ORDINANCE NO. 2022-25

AN ORDINANCE AMENDING CHAPTER 125, ENTITLED "UNIFIED DEVELOPMENT CODE", INCLUDING AMENDMENTS TO ARTICLE 3, ENTITLED "ZONING"; ARTICLE 4, ENTITLED "SITE DEVELOPMENT STANDARDS"; AND ARTICLE 5, ENTITLED "SUBDIVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY TO UPDATE AND CLARIFY VARIOUS SECTIONS; PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

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

Section 1. That Section 1.8, entitled "Vest Rights" of the League City Code of Ordinances is hereby REPEALED (additions, ~~deletions~~):

~~Sec. 125-1.8. Vested rights.~~

~~125-1.8.1. The purpose of this section is to:~~

~~(a) Recognize that, in accordance with V.T.C.A., Local Government Code Ch. 245, an owner of real property may be accorded rights that allow development of a project pursuant to the rules and regulations as such rules existed on the date of first permit in a series of permits for the project;~~

~~(b) Define a methodology that establishes and protects such vested rights of owners of real property while also promoting the vision for the community as established in the comprehensive plan and the current requirements applicable to development; and~~

~~(c) Clarify the vested condition of projects approved and/or in progress to the August 10, 1999 adoption of zoning in League City.~~

~~125-1.8.2. This section shall apply to:~~

~~(a) Any instance in which a property owner submits an application in accordance with the requirements of this chapter that is intended to result in approval, certification or similar action of one or a series of permits necessary for completion of a project, including preliminary plat, final plat, amended plat, minor plat, master site plan, site development plan, business registration, or permits for tree removal, building construction, grading or irrigation;~~

~~(b) Any instance in which a property owner acquires an approved development agreement from city council; or~~

~~(c) Any planned unit development (PUD) established by city council prior to February 11, 2014.~~

~~125-1.8.3. This section shall not apply to:~~

(a) An application for a zoning change, except for a special use permit or planned unit development.

(b) Nothing contained within this chapter shall limit the city's right to exempt a project or parts of a project or permit in accordance with V.T.C.A., Local Government Code Ch. 245 nor abridge the city's authority with respect to dormant projects as provided by V.T.C.A., Local Government Code Ch. 245.

(c) Date of filing of an application as established by this chapter shall serve as the date of filing exclusively for purposes of recognizing and maintaining vested rights.

125-1.8.4. A new project shall be considered to be vested if:

(a) A complete application if filed for a permit that is required to initiate, continue or complete a project;

(b) A property owner has acquired a development agreement from city council.

125-1.8.5. An existing project shall be considered vested until it has become dormant or been allowed to expire in accordance with the requirements of this chapter.

125-1.8.6. A project that is vested shall remain vested until completion of the project or until the project becomes dormant or allowed to expire in accordance with the requirements of this chapter.

125-1.8.7. Vested rights are exclusively conveyed to the project for which permits have been granted

125-1.8.8. Vested rights shall not be considered to be associated with a specific parcel, owner or applicant.

125-1.8.9. If a project requires an amendment that impacts items for which the project has been vested or amendment requires a zoning change that will impact items for which the project has been vested, the project shall be considered a new project and shall become vested to the requirements in existence at the time of application for the most recent amendment.

125-1.8.10. Vested rights exist in projects approved and/or in progress prior to August 10, 1999 adoption of zoning in League City as follows:

(a) Vesting rights existing for all elements provided for under V.T.C.A., Local Government Code Ch. 245 for which documentation has been made available to the city.

(b) Elements for which documentation is unavailable shall be governed by requirements established in the zoning ordinance as adopted August 10, 1999 with the exception that requirements specifically related to planned unit development designations shall be in accordance with the zoning ordinance as amended January 9, 200125-1.

(c) For active projects designated planned unit development on the zoning map associated with the zoning ordinance adopted August 10, 1999 the concept plan

~~utilized by the city in subsequent related proceedings shall be considered the concept plan for the project in place prior to August 10, 1999.~~

~~125-1.8.11. A project shall expire if:~~

~~(a) A successful application expires~~

~~(b) No progress has been made within five years of the date that the first permit application for the project was filed; or~~

~~(c) The last permit issued that vests a project expires after the fifth anniversary of the date that the first permit application of the project was filed and is, therefore, considered dormant.~~

~~125-1.8.12. Progress toward completion of the project shall include at least one of the following:~~

~~(a) A complete application for a final plat or plan is submitted;~~

~~(b) A good faith attempt is made to file a complete application for a permit necessary to begin or continue towards completion of the project;~~

~~(c) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities, designed to serve, in whole or in part, the project in the aggregate amount of five percent of the most recent appraised value of the real property on which the project is located, exclusive of land acquisition;~~

~~(d) Fiscal security is posted with the city to ensure performance of an obligation required by the city; or~~

~~(e) Utility connection fees or impact fees for the project have been paid to the city.~~

~~125-1.8.13. Thirty days prior to declaration that a project is expired the city shall notify a property owner in writing of the impending expiration of the project along with options that will allow the project to continue, including:~~

~~(a) Indication of proof that progress has been made in accordance with standards established in V.T.C.A., Local Government Code Ch. 245, or~~

~~(b) Request for a single, one-year extension to be approved by the city council in order to establish progress in accordance with standards established in V.T.C.A., Local Government Code Ch. 245. The request shall include information necessary to show that a one-year extension will allow the property owner to establish sufficient progress.~~

~~125-1.8.14. If a one-year extension is granted and a project remains unable to make sufficient progress, then the project shall expire at the end of the one-year extension.~~

~~125-1.8.15. An application shall be considered expired 45 days from the date at which the application was filed if:~~

~~(a) The applicant has failed to provide documents or other information necessary to comply with all technical requirements, form and content necessary to be considered a complete permit application;~~

~~(b) Within ten business days of the date from which the application was filed, the city has provided written notice of the failure to provide specific documents or other information and delineated the date at which the application will expire if said information is not provided in the manner necessary to consider the application complete; and~~

~~(c) The applicant fails to provide the specific documents or other information in the manner necessary to consider the application complete within the time provided in the written notice.~~

~~125-1.8.15. Unless otherwise specified, a permit that represents one or more of a series necessary to complete a project shall be considered expired on the second anniversary of the date of approval of the application, unless progress has been made toward completion of the project that is directly related to said permit.~~

Section 2. That Section 125-3.4 entitled "Residential multi-family districts" of the League City ode of Ordinances is hereby AMENDED to read as follows (additions, ~~deletions~~):

Sec. 125-3.4. Residential multi-family districts.

125-3.4.1. Purpose. The specific purpose of the RMF Residential Multi-Family Districts is to create, maintain, and enhance neighborhood residential areas with multi-family housing that is typically located near the city's major arterial roads, is part of mixed use development, and is characterized by a mix of attached housing in small and large multi-unit buildings. While future development will be primarily residential in nature, some small-scale public and nonresidential uses may be on the ground floor in a mixed use building on an arterial street may be permitted in certain districts. Two RMF Residential Multi-Family Districts are established:

(a) Multi-Family Residential (RMF-2). This district reflects existing multi-family areas of the city and is intended to provide for medium density residential development with a maximum density of 22 dwelling units per acre. Future development may take the form of two-family dwellings (duplexes), multiplexes, and townhouses.

(b) Multi-Family Residential (RMF-1.2). This district is intended to provide for high density multi-family residential development with a maximum density of 36 dwelling units per acre. Future development may take the form of multiplexes and apartments.

125-3.4.2. Development regulations. Table 125-3.4.2 below prescribes the development regulations for RMF Residential Multi-Family Districts. Refer also to section 125-3.14, Standards for specific uses.

125-3.4.3. Building Streetscapes. All multi-family buildings are required to use a wrap-building design consisting of apartments that wrap around a central parking garage. The structure may have retail shops on the ground floor.

Section 3. That Section 125-3.5.3 entitled "Building streetscape" of Section 125-3.5, entitled "Commercial and mixed use districts" of the League City Code of Ordinances is hereby AMENDED to read as follows (additions, ~~deletions~~):

125-3.5.3. Building streetscape.

(a) Building articulation. No blank walls greater than 15 feet in length, excluding garage doors, shall be permitted on all street frontages excluding alleys. Building surfaces shall include offsets, recesses, or projections that create shade or cast shadows to provide visual interest for at least 25 percent of the frontage. Examples include, but are not limited to, attached columns, recessed windows or window bays, horizontal/vertical banding or decorative cornices.

(b) Storefront continuity. Ground floor of retail buildings shall have a storefront appearance along all street frontages excluding alleys.

(c) Minimum build-to lines. Fifty percent of the front façade shall be built to the sidewalk along the primary street frontage.

(d) Properties located on 7th Street west of North Kansas Street with a Neighborhood Commercial base zoning District may have residential structures and uses.

Section 4. That sub-section 125-3.10.8(e), entitled "Revisions to Master Plan" of section 125-3.10.8, entitled "Procedures of PUD Overlay District Application" of the League City Code of Ordinances is hereby AMENDED to read as follows (additions, ~~deletions~~):

(e) Revisions to master plan. Changes to the master plan that do not alter the basic relationship of the proposed development to adjacent property; do not alter the uses permitted or increase the density, building height or coverage of the site; do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site; and do not significantly alter the landscape plans or signage as indicated on the approved development may be recommended by the city planner or designee and approved by the planning and zoning commission. The master plan must not have more than a 15 percent change in the land use or a significant change in geographic location from the previously approved concept plan for the -PUD Overlay District. Changes that alter the uses permitted by more than 15 percent and/or have significant change in geographic location shall require submittal of a revised concept plan to be considered and approved by the commission and city council via a public hearing and notified in the same manner as a text or map

amendment. When determining whether or not a "PUD" development has exceeded 15 percent and should be considered by city council, each of the following shall be considered:

(1) The total acreage change in the "PUD" development based on the original concept plan document. The concept plan establishes the land use acreages and represents the baseline in determining the percentage of change. (Example: In a 100-acre "PUD," an increase of ten acres of residential and a decrease of ten acres of commercial is still a total change of ten acres and the percentage of change of the total acreage is ten percent.)

(2) Percentage of change (increased or decreased) within each land use category based on the original concept plan document. For residential uses, the density units per acre shall also be calculated. (Example: In a 100-acre "PUD," a decrease from 15 to ten acres in the residential land use category represents a five percent change in acreage. However, an increase in density units per acre (dua) from 100 dua to 150 dua represents a 50 percent density increase.)

(3) Intangibles such as relocating a thoroughfare shown on the transportation plan, changing the general concept or changing the location of uses that may not necessarily have anything to do with the acreage of land uses per se, but may be just as important in evaluating whether or not a "PUD" should be reconsidered by the commission and city council.

(4) Minor Changes to a Master Plan may be approved administratively. Minor changes include:

a. Amendments that do not alter the basic relationship of uses to adjacent properties; and

b. Amendments that constitute less than a 1% change in land use.

Section 5. That the table listed in section 125-3.13, entitled "Use of land and/or buildings" of the League City Code of Ordinances is hereby AMENDED to read as follows (additions, ~~deletions~~):

USE	RSF-20	RSF-10	RSF-7	RSF-5	RSF-2	RMF-2	RMF-1.2	CN	CG	CO	CM	IL	IG	PS	OS	OT	OTT	CRC	HD-R	HD-C
Dwelling, Single Family	P	P	P	P	P														P	P
Event Venue									~~S~~ P		~~S~~ P					S			S	P
Automobile/Vehicle/Equipment Sales and Rental. Incidental parts sales, servicing, and repair facilities shall be located within a completely enclosed building. Used vehicle sales permitted as accessory use only.									~~P~~ S		S							S		
~~Used Vehicle Sales only as accessory use to Automobile/Vehicle/ Equipment Sales and Rental~~									~~P~~		~~P~~							~~P~~		
Micro-brewery, Micro-distillery, and Micro-winery									P		P	P				P				P
Personal Services								P	P	S	P					P	P	P		P
Production Industry, Artisan (See Sec. 125-3.14.4)								S	~~S~~ P	S	S	P				P	P	S	S	P
Tattoo Parlor/Body Piercing Studio												S	S							
Amusement Parks, Carnivals, and Other Similar Uses									S			S	S							

Section 6. That Section 125-3.14.2 entitled "Drive-through facilities" of Section 125-3.14, entitled "Standards for specific uses" of the League City Code of Ordinances is hereby AMENDED to read as follows (additions, ~~deletions~~):

125-3.14.2 Drive-through facilities. Drive-through service facilities must be located, developed, and operated in compliance with the following standards.

(a) Buffer yards. A minimum five-foot buffer yard along the side and rear property lines is required for businesses with drive-throughs. The buffer yard shall have trees and plantings. Buffer yards shall meet the standards of section 125-4.20. Buffer yard planting may be located in a required setback area. If there is any conflict between this requirement and buffer yard requirements in other sections of this chapter, the wider buffer yard requirement shall apply.

(b) Drive-through queue area. Each facility shall provide sufficient queue area at a minimum of 20 feet per vehicle in advance of the service to accommodate a minimum of six vehicles per establishment. The queuing lane shall be a separate lane and shall ~~The queue area may~~ not interfere with other on-site circulation and parking facilities.

(c) Litter. One permanent trash receptacle must be installed.

(d) Menu boards. Menu boards must be located at least 50 feet from any R district boundary. Noise levels measured at the property line of a drive-through service facility may not increase the existing ambient noise levels in the surrounding area.

(e) Pedestrian walkways. Pedestrian walkways must have clear visibility, and be emphasized by enhanced paving or markings when they intersect the drive through aisles.

Section 7. That Sub-Section 125-3.14.7(a), entitled "Exterior building façade" of Section 125-3.14.7, entitled "Hotels" of the League City Code of Ordinances is hereby REPEALED as follows (additions, ~~deletions~~):

(a) ~~Exterior building façade.~~ Reserved.

~~(1) Building materials. A minimum of 90 percent of all exterior walls, including parking structures, garages, and accessory structures, shall be constructed of: stone, brick or tile laid up by unit and set in mortar; stucco (exterior Portland cement plaster with three coats of metal lath or wire fabric lath); cultured stone, brick or cast stone; architecturally finished block—i.e. burnished block, glazed block, and split-faced concrete masonry units (not to exceed 40 percent of each façade); architectural glass (less than 25 percent reflectance); or a maximum of ten percent of the façade may include accent materials not listed in this section.~~

~~(2) a minimum of two distinct building materials are required, each covering at least 20 percent of the exterior building façade on each side. For a unique style of architecture, the city planner may grant administrative approval to use less than the required number of materials.~~

~~(3) Prohibited materials. Prohibited materials are: aluminum siding or cladding (excludes composite aluminum cladding, such as Alucobond); galvanized steel or other bright metal; wood or plastic siding; cementitious fiberboard, unfinished concrete block; exposed aggregate; wood roof shingles; and reflective glass.~~

Section 8. That Sub-Section 125-3.14.14(b), entitled "Accessory Structures" of Section 125-3.14.14, entitled "Accessory Structures and Uses" of the League City Code of Ordinances is hereby AMENDED to read as follows (additions, ~~deletions~~):

(b) Accessory structures. Accessory structures shall be located, developed, and operated in compliance with the following standards:

(1) Location. Detached accessory structures shall be located to the rear or to the side of the principal building.

(2) Setbacks. The minimum setbacks are determined by the zoning district in which the property is located, with the following exceptions:

a. An accessory structure shall be setback a minimum of ten feet from the rear lot line.

b. If an alley abuts the rear lot line, the rear setback for an accessory structure is six feet.

(3) Maximum size. The total floor area of all accessory structures shall not exceed 30 percent of the square footage of the livable area of the residence on the premises, or 15 percent of the lot area, whichever is greater. This requirement shall not apply to swimming pools or barns and agricultural related structures.

(4) Maximum height. The maximum height of residential accessory structures shall be 25 feet. The maximum height of nonresidential accessory structures shall be determined by the maximum height permitted in the zoning district in which it is located.

(5) Shipping containers. Shipping containers may be used as accessory structures in General Commercial (CG), Mixed Use Commercial (CM), and Industrial zoning districts provided the following requirements are met:

a. A building permit must be obtained for the placement of a container.

b. No container may be placed closer to the front property line than the principal building on the property, nor in a required landscaped area, retention basin, travel way or drive aisle, fire lane, required parking space, sidewalk, loading zone, or any other location where said container may cause a hazardous condition.

c. Containers may not be stacked.

d. No container may be connected to any electrical power source or plumbing line unless said container meets the requirements of the city's building, plumbing, and fire codes and the appropriate permits obtained for such connections.

e. No container may be used for any human occupancy unless said container meets the requirements of the city's building and fire codes as a habitable space and the appropriate permit(s) obtained for such occupancy.

f. All containers shall be completely screened from view from any abutting street, right-of-way, or property by means of an opaque fence or wall with a height at least one foot greater than the height of the storage container and constructed of a material compatible with that of the primary building on the property on which the container is placed.

g. Shipping containers may be used as accessory structures without meeting the requirements above in the following situations:

h. Retail establishments located in General Commercial, Mixed Use Commercial, or Industrial zoning districts may use shipping containers for storage on a seasonal basis, without building permit or screening, subject to the following:

i. Beginning no earlier than October 15 and ending no later than January 15 (maximum of 92 days) in any given year;

j. To the extent practicable, containers shall be placed in the rear yard of the property behind the main building;

k. Containers may be used for storage on city-owned property with approval of the city manager;

l. Containers may be used for the temporary storage of equipment, supplies, merchandise, or similar materials on a lot or parcel during construction undertaken pursuant to a valid building permit. Upon completion or abandonment of construction, or expiration of the building permit, containers shall be removed at the owner's expense. No container may be placed in a required landscaped area, retention basin, travel way or drive aisle, fire lane, required parking space, sidewalk, loading zone, or any other location where said container may cause a hazardous condition; or

m. In the case of emergencies, such as floods, windstorms, fires, or other acts of God, and man-made disasters such as sewage backups, water leaks, electrical overloads and other such events that damage property, the city planner or chief building official or designees shall have the discretion to allow the temporary placement and use of shipping containers on said property if such placement and use is reasonably deemed necessary or beneficial in recovery, restoration, mitigation of further damage, and/or reconstruction efforts.

(6) An accessory dwelling unit may be approved by the Planning Director in a single family residential district if said dwelling unit: (i) will share the same address and meters for utility service as the primary residential dwelling, and (ii) is to be occupied by no more than two persons who are related by blood or marriage to the family that occupies the primary residential dwelling.

Section 9. That Sub-Section 125-3.14-16(b), entitled "Nonconforming status" of Section 125-3.14-16, entitled "Standards for specific uses" of the League City Code of Ordinances is hereby AMENDED to read as follows (additions, ~~deletions~~):

(b) Nonconforming status. Any use, platted lot, or structure which does not conform with the regulations of the zoning district or subdivision regulations in which it is located shall be deemed a nonconforming use, lot, or structure when:

(1) The use, platted lot, or structure was in existence and lawfully operating prior to the adoption of this chapter and which has since been in regular and continuous use.

(2) The use, platted lot, or structure was in existence and lawfully constructed, located, and operating at the time of any amendment to this chapter, but by such amendment is placed in a district wherein such use, platted lot, or structure is not otherwise permitted and has since been in regular and continuous use.

(3) The use, platted lot, or structure was in existence at the time of annexation into the city and has since been in regular and continuous use.

~~(4) The owner of the property whose land use, lot, and/or structure is deemed to be nonconforming may file an application for a certificate of nonconforming status with the city's planning department. The application shall include a current survey and/or site plan describing the improvements and uses to which the property is being put at the time of the application. Upon receipt of a complete application, the city shall issue a certificate of nonconformance as acknowledgement that the use, lot, and/or structure was legal at the time the use, structure, or lot was established/constructed and is allowed to remain.~~

(4) A nonconforming lot or structure whose configuration has been altered involuntarily by eminent domain shall be allowed to reconfigure within the remaining space and reconstruct in order to permit the pre-existing use. The pre-existing use shall be consistent with the survey and/or site plan on file with the city, but in no event shall be allowed to enlarge to occupy more of a building or site.

Section 10. That Sub-Section 125-3.14.17(e), entitled "Site regulations" of Section 125-3.14.17, entitled "Mobile Food Vendors" of the League City Code of Ordinances is hereby AMENDED to read as follows (additions, ~~deletions~~):

(e) *Site regulations.*

(1) A mobile food vendor may conduct business only on private property where an existing, permanent business operates in a building and pursuant to a certificate of occupancy. Said property must be zoned commercial, industrial, or planned unit development where the base zoning district is commercial.

(2) A mobile food vendor parked to conduct business shall be:

~~a. Located no closer to major thoroughfares than the primary business building on the property;~~

a. Set back a minimum of 50 feet from residential single family properties; and

b. Not located in or on required parking spaces, driveways, fire lanes, unimproved surfaces, or any location where the mobile food vendor can obstruct traffic movement or impair visibility and safety to the site.

(3) Only one mobile food vendor is allowed per property, and no drive through may be marked or otherwise established for the mobile food vendor to conduct business.

Section 11. That Section 125-4.4, entitled "Fences, walls and plantings" is hereby AMENDED to read as follows (additions, ~~deletions~~):

Sec. 125-4.4. Fences, walls, and plantings.

125-4.4.1. Clear vision triangle at intersections. Within the triangular area formed by the right-of-way lines of intersecting streets and a line connecting points 25 feet on either side of the intersecting rights-of-way, including triangles formed from the centerline of driveways, there shall be clear space and no obstruction to vision. Fences, walls, plantings and other obstructions shall be restricted to a height of 30 inches or less above the grade of the lowest street as measured at the right-of-way line thereof in the above clear space.

125-4.4.2. Walls or fences containing injurious materials. Walls, fences or similar structures less than six feet in height shall not contain any substances, such as broken glass, barbed wire, spikes, nails or similar materials, designed to inflict pain or injury to any person or animal. Agricultural uses are exempt from this requirement.

125-4.4.3. Required fences or walls. For the open storage of recreational vehicles, boats, rental trucks or equipment, an approved opaque six-foot high wall, suitably constructed of masonry, or wood fence, or suitable landscaping, shall be required around the perimeter of the site, and shall be maintained by the owner. This subsection shall not be interpreted to preclude the city from requiring an eight-foot fence for needs of public health or safety, or to prevent nuisance impacts to adjacent properties or streets.

125-4.4.4. Decorative fences. Decorative fences metal/wrought iron fences are allowed in front and side yards all zoning districts subject to the following regulations:

(a) In all zoning districts except single family residential, the fence height shall not exceed six feet.

(b) On residential single family lots with a minimum size of 20,000 square feet, the fence height shall not exceed six feet.

(c) On residential single family lots less than 20,000 square feet in size, the fence height shall not exceed four feet.

(d) Fences shall be 70 percent transparent.

(e) Masonry columns may be used. If masonry columns are used, masonry columns shall also be required at all fence corners and turning points and at all fence termination points.

~~(f) No barbed wire, chicken wire, razor wire, chain link, lattice, or electrically charged fences shall be allowed.~~

125-4.4.5. Prohibited Fences. No barbed wire, chicken wire, razor wire, chain link (only prohibited in front yards), lattice, or electrically charged fences shall be allowed.

Section 12. That Section 125-4.12.4, entitled "Screening Specifications" of Section 125.4.12, entitled "Screening of mechanical areas" is hereby AMENDED to read as follows (additions, ~~deletions~~):

125-4.12.4. Screening specifications. Screening materials may be solid concrete, wood, landscaping, or other opaque material that is compatible with the building architecture and effectively screens mechanical equipment so that it is not visible from a public street or adjoining lot. ~~Screening material may have evenly distributed openings or perforations not exceeding 50 percent of the surface area.~~ Rooftop equipment may be screened using enclosure, partial screens, or parapet walls.

Section 13. That Section 125-4.17 entitled "Exterior Construction Requirements" of the League City ode of Ordinances is hereby REPEALED as follows (additions, ~~deletions~~):

Sec. 125-4.17. ~~Exterior construction requirements.~~ Reserved.

~~125-4.17.1. Residential masonry construction standards.~~

~~(a) Single and two-family.~~

~~(1) 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 Overlay District.~~

~~(2) 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 100 percent masonry. All other exterior building walls shall be no less than 85 percent 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 100 percent masonry. All other exterior building walls shall be no less than 75 percent masonry. The above masonry requirements shall be exclusive of doors and windows.~~

~~125-4.17.2. Nonresidential masonry construction standards. The following standards apply to all new nonresidential building construction, and to an existing nonresidential building having a cumulative building expansion of 50 percent or more in floor area as calculated from the date of this amendment.~~

~~(a) All nonresidential buildings not located within a Limited Industrial (IL) or General Industrial (IG) zoning district shall have not less than 80 percent masonry construction on each exterior wall, excluding doors and windows.~~

~~(b) All nonresidential 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 50 percent masonry construction on each exterior wall, excluding doors and windows.~~

~~125-4.17.3. Screening. Screening materials for the following uses shall be of masonry construction compatible with the main building;~~

~~(a) Solid waste receptacles including, but not limited to, dumpsters and compactors;~~

~~(b) Above-ground storage tanks;~~

~~(c) Loading docks; and~~

~~(d) Similar accessory equipment and uses.~~

~~125-4.17.4. Hotels. See section 125-3.14.8.~~

~~125-4.17.5. Minor deviations. The city planner may allow for minor deviations to the exterior construction requirements described in this section 125-4.17 to the extent that such approved minor deviations are not contrary to the intent or spirit of this section.~~

Section 14. That Section 125-4.19.5, entitled "Parking space and aisle dimensions" is hereby AMENDED to read as follows (additions, ~~deletions~~):

125-4.19.5. Parking space and aisle dimensions. This section sets forth dimensional requirements for open parking spaces, covered parking spaces, spaces in parking structures, and residential garage parking.

