

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING CHAPTER 125 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY, ENTITLED "ZONING" TO: 1) REMOVE THE "TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT AND MIXED USE ACTIVITY OVERLAY DISTRICT, 2) TO AMEND THE REGULATIONS RELATED TO NEW HOTELS, 3) TO REQUIRE A SPECIAL USE PERMIT IN CERTAIN INSTANCES, 4) TO ADD SOME DEFINITIONS, 5) TO ADD SPECIFIC USE STANDARDS FOR WHOLESALE NURSERIES, 6) TO AMEND PARKING STANDARDS, 7) TO ADD A CONCRETE SURFACE REQUIREMENT FOR BUSINESSES AND 8) OTHER MINOR CHANGES PROVIDING FOR A PENALTY, 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 the Code of Ordinances if hereby amended to AMEND Section 125-72 entitled "*Commercial and mixed use districts*" by amending Schedule 125-72.B entitled "*Use Regulations – Commercial and Mixed Use Districts*" as attached in **Exhibit A**, which is incorporated herein.

**Section 2.** That the Code of Ordinances if hereby amended to AMEND Section 125-73 entitled "*Industrial districts*" by amending Schedule 125-73B entitled "*Use Regulations – Industrial Districts*" as attached in **Exhibit B**, which is incorporated herein.

**Section 3.** That the Code of Ordinances if hereby amended to AMEND Section 125-76 entitled "*Olde Towne districts*" by amending Schedule 125-76.D entitled "*Use Regulations – Olde Towne District*" as attached in **Exhibit C**, which is incorporated herein.

**Section 4.** That the Code of Ordinances if hereby amended to AMEND Section 125-82 entitled "*CRC Commercial Revitalization Overlay District*" by amending Schedule 125-82.D entitled "*Use Regulations – Commercial Revitalization Overlay District*" as attached in **Exhibit D**, which is incorporated herein.

**Section 5.** That the Code of Ordinances if hereby amended to DELETE Section 125-83 entitled "*TND Traditional Neighborhood Development Overlay District*" in its entirety and replace it as follows: "Sec. 125-83. – Reserved".

**Section 6.** That the Code of Ordinances is hereby amended to DELETE Section 125-84 entitled “*MAC Major Activity Center Overlay District*” in its entirety and replace it as follows: “Sec. 125-84. – Reserved”.

**Section 7.** That the Code of Ordinances is hereby amended to AMEND Section 125-90 entitled “*Standards for Specific Uses*” by deleting subsection 125-90(f) entitled “*Hotels and Commercial Lodging*” in its entirety and replacing it with the following:

(f) Hotels. The following standards shall apply to full service hotels, limited service hotels and residence hotels.

(1) Exterior building facade.

a. 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 facade); architectural glass (less than 25 percent reflectance); or a maximum of ten percent of the facade may include accent materials not listed in this section.

b. A minimum of two distinct building materials are required, each covering at least 20 percent of the exterior building facade 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.

c. 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.

(2) Roofing materials. Variations in roof lines shall be used to add interest and reduce the scale of large buildings. Roof features shall complement the character of the overall development.

a. Flat roofs. Flat roofs shall be permitted.

b. Overhanging eaves. Overhanging eaves shall extend no less than three feet past the supporting walls. Overhanging eaves may be reduced to no less than two feet as long as it is embellished by an articulated cornice.

c. Pitched roofs. Pitched roofs shall have a minimum pitch of 4/12. This requirement shall not apply to roofs for entries or dormers. Asphalt shingles, industry approved synthetic shingles, standing seam metal or roofs are allowed for sloping roofs.

(3) Entry features.

a. All public entrances shall incorporate arcades, roofs, alcoves, porticoes and awnings that protect pedestrians from the sun and weather. This requirement shall not apply for loading areas.

b. Primary building entrances are to be defined and treated as a signature element of the building and articulated with architectural elements such as pediments, columns, porticos, and overhangs.

c. A porte-cochere or other covered area shall be provided immediately adjacent to the building entrance nearest the registration desk with an area for temporary parking of at least two vehicles underneath the covered area for guests checking in and out.

d. Some design element such as, but not limited to, water features, sculptures, and public art shall be provided at the building entrance. Water features must be designed in proportion to the primary building entrance.

(4) Facade articulation. Building facades fronting public and private streets and driveways shall have massing changes and architectural articulation to provide visual interest and texture and reduce large areas of undifferentiated building facade. Buildings should avoid oversimplified, one-dimensional facades that lack human scale. Design articulation should not apply evenly across the building facade, but should be grouped for greater visual impact employing changes in volume and plane. Architectural elements include projecting volumes, windows, balconies, loggia, canopies, pediments and moldings that break up the mass of the building.

(5) Design elements. Design features used as part of the building's entry feature may not be counted towards the design element requirement. Building shall include a minimum of at least four design features. These features include, but are not limited to: overhangs; canopies or porticos; recesses/projections; arcades; raised corniced parapets over the entrance; peaked roof forms; arches; outdoor patios; tower elements (at strategic locations); roof deck terraces; display windows; integral planters that incorporate landscaped areas or seating areas; water features; public art/sculptures; trellises; balconettes; and architectural pavers such as scored, stamped, or stained concrete in the porte-cochere area.

