

**CITY OF OAK RIDGE**  
**KAUFMAN COUNTY, TEXAS**  
**ORDINANCE 36-15**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS ADOPTING A ZONING ORDINANCE FOR CHURCHES AND LIGHT INDUSTRIAL BUSINESSES.**

**WHEREAS**, the City of Oak Ridge, Texas ("City") has authority under Chapter 211 of the Local Government Code to regulate land uses; and

**WHEREAS**, the City Council of the City of Oak Ridge, Texas, has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City that the Code of Ordinances provisions relative to the regulation of certain land uses, be established as hereinafter stated

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS:**

**Section I.**

**Use regulations generally.**

Ordinance 2-14 New Construction

No land shall be used and no building shall be erected for or converted to any use other than as hereinafter provided.

- A. All structural materials for new buildings greater than 5,000 square feet in floor area or additions of more than 40 percent of the existing floor area or exceeding 5,000 square feet shall consist of 100 percent noncombustible materials.
- B. All structural materials for new buildings 5,000 square feet or less in floor area and any additions to existing buildings 40 percent or less than the existing floor area and 5,000 square feet or less may consist of combustible materials rated a minimum of one-hour fire resistive on all walls, floors, and ceilings.

- C. All buildings will comply with the most recent building codes adopted by the city council.
- D. All structures shall be of exterior fire resistant construction having 30 percent of the total exterior walls, excluding doors and windows, constructed of brick, stone, fiber-reinforced cementitious board, or other masonry or material of equal characteristics in accordance with the city's building code and fire prevention code.
- E. No building shall be hereafter erected, reconstructed, altered or enlarged for any purpose other than as hereinafter provided.
- F. Residential use shall be permitted on a lot of record for reasons of natural disaster or extreme hardship for a period of 30 days. Examples of extreme hardship include flood, fire, or tornado.
- G. No building or land shall be used, transferred or sold and no building shall be hereafter erected, reconstructed, altered or enlarged for any purpose except in its original intended use.

## **Section II.**

### **Specific Use Permits Other Than Residential and Agricultural.**

The city council, by affirmative vote, may after public hearing and proper notice to all parties affected recommend the use as in general conformance with the comprehensive plan of the city and containing such requirement and safeguards as are necessary to protect adjoining property by authorizing the granting of a specific use permit for those uses according to the following criteria:

- A. An application for a specific use permit shall be accompanied by a plat drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; and type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all direction (the "plat"). A specific use permit that will require the construction of a new structure shall be accompanied by said plan. A plan may not be required if a specific use permit is applied for that will locate in an existing structure, if the city council determines that the existing site

adequately addresses the above elements and a plan is not necessary to evaluate the specific use permit.

- B. In recommending that a specific use permit for the premises under consideration be granted, the city council shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property within 200 feet of the premises under consideration, and shall make recommendations regarding the adequacy of the streets, alleys, and sidewalks abutting and adjacent to the proposed use of ingress and egress from and to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and whether the building is compatible for the use under consideration.
- C. Every specific use permit granted under these provisions shall be considered as an amendment to the City's zoning ordinances and regulations and shall remain applicable to the property so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premises, or land use under the specific use permit is voluntarily vacated for a period in excess of 180 days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate specific use permit is granted for continuation of the same.
- D. In granting a specific use permit, the city council may impose conditions that shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the city for use of the building on such property pursuant to such specific use permit. Such conditions are not precedent to the granting of a specific use permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.
- E. No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawings and approved by the city council.
- F. A building permit shall be applied for and secured within six months from the time of granting the specific use permit; provided, however, that the city council may authorize an extension of this time except in the case of a private

street development, which shall have no limit regarding the application and securing of a building permit. If a building permit has not been secured within six months from the time of granting the specific use permit, or if a building permit has been issued but subsequently allowed to lapse, a city-initiated zoning change will be placed on the agenda and the city council will consider the revocation of the special use permit.

- G. No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or changed.
- H. A specific use permit issued by the city shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, and (all terms and conditions of the specific use permit) shall be applicable to the new owner or occupant of the subject property.

### **Section III.**

#### **AREA REGULATIONS.**

- A. Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the city in which it is located unless it is in conformity with all the minimum regulations herein specified for lot area, lot width, lot depth, lot coverage and front, side, and rear yards.

- B. Exterior Construction.

Exterior wall construction shall be of such material as is required to conform to the building code for the particular use or occupancy, provided that the exterior of all structures shall be metal and masonry, exclusive of doors and windows unless a waiver, meritorious exception or variance under this section.

1. Glass may be counted in place of masonry.
2. No more than 80 percent of the ground floor of any exterior wall (to the first plate) shall be comprised of windows or glass. No more than 50 percent of any exterior wall above the ground floor shall be comprised of windows or glass.
3. Outdoor storage and accessory buildings. Any detached accessory building or storage building shall conform to all setbacks applicable to the

primary structure save and except to the extent otherwise specifically provided by this subsection.

- a. Any accessory buildings or storage building that is 200 square feet or less in area, which is allowed under this chapter, may be constructed of materials having a different appearance from the primary building subject to the following provisions:

The building shall be painted the same color as the primary building.

- b. Any accessory building or storage building that is greater than 200 square feet in floor area which is allowed under this chapter shall be of like appearance to the primary building.

#### **Section IV.**

##### **Building Facade Regulations for Commercial**

- A. Objective. The city contains areas of varying land use types and consequently various building types. The intent of the building facade regulations is to create design integrity for appearance. These principles address the issues in subsection (b) of this section.
- B. General architectural elements.
  1. Metal R panel masonry.
  2. Utility services. All utility service lines shall be underground.
  3. Mechanical equipment. All air conditioning compressors, boilers, power and meter boxes, and satellite dishes must be completely screened from public view. Screening materials must consist of architectural devices that are logical visual extensions of the building design or planting material consistent with these guidelines.
  4. Building services. All services must be located on that side of the building which does not front public streets and shall be screened and/or hidden from the view of adjacent residential uses. Screening materials must consist of architectural devices that are logical visual extensions of the building design or planting material consistent with these guidelines.

5. Signage. See Ordinance 13-14 Section V. Signage lighting shall be turned off at 10:00 PM.
6. Building material. The dominant exterior material on facades facing existing or proposed public streets (exposed facades) within the Commercial District must be unit metal and masonry. Metal unit masonry includes textured concrete masonry. Within the following limitations, exterior materials may also include wall systems used in conformance with the provisions of this subsection. However, at least 100 percent of the solid portions of exposed facades must be metal.
7. Changes in materials. The location of exterior wall material changes (such as metal to brick or stone or brick to stone) shall have a logical relationship to changes in the form of the structure and not be dictated by the simple economy. Material changes in the same wall plane are prohibited unless the dominant material is terminated with an architectural element such as a column or an offset. All materials must wrap the corner and change in one of the manners described above. Any and all changes must be approved by city council.
8. Roof. The implied visible purpose of the roof form is to perform those functions associated with a roof. That is to provide sunshade or shed water. A roof which exists only to conceal mechanical equipment is not allowed. The guidelines for roofs are as follows:
  - a. Roof massing. Roofs (pitched or flat) shall be massed with an orderly sequence of subordinate roofs extending from a dominant roof mass. Where more complex building creates multiple roof forms, there shall be a logical relationship of the roof composition. Single roof other than flat roofs which articulate the entire plate size the structure are not allowed. It is the intent of this guideline to encourage roof forms (other than flat roofs) with compositional components rather than the entire mass of the structure itself. When pitched roof forms are used in conformance with these guidelines, roof forms must be simple hipped or gable roofs. This guideline is not meant to limit the use of flat roofs in subordinate mass situations and where such a roof is necessary to attain an appropriate perception of span. A flat roof shall be concealed behind a parapet (or extension of the wall plane).

- b. Roof projections. No plumbing stacks, venting stacks or roof mounted attic ventilators (except gable and or dormer vents) shall penetrate the roof surfaces facing the street. Roof projections must be mounted straight and perpendicular to the ground plane and be painted to blend with the roof color. Roof projections and HVAC equipment mounted on the roof shall be screened from view and shall not be visible from any streets abutting or adjacent to the structure.
  - c. Roof span. Care must be taken in the design of new development to create (or give the Illusion of) spans that are compatible with pedestrian scaled development and residential uses. Roof spans should not be larger than 45 feet unless a dominant span (larger in size) is made more complex and obscured by subordinate roof masses extended from it.
  - d. Roof pitch. The minimum roof pitch, visible from the street, shall be 10 feet of rise to 14 feet of run.
  - e. Sloped roof material. Sloped roof materials shall be one of the following:
    - i. Metal R panel
    - ii. All roof colors shall be limited to a Verde, dark bronze, natural weathered, or earth tone color.
9. Awnings. Main entrances - breezeways emphasized through projections, or recessed areas which face a public street shall have arcades, display windows, entry area awnings, or other features 60 percent of the horizontal length.
10. Limited waivers for expansion or reconstruction of existing buildings. The city council may, upon request by the applicant, authorize a waiver from specific requirements for exterior materials set out in this section if:
- a. Strict compliance with these standards would result in significantly inconsistent appearance between existing and proposed sections of the building; or

