by the City Council, no other variance of like kind relating to the same project or proposed project shall be considered or acted upon by the City Council for a period of six (6) months subsequent to the denial.
- d. General Development Standards - The following standards shall apply to all non-residential development within the City located within 200 feet of the following public rights-of-way: Nolen Drive, Peytonville Avenue, Highland Street, Carroll Avenue, White Chapel Boulevard, Brumlow Avenue, Continental Boulevard and Kimball Avenue unless noted otherwise.
- 1. Architectural Standards:

- (a) **Masonry Requirements:** All building facades shall be constructed with the same material and all buildings shall meet the masonry requirements as set out in Ordinance No 557, as amended. However, such masonry requirements shall exclude the use of cement, concrete tilt wall and other masonry materials of similar characteristics. In addition, the use of standard concrete block shall be limited to 10% of any facade visible from adjacent public ROW.

However, where a property is zoned I-1, I-2, or S-P-1 or S-P-2 with I-1 or I-2 uses, all building facades shall be constructed using cement, concrete tilt wall or other masonry materials of similar characteristics (including but not limited to brick, stone, cast-stone pilasters, wainscots, and decorative or architecturally significant awnings). In addition, the use of standard concrete block shall be limited to 10% of any facade visible from adjacent public ROW. Applied or decorative masonry materials shall be incorporated into the facades which are visible from the ROW as required in 43.15. Such features shall cover a minimum of 15% of said facades and may be architectural features such as pilasters and wainscotings. Where applicable, reveals shall be incorporated into the facades.

Stucco or plaster shall only be allowed when applied using a 3-step process over diamond metal lath mesh to a 7/8th inch thickness or by other processes producing comparable stucco finish with equal or greater strength and durability specifications.

The use of synthetic products (e.g., EIFS – exterior insulation and finish systems, hardy plank, or other materials) shall not be considered as masonry material. (As amended by Ordinance 480-PPP)

- (b) **Mechanical Equipment Screening:** All buildings must be designed such that no mechanical equipment (HVAC, etc.) or satellite dishes shall be visible from any rights-of-way as defined in Section 43.19.d. This shall include equipment on the roof, on the ground or otherwise attached to the building or located on the site.

Rooftop mechanical equipment and / or other rooftop appurtenance screening shall be accomplished by either the construction of 1) the roof systems described in subparagraph (b) above or 2) an architectural feature which is integral to the building's design and ensures that such equipment is not visible from ROW as defined in Section 43.19.d.. The fencing of or enclosure of individual mechanical units shall not be permitted except as described above.

All rooftop mechanicals or architectural features described herein

shall be shown on the required building elevations at the time of site plan approval.

- (c) Facade Articulation: On all non- residential buildings, all facades which are visible from rights-of-way as defined in Section 43.19.d., the following horizontal and vertical articulation must be met (see Exhibit 43-A for clarification).
 - i. Horizontal Articulation: No building façade shall extend greater than three (3) times the wall's height without having a minimum off-set of 15% of the wall's height, and such off-set shall continue for a minimum distance equal to at least 25% of the maximum length of either adjacent plane. However, no horizontal articulation shall be required on buildings located on property zoned I1, I2, and/or SP1 and SP2 zoning with I1 and I2 uses.
 - ii. Vertical Articulation: No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of 15% of the wall's height, and such height change shall continue for a minimum distance equal to at least 25% of the maximum length of either adjacent plane.
- (d) Exposed Columns: Exposed structural support columns shall be constructed of, or clad in, the same masonry material as the principal structure. Architecturally significant columns (e.g. fluted, etc.) may be permitted.
- (e) Architectural Fencing: Any architectural fencing which runs roughly parallel to any public rights-of-way as defined in Section 43.19.d shall be constructed of the primary masonry materials of the building, wrought iron or living plant material. It shall not run in straight line without being off-set by a minimum of 6 feet every 60 feet. It shall be located no closer to the ROW than one half the width of the required bufferyard. However, properties zoned I-1, I-2, or S-P-1 or S-P-2 with I-1 and/or I-2 uses are exempt from this requirement.
- (f) Reflective Glass: No more than 50% of any facade may be reflective glass. For the purposes of this ordinance, reflective glass shall be defined as glass having a reflectance of greater than 10%.

2. Site Design Standards:

- (a) Parking Area Restriction: No parking shall be allowed in any required bufferyard.

- (b) Loading and Service Areas: Loading and service areas shall be located at the side or rear of buildings. A minimum 8-foot masonry screen shall be required to screen at least 60% of the loading dock or space intended for tractor/semi-trailer delivery from public rights-of-way as defined in Section 43.19.d. Screening materials shall utilize similar masonry materials to the front facade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.

However, where a property contains multiple buildings, loading and service areas shall be located at the side or rear of those buildings directly fronting a public right-of-way as defined in Section 43.19.d. Buildings located behind those buildings directly fronting a public right-of-way as defined in Section 43.19.d. may have loading and service areas located on any side, provided that at least 60% of the loading dock or space is screened from public rights-of-way as defined by Section 43.19.d by means of a screening device or other buildings.

- (c) Trash and Recycling Receptacles: Trash and recycling receptacle enclosures shall be required and shall be four sided with a gate and located outside bufferyards, and to the side or rear of the principal building. A minimum eight-foot (8') masonry screen shall screen trash and recycling receptacles. The height of the screening device must be adequate to fully screen the receptacle from view from any public right-of-way.

- (d) Plan Review: In addition to other factors set out in the Zoning Ordinance, Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - i. Meeting the intent of the landscape provisions in the Landscape Ordinance No. 544, as amended, and the buffering and screening provisions herein and in Section 42 (Bufferyards) and Section 39 (Screening and Fencing) of the Zoning Ordinance No. 480, as amended.
 - ii. Achieving the intent of Architectural Standards and Site Design Standards.
 - iii. Proper site entry identification and site circulation to avoid congestion at ingress and egress points.

- 3. Landscape Standards: All sites shall, as a minimum, meet the following standards and the standards set out in the Landscape Ordinance No. 544, as amended, and Section 42 (Bufferyards) of the Zoning Ordinance,

as amended. Where the following standards conflict with the Landscape Ordinance and the Bufferyards Section of the Zoning Ordinance, these requirements shall prevail:

- (a) **Required Bufferyards:** The bufferyards required shall be based on the underlying zoning district designation and the requirements set forth in Section 42, Ordinance 480 as amended. For S-P-1, S-P-2 and PUD districts the bufferyard shall be determined based on the district which most closely resembles the proposed land use. Any building which has a loading dock which is visible from the right-of-way as defined in Section 43.19.d shall provide a bufferyard in accordance with Section 42, however the calculated quantity of canopy trees shall be doubled along the property line or lines providing visibility to the loading dock.
- (b) **Plant Material Sizes:** Plant materials shall meet the size requirements set forth in the Landscape Ordinance, as amended.
- (c) **Plant Material Selections:** Plant materials selected for planting within the bufferyards shall be in accordance with the plant selection recommendations of Landscape Ordinance No. 544, as amended.
- (d) **Sites Larger Than Five Acres:** On sites in excess of five (5) acres, the Landscape Administrator may approve variations in the location of the required front bufferyard plantings to an area within two hundred feet (200') of the ROW. For every additional fifty feet (50') of bufferyard width, the required number of plantings shall increase by twenty-five percent (25%) of the required number.
- (e) **Erosion Control/Retaining Walls:** Any slope embankments or retaining walls within public ROW or within the required bufferyard must be terraced every four feet (4') in height (maximum) with a minimum two foot (2') planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone, railroad tie, landscape timbers or any masonry material which matches the masonry material used on the front facade of the primary building. The planting area must contain plant materials other than grass.
- (f) **Open Drainage Channel Standards:** Any open drainage channels shall be constructed of materials and methods as established by the City Council.
- (g) **Parking Lot Impacts:** The parking lot landscape area shall meet the requirements set forth in the Landscape Ordinance, as amended.

4. Requirements for Ancillary Outdoor Storage: The following requirements apply to ancillary outdoor storage in non-residential districts. All uses with ancillary outdoor storage and display of any goods, materials, merchandise, equipment, parts, junk or vehicles (over night parking) shall not be permitted unless in conformance with the following regulations:
- (a) All proposed areas used for ancillary outdoor storage and the associated method of screening shall be indicated on an approved site plan, development plan or concept plan along with scaled elevation drawings indicating the type of screening and materials proposed to be utilized.
 - (b) Outdoor storage screening shall be accomplished by the construction of a minimum eight (8) foot Type I masonry wall. No portion of the screening device shall be used for advertising and display of signage or materials.
 - (c) The Type I screening wall shall meet the articulation requirements set forth in Section 43.13.d. This requirement shall apply to walls constructed simultaneously with the principal building or those added at a later date.
 - (d) Outdoor storage areas shall observe all setback requirements for the principal building on the lot.
 - (e) All surface areas dedicated to outdoor storage must be constructed of an all weather surface material and shall be exclusive of any required parking.
 - (f) Outdoor storage areas shall not be located forward of the principal building and when possible, shall be located at the side of the building not facing a public street
 - (g) Outdoor storage must comply with the screening requirements set forth in Section 39. If the regulations in this section conflict with those in Section 39, the most stringent regulations take precedence.
 - (h) Materials stored outdoors, excluding vehicles, trailers, and mobile machinery or equipment, shall be stacked no higher than one (1) foot below the top of the required screen. Also, all reasonable measures shall be taken to ensure materials are not clearly visible from elevated roadways (See Exhibit 43-H).
 - (i) When reviewing site plans, development plans or concept plans associated with the ancillary outdoor display and sale of living plant material (i.e. garden center) and its associated materials, the City Council may waive the requirement for the Type I screen

and allow a combination of wrought iron and masonry materials (similar to the principal building) provided that the applicant clearly demonstrates on the plans submitted that the associated materials meet the screening requirements outlined below.

Any merchandise typically associated with a retail garden center such as mulch, lawn equipment, propane items, barbecue grills, paving stones, landscape timbers, bird baths, garden chemicals, etc. may be stored within this area provided that these items are not prominently displayed or featured from the public right-of-way through the wrought iron portion of the screening wall. This may be accomplished by one of the following: 1) attaching a semi-opaque (Type II) mesh material to the wrought iron portion of the screen; 2) placing living plant materials such that these plants serve as a semi-opaque screen for the non-living plant material; or 3) storing these goods behind the masonry portion of the screen wall in a manner that the goods are not clearly visible from the public right-of-way. The Type II screen must meet the articulation requirements set forth in Section 43.19.d.

- (j) The following activities are excluded from the requirements of Section 43.9.c.4:

- general construction activities; and

- operations with primary outside storage.

- 5. Requirements for Primary Outdoor Storage: The following are requirements for primary outdoor storage in non-residential districts. All uses with primary outdoor storage of any goods, materials, merchandise, equipment, parts, junk or vehicles (over night parking) shall not be permitted unless in conformance with the following regulations.

- (a) All areas used for primary outdoor storage and the associated method of screening shall be indicated on a submitted site plan, development plan or concept plan along with scaled elevation drawings indicating the type of screening and materials proposed to be utilized.