(6) Site design.

a. All outside equipment such as air conditions, pool equipment, satellite dishes, etc., shall be screened from view by a masonry wall or landscaping. Individual window air conditioning units are prohibited.

b. Hotels shall conform to Crime Prevention through Environmental Design (CPTED) principles and provide good visibility in all public areas, open space areas, driveway entrances from public streets, driveway intersections, and parking lots. Lighting, for example, shall be used to create safe and secure public areas while illuminating only those areas for which lighting is designed, and shall be designed to reduce glare and not impact adjacent uses.

(7) Other Standards.

a. Access to guest rooms shall be restricted exclusively to interior corridors, which shall be accessed via the main lobby of the building or entryways.

b. The hotel shall install and maintain, in properly operating order surveillance cameras in each interior hallway and lobby area, in the parking lots and at each exterior door. The cameras shall be placed so as to provide visibility to the front and rear exteriors of the building. Monitors shall be provided for security and other hotel personnel so that on-site activities may be viewed at all times. Surveillance cameras shall be in operation 24 hours a day and records of images shall be kept a minimum of 30 days.

c. A minimum of 250 guest rooms.

d. A minimum guest room size of 375 square feet.

e. An open and unobstructed lobby area (excluding the work area for hotel employees) that is designed as part of the check-in/check-out area for guests. The lobby shall be a minimum size of five square feet per guest room.

f. A lounge or waiting area with a minimum size of ten square feet per guest room. Atriums or other open space areas (excluding the lobby) may be counted as waiting area if seating is provided.

g. Conference/meeting spaces that total a minimum of 20,000 square feet with the largest space a minimum of 10,000 square feet.

h. Recreation facilities including a swimming pool with a minimum surface area of 1,000 square feet; and an exercise room or comparable recreation facilities such as sports courts.

i. At least one interior restaurant with a full service kitchen, cooking and service staff offering meals during normal dining hours (breakfast, lunch and dinner). Restaurant(s) shall be open to the public and provide seating for a minimum of 200 guests.

j. Daily housekeeping service; room service; concierge service; and a bellman.

k. On-site management 24 hours a day to provide check-in/check-out services, custodial and maintenance response, or other guest services.

l. A business center featuring personal computers with internet access, facsimile and copy machines.

**Section 8.** That the Code of Ordinances is hereby amended to AMEND Section 125-90 entitled “*Standards for Specific Uses*” by adding subsection 125-90(k) entitled “*Nursey and Landscaping Materials/Wholesale*” as follows:

*(k) Nursey and Landscaping Materials/Wholesale*

(1) Hours of Operation. When abutting a residential use or zoning district, said business shall not operate between the hours of 9:00 pm and 7:00 am.

(2) Minimum Setback.

a. Loading and Service areas: 50 feet from any residential use of zoning district.

b. Outdoor Merchandise Display/Sales and other Outdoor Storage: 50 feet from any residential use or zoning district.

(3) Screening. Outdoor storage shall be enclosed by a solid masonry or concrete wall or wood fence having a minimum height of six (6) feet. The business shall also meet the buffer yard requirement in Schedule 125-190C-2.

(4) Materials Management

a. Materials stored outdoors shall not exceed a height of six (6) feet,

b. Materials stored outdoors shall not be located between the building and the street property line.

c. Appropriate measures shall be taken to contain, cover or otherwise secure materials that are likely to generate wind-blown dust or debris that may affect adjacent properties, including bulk mulch, sand, soil, fill, rock and similar materials.

d. Outdoor storage may be on unimproved surfaces.

(5) Fencing. If chain link fencing is used on site, it shall not be visible from any property line.

**Section 9.** That the Code of Ordinances is hereby amended to AMEND Section 125-140 entitled “*General Site Standards*” by adding subsection 125-140(r) entitled “*Concrete Surface Requirement*” as follows:

125-140(r) *Concrete Surface Requirement.* All business related operations must be on concrete surfaces.

**Section 10.** That the Code of Ordinances is hereby amended to AMEND Section 125-170 entitled “*Off-Street parking and loading*” by deleting subsection 125-170(c)(7) entitled “*Shared Parking*” in its entirety and replacing it with the following:

7. *Shared Parking.* Where a use generates parking demand primarily during hours when an adjacent use or uses are not in operation or generate shared trips, a reduction of up to 50 percent of the required parking may be administratively approved. Shared parking ratios shall be based on the Institute of Transportation Engineers (ITE) Parking Generation. The application requirements shall include:

- a. Submission of a parking study prepared by a person licensed to prepare such study;
- b. The proposed agreement providing for the shared use of parking areas, executed by the parties involved, must be filed with the Planning Department, in a form satisfactory to the City Attorney.
- c. After approval by the City Attorney, the agreement shall be recorded at the Galveston or Harris County Land Records office by the applicant
- d. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking.

