

## Ordinance 2009-005

**AN ORDINANCE OF THE CITY OF ROBINSON, TEXAS AMENDING PART NINE: OVERLAY ZONE REGULATIONS, APPENDIX-A ZONING OF THE ORDINANCES OF THE CITY OF ROBINSON, TEXAS BY ADDING OR DELETING LANGUAGE IN SEC. 9-1 THROUGH 9-7 INCLUSIVE; PROVIDING FOR SEVERABILITY; AND, FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS ADOPTED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

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

### ARTICLE 1

**Language to be removed is indicated by ~~strikeout~~. Language to be added is indicated by underline.**

#### Part Nine OVERLAY ZONE REGULATIONS

##### SECTION 9.1: APPLICATION OF OVERLAY ZONE REGULATIONS

- A. Each overlay zone will be subject to building and development requirements applicable within the specifically delineated area superimposed over an existing (base) zoning district. Land use within the overlay zone shall conform to all regulations of the base zoning district, except where overlay zone requirements specify otherwise. The regulations set by this Ordinance within each overlay zone shall apply uniformly to each class or kind of structure or land, except as provided within specific descriptions of overlay zone requirements.
- B. ~~No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all regulations herein specified for the overlay zone in which it is located.~~
- C. ~~No part of a yard, open space, or off-street parking and loading spaces required in connection with any building for the purpose of complying with overlay zone regulations, shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building, except under those provisions for collective parking facilities.~~
- D. ~~No yard or lot existing within an overlay zone on the effective date of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the overlay zone(s) in which it is located. Yards or lots created within overlay zones after the effective date of this Ordinance shall meet the minimum size requirements established for the overlay zone(s) in which they are located.~~
- E. ~~All the lot area, required yards and other open spaces provided in connection with a structure or use, in order to comply with these regulations, shall be located on the same lot as such structure or use.~~

##### SECTION 9.2: SPECIFIC PURPOSE OF OVERLAY ZONE:

Each overlay zone established shall be provided for a specific purpose, in accordance with the comprehensive plan for the location of various activities throughout the city, and shall be known as:

**Corridor Overlay Zone (COR Zone)**

**SECTION 9.3: GENERAL REQUIREMENTS: CORRIDOR OVERLAY ZONE (COR Zone)**

- A. The City of Robinson recognizes the benefits of attractive and aesthetically pleasing corridors that serve as approach routes and major thoroughfares of the city. Regulations pertinent to the COR Zone are designed to ensure that standards of aesthetics are guaranteed with any new non-residential development that occurs along the corridor. These standards relate to ~~signage~~, landscaping, screening, construction, and driveway separation.
- B. The COR Zone is designed for corridors with a mix of residential and commercial land uses. It is not designed for corridors of an industrial/manufacturing character. The COR Zone is intended for land uses along appropriate major arterial routes and not the Interstate highway, freeway, or expressway corridors.
- C. Application of the COR Zone shall be considered appropriate when in accordance with at least one of the following objectives:
1. Promote quality development of lots along the designated corridors in harmony with adjacent land uses and the surrounding environment.
  2. Ensure that residential neighborhoods are shielded from commercial activities that occur along the corridor.
  3. Establish that the corridor is developed with special and specific standards and design that provide a pleasing and positive image.
- D. The standards and requirements set forth in this Ordinance shall apply to all new non-residential buildings and structures constructed within a COR Zone, provided, however, that:
- ~~1. Any alteration, addition, repair or replacement of any residential building or residential structure in existence as of the effective date of this Ordinance shall be exempt from the provisions of this Ordinance if such alterations, additions, repairs or replacements are constructed with exterior finishes that are architecturally consistent with the exterior finishes of said residential structures as they existed as of the effective date of this Ordinance, and provided further, however:~~
  - 2.1. That alterations or additions to buildings or structures in existence as of the effective date of this Ordinance and located in commercial or industrial zoning districts shall be constructed with exterior finishes that are architecturally consistent with the presently existing portions thereof; and
  - 3.2. Except that if any such building or structure is wholly destroyed by fire or other casualty, or is damaged to an extent greater than fifty percent (50%) of the taxable value of said building or structure as of the time immediately prior to the occurrence of such damage, such building or structure shall be demolished or repaired, or reconstructed or replaced within 180 calendar days of the destruction or damage and if repaired or replaced, shall be done in such a fashion as to be into full compliance with the provisions of this Ordinance.
- E. No building permit shall be issued, or shall be valid or effective, unless the plans and other submittals included with the application therefor demonstrate compliance with the provisions of this Ordinance.

F. All activities within the COR Zone shall be governed by all regulations applicable to the underlying zoning district, unless otherwise specified in this section. A COR Zone shall be at least one mile in length and 400 feet in depth on each side of the major thoroughfare (measured from the front property line).

G. Minor technical variations from these overlay standards will be considered under circumstances where strict compliance would be impossible or put an extreme hardship on the applicant. Such variance would only be available upon recommendation of the Planning and Zoning Commission and approval of the City Council.

#### **SECTION 9.4: LANDSCAPING AND SCREENING REQUIREMENTS**

A. Landscaping and screening shall be required on any nonresidential site, prior to the issuance of a Certificate of Occupancy. Unless otherwise specified landscaping and screening shall include trees, shrubs, grass and other vegetation. Existing trees on site determined to be in healthy condition shall be preserved to the greatest possible extent. All trees, shrubs, and vegetation shall be of natural material.

##### **1. Landscaping of the Site**

- a. The total landscaping must account for at least ten (10) percent of the developed site area. The developed site area shall include the main structure(s), any accessory structure(s), parking lots, equipment lots, and outdoor storage lots.
- b. The size of the landscaped section, excluding parking lot islands, shall have an area of at least 50 square feet and a minimum width of ten (10) feet from the edge of the property line, to provide for the normal growth of planted landscaping materials.
- c. All required landscaping and screening of natural material shall be irrigated by either an underground sprinkler, underground drip system, or a hose attachment within 100 feet of all landscaping.
- d. Any grading, resurfacing or reshaping of the site in conjunction with landscaping and screening efforts shall not cause an undue nuisance to surrounding activities, or create environmental hazards.
- e. Trees of at least six (6) feet in height and one and one half inch caliper shall be provided (existing or planted) within the front yard area and maintained, with a ratio of one (1) tree for every 40 feet of street frontage. The required number of trees may be clustered.
- f. All site area planted with turf shall be 100 percent covered within 60 days of the issuance of the Certificate of Occupancy.
- g. At no time may landscaping or screening interfere with vision clearance at rights-of-way or at street intersections. Screening and fencing must be located at least ten (10) feet from the curb or edge of the pavement of all streets and must be located on private property.
- h. Care should be exercised to plant trees where mature growth will not interfere with overhead utility lines. All trees planted under overhead utility lines must be of a variety that will not exceed 15 feet in height when fully mature.

##### **2. Landscaping of Parking Lots**

- a. Off-street parking areas with more than 10 parking spaces shall not be permitted between any structure and the main thoroughfare named in the COR Zone designation, unless such

parking areas are partially screened by a perimeter landscaping strip, earthen berm, or other landscaped plant material, with a minimum width of ten (10) feet.

- b. The size of any landscaped section within the parking area shall have an area of at least 25 square feet and a minimum width of five (5) feet to provide for normal growth of planted landscaping materials.
- c. All landscaped areas shall be protected from vehicular traffic by use of concrete curbs, or wheel stops, ~~or permanently anchored railroad ties~~, at least six (6) inches in height.

~~3. Screening of the Site~~

- ~~a. If trees or other living plant materials are used for screening, they shall be evergreen and opaque.~~
- ~~b. Use of salvaged, used or scrap material shall not be permitted for required screening. The material to be used must be approved by the Planning and Zoning Commission.~~

~~4. 3. Screening of Outdoor Storage~~

- a. The outdoor bulk storage ~~or display~~ of goods, wares, merchandise, materials, supplies, equipment, or inventory ~~(except motor vehicles in operable condition, subject to being licensed in the State of Texas, bearing a current inspection sticker and displayed by a licensed motor vehicle dealer at such dealer's place of business)~~, shall be screened from all public rights-of-way in the following manner:

- (1) ~~A continuous screen of evergreen trees and/or shrubs planted along the right-of-way line that will reach a minimum height of six (6) feet;~~
- (2) Earthen berms and landscaping including evergreen shrubs used in combination to achieve a minimum screening height of six (6) feet. Berms shall have a minimum height of three (3) feet as measured from the top of the adjacent street curb or end of the pavement, but in all cases shall have a maximum slope of 3:1;
- (3) A solid wall or fence of materials with natural earthtone color, a minimum height of six (6) feet as measured from the top of the adjacent street curb or edge of the pavement, or;
- (4) A combination of a solid wall or fence of materials and landscaping, including evergreen shrubs or trees used in combination to achieve a height of at least six (6) feet. The walls or fences shall have a minimum height of four (4) feet as measured from the top of the adjacent street curb or end of the pavement.
- ~~(5) Signage may not be placed on, attached or affixed to any portion of the screening material or the supporting structure or members of the screening material.~~

b. Screening required by the terms of this article shall apply to all non-residential locations within each COR Zone. Commercial establishments in operation as of the date of the adoption of this ordinance shall have two years from the effective date of this ordinance to comply with the screening requirements of this ordinance. This screening requirement shall not be construed to require screening of, or to prohibit the display of new or used automobiles at licensed new or used car dealerships, equipment, portable structures or other large or

bulky items that are ready for sale and/or delivery. The screening requirement also does not apply to the temporary display of merchandise items in front of retail stores nor shall it apply to parking lots where only vehicles and/or equipment used in the day to day operation of a business are parked.

5. Screening Adjacent to Residential Areas

- a. All commercial uses must provide a twenty (20) foot buffer area adjacent to any residential zoned property with a minimum of the following elements:
  - (1) A solid wall or fence of materials having a natural earthtone color and a height of between six (6) and seven (7) feet, and,
  - (2) A landscaped area at least twenty (20) feet in width. The area may be covered entirely with groundcover or turf, and,
  - (3) Parking areas on commercial property shall be screened from adjoining residential districts.
- b. Commercial areas locating adjacent to a residence in a commercial zone must comply with (1) and (3) above. A 20 foot buffer is not required in this instance.

B. Maintenance Requirements

1. The owner and occupant of each lot, tract or parcel of land covered by this ordinance shall be responsible for the regular maintenance of all required landscape areas, screening and plant materials. All landscaping and screening with natural materials shall be kept in a vigorous and healthy condition, free from disease, pests, weeds, and litter.
2. The owner and occupant of each lot, tract or parcel of land covered by this ordinance shall be responsible for the regular maintenance, repair, or replacement, where necessary, of all required landscaping and screening.
3. Required plant materials, if dead, or severely damaged, shall be removed by the owner and occupant of each lot, tract or parcel of land covered by this ordinance as soon as possible, but no later than sixty (60) days after notification. All dead or damaged plants shall be replaced within six (6) months of notice from the City or by the next planting season, whichever comes first.
4. Replacement plants must be the same size and species as shown on the approved Site Plan or must be equivalent in terms of quality and size.

C. Site Plan Requirements

1. A Site Plan shall be required for any new structures. A Site Plan shall also be required for any change of use from residential to commercial.
2. The Site Plan shall include the following items listed below in addition to the normal requirements.
  - a. All proposed new trees must be labeled.
  - b. The location, species, and diameter of existing trees having a trunk diameter of two (2) inches or larger, if the tree is in a healthy condition.

- c. The location of the proposed hose attachments or a note indicating the installation of the irrigation system covering the site.

D. Compliance Requirements

- 1. The Planning and Zoning Commission shall review all site plans, landscaping and screening plans for compliance and completion as required by this ordinance. The approved landscaping and site plan shall be completed in compliance with this ordinance before a Certificate of Occupancy is issued unless an extension is granted. The Building Inspection Department will review plans being submitted by existing businesses complying with the screening requirement of this ordinance.
- 2. The applicant may receive an extension by the Building Official of up to, but not to exceed, six (6) months from the date of the Certificate of Occupancy upon approval of an application for extension with a cash deposit with the City in an amount equal to 1.5 times the estimated cost of the required improvements. The estimated cost shall be determined by the Building Official.
- 3. An extension of the landscaping and screening requirements shall only be granted in the event that the material to be planted is deemed by the Building Official not to be in planting season.
- 4. Failure to complete the landscaping and screening according to the approved landscaping and screening plans within the six (6) month period shall constitute grounds for forfeiture of the cash deposit, not as a penalty, but in partial satisfaction of the requirements of this ordinance. The City may, but shall not be required to, enter onto the property and complete the approved landscaping and screening plan for the property and the owner and occupant of the lot, tract or parcel of land where such screening is required hereby grant to the City an easement over all of the property for such purpose.
- 5. Failure to complete the required landscaping and screening shall constitute a violation of this ordinance.

**SECTION 9.5: reserved SIGNAGE REQUIREMENTS**

A. Definitions:

- 1. ~~Blinking~~  
~~A form of flashing where the pattern of sudden illumination changes occur with more than two on-off cycles per second.~~
- 2. ~~Flashing~~  
~~A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a time frame of less than four seconds.~~
- 3. ~~Height~~  
~~Height shall be considered to be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and that point on the crown of the street which is nearest to the point on the sign which is used to establish the setback of the sign. For signs located 200 feet or further from a street, height shall be considered to be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the highest adjacent grade. Highest adjacent grade is the highest natural elevation of the ground surface prior to construction of the structural support of the sign and prior to any work having commenced.~~
- 4. ~~Sign, Abandoned~~  
~~Any sign which no longer correctly directs or exhorts any person or advertises a bona fide business lessor, owner, product, service, or activity.~~

5. ~~Sign, Freestanding~~  
~~Any sign permanently affixed to the ground and which is not affixed to a building and which is not used for off-premises advertising.~~
6. ~~Sign, Portable~~  
~~A sign which is not designed or manufactured to be permanently anchored or affixed to the ground, building or other structure, but rather is designed or primarily used as a sign which is movable from place to place and which includes but is not limited to signs affixed to a trailer or other portable structure and includes "A" frame or sandwich signs.~~
7. ~~Sign, Wall~~  
~~Any sign affixed flat against and parallel to a building wall. For the purpose of this definition, wall shall include window areas, canopies and mansard roof extensions.~~
8. ~~Visibility Triangle~~  
~~At a street intersection, a safety triangle formed by a diagonal line connecting a point on each property line 25' from their intersection at the corner.~~

~~B. General Provisions~~

1. ~~Unless otherwise specified in this ordinance, all City of Robinson Sign Regulations shall remain in force including, but not limited to, the general prohibition of any new off-premises signs on any roadway except Loop 340 and Interstate 35.~~
2. ~~A Site Plan shall be submitted with an indication of the following: location, size, height, materials, motion, illumination, and content of the sign.~~
3. ~~No sign shall inhibit the view of the motoring public or obstruct the vision clearance triangle.~~
4. ~~No more than two sides of a sign structure may be used for display.~~
5. ~~Free standing signs shall be placed a minimum distance equal to one-fourth the total lot frontage from any side property line with a minimum of twenty-five (25) feet between any free standing signs.~~
6. ~~All electrical signs shall comply with the current National Electric Code (N.E.C.).~~
7. ~~All signs permitted in a COR Zone shall comply with the provisions of this section.~~

~~C. On-Site Signage~~

1. ~~No free standing on-site sign shall exceed 20 feet in height.~~
2. ~~Only one free standing sign shall be permitted per lot.~~
3. ~~One wall sign per building side shall be permitted with the following restrictions:~~
  - a. ~~The wall sign shall have a maximum area of twenty (20) percent of the area of the wall, and;~~
  - b. ~~Illumination is permitted but shall not project light or glare on adjacent property and roadways, and;~~

- ~~c. Mechanical motion shall not be permitted, and;~~
- ~~d. All wall signs shall be connected to the wall in a permanent manner, and;~~
- ~~e. No wall sign shall protrude from the surface of the wall at a distance greater than eighteen (18) inches, and;~~
- ~~f. No wall sign shall protrude above the roof line of the building on which it is affixed.~~
- ~~4. When more than one business is present on a site, grouped signage shall be used with the following requirements:~~
  - ~~a. The maximum height of grouped signage shall be 20 feet.~~
  - ~~b. When a group sign is used, a maximum area equal to two (2) square feet of signage per lineal foot of street frontage of the lot shall be permitted. The total group sign shall have an area not in excess of 450 square feet.~~
  - ~~c. Only one group sign shall be permitted on a site.~~
  - ~~d. No other free standing signs shall be permitted.~~
- ~~5. If the property is a corner lot, the maximum area for a free standing sign shall not exceed 300 square feet in total area, with the exception of group signs which shall not exceed 450 square feet in area.~~
- ~~6. Notwithstanding the above restriction, each business occupying an entire building or occupying a distinct portion of a building shall be allowed to place one sign on the main personnel entrance door. Such personnel door sign may not exceed 30" X 10" in size.~~

~~D. Prohibited Signs~~

- ~~1. No portable or wheeled signs or ground anchored banners, shall be permitted within the overlay district.~~
  - ~~a. Temporary special event signs or banners for religious, charitable, civic, fraternal, non-commercial youth athletic teams or leagues, or similar non-profit organizations is allowed provided:
    - ~~(1) No more than one (1) sign per street frontage shall be permitted per event.~~
    - ~~(2) The sign/banner shall be erected no sooner than fourteen (14) days before and removed no later than three (3) days after the event.~~
    - ~~(3) Such portable signs remain regulated under the city's sign ordinance in every regard.~~~~
- ~~2. No off-premises signs or billboards shall be permitted within the boundaries of the overlay district.~~
- ~~3. Signs with flashing or blinking lights shall be prohibited within the overlay district. This shall not be construed to prohibit digital changeable message signs.~~

4. Digital changeable message signs shall be equipped with an automatic means to dim the display to prevent glare during nighttime hours.
5. No advertising sign shall contain lighting that is not shielded, and any lighting shall be of such low intensity as not to cause glare or impair the vision of the operator of any motor vehicle.
6. Abandoned signs (as that term is defined herein) are prohibited within the COR Zone. All abandoned signs shall be brought into compliance by the owner and the occupant of the lot, tract or parcel of land on which the sign is located, within forty-five (45) days from the date of notice. Compliance shall be accomplished by painting over or covering the face of the sign until such time as the sign correctly advertises a bona fide on-site business, lessee, renter, owner, product, service or activity.

E. Maintenance Requirements

1. All signs, or sign structure, including wall signs shall be maintained in good repair at all times by the owner and the occupant of the lot, tract or parcel of land on which the sign is located.
2. Any sign found to be in disrepair shall be repaired as soon as possible, but no later than forty-five (45) days after notice, by the owner and the occupant of the lot, tract or parcel of land on which the sign is located.

F. Compliance Requirements

1. All signs in the COR District shall be installed in compliance with this ordinance.
2. Failure to comply with any portion of this ordinance shall constitute a violation.

**SECTION 9.6: DRIVEWAY ACCESS**

- A. Driveways shall conform with access management regulations of the Texas Department of Transportation, the City of Robinson, or this section, whichever is most restrictive.
- B. Driveway access requirements shall pertain to all land uses except for single family and two family residential.
- C. Driveways shall be located as set forth below. Measurements shall be made from the edge of the driveway and from the edge of the pavement or curb of public or private streets.
  1. Driveways shall be separated from adjacent driveways by a minimum of 50 feet for driveways on different parcels and by a minimum of 100 feet for driveways on the same parcel.
  2. Driveways shall be located from interior side and rear property lines by a minimum of 25 feet. The minimum separation requirement from the adjacent property lines does not apply to a shared drive.
  3. Driveways shall be separated from adjacent street intersections as follows:
    - a. For driveways onto an arterial street:
      - (1) 100 feet from intersecting streets classified as arterial, freeway, frontage road, or collector.

(2) 50 feet from all other intersecting streets.

- b. Exceptions to these location requirements will be considered only if existing driveways and site development preclude compliance.

## SECTION 9.7: EXTERIOR CONSTRUCTION STANDARDS

### A. Definitions:

1. Masonry Construction shall include all construction of stone material (including manufactured stone products), brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. The standards for masonry construction types are listed below:

a. Stone Material:

Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone, dimensioned stone, and manufactured stone products are acceptable.

b. Brick Material:

Brick material used for masonry construction shall be hard fired (kiln fired) clay, calcium silicate (sand/lime), shale or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. No unfired or underfired brick shall be permitted.

c. Concrete Masonry Units:

Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications: ASTM C90, Standard Specification for Loadbearing Concrete Masonry Units (hollow and solid); ASTM C129, Standard Specification for Nonloadbearing Units (hollow and solid). Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish, integrally colored, subject to approval by the Building Official. Lightweight concrete block not conforming to the foregoing standards or cinder block construction shall not be acceptable as exterior finishes. ~~Concrete masonry units shall be prohibited in any residential building or structure as an exterior finish.~~

d. Concrete Panel Construction:

Concrete finish, pre-cast panel or tilt wall construction shall be painted, fluted, or exposed aggregate. Other architectural concrete finishes may be approved by the City Council upon recommendation of the Planning and Zoning Commission on a case by case basis if such finishes incorporate the use of striping, accenting, trim, cornices, fenestration, banding or other comparable architectural techniques so as to create an aesthetic appeal similar to the aforementioned architectural concrete finishes. Smooth or untextured concrete finishes are not acceptable unless painted and maintained. ~~Concrete panel construction shall be prohibited for use in any residential building or structure as an exterior finish.~~

2. Glass and Metal Walls:

- a. Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may

consist of the combination of metal, glass, or other surfacing material supported in a metal framework. ~~Glass wall construction shall be prohibited in any residential building or structure as an exterior finish.~~

- b. Metal walls shall include profiled panels, deep ribbed panels and concealed fastener systems. Exterior finish shall be film laminated or baked on enamel painted to the wall manufacturer's standards.

B. Prohibited materials for external finish

- 1. The use of corrugated metal, plastic, or fiberglass panels shall be prohibited.
- 2. The use of galvanized, aluminum coated, zinc-aluminum coated or unpainted exterior metal finish shall be prohibited. Metal walls ~~shall be prohibited in any residential construction as an exterior finish,~~ and shall not make up more than ~~twenty-five percent (25%)~~ fifty percent (50%) of the exterior surface facing the designated corridor and seventy-five percent (75%) of other exterior walls visible to the public right-of-way of any commercial building or structure, exclusive of doors, windows and associated trim.

C. ~~Residential buildings or structures which are the primary building or structure on a given lot shall be constructed with exterior finishes consisting of either stone material or brick material covering fifty percent (50%) of the aggregate total area of all exterior walls, exclusive of doors, windows, and associated trim.~~

D. Commercial buildings or structures which are the primary building or structure on a given lot shall be constructed with exterior finishes consisting of stone material, brick material, concrete masonry units, concrete panel construction or glass walls covering ~~seventy-five percent (75%) of the aggregate total area~~ fifty percent (50%) of the exterior surface facing the designated corridor and ~~twenty-five percent (25%) of other exterior walls~~ twenty-five percent (25%) of other exterior walls visible to the public right-of-way ~~of all exterior walls,~~ exclusive of doors, windows, and associated trim.

E. Buildings or structures which demonstrate exceptional architectural merit and an intention to reflect the character of the City of Robinson may, upon application made to the Planning and Zoning Commission and approval of the City Council, be granted a variance from the provisions of this Ordinance requiring the use of particular materials for exterior finishes to allow the use of different materials or to allow the use of a different percentage or proportion of the materials otherwise required in the exterior finish of such a structure.

**ARTICLE 2  
SEVERABILITY**

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason, held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**ARTICLE 3  
REPEALER**

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**ARTICLE 4  
OPEN MEETING**

That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED** on this the xst day of XXXXXXXXXXr, 2009.

**CITY OF ROBINSON, TEXAS**

\_\_\_\_\_  
Bryan Ferguson, Mayor

ATTEST:

\_\_\_\_\_  
Linda Vranich, City Secretary