

Ordinance Amendment Chapter 15 - Zoning Sustainability and Commercial/Industrial Overlay Districts

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Summary

- Question - The Council is being asked to consider an ordinance amending Chapter 15, “Zoning”, specifically to delete the Sustainability and Commercial/Industrial Overlay Districts and revising other sections as necessary
- Options
 - approval
 - denial
 - Other
- Declaration
 - The ordinance amendments will make Zoning regulations more user friendly, comply with state law, and remove nonconforming status of certain properties

Purpose

- Chapter 15 Zoning should be reviewed & amended periodically, as directed by city council, to incorporate new trends & current building regulations
- City Council has expressed their desire to revise Appendix C Sustainability, Gateway, and Commercial/Industrial Overlay Standards
- Staff would also like to make these revisions, which will make the Zoning Code easier to understand for both internal and external users, comply with new state laws, & remove nonconformity on certain properties

Proposed Revisions

- Appendix C. Sustainability, Gateway, and Commercial/Industrial Overlay District Standards – amended to delete the Sustainability and the Commercial/Industrial Overlay Districts
- Sec.15.02.052 “Definitions” – amended to include definitions previously in Overlay Districts
- Sec. 15.02.301 “Districts”- amended to add the R-7 Single-Family Medium Density District
- Sec. 15.02.304 “Description and Purpose of Districts” - amended applicability to only Gateway Overlay District

Proposed Revisions

- Sec. 15.02.305 “Regulation for All Districts” – amended to delete the Sustainability and Commercial Overlay Districts
- “RE-1” Residential Estate District – amended to move to section before R-1 Single-Family Dwelling District and renumbered to Sec. 15.02.306. Changed following section numbers accordingly.
- Masonry requirements - amended to remove from all districts in accordance with state law
- Sec. 15.02.314 “Residential Use Table” – amended to add column for RE-1
- “PD” planned development district to Sec. 15.02.319 – amended to move to section before the commercial/industrial districts
- Sec. 15.02.318 “MX-1” mixed use district – amended to delete (never used)

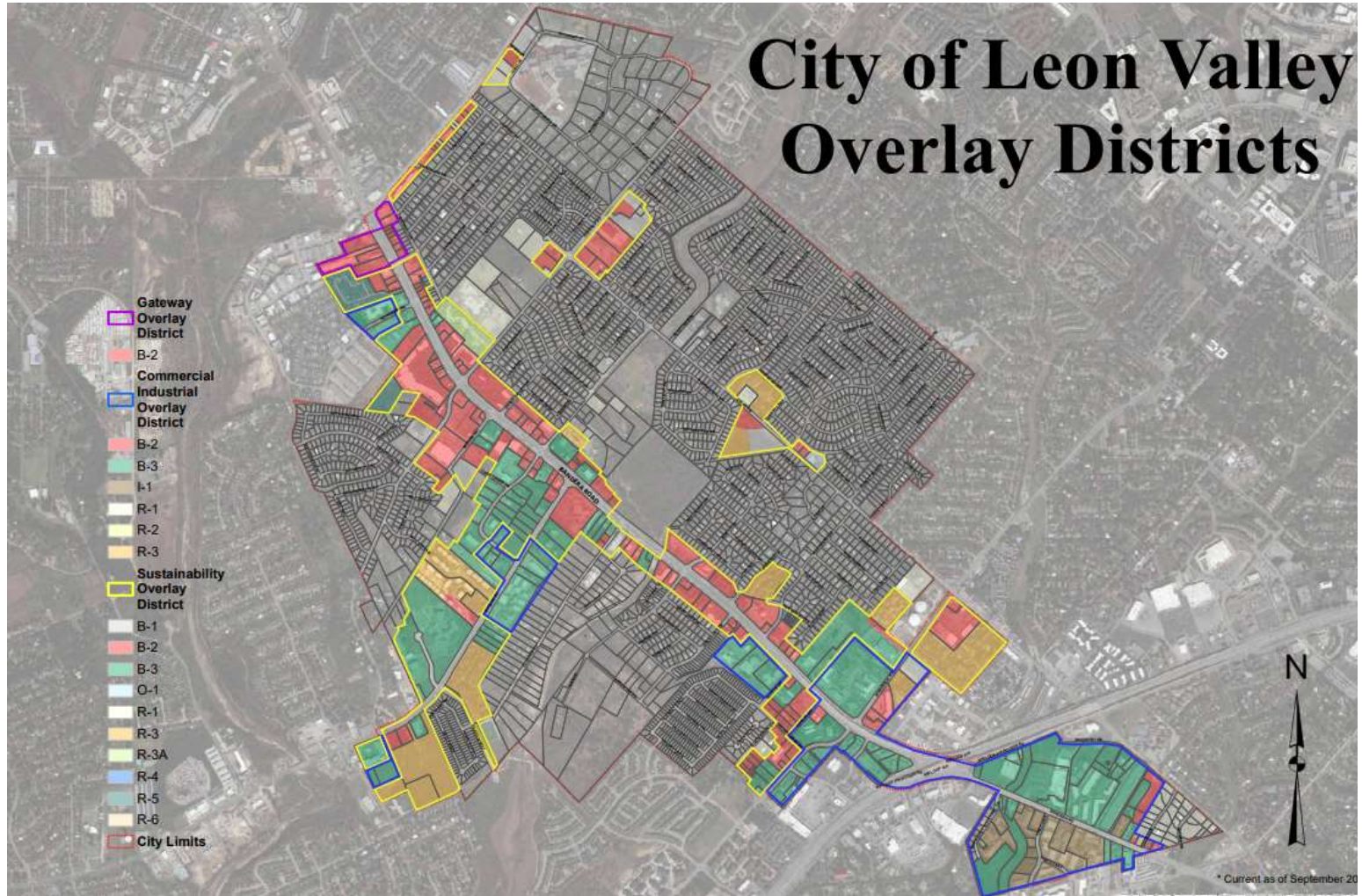
Proposed Revisions

- Sections 15.02.319 "O-1 Office District", Sec. 15.02.320 "B-1 Small Business District", Sec. 15.02.321 "B-2 Retail District", Sec. 15.02.322 "B-3 Commercial District", and Sec. 15.02.323 "I-1 Industrial District" – amended to add landscaping, parking and lighting Requirements that were in the Overlay districts
- Sec. 15.02.324 Table of Minimum Requirements – amended to add the RE-1 & R-7 Districts
- Sec. 15.02.381 "Permitted Use Table" – amended to delete Sustainability & Commercial/Industrial Overlay Districts
- Sec. 15.02.441 "Parking Regulations" – amended to add landscaping regulations and add bicycle parking
- Exhibit 2 – Overlay Boundaries, Exhibit 2A – Sustainability Overlay and Exhibit 2C – Commercial/Industrial Overlay – amended to delete
- Exhibit 2B. – Gateway Overlay – amended to renumber

State Law

- **H.B. 2439** added Government Code Section 3000.002 prohibiting a governmental entity from adopting or enforcing a regulation that either: directly or indirectly prohibits or limits the use or installation of a building product or material in the construction or alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or establishes a standard for a building product, material, or aesthetic method in the construction or alteration of such a building that is more stringent than a standard for the product, material, or aesthetic method under such a code that applies to the construction or alteration of the building
- **SB 2453 Exceptions to Building Material Preemption:** allows a city to adopt a regulation regarding the building the use or installation of a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if that product, material or method relates to: (1) certain energy codes adopted by the State Energy Conservation Office; (2) certain energy and water conservation design standards established by the State Energy Conservation Office; or (3) certain high-performance building standards approved by the board of regents of an institute of higher education (Effective 9/1/23)

Overlay Districts Map



Notification

- Letters mailed to property owners within 200' 1,100
- Letters received in favor 1
- Letters received in opposition 10
- Letters returned undeliverable 54

Staff Comments

- Proposed amendments address needed changes for readability, compliance with state law, undue hardship from sudden nonconformity, & ease of use
- Suggest Planning and Zoning Commission & City Council review Table of Permitted Uses to assure uses that were allowed in the underlying zoning district but prohibited in the SO & CI Overlay Districts are still appropriate for their underlying districts

Staff Comments

- City's Comprehensive Master Plan will also need revisions to delete references to SO & CI Overlay zoning districts, but can be accomplished in-house by Staff & the Planning and Zoning Commission, with Council approval
- Should be completed by the end of year

Fiscal Impact

- Revisions will positively impact developers as vacant land becomes developed and as existing developments are remodeled or redeveloped
- This may increase ad valorem and sales taxes

Recommendation

- Staff recommends approval of the proposed ordinance amendments
- The Planning and Zoning Commission voted to recommend approval of the ordinance amendment with a vote of 6 – 0