(a) Location of off-street parking spaces. Off-street parking spaces shall be located so that any parcel on which such parking spaces are located shall be adjacent to and bordering the property on which the building or use to which such parking spaces are assigned is located. In the event that two or more separate parcels on which off-street parking is located are assigned to a single building or use, at least one such parcel of real property (an "adjoining parking property") must be adjacent to and bordering the property on which the building or use is located and the remaining such parcels must be adjacent to and bordering either an adjoining parking property or the property on which the building or use is located.

(b) Open parking spaces. The minimum dimensions of open parking spaces and parking aisles are set forth in Table 125-4.19.5(h). For high turnover uses and uses utilizing shopping carts, space width shall be increased by six inches for 50 percent of the required parking spaces closest to the building entrances.

(c) Unenclosed covered parking spaces. Each unenclosed covered parking space shall measure at least nine feet in width and 19 feet in depth of unobstructed area. These measurements shall not include the exterior walls or supports of the structure. An unenclosed covered parking space shall have an unobstructed backup area of not less than 25 feet.

(d) Spaces in parking structures. Each parking space in a parking structure shall measure at least nine feet in width and 19 feet in depth and have an unobstructed back-up area of not less than 25 feet.

(e) Vertical clearance for unenclosed covered spaces and parking structures. Covered parking and parking structures shall have a minimum vertical clearance of eight feet.

(f) Residential garages. Single- and multi-family residential enclosed garage structures intended to accommodate one vehicle shall have a minimum interior unobstructed width of 12 feet and a minimum interior unobstructed length of 20 feet. For two vehicles, the minimum unobstructed interior width shall be 20 feet.

(g) Parking space and aisle dimensions. Table 125-4.19.5(h) below shall apply to all uses other than high turnover uses and those uses utilizing shopping carts.

(i) Stacking and queuing requirements.

(1) Stacking spaces provide the ability for vehicles to queue on-site prior to receiving a service. In all districts, at the time any building or structure is erected or altered, stacking spaces shall be provided for uses that include, but are not limited to, service stations, drive-through restaurants, drive-in or drive-through banks, and similar uses that allow customers or clients to receive services and/or conduct activities on the property without leaving their vehicle. City staff may require a traffic study to determine the stacking

and queuing requirements to properly identify the number of stacking spaces required. In no instance shall the queue accommodate fewer than six vehicles.

(2) A stacking space shall be a minimum of nine feet in width and 20 feet in length. ~~and~~ The queuing lane shall be a separate lane and shall not be located within or interfere with a public street or any other circulation driveway, parking space, fire lane or maneuvering area. Stacking spaces shall be provided behind the vehicle bay door, middle of the service window (e.g. quick service restaurant, dry cleaner), or middle of the service island (e.g. banks), whichever is applicable.

(3) A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting drive aisle. Buildings and other structures shall be set back a minimum often feet from the back of the curb of the intersecting drive aisle to provide adequate visibility and to allow vehicles to safely exit drive-thru lanes and escape lanes prior to merging into intersecting drive aisles.

(4) Driveway stacking length is the distance between the street right-of-way line and the near side of the first intersecting interior aisle or parking stall. The minimum length of driveway stacking shall be as follows in Table 125-4.19.5(i)(4) and subsection (5), illustration of driveway stacking, below.

(h) Dead End Parking Aisles. Dead-end aisles are not permitted unless a permanent turnaround is provided and approved by the Executive Director of Development Services.

Section 15. That Section 125-4.19.7, entitled "Parking access and driveways" is hereby AMENDED to read as follows (additions, ~~deletions~~):

125-4.19.7. Parking access and driveways.

(a) Each parking stall shall have appropriate access to a street or alley, and the maneuvering and access aisle shall be sufficient to permit vehicles to enter and leave the parking area in a forward motion.

(b) All driveways constructed to serve development addressed in this subsection shall be constructed in a manner and with materials similar to the frontage roadway. At a minimum, all driveways shall be concrete or asphalt. Paved driveways shall extend at a minimum to the property line or the end of the curb return, whichever is greater.

(c) All two-way driveways from arterials and collectors shall have ingress and egress lanes delineated by yellow traffic buttons placed in accordance with Texas Department of Transportation (TxDOT) specifications.

(d) New driveways shall conform to the requirements of the General Design and Construction Standards found in Appendix D or to TxDOT approved criteria, unless special circumstances warrant variations approved by the planning and zoning commission.

(e) The maximum number of driveways shall conform to the requirements outlined in Table 125-4.19.7(e) below or to TxDOT approved criteria, unless special circumstances warrant variations approved by the planning and zoning commission.

(f) Cross Access. Adjacent commercial or office properties and major traffic generators (i.e. shopping plazas, office parks) shall provide a cross access drive and pedestrian access way to allow circulation between two (2) or more abutting nonresidential properties. Cross access easements shall be established on the Final Plat and not by separate instrument. Each cross access easement shall be labeled for the specific purpose and to the specific parcel for which they are being provided.

Section 16. That Sub-Section 125-4.20.3(b), entitled "Location and measurement" of Section 125-4.20.3, entitled "Buffer yards" is hereby AMENDED to read as follows (additions, ~~deletions~~):

(b) Location and measurement. Required buffer yards ~~must~~ shall be developed along the perimeter of the lot and ~~are~~ shall be measured from the property line of the development site and extending inward. Buffer yard planting may be located in a required setback area. Buffer yards ~~may~~ shall not be located within any dedicated public or private street right-of-way.

Section 17. That Table 125-4.20.3(d), entitled "Buffer Yard Standards" is hereby AMENDED to read as follows (additions, ~~deletions~~):

Table 125-4.20.3(d): Buffer Yard Standards

	Buffer Yard Types			
	A	*B*	*C*	*Additional Regulations*
Buffer yard width (ft.)	20	30	50	1.
Canopy trees (per 100 lineal feet)	4	4	4	2.
Ornamental trees (per 100 lineal feet)	4	4	4	3.
~~Shrubs~~	~~continuous~~	~~continuous~~	~~continuous~~	~~4.~~
~~Berm height (ft.), if provided~~	~~—~~	~~—~~	~~4~~	~~5.~~
Fence/Masonry wall height (ft.)~~, if provided~~	6	6	8	~~6.~~ 4

(1) On any portion of the development site where this section would require two buffer yard types, the greater buffer yard type shall be required.

(2) Canopy trees shall mean deciduous and broadleaf evergreens capable of growing at least 25 feet in height or spread at maturity and not less than ten feet high and one and one-half-inch caliper at time of planting. ~~If a fence is provided, the~~ Trees shall be placed at least 8 feet from the fence.

(3) Ornamental trees shall mean deciduous or evergreen trees capable of growing between ten and 15 feet in height at maturity and not less than eight feet high and one and one-half-include caliper at time of planting. ~~If a fence is provided, the trees~~ Trees shall be placed at least 8 feet from the fence.

~~(4) Shrubs shall not be less than two feet high and five gallons in size at time of planting. The urban forester may approve a one gallon size for fast growing species. Groundcover shall be consistent with the requirements of section 125-14.20.2(e)(2) above. If a fence is provided, shrubs shall be placed at least four feet from the fence.~~

~~(5) The requirement for a berm may be waived if a fence is provided in a Type C buffer yard.~~

(~~6~~ 4) ~~Fences are not required as part of buffer yards; however, if a fence is provided in a Type B or C buffer yard, then the required width of the buffer yard may be reduced by five feet provided that~~ The fence/masonry wall ~~provides~~ shall provide a solid visual barrier. ~~No reduction in buffer yard width is permitted in a Type A buffer yard even if a fence is provided.~~

Section 18. That Table 125-4.20.3(e), entitled "Adjoining Development or District" is hereby AMENDED to read as follows (additions, ~~deletions~~):

Table 125-4.20-3(d): *Adjoining Development or District*

Proposed Development Providing Buffer	RSF-20	RSF-10	RSF-7	RSF-5	RSF-2	RMF-2	RMF-1.2	CN	CG	CO	CM	IL	IG	PS	OS*
RSF-2	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
RMF-2	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
RMF-1.2	B	B	B	B	A	A	A	A	A	A	A	A	A	A	A
CN	B	B	B	B	A	A	A	—	—	—	—	—	—	—	B
CG	C	C	C	C	A	A	A	—	—	—	—	—	—	B	C
CO	C	C	C	C	A	A	A	—	—	—	—	—	—	B	C
CM	C	C	C	C	A	A	A	—	—	—	—	—	—	B	C
IL	C	C	C	C	A	A	A	B	—	—	—	—	—	B	C
IG	C	C	C	C	A	A	A	C	B	B	B	B	—	C	C
PS	C	C	C	C	A	A	A	—	—	—	—	—	—	—	B
OS	A	A	A	A	A	A	A	—	—	—	—	—	—	—	—
PUD	B	B	B	B	A	A	A	A	B	B	B	B	C	B	B
~~RNC~~	~~—~~	~~—~~	~~—~~	~~—~~	~~A~~	~~A~~	~~A~~	~~—~~	~~B~~	~~B~~	~~B~~	~~B~~	~~C~~	~~B~~	~~—~~
CRC	B	B	C	C	A	A	A	—	—	—	—	—	B	B	C
~~TND~~	~~B~~	~~B~~	~~B~~	~~B~~	~~A~~	~~A~~	~~A~~	~~A~~	~~B~~	~~B~~	~~B~~	~~C~~	~~C~~	~~B~~	~~B~~
~~MAC~~	~~C~~	~~C~~	~~C~~	~~C~~	~~A~~	~~A~~	~~A~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~B~~	~~B~~	~~C~~

- No buffer yard required; A, B, C buffer yard standard

* Exception: The proposed development is not required to provide a buffer adjacent to property zoned Open Space that meets the following criteria: 1) Shall be a separately owned parcel; 2) Shall be solely utilized as a drainage easement or other utility; and 3)

The width shall equal or exceed the width of the required buffer. The proposed development shall provide an 8-foot tall fence along the property line adjoining the Open Space parcel if the Open Space parcel is adjacent to a zoning district that would require a buffer by the proposed development.

Section 19. That Sub-Section 125-5.3.7(d), entitled "Approvals" of Section 125-5.3.7, entitled "Master Plans" is hereby AMENDED to read as follows (additions, ~~deletions~~):

(d) Approvals. Staff comments shall be addressed by the applicant prior to approval by the planning and zoning commission. Said decision will be based upon a determination that the master plan meets the requirements of this chapter and all other applicable city ordinances and regulations. The master plan shall be subject to approval by the planning and zoning commission in concept only and does not constitute approval of the subsequent plats and phasing within the plan boundaries. Minor Changes to a Master Plan may be approved administratively. Minor changes include:

(1) Amendments that do not alter the basic relationship of uses to adjacent properties; and

(2) Amendments that constitute less than a 1% change in land use.

Section 20. That Section 125-5.3.9, entitled "Final Plat" is hereby AMENDED to read as follows (additions, ~~deletions~~):

125-5.3.9. Final plat.

(a) Submittal package. Final plat submittal package requirements (including graphic requirements, number of copies, and schedules) are contained in the development handbook. Submittals shall be accompanied by the required fee established by the fee schedule. The final plat and accompanying data shall substantially conform to the preliminary plat as conditionally approved by the planning and zoning commission, incorporating all changes, modifications, alterations, corrections, and conditions imposed by the planning and zoning commission. If all information and other required submittals are contained within the submittal packet and the final plat is complete in every respect, the plat shall be recommended to the planning and zoning commission for their approval. A Final Plat shall be required for any division except those that may be approved through the Minor Plat, Replat and Amending Plat procedures.

(b) Incomplete application. If the application is incomplete, planning staff shall make note of such requirements in a letter to the engineer or surveyor. Upon submittal of the requested additional information, the process of review will continue, and this process of review and resubmission shall continue until the application is complete in every respect.

(c) Approval. At the time the application is complete, the plat will be placed on the planning and zoning commission agenda. The planning and zoning commission shall approve, approve with conditions, or disapprove an application for a final plat. Prior to recordation of a Final Plat that includes public or private improvements (infrastructure), either:

(1) The improvements must be constructed and initially accepted by the City; or

(2) Adequate security must be provided for the improvements, in accordance with Article V of this Chapter.

(d) Post-approval. Upon approval of the final plat, the applicant shall submit to the planning department the following items as required by Galveston and Harris Counties:

(1) Mylars including the notarized original signatures of the owner(s) of the property included in the plat and the original surveyor and notary seals. (The city will be responsible for the required city signatures and recording the plat with the county.)

(2) An electronic version of the plat, in a format that is compatible with the city's software.

(3) Original tax certificates and receipts from all applicable jurisdictions.

(4) A certified or cashier's check, payable to the county clerk's office for either Galveston or Harris County, in the amount of the cost of the county's recording fees.

~~(5) If public and/or private improvements have not been completed and accepted by city council, the applicant shall provide a letter of credit from a federally insured lending institution or depository as security for the completion of the improvements before the plat is recorded at the county.~~

Section 21. That Section 125-5.3.11, entitled "Replat" is hereby AMENDED to read as follows (additions, ~~deletions~~):

125-5.3.11. Replat.

(a) The purpose of a replat is to re-subdivide part of all of any property for which a final plat has been previously approved and recorded and does not require the vacation of the entire preceding plat. Replats shall apply only if a property owner desires to change a portion of a final plat that has been previously recorded. Replat submittal package requirements (including graphic requirements, number of copies, and schedules) are contained in the development handbook. Submittals shall be accompanied by the required fee established by the fee schedule.

(b) The same procedures for final plat approval applies to the replat, except as noted.

(c) The replat shall be submitted to the planning department with a copy of the preceding plat of land along with the proposed replat.

(d) Replat without vacation. A replat of all or a portion of a recorded plat may be approved in accordance with state law without vacation if the replat:

(1) is signed and acknowledged by only by the owners of the property being replatted; and

(2) does not attempt to amend or remove any covenants or restrictions previously incorporated in the recorded plat. A note shall be placed on the replat.

(e) In addition to section (d) above, a replat without vacation of the preceding plat must conform to the requirements of this section if:

(1) During the preceding five years, if any of the area to be replatted had a single-family and duplex zoning classification or

(2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

(f) ~~Variance. If a proposed replat, described in subsection (d) above, requires a variance or exception, a public hearing must be held by the commission or city council prior to approval of the replat application.~~ See Texas Local Government Code § 212.015 "Additional Requirements for Certain Replats" if proposed replat requires a variance or a legal protest is submitted.

~~(g) Notice of hearing requirements. Notice of a public hearing shall be given before the 15th day of the hearing by publication in a newspaper of general circulation in League City and written notice to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll.~~

~~(h) Variance and legal protest. If the replat requires a variance and a legal protest is submitted, then the proposed replat must receive the affirmative vote of at least three-fourths of the planning and zoning commission to be approved. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision must be submitted to the planning department prior to the close of the public hearing. In computing the percentage of land area, the area if streets and alleys shall be included.~~

~~(i) Compliance with subsections 125-5.3.11(e) and (f) is not required for approval of part of a preceding plat if the area to be replatted was designated or reserved for other than single-family or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.~~

(g) If a proposed replat does not require a variance or exception, not later than the 15th day after the date the replat is approved, written notice by mail of the approval of the replat will be provided to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipal tax roll. The notice of replat approval shall include: the zoning designation of the property after the replat; a telephone number; and e-mail address that an owner of a lot may use to contact the city about the replat. This subsection does not apply to a proposed replat if the commission or city council holds a public hearing and gives notice of the hearing ~~in a manner provided in subsection (g)~~.

(h) If the property involves subdivision of property that is from a previous plat recorded before September 11, 1969, then the public hearing and notice requirements and legal protest rules listed in this subsection shall not apply.

Section 22. That Sub-Section 125-5.9.3(h), entitled "Construction plan form and content" is hereby AMENDED to read as follows (additions, ~~deletions~~):

(h) Construction plan form and content. Construction plans shall be prepared and submitted to the city engineer to be distributed for review. For review, the developer's engineer shall submit two full sets of the proposed construction plans along with a digital copy on a CD. Plans shall be drawn to an engineering scale that legible conveys all information on 24-inch by 36-inch sheets. Plans that are not legible will be returned to the developer's engineer with a request to revise the scale and improve its legibility. Specific information to be included on the construction plans shall include the following:

(1) Proposed subdivision name and location, the name and address of the owner(s), and the name and seal of the civil engineer preparing the plans.

(2) Date, approximate north arrow and graphic scale, actual datum and bench marks.

(3) Vicinity map drawn at a minimum scale of one to 500 feet;

(4) Topography. For developments of 50 acres or less, contours shall be shown at a minimum of one-foot intervals and indicate the direction of surface water. For developments greater than 50 acres, contours shall be shown at a minimum of two-foot intervals and indicate the direction of surface water.

(5) Easements. All easements shall be clearly labeled. No trees shall be permitted to remain or be planted within an easement.

(6) Street system. Plan information for curb and gutter, sidewalks, crosswalks, and commercial driveways. Plan and profiles of all streets (public and private) and alleys.

(7) Street drainage. All street rights-of-way, widths, grades, and distances shall be indicated. Runoff summary shall be indicated on the outlet and inlet side

of all drainage ditches and storm sewers and at all street intersections. All drainage easements shall be indicated. Open drainage ditches are not allowed alongside newly constructed public or private streets.

(8) Water system. Plans of the sizes and types of all lines, fittings, valve boxes, and the location of fire hydrants. The plan shall show the existing mains to which the system will be connected. The city engineer may require plan and profile of watermains;

(9) Sanitary sewer system. Plans and profile drawings of the existing and proposed sanitary infrastructure shall indicate sizes, types, flow line grades and depths, and their locations within the system.

(10) Storm drainage system and detention. Prior to approval of a subdivision, a topographic map of the existing drainage conditions and a proposed drainage plan shall be submitted and approved by the city engineer. An adequate drainage system, including necessary ~~open ditches,~~ pipes, culverts, intersections drains, drop inlets, bridges, and other improvements shall be provided for the proper drainage of all surface water as approved by the City Engineer. Open ditches are not allowed along newly constructed public or private streets. The 100-year floodplain and 500-year floodplain shall be delineated based upon conditions of the projected ultimate development of the subdivision. When a drainage channel, retention/detention facility, or storm sewer is proposed, completed plans, profiles, and specifications shall be submitted showing complete construction details. Open ditches may be considered in a Planned Unit Development.

Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, an easement or right-of-way which substantially conforms to the limit of such water course, plus and additional 20-foot width to accommodate maintenance need shall be provided. Drainage easements shall be reviewed on a case-by-case basis and shall be approved by the city engineer both as to location and width.

