

Workshop

Amending Chapter 15 Zoning

Planning and Zoning Commission Meeting
Planning & Zoning Director Mindy Teague
8-22-23



Purpose

- The purpose of this workshop is to discuss revisions to the Leon Valley Code of Ordinances, Chapter 15 Zoning:
 - To consider a recommendation for moving some regulations from Appendix C Sustainability, Gateway, and Commercial/Industrial Overlay Standards
 - To eventually eliminate the General, Sustainability, and Commercial/Industrial Overlay Standards and zoning districts
- This workshop will address only the Sustainability Overlay Standards
- Future workshops will address Commercial/Industrial Overlay Standards and districts

Background

- Chapter 15 Zoning is to be reviewed and amended periodically, as directed by city council
- Codes should be reviewed and updated/adopted every 4 years in order to incorporate new trends and current building regulations
- Adopting codes assures a *minimum* standard
- 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 in order to make the Zoning Code easier to understand for both internal and external users

Supplementary architectural regulations

The intent of this subsection is to create buildings which reflect the desired Leon Valley character of being a sustainable and attractive city as stated above. It is also intended that nonresidential buildings are constructed in a manner that allows flexibility to accommodate a range of uses over time in order to avoid the need to demolish and rebuild for successive uses. The size, disposition and design of buildings play an important role in achieving that goal.

State Law

- H.B. 2439 added Government Code Section 3000.002 to prohibit an applicable 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

State Law

- There are limited exceptions outlined in the code and most recently **SB 2453** added exceptions as follows:
 - **Exceptions to Building Material Preemption:** allows a governmental entity, including 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 September 1, 2023.)

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Fiscal Impact

- These revisions may impact developers as vacant land becomes developed and as existing developments are remodeled or redeveloped

S.E.E. Statement

- *Social* – Updating regulatory codes protects the health, safety, and welfare of all citizens
- *Economic* – Assuring quality development maintains housing and business property values
- *Environmental* – Updating the Code to the present environmental standards assures clean air and water