

CHAPTER 20 INTERIM REGULATIONS..... 3

ARTICLE 20.100 TITLE, PURPOSE, AUTHORITY, APPLICABILITY, AND TRANSITIONAL PROVISIONS.....3

 Sec. 20.101 Title.....3

 Sec. 20.102 Purpose, Duration, and Findings.....3

 Sec. 20.103 Authority.....4

 Sec. 20.104 Jurisdiction.....4

 Sec. 20.105 Applicability.....5

 Sec. 20.106 Exceptions.....6

 Sec. 20.107 Prohibition of Development.....6

 Sec. 20.108 Transitional Provisions.....6

 Sec. 20.109 "Official Draft" of the Interim Regulations and Unified Development Code.....7

ARTICLE 20.200 DEVELOPMENT STANDARDS.....8

 Sec. 20.201 Design Objectives, Generally.....8

 Sec. 20.202 General Nuisance Standards.....9

 Sec. 20.203 Manufactured Home Parks and Subdivisions.....9

 Sec. 20.204 Recreational Vehicle Parks.....10

 Sec. 20.205 Parking.....18

 Sec. 20.206 Loading.....23

 Sec. 20.207 Amendments to Subdivision Regulations.....24

 Sec. 20.208 Nonresidential, Mixed-Use, and Public/Institutional Building Design Standards.....24

 Sec. 20.209 Multi-Family Design Standards.....30

 Sec. 20.210 Outdoor Lighting.....34

 Sec. 20.211 Signs.....37

 Sec. 20.212 Landscaping, Buffering, and Tree Preservation.....48

 Sec. 20.213 Outdoor Storage.....54

 Sec. 20.214 Outdoor Display of Merchandise.....55

 Sec. 20.215 Fencing and Walls.....56

 Sec. 20.216 Solid Waste and Recycling Collection.....59

 Sec. 20.217 Screening of Mechanical Equipment and Meters.....60

ARTICLE 20.300 ADMINISTRATION.....61

 Sec. 20.301 Application.....61

 Sec. 20.302 Approval.....64

 Sec. 20.303 Severability.....65

 Sec. 20.304 Compliance Clause and Effective Date.....65

Definitions.....66

 A.....66

 B.....66

 C.....66

 D.....67

 E.....67

 F.....67

 G.....68

 H.....68

 I, J, K.....69

 L.....69

 M.....70

 N.....70

 O.....70

 P, Q.....71

 R.....71

 S.....72

 T.....75

U, V.....	76
W, X, Y, Z.....	76
APPENDICES.....	77
Appendix A Map of City Limits, ETJ, and WFBMD Overlay District.....	77

CHAPTER 20 INTERIM REGULATIONS

ARTICLE 20.100 TITLE, PURPOSE, AUTHORITY, APPLICABILITY, AND TRANSITIONAL PROVISIONS

Sec. 20.101 Title

A. **Title.** This document shall be officially known as the "City of Richmond Interim Regulations."

B. **Short Title.** This document may be referred to herein as the "these regulations."

Sec. 20.102 Purpose, Duration, and Findings

A. Purpose.

1. The purpose of these interim regulations is to permit development to continue during the preparation of a Unified Development Code (UDC) while ensuring that all future development is consistent with the draft and adopted Comprehensive Master Plan and its principles, policies, objectives, and recommendations, as well as "official drafts" of the new UDC.
2. To achieve this, in an interim period and until the new UDC is adopted, all new development, whether by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executor contract to convey, or by using any other method, with certain exceptions and exemptions, is hereby required to obtain approval of a development plat. Such development plat shall be in accordance with the City's applicable plans, rules, and ordinances. The purpose of this requirement to submit and obtain approval of a development plat is to ensure that:
 - a. The development is designed to be consistent with the principles, policies, objectives, and recommendations of the Comprehensive Master Plan, and adhere to the rules and ordinances pertaining to the development or improvement of land within the City limits or in the extraterritorial jurisdiction (ETJ) of the City;
 - b. The development plat meets or exceeds the general design objectives of these regulations; and
 - c. The development plat conforms to the most recent "official draft" of the UDC.

B. **Duration.** These interim regulations are in effect until the City Commission either repeals the regulations or adopts the UDC, whichever comes first.

C. **Findings.** The following findings support the need and justification for immediate adoption of these interim regulations.

1. In May 2013, the citizens of Richmond adopted a Home Rule Charter, established the legal authority to implement zoning, and expanded the City's authority on annexation. These proactive actions provided the legal framework and authority for these regulations.
2. The City is located in Fort Bend County, Texas, the fifth fastest growing county in the U.S. since 2010 and which has a 15.2 percent projected growth rate. As a direct impact, the City has been experiencing fast-paced growth in the development of subdivisions within the ETJ. At the same time, the City's existing housing stock within the City limits is aging (*i.e.*, over 62 percent are 40 years or

older), which will require a regulatory framework to incentive reinvestment as these neighborhoods continue to mature.

3. Recent economic stimulus (*e.g.*, feeder road improvements) and development (*e.g.*, the new Justice Center) has increased traffic demands, provided access to valuable undeveloped tracts of land, and provided impetus for new multi-modal transportation improvements, which are supported by approximately two-thirds of City residents.
4. Public participation efforts associated with the Comprehensive Master Plan have called for such things as improving the quality and appearance of corridors and entranceways; pedestrian and bicycle connectivity; downtown revitalization; protection of the City's rural, historic character; among other important components of City livability that are related to and impacted by development regulations.

Sec. 20.103 Authority

The City of Richmond Interim Regulations are adopted and enforced pursuant to the authority established in Section 2.04, *General Enumeration of Powers*, of the City's Home Rule Charter, which was adopted pursuant to Article XI, Section 5 of the Constitution of the State of Texas, and such additional authority as may be conferred by the Texas Statutes.

Sec. 20.104 Jurisdiction

- A. **Generally.** The provisions of these regulations apply to all land, development, and the use of all land, buildings, and structures as set out in this Section and in accordance with Section 20.105, *Applicability*, unless specifically exempted herein or preempted by state or federal law.
- B. **City Limits.** These regulations apply to all areas within the corporate limits of the City of Richmond, Texas.
- C. **Extraterritorial Jurisdiction.** These regulations apply to all areas within the City's extraterritorial jurisdiction (ETJ) in conformance with the following.
 1. To promote the health, safety, morals, and general welfare of the City and the safe, orderly, and healthful development of the City, it is the intent of the City Commission to fully exercise the authority granted to home rule municipalities by the Texas Statutes, including:
 - a. The exercise of the following powers within the entire designated ETJ, as may be amended from time to time:
 1. Plat approvals, pursuant to Sections 212.002, 212.003, and 242.001, Tex. Local Gov't Code and related authorizations.
 2. Access management, pursuant to Section 212.002, Tex. Local Gov't Code.
 3. Regulation of groundwater, pursuant to Section 212.003, Tex. Local Gov't Code.
 4. Negotiation and execution of development agreements, pursuant to Section 212.172, Tex. Local Gov't Code.
 5. Regulations of signs, including installation, amortization, and removal, pursuant to Sections 216.001 et seq. and 216.902, Tex. Local Gov't Code.
 6. Regulation of parking, landscaping, and architecture, pursuant to Section 212.044, Tex. Local Gov't Code.
 7. Regulation of prohibiting the firing of fireworks in the area within 5,000 feet of the City limits, pursuant to Sections 217.003 and 217.042, Tex. Local Gov't Code.
 - b. The regulation of equipment and operation of rendering plants within the City and within one mile of the City limits, pursuant to Section 215.003, Tex. Local Gov't Code.

- c. The definition and prohibition of nuisances, including the power to summarily abate and remove nuisances, in the area within 5,000 feet of the City limits, pursuant to Section 217.042, Tex. Local Gov't Code.
2. The City does not regulate use or density within the ETJ. However, it does apply other standards of these regulations based on the use of property in the ETJ, generally through the requirement of a subdivision plat or development plat. The following standards apply within the ETJ:
- a. All standards that specifically state their application to the ETJ;
 - b. All standards for the parking of nonresidential and multi-family uses as set out in City of Richmond Ord. No. 2005-11; and
 - c. For residential, nonresidential, and mixed-uses, except agricultural uses, all standards of Article 20.200, *Development Standards*, that apply to the applicant's use of property.

Sec. 20.105 Applicability

A. **Generally.** Certain sections of these regulations apply to all areas within the City and extraterritorial jurisdiction (ETJ). Other sections only apply outside of the area under the review and enforcement authority of the West Fort Bend Management District (WFBMD). See Appendix A, *Map of City Limits, ETJ, and WFBMD Overlay District*.

B. **Locational Applicability.** Set out in Table 20.105, *Locational Applicability*, are the locations where these interim regulations are applicable to.

Table 20.105 Locational Applicability	
City Limits and ETJ; All Areas	City Limits and ETJ Only Outside of the West Fort Bend Management District
Section 20.201, <i>Design Objectives, Generally</i> Section 20.202, <i>General Nuisance Standards</i> Section 20.203, <i>Manufactured Home Parks and Subdivisions</i> Section 20.204, <i>Recreational Vehicle Parks</i> Section 20.205, <i>Parking</i> Section 20.206, <i>Loading</i> Section 20.207, <i>Amendment to Subdivision Regulations</i>	Section 20.208, <i>Nonresidential, Mixed-Use, and Public/Institutional Building Design Standards</i> Section 20.209, <i>Multi-family Design Standards</i> Section 20.210, <i>Outdoor Lighting</i> Section 20.211, <i>Signs</i> Section 20.212, <i>Landscaping, Buffering, and Tree Preservation</i> Section 20.213, <i>Outdoor Storage</i> Section 20.214, <i>Outdoor Display of Merchandise</i> Section 20.215, <i>Fencing and Walls</i> Section 20.216, <i>Solid Waste and Recycling Collection</i> Section 20.217, <i>Screening of Mechanical Equipment and Meters</i>

C. **Development Plat Applicability.** Subject to locational applicability, set out in Subsection B., above, these regulations apply to all "development" within the City limits and in the ETJ in any of the following circumstances, unless exempted by Subsection D., below:

1. *No Plat or Replat.* The development of any tract of land of any size which has not been platted or replatted prior to the effective date of these regulations, unless expressly exempted herein; or
2. *Exemption Claim.* The development of any tract of land for which the property owner claims an exemption from the City's Subdivision Ordinance (Ord. No. 85-46; latest amendment 2007-02); or
3. *Private Access.* The development of any tract of land for which the only access is a private access easement or private street; or
4. *Public Access.* The development of any tract of land for which access is proposed to a City or County street of collector or arterial classification or a state highway that requires submission to the Texas

Department of Transportation (TxDOT) of Form 1058, *Permit to Construct Access Driveway Facilities on Highway Right-of-Way*; or

5. *Greater than 5 Acres.* The division of any tract of land resulting in parcels or lots each of which is greater than five acres in size; or
6. *No Public Improvements.* Where no public improvement is proposed to be dedicated or constructed or is otherwise required by the City.

D. Development Exempted from these Regulations. The following types of development are exempted and shall be permitted to develop under the current building, subdivision, land development, and other associated regulations and/or existing ordinances:

1. The development or expansion of residential single-family homes on existing, individual lots of record, or new lots of record created through a minor subdivision of three lots or less, or a combination of the two;
2. Development of individual lots of existing single-family residential subdivisions;
3. Tenant finish projects of or within existing buildings that do not involve the exterior renovation, rehabilitation, improvement, or expansion of the building or its site; and
4. The expansion of existing nonresidential development, which includes, but is not limited to, commercial office, retail, and service businesses, as well as industrial office, warehouse, storage, assembly, and manufacturing facilities, provided that the expansion does not include demolition of the existing building and does not exceed 15 percent of its existing gross floor area.

E. Other Development. Any development other than that specified in Subsection D., *Development Exempted from these Regulations*, shall hereafter require submittal, review, and approval of a development plat in a similar manner as that currently required of preliminary and final plats, as set out in the City's Subdivision Ordinance (Ord. No. 85-46; latest amendment 2007-02). The development plat approval shall require professional review, as designated by the City Manager, to determine that the development is consistent with the purposes spelled out in Section 20.102, *Purposes, Findings, and Duration*, and that it is consistent with the Comprehensive Master Plan and conforms to the intent and design objectives of these regulations.

Sec. 20.106 Exceptions

No development plat shall be required, where the parcel proposed for development has received final plat or replat approval prior to the effective date of these regulations. The City Commission may, from time to time, exempt other development or land divisions from the requirements of this Section.

Sec. 20.107 Prohibition of Development

No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit, or similar permit be issued, for any development or land division subject to this Section, until a development plat has been reviewed by the City Commission and submitted to the county for filing at the office of the county clerk of Fort Bend County. Notwithstanding the provisions of this Section, the City shall not require building permits or otherwise enforce the City's building code in the City's extraterritorial jurisdiction in relation to any development plat required by these regulations.

Sec. 20.108 Transitional Provisions

A. Effect of Current Regulations. The City's existing ordinances, unless expressly repealed or amended by these regulations, will remain in effect; provided, however, that where these regulations are more restrictive or where they include additional provisions (including those that are inconsistent or in conflict with existing ordinances) then the City will enforce these regulations and they shall prevail.

B. Effect on Pending Applications. Each application for development plat approval shall be evaluated only by the duly adopted ordinances, technical regulations, and "official drafts" in effect at the time that each complete application is submitted and determined complete by the City (*see* Section 20.109, "Official Draft" of the *Interim Regulations and Unified Development Code*).

C. Effect on Development Approvals or Agreements that Predate the Effective Date.

1. It is the intent of the City Commission to respect existing development approvals or agreements. Development that is approved or for which there is an executed agreement may be carried out within the scope of that development approval or agreement, including applicable standards in effect at the time of the approval or agreement, provided that the approval or agreement is valid and has not lapsed, as set out in 20.301, *Application*.
2. This Section shall not be interpreted to confer rights upon an applicant that are not set out within the scope of a development approval.

D. Effect on Private Restrictions.

1. These regulations do not abrogate private restrictions that affect the use, development, or maintenance of property. These regulations will be enforced on property that is subject to private restrictions as provided in this Section.
2. The City has no duty to search for the existence of private restrictions on property. In the review of applications pursuant to these regulations, the City not enforce private restrictions and only will enforce its own regulations.
3. The City will not interpret or apply private restrictions unless it is a party to them.
4. To the extent that the City is made aware of private restrictions:
 - a. If the private restrictions are more restrictive than these regulations or if they involve subject matter that is not addressed by these regulations or other provisions of the City's ordinances, the City will only enforce the provisions of the City regulations or existing ordinances. Enforcement of more restrictive provisions is at the sole discretion of the parties to the private restrictions (or any other party who has standing to bring suit under Texas law).
 - b. If the private restrictions are less restrictive than these regulations or other provisions of the City's existing ordinances, then the City will enforce these regulations and existing ordinances.

E. Amendment and Repealer. As set out in this Section and other applicable sections throughout these regulations, the following ordinances are amended or outright repealed:

1. *Amended per Sec. 20.203.* Ord. No. 2011-10, *Manufactured Home Ordinances* and Ord. No. 85-46, *The Subdivision Ordinance of the City of Richmond* (and as previously amended).
2. *Repealed per Sec.20.211.* Ordinance Nos. 2004-07 and 2005-02, *Richmond Sign Ordinance*.

Sec. 20.109 "Official Draft" of the Interim Regulations and Unified Development Code

When a draft chapter of the Comprehensive Master Plan and when a draft of individual chapters, articles, divisions, or sections of the new Unified Development Code (UDC) are submitted and stamped "received" by the City Manager, or a designee, the drafts of the Comprehensive Master Plan and UDC are hereinafter considered to be "official drafts" of the plans, rules, and ordinances of the City. Thereafter, the "official drafts" may be used to determine the consistency and conformance of development with these plans, rules, and regulations. Any revisions to the Comprehensive Master Plan or UDC that are identified by the Planning and Zoning Commission and recommended to the City Commission shall therein become the "official draft" upon revision and receipt by

the City Manager, or a designee. However, no individual chapters, articles, divisions, or sections of the new Unified Development Code (UDC) shall become effective until approved by the City Commission.

ARTICLE 20.200 DEVELOPMENT STANDARDS

Sec. 20.201 Design Objectives, Generally

- A. **Generally.** Because the Comprehensive Master Plan and new UDC are not yet complete, and the degree of incompleteness will lessen over time, the following general design objectives will be used in the review of development plats, together with the "official drafts" and the City's and WFBMD current regulations.
- B. **Good Practices.** The design of the parcel proposed for development demonstrates good land planning and site engineering practices.
- C. **Quality of Place.** The design of the site and its buildings create a quality of place that is of equal or greater standard to that of other places in the region that are recognized for a quality aesthetic, and that are unique and which contribute to the character and charm of Richmond. This is to be accomplished through good architectural design, aesthetic treatments, and site amenities, all of which promote character, visual interest, and dignity to embrace the quality of life and strengthen the wellbeing of the community.
- D. **Adjacency.** The site and building design protect abutting uses from adverse impacts of the parcel proposed for development by an appropriate placement of the building and with adequate bufferyards to screen and separate it from abutting and nearby properties, particularly when the abutting properties include low density residential neighborhoods.
- E. **Landscaping.** Existing vegetation is protected and preserved to the maximum extent practicable and additional trees and shrubs are planted to enhance the site appearance, break-up expanses of building walls, screen parking and vehicular use areas, provide shade to reduce the heat-island effect, prevent soil erosion, and improve water quality.
- F. **Nuisances.** Lighting and environmental controls (*e.g.*, noise, light pollution, dust, and debris, etc.) are designed in a manner so as to promote a quality environment and protect the value and enjoyment of neighboring properties while avoiding any nuisances that detract from the livability of these properties.
- G. **Access.** Access to the parcel proposed for development is adequately controlled to preserve safe and efficient traffic flows, maintain the traffic carrying capacity and level of service of the abutting street(s), and minimize or mitigate traffic and pedestrian conflicts.
- H. **Circulation.** Site circulation is designed so as to provide off-street access to and from abutting parcels, to effectively direct the flow of traffic to and through the site, and to handle the parking and loading requirements of the subject use.
- I. **Pedestrian Safety.** Safe pedestrian access is provided by way of sidewalks, crosswalks, trail or pathway connections, and/or pedestrian precincts across individual sites and throughout the parcel proposed for development.
- J. **Landscape Surface.** Adequate landscape surface areas are provided for tree preservation, site landscaping, streetscaping, and the screening and shading of parking lots; building and parking lot setbacks; and to collect, infiltrate, and convey stormwater.
- K. **Resource Protection.** Site resources including, but not limited to woodlands, wetlands, waterbodies, watercourses, and other areas of scenic or environmental significance are preserved and protected, and any significant intrusions or harmful effects are, in this order, avoided, minimized, and mitigated.
- L. **Stormwater Management.** Stormwater management facilities and improvements are designed not only for their function and utility but also as a site amenity and positive contribution to the landscape.

M. **Flood Protection.** Floodplains are protected from unsuitable development so as to minimize losses due to destruction by nature or acts of God. Lots, parcels, or tracts that are located, in whole or in part, in the floodplain shall have engineered plans to prevent future flooding of buildings and to make improvements that provide for adequate access during flood events.

Sec. 20.202 General Nuisance Standards

- A. **Generally.** All uses and activities permitted by these regulations within the City and its extraterritorial jurisdiction (ETJ) shall conform to the standards of this Section, using adequate and appropriate prevention and/or mitigation techniques as necessary.
- B. **Noise.** No use shall be permitted that causes serious annoyance to occupants of abutting properties due to excessive noise.
- C. **Vibration.** No use shall be permitted which produces ground vibrations noticeable without instruments at the lot line of the premises on which the use is located.
- D. **Smoke Emissions.** All uses shall comply with local, state and federal regulations pertaining to the emission of smoke.
- E. **Odors.** No use shall be permitted to produce the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located, subject to applicable state air quality regulations.
- F. **Dust and Debris.** Uses shall be maintained in an orderly condition and conducted in a manner that avoids the spread of dust, debris, and litter to other properties and public rights-of-way. Hazardous materials, refuse, or items that can be carried away by wind or water shall be secured in buildings, structures, or other such enclosure.
- G. **Toxic or Noxious Matter.** No use shall for any period of time discharge across boundaries of a lot line on which it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to persons, property, or the use of property or land, or render unclean the waters of the state to the extent of being harmful or inimical to public health, animal or aquatic life, or the use of such waters for domestic water supply, recreation, or other legitimate and necessary uses. Disposal of toxic or hazardous waste within the City is specifically prohibited.
- H. **Nuclear Radiation.** Any operation involving radiation (*i.e.*, the use of gamma rays, x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other atomic or nuclear particles), shall be permitted only in accordance with state and federal laws, rules, and regulations, or any other applicable regulation.
- I. **Electromagnetic Radiation and Interference.** No person shall operate or cause to be operated for any purpose a planned or unplanned source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission (FCC) regarding such sources of electromagnetic radiation. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception.
- J. **Heat or Glare.** Any activity producing heat or glare shall be carried on in such a manner that such heat or glare is not perceptible at any lot line. Exposed sources of light, including bare bulbs and tubes and immediately adjacent reflecting surfaces, shall be shielded to avoid creating a nuisance across lot lines. The light intensity from illumination of any kind shall not exceed fifty-foot lamberts at any point along the line of the lot containing the light source.

Sec. 20.203 Manufactured Home Parks and Subdivisions

The City Commission has determined that there shall be a prohibition of new manufactured homes and mobile homes on lots outside of designated manufactured home parks or subdivisions within the City limits and the extraterritorial jurisdiction (ETJ). As such, Ord. No. 2011-10, *Manufactured Home Ordinances*, is included by way

of reference with the exception of Article XIV, *Recreational Vehicles*, where new recreational vehicle parks are instead, subject to the standards set out in Section 20.204, *Recreational Vehicle Parks*, of these regulations.

Sec. 20.204 Recreational Vehicle Parks

A. **Generally.** Recreational vehicle parks (RV parks) shall be designed according to the standards of this Section.

B. **Purpose and Intent.** The City Commission finds that RV parks can contribute to the City's long-term economic and social well-being if they are properly located, designed, and maintained to protect the health, safety, and general welfare of the RV park users, abutting properties, and the City as a whole.

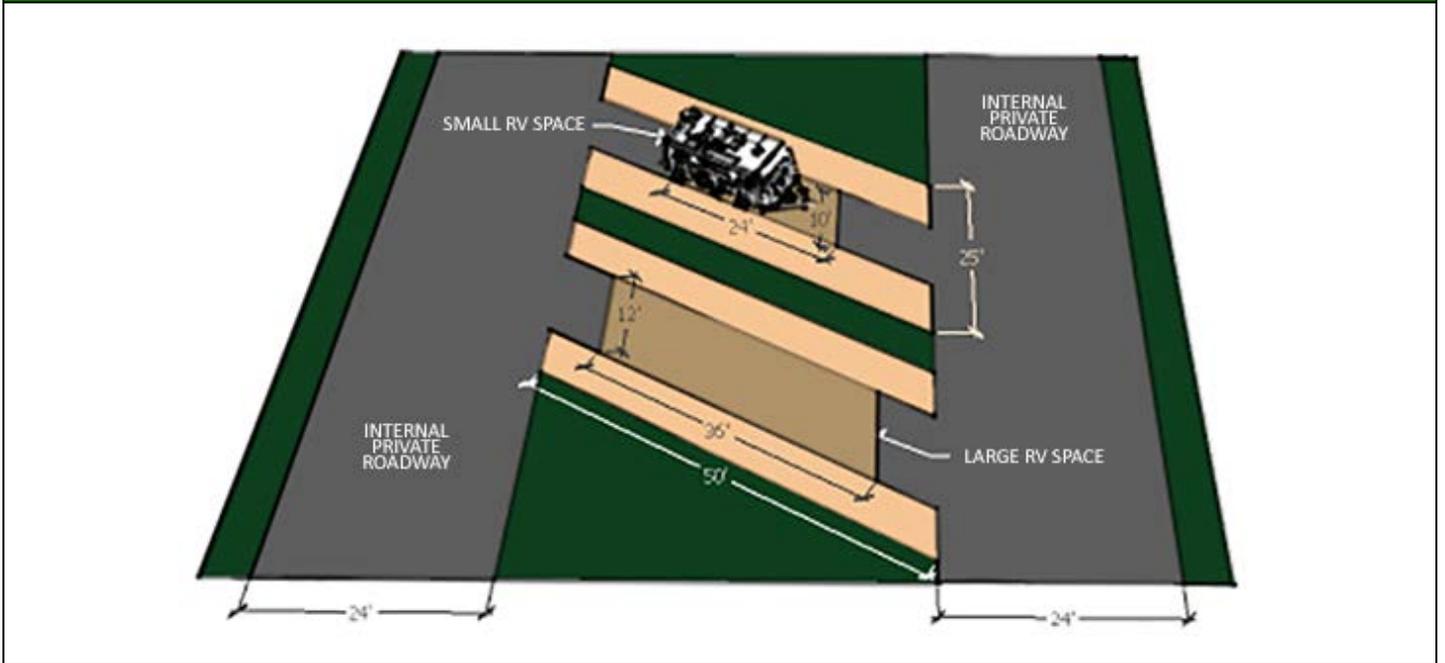
C. **Minimum and Maximum Site Area.**

1. *Minimum Area of Parcel Proposed for Development.* The minimum area of an RV park is one acre.
2. *Maximum Extent of RV Park.* The maximum area of a RV park is three acres.

D. **Site Design.** RV parks shall meet the following site design standards:

1. *Location.*
 - a. The park shall be located on a well-drained site, properly graded for rapid drainage and freedom from stagnant pools of water, so that soil conditions, groundwater level, drainage and topography do not constitute hazards to the residents' health and safety.
 - b. No valid or applicable deed restrictions or other land use restrictions prohibit the development or use of the site as a RV park.
2. *Maximum Density.* The maximum site density for RV parks shall be 10 spaces per acre, where only one recreational vehicle is permitted per recreational vehicle space (RV space).
3. *RV Spaces.* Each RV space shall comply with the following:
 - a. **Minimum Space Area.** A minimum of 1,250 square feet in area (25 feet in width by 50 feet in length) is required consisting of:
 1. **Permanent RV Parking Pads.**
 - a. **Small RV Pads.** Parking pads for small RV's shall be no less than 10 feet in width by 24 feet in depth;
 - b. **Large RV Parking Pads.** Parking pads for large RV's shall be no less than 12 feet in width by 36 feet in depth;
 - c. **All Parking Pads.** All parking pads shall be constructed of concrete, gravel, asphalt, crushed rock, or similar material; and each parking pad shall be separated by at least 20 feet from any other parking pad, property line, or building (excluding storage buildings).
 2. **Non-RV Off-Street Parking Space.** Each RV space shall have a minimum of two off-street parking space for a vehicle that is not the recreational vehicle.
 3. **Remaining Area.** The remaining area of the recreational vehicle space shall comply with Subsection H.2., *Provide for Site Maintenance*, below.
 - b. **Space Configuration.** At least 50 percent of the RV spaces shall be configured as pull-through spaces (see Figure 20.204, *Illustrative Design of RV Pull-Through Spaces*).

Figure 20.204
Illustrative Design of RV Pull-Through Spaces



- c. Space Marker. A permanent space marker identifying the space number is required to be visible day and night, which shall be visible from the internal private roadway.
- d. Accessory Structures. Individual RV spaces are not allowed to have accessory structures (*e.g.*, separate awnings, cabanas, carports, garages, porches, storage sheds, etc.), with the exception of factory installed recreational vehicle extensions (*e.g.*, expandable spaces or awnings).

4. RV Park Access and Circulation.

- a. The entrance of the internal private roadway shall be constructed of concrete for the first 50 feet and have a pavement width of 30 feet with a 30 foot curb radius.
- b. The internal private roadway shall have at least one direct connection to a paved public street, have a pavement width of 24 feet in accordance with City specifications, and shall consist of concrete, asphalt, or crushed limestone. The roadway may be 15 feet in width if it is designed for one-way roads as long as there is a minimum of 24 feet of unobstructed clearance, and a minimum of 60 feet in turning area and radii, to permit the free movement of emergency vehicles.
- c. No dead-end streets unless a cul-de-sac is installed in accordance to City specifications.

5. Lot Access. Each RV space shall have direct access to the interior private roadway and shall be constructed of concrete, gravel, asphalt, crushed limestone, or similar material that controls or reduces dust.

6. *Required Facilities.* Each RV park shall install and maintain the following required facilities and all buildings, walkways, and other structures in the RV park shall meet the standards for accessibility by the handicapped established by the applicable City, state, and federal regulations:

- a. Office. An office for the manager and a publicly available telephone which shall be accessible for emergency use 24 hours a day, seven days a week.
- b. Laundry and Maintenance Facilities. A laundry and maintenance building shall be included in the site design.
- c. Sanitary Facilities. The RV park shall provide the following sanitary facilities in the quantities specified below. Each calculation shall be rounded up to the next nearest whole number, where a minimum of at least one is required. Facilities for males and females shall be separate and located within a permitted building.

1. Toilets. One toilet for each sex for every 15 RV spaces;
2. Washbasins. One washbasin shall be provided within the bathroom for every two toilets provided; and
3. Showers. One shower for each sex for every 15 RV spaces.

d. Design and Maintenance of Sanitary Facilities. Design and maintenance of the sanitary facilities shall be in accordance with the following:

1. Buildings shall be well lit at all times, day or night, well ventilated with screened openings, and constructed of moisture proof material to permit rapid and satisfactory cleaning, scouring and washing;
2. The floors shall be of concrete or other impervious material, elevated not less than four inches above grade, and each room shall be provided with floor drains;
3. Toilet and bathing facilities shall be in separate rooms or each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain into the shower floor;
4. Toilet floors and walls shall be of impervious material, painted white or a light color, and be kept clean at all times. Shower stalls shall be made of tile, plaster, cement or some other impervious material and shall be kept clean at all times. Shower stalls shall be partitioned in any manner as to provide privacy and promote cleanliness. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be white or some light color and kept clean at all times; and
5. The floor of any bathroom, other than the shower stall, shall be of some impervious material, and the walls of the bathroom, other than the shower stall, shall be made of a washable surface, kept clean at all times.
6. Sidewalks shall be required around all sanitary facilities connecting to the internal private roadway.

7. *Lighting.* All common access routes, driveways, internal streets, off-street parking areas, and service buildings within the RV park shall comply with Section 20.210, *Outdoor Lighting*, to ensure adequate visibility within such areas at night by park residents and guests and public safety personnel who might be called to the park at night.

8. *Required Landscaping, Bufferyard, and Screening.*

- a. All RV parks shall be completely surrounded by a Type C bufferyard, as set out in Section [20.212, Landscaping, Buffering, and Tree Preservation](#).
 - b. Located on the park side of the bufferyard, all RV parks shall be completely surrounded by a solid fence which is constructed of solid material that has been pre-approved by the Code Official and be at least six feet, but no more than eight feet in height with the exception of the entrance to the park.
 - c. All ground surface areas not used to meet the minimum access, vehicle and pedestrian circulation, buildings, etc., required by this Section shall be groundcover, which shall include sod, ornamental grasses, mulch, or perennial or seasonal plantings, or other vegetative cover which is capable of preventing soil erosion and sediment pollution.
9. *Solid Waste and Recycling Collection*. Centralized solid waste and recycling collection shall be in accordance with the provisions set out in Section [20.216, Solid Waste and Recycling Collection](#). One centralized container shall be required for each 15 RV spaces of a sufficient size to handle all trash and garbage generated without having to be emptied more than twice per week. Recycling collection shall be as needed.
10. *Utilities*. In addition to the following, the installation of utilities shall be in compliance with all building codes and other applicable provisions of these regulations.
- a. *Drainage*. The ground surface in all parts of the RV park shall be graded and designed to drain all stormwater and surface water in a safe, efficient manner. A stormwater management pollution plan is required in conformance with Ord. No. 2011-03, *Illicit Discharge and Connection Stormwater*.
 - b. *Water System*. All common buildings and RV spaces shall be provided with a connection to the City water system if it is located within 1,000 feet of the RV park. If the City water system is not available, then a permit from the Texas Commission on Environmental Quality (TCEQ) shall be obtained to install a well. The City must approve all proposed water facility plans prior to construction. The water distribution system shall be designed and installed in conformance with all City regulations and as follows:
 - 1. A master water meter shall be installed to serve the RV park. Sub-metering or re-metering for private purposes by the owner/operator of the RV park is permitted; however, sub-metering or re-metering of individual RV spaces for public purposes, as determined by the City, such as meter reading and utility billing of individual RV spaces is not permitted.
 - 2. A reduced pressure principal backflow preventer will be required to be placed at the lot line on the discharge side of the master meter. In addition, one must be placed at each of the connections for each RV spaces and located on the right side of the space.
 - 3. Water riser service branch lines shall extend at least four inches above ground elevation. The branch line shall be at least ¾-inch.
 - 4. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes. Surface drainage shall be diverted from the location of utility connections at each space.
 - 5. A shut off valve below the frost line shall be provided on each branch line.
 - 6. Each water hook-up must be through the hose bib with vacuum breakers installed.
 - 7. The owner/operator shall have complete maintenance responsibility for the water system within the RV park.

8. The City has no maintenance responsibility for service lines within the RV park. The responsibility of the City stops at the lot line.

c. Wastewater System. All common buildings and RV spaces shall be provided with a connection to the City wastewater system if it is located within 1,000 feet of the RV park. If the City wastewater system is not available, then a permit from the Texas Commission on Environmental Quality (TCEQ) shall be obtained prior to placement of an on-site sewage facility. The City must approve all proposed wastewater facility plans prior to construction. The wastewater distribution system shall be designed and installed in conformance with all City regulations and as follows:

1. Each RV space shall be provided with a four-inch diameter wastewater riser and shall extend above grade four to six inches. The wastewater riser pipe shall be so located on each stand so that the wastewater connection to the RV drain outlet will approximate a vertical position. Each inlet shall be provided with a gas tight seal when connected to a recreational vehicle or have a gas tight seal plug when not in service.
2. Each wastewater hook-up must have a P-trap (4) installed below grade.
3. The wastewater connection to each RV space shall consist of a single four-inch service line without any branch lines, fittings, or connections. All joints shall be water tight.
4. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four to six inches above the ground elevation.
5. Each collection wastewater line shall provide a vent extending a minimum of 10 feet in height.
6. The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV park.
7. The responsibility of the City stops at the lot line.
8. Each RV park shall be required to install at the lot line, where connection to the City wastewater system is made, a sample well site. The sample well site shall be installed according to City specifications.
9. The City may, at its discretion, require pre-treatment of wastewater from an RV park.

d. Electrical System. All common buildings and RV spaces shall be provided with a connection to the City electrical system, which shall be installed underground in accordance with the most currently adopted National Electric Code. The electrical system shall be designed and installed in conformance with all City regulations and as follows:

1. A master electric meter shall be installed to serve the RV park. Sub-metering or re-metering for private purposes by the owner/operator of the RV park is permitted however sub-metering or re-metering of individual RV spaces for public purposes, as determined by the City, such as meter reading and utility billing of individual RV spaces, is not permitted.
2. The City has no maintenance responsibility for service lines within the RV park. The responsibility of the City stops at the weatherhead.
3. The location of all underground lines shall be clearly marked by surface signs at approved intervals.

4. Power supply to each space shall be a minimum of one 20-amp and one 50-amp power supply for pull-through RV spaces.
5. Outlets (receptacles or pressure connectors) shall be housed in an Underwriters' Laboratories, Inc., approved weather-proof outlet box and shall be of the "female" plug in type.
6. A water-tight seal shall be provided for underground conduit in floodplain installations, and a riser extending a minimum of two feet above the floodplain elevation shall be provided.

11. *Fire Protection.*

- a. Pre-installed metal fire rings surrounded by eight feet of clear space covered with gravel shall be installed at each RV space. Alternately, one centralized fire ring may be installed for each 15 RV spaces. Open fires are only allowed in owner/operator installed fire rings and subject to restriction by the authority of the Fire Chief.
- b. Each RV space shall be within 300 feet of a fire hydrant. If the City water system is not available, the owner/operator shall install and maintain a pond or container on the property that has a minimum capacity of 20,000 gallons, if one does not already exist on site. The pond or container shall be filled at all times and be connected to a dry hydrant. The dry hydrant shall have a standard four inch connection or other such size as approved by the Fire Chief and be installed in a location that is accessible to emergency vehicles.
- c. In RV parks in which gasoline, fuel, oil, or other flammable liquids are stored and/or dispensed, their handling and storage shall comply with the provisions of the Standard Fire Prevention Code.
- d. Bottled gas shall not be used at individual RV lots unless the containers are properly connected by copper or other suitable metallic tubing. Bottled gas cylinders shall be securely fastened in place.
- e. All fire rings, wood burning stoves and other forms of outdoor cooking shall be located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance.
- f. Approaches to all RV spaces shall be kept clear at all times for access by firefighting equipment.

E. Site Plan. A site plan is required showing conformance with each of the site design criteria detailed in this Section (including all proposed on-site utilities, rights-of-way/easements and internal roadway configuration, storm drainage, RV space layout, building improvements, fencing, buffering, lighting and signage), as well as other applicable requirements of these regulations which will be used for review and consideration during the approval process.

F. License. It shall be unlawful for any person to permit, allow the placement, use or occupancy of a recreational vehicle on any property under the control of the owner/operator unless such placement, use or occupancy is specifically authorized by this Section and owner/operator has made application for a park license in accordance with Article VIII, *License for a mobile home park*, of Ord. No. 2011-10, *Manufactured Home Ordinances*, and paid the required fee as established by Resolution by the City of Richmond, City Commission. A license is valid for one year and must be renewed yearly from the date of issuance.

G. Duration of Stay.

1. Recreational vehicles may be parked within a designated space in a RV park or manufactured home park for a period of time not to exceed 180 days within any consecutive 12-month period, and may be used for sleeping and living purposes during the time that it is so placed in the park if:

- a. It is self-contained;
 - b. It has a minimum of 120 square feet of floor space;
 - c. The park in which it is placed is licensed by the City as a RV park; and
 - d. It is placed on a lot in the park which was shown on the park's application and approved by the City for use of the specific type of recreational vehicle being placed thereon.
2. Up to 20 percent of the RV spaces may be used for a duration of stay not to exceed two years; provided however, that those RV spaces are configured in a separate area, or "pod," and have separate access.

H. Duties of the Owner/Operator.

1. *Set and Enforce Rules.* It shall be the duty of the owner/operator to prescribe rules and regulations for the management of the RV park; to make adequate provisions for the enforcement of such rules; and to subscribe to any and all subsequent rules and regulations which may be adopted for the management of such park. Copies of all such rules and regulations shall be furnished to the City Secretary.
2. *Provide for Site Maintenance.* It shall be the duty of the owner/operator to maintain all grounds in the RV park to:
 - a. Ensure proper and adequate measures are taken for insect and rodent control, including, but not limited to, the following:
 1. The grounds, buildings, and structures shall be maintained free from insect and rodent's harborage and infestation.
 2. The entire RV park shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
 3. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground.
 4. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insect.
 5. Open areas shall be maintained free of heavy under growth of any description. This does not apply to the required bufferyard, which should be allowed to fill in with natural vegetation over time.
 - b. Ensure that no person shall keep, store, or allow any motor vehicle to remain on the premises of an RV park if such motor vehicle is incapable of being operated under its own power or has exceeded the maximum allowable duration of stay as set out in Subsection G., *Duration Of Stay*, above.
 - c. Ensure that each RV space is clearly marked and visible from the internal roadway.
 - d. Provide for regular inspection of all public and private utilities.
 - e. Provide for all collection and removal of solid waste and recycling in accordance with the applicable City ordinance.
 - f. Prohibit the placing or storage of unsightly material or vehicles of any kind.
 - g. Cap all sewer taps not in use.
 - h. Maintain safe and sanitary public and private utility connections to each RV space.

- i. Maintain a neat, clean, sanitary, and safe park.
3. *Keeping Register of Guests.* The owner/operator shall create and maintain a register of guests that shall be available for inspection and retained for three years showing the following:
 - a. The date of arrival and departure;
 - b. The number or letter of the designated space being rented;
 - c. Photocopy of the driver's license of the primary tenant;
 - d. Automobile and recreational vehicle license plate number and the state in which each is registered;
 - e. Full address of permanent residence; and
 - f. The names of persons staying in the RV park and which lot they are located on.

I. Duties of Guests.

1. Each guest shall comply with all applicable requirements of these regulations and shall maintain his or her RV space, its facilities and equipment in good repair and in clean sanitary condition.
2. Each guest shall be responsible for proper placement of his or her recreational vehicle on its site and proper installation of all utility connections in accordance with the instructions of the management. The guest shall obtain all City licenses and permits where required.

J. Expansion or Modification of Existing RV Parks.

1. *Re-review Required.* Any enlargement (*e.g.*, size of property or additional RV spaces, etc.) or modification of site layout of an existing RV park shall require a re-review and approval as if it were a new application.
2. *Existing Facilities Brought Into Conformance.* No enlargement or extensions to any RV park shall be permitted unless the existing facility is made to conform with all the requirements for new construction in conformance with this Section.

K. Inspections.

1. *Authorized.* The Code Official is authorized to make at least two annual inspections at six-month intervals per RV park and additional inspections as are necessary, without prior notice, to determine compliance with this Section.
2. *Entry On Premises.* The Code Official shall have the power to enter, during normal operating hours, upon any public or private property, excluding recreational vehicles, with the purpose of inspecting and investigating conditions relating to the enforcement of this Section.

L. Suspensions.

1. *Notice.* Whenever, upon inspection of any RV park, the Code Official finds that conditions or practices exist which are violation of any provision of this Section applicable to such park, the Code Official shall provide notice in writing to the owner/operator, and if such conditions or practices have not been corrected in the timeframe set forth in the notice, the Code Official will suspend the RV park license and give notice of such suspension.
2. *Cessation of Operations.* Upon suspension of the RV park license, the owner/operator shall cease operation of the RV park and all recreational vehicles shall vacate the RV park within five days.
3. *Appeal.* The suspension of the license may be appealed to the City Commission.

M. Abandonment and Restoration.

1. *Plan.* In the event that operations should cease for a period of 24 months, the owner shall be required to provide a written plan and agreement to the Code Official showing evidence of a pending lease/sale agreement or a plan of action setting forth how the site's improvements (*e.g.*, internal roadways, RV parking pads, buildings and structures, utilities, signs, and other non-vegetative improvements) shall be dismantled and the site restored to its previous unoccupied, natural condition. The start of the 24 month timeframe begins upon notification to the City by the owner/operator, or upon the initial inspection by the Code Official, whichever comes first.
2. *Restoration.* If the City deems the abandoned RV park is public health or safety hazard after the 24 months have expired, the City may restore the property to its natural conditions and place a lien on the property to recover both restoration and administrative costs.

N. Recreational Vehicles Outside of Recreational Vehicle Parks. The parking of recreational vehicles outside of RV parks is subject to the standards set out in Section 20.205, *Parking*.

Sec. 20.205 Parking

A. Generally. The City Commission has established that the orderly development and construction of parking lots is both a continuing primary concern and necessity within the City limits and extraterritorial jurisdiction (ETJ). Therefore, all parking lots, parking aisles, parking spaces, and parking structures on parcels proposed for development shall meet the standards of Ord. No. 2005-11, *Parking Lots*, and this Section.

B. Required Parking Spaces Per Use. The minimum number of required parking spaces are set out in Ord. No. 2005-11, *Parking Lots*.

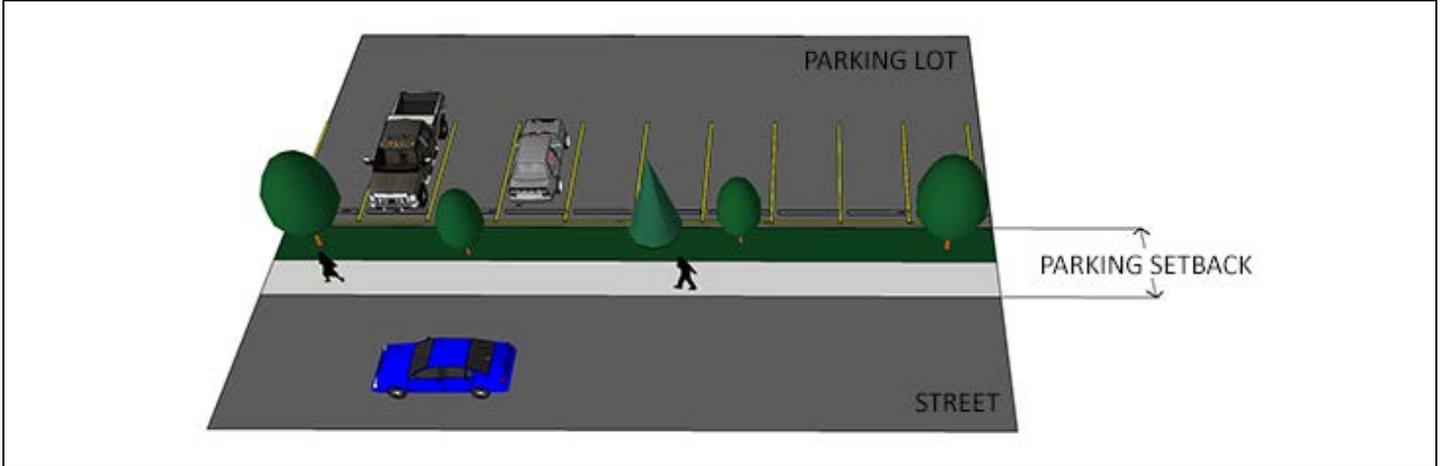
C. Required Disabled Parking. As required by the American with Disabilities Act (ADA) a certain number of required disabled parking spaces are required as part of new development and redevelopment. The disabled parking spaces shall be incorporated into, rather than in addition to, the overall number of parking spaces required by Ord. No. 2005-11, *Parking Lots*.