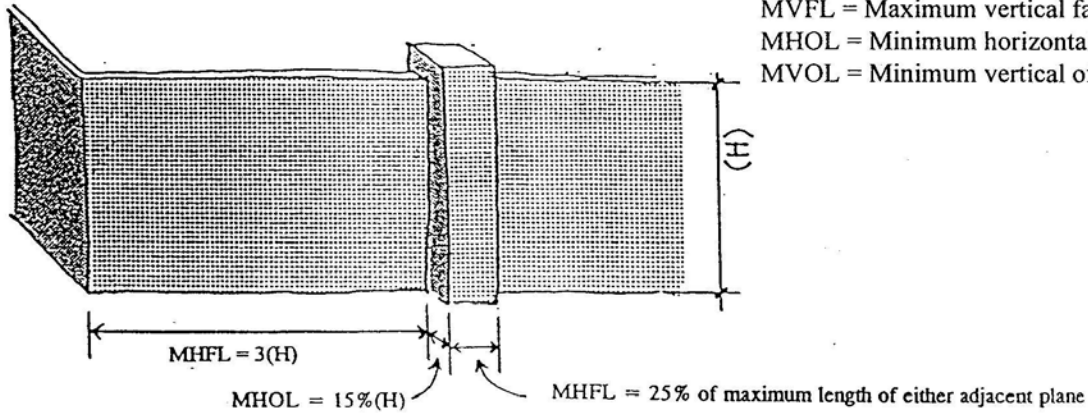
- (b) All operations that have primary outdoor storage (except those uses specifically identified in Subsections 43.19.c.5.d and e) are also subject to the requirements in Subsection 43.19.c.4 and Subsection 39, except for the following:

- i. adjacent screening of the principal outside storage material from the public right-of-way may be accomplished through any acceptable Type III screen; and

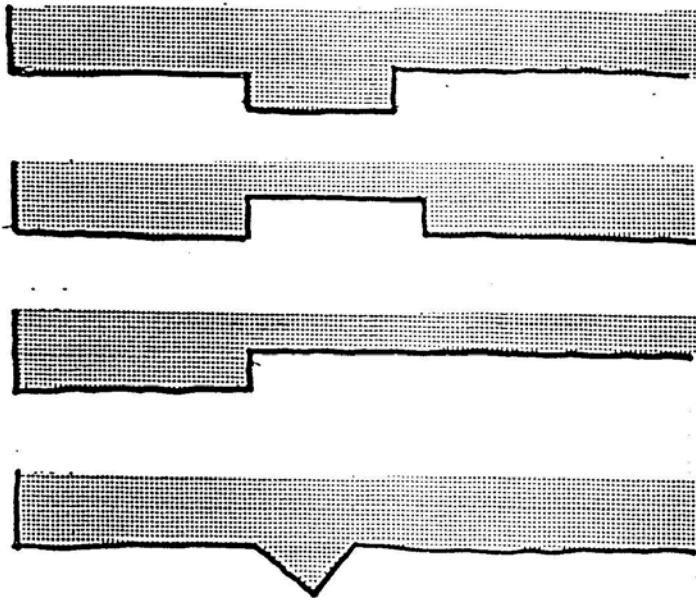
- ii. the Type III screen is not subject to the articulation requirements set forth in Section 43.19.d.
- (c) The primary outdoor storage of living plant material stored on the ground is not subject to the screening requirements in Sections 43.19.c.4 or 43.19.c.5. All equipment, tools, vehicles, etc. associated with the upkeep and maintenance of the living plant material that are stored outdoors are subject to the regulations in Section 43.19.c.4.
- (d) A periodic market held in an open area, such as a farmers' or flea market, where groups of individual sellers offer goods for sale, are not subject to the regulations in Section 43.19.c.5.
- (e) General construction activities are not subject to the regulations in Section 43.19.c.5.

