

**ORDINANCE NO. 2021-3**

**AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING ORDINANCE NO. 2020-2, THE CITY OF CANTON ZONING ORDINANCE, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM RURAL AGRICULTURAL DISTRICT (RA) TO PLANNED DEVELOPMENT DISTRICT (PD) ON THAT APPROXIMATELY 20.006-ACRE TRACT OF LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 19 AND INTERSTATE 20, CANTON, TEXAS, OWNED BY EDWARD DEARING, BETTY WILKERSON, DORIS BUTLER AND THE ESTATE OF JOYCE CRABTREE, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) 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 notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

**WHEREAS**, the City Council of the City of Canton is of the opinion and finds that a zoning change should be granted and that the Zoning Ordinance and Map should be amended;

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

**SECTION 1.** That the Zoning Ordinance and Map of the City of Canton, Texas, as heretofore amended, be and the same are hereby amended by changing the property owned by Edward Dearing, Betty Wilkerson, Doris Butler, and the Estate of Joyce Crabtree, located in the northeast corner of the intersection of Highway 19 and Interstate 20, in Canton, Texas, from Rural Agricultural District (RA) to Planned Development (PD) District zoning classification.

**SECTION 2.** That the property described may be used only for the purposes set out in the Zoning Ordinance of the City of Canton, subject to the following special conditions:

- a. the property shall be developed in accordance with the City of Canton Zoning Ordinance; and
- b. all other regulations of the "Planned Development District" as set out in Exhibit "A" attached hereto shall apply and development shall be consistent with the Exhibit "B" Preliminary Site Plan attached hereto.

**SECTION 3.** That any provisions of the ordinances of the City of Canton in conflict with the provisions of this Ordinance or the Zoning Ordinance and Map, as amended hereby, be, and the same are hereby, repealed:

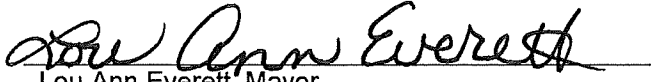
**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or the Comprehensive Plan, as amended hereby be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance or the Comprehensive Plan as a whole, or any part or provision thereof, other than the part decided to be invalid, illegal or unconstitutional.

**SECTION 5.** Any violation of this Ordinance shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the provisions of this Ordinance shall be a fine not to exceed Two Thousand and No/100 (\$2,000.00) Dollars.

**SECTION 6.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

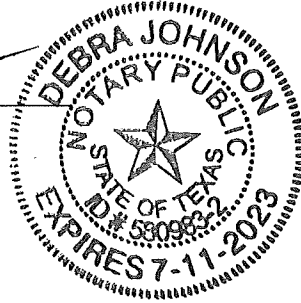
DULY PASSED by the City Council of the City of Canton, Texas, on the 26<sup>th</sup> day of May, 2021.

APPROVED:

  
Lou Ann Everett, Mayor

ATTEST:

  
Debra Johnson, City Secretary



**EXHIBIT "A"**

**BLUEGREEN DEVELOPMENT**

**PLANNED DEVELOPMENT DISTRICT**

**Development Standards**

City of Canton, Texas

## **Development Standards for Bluegreen Development**

### **SECTION 1.0 DESCRIPTION**

This Planned Development District ("PD" or "Bluegreen Development") consists of ±20.006 acres as described by metes and bounds on **Exhibit 1** attached hereto, and is located within the northeast quarter of land west of Trade Days Boulevard, and north of Interstate 20, in the city of Canton, Texas (the "City"), and in Van Zandt County, Texas. The Bluegreen Development is a B-2 General Business zoning-based development expected to consist of a convenient store, casual and fast-food dining, and hospitality uses.

### **SECTION 2.0 SPECIAL DEVELOPMENT REGULATIONS**

Phase 1 of The Bluegreen Development, which includes all of the areas not included in Phase 2, as shown on the concept plan for the Bluegreen Development (the "Concept Plan") attached as **Exhibit 2**, may be developed generally as depicted on the Concept Plan. A concept plan and subsequent site plan(s) approved by the City Council for Phase 2 will be required prior to development within Phase 2, in accordance with Section 4.0.

Prior to development, a detailed site plan shall be submitted for approval in accordance with the requirements of Section 3.3, Site Plan and Subsection 6.24.7, referring to PD Site Plans, of the City of Canton's Zoning Ordinance, (and all other applicable City ordinances) within two (2) years from the date of the approval of the concept plan and the date all access points and access routing methods have been approved for all or some portion or phase of the planned development covered by the overall concept plan. If a detailed site plan for Phase 1 is not submitted within two (2) years, then the concept plan may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity.

In accordance with City regulations, the Concept Plan and any detailed site plans shall have the flexibility to be amended/modified as the project develops, if approved by the City Council. The Zoning Administrator or their designee may authorize minor amendments to an approved concept or site plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved concept or site plan, in accordance with Subsection 3.3.6 "Minor Amendments" of the City of Canton's zoning ordinance.

#### **2.1 USE AND DEVELOPMENT REGULATIONS**

- 2.1.1 For Phase 1, as shown on the Concept Plan, the permitted uses and standards shall be in accordance with the B-2 General Business zoning district unless otherwise specified herein. The permitted uses and standards for Phase 2 (and any other phase developed subsequent to Phase 1) shall be in accordance with the B-2 General Business zoning district.

If there is a conflict between any City zoning, signage or landscaping regulation and the provisions provided in this PD, the provisions provided in this PD shall control.

- 2.1.2 The following uses are prohibited in this PD:

- a. Agriculture sales and services
- b. Recreational and Sports (Indoors)
- c. Automotive Sales
- d. Automotive Repair Facility
- e. Manufacturing
- f. Bingo parlor
- g. Laundromat washateria/self-service
- h. Laundry Services, including dry cleaning
- i. Pawn Shop
- j. Kennels, inside or outside pens
- k. Cemetery or Mausoleum
- l. Pet Sales and Services

### **SECTION 3.0 SPECIAL CONDITIONS WITHIN THIS PD.**

The following special conditions are made a part of this PD. All references to lots herein shall mean those certain lots as shown on the Concept Plan.

#### **3.1 DRAINAGE REGULATIONS**

- 3.1.1 Drainage improvements shall be in accordance with the City's Code of Ordinances. Drainage ways may be permitted and constructed in accordance with the City Municipal Code, which includes certain allowances in construction standards for Pipeline and Drainage Systems, provided the PD is platted with detention areas confined to common areas. Such drainage ways will be designed to handle adequate flows and will not be built without specific approval of the City engineer.
- 3.1.2 Private drainageways are allowed within this PD.

#### **3.2 ACCESS REGULATIONS**

- 3.2.1 Access will consist of entry off of the Interstate 20 west bound ramp to "Bluegreen Drive," Trade Days Blvd. entering into "Bluegreen Point Road" with a drive into Lot A, and an entry onto "Bluegreen Commons." The developer will be responsible for: (1) obtaining right-of-way for Bluegreen Point Road; and (2) obtaining final clearance from the Texas Transportation Commission for the proposed use of the Interstate 20 ramp to Blue Green Drive.
- 3.2.2 Blue Green Commons Road, as shown on the Concept Plan, is a cross access road for all parcels within the Blue Green Development.
- 3.2.3 As shown on the Concept Plan, Blue Green Point Road will only allow exiting traffic

to turn right with a physical diverter prohibiting left existing turns. No building permits will be issued for the buildings shown on the Concept Plan without access being approved and provided for Blue Green Point Road.

- 3.2.4 Approval to access (ingress and egress) Blue Green Drive from Interstate 20, including approval of a deceleration lane, must be obtained from TXDOT and shown on a site plan, which site plan shall be approved by the City of Canton. No building permits will be issued for the buildings shown on the Concept Plan without access being approved and provided for Blue Green Drive from Interstate 20.
- 3.2.5 Lots B-F are permitted to have shared cross access. Individual lots are allowed cross access for the purpose of parking and maneuvering via a cross access. Lots within this PD are not required to have frontage on an approved street. (which consists of Interstate 20 ramp).

### **3.3 SIGN REGULATIONS**

- 3.3.1 Signs must be in conformance with TXDOT regulations (as may be required by TXDOT) regarding signs along Interstates and, except as provided below in this Section 3, all signage will conform to the City of Canton sign ordinance, as amended. Signs will require permits and will need to be approved by the City of Canton and by TXDOT, if required by TXDOT, prior to construction.
- 3.3.2 Wall Signs. Lot A may have a maximum of 165 square feet of wall sign on the front building façade. Lots B through G may have a maximum of 120 square feet of wall sign area on the front building façade.
- 3.3.3 Monument Signs. With the exception of Lot A, all ground (monument) signs shall have a maximum height of 10 feet and include a maximum square footage of 125 square feet. Lot A shall be allowed a ground (monument) sign with a maximum of 11-foot height and maximum of 150 square foot size. A monument sign shall have no less than 400 square feet of landscaping at the base.
- 3.3.4 Pole Signs. Subject to TXDOT approval (if required), each of the Lots B-G may have a pole sign with a maximum height of 80 feet and a maximum square footage of 300 square feet, and Lot A may have one 100 feet pole sign with a maximum height of 100 feet and maximum area of 400 square feet.
- 3.3.5 With the exception of Lot A, all free-standing accessory signs shall provide a landscaped area containing one (1) square foot per two (2) square feet of sign or fraction thereof located within 10 feet of the base of any freestanding accessory sign. Lot A shall be required to provide no more than 100 square feet of landscaped area within 10 feet of the base of any freestanding accessory sign constructed on Lot A. This landscaping may be applied to fulfill site or parking point requirements. Turf grass shall not be used to satisfy this requirement.

### **3.4 SIDEWALK REGULATIONS**

Except for Lot A, 5 foot sidewalks shall be constructed on the interior streets where required by the City. Lot A shall not be required to provide any sidewalks. Sidewalks or pedestrian paths shown on the concept plan will be constructed at the time a building permit is issued on a lot.

### **3.5 COMMON AREAS AND DETENTION POND**

Maintenance of the common areas in the Bluegreen Development shall be the responsibility of the owner(s) pursuant to a property owner's association "POA" agreement and filed of record. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements within the Bluegreen Development.

### **3.6 GENERAL DESIGN AND DEVELOPMENT GUIDELINES**

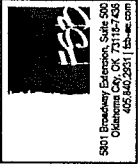
Development within the site shall meet the B-2 General Design and Development Guidelines, as contained in the City's Code of Ordinances, for density, amenities, relationship to abutting uses, site design, safety, and circulation systems unless otherwise modified herein.

### **3.7 OTHER REGULATIONS**

- 3.7.1 Dumpsters: All commercial dumpsters may be located on any portion of the development area designated for trash pick-up. All dumpster sites shall be screened from view by a 6 to 8-foot-high fence and masonry wall.
- 3.7.2 Screening. Roof-mounted equipment shall be screened from view from the ground level of the parcel as well as adjacent properties.
- 3.7.3 Parking: Lots B-F may have cross-access parking per agreement filed of record and which meets all applicable City ordinances regarding parking capacity.
- 3.7.4 Applications for all commercial building permits must include an overall site plan along with this approved PD, which depicts the size of building(s) and include parking spaces, egress and ingress, sidewalks (if required) and landscape plan, and which must meet City ordinance requirements for site plan, platting, and subdivision review. Architectural elevations for all buildings proposed on the property indicating the material, color, texture, windows, doors and other design features of the building, including all visible mechanical equipment, such as heating and cooling shall be submitted to the City as part of the application for building permits. Elevations shall be drawn to a scale of one (1) inch equals ten (10) feet or greater or a comparable scale.

## **SECTION 4.0 DEVELOPMENT SEQUENCE**

Developmental phasing shall be allowed as a part of the development of this PD. It is anticipated that construction of Phase 2 will begin within eighteen (18) months of the start of construction for Phase 1.



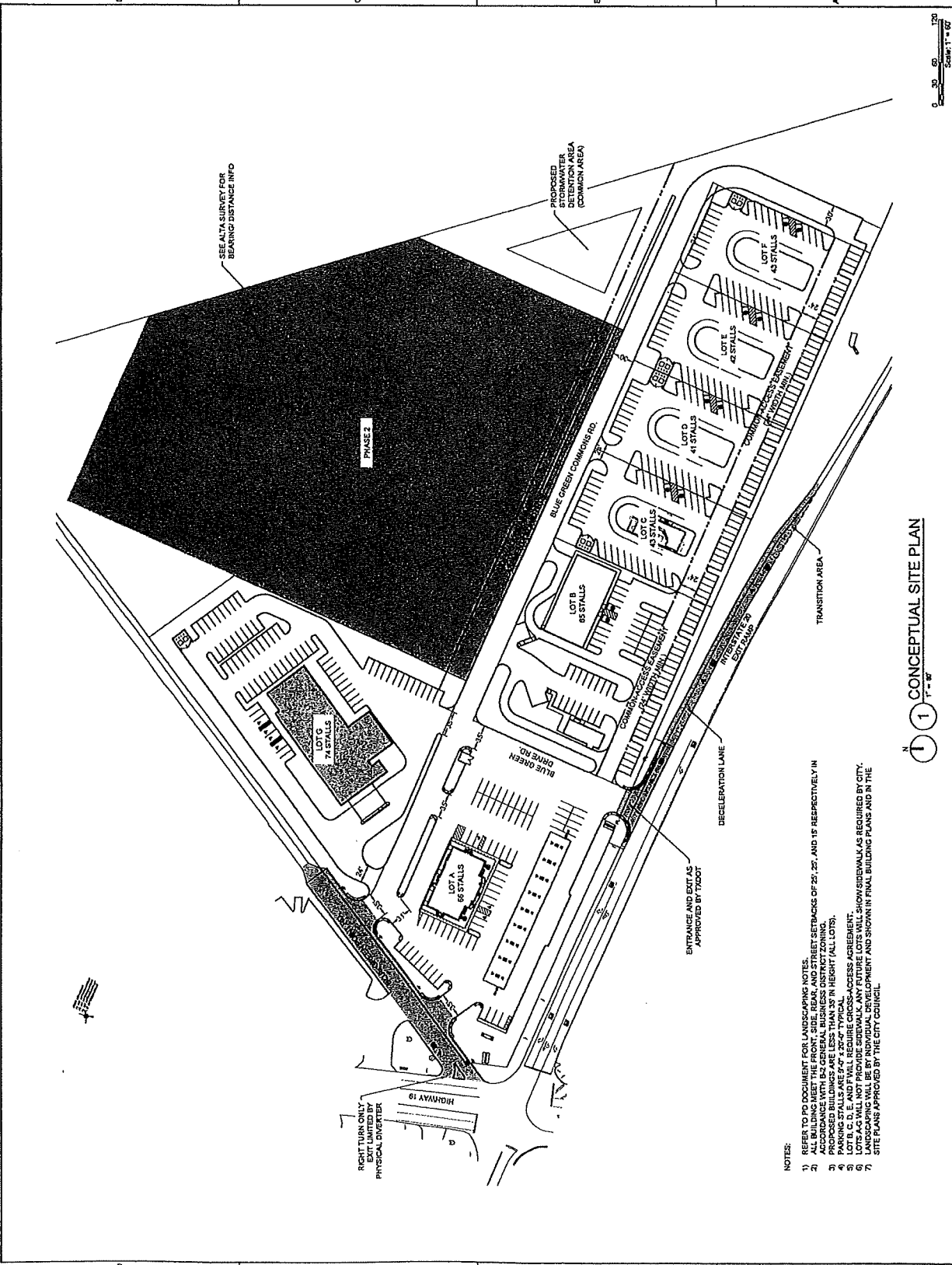
**PRELIMINARY**  
THIS DOCUMENT IS  
PRELIMINARY IN  
NATURE AND IS NOT  
FINAL AS SHOWN AND  
SHOULD NOT BE  
USED FOR ANY  
CONTRACTS OR  
OBLIGATIONS.



**H.B.I.C., LLC**  
Canton, TX 20 Acre Development  
Van Zandt County, Texas

NO.	DESCRIPTION	DATE
1	CONCEPTUAL SITE PLAN	APRIL 30, 2021

ISSUE DATE:  
APRIL 30, 2021  
SHEET NUMBER:  
**EXHIBIT 1**



- NOTES:**
- 1) REFER TO PG DOCUMENT FOR LANDSCAPING NOTES.
  - 2) REFER TO PG DOCUMENT FOR SETBACKS OF 25', 25', AND 15' RESPECTIVELY IN ACCORDANCE WITH EX GENERAL BUSINESS DISTRICT ZONING.
  - 3) PROPOSED BUILDINGS ARE LESS THAN 35' IN HEIGHT (ALL LOTS).
  - 4) PARKING STALLS ARE 25'-0" x 35'-0" TYPICAL.
  - 5) REFER TO PG DOCUMENT FOR ACCESS AGREEMENT.
  - 6) LOTS AG SHALL NOT PROVIDE SIDEWALK ANY FUTURE LOTS WILL SHOW SIDEWALK AS REQUIRED BY CITY. LANDSCAPING WILL BE BY INDIVIDUAL DEVELOPMENT AND SHOWN IN FINAL BUILDING PLANS AND IN THE SITE PLANS APPROVED BY THE CITY COUNCIL.
  - 7)

1 1 CONCEPTUAL SITE PLAN  
T-1-W

4/27/2021



EXHIBIT "1"

**BEGINNING** at a TXDOT concrete monument found at the southerly southwest property corner of the said Wilkerson tract, being the intersection of the northeast right-of-way line of Interstate Highway No. 20, being a variable width right-of-way, described as "Parcel 48-2" in a deed to the State of Texas, recorded in Volume 530, Page 194, D.R.V.Z.C.T., as shown in State Highway Department Plan of Proposed Right-of-way Project Dated May 6, 1966, with the east right-of-way line of Highway No. 19, being a variable width right-of-way, described in deeds to the State of Texas, recorded in Volume 266, Page 534, D.R.V.Z.C.T., and Volume 250, Page 393, D.R.V.Z.C.T., as shown in Right-of-way map Control No. 108-Section 1;

THENCE NORTH 06° 52' 44" EAST, with the southwest property line of the Wilkerson tract and with the said east right-of-way line of Highway No. 19, a distance of 59.26 feet (deed called to be 59.35 feet) to a 1/2 inch rebar found at the northerly southwest property corner of the said Wilkerson tract;

THENCE NORTH 53° 08' 09" EAST, with the northwest property line of the said Wilkerson tract, a distance of 437.84 feet (deed called to be 437.49 feet) to a 1/2 rebar found at the south property corner of a tract described in the deed to John S. Turner II, and wife Barbara Turner, recorded in Volume 1189, Page 376, D.R.V.Z.C.T.;

THENCE NORTH 53° 00' 11" EAST, continuing with the said northwest property line, and with the southeast property line of the said Turner tract, a distance of 772.43 feet (deed called to be 772.38 feet) to a 1/2 inch rebar found at the north property corner of the said Wilkerson tract, same being the east property corner of the said Turner tract, and being the west property corner of the tract described in the deed to John S. Turner II, and wife Barbara Turner, recorded in Volume 1025, Page 19, D.R.V.Z.C.T.;

THENCE SOUTH 16° 19' 48" EAST, with the said northeast property line of the said Wilkerson tract, and with the southwest property line of the said Turner tract (Vol. 1025, Pg. 19), a distance of 1,463.49 feet (deed called to be 1,463.60 feet) to a 1/2 inch rebar found on the aforesaid northeast right-of-way line of Interstate Highway No. 20;

THENCE NORTH 65° 57' 41" WEST, with the said southwest property line of the Wilkerson tract and with the said right-of-way line, a distance of 1,517.40 feet (deed called to be 1,517.10 feet) returning to the **POINT OF BEGINNING** and enclosing 20.006 acres (±871,448 square feet).