

ORDINANCE NO. 2015-06

AN ORDINANCE OF THE CITY OF SEALY, TEXAS, AMENDING SEALY CITY CODE CHAPTER 28 - *DEVELOPMENT RULES, REGULATIONS AND STANDARDS* BY REPEALING THE CURRENT ARTICLE XI. *COMMERCIAL AND INDUSTRIAL FAÇADE MANAGEMENT* GOVERNING FACADES FOR NON-RESIDENTIAL BUILDINGS AND ADOPTING A NEW ARTICLE XI. *COMMERCIAL AND INDUSTRIAL FAÇADE MANAGEMENT* GOVERNING FACADES FOR NON-RESIDENTIAL BUILDINGS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

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WHEREAS, the City Council of the City of Sealy, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend The City Code to adopt new regulations pertaining to façade requirements for non-residential buildings; and

WHEREAS, these regulations are integral to support the vision of Sealy as prepared and adopted by both the citizens of Sealy and the Sealy City Council; now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, STATE OF TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The current Article XI. “Commercial and Industrial Façade Improvement” of Chapter 28. “Development Rules, Regulations and Standards” of The Sealy City Code is hereby repealed.

Section 3. Chapter 28 of The Sealy City Code is amended by adopting a new Article XI. *Commercial and Industrial Façade Improvement*, to read and provide as follows:

“Chapter 28 - DEVELOPMENT RULES, REGULATIONS AND STANDARDS

...

ARTICLE XI. - COMMERCIAL AND INDUSTRIAL FACADE IMPROVEMENT

Sec. 28-100. - Statement of intent.

The City Council has determined that establishing minimum standards for exterior building finishes for nonresidential structures protects and advances the general welfare of the community by, among other things:

- (a) Enhancing and protecting the aesthetic interests of the community;
- (b) Providing for the structural integrity, safety, durability and improved maintenance of the facade of buildings;
- (c) Protecting property values and lessening the impact commercial properties may have on surrounding residential development; and
- (d) Promoting economic development by making the community a more desirable place to live and shop.

Sec. 28-101. - General regulations.

- (a) This article applies to all nonresidential buildings constructed after January 23, 2010.
- (b) Any repair or alteration that involves more than 50 percent of the exterior walls of a building constructed prior to January 23, 2010, and any repair, addition, or alteration, to a building constructed after January 23, 2010, must comply with this article.
- (c) The Director of Planning and Community Development reserves the right to refer any proposed exterior building design elevations to the Planning Commission and City Council for their review and approval, respectively, whenever it's not apparent if a proposed building design will satisfy the spirit and intent of any section of these exterior building design regulations.
- (d) For purposes of implementing the requirements of this chapter, the following terms are defined:
 - (1) Commercial: Any activity involving the wholesale or retail sale of goods or services for profit. For the purposes of implanting these requirements, the term "commercial" shall also apply to offices, institutional uses, contractor businesses and apartment complex development.
 - (2) Business Park, Research Park, Light/Flex Industrial: Synonymous terms that describe uses that are developed that is planned, developed and operated as an integrated facility for a

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number of industrial and related commercial uses in a manner where accesses, truck circulation, truck maneuvering for loading/unloading, storage, parking, and utility needs are coordinated in a manner where the development blends into the urban landscape with a corporate or campus-like design aesthetic to completely screen the more intensive aspects of the business park behind the buildings in the business park. Light industrial development with a single, or a few uses, can achieve the same design appeal by the method in which the site plan of property is conceived.

- (3) Heavy Industrial/Distribution: An establishment engaged in the manufacture, processing, assembly, compacting, packaging or compounding and/or treatment of raw materials or the transportation, storage or distribution of such materials.
- (4) Self-Service Storage Facility: A facility including buildings or structures containing space of variable sizes that are leased or rented on an individual basis and used for the indoor or outdoor storage of excess property, vehicles, recreational equipment and other equipment.

Sec. 28-102. – Commercial Facade and Exterior Finish standards.

- (a) Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
- (b) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.
- (c) Where principal buildings contain additional, separately owned stores which occupy less than 10,000 square feet of gross floor area, with separate, exterior customer entrances:
 - (1) The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
 - (2) Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

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(d) Building facades must include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

- (1) Color change.
- (2) Texture change.
- (3) Material module change.
- (4) Expression of architectural or structural bay through a change in planes not less than 12 inches in width, such as an offset, reveal, or projecting rib.

Sec. 28-103. – Commercial Roofs standards.

Roofs shall have no less than two of the following features:

- (a) Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments.
- (b) Overhanging eaves, extending no less than three feet past the supporting walls.
- (c) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.
- (d) Three or more roof slope planes.

Sec. 28-104. – Commercial Materials and colors standards.

(a) Principal exterior building materials shall be of high quality. Materials for the exterior building facades shall include, but not limited to, brick, wood, sandstone, other native stone, decorative finished metals, standing seam metal, or tinted or textured concrete masonry units. Additional acceptable building finish materials include, but are not limited to, exterior insulation finish system (EIFS), stucco, decorative cast stone, block glass, faux stone, over-sized CMU (faux brick), and clay and/or concrete tiles. The use of curtain glass shall be permitted as an accent material, less than 50% of the façade of any building.

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Due to variety of architectural insulated metal wall panels products, applications and design, this material may be approved on a case by case basis, based on approval of a building elevation that shows that the proposed application is consistent with the spirit and intent of these regulations, When this material is used as an accent material < 25% of any building facade facing a street right-of-way, the use of this material may be permitted administratively if the proposed material satisfies the intent of these regulations, as expressed in Section 28-100 of this chapter. If it's not clear if a proposed material satisfies the intent of these regulations, the Director may invoke the process described in Section 28-101(c). When the application of this material exceeds 25% of a facade but is less than 50% of a facade facing a street right-of-way, the use of the material shall be subject to Planning Commission approval. For applications greater than 50% of a building facade facing a street right-of-way, the use of the material shall be subject to Planning Commission review and City Council approval. When considering these products, the architectural metal wall panel product that is proposed to be utilized as an exterior building finish must be articulated, not have an unfinished metal or hardy plank appearance and must enhance the overall design of the building. The City may reject the use of this material if the overall appearance of the building in which the material is proposed will not satisfy the spirit and intent of these design regulations.

- (1) Pre-fabricated steel panels may be used on the building exterior sides and rear. However, if the building is on a corner lot and/or the lot abuts more than one street each street side of the building exterior shall be of high quality materials such as, but not limited to, brick, wood, sandstone, other native stone, decorative finished metals, standing seam metal, or tinted or textured concrete masonry units. The use of architectural insulated metal wall panels products, applications and design, this material may be approved on a case by case basis, based on approval of a building elevation that shows that the proposed application is consistent with the spirit and intent of these regulations,
 - (2) The use of curtain glass shall be subject to the same design standards described above for architectural insulated metal wall panels products and shall require Planning Commission and City Council reviews and approvals as stipulated in Section 28-104(a) for architectural insulated metal wall panels products
- (b) Facade colors shall be low reflectance, with subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited. The City of Sealy Planning

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and Community Development Department shall maintain the color chart of Primary and accent building colors shall first and foremost be compatible with surrounding development and appropriate for the color pallet of Southeast Texas. In locations where there is not an identifiable, predominant color pallet, local color preferences are earth tones and Acme “Cranberry Red”.

(c) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

(d) Principal exterior building materials should not include smooth-faced concrete block, untextured or smooth faced tilt-up concrete panels, or pre-fabricated steel panels. If a building is visible to public rights-of-way on all 4-sides, all sides of the building shall be considered principal exterior facades.

(e) There are businesses that have special design needs based on the manner in which business is conducted, that does not lend itself to a traditional tilt wall or form building design. Showrooms for automobiles, boats, recreational vehicles and other oversized equipment are examples. For such uses, the applicant shall submit a building elevation of the proposed building, describe the special design needs of the building and request approval of an alternate design that meets the spirit and intent of these regulations. Such a request would require Planning Commission review and City Council approval.

Sec. 28-105. - Business Park, Research Park, Light/Flex Industrial Facade and Exterior Finish, Roof, Materials and Color Standards

All standards described in Section 28-102, 28-103 and 28-104 shall be applicable to those building facades visible to public rights-of-way.

Sec. 28-106. – Heavy Industrial/Distribution Facade and Exterior Finish standards.

(a) The materials used on the exterior facade of all buildings within the city limits shall conform to the requirements below.

(b) Any repair or alteration that involves more than 50 percent of the exterior walls of a building constructed prior to the date of this ordinance, and any repair, addition, or alteration, to a building

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constructed after the date of this ordinance [from which this section derives], must comply with this article.

(c) Minimum exterior wall standard for any industrial building front or side facade adjacent to, or visible from, a major thoroughfare or any portion of said building directly abutting residential development shall include a minimum of 25 percent masonry or brick, or other materials specified in Section 28-104. Upon satisfying the 25% premium material requirement, other finishing materials may include 26-gauge R-Panel with a 30-year color warranty, stone brick veneer, tilt wall, decorative or textured concrete block, split face block, stucco, and EIFS (exterior insulation and finish systems). or any of the others materials listed in Section 28-104. On facades that do not face rights-of-way or neighborhoods, these building finish requirements shall not be applicable.

