

CITY OF HUMBLE

ORDINANCE 24-974

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS AMENDING CHAPTER 9 “PLANNING AND DEVELOPMENT REGULATIONS”, ARTICLE 6 “EXTERIOR CONSTRUCTION AND SCREENING REQUIREMENTS”, SECTION 2 “DEFINITIONS, SECTION 4 “SERVICE AREA SCREENING FOR ALL NON-SINGLE-FAMILY RESIDENCE PROPERTIES”, AND SECTION 5 “SCREENING WALLS FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT” BY ADDING AND AMENDING CERTAIN DEFINITIONS, AND UPDATING PROVISIONS RELATED TO DEVELOPMENT SITES; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Humble, Texas (the “City”) finds that development sites are inherently dangerous for unauthorized entrants; and

WHEREAS, the City Council of the City finds that it is in the best interest of the health and welfare of its citizens to update Article 9.06, Exterior Construction and Screening Requirements of the City’s Code of Ordinances (the “Code”) to decrease visibility and access to development sites from public right-of-way;

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

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

Section 2. Section 9.06.002, Definitions, Article 9.06, Exterior Construction and Screening Requirements, of Chapter 9, Planning and Development Regulations of the City’s Code is hereby amended by adding thereto the language underscored and removing therefrom the language struck through:

“**Sec. 9.06.002 Definitions.**

Accessory building or structure means a building or structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Not designed or designated for occupancy. May precede principal structure.

Corner lot. A lot situated at the junction of two (2) or more private and / or dedicated public streets.

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Masonry materials.

- (1) Masonry materials means and includes 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, or precast concrete panels, ~~or stucco.~~
 - (A) *Brick* shall 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 2-1/4 inches when applied as a veneer, and shall not include underfired clay or shale brick.
 - (B) *Stone* shall 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 man-made stone shall have a minimum thickness of 2-5/8 inches when applied as a veneer.
 - (C) *Decorative concrete block* shall 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 3-5/8 inches when applied as a veneer; shall include lightweight and featherweight concrete block or cinderblock 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.~~
- (2) 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:
 - (A) Exterior plaster adobe or mortar wash surface material.

- (B) Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material.
- (C) Cementitious fiber-board siding (such as “Hardie Plank” or “Hardie Board”).

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Nonresidential development means the construction of commercial, mixed-use, office and industrial projects, which are not intended for residential purposes. This includes a structure or group of structures containing one or more detached or attached non-dwelling or non-residential unit(s) constructed on one or more contiguous reserves, lots or tracts of land; including but not limited to, common areas, green spaces, amenities, parking lots, and any other improvements or surrounding land area whether improved or unimproved.

Screening Wall means a permanent structure that contains each of the following design features:

- (1) Is not less than eight feet in height;
- (2) Is constructed of masonry material as defined in this article; and
- (3) Is not a part of any building or structure constituting a nonresidential improvement.

Sidewalk means a paved path for walking and granted to the public without restriction, obstruction or condition. Sidewalks shall have the following requirements:

- (1) Constructed of concrete;
- (2) Constructed within the public right-of-way or dedicated public access easement;
- (3) Run the length of the entire public right-of-way;
- (4) Be a minimum of five feet (5') wide; and
- (5) Shall be maintained in good repair and condition.

...

Truck Service areas means any dock doors, such as roll-up loading bay doors, used for the delivery, unloading and/or loading of products, materials or goods for shipping or receiving.”

Section 3.

Section 9.06.004, Service Area Screening for All Non-Single-Family Residence Properties, Article 9.06, Exterior Construction and Screening Requirements, of Chapter 9, Planning and Development Regulations, is hereby amended by adding thereto the language underscored and removing therefrom the language struck through:

“Sec. 9.06.004 Service area screening, parking, storage and driving areas for all non-residential single-family residencee properties.

To reinforce the professional image of each nonresidential and/or multifamily residential development site:

- (a) To reinforce the professional image of each nonresidential and multifamily residential development site All all truck service areas and mechanical equipment, trash compactors, noise and odors shall be located at the rear of the property, and shall be screened with a masonry screening wall(s) and include a gate(s) of solid material from views so as not to be visible from any public right-of-way or when adjacent to, or visible from, a lot containing single family residential use, berms, shrubs, and trees. Masonry walls shall be maintained in good repair and condition. Gates must be of a solid material as not to allow visibility within the enclosure. Proposed screening and gate materials must be submitted in the form prescribed by the City’s building official. No work may be performed prior to approval in the form of a permit by the City’s building official or designee.

- (b) All dumpsters, storage containers, trash compactors, and bins, stored equipment, truck tractors, tractor trailers, heavy equipment, stored vehicles, stored atv/utv or manufactured items, storage tanks, and pumps, stored material and or loading and truck service areas as defined by this section shall be screened with a masonry wall and include a gate(s) of solid material or other comparable material compatible in material and color with the primary building, and/or berms, shrubs, or trees so as to not be visible from any public right-of-way or when adjacent to, or visible from, a lot containing single family residential use. Gates must be of a solid material as not to allow visibility within the enclosure. Proposed screening and gate materials must be submitted in the form prescribed by the City’s building official. No work may be performed prior to approval in the form of a permit by the City’s building official or designee.

- (c) 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.

- (d) All roadways, parking, storage or driving areas must be constructed of asphalt or concrete materials, meet the City’s design and construction criteria and shall be maintained in good repair and condition. All asphalt and concrete materials must be submitted in the form prescribed by the City’s building official. No work may be performed prior to approval in the form of a permit by the City’s building official or designee.

- (e) Sidewalks shall be required, as applicable to this code, in all nonresidential developments constructed or improved, when adding fifty percent (50%) or more square footage to an existing structure; or adding an additional structure of any size that is intended for occupancy; or adding an accessory structure greater than 400 square feet; or if improvements exceed fifty percent (50%) of the tax appraised value of an existing structure or property; or if adjacent to the public right-of-way.”
- (f) Masonry screening walls shall be required as applicable to this code, in all nonresidential developments constructed or improved, or a change of use that would otherwise cause enforcement of this code as a result of the new use, adding fifty percent (50%) or more square footage to an existing structure; or adding an additional structure of any size that is intended for occupancy; or adding an accessory structure greater than 400 square feet; or if improvements exceed fifty percent (50%) of the tax appraised value of the structure; or if the development is adjacent to, or visible from, any public right-of-way; or if the development is adjacent to, or visible from, a lot containing single family residential use.
- (g) The screening walls shall be constructed of double wall brick, thin wall brick, decorative concrete block, or precast concrete panels. Thin wall columns are to be spaced no greater than 12 feet on center. The brick shall be clay-fired brick of natural colors. All screening wall plans and details shall be prepared, approved and sealed by a licensed civil or structural engineer for permit submission.
- (h) The screening walls shall be located within ten feet of the property line. Unless screening wall construction shall be constructed on a corner lot. No screening wall shall be constructed on a corner lot that does not afford proper visual clearance approved by the chief building official for traffic approaching the intersection in either direction. Proper visual clearance shall be maintained for a distance of not less than thirty (30) feet on each street.”

Section 4. Section 9.06.005, Screening walls for multifamily residential development, of Article 9.06, Exterior Construction and Screening Requirements, of Chapter 9, Planning and Development Regulations, is hereby amended by adding thereto the language underscored and removing therefrom the language struck through:

“Sec. 9.06.005 Screening walls, sidewalks, parking, storage and driving areas for multifamily residential development.

To reinforce the professional image of each multifamily residential development site:

- (a) Masonry screening walls and sidewalks shall be required in all multifamily residential developments constructed or improved, adding fifty percent (50%) or more square footage to an existing structure; or adding an additional structure of any size that is intended for occupancy; or if the improvements exceed fifty percent (50%) 50 percent of the tax appraised value of the property and/or structure; and or if the development is adjacent to, or visible from, a public right-of-way; or an if the development is adjacent to, or visible from, a lot containing a single-family residential use.
- (b) All truck service areas and mechanical equipment, trash compactors, noise and odors shall be located at the rear of the property, shall be screened with a masonry screening wall(s) and include a gate(s) of solid material so as not to be visible from any public right-of-way or when adjacent to, or visible from, a lot containing single family residential use. All dumpsters;, trash compactors, and bins;, stored equipment, or manufactured items;, storage tanks, and pumps;, and or loading and truck service areas as defined by this section shall be screened with a masonry wall and include a gate(s) of solid material or other comparable material compatible in material and color with the primary building, and/or berms, shrubs, or trees so as to not be visible from any public right-of-way or when adjacent to, or visible from, a lot containing single family residential use. Gates must be of a solid material as not to allow visibility within the enclosure. Proposed screening and gate materials must be submitted in the form prescribed by the City's building official. No work may be performed prior to approval in the form of a permit by the City's building official or designee.
- (c) The screening walls shall be located within ten feet of the property line unless screening wall construction shall be constructed on a corner lot. No screening wall shall be constructed on a corner lot that does not afford proper visual clearance approved by the chief building official for traffic approaching the intersection in either direction. Proper visual clearance shall be maintained for a distance of not less than thirty (30) feet on each street.
- (d) The screening walls shall be constructed of double wall brick, or thin wall brick, decorative concrete block, or precast concrete panels. Thin wall columns are to be spaced no greater than 12 feet on center. The brick shall be clay-fired brick of natural colors.
- (e) A combination of brick or stone masonry and decorative ~~metal/iron~~ metal tubing/wrought 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 25 feet on center. Metal tubing/wrought iron may be

Painted with epoxy paint a color ~~which to be~~ approved by the ~~city~~ City's chief building official or designee.

- (f) Required wall heights, measured at the spans between columns, shall be a minimum of eight feet in height from natural grade.
- (g) All screening wall plans and details shall be prepared, approved and sealed by a licensed civil or structural engineer for permit submission.
- (h) 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 of the building permits may be released by the city manager or the city manager's designee.
- (i) All roadways, parking, storage or driving areas must be constructed of asphalt or concrete materials, meet the City's design and construction criteria and shall be maintained in good repair and condition. All asphalt and concrete materials must be submitted in the form prescribed by the City's building official. No work may be performed prior to approval in the form of a permit by the City's building official or designee."
- (j) The following are prohibited within multifamily residential developments: storage containers, except those that are temporarily emplaced for resident movement shall be allowed for no more than seventy-two (72) hours; truck tractors and/or tractor trailers, other than for deliveries and/or no more than seventy-two (72) hours. Overnight parking must be unoccupied and without the truck tractor and/or trailer running.

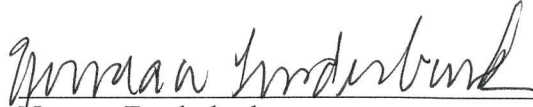
Section 5. Any person who shall willfully or intentionally violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined in an amount not to exceed five hundred (\$500.00) dollars. Each day of violation shall constitute a separate offense.

Section 6. In the event any section, paragraph, subdivision, 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Humble, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. This Ordinance shall take effect immediately form and after its passage and the publication of the caption hereof, as provided by law.

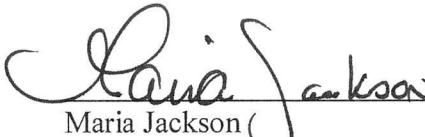
PASSED, APPROVED, AND ADOPTED on this 8th day of August, 2024.

APPROVED:


Norman Funderburk

Mayor

ATTEST:


Maria Jackson
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: