

ORDINANCE NUMBER 2023-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAGUNA VISTA, TEXAS, TO CREATE AN OVERLAY DISTRICT ON FM 510 AND ON HIGHWAY 100; PROVIDING FOR INTENT AND PURPOSES; ESTABLISHING OVERLAY REQUIREMENTS IN THESE TWO BUSINESS CORRIDORS.

Section 1 - Purpose and intent.

A FM 510 and Highway 100 Corridor Overlay is hereby established, pursuant to the authority granted by Ordinance Number 2014-17 of the Town of Laguna Vista providing overlay zoning districts. The purpose of establishing these two districts is to protect and enhance the aesthetic and visual character of the lands fronting Highway 100 and the area zoned neighborhood businesses on FM 510.

The intent of these overlays is to provide aesthetically pleasing scenic corridors which limit signage and require landscaping. The scenic corridor concept and this Ordinance will improve the aesthetics of the community making the Town's major corridors more attractive to commercial and retail development, thereby improving the economy.

The purpose of this Ordinance is as follows:

- (1) To protect and enhance the scenic quality of the FM 510 and Highway 100 corridors by providing for sensitive developments.
- (2) To create standards for signage, architectural color, lighting, and landscaping which are in keeping with the intent of this Ordinance.
- (3) Enhance safety in the district.
- (4) Recognize the importance of a vital economy especially in a business district.
- (5) Support the creation of jobs.
- (6) Minimize the subjectivity of project selection.
- (7) Prevent encroachment of incompatible uses that would disturb the achievements intended to be accomplished.
- (8) Enhance and preserve buildings of local historic significance and heritage.
- (9) Establish a unifying theme that respects the town's unique qualities, enhances its historical and cultural character, and promotes aesthetic and functional design
- (10) Enhance natural landscaping for public and private open spaces to provide shade, comfort, and aesthetic quality

(11) Encourage pedestrian movement and connections

12) Develop a venue for cultural arts and entertainment

Section 2 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol establishments means any business serving alcohol as its primary product (meaning that more than 50 percent of its sales are derived from alcohol).

Block means an area enclosed by street and occupied by or intended for buildings, or if used as a term of measurement, it shall mean the distance along the side of a street between the nearest two streets which intersect said street on the same side.

TOWN OF LAGUNA VISTA BUILDING DEPARTMENT Historical significance and heritage mean any structure which contains unique architectural features which are attributable to the specific time period and cultural environment during which the district was formed.

Native plants – yucca, mesquite, agave, wild olive, retama, palmetto palms, etc.

Obsolete sign means a sign that advertises a business no longer in existence, or one that is illegible, or in disrepair.

Overlay district or zone means an additional level of zoning requirements that is superimposed over the existing zoning in the area.

Monument Signs means signs that not above 5 ft.

Site plan means a drawing showing the locations, dimensions, and arrangement of a parcel of land, including type and size of buildings, landscaped areas, parking and other elements necessary to issue a building permit or re-occupancy permit.

Permitted Paint Colors means paint color from the Sherwin Williams collection of mid-century modern from their historic paint collection which is used by Standards the National Trust of Historic Preservation (or other equivalents).

Section 3 -District Boundaries.

This district encompasses all land zoned Neighborhood Commercial on FM 510 and all land zoned General Highway Commercial on Highway 100. The district on Highway 100 will be the frontage lying within three hundred (300) feet of each side of the right-of-way of Highway 100 from the western boundary of the Town limits to the easterly side of the Town limits. The Laguna Vista Business District Overlay are boundaries are as follows: From the ETJ and City Limits of the Town of Laguna Vista from West on Highway 100 - 200 feet from the center of Hwy 100 north and south to east of ETJ on Hwy 100 200 feet from the center of Hwy 100 north and south and from Hwy 100 North to the city limits and ETJ of Laguna Vista on FM 510 (Santa Isabel Blvd.) 200 ft from the center on East and West of FM 510 (Santa Isabel Blvd). as displayed below:



Laguna Vista City Limit Boundaries in yellow.

Section 4 – Standards.

- a) No building shall be constructed, reconstructed, altered, or razed without prior approval by the TOWN OF LAGUNA VISTA BUILDING DEPARTMENT Town of Laguna Vista Building Department. This includes any exterior construction or renovation such as, but not limited to, painting, signage, windows, and awnings.

Any alteration and/or renovation of specific items (windows, awnings, facade, and the like) shall require compliance with the regulations described in this section for such individual items.

b) TOWN OF LAGUNA VISTA BUILDING DEPARTMENT.

