

**CITY OF HUMBLE**

**ORDINANCE NO. 16-790**

**AN ORDINANCE OF THE CITY OF HUMBLE, TEXAS AMENDING CHAPTER 12, "BUILDINGS AND BUILDING REGULATIONS," BY CREATING A NEW ARTICLE XI "DEVELOPMENT STANDARDS", SECTION 500 "EXTERIOR CONSTRUCTION REQUIREMENTS FOR NON-RESIDENTIAL AND MULTIFAMILY RESIDENTIAL 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 providing for development standards for the exterior construction of non-residential and multifamily residential uses;

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 creating a new Chapter 12, Article XI, Section 500 thereof to read as follows:

**Sec. 12-500 Exterior Construction Requirements for Non-Residential and Multifamily Residential Buildings.**

(500) Development Standards, Exterior Construction Requirements for Non-Residential Building and Multifamily Building Development.

a. Purpose. It is the express purpose of this chapter to provide development standards for the exterior construction of multifamily residential development to improve the aesthetics, safety, and durability of new multifamily residential and non-residential buildings, and to enhance the quality of life of for all residents of the city.

b. Definitions.

(1) Multifamily Residential Building shall mean a building or group of buildings containing three (3) or more attached dwelling units on a single lot.

- (2) Dwelling Unit shall mean a single unit providing 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.
- (3) Non-Residential Building shall mean those buildings utilized for use other than single family, two-family and multiple family dwelling, or buildings for accessory use that are 120 square feet or more in area.
- (4) Masonry Materials shall mean and include that form of construction defined below and composed of clay brick, stone, decorative concrete block, rock or other materials of equal characteristics laid up unit by unit set in mortar.
- (5) 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.
- (6) 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 eights inches when applied as a veneer.
- (7) 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.
- (8) Precast Concrete Panels shall mean products associated with Tilt Up Wall Construction.

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

- Stucco, 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”).
- c. Exterior Construction Requirements.
- (1) Multifamily Residential Building Development. All principal and accessory buildings permitted for construction on or after the adoption of this chapter shall have at least eighty percent (80%) of the total exterior walls, excluding doors and windows, constructed of brick, stone, or a combination of both materials.
- (2) 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 in accordance with the established building codes:
- a. All non-residential buildings shall be constructed of exterior fire-resistant construction having at least (80%) of the total exterior walls excluding doors and windows, constructed of severe weather rated brick, stone, split faced concrete textured surface block or glass wall construction, in accordance with the City’s building code and fire prevention code.
  - b. Building front and side facades or any portion that has exposure to a public or private street, a residential area as defined in Chapter 8, Section 200 of the Code of Ordinances, or any public exposure, including parking lot exposure for pad sites and free standing buildings, shall be constructed entirely (100%) of severe weather rated stone, brick, or glass wall construction. Strict adherence to this rule shall not be such as to prevent architectural creativity. Other materials or a combination of severe weather rated brick, stone and other materials may be considered based on architectural creativity by the City Council.
  - c. Each building elevation shall provide architectural features such as columns, reveals and articulations to break up long facades exceeding 50 feet.
  - d. Exposed concrete, 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.
  - e. 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.

f. Carports constructed entirely out of metal are not permitted. Carports shall be compatible in design and material with the main structure.

g. Requirements for Large Industrial Buildings:

0-50,000 sq. ft.	75% brick or stone veneer
50,001 – 100,000 sq. ft.	50% brick or stone veneer
100,001 and larger	25% brick or stone veneer on front façade and side façade if siding on a public street

(3) Accessory buildings one hundred twenty (120) square feet or less are excluded from the exterior construction requirements. All accessory buildings for a non-residential or multifamily residential development larger than one hundred (120) square feet shall meet all requirements of this section.

(4) Precast concrete panels are allowed provided the post-constructed wall areas are then covered by defined masonry materials that can be laid up unit by unit, set in mortar, and meet the required percentage of coverage as defined in this chapter.

d. Service Area Design Requirements.

(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 public streets.

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 infrastructure, then ten percent (10%) of the building permits may be released by the City Manager or his designee.
- f. Variances. 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.

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.

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 chapter that could not be built under the terms of this chapter, 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 25 percent (25%) of its existing foundation footprint unless the entire building is brought into conformity of this chapter.
  - (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 chapter.
  - (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 chapter.
- 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 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.

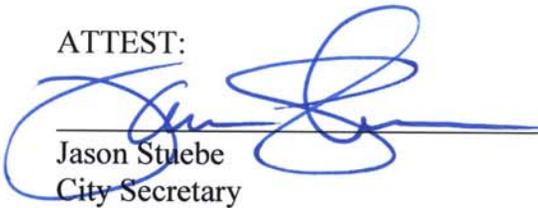
Section 7. That this ordinance shall become effective upon its adoption and after publication in the official newspaper of the City of Humble pursuant to Section 13 of the Charter of the City of Humble.

PASSED, APPROVED, AND ADOPTED this 27<sup>th</sup> day of October 2016.



Merle Aaron  
Mayor

ATTEST:



Jason Stuebe  
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:

Jason Stuebe  
City Secretary