

AGENDA

The Planning and Zoning Commission of the City of Sherman will hold a Special Called Meeting Tuesday, June 13, 2023 at 5:00P.M. in the Council Chambers at 220 W. Mulberry to consider the following:

All requests are subject to the Zoning Ordinance/Code of Ordinance Chapter 14, unless otherwise stated.

1. **CALL TO ORDER**

2. ANNOUNCEMENTS

3. **CITIZEN COMMENTS**

During this meeting, the Planning and Zoning Commission welcomes public comment **only** on agenda items listed under the Open Meeting portion of the agenda, in accordance with Texas Government Code Section 551.007. For items not listed on the agenda, those matters may be discussed with City staff during regular business hours by contacting them at times other than at Planning and Zoning Commission meetings. There will also be an opportunity to speak regarding any of the public hearing items on the agenda when that item is presented.

4. **CONSIDERATION OF AMENDMENTS TO THE CENTRAL BUSINESS DISTRICT OVERLAY**

Public Hearing and Consideration of an Ordinance of the City Council of the City of Sherman, Texas, amending the Code of Ordinances of the City of Sherman, Texas, Chapter 14 (Zoning Ordinance), Sections 14.02.001 (Zoning Districts Established), 14.02.002 (Zoning Equivalency Table), 14.03.008 (Arts and Cultural Overlay District), 14.03.009 (Central Business District Overlay District), 14.10.001 (Use Chart); repealing the Arts and Cultural Overlay District; modifying certain existing regulations and prescribing new regulations relating to the Central Business District Overlay District and establishing new subdistricts; providing a penalty clause with a maximum fine of \$2,000, savings/repealing clause, severability clause and an effective date; providing for the publication of the caption hereof; finding and determining that the meeting at which this ordinance is passed was noticed and is open to the public as required by law

5. **ADJOURNMENT**

By direction of the Planning and Zoning Commission of the City of Sherman.

Clay Mahone, Chairman

ATTEST: Rob Rae, Secretary

Meetings of this advisory board are open to the public.

Note: The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; or requires consultations with City Attorney.

In accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the Planning and Zoning Commission and Board of Adjustments may hold an executive session if the discussion of any of the items identified in this agenda, or any of the items identified below, concern one or more of the following:

Tex. Gov't Code § 551.071

Seeking the advice of its attorney about pending or contemplated litigation, settlement offers or any matter in which the duty of the attorney to the Planning and Zoning Commission and Board of Adjustments under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

Certification

I, the undersigned authority, do hereby certify that the above Agenda of the Special Called Meeting of the Planning and Zoning Commission of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, at City Hall, of said City of Sherman, Texas, a place convenient to the public and said notice was posted on June 8, 2023 at 4:00 p.m. and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 8th day of June
City of Sherman, Texas

Kerri Turner,
Development Services Planning Technician





**Planning & Zoning Commission and Board of
Adjustments**

4.

Meeting Date: 06/13/2023

Prepared by: Kerri Turner, Planning Technician
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

CONSIDERATION OF AMENDMENTS TO THE CENTRAL BUSINESS DISTRICT OVERLAY

Public Hearing and Consideration of an Ordinance of the City Council of the City of Sherman, Texas, amending the Code of Ordinances of the City of Sherman, Texas, Chapter 14 (Zoning Ordinance), Sections 14.02.001 (Zoning Districts Established), 14.02.002 (Zoning Equivalency Table), 14.03.008 (Arts and Cultural Overlay District), 14.03.009 (Central Business District Overlay District), 14.10.001 (Use Chart); repealing the Arts and Cultural Overlay District; modifying certain existing regulations and prescribing new regulations relating to the Central Business District Overlay District and establishing new subdistricts; providing a penalty clause with a maximum fine of \$2,000, savings/repealing clause, severability clause and an effective date; providing for the publication of the caption hereof; finding and determining that the meeting at which this ordinance is passed was noticed and is open to the public as required by law

Background:

This item was tabled at the May 16, 2023 Planning and Zoning Meeting.

In 2022, the City of Sherman approved the update of the Zoning Ordinance. The 2022 update did not amend any regulations to the overlay districts. This proposed ordinance is focused on updates to the Central Business District Overlay.

The proposed ordinance integrates the regulations located in the Arts & Cultural District Overlay into the Downtown Sub-District of the proposed Central Business District Overlay.

The main components of the Central Business District Overlay include the following:

- The creation of 3 unique sub-districts within the Central Business District Overlay, the Downtown District, the Highway District, and the Grayson County District.
- Architectural regulations that focus new construction and remodels on maintaining the historic character of the downtown.

- Building placement standards for setbacks and building heights
- Permitted uses for each sub-district
- Landscaping
- Screening
- Signs
- Parking Regulations

In addition to the changes to the Central Business District Overlay, staff is recommending an amendment to the Use Chart in Article 14.10 of the Zoning Ordinance to allow for vertical residential mixed use in a C-1 District with a Specific Use Permit and revisions to the Automobile Service Station requirements.

Adjacent Zoning:

Not Applicable.

Origination:

City of Sherman

Master Plan Designation:

Not Applicable.

Number of notices mailed:

236

Objections Received:

0

Attachments

Proposed Ordinance
Central Business District Regulations
Exhibit A - CBD Boundary
Correspondence

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, CHAPTER 14 (ZONING ORDINANCE), SECTIONS 14.02.001 (ZONING DISTRICTS ESTABLISHED), 14.02.002 (ZONING EQUIVALENCY TABLE), 14.03.008 (ARTS AND CULTURAL OVERLAY DISTRICT), 14.03.009 (CENTRAL BUSINESS DISTRICT OVERLAY DISTRICT), 14.10.001 (USE CHART); REPEALING THE ARTS AND CULTURAL OVERLAY DISTRICT; MODIFYING CERTAIN EXISTING REGULATIONS AND PRESCRIBING NEW REGULATIONS RELATING TO THE CENTRAL BUSINESS DISTRICT OVERLAY DISTRICT AND ESTABLISHING NEW SUBDISTRICTS; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF \$2,000, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Council of the City of Sherman, Texas (“City Council”) finds that it is necessary to amend Chapter 14 (Zoning Ordinance) of the Code of Ordinances, City of Sherman, Texas (“Code of Ordinance”) for the purpose of prescribing regulations relating to the Central Business District Overlay (“City” or “Sherman”); and

WHEREAS, Sherman has complied with all legal notices and public hearings as required by law; and

WHEREAS, the City Council finds that adopting this Ordinance promotes the health, safety and morals of Sherman and is in the best interest of the citizens of Sherman.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Code of Ordinances, Chapter 14 (Zoning Ordinance). Sections 14.03.008 (Arts and Cultural Overlay District), and 14.03.009 (Central Business District Overlay District) of the Code of Ordinances are amended as follows¹:

“ARTICLE 14.03 OVERLAY ZONING DISTRICTS

Sec. 14.03.008 *Reserved Arts and Cultural Overlay District*

~~The A&C (Arts and cultural overlay) District is primarily to promote the arts and cultural uses in the City. This district includes all lands as described herein: A point of beginning at the~~

¹ Deletions are evidenced by ~~strikethrough~~; additions are *italicized*.

~~railroad right of way and Walnut Street, South on Walnut to Pecan Street, West on Pecan to Elm Street, South on Elm to Laurel, West on Laurel to Rusk Street, North on Rusk to Washington Street, West on Washington to Sam Rayburn Freeway, North on Sam Rayburn Freeway to the railroad right of way, and east along the railroad right of way to Walnut Street.~~

- (1) ~~Purpose. The development of the Arts and Cultural Overlay District offers significant economic and recreational opportunities for the City and its citizens. Businesses of art and cultural significance and compatible uses may be consolidated in this district to enhance and complement each other. The development standards will make the City a more desirable place to live and conduct business.~~
- (2) ~~Permitted uses. Permitted uses are limited to the following list, however any other use and/or sign may be permitted in the Arts and Cultural Overlay District if it is compatible with the district and is approved by exception by the Planning and Zoning Commission.~~

~~Aesthetic garden Arts studio~~

~~Accessory residential (One off street parking space per unit required) Bank and lending institution~~

~~Church Community center Dance studio~~

~~Farmers market, indoor or outdoor Movie and cinema~~

~~Museum Music shop Office~~

~~Office, government Parking structure and lot~~

~~Restaurants, indoor and outdoor seating Retail use, indoor~~

~~Stage, outdoor~~

~~Storage of goods or merchandise used in, produced by, or normally carried in stock in conjunction with any permitted use in the district~~

~~Theater and playhouse Trolley and taxi stop~~

~~Other uses approved by the planning and Zoning Commission.~~

- (3) ~~Parking regulations. Parking is not required in the Arts and Cultural Overlay District except for residential uses.~~
- (4) ~~Area regulations. Lot size and coverage shall be in conformance with the primary designated zoning district.~~

Sec. 14.03.009 Central Business District Overlay District

(1) Introduction.

- (a) *The Central Business District Overlay is intended to protect the aesthetic and visual character of Sherman's downtown through the establishment of three distinct sub-districts: The Downtown District, the Highway District and the Grayson County District.*
- (b) *The Central Business District Overlay is intended to provide a location for a mix of land uses including general commercial and retail activities, office as well as multi-family in the downtown area. Developments in the Central Business District are typically smaller in size but are critical to the business and entertainment of the entire City.*
- (c) *Any other standards, regulations or requirements within this Overlay shall override those in the base zoning district in the event of a conflict not addressed above. Standards, regulations or requirements of the base zoning district not augmented or otherwise supplemented by this Overlay will continue to prevail. Notwithstanding any statement to the contrary in this subsection, standards, regulations or requirements of any planned development district within this Overlay shall prevail in the event they conflict with standards,*

regulations or requirements of this Overlay.

(2) Boundary Areas. *Exhibit A demonstrates the boundaries described below:*

- (a) *Area boundaries. Area designated on the official zoning map being: Montgomery Street from the railroad tracks south to Cherry Street, Cherry Street west to Elm Street, Elm Street north to Jones Street, Jones Street west to U.S. Highway 75, U.S. Highway 75 north to the railroad tracks, railroad tracks east to Montgomery Street.*
- (b) *Central Business District Overlay Sub-Districts*
 - 1. *Downtown Sub-District. Montgomery Street from the railroad tracks south to Cherry Street, Cherry Street west to Crockett Street, Crockett Street north Jones Street, Jones Street west to Rusk Street, Rusk Street north to Washington Street, Washington Street east to Elm Street, Elm Street north to the railroad tracks, the railroad tracks east to Montgomery Street.*
 - 2. *Highway Sub-District. Elm Street from the railroad tracks south to Washington Street, Washington Street west to Rusk Street, Rusk Street south to Jones Street, Jones Street west to U.S. Highway 75, U.S. Highway 75 north to Pecan Street, Pecan Street east to Elm Street.*
 - 3. *Grayson County Sub-District. The south half of the block located between Crockett Street to the east, Elm Street to the west, Cherry Street to the south and Lamar Street to the north.*

(3) Central Business District Building Design.

- (a) General provisions.
 - 1. *The purpose of this sub-section is to maintain the historical architecture and character of Sherman's Central Business District.*
 - 2. *As buildings are remodeled or newly constructed, these historical elements need to be preserved or enlarged.*
 - 3. *Distinctive architectural features, finishes, and construction techniques or examples of craftsmanship that characterize a building or structure should be preserved.*
- (b) Exterior walls. *Building materials must be specified and consistent with the intent of these standards. Masonry or equivalent shall be required on the sides of all commercial buildings in C-O (Office) District, C-1 (Retail Business) District, and C-2 (General Commercial) District visible from the front street right-of-way in the Central Business District. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the planning and zoning commission.*
 - 1. Exterior Walls.
 - a) *All buildings and structures shall have at least 85% of the total exterior walls, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the city building regulations code and fire prevention and protection code. No blank walls shall face public streets.*
 - b) *The following primary material list shall apply:*
 - i) *Masonry consisting of stone, cultured or cast stone.*
 - ii) *Brick or brick veneer.*
 - iii) *Tile.*
 - iv) *Stucco.*

- v) *Architecturally finished block.*
 - vi) *Architectural glass (less than 27% reflectance).*
 - c) *A maximum of 15% of the facade may include accent materials not listed on the approved primary material list. All requests for alternative exterior building materials shall be noted and described on a site plan with elevation drawings to be submitted to the planning and zoning commission for approval.*
 - d) *The following materials are prohibited as primary cladding: Aluminum siding, galvanized steel or other bright metal, wood or plastic siding, cementitious fiberboard, unfinished concrete block, exposed aggregate concrete, and reflective glass (greater than 27% reflectance).*
2. *Exterior Colors. These guideline recommendations are consistent with other example corridors with the intent of creating complementary building design.*
- a) *A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, nonreflective earth tone colors.*
 - b) *No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.*
 - c) *Building elevations with painted wall murals are exempt from the regulations in this sub-section.*
3. *All buildings shall be architecturally finished with the same materials and details on all sides that are visible from the public roadway.*
4. *Additional architectural features (minimum 4 features). All buildings shall have at least four architectural features from the following list:*
- *Canopies, awnings, or porticos.*
 - *Recesses/projections.*
 - *Arcades (recessed porches).*
 - *Peaked roof forms.*
 - *Arches.*
 - *Outdoor patios.*
 - *Display windows.*
 - *Architectural details (such as tile work and moldings) integrated into the building façade.*
 - *Articulated cornice line.*
 - *Integrated planters or wing walls that incorporate landscape and sitting areas.*
 - *Offsets, reveals or projecting rib used to express architectural or structural bays.*
 - *Accent materials, such as stone, stucco, etc. (minimum 15% of exterior façade).*
 - *Varied roof heights.*
- If an existing historical building does not satisfy the requirements in this sub-section, it is exempt from these requirements.*
5. *Other required or optional features may include:*

- a) Entryway features. All ground floor entrances shall be covered or inset and shall not apply to loading areas. Primary building entrances are to be defined and articulated with architectural elements such as arcades, roofs, alcoves, columns, porticos, porches, and overhangs.
- b) Building articulation. All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
- c) Roof treatment.
 - i) Long uninterrupted rooflines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type, or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements.
 - ii) The following materials are allowed for sloping roofs:
 - 1. Asphalt shingles
 - 2. Industry approved synthetic shingles
 - 3. Standing seam metal
 - 4. Tile roofs
 - 5. Flat roofs shall require parapet screening which adheres to the vertical articulation requirements for the main face of the structure. Parapet rooflines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.
 - iii) The following materials are prohibited as roofing materials: wood roof shingles.
- (c) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.
- (d) Mechanical equipment. Exposed duct and mechanical equipment shall not be permitted on any side of the building visible from the public right-of-way.
- (e) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.
- (4) Central Business District Building Placement.
 - (a) Downtown Sub-District.
 - 1. Minimum lot area: 2,000 sq. ft.
 - 2. Minimum lot width: 20'
 - 3. Minimum setback:
 - a) Front setback: 0'
 - b) Rear setback: 0'
 - c) Side setback: 0'
 - d) No building or structure shall be placed within the following triangular areas at the intersections of streets and alleys due to

sight distance requirements:

- i) *At all street intersections, the triangular area formed by the street right-of-way lines and a line connecting them at points fifteen (15) feet from the intersection of the right-of-way lines. Depending on the curvature of intersecting roads, the city engineer may require a larger triangular area.*
 - 4. *Maximum building height: 80'*
 - 5. *Setback encroachment. Open building projections such as balconies, awnings, and canopies may extend within the public right-of-way to provide shade and covering for pedestrian traffic. The projections may extend up to ten (10) feet into the right-of-way, but not greater than the width of the sidewalk if less than ten (10) feet. Any supporting structures for said projections shall be reviewed and approved by the City Engineer for health and life safety reasons.*
 - (b) *Highway Sub-District.*
 - 1. *Minimum lot area: 10,000 sq. ft.*
 - 2. *Minimum lot width: 50'*
 - 3. *Minimum setback:*
 - a) *Forty (40) feet from the U.S. 75 Highway right-of-way.*
 - b) *Twenty-five (25) feet from Houston Street or Lamar Street right-of-way.*
 - c) *Fifteen (15) feet from right-of-way of all other public streets.*
 - d) *No setback from rear and side property lines.*
 - 4. *Maximum building height: 50'*
 - (c) *Grayson County Sub-District.*
 - 1. *Minimum lot area: 2,000 sq. ft.*
 - 2. *Minimum lot width: 20'*
 - 3. *Minimum setback:*
 - a) *Front setback: 0'*
 - b) *Rear setback: 0'*
 - c) *Side setback: 0'*
 - d) *No building or structure shall be placed within the following triangular areas at the intersections of streets and alleys due to sight distance requirements:*
 - i) *At all street intersections, the triangular area formed by the street right-of-way lines and a line connecting them at points fifteen (15) feet from the intersection of the right-of-way lines. Depending on the curvature of intersecting roads, the city engineer may require a larger triangular area.*
 - 4. *Maximum building height: 80'*
- (5) *Use Chart.* *The use of land or buildings within the Central Business District Overlay shall be in accordance with those listed in the following Use Chart. No land or building shall hereafter be used and no building or structure shall be erected, altered or converted other than for those uses specified in sub-district in which it is located.*

<i>Use Type</i>	<i>Downtown District</i>	<i>Highway District</i>	<i>Grayson County District</i>
-----------------	--------------------------	-------------------------	--------------------------------

<i>Alcoholic beverage establishments</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Assisted living facility or nursing home</i>		<i>SUP</i>	
<i>Auditorium, arena, coliseum, theater, or amphitheater</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Automobile accessory and supply store</i>		<i>P</i>	
<i>Automobile laundry, carwash</i>		<i>SUP</i>	
<i>Automobile rental or taxi storage and repair</i>		<i>SUP</i>	
<i>Automobile repair, body work, or painting</i>		<i>SUP</i>	
<i>Automobile service station</i>		<i>SUP</i>	
<i>Bakery, confectionery, or similar (retail)</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Bank, credit unions, and financial institutions</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Barbershop, beauty parlor or permanent makeup</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Bed and breakfast establishments</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Caterer</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Christmas tree sales</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Church or other place of worship</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Civic club, fraternal organization, or lodge</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Clinic, medical or dental</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Commercial amusement center, indoor only</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Community center</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Correctional or detention facility or jail</i>			<i>SUP [1]</i>
<i>Department store</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Drug-store or pharmacy</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Dwelling, multi-family</i>	<i>[2]</i>	<i>SUP</i>	<i>[2]</i>
<i>Dwelling, single-family</i>		<i>P</i>	
<i>Dwelling, townhome</i>		<i>SUP</i>	
<i>Farmer's market, indoor or outdoor</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Florist shop</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Food or grocery store, retail</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Food truck lot</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Funeral home, mortuary, or crematory</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Furniture and appliances sales, custom upholstery, not automobile related</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Governmental office</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Greenhouse, plant nursery, or garden center</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Hardware store and small tool rental, but not including sales or lumber or industrial hardware</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Health club or studio</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Hookah bar, smoking lounge, smoke shop, or vape shop</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>

<i>Hotel</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Laundry, pickup station or self-service</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Meeting halls</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Municipal Uses Operated by the City</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Museum, library, art gallery</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Nursery, kindergarten, or daycare for children</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Office, any type</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Parking, surface or structured</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Personal service (accounting, travel, attorney, or similar)</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Pet shop (indoor only)</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Printing, publishing, or reprographics, including engraving or photoengraving</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Private clubs when required to obtain a permit from the Texas Alcoholic Beverage Commission</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Radio or television broadcasting transmitter or tower, microwave relay tower</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Restaurant (inside and/or outside service)</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Retail store (indoor)</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Schools; elementary, high, college and universities, public, private, or denominational</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Secondhand store or rummage shop</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
<i>Snow cone stand</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Studio for professional work or teaching (fine arts, photography, music, drama, radio, television, or recording)</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Swimming pool, commercial</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Tailor shop, seamstress, altering, and repairing of apparel</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Tattoo Studio</i>	<i>SUP</i>		
<i>Veterinarian or animal hospital (indoor soundproof kennels only)</i>	<i>P</i>	<i>P</i>	<i>P</i>

Legend for Use Chart

P – Use is permitted by right in sub-district indicated

[Blank] – Use is prohibited in sub-district indicated

SUP – Use is permitted in sub-district only upon approval of a Specific Use Permit

[#] – The use is permitted with certain conditions

[1] Correctional or detention facility or jail: A correctional, detention facility or jail along with receiving a Specific Use Permit, must also provide all of the required parking by lease or ownership on site or on directly adjacent or diagonally adjacent properties.

[2] Dwelling, Multi-family: Multi-family units are permitted within the Downtown District and the Grayson County District of the Central Business District

Overlay subject to the following conditions:

- *Residential units shall not be allowed on the first floor of any building.*
- *Residential units shall conform to all adopted building codes.*
- *There is no minimum number of residential units to be considered multi-family in the Downtown District.*
- *Parking shall be provided for one (1) off-street parking space for each residential unit. Parking requirements may be met on-site, on-street, or by lease from a site directly adjacent or diagonally adjacent to the subject property.*

(6) Landscaping.

- (a) Landscaping definition.** *Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.*
- (b) Site definition.** *Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.*
- (c) Compliance.** *Landscaping shall conform to the following:*
 - 1. *Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy.*
 - 2. *Every site adjacent to the U.S. 75 Highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the U.S. 75 Highway right-of-way*
 - a) *All landscaping shall be installed to avoid hazards.*
 - b) *An effort shall be made to preserve existing trees.*
 - 3. *Off-street parking lots with twenty-five (25) parking spaces or more shall have open landscaped areas that are equal to but not less than ten (10) percent of the parking areas and drives in the parking areas. The required area may be used as island, perimeter landscaping, or in any combination. A minimum of forty (40) percent of the required landscaped area must be used as islands. Parking garages are exempt from this requirement.*

(7) Screening.

- (a) Refuse areas.** *All refuse areas and dumpsters shall be screened on three sides and shall be located on private property. Whenever possible, property owners may share garbage dumpsters. The enclosure shall be constructed of a material that is consistent with the main building construction. Gates are not required.*
- (b) Mechanical equipment.** *All ground-mounted and roof mounted equipment including, but not limited to, air-conditioning/heating units, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public streets and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.*

(8) Signs.

- (a) Freestanding signs.**
 - 1. *Downtown Sub-District.*
 - a) *Only one freestanding sign is permitted per platted lot.*

- b) *Pylon or pole signs are not permitted in the Downtown District.*
 - c) *Monument signs must include a landscaped, stone-based feature. All monument sign bases shall be constructed of the same material as the front building façade on the same site.*
 - d) *Signs may have a maximum of 65 square foot face area and shall not exceed six (6) feet in height. There is no setback for freestanding signs, but they must not obstruct the view of turning traffic. Variances to the sight distance requirements may be approved by the Director of Engineering, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.*
2. *Highway Sub-District.*
- a) *Only one freestanding sign is permitted per platted lot, with the exception of corner lots. Corner lots are permitted to have one pole or pylon sign and one monument sign per platted lot.*
 - b) *Pylon or pole signs may have a maximum of 300 square feet face area and shall not exceed fifty (50) feet in height. Minimum setback for freestanding signs shall be twenty-five (25) feet from the property line.*
 - c) *Monument signs must include a landscaped, stone-based feature. All monument sign bases shall be constructed of the same material as the front building façade on the same site, unless the building is an existing non-conforming structure.*
 - d) *Monument signs may have a maximum of 80 square foot face area and shall not exceed eight (8) feet in height. Minimum setback for monument signs shall be ten (10) feet from the property line and must not obstruct the view of turning traffic. Variances to the sight distance requirements may be approved by the Director of Engineering, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.*
3. *Grayson County Sub-District*
- a) *Only one freestanding sign is permitted per platted lot.*
 - b) *Pylon or pole signs are not permitted in the Grayson County District.*
 - c) *Monument signs must include a landscaped, stone-based feature. All monument sign bases shall be constructed of the same material as the front building façade on the same site.*
 - d) *Signs may have a maximum of 65 square foot face area and shall not exceed six (6) feet in height. There is no setback for freestanding signs, but they must not obstruct the view of turning traffic. Variances to the sight distance requirements may be approved by the Director of Engineering, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.*
- (b) *Wall signs. Wall signs may have a maximum of 300 square feet face area and not be greater than twenty (20) percent of the area of any single wall elevation.*
 - (c) *Projecting signs. Projecting signs in the Central Business District Overlay shall have a minimum clearance from the sidewalk of 8.5 feet and shall not project*

more than five (5) feet from the building or more than fifty (50) percent of the width of the sidewalk adjacent to the building, whichever is less. No supporting structures for said signs is permitted within the public right-of-way.

(d) Painted Wall Murals.

- 1. Only one mural is permitted per building.*
- 2. Murals are allowed to cover the entire wall area, but cannot exceed forty (40) feet above grade.*
- 3. No mural shall be placed over openings such as windows, doors, and vents.*
- 4. Murals shall be painted with a weather-resistant paint.*
- 5. Should the mural become faded, peeled, and severely weathered as determined by the Director of Development Services, the owner, or the person or firm maintaining the same, shall, upon written notice, repair or remove the mural or repaint the wall on which the mural is painted within 60 days.*
- 6. No portion of the mural shall be used to advertise a specific product or service. The mural may display the name or logo of the on-site tenant, as long as it does not exceed more than twenty (20) percent of the mural area. A sign permit is required for the portion of the mural that is providing an advertisement of the on-site tenant.*

(9) Parking regulations.

(a) Downtown Sub-District

- 1. Parking shall be provided for one (1) parking space for each residential unit. Parking requirements may be met on-site or by lease or ownership from a site directly adjacent or diagonally adjacent to the subject property.*
- 2. Parking shall be provided for one (1) parking space for every 400 square feet of office space. Parking requirements may be met on-site or by lease or ownership.*
- 3. There are no parking requirements for retail or restaurant uses in the Downtown Sub-District.*

(b) Highway Sub-District

- 1. Refer to Subsection 14.04.003 for parking regulations.*

(c) Grayson County Sub-District

- 1. Parking shall be provided for one (1) parking space for each residential unit. Parking requirements may be met on-site, on-street, or by lease from a site directly adjacent or diagonally adjacent to the subject property.*
- 2. Parking shall be provided for one (1) parking space for every 400 square feet of office space. Parking requirements may be met on-site, on-street, or by lease from a site directly adjacent or diagonally adjacent to the subject property.*
- 3. Parking shall be provided for one (1) parking space for every three (3) employees for a Correctional or Detention Facility or Jail. Parking requirements may be met on-site, on-street, or by lease from a site directly adjacent or diagonally adjacent to the subject property.*

(10) Procedures and Notice.

(a) The Planning and Zoning Commission shall review the specific elements of site

and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

- (b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.*
- (c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of twelve (12) months from the date of such denial.*
- (d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the decision subject to the regulations in Section 14.06.010.*

~~(1) Boundary areas.~~

- ~~(a) Area boundaries. The Central Business Area is designated on the official zoning map attached to this ordinance by a heavy solid black line.~~

~~(2) Minimum Requirements for Lot Area, Width and Setback:~~

- ~~(a) C-O (Office District):~~
 - ~~Lot Area: 2,000 sq. ft.~~
 - ~~Lot width: 20'~~
 - ~~Front setback: 0'~~
 - ~~Rear setback: 0'~~
 - ~~Side setback: 0'~~
- ~~(b) C-1 (Retail Business) District:~~
 - ~~Lot Area: 2,000 sq. ft.~~
 - ~~Lot width: 20'~~
 - ~~Front setback: 0'~~
 - ~~Rear setback: 0'~~
 - ~~Side setback: 0'~~

- ~~(3) Height regulation exception. Structures, buildings and signs within the Central Business Area, delimited on the official zoning map, may exceed 35 feet or 2 stories but shall not exceed a maximum of 80 feet or 6 stories.~~

- ~~(4) The total floor area of any building or buildings on a lot in the C-O or C-1 District within the Central Business Area shall not exceed two and one-half times the number of square feet in the lot (FAR to not exceed 2.5).~~

- ~~(5) Masonry or equivalent shall be required on the sides of all commercial buildings in C-O (Office) District, C-1 (Retail Business) District, and C-2 (General Commercial) District visible from the front street right-of-way in the Central Business District. Masonry shall be brick, stone, EFIS (Exterior Finish Insulation System) or concrete lap siding.~~

- ~~(6) Central business district parking exception. Off street parking shall not be required for buildings and structures erected or altered within the Central Business District as defined in section (1) above.~~

- ~~(7) One to four family occupancies in the Central Business District: One to four family occupancies shall be allowed in the Central Business District, with the following restrictions:~~

- ~~(a) Residential occupancies shall not be allowed in the first half of the first floor of any building facing a front street;~~
- ~~(b) Residential occupancies shall have two (2) fire-safe exits;~~

- ~~(e) Any room used as a bedroom shall have a window or door to the outside for emergency egress;~~
- ~~(d) Residential occupancies shall conform to the construction codes regulating the same;~~
- ~~(e) Residential occupancies shall have one hour fire separation as required by the construction codes or shall be equipped with fire sprinkler equipment;~~
- ~~(f) Five (5) or more family occupancies shall be reviewed by the Planning and Zoning Commission and approved by the city council by special permit; and~~
- ~~(g) Building owners shall be required to provide one (1) off street parking space for each residential apartment beginning with the fifth apartment in each building.~~
- ~~(8) The Thoroughfare Streets special setback described in Section 14.04.002(2) shall not apply in the Central Business District Overlay.~~
- ~~(9) Billboards shall not be permitted within the Central Business District as designated on the official zoning map.~~
- ~~(10) On premises signs in the Central Business District shall not exceed the height of the building on the lot. No pole signs shall be allowed in the Central Business District. When a sign is erected or placed before a permit is obtained, the permit fee shall be double.~~

...

ARTICLE 14.10 USE CHART

Sec. 14.10.001 Use Chart.

...

- (d) Use chart.

Use Type	R - A	R - E	R - 1 2	R - 6	R - 5	R - 4	R- T H	R - 2 F	MF -15	MF -30	M H	C-N	C - O	C-1	C-2	M- 1	M- 1.5	M- 2
Dwelling, multi- family									P	P				<i>SU</i> <i>P</i> [7]				
Automobil e Service Station												P-SUP		<i>P</i> [8]	P	P	P	P

...

[7] *Dwelling, Multi-Family: Multi-family units are permitted with a Specific Use Permit in a C-1 District subject to the following conditions:*

- (a) The purpose of these conditions is to allow for vertical mixed-use in an urban setting. These conditions would allow commercial or retail on the first floor with*
- (a) Residential units shall not be allowed on the first floor of any building in a C-1 District.*
- (b) Residential units shall conform to all adopted building codes.*
- (c) There is no minimum number of residential units to be considered multi-family with a Specific Use Permit in a C-1 District.*
- (d) Parking shall be provided subject to the multi-family requirements in*

Subsection 14.04.003.

- [8] *Automobile Service Station: An automobile service station is permitted in a C-1 (Retail Business) District, provided that the fuel pumps and the fuel tanks are not located within 300 feet of a single-family zoned property boundary (R-E, R-12, R-6, R-5, R-4, R-2F, R-TH). The measurement shall be a direct line from the fuel pump/fuel tanks to the property boundary of the residential lot.*

SECTION 3: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude Sherman from filing suit to enjoin the violation. Sherman retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 5: Repealing/Savings. The Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Open Meeting. The meeting at which this Ordinance was introduced and passed was open to the public and that public notice of the time, place and purpose of said meeting was given all as required by law.

SECTION 5: Effective Date; Publication. This Ordinance shall become effective from and after its adoption and publication as required by law. The City Clerk is directed to publish the caption of this Ordinance as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this ____ day of _____, 2023.

DAVID PLYLER, MAYOR

ATTEST:

LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM:
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.**

RYAN D. PITTMAN, CITY ATTORNEY

“ARTICLE 14.03 OVERLAY ZONING DISTRICTS

Sec. 14.03.008 *Reserved*

Sec. 14.03.009 **Central Business District Overlay**

(1) Introduction.

- (a) The Central Business District Overlay is intended to protect the aesthetic and visual character of Sherman’s downtown through the establishment of three distinct sub-districts: The Downtown District, the Highway District and the Grayson County District.
- (b) The Central Business District Overlay is intended to provide a location for a mix of land uses including general commercial and retail activities, office as well as multi-family in the downtown area. Developments in the Central Business District are typically smaller in size but are critical to the business and entertainment of the entire City.
- (c) Any other standards, regulations or requirements within this Overlay shall override those in the base zoning district in the event of a conflict not addressed above. Standards, regulations or requirements of the base zoning district not augmented or otherwise supplemented by this Overlay will continue to prevail. Notwithstanding any statement to the contrary in this subsection, standards, regulations or requirements of any planned development district within this Overlay shall prevail in the event they conflict with standards, regulations or requirements of this Overlay.

(2) Boundary Areas. Exhibit A demonstrates the boundaries described below:

- (a) Area boundaries. Area designated on the official zoning map being: Montgomery Street from the railroad tracks south to Cherry Street, Cherry Street west to Elm Street, Elm Street north to Jones Street, Jones Street west to U.S. Highway 75, U.S. Highway 75 north to the railroad tracks, railroad tracks east to Montgomery Street.
- (b) Central Business District Overlay Sub-Districts
 - 1. Downtown Sub-District. Montgomery Street from the railroad tracks south to Cherry Street, Cherry Street west to Crockett Street, Crockett Street north Jones Street, Jones Street west to Rusk Street, Rusk Street north to Washington Street, Washington Street east to Elm Street, Elm Street north to the railroad tracks, the railroad tracks east to Montgomery Street.
 - 2. Highway Sub-District. Elm Street from the railroad tracks south to Washington Street, Washington Street west to Rusk Street, Rusk Street south to Jones Street, Jones Street west to U.S. Highway 75, U.S. Highway 75 north to Pecan Street, Pecan Street east to Elm Street.
 - 3. Grayson County Sub-District. The south half of the block located between Crockett Street to the east, Elm Street to the west, Cherry Street to the south and Lamar Street to the north.

(3) Central Business District Building Design.

(a) General provisions.

- 1. The purpose of this sub-section is to maintain the historical architecture and character of Sherman’s Central Business District.
- 2. As buildings are remodeled or newly constructed, these historical elements need to be preserved or enlarged.
- 3. Distinctive architectural features, finishes, and construction techniques

or examples of craftsmanship that characterize a building or structure should be preserved.

- (b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Masonry or equivalent shall be required on the sides of all commercial buildings in C-O (Office) District, C-1 (Retail Business) District, and C-2 (General Commercial) District visible from the front street right-of-way in the Central Business District. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the planning and zoning commission.

1. Exterior Walls.

- a) All buildings and structures shall have at least 85% of the total exterior walls, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the city building regulations code and fire prevention and protection code. No blank walls shall face public streets.
- b) The following primary material list shall apply:
 - i) Masonry consisting of stone, cultured or cast stone.
 - ii) Brick or brick veneer.
 - iii) Tile.
 - iv) Stucco.
 - v) Architecturally finished block.
 - vi) Architectural glass (less than 27% reflectance).
- c) A maximum of 15% of the facade may include accent materials not listed on the approved primary material list. All requests for alternative exterior building materials shall be noted and described on a site plan with elevation drawings to be submitted to the planning and zoning commission for approval.
- d) The following materials are prohibited as primary cladding: Aluminum siding, galvanized steel or other bright metal, wood or plastic siding, cementitious fiberboard, unfinished concrete block, exposed aggregate concrete, and reflective glass (greater than 27% reflectance).

2. Exterior Colors. These guideline recommendations are consistent with other example corridors with the intent of creating complementary building design.

- a) A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, nonreflective earth tone colors.
- b) No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.
- c) Building elevations with painted wall murals are exempt from the regulations in this sub-section.

3. All buildings shall be architecturally finished with the same materials and details on all sides that are visible from the public roadway.

4. Additional architectural features (minimum 4 features). All buildings

shall have at least four architectural features from the following list:

- Canopies, awnings, or porticos.
- Recesses/projections.
- Arcades (recessed porches).
- Peaked roof forms.
- Arches.
- Outdoor patios.
- Display windows.
- Architectural details (such as tile work and moldings) integrated into the building façade.
- Articulated cornice line.
- Integrated planters or wing walls that incorporate landscape and sitting areas.
- Offsets, reveals or projecting rib used to express architectural or structural bays.
- Accent materials, such as stone, stucco, etc. (minimum 15% of exterior façade).
- Varied roof heights.

If an existing historical building does not satisfy the requirements in this sub-section, it is exempt from these requirements.

5. Other required or optional features may include:

- a) Entryway features. All ground floor entrances shall be covered or inset and shall not apply to loading areas. Primary building entrances are to be defined and articulated with architectural elements such as arcades, roofs, alcoves, columns, porticos, porches, and overhangs.
- b) Building articulation. All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
- c) Roof treatment.
 - i) Long uninterrupted rooflines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type, or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements.
 - ii) The following materials are allowed for sloping roofs:
 1. Asphalt shingles
 2. Industry approved synthetic shingles
 3. Standing seam metal
 4. Tile roofs
 5. Flat roofs shall require parapet screening which adheres to the vertical articulation requirements for the main face of the structure. Parapet rooflines shall feature a well-defined cornice treatment or another similar architectural element

to visually cap each building elevation.

iii) The following materials are prohibited as roofing materials: wood roof shingles.

- (c) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.
- (d) Mechanical equipment. Exposed duct and mechanical equipment shall not be permitted on any side of the building visible from the public right-of-way.
- (e) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(4) Central Business District Building Placement.

(a) Downtown Sub-District.

- 1. Minimum lot area: 2,000 sq. ft.
- 2. Minimum lot width: 20'
- 3. Minimum setback:
 - a) Front setback: 0'
 - b) Rear setback: 0'
 - c) Side setback: 0'
 - d) No building or structure shall be placed within the following triangular areas at the intersections of streets and alleys due to sight distance requirements:
 - i) At all street intersections, the triangular area formed by the street right-of-way lines and a line connecting them at points fifteen (15) feet from the intersection of the right-of-way lines. Depending on the curvature of intersecting roads, the city engineer may require a larger triangular area.
- 4. Maximum building height: 80'
- 5. Setback encroachment. Open building projections such as balconies, awnings, and canopies may extend within the public right-of-way to provide shade and covering for pedestrian traffic. The projections may extend up to ten (10) feet into the right-of-way, but not greater than the width of the sidewalk if less than ten (10) feet. Any supporting structures for said projections shall be reviewed and approved by the City Engineer for health and life safety reasons.

(b) Highway Sub-District.

- 1. Minimum lot area: 10,000 sq. ft.
- 2. Minimum lot width: 50'
- 3. Minimum setback:
 - a) Forty (40) feet from the U.S. 75 Highway right-of-way.
 - b) Twenty-five (25) feet from Houston Street or Lamar Street right-of-way.
 - c) Fifteen (15) feet from right-of-way of all other public streets.
 - d) No setback from rear and side property lines.
- 4. Maximum building height: 50'

(c) Grayson County Sub-District.

- 1. Minimum lot area: 2,000 sq. ft.
- 2. Minimum lot width: 20'

3. Minimum setback:
 - a) Front setback: 0'
 - b) Rear setback: 0'
 - c) Side setback: 0'
 - d) No building or structure shall be placed within the following triangular areas at the intersections of streets and alleys due to sight distance requirements:
 - i) At all street intersections, the triangular area formed by the street right-of-way lines and a line connecting them at points fifteen (15) feet from the intersection of the right-of-way lines. Depending on the curvature of intersecting roads, the city engineer may require a larger triangular area.
4. Maximum building height: 80'

- (5) Use Chart. The use of land or buildings within the Central Business District Overlay shall be in accordance with those listed in the following Use Chart. No land or building shall hereafter be used and no building or structure shall be erected, altered or converted other than for those uses specified in sub-district in which it is located.

Use Type	Downtown District	Highway District	Grayson County District
Alcoholic beverage establishments	P	P	P
Assisted living facility or nursing home		SUP	
Auditorium, arena, coliseum, theater, or amphitheater	SUP	SUP	SUP
Automobile accessory and supply store		P	
Automobile laundry, carwash		SUP	
Automobile rental or taxi storage and repair		SUP	
Automobile repair, body work, or painting		SUP	
Automobile service station		SUP	
Bakery, confectionery, or similar (retail)	P	P	P
Bank, credit unions, and financial institutions	P	P	P
Barbershop, beauty parlor or permanent makeup	P	P	P
Bed and breakfast establishments	P	P	P
Caterer	P	P	P
Christmas tree sales	P	P	P
Church or other place of worship	SUP	SUP	SUP
Civic club, fraternal organization, or lodge	SUP	SUP	SUP
Clinic, medical or dental	P	P	P
Commercial amusement center, indoor only	SUP	SUP	SUP
Community center	P	P	P
Correctional or detention facility or jail			SUP [1]
Department store	P	P	P

Drug-store or pharmacy	P	P	P
Dwelling, multi-family	[2]	SUP	[2]
Dwelling, single-family		P	
Dwelling, townhome		SUP	
Farmer's market, indoor or outdoor	P	P	P
Florist shop	P	P	P
Food or grocery store, retail	P	P	P
Food truck lot	SUP	SUP	SUP
Funeral home, mortuary, or crematory	P	P	P
Furniture and appliances sales, custom upholstery, not automobile related	P	P	P
Governmental office	P	P	P
Greenhouse, plant nursery, or garden center	P	P	P
Hardware store and small tool rental, but not including sales or lumber or industrial hardware	P	P	P
Health club or studio	P	P	P
Hookah bar, smoking lounge, smoke shop, or vape shop	SUP	SUP	SUP
Hotel	SUP	SUP	SUP
Laundry, pickup station or self-service	P	P	P
Meeting halls	SUP	SUP	SUP
Municipal Uses Operated by the City	P	P	P
Museum, library, art gallery	P	P	P
Nursery, kindergarten, or daycare for children	P	P	P
Office, any type	P	P	P
Parking, surface or structured	P	P	P
Personal service (accounting, travel, attorney, or similar)	P	P	P
Pet shop (indoor only)	P	P	P
Printing, publishing, or reprographics, including engraving or photoengraving	P	P	P
Private clubs when required to obtain a permit from the Texas Alcoholic Beverage Commission	SUP	SUP	SUP
Radio or television broadcasting transmitter or tower, microwave relay tower	SUP	SUP	SUP
Restaurant (inside and/or outside service)	P	P	P
Retail store (indoor)	P	P	P
Schools; elementary, high, college and universities, public, private, or denominational	SUP	SUP	SUP
Secondhand store or rummage shop	SUP	SUP	SUP
Snow cone stand	P	P	P

Studio for professional work or teaching (fine arts, photography, music, drama, radio, television, or recording)	P	P	P
Swimming pool, commercial	P	P	P
Tailor shop, seamstress, altering, and repairing of apparel	P	P	P
Tattoo Studio	SUP		
Veterinarian or animal hospital (indoor soundproof kennels only)	P	P	P

Legend for Use Chart

P – Use is permitted by right in sub-district indicated

[Blank] – Use is prohibited in sub-district indicated

SUP – Use is permitted in sub-district only upon approval of a Specific Use Permit

[#] – The use is permitted with certain conditions

[1] Correctional or detention facility or jail: A correctional, detention facility or jail along with receiving a Specific Use Permit, must also provide all of the required parking by lease or ownership on site or on directly adjacent or diagonally adjacent properties.

[2] Dwelling, Multi-family: Multi-family units are permitted within the Downtown District and the Grayson County District of the Central Business District Overlay subject to the following conditions:

- Residential units shall not be allowed on the first floor of any building.
- Residential units shall conform to all adopted building codes.
- There is no minimum number of residential units to be considered multi-family in the Downtown District.
- Parking shall be provided for one (1) off-street parking space for each residential unit. Parking requirements may be met on-site, on-street, or by lease from a site directly adjacent or diagonally adjacent to the subject property.

(6) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

1. Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy.
2. Every site adjacent to the U.S. 75 Highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the U.S. 75 Highway right-of-way
 - a) All landscaping shall be installed to avoid hazards.
 - b) An effort shall be made to preserve existing trees.

3. Off-street parking lots with twenty-five (25) parking spaces or more shall have open landscaped areas that are equal to but not less than ten (10) percent of the parking areas and drives in the parking areas. The required area may be used as island, perimeter landscaping, or in any combination. A minimum of forty (40) percent of the required landscaped area must be used as islands. Parking garages are exempt from this requirement.

(7) Screening.

- (a) Refuse areas. All refuse areas and dumpsters shall be screened on three sides and shall be located on private property. Whenever possible, property owners may share garbage dumpsters. The enclosure shall be constructed of a material that is consistent with the main building construction. Gates are not required.
- (b) Mechanical equipment. All ground-mounted and roof mounted equipment including, but not limited to, air-conditioning/heating units, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public streets and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Signs.