- c) An application for a city building permit shall be submitted to the Board of Adjustment committee or, if no building permit is required for the project proposed, an application and all supporting documents shall be submitted directly to the TOWN OF LAGUNA VISTA BUILDING DEPARTMENT Town of Laguna Vista Building Department. TOWN OF LAGUNA VISTA BUILDING DEPARTMENT.

TOWN OF LAGUNA VISTA BUILDING DEPARTMENT

Section 5 - Application of District Regulations.

The regulations in this Ordinance shall be in addition to the requirements set forth in Ordinance Number 2014-17. Therefore, all property within these overlay districts will have requirements of these overlay districts in addition to any other Ordinance requirements. In case of conflicting standards between this Ordinance and other Town of Laguna Vista Ordinances, the overlay requirements as set forth in this Ordinance shall control.

These regulations apply to all development, redevelopment or expansion of existing development that are located on property on FM 510 zoned neighborhood commercial and within three hundred (300) feet of each side of the right-of-way of Highway 100 within the Town limits.

Section 6 - Site Design Guidelines and Development Standards.

The development standards for both overlays are hereby outlined:

The appearance of the district is the result of an evolutionary process in which buildings stay the same, are altered or are completely replaced. This process is continuous and inevitable. Its success or failure depends on how sensitive these changes are to the existing framework of buildings. Certain elements of a building's appearance are

addressed in more detail here as elements that contribute to the overall quality of the district. Laguna Vista architectural history is representative of stucco and brick homes many from the mid century period.

1) Storefronts.

a. Improvements. Improvements to buildings are encouraged through incentive programs for storefronts, signs, and fire safety enhancements.

b. Owners working together. Owners of one-story buildings, which are not part of a larger structure and therefore are more easily overwhelmed by larger neighboring buildings, should relate to the buildings on either side of them. The most effective approach for building owners in this situation is to use similar storefront and sign designs to create a unified, attractive row of buildings.

c. Materials.

1. Any original materials on the building's facade, such as brick, stone, or glass are also part of the building's architecture and must not be painted or covered over.

2. The following list of traditional and adaptable contemporary storefront materials must be utilized:

a. Storefront window frames must be wood, hollow metal, or anodized aluminum.

b. Display windows must be clear glass or tinted glass which is still transparent.

c. Entrance door frames must be made of wood, steel, or aluminum.

d. Bulkheads must be finished with wood panels, brick, polished stone, glass, tile, masonry, or aluminum-clad plywood panels.

e. Foux Briks

f. Recycled plastic

3. Not allowed:

a. Fake bricks.

b. Stone and gravel aggregate materials.

c. Reflective windows.

d. All glass fronts.

e. Sheet metal.

f. Aluminum, composite, or plastic siding.

g. Mirrored glass; or

h. Metal or prefabricated buildings.

d. *Color.* Painting is one of the most dramatic improvements that can be made to a building. Choosing the right combination of colors can unify the building elements within the facade as well as relate the building to others on the block. The following criteria must be adhered to when considering color selection:

1. Colors of building Exterior should be Sherwin Williams Suburban Modern Historical Colors. These colors are used as standards from the National Trust for Historical Preservation.
2. Coordinate with other colors on the block.
3. The orientation of the building affects the appearance of colors.
4. Historically, certain color types were associated with architectural styles; See.
5. Colors must be used to highlight architectural details.
6. No more than one vivid color per building.
7. No more than three colors shall be used on one building.
8. Base color for wall surfaces and storefront pier.
9. Major trim color for cornices, window caps, window frames, columns, bulkheads.
10. Minor trim color for window sashes, doors, storefront frame, and other small details.
11. Bright and/or fluorescent colors are prohibited.

e. Windows. The style and type of windows help establish the historical character of buildings.\

Hence, the following shall be adhered to:

1. The original shape of the window as well as the original number and arrangement of panes shall be maintained.

2.

3. New window openings are not allowed unless they match the existing window configuration, and their placement is consistent with the existing openings.

4. Original windows facing the street on which the business is addressed shall not be filled, boarded up, or painted without prior approval of the TOWN OF LAGUNA VISTA BUILDING DEPARTMENT;

