

**AN ORDINANCE**

**AMENDING CHAPTER 14, "ZONING ORDINANCE," SECTION 14.02.304, "DESCRIPTION AND PURPOSE OF DISTRICTS," TO ADD (b) "PURPOSE OF OVERLAY DISTRICTS AND APPLICABILITY," AMENDING SECTION 14.02.305, "REGULATIONS FOR ALL DISTRICTS," TO ADD (m) "OVERLAY DISTRICTS," AND ADDING APPENDIX C "SUSTAINABILITY OVERLAY DISTRICT AND COMMERCIAL AND INDUSTRIAL OVERLAY DISTRICT STANDARDS," AND PROVIDING A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2000)**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS THAT:**

1. Chapter 14, "Zoning," Section 14.02.304, "Description and Purpose of Districts," (b) "Purpose of Overlay Districts and Applicability," is added and reads as follows:

"(b) Purpose of Overlay Districts and Applicability.

(1) Purpose of Overlay District Standards. It is the purpose of the Sustainability and Commercial /Industrial Standards Overlay District standards:

(A) To establish standards to protect and improve the character of business areas in the City of Leon Valley, and to guide the appropriate mixing of residential and non-residential uses where permitted within the Overlay districts.

(2) Applicability of Overlay District Standards. The Overlay District standards shall apply to all areas currently zoned R-3, R-3A, R-4, R-5, MX-1, O-1, B-1, B-2, B-3, and I-1 within the city limits of the City of Leon Valley."

2. Chapter 14, "Zoning," Section 14.02.305, "Regulations for all districts," (m) "Overlay Districts," is hereby added and reads as follows:

"(m) Overlay Districts. The Sustainability Overlay District and the Commercial/Industrial District incorporate additional requirements which may supercede certain requirements of the following divisions of Article 14.02, the Zoning Ordinance, and Article 3.04 Signs, as follows;

- (1) Division 6 – District Boundaries and Use Regulations
- (2) Division 7 – Permitted Use Tables
- (3) Division 8 – Parking Regulations
- (4) Division 9 – Landscaping

3. Chapter 14, "Zoning," Appendix C "Sustainability Overlay District and Commercial and Industrial Overlay District Standards," is hereby added and reads as follows:

**APPENDIX C**  
**SUSTAINABILITY AND**  
**COMMERCIAL/INDUSTRIAL OVERLAY**  
**DISTRICT STANDARDS**

Contents

<b>I.</b>	<b>OVERLAY DISTRICTS - GENERAL.....</b>	<b>1</b>
	A. Definitions .....	1
	B. Administration / Procedures .....	3
	C. Structural Non-Conformity.....	5
	D. Landscaping.....	6
	E. Performance Standards .....	12
	F. Signs .....	13
<b>II.</b>	<b>STANDARDS FOR SUSTAINABILITY OVERLAY .....</b>	<b>17</b>
	A. Intent.....	17
	B. Land use .....	17
	C. Height and area regulations.....	18
	D. Building Orientation.....	19
	D. Building Orientation.....	20
	E. Cross Access Drives .....	20
	F. Automobile Parking.....	20
	G. Bicycle Parking .....	21
	H. Supplementary Architectural Regulations .....	22
<b>III.</b>	<b>STANDARDS FOR COMMERCIAL AND INDUSTRIAL OVERLAY ..</b>	<b>34</b>
<b>III.</b>	<b>STANDARDS FOR COMMERCIAL AND INDUSTRIAL OVERLAY ..</b>	<b>35</b>
	A. Building Standards .....	35
<b>APPENDIX 1</b>	<b>LAND USE CHART .....</b>	<b>37</b>
<b>APPENDIX 2</b>	<b>OVERLAY MAP .....</b>	<b>53</b>

## PROPOSED SUSTAINABLE DEVELOPMENT STANDARDS

The standards and procedures below are in addition to the current standards and procedures. Where there is a conflict, the standards and procedures below shall govern.

### I. **Overlay Districts - General**

#### A. **Definitions**

**Access Drive, Major.** Any privately owned on-site drive or lane intended to access the primary entrance to land parcels and parking areas, and which accommodates autos or pedestrians. Such Major Access Drive will likely intersect a major roadway at a median break, subject to the Director's approval. This is not a public street, but often serves as a shared access drive.

**Big Box.** A building with a single-tenant that comprises more than 50,000 sf.

**Commercial and Industrial Overlay (CIO).** An overlay of existing zoning which modifies the base zoning as defined in this ordinance.

**Director.** Director of Community Development or designee such as the Zoning Administrator.

**Façade, Primary.** Exterior walls of buildings and parking structures which are clearly visible from a public street, open space or active storefront.

**Façade, Secondary.** Exterior walls of buildings and parking structures which are NOT clearly visible from a public street, open space or active storefront.

