

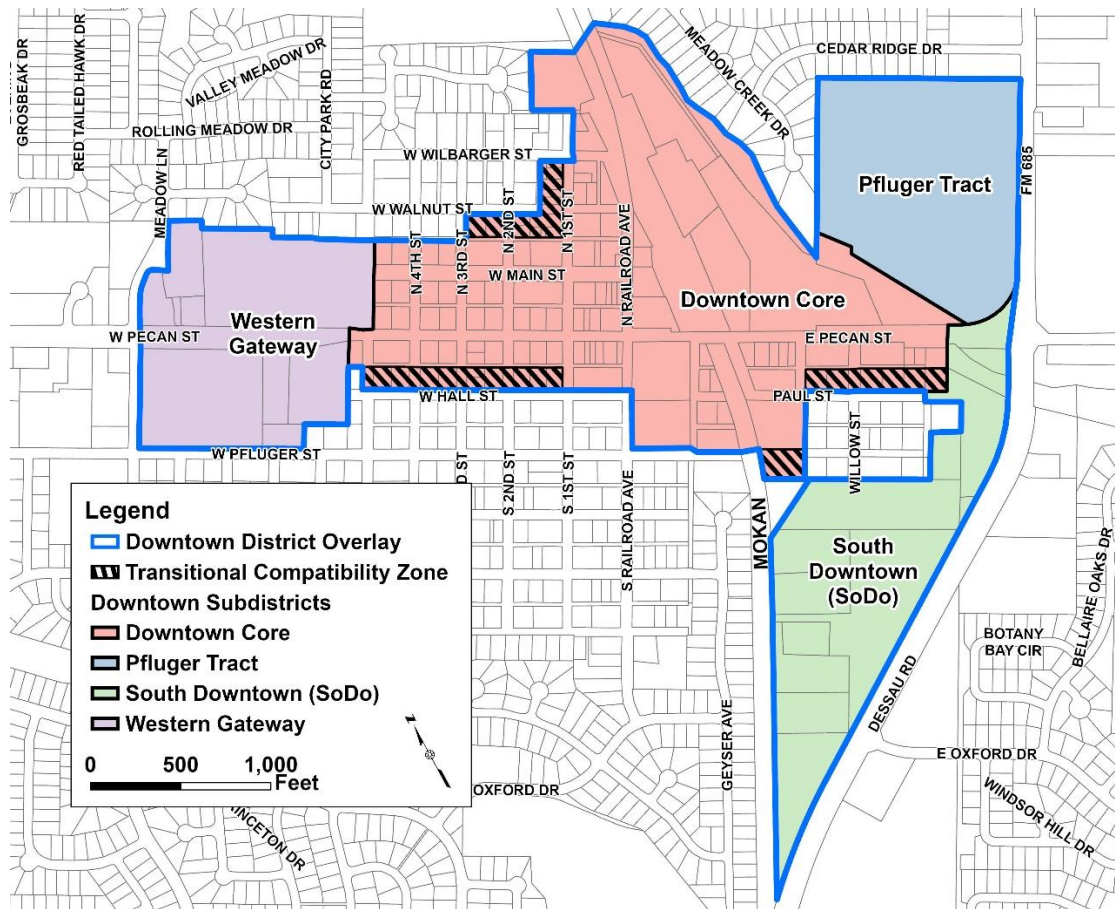
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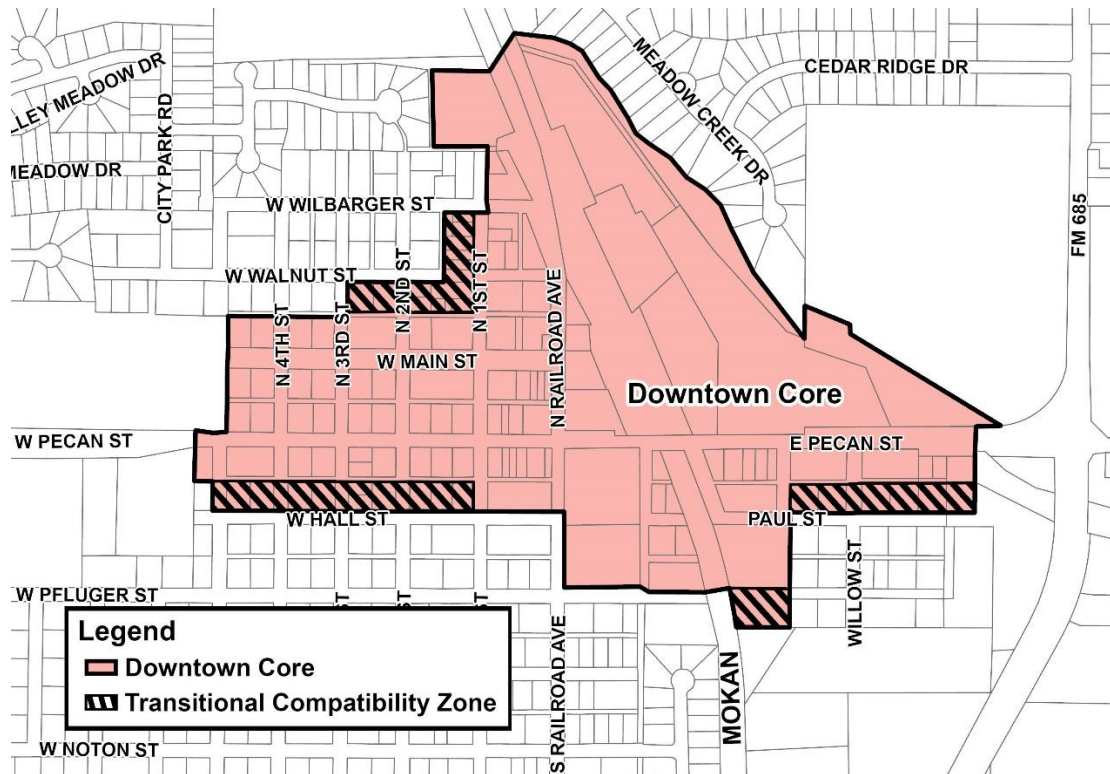
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## 4.5.1 Downtown District Overlay

### A. Downtown Districts Defined



1. **Downtown District Overlay (DD).** The Downtown District Overlay (DD) is intended to serve multiple purposes, including preservation and enhancement of the City's Downtown of historical, cultural, and architectural significance by providing for land use compatibility provisions and special development regulations which promote the historic preservation, compatible architectural character, scale, walkability, and economic viability of the area. In addition to the provisions in this Chapter, site circulation, parking, landscaping, and exterior lighting development standards, contained in this section of the Unified Development Code, shall apply to the overlay district. The Downtown District Overlay is separated into sub-districts in order to account for context-sensitive development regulations.
2. **Downtown Core Sub-district.** The Downtown Core Sub-district is situated within the center of the Downtown District Overlay, whereby the applicable development requirements are specifically tailored to the existing gridded street pattern and redevelopment potential. The Downtown Core Sub-district further provides for a Transitional Compatibility Zone, which provides for specific development regulations relating to architecture, parking, site design, building height, and landscaping, to ensure improved compatibility with the surrounding residential neighborhood.



3. Pfluger Tract Sub-district. The Pfluger Tract Sub-district of the Downtown District Overlay is situated along East Pecan Street and F.M. 685 and is intended to provide for development requirements more suited for greenfield development in which the street network has not been fully defined. However, it shall not be precluded from developing in a more traditional pattern found in the Downtown Core Sub-district. It shall serve as a gateway into the Downtown Core Sub-district by providing for enhanced, more walkable streetscapes.
  4. South Downtown Sub-District (SoDo). South Downtown is a sub-district of the Downtown District Overlay situated along Dessau Road, south of East Pecan Street and east of the Mokan right-of-way, intended to provide for development requirements more suited for greenfield development in which the street network has not been fully defined. However, it shall not be precluded from developing in a more traditional pattern found in the Downtown Core Sub-district. It shall serve as a gateway into the Downtown Core Sub-district by providing for enhanced, more walkable streetscapes.
  5. Western Gateway Sub-District. The Western Gateway is a sub-district of the Downtown District Overlay situated along West Pecan Street and east of 5<sup>th</sup> Street whereby the applicable development regulations are tailored to potential extensions of Main Street and Hall Street.
- B. Land Use Table Applicability: The DD district relies on base zoning districts for uses except where limited with conditions, permitted by Specific Use Permit, or prohibited according to table 4.5.1 B and the most restrictive provision applies.
1. Uses Permitted with Conditions: Provided the use is permitted in the respective base district, land uses noted with a "C" are permitted by right with specific conditions. Specific conditions applicable to these certain uses are provided in the corresponding "Land Use Conditions" per Section C.

