

Zoning Ordinance Text Amendment

Request Hold a public hearing to make a recommendation to City Council for:

- 1) A text amendment to Section 125-72.B. of the Zoning Ordinance entitled *Use Regulations for Commercial and Mixed Use Districts* for new regulations along major corridors;
- 2) A text amendment to create Section 125-140.Q. of the Zoning Ordinance entitled *Exterior Masonry Requirements* and a text amendment to Section 125-280.B. entitled *Terms Defined* for exterior masonry standards for new construction with League City.

Applicant City of League City

Attachments 1. Proposed Text Changes

Background

March 21, 2016 – City Council work session to discuss the economic development efforts of various high-growth cities and associated regulations that promote sales-tax-generating businesses. Council directs staff to draft proposed regulations for further discussion.

July 25, 2016 – City Council work session. Director provides to City Council draft regulations to (1) promote sales-tax-generating businesses in the City’s major commercial corridors, and (2) minimum masonry construction requirements for new development. City Council provides direction to bring proposed regulations back to City Council for further discussion in August.

August 8, 2016 – City Council work session. City Council directs staff to (1) include additional commercial corridors in proposed legislation, and (2) proceed with zoning ordinance amendment process.

August 26, 2016 – Notice of public hearings was posted at the City Hall of League City.

August 28, 2016 – Notice of public hearings was posted in the Galveston Daily News newspaper.

August 29, 2016 – P&Z work session on topic; discussion on proposed zoning ordinance amendment, City Council’s direction, and forthcoming public hearings.

September 19, 2016 – Planning & Zoning Commission is scheduled to conduct a public hearing and possibly make a recommendation to City Council.

October 3, 2016 – Available date for additional P&Z consideration, if necessary.

October 11, 2016 – City Council is scheduled to conduct a public hearing and consider request on first reading.

October 25, 2016 – Subject to approval on first reading, City Council to consider request on second reading.

Summary The attached draft ordinance is the same version presented to the Commission at its August 29, 2016 work session on the topic. In summary, the ordinance proposes to amend the City’s zoning regulations as follows:

- Along the City’s major commercially zoned corridors, require new uses after the effective date of the ordinance that *do not* generate sales tax either (1) obtain approval of a special use permit (SUP) from the City Council, or (2) not be located on the ground floor; and
- Minimum masonry construction standards for new commercial, industrial, and multi-family residential construction commenced after the effective date of the ordinance; and
- Minimum masonry construction standards for new single-family residential homes in neighborhoods platted after the effective date of the ordinance.

At the meeting, staff will:

- Present an outline of the ordinance as currently proposed; and
- Effects; and
- Options for the Commission to consider should it desire to recommend increased, lessened, and/or alternative standards than proposed.

Recommendation Staff recommends the Commission open the public hearing to receive comments, and to table action until the regular meeting of October 3, 2016.

Recommended Motion

Motion to table/postpone action until October 3, 2016.

For additional information, you may contact Paul Menzies, Director of Planning and Development at 281-554-1450 or at paul.menzies@leaguecity.com.

ORDINANCE NO. 2016-

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 125 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY, TEXAS ENTITLED “ZONING” TO ADD MINIMUM EXTERIOR CONSTRUCTION STANDARDS FOR NEW CONSTRUCTION AND TO AMEND THE USE REGULATIONS ALONG THE CITY’S MAJOR COMMERCIAL HIGHWAY CORRIDORS.

WHEREAS, at the May 1, 1999 General Election the qualified voters of the City of League City voted that staff proceed with the concept of zoning for the City; and

WHEREAS, on August 10, 1999, the City Council of the City of League City, Texas (the “Council”) adopted Ordinance No. 99-52 amending the Code of Ordinances of the City of League City to add Chapter 125 regarding zoning; and

WHEREAS, the City Council deems it necessary and in the best interests of the citizens to adopt amendments to the zoning ordinance to add minimum exterior construction standards for new construction and to amend the use regulations along the City’s major commercial highway corridors;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. The City Council of the City of League City, Texas, hereby amends Article III of Chapter 125 of the Code of Ordinances of the City of League City, Texas, entitled “Zoning” by amending Section 125-72, entitled *Commercial and Mixed Use Districts*, to read as follows:

Section 125-72.B: Use Regulations – Commercial and Mixed Use Districts

...

Non-retail Sales Tax Generating Business

Notwithstanding any provision in this chapter to the contrary, a use located in an area described by b. below is subject to the restriction in c. below.

- a. In this section, “non-retail sales tax generating business” shall mean a business or other nonresidential use that sells annually fewer than four (4) taxable items, as that term is defined by Texas Tax Code Section 151.010, annually at its location within this district.
- b. A non-retail sales tax generating business located in these Commercial and Mixed Use Districts that has any portion of its premises, including its parking facilities, located within three hundred (300) feet of the edge of the right-of-way for Interstate 45, State Highway 96, State Highway 3, Farm to Market Road 270, Farm to Market

Road 517, Farm to Market Road 2094, Farm to Market Road 518, or Farm to Market Road 646.

- c. To be located on the ground floor of any building in the area described in b. above, the use must obtain a special use permit.

Section 3. The City Council of the City of League City, Texas, hereby amends Article IV of Chapter 125 of the Code of Ordinances of the City of League City, Texas, entitled “Zoning” by adding a new Section 125-140.Q, entitled *Exterior Construction Requirements*, as follows:

Section 125-140.Q. Exterior Construction Requirements

1. Residential Masonry Construction Standards

a. Single and Two-family

- i. Except as noted below, this paragraph “a.” applies to all new single-family, single-family with secondary dwelling, duplex, townhomes, and manufactured homes, and any associated attached or detached garages or residential units in residential subdivisions for which a master plan, preliminary, or final plat application was submitted to the City on or after the effective date of this amendment. There is no intent via this paragraph “a.” to apply said regulations to new residential construction on lots, plats, replats, etc. in neighborhoods existing at the time of this amendment. The provisions of this paragraph “a.” shall not apply to land located within the Historic or Residential Neighborhood Conservation Overlay districts.
- ii. All exterior building walls oriented towards the street on which the property is addressed and those exterior walls facing parks, designated open spaces, detention/amenity ponds, trails, or other public/common spaces shall be no less than one-hundred percent (100%) masonry. All other exterior building walls shall be no less than eighty-five percent (85%) masonry. The above masonry requirements shall be exclusive of doors and windows.

b. Multi-family

This paragraph “b.” applies to all new multi-family buildings constructed after the date of this amendment. All principal and accessory exterior building walls oriented towards the street on which the property is addressed and those exterior walls facing parks, designated open spaces, detention/amenity ponds, trails, or other public/common spaces shall be no less than one-hundred percent (100%) masonry. All other exterior building walls shall be no less than seventy-five percent (75%) masonry. The above masonry requirements shall be exclusive of doors and windows.

2. Non-Residential Masonry Construction Standards. The following standards apply to all new non-residential building construction, and to an existing non-residential building having a cumulative building expansion of fifty percent (50.0%) or more in floor area as calculated from the date of this amendment.

- a. All non-residential buildings not located within a Limited Industrial (IL) or General Industrial (IG) zoning district shall have not less than eighty percent (80%) masonry construction on each exterior wall, excluding doors and windows.
 - b. All non-residential buildings located within a Limited Industrial (IL) or General Industrial (IG) zoning district shall have exterior walls, excluding doors and windows, consisting of the following masonry standards.
 - i. 0-50,000 square feet: no less than 75% masonry construction on all walls;
 - ii. 50,001-100,000: no less than 50% masonry construction on all walls;
 - iii. 100,000 and larger: no less than 25% masonry construction on front façade and all other exterior building walls facing a public street.
 - c. Screening materials for the following uses shall be of masonry construction compatible with the main building:
 - i. Solid waste receptacles including but not limited to dumpsters and compactors;
 - ii. Above-ground storage tanks;
 - iii. Loading docks; and
 - iv. Similar accessory equipment and uses.
3. Hotels, Motels, and Commercial Lodging. See Section 125-90.E

Section 4. The City Council of the City of League City, Texas, hereby amends Article V of Chapter 125 of the Code of Ordinances of the City of League City, Texas, entitled “Zoning” by adding to Section 125-280, entitled *Definitions*, as follows:

Section 125-280.B. Terms Defined

BRICK shall mean severe weather rated kiln fired clay or slate material, or concrete brick if it is to the same as ASTM C216 or C652 and severe weather rated; such shall be no less than two and one-quarter (2 ¼) inches in thickness when applied as a veneer.

DECORATIVE CONCRETE MASONRY UNIT (CMU) shall include any unpainted upon, highly textured finish CMU including split faced, indented, hammered, fluted, ribbed, or similar architectural finish; such shall be no less than three and five-eighths (3 5/8) inches in thickness when applied as a veneer.

MASONRY shall mean and include brick, stone, decorative concrete masonry unit, or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar.

STONE shall include naturally occurring granite, marble, limestone, slate, river rock, and other similar durable all-weather stone that is customarily used in exterior building construction; shall include cast or manufactured stone products so long as such has a highly texturized stone-like appearance, is unpainted upon, and is demonstrated to be durable and maintenance free; such shall be no less than three and five-eighths (3 5/8) inches in thickness when applied as a veneer.

Section 5. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on first reading the ____ day of _____, 2016.

PASSED on second reading the ____ day of _____, 2016.

PASSED AND ADOPTED on the ____ day of _____, 2016.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney