

Zoning Ordinance Text Amendments

Requests	<p>Hold a public hearing and make a recommendation to City Council on amendments to Chapter 125 of the Code of Ordinances of the City of League City, entitled “Zoning” to include the following changes:</p> <ol style="list-style-type: none">1. Revise lighting regulations.2. Create regulations related to dogs in outdoor dining areas.3. Consolidate landscaping requirements into a single section.4. Revise regulations related to compact car spaces, wheel stops and parking commercial vehicles in residential areas.5. Create regulations related to electric vehicle charging stations.6. Allow restaurants to have live entertainment in the Commercial Mixed-Use zoning district.7. Revise regulations allowing specific types of fences in front yards.8. Revise setback regulations in single-family subdivisions.
Applicant	City of League City
City Council	Public Hearing & First Reading – <i>July 23, 2019</i> ; <i>Second Reading – August 13, 2019</i>
Attachments	1. Proposed Ordinance Changes

Background

August 10, 1999 – The first zoning ordinance was adopted by City Council.

August 30, 2005 - The current ordinance, Chapter 125 “Zoning”, was adopted.

March 12, 2019 – David Hoover, Planning Director, gave a presentation to City Council concerning upcoming ordinance amendments in a workshop.

June 25, 2019 – David Hoover, Planning Director, gave a presentation to City Council concerning ordinance amendments in a workshop.

July 1, 2019 - The Planning and Zoning Commission is scheduled to hold a public hearing and make a recommendation to City Council.

July 23, 2019 – City Council is scheduled to hold a public hearing and consider the requests on first reading.

August 5, 2019 – Subject to approval on first reading, City Council is scheduled to consider the requests on second reading.

Proposed Regulations

The proposed ordinance changes include updating, adding, and removing regulations within the Zoning Ordinance. The proposed changes consist of the following:

- Revise lighting standards to require full cutoff lights and not allow any light trespass onto adjacent lots.
- Create regulations to allow dogs in outdoor dining areas.
- Consolidate all landscaping requirements into one section of the zoning ordinance.
- Revising parking regulations related to:
 - a. Compact Car
 - b. Wheel Stops
 - c. Commercial vehicles in residential areas
- Create regulations related to electric vehicle charging stations.
- Revise the use table to allow restaurants in “CM” zoning district to have live entertainment.
- Revise regulations to allow wrought-iron type fences in front yards of commercial and residential properties.
- Revise side setback regulations for corner lots in “RSF” zoning districts to provide continuity of setbacks along street frontages.

Recommendation Staff recommends approval of the proposed text amendments.

Recommended Motion Motion to approve the Zoning Ordinance text amendments as presented by staff.

For additional information, you may contact Kris Carpenter, Planning Manager at 281-554-1098 or at Kris.carpenter@leaguecitytx.gov.

1. LIGHTING

Sec. 125-140.H. Lighting

Applicability. All outdoor lighting installed after the effective date of this amendment shall follow the provisions in this section. Lighting fixtures and luminaires installed and operated prior to the date of this ordinance are exempt from these requirements and shall be considered legally non-conforming and regulated as such.

These regulations do not apply to the following:

Lighting within the public right-of-way that is principally used to illuminate streets and sidewalks.

Lighting of signs regulated by the sign section

Navigational lighting systems necessary for safety at airports or marinas

Lighting of national, state or local government flags

Temporary lighting of construction sites

Temporary decorative seasonal lights

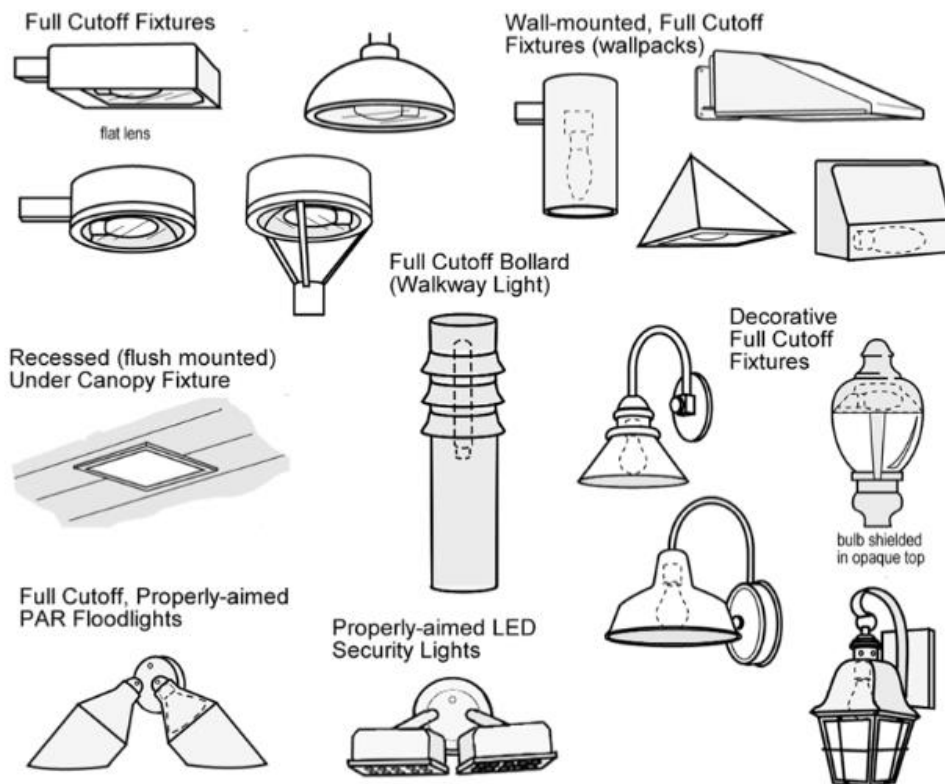
Lighting deviation specified in a Special Use Permit or Planned Unit Development

Lighting required by federal, state or local laws or regulations.

Lighting that is only used under emergency conditions such as search lights.

Outdoor lights shall be ~~directed or hooded~~ **full cutoff light fixtures** so that their rays are directed toward the ground and away from adjacent residential property or streets **and no light trespass falls on any residential property**. A full cut-off light fixture has a solid barrier (cap) at the top of the fixture in which the lamp (bulb) is located. The fixture is angled so the lamp is not visible below the barrier (no light visible below the horizontal angle).

Examples of full cutoff light fixtures.



~~No outside light shall be directed nearer to a side or rear property line than the height of the light, and, except for security purposes, lights shall be extinguished at the close of normal business.~~

Canopy Lights. Light fixtures mounted on canopies or vehicle fueling station islands shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy

Light Poles. Parking lot light poles shall be located in a landscape planter or incorporated into a walkway or other pedestrian area. Concrete bases for light poles shall not exceed a height of 30 inches from finished grade.

Prohibited lights. The following lights are prohibited:

Laser source light, strobe lights, and similar high intensity light sources for advertising or entertainment shall not be projected above the horizontal plane, unless a permit is obtained for specific events and time frames.

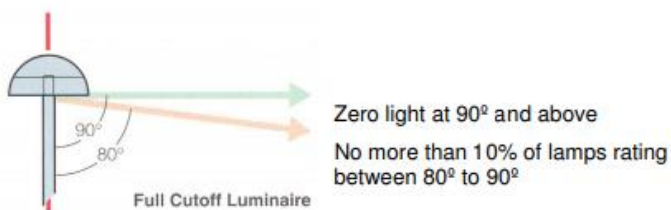
~~Provide a lighting plan at the time of permitting.~~ A photometric survey of the entire property shall be submitted with a building permit or if changes and /or additions are being made to the existing exterior lighting.

DEFINITIONS

Light Trespass means light that falls outside the boundaries of the property on which the lighting fixture is located.

Outdoor lights/lighting means any exterior lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth or any other location and any associated lighting control equipment.

Full cutoff light fixture means a lighting fixture that projects all of its light in a downward direction. Full cutoff lighting fixtures emit no upward component of light. A full-cutoff luminaire, by definition, also is “fully shielded.”



2. DOGS IN OUTDOOR DINING AREAS

Amend Sec. 125-90. Standards for specific uses by adding item (k)

- (k) *Dogs in outdoor dining areas.* A food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area if:
1. the food service establishment posts a sign in a conspicuous location in the area stating that dogs are permitted;

2. the customer and the dog access the outdoor dining area directly from the exterior of the food service establishment;
3. the dog does not enter the interior of the food service establishment;
4. the customer keeps the dog on a leash and controls the dog;
5. the customer does not allow the dog on a seat, table, countertop, or similar surface; and
6. in the area, the establishment does not:
 - a. prepare food; or
 - b. permit open food, except for food that is being served to a customer.

3. LANDSCAPING

Moved to Sec. 125-190.B (11) (12 and (13)).

Schedule 125-72.C: Development Regulations -- Commercial and Mixed Use Districts

<i>Development Standards</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
<i>Building Form and Pedestrian Orientation</i>					
<u>Option A</u>					
Minimum Build-to-Lines (Percent)	50	50	50	50	(5)
Location of Parking and Loading	Yes	Yes	Yes	Yes	(6)
<u>Option B</u>					
Landscape Setback (ft.)	10	10	10	10	(7)
<i>Open Space and Landscaping</i>					
Minimum Landscaped Area (Percent)	10	15	15	15	

~~Sec. 125-72C Commercial and Mixed Use Districts~~

~~6. **Location of Parking and Loading.** Parking shall be located behind or at the side of buildings, except for passenger drop-off areas which may be located at the building entry. Loading areas shall be screened so as not to be visible from public streets. Where the building abuts a residential district, the preferred location of loading facilities shall be the side away from the residential district boundary.~~

~~7. **Landscape Setback** A minimum 10-foot wide landscaped area shall be located between all portions of the parking lot and the street and shall contain both (a) and (b) below:~~

- ~~a. One shade tree for every 30 feet of linear street frontage, excluding driveways. Trees may be planted in clusters or spaced linearly rather than being on 30-foot centers. The minimum size of the tree should be 1 ½-inch caliper (15 gallons) upon installation.~~
- ~~b. A continuous hedge consisting of shrubs that are not less than 3 feet or more than 4 feet in height and planted in 3- or~~

~~5-gallon container stocks upon installation. The landscape hedge shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.~~

- ~~e. In lieu of a landscape hedge noted in (b) above, a berm measuring not less than 3 feet or more than 4 feet in height from finish grade of the parking lot may be utilized. The berm shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle. The maximum slope shall not exceed 4:1.~~

~~Schedule 125-73.C: Development Regulations — Industrial Districts~~

~~Building Form and Pedestrian Orientation~~

<i>Development Standards</i>	<i>IL</i>	<i>IG</i>	<i>Additional Regulations</i>
<i>Option A</i>			
<i>Location of Parking and Loading</i>	<i>Yes</i>	<i>Yes</i>	<i>(3)</i>
<i>Option B</i>			
<i>Landscape Setback (ft.)</i>	<i>10</i>	<i>10</i>	<i>(4)</i>
<i>Open Space and Landscaping</i>			
Minimum Landscaped Area (Percent)	10	—	

~~Sec. 125-73C Industrial Districts~~

- ~~1. ***Landscape Setback.*** A minimum 10-foot-wide landscaped area shall be located between all portions of the parking lot and the street and shall contain the following:~~
 - ~~a. One shade tree for every 30 feet of linear street frontage, excluding driveways. Trees may be planted in clusters or spaced linearly rather than being on 30-foot centers. The minimum size of the tree should be 1 ½-inch caliper (15-gallons) upon installation.~~
 - ~~b. A continuous hedge consisting of shrubs that are not less than 3 feet or more than 4 feet in height and planted in 3- or 5-gallon container stocks upon installation. The landscape hedge shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.~~
 - ~~c. In lieu of a landscape hedge, a berm measuring not less than 3 feet or more than 4 feet in height from finish grade of the parking lot may be utilized. The berm shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle. The maximum slope shall not exceed 4:1.~~

Schedule 125-74.C: Development Regulations – Public and Semi-Public District

<i>Development Standards</i>	<i>PS</i>	<i>Additional Regulations</i>
<i>Pedestrian Orientation and Vehicle Accommodation</i>		
<u>Option A</u>		
Location of Parking and Loading	Yes	(5)
<u>Option B</u>		
Landscape Setback (ft.)	10	(6)
<i>Open Space and Landscaping</i>		
Minimum Landscaped Area (Percent)	10	

Sec. 125-74C Public and Semi-Public Districts

1. ~~***Landscape Setback.*** A minimum 10 foot wide landscaped area shall be located between all portions of the parking lot and the street and shall contain the following:~~

- a. ~~One shade tree for every 30 feet of linear street frontage, excluding driveways. Trees may be planted in clusters or spaced linearly rather than being on 30 foot centers. The minimum size of the tree should be 1 ½ inch caliper (15 gallons) upon installation.~~
- b. ~~A continuous hedge consisting of shrubs that are not less than 3 feet or more than 4 feet in height and planted in 3 or 5 gallon container stocks upon installation. The landscape hedge shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.~~
- c. ~~In lieu of a landscape hedge, a berm measuring not less than 3 feet or more than 4 feet in height from finish grade of the parking lot may be utilized. The berm shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle. The maximum slope shall not exceed 4:1.~~

Schedule 125-75.C: Development Regulations – Open Space District

<i>Development Standards</i>	<i>OS</i>	<i>Additional Regulations</i>
<i>Vehicle Accommodation</i>		
Choose Option A or B:		
<u>Option A</u>		
Location of Parking and Loading	Yes	(2)
<u>Option B</u>		
Landscape Setback (ft.)	10	(3)
<i>Open Space and Landscaping</i>		
Minimum Landscaped Area (Percent)	50	

Sec. 125-75D Open Space Districts

1. ~~***Landscape Setback.*** A minimum 10 foot wide landscaped area~~

shall be located between all portions of the parking lot and the street and shall contain the following:

- a. ~~One shade tree for every 30 feet of linear street frontage, excluding driveways. Trees may be planted in clusters or spaced linearly rather than being on 30-foot centers. The minimum size of the tree should be 1 ½-inch caliper (15 gallons) upon installation.~~
- b. ~~A continuous hedge consisting of shrubs that are not less than 3 feet or more than 4 feet in height and planted in 3 or 5 gallon container stocks upon installation. The landscape hedge shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.~~
- c. ~~In lieu of a landscape hedge, a berm measuring not less than 3 feet or more than 4 feet in height from finish grade of the parking lot may be utilized. The berm shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle. The maximum slope shall not exceed 4:1.~~

CRC. Schedule 125-82.E: Development Regulations – Commercial Revitalization Overlay District

<i>Development Standards</i>	<i>-CRC</i>	<i>Additional Regulations</i>
<i>Pedestrian Orientation and Vehicle Accommodation</i>		
<i>Choose Option A or B:</i>		
<u>Option A</u>		
Location of Parking and Loading	Yes	(7)
<u>Option B</u>		
Landscape Setback (ft.)	10	(8)
<i>Open Space and Landscaping</i>		
Minimum Landscaped Area (Percent)	15	

~~**7. Location of Parking and Loading.** The preferred location of parking shall be behind or at the side of buildings, except for passenger drop-off areas which may be located at the building entry. Loading areas shall be screened so as not to be visible from public streets. Where the building abuts a residential district, the preferred location of loading facilities shall be the side away from the residential district boundary.~~

~~**8. Landscape Setback.** A minimum 10 foot wide landscaped area shall be located between all portions of the parking lot and the~~

street and shall contain the following:

- ~~i. One shade tree for every 30 feet of linear street frontage, excluding driveways. Trees may be planted in clusters or spaced linearly rather than being on 30-foot centers. The minimum size of the tree should be 1 ½ inch caliper (15 gallons) upon installation.~~
- ~~ii. A continuous hedge consisting of shrubs that are not less than 3 feet or more than 4 feet in height and planted in 3 or 5 gallon container stocks upon installation. The landscape hedge shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.~~
- ~~iii. In lieu of a landscape hedge, a berm measuring not less than 3 feet or more than 4 feet in height from finish grade of the parking lot may be utilized. The berm shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle. The maximum slope shall not exceed 4:1.~~

Sec. 125-170.I. Screening, Landscaping and Lighting

Landscaping and Screening requirements are found in Section 125-190. General Site Standards including Lighting requirements are found in Section 125-140.

- ~~1. Parking areas, automotive fuel pump islands, and parking access aisles parallel to and within 75 feet of rights of way shall be screened from view from those rights of way, public parks and public buildings with one of the following:~~
 - ~~a. Landscape Screening~~
 - ~~i. Height. Where landscaping is used as a substitute screening method, it shall be planted and maintained as a continuous landscape hedge not less than 3 feet or more than 4 feet, measured from finish grade of the parking lot.~~
 - ~~ii. Location. The landscape hedge shall not be located in public rights-~~
 - ~~iii. Clearance. The landscape hedge shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.~~
 - ~~iv. Plant Materials. Plant materials shall be an evergreen~~

species.

- v. ~~*Sight Distance Triangle.* Ground covers and shrubs planted within sight distance triangles shall not exceed a height of 24 inches at maturity.~~

b. Berms

- i. ~~*Height.* Where a berm is used as a substitute screening method, it shall measure not less than 3 feet nor more than 4 feet from finish grade of the parking lot.~~
- ii. ~~*Location.* The berm shall not be located in public rights of way.~~
- iii. ~~*Clearance.* The berm shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.~~
- iv. ~~*Slope.* The maximum slope of the berm shall not exceed 4:1.~~

e. Parking Screen Fences

- i. ~~*Height.* Fences shall be not less than 3 feet nor more than 4 feet, measured from finish grade of the parking lot.~~
- i. ~~*Location.* Fences shall not be located in public rights of way or on top of any retaining walls.~~
- ii. ~~*Alignment.* Fences shall be horizontally staggered a minimum of 1 foot for every 100 linear feet.~~
- iii. ~~*Clearance.* Fences shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle, as measured from the back of curb.~~
- iv. ~~*Materials and Finish.* Fences shall be constructed of decorative block, brick, stone, or similar materials and finished on both the interior and the exterior elevations.~~

2. Shade Trees.

- a. ~~Shade trees shall be planted in the parking lot at a ratio of 1 tree for every 8 spaces. Trees shall be dispersed throughout the parking lot to maximize the shading effect on the parking spaces. These trees are exclusive of trees planted around the perimeter of the parking lot.~~
- b. ~~The end spaces in a row of parking spaces shall be separated from drive aisles by landscape islands or peninsulas that are a minimum width of 6 feet.~~
- c. ~~The landscape planter for any parking lot tree shall have a minimum area of 50 square feet and a minimum interior width of 5 feet.~~
- d. ~~The minimum trunk size of parking lot trees shall have a minimum trunk height of 6 feet and a minimum of a 2 inch single trunk caliper measurement or a 1.5 inch average trunk caliper measurement for multiple trunk trees when planted, measured 4 feet above grade. This size of tree is generally referred to as 24 inch box.~~
- e. ~~The minimum trunk height of parking lot trees shall be 6 feet.~~

Sec.125-190 Landscaping and Buffer Yards

Sections:

- 125-190.A. Purpose
- 125-190.B. Landscaping
- 125-190.C. Buffer Yards

~~These regulations combine the City's existing landscaping requirements for special uses and those included in the Scenic Byways Overlay District regulations. Requirements for a landscaping plan are new as are regulations for buffering to protect incompatible land uses.~~

Sec. 125-190.A. Purpose

The purpose of the landscaping and buffer yard regulations is to:

1. Promote attractive development and preserve the appearance and character of the surrounding area through the use of landscaping.

2. Eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses, on adjoining lots through buffering, which may include a combination of setbacks and visual buffers or barriers.
3. Prescribe standards for the development and maintenance of planting, fences, and walls.

Sec. 125-190.B. Landscaping,

These provisions are intended to promote attractive development and preserve the appearance and character of area surrounding new development. These provisions apply to all development for which landscaping is required under this Code and to Planned Developments.

1. ***Applicability.*** These regulations shall apply to:
 - a. All new residential and non-residential subdivisions;
 - b. All new construction other than individual single-family residences;
 - c. Additions of 25 percent or more to existing buildings and uses in all multi-family residential and non-residential districts; and
2. ***Landscaping Plan.*** When landscaping is required, a landscaping plan ~~has to~~ **shall** be submitted in conjunction with other application materials, as provided in Division 2 of Article II. Landscaping may include trees, shrubs, ground cover, vines, walkways, ponds, fountains, benches, sculpture, shade structures and other materials used for enhancing the exterior appearance of a development or parking area.
3. ***Preparation and Completion of Landscaping Plan.*** A landscaping plan must be prepared by a landscape designer, a State-licensed landscape architect, or other qualified person and no significant or substantive changes to approved landscaping plans may be made without prior written approval by the Building Official. Evidence of completion of required landscaping must be supplied to the City Planner or designee and submitted prior to issuance of an occupancy permit for new construction.
4. ***Components of Landscaping Plan.*** A landscaping plan shall include a site plan, drawn to scale with a north arrow, that is equal to standard architectural or engineering quality and indicates the following:
 - a. The species and size of all existing trees greater than 1.5-inch caliper, showing those that are proposed for removal and those proposed for retention;
 - b. All proposed plant materials clearly labeled and drawn to size at maturity;

- c. Adjacent land uses;
- d. Plant list, indicating common names, scientific names and varieties, quantities, planting sizes, and types, and plant spacing for hedges and screens for all plant materials proposed;
- e. Description of the proposed method of protecting existing trees during construction; and
- f. Irrigation system.

5. ***Required Materials.*** Native and wildlife beneficial species preferred. All plant materials shall be suitable for League City soils and climatic conditions, the plant's slope exposure, shall meet the following requirements:

- a. *Uniform Distribution.* Plant material should be distributed so as to provide a relatively uniform planting. Where the planting is along a street and some visibility into the development is desired, the plant material may be arranged to provide view corridors.
- b. *Ground Cover.* Ground cover must be appropriate to the surface conditions of the area. Grass is the default landscaping material, although in parking lots and on steep slopes, other ground covers able to withstand the physical conditions are appropriate.
- c. *Combination of Materials.* The landscaped planting areas should be entirely pervious except for fence or wall structures and walks that provide pedestrian access. No more than 25 percent of a landscaped area should have gravel, stones, wood chips, or paving.

6. ***Parking Area Landscaping.*** Landscaping requirements for parking areas are set forth in Division 5 of this Article.

7. ***Maintenance.*** All required planting must be permanently maintained as approved in good growing condition and replaced with new plant materials when necessary to ensure continued compliance with applicable landscaping requirements.

8. ***Irrigation.*** A programmable automatic irrigation system shall be provided to all landscaped areas. Water conservation fixtures shall be used in accordance with applicable City requirements.

9. ***Surety for Delayed Installations.*** There may be cases where landscaping cannot be completed prior to building occupancy due to weather or other conditions. In these instances, the City may

require surety to be provided in the amount of 120 percent of the estimated cost of the landscaping to be provided. The form of the surety must be approved by the City Attorney.

10. ***Landscape Setback in Commercial and Mixed Use, Industrial, Public and Semi-Public and Open Space Districts and the Commercial Revitalization Overlay District.*** A minimum 10-foot-wide landscaped area shall be located between all portions of the parking lot and the street and shall contain both (a) and (b) below:

- a. One shade tree for every 30 feet of linear street frontage, excluding driveways. Trees may be planted in clusters or spaced linearly rather than being on 30-foot centers. The minimum size of the tree should be 1 ½ - inch caliper (15 gallons) upon installation.
- b. A continuous hedge consisting of shrubs that are not less than 3 feet or more than 4 feet in height and planted in 3- or 5-gallon container stocks upon installation. The landscape hedge shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.
- c. In lieu of a landscape hedge noted in (b) above, a berm measuring not less than 3 feet or more than 4 feet in height from finish grade of the parking lot may be utilized. The berm shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle. The maximum slope shall not exceed 4:1.

12. In lieu of providing a landscape setback as **described in 11. above:** 1) 50% of the ground floor of the building shall be built to the property line. 2) Parking shall be located behind or at the side of buildings, except for passenger drop-off areas which may be located at the building entry. 3) Loading areas shall be screened so as not to be visible from public streets. 4) Where the building abuts a residential district, the preferred location of loading facilities shall be the side away from the residential district boundary.

13. ***Percent of Landscaped Area.*** The zoning districts listed in the table below require a percent of the area to be landscaped. The minimum percent of landscaped area is provided in the table.

Zoning District	CN	CG	CO	CM	IL	IG	PS	OS	CRC
Minimum % Landscaped Area	10	15	15	15	10	10	10	50	15

14. ***Screening of Parking Areas.*** Parking areas and parking access aisles parallel to and within 75 feet of rights-of-way shall be screened from view from those rights-of-way, public parks and public buildings with one of the following:

- a. *Landscape Screening.* Where landscaping is used as a substitute screening method, hedges shall be installed as described in 10.b. Additionally, the hedges shall not be located in public rights-of-way. Plant materials shall be an evergreen species. Ground cover and shrubs planted within sight distance triangles shall not exceed a height of 24 inches at maturity.
- b. *Berms.* Where a berm is used as a substitute screening method, berms shall meet the requirements described in 10.c. Berms shall not be located in public rights-of-way.
- c. *Parking Screen Fences.* Fences shall be not less than 3 feet nor more than 4 feet measured from finish grade of the parking lot. Fences shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle, as measured from the back of the curb. Fences shall not be placed in public rights-of-way or on top of any retaining walls. Fences shall be constructed of decorative block, brick, stone, or similar materials and finished on both the interior and exterior elevations.
- d. *Shade Trees.* Shade trees shall be planted in the parking lot at a ratio of 1 tree for every 8 spaces. Trees shall be dispersed throughout the parking lot to maximize the shading effect on the parking spaces. These trees are exclusive of trees planted around the perimeter of the parking lot. Parking lot trees, when planted, shall have a minimum trunk height of 6 feet and a minimum 2-inch single trunk caliper measurement or 1.5-inch average trunk caliper for multiple trunk trees, measured 4 feet above grade. This size of tree is generally referred to as a 24-inch box. The minimum trunk height of parking lot trees shall be 6 feet.
The end spaces in a row of parking spaces shall be separated from drive aisles by landscape islands or peninsulas that are a minimum width of 6 feet. The landscape planter for any parking lot tree shall have a minimum area of 50 square feet and a minimum interior width of 5 feet.

Sec. 125-190.C. Buffer Yards

Buffer yards are intended to eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots. Buffering may include a combination of setbacks and visual buffers or barriers. Schedule 125-190.C-1 prescribes the minimum buffer yard standards for three buffer yard types. Schedule 125-190.C-2 defines the types of buffer yards required for specific situations.

1. ***Applicability.*** The buffer yard standards of this section apply to:
 - a. All new development on vacant land;

- b. Redevelopment or expansion of existing site development by more than 50 percent, not including single family dwellings or the addition of accessory uses or structures;
 - c. Addition or expansion of an existing building by more than 5,000 square feet;
 - d. Any change in use that increases development intensity and results in increased traffic, processes, noise, water or air pollution, etc. For the purposes of this Section, a change in use includes: from a residential use to a commercial use; from a commercial uses to an industrial use; and in some cases from a manufacturing use to a commercial use.
2. **Location and Measurement.** Required buffer yards must be developed along the perimeter of the lot and are 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 not be located within any dedicated public or private street right-of- way.
3. **Buffer Yard Plan.** A buffer yard plan must be submitted in conjunction with other application materials, as provided in Division 2 or Article II. The plan must be prepared by a landscape designer, a State-licensed landscape architect, or other qualified person. Where a landscaping plan is also required pursuant to Section 125-190.B above, the landscaping plan must incorporate the buffer yard plan. Where a landscaping plan is not required, the buffer yard plan must show the location of all buffer yards on the project site, proposed plant locations, a plant list and key, location of utility easements, roads, emergency access, walkways, and existing and proposed structures on the site.
4. **Buffer Yard Standards.** Schedule 125-190.C-1 describes the minimum requirements for each buffer yard type. Native and wildlife beneficial species preferred.

Schedule 125-190.C-1: Buffer Yard Standards

	<i>Buffer Yard Types</i>			<i>Additional Regulations</i>
	<i>A</i>	<i>B</i>	<i>C</i>	
Buffer yard width (ft.)	20	30	50	a.
Canopy trees (per 100 lineal feet)	4	4	4	b.
Ornamental trees (per 100 lineal feet)	4	4	4	c.
Shrubs	continuous	continuous	continuous	d.
Berm height (ft.), if provided	--	--	4	e.
Fence height (ft.), if provided	--	6	8	f.

- a. On any portion of the development site where this Section would require two buffer yard types, the greater buffer yard type shall be required.
 - b. 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 10 feet high and 1.5-inch caliper at time of planting. If a fence is provided, the trees shall be placed at least 8 feet from the fence.
 - c. Ornamental trees shall mean deciduous or evergreen trees capable of growing between 10 and 15 feet in height at maturity and not less than 8 feet high and 1.5-inch caliper at time of planting. If a fence is provided, the trees shall be placed at least 8 feet from the fence.
 - d. Shrubs shall not be less than 2 feet high and 5-gallons in size at time of planting. The Urban Forester may approve a 1-gallon size for fast-growing species. Groundcover shall be consistent with the requirements of Section 125-190.B.6 above. If a fence is provided, shrubs shall be placed at least 4 feet from the fence.
 - e. The requirement for a berm may be waived if a fence is provided in a Type C buffer yard
 - f. 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 5 feet provided that the fence provides a solid visual barrier. No reduction in buffer yard width is permitted in a Type A buffer yard even if a fence is provided.
5. ***Required Buffer Yards.*** Buffer yards are required between certain land uses, with the type of yard depending on the adjoining zoning district. Schedule 125-190.C-2 prescribes the required buffer yards between proposed development and adjoining development by zoning district. For each zoning district, the required buffer yard type is specified. In some cases, a buffer yard is not required.
 6. ***Maximum Achievable Buffer Yards.*** In cases where

shape, topography, easements, or existing buildings on a lot make it impractical to provide a required buffer yard, the City Planner or designee may recommend and the Planning and Zoning Commission may approve a maximum achievable buffer yard that provides planting and design that is consistent with the use being buffered.

7. ***Surety for Delayed Installations.*** There may be cases where buffer yards cannot be completed prior to building occupancy due to weather or other conditions. In these instances, the City may require surety to be provided in the amount of 120 percent of the estimated cost of the landscaping to be provided. The form of the surety must be approved by the City Attorney.

4. PARKING REGULATIONS

Delete references to Off-Street Parking and Loading

Article VI, Division 5. Sec. 125-170.C. General Provisions

~~6. ***Compact Parking Spaces.*** Parking spaces that front on a landscape planter that is a minimum size of 6 feet wide and 6 feet long may be restricted to parking for compact cars by clearly marking the pavement surface. Such compact spaces shall be at least 9 feet in width and 16 feet in length.~~

~~15. ***Parking Wheel Stops.*** Concrete or metal parking wheel stops held in place by steel posts or placed directly on the parking surface are prohibited.~~

Amend Sec. 125-170 by adding a new subsection:

Sec. 125-170.L. Parking of Oversize and Commercial Vehicles in Residential Districts.

- (a) It shall be unlawful for any person to park, or stand a commercial and/or oversize vehicle, or to permit any commercial and/or oversize vehicle to park or stand upon any public street or public right-of way in any residential zoning district in the City.
- (b) This shall not apply to the parking or standing of vehicles for the following purposes:
 1. Vehicles transporting passengers, freight, or merchandise to or from the residential area;
 2. Publicly owned or franchised emergency or utility vehicles carrying out official duties;
 3. Equipment being used for street construction, maintenance, or repair;

4. A vehicle with a mechanical defect, making it unsafe to proceed further shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs or if unable to repair until a tow truck comes;
5. Any motor home, boat, boat trailer, trailer, or house trailer being loaded, unloaded, or otherwise prepared for use or storage between the hours of 7:00 a.m. and 7:00 p.m.; or
6. Owned or operated by a contractor who has parked the vehicle in front of a residence or residential lot for which the person is contracted to do work, provided that the vehicle is parked only between the hours of 7:00 a.m. and 7:00 p.m. and only while the work is being performed. An exception to the time limit is made for emergency situations where immediate repairs need to be performed to lessen property damage or for safety reasons.

Add the following definitions to Sec 125-280.B

Boat trailer shall mean a trailer semi-trailer which is designed and constructed to carry a sailboat, motorboat or other vessel used upon any body of water.

Bus shall mean any motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle other than a taxicab, designed and used for the transportation of persons for compensation.

Commercial Motor Vehicle shall mean any motor vehicle, other than a motorcycle or passenger car, designed or used primarily for the transportation of property, material, or persons. This includes boat trailer, bus, house trailer, motor home, pole trailer, semitrailer, special mobile equipment, truck tractor, trailer over two (2) axles or a rated capacity in excess of one and one-half (1-1/2) tons according to the manufacturer's classification. A commercial vehicle transporting hazardous materials and required to be placarded under 49 C.F.R. Part 172, Subpart F is also included in this definition.

House trailer shall mean a trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, and shall include those vehicles commonly known as recreational vehicles.

Motor home shall mean any vehicle designed and constructed as a dwelling place, living abode or sleeping place (either permanently or temporarily) and equipped for use as a conveyance on streets and highways.

Oversize Vehicle shall mean any motor vehicle that exceeds twenty (20) linear feet and a height of nine (9) feet or any commercial motor vehicle with.

Pole trailer shall mean any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Semitrailer shall mean any vehicle without motive power, other than pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Special mobile equipment shall mean any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, included but not limited to ditch digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Trailer shall mean any vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck tractor shall mean any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

5. ELECTRIC VEHICLE CHARGING STATIONS

Add to Sec. 125-170 Parking regulations:

Electric Vehicle Charging Stations

Purpose. The purpose of this section is to provide design criteria and placement standards to encourage and promote safe and efficient electric vehicle charging opportunities in a full range of zones and settings for convenience of service to those that use electric vehicles.

Zoning Districts. Vehicle charging stations are allowed in all zoning districts. Electric vehicle charging station(s) shall be permitted in association with a single-family use designed to serve the occupants of the home

These regulations are applicable only to electric vehicle charging stations that are:

- (1) publicly owned and publicly available such as a public parking lot or public buildings.
- (2) privately owned and publicly available commercial facilities such as a store or shopping center parking and public accommodations

Location and Layout. The location and layout of charging stations for use by the public is expected to vary based on the design of the parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can achieve objectives for the provision of this service.

Number. This is an optional improvement. No minimum number of charging station spaces is required.

Incentive Program. When the number of required parking spaces is ten (10) or greater, the minimum parking requirement may be reduced by one space for each charging station, but the reduction of parking spaces may not exceed 10 percent of the required number of regular parking spaces. (The EV space will count as a parking space.) No reduction shall be made in the number of required accessible parking spaces. The incentive program does not apply to accessible parking spaces.

Electric vehicle charging stations spaces for which any parking incentive was granted shall be operational at all times. When an electrical vehicle parking station is not operational for 14 consecutive days, it shall be considered to have been removed from service. The failure to maintain electric vehicle charging station spaces shall be cause to require the installation of the number of parking spaces required by the zoning district regulations.

Size. The minimum size of an electric vehicle charging station space is the same as a regular parking space (9' x 19'). Charging devices may be located adjacent to designated parking spaces

but shall not be placed within the dimensions of a parking space (length, width, and height clearance).

Design Criteria and Guidelines. Charging station outlets and connector shall be no less than thirty-six (36) inches or no higher than forty-eight (48) inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the paved surface. Equipment mounted on pedestals, lighting posts, and other devices shall be designated and located so as not to impede pedestrian travel or create trip hazards. Adequate charging station equipment protection such as concrete-filled steel bollards, shall be used.

When the electric vehicle charging station space is perpendicular or at an angle to the curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled bollards, shall be used.

Maintenance of the electric vehicle charging station, including functionality of the station, shall be the responsibility of the property owner.

Lighting. Where charging station equipment is installed, adequate site lighting shall exist or be installed.

Notification. The following information shall be posted at all charging stations:

- a. Voltage and amperage levels.
- b. Days and Hours of operations if time limits or tow-away provisions are to be enforced by the property owner.
- c. Usage fees.
- d. Safety information.
- e. A phone number or other contact information for reporting when the equipment is not operating or other problems.

Signage. Each charging station space shall be posted with signage to identify that it is an electric vehicle charging stations and indicating the space is only for electric vehicle charging purposes.



12" x 12"



12" x 18"

Installation of directional signage at the parking lot entrance and at appropriate decisions points be provided to guide motorist to the charging stations space(s).



24" X 24"



Directional Arrow 24" x 9"

An EV sign may be displayed without an associated direction arrow but no direction arrow sign may be displayed without an EV sign. No permits are required for EV signs.

Accessible Charging Stations. This is an optional improvement. Specific requirements for electric vehicle charging stations have not been adopted in the ADA Standards for Accessible Design.

No minimum number of accessible spaces is required. Accessible charging stations shall be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. Charging equipment should be located so as not to interfere with accessibility requirements. It is not required to designate the accessible electric vehicle charging station exclusively for handicap use.

Suggested ratios of accessible electric vehicle charging stations are provided in the chart below.

Total Number of EV Charging Stations	Suggested Minimum Accessible EV Charging Stations
1 – 50	1
51 – 100	2
101 – 150	3
151 – 200	4
201 – 250	5
251 – 300	6

Battery Exchange Stations. Battery exchange stations are permitted in commercial, and industrial zoning district, provided all other requirements for the building or space the use occupies can be satisfied, such as fire, zoning, and building code requirements. This use is specifically prohibited in residential zoning districts or areas.

Add Definitions to Sec. 125-280.B

Accessible electric vehicle charging station means an electric vehicle charging station where the battery charging station equipment is located within accessible reach of a barrier-free access aisle and the electric vehicle.

Battery charging station means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

Battery exchange station means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process.

Battery electric vehicle (BEV) means a type of electric vehicle that uses chemical energy stored in rechargeable vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.

Charging levels means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels and include the following specifications:

1. **Level 1** is considered slow charging and operates on a 15- or 20-amp breaker on a 120-volt alternating current (AC) circuit and standard outlet. Level 1 charging stations can fully charge a BEV between eight and 32 hours and a PHEV between three and 15 hours.
2. **Level 2** is considered medium charging and operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit. A Level 2 charging station can fully charge a BEV between four and six hours and a PHEV between one and two hours.
3. **Level 3** is considered fast or rapid charging and operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Charging times range from 25 to 40 minutes for BEVs and less than 20 minutes for PHEVs.

Electric vehicle means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for locomotive purpose.

Electric vehicles include Battery electric vehicles (BEV) and Plug-in hybrid electric vehicles (PHEV);

Electric vehicle charging station means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle.

Electric vehicle space means any marked parking space that identifies the use to be exclusively for the charging of an electric vehicle.

Plug-in hybrid electric vehicle (PHEV) means a hybrid vehicle with rechargeable batteries that can be restored to full charge by connecting a plug to an external electric power source. A PHEV shares the characteristics of both a conventional hybrid electric vehicle, having an electric motor and an internal combustion engine; and of an all-electric vehicle, also having a plug to connect to the electrical grid.

6. LIVE ENTERTAINMENT

7. 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>
Eating and Drinking Establishments					
<i>Full Service</i>	P	P	S	P	
<i>Limited Service</i>	P	P	S	P	
<i>With Drive-Through Facilities</i>	S, L5	P	S	P	Refer to Section 125-90.A.
<i>With Live Entertainment</i>	S	P	S	S P	
<i>With Outdoor Seating</i>	L6	L6	S	L6	

Eating and Drinking Establishments. Businesses that are primarily engaged in serving prepared food or beverages for consumption on or off the premises.

With Live Entertainment. Musical, theatrical, song or dance, pantomime, scene, or performance for the purpose of amusing a guest or patron, on a scheduled basis more than 3 times a calendar year, regardless of whether the performers are compensated.

7. FENCES

Add new sub-section (4) to Sec. 125.140.D

4. Decorative fences metal/wrought iron fences are allowed in front and side yards all zoning districts subject to the following regulations:
- In all zoning districts except single family residential, the fence height shall not exceed six (6) feet.
 - On residential single family lots with a minimum size of 20,000 square feet, the fence height shall not exceed six (6) feet.
 - On residential single family lots less than 20,000 square feet in size, the fence height shall not exceed four (4) feet.
 - Fences shall be 70% transparent.
 - 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.
 - No barbed wire, chicken wire, razor wire, chain link, lattice, or electrically charged fences shall be allowed.

Examples of types of fencing allowed in front yards:



8. CONTINUITY OF SETBACK STREET FRONTAGE

Add new subsection (9) to Sec. 125-70.C

In single family residential districts, if the rear property line of a corner parcel abuts the side property line of a neighboring parcel, the street side setback of the corner parcel must be equal to the front yard.