(11) Construction pollution prevention plan. The developer's engineer shall submit a storm water pollution prevention plan (SWPPP) with the construction plans, which shall be implemented and maintained by the developer as outlined in the approved permit throughout the duration of development construction.

(12) Specifications. Use the most recent edition of the City of League City General Design and Construction Standards and generally accepted construction practices.

(13) Plan detail. The plan detail sheet shall be a composite of all details which concern the above or any other details necessary to show the extent of construction of all improvements.

(14) Record drawings. Upon completion of field construction, the developer shall furnish the city engineer a digital copy of certified record drawings on

a CD. Such record drawings shall show the actual field locations based on information provided by the developer's contractor, the city's construction inspector, and the engineer of record. The engineer of record shall also submit a certified list of permanent control monuments used for the construction of the development, inclusive of location and USGS elevations.

(15) Approval. All construction plans shall be subject to approval by the city engineer, which shall be in writing.

Section 23. That Sub-Section 125-5.11, entitled "Unapproved plats and noncomplying developments" is hereby AMENDED to read as follows (additions, ~~deletions~~):

Sec. 125-5.11. Unapproved plats and noncomplying developments.

In any subdivision for which a plat has not been approved and filed for record in the Galveston County may records or Harris County map records, as appropriate, or in which subdivision the standards stipulated in this article have not been complied with in full, the city shall issue no ~~plumbing, repair, plumbing, or electrical~~ permits, ~~and~~ the city shall not repair or maintain any street, and the city shall not sell or supply water or sanitary sewer service therein.

Section 24. That Sub-Section 125-5.12.8, entitled "Unapproved plats and noncomplying developments" is hereby AMENDED to read as follows (additions, ~~deletions~~):

Sec. 125-5.12. Variances.

125-5.12.1. The planning and zoning commission may grant a variance to any of the provisions of this article except for the requirements in the city's general design and construction standards pursuant to the procedures set forth in this section. Each application for a variance shall be decided solely on its own merits; neither the lack of enforcement of any ordinance nor the disposition of any prior or pending application for a variance may be considered or allowed to affect any decision on the application in question. Pecuniary interests standing alone shall not be justification for the granting of a variance.

125-5.12.2. The application fee and procedures for a public hearing and provision of notice shall be the same as established by the city for a rezoning request, except that the applicant shall include a copy of this section with any notice that the applicant is required to mail.

125-5.12.3. The planning and zoning commission may, by affirmative vote of at least three-fourths of its members present and voting, grant a variance to the regulations of this article if it finds, by clear and convincing evidence, that all of the following criteria are met:

(a) There are unique conditions peculiar to the subject parcel or tract that do not exist on adjacent parcels or tracts;

(b) Strict application of this article deprives the applicant of rights commonly enjoyed by other land in the area or land with similar uses;

(c) The variance, if granted, does not frustrate the intent and purpose of article V and the community, neighborhood, and other applicable land use and development plans, and will not adversely affect property or property values in the vicinity of the subject site;

(d) Conditions supporting the granting of the variance request are not self-created by disregard or ignorance of federal, state, or local codes and /or ordinances; and

(e) The variance is tailored as narrowly as possible while still granting the relief sought.

125-5.12.4. Factors that may not be considered to support the granting of a variance include, but are not limited to, the following:

(1) Personal and/or economic hardship;

(2) Misrepresentation of property conditions, uses, or regulations by a seller or agent;

(3) Errors made by a surveyor, contractor, or builder;

(4) Increasing the profit, income, or competitive advantage of the applicant; and/or

(5) Threats to locate or relocate outside of the city, or cancel or scale back a project, if a variance is denied.

125-5.12.5. The applicant bears the burden of proof to demonstrate that the requirement(s) of this article from which a variance is requested, if uniformly applied, imposes and undue hardship or disproportionate burden on the applicant. The applicant shall submit statements, studies, and any other relevant information as may be required by the city planner to substantiate the claim(s) for which a variance is requested. If additional information is so required, the application for a variance shall be deemed complete only upon the submittal of all such required information. The planning and zoning commission and/or city council during review and consideration of the request may require additional studies or information from the applicant, which additional information must be submitted before any action may be taken on the variance application. The offer or submittal, at any stage of the variance application process, by the applicant of information that proves to be false shall cause the variance request to be denied. If a variance request is approved based upon information offered and submitted by the applicant, without regard to the applicant's knowledge of the falsity of said information, and after approval of the variance, the approving authority finds said information to be false by a preponderance of the evidence, the variance shall be considered null and void as of the date of that finding and the approving authority shall reconsider the variance request in light of the corrected information.

125-5.12.6. The decision of the planning and zoning commission on a variance request may be appealed within 14 days of said decision by filing with the city secretary:

(a) The applicant's written appeal; or

(b) A written request by two members of the city council to place a consideration of the variance upon the agenda of a city council meeting.

125-5.12.7. The city council shall decide the appeal at a meeting not later than 45 calendar days after the date on which the appeal is submitted and may, by majority vote of those present and voting, affirm, modify, or reverse the decision of the planning and zoning commission. Such decision of the city council shall be final.

125-5.12-8. See Texas Local Government Code §212.015 "Additional Requirements for Certain Replats" if proposed replat requires a variance and a legal protest is submitted.

Section 25. That Appendix A, entitled "Definitions" is hereby AMENDED to adopt the following new definitions as follows (additions, ~~deletions~~):

Stacking Space. A space that a vehicle can occupy for the purpose of queuing to access a drive-through service.

Cross Access. The construction of driveways within private property which interconnect the driveways of two (2) or more abutting nonresidential properties. Cross access provides motorists the ability to move between developments without using the roadway.

Amusement Parks, Carnivals, and Other Similar Uses. An area used as a permanent location for amusement activities such as merry-go-rounds, Ferris wheels, and similar types of amusement rides; booths for the conduct of games of skill; shows; refreshment stands and picnic tables.

Tattoo Parlor/Body Piercing Studio. The workshop of a tattoo artist and/ or facility where the piercing of body parts, other than ears is performed for the purposes of allowing the insertion of jewelry, or other paraphernalia, primarily for the purpose of ornamentation of the human body.

Section 26. 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 27. 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 validityof the remaining portions thereof.

Section 28. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 29. 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 30. 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. This Ordinance shall become effective upon passage.

PASSED first reading the _____ day of _____, 2022.

PASSED AND ADOPTED the ____ day of _____, 2022.

_____
PAT HALLISEY
Mayor

ATTEST:

_____
DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

_____
NGHIEM V. DOAN
City Attorney