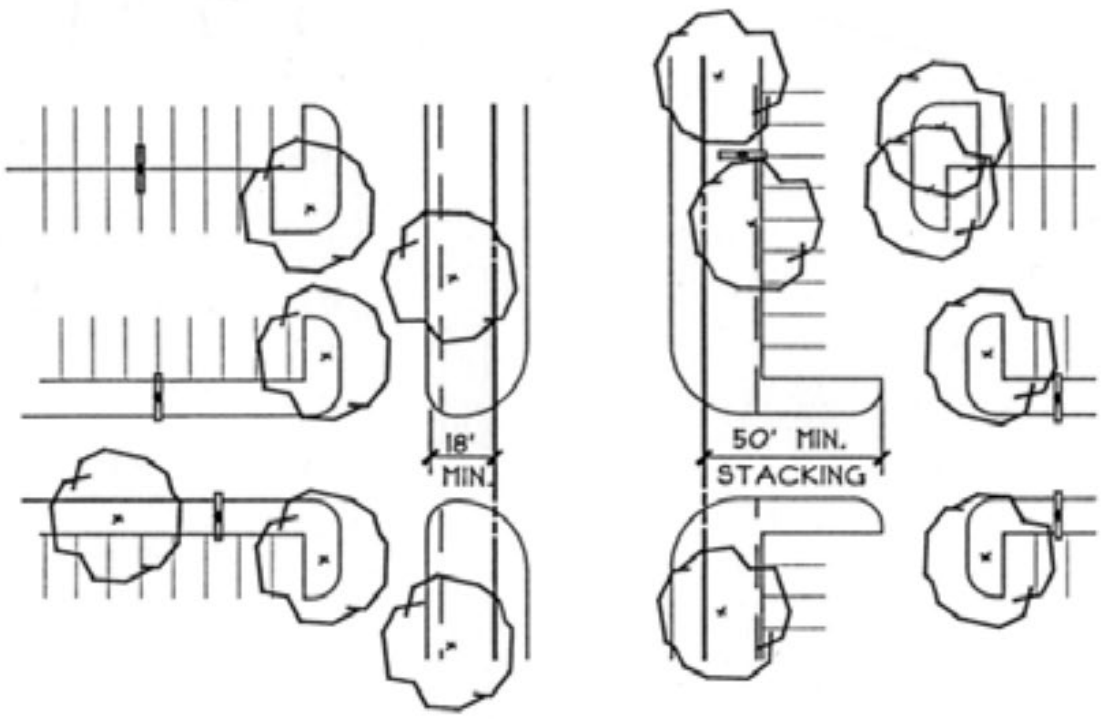


**Amend Sec. 125-170.E** to add new illustrations and subsection 9 to read:

**9. *Stacking and queuing requirements.***

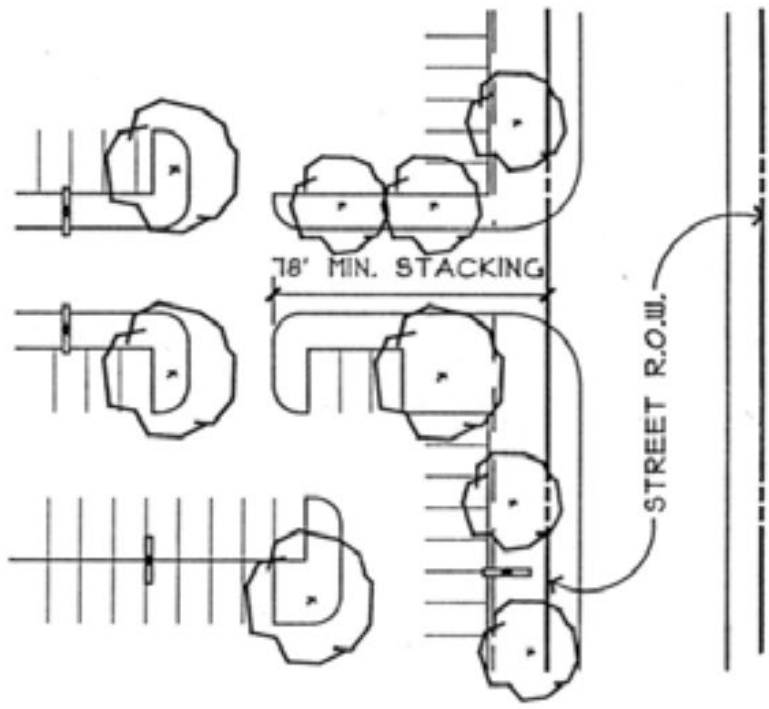
- a. Stacking spaces provide the ability for vehicles to queue on-site prior to receiving a service. In all districts, at the time any building or structure is erected or altered, stacking spaces shall be provided for uses that include, but are not limited to, service stations, drive-through restaurants, drive-in or drive-through banks, and similar uses that allow customers or clients to receive services and/or conduct activities on the property without leaving their vehicle. City staff may require a traffic study to determine the stacking and queuing requirements to properly identify the number of stacking spaces required. In no instance shall the queue accommodate fewer than six vehicles.
- b. A stacking space shall be a minimum of nine feet in width and 20 feet in length and shall not be located within or interfere with a public street or any other circulation driveway, parking space, fire lane or maneuvering area. Stacking spaces shall be provided behind the vehicle bay door, middle of the service window (e.g. quick service restaurant, dry cleaner), or middle of the service island (e.g. banks), whichever is applicable.
- c. A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting drive aisle. Buildings and other structures shall be set back a minimum of ten feet from the back of the curb of the intersecting drive aisle to provide adequate visibility and to allow vehicles to safely exit drive-thru lanes and escape lanes prior to merging into intersecting drive aisles.
- d. Driveway stacking length is the distance between the street right-of-way line and the near side of the first intersecting interior aisle or parking stall. The minimum length of driveway stacking shall be as follows:

No. of Spaces (Per Driveway)	Minimum Stacking (Length in Feet)
Less than 50	18
50 to 200	50
More than 200	78



LESS THAN 50 SPACES PER DRIVEWAY ACCESS

50-200 SPACES PER DRIVEWAY ACCESS



OVER 200 SPACES PER DRIVEWAY ACCESS

**Sec. 125-90.A. Drive-Through Facilities**

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

1. **Buffer Yards.** ~~A Type B buffer yard is required along R district boundaries. Within a district, a Type A buffer yard is required in the side, rear, and street and rear yards.~~ **A minimum five-foot (5') buffer yard along the side and rear property lines is required for businesses with drive-throughs.** The buffer yard shall have trees and plantings. Buffer yards shall meet the standards of Section 125-190.C of this Article. Buffer yard planting may be located in a required setback area. **If there is any conflict between this requirement and buffer yard requirements in other sections of this ordinance, the wider buffer yard requirement shall apply.**

Note: Only Item 1. will be amended. Items 2-5 will remain as currently written.

**Sec. 125-260.C Residential Use Classifications - Residential Dwellings.**

Add definition for Industrialized home:

**Industrialized home** means a freestanding building designed for occupancy by a single household, constructed in one or more modules or constructed using one or more modular components, that is built at a one location, then transported to a permanent site and installed on a permanent foundation.

Amend definition of Manufactured/Modular Homes:

~~Manufactured Modular Homes.~~ **A structure designed for occupancy by a single household that was assembled off site in its entirety or in sizable modules that were assembled on the building site constructed on or after June 15, 1976, according to the rules of the U. S. Department of Housing and Urban Development (HUD), Title 6 construction standards. Manufactured homes are built on a non-removable chassis, so they can be transported in one or more sections to the property where they will be used for permanent housing.**

**Schedule 125-70.B: Use Regulations – Residential Single Family Districts:**

Add line item for Industrialized Home.

Delete Modular from classification of Manufactured Homes

**Schedule 125-70.B: Use Regulations – Residential Single Family Districts**

<i>Use Classifications</i>	<i>RS F- 20</i>	<i>RS F- 10</i>	<i>RS F- 7</i>	<i>RS F- 5</i>	<i>RS F- 2</i>	<i>Additional Regulations</i>
<b>Residential</b>						
Residential Dwellings						Refer to Section 125- 90.B
<i>Industrialized Homes</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	
<i>Manufactured <del>Modular</del> Homes</i>	—	—	—	S, L2	—	

## **Sec. 125-72.B. Land Use Regulations**

Schedule 125-72.B below prescribes the land use regulations for **C Commercial and Mixed Use Districts**. The regulations for each district are established by letter designations as follows:

"P" designates permitted use classifications.

"L" designates use classifications that are permitted, subject to certain limitations prescribed by the additional use regulations in Article IV, Division 1: Standards for Specific Uses. Number designations refer to the specific limitations listed at the end of Schedule 125-72.B.

"S" designates use classifications permitted after review and approval of a Special Use Permit by the City Council. These uses are also subject to certain limitations in Article IV, Division 1: Standards for Specific Uses.

Use classifications are defined in Article V, Division I: Use Classifications. In cases where a specific land use or activity is not defined, the City Planner or designee shall assign the land use or activity to a classification that is substantially similar in character. Use classifications not listed in the Schedule below are prohibited.

### **DELETE THE FOLLOWING SUBSECTION: (subsection 125-72(b)(1))**

#### **~~(1) Non-retail Sales Tax Generating Business~~**

~~Notwithstanding any provision in this chapter to the contrary, a use located in an area described by "b." below is subject to the restriction in "c." below:~~

- ~~a. In this section, "non-retail sales tax generating business" shall mean a business or other nonresidential use that sells annually fewer than three (3) taxable items, as that term is defined by Texas Tax Code Section 151.010, annually at its location within this district.~~
- ~~b. A non-retail sales tax generating business that locates in a newly constructed building, or a newly constructed portion of an existing building that has been added to, in these Commercial and Mixed Use Districts that has any portion of its premises, including its parking facilities, located within three hundred (300) feet of the edge of the right-of-way for Interstate 45, State Highway 96, State Highway 3, Farm to Market Road 270, Farm to Market Road 517, Farm to Market Road 2094, Farm to Market Road 518, or Farm to Market Road 646.~~
- ~~e. To be located on the ground floor of any building in the area described in b. above, the use must obtain a special use permit,~~
- ~~d. In this section, the term "newly constructed" means constructed pursuant to a building permit the application for which was submitted on or after January 1, 2017.~~

## **SECTION 125-191 NONCONFORMING USES, LOTS, AND STRUCTURES**

### **Subsections:**

- 125-191.A. Purpose
- 125-191.B. Nonconforming Status
- 125-191.C. Nonconforming Uses
- 125-191.D. Nonconforming Lots
- 125-191.E. Nonconforming Structures

*(This section represents the City's existing nonconforming regulations.)*

### **Sec. 125-191.A. Purposes**

The purpose of this Section is to regulate uses lawfully established prior to the effective date of this Zoning Ordinance that do not conform to the use regulations of this Ordinance in the zoning districts in which such uses are located (known as "nonconforming uses"). This Section also regulates uses, lots, and structures lawfully constructed prior to the effective date of this Zoning Ordinance that do not comply with the applicable development standards of this Ordinance in the zoning districts in which such uses, lots, or structures are located (known as "nonconforming uses, lots or structures").

### **Sec. 125-191.B. Nonconforming Status**

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

- a. The use, platted lot, or structure was in existence and lawfully operating prior to the adoption of this Code and which has since been in regular and continuous use.
- b. The use, platted lot, or structure was in existence and lawfully constructed, located, and operating at the time of any amendment to this Code, but by such amendment is placed in a district wherein such use, platted lot, or structure is not otherwise permitted and has since been in regular and continuous use.
- c. The use, platted lot, or structure was in existence at the time of annexation into the city and has since been in regular and continuous use.
- d. The owner of the property whose land use, lot, and/or structure is deemed to be nonconforming may file an application for a Certificate of Nonconforming Status with the City's Planning Department. The application shall include a current survey and/or site plan describing the improvements and uses to which the property is being put at the time of the application. Upon receipt of a complete application, the City shall issue a Certificate of Nonconformance as acknowledgement that the use, lot, and/or structure was legal at the time the use, structure, or lot was established/constructed and is allowed to remain.
- e. A nonconforming lot or structure whose configuration has been altered involuntarily by eminent domain shall be allowed to reconfigure within the remaining space and reconstruct in order to permit the pre-existing use. The pre-existing use shall be

consistent with the survey and/or site plan on file with the City, but in no event shall be allowed to enlarge to occupy more of a building or site.

