

## 1. TND and MAC OVERLAY ZONING DISTRICTS

Due to the length of the two items, only the title, Section Names, and Purpose of Overlay districts have been included here.

### Article III – Zoning Regulations

#### ~~Sec. 125-83 — TND Traditional Neighborhood Development Overlay District~~

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**Sections:**

- ~~125-83.A. — Purposes~~
- ~~125-83.B. — Zoning Map Designator~~
- ~~125-83.C. — Applicability~~
- ~~125-83.D. — Land Use Regulations~~
- ~~125-83.E. — Land Use Distribution~~
- ~~125-83.F. — Building Types~~
- ~~125-83.G. — Development Regulations — All Building Types 125-~~
- ~~125-83.H. — Development Regulations — Mixed Use Buildings~~
- ~~125-83.I. — Development Regulations — Apartment Buildings~~
- ~~125-83.J. — Development Regulations — Townhouse Buildings~~
- ~~125-83.K. — Development Regulations — Duplex Buildings~~
- ~~125-83.L. — Development Regulations — Single Family Buildings~~
- ~~125-83.M. — Development Regulations — Public and Semi-Public Buildings~~
- ~~125-83.N. — Open Space and Landscaping~~
- ~~125-83.O. — Circulation~~
- ~~125-83.P. — Procedures for TND Overlay District Application~~
- ~~125-83.Q. — Required Plans and Materials~~
- ~~125-83.R. — Review of Plans~~

*~~This chapter establishes regulations for a new TND Traditional Neighborhood Development Overlay District (TND) and the three sub-districts that comprise it: NC Neighborhood Center; NR Neighborhood Residential; and NOS Neighborhood Open Space. This overlay is intended to be applied in new areas of the City and provide the flexibility of the PUD Overlay and the certainty of a base zoning district.~~*

#### ~~Sec. 125-84 — MAC Major Activity Center Overlay District~~

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**Sections:**

- ~~125-84.A. — Purposes~~
- ~~125-84.B. — Zoning Map Designator~~
- ~~125-84.C. — Applicability~~

- ~~125-84.D. — Land Use Regulations~~
- ~~125-84.E. — Land Use Distribution~~
- ~~125-84.F. — Development Regulations~~
- ~~125-84.G. — Procedures for MAC Overlay District Application~~
- ~~125-84.H. — Required Plans and Materials~~
- ~~125-84.I. — Review of Plans~~

*This chapter establishes regulations for a new MAC Major Activity Center Overlay District and the three sub-districts that comprise it: MFR Mixed Format Retail; LFR Large Format Retail; and OI Office/Institutional. This overlay is intended to be applied in new areas of the City and provide the flexibility of the PUD Overlay and the certainty of a base zoning district.*

## 2. HOTELS

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

<i>Use Classifications</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
<del>Hotels and Commercial Lodging</del>		<b>P</b>			Refer to Section 125-90.F.
<del>Full Service Hotel</del>	—	P	S	S	
<del>Limited Service Hotel</del>	S	P	S	S	
<del>Residence Hotel</del>	—	P	S	S	

### Schedule 125-76.D: Use Regulations – Olde Towne Districts

<i>Use Classifications</i>	<i>OT</i>	<i>OTT</i>	<i>Additional Regulations</i>
<del>Hotels and Commercial Lodging</del>	<b>P</b>		
<del>Full Service Hotel</del>	P	—	
<del>Limited Service Hotel</del>	P	—	

### Schedule 125-82.D: Use Regulations – Commercial Revitalization Overlay District

<i>Use Classifications</i>	<i>CRC</i>	<i>Additional Regulations</i>
<del>Hotels and Commercial Lodging</del>	P	
<del>Full Service Hotel</del>	S	
<del>Limited Service Hotel</del>	S	
<del>Residence Hotel</del>	S	

