

ORDINANCE NO. 2016-36

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**

...

***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 three (3) 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 that locates in a newly constructed building, or a newly constructed portion of an existing building that has been added to, 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.
- d. In this section, the term “newly constructed” means constructed pursuant to a building permit the application for which was submitted on or after January 1, 2017.

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 (1) within a Limited Industrial (IL) or General Industrial (IG) zoning district and (2) adjacent to a public or private street, shall have not less than fifty percent (50%) masonry construction on each exterior wall, excluding doors and windows.
  - 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
4. The City Planner may allow for minor deviations to the exterior construction requirements described in this Section 125-140.Q. to the extent that such approved minor deviations are not contrary to the intent or spirit of this Section.

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 the following terms 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. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 8. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 9. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective January 1, 2017.

PASSED on first reading the 11th day of October, 2016.

PASSED on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED AND ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
PAT HALLISEY  
Mayor

ATTEST:

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DIANA M. STAPP  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN  
City Attorney