- (1) All nonconforming structures must come into compliance with the above standards whenever any repair or alteration that involves more than 50 percent of the exterior walls of a building constructed prior to the date of this ordinance, and any repair, addition, or alteration, to a building constructed after the date of this ordinance [from which this section derives], must comply with this article.
- (2) Corrugated galvanized sheet metal is not allowed and any R-panels less than 26 gauge are not allowed.
- (3) The use of architectural insulated metal wall panel products, applications and design is acceptable on all base industrial developments. Colors, articulation and design shall satisfy the spirit and intent of these regulations on those facades readily visible from public rights-of-way and residential developments. Applications of this material greater than 50% of any façade building façade facing a street right-of-way or residential neighborhood, the use of the material shall be subject to Planning Commission review and City Council approval. When considering these products, the architectural metal wall panel product that is proposed to be utilized as an exterior building finish must be articulated, not have an unfinished metal or hardy plank appearance and must enhance the overall design of the building. The City may reject the use of this material if the overall appearance of the building in which the material is proposed will not satisfy the spirit and intent of these design regulations. For facades not visible to public rights-of-way or residential

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neighborhoods, the use of this product is acceptable and is encouraged to enclose heavy industrial operations and processes.

- (4) In the case of an industrial operation but that is principally comprised of major heavy industrial structures, such as, but not limited to, oil storage tanks, foundries and the like, shall not be subject to these design requirements. If such an operation has a front office, only that building, and any other building that is visible from a public right-of-way, is subject to these design requirements. be applicable to industrial.

- (5) In the case of an industrial use that is completely screened from public right-of-way or residential views due to screening, landscaping or large buffer, that operation shall not be subject these design requirements.

Sec. 28-107. – Self-Service Storage Facility Facade and Exterior Finish standards.

(a) Self-service storage facilities are a unique use with respect to building design. When designed with consideration to blending into the city with a mix of screening and design attributes, this use is appropriate on many commercial corridors and in some instances in close proximity to neighborhoods. The unique attribute of many of these buildings is that typically only a small portion of the facility may be visible to a public right-of-way or an adjoining neighborhood. In those instances, those portions of the building visible to the public right-of-way, or an adjoining neighborhood, should be designed to the commercial building design standards of this chapter. Other portions of the building that are not visible to the public can be screened or designed to the industrial use standards of this chapter.

(b) In order to determine the appropriate level of building design and screening to achieve the spirit of this chapter, a site plan and building elevations should be submitted for staff review. The Director shall review the site plan for conformity to the following standards. If the applicant and City cannot agree on an appropriate mix of building design, screening and site plan design to address the intent of these regulations, an applicant may appeal the decision of the Director to the Planning Commission, and if necessary to the City Council.

(c) Special Requirements for Self-Storage Facilities

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(1) Screening Required: No building shall be located so that the door of the self-storage unit faces the street unless screening is constructed along the entire length of the building, said screening to be in the form of:

(A) a screening fence is constructed in accordance with requirements of the Sealy City Code,

(B) an opaque and evergreen landscape hedge with a height of 6' at the time of planting;

(C) another building located between the self-storage units and the street; or

(D) such other screening that may be approved by the Commission upon application of the developer or owner.

(2) Required Facade Materials: The sides of all self-storage unit buildings that face a street and/or an abutting residential property shall have exteriors that comply with the building design requirements of this chapter for commercial buildings. The elevations are not required to comply with the roof standards of the commercial standards, except for the screening roof top equipment from right-of-way views, but may include those elements in the project design to achieve the intent of this chapter.

(3) Driveways: All driveways must be designed to accommodate appropriate fire fighting vehicles and be approved by the Fire Marshal;

(4) Overhead doors: External overhead doors shall not directly face a residential property or a public right-of-way, unless the said overhead door is screened from view.

(5) Outdoor Storage: When adjacent to public rights-of-way or residential properties, buildings shall be oriented in a manner, or screened in manner, where outdoor storage is not visible from public rights-of-way or residential views. ”

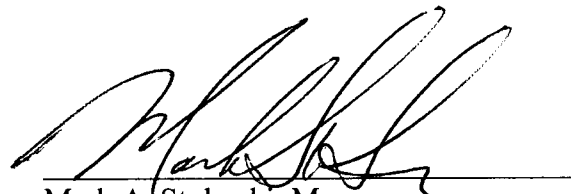
Section 4. Repealer. All ordinances or parts of ordinances, or resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

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Section 5. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

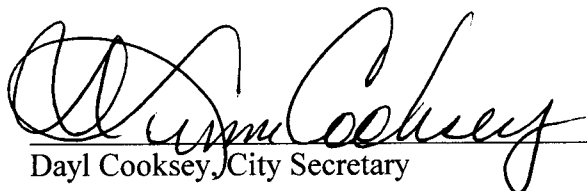
PASSED AND APPROVED on first reading this 13th day of January, 2015.

PASSED, APPROVED, AND ADOPTED on second and final reading this 27th day of January, 2015.



Mark A. Stolarski, Mayor

ATTEST:



Dayl Cooksey, City Secretary