**1. Exterior Building Facade.**

- a. *Building Materials.* A minimum of 90% 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); ~~exterior insulation and finish system (EIFS – but not less than 20 feet above grade);~~ architectural glass (less than 25% reflectance); or a maximum of 10% of the façade may include accent materials not listed in this section.
- b. A minimum of two distinct building materials are required, each covering at least 20% 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.
- 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 are shall only be permitted. on full service hotels. Flat roofs are permitted on limited service hotels and residence hotels if they are LEED (Leadership in Environmental and Energy Design) certified or have substantive rooftop amenities such as gardens and restaurants.~~
- b. *Overhanging Eaves.* Overhanging eaves shall extend no less than three feet beyond 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, or standing seam metal 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. ~~Full service and limited service hotels must provide~~ **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. ***Façade Articulation.*** Building façades 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 façade. Buildings should avoid oversimplified, one-dimensional façades that lack human scale. Design articulation should not apply evenly across the building façade, 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. Buildings 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 conditioners, pool equipment, satellite dishes, etc., shall be screened from view by a masonry wall and 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. **~~Full-Service Hotels.~~** ~~The following standards apply to full-service hotels only.~~  
**Other Standards**

- a. Access to guest rooms shall be restricted exclusively to climate controlled interior corridors, which shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system.
- 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 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 ~~200~~ **250** guest rooms.
- d. A minimum guest room size of ~~350~~ **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 ~~five~~ **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 with 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.

~~8. **Limited Service Hotels.** The following standards apply to limited service hotels only.~~

- ~~a. Access to guest rooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security controlled access system.~~
- ~~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 100 guest rooms.~~
- ~~d. A minimum guest room size of 300 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 two and half square feet per guest room.~~
- f. ~~A lounge or waiting area with a minimum size of two and a half 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 1,250 square feet.~~
- h. ~~Recreation facilities including a swimming pool with a minimum surface area of 700 square feet; and an exercise room or comparable recreation facilities.~~
- i. ~~An area for the preparation of food or beverages for on-site consumption.~~
- j. ~~Seating shall be provided in the area at a minimum of 40 percent of the total number of guest rooms.~~
- k. ~~Daily housekeeping service.~~
- l. ~~On-site management 24 hours a day to provide check-in/check-out services, custodial and maintenance response, or other guest services.~~
- m. ~~A business center featuring personal computers with internet access, facsimile and copy machines.~~

9. ~~**Residence Hotels.**~~ The following standards apply to residence hotels only.

- 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 individually equipped with some form of security controlled access system.~~
- 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 80 guest rooms.~~
- ~~d. telephone as well as a complete kitchen, including a refrigerator, rangetop, sink and cabinets.~~
- ~~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 two and a half square feet per guest room.~~
- ~~f. The lounge or waiting area with a minimum size of two and half 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 1,250 square feet.~~
- ~~h. Recreation facilities a minimum of 1,000 square feet that include a swimming pool or exercise equipment room.~~
- ~~i. An area for the preparation of food or beverages for on-site consumption.~~
- ~~j. Seating shall be provided in the area at a minimum of 40 percent of the total number of guest rooms.~~
- ~~k. Weekly housekeeping service and on-site laundry facilities.~~
- ~~l. On-site management 24 hours a day to provide check-in/check-out services, custodial and maintenance response or other guest services.~~
- ~~m. A business center featuring personal computers with internet access, facsimile and copy machines.~~

## **Sec. 125-260.E. Commercial Use Classifications**

***Hotels and Commercial Lodging.*** A building or group of buildings designed for and occupied as a temporary dwelling place which provides customary hotel services such as conference/meeting rooms and restaurants available to guests or the general public. Customary hotel services, such as linen, maid service, telephone, and other guest amenities, are provided and may also contain various personal service shops. This definition excludes bed and breakfast establishments and adult motels as defined in Chapter 26 of the Code of Ordinances.



~~*Full Service Hotel.* Hotels in which access to guest rooms is exclusively restricted to interior corridors via the main lobby of the building or entryways individually equipped with some form of security, controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal service shops.~~

~~*Limited Service Hotel.* Hotels that are not classified as a full service hotel or residence hotel.~~

~~*Residence Hotel.* Hotels in which more than five percent of its rental units are for stays extending at least thirty (30) consecutive days and not more than one hundred and eighty (180) consecutive days. This definition excludes multi-family residential dwellings.~~

### 3. SPECIAL USE PERMIT (SUP) REVISIONS AND USE CHANGES (Car Wash, Gas/Service Stations, Used Vehicle Sales, and Self-Storage)

## Article III – Zoning Regulations

### Division 2. Base Zoning District Regulations

#### Section 125-72 Commercial and Mixed Use Districts

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

<i>Commercial</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	
Automobile/Vehicle/Equipment Sales and Services					
<i>Automobile/Vehicle/Equipment Sales and Rental</i>	—	P	—	S	
<i>Automobile Rentals</i>	L4	P	L4	P	
<i>Used Vehicle Sales</i>	—	L10	—	L10	
<i>Car Wash</i>	—	P S	—	P S	
<del><i>Gas and Service Stations</i></del> <i>Vehicle Fueling</i>	—	P S	—	S	
<i>Light Vehicle Service</i>	S	P	—	S	
<i>Auto Repair and Other Heavy Vehicle Service</i>	—	S	—	—	
Self-Storage	—	P S	—	P S	Refer to Section 125-90.D.

#### *Specific Use Limitations*

L10 Permissible only as accessory use to new automobile sales.