D. Location.

1. All off-street parking shall be located on the same lot as the building and / or use to be served.
2. On-site off-street parking shall be set back behind any required parking setbacks (*see* Table 20.205A, *Required Parking Setbacks* and Figure 20.205A, *Location of Required Parking*).

Table 20.205A Required Parking Setbacks	
Street Classification	Minimum Parking Setback
Lots Located within the West Fort Bend Management District (WFBMD)	
All Lots	Per Chapter 3, <i>Standards for Minimum Building Lines and Parking Setback Lines</i> of the WFBMD District Standards
Lots Located Outside the West Fort Bend Management District ¹	
Regional Arterial	25'
Principal Arterial	15'
Collector	10'
Minor Residential / Local	5'
TABLE NOTES:	
¹ The delineation of road classifications shall be in conformance with the Thoroughfare Plan, which is part of the Comprehensive Master Plan.	

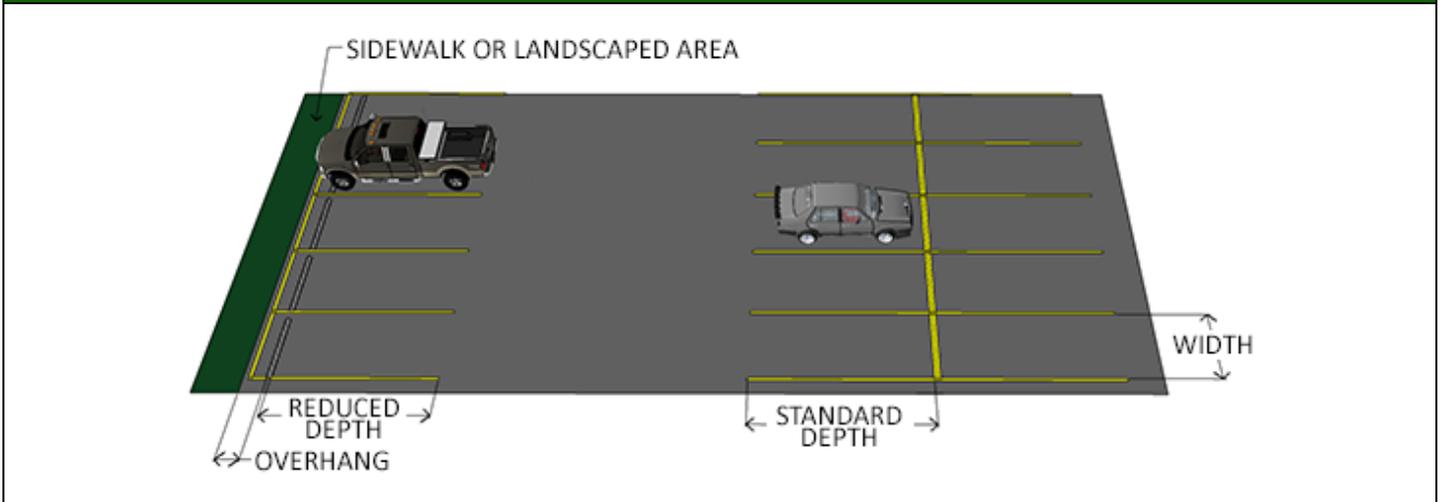
Figure 20.205A
Location of Required Parking



E. Dimensions of Standard Parking Spaces. Parking spaces shall have the following dimensions.

1. *Generally:* Nine feet in width by 20 feet standard stall depth, which equals 180 total square feet.
2. *90-degree parking spaces that abut a curb or the edge of pavement* (allowing an overhang): Nine feet width by 18 feet reduced stall depth provided there is a six foot wide sidewalk, or a minimum eight foot landscape area (see Figure 20.205B, *Parking Space Dimensions*).
3. *Parallel (0 degree) parking spaces:* Eight feet width by 20 feet standard stall depth.

Figure 20.205B
Parking Space Dimensions



F. Parking Space Design and Markings.

1. *Vertical Clearance.* All parking spaces shall have a vertical clearance of at least 10 feet. Some larger vehicles like vans, SUVs, and light trucks may need a higher clearance. The applicant should note the maximum vehicle size to be accommodated. All parking structure entrances shall have a clearly marked bar to alert oversized vehicles of height limitations before they enter.

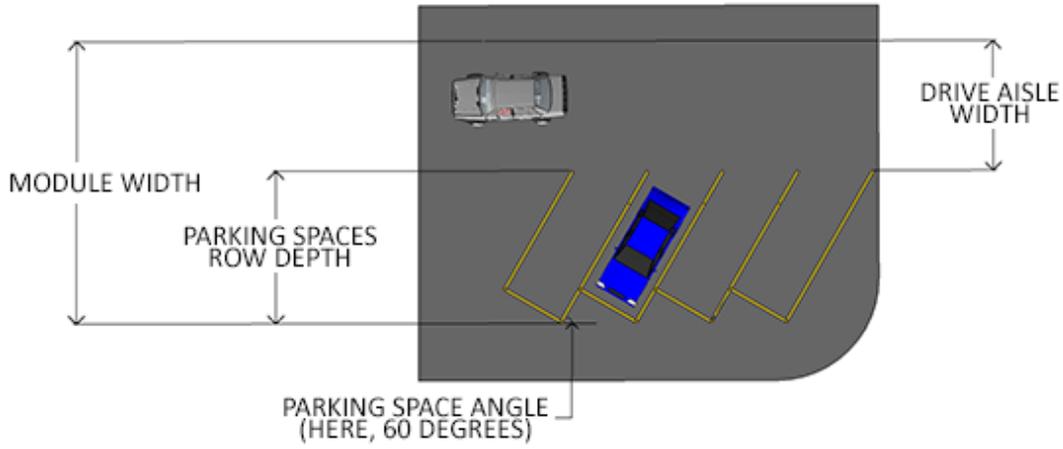
2. *Markings.*

- a. All parking spaces that are located in parking lots or provided on a street shall be clearly marked with either:
 - 1. A single four-inch-wide contiguous line painted and maintained at the required stall width; or
 - 2. A double four-inch-wide contiguous line painted and maintained with the midpoint of the two lines being located at the required stall width.
 - b. All handicap accessible spaces shall be designed with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act (ADA).
 - c. Parking spaces for residential uses that are located in private garages, carports, or individual driveways do not have to be marked. An area on a private residential lot is considered a parking space if:
 - 1. The area is at least nine feet width by 20 feet stall depth in dimension;
 - 2. The area does not encroach upon a public sidewalk;
 - 3. The area has an improved hard surface; and
 - 4. The area is accessible from the street.
5. *Parking Module Standards.* Table 20.205B, *Parking Module Standards*, sets out the minimum horizontal widths for standard parking space depths, parking aisles, and combined parking aisle/stall modules. See also Figure 20.205C, *Illustrative Parking Module Configurations*.

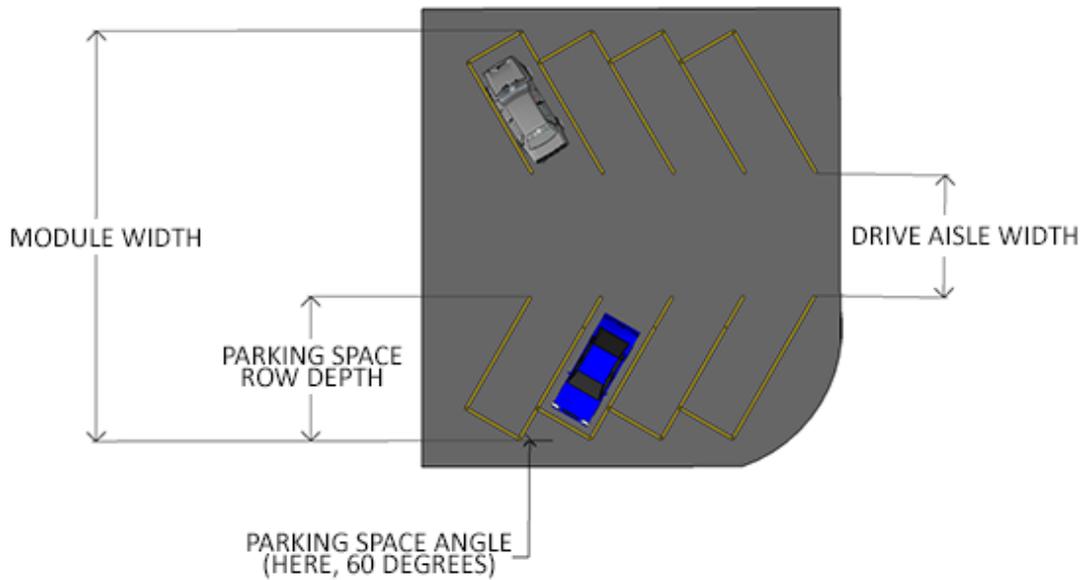
Table 20.205B Parking Module Dimensions				
Measurements ¹	Parking Space Angle			
	0/Parallel Parking	45°	60°	90°
One Parking Space Row, One-Way Aisle				
Parking Space Row Depth	8 ft.	20 ft. 7 in.	21 ft. 11 in.	20 ft.
Parking Aisle Width	13 ft. 2 in.	13 ft. 10 in.	15 ft. 6 in.	24 ft.
Minimum Module Width (space & aisle)	21 ft. 2 in.	34 ft. 5 in.	34 ft. 5 in.	44 ft.
Two Parking Space Rows, One-Way Aisle				
Parking Spaces Row Depth	16 ft.	41 ft. 1 in.	43 ft. 8 in.	40 ft.
Parking Aisle Width	13 ft. 2 in.	13 ft. 10 in.	15 ft. 6 in.	24 ft.
Minimum Module Width (spaces & aisle)	29 ft. 2 in.	54 ft. 11 in.	59 ft. 2 in.	64 ft.
One Parking Space Row, Two-Way Aisle				
Parking Space Row Depth	9 ft.	20 ft. 7 in.	21 ft. 11 in.	20 ft.
Parking Aisle Width	23 ft. 3 in.	20 ft.	22 ft.	24 ft.
Minimum Module Width (row & aisle)	31 ft. 3 in.	40 ft. 7 in.	43 ft. 11 in.	44 ft.
Two Parking Space Rows, Two-Way Aisle				
Parking Spaces Row Depth	16 ft.	41 ft. 1 in.	43 ft. 8 in.	40 ft.
Drive Aisle Width	23 ft. 3 in.	20 ft.	22 ft.	24 ft.
Minimum Module Width (spaces & aisle)	39 ft. 3 in.	61 ft. 1 in.	65 ft. 8 in.	64 ft.
TABLE NOTES:				
1. Refer to Subsection E., <i>Dimensions of Standard Parking Spaces</i> , for the minimum stall width.				

Figure 20.205C
Illustrative Parking Module Configurations

Illustrative dimensions for one parking row and parking aisle



Illustrative dimensions for two parking rows and parking aisle



4. *Parking for Residential Development.* The following types of vehicles are allowed in residential parking areas:

- a. The outdoor parking or outdoor storage of not more than two recreational vehicles, campers or boats, or trailers on property used for residential purposes, stored only in the side or rear yard and complying with the following:
 1. A recreational vehicle used for occupancy may be parked or stored outside a recreational vehicle (RV) park so long as occupancy does not exceed seven days in any consecutive six-month period, and no utilities are connected to the recreational vehicle and the vehicle is not parked on or extending over a sidewalk or public property unless parked on the street in full compliance with the laws of the City.

2. An unoccupied recreational vehicle parked or stored on private property shall be set back a minimum of 25 feet from the front property line, inside any existing building lines, at least five feet from side and rear property lines, and may not be on any easement or right-of-way. Any unoccupied recreational vehicles parked or stored on private property shall be located on an improved hard surface.

b. The parking of one commercial car or truck not exceeding seven feet in height nor having more than one and one half ton capacity as specified by the manufacturer, that is used in connection with the occupant's business or livelihood.

c. The parking of passenger cars owned, leased, or otherwise in the name of the occupants of the dwelling and their visitors.

G. Use of Required Parking.

1. *Generally.* Required off-street parking spaces shall be available for operable passenger automobiles of the residents, customers, patrons, and employees of the use to which they relate.

2. *Storage.* Storage materials, boats, campers, recreational vehicles, or inoperable vehicles, or overnight parking of trucks or trailers is prohibited in parking areas of multi-family, nonresidential, mixed-used, and public/institutional developments, unless:

a. Outdoor storage is permitted by these regulations.

b. The area used for outdoor storage is not counted towards the minimum parking requirements for the use.

c. The area used for outdoor storage is in conformance with Section 20.213, *Outdoor Storage*.

3. *Outdoor Display of Merchandise.* The sale of goods or merchandise is prohibited in parking areas unless in conformance with Section 20.214, *Outdoor Display of Merchandise*.

4. *Prohibition.* No area required by the City for the use of private, off-street parking shall be used as a commercial parking lot.

H. Surfacing. All parking areas shall be graded and maintained so that water does not accumulate on such areas nor flow or drain onto abutting public or private property. The surfacing of parking areas shall be as follows:

1. *Paved Parking.* Except as otherwise specifically required, all off-street parking and loading spaces together with access and circulation drives, driveways, and parking aisles shall be surfaced or improved with asphalt, concrete, or other such material approved by the Director of Public Works, that will provide an equal protection against potholes, erosion, and dust.

2. *Pervious Pavement.* All development with paved parking shall be encouraged to use pervious pavement or pervious pavement systems. From the standpoint of complying with Subsection H.1., above, pervious pavement shall be considered 'paved' if it complies with the following:

a. The pervious pavement or pervious pavement system shall be designed and certified by a registered engineer or landscape architect to carry a wheel load of 4,000 pounds.

b. In nonresidential, mixed-use, and public/institutional developments, pervious pavement or pervious pavement systems, except pervious asphalt or pervious concrete, shall not be used for access and circulation drives, driveways, parking aisles, disabled parking spaces, or loading spaces.

c. Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking which is not typically used on a daily or regular basis.

- d. The use of pervious pavement or pervious pavement systems shall not count as landscape area nor allow parking lots to be located anywhere not otherwise permitted by these regulations.
- e. The use of pervious pavement or pervious pavement systems shall be prohibited in areas on a lot used for the dispensing of gasoline or other engine fuels or where hazardous liquids may be absorbed into the soil.
- f. The use of pervious pavement or pervious pavement systems shall be adequately maintained so that the specified level of perviousness continues overtime.

I. **Maintenance.** Access and circulation drives, driveways, parking aisles, off-street parking and loading spaces, and on-site traffic directional or control devices shall be kept in good condition and parking space lines or pavement markings on improved hard surfaces shall be kept clearly visible and distinct.

Sec. 20.206 Loading

A. **Generally.** The required number and design of loading spaces for all nonresidential, mixed-use, and public/institutional parcels proposed for development are set out in this Section..

B. **Required Loading Spaces.** The minimum number of loading spaces required are set out in Table 20.206, *Required Loading Spaces*.

Table 20.206 Required Loading Spaces	
Gross Floor Area (square feet)	Minimum Loading Spaces
10,000 sf. to 40,000 sf.	1
Over 40,001 sf. to 100,000 sf.	2
Over 100,001 sf. to 160,000 sf.	3
Each additional 60,000 sf. over 106,001 sf.	1 additional

C. **Loading Space Design and Markings.** Loading spaces shall be designed and constructed as follows.

- 1. *Location.* All loading spaces shall be located on the same lot as the building and / or use to be served. Furthermore, loading spaces shall be designed such that they do not face or are not in direct public view of residential uses or arterial streets.
- 2. *Dimensions.*
 - a. Minimum width of loading bay (side to side): 12 feet;
 - b. Minimum length of loading bay (front to back):
 - 1. For semi-trailers: 60 feet;
 - 2. All other loading spaces: 25 feet;
 - c. Minimum vertical clearance: 15 feet.
- 3. *Use of Rights-of-Way.* Where off-street loading are required, at no time shall any part of a truck or van be allowed to extend into a public right-of-way while the truck is being loaded and unloaded.
- 4. *Design.* Off-street loading spaces shall be designed to not conflict with the general circulation patterns on the site, nor interfere with any fire exits or emergency access facilities to either the building or site.
- 5. *Surfacing.* The surfacing of all loading space areas shall be in conformance with Section 20.205H., *Surfacing*.

6. *Buffering*. Loading spaces and docks shall be located behind buildings and screened from view from abutting properties and public right-of-way. Truck access and loading areas that are located between a principal building and property that is used for residential purposes shall comply with the following additional standards:

- a. The length of the loading area shall be screened by a bufferyard that has one level more opacity (*e.g.*, from a "Type B" bufferyard to a "Type C" bufferyard) than required by the "use" bufferyard, as set out in Section 20.212E, *Bufferyards*, and shall contain an eight foot tall masonry wall that is designed and constructed with the same primary exterior finish materials of the principal building; or
- b. The loading area is enclosed by a roof and a wall between the building and the property boundary line (*i.e.*, a "loading shed"). The buffer between the loading shed and the property boundary line may be reduced by one level of opacity adjoining the loading shed, and may be the standard "use" bufferyard elsewhere.

D. **Exemptions**. The loading requirements of this Section may be exempted for good cause shown upon demonstration by the applicant of a proposed use and the nature of its business and operations. However, as determined by the Code Official, or upon request of the City Commission at the behest of the Code Official, it may be required of the applicant to reserve sufficient land for loading space if there is a reasonable likelihood that the use or the nature of the use could change in a manner warranting loading space.

Sec. 20.207 Amendments to Subdivision Regulations

A. **Generally**. The City Commission has established its authority to approve the subdivision of property within the City limits and extraterritorial jurisdiction (ETJ), as set out in Ord. 85-46, *The Subdivision Ordinance of the City of Richmond*, and as amended by Ord. Nos. 98-04, 2000-20, 2005-21, 2007-02, and 2008-03.

B. **Amendments**. Certain portions of Ord. No. 85-46, as amended, shall be further amended as follows:

1. *Section 5.A.13, Design Standards*. Dead-end streets, designed to be so permanently, shall not be longer than 600 feet as measured from the centerline of the intersected street to the back of curb at the end of the cul-de-sac and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet, and a street property line diameter of at least one hundred 100 feet. Dead-end streets of longer length shall be only approved by application for and the granting of a variance by the City Commission. Dead-end street lengths in large lots, low density, rural type subdivisions shall be reviewed by the City on a case by case basis. For dead-end streets greater than 600 feet in length as may be approved by the granting of a variance by the City Commission, the full length, except for the ending 600 feet shall have an increased width, back to back of curb, of 30 feet.
2. *Section 5.E., Lots*. The lot sizes, width, depth, shape and orientation shall be appropriate for the location of the subdivision and the type of development and use contemplated. The building setback from the right-of-way shall be as follows:
 - a. Major Thoroughfare: 35 feet;
 - b. Collector Streets: 25 feet;
 - c. Minor Residential Streets: 25 feet;
 - d. Minor Residential Streets on Cul-de-sacs: 20 feet.

Sec. 20.208 Nonresidential, Mixed-Use, and Public/Institutional Building Design Standards

A. **Generally**. Nonresidential, mixed-use, and public/institutional buildings shall comply with the form and design standards set out in this Section.

B. 360-Degree Architecture. No particular architectural style is mandated. However, the architectural style of the front façade shall be expressed on all four sides of the building.

C. Building Form for all Mixed-Uses, Public/Institutional and Nonresidential Uses, Except Industrial. Mixed-use, public/institutional, and nonresidential, excluding industrial, buildings in the City shall meet the following standards.

1. *Buildings More than 16,000 Square Feet but Less than 30,000 Square Feet.* Buildings that have more than 16,000 square feet but less than 30,000 square feet of gross floor area shall have moderate changes in height or roof line, which can be accomplished by one or more of the following techniques:
 - a. Dormers with ridge lines that are three feet or more below the ridge line of the roof.
 - b. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of two to five feet.
 - c. Parapet walls that vary in height from four to six feet or more and which are designed of equal or greater height to screen from public view all exterior rooftop mechanical equipment (see also Section 20.217, *Screening of Mechanical Equipment and Meters*).
 - d. Towers that have a height that is four to six feet or more above the highest peak or ridge of the roof or highest point of the parapet.
2. *Buildings Equal to 30,000 Square Feet but Less than 60,000 Square Feet.* Buildings that equal 30,000 square feet but less than 60,000 square feet of gross floor area shall have major changes in height or roof line, which can be accomplished by one or more of the following techniques:
 - a. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of five or more feet; and/or
 - b. Parapet walls that vary in height by more than six feet, are proportional to the building, and which are designed of equal or greater height to screen from public view all rooftop mechanical equipment (see also Section 20.217, *Screening of Mechanical Equipment and Meters*); and/or
 - c. Towers that have a height that is more than six feet above the highest peak or ridge of the roof or highest point of the parapet. The mass of such towers shall be proportional to the building, so that the towers appear as substantial, but not overwhelming, architectural elements; and/or
 - d. Ground-level arcades and second floor galleries/balconies; and/or
 - e. Other features that reduce the apparent mass of a building.
3. *Buildings Equal or Greater than 60,000 Square Feet.* Buildings that equal or are greater than 60,000 square feet shall have substantial changes in height or roof line, which shall in addition to the requirements for buildings that cover 30,000 square feet or more, include:
 - a. Significant architectural features to identify principal entrances; and
 - b. Elements such as towers or significant projections from the building to break up the building mass.

D. Multi-Story Buildings. Buildings with more than two stories shall be designed with a clearly differentiated base, middle, and top.

1. *Building Base.* A recognizable base shall include, but shall not be limited to:
 - a. Thicker walls, ledges, or sills.

b. Raised planters, which are integral to the building façade.