**Section 11.** That the Code of Ordinances is hereby amended to AMEND Section 125-170 entitled “*Off-Street parking and loading*” by deleting subsection 125-170(c)(20) entitled “*Parking on Single Family Residential Lots*” in its entirety and replacing it with the following:

20. *Parking On Single Family Residential Lots.* One additional uncovered parking space may be constructed next to the driveway or adjacent to a garage or carport. On corner lots, the parking space shall not be constructed in the street side setback area. No vehicle or trailer shall be parked in the front or side yard setback area visible from the street, except on a driveway or additional parking space permitted in this subsection. The additional parking space permitted by this subsection shall comply with the following standards:

- a. The parking space shall have a concrete surface;

b. The surface may consist of 2 parallel concrete or cement strips. The area between such parallel strips shall be landscaped with vegetative or non- vegetative ground cover;

c. No parked vehicle may obstruct or encroach on a sidewalk; and

d. Access to the parking space shall be via a curb cut, rolled curb, or driveway.

**Section 12.** That the Code of Ordinances if hereby amended to AMEND Section 125-170 entitled “*Off-Street parking and loading*” by adding subsection 125-170(c)(21) entitled “*Prohibited Parking*” as follows:

21. *Prohibited Parking.* Parking and/or storage of vehicles on grass or other non-paved area in any zoning district is prohibited except for agricultural machinery or equipment in the OS zoning district. Material for the paved area shall be concrete.

**Section 13.** That the Code of Ordinances if hereby amended to AMEND Section 125-170 entitled “*Off-Street Parking and Loading*” by amending Schedule 125-170(d) entitled “*Off-Street Parking Requirements*” as attached in **Exhibit E**, which is incorporated herein.

**Section 14.** That the Code of Ordinances if hereby amended to AMEND Section 125-260 entitled “*Use Classifications*” by amending subsection 125-260(e) entitled “*Commercial Use Classifications*” by deleting the classification of “*Hotels and commercial lodging*” in its entirety and replacing it with the following:

*Hotels.* A building or group of buildings designed for and occupied as a temporary dwelling place which may provide additional services such as conference/meeting rooms and restaurants available to guests or the general public. This definition excludes bed and breakfast establishments and adult motels as defined in chapter 26 of the Code of Ordinances.

**Section 15.** That the Code of Ordinances if hereby amended to AMEND Section 125-260 entitled “*Use Classifications*” by amending subsection 125-260(e) entitled “*Commercial Use Classifications*” by adding the classification of “*Micro-Brewery, Micro-Distillery and Micro-Winery*”, “*Animal Sales and Services with Outdoor Kennels, Areas and Runs*” and “*Event Venue*” as follows:

*Micro-brewery, Micro-distillery and Micro-winery.* A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possess the appropriate licenses from the State of Texas.

*Animal Sales and Services with outdoor kennels, areas, and runs.* An animal-related use that includes an outdoor component, including a veterinary office or a commercial establishment in which dogs or other domesticated animals (pets) are housed, groomed, bred, boarded, trained, sold, or provided other health and well-being related services. Any of the listed activities may occur outdoors for an extended period of time. This use allows for the use of outdoor pens for shelter or care of animals.

*Event Venue.* A facility the primary use of which is for rental for a fee to the general public for events such as craft fairs, concerts, weddings, parties and family reunions are held.

**Section 16.** That the Code of Ordinances is hereby amended to AMEND Section 125-260 entitled “*Use Classifications*” by amending subsection 125-260(f) entitled “*Industrial Use Classifications*” by adding the classification of “*Nurseries and Landscaping Materials/Wholesale*” and “*Wrecking, Junk, or Salvage Yard (auto, steel, building materials) and Towing Services*” as follows:

*Nurseries and Landscaping Materials, Wholesale.* Establishments engaged in the storage, cultivation transplanting of live trees, shrubs or plants offered on the premises including items directly related to landscaping or gardening care and maintenance. The outdoor storage area may be larger than principal building.

*Wrecking, Junk, or Salvage Yard (auto, steel, building materials) and Towing Services.* A yard or building the primary use of which is for motor vehicles, parts of motor vehicles, building materials, or machinery to be stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as scrap or processed metal. The facility may also provide towing/transporting of damaged, inoperable or impounded motor vehicles

**Section 17.** That the Code of Ordinances is hereby amended to AMEND Section 125-260 entitled “*Use Classifications*” by amending subsection 125-260(f) entitled “*Industrial Use Classifications*” by deleting the classification of “*Nurseries and Garden Supply Stores*” in its entirety as replacing it with the following:

*Nurseries and Garden Supply Stores.* Establishments engaged in the retail sale of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals or other nursery goods and related products in small quantities to the consumer and may include the rental of small garden power equipment.



**Section 18.** 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 19.** 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 20.** Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 21.** 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 22.** 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 immediately upon passage.

PASSED first reading the \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED second reading the \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED the \_\_\_\_ day of \_\_\_\_\_, 2019.

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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