

## ORDINANCE 2005-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS, REGULATING THE EXTERIOR CONSTRUCTION STANDARDS OF BUILDINGS AND STRUCTURES ON CERTAIN ROADS AND THOROUGHFARES; PROVIDING A DEFINITION OF ACCEPTABLE EXTERIOR WALL CONSTRUCTION, ESTABLISHING A LIST OF ROADS AND THOROUGHFARES WHEREBY THESE REQUIREMENTS SHALL APPLY; ESTABLISHING MINIMUM CONSTRUCTION STANDARDS, EXCEPTIONS AND EXEMPTIONS; PROVIDING FOR ENFORCEMENT, APPEALS, VIOLATION AND PENALTIES; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING A EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Mount Vernon desires to establish regulations which will promote the general welfare of the community and to protect the value of building and property, the image and character of a community and the preservation and enhancement of property values; and

**WHEREAS**, the City Council of the City of Mount Vernon has deemed it necessary and in the best interest of the City of Mount Vernon to adopt an ordinance regulating the exterior construction standards of buildings and structures within the City of Mount Vernon to be composed of varying percentages of approved exterior wall construction material, depending on the location.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS:**

### **SECTION I**

That from and after the effective date of this Ordinance, the Code of Ordinances of the City of Mount Vernon, Texas is hereby amended to read as follow:

#### **EXTERIOR CONSTRUCTION REQUIREMENTS AND STANDARDS ON CERTAIN ROADS AND THOROUGHFARES**

- 1. Title.** This ordinance shall be known and may be cited as “Exterior Construction Requirements and Standards on Certain Roads and Thoroughfares.”
- 2. Definitions.** For the purpose of this section, *Acceptable Exterior Wall Construction* is defined as and shall include the following materials:
  - a) **Stone Material:** Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.

- b) **Brick Material:** Brick material used for masonry construction shall be hard-fired (kiln fired) clay or slate material. Unfired or underfired clay, sand or shale brick are not permitted.
- c) **Concrete Masonry Units:** Concrete masonry units used for exterior masonry construction shall have an indented, hammered, split face, or other similar architectural finish. Lightweight concrete block or cinder block construction is not acceptable masonry wall construction.
- d) **Concrete Panel Construction:** Concrete finish or pre-cast panel (tilt wall) construction shall be painted, fluted, exposed aggregate, or other similar architectural concrete finish. Smooth or untextured concrete finished are not acceptable.
- e) Stucco or similar exterior finishing system is acceptable.
- f) Exterior Insulating Finishing System (EIFS) is acceptable.
- g) **Glass Wall Construction:** Glass wall shall include glass curtain wall or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.
- h) **Manufactured, Mobile or Portable Office Buildings** will not be allowed under this ordinance.

**3. Construction Standards.** The standards and criteria contained within this section are deemed to be minimum standards. All building materials and exterior coverage percentages shall be noted and described on the building plans and application.

- a) *The requirements of this section shall apply to:* all new, altered or repaired construction of all buildings and structures constructed in Office Services, General Retail, General Business District, Commercial, Planned Development or Agriculture and Industrial zoning districts where the lot, tract or parcel abuts or fronts one or more of the following streets or roads:
  - i. Interstate Highway 30
  - ii. All Interstate Highway 30 Service Roads
  - iii. US Highway 67 also known as Main from Hwy 37 bypass east to city limits
  - iv. State Highway 37 from I-30 to city limits north
  - v. State Highway 37 South from I-30 to city limits
- b) *Exterior wall construction shall consist of the following:*
  - 1) The front of the building shall consist of at least 90 percent of acceptable exterior wall construction excluding doors and windows, and shall be constructed in accordance with the city's building code and fire prevention code.

2) When a lot, tract or parcel abuts or fronts one or more streets or rights-of-way in addition to the designated state maintained street, then each side or portion of the building which abuts or fronts any additional street shall consist of not less than 50 percent of acceptable exterior wall construction, exclusive of doors and windows and shall be constructed, in accordance with the city's building code and fire prevention code.

3) *Exterior metal walls.* Exterior metal walls shall include profiled panels, deep ribbed panels, and concealed fastener systems. Exterior finish shall be film laminated or baked on enamel painted to the wall manufacturer's standards. The use of corrugated metal, plastic, or fiberglass panels is prohibited. The use of galvanized, aluminum coated, or unpainted exterior metal finish is prohibited.

**4. Exceptions.** The City Code Official may approve a waiver or exception to the requirements of this Section for additions to existing buildings that were previously in place prior to the adoption of this ordinance as follows: the City may grant an exception if the size of such addition does not exceed 50% of the size of the existing structure.

**5. Exemptions.** The following are exempt from the provisions of this section:

- a) Residential accessory buildings except those covered by a private restriction.
- b) Barns and farm accessory buildings if such buildings are used solely for agricultural purposes.
- c) Manufactured or mobile homes otherwise lawfully existing under the provisions of the Zoning Ordinance.
- d) Remodeling activities that result in less than 25% of the modification or replacement of the existing front or side exterior walls as defined in this ordinance.
- e) Temporary buildings used for construction offices, and permitted for a limited period of time by the Building Official.

**6. Enforcement.** The provisions of this chapter shall be administered by the City Building Official. All building materials and exterior coverage percentages shall be noted and described on the building plan submitted for building permit application. A record of such application and plat shall be kept in the office of the Building Official. Prior to the issuance of any building permit, the City Building Official shall determine that the application and improvements to be constructed comply with the requirements and provisions of this chapter.

**7. Appeals.** Appeals from the decision of the City Building Official may be made to the City Council which shall consider such appeals.

- a) Application and Fee. An application for an appeal shall be completed and signed by the owner of the property or his or her authorized agent. The

application shall be accompanied by all building plans and site plans required for building permit approval. A fee of \$175.00 shall be charged to defray the cost of processing an application for an appeal.

b) Procedure.

i) The appeal is scheduled for a public hearing before the City Council at their next regular meeting.

ii) Ten days prior to the hearing, a notice of public hearing shall be published in the official newspaper of the city and all property owners within 200 hundred feet of the subject property shall be notified.

iii) The City Council shall approve, approve conditionally, or deny each application for a request for an appeal.

## **8. Violation and Penalty.**

a) Any person or corporation who shall violate any of the provisions of this chapter or fail to comply with any of the requirements, or who shall building or alter any building or use in violation of any detail or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$200.00, and each date shall constitute a separate offence.

b) The owner of any building or premises where anything in violation of this chapter shall be placed or shall exist, and any architect, engineer, surveyor, builder, contractor, agent, persons or corporation employed in connection therewith, and who may have assisted in the commission of such violations, shall be guilty of a separate offense and, upon conviction, shall be fined as herein provided.

## **SECTION II**

That all ordinances, orders, or resolutions heretofore passed and adopted by the City Council of the City of Mount Vernon, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

## **SECTION III**

If any section, subsection, clause, phrase or provision of this Ordinance is for any reason held to be unconstitutional or void by a court of competent jurisdiction, such holding shall not affect any valid provision of this or any other ordinance of the City of Mount Vernon, Texas.

## **SECTION IV**

This ordinance shall take effect and be in full force from and after the passage, approval and publication.

**SECTION V**

Only the descriptive caption of this ordinance shall be published once as provided by the Revised Civil Statutes of the State of Texas.

**PASSED, APPROVED AND ADOPTED THIS THE \_\_\_\_DAY OF \_\_\_\_\_, 2005.**

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Kathy Shelton – Mayor

ATTEST:

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Cherry C. Onley – City Secretary