2. Uses Requiring a Specific Use Permit: Provided the use is permitted in the respective base district, land uses noted with an “S” require consideration of impacts associated with a particular location for the proposed use, in addition to the standards that otherwise apply to the use under this Subchapter.
3. Uses Permitted with Conditions unless authorized by a Specific Use Permit: Provided the use is permitted in the respective base district, land uses noted with a “C/S” are permitted by right within the given district provided that specific conditions are met, unless authorized by a Specific Use Permit.
4. Uses noted with an “X” are prohibited within the Downtown base zoning districts and the DD overlay regardless of what the base zoning district may permit.
5. If a reference to Section 4.2 and 4.3 is associated with a permitted land use in Table 4.5.1. B, it shall be interpreted as a land use governed exclusively under the respective base zoning district and may be permitted in the Downtown District Overlay provided such land use is permitted in the base zoning district with any applicable land use conditions. Refer to Section 4.2 and 4.3 of this Subchapter for additional land use provisions.
6. In the event, there is a discrepancy between the land use provisions of the base zoning district and the land use conditions and restrictions in this section, the more restrictive standard shall apply.

| <b>Table 4.5.1 B. Use Applicability Table</b>      |                            |
|----------------------------------------------------|----------------------------|
| <b>Residential Uses</b>                            | <b>Permitted Land Uses</b> |
| Accessory Dwelling Unit                            | Section 4.2 and 4.3        |
| Assisted Living                                    | X                          |
| Condominium, Single-Family Detached                | Section 4.2                |
| Condominium, Duplex                                | Section 4.2                |
| Condominium, Townhome (SF-Attached)                | Section 4.2                |
| Condominium, Vertical Flat                         | Section 4.2 and 4.3        |
| Duplex                                             | Section 4.2                |
| Group Home                                         | C                          |
| Live Work Unit                                     | Section 4.2 and 4.3        |
| Manufactured Home Dwelling                         | X                          |
| Multi-Family                                       | Section 4.2 and 4.3        |
| Nursing Home/ Skilled Nursing (Convalescent)       | X                          |
| Retirement Living Village                          | X                          |
| Single-Family, Attached (3 or more units) Townhome | Section 4.2                |
| Single-Family, Detached                            | Section 4.2                |
| <b>Non-Residential Uses</b>                        | <b>Permitted Land Uses</b> |
| Animal Establishments, Commercial (Major)          | X                          |
| Animal Establishments, Commercial (Minor)          | Section 4.3                |
| Athletic Facility                                  | X                          |
| Auction Sales                                      | X                          |

| <b>Table 4.5.1 B. Use Applicability Table</b>         |                            |
|-------------------------------------------------------|----------------------------|
| Automotive Body Repair Shop (Collision Repair)        | X                          |
| Automotive Parts Sales, Inside                        | X                          |
| Automotive Parts Sales, Outside                       | X                          |
| Automotive Repair and Service                         | X                          |
| Automobile Parking Lot/Garage                         | Section 4.3                |
| Automobile Sales and Rental                           | X                          |
| Auto Salvage Yard                                     | X                          |
| Bail Bond                                             | X                          |
| Bar/Tavern                                            | C/S                        |
| Body Art Studio                                       | C/S                        |
| Brewery/Distillery/Winery, Micro                      | S                          |
| Brewery/Distillery/Winery, Regional                   | X                          |
| Brewpub/Wine Bar                                      | C/S                        |
| <b>Non-Residential Uses</b>                           | <b>Permitted Land Uses</b> |
| Call Center                                           | X                          |
| Car Wash                                              | X                          |
| Catering Establishment                                | Section 4.3                |
| Cemetery/Mausoleum                                    | X                          |
| Civic Center                                          | Section 4.3                |
| Clinic                                                | X                          |
| College, University, or Private Boarding School       | X                          |
| Commercial Recreation and Entertainment, Indoor       | Section 4.3                |
| Commercial Recreation and Entertainment, Outdoor      | Section 4.3                |
| Commissary                                            | Section 4.3                |
| Community Garden, Private                             | Section 4.2 and 4.3        |
| Contractor's Shop                                     | X                          |
| Convention Center                                     | S                          |
| Crematorium                                           | X                          |
| Data Center                                           | X                          |
| Day Care Facility                                     | S                          |
| Distribution/Logistics Center                         | X                          |
| Drive-in/Thru (primary or accessory component of use) | X                          |
| Dry Cleaning, Major                                   | X                          |
| Dry Cleaning, Minor                                   | Section 4.3                |
| Equipment and Machinery Sales and Rental, Major       | X                          |
| Equipment and Machinery Sales and Rental, Minor       | X                          |
| Event Center                                          | S                          |

| <b>Table 4.5.1 B. Use Applicability Table</b>                 |                                            |
|---------------------------------------------------------------|--------------------------------------------|
| Financial Institution                                         | Section 4.3 and Conditions per Section (C) |
| Financial Services Institution, Alternative                   | X                                          |
| Food Processing Establishment, Major                          | X                                          |
| Food Processing Establishment, Minor                          | X                                          |
| Gas Station                                                   | X                                          |
| Golf Course and/or Country Club                               | X                                          |
| Golf Driving Range                                            | X                                          |
| Government Facilities                                         | Section 4.3                                |
| Health/Fitness Center                                         | Section 4.3                                |
| Hospital                                                      | X                                          |
| Hotel/Hotel Residence                                         | Section 4.3 and Conditions per Section (C) |
| <b>Non-Residential Uses</b>                                   | <b>Permitted Land Uses</b>                 |
| Household Appliance Service and Repair                        | X                                          |
| Industrial Use, Heavy                                         | X                                          |
| Industrial Use, Light                                         | X                                          |
| Laundromat                                                    | X                                          |
| Liquor Store (Off-Premise Consumption)                        | Section 4.3                                |
| Lounge                                                        | C/S                                        |
| Machine Shop                                                  | X                                          |
| Massage Therapy, Licensed                                     | Section 4.3                                |
| Microwave and Satellite Receiving Station, Commercial         | X                                          |
| Mini-Warehouse/Public Storage                                 | X                                          |
| Mobile Food Park                                              | Section 4.3 and 4.10                       |
| Mortuary/Funeral Home                                         | X                                          |
| Museum/Art Gallery                                            | Section 4.3                                |
| Nursery Indoor/Outdoor Sales                                  | S                                          |
| Office: Administrative, Medical, Professional or Headquarters | Section 4.3                                |
| Office/Showroom                                               | X                                          |
| Office/Warehouse/Distribution Center                          | X                                          |
| Open Storage (Primary Use)                                    | X                                          |
| Orchard, Private                                              | Section 4.2 and 4.3                        |
| Outdoor Amphitheater, Private                                 | Section 4.3                                |
| Park or Playground                                            | Section 4.2 and 4.3                        |
| Pawn Shop                                                     | X                                          |
| Personal Services                                             | Section 4.2 and 4.3                        |

| <b>Table 4.5.1 B. Use Applicability Table</b>                                                                                                                               |                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Place of Worship                                                                                                                                                            | Section 4.2 and 4.3                        |
| Portable Building Sales                                                                                                                                                     | X                                          |
| Print Shop, Major                                                                                                                                                           | X                                          |
| Print Shop, Minor                                                                                                                                                           | Section 4.3                                |
| Reception Hall                                                                                                                                                              | Section 4.3                                |
| Recycling Center                                                                                                                                                            | X                                          |
| Recycling Plant                                                                                                                                                             | X                                          |
| Research and Development Center                                                                                                                                             | X                                          |
| Restaurant                                                                                                                                                                  | Section 4.3                                |
| Retail Sales and Services                                                                                                                                                   | Section 4.3                                |
| Retail Sales - Single Tenant over 50,000 SF                                                                                                                                 | X                                          |
| School: Private or Parochial                                                                                                                                                | Section 4.3                                |
| School: Public                                                                                                                                                              | Section 4.3                                |
| <b>Non-Residential Uses</b>                                                                                                                                                 | <b>Permitted Land Uses</b>                 |
| Sexually Oriented Business                                                                                                                                                  | X                                          |
| Shooting Range, Indoor                                                                                                                                                      | X                                          |
| Small Engine Repair Shop                                                                                                                                                    | X                                          |
| Stable, Commercial                                                                                                                                                          | X                                          |
| Storage or Wholesale Warehouse                                                                                                                                              | X                                          |
| Theater                                                                                                                                                                     | Section 4.3                                |
| Trade School                                                                                                                                                                | X                                          |
| Transit Facility (Park & Ride)                                                                                                                                              | Section 4.3                                |
| Trailer/Mobile Home Display and Sales                                                                                                                                       | X                                          |
| Truck Sales, Heavy Trucks                                                                                                                                                   | X                                          |
| Truck Terminal                                                                                                                                                              | X                                          |
| Truck/Bus/ Large Vehicle Repair                                                                                                                                             | X                                          |
| Truck/ Trailer Rental                                                                                                                                                       | X                                          |
| Utilities                                                                                                                                                                   | Section 4.3                                |
| Vehicular Sales and Rental, Recreational                                                                                                                                    | X                                          |
| Vineyard, Private                                                                                                                                                           | Section 4.2 and 4.3                        |
| Wireless Telecommunication Facilities, Attached                                                                                                                             | Section 4.3 and Conditions per Section (C) |
| Wireless Telecommunication Facilities, Monopole                                                                                                                             | X                                          |
| <b>X = Prohibited</b><br><b>S = Specific Use Permit (SUP)</b><br><b>C = Permitted with Conditions</b><br><b>C/S = Permitted with Conditions, unless authorized by a SUP</b> |                                            |

