Ordinance No. 2266

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, REPEALING CHAPTER 4: BUILDING REGULATIONS, SECTION 4-24 (EXTERIOR CONSTRUCTION REQUIREMENTS AND STANDARDS) OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL AND AMENDING CHAPTER 13: ZONING TO ADD SECTION 26 (EXTERIOR CONSTRUCTION AND DESIGN REQUIREMENTS); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

SECTION I.

Be it ordained by the City Council of the City of Terrell, Texas that the Revised Code of Ordinances of the City of Terrell, Chapter 4: Building Regulations, Section 4-24 be repealed and Chapter13: Zoning, Section 26 be added to read as follows:

CHAPTER 13: ZONING

SECTION 26-100. EXTERIOR CONSTRUCTION AND DESIGN REQUIREMENTS

SECTION 26-101. PURPOSE

The City Council of the City of Terrell finds that it is necessary to regulate the exterior finish and appearance of buildings that are erected within the City in order to insure the consistency in quality, compatibility, and character of buildings within comparable zoning districts. The regulation of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and manmade forces over time and a safe environment for those occupants, equipment, and goods within the structure. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood or surroundings.

SECTION 26-105. DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

Masonry Construction. This term shall be construed to mean that form of construction composed of brick, stone, decorative concrete block or tile, or other similar building units or materials (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include the following materials:

1. **Hard fired brick.** Shall be kiln fired clay or slate material and can include concrete brick if it is to the same American Society for Testing and Materials

(ASTM) standard for construction as typical hard fired clay brick. The material shall be Severe Weather grade. Unfired or under-fired clay, sand or shale brick are not allowed.

2. **Stone.** Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior construction material. Cast or manufactured stone product, provided that such product yields a highly textured, stone-like appearance.

3. **Decorative concrete block.** Shall be highly textured finish such as split-faced, indented, hammered, fluted, ribbed, or similar architectural finish. Coloration shall be integral to the masonry material and shall not be painted on.

4. **Concrete pre-cast or tilt wall panel.** Shall be of an architectural finish that is equal to or exceeds the appearance and texture of face brick or stone. Coloration shall be integral to the masonry material and shall not be painted on.

5. **Stucco.** An exterior plaster made from a mixture of cement, sand, lime and water spread over metal screening or chicken wire or lath.

6. **Exterior Insulated Finish System.** A synthetic stucco cladding system that typically consists of the these main components:

   a) Panels of expanded polystyrene foam insulation installed with adhesive or mechanically fastened to the substrate, usually plywood or oriented strand board;
   b) A base coat over the foam insulation panels,
   c) A glass fiber reinforcing mesh laid over the polystyrene insulation panels and fully imbedded in the base coat; and
   d) A finishing coat over the base coat and the reinforcing mesh.

Exterior Wall Surface. All areas of a structure's wall sections located above the finish floor elevation of the foundation, exclusive of doors and windows.

SECTION 26-110. MINIMUM EXTERIOR CONSTRUCTION STANDARDS

The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new building construction occurring within any zoning district in the City of Terrell as follows:

A. Single-Family and Two-Family Residential

1. The first floor exterior wall surface of all new single-family and two-family dwellings shall be of 100% masonry construction. When located along the front or back elevation of a structure, areas of exterior walls located directly beneath covered porches or patios that have a minimum dimension of four feet in depth and eight feet in width shall

not be counted as exterior wall surface when calculating the masonry requirement for the first floor.

2. A minimum of 75% of the exterior wall surfaces above the first floor shall be of masonry construction. Architectural trim features such as dormers or gables shall not be counted as exterior wall surface when calculating the masonry requirement above the first floor and may be located on any wall surface.

B. Multiple-Family Dwellings

All exterior wall surfaces of all new multiple-family dwellings shall be of 100% masonry construction. Covered breezeways and areas of exterior walls located directly beneath covered porches, patios and balconies that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement.

C. Non-Residential Structures

All exterior wall surfaces of all new non-residential structures shall be of 100% masonry construction. When located along the front or back elevation of a structure, areas of exterior walls located directly beneath covered porches or patios that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement.

D. Applicability

The Minimum Exterior Construction Standards established in this Section shall not apply to the following class or kind of buildings:

1. Public or governmental facilities;
2. Public or private schools
3. Facilities located within industrial parks that were developed or are managed by the Terrell Economic Development Corporation. The Terrell Economic Development Corporation receives funds from 4A sales tax revenues governed by the City Council of the City of Terrell. These industrial parks shall abide by deed restrictions governing exterior construction standards as agreed to by the Terrell City Council.
4. Detached accessory buildings having not more than four hundred (400) square feet of floor area when located on the same lot as a single-family or two family dwelling. Accessory Dwelling Units as defined by the Zoning Ordinance are not considered detached accessory buildings in the application of this Subsection.
5. Temporary construction and material storage buildings utilized during construction of permanent improvements on a parcel of land, within

subdivision or other similar circumstance such as a public works project. The temporary structure shall be completely removed upon the expiration of its building permit or upon completion of the permanent improvement, whichever occurs first.

6. Barns and farm accessory buildings if such buildings are used solely for agricultural purposes.
7. Historic Landmarks designated by the City Council
8. Remodeling, renovating or expansion of existing single-family or two-family dwellings when matching materials (or materials that simulate the appearance of the existing exterior) are utilized.

E. Alternative Exterior Materials

The City Council may, approve an alternative exterior construction material(s) only upon a determination that the proposed materials are sufficiently durable, and fire and weather resistant to achieve the stated purpose of these requirements; and

1. The proposed building materials and arrangement of the materials provide consistency of appearance with existing structures on the property or within the neighborhood in which it is located, or
2. The proposed building material(s) create an appearance that associates a time, a place, an event, or an activity with the development in a thematic manner.

All requests to utilize an alternative exterior construction material(s) shall be in writing and shall address the durability of the proposed material(s) along with an explanation of its use as it relates to Subsection 1 or 2 above.

Such requests shall be accompanied by a site plan and a façade plan in the case of an individual structure or group of structures developed as a single non-residential project. In the case of a residential development involving the utilization of an alternative exterior construction material(s) on a neighborhood wide basis, a concept plan or approved plat and typical façade treatments shall accompany the request. The City may require the submission of an actual sample(s) of the proposed alternative exterior construction material(s).

A request to utilize an alternative exterior construction material(s) shall be submitted to the Building Official. The City Council shall consider the request within thirty (30) days of submittal. The approval of an alternative exterior construction material(s) shall be on a case-by-case basis and is solely at the discretion of the City Council.

SECTION II.

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

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 section to 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 AND APPROVED on first reading this the 3rd day of May, 2005.
PASSED AND ADOPTED on second reading this the 17th day of May, 2005.

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Frances Anderson, Mayor

Attest:

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John Rounsavall, City Secretary

Approved as to Form:

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Mary Gayle Ramsey, City Attorney