

## ORDINANCE NO. 2008 – 10

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, REPLACING ORDINANCE NO. 2007-38 REGULATING MINIMUM EXTERIOR STANDARDS FOR ALL STRUCTURES INSIDE THE CITY LIMITS AND ANY SUBSEQUENT AMENDMENTS THERETO; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

### SECTION 1

That all properties inside the city limits shall comply with this ordinance with the following exceptions:

- A. State and federally registered historic structures are exempt from the building façade requirements.
- B. When a Specific Use Permit (SUP) is required, the Planning and Zoning Commission and the City Council may impose alternate masonry requirements for structures which shall be set forth in writing by the City Council prior to issuance of the Building Permit and shall be incorporated into the amending ordinance establishing the SUP
- C. Temporary construction buildings, field offices and sales offices are exempt from the building façade requirements if removed when their usefulness has ended or in eighteen months of placement, whichever comes first. Prior approval from the Planning and Zoning Commission and the City Council must be made for jobs that require more than eighteen months.
- D. Residential property that has been platted as of October 19, 2004, may use vinyl siding or a similar wood product in addition to the materials listed in Section 1.

### SECTION 2 Building Façade Requirements

#### **2-1. Building Materials**

As applicable to meeting the minimum requirements for the building façade requirements within each zoning district; all building material must be applied using the recommended standards from the manufacturer. The following masonry materials are permitted:

- A. **Brick** - A kiln fired clay or slate material of severe-weather grade
- B. **Stone** - Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is used in exterior building construction. Cast or manufactured stone products may also be used provided that such products yield a stone-like appearance and they are highly durable and maintenance-free.
- C. **Burnished Block** – Grinded to reveal the aggregate matrix within the block.
- D. **Decorative Concrete Block (CMU)** – Textured finish such as split-face, indented, hammered fluted, ribbed or similar architectural finish. Lightweight concrete block is not acceptable. Cinder blocks (Heydike), smooth or untextured finished concrete blocks are not permitted on any side(s) of the building facing a public street

- E **Tilt Wall Panels** – Textured finish Smooth or untextured finished tilt-wall panels are not permitted on any side(s) of the building facing a public street
- F **Stucco** – Concrete-plastering with cement plaster
- G **Glass Block** – Any type used as an exterior building material
- H **Cement Based Planks or Paneling** - Fabricated cement panels. May be utilized as an architectural accent material not to exceed 50% of any exterior surface
- I **Exterior Insulation and Finish System (EIFS)** – May be utilized as an architectural accent material to be installed a minimum of three (3') feet above ground level
- J **Wood** – For use in Commercial and General Industrial districts only Wood accent materials may be utilized as an architectural accent material on the front façade only not to exceed 25% of the exterior surface. The accent material shall be a minimum of 1-1/2" in thickness and shall not be plywood, particle board or laminate and must be treated.

**2-2 Minimum Building Façade Standards:**

The standards and criteria contained within this subsection are minimum building façade standards and shall apply to all new building construction.

- A **Residential** – All Residential-zoning districts include the following: Agriculture District (RA), Single Family (R-1), Single Family (R-2), Single Family (R-3), Single Family (R-4), Multiple Family (Duplex) (Apartment) (MF-1 and MF-2)
  - 1. The exterior building façade of all new structures in residential zoning districts shall have a minimum of 75% masonry
  - 2. The masonry shall be equally distributed around the building. No single wall face of any structure should contain less than 50% masonry construction.
  - 3. Areas of a façade that are devoted to windows, doors, fascia, shall not be counted as "wall surface" when calculating the building façade requirement.
  - 4. Accessory buildings over 300 SF shall conform to the exterior façade of the main building Agricultural District (RA) uses shall be exempt from this requirement  
  
Any accessory structure not contained in the rear 30% of the yard from any adjoining street must have a masonry front if unobstructed
  - 5. CMU, metal panels, and tilt wall panels are not permitted as a building façade material on any single-family or multi-family residential structure
- B **Commercial** - All commercial zoning districts to include the following: Local Business District (B-1), General Business District (B-2) and Restricted Professional Office District (RPO).
  - 1. The exterior building wall of all new structures in the Commercial zoning districts shall require a front façade of 100% masonry and 25% on any side(s) of the building facing a public street
  - 2. **Wood** – For use in Commercial and General Industrial districts only Wood accent materials may be utilized as an architectural accent material on the front façade only, not to exceed 25% of the exterior surface The accent material shall be a minimum of

1-1/2" in thickness and shall not be plywood, particle board or laminate and must be treated.

- 3 Areas of a façade that are devoted to windows, doors, fascia, shall not be counted as "wall surface" when calculating the building façade requirement.
- 4 All accessory buildings shall conform to the exterior façade of the main building
- 5 Additions:
  - a. The exterior building façade of all new additions to existing structures in the Commercial Districts shall comply with the Building Façade Standards requirement herein, or
  - b. The Board of Adjustments may consider a variance or other form of architectural design to the additions of structures that existed as of October 19, 2004, the initial adoption date of this ordinance

**C General Industrial District:** To include (GI-1) and Light Industrial (LI).

1. The exterior building wall of all new structures in the Industrial zoning districts shall have a 100% masonry front façade.
2. **Wood** – For use in Commercial and General Industrial districts only. Wood accent materials may be utilized as an architectural accent material on the front façade only not to exceed 25% of the exterior surface. The accent material shall be a minimum of 1-1/2" in thickness and shall not be plywood, particle board or laminate and must be treated
3. Areas of a façade that are devoted to windows, doors, fascia, shall not be counted as "wall surface" when calculating the building façade requirement
4. Additions:
  - a. The exterior building façade of all new additions to existing structures in the Industrial Districts shall comply with the Building Façade Standards requirement herein, or
  - b. The Board of Adjustments may consider a variance or other form of architectural design to the additions of structures that existed as of October 19, 2004

**SECTION 3. Refuse Storage Container Screening Requirements**

Refuse Storage Containers shall be enclosed on three sides with six-foot walls constructed of the same materials and finishes as the building front facade. All openings shall have a minimum width of eight (8) feet and the gate's minimum height shall be six (6) feet. Gates may also be constructed of wood or other materials customarily used in gate construction. Wire fences are prohibited for gates.

## **SECTION 4. Mechanical Screening Requirements**

### **4-1 Ground-Mounted Equipment**

All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes, gas meters, shall be reasonably screened from the view of public rights-of-way and the view from adjacent properties

- A. All required screening shall meet clearances as required by the affected utility companies
- B. Acceptable means of screening are trees or evergreen-type shrubbery, masonry walls as masonry is defined in this ordinance, earthen berms in conjunction with landscaping
- C. Screening heights shall be in proportion to the equipment it is designed to screen. A maximum height of a screen shall be ten feet. If a mechanical unit is taller than the maximum permitted height of the screening, screening shall be set back from the screen five feet plus two feet for each foot it exceeds the height of the screen.
- D. Screening for mechanical units shall apply to new building construction only.

### **4-2 Roof-mounted Equipment**

All roof-mounted equipment including, but not limited to, fans, vents, and cooling towers shall be screened so as not to be visible to the immediate ground level and the ground level of adjacent properties. In addition, roof-mounted equipment shall be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.

- A. Screening for roof-mounted equipment will come into effect only if the footprint for the mechanical equipment exceeds forty-five (45) square feet.
- B. Overall screening height shall be the height of the highest element of roof-mounted equipment.
- C. The outside of the screening device shall be painted or otherwise finished so as to be similar in color to the color of the roof surface or to the color of the building façade or trim, whichever color is more effective in minimizing the visibility of the equipment and screen from ground level.
- D. Roof color shall be compatible with building color.
- E. To the greatest extent possible, roof-mounted equipment shall be placed in a linear configuration except for normal plumbing vents or flutes.

