

ORDINANCE NO. 552-19

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SANSOM PARK, TEXAS, ZONING ORDINANCE BY AMENDING SECTION 4.12 PERMITTED USE TABLE FOR COMMERCIAL 'C' ZONING DISTRICT AND SECTION 7.1.1 EXTERIOR CONSTRUCTION STANDARDS, GENERALLY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sansom Park, Texas, is a Type A General-Law municipality; and

WHEREAS, Section 51.001 of the Texas Local Government Code authorizes municipalities to adopt any ordinance, act, law or regulations, not inconsistent with State law, that is necessary for the government, interest, welfare or good order of the City; and

WHEREAS, the City Council of the City of Sansom Park provided notice as required by law and conducted a public hearing on April 18, 2019, in accordance with Texas Local Government Code 211.007 and finds and determines that the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, , Ordinance No. 480-14, as amended, (Zoning Ordinance) should be amended by amending Section 4.12 –Permitted Use Table and Section 7.1.1 as shown in Attachment "A".

WHEREAS, the City Council of the City of Sansom Park, Texas, has found that the following amendments to the City's zoning ordinance will promote the public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANSOM PARK, TEXAS, THAT:

**SECTION I
FINDINGS OF FACT**

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**SECTION II
ZONING AMENDMENTS**

Exhibit "A" of the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, is hereby amended by amending Section 4.1, Section 4.12 –Permitted Use Table and Section 7.1.1 EXTERIOR CONSTRUCTION STANDARDS, GENERALLY as shown in Attachment "A".

**SECTION III
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Sansom Park, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

**SECTION IV
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections 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 V
PENALTY CLAUSE**

Any person, firm or corporation, violating any of the provisions or terms of this Ordinance, or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every day such violation shall continue shall constitute a separate offense.

**SECTION VI
PUBLICATION CLAUSE**

The City Secretary of the City of Sansom Park is hereby directed to publish the caption, the penalty clause and effective date clause in the official newspaper at least once within ten (10) days after the passage of this Ordinance.

**SECTION VII
EFFECTIVE DATE**

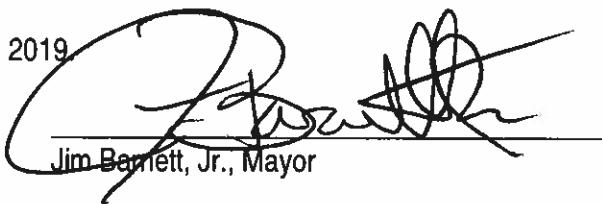
This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED this the 18th day of April, 2019

ATTEST:



Wendy Blocker, City Secretary



Jim Barnett, Jr., Mayor

APPROVED AS TO FORM AND CONTENT:



Will Pruitt, City Attorney



ATTACHMENT "A"

CODE OF ORDINANCES OF THE CITY OF SANSOM PARK, TEXAS

ZONING ORDINANCE SHALL BE AMENDED AS FOLLOWS

Amend Section 4.12 – Permitted Use Table under the COMMERCIAL 'C' DISTRICT as follows (strikethrough text indicates deletions and underlined text indicates additions):

Use	'C' Zoning District
Educational Uses	
School, Dance Studio	<u>S-P</u>
Commercial, Retail, & Service Uses	
Animal Grooming (<u>no overnight accommodation for animals</u>)	<u>S-P</u>

Amend Section 7.1.1 EXTERIOR CONSTRUCTION STANDARDS, GENERALLY, as follows

SECTION 7.1.1 - EXTERIOR CONSTRUCTION STANDARDS, GENERALLY

The following design standards shall apply generally and by use type within the zoning district in which the development is proposed.

A. 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, unless otherwise permitted under this section, and shall exclude wall area devoted to doors and windows. As applicable to meeting minimum requirements for the exterior construction of building[s] within each zoning district, this term shall include the following materials:

1. Hard Fired Brick. Kiln fired clay or slate material. Brick may include concrete brick if it is to the same ASTM standard for construction as typical hard fired clay brick. Brick shall be severe weather grades; minimum thickness of three (3") inches when applied as a veneer; and shall not include unfired or under-fired clay, sand, or shale brick.
2. Stone. Stone shall include naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior building construction. Stone may also include cast- or manufactured-stone product, provided that such product yields a highly textured, stone-like appearance; its coloration is integral to the masonry materials and shall not be painted or sprayed on; and it is demonstrated to be highly durable and maintenance-free. Natural or man-made stone shall have a minimum thickness that meets industry standards.
3. Decorative Concrete Block. Decorative Concrete Block shall include highly textured finish, such as split-face, indented, hammered, fluted, ribbed or similar architectural finish. Coloration shall be integral to the masonry material and shall not be painted or sprayed on. Decorative Concrete Block shall have a minimum thickness that meets industry standards when applied as a veneer and shall not include lightweight or featherweight concrete block or cinderblock units. Decorative Concrete Block shall not be used as a material in single-family, duplex, multifamily, or single-family attached structures.

4. Concrete Pre-Cast or Tilt-Wall Panels. This material shall only be allowed if a highly textured architectural finish which appears texturally as face brick or stone. Concrete pre-cast or tilt-wall panels may be brick-like or stone-like in appearance. Coloration of the material shall be integral to the masonry material and shall not be painted on or sprayed on. This material shall not include smooth, untextured or inadequately textured finishes. Concrete pre-cast or tilt-wall panels shall not be used as a material in single-family, duplex, multifamily, or single-family attached structures.

5. Glass Blocks or Tiles. This material shall be of the type customarily used in exterior building construction. It shall not comprise more than thirty (30%) percent of any exterior wall surface, nor more than twenty (20%) of the building's total exterior on all wall surfaces combined. It shall not be highly reflective or contain a mirror-like finish.

6. Stucco. Stucco or plaster shall only be allowed as a masonry material when applied using a 3-step process over diamond metal lath mesh to a 7/8th inch thickness or by other processes producing comparable stucco finish with equal or greater strength and durability specifications.

B. Prohibited Materials and colors. Unless specifically approved by the City Council on an approved site plan for single-family, single-family attached, attached multifamily, institutional, office, retail, commercial, industrial, or other nonresidential structures, the following materials shall not qualify or be defined as "masonry construction" in meeting the minimum requirements for the exterior construction of buildings:

1. Exterior plaster, adobe or mortar wash, surface materials unless otherwise permitted in this section;
2. Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;
3. Cementitious fiber board siding (such as "Hardy Plank, Hardy Board, etc.), unless otherwise provided herein;
4. PVC or other plastic-based siding materials;
5. Lightweight or featherweight concrete blocks, cinderblocks or other lightweight based masonry unit;
6. Any other cementitious product not listed above.
7. Any pastel or bright colors painted directly to the surface of the exterior structure. All structures shall have an exterior color of muted earth tones such as, but not limited to, reds, browns, tans, grays, and greens.