- (a) Freestanding signs.
 1. Downtown Sub-District.
 - a) Only one freestanding sign is permitted per platted lot.
 - b) Pylon or pole signs are not permitted in the Downtown District.
 - c) Monument signs must include a landscaped, stone-based feature. All monument sign bases shall be constructed of the same material as the front building façade on the same site.
 - d) Signs may have a maximum of 65 square foot face area and shall not exceed six (6) feet in height. There is no setback for freestanding signs, but they must not obstruct the view of turning traffic. Variances to the sight distance requirements may be approved by the Director of Engineering, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.
 2. Highway Sub-District.
 - a) Only one freestanding sign is permitted per platted lot, with the exception of corner lots. Corner lots are permitted to have one pole or pylon sign and one monument sign per platted lot.
 - b) Pylon or pole signs may have a maximum of 300 square feet face area and shall not exceed fifty (50) feet in height. Minimum setback for freestanding signs shall be twenty-five (25) feet from the property line.
 - c) Monument signs must include a landscaped, stone-based feature. All monument sign bases shall be constructed of the same material as the front building façade on the same site, unless the building is an existing non-conforming structure.
 - d) Monument signs may have a maximum of 80 square foot face area and shall not exceed eight (8) feet in height. Minimum setback for monument signs shall be ten (10) feet from the property line and must not obstruct the view of turning traffic.

Variances to the sight distance requirements may be approved by the Director of Engineering, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.

3. Grayson County Sub-District
 - a) Only one freestanding sign is permitted per platted lot.
 - b) Pylon or pole signs are not permitted in the Grayson County District.
 - c) Monument signs must include a landscaped, stone-based feature. All monument sign bases shall be constructed of the same material as the front building façade on the same site.
 - d) Signs may have a maximum of 65 square foot face area and shall not exceed six (6) feet in height. There is no setback for freestanding signs, but they must not obstruct the view of turning traffic. Variances to the sight distance requirements may be approved by the Director of Engineering, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.
- (b) Wall signs. Wall signs may have a maximum of 300 square feet face area and not be greater than twenty (20) percent of the area of any single wall elevation.
- (c) Projecting signs. Projecting signs in the Central Business District Overlay shall have a minimum clearance from the sidewalk of 8.5 feet and shall not project more than five (5) feet from the building or more than fifty (50) percent of the width of the sidewalk adjacent to the building, whichever is less. No supporting structures for said signs is permitted within the public right-of-way.
- (d) Painted Wall Murals.
 1. Only one mural is permitted per building.
 2. Murals are allowed to cover the entire wall area, but cannot exceed forty (40) feet above grade.
 3. No mural shall be placed over openings such as windows, doors, and vents.
 4. Murals shall be painted with a weather-resistant paint.
 5. Should the mural become faded, peeled, and severely weathered as determined by the Director of Development Services, the owner, or the person or firm maintaining the same, shall, upon written notice, repair or remove the mural or repaint the wall on which the mural is painted within 60 days.
 6. No portion of the mural shall be used to advertise a specific product or service. The mural may display the name or logo of the on-site tenant, as long as it does not exceed more than twenty (20) percent of the mural area. A sign permit is required for the portion of the mural that is providing an advertisement of the on-site tenant.

(9) Parking regulations.

- (a) Downtown Sub-District
 1. Parking shall be provided for one (1) parking space for each residential unit. Parking requirements may be met on-site or by lease or ownership from a site directly adjacent or diagonally adjacent to the subject property.

2. Parking shall be provided for one (1) parking space for every 400 square feet of office space. Parking requirements may be met on-site or by lease or ownership.
 3. There are no parking requirements for retail or restaurant uses in the Downtown Sub-District.
- (b) Highway Sub-District
1. Refer to Subsection 14.04.003 for parking regulations.
- (c) Grayson County Sub-District
1. Parking shall be provided for one (1) parking space for each residential unit. Parking requirements may be met on-site, on-street, or by lease from a site directly adjacent or diagonally adjacent to the subject property.
 2. Parking shall be provided for one (1) parking space for every 400 square feet of office space. Parking requirements may be met on-site, on-street, or by lease from a site directly adjacent or diagonally adjacent to the subject property.
 3. Parking shall be provided for one (1) parking space for every three (3) employees for a Correctional or Detention Facility or Jail. Parking requirements may be met on-site, on-street, or by lease from a site directly adjacent or diagonally adjacent to the subject property.
- (10) Procedures and Notice.
- (a) The Planning and Zoning Commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.
 - (b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.
 - (c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of twelve (12) months from the date of such denial.
 - (d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the decision subject to the regulations in Section 14.06.010.

ARTICLE 14.10 USE CHART

Sec. 14.10.001 Use Chart.

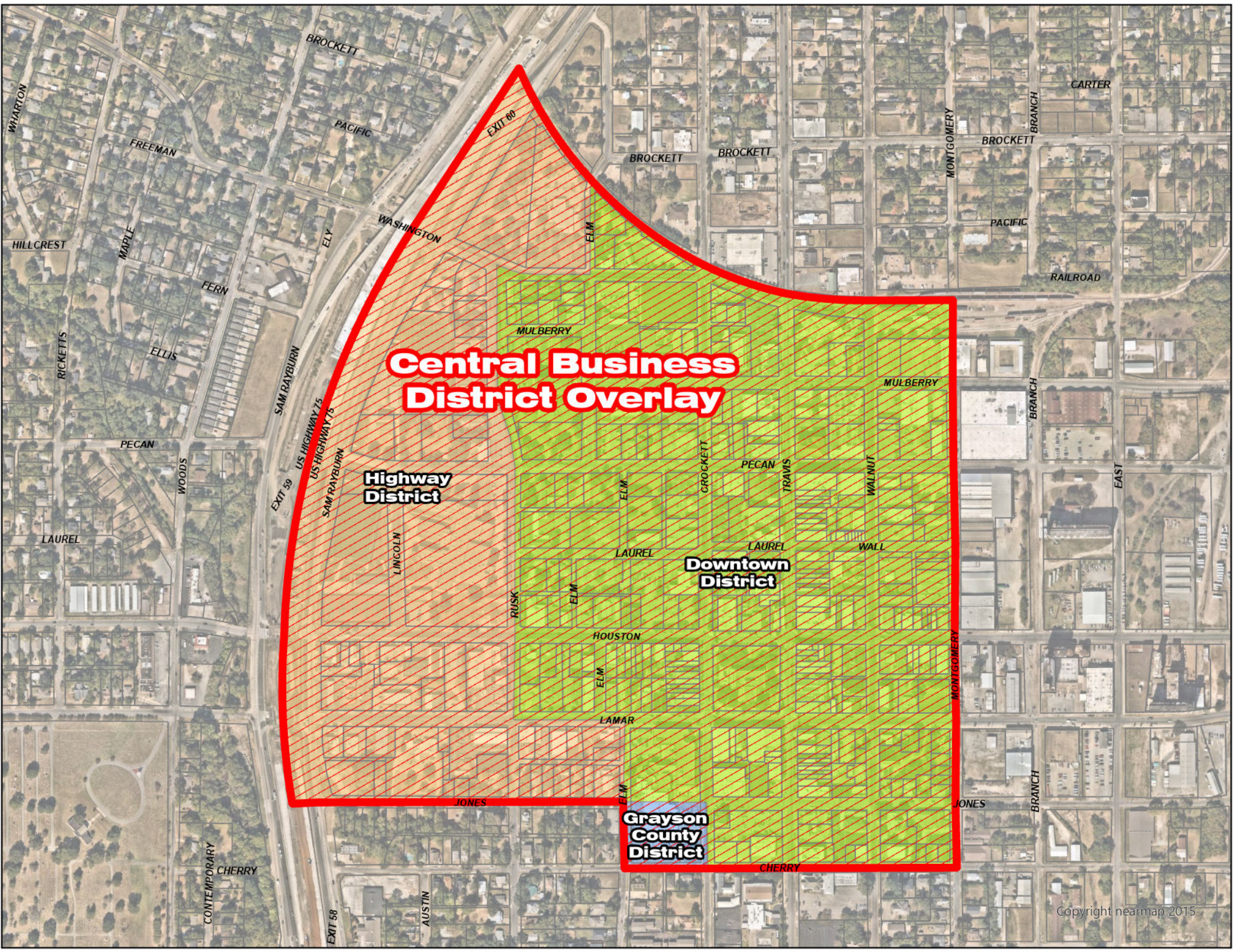
...