## **SECTION 5. Screening Walls or Visual Barriers**

In the event that an MF-1, MF-2, RPO, B-1, or B-2 and/or GI district sides or backs upon an R-1, R-2, R-3 or R-4 zoned district, a solid screening wall or fence of not less than six nor more than eight feet in height shall be erected along the entire property line separating these districts, except where visibility triangles or easements are required. The purpose of the screening wall or fence is to provide a visual barrier between the properties. The owner of such property shall be responsible for and shall build the required wall or fence along the entire property line dividing his property from the residential district. In cases where the Planning & Zoning Commission finds this requirement to be impractical for immediate construction, it may grant a temporary or permanent waiver of the required screening wall or fence until such time as the screening wall or fence may be deemed necessary by the City Council. In cases where

the Planning & Zoning Commission finds this requirement to be better met by an irrigated evergreen living screen, the same may be substituted for the screening wall

## **SECTION 6. General Fence and Wall Regulations**

- A. Front yard fence is defined as any fence which is built past the front building line of the principal structure on a lot. The front building line is a line parallel to the front lot line which passes through the supporting member of the principal structure

Front yard fences are allowed with the following requirements:

1. Front yard fences are subject to the approval of the Building Inspector. A building permit is required for all front yard fences
  2. Front yard fences must be decorative fences constructed of conventional fencing materials such as picket, split rail, or decorative iron. Fence material shall be pre-approved by the Building Department. Materials such as chain link, wire, barbed-wire, railroad ties or plywood are not allowed. See-through fences that do not impact the visual dominance of the home are recommended
  3. Front yard fences must not be higher than forty-eight (48) inches. Posts may not be higher than six (6) inches above the fence.
  4. No front yard fence may obstruct or impair the "visual sight-line" required of any driveway, street, alley, private street, avenue, lane, sidewalk, public way or public passageway. The minimum "visual sight-line" requirement is twenty-five (25) feet of clear space.
- B. Sight-proof fences (i.e., brick or wood) may not exceed eight feet in height and see-through fences (i.e., chain-link) may not exceed six feet in height in rear yards in residentially-zoned districts (R-1, R-2, R-3, R-4, MF-1, MF-2 and MH-1). Where a corner lot has two front yards, the second front yard may be fenced in the same manner as any other side yard adjacent to a street
- C. No old or used materials shall be used in the construction of any fence unless the materials have been examined and approved by the Building Inspector. Fencing material must be in a sound and usable condition. All fences shall be maintained in a good state of repair at all times. Painted or stained fences must be kept in good appearance. No fence in any zone may be electrified
- D. Exceptions:
1. For public and parochial schools, private and primary schools, and day care centers, fences and berms may be a combined maximum height of sixty (60) inches above grade, provided that the fence material is wrought iron or chain link
  2. Wire fences are allowed in the General Industrial (GI-1) district in front yards and may be allowed to enclose pastures, cropland and other areas used for agricultural purposes. The wall or fence shall not exceed eight (8) feet in height.

## **SECTION 7. General Provisions**

This ordinance shall include all future annexations.

**SECTION 8 Violations and Penalties**

Any person, firm, or corporation found guilty of violating any of the provisions or terms of this ordinance shall be subject to a fine not to exceed the sum of two hundred dollars (\$200.00) for each offense, together with the costs of such prosecution. Each and every day the offense continues shall be deemed to constitute a separate offense. In addition to and cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this Ordinance.

**SECTION 9. Effective Date**

The City Manager of the City of Canton is hereby authorized and directed to cause a true and correct copy of the caption, penalties, and effective date of this ordinance to be published in a newspaper having general circulation in the City of Canton, Texas prior to its effective date. Following the publication, this ordinance shall be in full force and effect.


**SECTION 10. Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed.

**SECTION 11. Severability Clause**

That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**PASSED, ADOPTED AND APPROVED** by a majority of the Canton City Council on this the 20<sup>th</sup> day of May, 2008

  
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Rusty Wilson, Mayor

ATTEST:

  
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Julie H. Seymore, City Secretary