

ORDINANCE NO. 2015-13

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, TO AMEND THE ALLOWED USES AND OTHER ATTRIBUTES OF THE GATEWAY DISTRICT ZONING; 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.

WHEREAS, the Planning and Zoning Commission of the City of Canton and the City Council of the City of Canton, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notice by publication; and

WHEREAS, the City Council of the City of Canton is of the opinion and finds the 1985 Zoning Ordinance should be amended;

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

SECTION 1. AMENDMENT

ARTICLE 10-B. GATEWAY DISTRICT (GD)

Sec. 10B-1. PURPOSE.

The intent of the creation of the Gateway District is to provide support for the development of a **unified** area with a distinct identity as a *mixed-use* development within the City of Canton. It is intended to approve the aesthetics of the area as well as aide in the new development of the Corridor.

Sec. 10B-2. ATTRIBUTES OF THE GATEWAY DISTRICT.

1. Land Use

- a. The chart below is a summary of uses that are permitted in the Gateway District by right.

ALLOWED USES	SPECIAL CRITERIA
Single Family Detached	R1 Standard or Planned Development
Church/Civic Use	
Financial Institutions	Banks and credit unions only

Medical Clinic	
Personal Service Establishment	No drive through facilities
Professional Office	Without Retail Services, Limit to 3,000 S.F.
Professional Services	
Light Retail	No drive through facilities
Antique Shops	All outdoor displays must be contained within footprint of building
Art Galleries	
Photography Studios	
Existing non-conforming land use	

2. The chart below is a summary of uses that are permitted in the Gateway District with a Specific Use Permit.

Single family living quarters to be located above a commercial business for primary owner only (no rentals)
Restaurants, Conventional
Bed & Breakfast

3. Development Standards

- a. Parking shall conform to the ordinances of the City of Canton and NCTCOG Specifications.
- b. Utilities for new construction shall be underground.
- c. Density Issues
 - 1) Site Area: 10,000 square feet, minimum
 - 2) Lot Width: 75 foot minimum
 - 3) Front Yard: 25 feet
 - 4) Rear: 15 feet

- 5) Side: 15 feet
- 6) Maximum Height: 2 stories/35 feet high for buildings and not to exceed a 12:12 roof pitch
- 7) Building Separation: 10 feet
- 8) Maximum Lot Coverage: 50%
- 9) Setbacks (side & rear): allowed with added buffering per Section 8, the setback can be reduced to no less than 5 feet and must comply with Table 602 – 2006 IBC, 10th printing, or as amended in accordance with the City of Canton Building Code

d. Site Layout

Circulation between development sites shall be required in order to provide all development sites with street access and to smooth the flow of traffic both on site and on the public roadways. Joint access easements between development sites shall be required. One curb cut shall be allowed for each 75 feet of frontage, but curb cuts may not be closer than 100 feet centerline to centerline.

e. Landscaping and Streetscaping

- 1) Landscaping. Each lot shall maintain a minimum of 20% of the site in landscaping. However, the amount of landscaping may be reduced by 120 s.f. for each additional 3-inch caliper tree which is planted. However, in no case shall the landscape area be less than 15% of the site area. This does not include the trees that are required for parking areas or streetscaping. One tree shall be provided for each 5 parking spaces within the parking lot area. Irrigation must be supplied for all landscaping.
- 2) Streetscaping. A minimum of 1 tree shall be planted for each 40 linear feet of frontage. A minimum of 50% must be large trees as defined below. The minimum caliper for street trees shall be 3-inches. All trees shall be a species approved by the City of Canton's approved plant list. All trees shall be placed between the roadway curb line and the parking area or front building line; however trees shall not be planted closer than 10 feet to the curb line.
- 3) Maintenance. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.

a) All plant materials shall be planted according to industry standards, using acceptable topsoil and automatically controlled and permanent irrigation systems with a weather station.

4) Sidewalks. Sidewalks shall be placed on both sides of the street in accordance with Texas Department of Transportation's standards.

5) Screening. See screening requirements in ordinance regulating Minimum Exterior Standards.

4. Accessory structures permitted

Garages, storage rooms and other structures which are customarily incidental to the principal structure are permitted, subject to any City of Canton ordinance regarding minimum exterior standards for such structures. All accessory structures shall conform to the exterior façade of the main building and shall be located behind the main structure with limited visual presence to roadway.

5. Architectural Standards

a. Materials

1) 80% stone, brick, hardiplank, and stucco

2) A maximum of 20% vinyl

3) A maximum of 20% EFIS-synthetic stucco may be used for architectural accent only

b. Design

1) Each building (new construction) must contain a minimum of 2 roof pitches or 2 roof elevations. Window articulation and character detail is encouraged.

2) No structure shall have balcony or veranda facing the roadway.

6. Signage

Signs shall not obstruct the visibility of traffic entering or leaving the public roadway.

Only monument signs will be allowed as follows:

a. Maximum width of 10 feet, including total structure

- b. Maximum height of 10 feet. A series of contiguous properties may combine signage and square foot into a single monument sign. However each individual property would not be allowed their own individual monument sign in addition to the combined sign. Signs must be spaced a minimum of 75 feet apart and 25 feet from another lot. Wall signs may be placed on the building and shall not exceed 5% of the total area of the elevation.

Monument signs are free standing signs located adjacent to the sidewalk independent of the building. Monument signs shall be set onto a base present a solid, attractive and well-proportioned appearance that complements the building design and materials. Monument signs are not visibly supported by poles or posts. They are attached directly to the ground and do not exceed ten feet in height measured from the adjacent existing grade and zero feet from the R.O.W. All signs shall be engineered to 2006 IBC or the edition then being used by the City of Canton.

- d. Prohibited signs are as follows:
 - 1) Single pole signs
 - 2) Portable signs
 - 3) Window signs and painted signs
 - 4) Billboards
 - 5) Banners - except for 15-day grand opening
 - 6) Feather signs

7. Review Process

Site plan shall conform to the standards of the City of Canton Subdivision Ordinance.

- a. Landscape Plan shall be included with Site Plan drawn to scale no smaller than 1:30' as per Section 6.

8. Buffer Landscaping Materials

- a. Landscape plants shall not include plastic or other artificial materials.
- b. The following minimum plant sizes shall be used:

Landscape Element	Minimum Size at Planting
Shade tree	3 inch caliper, balled and burlapped
Ornamental tree	2 inch caliper, balled and burlapped
Evergreen tree	8 feet in height, balled and burlapped
Shrub	5 gallon container
Perennial/ornamental grass/ground cover	1 gallon container

Notes:

- 1) All calipers are measured six (6) inches above the finish planting grade.
 - 2) Two Root barriers shall be installed for all new trees planted adjacent to existing or proposed sidewalks and paving.
- c. Appropriate plants include, but are not limited to:
- 1) Deciduous trees including: Maple, Oak, Birch, Beech, Linden, Honey Locust, Ash, and Gingko.
 - 2) Deciduous shrubs (shrub like) trees including: Dogwood, Redbud, Flowering Crab, Hawthorn, Magnolia, and Fruit (pear, cherry, plum, peach).
 - 3) Shrubs including: Honeysuckle, Lilac, Cotoneaster, Forsythia, Euonymus, Hydrangea, Privet, and Sumac.
 - 4) Evergreens including: Pine, Fir, spruce, Hemlock, Juniper, and Arborvitae.
 - 5) Xeriscape (landscape method that conserves water through the use of drought-tolerant plants and planting techniques and native plants) is encouraged and the use of appropriate xeriscape materials and methods is recommended.
- d. Existing trees, native vegetation, and rare plants shall be retained wherever possible and may be accepted in lieu of new plantings.
- e. All landscaping shall be designed to consider the site and surrounding properties by addressing sun, shade, and wind for increased energy efficiency.

- f. Deciduous trees shall be the preferred method of providing shade in parking lots and around structures.
- g. Evergreen trees shall be limited to windbreaks, screening, and accent purposes.
- h. A buffer area shall be placed adjacent to the roadway by placing a solid shrub hedge, berm or combination of these. The buffer hedge or berm shall be at least three, but not more than five feet high. In no case shall the slope of a berm exceed 3:1, unless it is being retained on the private property side of the berm. Railroad ties may not be used for retaining. The three-foot high berm shall be used along the frontage as the screening method along the roadway, unless prevented due to unique site conditions. The berm must be at least ten feet from the edge of pavement.

9. Landscape Plan

- a. Boundaries, property lines, and dimensions.
- b. Existing trees and vegetation.
- c. The location and design of areas to be landscaped.
- d. The location and labels for all proposed plants.
- e. Plant lists or schedules with the botanical and common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
- f. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, water features, street furniture, lights and courts or paved areas.
- g. Planting and installation details as necessary to ensure conformance with all required standards.
- h. A copy of the Covenants, Conditions and Restrictions which provides for landscaping and site maintenance.

SECTION 2. REGULATIONS

Each residence and/or business shall meet all other City of Canton ordinances and all, state and federal codes.

SECTION 3. VIOLATION AND PENALTY

Any person, firm or corporation found guilty of violating any of the provisions or terms of this ordinance shall be subject to a fine not to exceed the sum of \$200.00 for each

offense, together with associated costs for prosecution. Each and every day the offense continues shall be deemed to constitute a separate offense. In addition to and cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this Ordinance.

SECTION 4. 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 5. 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 affect 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 6. EFFECTIVE DATE

The City Manager 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 13th day of October, 2015, to attest which we hereunto set our hands and seal.



Lou Ann Everett, Mayor

ATTEST:


Debra Johnson, City Secretary