### **Sec. 125-191.C. Nonconforming Uses**

A nonconforming use results from failure to conform to the applicable district regulations or use groups or performance standards (such as parking, landscaping signage, buffers). A nonconforming use legally existing at the time of adoption of this Zoning Ordinance is grandfathered under these regulations and may be continued but shall not be enlarged to occupy more of a building or site.

*Abandoned Uses and Structures.* If said nonconforming use or structure is discontinued or abandoned, any future use of the premises shall be in conformity with the provisions of this Code. The following regulations apply to abandoned uses and structures:

- a. When a nonconforming use or structure does not meet the development standards of this Code, is discontinued or abandoned for a period of six months, such use shall not be resumed.
- b. Any nonconforming use which does not involve a permanent structure and said use is discontinued or moved from the premises shall be considered to have been abandoned.
- c. No nonconforming use may be abandoned and subsequently reoccupied with another nonconforming use or increased as of the effective date of this Code.

*Change to nonconforming uses.* The following regulations apply to changing a nonconforming use:

- a. Any nonconforming use may only be changed to a conforming use, and once such a change is made, the use shall not be changed back to a nonconforming use.
- b. A conforming use located in a nonconforming structure may be changed to another conforming use, however, the structure remains subject to the nonconforming structure regulations contained in this section.
- c. A nonconforming use shall not be changed to another nonconforming use.

### **Sec. 125-191.D. Nonconforming Lots**

Lots are considered nonconforming if the lot size, lot depth, setbacks and/or width are less than the regulations prescribed in the zoning district in which it is located.

Exceptions to lot size:

1. **Single Lots.** A building may be erected on any single nonconforming lot that is located on a properly filed and approved plat. In addition, a building may be erected on a lot, tract, or parcel defined in a recorded deed prior to the adoption of Subdivision Ordinance Number 81 on September 11, 1969, notwithstanding limitations imposed by other provisions of this Zoning Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even if such lot fails to meet the applicable lot area or width requirements for the district within which the lots are located, provided that such development complies with all other development standards applicable within the zoning district. Any variance to such requirements shall be obtained only through action of the Zoning Board of Adjustment.
2. **Multiple Lots.** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of this

Zoning Ordinance, and if all or part of the lots do not meet the applicable lot area or width requirements for the district within which the lots are located, the lands involved may be considered to be an undivided parcel for the purposes of this Section and shall be subject to all use and development regulations for the district within which said lands are located.

**Sec. 125-191.E. Nonconforming Structures**

The zoning regulations prescribe the general placement, height, and density for all buildings and structures. These regulations include minimum setbacks from streets and lot lines, maximum building height, maximum building footprint, and maximum percentage of a lot which can be covered with buildings and structures. When a building or structure does not meet all these regulations, it is considered nonconforming.

1. ***Repair, Maintenance, and Alteration.*** Any nonconforming structure may be repaired, maintained, or altered provided that no such repair, maintenance, or alteration either creates any new nonconformity or increases the degree of the existing nonconformity of all or any part of such structure.
2. ***Reconstruction following Damage or Destruction.***
  - a. ***Destruction greater than 50%.*** Any nonconforming structure or portion of a structure destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction may only be rebuilt in conformance to the provisions of this Ordinance. If any nonconforming structure or portion of a structure for which the City has issued a Certificate of Nonconforming Status is destroyed by fire or natural cause without the intervention of man, or arising wholly above the control of human agencies, and which could not have been prevented by the exercise of prudence, diligence, and care to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, the owner shall be allowed to reconstruct such nonconforming structure or portion of a structure consistent with the survey and/or site plan on file with the City, but in no event shall be allowed to enlarge to occupy more of a building or site.
  - b. ***Destruction less than 50%.*** In the case of partial destruction of a nonconforming structure or structure occupied by nonconforming use, which has been damaged to an extent of not greater than fifty percent (50%) of the structure's current replacement cost, reconstruction will be permitted provided that:
    - i. the size or function of the nonconforming use cannot be expanded;
    - ii. repair shall be completed within one year (365 calendar days) following the event that caused the partial destruction; and
    - iii. if reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the City Planner.
3. ***Moving a nonconforming structure.*** Any nonconforming structure that is moved in whole or in part for any reason and for any distance shall thereafter conform to the regulations of this Zoning Ordinance.
4. ***Abandonment.*** A nonconforming structure and premises that is discontinued or abandoned for six (6) consecutive months, or for 18 months during any 3-year period, except when government action impedes access to the premises, shall be presumed abandoned and may not be reestablished or



resumed and shall hereafter conform to the regulations of this Zoning Ordinance.

## SEC. 125-120.B. ACCESSORY STRUCTURES

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

1. **Location.** ~~No accessory structure is permitted in a required front or rear yard setback, or in any easement on the property.~~ Detached accessory structures shall be located to the rear or to the side of the principal building.
2. **Setbacks.** ~~The minimum setbacks for detached accessory structures shall be equal to those of the principal building on the lot, except that detached accessory structures shall not be located within 10 feet of any rear lot line; where a rear alley is provided, the setback from the rear lot line may be reduced to 6 feet.~~ **The minimum setbacks are determined by the zoning district in which the property is located, with the following exceptions:**
  - a. An accessory structure shall be setback a minimum of ten feet (10') from the rear lot line.
  - b. If an alley abuts the rear lot line, the rear setback for an accessory structure is six feet (6').
3. **Maximum Size.** ~~No residential accessory structure shall occupy more than 30 percent of the required rear yard setback, defined as the space extending the full width of the lot between the principal structure and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line.~~ **The total floor area of all accessory structures shall not exceed thirty percent (30%) of the square footage of the livable area of the residence on the premises, or ten percent (10%) of the lot area, whichever is greater. This requirement shall not apply to swimming pools or barns and agricultural related structures.**

The maximum size of non-residential accessory structures shall be determined by the maximum lot coverage standard in the district within which it is located.

4. **Maximum Height.** ~~No residential accessory structure shall exceed 25 feet.~~ **The maximum height of residential accessory structures shall be 25 feet.** The maximum height of non-residential accessory structures shall be determined by the maximum height permitted in the zoning district within which it is located.
5. ~~**Shipping containers.**~~

## **ARTICLE IV. ZONING REGULATIONS**

### **DIVISION 7. MOBILE FOOD VENDORS**

#### **Section 125-200. Compliance and permit required.**

It shall be illegal to sell food and/or drink items from a food truck, concession trailer, or similar vehicle parked on private property within the city except in compliance with regulations adopted in this division and a valid permit issued pursuant thereto.

#### **Section 125-201. Permit.**

(a) Application requirements.

- (1) An application for a mobile food vendor business permit shall be submitted to the Building Department.
- (2) The application shall include the following documentation:
  - (i) the applicant's Texas driver's license;
  - (ii) a site plan depicting the exact location on the nonresidential property where the mobile food vendor proposes to park to conduct business;
  - (iii) written permission, signed and dated no more than thirty (30) days before the application date, from the owner of the nonresidential property allowing mobile food vendor operations at said site and the use of the on-site commercially plumbed public restroom by the mobile food vendor and its customers;
  - (iv) a Texas Sales Tax certificate for the business seeking a permit;
  - (v) a County Health Department permit for the food truck, concession trailer, or similar vehicle; and
  - (vi) proof of current license plates, registration, and automobile liability insurance for the food truck, concession trailer, or similar vehicle;
- (3) A passing inspection by the League City Fire Department is required prior to the Business permit being issued.

(b) Business permits for mobile food vendors are valid for one year, not transferable, and may be renewed annually. The City business permit and the County Health Department permit shall be displayed during all times of operation in a location where it can be read by the general public.

#### **Section 125-202. Rules of operation.**

Mobile food vendors shall operate their business in compliance with the following rules of operation:

- (a) Items for sale. Only food and non-alcoholic drink items may be sold by a mobile food vendor.
- (b) Utilities.
  - (1) Water needed for the operation shall be provided from a tank carried on the food truck, concession trailer, or similar vehicle. Connection to a potable water supply system at the property is prohibited.
  - (2) Electricity for the operation shall be from an internal or portable generator. Connection to an electrical outlet at the property is not allowed.
  - (3) Each mobile food vendor is responsible for providing covered solid waste containers in which its customers may dispose of trash and food waste. All such solid waste containers and the solid waste collected therein shall be removed from the site by the mobile food vendor when leaving the site each day.
- (c) Hours of operation. A mobile food vendor may operate only during the hours that the primary business on the property is open for business, and shall not remain parked overnight at said property.
- (d) Noisemakers prohibited. Mobile food vendors shall not use loudspeakers or noisemakers to play music or make noises for the purpose of attracting attention to a mobile food vendor.

**Section 125-203. Site regulations.**

- (a) A mobile food vendor may conduct business only on private property where an existing, permanent business operates in a building and pursuant to a certificate of occupancy. Said property must be zoned commercial, industrial, or Planned Unit Development where the base zoning district is commercial.
- (b) A mobile food vendor parked to conduct business shall be:
  - (1) located no closer to major thoroughfares than the primary business building on the property;
  - (2) set back a minimum of fifty (50) feet from residential single family properties; and
  - (3) not located in or on required parking spaces, driveways, fire lanes, unimproved surfaces, or any location where the mobile food vendor can obstruct traffic movement or impair visibility and safety to the site.
- (c) Only one mobile food vendor is allowed per property, and no drive through may be marked or otherwise established for the mobile food vendor to conduct business.

**Section 125-280. DEFINITIONS**

*Concession trailer:* A vehicle that is not self-propelled and which is designed to be pulled by a motorized vehicle, and which is designed, equipped, and/or used to sell food and/or drink items for immediate consumption.

*Food truck:* A self-contained motorized vehicle designed, equipped, and/or used to sell food and/or drink items for immediate consumption.

*Mobile food vendor* shall mean a business which sells food and/or drink items intended for immediate consumption and which utilizes as its point of sale a food truck, concession trailer, or similar vehicle that is continuously parked for at least four (4) hours on private property to conduct business.

## **ARTICLE IV. ZONING REGULATIONS**

### **DIVISION 8. SHORT TERM RENTALS**

#### **Section 125-210. Purpose.**

(a) The purpose of this division is to establish regulations for the protection of the health and safety of the occupant(s) of short-term rental properties; to protect the integrity of the neighborhoods in which short term rental properties operate, and to ensure the collection and payment of hotel/motel occupancy taxes.

(b) This division does not grant the owner of residential property with the right or privilege to violate any private conditions, covenants, and/or restrictions applicable to the owner's property that may prohibit the use of said residential property for short-term rental purposes as defined in this division.

#### **Section 125-211. Compliance and permit required.**

It shall be illegal to offer or enter into an agreement for a short-term rental within the city except in compliance with regulations adopted in this division and a valid permit issued pursuant thereto.

#### **Section 125-212. STR Permit.**

(a) Application requirements.

- (1) An application for a short-term rental permit shall be submitted to the Planning Department.
- (2) The application shall include the following information:
  - (i) the name, address, email address, and telephone number of the operator of the subject STR;
  - (ii) the name, address, email address, and telephone number that is answered twenty-four hours a day for the local contact person of the subject STR;
  - (iii) the name and address of the proposed STR;
  - (iv) proof of Hotel Occupancy Tax registration;
  - (v) the number of sleeping areas and the applicable overnight and daytime occupancy limit(s) of the proposed STR;
  - (vi) a floor plan of the subject STR that identifies sleeping areas, evacuation route(s), and location of fire extinguishers;
  - (vii) a site plan of the property showing structures and the location of parking spaces; and
  - (viii) such other information as the City Planner, or designee, deems reasonably necessary to administer this division.

- (3) A passing Fire and Life Safety inspection.
- (b) Fee. The annual STR permit fee of \$25.00 per rental unit is due with the application for a permit. Said fee is applicable to all rented units including rooms and guest houses.
- (c) STR permits are valid for one year and may be renewed annually by payment of the permit fee on or before the permit expiration date.
- (d) Failure to complete the renewal process for an STR permit may result in revocation of the STR permit. If an STR permit is revoked for any reason, the operator may not reapply for such for the same property for a period of twelve (12) months from the revocation.
- (e) An STR permit is not transferable to another owner, operator, or location.

**Section 125-213. Compliance with law.**

- (a) The owner of the property and the operator of the STR shall be responsible for compliance with all applicable laws, rules, and regulations pertaining to the use and occupancy of the subject STR, including prohibition of public nuisances and unreasonable noise.
- (b) Short-term rental operators shall be responsible for informing their occupants of all relevant city codes and the occupants' liability for violation of same.
- (c) Landscaped areas and yards shall not be utilized to provide required parking. If the STR is less than an entire property, a minimum of one off-street parking space is required per rental unit in addition to the required parking for single family residential lots. Parking must meet all other parking requirements in applicable law.

**Section 125-214. Fire and Life safety.**

- (a) All short-term rentals shall be equipped with fire extinguishers, smoke detectors, and carbon monoxide detectors as required by all applicable law.
- (b) Every sleeping area shall have at least one operable emergency escape and rescue opening as required by all applicable law.
- (c) An evacuation plan shall be posted conspicuously in each permitted sleeping area.
- (d) Any room or sleeping area in an STR that does not comply with this section shall not be used as a sleeping area and where equipped with a door, shall remain locked at all times when the dwelling is being used as an STR. Such non-compliant sleeping area shall not be included in the maximum occupancy calculation for the STR. The owner/operator shall notify every occupant, in writing, that the non-compliant sleeping area may not be used for sleeping.
- (e) Each sleeping area must include at a minimum the shared use of a full bathroom.

**Section 125-215. Posting of information.**

The operator of the STR shall post in a conspicuous location in the common area in each STR unit the following:

- (a) A notice that includes:
  - (1) The maximum number of occupants;
  - (2) Location of off-street parking and prohibition of parking on landscaped areas and yards;
  - (3) Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited;
  - (4) Restrictions on use of outdoor facilities, such as pools;
  - (5) Local contact person's name and 24-hour phone number;
  - (6) Property cleanliness requirements;
  - (7) Location of trash cans and pick-up requirements; and
  - (8) Flooding hazards and evacuation routes.
- (b) Short Term Rental permit.
- (c) The STR's Health Department permit.
- (d) The STR's Hotel Occupancy Tax registration.

**Section 125-216. Hotel occupancy tax required.**

The operator of a short-term rental shall collect and remit hotel occupancy taxes as provided by all applicable law. Failure to collect and/or remit the tax as required by law shall be grounds for revocation of the STR permit.

**Sec. 125-280.B DEFINITIONS**

**LOCAL CONTACT PERSON** means the owner/operator or designated agent who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding in person within one hour to complaints regarding the condition, operation, or conduct of occupants of the short term rental; and (2) taking remedial action to resolve any such complaints.

**OWNER** means the person or entity that holds legal and/or equitable title to the subject property, as shown in real property records.

**SHORT-TERM RENTAL (STR)** means a property where all or a portion of a residential dwelling unit, including an apartment or accessory building, may be rented or leased for compensation to members of the public for use as sleeping accommodations on a temporary or transient basis of less than thirty (30) consecutive days. A short-term rental does not include a hospital, sanitarium,

or nursing home; or a dormitory or other housing facility owned or leased and operated by an institution of higher education.

**SLEEPING AREA** means a room within a dwelling designed or used for sleeping, including a bedroom. Tents, hammocks, recreational vehicles and/or other vehicles and outdoor areas shall not be considered a sleeping area.