2. *Building Top.* A recognizable top shall include, but shall not be limited to:

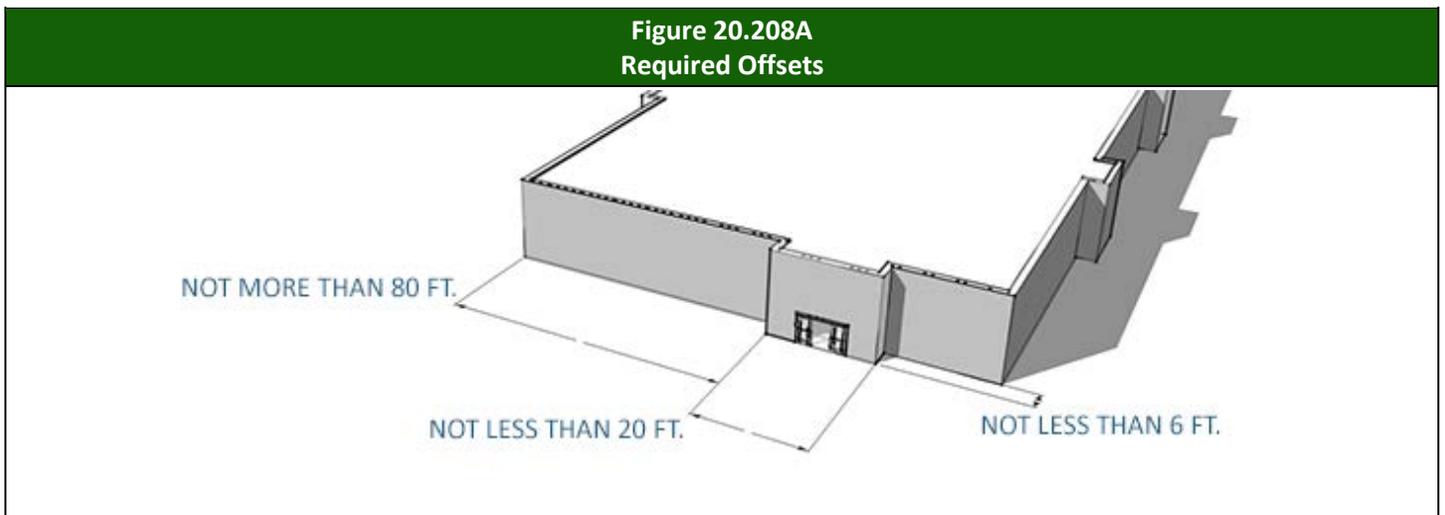
- a. Cornice treatments.
- b. Sloping roofs with eaves and brackets.

E. Building Dimensions.

1. *Maximum Horizontal Dimension.* No building wall shall have an uninterrupted horizontal dimension of more than 80 feet for buildings with footprints 16,000 square feet and larger and no more than 40 percent of the façade length for buildings with footprints smaller than 16,000 square feet in area.

2. *Required Offsets.* Building walls with a horizontal dimension of more than 80 feet shall have clearly pronounced projections or recesses of at least four feet, and at least two feet for buildings with a horizontal dimension of less than 80 feet, measured perpendicular to the vertical plane of the wall. These projections or recesses shall be spaced not more than 80 feet apart. Projections or recesses shall have a horizontal dimension parallel to the building wall from which the offset is measured of at least the lesser of:

- a. Twenty feet; or
- b. Twenty percent of the building façade. See Figure 20.208A, *Required Offsets.*



3. *Entryways.* Entryways to bays that are larger than 30,000 square feet shall project not less than four feet from the façade. This shall be represented by a change in the wall of the building and not only in a covered entry.

F. Awnings and Canopies.

Awnings and canopies, if installed, shall meet the following standards:

- 1. *Construction.* Awnings and canopies shall be attached and integral to the principal structure.
 - a. *Obstruction.* Awnings and canopies shall not obstruct any portion of any window. Transom windows may be located under awnings and canopies.
 - b. *Support.* Canopies shall have columns, beams, and/or brackets of adequate size to give both structural and visible means for support.
 - c. *Lighting.* Backlit or internal illuminated awnings or canopies are prohibited. Acceptable fixtures and methods of illumination include:

1. Recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy.
2. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy. Indirect lighting fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the canopy.

d. Clearance. A minimum clearance of eight feet from finished grade to the bottom of the awning/canopy is required and it shall not exceed 16 feet in height.

e. Freestanding Canopies. Freestanding or semi-freestanding canopies, such as those used as shelters for pump islands and porte-cocheres shall be of similar style, material, color, and lighting as those attached to the principal building.

G. Building Entrances. Each building, regardless of size, must have clearly-defined, highly-visible building entrances that include at least three of the following architectural features:

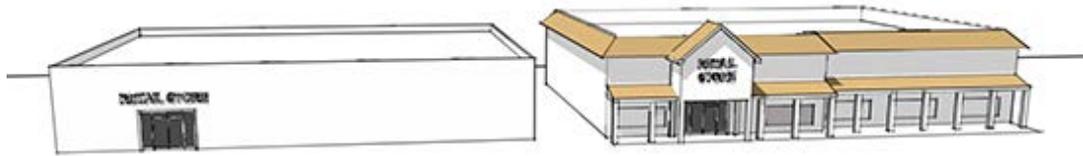
1. Canopies, porticos, arcades, or overhangs;
2. Recesses or projections;
3. Raised corniced parapets;
4. Over the door or peaked roof forms;
5. Arches;
6. Outdoor patios or plazas;
7. Display windows;
8. Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; and/or
9. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

H. Blank Walls. Except where necessary to accommodate the future expansion of a building intended for construction within two years, blank walls are not allowed. No building wall may include an area which is larger than 15 feet tall by 25 feet wide that does not include one or more of the following:

1. Window(s);
2. Door(s);
3. Building wall offset that complies with Subsection E.2., *Required Offsets*, above;
4. Sign(s), in accordance with Section [20.211](#), *Signs*;
5. Architectural details that relieve the appearance of the blank wall;
6. A canopy or an arcade. (*see Figure 20.208B, Illustrative Blank Wall Treatments*); or
7. Vines or other plantings on wall trellises that cover at least 60 percent of the façade elevation.

Figure 20.208B
Illustrative Blank Wall Treatments

The retail store on the left side of the illustration below has no architectural detailing to relieve the appearance of its blank wall. The retail store on the right side of the illustration below has an arcade, a change of materials and colors, an entry feature, an offset, and display cases, all of which help to provide visual interest and relieve the appearance of a blank wall.



I. Roofing Systems.

1. *Flat Roof Systems.* Any material that is permitted by the City's adopted Building Code is allowed on flat roof systems. Green roof systems are permitted and encouraged.
2. *Roofing Materials for Pitched Roof Systems.* Roofing materials used on pitched roof systems shall be proven, high-quality, durable materials, including:
 - a. Architectural shingles;
 - b. Concrete tile;
 - c. Slate;
 - d. Architectural standing seam metal;
 - e. Building integrated solar arrays (solar panels that double as roofing material);
 - f. Green roof systems; and
 - g. Others as approved by the City Commission.
3. *Prohibited Roofing Materials.* Corrugated or ribbed metal and other roofing materials that are not listed in Subsection I.2., above, are prohibited.

J. Mechanical Equipment and Meters. All ground- and roof-mounted equipment and meters shall be screened as set out in Section 20.217, *Screening of Mechanical Equipment and Meters.*

K. Building Materials.

1. *Primary Exterior Finish Materials.* A minimum of 80 percent of the front exterior façade and 60 percent of the side and rear exterior façades of all nonresidential, mixed-use, and public/institutional buildings shall be covered with proven, high-quality, durable materials, as set out in the following primary exterior finish materials:
 - a. Brick;
 - b. Thin brick;
 - c. Stone, including cast stone and synthetic stone, provided however, that synthetic stone (*e.g.*, pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete) is identical in appearance and of equal or greater durability to natural stone;

d. Architectural masonry units in the following styles:

1. Split face;
2. Weathered face;
3. Sandblasted face; or
4. Ground face.

e. Portland cement stucco with a weather barrier layer and wall drainage system; and

f. Glass curtains as set out in Subsection K.3., *Limited Exterior Finish Material*, below.

2. *Secondary Exterior Finish Materials*. The remaining percentages of the exterior façades, as determined by Subsection K.1., *Primary Exterior Finish Materials*, above, can be covered with the following secondary materials.

a. Embossed or prefinished architectural metal panel (26+ gauge), which has an appearance of masonry, stucco, or any other appearance that is approved (applicable only buildings with a gross floor area greater than 16,000 square feet);

b. Exterior Insulation and Finish Systems ("EIFS") provided the following:

1. Use of a wall drainage system (barrier wall systems are prohibited);
2. Use of a 20 oz. high-impact mesh below eight feet above ground level;

c. Fiber cement siding;

d. Metal panel (26+ gauge), commonly known as R-Panels; and

e. Smooth-faced, finished concrete masonry units.

3. *Limited Exterior Finish Material*. Glass curtains may be only used for building window or door entrance areas, but shall not occupy more than 60 percent of the ground floor façade, nor more than 40 percent of the upper floor façades with the remaining areas complying Subsection K.1., and K.2., above.

4. *Prohibited Exterior Finish Materials*.

a. The use of the following for exterior walls, siding, or cladding is prohibited on all nonresidential, mixed-use, and public/institutional buildings, except industrial buildings, provided that any industrial building that incorporates these materials is located at least 150 feet from an arterial street or highway, or if the building is closer than 150 feet to the street, the elevation upon which the material is applied is not visible from abutting arterial or collector streets:

1. Prefabricated metal wall panels;
2. Corrugated metal;
3. Smooth-faced, unfinished concrete blocks; and
4. Vinyl, composite, or metal siding.

b. The use of the following for exterior walls, siding, or cladding is prohibited for all uses:

1. Plywood; and
2. Plastic.

5. *Approval of Other Exterior Finish Materials.* Other building materials may be used as primary or secondary exterior finish materials if it is demonstrated that they have comparable durability, impact resistance, and aesthetic quality as the materials provided by this Section, and:

- a. They are part of a building that is designed to achieve a Leadership in Energy and Environmental Design ("LEED®") certification, and the materials qualify for LEED points under both the "energy and atmosphere criteria" and the "materials and resources criteria" of the LEED checklists (*e.g.*, U.S. Green Building Council or "USGBC"); or
- b. They are part of a building that is EPA certified as designed to earn the ENERGY STAR, and the materials substantially improve the energy efficiency of the building compared to materials that are permitted above; or
- c. They are pre-approved for use by the City Commission.

Sec. 20.209 Multi-Family Design Standards

A. **Generally.** The City Commission has established that the orderly development and construction of multi-family housing is both a continuing primary concern and necessity within the City limits and extraterritorial jurisdiction (ETJ), therefore all multi-family parcels proposed for development shall meet the standards of Ord. No. 2007-07, *Multi-Family Dwellings*, and this Section, unless they are located in vertically mixed-use buildings in which case they are subject to Ord. No. 2007-07, *Multi-family Dwellings*, and the design standards of Section 20.208, *Nonresidential, Mixed-Use, and Public/Institutional Building Design Standards*.

B. **360-Degree Architecture.** The architectural features and articulation of the front façade shall be continued on all sides.

C. Building Design.

1. Minimum Design Standards.

- a. A multi-family building containing more than four dwelling units shall be designed to break up a rectangular floor plan and avoid a box-like or monolithic appearance (*see* Figure 20.209, *Illustrative Application of Building Design Standards*).
- b. At least three of the following techniques, or any technique that would produce a comparable effect, may be used to avoid the appearance of a box-like or monolithic building:
 1. Varying roof lines;
 2. Changes in wall planes of at least five feet at intervals of not more than 50 feet;
 3. The use of dormers, bay windows, or other windows that create dimension that break up the façade;
 4. Balconies that are used irregularly, some projecting, some recessed;
 5. Primary entrance treatments that are recessed or project from the main façade; and
 6. Changes in floor plans that create rooms with corner windows.
- c. Stairs that provide primary access to units on upper floors shall be covered.
- d. Awnings, where installed, shall be constructed with fabric or metal coverings. Plastic coverings are prohibited.
- e. Elements such as eaves, rakes, cornice lines, or frieze boards shall be used to contribute to the visual interest of the building.

- f. Columns, cornices, and similar elements shall be natural or simulated natural elements such as wood, composite material, architectural metal, or stone.
- g. Balcony and railing materials may be different than the materials used on exterior walls.
- h. Foundations that have more than two feet of exposure shall be faced with brick or stone veneer. Exposed cinder block and concrete are prohibited.

Figure 20.209
Illustrative Application of Building Design Standards

Allowed



Not Allowed



D. Building Scale.

1. Any portion of a building that is closer than 50 feet from a property line that abuts a residential use shall be no higher than 12 feet above the highest point of the closest residential structure. This does not apply if the residential structure is located across street right-of-way from the parcel proposed for development or if it is within the same development proposal (*e.g.*, a mixed-use development).

2. The apparent exterior floor-to-floor height of each story of a building shall be limited to 12 feet. Individual floors shall be delineated on the building façade through the use of window placement and horizontal details. Interior floor-to-floor heights may exceed 12 feet.

E. **Garages.** When visible from street right-of-way, garages shall be located on the side or behind the rear façades of the multi-family buildings. Alternatively, a Type C bufferyard shall be provided between the garage building(s) and street right-of-way. The materials, building design, and roof type of garages shall be compatible with the multi-family buildings.

F. **Lighting.** All lighting for multi-family developments shall adhere to the requirements and restrictions set out in Section 20.210, *Outdoor Lighting*, or as otherwise required by the City. In addition, all multi-family developments shall provide streetlights (evenly spaced along street right-of-way with a maximum spacing of 100 feet on-center, or as otherwise approved by the Director of Public Works, and ready to connect to the City's streetlight system), parking lot lighting (not to exceed 15 feet in height and placed uniformly so as to provide adequate lighting across all parking surfaces), pedestrian lighting (for all high-volume pedestrian areas including building entries; along sidewalks, walkways, or paths; and around common open spaces), and indirect building lighting (located no closer than 10 feet from all buildings and designed and installed in a manner so as not to cause glow or glare in the windows of individual dwelling units).

G. **Pedestrian Facilities and Amenities.**

1. Walkways with a minimum width of five feet shall directly connect each front door or front entrance with surrounding sidewalks, walkways, or paths.
2. All buildings shall provide a minimum 10 foot landscaped pedestrian zone between the building and parking area. The pedestrian zone shall contain walkways and landscape planting areas, plazas, and/or gardens. These areas shall also be protected from vehicular traffic by curbs, fencing, walls, wood posts, concrete bollards, or other barriers.
3. In conjunction with each pedestrian zone and for each 10 dwelling units, or portion thereof, there shall be one bench or picnic table and one trash receptacle accessible by a sidewalk, walkway, or path that is located no more than 25 feet from a building entrance. Benches, tables, and trash receptacles shall be anchored to the ground. Each shall be constructed of a non-corrosive, weather-resistant material, excluding wood.
4. All crossings of internal streets, access drives, and driveways shall have well-defined pavement markings and pedestrian crossing signs.
5. Covered sidewalks or walkways that are part of or adjacent to a building may be used for outdoor seating and dining or as terraces and arcades, provided a minimum passable width of four feet.

H. **Mechanical Equipment and Meters.** All ground- and roof-mounted equipment and meters shall be screened as set out in Section 20.216, *Screening of Mechanical Equipment and Meters*.

I. **Roofing Systems.**

1. *Flat Roof Systems.* Any material that is permitted by the City's adopted Building Code is allowed on flat roof systems. Green roof systems are permitted and encouraged.
2. *Roofing Materials for Pitched Roof Systems.* Roofing materials used on pitched roof systems shall be proven, high-quality, durable materials, including:
 - a. Architectural shingles;
 - b. Concrete tile;
 - c. Slate;
 - d. Building integrated solar arrays (solar panels that double as roofing material); and

e. Green roof systems.

3. *Prohibited Roofing Materials.* Corrugated or ribbed metal and other roofing materials that are not listed in Subsection I.2., above, are prohibited.

4. *Projections.* Roofs shall contain at least one projection for every 100 linear feet of building frontage. Roof projections may include cupolas, dormers, balustrade walks, chimneys, or gables.

J. Building Materials.

1. *Generally.*

a. Heavy masonry materials shall extend to grade and be located below lighter materials (*e.g.*, stucco or cement siding).

b. A vertical change of materials shall occur at an interior corner or shall occur at an exterior corner or within four feet of an exterior corner. Horizontal changes of material from brick or stone to another material shall include a stone cap or a brick sill. Horizontal changes of materials using a stone cap or brick sill shall not have the cap or brick sill interrupted by window or door openings. In all other cases, the material above the brick or stone shall extend over the top edge of the masonry with trim or siding.

c. Masonry openings in a brick or stone façade shall have a stone lintel, a stone or brick arch, or a brick soldier course.

d. All exposed bricks shall not be laid in a stack bond pattern. All joints shall be tooled. Brick panel veneer systems are permitted.

e. The maximum allowable exposure of lap siding is eight inches.

2. *Primary Exterior Finish Materials.* All building facades shall be constructed of a minimum of 60 percent of primary exterior finish materials.

a. Brick, including thin brick;

b. Stone, including cast stone and synthetic stone, provided however, that synthetic stone (*e.g.*, pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete) is identical in appearance and of equal or greater durability to natural stone;

c. Portland cement stucco with a weather barrier layer and wall drainage system; or

d. Architectural masonry units in the following styles:

1. Split face;

2. Weathered face;

3. Sandblasted face; or

4. Ground face.

3. *Secondary Exterior Finish Materials.* The remainder of building elevation(s) may be constructed of the following secondary exterior finish building materials:

a. Exterior Insulation and Finish Systems ("EIFS") provided the following:

1. Use of a wall drainage system (barrier wall systems are prohibited);

2. Use of a 20 oz. high-impact mesh below eight feet above ground level;

b. Fiber cement siding;

- c. Stucco panel; or
- d. Wood materials, or combination thereof.

4. *Prohibited Exterior Finish Materials.* The following building materials are prohibited on all multi-family buildings:

- a. Prefabricated metal wall panels;
- b. Corrugated or ribbed metal panels;
- c. Smooth-faced or un-textured, unfinished concrete blocks;
- d. Plywood;
- e. Plastic;
- f. Wood fiberboard;
- g. Under-fired or unfired clay, sand, or shale rock; and
- h. Painted brick, concrete masonry units, and cementitious stucco.

5. *Approval of Other Exterior Finish Materials.* Other building materials may be used as primary or secondary exterior finish materials if it is demonstrated that they have comparable durability, impact resistance, and aesthetic quality as the materials provided by this Section, and:

- a. They are part of a building that is designed to achieve a Leadership in Energy and Environmental Design ("LEED®") certification, and the materials qualify for LEED points under both the "energy and atmosphere criteria" and the "materials and resources criteria" of the LEED checklists (*e.g.*, U.S. Green Building Council or "USGBC"); or
- b. They are part of a building that is EPA certified as designed to earn the ENERGY STAR, and the materials substantially improve the energy efficiency of the building compared to materials that are permitted above; or
- c. They are pre-approved for use by the City Commission.

Sec. 20.210 Outdoor Lighting

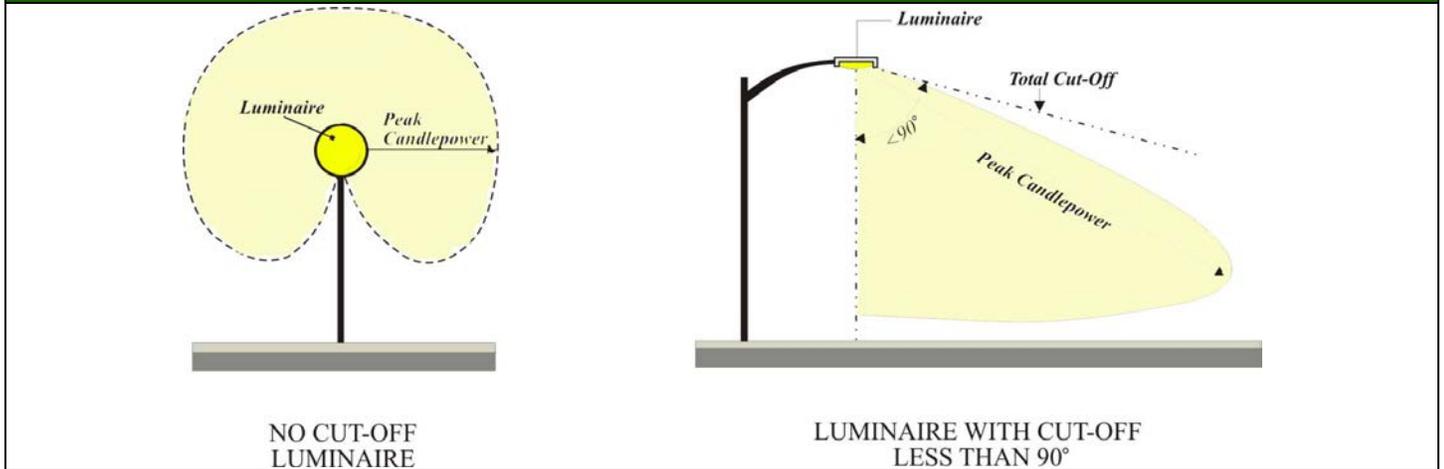
A. **Generally.** The maximum permitted illumination and the maximum permitted light fixture height shall conform to the standards of this Section.

B. Fixture Type.

1. Generally, light fixtures shall be: (*see* Figure 20.210, *Types of Light Fixtures*)
 - a. "Cut-off" fixtures that limit lighting that is visible or measurable at the property line;
 - b. Of constant intensity;
 - c. Reflected or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance, or unreasonably interfere with an abutting property owner's right to enjoy their property.
2. "No cut-off" fixtures may be used only for decorative purposes, provided:
 - a. They have light fixtures that produce no more than 1,500 lumens (approximately equal to a 100 watts incandescent bulb);
 - b. They have a maximum height of 15 feet; and

- c. They use energy-efficient bulbs, such as compact fluorescent ("CF") and light-emitting diode ("LED").

Figure 20.210
Types of Light Fixtures



C. Cut-off Requirements.

1. Except as otherwise allowed for in this Section, all lighting (including, but not limited to street, parking lot, security, walkway, and building) shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture.
2. Lighting fixtures that illuminate landscape plantings, pedestrian walkways, signage, or product display areas shall also conform to the full cut-off fixture requirement.
3. All lighting fixtures that are mounted within 15 feet of a residential property line or public right-of-way boundary shall be classified as IES Type III or Type F (asymmetric forward throw). These fixtures shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way.
4. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
5. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the primary building roofline.

D. Maximum Freestanding Fixture Height. No freestanding light fixture shall be greater than 25 feet in height.

E. Maximum Illumination.

1. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to such abutting properties.
2. Outdoor lighting shall be designed so that any overspill of lighting onto abutting properties shall not exceed three-tenths foot-candles, measured vertically, and three-tenths foot-candles, measured horizontally, on abutting properties.
3. The ground-level luminance ratio (the ratio between the luminance of the brightest point on the property and the darkest point on the property) shall not exceed 12 to one.
4. If additional light is necessary, it shall be provided within an enclosed structure.

F. **Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas, such as gas stations, shall meet the standards of this Section. All light fixtures shall be recessed into the canopy so that they cannot be viewed off-site from an eye height of four feet (to protect automobile drivers from glare).

G. **Outside Wall-Mounted Lighting.** Outside wall-mounted lighting shall also comply with the standards of this Section, except that lighting that is required by the Federal Aviation Administration ("FAA") shall comply with federal standards.

H. **Prohibited Lighting.**

1. *Generally.* No outdoor lighting may be used in any manner that is likely to interfere with the safe movement of motor vehicles on public thoroughfares.
2. *Prohibitions.* The following are prohibited:
 - a. Any fixed light not designed for roadway illumination that produces incident or reflected light that could impair the operator of a motor vehicle;
 - b. The installation, use, or maintenance of beacons or searchlights; and
 - c. Exposed strip lighting or neon tubing used to illuminate building façades or outline buildings or windows or flickering or flashing lights installed in like fashion, except for temporary decorative seasonal lighting.

I. **Exterior Lighting Plan.** An exterior lighting plan is required for all nonresidential, mixed-use, public/institutional, and multi-family development, redevelopment, and major expansions and shall include the following:

1. *Lighting Plan.* A lighting plan that:
 - a. Shows the location and mounting height above grade of light fixtures including building mounted fixtures;
 - b. Shows the location of all buildings, parking spaces, parking aisles, walkways and if applicable any areas dedicated to the outdoor storage or display areas on the lot or parcel; and
 - c. Denotes the type of each light fixture, keyed to a light fixture schedule and picture, cutsheets or line drawings of the proposed light fixtures.
2. *Light Fixture Schedule.* A light fixture schedule indicating fixture type keyed to the plan, the quantity and type of lamp to be used in each fixture along with the rated lumen output of the lamp, the shielding category in which the light fixture belongs (unshielded, shielded, fully shielded, or full cut-off), and a description of the fixture.
3. *Cutsheets.* Cutsheets, pictures or line drawings of each light fixture keyed to the lighting plan.
4. *Photometric Plan.* A photometric plan showing initial horizontal illuminance (maintenance factor = 1.0) calculated at grade using a grid of points no more than 10 feet apart and covering the entire site (excluding buildings) and extending a minimum of 10 feet beyond the lot or parcel property line. The maximum and minimum illuminance values within each specific use area (*i.e.*, outdoor storage or display of merchandise, parking areas, walkways, etc.) shall be clearly distinguished. Statistics for uniformity for each specific use area shall be included on the plan. Photometric plans for sites with existing pole mounted lighting within 50 feet of the property line shall include this existing lighting in the calculation. When photometric data for the existing fixtures is not available photometry for a similar fixture may be used. The fixture(s) used to represent existing lighting shall be included on the lighting fixture schedule and designated as existing.

Sec. 20.211 Signs

A. General Provisions.

1. *Short Title.*

2. *Purpose.*

- a. The City Commission, in order to promote a positive image of the City and surrounding areas to reflect harmony and order, finds that it is appropriate to regulate signs and to provide uniform sign standards.
- b. New businesses and industries are increasingly basing their decisions to locate in a particular area on the quality of life in that area. Regulation of visual clutter can help to preserve this quality and promote the steady growth that is vital to continued economic health and prosperity of the City and its extraterritorial jurisdiction.
- c. The City Commission recognizes that the proliferation of signs without reasonable regulation and control can create a hazardous driving condition by distracting the motoring public.
- d. In enacting these regulations, special notice has been taken of the often competing viewpoints of citizens and the sign industry, particularly that part of the industry engaged in billboard operations. These regulations have been designed to protect and accommodate both concerns.
- e. Therefore, the general objective of these regulations are to promote health, safety, welfare, convenience, and enjoyment of the public while recognizing that the reasonable and orderly display of signs is a necessary public service and a necessity for the conduct of commerce and industry in the continuing quest to inform, direct, and attract shoppers and prospective clients.

3. *Jurisdiction.* The provisions of these regulations shall be applicable within the City limits and its extraterritorial jurisdiction.

4. *Definitions.* The definitions for individual sign types and elements are set out in the definition of signs.

B. Permit Required. No person, firm, or corporation shall erect, construct, install, demolish, convert, relocate, enlarge, repair, modify, or alter any sign within the City limits or the extraterritorial jurisdiction without a construction permit first having been obtained in conformance with this Section.

C. Sign Regulations.

1. *Classification of Signs.* This section concerns the categories of permanent and temporary signs governed by the provisions of these regulations.

a. Signs requiring a permit under the provisions of these regulations are as follows:

1. Back-to-back signs;
2. Billboard signs;
3. Canopy/Awning signs;
4. Freestanding ground signs (*e.g.*, monument or pylon signs);
5. Hanging signs;
6. Marquee signs;
7. Projecting signs; and

8. Wall signs.

b. Signs not requiring a permit under the provisions of these regulations are as follows:

1. A-frame signs;
2. Community service signs not exceeding size limitation;
3. Home occupation signs not exceeding size limitation;
4. Official signs;
5. Political signs (temporary);
6. Public information signs (temporary);
7. Residential name plate sign;
8. Traffic control signs (on private property); and
9. Real estate signs (temporary).

2. *General Regulations.* This subsection concerns the general regulations pertaining to location, size, number, height, setback, and spacing of signs.

a. Identification of signs. Every outdoor advertising display sign hereafter erected, constructed, or maintained, for which a permit is required, shall be plainly marked with the name and address of the person, firm, or corporation erecting and maintaining such sign.

b. Location restrictions.

1. It shall be unlawful for any person, firm, or corporation to place, erect, construct, or use any signs on residential premises, except residential name plates, lease, or sale signs and temporary signs displayed during construction and in connection with construction operations, and temporary signs pertaining to the sale of an addition or subdivision, or signs associated with an approved home occupation, or any other sign allowable as set out in this Section.
2. No outdoor advertising display shall be erected, constructed, or maintained so as to obstruct any fire escape, any window or door, or opening used as a means of egress.
3. No sign shall be attached to a fire escape, nor be placed in such a manner as to interfere with any opening required for legal ventilation.
4. No sign shall be erected on or over public property in a manner which interferes with any fire hydrant, traffic light, or street light, or which hampers the functions of the Fire Department.
5. No person shall place or maintain a flashing light or flashing electric light of any kind or color within 1,000 feet of any state maintained street or highway intersections, unless a permit is granted by the Texas Department of Transportation for such flashing light or flashing electric sign.
6. Sections §§ 752.004 and 752.005 of the Tex. Health & Safety Code make it unlawful to operate or bring any object or operate machinery within six feet of high voltage overhead electric lines. All signs which are erected, constructed, installed, or relocated shall comply with this statute and with the minimum clearance restrictions set out in the National Electrical Safety Code and OSHA Standard 29 CFR 1910.1801.

7. No sign will be permitted in those areas identified as floodway or the 100-year floodplain without compliance with the requirements for a floodplain development permit.
 8. On and after November 2, 1998, no construction permits shall be issued for off-premise signs within the City. On and after April 12, 2004, no construction permits shall be issued for off-premise signs within the extraterritorial jurisdiction of the City.
- c. Fastening and anchoring. All signs shall be securely fastened or anchored to a building wall, structural framing, or other foundation with a sufficient number of bolts or anchors to resist stress resulting from the dead weight of the sign and wind loads (*see* City Building Code for allowable working stresses). Trees, rocks, bridges, fences, windmills, towers, utility poles, or buildings deemed unsafe by the Code Official shall not be used for sign supports.
 - d. Materials. All signs shall be constructed of durable materials and securely attached to framework, with supports made of masonry, wood, metal, or other material of equivalent strength.
 - e. Electric Wiring. Electrically illuminated signs or signs which are equipped in any way with electrical devices or appliances shall conform to the provisions of City Electrical Code.
 - f. Sign inspections. The Code Official shall have the right to visit any site where a sign is being erected, or enter any building where a sign is being constructed for installation within the City or its extraterritorial jurisdiction for the purpose of making any inspection necessary.
 - g. Public right-of-way.
 1. Signs projecting from a building or extending over public right-of-way in the commercial business area shall maintain a clear height of nine feet above the sidewalk grade, and all such signs shall not extend more than two feet of the curbline. Freestanding signs shall maintain a 20 foot setback from the curbline or zero feet from the property line, whichever is greater. A maximum height of 20 feet shall be allowed at the property line.
 2. In no instance shall a sign extend into the right-of-way of any state-maintained street or highway.
 - h. Maintenance of area beneath signs. For all freestanding signs, a 100 square feet area beneath the sign shall be mowed and maintained in a neat and clean condition.
 - i. Sign area calculation. In calculating the area of a sign, the perimeter of the area shall be a line including the outer extremities of all letters, figures, characters, and delineations, or a line including the outer extremities or the framework of background upon which the sign is placed, whichever line includes the larger area.
3. *Specific Regulations.* This subsection concerns the specific regulations pertaining to location, size, number, height, setback, and spacing of signs.
 - a. A-frame signs.
 1. Location. Allowed on properties permitted and used for nonresidential or mixed-use purposes.
 2. Size. Eight square feet per sign.
 3. Number. One sign per location. Two signs per corner location.

4. Setback. Behind property line; minimum of six feet behind curb.

- b. Canopy signs. Signs on freestanding canopy or detached accessory island canopy may be placed at any location on the canopy, provided that such signs shall not project beyond the width or length thereof and shall not be illuminated.
- c. Freestanding ground signs, nonresidential, mixed-use, and public/institutional use. Each use, parcel, building, or land under common ownership or control shall be limited to one freestanding ground sign per street frontage subject to the following. In the West Fort Bend Management District (WFBMD), only the size, type, and height regulations shall control in their area of jurisdiction where their standards apply.

1. Location.

- a. Freestanding ground signs shall only be placed between the property line and the applicable building or parking setback area.
- b. Freestanding ground signs shall not be located closer than five feet from the lot line of another nonresidential, mixed-use, or public/institutional lot, nor within 50 feet of another nonresidential, mixed-use, or public/institutional ground sign, and not less than 25 feet from a lot used for residential purposes. These separation requirements shall not preclude each nonresidential, mixed-use, or public/institutional property owner from having at least one sign, provided however, that any sign not meeting the separation distance requirements of this subsection, shall have the sign located as far away from the existing sign on abutting property as practically possible.

2. Design.

- a. All freestanding ground signs shall be located on a sign base constructed of concrete not to exceed 18 inches in height.
- b. All freestanding signs shall be designed using the same building materials as used on the buildings on the property for which it advertises.
- c. Sign face maximum, as set out below, are per sign face if configured on a single back-to-back free standing sign. No sign shall contain more than two sign faces.

3. Maximum size. Not including the square footage of buildings on out-parcels, such signs shall not exceed:

- a. Buildings with combined square footage less than 15,000 square feet: 36 square feet in sign area per sign face and not to exceed four feet in height.
- b. Buildings with combined square footage 15,000 square feet to less than 60,000 square feet: 100 square feet in sign area per sign face and not to exceed 10 feet in height.
- c. Building with a combined square footage greater than 60,000 square feet: 200 square feet in sign area per sign face and not to exceed 20 feet in height.

d. Freestanding ground signs, residential. This subsection only applies to multi-family uses, manufactured home parks or subdivisions, recreational vehicle parks, and/or entrance monuments for subdivisions with a property owners' association. Such signs:

1. Location and Maximum Size.

a. May be incorporated into larger entrance monumentation and landscaping, including in medians of public or private streets of the subdivision entrance, as long as the street width of individual lanes meet the minimum requirements of all applicable City ordinances, including Ord. Nos. 85-46 and as amended by 2000-20 and 2004-04.

b. Each subdivision may have a maximum of two signs, one located on each side of the street of the main entrance, with each sign face not exceeding 50 square feet, which may be located within a larger entrance monument structure (*e.g.*, a wall). Alternately, the maximum area of each sign face could be configured into a single back-to-back sign located within a center median of the main entrance (on property maintained by a property owners' association) or elsewhere on property owned and maintained by the property owners' association within 50 linear feet from the main entrance.

c. Each additional entrance to the subdivision shall meet the requirements set out above, but shall have a maximum sign face of 30 square feet.

d. Entrance monument sign shall be located a minimum of 10 feet from the right-of-way of the street the subdivision takes access from and cannot impede vehicular or pedestrian access or site distance triangles.

2. Design. All freestanding ground signs shall be located on a sign base constructed of concrete not to exceed 18 inches in height and surrounded by landscaping.

e. Hanging signs. All permanent signs shall be erected so as not to overhang any street or alley.

1. Location. May be hung perpendicular to, suspended from, or attached to any building, wall, or canopy on residential premises. Signs may also be suspended under a marquee.

2. Height. Shall maintain a clear height of nine feet above the sidewalk grade and shall not extend within two feet of the curb line.

f. Marquee signs. Marquee signs not more than four feet tall, excluding any top ornament supported directly by the marquee or awning, may extend around three sides of a marquee or awning.

g. Political signs. Political signs shall be subject to the following restrictions:

1. Political signs shall not exceed 36 square feet, have any moving elements, be illuminated, or reach a height greater than eight feet.

2. Shall not be placed on a right-of-way, traffic sign or signal, or utility pole in the City. May be placed on private real property only and with the permission of the property owner.

3. Shall be removed within seven days following an election.

h. Projecting signs. *See* subsection C.3.e, *Hanging signs*, of this Section requirements for hanging signs.

i. Public information signs.

1. Location. Subject to approval of the Code Official.
2. Number. Subject to approval of the Code Official.
3. Size. Shall be a maximum of six square feet.
4. Height. Bottom of sign not to exceed nine feet above average grade.

j. Residential name plate signs.

1. Purposes. To indicate the address and/or name of the occupant.
2. Size. Shall not exceed two square feet per single-family and duplex structure or one half square foot per each multi-family unit.
3. Height. No part of the sign shall extend above eight feet from average grade.

k. Traffic control signs (on private property). All traffic control signs shall be of uniform design and shall conform to the overall sign program for the entire site. No traffic control sign shall contain advertising. Such signs may be either freestanding or wall mounted and if lighted, shall be indirect.

1. Height. No part of such sign shall extend above seven feet from average grade.
2. Size. Shall be uniform size(s) recommended in the "[Texas Manual on Uniform Traffic Control Devices for Streets and Highways](#)."

l. Wall signs. Wall signs are attached, on-premise signs and shall be governed by the following restriction:

1. They shall not project horizontally beyond the perimeters of the wall or extend above the wall to which it is attached.
2. Wall signs shall not project more than 12 inches from the wall.

4. *Message Centers*. Manual and electronic message centers may be used in monument signs and marquee signs to a limited degree, pursuant to the applicable standards of this Subsection.

a. *Removal of Portable Changeable Copy Signs*. If a message center is incorporated into a new or existing sign, then all portable message center signs shall be removed from the property upon completion of the new or modified sign as a condition of the sign permit.

b. *Electronic Message Centers*. Electronic message centers may be incorporated into signage as follows:

1. *Design Requirements*.

a. Electronic message centers are only permitted on monument signs or marquee signs which enclose the electronic message center component on all sides with a finish of brick, stone, stucco, or sign face that extends not less than six inches from the electronic message center in all directions.

b. Electronic message centers shall make up not more than 25 percent of the sign area of a monument sign or 40 percent of the sign area of a

marquee sign. The balance of the sign area shall utilize permanent, dimensional letters or symbols.

c. No sign structure that includes a cabinet, box, or manual changeable copy sign may also include an electronic message center.

2. Operational Requirements. Electronic message centers:

a. Shall be monochromatic;

b. Shall contain static messages only;

c. Shall display messages for a period of not less than one minute;

d. Shall not use transitions or frame effects between messages;

e. Shall include an automatic dimmer that dims the sign at dusk or low-light conditions; and

f. Shall be turned off each day by the later of 10:00 PM or upon closing of the associated land use.

c. Manual Changeable Copy Message Centers. Manual changeable copy signs may be incorporated into signage as follows:

1. Manual changeable copy message centers are only permitted on monument signs or marquee signs which enclose the message center component on all sides with a finish of brick, stone, stucco, or sign face that extends not less than six inches from the message center in all directions.

2. Manual changeable copy message centers, including their frames, shall make up not more than 50 percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols.

3. Manual changeable copy message centers shall not be internally lit unless:

a. They use opaque inserts with translucent letters, numbers, or symbols;

b. Blank opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and

c. The opaque portion of the letters, numbers, and symbols is the same color.

5. *Prohibited Signs*. The following signs shall be prohibited in the City and in its extraterritorial jurisdiction:

a. Mobile, portable, or wheeled signs, excluding A-frame signs;

b. Flags, banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other moving devices;

c. Any sign in danger of falling or which is otherwise unsafe. Such signs shall be immediately repaired or removed, upon notice for such action by the Code Official to the owner/operator of the premises on which the sign is located;

d. Off-premises signs as set out in subsection C.2.b.8., of this Section;

e. Signs erected nearer than six feet to any telephone cable, power line, or street light standard;

- f. Signs erected or maintained on trees, or painted or drawn upon rocks or other natural features;
- g. Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or abutting property, excepting an identification sign that is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;
- h. Signs placed, inscribed or supported upon a roof or upon any structure that extends above the roof line of any building;
- i. Inflatable materials, shapes, or devices;
- j. Any signs which resemble official traffic signs or signals, or which bear the word "stop," "go slow," "caution," "danger," "warning," or similar words or any sign which by reason of size, color, location, movement, or manner of illumination, may be confused with a traffic control sign, signal, or device;
- k. Signs that employ any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention;
- l. Lighted signs within 100 feet of a predominantly residential area, unless lighting is shielded from view in the direction of the residential area;
- m. Beacons or searchlights;
- n. High intensity strobe lights;
- o. Off-premises directional signs;
- p. Pole signs;
- q. Projecting signs; or
- r. Signs with more than two sign faces.

6. *Prohibited Sign Materials.* The following sign materials shall be prohibited in the City and in its extraterritorial jurisdiction:

- a. Paper and cloth signs are not suitable and shall not be used for exterior use (except high quality, weather-resistant cloth for awnings).
- b. Wood signs must be sealed and maintained to keep moisture from deteriorating the sign.
- c. Signs may not be constructed of plywood or particle board, by simply painting letters on wood, or using "sticker" letters.
- d. Commercial grade vinyl letters applied onto glass may be permissible at the discretion of the Code Official.

7. *Prohibited Sign Colors.* Iridescent colors are prohibited in the City and in its extraterritorial jurisdiction.

8. *Prohibited Design Elements.* The following sign design elements shall be prohibited in the City and in its extraterritorial jurisdiction:

- a. The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent:
 - 1. Sound, smoke, or odor emitters.
 - 2. Awnings that are back lit and/or made of plastic or vinyl.

3. Stacked products (*e.g.*, tires, soft drink cases, bagged soil or mulch).
4. Unfinished wood support structures, except that stake signs may use unfinished stakes.

b. The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent, which are visible from public rights-of-way:

1. Flags, banners, or comparable elements that are designed to move in the wind, but only when such elements are attached to another sign type (*e.g.*, flags may be attached to flagpoles, but may not be attached to monument signs).
2. Revolving, rotating, whirling, spinning, or other moving parts to attract attention.
3. Bare light bulbs, except on holiday displays which are exempted from regulation by subsection C.10.b., of this Section, or those used in the restoration or reproduction of nostalgic historical displays of a past era in the City's Historic Overlay District, which is described in Ordinance No. 29-2012.
4. Flashing lights, except on holiday displays which are exempted from regulation by subsection C.10.b., of this Section.
5. Motor vehicles, unless:
 - a. The vehicles are functional, used as motor vehicles, and have current registration and tags; and
 - b. The display of signage is incidental to the motor vehicle use; and
 - c. The motor vehicle is properly parked in a marked parking space or is parked behind the principal building or a distance of no less than 15 feet from public rights-of-way.
6. Semi-trailers, shipping containers, or portable storage units, unless:
 - a. The trailers, containers, or portable storage units are functional, used for their primary storage purpose, and, if subject to registration, have current registration and tags; and
 - b. The display of signage is incidental to the use for temporary storage, pick-up, or delivery; and
 - c. The semi-trailer is parked in a designated loading area or on a construction site at which it is being used for deliveries or storage.

9. *Prohibited Sign Content.* The following sign content shall be prohibited in the City and in its extraterritorial jurisdiction:

- a. The following content is prohibited without reference to the viewpoint of the individual speaker:
 1. Text or graphics of an indecent or immoral nature and harmful to minors;
 2. Text or graphics that advertise unlawful activity;
 3. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or
 4. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or

comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

- b. The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Texas Constitutions, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Commission that each paragraph of this subsection (*i.e.*, subsection C.9.a.1., C.9.a.2., C.9.a.3., or C.9.a.4.) be individually severable in the event that a court of competent jurisdiction is to hold one or more of them to be inconsistent with the United States or Texas Constitutions.

10. *Exempted Signs.* The provisions of these regulations shall apply to the following signs, except that no construction permit will be required:

- a. Prior existing signs. A legal sign in existence before the effective date of these regulations.
- b. Holiday displays. Temporary displays, commonly associated with any national, local, or religious holiday or celebration for a duration not to exceed 90 days per holiday.
- c. Home occupation signs. One non-illuminated name plate not exceeding one square foot in area which is used to identify legal home occupations.
- d. Official signs. Federal, state, or local government traffic, directional, and informational signs and notices issued by any court, person, or officer in performance of a public duty.
- e. Political signs. *See* subsection C.3.h., of this Section.
- f. Public utility signs. Signs giving information about the location of underground electric transmission lines, telephone properties and facilities, pipelines, public sewers, or water lines.
- g. Real estate signs. Temporary signs advertising the sale, lease, or development of the property:
 - 1. Such signs shall be located on property owned by the developer in the development.
 - 2. Only one sign is allowed per abutting street frontage.
 - 3. Each sign shall not exceed 36 square feet.
- h. Residential name plate signs. Signs indicating the name and/or address of the occupants of the residence, not to exceed two square feet in area.
- i. Safety, warning, and directional signs. Signs warning of construction, excavation, or similar hazards, and parking lot and other private traffic directional signs, each not to exceed the uniform sizes recommended in the "[Texas Manual on Uniform Traffic Control Devices for Streets and Highways](#)." Such signs are limited to directing pedestrian and vehicular traffic within the premises on which they are located and are not intended to advertise a product or service.

11. *Nonconforming Existing Signs, Grandfather Clause.* Every sign lawfully existing prior to November 2, 1998, which lies within the City and every sign lawfully existing prior to April 12, 2004, which lies within the extraterritorial jurisdiction of the City need not conform with the provisions of these regulations; but no such sign shall be altered, replaced, relocated or repaired if the cost of repair is more than 60 percent of the cost of replacement, except in conformance herewith and after a construction permit has been issued, as required herein.

12. *Maintenance and Removal of Signs.* Signs that do not have a permit, or are not maintained as set out in this Subsection, are subject to the provisions set out in Subsection C.12., below.

- a. Message. Signs shall display messages. Signs that do not display a message for a period of more than 90 days are abandoned.
- b. Upkeep of Ground Around Sign. No person constructing, erecting, owning or controlling a freestanding ground sign shall fail, refuse, or neglect to remove all weeds, rubbish, or flammable waste or material within a distance of 10 feet on each side of the base of such structure.
- c. Sign Structure, Generally. No person shall fail to keep a permanent sign and its structural supports in good repair and safe condition. This Section shall be enforced as provided in subsection D., *Enforcement*, below.
- d. Paint and Finishes. Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.
- e. Mineral Deposits and Stains. Mineral deposits and stains shall be promptly removed.
- f. Corrosion and Rust. Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements is not considered rust.
- g. Level Position. Signs that are designed to be level shall be installed and maintained in a level position.

13. *Relocation, Reconstruction and Removal of Signs.* Subject to the requirements of Tex. Local Gov't. Code, [Chapter 216](#), *Regulations of Signs by Municipalities*, the City may require the relocation, reconstruction, or removal of any sign within the City limits and extraterritorial jurisdiction.

- a. The Code Official may order the removal of any sign that is not maintained in accordance with the provisions of these regulations. If any sign is installed, erected, or constructed in violation of the terms of these regulations, the Code Official shall notify, by registered mail or written notice served personally, the owner or lessee thereof to alter such sign so as to comply with these regulations and to secure the required permit or to remove the sign. If such order is not complied with within 10 days, the Code Official shall remove the sign at the expense of the owner/operator.
- b. The Code Official may, without paying compensation, remove any illegal sign placed in the public right-of-way.
- c. The owner of any existing legal sign that is required to be relocated, reconstructed, or removed is entitled to be compensated by the City for costs associated with the relocation, reconstruction, or removal, as set out in Tex. Local Gov't. Code, [Chapter 216](#), *Regulation of Signs by Municipalities*.
- d. The Code Official may, without paying compensation, as set out in Tex. Local Gov't. Code, Section [216.003](#), *Municipal Regulation*, require the removal of an on-premise sign or sign structure not sooner than the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. If the premises containing the sign or sign structure is leased, a municipality may not require removal under this subsection sooner than the second anniversary after the date the most recent tenant ceases to operate on the premises.
- e. All on-premise, abandoned signs and their supports shall be removed within 90 days from the date of abandonment.

- f. All damaged signs shall be removed within 90 days from the date of such damage except in times of natural disaster. The Code Official shall have the authority to grant a one time extension not to exceed 90 days for abandoned, nondamaged signs, provided that the extension is requested in writing.

D. Enforcement.

1. *Enforcement of Provisions; Authority.* The provisions of these regulations shall be enforced by the Code Official and administered by City Manager. The Code Official shall have the authority to order the painting, repair, or removal of a sign.
2. *Variance Procedures.*
 - a. The City Commission shall have the authority to grant a variance to the height, spacing, and setback requirements of these regulations in cases where it is determined that strict compliance with the provision herein will inflict unusual and practical difficulties. The City Commission may grant a variance only to those height, spacing, and setback requirements established in these regulations.
 - b. When application for a variance is made to the City Commission, a public hearing on the request shall be held. Written notice of all public hearings on variance requests shall be given to all owners of property, or to persons rendering the property for City taxes, affected by such variances, located within 200 feet of any property, not less than 10 days before any hearing is held. In addition, notice of the hearing shall be published in a newspaper of general circulation, not less than 10 days before any hearing is held.
 - c. No notices of any application for a variance shall be given, and no hearings shall be held by the City Commission, until a filing fee accompanying the application is paid. The filing fee shall be prescribed by the City Commission from time to time.

E. Penalty. A person who violates any provision of these regulations is guilty of a Class C misdemeanor and upon conviction is punishable by a fine not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Sec. 20.212 Landscaping, Buffering, and Tree Preservation

A. Purpose and Intent. The purpose of this Section is to establish landscaping standards that protect and preserve the appearance and character of the City, protect the health and quality of life of the residents through the preservation of protected trees, and conserve scarce water resources by promoting the planting of native and drought-resistant trees and shrubs. In establishing these standards, it is the City Commission's intent to encourage the preservation of trees and their value to the community, increase the compatibility of abutting uses, and to minimize the effects on the surrounding environment due to noise, dust, debris, artificial light intrusions, and other impacts of an abutting or nearby use.

B. Applicability of Standards. This Section applies to all new development, redevelopment, and substantial improvements in the City and extraterritorial jurisdiction (ETJ), and where specifically indicated, to existing trees and landscaping.

C. Exceptions. The following are exceptions to the standards of this Section:

1. Individual lots of record that are used for existing single-family detached or attached dwellings, or duplexes, unless required by this Section.
2. Modifications to nonresidential buildings where the building expansion or redevelopment does not exceed the gross floor area of the existing building by more than 10 percent or 3,000 square feet, whichever is less.

3. Sites that are proposed for redevelopment or substantial improvement, where due to the geometry of the site or existing improvements, installation of landscaping in compliance within this Section would be impractical or unreasonable, in which case the City's professional reviewer may approve a lesser landscaping requirement, provided that the reduction of landscaping standards is only the extent necessary to make the installation practicable. In no case shall this exception be interpreted to lessen these requirements for reasons other than those provided.

D. Approved Plant Lists. Only plants set out in Appendix D, *Industrial Development and Redevelopment Standards Suggested Plant Palette*, of the WFBMD District Standards count towards the landscape requirements of this Section. The use of native, disease- and drought-resistant varieties of plant materials is strongly encouraged.

E. Buffering. The bufferyards required between areas of different uses that are required by these regulations are based on the amount of screening (*i.e.*, opacity) they provide. Bufferyards are classified from less screening (Type A) to more screening (Type D).

1. *Bufferyard Options.* There are two bufferyards options. Landscape only bufferyards are the preferred option and use a higher density of plant material to screen abutting properties. For properties more constrained by size, a second option provides a similar level of screening, but allows a berm, wall, or fence to be used in conjunction with a smaller width of landscape strip and lower density plant material. Each option identifies the width of the buffer and the numbers and types of plants required per 100 linear feet, or portion thereof. The minimum planting requirements for each type and composition of bufferyard are set out in Table 20.212A, *Bufferyard Classifications*.

Table 20.212A Bufferyard Classifications						
Type (Opacity)	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall or Fence ¹
		Large Trees	Small Trees	Evergreen Trees	Shrubs	
Option 1: Landscape Only Bufferyard						
Type A (10%)	10'	1	1	1	5	N/A
Type B (25%)	15'	2	1	3	10	N/A
Type C (50%)	25'	4	3	5	20	N/A
Type D (65%)	40'	4	5	5	25	N/A
Option 2: Landscape with Berm, Wall, or Fence ²						
Type A (10%)	5'	-	1	0	5	30" tall masonry wall
Type B (25%)	10'	1	1	1	15	3' tall masonry wall
Type C (50%)	15'	2	2	3	15	5' fence or 4' berm
Type D (65%)	25'	3	5	5	25	3' berm
TABLE NOTES:						
N/A - Not Applicable.						
¹ A berm, wall, or fence is not required for landscape only bufferyards.						
² Plant material, except large trees, must be installed on the outside of the wall or fence facing the street or abutting properties.						

2. *Use Bufferyards.* Set out in Table 20.212B, *Use Bufferyards*, are the required bufferyards between properties (delineated by types of uses) that are not separated by a public or private street. Landscaping along property lines that are bordered by a public or private street are subject to the landscaping requirements set out in Subsection F., *Development Landscaping*, of this Section. The rows show the use of the parcel proposed for development and columns show the use of the abutting land. Two letters are shown for each condition. The bufferyard required for the parcel proposed for development is listed first. The letter listed second is the buffer that is or may be required on the abutting property when it is developed, redeveloped, or substantially improved in the future. Where "-" is found there is no use bufferyard required.

**Table 20.212B
Use Bufferyard Standards**

Use of Parcel Proposed for Development	Use of Abutting Parcel				
	Agriculture	Residential	Mixed-Use and Nonresidential (Commercial, Office, Other)	Nonresidential (Industrial)	Public / Institutional
Agriculture	-/-	-/B	-/C	-/C	-/C
Residential (Single-Family Detached and Attached)	B/-	B/B	B/C	B/D	B/C
Mixed-Use, Nonresidential (Commercial, Office, Other), and Multi-Family	C/-	C/B	-/-	B/C	B/B
Nonresidential (Industrial)	C/-	D/B	C/B	-/-	D/C
Public / Institutional	B/-	C/B	B/B	C/D	-/-

3. *Existing Abutting Development without Bufferyards.* Where the abutting property is an existing single-family detached, duplex, or other single-family attached residential property or existing development that does not have the required use boundary bufferyard, the proposed mixed-use, nonresidential, multi-family, or public/institutional development shall provide a bufferyard of the next higher classification (*e.g.*, if the requirement is a Type B bufferyard, then the screening of the parcel proposed for development shall be a Type C bufferyard).

F. Development Landscaping. In addition to the buffering requirements set out in Subsection E., above, all nonresidential, mixed-use, multi-family, and public/institutional uses shall be landscaped per the requirements set out in Subsection F. 1., *Parking Lot Landscaping*, and Subsection F.2., *Site Landscaping*, of this Section.

1. *Parking Lot Landscaping.* Parking lot landscaping is required within and around nonresidential, mixed-use, and multi-family parking lots that contain more than five parking spaces. This subsection does not apply to single-family detached or single-family attached uses. Required parking lot planting requirements are set out in Table 20.212C, *Parking Lot Planting Requirements*, and illustrated in Figure 20.212A, *Parking Lot Landscape Areas*.

**Table 20.212C
Parking Lot Planting Requirements**

Planting Locations	Required Plantings	Design
All Parking Lots		
At the end of each parking row in endcap islands	1 large tree or two small trees, and groundcover ²	Each endcap island shall be not less than nine feet wide and the length of the parking space ¹ with 10 foot curb radii on the side closest to the parking aisle
At the corners of parking lots in corner islands	1 large tree or 3 small trees and groundcover ²	Each corner island shall be defined by the intersection of the parking rows at each corner of the parking lot
Along the edge of all parking areas that are visible from the public or private street right-of-way or along access drives to multitenant centers	Hedge, shrub, or ornamental grasses and groundcover ²	3' wide continuous 3' tall hedge, shrub, or ornamental grasses immediately abutting and screening all parking spaces
Parking Rows with Less Than 30 Parking Spaces		
In the middle of parking rows planted at intervals of not less than one island for each 10 parking spaces	1 large tree and groundcover ²	Each interior island shall be not less than nine feet wide and the length of the parking space ¹ with five foot curb radii on the side closest to the parking aisle
Parking Rows that Equal or Exceed 30 Parking Spaces		
In the middle of parking rows planted at intervals of not less than one island for each 10 parking spaces	1 small tree, and mulch or groundcover ²	Each interior island may be reduced to 16 square feet configured in a diamond pattern, with the center point of the diamond located at the point where two (for a single parking row) or four parking spaces meet (for double parking rows). See Figure 20.212B, <i>Large Parking Row Reduced Interior Islands</i>

TABLE NOTES:

¹ For example, if there is single row of 90 degree parking spaces, the length is 18 feet; if there is a double row of 90 degree parking spaces, the length is 36 feet.

² Groundcover shall consist of xeric shrubs, ornamental grasses, or perennials that are planted at intervals of not less than three feet in a bed of mulch, and sod, which may only be used for a maximum of 25 percent of the groundcover area and shall not include concrete, asphalt, or other impervious surfaces, with the exception of decorative pavers or stamped, dyed concrete which may be used only within the first one and a half feet of the parking island (not reduced parking islands) to allow persons to access their vehicle without stepping on landscaping. The height of groundcover plant species chosen shall not interfere with sight distance triangles along access drives or anywhere throughout the parking lot.

Figure 20.212A
Parking Lot Landscape Areas

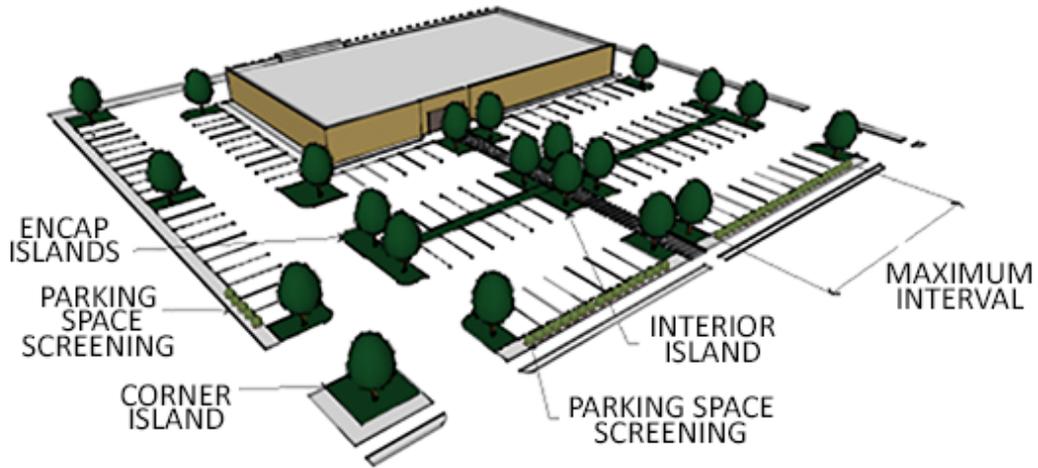
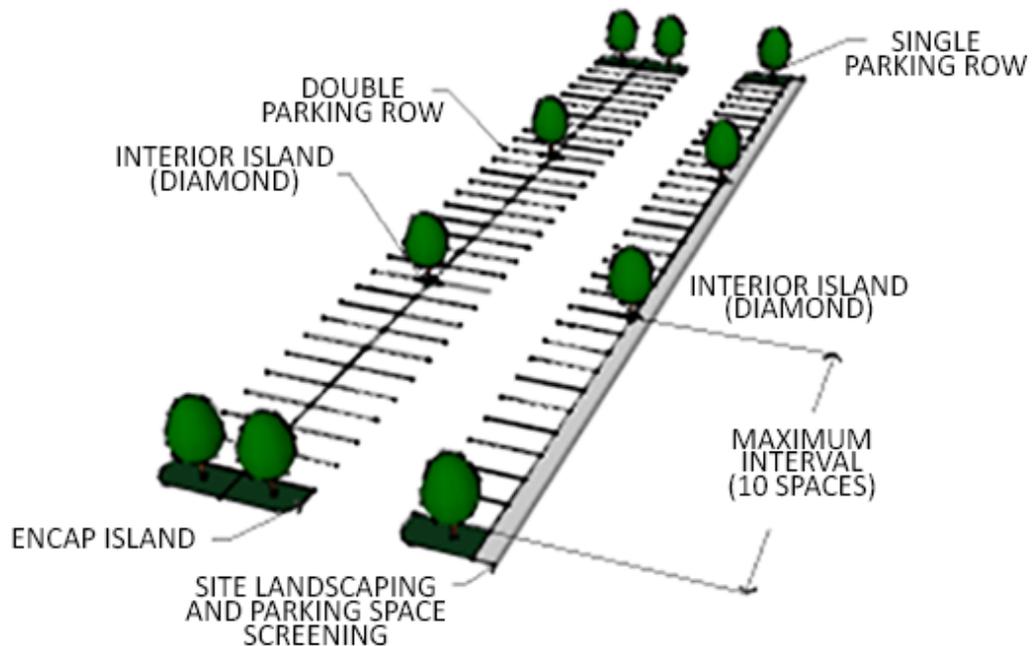


Figure 20.212B
Large Parking Row Reduced Interior Islands



2. Site Landscaping.

- a. Planting Location. All areas not designated as bufferyards, parking lot landscaping, or required for pedestrian and vehicular access to the building (*e.g.*, sidewalks, parking spaces, loading spaces, service areas, and drive-in or drive-through facilities on the side of the building with a service window) shall be, at minimum, landscaped meeting the requirements of this subsection.
- b. Planting Requirements. The required planting area shall be planted as follows:

1. Front Yard and Street Side Yard.

- a. Trees: One large tree, or three small trees group or planted with irregular spacing, shall be planted within the front and street side planting areas for each 30 linear feet of frontage measured parallel to the building, or portion thereof;
- b. Shrubs: Five shrubs shall be planted within the front and street side planting areas for each 30 linear feet of frontage measured parallel to the building, or portion thereof. The shrubs may be planting in a continuous line or in groupings. Ornamental grasses may be used to meet up to 25 percent of the shrubbery requirement;
- c. Groundcover: All remaining ground surface not covered by Subsection F.2.b.1.a. and F.2.b.1.b., above, shall be groundcover, which shall include sod, ornamental grasses, mulch, or perennial or seasonal plantings; and
- d. Exception: In lieu of the required groundcover and shrubbery, wet ponds with fountains, vegetated rain gardens, naturalized wetlands and/or xeriscape gardens may be used and approved during the review of the site plan.

2. Interior Side Yard.

- a. Trees: One large tree, or two small trees, shall be planted with a maximum spacing of 20 feet between the primary tree trunk or from the center of the root ball, as applicable, along the entire length of the side; and
- b. Shrubs: Shrubs shall be planted as set out in Subsection F.2.b.1.a., above; and
- c. Groundcover: All remaining ground surface not covered by Subsection F.2.b.1.a. and F.2.b.1.b., above, shall be groundcover, which shall include sod, ornamental grasses, mulch, or perennial or seasonal plantings.

3. Rear Yard. One large tree, or two small trees, shall be planted for each 30 linear feet of distance measured parallel to the building. All other areas shall be covered in groundcover, which may include sod, ornamental grasses, mulch, or perennial or seasonal plantings.

G. Tree Preservation. The mature tree canopy within the City limits has been identified by the City Commission as something that needs to be protected within the City limits and extraterritorial jurisdiction in order to protect the City's remaining natural resources and to improve overall health and quality of life and economic competitiveness, while accommodating the ensuing growth and development. As such, Ord. No. 2005-22, *Tree Removal*, is included by way of reference.

H. Site Plans.

1. *Landscape Plan Required.* Compliance with the standards of this Section shall be demonstrated by schematic landscape and irrigation plan.
2. *Landscape Architect Required.* Landscape plans for nonresidential, mixed-use, multi-family, and public/institutional development shall be prepared by a registered landscape architect who is licensed to practice in the State of Texas.
3. *Contents of Schematic Landscape Plan.* The landscape plan shall include the elements that are set out in this Section. The City's professional reviewer may waive elements of the landscape plan if it is found that they are unnecessary due to the type of development approval sought, or the conditions of the site being developed, or both. The City's professional reviewer is authorized to require additional information on the landscape plan as needed to administer the requirements of these regulations. The schematic landscape plan shall include all of the following information:

- a. Plan Drawing. A plan view, drawn to scale, that shows:

1. The location and species of each plant, showing the anticipated canopy or spread of the plant five years after installation;
2. The general layout of irrigation systems;
3. The location of existing landscaping for which credit is requested, including the diameter at breast height measurements of large trees; and
4. The location of property lines; building footprints, utility easements, and power lines.

- b. Tabular Information. Tabular information that shows, for each landscape area required by this Section:

1. The surface area available for planting;
2. The number of large trees, evergreen trees, small trees, and shrubs, perennials, or ornamental grasses that are required in each area; and
3. The number of, and species of, large trees, evergreen trees, small trees, and shrubs, perennials, or ornamental grasses that are provided in each area (if any conversions from one classification of plant to another are applied, the conversions shall also be shown).

4. Approval and Timing of Approval.

- a. Plans meeting the standards of these regulations shall be approved. However, in reviewing the plans, adjustments in the location of plants may be required where the City finds such alterations would better serve the purposes for which they are intended.
- b. Landscape plans containing street trees, open spaces, and residential bufferyards shall be submitted for approval at the development plat or preliminary plat application stage, whichever is applicable.
- c. Landscape plans containing development landscaping; nonresidential, mixed-use, public/institutional, or multi-family bufferyards; shall be submitted for approval during the development plat or site plan review process (whichever is applicable), which is prior to the building permit stage.

I. Size and Quantity Requirements.

1. All plant materials shall be of good quality, container grown or balled and burlapped in accordance with the most current edition of the American Standard for Nursery Stock.

2. Large trees shall be at least 2.5 inches caliper.
3. Small trees shall be at least two inches caliper.
4. Evergreen trees shall be six feet tall at the time of planting.
5. Shrubs shall be in five gallon containers at planting.

J. Maintenance.

1. Maintenance of the landscape areas and plantings required by this Section shall be maintained and all plant materials that die shall be the responsibility of the owner/operator to ensure replacement.
2. The City may inspect each site periodically after approval of a development plat or issuance of the certificate of occupancy to ensure compliance with the Section.

Sec. 20.213 Outdoor Storage

A. Generally. Outdoor storage is permitted as an accessory use to buildings on properties used for nonresidential, mixed-use, and public/institutional purposes subject to the standards of this Section. Outdoor display of merchandise is regulated by Section 20.214, *Outdoor Display of Merchandise*.

B. Prohibitions. Outdoor storage areas shall not be used to dispose of inoperable machines or wastes, store or dispose of hazardous materials, or store or dispose of materials that will create windblown dust or debris or stormwater contaminants.

C. Standards by Use.

1. *Agricultural Uses.* Exempt.
2. *Nonresidential Commercial Retail/Service Uses, Mixed-Use, and Public/Institutional Uses.* Outdoor storage areas are permitted if it is demonstrated that the outdoor storage area:
 - a. Is not larger than 10 percent of the gross floor area of the principal building; and
 - b. Is located outside of the required parking setback area (see Table 20.205A, *Required Parking Setbacks*); and
 - c. Is screened in one of the following ways:
 1. Enclosed by a wall that is designed into the principal building's façade and composed of the same materials as the principal building; or
 2. Enclosed by a masonry wall or opaque fence and gate of sufficient height to completely screen the stored materials from public view and rights-of-way. Such wall, fence, and gate shall be of a durable material that does not include slats and shall be landscaped with a continuous hedge along its entire length, except at points of access.
3. *Nonresidential Industrial Uses.* Outdoor storage areas are permitted if it is demonstrated that the outdoor storage area:
 - a. Is not larger than 25 percent of the gross floor area of the principal building; and
 - b. Is located in the buildable area in the rear yard and / or interior side yard; and
 - c. Is screened in one of the following ways:
 1. Views from public rights-of-way are completely blocked by the principal building;or

2. The area is enclosed by a wall, opaque fence, or landscaping of sufficient height to completely screen the stored materials from public view.

4. *Nonresidential Office Uses.* Outdoor storage is not allowed.

5. *Residential Uses.* Outdoor storage is limited to that normally associated with residential uses and subject to the City's adopted property and maintenance codes, as set out in Ord. No. 2009-04, or as subsequently amended.

Sec. 20.214 Outdoor Display of Merchandise

A. **Generally.** This Section sets out the standards that are applicable to outdoor merchandise display areas. Outdoor storage of items other than merchandise is regulated by Section 20.213, *Outdoor Storage*.

B. **Display Areas that are Attached to Principal Buildings.** Outdoor display areas that are attached to a principal building are permitted if it is demonstrated that the display areas are:

1. Adjacent to a wall of a principal building or structure, and configured as a walled or decoratively fenced area that entirely screens the merchandise on all sides;
2. Within the buildable area of the site;
3. Not located in areas that are required or used for access or parking, loading, or vehicular circulation;
4. Not located inside of require parking setback areas (see Table 20.205A, *Required Parking Setbacks*); and
5. Not larger than the area set out in Table 20.214, *Area of Outdoor Display of Merchandise*.

Table 20.214 Area of Outdoor Display of Merchandise	
Use	Maximum Outdoor Display Area
Retail Sales and Services	15 percent of floor area of principal building
Heavy Retail (<i>i.e.</i> , Home Centers, Warehouse Clubs, and Superstores)	30 percent of floor area of principal building
Heavy Retail - All Others	35 percent of lot area
Nurseries and Greenhouses, Retail	Area within building envelope

C. **Sidewalk Displays.** Displays are permitted on sidewalks that abut the principal building if it is demonstrated that:

1. Merchandise is displayed to a height of six feet or less;
2. There is at least four feet of clear width on the sidewalk for use by pedestrian traffic;
3. Merchandise is displayed only during normal business hours; and
4. All sidewalk merchandise displays are within 30 feet of an entrance to the principal use, or located in the area defined by the forward projection of the side walls of the use, whichever is a smaller display area.

D. Motor Vehicle, Recreational Vehicle, and Heavy Equipment Rentals, Lease and Sales.

1. For motor vehicle, recreational vehicle, and/or heavy equipment rental, lease, and sales uses, outdoor display of merchandise can only be displayed on improved hard surface areas of the parcel proposed for development and cannot encroach on any area that is designated for landscape areas or rights-of-way.

2. The outdoor display of heavy equipment may be on crushed stone, gravel, or another surface approved by the City Manager provided that all driveways and customer parking areas are on an improved hard surface.
3. Such merchandise shall not occupy or obstruct required parking spaces or loading spaces, but shall be setback behind the parking setback line and shall be screened with landscaping for 75 percent of the linear frontage (as if they were parking spaces) for any outdoor merchandise that is visible from the public right-of-way.
4. Only one motor vehicle, recreational vehicle, and/or piece of heavy equipment may be raised, to a height not to exceed 15 feet from the average grade of the display area, on a platform, berm, structure, or raised by other means, to display said merchandise for greater visibility. This may be located anywhere within the outdoor display area, or in the front landscape strip; provided however, no raised portion shall be located closer to any rights-of-way than 10 feet.

Sec. 20.215 Fencing and Walls

A. **Generally.** The requirements of this Section apply to fences, hedges, and walls and are intended to allow the construction of fencing that is designed in a manner that both protects the health and safety of people and animals and in general anything on one's property (*e.g.*, equipment, merchandise, etc.), while contributing to an improved built environment within the City.

B. **All Uses.** All fencing within the City shall comply with the following, unless exempted herein.

1. *Easements.* Fencing constructed in required easements may be subject to removal for maintenance of utilities or other reasons related to the purpose of the easement. Removal and/or replacement costs are the responsibility of the owner/operator of the fence.
2. *Continuity of Fences and Walls Along Streets.* The continuity of fences and walls along collector and arterial streets shall be maintained between street intersections on the same side of the street in terms of design, color, materials, and height. Where fences and walls along the same side of the street vary in design, color, materials, or height, then new or replacement fences or walls shall be matched to existing structures in the following order of priority:
 - a. Existing masonry walls, if such walls occupy more than 20 percent of the distance between street intersections; or
 - b. The existing privacy fence that is in the best condition.
3. *Location Restriction and Drainage.*
 - a. No fence or wall shall be built on any lot or tract outside the surveyed lot lines.
 - b. No fence or wall shall be built by a private party on public land without the specific prior approval of the public entity. Removal of any such fence or wall is at the expense of its owner.
 - c. No fence or wall shall be built in natural drainage courses, or drainageways created within easements.
4. *Materials.*
 - a. Materials shall be durable and in character for the use of development it is serving (*i.e.*, residential fencing shall be of a material commonly made and sold for residential uses). Materials shall include: weather resistant wood species, split rail, wood treated with U.S. Environmental Protection Agency approved preservatives, painted wood, ornamental iron or powder-coated aluminum, brick, stone, and masonry.

- b. Chain link fences (without slats) are only permitted in interior side and rear yards that do not abut nor are visible from the street right-of-way.
- c. Scrap lumber, plywood, tree branches, tree trunks, sheet metal, plastic, fiberglass sheets, barbed wire (unless as excepted by Subsection D.3., above), spikes, nails, other sharp metal points or instruments on tops or sides, welded wire, agricultural fencing, and chicken wire are not permitted.

5. *Fence Orientation and Maintenance.* Fence posts and horizontal rails shall be located on the side of the fence that faces into the lot or parcel proposed for development. Fences shall be maintained in an upright position (not more than 5 degrees from vertical orientation), and in good condition (*e.g.*, free of rust, peeling paint or coatings, missing or broken pickets, wood rot, graffiti, etc.). See Figure 20.215, *Fence Orientation*.



C. Agricultural Uses. Exempt.

D. Residential Uses.

1. *Height.* No fence or wall shall exceed the following heights:

- a. Front yard: 42 inches.

- b. Interior side yard (behind the front building line) and rear yard: six feet.
- c. Street side yard: 42 inches to the front building line and then tapering up to six feet to the rear building line.
- d. In an interior side yard or rear yard abutting a nonresidential, mixed-use, or public/institutional use: eight feet.
- e. In a rear yard abutting an arterial or collector street: six feet.

2. *Setbacks.* Fences or walls shall be setback from:

- a. Streets:
 - 1. Generally: five feet.
 - 2. At intersections of street rights-of-way: 20 feet.
- b. Alleys: three feet.
- c. Sidewalks: two feet.

E. Nonresidential, Mixed-Use, and Public/Institutional Uses.

1. *Height.* No fence or wall shall exceed the following heights:

- a. Front and street side yards:
 - 1. Industrial uses: Six feet.
 - 2. All other nonresidential uses: Not permitted in front yards; 42 inches in street side yards.
- b. Side and rear yards:
 - 1. Industrial uses: Eight feet.
 - 2. All other nonresidential uses:
 - a. Generally: Six feet.
 - b. Side or rear yard abutting an industrial use: Eight feet.

2. *Setbacks.* Fences or walls shall be setback from:

- a. Sidewalks: Six inches.
- b. Intersection of street lot lines: 20 feet.
- c. Alleys: Three feet.

3. *Materials.* In addition to the minimum material requirements set out in Subsection E.4., below, fences for nonresidential, mixed-use, and public/institutional uses shall comply with the following additional provisions:

- a. Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings or wherever the Code Official finds that such are necessary to address security interest.
- b. Chain link fences shall be coated with vinyl or other durable non-metallic coating, and are permitted:

1. Industrial uses. In any yard that is not visible from collector or arterial street, or highway, rights-of-way or existing abutting non-industrial use; and
 2. All other nonresidential, mixed-use, and public/institutional uses. Only in interior side and rear yards that are not also street yards.
- c. The use or placement of slats in chain link fences is permitted only in interior side and rear yards that are not also street yards. This does not apply to outdoor storage yards, which is subject to the standards set out in Section 20.213, *Outdoor Storage*.

Sec. 20.216 Solid Waste and Recycling Collection

A. **Generally.** Nonresidential, mixed-use, multi-family, and public/institutional uses shall provide for a common area for solid waste and/or recycling collection.

B. **Location.** The location of the solid waste and/or recycling collection areas shall comply with the following:

1. They shall be located on the same lot as the parcel proposed for development they are intended to serve, unless otherwise authorized by the Code Official upon written proof of an agreement with an abutting property owner and demonstration that the facilities will have the capacity to serve both properties.
2. They shall be located no more than 200 feet (walking distance) from all individual nonresidential, mixed-use, multi-family, or public/institutional uses that they are intended to serve;
3. The solid waste and/or recycling collection area shall be located behind the principal building or in a side or rear yard, unless it is not possible to provide service access in such locations.
4. If the parcel proposed for development has access to an alley, the solid waste and/or recycling collection area shall be accessed via the alley.
5. If an enclosure must be located in a front yard, it is designed and constructed in conformance with Subsection C., *Enclosure*, below, and surrounded on the three non-access sides with landscaping that is sufficiently dense to completely conceal the enclosure from view from abutting properties and public rights-of-way.
6. Access to the facilities is configured to meet the requirements of the refuse and/or recycling service provider.
7. All solid waste and/or recycling collection areas shall be spaced at least:
 - a. Fifteen feet from the lot lines of residential uses that are part of the parcel proposed for development; and
 - b. Thirty feet from the lot lines of residential uses that are abutting to the parcel proposed for development.

C. **Enclosure.** The areas where the solid waste and/or recycling collection areas shall be fully enclosed by:

1. An opaque wall or fence that is one foot taller than the refuse and/or recycling container and constructed of finished masonry painted the same color as the building, or stone, or brick;
2. Opaque solid metal service gates that remain closed at all times, except when the container is being serviced;
3. A separate opaque solid metal service pedestrian access gate or a pedestrian opening that screens the container(s) from view at all times except when it is being serviced (*see* Figure 20.216, *Solid Waste and/or Recycling Collection Enclosure*);

4. An adequate size to accommodate:

- a. One or more solid waste containers that are of a sufficient size to service the development, based on the frequency of solid waste collection; and
- b. One or more recycling bins (whether provided at the time of development or not), based on the anticipated generation of recyclable materials and the frequency of collection.



Sec. 20.217 Screening of Mechanical Equipment and Meters

- A. **Generally.** The mechanical equipment associated with building operations (*e.g.*, HVAC systems) shall be screened on all nonresidential, mixed-use, multi-family, and public/institutional parcels proposed for development as provided in this Section.
- B. **Ground-Level and Building-Mounted Equipment.** Mechanical equipment and meters shall be painted to match the building it is located on and screened from view of principal parking areas, public rights-of-way, and residential uses by landscape areas, bufferyards, or building walls. Hedges and screening walls that are used to hide mechanical systems shall be maintained at a height that is at least one foot higher than the equipment. Hedges shall be a minimum of three feet in height at planting.
- C. **Roof-Mounted Equipment.** Mechanical equipment shall be screened from all ground level views from abutting property and rights-of-way by:
1. *Parapet Walls.* Parapet wall shall include cornice treatments that are of adequate height to screen the equipment (a slope of one foot rise per 25 feet of run shall be used to determine if the wall is of adequate height); or
 2. *Screening Walls.* Screening walls of adequate height to hide the equipment, which use materials and colors that are consistent with the design of the building; or
 3. *Sloped Roof Systems.* Sloped roof systems or other architectural elements of adequate height to hide the equipment.

ARTICLE 20.300 ADMINISTRATION

Sec. 20.301 Application

A. Application Submittal.

1. *Submittal to the City.* All applications for parcels proposed for development within the City limits and extraterritorial jurisdiction (ETJ), unless exempted by Section 20.105, *Applicability*, shall submit to the City the minimum application requirements set out in this Section.
2. *Submittal to the WFBMD.* After submitting all application requirements to the City, the applicant shall submit the same to the West Fort Bend Management District (WFBMD) for all parcels proposed for development which are located within the jurisdictional boundaries of the District (*see Appendix A, Map of City Limits, ETJ, and WFBMD Overlay District*).

B. Minimum Application Requirements. In addition to all information that is required to be shown on a final plat, a development plat shall include the following:

1. *Preparation.* Be prepared by a registered professional land surveyor;
2. *Boundary.* Clearly show the boundary of the development plat;
3. *Site Plan.* Be accompanied by a site plan at a scale of one inch equals 100 feet, unless a lesser scale is authorized by the City Manager, showing each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change, together with open spaces, landscaped areas, parking and loading, and vehicular and pedestrian circulation, as well as an indication of the square footage of gross floor area proposed. The site plan shall be supplemented with the following:
 - a. Grading plan showing the proposed grading of all land disturbing activities on the site tied to existing grades.
 - b. Engineering plans for water, sewer, and other utilities, as well as street(s) and parking construction.
 - c. Stormwater management plan showing detention/retention facilities providing for a 100-year storm and storm sewers or surface drainage providing for a 25-year storm.
 - d. Landscaping plan showing trees to be removed or preserved, and new landscaping delineating and annotating canopy, shrub, and ground covering plantings.
 - e. A buffering plan showing the location and width of the bufferyard, together with the number and types of trees and shrubs and any fences or walls and their material(s) and height(s).
 - f. A lighting plan showing the location and design of fixtures and illumination levels across the property and into neighboring properties. A statement shall accompany this plan indicating that light spillover will not exceed the stated limit, or corrections will be made in the case of spillover.
 - g. Building elevations and exterior finish schedules.
 - h. Sign plan.
4. *Easements and Rights-of-Way.* Show all easements and rights-of-way within or abutting to the development plat;
5. *Forms, Copies, and Tax Certification.* Be accompanied by the required number of copies of the plat, a completed application form, the required submission fee (per the City's current fee schedule), and a

certificate or some other form of verification from the Fort Bend County Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property; and

6. *Base Conditions.* Reflect the base conditions of the site including:

- a. A topographic map with one foot contours.
- b. Wetlands or floodplains on the property. If a floodplain is located within 100 feet of the site, the elevation shall be noted and the height above the floodplain of the lowest part of the property shall be indicated.
- c. Existing trees over 19 inch in diameter. Densely wooded areas generally meeting the size requirement may be shown as a wooded area.
- d. Presence of all utility lines, easements, and drainage facilities on site and within 100 feet.

7. *Fees.* All fees required by the City or WFBMD and all escrow fees as set out in Subsection C., of this Section.

C. **Escrow Fees.** In addition to any applicable application fees, a fee shall be paid into escrow to cover costs incurred by the City for retaining professional services to perform technical review of proposed plats and plans for their consistency with the Comprehensive Master Plan, these interim regulations, and the new UDC.

- 1. *Consultant Review Authorized.* The City Manager is authorized to retain professional consultants at the applicant's expense to assist in the review of the parcel proposed for development. The City Manager may make an initial determination as to the use of consultants at the time of the pre-application meeting (if applicable), and may revise the determination at the time of application if new or changed information in the application materials justifies the revision.
- 2. *Initial Escrow Payment.* If the City Manager determines that an application will require review by professional consultants, then the applicant shall make an initial escrow payment in an amount sufficient to cover the estimated review costs as set out in this subsection.

Table 20.301 Minimum Escrow Fee	
Scale of Development	Amount of Fee
Nonresidential development < 7,500 sf. of building gross floor area	\$3,000
New residential subdivisions or nonresidential development equal to or greater than 7,500 sf. of gross floor area	\$5,000

- 3. *Additional Escrow Funds.* The City Manager may require additional escrow funds to be paid for additional services related to the application, should they become necessary. If a balance is due at the time an application is approved, it shall be paid by the applicant as a condition of approval.
- 4. *Use of Escrow Payment.* The City may draw upon the escrow to pay the fees and expenses of professional consultants retained by the City to review the application.
- 5. *Return of Escrow Funds.* Escrow funds shall be returned to the applicant as follows:
 - a. If the City Manager decides not to use consultants, then escrow funds shall be returned to the applicant within 30 days of the decision.
 - b. If the applicant withdraws the application, then the City Manager shall notify the consultants to stop work within 24 hours of the withdrawal. The City Manager shall then return the escrow to the applicant, less the amount required to pay the consultant for work actually performed.
 - c. When the application is decided, any positive escrow balance shall be returned to the applicant within 30 days.

6. *Account Reports.* Applicants shall be provided with a monthly accounting of the escrow from the City upon request.
7. *Fixed-Fee Consultant Review.* The City Manager is authorized to establish:
 - a. A roster of consultants that are pre-qualified to conduct reviews of various types; and
 - b. For routine application types with predictable review fees, a schedule of fixed-fees.
8. *Escrow Fee Variance.* The City Commission may authorize an escrow fee variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In authorizing an escrow fee variance, the City Commission shall prescribe conditions that it deems necessary or desirable to the public interest. In making the finding required by this subsection, the City Commission shall take into account the nature of the proposed use of the land involved and existing uses of the land in the vicinity, and the probable effect of such variances upon traffic conditions, public health, safety, and welfare of citizens. No variance shall be granted unless:
 - a. There are circumstances or conditions affecting the land involved such that strict application of this Section would deprive the applicant of reasonable use of his land;
 - b. The granting of the escrow fee variance will not be detrimental to the public health, safety, welfare, or injurious to the other property in the area; and
 - c. The granting of the escrow fee variance will not have the effect of preventing orderly development of the land in the area in accordance with the provisions these regulations.

D. Determination of Use.

1. *Generally.* The provisions of these regulations classify all primary uses as residential, nonresidential, mixed-use, public/institutional, and in some cases, subcategories of said uses (*e.g.*, retail, industrial, etc.). If there is a question as to the correct classification of which use is applicable to that of the proposed use of a parcel proposed for development, that determination shall be made by the City Manager.
2. *If Not Authorized Then Prohibited.* If the City Manager determines that a proposed use is not a primary use, or a subcategory of, or functionally similar to, a primary use, then the use is a prohibited use.
3. *Decision Criteria.* The following decision criteria shall be evaluated when the City Manager, or at the City Manager's discretion, the City's professional reviewer, decides whether a proposed use is a primary use, or a subcategory of, or is functionally comparable to, a primary use:
 - a. Parking demand;
 - b. Average daily and peak hour trip generation (cars and trucks);
 - c. Impervious surface;
 - d. Regulated air or water emissions;
 - e. Noise;
 - f. Lighting;
 - g. Dust;
 - h. Odors;
 - i. Solid waste generation;
 - j. Potentially hazardous conditions, such as projectiles leaving the site;
 - k. Use and storage of hazardous materials;

- l. Character of buildings and structures;
- m. Nature and impacts of operation; and
- n. Hours of operation.

E. Lapsed Applications. Applications for development approval must be diligently pursued by the applicant. Accordingly, this Subsection extinguishes applications that become stale due to inaction by the applicant.

1. *Expiration of Stale Applications.*

- a. When an action by the applicant is required for further processing of an application (*e.g.*, submittal of supplementary documentation), the application shall become void six months after the date that the action is requested if:
 - a. The applicant fails to take action; or
 - b. The applicant fails to request an extension of time pursuant to Subsection E.2., *Extension of Time*, below.
- b. When an action by the applicant is required for further processing of a development plat, subdivision plat and/or site plan, the application shall become void 30 days from receipt of the application if the application has remained dormant during that period where no activity has occurred toward the completion of the application where changes or corrections are required or where instruments or documents requested or required is not forthcoming within that period from the property owner or authorized agent.
- c. No refunds of application fees will be issued to applicants whose applications expire pursuant to this Subsection.

2. *Extension of Time.* The time for expiration of an application may be extended by up to six additional months upon written request of the applicant before the end of the period set out in Subsection E.1., *Expiration of Stale Applications*, above.

3. *Effect of Expiration.* Applications that expire pursuant to this Section shall automatically become null and void, closed, and discarded without further notice or activity by the City. Any application proposal for a lot, parcel, or tract, regardless of the commonality with an expired application, will be treated as a new application, subject to requirements in effect at the time of the most recent submittal, and with new fees.

Sec. 20.302 Approval

A. Generally.

- 1. In reviewing a development plat and/or site plan application, the City Commission must approve a development plat and/or a site plan that is required to be prepared under these regulations and all other applicable ordinances, and that conforms to the plans, rules, and ordinances of the City, as herein described.
- 2. The provisions of Ord. No. 85-46, *Subdivisions*, including all amendments, together with the state statutes that do not conflict with the provisions of these regulations apply to development plats.
- 3. If an applicant is required by ordinance of the City to file a subdivision plat, a development plat is not required in addition to the subdivision plat provided that a site plan, and associated information, meeting the requirements of Section 20.301, *Application*, are shown on the plat or are included as separate documentation (*e.g.*, stormwater management plan) during the review and approval of the subdivision plat.

4. In any case where a development plat or a subdivision plat is not required, a site plan is required to be reviewed and approved in conformance with the provisions of these regulations.

B. Standards of Approval. The development plat, and/or subdivision plat and site plan, shall not be approved until the following standards have been satisfied:

1. *Conformance with Plans.* The parcel proposed for development conforms to all City plans, including, but not limited to, the Comprehensive Master Plan, future land use plan, thoroughfare plan, drainage and utility plans, and capital improvements plans, as applicable;
2. *Conformance with Ordinances and Regulations.* The parcel proposed for development conforms to the requirements of Ord. No. 85-46, *Subdivisions*, including amendments, and all other applicable ordinances, regulations, and requirements of the City;
3. *Adequate Facilities and Services.* The parcel proposed for development is adequately served by public facilities and services, in conformance with City regulations;
4. *Public Safety.* The parcel proposed for development will not create a safety hazard on a public roadway (such as by not providing adequate on-site parking or vehicle maneuvering space); and
5. *Public Dedications.* Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered.

C. Conditions. The City Commission may impose such conditions on the approval of the development plat, and/or subdivision plat and site plan, as are necessary to assure compliance with [Article 20.200, Development Standards](#).

D. Approval Procedure. The application for a development plat and/or site plan shall be submitted to the City in the same manner as a final plat and shall be approved, conditionally approved, or denied by the City Commission in a similar manner as a final plat. Upon approval, the development plat shall be filed with the office of the county clerk of Fort Bend County by the City in the same manner as prescribed for a final plat, and approval of a development plat shall expire if all filing materials are not submitted to the City and if the plat is not filed with the office of the county clerk of Fort Bend County within the time periods specified for a final plat.

E. Legal Status of Approval. Once an approval is granted, the development plat and/or site plan shall not be modified in any manner without submitting a revised development plat and/or site plan for approval by the City Commission. The project must be built in accordance with the approved development plat and/or site plan.

Sec. 20.303 Severability

It is hereby declared to be the intention of the City Commission that the phrases, clauses, sentences, paragraphs and sections of these regulations be severable, and if any phrase, clause, sentence, paragraph or section of these regulations shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences or sections of these regulations, and the remainder of these regulations shall be enforced as written.

Sec. 20.304 Compliance Clause and Effective Date

The City Commission finds, determines and declares that a sufficient written notice was posted and these regulations were passed in accordance with the Texas Open Meetings Act. The City Secretary is instructed to publish these regulations in the official newspaper of general circulation in the City of Richmond, Texas, in the manner provided and for the time required by Tex. Local Gov't. Code §52.013, *Home Rule Municipalities*, at which time these regulations takes effect.

Definitions

A

Abutting, when referring to lots, parcels or property, means next to and having some portion of a boundary that is coterminous with the parcel proposed for development. Lots or parcels that are separated only by an alley are abutting if their property lines would be shared if they extended to the centerline of the alley.

Accessory Structure means a structure which is on the same parcel of property as a principal use or building the use of which is incidental to the use of the principal use or building (*e.g.*, gazebos and carports).

Accessory Use means a use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Agriculture, General means land (with and without farm residences) which is primarily used for the commercial production of field crops for food, fiber, or energy; orchards; viniculture; horticulture; dairying; pasturage; aquaculture, and truck farming. The term also includes the raising or breeding of livestock, cattle, horses, poultry, where there is no more than one animal equivalent unit per acre, and the keeping of bees. The term includes the necessary accessory uses for storing the products and inputs needed to produce them. The phrase does not include the phrase "community garden" or "nursery/greenhouse, retail."

B

Biodegradable means the capability of being decomposed by biological agents, especially bacteria.

Buffer means open spaces, landscaped areas, fences, walls, berms, or any combination thereof, which are used to physically and visually separate one use or property from an abutting property in order to mitigate the impacts of noise, light, or other nuisance.

Bufferyard means a designated strip of land upon which a buffer is installed. Bufferyards may be required between land uses, along district boundaries, along parking lot boundaries, and along street and railroad rights-of-way.

C

Camping Trailer means a portable unit mounted on wheels and constructed of collapsible partial side walls, which fold for towing by another vehicle and unfold to provide temporary living quarters for recreational, camping or trailer use.

College / University / Vocational School means a community college, college, university, vocational / technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase "college / university / vocational school" does not include music schools, fitness centers, sports instruction, swimming instruction, or martial arts instruction.

Child-Care Facility means a facility licensed, certified, or registered by the State to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

See [Texas Human Resources Code, Chapter 42](#).

City means the City of Richmond, an incorporated area of Fort Bend County, Texas.

City Commission means the City of Richmond, Fort Bend County, Texas, City Commission.

Code Official means the designated authority of the , or designee thereof, whose duties include administration and enforcement of these regulations.

Community Garden means a private or public area of land that is used for the noncommercial cultivation of fruits, herbs, flowers, vegetables, or ornamental plants by more than one person or family.

Cut-off Fixture means an outdoor lighting fixture, or luminaire, with shields, reflectors, or panels that direct and cut off the light at an angle that is less than 90 degrees.

D

Development means the construction of a new building or other structures on a lot, the relocation of an existing building on another lot, or the use of open land for a new use. In addition, it also means any man-made change to improved or unimproved land, buildings, or structures, including, but not limited to, parking, fences, pools, signs, temporary uses, clearing of land, dredging, filling, grading, paving, or excavation.

Dry Hydrant means a non-pressurized, permanently installed pipe that has one end below the water level of a pond or container.

Dwelling Unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family, with separate facilities for all of the following: sanitation, living, sleeping, cooking, and eating.

The term dwelling unit may also mean industrialized housing which is designed for the residential occupancy of one or more families, constructed off-site as one or more modular components (including the installation of plumbing, heating, air conditioning, and electrical systems), bearing an approved decal or insignia, and then transported to the site to be affixed to a permanent foundation. To approve a building permit for industrialized housing, the Code Official shall review the designs, plans, and specifications, whereby each page must be stamped by the Texas Industrialized Building Code Council (which is the state-designated authority that ensures that all preconfigured modular components are in compliance with state-mandated building codes). On-site building code inspections are to be made by the state-designated authority and witnessed by the Code Official.

See Tex. Occ. Code §1202, Industrialized Housing and Buildings.

E

Easement means any portion of a lot subject to an agreement between a private property owner and another party which grants the other party the right to make limited use of that portion of the property, whether on, over, or under the property, for a specified purpose. In no case shall an easement be construed to mean right-of-way.

Erosion means the process by which the land surface is worn away by the action of water, wind, ice or gravity.

Extraterritorial Jurisdiction (ETJ) means an unincorporated area that is contiguous to the corporate boundaries of the City of Richmond, Texas, which through the authorities provided by state law, allows the City to extend some regulatory provisions (*e.g.*, the subdivision of property less than five acres in size) into the unincorporated area as a means to protect the general health, safety, and welfare of persons residing in and adjacent to the City, and as a means to define future growth and service boundaries.

F

Façade means the exterior side of a building which faces, and is most nearly parallel to, a public or private street. The façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures of one complete elevation.

Floodplain or Flood-Prone Area means any land area susceptible to being inundated by water from any source. *See the term "flood or flooding."*

Floodway (or "Regulatory Floodway") means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

G

Glare means the sensation produced by luminance with the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade means the average natural level of ground adjoining or around a structure or for the purpose of floodplain management, the heights of a surface relative to a fixed height such as mean sea level (MSL).

Gross Floor Area (GFA) is the sum of the total horizontal areas of every floor of every building on a lot, computed by applying the following criteria:

1. The horizontal square footage is measured from the outside face of all exterior walls;
2. Penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines, and similar structures shall be included as GFA wherever at least seven feet are provided between the finished floor and the ceiling; and
3. No deduction shall apply for horizontal areas void of actual floor space (for example, elevator shafts and stairwells). The protected upper floors of open atriums and foyers shall not be included.

H

Historic Structure means

1. For floodplain management purposes, any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 - d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.
2. For all other purposes, any structure that contributes to the historic value of a heritage property or landmark property as further defined in Ord. No. 2012-06, *Historic District*, which may be amended from time to time.

Home Occupation means a lawful business, occupation or activity conducted for financial gain from within a dwelling unit, where:

1. Such use is incidental and accessory to the use of the building as a residence by the person engaged in the home occupation; and
2. Such use does not involve any of the following:
 - a. Sale of goods to customers on the premises;
 - b. Opening of the home to the public for the sale of goods or services without an invitation or appointment;

- c. Mechanical equipment that is not normally associated with domestic household use;
- d. Modification of the exterior of the home; or
- e. Outside storage of equipment used for business purposes.

The phrase "home occupation" does not include any type of "child-care facility" as defined by these regulations.

I, J, K

Improved Hard Surface means any street, driveway, alley, or parking lot surface paved with asphalt, concrete, brick pavers, or other approved uniform, hard material so as to provide a durable and dust-free surface for vehicular traffic.

Impervious Surfaces means an area that do not allow significant amounts of water to infiltrate into the ground. Examples of impervious surfaces are blacktop and concrete.

Iridescent Colors means shining with many different colors when seen from different angles.

L

Land Disturbing Activity means clearing, grading, excavating, filling, dumping, grubbing, stripping, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

Landscape Area means that portion of a lot or parcel proposed for development which is required to contain landscape materials such as grass, ground covers, shrubs, vines, hedges, trees, and berms. Impervious surfaces are not counted as landscaped areas.

Light Fixture / Luminaire means the physical unit that holds a lamp and that may include parts to redirect the light produced by the lamp.

Lot means a contiguous area of land with boundaries established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title. The term "lot" does not include areas within rights-of-way and shall not be construed to allow the creation of lots that are not lawfully created in conformance with the provisions of these regulations (*see also* lot of record).

Lot Line means the boundary of a lot separating it from an abutting lot, or the dividing line between lots, pieces, or parcels of land, without regard to any recorded subdivision plat.

1. "Front Lot Line" means the lot line which abuts a public street, private street, or easement of access. The lot owner shall designate the front lot line for any corner lot or through lot and such designation may not be changed after the principal building is erected.
2. "Rear Lot Line" means:
 - a. For a quadrangular lot, the lot line which is not tangent to any point on the front lot line.
 - b. For a polygonal or irregularly shaped lot, the course, whether straight or curved, along the lot line, the center point of which is most remote, in linear distance, from the center point of the front lot line.
 - c. For a triangular lot, the junction point of the two side lines which point shall be treated as the rear lot line.
3. "Side Lot Line" means the lot lines that run generally perpendicular or at angles to the street or the front and rear lot lines.

Lot of Record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Fort Bend County or parcel of land the deed (including metes and bounds description) for which was recorded in the office of the county clerk of Fort Bend County prior to July 9, 1985.

M

Mixed-Use means development in which a combination of residential and nonresidential uses (*e.g.*, residential-over-retail), or several classifications of nonresidential uses (*e.g.*, office and retail), are located on the same parcel proposed for development.

Motor Home means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

N

Nonresidential means any use, building or structure (or portion of a building or structure) occupied or intended to be occupied, in whole or in part, for a use other than a dwelling unit, home, residing place, or permanent living space or sleeping space for one or more human beings.

O

Opacity means the measurement of the screening effectiveness of a bufferyard or fence, expressed as the percent of view across the bufferyard or fence that may be blocked to a height of 35 feet, based on the spacing of fence slats or expected volume of landscape material at a variety of heights that is likely to result from a given planting program.

Opaque means not able to be seen through; not transparent.

Ornamental Grasses means grass that is not mown but is allowed to grow to its full potential and is used in the landscape in the same way as perennials or other ornamental plants. Most are herbaceous perennials, though many are evergreen and some develop woody tissues. Many are bunch grasses and tussock grasses, though others form extensive systems of many-branched rhizomes. The bunching types are often called "clump-forming." Some ornamental grasses are species that can be grown from seed while others are cultivars and must be propagated by vegetative propagation of an existing plant. In some instances in these regulations, ornamental grasses may be used to meet a minimum "screening" requirement in a parking lot. In these cases, only ornamental grasses whose full growth potential meets the minimum height required are allowed.

Outdoor Storage means the storage of materials or equipment used in production or other course of business for a period of more than 24 consecutive hours outside of an enclosed building or structure (t-structures, lean-to type structures, or roofed-over, fenced-in areas are not enclosed buildings). The intent of the definition is to include items that are comparable to any of the following:

1. Personal or business property or supplies, except passenger vehicles and light trucks stored in driveways, carports, or parking lots that are intended for overnight parking;
2. Business inventory for sale or lease, except nursery plants;
3. Raw materials or industrial inputs for processing;
4. Appliances, machinery, vehicles, or other items to be repaired;
5. Fuel stored in above-ground tanks;
6. Construction materials and construction equipment;
7. Landscape maintenance equipment; or
8. Recyclable materials.

The phrase "outdoor storage" is not intended to include "outdoor display of merchandise," nor does it include "junk yards," which is subject to the provisions of Ord. No. 66-11-4, *Junk Yards*.

Owner/Operator means the person who owns the property, or a person who operates on or manages the property, including any employees or outside contractors who are engaged to work on or from the property.

P, Q

Permit means one or more documents issued by the City allowing a person to begin an activity provided for in these regulations or other codes, ordinances, and regulatory provisions administered by the City. A permit allows only the activity (*e.g.*, temporary uses), work, or development specified in the permit.

Principal Building means a building in which the principal use of a lot or parcel is conducted.

Principal Structure means, if there is no principal building the structure in which the principal use of a parcel is located, or the largest structure on a parcel. Fences and garden walls are not principal structures.

Principal Use means the main use to which a parcel, lot, or premise (*e.g.*, a leased space in a shopping center) is put.

Property Lines. *See* Lot Line.

Property Owners' Association means an incorporated nonprofit organization operating under recorded land agreements through which:

1. Each lot, unit, or home or business owner in a planned or cluster subdivision (or other described land area) is automatically a member;
2. Each lot, unit, or homeowner or business owner is automatically subject to a charge for a proportionate share of the expense of the organization's activities (*e.g.*, maintaining open space, common open space, or other commonly owned property such as entrance monuments, private streets, and landscaping); and
3. The charge, if unpaid, becomes a lien against the property.

Property owners' associations may also be called such things as "community associations," "condominium associations," "homeowner associations," "neighborhood associations," etc.

Protected Tree means any tree protected under City of Richmond Ord. No. 2005-22, *Tree Removal*.

Public / Institutional means public service, institutional, utility, and assembly uses (*e.g.*, governmental and school buildings and facilities, utility stations, semi-public places of assembly, etc).

R

Recreational Vehicle (RV) means a unit which contains facilities for either sleeping or temporary living quarters, or both, and which has its own motive power or is designed to be mounted on or towed by another motor vehicle or otherwise designed to be transported over the highways. The term "recreational vehicle" shall include but not be limited to a motor home, truck camper, travel trailer and camping trailer; provided, however, a recreational vehicle shall not include a boat, or a manufactured, mobile, or modular home.

Recreational Vehicle (RV) Park means a unified development of recreational vehicle spaces, community facilities, and permitted permanent buildings which are combined to support two or more recreational vehicles used as living or sleeping quarters by the day, week, or month, whether a charge is or is not made.

Recreational Vehicle (RV) Space means a specific part of a lot or area in an RV park that has been reserved for the placement of one recreational vehicle.

Redevelopment means any of the following:

1. The complete demolition of a principal building, followed by the construction of a new building; or

2. The destruction of a principal building to an extent that is equal to or greater than 50 percent of the Fort Bend County Appraisal District value, followed by reconstruction and repurposing of the building for a type of use for which the original building was not designed; or

3. Expansion of a principal building by more than 50 percent of its gross floor area.

Right-of-Way means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system. In no case shall a right-of-way be construed to mean an easement.

S

Sample Well Site means the installation of a vertical riser of four inches in circumference, extending four to six inches above grade, used for the purpose of detecting the presence of non-biodegradable materials at or near the lot line where the owner/operator's on-site wastewater collection system connects to the City's off-site wastewater system.

Sediment Pollution means failure to use management (including stormwater management) or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other land disturbing activities on land used or being developed or built upon for commercial, industrial, residential, or other non-agricultural purposes.

Sexually-Oriented Business. See the definition of "sexually oriented business" in Section 243.002, *Definition*, of the Tex. Local Gov't Code.

Shrub means any of the following:

1. A woody plant of less size than an understory tree, and usually with several stems from the same root;
2. Perennial plants that reach at least three feet in height; and
3. Ornamental grasses that reach at least three feet in height.

Sidewalk means an improved facility that is ADA accessible and is intended to provide for pedestrian movement:

1. *Along Streets.* Provides pedestrian connections along, parallel to, and within the right-of-way of a public or private street or an abutting easement.
2. *Access to Lots.* Provides pedestrian connections from the right-of-way to the principal building.
3. *Access Around Buildings.* Provides pedestrian connections to the main entrance.

Sign means any writing (including letter, word, or numeral), pictorial presentation (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner or pennant), or any other figure of similar character, that:

1. Is a structure or any part thereof; or is attached to, painted on, or in any other manner represented on a building or other structure; or is displayed in a building window in a manner that is discernible from public rights-of-way or abutting property; and
2. Is used to display noncommercial information; or announce; or direct attention; or advertise.

For the purpose of these interim regulations, the following definitions shall apply to signs and sign elements, unless the context clearly indicates or requires a different meaning.

1. *Abandoned Sign.* An abandoned sign is a sign and sign structure that advertises for a business, person, or activity that has ceased to operate on the premises on which the sign or sign structure is located.
2. *A-Frame Sign.* A stationery outdoor sign with two faces attached at one surface on each face to form a triangle with one side parallel to the grade, which type sign is often used to advertise fuel prices.

3. *Advertising Sign.* An outdoor structure, object, display, lighting device, figure, painting, drawing, message, pictorial, picture, plaque, poster, billboard, or other thing which is used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.
4. *A Vera Ge Grade.* The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure.
5. *Awning, Canopy, or Marquee Sign.* A projecting sign attached to, hung from, or painted on a canopy or covered structure which extends beyond the building line or property line.
6. *Back-To-Back Sign.* A structure with two parallel signs with their faces oriented in opposite directions located not more than ten feet apart. A back-to-back sign shall constitute one off-premise sign.
7. *Billboard.* Any freestanding sign or a sign that is attached to or part of a building and is an off-premise sign.
8. *City.* The city of Richmond, Fort Bend County, Texas.
9. *Community Service Sign.* Any sign which solicits support for or advertises a nonprofit community use or social institution. Such signs may include but shall not be limited to seasonal holidays, such as Christmas or Easter, school activities, charitable programs, or religious activities.
10. *Cultural Facilities.* Establishments such as museums, art galleries, public libraries, botanical and zoological gardens, and theaters of the performing arts, which, although they may charge an admission fee, are essentially nonprofit and principally funded through public expenditures, grants, and donations. ERECT. To construct, build, raise, assemble, emplace, affix, attach, create, paint, draw or in any way bring into being or establish.
11. *Floodway.* The channel of a stream and adjacent land areas which are required to carry and discharge the flood waters and flood flows of any river or stream associated with the regulatory flood. Refer to floodway boundary and floodway maps which identify special flood hazard areas resulting from a scientific and engineering report entitled "The Flood Insurance Study for the City of Richmond, Texas."
12. *Freestanding Sign.* A sign which is not attached to or on the walls, face, or exterior of a building, except as provided in the definition of a standard roof sign.
13. *Hanging Sign.* A sign which is suspended over a sidewalk, street, or other public right-of-way. An overhanging sign may or may not be a projecting sign.
14. *Historic Building or Structure.* Any building or structure which is officially designated as historically or architecturally significant by a unit of local, state or federal government.
15. *Home Occupation.* Any nonilluminated name plate sign not exceeding one square foot in area.
16. *Major Thoroughfare.* Each street shown on the official city map adopted by the City Commission.
17. *Official Sign.* Any sign erected by or at the direction of any governmental body.
18. *Off-Premise Sign.* "Off-premise sign" means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
19. *On-Premise Sign.* "On-premise sign" means a freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.
20. *Outdoor Advertising Sign.* See advertising sign.
21. *Political Sign.* A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

22. *Portable Sign.* Any sign, excluding A-frame signs, designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted on a trailer, wheeled carrier, or other nonmotorized mobile structure.
23. *Premises.* Any lot or unplatted tract, or any combination of contiguous lots or unplatted tracts, held under single ownership.
24. *Projecting Sign.* A sign affixed to any building, wall, roof, marquee, or other structural element which extends or projects more than 12 inches from the wall, roof, marquee, or other structural element.
25. *Public Information Sign.* Any sign which is intended to identify community, civic, or social events and is not any of the following signs: commercial, political, official, or real estate.
26. *Real Estate Sign.* A temporary sign displayed during and in connection with construction operations, pertaining to the lease or sale of a lot or building upon which placed and not exceeding 64 square feet, and pertaining to the sale of an addition or a subdivision, the area of which subdivision exceeds one acre of land for a period not to exceed two years.
27. *Residential Name Plate Sign.* A sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name, or identifying the address of the house. The sign may contain no advertising of any kind and may not exceed two square feet in area.
28. *Roof Sign.* A sign attached to a roof extending more than three feet above the ridge line. SIGN. "Sign" means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.
29. *Sloping Roof Sign.* A sign affixed to the wall, roof, marquee, or other structural element of any building, which does not project more than 12 inches from the wall, roof, marquee, or other structural element or extend more than three feet above the wall to which it is attached.
30. *Temporary Sign.* A sign not permanently affixed to a building, structure, or the ground.
31. *Traffic Control Sign.* A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.
32. *Wall Sign.* See sloping roof sign.

Single-Family Attached means dwelling units located in a single building where each unit is constructed on an individual lot or land that is designated as a limited common element in a declaration of condominium; and contains:

1. Two but not more than six dwelling units that are designed so that individual units have individual ground-floor access and are separated from each other by unpierced common walls from foundation to roof (*e.g.*, side-by-side duplexes, triplexes, and townhouses); or
2. Two dwelling units that are designed so that individual units:
 - a. May or may not have individual exterior doors, but provide no direct access between the first floor and second floor unit (access may be through a common interior foyer that provides access to both units or through separate exterior doors); and
 - b. Are separated from each other by a floor (*e.g.*, over-under duplexes).

The phrase single-family attached does not include multi-family.

Single-Family, Detached means dwelling units that are:

1. Located in individual buildings that are constructed on:
 - a. Individual lots; or
 - b. Land that is designated as a limited common element in a declaration of condominium;

2. Separated from each other by outside walls; and
3. Intended for the use of a single housekeeping unit.

The phrase "single-family, detached" does not include "duplexes," "triplexes," or "townhouses."

Site Plan means a plan or drawing showing the location of buildings, parking lots, landscaped areas, signs, and any other information that is used for the issuing of approvals in association with, or in lieu of the plans reviewed and approved for subdivision plats and/or development plats. Site plans are submitted for all parcels proposed for development under these regulations and the drawings, and associated information, shall show sufficient detail to enable the City's professional reviewer to determine whether the standard requiring a site plan has been met.

Solar Arrays (also known as photovoltaic systems) convert sunlight into electricity which are used to generate renewable energy. Solar arrays can be mounted on the ground as its own individual structure, or as an accessory structure on a building or other structure (*e.g.*, water tower or telecommunication tower).

Story means the portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.

Street, Cul-de-sac means a short and independent local street having only one point of ingress and egress, terminating in a circular turn-around called a cul-de-sac.

Street, Private means any street right-of-way that is not dedicated to public use, and which is maintained by a private entity, such as a property owners' association.

Street, Public means any street right-of-way that is publicly owned by deed, right-of-way dedication, prescription, or any other conveyance, and maintained by a federal, state, or local unit of government.

Street, Dead End means a local street, other than a cul-de-sac, with only one means of ingress and egress.

Structure means anything constructed or erected, the use of which requires permanent location on the ground (*e.g.*, a shed), above the ground (*e.g.*, a tree house), or below the ground (*e.g.*, a pool), or attached to something having a permanent location on the ground including but not limited to fences, trash enclosures, signs, kiosks, or similar uses. A "structure" may sometimes be subsumed by the phrase "building."

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This phrase includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The phrase does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

T

Travel Trailer means a vehicular, portable structure on a permanent chassis designed by the manufacturer to be towed by another vehicle.

Tree, Evergreen means a broad leaf evergreen tree or cone-bearing evergreen tree that, at maturity, typically has a height of greater than 35 feet. For the purposes of these regulations, evergreen trees that typically have a height of 12 to 35 feet at maturity are considered small trees, and evergreens that typically have a height of less than 12 feet at maturity are considered shrubs.

Tree, Large means a tree with a canopy that, at maturity, would occupy the upper level of a forest in a natural ecological situation. These trees are commonly called shade trees. They typically reach heights of more than 50 feet at maturity.

Tree, Small means a tree with a canopy that would occupy the intermediate level of a forest in a natural ecological situation. They are also found as dominant species in old field succession. These trees are commonly called ornamental trees. Small trees are deciduous trees that typically reach heights of 12 to 44 feet at maturity, and evergreen trees that typically reach heights of 12 to 35 feet at maturity.

Truck Camper means a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor and sides to be loaded onto and unloaded from the bed of a truck.

U, V

UDC means the "Unified Development Code" of the City of Richmond, Texas.

W, X, Y, Z

WFBMD District Standards means the **West Fort Bend Management District** Recodified Architectural and Landscaping Standards and Guidelines for New Construction, Development and Redevelopment for U.S. 59, Portions of Highway 36, Portions of Highway 90A, FM 359, Portions of FM 762, FM 2218 and Spur 10 Corridors.

APPENDICES

Appendix A Map of City Limits, ETJ, and WFBMD Overlay District

The following illustrates the general locations of the City limits, extraterritorial jurisdiction (ETJ) and the West Fort Bend Management District Overlay District (WFBMD). The map included herein is for informational purposes and should not be used for making design or financial decisions related to parcels proposed for development. Official copies can be found at the City of Richmond or WFBMD offices.