**EXHIBIT 43-A
BUILDING ARTICULATION**

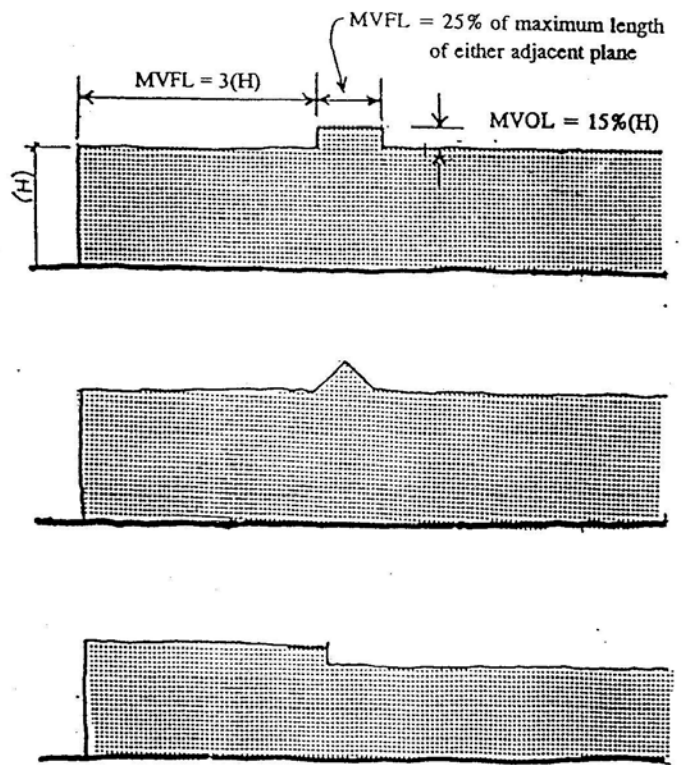
H = Height of building
 MHFL = Maximum horizontal facade length
 MVFL = Maximum vertical facade length
 MHOL = Minimum horizontal offset length
 MVOL = Minimum vertical offset length



ISOMETRIC OF HORIZONTAL ARTICULATION



PLAN VIEW - HORIZONTAL ARTICULATION



ELEVATION - VERTICAL ARTICULATION

SUMMARY OF BUFFERYARDS

Bufferyard	Canopy Trees	Accent Trees	Shrubs	Width	Note
G	2	3	10	25'	
H	3	5	12*	25'	
I	3	2	12*	25'	
J	4	3	14*	25'	
K	4	6	18*	25'	
L	2	3	10	20'	
M	3	2	12*	20'	
N	3	5	12*	20'	
O	4	3	14*	20'	
P	4	6	18*	20'	
Q	2	3	10	15'	
R	3	2	12*	15'	
S	4	4	12*	15'	
T	4	5	18*	15'	

NOTES/LEGEND

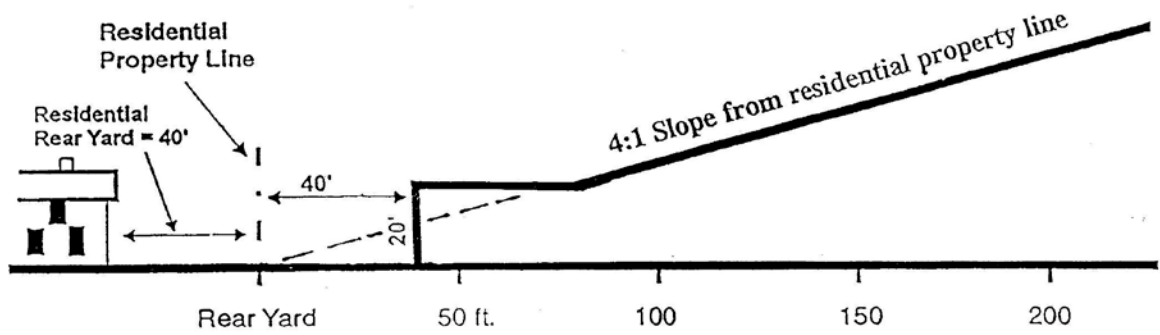
* Where parking is provided between the building setback line and public R.O.W., shrubs obtaining a mature height of three feet (3') or greater must be planted at a maximum spacing of thirty inches (30") on center continuous along all paved edges of the parking or drive areas.

