

ORDINANCE NO. 2004- 13

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, BY PROVIDING FOR THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1: That Article 5-A titled Planned Development District (PD) be added as a supplement to read as follows:

ARTICLE 5-A

PLANNED DEVELOPMENT DISTRICT (PD)

SECTION 5-A-1. PURPOSE.

The Planned Development District, "PD" prefix, is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations, and to permit growth flexibility in the use and design of land and buildings such as office commercial centers, industrial parks, residential developments with multiple or mixed housing types, and to permit new and innovative concepts in land utilization.

After a public hearing has been convened and proper notice to all the affected property owners has been made in accordance with Article 18-5 of the Ordinance, and after a recommendation by the Planning and Zoning Commission has been submitted, the City Council may authorize the creation of a (PD) Planned Development District on:

- a. Residential developments on tracts of three (3) acres or more; or
- b. Mixed use developments on tracts of two (2) acres or more.

SECTION 5-A-2. PERMITTED USES.

Any use shall be permitted if such use is specified in the ordinance granting a (PD) Planned Development District. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this Ordinance.

SECTION 5-A-3. DEVELOPMENT REQUIREMENTS.

- a. Development requirements for each separate (PD) district shall be set forth in the amending ordinance granting the (PD) district and may include, but not be limited to, uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, and other requirements as the City Council and the Planning and Zoning Commission may consider to be appropriate.
- b. All (PD) Planned Development Districts must have a sidewalk plan as a part of the granting ordinance.
- c. The following point system is established as a guide for those (PD) development districts that deviate from a standard density found in the Canton Zoning Ordinance. See Table 1.

TABLE 1.

10,000 sq. ft. **Base** Lot Density

1,000 points = 1,000 sq. ft. off Base Square Footage

4,000 sq. ft. **Minimum** Lot Density

Parks:

4% of total development = 750 points

6% of total development = 1500 points

8% of total development = 2000 points

Park Equipment:

Tennis Court = 500 points

Basketball Court = 500 points

Baseball and/or Soccer Field = 500 points

Home Upgrades:

40 sq. ft. covered front porch = 200 points

80 sq. ft. covered front porch = 500 points

Roof Pitch Over 6/12 Min. 3 Elevations = 100 points

Front Gables = 100 points

Landscaping Plan and One Hardwood Tree 4" Caliper or Larger = 150 points

Note: These deductions are per development phase, with a maximum of three (3) phases per (PD) qualifying for a deduction. This does not limit the phases in any given (PD).

Development Upgrades:

Mid-Block Mailbox Center = 100 points

Brick and/or Stone Main Entryway = 150 points

Example:

6% for Parks	1500
2 Tennis Courts (500 each)	1000
1 Basketball Court	500
60 sq. ft. Front Porches in 3 phases (200 each)	<u>600</u>
Total	3600 points

10,000 sq. ft. base lot size
3,600 less deduction points
6,400 sq. ft. minimum lot size

- d. The (PD) Planned Development District shall conform to all other sections of the Ordinance unless specifically excluded in the granting ordinance.
- e. In establishing a (PD) Planned Development District in accordance with this section, the City Council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each (PD) Planned Development District. During the review and public hearing process, the Planning and Zoning Commission and City Council shall require a conceptual plan and/or a development plan (or a detailed site plan).

1. **Conceptual Plan.** This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed (PD) Planned Development District in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
2. A conceptual plan for residential land use shall show general use, thoroughfare and preliminary lot arrangements. For a residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of the buildings and the building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas and other pertinent development data.
3. **Nonresidential Concept Plan.** A concept plan shall be submitted with any nonresidential (PD) zoning request, and shall clearly show pertinent aspects of the type and nature of the proposed development. The concept plan shall show the types of use(s) proposed, access, topography and boundaries of the (PD) area, existing physical features of the site, existing and proposed streets, alleys, easements and lot lines, location of existing or proposed public facilities, building heights and locations, parking areas and ratios, fire lanes, screening and landscaped areas, project phasing and scheduling, and other pertinent development data to adequately describe the proposed development.
4. A detailed site plan shall be submitted for approval (in accordance with Article 17 of this Ordinance) within one (1) year from the approval of the concept plan for all or some portion or phase of the planned development covered by the overall concept plan. If a detailed site plan is not submitted within one (1) year, then the concept plan may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity. If the City determines that the concept plan is no longer valid or that the proposed development is no longer viable, then a new concept plan (along with a zoning application to amend the (PD) ordinance and its

accompanying concept plan) must be submitted for review and approval prior to detailed site plan review/approval for any portion of the (PD) District.

- f. Every structure must contain a minimum of 50% brick and/or stone on all exterior elevations.

SECTION 5-A-4. APPROVAL PROCESS AND PROCEDURE.

- a. The procedure for establishing a (PD) Planned Development Zoning District shall follow the procedures for zoning amendments as set forth in Section 18-5 of this Ordinance. This procedure shall be expanded to include consideration and approval or denial of the concept plan and/or the detailed site plan or preliminary plat for a residential (PD), which is submitted along with the (PD) zoning request application. The public hearings conducted for, and the subsequent actions taken upon the (PD) zoning request shall also include the accompanying concept plan and/or detailed site plan/preliminary plat.
- b. The ordinance establishing the (PD) Planned Development Zoning District shall not be approved or adopted until the accompanying concept plan and/or a detailed site plan and/or a preliminary plat is recommended by the Planning and Zoning Commission and approved by the City Council, and until all other procedural requirements set forth in Sections 17-5 and 18-5 are satisfied.
- c. All Planned Development Zoning Districts (PD) approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning Map, and a list of such (PD) Planned Development District, showing the uses permitted and any other special stipulations of each (PD) district, shall be maintained as part of this Ordinance.

SECTION 2. VIOLATION AND PENALTY

Any violation of this Ordinance shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the provisions of this Ordinance shall be a fine not to exceed Two Hundred and no/100 (\$200.00) Dollars.

SECTION 3. REPEAL OF CONFLICTING ORDINANCE

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

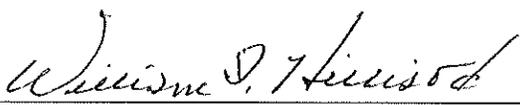
SECTION 4. SEVERABILITY CLAUSE

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not effect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 5. EFFECTIVE DATE

The City Manger of the City of Canton is hereby authorized and directed to cause a true and correct copy of the caption, penalties, and effective date of this ordinance to be published in a newspaper having general circulation in the City of Canton, Texas prior to its effective date. Following the publication, this ordinance shall be in full force and effect.

PASSED by a majority vote of the City Council of Canton, Texas, on this the 15th day of June, 2004, to attest which we hereunto set our hands and seal.



WILLIAM F. HILLIARD, Mayor

ATTEST:



JULIE H. JACKSON, City Secretary