

Article 14.04 Overlay Districts

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Definition:

An overlay district is a “Transparent” zoning district that lies over an existing zoning district used to implement additional development standards or places restrictions beyond those required by the existing or base zoning district. The overlay district generally outlines uniform standards within the established boundary to ensure higher quality of development.

Purpose:

The purpose of creating overlay districts is to set and coordinate special development standards to a specific area that has unique value to the City and that are designed to provide a distinctive character, charm, and atmosphere to the designated area. Overlay districts are appropriate instruments to implement the long-term goals and objectives of the adopted Comprehensive Plan and are primarily intended to be used when special circumstances justify the modification of base or existing zoning district regulations to achieve those specific design objectives that do not coincide with traditional zoning districts.

Establishment & Designation

- a) Overlay districts shall be established through the rezoning process as outlined in Chapter 211 of the Texas Local Government Code and Sections 1.03 and 1.41 – 146 and only in conjunction with base zoning districts.
- b) An overlay district may cover parts of several zoning districts or only a portion of an existing or base zoning district.
- c) The existing or base zoning district shall maintain standard permitted land uses and development regulations. The overlay district may further restrict development standards and/or land uses suitable to the purpose and protection of the overlay district.
 - a. Development standards that may be regulated in an overlay district are: lot size, accessory buildings, building height and area, architectural design & materials, landscaping, storage/loading areas, parking, lighting, signage, access points, development review procedures, land uses, or any other restrictions that meet the overlay district’s purpose.
 - b. Land uses may be more restrictive than the base or existing zoning district allows, but not less restrictive.
- d) When an overlay district is established, any subsequent application to change the existing or base zoning district shall not be construed to be an application to eliminate the overlay district for the property covered by the application. Any intent to eliminate the overlay district on a given property shall be expressly state to be part of the application.

- e) In cases where there is a conflict between the requirements of an overlay district, the overlay district restrictions shall apply.
- f) When an applicant seeks to vary from the requirements of the overlay district, they shall apply to the Zoning Board of Adjustment for a variance just as they would if they were varying from the requirements of the base or existing zoning district.
- g) Overlay districts are adopted the same as any other zoning amendment. When a text amendment is made creating the regulations for the overlay district, a map amendment shall also be adopted to establish the boundaries of each overlay district.