

CITY OF HUMBLE

ORDINANCE NO. 18-815

AN ORDINANCE OF THE CITY OF HUMBLE, TEXAS AMENDING CHAPTER 12, "BUILDINGS AND BUILDING REGULATIONS", ARTICLE XI "DEVELOPMENT STANDARDS", BY DELETING THE ENTIRETY OF SECTION 500 "EXTERIOR CONSTRUCTION REQUIREMENTS FOR NON-RESIDENTIAL AND MULTIFAMILY RESIDENTIAL BUILDINGS" AND SECTION 600 "EXTERIOR CONSTRUCTION REQUIREMENTS FOR AUXILIARY BUILDINGS LOCATED ON SINGLE FAMILY RESIDENTIAL PROPERTY"; REPLACING BOTH WITH A NEW SECTION 500 "EXTERIOR CONSTRUCTION REQUIREMENTS FOR ALL NEW BUILDINGS"; MAKING CERTAIN FINDINGS; IMPOSING A PENALTY IN THE AMOUNT OF \$500.00 AS SET OUT IN SECTION 1.11 OF THE CODE OF ORDINANCES FOR EACH DAY OF VIOLATION AND PROVIDING FOR SEVERABILITY.

WHEREAS, upon recommendation of the city staff and in deliberation of the City Council of the City of Humble, Texas, it is deemed to be in the best interest of the health, safety and the general welfare of the citizens of the City of Humble that a new ordinance be adopted amending the development standards for the exterior construction of new single-family residences in addition to the exterior construction standards now applicable to non-residential and multifamily residential buildings;

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

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

Section 2. The Code of Ordinances of the City of Humble, Texas, is hereby amended by deleting the entirety of Chapter 12, Article XI, Section 500 thereof and substituting therefore a new Chapter 12, Article XI, Section 500 to read as follows:

Sec. 12-500 Exterior Construction Requirements for All New Buildings.

- a. Purpose. It is the express purpose of this section to provide development standards for the exterior construction of all buildings to improve the aesthetics, safety, and durability of the buildings and to enhance the quality of life of for all residents of the city.
- b. Definitions.
 - (1) Dwelling unit shall mean a structure or part of a structure containing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking

and sanitation as defined by Chapter 2, Section 202 of the International Building Code.

- (2) Single family residence shall mean a structure used as a single family dwelling unit, whether located on a lot or multiple lots.
- (3) Multifamily dwelling unit shall mean a structure or part of a structure designed, constructed, or renovated to contain two (2) or more individual dwelling units, including but not limited to apartments, townhomes, condominiums, and duplexes.
- (4) Multifamily dwelling development shall mean a structure or group of structures containing two (2) or more attached dwelling units constructed on one or more contiguous lots or tracts of land owned by the same or related persons, including but not limited to, common areas, green spaces, amenities, parking lots, and any other improvements or surrounding land area.
- (5) Single family accessory building shall mean any enclosed structure constructed in a residential neighborhood or on a single family residential property that is adjacent to a single family dwelling unit. A single family accessory building may be but is not limited to a garage, shed, pool house or barn.
- (6) Non-residential building shall mean any building other than a single family residence, a multifamily residential dwelling unit, or a single family accessory building.
- (7) Industrial building shall mean any non-residential building utilized for the manufacturing, altering, repairing, warehousing, disposing, recycling, salvaging, reclaiming, refining, or distributing raw materials or products and that is 50,000 square feet or more in area.
- (8) Masonry materials shall mean and include any form of construction defined below and composed of brick, stone, decorative concrete block, rock or other materials of equal characteristics laid up unit by unit set in mortar, precast concrete panels, or stucco.
 - (a) Brick shall mean to include kiln fired clay or shale brick manufactured to ASTM C216 or C652, Grade SW, can include concrete brick if the coloration is integral, shall not be painted, and is manufactured to ASTM C1634; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include underfired clay or shale brick.
 - (b) Stone shall mean to include naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building

construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of two and five eighths inches when applied as a veneer.

(c) Decorative concrete block shall mean to include highly textured finish, such as split faced, indented, hammered, fluted, ribbed or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of three and five eighths inches when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.

(d) Precast Concrete Panels shall mean products associated with tilt up wall construction.

(e) Stucco shall mean a durable exterior building finish composed of aggregate, lime and cement, which is applied in multiple layers over lath.

(9) The following materials shall not qualify nor be defined as “masonry construction” in meeting the minimum requirements for exterior construction, unless specifically approved by variance:

- Exterior plaster adobe or mortar wash surface material.
- Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material.
- Cementitious fiber board siding (such as “Hardy Plank” or “Hardy Board”).

(10) Storage Container shall mean a cargo container, shipping container or other similar transportable container with a volume greater than 100 cubic feet that is suitable for storing building materials, furniture, household goods and other personal property.

c. Exterior Construction Requirements.

(1) Single Family Residence Development. A single family residence permitted for construction on or after the adoption of this section shall have at least fifty percent (50%) of the total exterior walls, excluding doors and windows, constructed of masonry materials.

(a) Carports constructed entirely out of metal are not permitted. Carports shall be similar in design and material with the main structure.

(2) Multifamily Residential Building Development. All principal and accessory buildings of a multifamily residential building development permitted for construction on or after the adoption of this section shall have at least eighty percent (80%) of the total exterior walls, excluding doors and windows constructed of masonry materials, up to 40% of which may be stucco.

(a) Carports constructed entirely out of metal are not permitted. Carports shall be similar in design and material with the main structure.

(3) Non-Residential Building Development. The following standards apply to all new non-residential building construction and any building expansion of 50% or more in floor area or a significant change in use of the building from one occupancy to another occupancy classification in accordance with the adopted building codes:

(a) All non-residential buildings permitted for construction on or after the adoption of this section shall have at least eighty percent (80%) of the total exterior walls that front or are visible from a public right-of-way or adjacent to or visible from a single family residential property or multi-family residential development constructed of masonry materials, up to forty percent (40%) of which may be stucco.

(b) Each building elevation shall provide architectural features such as columns, reveals and articulations to break up long facades exceeding fifty (50) feet.

(c) Smooth surface concrete block, or metal finishes shall not be permitted in non-residential construction unless approved as part of the design by variance approval.

(d) EIFS shall generally be used as accent material for window head, sill or cornices around the building. EIFS shall not be permitted as a primary building material.

(e) Carports constructed entirely out of metal are not permitted. Carports shall be similar in design and material with the main structure.

(f) Requirements for Industrial Buildings:

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| 50,001 – 100,000 sq. ft. | 75% brick or stone veneer on front façade and 50% brick or stone veneer on all other facades if visible from a public right-of-way, or adjacent to or |
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visible from a single family residential property or multi-family residential development.

100,001 and larger

75% brick or stone veneer on front façade and 25% brick or stone veneer on all other facades if visible from a public Right-of-Way, or adjacent to or visible from a single family residential property or multi-family residential development.

Any industrial building constructed with pre-cast concrete panels shall provide architectural features such as columns, reveals and articulations to break up long facades exceeding fifty (50) feet and provide for fifty percent (50%) brick or stone veneer on the front façade.

- (4) Any single family accessory building shall be constructed in such a manner and use materials that match the aesthetic appearance and dimensions of the single family dwelling unit.
 - (5) An accessory building one hundred twenty (120) square feet or less are excluded from the exterior construction requirements.
 - (6) Storage containers are not permitted for use as a dwelling unit or incorporated into the structure of a building that is used for any type of human occupancy.
 - (7) Storage containers are not permitted to be placed on any single family residential property or multifamily dwelling development property for storing purposes.
- d. Service Area Design Requirements for all non-single family residence properties.
- (1) To reinforce the professional image of each non-residential and multifamily residential development site, all service areas and mechanical equipment, noise and odors shall be located at the rear of the property and screened from views using walls, berms, shrubs, and trees.
 - (2) All dumpsters shall be screened with a masonry wall compatible in material and color with the primary building.
 - (3) The screening shall be of masonry material compatible with the primary building material. The following uses shall be screened:

- Trash compactors and bins
- Stored equipment or manufactured items
- Storage tanks and pumps
- Loading and truck service areas
- Shipping and receiving dock doors must blend with the architecture of the building they serve and shall not front or be visible from any public right-of-way.

e. Multifamily Residential Development Screening Wall Requirement.

- (1) Masonry screening walls shall be required in all multifamily residential developments constructed or improved, if the improvements exceed 50% of the tax appraised value of the property, and if adjacent to a public right-of-way or an adjacent lot containing a single-family residential use.
- (2) The screening walls shall be located within a ten-foot (10') of the property line.
- (3) The screening walls shall be constructed of double wall brick or thin wall brick. Thin wall columns are to be spaced no greater than twelve feet (12') on center. The brick shall be clay-fired brick of natural colors.
- (4) A combination of brick or stone masonry and decorative metal/iron wall with brick or stone detailing may be used to create a change in plane or texture at locations adjacent to the side yards in front of the building line. Columns shall be constructed of brick or stone and centered no more than twenty-five feet (25') on center. Metal tubing may be painted with epoxy paint, the color which to be approved by the City.
- (5) Required wall heights, measured at the spans between columns, shall be a minimum of eight feet (8') in height from natural grade.
- (6) All screening wall plans and details shall be approved and sealed licensed civil or structural engineer.
- (7) The screening wall shall be constructed and completed prior to the release of any building permits within the subdivision. If screening wall construction is underway at the time of final acceptance of the subdivision infrastructure, then ten percent (10%) of the building permits may be released by the City Manager or the City Manager's designee.

f. Variances.

The City Council, upon application duly filed by the applicant may grant a variance from the terms and requirements of this chapter upon affirmative vote of the majority of the City Council members present and voting on such variances. The application for a variance shall set forth in specific language the grounds or reasons upon which such a variance request is being made.

The City Council may grant a variance upon submission of design plans showing that the approach to screening is better than the standards imposed by this chapter, or is more compatible with surrounding developed properties.

At the time the variance application is filed with the City Secretary, the applicant shall pay a fee of \$500.00 to defray costs of handling and processing the application and this fee shall not be refundable regardless of the disposition of the application.

The terms and conditions of the variance, if granted, shall be noted in the minutes of the meeting or be adopted by a resolution of the City Council. In the event that a variance application is denied by the City Council, no other variance of like kind shall be considered or acted upon by the City Council for the same building or proposed building for a period of six (6) months subsequent to said denial.

- g. Nonconforming Buildings. Where a lawful building exists at the effective date of this section that could not be built under the terms of this section, it may continue so long as it remains lawful, and subject to the following provisions:
 - (1) Such a building may not be enlarged by more than twenty five percent (25%) of its existing foundation footprint unless the entire building is brought into conformity with this section.
 - (2) The exterior walls of such a building may not be modified, altered, or enlarged in a way which increases its nonconformity unless the modification, alteration, or enlargement is in conformity with the provisions of this section.
 - (3) Should a building be destroyed by any means to an extent of more than fifty (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this section.
- h. Penalty. Any person who shall willfully or intentionally violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined in accordance with Section 1-11 of the Code of Ordinances. Each day of violation shall constitute a separate offense.

Section 3. The Code of Ordinances of the City of Humble, Texas is hereby amended by deleting the entirety of Chapter 12, Article XI, Section 600 thereof.


Section 4. That all other ordinances in conflict herewith are hereby repealed.

Section 5. In the event any clause phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstances 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 Humble, 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.

Section 6. That, this ordinance supersedes all ordinances or parts of ordinances in conflict with the provisions stated herein.


Section 7. That this ordinance shall become effective upon its adoption and after publication in the official newspaper of the City of Humble pursuant to Section 13 of the Charter of the City of Humble.

PASSED, APPROVED, AND ADOPTED this 22nd day of February, 2018.



Merle Aaron
Mayor

ATTEST:




Sherry Mashburn
City Secretary

PUBLICATION CERTIFICATION

THIS ORDINANCE WAS PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY OF HUMBLE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 13 OF THE CHARTER OF THE CITY OF HUMBLE TEXAS ON:

ATTEST:



Sherry Mashburn
City Secretary