

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS, AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF VAN ALSTYNE, SPECIFICALLY AMENDING CHAPTER 46, ZONING, BY REVISING ARTICLE II, “ZONING DISTRICTS AND REGULATIONS,” DIVISION 3, “CURRENT NON-RESIDENTIAL DISTRICTS” BY ADDING NEW SECTIONS AS FOLLOWS: SECTION 46-75, “GENERAL NON-RESIDENTIAL DESIGN REGULATIONS,” SECTION 46-76, “RESERVED,” SECTION 46-77, “SPECIFIC DESIGN STANDARDS FOR COMMERCIAL BUILDINGS,” SECTION 46-78, “SPECIFIC DESIGN STANDARDS FOR INDUSTRIAL BUILDINGS,” AND SECTIONS 46-79 TO 46-80, “RESERVED;” AND BY REVISING ARTICLE III, “USE OF LAND AND BUILDINGS,” DIVISION 3, “SITE PLANS” BY ADDING A NEW SECTION 46-143, “FAÇADE DESIGN SUBMITTAL FOR NON-RESIDENTIAL BUILDINGS AND STRUCTURES” AND TO RENUMBER THE REMAINING SECTIONS OF DIVISION 3 AS NECESSARY; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Van Alstyne (“City”) is a Type A General Law Municipality located in Grayson and Collin Counties created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Van Alstyne (“City Council”) adopted Chapter 46 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which sets forth various regulations for districts and uses, for use of land and buildings, and area regulations; and

WHEREAS, the City Council has considered the proposed amendments to the Comprehensive Zoning Ordinance and the appropriateness of the amendments; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendments to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before City Council at which the City Council considered the recommendation of the Planning and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land, and the City Council does hereby find that the

amendments to the Comprehensive Zoning Ordinance approved hereby accomplishes such objectives; and

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

SECTION 1: Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2: Findings. After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City of Van Alstyne, Texas, and of the public health, safety and welfare.

SECTION 3: Zoning Amendments. Chapter 46 of the Code of Ordinances of the City of Van Alstyne, Texas, the same being the City's Comprehensive Zoning Ordinance, is hereby amended as follows, with deletions being struck through and additions being underlined, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed:

“ARTICLE II – ZONING DISTRICTS AND REGULATIONS

DIVISION 3. Current Non-Residential Districts

Sec 46-75 - General Non-Residential Design Regulations

- (a) **Purpose.** The City of Van Alstyne recognizes that building design is a major component of making a place unique. The purpose of these requirements is to avoid the creation of inappropriate or inharmonious facades which do not distinguish the City's nonresidential areas from those in other cities. The standards are intended to foster the continuity of retail stores and display windows, provide weather protection and shade for pedestrians, and maintain a healthy retail environment. It is also the intent to encourage proposals that will contribute to the established or planned architectural character of a specific area.
- (b) **Applicability.** This section shall apply to all non-residential districts with the exception of A, MI-1, and MI-2 (regulations for buildings in these zoning districts, see Section 46-78, Design Standards for Industrial Buildings).
- (c) **Conflicts.** Where the regulations of this section conflict with other sections of this Ordinance, the regulations of Section 46-75 shall apply. Where the regulations of this section conflict with the regulations of an overlay district, the regulations of the overlay district shall apply.
- (d) **Definitions Related to Non-Residential Development.**
 - Architectural concrete masonry units (CMU)* includes highly textured finish, such as split faced, indented, hammered, fluted, ribbed, burnished, or similar decorative finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of one inch when applied as a veneer; and shall include light weight and featherweight decorative masonry units.
 - Big Box* shall mean a building, usually with a single tenant, which comprises more than 50,000 square feet.
 - Brick* includes severe weather rated kiln-fired clay or slate material, can include concrete brick if it is to the same ASTM C216 or C652 standard and severe weather rated as typical fired clay brick;

minimum thickness of one inch when applied as a veneer, and shall not include underfired clay, sand, or shale.

Director shall mean the Director of Planning, or his designee.

EIFS means exterior insulation and finish systems.

Engineered wood shall mean a wood-based product that has been treated to be stronger and more weather/wear resistant than natural wood.

Facades:

Front façade shall mean the exterior walls of any enclosed space that are parallel or roughly parallel to the street.

Rear façade shall mean the exterior walls of any enclosed space that are parallel or roughly parallel to the rear property line.

Primary façade shall mean the exterior walls of any enclosed space that face directly on a public street of any size, back to a public street that is designated as a collector or larger, along any active storefront regardless of orientation, or may be so defined at the discretion of the Director.

Secondary façade shall mean the exterior walls of any enclosed space that do not directly face a public street or back to a public street that is designated as a collector or larger (i.e. any wall other than a primary façade).

Masonry materials shall mean and include that form of construction defined below and composed of brick, stone, granite, marble, stucco (three-step hard coat), decorative concrete masonry unit, tilt wall concrete panels, sealed and painted concrete block, and exterior insulation finish systems (EIFS), and rock or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar.

Non-residential building shall mean those buildings utilized for use other than single-family, duplex, and townhome dwelling, to specifically include commercial, retail, medical, office, institutional, industrial, and multi-family structures and associated accessory structures.

Stone includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all- weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of one inch when applied as a veneer.

Shake shingles mean a non-combustible, fire-rated product that is used as a decorative element on residences.

Stucco means the 3-step stucco process that is applied in three separate layers: 3/8-inch-thick scratch coat, 3/8-inch thick brown coat, and approximate 1/8-inch thick finish coat. The approximately 7/8-inch three-coat system is applied over an approved weather-resistive barrier and metal lath either by hand using a trowel or by machine application. Any stucco product that does not meet the stated requirements is not allowed.

- (e) **Categories of Exterior Materials.** (to be utilized on a voluntary basis by developers or through a negotiated Development Agreement)
- (1) Category A materials are defined as the superior masonry products from which the City prefers to be the predominant construction material. Unless otherwise provided for in this Chapter, Category A masonry finishing materials are kiln-fired brick, natural stone, and manufactured stone.
 - (2) Category B materials are the secondary products that the City recognizes as suitable materials for exterior use; however, these products should not be the predominant material for a building and

are considered as somewhat less desirable than those materials listed in Category A. Unless otherwise provided for in this Chapter, Category B masonry finishing materials include three-step stucco, architectural concrete block with integrated color (i.e. split-face CMU), concrete tilt wall (colored or stamped), treated engineered wood, and cementitious fiberboard with integrated color (in the form of lap siding or board & batten).

- (3) Category C materials are accent products to be used in limited application for architectural accents and for walls on upper stories of multi-story buildings. Unless otherwise provided for in this Chapter, acceptable Category C materials include metal, tile, glass block, exterior insulation and finish systems (EIFS), and natural wood products.
- (4) Prohibited exterior surface materials include cinder block, plain-sided concrete block, vinyl, plastic, and aggregate pea-gravel finished surfaces.
- (5) In some specific uses, such as industrial uses, the materials listed above in (4) may include addition materials that can be suitable for industrial use.

(f) **Colors of Exterior Materials.**

- (1) The dominant color of all buildings shall be muted shades of color that are subtle, neutral, or earth tone. Black and stark white shall not be used except as accent colors or as found within brick and stone. The color of secondary facades shall match or compliment the primary facade.
- (2) There are no restrictions on accent colors that comprise less than one percent (1%) of the building face, except that no high intensity colors, neon colors, or fluorescent colors shall be used.
- (3) Bright, reflective, pure tone primary or secondary colors are permissible in limited application as accent colors on canopies, awnings, or other decorative features. Proportions should be consistent with trim or accentuation only. Such building trim and accent areas shall not exceed five percent (5%) of any single exterior wall area. Specifically excluded are door and window frames, moldings, cornices, and other such features. This provision shall not be construed as a license to employ corporate imaging or branding on the primary building facade.
- (4) The use of tube lighting, string lights, or other similar high-intensity neon materials shall not be installed on non-residential buildings.
- (5) No more than one (1) color shall be used for visible roof surfaces; however, if more than one type of roofing material is used, the materials shall be varying hues of the same color or complimentary in nature.

(g) **Solar Power.** Solar panels and other forms of solar energy capture are encouraged.

(h) **Tripartite Design.** All non-residential buildings shall be designed and constructed using tri-partite architectural design so that they have a distinct base, middle, and top, separated by horizontal elements, as illustrated below.



Examples of Tri-Partite Construction

Sec. 46-76 – RESERVED for Multi-Family Building Standards

Sec. 46-77 – Specific Design Standards for Commercial Buildings (Includes OFFICE, RETAIL, COMMERCIAL, MIXED-USE, RESTAURANT, HOTEL, and SERVICE USES – but not Industrial Uses)

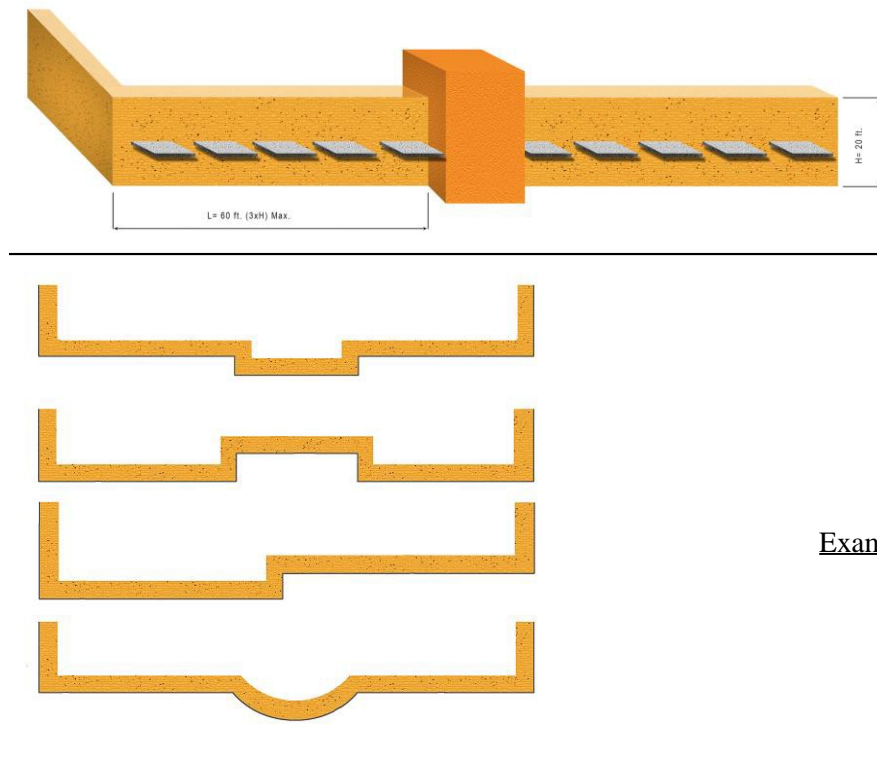
(a) Exterior Standards for Commercial Structures (listed above).

- (1) Two exterior materials required. At least two (2) materials, preferably masonry, shall be used on all exterior facades.
- (2) Windows. Windows and glazing shall be limited to a minimum of ten percent (10%) and maximum of seventy percent (70%) of each building elevation facing a street, major access drive, or side yard greater than ten (10) feet. Faux windows (i.e. non-transparent architectural features meant to appear as a window opening) are allowed along secondary facades, and big boxes may utilize other rhythmic material options to achieve the window appearance.
- (3) Roof designs & materials. For buildings with a visible hip, gable, or mansard roof, allowed materials include metal (standing seam), slate or tile (clay or cement, barrel, or Roman-shaped.
- (4) Prohibited materials. Prohibited exterior surface materials include plain cinder block, vinyl, plastic, and aggregate pea-gravel finished surfaces.
- (5) Murals. Murals, if used, are intended to be decorative, cannot display or connote a commercial message, and shall abide with the Sign regulations, as found within the Code of Ordinances.
- (6) Roof design. Roofs shall be peaked with either hip, gable, or mansard design with a minimum one-to-four (1:4) pitch, or a parapet wall or false mansard design with a minimum one-to-two (1:2) pitch is acceptable only if constructed around the entire perimeter of a building so that no flat roof shall be visible from a public street or along an active storefront.

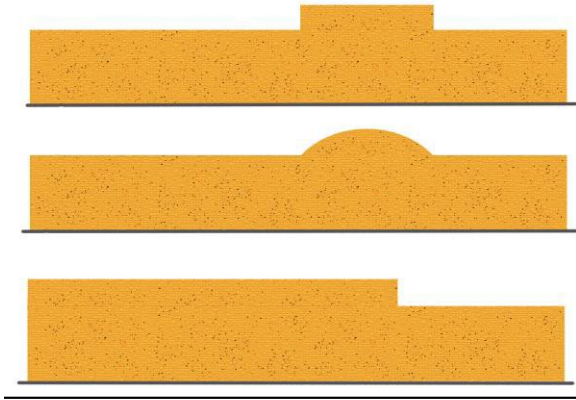
(b) Additional Architectural Features for Commercial Structures. All non-residential structures shall be designed to incorporate no less than four (4) of the architectural features from the list below. Buildings over 50,000 square feet must include a minimum of five (5) of the referenced architectural features.

- (1) Canopies, awnings, porticos with colonnade or arcades.
- (2) Raised pilaster cornices (end columns at corners), or quoined corners (any of various bricks of standard shape for forming corners of brick walls or a wedge-shaped piece of wood, stone, or other material, used for various ornamental purposes at corners).
- (3) Vertical elements (tower, cupola, lighthouse, turret, arches, etc.).

- (4) Accented windows and doors framed with smooth cobble, cast stone, limestone or other decorative masonry headers and sills, or dormer windows.
 - (5) Outdoor patios and/or courtyards (landscaped and furnished) integrated into a site's layout that creates a sense of place for informal and experiential gathering.
 - (6) Decorative and repetitive ornamentation (non-signage) integrated into the building facade, such as corbels, medallions, functioning clocks, niches, wrought iron, balconettes, gargoyles, or horizontal and rhythm patterned brickwork.
 - (7) Other similar architectural features, as approved by the Director.
- (c) **Additional Articulation Standards for Commercial Structures.** Primary facades clearly visible from a public street or along an active storefront shall meet the following minimum standards for articulation:
- (1) Horizontal articulation. No building wall shall extend for a distance equal to three times the wall's height without providing an offset equal to fifteen percent (15%) of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five percent (25%) of the maximum length of the first plane.
 - (2) Vertical articulation. No wall length shall extend for a distance greater than three times the height of the wall without changing height by a minimum of fifteen percent (15%) of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five percent (25%) of the maximum length of the first plane. Pitched roofs shall count toward achieving vertical articulation, provided they are 65 degrees or less from horizontal.



Examples of horizontal articulation



Examples of vertical articulation

(d) **Commercial Building façade composition shall include the following elements:**

- (1) Tripartite composition (distinct base, middle, and top elements) is required.
- (2) Coordinated Materials, Colors, Architecture. Retail centers shall use materials similar to or exceeding those in the surrounding neighborhood. The first building to apply for a building permit establishes the building materials and color palette for the entire retail center. The primary exterior building material established shall be used on at least ten percent (10%) of the exterior facades of other buildings in the block and surrounding development, including pad sites. Where non-masonry materials are permitted, the use of Exterior Insulation and Finish Systems (EIFS) shall be limited to a maximum of ten percent (10%) of the total façade and in no instances shall EIFS be permitted within nine feet of the grade of the first floor.
- (3) Multiple Materials. No single material shall exceed eighty percent (80%) of an elevation area. A minimum of twenty percent (20%) of the front façade and all facades facing public right-of-way are encouraged to be natural or manufactured stone. A minimum of ten percent (10%) of all other facades are encouraged to be natural or manufactured stone.
- (4) Building Size/Roof Design.
 - a. All buildings with a footprint of less than 10,000 square feet and located 100 feet or less from a residential zoning district shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof. All sloped roofs shall have a 6:12 ratio minimum slope.
 - b. All buildings with a footprint of less than 10,000 square feet and located 100 feet or greater from a residential zoning district shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof, or a flat roof with an articulated parapet wall or cornice. Wood shingles are prohibited. Composition shingles are allowed provided they have architectural detail and a minimum thirty-year life.
 - c. All buildings with a footprint of 10,000 square feet and greater shall incorporate sloped roof elements including, but not limited to pitched roofs on towers or arcades, sloped awnings, sloped parapets. Flat roofs are permitted with an articulated parapet wall or cornice in place of the required sloped roof elements. The sloped elements shall be provided along a minimum of sixty percent (60%) of each wall's length. All sloped roof elements shall have a 6:12 ratio minimum slope. Wood shingles are prohibited.
 - d. Composition shingles are allowed provided they have architectural detail and a minimum thirty-year life.
 - e. A well-defined cornice of fascia shall be located at the top of the storefront and at the roofline.
- (5) Articulation Details. All buildings shall be designed to incorporate a form of architectural articulation every thirty (30) feet or as approved by the Director. Acceptable articulation includes

the following:

- a. Canopies, awnings, or porticos;
 - b. Recesses/projections;
 - c. Arcades;
 - d. Arches;
 - e. Display windows, including a minimum sill height of 30 inches;
 - f. Architectural details (such as tile work and moldings) integrated into the building facade;
Articulated ground floor levels or base;
 - g. Articulated cornice line;
 - h. Integrated planters or wing walls that incorporate landscape and sitting areas; Offsets,
reveals or projecting rib used to express architectural or structural bays; or
 - i. Varied roof heights.
- (6) Four-Sided Finishing. All buildings shall be architecturally finished on all four sides with same materials, detailing, and features except the rear if two rows of trees are planted on the perimeter behind the building. In this case, the architectural finish must match the remainder of the building in color only. A double row of trees on offset 50-foot centers in a 15-foot landscape edge, where fifty percent (50%) of the trees are canopy evergreen trees. This is for facades that are not visible from public streets and apply to anchor buildings and attached in line spaces only. This provision does not apply to "out" buildings or pad sites.
- (7) Reflective Materials Prohibited. Mirrored or opaque facades shall be avoided.
- (8) Unclassified Non-Residential Uses. Unclassified non-residential uses (e.g. churches, amenity centers, day care centers) which are permitted in residential districts shall develop in accordance with the office, retail, restaurant, service, automobile, and commercial development standards.
- (9) Additional or New Use. When a new use or an addition will be adjacent to an existing development, the newly constructed portion of the building shall appear as part of the original design to the greatest extent possible. Where new construction must consist of a different height or bulk than that of the original structures, the change should not occur abruptly.
- (e) **Windows/Fenestration for Commercial Buildings.**
- (1) Reflectivity. Windows shall have a maximum exterior visible reflectivity of ten percent (10%). The intent of this provision is to prevent the safety hazard of light reflecting from the windows on to adjacent roadways.
 - (2) Percent of Façade. Fenestration (window) patterns and percent of façade devoted to fenestration shall be consistent within the retail center. Fenestrations shall cover fifty to seventy-five percent (50% - 75%) of the storefront and fifteen to thirty-five percent (15% - 35%) of the upper façade. Storefront fenestrations shall be vertically oriented.
 - (3) Setback or Brought Forward. Fenestrations shall be set back a minimum of six (6) inches from the exterior wall surface creating a reveal. Wall surfaces shall predominate; fenestration openings shall appear to be cut into the wall surface.
 - (4) Watercourse. An eighteen (18) inch watercourse shall be provided under the fenestrations.
- (f) **Additional Requirements for Big Box Retail Structures.**
- (1) Façade plans will be evaluated for their architectural concept, proportions, composition, details, decorative features, artfulness, and quality.
 - (2) Buildings shall incorporate tripartite building composition (base, middle, top). The tripartite shall be proportioned to the other elements of the tripartite and the overall structure.
 - (3) Buildings shall provide a sheltered entry.
 - (4) All retail/commercial buildings with facades greater than 200 feet in length shall incorporate wall plane projections or recesses that are at least six feet deep. Projections/recesses must be at least

- twenty-five percent (25%) of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length.
- (5) Areas adjacent to the buildings shall incorporate features to promote a walkable environment such as seats, benches, outdoor cafes, shade trees, awnings, and arcades. Where awnings are used, they should be metal or an equivalent durable material.
 - (6) The City encourages creative freedom to enrich façade design; the architectural decision may be to include the following:
 - a. Placement of windows or transparency subtracted or extended from the façade wall.
 - b. Variations in roof form.
 - c. Enhancements of long, unadorned walls with the following: light and shade elements, recesses and projections, vertical accents or focal points, masonry texture features, or additional landscaping.
 - (7) Any loading and service areas shall be located at the side or rear of buildings. Horizontal articulation described above is not required on the façade of buildings containing a loading dock and/or service area, provided that such area is located in such a manner as to not be readily visible from any roadway.
- (g) **Additional Requirements for Landmark Buildings.**
- (1) Buildings that are in and of themselves an important city building (such as city hall), or located at the end of a terminating street or major access lane or at the intersection of streets and/or major access lane shall be considered a landmark building.
 - (2) Such buildings shall be designed with landmark features that take advantage of that location, such as an accentuated entry and a unique building articulation that is offset from the front wall planes and extends above the main building eave or parapet line.
 - (3) Landmark features shall be in proportion to the building, subject to review and approval by the Director.
- (h) **Additional Requirements for Pad Sites.**
- (1) A pad site is defined as a nonresidential building of 6,000 square feet or more that is located within the parking area of a larger retail center.
 - (2) Pad sites are limited to one for every five (5) acres of gross retail development.
 - (3) Buildings situated on pad sites shall share similar design characteristics of the main structure(s). The intent should not be the precise replication of the design of the main structure(s), but rather the use of similar colors, materials, and textures, including the repeating patterns, rhythms, and proportions of the architecture of the other buildings.
- (i) **Additional Requirements for Commercial Structures Four (4) Stories in Height or Taller.**
- (1) Façades shall generally be built parallel to the street frontage, except at street intersections, where a façade containing a primary building entrance should be curved or angled toward the intersection.
 - (2) All buildings within a common development, as shown on a development plan, concept plan, or site plan, shall have similar architectural styles, materials, colors, and detailing.
 - (3) All structures shall be architecturally finished on all sides that can be seen from a public right-of-way with similar styles, materials, colors, and detailing.
 - a. Masonry. Every elevation of each building is encouraged to be finished with masonry as specified below. The Director may approve deviations from a strict interpretation of the exterior standards to accommodate specific “signature design aesthetic.”
 - b. No single building material shall be used for more than eighty-five percent (85%) of any façade unless approved by writing by the Director.

- c. Windows shall not be glazed or reglazed with mirrored or reflective glass.
- (4) All commercial buildings shall be architecturally finished with similar exterior materials on all four sides with a higher level of finish and articulation on the primary facade (at the primary entrance or front door).
- (5) The entrance or entrances on all buildings shall be articulated and defined with strong architectural features.
- (6) Ground floor facades facing major thoroughfares and any intersecting thoroughfare must incorporate articulated entry areas, arcades, display windows, awnings, or other architectural variety features along no less than sixty percent (60%) of the facade.
- (7) Any loading and service areas shall be located at the side or rear of buildings. Horizontal articulation described above is not required on the facade of buildings containing a loading dock and/or service area, provided that such area is located in such a manner as to not be readily visible from any roadway.
- (j) **Additional Requirements for Hotels.**
 - (1) All hotels shall provide a covered entrance (port cochere), an indoor lobby, and room access from an interior hallway.
 - (2) All hotels shall provide a pool for guests.
- (k) **Additional Requirements for Gas Pumps & Fueling Stations.**
 - (1) Materials for the main building shall follow Section 46-75(e)(f) and (g).
 - (2) Canopies shall not exceed twenty (20) feet in total height, measured from the pavement to the top of the canopy.
 - (3) The roofs of convenience store buildings and fueling station canopies shall be pitched, include a parapet to shield roof-mounted equipment, or otherwise distinguished, subject to approval by the Director.
 - (4) Canopies and their supporting structures should be architecturally integrated with the primary building and all other accessory structures on the site by using the same or complementary materials, design motif, and colors.
 - (5) Canopy support columns shall be fully encased with City-preferred products, preferably masonry, and shall not include any non-structural additions to the columns.
 - (6) Canopy band faces shall be a color consistent with the main structure or an accent color. The canopy band face shall be flat with no projections, shall not be of plastic materials, shall be generally a metal or masonry-based material, not be greater than four (4) feet in height, and may not be backlit or used as signage; except as follows:
 - i. The canopy band face may utilize one (1) small button logo on each face that can be internally illuminated, as long as each button logo does not exceed fifteen (15) square feet for bands three (3) feet in height and twenty (20) square feet for bands four (4) feet in height, is generally as tall as it is wide, and does not protrude more than eighteen (18) inches from the canopy in any direction.
 - ii. The canopy band face may utilize an external LED halo type light, if properly shielded/recessed and oriented downward so that only the “wash” is visible.
 - iii. The canopy band face may utilize internally illuminated rings, as long as the source is LED, it is flush with the band face and only protrudes nominally (up to a maximum of six (6) inches), and the size of the ring does not exceed more than twenty-five percent (25%) for single rings and fifty (50%) for multiple rings of the thickness of the canopy band face.
 - (7) Lighting fixtures (LED only) or sources of light that are a part of the underside of the canopy should be recessed into the underside of the canopy. Lighting shall be set up so that there is minimal spill-over outside the fueling or service areas.

- (8) The materials and color used on the underside of the canopy should not be highly reflective, with the intent of minimizing the amount and intensity of light, which reaches beyond the site boundaries.
- (9) Materials and colors used on both structural and architectural surfaces shall be subdued, earth-tone colors, with the intent of promoting a harmonious appearance of the structures and the natural surroundings, as well as with appearance themes or guidelines of surrounding development. Brick, stone, and other high-quality masonry type elements are encouraged as a major component of the exterior of all facades.
- (10) Bright accent colors, intended to express corporate or business logos, may be used only on a limited basis. These accent color areas should not be internally illuminated, except as allowed by the City's sign regulations.
- (11) Exhaust valves for underground fuel storage tanks shall be designed to be located against a building, dumpster screening wall, or other structure to mitigate their visual impact and should be an earth-tone color. If impractical, the exhaust valves may be located in an interior landscape area, if properly screened, but should not be located in the exterior landscape buffer adjacent to the public right-of-way.
- (12) Screening of fueling stations shall follow Section 14.04.207, *Commercial Landscaping Requirements*. However, use of berms to further screen the pump area is encouraged.
- (l) Exceptions.
 - (1) The City Council, after recommendation by the Planning & Zoning Commission, may grant an exception to the foregoing exterior façade and design requirements, based upon consideration of the criteria listed in subsection (2), below.
 - (2) In considering an exception to the exterior façade requirements, the Planning and Zoning Commission and City Council may consider whether a proposed alternate material:
 - a. Is a unique architectural expression;
 - b. Includes unique building styles and materials;
 - c. Is consistent with high quality development;
 - d. Is or would be visually harmonious with existing or proposed nearby buildings;
 - e. Has obvious merit based upon the quality and durability of the materials; or
 - f. Represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.
 - (3) Corporate identities (brands and logos) that conflict with the building design criteria shall be reviewed on a case-by-case basis and approved by the Director.

