

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, ARTICLE II, “ZONING DISTRICTS AND REGULATIONS,” DIVISION 2, “CURRENT RESIDENTIAL DISTRICTS” BY ADDING A NEW SECTION, SECTION 46-75, “GENERAL MULTI-FAMILY DESIGN REGULATIONS,” BY ELIMINATING SECTION 46-76, “RESERVED,” AND BY RENUMBERING SECTION 46-77, “SPECIFIC DESIGN STANDARDS FOR COMMERCIAL BUILDINGS” AS SEC 46-76; 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:

“Chapter 46 - Zoning
Article II. Zoning Districts and Regulations
Division 2 – Current Residential Districts

Section 46-75 – General Design Standards for Multi-Family Structures.

- (a) Purpose. The overall purpose of these regulations is to create multi-family residential developments that are unique and add not only to the City's tax base, but also to the long-term benefit to the citizens. If any of these regulations are in discord with State Regulations, the State Regulations will be employed.
- (b) Exterior Materials for Multi-Family Construction. The following tables of materials and percentages of materials per façade reflect the minimum suggested materials and percentages that fit with the City of Van Alstyne's character and development pattern. Although these materials and percentages are not mandatory at this time, this is the standard by which proposed development will be considered.

| <u>TABLE 46-75-A</u> <u>EXTERIOR MATERIALS FOR MULTI-FAMILY</u> | |
|--|---|
| <u>Categories</u> | <u>Materials</u> |
| <u>A</u> | <u>Brick, Stone, or Manufactured Stone</u> |
| <u>B</u> | <u>Split-Face CMU, 3-Step Stucco, Cementitious Fiber Board, Treated Engineered Wood¹</u> |
| <u>C</u> | <u>Metal, Natural Wood, Tile, Glass, EIFS</u> |
| <u>Prohibited</u> | <u>Plain Concrete Block, Aggregate, Vinyl, Plastic, Tilt Wall²</u> |

| <u>TABLE 46-75-B</u> <u>PREFERRED PERCENTAGES OF EXTERIOR MATERIALS FOR MULTI-FAMILY</u> | | |
|---|--|--|
| <u>Facades</u> | <u>Percentage Breakdown</u> | <u>Definition</u> |
| <u>Primary</u> | <u>80% Category A</u> <u>20% Category B</u> <u>0% Category C</u> | <u>Exterior walls of buildings which face a street or parking area</u> |
| <u>Secondary</u> | <u>50% Category A</u> <u>50% Category B</u> <u>0% Category C</u> | <u>Exterior walls of buildings which are NOT clearly visible from a public street, such as an interior courtyard</u> |

Note 1. Treated engineered wood or EIFS may be used for trim or soffit construction – the percentage of treated engineered wood or EIFS must be subtracted from the percentage of the Category B materials so that the total percentage of any given façade remains as stated above.

Note 2. Tilt wall is prohibited as an exterior material for multi-family structures.

(c) Design Standards for Multi-Family Construction.

- (1) Primary facades. Exterior facades that face a public street, parking lot, or fire lane should be constructed of a minimum of eighty percent (80%) masonry Category A products.
- (2) Secondary facades. Facades that do not face a public street or parking lot (such as an interior courtyard) should be constructed of a minimum of fifty percent (50%) masonry Category A products with the remainder being one or more Category B materials.
- (3) Two masonry materials required. At least two (2) masonry materials shall be used on all exterior facades for multi-family construction.
- (4) Uniform architectural style. All buildings within a common development, as shown on a development plan, conceptual plan, or site plan, shall have similar architectural styles, materials, colors, and detailing; however, sufficient variations should be incorporated to discourage the monotony of exact duplicate buildings.
- (5) Facades adjacent to streets. Facades shall generally be built parallel to the street frontage.
- (6) Facades adjacent to single-family development or districts. Facades shall generally be built perpendicular when adjacent to single-family districts unless set back a minimum of 100 feet from single-family property lines.
- (7) Accessory building materials. Amenity centers, covered garages, and other accessory buildings should meet the exterior material requirements of the primary facades. Carports should meet the exterior material requirements of the primary facades with the exception of the support poles, which may be constructed of painted metal.
- (8) Amenities & hardscape. All streetscape elements and site amenities, such as bike racks, trash receptacles, lampposts, and tree grates shall be metal, rust and flake/chip resistant, and generally be black in color. Bollards may be concrete or cast metal and shall be of decorative design.
- (9) 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.
- (10) Roof materials. Any accessory structure (such as a garage, carport, or amenity center) within a multi-family development shall have a decorative metal roof or a parapet wall to shield roof-mounted equipment from view.

(d) Architectural Features. All multi-family primary buildings shall be designed to incorporate no less than four (4) of the architectural features from the list below.

- (1) Canopies, awnings, or 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 cobblestone, 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 rhythm patterned brickwork.
- (7) Other similar architectural features, as approved by the Director.

(e) Alternate Design Options. The Planning & Zoning Commission and the City Council may entertain other design options that represent new or creative multi-family development through the PD.

Planned Development Zoning District option. These variations include, but are not limited to, higher density, mixed-use options, reduced setbacks to create a more “urban” streetscape, rooftop amenities, usable common areas in lieu of open space, and other concepts so long as the overall quality of design intended by this ordinance is maintained.

ARTICLE II – ZONING DISTRICTS AND REGULATIONS

DIVISION 3 – Current Non-Residential Districts

Section 46-776 – General Non-Residential Design Regulations”

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 8th day of February, 2022.

Jim Atchison, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jennifer Gould, City Clerk

Date of Publication: February 18, 2022, Van Alstyne Leader