- (d) Use chart.

Use Type	R - A	R - E	R - 1 2	R - 6	R - 5	R - 4	R- T H	R - 2 F	MF -15	MF -30	M H	C-N	C- O	C-1	C-2	M- 1	M- 1.5	M- 2
Dwelling, multi- family									P	P				SUP [7]				

Automobile Service Station													SUP		[8]	P	P	P	P
----------------------------	--	--	--	--	--	--	--	--	--	--	--	--	-----	--	-----	---	---	---	---

- ...
- [7] Dwelling, Multi-Family: Multi-family units are permitted with a Specific Use Permit in a C-1 District subject to the following conditions:
- (a) The purpose of these conditions is to allow for vertical mixed-use in an urban setting. These conditions would allow commercial or retail on the first floor with
 - (a) Residential units shall not be allowed on the first floor of any building in a C-1 District.
 - (b) Residential units shall conform to all adopted building codes.
 - (c) There is no minimum number of residential units to be considered multi-family with a Specific Use Permit in a C-1 District.
 - (d) Parking shall be provided subject to the multi-family requirements in Subsection 14.04.003.
- [8] Automobile Service Station: An automobile service station is permitted in a C-1 (Retail Business) District, provided that the fuel pumps and the fuel tanks are not located within 300 feet of a single-family zoned property boundary (R-E, R-12, R-6, R-5, R-4, R-2F, R-TH). The measurement shall be a direct line from the fuel pump/fuel tanks to the property boundary of the residential lot.



Central Business District Overlay

Highway District

Downtown District

Grayson County District

Marlow, Lauren

From: Planning
To: Rae, Rob
Subject: RE: Questions/Comments Regarding Proposed Ordinance Relating to Downtown District, Highway District and Grayson County District:

From:
Sent: Tuesday, June 6, 2023 1:01 PM
To: Rae, Rob
Cc: 'Sherry Little'
Subject: Questions/Comments Regarding Proposed Ordinance Relating to Downtown District, Highway District and Grayson County District:

Rob:

First, thank you for meeting with Sherry and me regarding the Proposed Ordinance. It was very helpful for us to understand the background and discuss specific questions and concerns.

Second, as promised, attached are some of the questions and comments we discussed plus a few more that we did not get to.

By the way, on the patio of OIP you mentioned the Downtown sewer project and indicated you needed to get that project underway. We certainly appreciate that sentiment and look forward to working with the City so that the project may be accomplished expeditiously and with due consideration to ongoing business operations Downtown.

Again, thank you and we look forward to working with you in the future.

Robert

Questions/Comments Regarding Proposed Ordinance Relating to Downtown District, Highway District and Grayson County District:

- Understood that the City of Sherman has the responsibility to “promote the health, safety and morals of Sherman” in an appropriate manner. However, the City of Sherman also has the obligation to respect and protect the property rights of individuals – the right to acquire, use and dispose of property freely. It is important that the Proposed Ordinance strike and maintain a proper balance where requirements/restrictions are reasonably necessary while restricting property rights to the least extent reasonably possible.
- Section (1)(b) of the Proposed Ordinance states that “Developments in the Central Business District are typically smaller in size”. Developments in the Central Business District also often involve smaller or mom-and-pop groups with a dream and somewhat limited financial, architectural and other resources. The Proposed Ordinance provides various requirements/restrictions addressing architectural features, variations, visual interest and other elements (which may necessitate significant architectural input and discussion and negotiation). Consideration should be given to how to simplify, expedite and cut cost relating to compliance with the Proposed Ordinance in order to encourage development (especially by smaller Developers, whether property owners and/or tenants).
- Section (1)(a) of the Proposed Ordinance states that “The Central Business District Overlay is intended to protect the aesthetic and visual character of Sherman’s Downtown”. Does this statement need to be clarified? Some might say that the aesthetic and visual character of Sherman’s downtown is “varied and eclectic”. Does such protection entail preservation of various characters from the 1850s, 1870s, early 1900s, 1960 and otherwise (sometimes brick, sometimes metal, sometimes glass) or the creation of “complementary building design” as stated elsewhere in the Proposed Ordinance? Is it clear how protection of character fits with requirements/restrictions regarding building design set forth in Section (3) of the Proposed Ordinance? See discussion of grandfathering below.
- Regarding building design, Section (3)(a) of the Proposed Ordinance states “The purpose of this subsection is to maintain the historical architecture and character of Sherman’s Central Business District”. How does the maintaining of historical architecture and character differ from protection of aesthetic and visual character and do they need to be harmonized? The next sentence states “As buildings are remodeled or newly constructed, these historical elements need to be preserved or enlarged”. Does “these historical elements” refer to “historic” architecture and if so how does this fit with requirements/restrictions regarding building design set forth in Section (3) of the Proposed Ordinance (do such historical elements control over such requirements/restrictions)? Does this mean that newly constructed buildings are supposed to implement historical elements or requirements/restrictions in the Ordinance? Does the term “historical” need to be defined or is it simply “existing” buildings/elements?
- Have been advised that, with respect to the application of the Proposed Ordinance to existing buildings and properties, grandfathering will apply with respect to features, architectural elements, landscaping, signage, colors and other aspects of such buildings and properties. Presumably, such grandfathering would run with the buildings and properties in the case of transfer of ownership. The Proposed

Ordinance should be clarified to address this matter (possibly along with those above so they all fit together).

- To the extent any Exception or Variance is needed with respect to any new construction, renovation or expansion, should the Proposed Ordinance address giving consideration to historic or other existing features, architectural elements, landscaping, signage, colors and other aspects of such buildings and properties. Possibly giving preference to such historic or other existing features.
- The Central Business District has various well-established alleys that are utilized for dumpsters, deliveries, utilities and other purposes. Should consideration be given to the Proposed Ordinance addressing alleys in general and possibly with respect to acknowledging particular uses? Should existing uses and conditions be grandfathered or otherwise recognized and protected from interference? Possible alley issues include:
 - (i) Section (3) of the Proposed Ordinance states “All non-residential and multifamily buildings shall be architecturally finished on all sides with the same materials and detailing.” Use of the same materials in an alley may be inappropriate (due to very different surroundings/uses), unnecessary and/or result in unnecessary expense.
 - (ii) Section (7) addresses Screening. “All refuse areas and dumpsters shall be screened on three sides”. “The enclosure shall be constructed of a material that is consistent with the main building construction”. Many dumpsters are located in long established alleys which do not face any thoroughfare. The alleys are often tight and space is at a premium. Screening seems unnecessary and may be difficult if not impossible to accomplish. Screening may also interfere with pick-up due to tight space. Use of consistent materials in an alley might result in problems, be unnecessary or result in unnecessary expense.
- Section (3)(d) of the Proposed Ordinance states “Exposed duct and mechanical equipment shall not be permitted on any side of the building visible from the highway”. Section (6)(c)(2) of the Proposed Ordinance states “Every site adjacent to the highway right-of-way shall include a buffer strip ...” Assume when both these provisions refer to “highway” they mean US Highway 75. This should be clearly stated.
- Section (3)(b) of the Proposed Ordinance states “A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the planning and zoning commission.” Is such a submission of plans and schedule of materials to P&Z currently required? How does this impact or coordinate with the Building Permit process? What will P&Z do with such a submission and is some approval or other action required by P&Z? Desire is to encourage Development by providing a reasonable and efficient process to build/remodel a building in the Central Business District.