

ORDINANCE NO. 1976

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS AMENDING THE TERRELL CITY CODE OF ORDINANCE BY ADDING SECTION 24 OF CHAPTER 4 “EXTERIOR CONSTRUCTION REQUIREMENTS AND STANDARDS” DESIGNATING REQUIREMENTS FOR MASONRY CONSTRUCTION OF EXTERIOR WALLS OF BUILDINGS WITHIN THE CITY OF TERRELL; PROVIDING FOR REQUIREMENTS AND STANDARDS; PROVIDING FOR CONSTRUCTION STANDARDS; PROVIDING FOR EXCEPTIONS AND EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

SECTION I.

That Chapter 4, Section 24: Exterior Construction Requirements and Standards of the Terrell City Code read as follows:

A. Purpose

The City considers it desirable and in the best interest of the public health, safety, morals and general welfare of the citizens of the City to add said Ordinance to provide for the enhancement of the overall visual image of the City and to encourage some degree of design consistency, by requiring exterior masonry walls for all structures as specified in this section.

B. General Requirements

For the purpose of administering this section, the following shall apply:

1. Calculations – the area of door and window openings shall not be included in the calculation of this requirement. Each primary elevation, i.e., front, side and rear will be considered a separate wall surface for the purpose of administering these requirements. The masonry requirement shall apply to all wall sections on all floors above the finish floor level of the foundation, as detailed in the Construction standards.
2. Acceptable Masonry Façade Materials – only the following materials shall be considered as meeting the masonry requirements:
 - a. natural stone
 - b. brick
 - c. precast concrete panels which are painted or integrally colored, exposed aggregate, or a combination of both;
 - d. stucco or similar exterior finishing system
 - e. concrete masonry units of the following type: split face, fluted, castle rock, shadow rock, score, and/or glazed

Common smooth face masonry units are specifically prohibited unless used in combination with other types of concrete masonry units and do not exceed twenty-five percent (25%) of the area covered by concrete masonry units. All concrete masonry units must be painted in accordance with manufacture's recommendations.

C. Construction Standards

1. Non-Residential – includes all buildings constructed on property that has frontage to a State maintained highway within the city limits

These standards apply to new construction, add-ons, any building visible from right-of-way.

- a. Retail, Commercial, and Central Area Districts – the exterior wall surfaces of all structures or buildings, constructed in the Retail, Commercial, or Central Area districts shall consist of one hundred percent (100%) glass, brick, tiles, stone, concrete block, or precast or reinforced concrete materials. **This requirement shall apply to all wall sections on all floors above the finish floor level of the foundation.**
- b. Light Industrial and Heavy Industrial District – the exterior walls of all structure or buildings constructed in the Light Industrial and Heavy Industrial zoning districts shall consist of at least eighty percent (80%) glass, brick, tile, stone, concrete block, or precast or reinforced concrete materials.

This requirement shall apply to the front elevation of the structure and at least thirty percent (30%) of the length of the side elevations. However, all walls facing or adjacent to a dedicated street or a single-family or two-family residential zoning district shall provide at least eighty percent (80%) masonry coverage. Walls “facing or adjacent” shall be considered any wall having an angle of less than eighty degrees (80⁰) from the building line cord.

The remaining exterior walls may be constructed as masonry, or may be constructed of a pre-engineered and prefabricated type metal.

D. Exceptions and Exemptions

1. Procedures – exceptions to these requirement may be reviewed by the Planning & Zoning Commission for a recommendation to City Council for approval, on a case by case basis provided that the Commission and Council finds that the proposed building materials and arrangement of these materials will enhance and preserve the character of the neighborhood in which the structure is located. Consideration for exceptions to the above requirements shall be based on the architectural design and creativity of the structure, and its compatibility with surrounding developed properties.

Exceptions reviewed by the Commission and approved by Council shall be in effect for only the structure specifically authorized by the Commission and shall become null and void should no building permit be issued within the ninety (90) days or should the building permit for the specific structure expire.

Temporary building permits may be issued on a case by case basis provided that the Commission reviews and Council approves the proposed building materials.

These restrictions and standards do not apply to buildings less than four hundred (400) square foot, churches and existing Industrial Parks; and will not apply to Industrial Parks with deed restrictions and private development approved by the Planning & Zoning Commission. Accessory buildings may be exempted if screening is provided by fencing, architecture, landscape or brume.

SECTION II.

A. Severability

If any section or part of any section or paragraph of this Ordinance is declared invalid, or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

B. Penalties

It shall be unlawful and a violation of this section for such any such person to whom an order is given under this section to fail or refuse to comply therewith. Any person who shall violate the terms and provisions of this section upon conviction thereof, be deemed guilty of a misdemeanor and each and every day this section is violated shall constitute a separate offense.

SECTION III.

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.

SECTION IV.

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

PASSED on first reading on the 17th day of August, 1999.

PASSED on second reading on the 21st day of September, 1999.

Henry C. Madgwick, Sr., Mayor

Attest:

John Rounsavall, City Secretary

Approved as to Form:

Mary Gayle Ramsey, City Attorney