EXHIBIT 43-C
REQUIRED BUFFERYARDS
(As amended by Ord. No. 480-UUUU)

Zoning of Developing Tract	S.H. 114	F.M. 1709 & E. R.O.W. Carroll between 1709 & 114	F.M. 1938
AG	*	*	*
RE-5	G	L	Q
RE-7	G	L	Q
SF-1A	G	L	Q
SF-1B	G	L	Q
SF-30	G	L	Q
SF-20A	G	L	Q
SF-20B	G	L	Q
MH	H	N	S
MF-1	H	N	S
MF-2	H	N	S
CS	J	O	R
O-1	I	M	R
O-2	I	M	R
C-1	J	O	S
C-2	J	O	S
C-3	J	O	S
C-4	J	O	S
B-1	J	O	S
B-2	J	O	S
I-1	K	P	T
I-2	K	P	T
HC	J	O	R

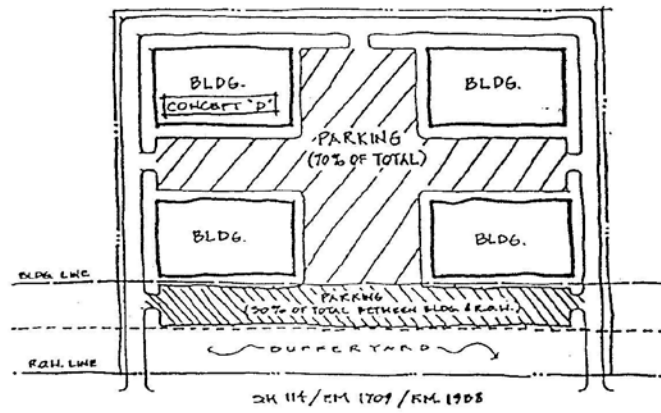
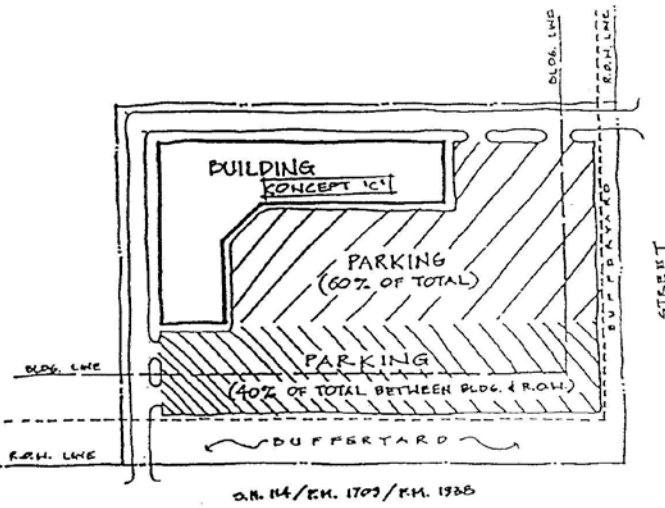
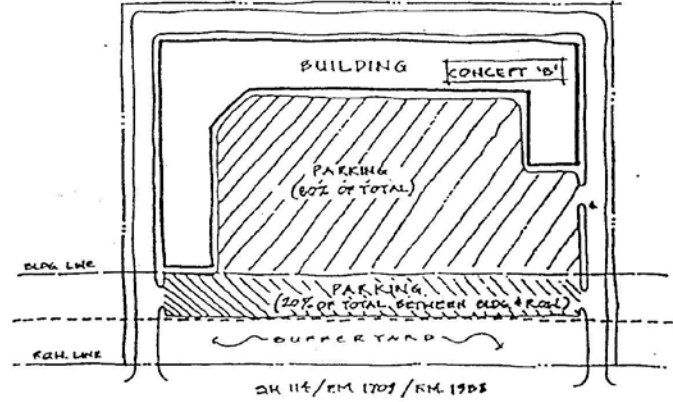
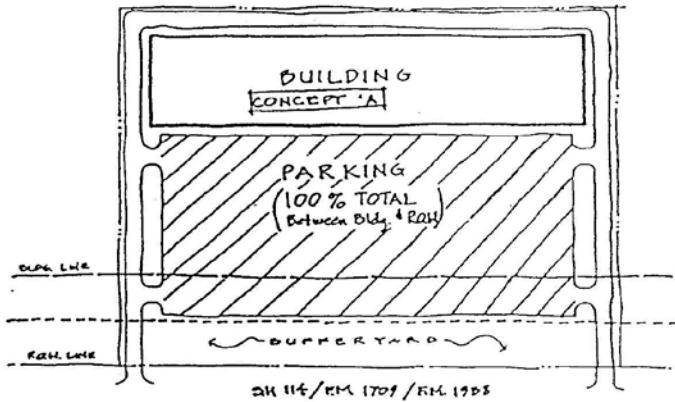
* No bufferyard required

