

ORDINANCE NO. 2590

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM RETAIL DISTRICT (R) TO PLANNED DEVELOPMENT (PD-8) ON PROPERTY LOCATED AT 100 F.M. 148, BEING ALL OF THAT CERTAIN 14.464 ACRE TRACT OF LAND BEING SITUATED IN THE J.C. HALE SURVEY, ABSTRACT NO. 202; AND BEING THE SAME LAND CONVEYED TO THE TERRELL ECONOMIC DEVELOPMENT CORPORATION FROM PRECISIONAIRE, INC. RECORDED IN VOLUME 3768, PAGE 325 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ARTICLE I.

WHEREAS, the Planning and Zoning Commission of the City of Terrell, Texas, held a public hearing on December 3, 2013, on a request to change the zoning from Retail District (R) to Planned Development (PD-8) on property located at 100 F.M. 148, being all of that certain 14.464 acre tract of land being situated in the J.C. Hale Survey, Abstract No. 202; and being the same land conveyed to the Terrell Economic Development Corporation from Precisionaire, Inc. recorded in Volume 3768, Page 325 of the Deed Records of Kaufman County, Texas; and

WHEREAS, the City Council of the City of Terrell, Texas, held a public hearing on December 17, 2013, and has determined that it would be in the best interest of the citizens of Terrell to change the zoning from Retail District (R) to Planned Development (PD-8), City of Terrell, Kaufman County, Texas; and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with the laws and ordinances of the City of Terrell and State Law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Terrell, Texas:

THAT the zoning classification be and is hereby changed from Retail District (R) to Planned Development (PD-8) on property located at 100 F.M. 148, being all of that certain 14.464 acre tract of land being situated in the J.C. Hale Survey, Abstract No. 202; and being the same land conveyed to the Terrell Economic Development Corporation from Precisionaire, Inc. recorded in Volume 3768, Page 325 of the Deed Records of Kaufman County, Texas. (As fully described herein as Exhibit "B" – Legal Description)

ARTICLE II

That operation will be in conformance with requirements of the City of Terrell Zoning Ordinance. In addition, the official Zoning Map of the City of Terrell, Texas shall be annotated to show the change in zoning status from Retail (R) District to Planned Development (PD-8), thereon.

ARTICLE III

All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III

Any person, entity or corporation violating any provisions of this ordinance shall be considered in violation of the adopted Comprehensive Zoning Ordinance of the City of Terrell and be subject, upon conviction, to the penalties and remedies therein.

ARTICLE IV

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE V

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

PASSED AND APPROVED this the 17th day of December, 2013.

PASSED AND ADOPTED this the 7th day of January, 2014.

APPROVED:

Hal Richards, Mayor

ATTEST:

John Rounsavall, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney

EXHIBIT A
PLANNED DEVELOPMENT DISTRICT (PD-8)
TERRELL ECONOMIC DEVELOPMENT CORPORATION
TERRELL, TEXAS

I. Applicability

- a. The Planned Development District created herein shall apply to and govern the development of the tract(s) of land described in the attached Exhibit B (legal description).
- b. Except as stated herein, development and use of the property must comply with the regulations for the Retail (R) District as outlined in the City of Terrell Zoning Ordinance, as amended. In the event of a conflict between the regulation contained herein and the regulations governing the Retail (R) District, the regulations contained herein shall control.
- c. Approval of this Ordinance shall be considered final approval of this Planned Development District.

II. Submittals Required

- a. **Conceptual Plan.** For the allowable uses (as defined herein in Exhibit C), no preliminary Conceptual Plan is required. For all other uses proposed after approval of the Planned Development Ordinance which are not specifically listed herein in Exhibit C, which require an expansion, addition or redevelopment of the existing facility must be submitted for review and approval by the City Council and shall be considered as new zoning change request to amend the Planned Development Ordinance. A comprehensive site plan shall be submitted with the proposed amendment prior to the submission of a building permit application and/or civil engineering plans.
- b. **Comprehensive Site Plan.**
 - i. For purposes of this Planned Development District, Section 31.A.5 of the City of Terrell Zoning Ordinance concerning comprehensive site plans does not apply to the allowed uses listed herein as Exhibit C and the procedures and conditions contained in this subsection shall control. Subsequent minor amendments to the approved site plan shall be reviewed and approved by the MD Director (or his/her designee). For purposes of this subsection, a minor amendment is a proposed amendment that does not:

1. Alter the basic relationship of the development to adjoining properties;
 2. Change to a use or occupancy that is not specifically listed as an allowed use in Exhibit C.
 3. Increase the permitted floor area shown on the original site plan by more than twenty-five percent (25%);
 4. Increase the permitted height shown on the original site plan;
 5. Decrease the number of required parking spaces for a permitted use so as to create a traffic hazard or traffic congestion or fail to provide adequate parking;
 6. Reduce the required setbacks at the boundaries of the site as set forth in this planned development district; or
 7. Increase the maximum permitted height or size for a sign.
- ii. For additions to the existing building or the construction of any new structures on the same lot, a site plan limited to the proposed scope of work shall be submitted for review and approval by the City of Terrell in accordance with the requirements of the City of Terrell Zoning Ordinance, as amended. Following approval of the site plan, development applications, including construction plats, final plats, building permits and site plans, shall be in substantial conformance with the approved Planned Development Ordinance.

III. Definitions

For purposes of this Planned Development District, allowed uses shall mean all of the permitted uses listed under the Retail District column as specified in Section 32 – Use Tables of the City of Terrell Zoning Ordinance, including permitted uses that offer fuel sales for passenger vehicles only and beer and wine sales and all additional uses specifically listed in Exhibit C herein.

IV. Uses Permitted

Uses allowed in the Planned Development District shall be those identified in Exhibit C and under the Retail District category shown in Section 32 of the City of Terrell Zoning Ordinance. Any use not specifically listed herein is hereby prohibited unless such request for an unlisted use is submitted to the City Council for approval as an amendment to this ordinance. All uses listed under the Retail District as requiring a Specific Use Permit (SUP) shall be allowed by right without further approval required; however, several SUP uses listed under the Retail District are not appropriate for this Planned Development and as such are specifically listed in Exhibit C as additional prohibited uses.

V. Development Standards

a. Height, Area and Yard Regulations

- i. **Maximum Height:** Two (2) stories, and not to exceed 35 feet except for special architectural features which may not exceed 45 feet in height.
 - ii. **Size of Lot:**
 1. Minimum Lot Area – Ten thousand (10,000) square feet.
 2. Minimum Lot Width – One hundred (100) feet.
 3. Minimum Lot Depth – One hundred (100) feet.
 - iii. **Size of Yards:**
 1. **Minimum Front Yard** – Twenty-five (25) feet from street right-of-way line. Where property has frontage on two or more streets, only one street frontage shall be treated as a front yard and the remaining frontages shall be treated as side yards.
 2. **Minimum Side and Rear Yard** – Fifteen (15) feet from street right-of-way line or boundary line of the planned development, whichever is greater.
 3. **Interior Side Yards** – No side yard is required provided it complies with the Building Code.
 - iv. **Maximum Lot Coverage** – Sixty percent (60%); maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.).
 - v. **Maximum Floor-Area-Ratio (FAR)** – Two to one (2:1).
 - vi. **Maximum Building Size** - No maximum building size is applicable provided it complies with the Building Code and all other development requirements.
- b. **Minimum Exterior Construction Standards, Building Materials and Design** – The objective of this subsection is to obtain compatibility and quality in architectural design to protect and enhance value of the development. Attention should be given to the compatible treatment of all exterior surfaces. Minimum exterior construction standards shall be in accordance with paragraph (b.i.) below otherwise the City of Terrell Zoning Ordinance 2526 as adopted or amended shall apply.
- i. The existing main building metal façade material shall be replaced with an insulated decorative metal panel (Nucor HE-40 or other specified Nucor product) on all portions of the building in accordance with the executed Real Estate Contract and Agreement (REA).
 - ii. Accessory structures are to be of similar style, design, color, and material as that used for principal structures in accordance with the REA.

- iii. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure. This shall not be intended to prevent or exclude a national or regional corporation from using their prototypes.
- iv. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method.
- v. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from public view.
- vi. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.

c. Parking and Driveways:

- i. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Terrell codes and ordinances in effect at the time of adoption of this Planned Development. Requests for areas to be paved with asphalt in lieu of concrete shall be submitted to the City of Terrell on a case by case basis for review and approval.
- ii. Required parking may be located anywhere on a lot or parcel on which the main structure is located. Required parking may also be located on an adjacent tract, lot or parcel within the Planned Development District provided a reciprocal parking easement is shown on the plat for such tract, lot or parcel.
- iii. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Terrell ordinances in effect at the time of adoption of this Planned Development District.
- iv. No required parking space may be occupied by signs, cart corrals, merchandise or display items at any time.

- d. **Service, Loading and Storage** - Loading dock areas, storage areas, storage tanks, trash containers and maintenance facilities, that are located between the face of the building and a property line fronting on a public street shall either be housed in closed buildings or shall, with the exception of driveway ingress/egress points, be screened from view from public roadways by the use of screening walls, parapet walls, living screens and berms or a combination thereof.
- e. **Accessory Buildings** – Accessory buildings shall conform to the applicable provisions in the Building Code and Section 37 of the City of Terrell Zoning Ordinance.
- f. **Lighting and Glare Standards:**
 - i. Except as provided herein, all lighting must comply with the lighting and glare standards contained in Section 40 of the City of Terrell Zoning Ordinance and must comply with the standards contained in the 2009 International Energy Conservation Code (IECC).

VI. Landscape Standards

- a. Landscaping shall comply with the conditions as set forth in the executed Real Estate Contract and Agreement (REA) otherwise all landscaping must comply with the landscape requirements contained in Section 34 of the City of Terrell Zoning Ordinance.

VII. Signage and Graphics:

- a. Except as provided herein, signs must comply with the current sign regulations of the City of Terrell.
- b. For an allowed use, signs must comply with the following regulations:
 - i. Building, monument, pylon, and/or directional sign locations shall be approved in the locations shown on a site plan submitted with the sign permit. Relocation of these signs may be approved by the Municipal Development Director (or his/her designee).
 - ii. Signs allowed for an approved use shall include:
 - 1. **Attached/Wall Signs** – Attached/Wall signs are permitted in accordance with the adopted sign ordinance.
 - 2. **Monument Sign** – A single monument sign not to exceed fifteen feet (15') in height and ninety-six (96) square feet in effective area shall be permitted. The monument sign must maintain a minimum setback of five (5) feet from the front, side and rear property lines.

3. **Pole Sign** – A single pole sign not to exceed eighty (80) feet in height and one hundred fifty (150) square feet in effective area shall be permitted. The all portions of the pole sign must maintain a minimum setback of five (5) feet from the front, side and rear property lines.

EXHIBIT B
LEGAL DESCRIPTION

Being located at 100 FM 148, City of Terrell, Kaufman County, Texas and being all of a certain 14.42 acre tract of land conveyed to the Terrell Economic Development Corporation as recorded in Volume 3768, Page 325, Deed Records of Kaufman County; and being situated in the J.C. Hale Survey, Abstract No. 202, City of Terrell, Kaufman County, Texas.

EXHIBIT C

PERMITTED USES

- A. Except as provided herein, those permitted uses that are listed in the Retail (R) District as set forth in the City of Terrell Zoning Ordinance Section 32 – USE TABLES, shall be permitted in this Planned Development District. Any use not specifically listed herein is hereby prohibited unless such request for an unlisted use is submitted to the City Council for approval as an amendment to this ordinance. All uses listed under the Retail District as requiring a Specific Use Permit (SUP) shall be allowed by right without further approval required; however, certain SUP uses listed under the Retail District are not appropriate for this Planned Development and as such are specifically listed below in Paragraph (C).
- B. In addition to the permitted uses above the following uses are permitted by right in this planned development district:
1. Recreational Vehicle (RV) Dealership;
 2. Bakery or Confectionery (Commercial/Wholesale);
 3. Contractor Supply Warehouse (Wholesale with Outside Storage);
 4. Wholesale Warehouse Distribution Center;
 5. Assembly and Fabrication Processes (Inside Only);
 6. Bottling Works;
 7. Industrial Processes (Wholly Enclosed within a Building);
 8. Laboratory Equipment Manufacturing;
 9. Machine Shop;
 10. Manufacturing, General (meeting performance standards in Section 39, Zoning Ord.);
 11. Micro Brewery (onsite mfg. and sales);
 12. Research Lab (Non-hazardous);
 13. Sign Manufacturing; and
 14. Wood or Steel Structural Fabrication.
- C. The following Retail District Uses which require an SUP in Section 32 of the Zoning Ordinance are prohibited in addition to those prohibited uses listed in Section A above:
1. Multi-Family Residential
 2. Assisted Living Facility
 3. Cemetery and/or Mausoleum
 4. Psychiatric, Alcoholic or Narcotic Treatment/Care Facility
 5. Nursing/Convalescent Home or Hospice
 6. Retirement Home/Home for the Aged
 7. Amusement, Commercial (outdoors)
 8. Funeral Home