

ORDINANCE NO. 2122

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY TEXAS AMENDING CHAPTER 4, BUILDING REGULATIONS, SECTION 24, EXTERIOR CONSTRUCTION REQUIREMENTS AND STANDARDS OF THE TERRELL CITY CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I.

That Chapter 4, Building Regulations, Section 24, Exterior Construction Requirements and Standards of the Terrell City Code shall be amended as follows:

SECTION 24: EXTERIOR CONSTRUCTION REQUIREMENTS AND STANDARDS OF THE TERRELL CITY CODE

1. Purpose.

The City of Terrell 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 that all structures as specified in this section be constructed in such a way as to promote said public interest.

2. 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 administration of any requirements in this section. Each primary elevation, i.e., front, side and rear will be constructed in 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 Facade Materials - the following materials shall be considered as meeting the masonry requirements:
 1. natural stone;
 2. brick;

3. Precast concrete panels which are painted or integrally colored, exposed aggregate, or a combination of both;
4. stucco or similar exterior finishing;
5. concrete masonry units of the following type: split face, fluted, castle rock, shadow rock, score, and/or glazed;

3. Construction Standards.

Non-Residential - includes all buildings constructed on property that has frontage on a State maintained highway within the city limits. These standards shall apply to new construction and/or add-ons to any building visible from the right-of way.

1. 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, subject to the provisions of Subsection E below, be constructed in the following manner

100% of all wall sections on all floors above the finish floor level, regardless of elevation or location, shall be constructed of the acceptable masonry facade materials specified in Subsection B above;

2. Light Industrial and Heavy Industrial Districts - the exterior walls of all structures or buildings constructed in the Light Industrial and Heavy Industrial zoning districts shall, subject to the provisions of Subsection E below, be constructed in the following manner:

100% of all wall sections on all floors above the finish floor level, regardless of elevation or location, shall be constructed of the acceptable masonry facade materials specified in Subsection B above;

3. This requirement shall apply to the front elevation of the structure and the length of the side elevations if facing a state highway, dedicated street, and/or single-family or two-family residential zoning district. Rear walls facing single family or two-family residential zoning district shall provide one-hundred (100%) masonry coverage. Side elevation walls and rear walls facing or adjacent to Light or Heavy Industrial District shall provide one-hundred percent 100% masonry coverage. Walls “facing or adjacent” shall be considered any wall having an angle of less than eighty degrees from the building line cord.

D. Exemptions

This section does not apply to churches, existing Industrial Parks or Industrial Parks with deed restrictions. Accessory buildings may be exempted if screening is provided by fencing, architecture, landscape or berm.

E. Exceptions and Appeals

1. Review by Planning and Zoning Commission - Any applicant that has been denied a building permit under the provisions of this section may, within ten (10) days of such denial, appeal the same by submitting a written request to the Director of Municipal Development for a hearing before the Planning and Zoning Commission to review such denial to be followed by a final hearing before the Terrell City Council. As a part of its review, the Planning and Zoning Commission may recommend the granting of an exception by the City Council to the requirements of this section if the commission 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. Such findings shall be based on the architectural design and creativity of the structure and its compatibility with the surrounding developed properties.
2. Appeal to the City Council -Within thirty (30) days after notice of the recommendation of the Planning and Zoning Commission has been received, the request for an exception shall be heard by the Terrell City Council. At least five (5) days notice of the date of the hearing shall be given to the applicant. Based on the hearing of the appeal and the facts relative thereto, the City Council shall either grant or deny an exception. The decision of the City Council shall be final.

F. Penalties.

It shall be unlawful and a violation of this section for 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 shall, upon conviction thereof, be deemed guilty of a misdemeanor punishable by a fine not to exceed \$500.00. Each and every day this section is violated shall constitute a separate offense.

ARTICLE II.

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

ARTICLE 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 judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not

affect any of the remaining phrases, clauses, sentences, paragraphs and section of this Ordinance since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

ARTICLE 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 AND APPROVED THIS the 2nd day of July, 2002.

PASSED AND ADOPTED THIS the 16th day of July, 2002.

Frances Anderson, Mayor

Attest:

John Rounsavall, City Secretary

Approved as to Form:

Mary Gayle Ramsey, City Attorney