## Section 125-82 CRC Commercial Revitalization Overlay

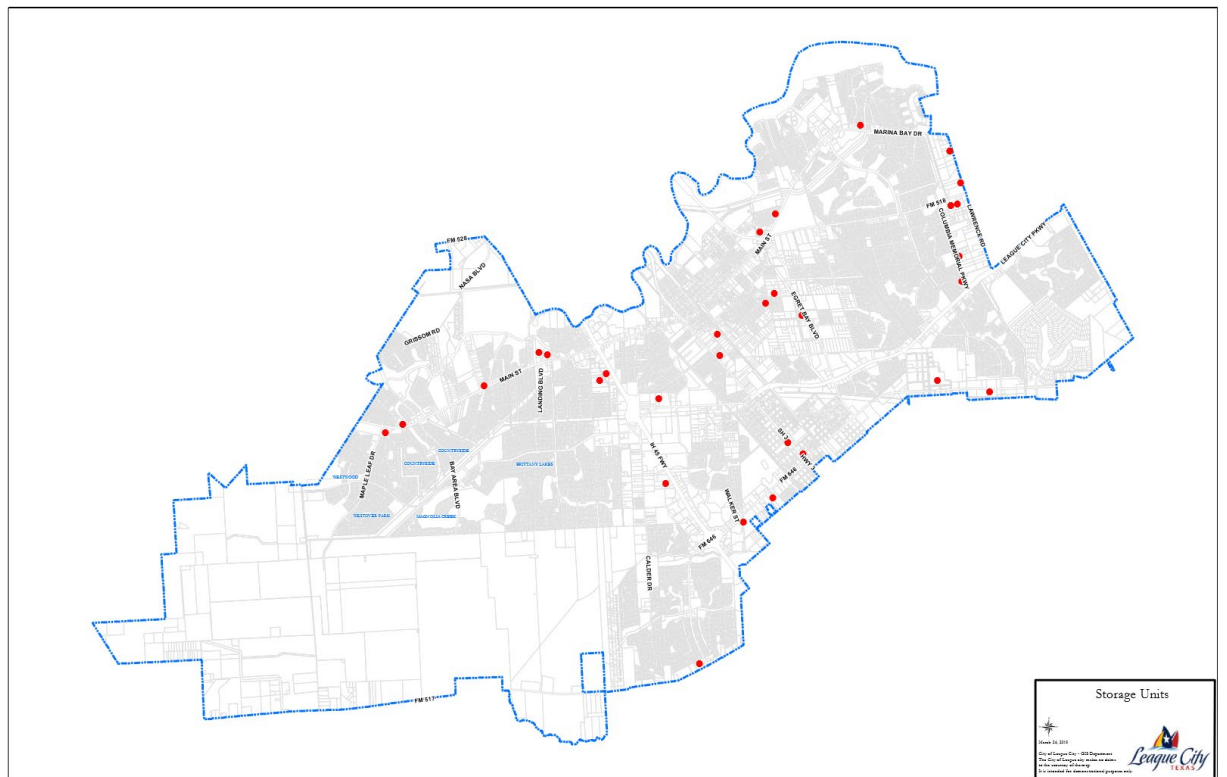
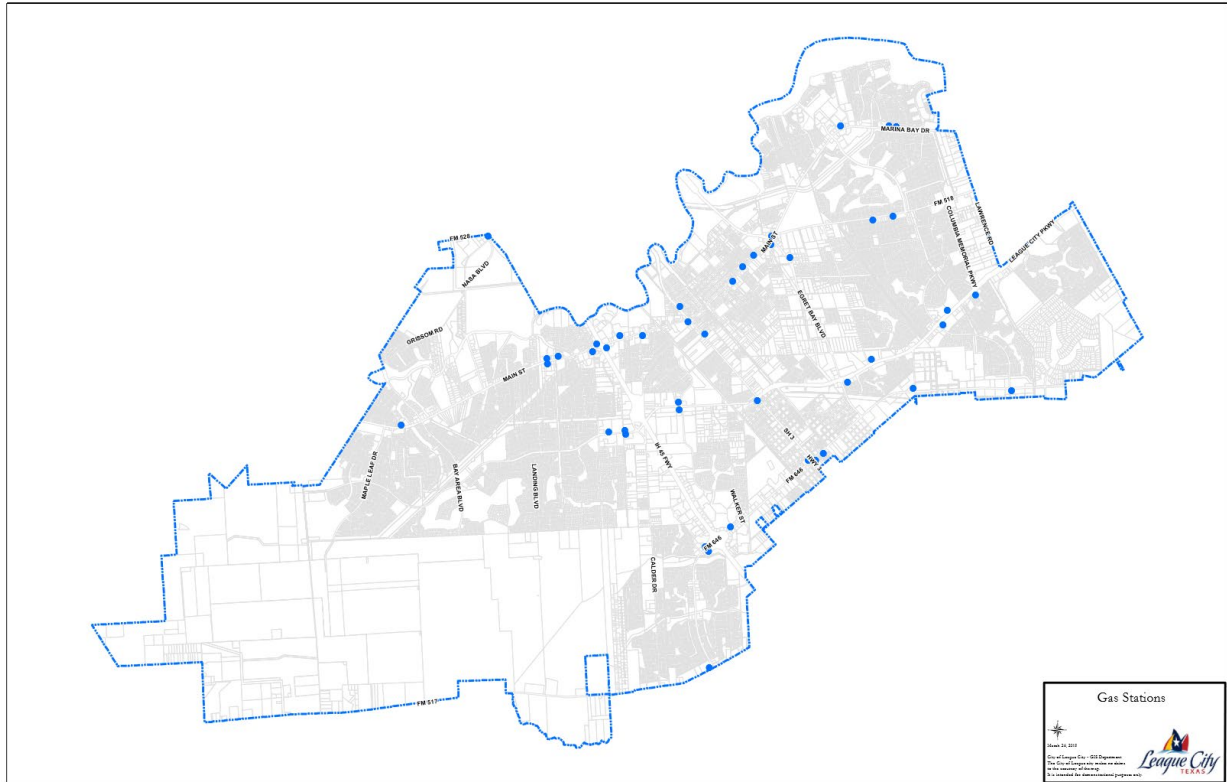
### Schedule 125-82.D: Use Regulations – Commercial Revitalization Overlay District

<i>Use Classifications</i>	<i>CRC</i>	<i>Additional Regulations</i>
<b>Commercial</b>		
Automobile/Vehicle/Equipment		
Sales and Services		
<i>Automobile/Vehicle/Equipment</i>		
<i>Sales and Rental</i>	<i>S</i>	
<i>Used Vehicle Sales</i>	<i>L5</i>	
<i>Automobile Rentals</i>	<i>S</i>	
<i>Car Wash</i>	<i>S</i>	
<del><i>Gas and Service Stations</i></del>		
<i>Vehicle Fueling</i>	<i>S</i>	

**L5** Permissible only as accessory use to new automobile sales.

### Sec. 125-260.E. Commercial Use Classifications

~~*Gas and Service*~~ ***Vehicle Fueling Stations***. Establishments engaged in the retail sale of gas or diesel fuel, including gasoline service stations and gas convenience mart. These establishments may also sell lubricants, parts, and accessories and perform related services provided repairs are made in enclosed bays and no vehicles are stored overnight. This classification excludes uses providing engine repair, body and fender work, vehicle painting, towing or repair of heavy trucks or construction vehicles.



## **4. NEW USES**

### **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.

Allowed in OT, CG, and CM.

One parking space per 200 sq. ft. of gross floor area (GFA).

### **Animal Sales and Services with outdoor kennels, areas, and runs**

An animal-related use that includes an outdoor component, including 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, for a fee or compensation. 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.

Permitted by SUP in CG, CM, and IL.

One parking space per 300 sq. ft. of GFA.

### **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.

Permitted by SUP in OT, CG, and CM

1 space per 600 sq. ft of outdoor site area, plus 1 space per 300 Sq ft. GFA

### **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

Permitted by SUP in IL and IG.

One space for each 2,000 sq. ft of area.

## 5. STANDARDS FOR SPECIFIC USES - WHOLESALE NURSERY

1. Add new permitted use to Schedule 125-73.B. Use Regulations – Industrial Districts

### Schedule 125-73.B: Use Regulations – Industrial Districts

<i>Use Classifications</i>	<i>IL</i>	<i>IG</i>	<i>Additional Regulations</i>
<b>Commercial</b>			
Nurseries and Landscaping Materials, Wholesale	P	P	Refer to Section 125-90.K.

2. Add new section to 125-90 Standards for Specific Uses:

### Section 125-90.K. Nursery 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.

3. Add definition for Nurseries and Landscaping Materials, Wholesale.  
Revise current definition of Nurseries and Garden Supply Stores to Section 125-260.F. Industrial Use Classifications.

**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.

**Nurseries and Garden Supply Stores.** ~~Establishments engaged in the retail sale of plants grown on the premises or elsewhere, and the sale or rental of garden and landscape materials.~~ 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.

## **6. OFF-STREET PARKING**

### **Sec. 125-170.C. General Provisions**

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 **administratively** be approved ~~by means of a Special Use Permit. The Special Use Permit shall terminate if the use changes.~~ **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 license 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.

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 ~~surface of asphalt, concrete~~ **surface**, ~~decomposed granite or gravel~~;
- 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.

21. 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.

#### **Schedule 125-170.D Off-Street Parking Requirements**

~~Gas and Service Stations~~ *Vehicle Fueling*

~~2 spaces/service bay;~~

1 space/ 250 sq. ft. Each gasoline pump may be counted toward the off-street parking requirements. The number of gasoline pumps shall be calculated based upon the number of vehicles capable of refueling at the same time.

### **7. SITE STANDARDS**

Add new section to Division 4. General Site Standards

125-140.R. All business related operations must be on concrete surfaces.