

ORDINANCE NO. 1440

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING SECTION 17.28.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.28 – “SD” SUBURBAN DISTRICT; SECTION 17.32.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.32 – “RE” RESIDENTIAL ESTATE DISTRICT; SECTION 17.36.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.36 – “A” ONE-FAMILY DISTRICT; SECTION 17.40.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.40 – “B” ONE-FAMILY DISTRICT; AND SECTION 17.44.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.44 – “BR” ONE-FAMILY REDUCED DISTRICT TO ALLOW THE MINIMUM ROOF PITCH FOR A PRINCIPAL RESIDENTIAL BUILDING ADDITION TO MATCH THE PREDOMINANT ROOF PITCH OF THE EXISTING PRINCIPAL RESIDENTIAL BUILDING; AND BY AMENDING SECTION 17.48.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.48 – “CR” MULTIPLE-FAMILY RESTRICTED DISTRICT TO ALLOW FOR A MINIMUM ROOF PITCH OF 4:12 FOR STANDING SEAM METAL ROOFS TO MEET THE SAME MATERIAL STANDARDS FOR THE ONE-FAMILY DISTRICTS AND TO ALLOW THE MINIMUM ROOF PITCH FOR A PRINCIPAL RESIDENTIAL BUILDING ADDITION TO MATCH THE PREDOMINANT ROOF PITCH OF THE EXISTING PRINCIPAL RESIDENTIAL BUILDING; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Benbrook (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety, and general welfare of the community and protecting and preserving places and areas of historical, cultural, and architectural importance and significance; and

WHEREAS, the City has previously adopted zoning regulations as Title 17 of the Benbrook Municipal Code (1985), as amended through Ordinance 1433; and

WHEREAS, the City Council now deems the provisions of the present zoning regulations inadequate, by reason of changing conditions since its passage, to accomplish the foregoing objectives, and that said Title 17 shall be amended and superseded by the provisions of this ordinance; and

WHEREAS, the City Council has given published notice and held public hearings, with respect to this amendment of the Zoning Ordinance, as required by law.

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

SECTION 1

That Chapter 17.28 – “SD” Suburban District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.28.032.A.2 in its entirety to provide the following:

2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
- a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;
 - c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
 - d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 2

That Chapter 17.32 – “RE” Residential Estate District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.32.032.A.2 in its entirety to provide the following:

2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
- a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;
 - c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
 - d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 3

That Chapter 17.36 – “A” One-Family District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.36.032.A.2 in its entirety to provide the following:

2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
- a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;
 - c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
 - d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 4

That Chapter 17.40 – “B” One-Family District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.40.032.A.2 in its entirety to provide the following:

2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
- a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;

- c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
- d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 5

That Chapter 17.44 – “BR” One-Family Reduced District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.44.032.A.2 in its entirety to provide the following:

- 2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
 - a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;
 - c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
 - d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 6

That Chapter 17.48 – “CR” Multiple-Family Restricted District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.48.032.A.2 in its entirety to provide the following:

- 2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
 - a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;
 - c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
 - d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 7 CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 8 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 9
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 10
SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 11
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 12
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

**SECTION 13
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 14
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and it is so ordained

PASSED AND APPROVED this 4th day of April 2019.

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary