

ORDINANCE NO. O-12-30

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING SECTION 4, DEFINITIONS, SECTION 7A, ARCHITECTURAL DESIGN STANDARDS, SECTION 11, LANDSCAPING, AND SECTION 14, FENCE REGULATIONS, OF APPENDIX A OF THE MISSOURI CITY CODE, ENTITLED "THE CITY OF MISSOURI CITY ZONING ORDINANCE;" PROVIDING ARCHITECTURAL DESIGN STANDARDS FOR HOTELS; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the regulation of hotels is necessary to protect the health, safety, and welfare of City of Missouri City residents and visitors; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, public hearings on certain proposed amendments to the City of Missouri City Zoning Ordinance; and

WHEREAS, all persons appearing at such public hearings who desired to speak on such proposed amendments were afforded that opportunity and their comments were duly noted and considered; and

WHEREAS, the Planning and Zoning Commission of the City of Missouri City has issued its final report to the City Council of the City of Missouri City; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to approve the proposed amendments; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

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

Section 2. As required by law, the City Council of the City of Missouri City conducted a public hearing on the amendments to the City of Missouri City Zoning Ordinance as set forth herein and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Missouri City Code is hereby amended by adding a new subsection (25.5) of Section 4 of Appendix A to provide as follows:

**“APPENDIX A
ZONING**

. . . .

SECTION 4. - DEFINITIONS

The following words, terms, and phrases, when used in this Appendix, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The terms not defined herein shall be construed in accordance with the ordinances of the city or their customary usage and meaning.

When necessary for a reasonable construction of this ordinance, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one tense or form shall include other tenses or derivative forms. The word "building" shall include the word "structure," the words "shall" or "will" are mandatory and the word "may" is permissive.

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(25.5) *Hotel*: a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include:

(1) a hospital, sanitarium, or nursing home; or

(2) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by V.T.C.A., Education Code § 61.003, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.”

Section 4. The Missouri City Code is hereby amended by deleting subsection 7A.2 of Section 7A of Appendix A thereof and substituting therefor a new subsection 7A.2 of Section 7A of Appendix A to provide as follows:

**“APPENDIX A
ZONING**

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SECTION 7A. - ARCHITECTURAL DESIGN STANDARDS

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7A.2. - Architectural design standards for nonresidential, condominium and multifamily development.

A. *Purpose.* Architectural design standards with specific color and material standards are created for nonresidential, condominium and multifamily uses.

B. *Objectives for architectural design standards.* Building orientation and location should reflect consideration for the following:

1. Streetscape;
Landscape;
3. Existing structures within and overall aesthetics of the subject property and adjacent properties;
4. Parking and traffic circulation;
5. Existing vegetation; and
6. Surrounding property.

C. *General standards for nonresidential, condominium and multifamily development.* The following standards shall apply to buildings subject to this section 7A:

1. The basic design of a building shall generally consist of geometric forms of a distinguished, suburban, and traditional nature. Accessory buildings and structures shall be complementary in design and materials to the principal building. In general, pad site and out parcel buildings within and adjacent to shopping centers shall be similar in design and materials to the principal buildings of such development.

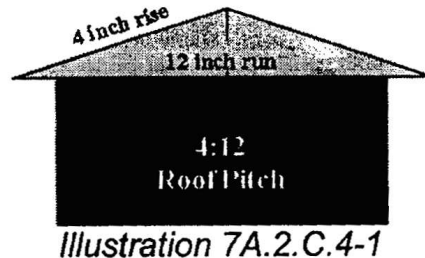
One hundred percent of exterior walls, excluding windows and doors, shall consist of masonry.

3. In addition to the masonry requirements of exterior walls set forth in subsection 7A.2.C.2 above, exterior walls in nonresidential developments shall meet one of the following:

- a. A minimum of 33 percent of each exterior wall located within view of a roadway or driveway used by the general public shall consist of approved primary materials, as set forth in subsection 7A.2.F; or
- b. A minimum of 50 percent of all exterior walls, not including windows and doors and not including the rear of buildings not located within view of a roadway or driveway used by the general public, shall consist of the approved primary materials for building and structure exteriors, as set forth in subsection 7A.2.F.

4. The use of visible pitched roofs or architectural elements with visible

pitched roofs is required for all buildings except for fuel-station canopies and for those buildings used for an industrial use located within an I industrial district. All such roofs shall have a minimum pitch of 4:12 (i.e., four inches rise per 12 inches run) and consist of one of the approved materials as set forth in subsection 7A.2.F. See illustration 7A.2.C.4-1, below.



5. All solid exterior doors, overhead doors, down spouts, exterior utility receptacles, service boxes, exterior lighting fixtures, frames and mullions of all doors and windows containing storefront glass panels, permitted trim, accent, and traditional decorative elements and materials, such as canopies and wrought iron, shall be of a color selected from the approved accent colors, as set forth in subsection 7A.2.F, and shall be complementary to the development's overall color scheme. Additionally, frames and mullions of all doors and windows containing storefront glass panels shall be anodized.

6. Mechanical equipment shall not be visible from the ground within 1,000 feet from the building, and shall be screened in accordance with the following: Roof-mounted mechanical or other equipment shall be screened by roofing and/or by parapet walls. Ground-mounted equipment, within view of a roadway or driveway used by the general public, shall be screened by masonry walls. Ground-mounted equipment, not within view of a roadway or driveway used by the general public, shall be screened by landscaping, at a minimum.

7. Outside loading docks and delivery areas within view of a roadway or driveway used by the general public shall be screened from view by masonry walls. Outside loading docks and delivery areas not within view of a roadway or driveway used by the general public, shall be screened from view by landscaping, at a minimum. It is preferred for loading docks and delivery areas to be located to the side or rear of the building.

8. Awnings and bollards.

a. Awnings may be constructed and maintained in accordance with this subsection:

i. *Location.* An awning may be located over a storefront, a window, or a building entry. An awning may extend over the framing of a window or the framing of a building entry. An awning

located over a storefront shall be located over the building entry of the storefront and any window located within one foot of such building entry.

ii. *Visibility.* An awning shall not visually dominate the building to which such awning is attached and shall complement the character and design of the building.

iii. *Width.* A single awning shall not extend beyond the frame of a window or a building entry. If an awning is located over a storefront, such awning shall not extend beyond the lesser of: the outermost frame of a window located within one foot of a building entry or 30 feet.

iv. *Height.* The bottom of an awning shall not be higher than the top frame of a storefront building entry or window, a building entry, or a window of the building to which such awning is attached and shall be no higher than 12 feet from the finished floor as determined by measuring 12 feet from the finished floor specified in the permitted building plans of the business establishment using such awning to the top of the awning.

v. *Shape.* An awning shall be pedestrian-scaled.

vi. *Material.* An awning shall be constructed of fabric, metal, or glass. Canvas awnings with a matte finish are preferred.

vii. *Color.* An awning shall complement the overall color scheme of the building facade. An awning shall be of a color selected from the approved accent colors, as set forth in subsection 7A.2.F. Solid colors or subtle striped patterns are preferred.

viii. *Shopping centers and integrated business developments.* Awnings located within a shopping center or an integrated business development shall be attached to each business establishment within such shopping center or integrated business development and shall be uniform in shape, material, color, and design.

b. *Bollards.* A bollard shall complement the overall color scheme of a building facade. Bollards shall be of a color selected from the approved accent colors, as set forth in subsection 7A.2.F. Solid colors or subtle patterns are preferred.

D. *Additional standards for condominium or multifamily development.* For condominium or multifamily development, the following additional standards shall apply:

1. Dwelling-unit buildings shall be located and oriented to screen all

parking areas from view of adjoining uses, including roadways.

2. Dwelling-unit buildings shall transition in height from lower to higher from the perimeter to the interior of the development. The taller buildings in the development shall be located in the interior part of the development. Buildings with up to two-story dwelling units may be located around the perimeters of the development, except that three-story buildings will be allowed around perimeters if they are part of buildings that include both two and three stories.

3. Long uninterrupted expanses of building facades are prohibited. Articulation is required through the use of jogs, projections or retreats in the building walls, windows, balconies, entryways and bays.

4. All building entries adjacent to a street shall be pedestrian-scaled and shall include two or more of the following architectural treatments: distinctive doorways; distinctive entry canopies or awnings; projected or recessed entry bays; porches; changes in paving material, texture, or color; landscaping providing entry focal points; fountains; decorative benches; and ornamental glazing, railings, and balustrades.

5. Stairs, hallways, and elevators shall be located within buildings and structures and not on the exterior of buildings and structures. No more than 25 percent of front doors to units shall be located on the exterior of the buildings.

6. Excluding windows and doors, a minimum of 50 percent of the exterior of dwelling unit buildings shall consist of brick, stone and/or stucco.

7. Roofing materials shall consist of standing seam metal, slate, tile or concrete products.

8. The roof structures for all dwelling-unit buildings shall be pitched, with a minimum slope ratio of 5:12 for the main slope and a minimum of 8:12 for any accent gables and hips.

9. The roof structures for accessory buildings, including any detached garages and carports, shall be pitched with a minimum slope ratio of 4:12, if within view of adjoining properties, including roadways.

10. Garages may be attached, detached, the first floor of a multistory residence or multistory freestanding structures.

11. If freestanding parking structures are used, such structures shall be located so as to be easily accessible to the buildings in which the dwelling units they service are located.

12. The exteriors of freestanding multistory parking structures shall have architecturally-designed masonry panels. Notwithstanding anything in this

section 7A to the contrary, there shall be no pitched roof requirements for these structures.

13. The vehicular entrance to garages or parking areas shall not face a street. Vehicle entrances to garages shall be set back at least 30 feet from all internal vehicular access roads, driveways or roads.

14. Garage doors of attached garages shall not comprise more than 60 percent of the total length of a building's frontage, and there shall be no more than six such garage doors in succession on a building.

15. No more than four detached garages shall be located side by side.

16. Any carport section shall be limited to housing no more than six vehicles, up to a maximum of 120 feet in length, including enclosed storage areas.

17. At least one garage with square footage sufficient to house a minimum of two seven-foot by 18-foot automobiles in addition to normal yard maintenance equipment shall be provided for each condominium unit.

18. The square footage for garages for a multifamily development shall be of adequate square footage to house a minimum of one seven-foot by 18-foot automobile. At least 50 percent of the required total number of parking spaces in accordance with section 12 hereof for a multifamily development shall be provided within covered parking such as garages or carports. At least 25 percent of the required total number of parking spaces in accordance with section 12 hereof for a multifamily development shall be housed in garages.

E. *Additional standards for hotel development.* For hotel development, the following additional standards shall apply:

1. Long uninterrupted expanses of building facades are prohibited. Articulation is required through the use of jogs, projections or retreats in the building walls, windows, balconies, entry ways and bays.

2. All building entries adjacent to a street shall be pedestrian-scaled and shall include two or more of the following architectural treatments: distinctive doorways; distinctive entry canopies or awnings; projected or recessed entry bays; porches; changes in paving material, texture, or color; landscaping providing entry focal points; fountains; decorative benches; and ornamental glazing, railings, and balustrades.

3. Stairs, hallways, and elevators shall be located within buildings and structures and not on the exterior of buildings and structures.

4. Guest rooms may be accessible only through interior corridors.

5. Excluding windows and doors, a minimum of 50 percent of the exterior of buildings shall consist of architectural masonry units, brick, or stone.

6. The roof structures for accessory buildings shall be pitched with a minimum slope ratio of 4:12, if within view of adjoining properties, including roadways.

7. If freestanding parking structures are used, such structures shall be located so as to be easily accessible to the buildings in which the guest rooms they service are located.

8. The exteriors of freestanding multistory parking structures shall have architecturally-designed masonry panels. Notwithstanding anything in this section 7A to the contrary, there shall be no pitched roof requirements for freestanding multistory parking structures.

9. Outdoor delivery or service areas within view of any right-of-way or residential area shall be screened from view by masonry walls. Outdoor recreational space within view of any right-of-way or residential area shall be screened from view by a combination of fencing and landscaping. The use of chain link fencing materials shall not satisfy the requirements for screening outdoor recreational space.

F. *Designated architectural design zones.*

1. *Architectural design zone 1.* Architectural design standards for nonresidential developments, other than industrial developments, at least partially located within 1,000 feet of the center line of the right-of-way of a major thoroughfare as indicated on the city's major thoroughfare plan; condominiums; and multifamily developments shall be as follows:

a. Primary materials and colors for building and structure exteriors and fencing:

Architectural masonry unit, brick: Beige, brown, burgundy, gray, orange, red, rose, sage.

Stone: Beige, brown, cream, tan.

b. Materials and colors for visible roofing:

Standing seam metal, slate, or concrete tile: Black, bronze, brown, gray.

Half-barrel clay tile: Orange, gray.

c. Accent exterior colors:

Beige, black, bronze, buff, cream, forest green, gray, olive, rose, rust, sage, sand, sepia, tan, terracotta, white, a business identity color, as provided by subsection 7A.2.G.

2. *Architectural design zone I-1.* Architectural design standards for industrial developments located within an I industrial district south and west of Beltway 8 or within an I industrial district north and east of Beltway 8 and south of Fondren Park subdivision and South Main Gardens subdivision shall be as follows:

- a. Primary materials and colors for building and structure exteriors and fencing:

Architectural masonry unit, brick, stone, concrete tilt wall, Exterior Insulation and Finish System (EIFS), split-face concrete masonry unit, or stucco: Beige, black, bronze, buff, cream, forest green, gray, olive, red, rose, rust, sand, sage, sepia, tan, terracotta, white.

Sheet metal on the side and/or back of a building, provided such side and/or back does not face a public or private street immediately adjacent to the tract on which the building is located: Beige, black, bronze, buff, cream, forest green, gray, olive, red, rose, rust, sage, sand, sepia, tan, terracotta, white.

- b. Materials and colors for visible roofing:

Standing seam metal, slate, concrete tile: Bronze, gray.

- c. Accent exterior colors:

Beige, black, bronze, buff, cream, forest green, gray, olive, rose, rust, sage, sand, sepia, tan, terracotta, white, a business identity color, as provided by subsection 7A.2.G.

3. *Architectural design zone I-2.* Architectural design standards for industrial developments in an I industrial district contained within South Main Gardens subdivision shall be as follows:

- a. Primary materials and colors for building and structure exteriors and fencing:

Architectural masonry unit, brick, stone, concrete tilt wall, Exterior Insulation and Finish System (EIFS), split-face concrete masonry unit, stucco or metal with a minimum of 25 percent brick or stone on the frontage: Beige, black, bronze, buff, cream, forest green, gray, olive, red, rose, rust, sand, sage, sepia, tan, terracotta, white.

- b. Materials and colors for visible roofing:

Standing seam metal, slate or concrete tile: Bronze, gray.

c. Accent exterior colors:

Beige, black, bronze, buff, cream, forest green, gray, olive, rose, rust, sand, sage, sepia, tan, terracotta, white, a business identity color, as provided by subsection 7A.2.G.

G. *Business identity colors.* Business identity colors may be incorporated into the architectural design of a building as provided for herein:

1. Business identity colors shall complement the building design.

Business identity colors shall not dominate the building design and shall not be designed to create an advertisement of the building itself.

3. Business identity colors shall be exempt from subsection 7A.3.2.

4. A maximum of five percent of each exterior wall may consist of business identity colors. Business identity colors located on awnings are excluded from the calculation of the maximum percentage of business identity colors allowed on each exterior wall.

H. *Portfolios of preferred designs for nonresidential developments.* Portfolios, including photographs, of preferred designs for buildings for commercial and industrial uses are to be used as architectural models to guide the preparation of building design throughout the city. The city does not desire to achieve exact or even near replicas of the buildings identified in the portfolios. Instead, such buildings should be used for general purposes of reference before plans are prepared. Portfolios are maintained in the department of planning.”

Section 5. The Missouri City Code is hereby amended by deleting subsection 11.3.A.5 of Section 11 of Appendix A thereof and substituting therefor a new subsection 11.3.A.5 of Section 11 of Appendix A to provide as follows:

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SECTION 11. - LANDSCAPING.

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11.3. - Requirements for fences, walls and berms used for landscaping.

When fences, walls or berms are used for landscaping, such as for screening under this section, the following requirements shall apply:

A. Fences and walls.

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5. Where applicable, all masonry fencing shall comply with the provisions of Section 7A.2.F, regulating primary materials and colors for the exteriors of buildings, structures and fences.”

Section 6. The Missouri City Code is hereby amended by deleting subsection 14.3.D.3.c of Section 14 of Appendix A thereof and substituting therefor a new subsection 14.3.D.3.c of Section 14 of Appendix A to provide as follows:

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SECTION 14. - FENCE REGULATIONS

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14.3. - Community fencing.

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D. Design and construction standards.

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3. Masonry fencing, pilasters and columns.

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c. Where applicable, all community fencing masonry pilasters and all masonry fencing shall comply with the applicable architectural design standards, in compliance with subsection 7A.2.F, regulating primary materials and colors for exteriors of buildings, structures and fencing.”

Section 7. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 8. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this zoning ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 9. Severability. In the event any 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 than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, 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, or whether there be one or more parts.

PASSED and APPROVED on first reading this 4th day of September, 2012.

PASSED, APPROVED and ADOPTED on second and final reading this 17th day of September, 2012.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Gonzalez, City Secretary

Caroline Kelley, City Attorney