

ORDINANCE NO. 2185

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 NEW STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

CHAPTER 4: BUILDING REGULATIONS
SECTION 24: EXTERIOR CONSTRUCTION REQUIREMENTS AND STANDARDS

(A.) 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 and exterior fire resistant construction, by requiring that all structures as specified in this section be constructed in such a way as to promote said public interest.

(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 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:
 - a. Natural stone;
 - b. Brick, concrete or fired;
 - c. Precast concrete panels which are painted or integrally colored, exposed aggregate, or a combination of both;
 - d. Stucco;
 - e. Exterior insulation finish systems (EIFS);
 - f. Concrete masonry units of the following type: split face, fluted, castle rock, shadow rock, score, and/or glazed.
 - g. Concrete fibrous cement siding.

- (C.) Construction Standards. Standards listed below must meet or exceed all guidelines as established in the City of Terrell zoning ordinance.
- (1) Non-Residential - includes all buildings constructed, to include new construction and/or add-ons to any building, or buildings moved or installed for Commercial use within Retail, Commercial, or Central Area Districts, visible from the right-of way within the city limits. Such construction standards do not apply to any existing facility converted for Commercial use within Retail, Commercial, or Central Area District zone.
- (a) Retail, Commercial and Central Area Districts - the exterior wall surfaces of all structures or buildings constructed, on property 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 façade materials specified in subsection (b) above.
- (b) Light Industrial and Heavy Industrial Districts - the exterior wall surfaces of all structures or buildings constructed, on property within 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 acceptable masonry façade materials specified in subsection (b) above.
- (2) Residential - applies to all new single family homes constructed in any zoning district in the City of Terrell. Applies to any home constructed as part of a subdivision or on any single lot within the City.
- (a) Masonry – all new homes shall be of 100% masonry (as defined earlier in this section) for the first floor of new homes. For any level above the first floor, the masonry requirement shall be 75% masonry. The percentage of masonry shall be calculated as stated in the general requirements above.
- (b) Square footage – minimum dwelling unit area shall be 1,200 square feet. Minimum square footage calculation shall be for living area exclusively and shall not include square footages of a garage(s), porch or patio.
- (c) Driveway – all new homes constructed shall be of all-weather surfacing which is defined as a hard, paved surface of either hot mix asphalt or concrete with an appropriate base. Driveway will need to meet the same or exceed the quality of the adjacent street.

- (3) Multi-Family – The exterior wall surfaces of all structures or buildings constructed on property in the Multi-Family (MF) district 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 façade materials specified in subsection (b) above.
- (D.) Exceptions. This section does not apply to public or governmental facilities, churches, church related facilities located on property owned by the church, public or private schools, existing Industrial Parks or Industrial Parks with deed restrictions.
- (E.) Exemptions and appeals. Hearing before the City Council – Any applicant that has been denied a building permit under the provisions of this section may, within ten (10) days of such denial, request an exception from the Terrell City Council. The request shall be made in writing and submitted to the Office of the City Manager. Within thirty (30) days after the request for an exception has been received, the request shall be heard by the Terrell City Council. As a part of its review, the City Council may consider granting an exception to the requirements of this section if it finds sufficient cause for such exception including, but not limited to, finding 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 may be based on the architectural design and creativity of the structure and its compatibility with the surrounding developed properties. Based on the hearing and all of 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 judgment 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 5th day of August, 2003.

Passed and adopted this the 19th day of August, 2003.

Frances Anderson, Mayor

Attest:

John Rounsavall, City Secretary

Approved as to Form:

Mary Gayle Ramsey, City Attorney

Original Signatures filed in City Secretary's Office.