

Motion was made by _____, seconded by _____
_____, that the following Ordinance be passed:

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILLIS, TEXAS BY AMENDING CHAPTER 155, "ZONING," OF THE CITY CODE OF ORDINANCES BY ADDING EXTERIOR MASONRY CONSTRUCTION DEFINITIONS AND STANDARDS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION.

WHEREAS, the City Council has passed an Ordinance No. 09-0721, dated July 21, 2009, providing certain rules and regulations concerning zoning within the City of Willis, as found in the Code of Ordinances ("CODE") at Title XV, Chapter 155; and

WHEREAS, the City Department of Community Development and the City Planning and Zoning Commission have recommended that architectural design standards should be implemented by the City to add exterior masonry construction standards for certain buildings in various zoning districts of the City; and

WHEREAS, a public hearing was conducted on _____, 2015, with the City Planning and Zoning Commission, as authorized by Section 155.052 (A) of the CODE, in order to consider the addition of Exterior Masonry Construction Definitions and Standards; and

WHEREAS, a public hearing was conducted on _____, 2015, with the City Council, as authorized by Section 155.052 (B) of the CODE, in order to consider the addition of Exterior Masonry Construction Definitions and Standards; and

WHEREAS, pursuant to Section 155.052 of the CODE, the City Planning and Zoning Commission has submitted a final report to the City Council, which is attached as Exhibit "A" in which it has voted to approve and recommend that Section 155.001 of Chapter 155, "Zoning," of the CODE be amended to add certain definitions to the CODE; that Section 155.134 be added to the CODE; and that Sections 155.149, 155.153, 155.154, 155.155, and 155.156 of Chapter 155, "Zoning," to the CODE be amended to set standards for Exterior Masonry Construction for certain buildings in various zoning districts of the City; and

WHEREAS, the City Council finds that all notifications and other procedures required by Section 155.052 of the CODE have been followed; and

WHEREAS, the City Council has determined that it in the best interest of the citizens of the City that it implement certain definitions and standards for Exterior Masonry Construction for

construction of certain buildings in the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLIS, MONTGOMERY COUNTY, TEXAS THAT:

Section 1. Adoption of Recitals. The recitals in the preamble to this Ordinance are hereby adopted as the findings and conclusions of the City Council.

Section 2. Amendment to the Code. Pursuant to Sections 155.052 and 155.146 of the Code of Ordinances, City of Willis, Texas, Chapter 155, "Zoning," of the CODE is amended to add certain definitions to Section 155.001 of Chapter 155; to add Section 155.134, "Exterior Masonry Construction Standards;" and to further amend Chapter 155 of the CODE to provide certain other provisions related to Exterior Masonry Construction, all of which are found in attached Exhibit "A" and incorporated herein.

Section 3. Codification of this Ordinance. Wherever any provision of this Ordinance provides for the amendment of the Code of Ordinances, City of Willis, Texas, such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the Ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified Ordinance shall be deemed invalid on the basis of a variance in the number or section of this Ordinance and its codified provisions. The failure to codify the specified provisions of this Ordinance shall not affect their validity or enforcement.

Section 4. Repeals all Ordinance in Conflict with this Ordinance.

Any and all provisions of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 5. Savings Clause.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Ordinance shall not be affected hereby, it being the intention of the City Council of the City of Willis in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section 6. Effective Date.

The effective date of this Ordinance shall be upon its passage and publication as provided by law.

PASSED AND APPROVED after a second reading this ____ day of _____, 2015

Leonard Reed, Mayor

ATTEST:

Brenda Burns, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

EXHIBIT “A”

SECTION 155.001 DEFINITIONS

Section 155.001 of the CODE is amended to include the following definitions:

MASONRY: A form of construction composed of clay brick, stone, decorative concrete block, rock, stucco, or other materials of equal characteristics. For the purpose of this chapter, Cementitious fiber board siding (such as “HardiePlank” or “Hardie Board”), exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material shall not qualify as “masonry construction”. The following materials shall qualify as “masonry construction”.

- a) Hard Fired Brick – Includes Severe Weather rated kiln fired clay or slate material, can include concrete brick if it is to the same ASTM C216 or C652 standard and severe weather rated as typical fired clay brick; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include underfired clay, sand or shale.
- b) 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 building construction; 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 material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of three and five eighths inches when applied as a veneer
- c) Decorative Concrete Block – Includes 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; minimum thickness of three and five eighths inches when applied as a veneer.
- d) Precast concrete panels – Includes products often associated with Tilt Up Wall Construction
- e) Stucco – A minimum three-coat cement based exterior finish system that is placed over a wire lath substrate. Installation and application of stucco shall be governed by the latest adopted edition of the International Building Code

MAJOR STREET: The main street fronting a parcel where the front of the building faces or where the parcel’s 911 address is assigned.

MINOR STREET: Any street that is adjacent to a parcel other than the major street fronting that parcel.

STREET FACING SIDE: Any building side that faces an adjacent street Right of Way at a 45 degree angle or less.

§155.134 EXTERIOR MASONRY CONSTRUCTION STANDARDS

Section 155.134 is added to the CODE to read as follows:

It is the City's desire to promote building longevity and architectural creativity by requiring a certain percentage of masonry construction on building exterior walls. The masonry guidelines set forth in this chapter are intended to provide a minimum standard for the exterior construction of certain buildings.

- (A) *Calculating masonry percentage.* Where this chapter specifies a minimum percentage of masonry construction, that percentage shall be calculated by considering the entire surface area of the specified wall(s) less any and all glazing, windows, and doors. The percentage shall be calculated from the remaining surface area after subtracting the area of any and all glazing, windows, and doors.
- (B) *Structures inherent to specific zoning designations.* The percentage of masonry required on a structure shall be governed by the masonry requirements for the zoning designation that the structure is specifically inherent to, i.e.: the masonry requirements for a single family residential home built in a non-residential zoning designation shall be governed by the requirements for the residential zoning designation, not the non-residential designation.
- (C) *Placement of required masonry.* Upon determination of the minimum required amount of masonry construction, the designer may at the designer's discretion design the structure such that any of the exterior walls are constructed with a percentage of masonry, provided the sum of the masonry on all of the exterior walls is equal to the total required percentage of masonry as calculated.
- (D) *Exemptions.* The following structures are exempt from the masonry requirements of this chapter:
 - (1) Accessory structures 200 square feet or less; or accessory structures not visible from a public Right of Way.
 - (2) Any building that is situated 350 feet or more from the public right-of-way(s) that border the parcel.
 - (3) Temporary portable classrooms installed on public school grounds.
 - (4) Manufactured homes; modular homes; and recreational vehicles

(E) *Variances.* Exceptions to this Ordinance requirements may be considered by the City Council, as applicable, based only on the following:

- (1) Architectural design and creativity.
- (2) Compatibility with surrounding developed properties.
- (3) Other extenuating circumstances.

In granting any variance, the City Council shall determine that a literal enforcement of the regulations will create an unnecessary hardship or practical difficulty on the applicant; that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed; that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties; and that the granting of the variance will be in harmony with the spirit and purpose of the ordinance.

(F) *Nonconforming buildings.* Where a lawful building exists at the effective date of the adoption or amendment of this Ordinance and said building could not be built under the terms of this Ordinance, it may continue so long as it remains lawful, subject to the following provisions:

- (1) Such a building may not be enlarged by more than 25 percent (25%) of its existing foundation footprint unless the entire building is brought into conformity with the masonry requirements of this chapter.
- (2) The exterior walls of such a building may not be modified, altered, or enlarged in a way which increases its nonconformity unless the modification, alteration, or enlargement is in conformity with the provisions of this chapter.

Should a nonconforming building be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it may be rebuilt to the same footprint exempt from the masonry requirements provided a building permit for the reconstruction is secured within 90 days of the destruction of the original structure.

SECTION 155.149 R-1 RESIDENTIAL DISTRICT

Section 155.149 of the CODE is amended to add Paragraph (C) to read as follows:

(C) *Masonry requirements.* All structures specifically inherent to this zoning designation shall have the exterior walls constructed with a percentage of masonry calculated at 50% of the major street facing side, and 25% of the minor street facing side for lots with more than one street frontage.

SECTION 155.153 HIGH DENSITY RESIDENTIAL “HD” DISTRICT

Section 155.153 of the CODE is amended to add Paragraph (C) to read as follows:

(C) *Masonry requirements.* All structures specifically inherent to this zoning designation shall have the exterior walls constructed with a percentage of masonry calculated at 65% of all exterior walls.

SECTION 155.154 PLANNED UNIT DEVELOPMENT “PUD” DISTRICT

Section 155.154 of the CODE is amended by amending Paragraph (A) to read as follows:

(A) *Establishment.* A Planned Unit Development District may be established only for areas containing 25 or more acres of land. In determining whether to establish a Planned Unit Development District the City Council shall consider the recommendations of the zoning commission and shall further consider whether the planned unit development is an effective and unified treatment of the development possibilities in the area within the district; is consistent with the City’s comprehensive plan; is compatible with land uses surrounding the district; is consistent with subdivision regulations; is consistent with general development standards; and is consistent with the masonry requirements of this chapter.

SECTION 155.155 GENERAL COMMERCIAL “GC” DISTRICT

Section 155.155 of the CODE is amended to add Paragraph (C) to read as follows:

(C) *Masonry requirements.* All structures specifically inherent to this zoning designation shall have the exterior walls constructed with a percentage of masonry calculated at 75% of the major street facing side, and 25% of the minor street facing side for lots with more than one street frontage.

SECTION 155.156 GENERAL INDUSTRIAL “GI” DISTRICT

Section 155.156 of the CODE is amended to add Paragraph (C) to read as follows:

(C) *Masonry requirements.* All structures specifically inherent to this zoning designation shall have the exterior walls constructed with a percentage of masonry calculated at the lessor of 25%

of all street facing sides, or 400 square feet of masonry.

(1) *Multiple buildings on a single parcel.* All street facing sides or portions thereof not physically obstructed from street view by another building on the same parcel as viewed perpendicular to the street ROW are subject to the masonry requirements. For all buildings other than the leading buildings if the square footage of masonry required for the visible unobstructed portion is less than ten percent (10%) of that entire wall surface then that side or portion thereof is exempt.