### C. Downtown District – Land Use Conditions

The uses indicated in the land use Table 4.5.1 B. with the letter “C” or listed as “Conditions per Section (C)” in one or more districts must comply with respective base district and the conditions as indicated below. Conditions are specified for each use in the following alphabetical list.

|                         |                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bar/Tavern              | <ul style="list-style-type: none"><li>• Permitted if located a minimum of 200’ from single-family, detached, townhome, or duplex uses, unless otherwise authorized by Specific Use Permit. (Measurement shall be based on horizontal distance from residential property lines.)</li></ul>                                                                                     |
| Body Art Studio         | <ul style="list-style-type: none"><li>• Permitted if located a minimum of 200’ from single-family, detached, townhome, or duplex uses, unless otherwise authorized by Specific Use Permit. (Measurement shall be based on horizontal distance from residential property lines.)</li></ul>                                                                                     |
| Brewpub/Wine Bar        | <ul style="list-style-type: none"><li>• Permitted if located a minimum of 200’ from single-family, detached, townhome, or duplex uses, unless otherwise authorized by Specific Use Permit. (Measurement shall be based on horizontal distance from residential property lines.)</li></ul>                                                                                     |
| Financial Institution   | <ul style="list-style-type: none"><li>• Financial Institutions shall not include a drive-thru.</li></ul>                                                                                                                                                                                                                                                                      |
| Group Home              | <ul style="list-style-type: none"><li>• In accordance with State Law.</li></ul>                                                                                                                                                                                                                                                                                               |
| Hotel / Hotel Residence | <ul style="list-style-type: none"><li>• Shall comply with the conditions provided in Section 4.3.</li><li>• In the Downtown Core Sub-district, the Hotel / Hotel Residence shall provide for minimum on-site parking pursuant to Subchapter 10. Parking, Mobility, and Circulation. Right-of-parking shall not count towards meeting the minimum parking standards.</li></ul> |
| Lounge                  | <ul style="list-style-type: none"><li>• Permitted if located a minimum of 200’ from single-family, detached, townhome or duplex uses, unless otherwise authorized by Specific Use Permit. (Measurement shall be based on horizontal distance from residential property lines.)</li></ul>                                                                                      |



Wireless  
Telecommunication  
Facilities Attached

- Refer to Section 4.8
- Attached Wireless Telecommunication Facilities shall be stealth or concealed and shall comply with the concealment requirements of the Engineering Design Manual, Section 11. The facility shall be architecturally integrated with existing buildings, structures, and landscaping, including height, color, style, massing, placement, design, and shape, which blends with the built environment.

D. Base Districts General Regulations – Applicability

1. Applicability of Use and Structure Types

- a. New construction of single-family detached, single-family attached (townhomes), and duplex land uses and condominiums with similar structure types in the Downtown District Overlay shall comply with base zoning development regulations established per Section 4.2.
- b. The following types of land uses and structure types shall comply with the general development standards of the Downtown District Overlay within this section for all new construction.
  - i. Multi-family and condominiums designed as vertical flat structure types
  - ii. Vertical Mixed-Use Building
  - iii. Non-residential uses

2. General Development Regulations – Downtown District Overlay

Notwithstanding the provisions of Section 4.2 and 4.3, as applicable, the general development regulations per Table D.2 shall apply to the Downtown District Overlay for multi-family, condominium vertical flat buildings, vertical mixed-use buildings, and non-residential uses.

| Table D.2 – General Development Regulations<br>Downtown District Overlay                     |                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Downtown District<br>Overlay                                                                 | Multi-Family;<br>Condominium Vertical Flat Structure Type;<br>Vertical Mixed-Use; and Non-Residential                                                                                                                                                                                                                 |
| Building Setbacks <sup>1</sup><br>(Applicable to the<br>Downtown Core Sub-<br>District only) | <ul style="list-style-type: none"> <li>▪ Building setbacks shall not be required in the Downtown Core Sub-district of the Downtown District Overlay; however, this is contingent upon achieving the required on-street parking, streetscape yard and other required Build-to-Line requirements per Section</li> </ul> |

|                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                      | <p>D.3. Buildings shall not encroach into any public utility easements.</p> <ul style="list-style-type: none"> <li>▪ For lots fronting Pecan Street, the front building setback shall be 25' in order to allow for an expanded 25' Build-to-Line requirement per Section D.3.</li> <li>▪ When development occurs on lots within the Transitional Compatibility Zone, the new development shall provide for 15' front building setback, 15' side street setback, 5' interior side yard setback, and a 10' rear setback.</li> </ul>                                                                                                            |
| <p>Building Setbacks<br/>(Applicable to the Pfluger Tract, South Downtown (SoDo), Western Gateway Sub-Districts)</p> | <ul style="list-style-type: none"> <li>▪ For lots fronting Dessau Road and F.M. 685, the front building setback shall be 25' to allow for an enhanced 25' streetscape yard. Refer to the base zoning district in Sections 4.2 and 4.3 for additional setback requirements.</li> </ul>                                                                                                                                                                                                                                                                                                                                                        |
| <p>Build-to-Line Requirements</p>                                                                                    | <ul style="list-style-type: none"> <li>▪ Refer to Section D.3.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Streetscape Yard<br/>(Applicable to the Downtown Core Sub-District only)</p>                                      | <ul style="list-style-type: none"> <li>▪ In the Downtown Core of the Downtown District Overlay, a minimum 15' streetscape yard shall be required, whereby such streetscape yard may be wholly or partially situated within the public right-of-way pursuant to Section D.3.; however, for Pecan Street and other street frontages in the Downtown Core not classified as a Primary Street, the required streetscape yards shall remain completely on-site and shall not encroach into the public right-of-way. Refer to Section I. Landscaping and Screening Standards for additional streetscape yard and landscaping standards.</li> </ul> |
| <p>Streetscape Yard<br/>(Applicable to the Pfluger Tract, South Downtown (SoDo), Western Gateway Sub-Districts)</p>  | <ul style="list-style-type: none"> <li>▪ For lots fronting F.M. 685 and Dessau Road, a minimum 25' streetscape yard shall be required</li> <li>▪ For other streetscape yard requirements on lots not fronting F.M. 685 and Dessau Road, refer to the base zoning district requirements in Sections 4.2 and 4.3.</li> </ul>                                                                                                                                                                                                                                                                                                                   |
| <p>Minimum Lot Area</p>                                                                                              | <p>N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>Minimum Lot Width measured at front street setback</p>                                                            | <p>30' along Main Street, Railroad Avenue and Pecan Street</p> <p>(200' along arterial and collector streets; however lot width may be reduced if designed with a minimum of 50 feet of frontage if a perpetual joint access easement or</p>                                                                                                                                                                                                                                                                                                                                                                                                 |

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | unified development agreement is provided and driveway spacing requirements are met)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Minimum Lot Depth           | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Maximum Lot Coverage        | <ul style="list-style-type: none"> <li>▪ With the exception of development within the Transitional Compatibility Zone, 100% lot coverage is permitted within the Downtown Core; however, this is contingent upon the site satisfying the build-to-line standards pursuant to Section D.3.</li> <li>▪ Lots within the Transitional Compatibility Zone in Downtown Core shall have a maximum of 70% lot coverage.</li> <li>▪ For the Pfluger Tract, SoDo, and the Western Gateway Sub-districts, refer to Section 4.2 and 4.3 for the maximum lot coverage requirements for the respective base zoning districts.</li> </ul> |
| Maximum Impervious Cover    | <ul style="list-style-type: none"> <li>▪ With the exception of development within the Transitional Compatibility Zone, 100% impervious cover is permitted in the Downtown Core; however, this is contingent upon the site satisfying the landscaping requirements per Section H.</li> <li>▪ Lots within the Transitional Compatibility Zone in Downtown Core shall have a maximum of 70% impervious cover.</li> <li>▪ For the Pfluger Tract, SoDo, and the Western Gateway Sub-districts, refer to Section 4.2 and 4.3 for the maximum impervious cover requirements for the respective base zoning districts.</li> </ul>  |
| Minimum Dwelling Unit area  | Refer to Section 4.2 and 4.3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Unit Mix Required           | Refer to Section 4.2 and 4.3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Maximum Units per Structure | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Density<br>(units per acre) | <p>Minimum – Refer to Base District</p> <p>Maximum – 45 units per acre</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <p>Single Family District<br/>Adjacency Vegetative<br/>Bufferyard<br/>(See Subchapter 11)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Downtown Core Sub-district - N/A</p> <p>(Pfluger Tract, SoDo, and Western Gateway Sub-district – Refer to Base District)</p> |
| <p>Footnote:</p> <ol style="list-style-type: none"> <li>1. Building Setback Encroachments. The following are permitted in required building setbacks provided that they comply with all other standards of this and other applicable codes: <ol style="list-style-type: none"> <li>a. Driveways and vehicular use areas.</li> <li>b. Fences and walls in conformance with Subchapter 11.</li> <li>c. Stairways, balconies, covered porches, mechanical equipment, bay or box windows or other building extensions approved by the Planning Director that do not intrude more than six (6) feet into the rear or street setback, provided they remain outside of all easements and out of all sight triangles.</li> <li>d. An uncovered deck may be located no closer than five (5) feet to a rear or side property line, provided the deck remains outside of all easements.</li> <li>e. With the exception of the provision listed above every part of a required setback or court shall be open from its lowest point vertically to the sky, unobstructed, except for the ordinary projections of sills, belt courses, cornices, chimneys, buttresses, ornamental features, and eaves.</li> <li>f. Improvements, signs, and landscaping within sight triangles that do not exceed 36 inches in height.</li> <li>g. Rain barrels, cisterns and solar panels may be no closer than 2 feet from the property line.</li> <li>h. Small wind energy systems with all appurtenances shall be setback at least 10 feet from all lot lines with exception that no part of the system shall be allowed in a required front or side street yard setback.</li> </ol> </li> </ol> |                                                                                                                                 |

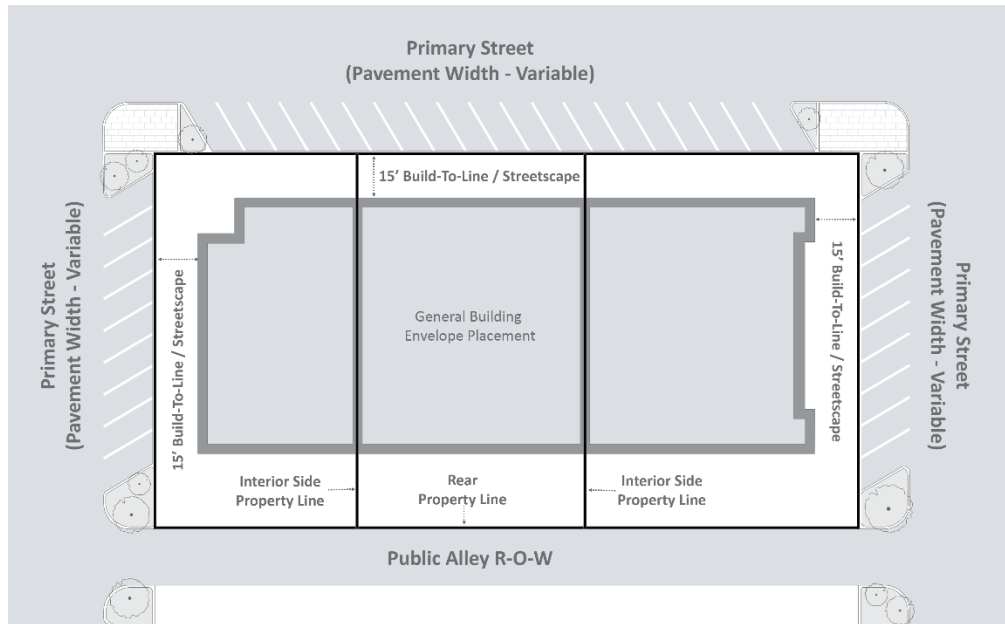
3. Build-To-Line Standards on Primary Streets.

- a. Primary Streets. A Build-To-Line shall be provided along all Primary Streets, listed and shown in the map below, in order to create an uninterrupted sequence of buildings, a consistent streetscape yard and on-street parking pattern.

| <b>Table D.3. Primary Street Segments – 15' Build-to-Line Requirement</b> |                                                                                                                                                                  |                                                       |
|---------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <b>Primary Street</b>                                                     | <b>From</b>                                                                                                                                                      | <b>To</b>                                             |
| Main Street                                                               | Western-most extent of Main Street generally located at 5 <sup>th</sup> Street, and any western extension thereof                                                | North Railroad Ave, and any eastern extension thereof |
| North 1 <sup>st</sup> Street                                              | West Wilbarger Street (Between W. Wilbarger and W. Walnut Street, only the east side of North 1 <sup>st</sup> Street shall have a 15' build-to-line requirement) | Pecan Street                                          |
| North 2 <sup>nd</sup> Street                                              | Alley immediately north of Main Street                                                                                                                           | Pecan Street                                          |
| North 3 <sup>rd</sup> Street                                              | Alley immediately north of Main Street                                                                                                                           | Pecan Street                                          |
| North 4 <sup>th</sup> Street                                              | Alley immediately north of Main Street                                                                                                                           | Pecan Street                                          |
| Railroad Avenue                                                           | Northern boundary of the Downtown District Overlay                                                                                                               | East Pfluger Street                                   |
| <b>Primary Street Segments – 25' Build-to-Line Requirement</b>            |                                                                                                                                                                  |                                                       |
| West Pecan Street                                                         | Western-most boundary of the Downtown Core approximately 80' west of the intersection of South 5 <sup>th</sup> Street                                            | 1 <sup>st</sup> Street                                |
| East Pecan Street                                                         | 1st Street                                                                                                                                                       | F.M. 685                                              |



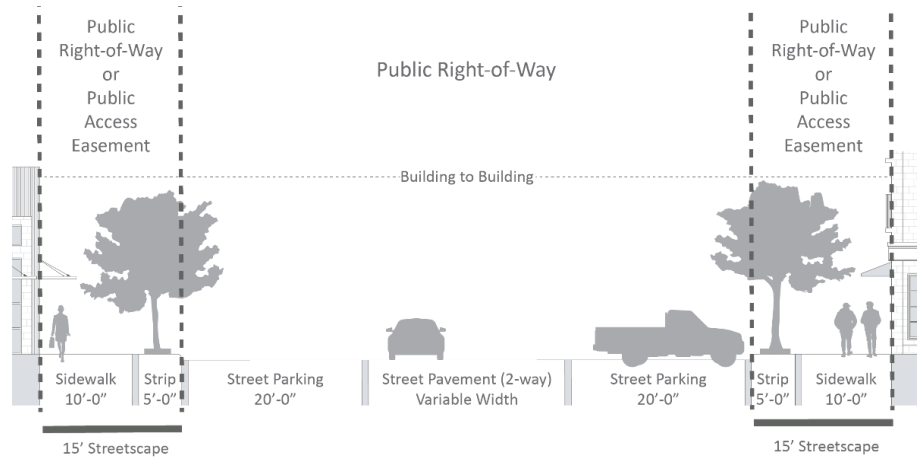
- b. A Build-To-Line requirement shall govern the placement of new buildings on a site, whereby buildings shall be built generally 15' from the front and side street property lines or 15' measured perpendicularly from the on-street parking, whichever is less distance from the property line. At the discretion of the Planning Director, the Build-to-Line may be extended up to 25' perpendicularly from the on-street parking to accommodate taller buildings more suited for a larger streetscape yard or in cases where public, plaza or pedestrian spaces have been integrated into the streetscape yard. For lots fronting Pecan Street, a 25' Build-to-Line shall be required measured perpendicularly from the property line abutting Pecan Street right-of-way.



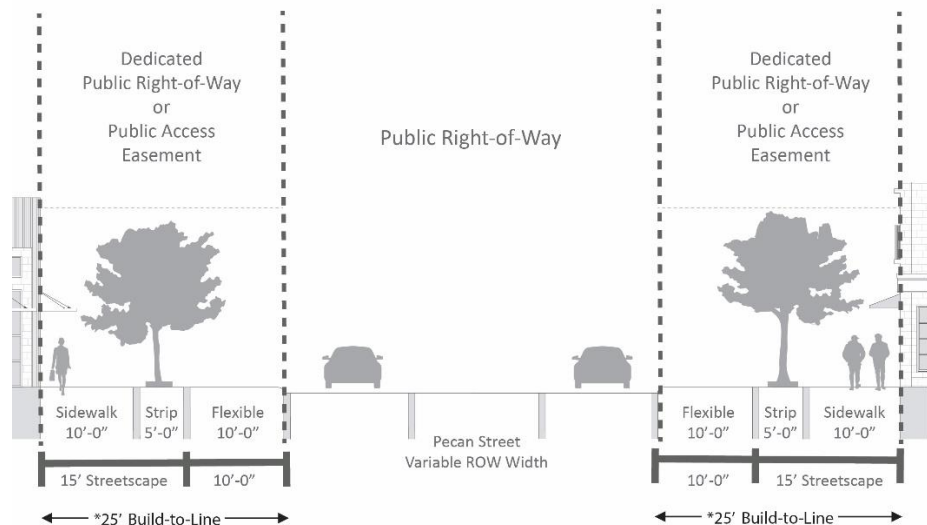
- c. In the Downtown Core Sub-district, the new non-residential and multi-family buildings shall extend a minimum of 70% of the lot's street frontage along Primary Streets.



- d. This Build-To-Line shall be established based on the following criteria:
- i. Variable street pavement widths
  - ii. On-street 60-degree angled parking comprising twenty feet measured perpendicular from the edge of street pavement or parallel parking. The on-street parking requirement shall not apply to Pecan Street. (On-street parking shall be situated within the public right-of-way. When a site redevelops, additional right-of-way dedication to accommodate the required on-street parking shall be required in the event the existing street cross section is insufficient.)
  - iii. 15' streetscape yards to include a 15' sidewalk of which five feet is designated for benches, street trees, landscape planters, trash containers, and other street furniture. The sidewalk shall be situated within the public right-of-way or a public access easement. When there are existing physical constraints, the Planning Director may allow for reduced sidewalk widths; however, at no time shall the sidewalk be reduced to less than 6' in width, and streetscaping shall still be required.



- iv. For lots fronting Pecan Street, 25' build-to-line requirement shall be provided to include a 15' streetscape yard with minimum 15' sidewalk of which five feet is designated for benches, street trees, landscape planters, trash containers and other street furniture. Such 15' streetscape yard shall be situated 10' from the property line abutting Pecan Street right-of-way. The remainder 10' is intended for right-of-way reservation and may be utilized as additional landscape and pedestrian area between the street pavement and the 15' sidewalk. If the sidewalk is not situated within the public right-of-way, it shall be situated within a public access easement. When it has been determined that no additional right-of-way is required along such Pecan Street segment, the Planning Director may allow for a reduced 15' build-to-line requirement to ensure continuity of the streetscape aesthetic intent is maintained.



\*25' Build-to-Line measured from front property line prior to additional public right-of-way dedication.



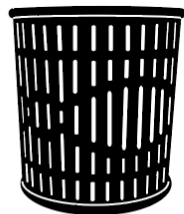
e. Street Furniture

- i. For new development and redevelopment along Build-to-Line streets, benches shall be installed within the streetscape yard at a minimum rate of one bench per 100 linear feet of street frontage and shall generally match the standard detail provided below. However, such furniture may be clustered along the street frontage. The required street furniture shall be credited towards satisfying the pedestrian space requirements of the building entrance standards pursuant to Subchapter 9. Also, for any proposed benches to be permanently affixed to the ground within the streetscape yards of existing development sites, such benches shall be painted black and match the standard bench detail.

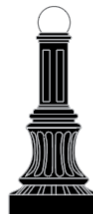


Bench - Painted Black  
Standard Detail

- ii. If trash receptacles or bollards are permanently installed and affixed to the ground within the streetscape yard, such receptacles and bollards shall be painted black and generally match the standard detail provided below.



Trash Receptacle  
Painted Black  
Standard Detail



Bollard  
Painted Black  
Standard Detail

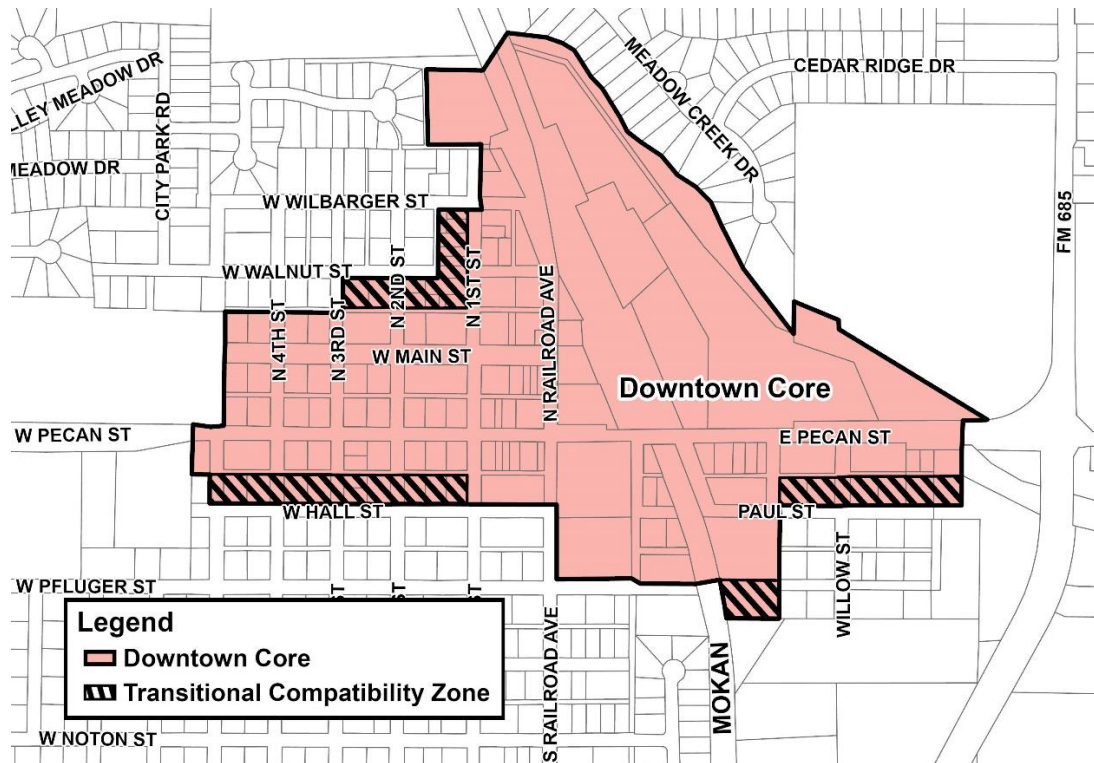
- f. In addition to the administrative discretion of the Planning Director provided within this section, the Planning and Zoning Commission may grant a waiver for alternative build-to-line and streetscaping proposals that do not adhere to the provisions of this section.

E. Stories and Height Regulations – All Development

1. Downtown Core Sub-district. The following stories and height regulations shall apply to the Downtown Core Sub-district.

| <b>Table 4.5.1 D. – Stories &amp; Height Regulations</b><br>Downtown Core Sub-district                                    |                                  |
|---------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Number of Stories                                                                                                         | Minimum – 2 Stories <sup>1</sup> |
| Maximum Building Height                                                                                                   | Max. 60'                         |
| Maximum Building Height<br>(across the street from single-family residential zoning)                                      | Max. 50'                         |
| Maximum Building Height<br>(Adjacent to or across the alley from single-family residential zoning)                        | Max. 38'                         |
| Footnotes:<br>1. Refer to Section E.3 below for applicability and exceptions to the minimum 2-story building requirement. |                                  |

2. Pfluger Tract, South Downtown, and Western Gateway Sub-districts. New development within the Pfluger Tract, South Downtown, and Western Gateway Sub-districts shall observe the same maximum building heights and building height setbacks with the respective base zoning requirements.
3. Minimum 2-Story Buildings in Downtown Core Sub-district. New development and redevelopment of existing sites shall require new buildings to be a minimum of 2-stories. However, the minimum 2-story building requirement shall not apply in the following scenarios:
  - a. Development within the Transitional Compatibility Zone.
  - b. Additions to existing 1-story buildings built prior to 1960.
  - c. Additions to existing 1-story buildings built in 1960 or later, provided the expansion does not increase the total gross floor area of the building by fifty percent (50%).
  - d. Additions to existing multi-story buildings where such expansion does not exceed 1,000 S.F.
  - e. New accessory buildings.