Sec. 46-78 – Specific Design Standards for Industrial Buildings (INDUSTRIAL and MANUFACTURING USES, Including Mini-Warehouse, Storage, and Agricultural Buildings)

- (a) *Design Standards for Industrial Structures.* The following design standards apply to structures constructed in an industrial zoning district and proposing an industrial and/or manufacturing use, per the use chart of the zoning ordinance:
 - (1) The main entry or office area of the building shall be articulated both horizontally and vertically by at least five (5) feet or ten percent (10%) of the adjacent wall height, whichever is greater. Building corners shall also be articulated, as approved by the Director.
 - (2) Primary exterior facades, which are clearly visible from a public street, shall be constructed with materials that contrast and compliment the remainder of the building.
- (b) *Architectural Features for Industrial Structures.* All industrial buildings shall incorporate two (2) of the additional architectural features listed below:

- (1) Canopies (not drive-through canopies), awnings, valances, or porticos;
 - (2) Overhangs (3 feet minimum);
 - (3) Recesses or projections (3 feet minimum);
 - (4) Architectural arcades;
 - (5) Peaked roof forms;
 - (6) Arches;
 - (7) Outdoor patios;
 - (8) Recessed or “popped-out” display windows (2 feet minimum);
 - (9) Visible and noticeable architectural details, such as tile work or moldings, integrated into building facade;
 - (10) Integrated planters or wing walls that incorporate landscape and sitting areas; or
 - (11) Other architectural features with similar visual impact.
- (c) **Façade Composition shall include the following elements:**
- (1) Front Façade. At least two (2) materials shall be used on the front facades.
 - (2) Side Façade. Sides of this class of building may be up to eighty percent (80%) metal, with the lower portion of the façade (i.e. wainscot) encouraged to being another material, preferably a masonry material.
 - (3) Rear Façade. The rear of the building may be entirely metal if it is not visible from a public roadway.
- (d) **Windows/Fenestration.** Windows and glazing shall be limited to a minimum of ten percent (10%) and maximum of seventy percent (70%) of each building elevation facing a street, major access drive, or side yard greater than ten (10) feet. Faux windows (i.e. non-transparent architectural features meant to appear as a window opening) are allowed along secondary facades to achieve the window appearance.
- (e) **Loading Bays.** No loading bays or docks may be located on the façade that faces a public street. If located on the side of a building that is partially visible from a public street, appropriate screening approved by the Director shall be provided.
- (f) **Roof Designs & Materials.**
- (1) For buildings with a visible hip, gable, or mansard roof, allowed materials include metal (standing seam), slate or tile (clay or cement, barrel, or Roman-shaped).
 - (2) Roofs shall be peaked with either hip, gable, or mansard design with a minimum one-to-four (1:4) pitch ratio, or a parapet wall or false mansard design with a minimum one-to-two (1:2) pitch ratio is acceptable only if constructed around the entire perimeter of a building so that no flat roof shall be visible from a public street or along an active storefront.
- (g) **Prohibited materials.** Prohibited exterior surface materials include cinder block, vinyl, plastic, and aggregate pea-gravel finished surfaces.
- (h) **Murals.** Murals, if used, shall be decorative and abide by the Sign Ordinance regulations, as found within the Code of Ordinances.
- (i) **Solar Power.** Solar panels and other forms of solar energy capture are encouraged.
- (j) **Exceptions.** In considering an exception to the exterior façade requirements, the Planning & Zoning Commission and City Council may consider during the site plan process whether a proposed alternate material:
- a. Is a unique architectural expression;
 - b. Includes unique building styles and materials;

- c. Is consistent with high quality development;
- d. Is or would be visually harmonious with existing or proposed nearby buildings;
- e. Has obvious merit based upon the quality and durability of the materials; and
- f. Represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.

ARTICLE III – USE OF LAND AND BUILDINGS

DIVISION 3. Site Plans

Sec. 46-141. Type of Site Plan Required.

(a) *Conceptual Site Plans.*

- (1) Prior to any subdivision of property in any retail district, a conceptual site plan representing the general site assessment of the property shall be approved by the Planning and Zoning Commission.
- (2) The conceptual site plan shall include all the land that existed in single ownership at the time of initial zoning, or at the time this provision became effective, whichever is later.
- (3) The conceptual site plan shall include sufficient information to adequately assess the functionality of the proposed subdivision and its impact on surrounding properties and circulation systems, including but not limited to:
 - a. Basic mapping details, such as site boundaries and dimensions, site acreage, location map, north arrow, scale, title block, etc.;
 - b. Access to the site and interior site circulation;
 - c. Proposed lot layout;
 - d. Other items which may negatively impact adjacent property, such as general parking arrangement, delivery truck/dock locations, medians or traffic control devices, and/or median breaks.
- (4) The Planning and Zoning Commission shall approve the conceptual site plan, approve the conceptual site plan with conditions, or disapprove the conceptual site plan.
- (5) Any development or subdivision of the property shall generally be consistent with the conceptual site plan as approved or amended. No plat, building permit, or certificate of occupancy shall be issued for the property unless all construction and development generally conforms to the conceptual site plan.
- (6) A conceptual site plan shall expire five years after its approval or amendment date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed.

- (b) ***Preliminary Site Plan.*** For the purpose of assisting in-process planning, a preliminary site plan may be submitted for Planning and Zoning Commission and planning department consideration. Such preliminary site plans may contain any or all of the site plan requirements and must be drawn to scale, submitted in adequate quantity, and titled "Preliminary Site Plan." The approval of a preliminary site plan will not imply approval of all elements of a site plan. It shall be unlawful to issue any building permits based on a preliminary site plan. (Compiled Ords. 2008, § 30A.10)

(c) *Site Plans.*

- (1) Approval of a site plan shall be required for all development proposals involving the following:
 - a. A specific use permit;
 - b. Multiple-family project;
 - c. Shopping centers;
 - d. Mobile home parks;

- e. Principal permitted uses in all zoning districts, except as exempted under other provisions of chapter;
 - f. Any development where more than one main building or primary use is proposed on a single lot, building site, or tract;
 - g. A planned development.
- (2) Except for site plans exempted in other provisions of this chapter, site or development plans for specific use permits and for planned developments shall become a permanent part of the zoning regulations for the proposed development, and any site plan or any significant change to such a site plan previously approved shall be considered as an amendment to this chapter.
- (3) Prior to the issuance of any building permit, a site plan drawn to scale shall be submitted for initiation of the review and approval process ~~along with 25 copies of the plan or the number deemed necessary by the city to complete the required reviews or memorandums.~~
- (Compiled Ords. 2008, § 30A.1)

Sec. 46-142. Content of Site Plan. When required, a site plan shall include the following:

- (1) *General requirements for all site plans.*
 - a. Applicant's name, address, and phone number;
 - b. Development location (include subdivision, lot number, and address);
 - c. Proposed use or uses (letter of intent required);
 - d. Zoning district (attach copy of ordinance governing subject property).
- (2) *Requirements for site plans having to do with a specific use permit request.*
 - a. Drawn to scale, with a maximum scale of one inch equals 50 feet;
 - b. Relationship of the intended use to all existing properties and land uses in all directions;
 - c. Location of all existing and proposed buildings or structures on lot;
 - d. Location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);
 - e. Any necessary easements;
 - f. Location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;
 - g. Sign locations;
 - h. Site circulation and parking, ingress, and egress to public streets;
 - i. Additional information as deemed necessary to adequately evaluate the site or development plan.

For the purposes of a specific use permit request, the site plan does not have to be drawn up by an engineering or architectural professional. It may be done by the requestee as long as it is done so in a manner reflecting a degree of care and proficiency consistent with a document that will become a part of the public record. The City Council reserves the right to ask that a professionally drawn site plan be presented when so requested.

- (3) *Requirements for site plans having to do with all other development proposals.*
 - a. Scale: One inch equals 20 feet, 30 feet or 40 feet;
 - b. Lot area (net and gross);
 - c. Lot coverage;
 - d. Location of all existing buildings or structures on lot;
 - e. Building size and total floor area (separated by use);
 - f. Adjacent land uses and improvements;
 - g. Location of hazardous chemical storage;
 - h. Sign locations;
 - i. Location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);
 - j. Easements;

- k. Location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;
- l. Location of areas of major tree cover;
- m. Required landscape areas;
- n. Additional information as deemed necessary to adequately evaluate the site or development plan;
- o. Site circulation and parking:
 - 1. Drive approach dimensions and radii;
 - 2. Delineation and width of internal circulation roadways;
 - 3. Distances between driveways and intersecting streets;
 - 4. Number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;
 - 5. Parking dimensions;
 - 6. Stacking spaces and drive-through lane location;
 - 7. Location of curb stops relative to front of parking stall. Note: Wheel stops are not permitted in lieu of curbs;
 - 8. Handicapped ramps (required at all intersections);
 - 9. Building entrances;
 - 10. Sidewalk dimensions;
 - 11. Fire lanes meeting fire code standards;
 - 12. Delivery truck docks;
 - 13. Sanitation container locations;
 - 14. Medians, islands, barriers, and channelization;
 - 15. Width of adjacent streets, alleys, or other access abutting property;
 - 16. Length, width, and taper of turn bays.
- p. Utilities.
 - 1. Existing and proposed water mains (include size and valve locations);
 - 2. Water meter size and location;
 - 3. Existing and proposed sewer mains (include size, manholes and cleanout);
 - 4. Sewer service size (provide cleanout at property line);
 - 5. Existing and proposed utility easements;
 - 6. Existing and proposed fire hydrants (include any nearby off-site hydrants);
 - 7. Existing and proposed fire lines and appurtenances;
 - 8. Location and size of irrigation meters;
 - 9. Location and size of grease and sand traps;
 - 10. Location and size of sampling pits;
 - 11. Location and type of pretreatment.
- q. Drainage.
 - 1. Existing and proposed elevation at critical points;
 - 2. Drainage area map (if site is over one acre);
 - 3. On-site collection system;
 - 4. 100-year flood elevation (if in floodprone area);
 - 5. Existing and proposed contours at two-foot intervals;
 - 6. Existing and proposed drainage structures (include size and type);
 - 7. Existing and proposed culverts (use six-to-one sloped headwall);
 - 8. Direction of surface drainage (must be discharged into existing waterway or public right-of-way). (Compiled Ords. 2008, § 30A.2)

Sec. 46-143. Submittal of Façade Design for Non-Residential Buildings & Structures.

- (a) **Submittal Information.** Sufficient information shall be submitted to evaluate the architectural standards criteria outlined herein as part of the site plan submittal.
- (b) **Elevations.** Applications that includes a site plan shall include the following:
 - (1) Color renderings of all façades of each building.
 - (2) Proposed exterior materials with a percentage breakdown of each material used, exclusive of windows and doors.
 - (3) A calculation chart or graphic exhibit demonstrating compliance with the articulation standards.
 - (4) A listing of the selected auxiliary design standards, described herein, to illustrate compliance.
 - (5) If a landmark feature is required of the building, please note the feature proposed for credit.
 - (6) Provide the roof material.
 - (7) The Director may require sample boards.
- (c) **Streetscape Elements.** For any proposed streetscape elements (such as bike racks, trash receptacles, lampposts, tree grates, bollards, outdoor seating, etc.) or screening devices (masonry walls screening dumpsters, mechanical equipment, etc.), graphics shall also be submitted showing the material, color, height, and any other pertinent details of the elements proposed.

Sec. 46-1434. Lighting Plan. Where site lighting is required or proposed, a lighting plan shall be submitted along with a statement of compliance by a qualified lighting expert, such as an engineer, architect, landscape architect, lighting manufacturer's representative, or lighting contractor.
(Compiled Ords. 2008, § 30A.3)

Sec. 46-1445. Site Plan Approval Process.

- (a) The Planning and Zoning Commission shall review the proposed site plan and shall submit to the City Council a recommendation of approval, approval with conditions, or disapproval. Prior to consideration of a site plan, the Planning and Zoning Commission may hold a public hearing, with notice given according to the procedure for a change in a zoning district location or boundary.
- (b) City Council, Planning and Zoning Commission, and staff consideration shall include paving and layout of streets, alleys, and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, protective screening, and open spaces, as well as areas designated for landscaping, and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity, and general welfare of the city.
- (c) If during the course of considering the site plan, conceptual site plan, or landscape plan, the Planning and Zoning Commission is of the opinion that a proper recommendation cannot be made without additional information, the Planning and Zoning Commission is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the information for the Planning and Zoning Commission's consideration.
- (d) A site plan shall expire two years after its approval or amendment date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Expiration shall not apply to site plans submitted for a planned development or specific use permit.
- (e) It shall be unlawful to issue a building permit prior to the approval of the site plan by the City Council, Planning and Zoning Commission and/or planning division, as appropriate. No building permit shall be issued except in conformity with the approved site plan, including all conditions of approval.

- (f) During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed. (Compiled Ords. 2008, § 30A.5)

Sec. 46-1456. Revisions/Additions to Site Plans.

- (a) In the event that changes to the approved site plan are proposed, the city manager shall have the authority to require that a revised site plan be submitted to the city for review and approval.
- (b) It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The city manager shall have the authority to interpret conformance to an approved site plan, provided that such interpretations do not materially affect access, circulation, general building location on the site, or any conditions specifically attached as part of a City Council approval. The city manager shall only approve minor changes that substantially conform to the approved site plan and with all applicable city regulations.
 - (1) Examples of revisions which may be approved by the city manager include:
 - a. Minor dimension and location adjustments;
 - b. Minor changes in the number of parking spaces, provided that minimum parking requirements are met;
 - c. Adjustments to sanitation container location;
 - d. Minor revisions to approved elevations; and
 - e. Substitution of similar materials on an approved landscape plan.
 - (2) Examples of revisions that may not be approved by the city manager include:
 - a. Major changes to type of screening materials;
 - b. Significant alterations to the building footprint;
 - c. Specific conditions of approval; and
 - d. Any changes that may negatively impact adjacent properties.
- (c) If, in the judgment of the city manager, the proposed revisions exceed staff's approval authority, the revised site plan shall be forwarded to the Planning and Zoning Commission for consideration according to the procedures for site plan approval. If proposed revisions to the site plan have not been approved by the city manager within 30 days of their final submission, they shall be scheduled for consideration by the Planning and Zoning Commission upon request by the applicant. (Compiled Ords. 2008, § 30A.6)

Sec. 46-1467. Completion of buildings.

- (a) Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction, or designated use of any building which shall be completed in its entirety within one year from the date of the passage of the ordinance from which this chapter is derived, provided such building was authorized by building permit before the passage of the ordinance from which this chapter is derived and further provided construction shall have been started within 90 days of the passage of the ordinance from which this chapter is derived.
- (b) Commitments made by the city with reference to construction of public utility buildings and facilities necessary for the anticipated expansion of the city made prior to the passage of the ordinance from which this chapter is derived shall be observed. (Compiled Ords. 2008, § 30B)”

SECTION 4: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 5: Unlawful Use of Property. It shall be unlawful for any person, firm, entity, or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity, or corporation to construct on said Property and building that is not in conformity with the permissible uses under the City's Zoning Ordinance and this Ordinance.

SECTION 6: Penalty. Any person, firm, corporation, or entity violating the Ordinance, or any provision of Van Alstyne's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2000.00). Each continuing days' violation under this Ordinance shall not preclude Van Alstyne from filing suit to enjoin the violation. Van Alstyne retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7: Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Van Alstyne hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 8: Savings/Repealing Clause. Van Alstyne Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinances, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS on the 9th day of November, 2021.

Jim Atchison, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jennifer Gould, City Clerk

Date of Publication: November 19, 2021, Van Alstyne Leader