EXHIBIT 43-E
REQUIRED BUILDING SETBACK FROM RESIDENTIAL



Note: Per Section 43.11, no non-residential building may encroach in the area above a line having a slope of 4:1 from any property line of a residentially zoned property or a property with a low or medium density residential land use designation in the Comprehensive Land Use Plan. However, a structure may be built up to within 40 feet of the residential property line, provided that the structure is no greater than one story or 20 feet in height.

**EXHIBIT 43-D
PARKING PERCENTAGE CALCULATIONS**



NOTE: Per Section 43.9.b.3.g, landscape areas must be provided throughout the parking lot based on the percentage of the total parking spaces which are located between the building facade and the right-of-way as follows:

Percentage	Landscape Area Required Per Parking Stall
0-25%	13 square feet per stall
25%-75%	18 square feet per stall
> 75%	23 square feet per stall

EXHIBIT 43-F
ACCEPTABLE OUTDOOR STORAGE LOCATIONS

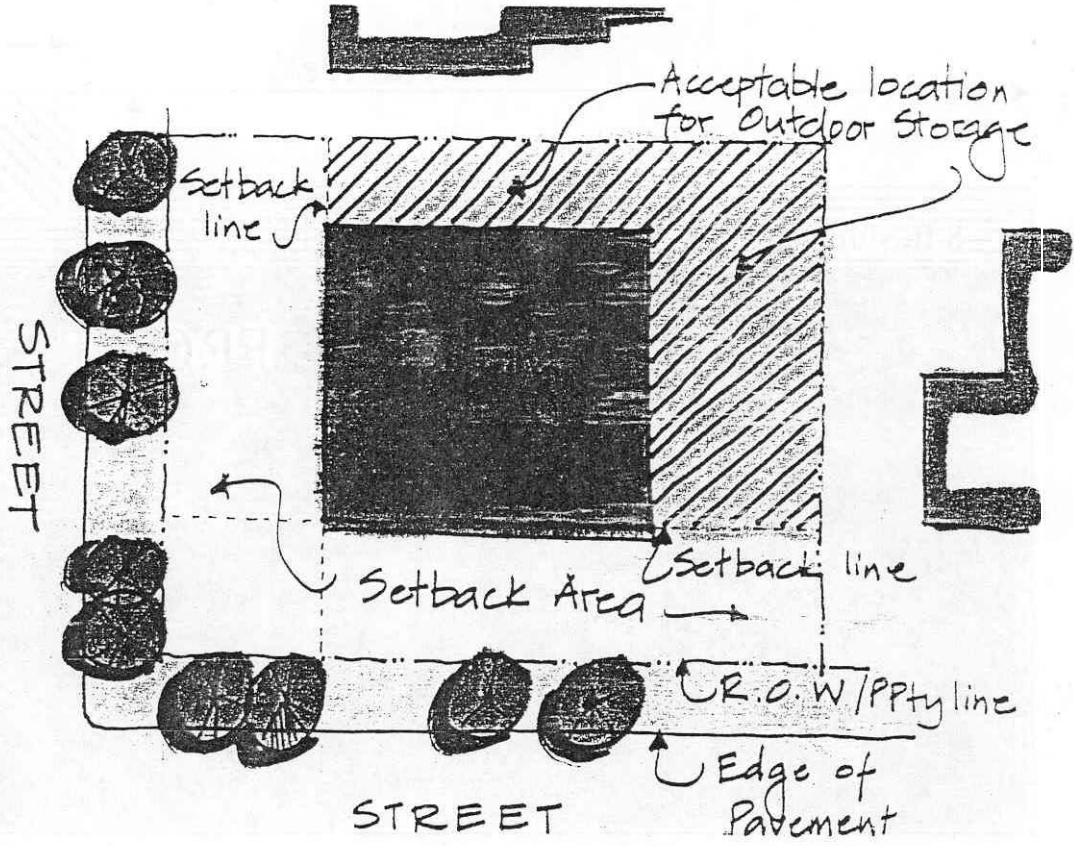
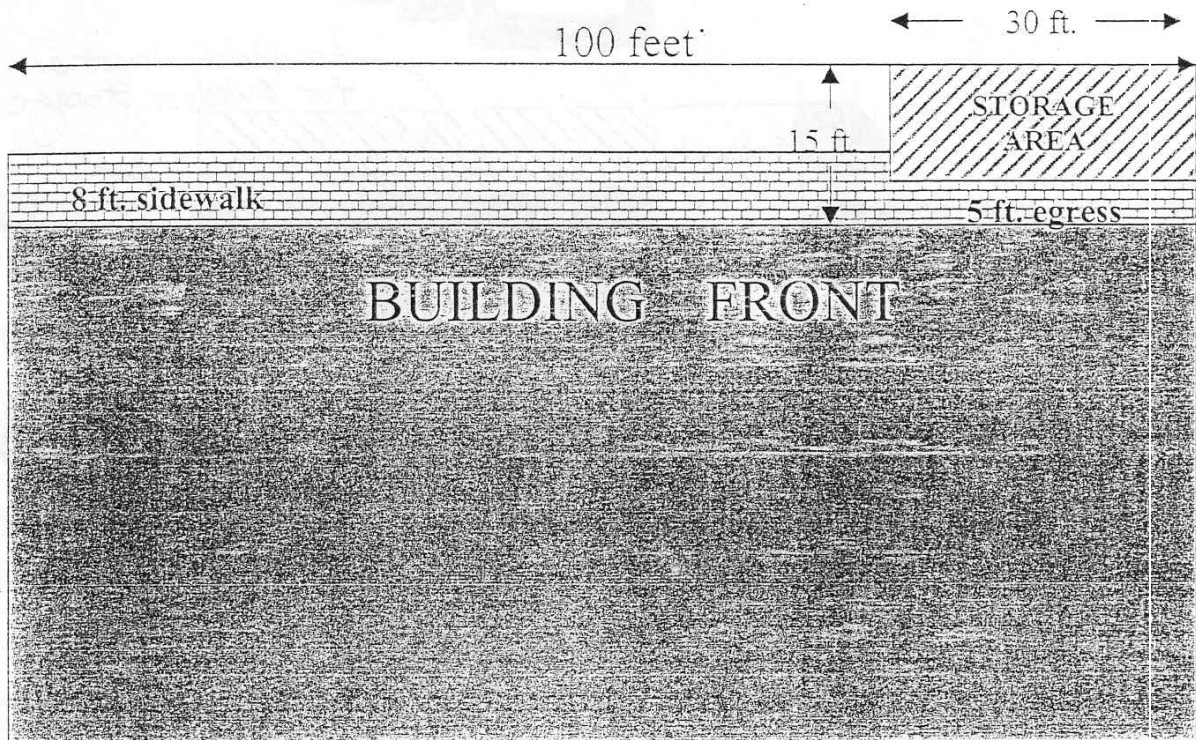


EXHIBIT 43-G
ACCEPTABLE LOCATION OF SEASONAL STORAGE



- Seasonal Storage area not to exceed 30% of the linear frontage of the primary building.
- Seasonal Storage area not to extend 15' from the principal building.
- Sidewalks along building fronts shall contain a 5' wide egress.

EXHIBIT 43-H
OUTDOOR STORAGE-Location of Materials