**Landmark Buildings.** Buildings which are located on axis with a terminating street or at the intersection of streets. Such buildings shall incorporate architectural features which address



height and articulation that emphasize the importance of such a location.

**Live-Work.** A fee-simple dwelling unit that contains, to a limited extent, a separate retail or office component on the ground floor. It is in a form similar to a Townhouse or store with residential quarters above or behind the non-residential use.

**Loft.** A flexible residential space which may be partially used for an artist or design studio, and which is characterized by higher than normal ceilings, open floor plans and often, exposed duct work.

**Mixed Use Building.** A vertical mixed use building that includes a mix of retail and office and or residential uses such as lofts, Live-Work units, apartments and condominiums, but contains non-residential use on the ground floor.

**Regulating Plan.** A plan that is required as part of a multi-phased development which ensures that access and amenities are provided in a consistent and comprehensive manner.

**Site Plan.** A detailed set of plans including such things as building foot-prints, parking, landscaping, building elevations and exterior building materials.

**Stoop.** A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

**Streetscape.** The urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

**Sustainability Overlay (SO).** An overlay of existing zoning which modifies the base zoning as defined in this ordinance.

**Townhouse.** An attached dwelling unit located on a platted lot which shares at least one common or abutting wall with another such unit. Townhouses are grouped together in clusters of 3 to 6 units and shall have rear entry garages.

**Urban Tree.** A tree species specifically selected for its ability to withstand harsh urban conditions, its upright branching habit, and its non-invasive root system.

## **B. Administration / Procedures**

### **1. Intent**

It is the intent of this Code to off-set the high level of detailed standards in this Code with an expeditious approval of projects which meet its general goals and intent, and:

- a. To ensure adequate linkages and connections within and between project areas, and
- b. To ensure consistency and quality of design to enhance the livability and image of the City.

### **2. Review Process**

The Director shall have staff administrative jurisdiction over any processes authorized under this Code. The Director shall be expeditious in reviewing and advancing the permitting process by undertaking any action consistent with this code, State law, and the City Charter to facilitate the permitting process.

### **3. Site Plan**

- a. Prior to applying for a Building Permit, a Site Plan must be approved by the Director, demonstrating that the proposal meets the goals, intent and general standards contained in these Design Standards.
- b. A Site Plan application must include the following information and documents that demonstrate compliance with the City's Code of Ordinances:
  - i. Completed Application with Proposed Uses

- ii. Detailed Site Plan showing proposed streets, buildings, parking areas, access easements and other pertinent site features
  - iii. Landscape Plan
  - iv. Building Elevations
  - v. Lighting Plan
  - vi. Preliminary Civil Plans
  - vii. Review Fee
- c. An application for a Site Plan shall be processed in accordance with the City's procedures for determining whether an application is complete. Following a determination of completeness, the Director shall approve, approve with conditions or deny the application for a Site Plan and shall notify the applicant of the decision.
- d. Denial or conditional approval of a Site Plan by the Director may be initially appealed to the Planning and Zoning Commission and, following the recommendation of the Commission, to the City Council. The appeal shall be filed within 30 days of the date of the Director's action on the application for approval of a Site Plan.
- e. The Director in making an initial decision on a Site Plan application, the Planning and Zoning Commission in making recommendations to the City Council, or the City Council in deciding the application for Site Plan approval, shall determine whether the Plan is consistent with the Regulating Plan for the property (if there is one), and meets the goals, intent and standards of the City's Code of Ordinances.

#### **4. Regulating Plan**

- a. Intent. The intent of a Regulating Plan is to ensure that access both within and to adjacent parcels of land will function properly and be ensured. It is also intended to ensure a comprehensive provision of amenities as the overall project develops out.



- b. Regulating Plans shall be required of multi-phased projects of 5 acres or more or which involve subdivision into smaller parcels.

**5. Amendments**

- a. Amendments to an approved Site Plan may be accomplished in the same manner as approval of the original Site Plan.
- b. An amendment to an approved Site Plan must be made prior to the time for lapse of approval provided below. In the event an amended plan is approved, the approving authority amending the plan shall specify the time for lapse of such approval, consistent with below.

**6. Lapse of Approval**

If a Building Permit has not been obtained within one (1) year following approval of a Site Plan approval, such plan shall lapse unless the property owner requests an extension prior to the expiration of the one-year period. The request for extension shall be considered by the Planning and Zoning Commission. The authority may grant an extension of the time for expiration of the Plan for a period not to exceed one (1) year from the original expiration date of the application approval.

Every request for extension shall include a statement of the reasons why the expiration date should be extended. The approving authority may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the Site Plan from expiring before the lapse date.

**C. Structural Non-Conformity**

**1. Intent**

It is the intent to allow non-conforming structures to be expanded and to bring properties into conformity in proportion to the amount of work being done.

- 2. Where improvements equal 51% or more of the value of existing improvements or 51% or more of the building area, then all zoning