- b. If the proposed expansion or reconstruction has been mandated as a condition to the applicant's ability to continue operating a franchise or license to conduct business in the existing building; and
- c. The expansion or reconstruction does not increase the square footage of the existing building by more than 50 percent; and
- d. The applicant proposes the use of high quality materials in the expansion or reconstruction of the existing building that significantly improve the quality and appearance of the existing building. The applicant shall submit detailed information to the city council as required in subsection (e) regarding meritorious exceptions. The city council shall review the application for a decision according to procedures outlined in subsection (e). The applicant may appeal the decision to the city council according to the procedures outlined in subsection (e) regarding meritorious exceptions.
- e. Meritorious exceptions. It is not the intent of this section to discourage innovation. An architectural and site design that does not conform with the specific requirement of this section, but which has merit by making a positive use, may be submitted for consideration as a meritorious exception. Such proposals shall be fairly and seriously considered by the city council through the approval process outlined in this section;
  - i. An applicant for a meritorious exception shall submit:
    - a) All items required for the review of required architectural and site standards;
    - b) A written description of the nature of the meritorious exception and the compelling reasons that prevent the applicant from meeting the minimum standard set for herein; and
    - c) Color renderings of all elevations.
  - ii. The application for meritorious exception shall be reviewed by the city council and a report of findings shall be prepared and submitted to the city council. If the applicant is not in agreement with the decision, the applicant may, within 21 days



redesign and resubmit a request in writing to city council for their consideration.

The following factors will be considered in determining the extent of any exceptions granted:

- a) The extent to which the application meets other specific standards of this article,
- b) The extent to which the application meets the spirit and intent of this article through the use of building materials, colors, and facade design to create a building of exceptional quality and appearance;
- c) The positive or negative impact of the proposed project on surrounding property use and property values, in comparison to the expected impact of a project, which could be built in conformance with the standards of this article; and
- d) A meritorious exception shall not be granted to serve solely as a convenience to the applicant, or for reasons related solely to economic hardship.

11. Amendment. When a property owner can show that a strict application of the terms of this article relating to architectural or site standards will impose upon him unusual and practical difficulties or particular hardship, including instances where an applicant has previously built in strict conformance with approved architectural and site standards plans and such approval was erroneously granted by the city council, an amendment from the strict application of this section may be granted by the city council provided that:

- a. The amendment requested is in harmony with the general purpose and intent of this section;
- b. The city council is satisfied that a granting of such an amendment will not merely serve as a convenience to the applicant, but will alleviate a demonstrable and unusual hardship or difficulty; and
- c. The city council is satisfied that there will be no impact on surrounding property.

**Section V.**

**Landscape and Drainage Regulation.**

- A. Purpose. It is the purpose of this section to establish certain regulations pertaining to landscaping and drainage within the city. These regulations provide standards and criteria for new landscaping which are intended to promote the value of property, enhance the welfare, and improve the physical appearance of the city.
- B. Scope. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new construction or any existing development, which is altered by increasing the floor area by 30 percent or more of the originally approved floor area, either by a single expansion or by the cumulative effect of a series of expansions.

All existing structures, which are a conversion or change in use requiring the expansion of or significant improvements to meet parking standards shall upgrade landscaping on the site and meet these requirements to the extent practical. The city council shall have the ability to waive landscaping requirements on a case-by-case basis if unique circumstances exist on the property that makes application of these regulations unduly burdensome on the applicant. Requested waivers of specific portions of these regulations may be granted only if there will be no adverse impact on current or future development and shall provide proper drainage away from building and parking lot.

- C. Enforcement. The provisions of this section shall be administered and enforced by the code enforcement officer.
  - 1. If, at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria as approved by city council the code enforcement officer shall issue notice to the owner, citing the violation and describing what action is required to comply with this section.
  - 2. The owner, tenant, or agent shall make reasonable progress within 30 days from the date of said notice to restore the landscaping and drainage as

required and shall have a total of 90 days to completely restore what is required.

3. Two 30-day extensions may be granted by the code enforcement officer upon the applicant's request if a hardship due to extreme seasonal conditions can be demonstrated by the owner, tenant, and/or agent.
4. If the landscaping and drainage is not restored within the allotted time, such person shall be in violation of this section.

D. Permits.

1. No permits shall be issued by city council for building, paving, grading or construction until a landscape and drainage plan is submitted and approved by the city council.
2. Prior to the issuance of a certificate of occupancy for any building or structure, all drainage shall be in place in accordance with the landscape drainage plan and approved by the city council.
3. Maintenance. The owner, tenant and his or their agent, both in the present and in the future, shall be jointly and severally responsible for the maintenance of all drainage.

**SECTION VI.**

**Effective Date**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Oak Ridge, Texas, on this the 23rd day of November, 2015.

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Alton Rudin  
Mayor, City of Oak Ridge

Attest

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Donna Sprague, City Secretary  
City of Oak Ridge