#### F. Architectural, Site Design, and Layout Provisions

Architectural, site design, and layout provisions pursuant to Subchapter 9, Section 9.9 shall apply to the Downtown District Overlay in the following situations, as applicable:

1. New Development;
2. Exterior building renovations or additions; or
3. Change in use from residential to non-residential where a pedestrian space shall be provided pursuant to the building entrance standards in Subchapter 9.

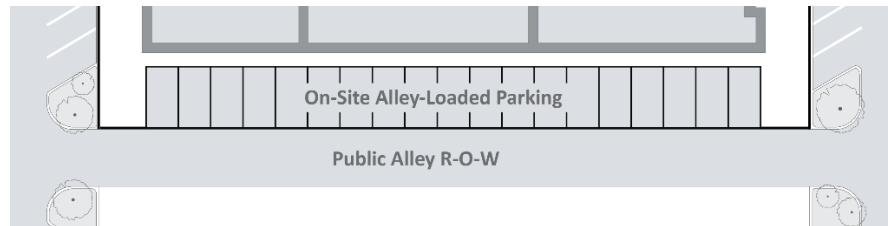
#### G. Parking, Mobility, and Circulation Standards

1. Applicability. Parking, mobility, and circulation standards pursuant to Subchapter 10, except as provided in this section, shall apply to the Downtown District Overlay.
2. Residential Parking. Residential development shall comply with Subchapter 10.
3. Downtown Core Sub-District Parking. New non-residential development shall provide for the required parking ratios pursuant to Table 10.4.6 Required Parking. However, in order to effectively implement a more effective shared public parking program and reduce the number of exclusive on-site parking spaces, new non-residential development shall provide for the following:
  - a. Off-Site Parking. With the exception of structured parking, at least 50 percent of the minimum number of required spaces for a development shall be provided off-site. Off-site parking shall be provided in the following order to satisfy the minimum number of parking spaces:

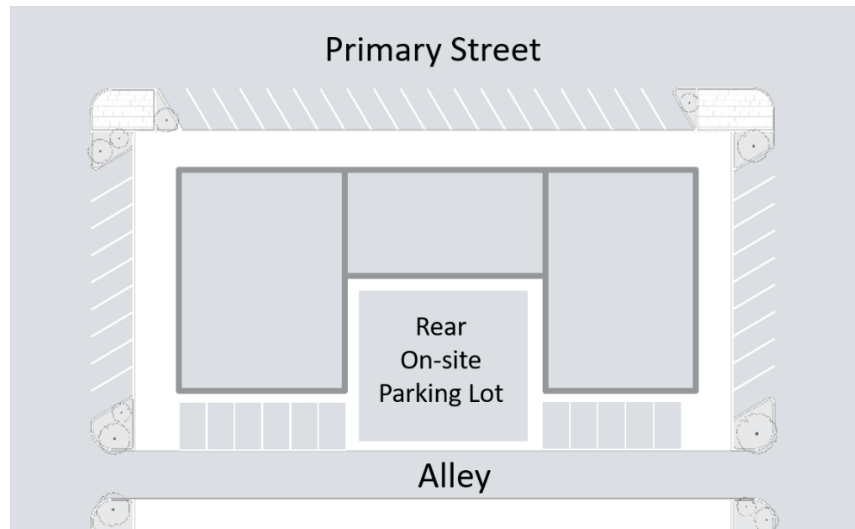
- i. On-street parking spaces in the improved right-of-way abutting the site.
- ii. Additional on-street parking spaces constructed in the right-of-way within 500 feet of the site measured from the property lines, generally within two street blocks.
- iii. Shared or public parking surface lots or structured parking within 500 feet of the site measured from the property lines, generally within two street blocks.

b. Types of Permitted Parking

- i. 60 degree angled, street right-of-way parking
- ii. Striped parallel parking within the street right-of-way, at the discretion of the City Engineer.
- iii. Alley-loaded, on-site parking shall be 90-degree angled parking. Since the existing alley cross section is 20 feet in width, alley loaded parking dimensions shall be increased to 9x21, to allow for more effective vehicular maneuverability through the 2-way alley.

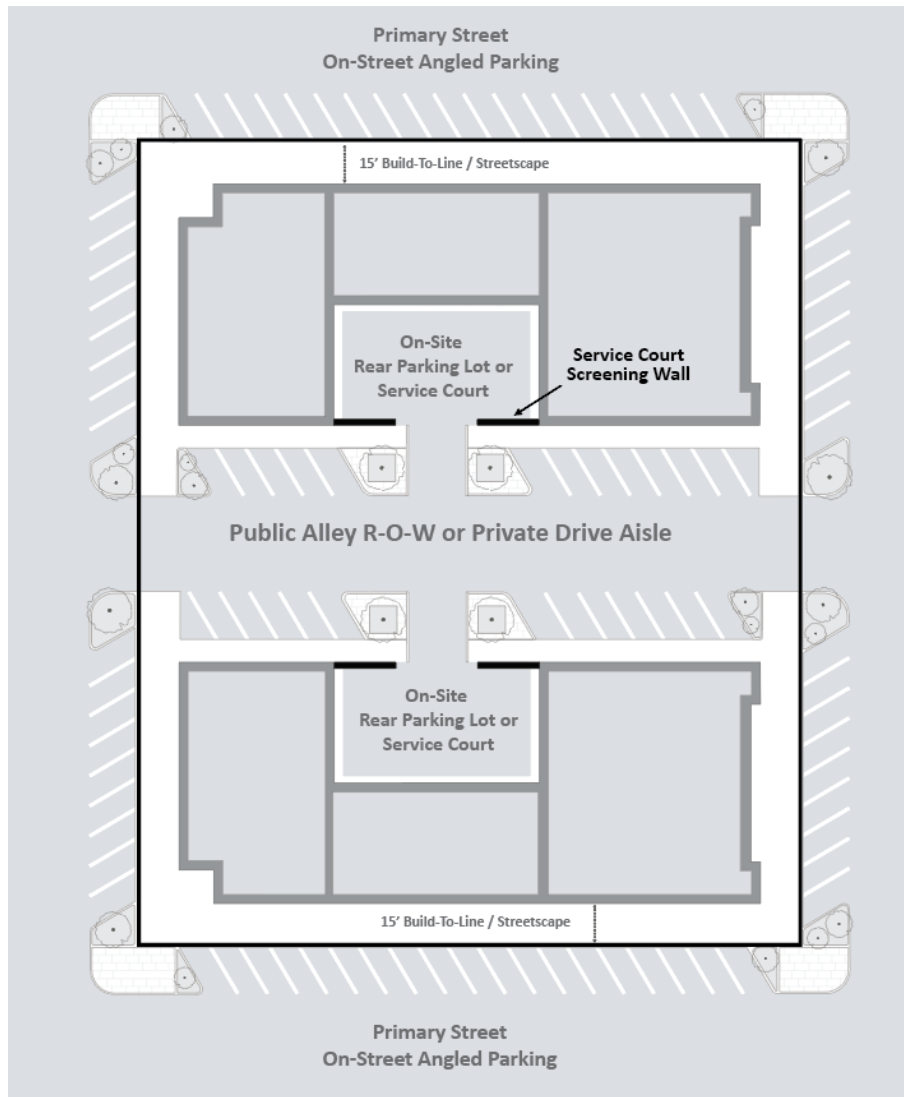


- iv. The construction of new on-site surface parking shall located to rear of the lot and shall not to exceed 50% of the lot area.



