

ORDINANCE NO. 2995

AN ORDINANCE AUTHORIZING A TEXTUAL CHANGE TO SECTION 34.2 OF THE CITY OF WAXAHACHIE ZONING ORDINANCE, LOCATED AT APPENDIX A OF WAXAHACHIE CITY CODE, REGARDING ROOF MATERIALS FOR SINGLE-FAMILY AND DUPLEX STRUCTURES; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("**City Council**") has adopted a comprehensive zoning ordinance ("**Zoning Ordinance**"), which Zoning Ordinance is codified as Appendix A to the Waxahachie City Code; and

WHEREAS, Section 34.2(B)(3) of the Zoning Ordinance addresses, as part of the development standards for Single-Family and Duplex Residential Structures, permitted roof materials for a single-family and duplex structures for new construction; and

WHEREAS, it has been determined that a modification to such roof material standards, for both new construction existing structures, is in the best interests of the City of Waxahachie ("**City**"); and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on January 9, 2018, and a public hearing was held by the City Council on January 16, 2018, with respect to the proposed textual changes to the Zoning Ordinance; and

WHEREAS, all requirements of law for publication and all procedural requirements have been complied with, in accordance with Chapter 211 of the Local Government Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

Section 1. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Section 34.2 of the Zoning Ordinance, first paragraph, is hereby amended to read as follows:

Minimum masonry exterior construction standards. The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new building construction occurring within the City. (See subsection E. for exceptions.) Notwithstanding this provision, Section 34.2(B)(3) of the Zoning Ordinance (regarding roof materials for a single-family or duplex structures) shall apply to (1) new building construction and (2) existing structures for which new roofing materials are to be used for roof repair or replacement. There are no exemptions from the roofing materials standards for existing single-family or duplex structures.

Section 3. Section 34.2(B)(3) of the Zoning Ordinance is hereby amended to read as follows:

Roof materials for a single-family or duplex structure shall be comprised of laminated, three-dimensional appearance composition architectural shingles (30-year minimum); flat pan standing seam metal roofing (only with a factory baked-on muted color finish; no bright colors or natural-colored metal roofing allowed); or terra cotta or slate tile in muted colors. No three-tab type shingles are permitted. Minimum roof pitch shall be at least 7:12, unless otherwise stated in the applicable zoning district or PD ordinance.

Section 4. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 5. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for us and development of property

maybe known and in place. An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage. This ordinance shall become effective from and after the date of its passage

PASSED, APPROVED, AND ADOPTED on this 16th day of January, 2018.




MAYOR


ASSISTANT CITY SECRETARY