

ORDINANCE NO. 494-15

AN ORDINANCE AMENDING CHAPTER 14, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SANSOM PARK, TEXAS, CONTAINED IN EXHIBIT "A" TO THE CODE OF ORDINANCES; AS HERETOFORE AMENDED, BY AMENDING SECTION 4.11.8, PLANNED DEVELOPMENT ORDINANCES CONTINUED; BY AMENDING SECTION 4.12, PERMITTED USE TABLE; BY AMENDING SECTION 5.2.2, APPLICABILITY; BY AMENDING SECTION 7.1.1, EXTERIOR CONSTRUCTION STANDARDS; BY AMENDING SECTION 7.2.1, SCREENING WALLS AND FENCES; BY AMENDING SECTION 8.1, ACCESSORY STRUCTURES; 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 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, 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
PLANNED DEVELOPMENT ORDINANCES CONTINUED**

Exhibit "A" of the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, is hereby amended by amending Section 4.11.8 – Planned Development Ordinances Continued, to read as follows: *"Properties zoned Planned Development District prior to the adoption of this ordinance shall be required to meet the provisions set forth under this Planned Development District Section prior to platting and/or development of said properties."*

**SECTION II
PERMITTED USE TABLE**

Exhibit "A" of the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, is hereby amended by amending Section 4.12 –Permitted Use Table by changing Funeral Home, Mortuary may only be allowed with approval of a Special Use Permit in "I" Industrial zoning districts.

**SECTION III
APPLICABILITY**

Exhibit "A" of the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, is hereby amended by amending Section 5.2.2, Applicability A, to read as follows: *"Site plan review and approval by the City Council shall be required for any Planned Development District or Specific Use Permit application. New construction or any enlargement of an existing structure exceeding 25% of the existing building footprint for all nonresidential, mixed use, single family attached, and multifamily projects and structures may be approved administratively by the City Manager or his/her designee."*

**SECTION IV
EXTERIOR CONSTRUCTION STANDARDS**

Exhibit "A" of the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, is hereby amended by amending Section 7.1.1. Exterior Construction Standards, Generally, B, Prohibited Materials and Colors, # 1, by deleting "stucco", as a prohibited material.

**SECTION V
SCREENING WALLS AND FENCES**

Exhibit "A" of the Code of Ordinances of the City of Sansom Park, Texas , Zoning Ordinance, is hereby amended by amending Section 7.2.1 Screening Walls and Fences, A, General Requirements, by deleting *"Existing chain link fences may be replaced with a permit. All new replacement chain link fencing shall be vinyl clad in black, brown or green"*.

**SECTION VI
ACCESSORY STRUCTURES**

Exhibit "A" of the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, is hereby amended by amending Section 8.1 - Accessory Structures, D, #6, to read as follows, *"Accessory structures larger than one hundred-twenty (120) square feet up to three hundred (300) square feet may be constructed of lightweight masonry siding and/or lightweight masonry soffit boards, or other manufactured pre-finished wood siding, in lieu of other masonry construction materials."*

Exhibit "A" of the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, is hereby amended by amending Section 8.1 - Accessory Structures, D, #7, to read as follows: *"All accessory structures larger than three hundred (300) square feet shall be constructed of the same or similar materials as the primary structure. The pitch of the roof of said accessory structure shall be no less than a 3:12 ratio and no greater than 6:12 ratio. Foundations exceeding three hundred (300) square feet shall have a stamped, engineered foundation."*

Exhibit "A" of the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, is hereby amended by amending Section 8.1 - Accessory Structures by adding a new sub-section: *"Use of Alternative Materials. A written request for alternative building materials shall be made and shall include a detailed color rendering of the structure's elevation that is submitted along with a site plan for approval. The City may require submissions of an actual sample of the proposed exterior material(s) along with the elevations and the site plan.*

The City Council may approve alternative exterior construction material(s) and/or color if it is determined to be equivalent or better than the exterior material otherwise required by this Section.

Consideration for exceptions to the above exterior construction requirements shall be based only upon the following criteria:

- 1. Architectural design, creativity, and innovation;*
- 2. Compatibility with surrounding structures;*
- 3. Long term durability and weather-resistance of the material(s); and*
- 4. Relative ease of maintenance of the material."*

SECTION VII 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 VIII 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 IX 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 X
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 XI
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 21st day of May, 2015.

Jim Barnett, Jr.
Mayor

ATTEST:

Mary Beth Thomas
City Secretary

APPROVED AS TO FORM AND CONTENT:

D. Lee Thomas
City Attorney