- v. Structured parking

4. Existing non-conforming parking conditions in the Downtown Core Sub-district shall be required to come into compliance in accordance with Section G.3. in the following scenarios:
  - a. New non-residential development is proposed;
  - b. When non-residential interior or exterior renovations, or a combination thereof, with an estimated value of \$50,000 or more are proposed;
  - c. When a building addition of an existing building is proposed and where such expansion increases the building's Gross Floor Area by 1,000 S.F. or more;
  - d. When building addition(s) of an existing building are proposed and where such expansion(s) increases the building's Gross Floor Area by fifty percent (50%) or more over a ten (10) year period;
  - e. When there is a change in use from residential to non-residential;
  - f. When the construction of new parking is proposed on-site;
  - g. When a reduction in the existing on-site parking is proposed; or
  - h. When a lawfully established nonconforming use specifically prohibited in the Downtown District Overlay is expanded, discontinued, or otherwise changed in accordance with Subchapter 8.
5. Parking Orientation and Setbacks
  - a. No on-site parking shall be situated between the buildings and the public right-of-way along Primary Streets.
  - b. On-site parking shall be oriented to the rear of the lot. However, when a lot has frontage on more than one Primary Street and orientation to the rear is unattainable, on-site parking should be oriented to the lesser classification roadway and may be located to the side of the lot. However, in no case shall, an on-site parking lot be oriented to the front along Pecan Street, Main Street, and Railroad Avenue.
  - c. When a lot has double frontage on two Primary Streets, running generally parallel to each other, on-site parking shall be oriented to the center of the lot with liner buildings around the perimeter of the lot. In this scenario, the developer may choose to subdivide the lot so that a public alley or private drive aisle is incorporated into the site design which may provide for rear parking and access to screened service courts.



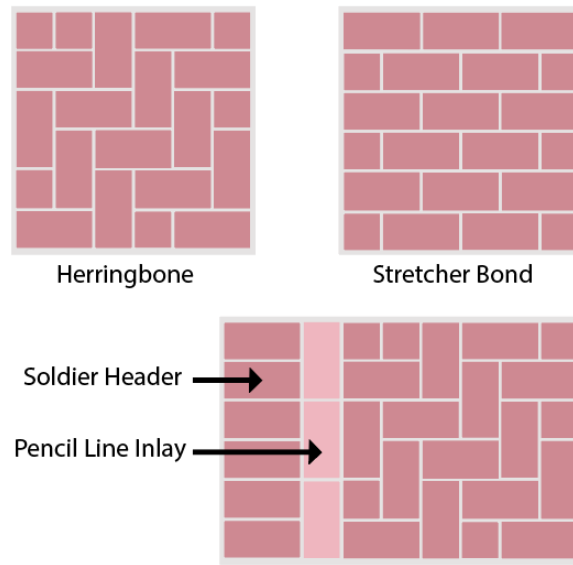
- d. On-site parking shall not be situated between the buildings and the public right-of-way along Dessau Road and F.M. 685.

## 6. Pedestrian Access and Circulation

### a. 15-Foot Sidewalk along Primary Streets

- i. Fifteen-foot sidewalks shall be constructed along Primary Streets within Downtown District Overlay pursuant to Section D.3. When there are existing physical constraints, the Planning Director may allow for reduced sidewalk widths; however, at no time shall the sidewalk be reduced to less than 6' in width.
- ii. Decorative, brick pattern pavement shall be located at street intersections, building entrances, plazas, "furniture strip" and other outdoor pedestrian spaces. The enhanced paving used in sidewalk applications shall be removable modular type "block paver" or stamped concrete, with warm earth tones. The brick pattern shall be "Herringbone" or "Stretcher Bond". When there is an existing brick pattern on-site, that pattern shall be utilized for continuity.

#### Brick Pattern Pavement



- iii. The landscape / street furniture strip along Primary Streets of the Downtown District Overlay shall be five feet in width. This space, between the curb and the sidewalk, may contain turf, trees, other landscaping elements, or street furniture.
  - b. Sidewalks shall be provided along all other streets not classified as a Primary Street per Section D.3 in accordance with Subchapter 10.
  - c. Pedestrian walkways shall connect to any existing adjacent walkway that abuts a shared property line.
  - d. Vehicular and pedestrian traffic shall be separated with barriers such as low shrubbery, berms, fences, walls, gates, bollards, curbs and other similar design elements in order to minimize vehicle and pedestrian conflicts. (The Planning Director shall have the authority to discern which barrier is necessary.)
7. Vehicular Access and Circulation
- a. Alleys
    - i. For sites abutting an alley, primary vehicular access shall be from the alley.
    - ii. Alley crosswalks at street intersections shall be composed of enhanced stamped, concrete or asphalt, paving in earth-tone brick patterns. The brick pattern shall be “Herringbone” or “Stretcher Bond”.
  - b. Driveways
    - i. On Primary Streets, the construction of new driveways shall be prohibited within the Downtown District Overlay, with the exception of the Pfluger Tract and the SoDo Sub-districts. The Planning Director may waive this prohibition in circumstances where physical access is unavailable through another means, or such access is required by the Fire Code. The resubdivision of property

shall not be considered a physical hardship of which additional access may be granted.

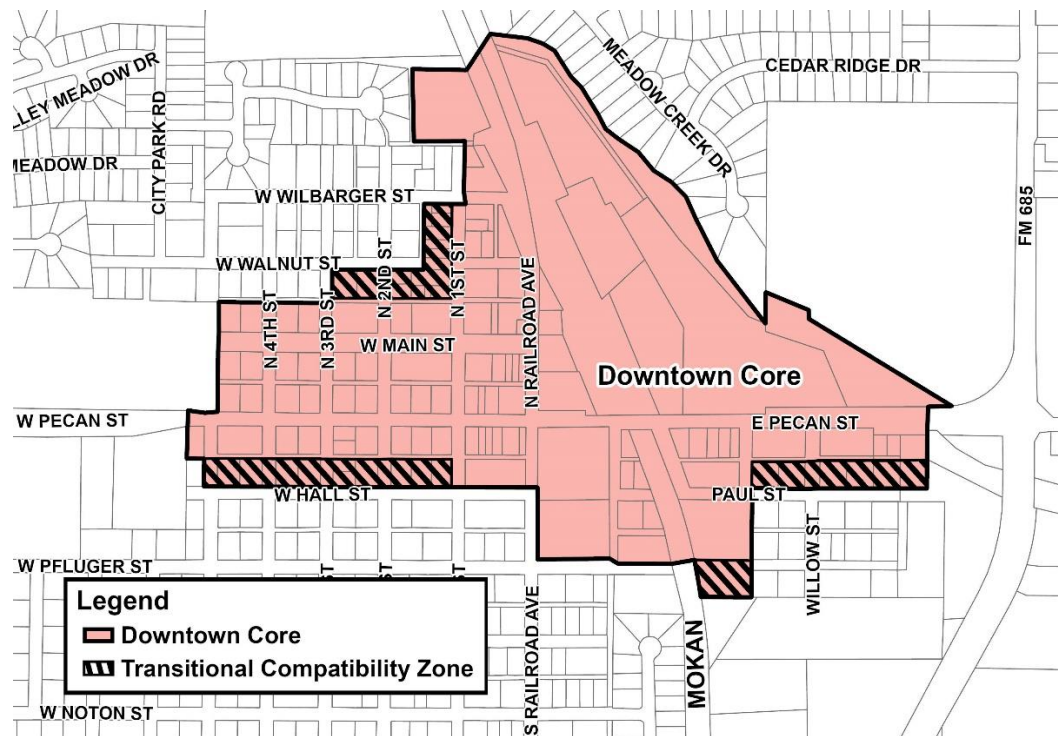
- ii. The number of driveways shall be minimized through the use of shared driveways.
- iii. Driveways shall not be more than 25 feet in width, with the exception of driveways directly serving structured parking but shall in no case exceed 40'.
- iv. On a local street, no driveway is permitted closer than 30 feet to a corner, measured edge to edge, unless lot dimensions prohibit such spacing.
- v. Driveway aisle crosswalks at street intersections shall be composed of enhanced stamped, concrete or asphalt, paving in earth-tone brick patterns. The brick pattern shall be "Herringbone" or "Stretcher Bond".

#### H. Landscaping and Screening Standards

1. Applicability. Landscaping and screening standards pursuant to Subchapter 11 shall apply to the Downtown District Overlay in the following situations, as applicable, and except as provided herein.
  - a. New Development;
  - b. When there is a change in use from residential to non-residential; or
  - c. When a lawfully established nonconforming use specifically prohibited in the Downtown District Overlay is expanded, discontinued, or otherwise changed in accordance with Subchapter 8.
2. Minimum Required Landscaping Applicability
  - a. The Pfluger Tract, South Downtown (SoDo), and the Western Gateway Sub-districts shall be governed under their respective base zoning landscaping requirements per Subchapter 11.
  - b. The minimum landscaping requirements for single-family detached, single-family attached (townhomes), duplexes, and condominiums with similar building forms shall be provided pursuant to Subchapter 11.
  - c. For master planned urban developments in the Downtown District Overlay, the required landscape percentage and plantings may be achieved by clustered landscaped areas within the development that is inclusive of the total requirements for all lots within the development through a Unified Development Agreement. The required landscape plantings may be reduced in order to allow for functional open space provided the streetscape yard, building foundation planting, parking lot landscaping, screening, and bufferyard requirements are met, at the discretion of the Planning Director.

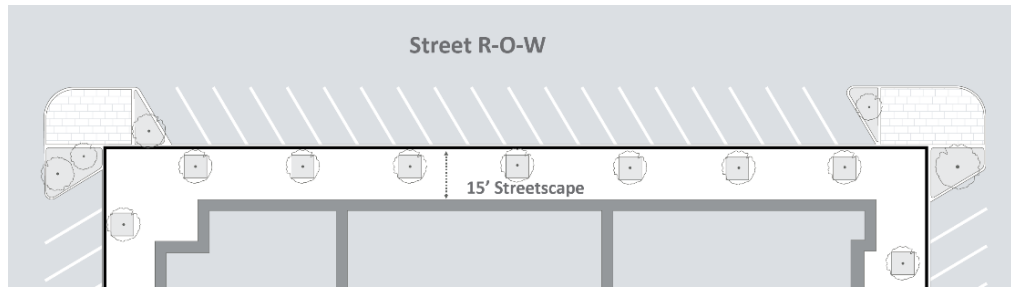


| Landscape Area and Minimum Planting Requirements |                                                        |                                                                                                                                                    |
|--------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| District                                         | Percent of lot Landscaped                              | Required Trees (3" Caliper) and Shrubs (3-Gallon) in landscape area                                                                                |
| Downtown Core Sub-District*                      | N/A                                                    | Refer to Subchapter 11 for additional requirements relating to streetscape yard, building foundation, and surface parking landscaping requirements |
| *Downtown Core – Transitional Compatibility Zone | Base District Standards Apply – Refer to Subchapter 11 | Base District Standards Apply – Refer to Subchapter 11                                                                                             |



### 3. Streetscape Yard Standards

- a. Tree wells shall be provided within the 15' streetscape yards along Primary Streets per Section D.3, whereby a medium or large tree (Type A or B) shall be planted for every 30 linear feet of street frontage. Tree wells shall be equipped with electrical outlets. When overhead utilities are present, one small tree (Type C) shall be planted every 20 linear feet of street frontage, and where the clustering of such trees is highly recommended. The Planning Director may approve an alternative streetscape yard design provided the aesthetic intent is maintained.



- b. If trees are planted within the public right-of-way, irrigation shall be provided by the abutting property owner or a property owner's association; whereby a license agreement with the City shall be required.
- c. Street trees planted within the public right-of-way shall be of a hardwood, native species (e.g., Cedar Elm, Red Oak, Mexican White Oak, etc.) with deep root systems with proper irrigation. The species, the required impervious area to support street trees and the method by which they are planted and irrigated within the public right-of-way shall be at the full discretion of the City.

#### 4. Building Foundation Landscaping

- a. Building foundation plantings within the 15' streetscape yards along Primary Streets per Section D.3, or a similar design concept may be satisfied by the clustering of such plantings within architectural planters or other comparable means.

#### I. Tree Preservation Standards

The tree preservation standards of Subchapter 12 shall apply to the Downtown District Overlay.

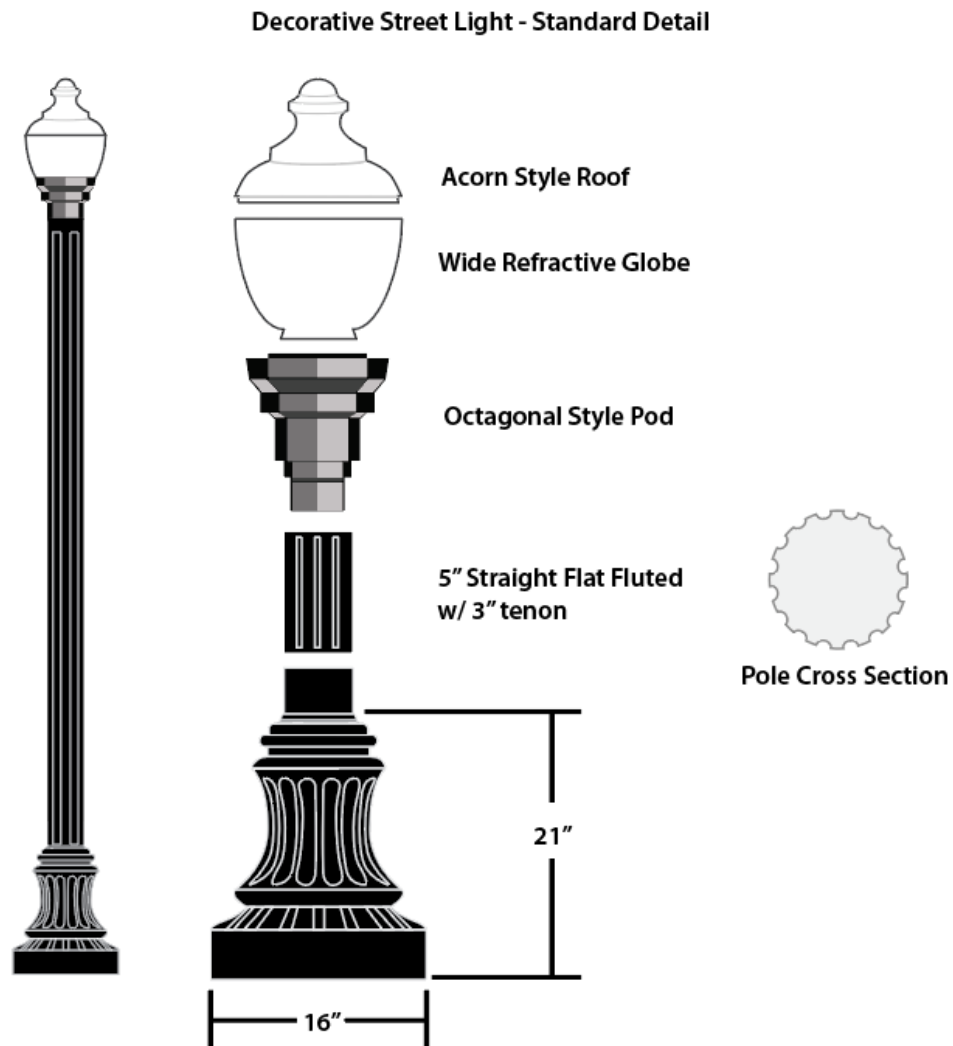
#### J. Exterior Lighting Standards

New development within the Downtown District Overlay shall comply with Subchapter 13, except as provided below:

##### 1. Street and Streetscape Lighting.

- a. At minimum, street lights shall be provided at each street and alley intersection and at intervals not to exceed 50 linear feet along Primary Streets per Section D.3.
- b. Electrical outlets shall be provided at the base of each street light pole.
- c. Poles shall be made of cast iron, painted steel or aluminum, and shall be painted black with a matte finish to match existing street lights on Main Street. Poles made of concrete, fiberglass, and wood are prohibited. Lights mounted on wooden utility poles are prohibited.
- d. The placement of light fixtures shall be coordinated with tree locations to prevent tree canopies from interfering with the proper distribution and level of lighting.
- e. Light poles shall be set back a minimum of two feet from parking stalls.
- f. Light poles shall be located within the public right-of-way or streetscape yard so that they do not impede pedestrian traffic.

- g. The installation of new street lights provided within the public right-of-way or pedestrian scale pole lighting within the streetscape yard shall be consistent with the pole and fixture type as described in the decorative street light detail provided below.



2. On-Site Pole Lighting. On-site pole lighting shall meet the same design criteria of street lighting as provided in subsection 1, immediately above.

#### K. Public Parkland Standards

New development within the Downtown District Overlay shall comply with Subchapter 14. At the discretion of the Planning Director and the Parks and Recreation Director, enhancements to the streetscape within the public right-of-way may receive credit for the Park Development Fee, provided such improvements are not considered required by

another provision of the Code (i.e., Aesthetic improvements such as additional brick paving above the minimum requirements in lieu of concrete paving may be considered; however, credit shall only be applied to the increased cost of the upgraded, decorative material).

L. Subdivision Process

The subdivision standards of Subchapter 15 shall apply to the Downtown District Overlay; however, the maximum block length shall be 600 linear feet.

M. Definitions: See Subchapter 20 Definitions

N. Miscellaneous Technical Manuals

1. Engineering Design Manual
2. Tree Technical Manual
3. Parks Development Manual