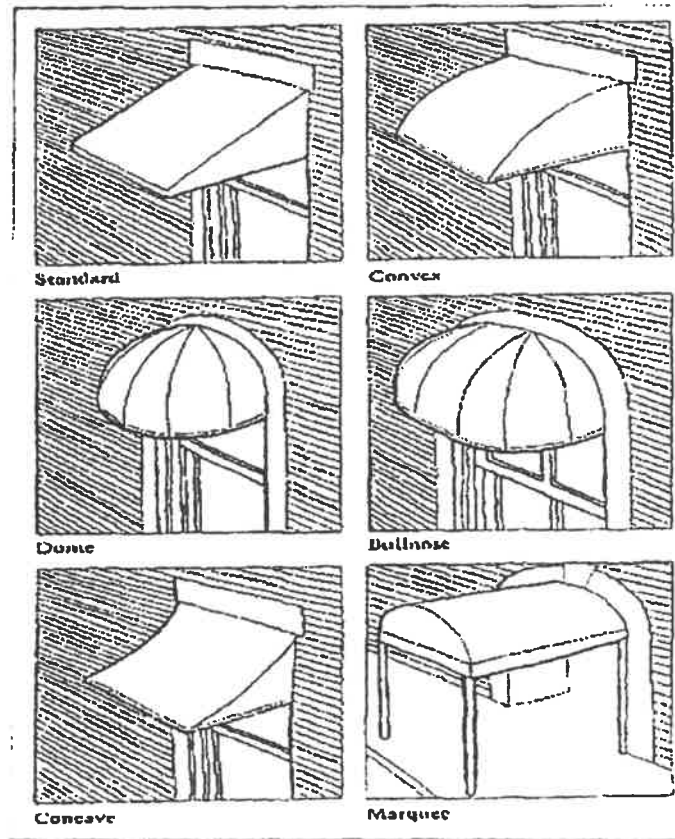
5. Burglar bars may not be installed on the exterior of windows or doors facing a street.

6. Windows that have been blocked in, boarded up, or painted must be restored to their original appearance, size and type. When original wooden frames cannot be duplicated or afforded, aluminum frames of similar profiles must be used. Factory painted finishes for aluminum are available.

7. Mechanical devices such as air conditioners or exhaust vents shall not be placed in storefront windows.

(2) *Awnings and canopies.* The use of awnings or canopies is strongly recommended for all commercial buildings. They encourage pedestrian traffic by protecting them from excessive heat or rain. They protect display window merchandise from damage, regulate the amount of heat and direct sunlight entering a store, and serve as a sign or help identify the business.

a. The following standards apply to awnings and/or canopies:



1. Open air canopies or awnings of any type adjacent to or facing a street are prohibited.
2. Street level awnings or canopies shall be no less than eight feet above the sidewalk.
3. No portion shall extend closer than two feet to the face of the curblin and should project out four through six feet from the building, but not farther than two-thirds the distance from the building to the curb.
4. Only weather resistant canvas, vinyl, or standing seam metal are allowed (no wood or sheet metal).
5. All framing materials shall be steel or aluminum and must be attached directly to the building.

6.The shape must relate to other awnings and/or canopies on the same block. Recommended styles include standard, convex, dome, bullnose, concave, and marquee (see illustration).

b. Not allowed:

- 1.Sloped and/or slatted aluminum.
- 2.Mansard; awnings.
- 3.Wood, sheet metal, plastic, or fiberglass.

(3) *Signs.* All signs shall be subject to building permits and review as provided in the sign ordinance (Ord. 2022-01). The function of the storefront sign is to inform the customer of the goods or services provided within. Limiting the amount of information to essentials most effectively conveys the sign message. Signs must be individual metal, plastic, or wood letters. A sign containing neon lights, is backlit, or has a plastic face is allowed. No plywood signs or hand painted signs are allowed. Signs that are painted on the building shall be approved by the TOWN OF LAGUNA VISTA BUILDING DEPARTMENTTown of Laguna Vista Building Department prior to commencement of such painting.

7. *General sign guidelines.*

- 1.No new off-premises signs, including billboards, are allowed.
- 2.Signs are permitted on awnings provided they are painted, printed, or sewn onto the fabric professionally.
- 3.Permanent banners or flags (excluding government flags) will not be allowed. Temporary banners or flags are allowed for a period not to exceed 30 days per calendar year. (A week at a time not to exceed 10 days)
- 4.Signs cannot obscure or destroy architectural detail on the building.
- 5.Rooftop signs are not allowed.

6. Window signs shall encompass no more than 30 percent of the total glass area, not including any neon outlining of the glass;

7. Total sign area of all signs on any building face, which also includes any windows, awnings, and canopies associated with such building face, shall not exceed the amount of linear building frontage facing the street (measured in feet) on which the building is addressed, multiplied by 1.5.

Example: A building at 123 Anywhere Street has 50 feet of building frontage along Anywhere Street (i.e., it is 50 feet wide along Anywhere Street). The maximum available area for all signs on any particular building face shall not exceed 75 square feet (50 multiplied by 1.5).

8. Monument Signs will be required. No signs higher than 5 ft or more than 10 ft will be allowed.

9. Mobile and Letter Slot signs will not be allowed.

10. No Inflatable signs

b. *Color.* A dark background with light letters is most easily perceived by the human eye, depending on the base color of the building. A sign can be the best place to add lively color, but care should be taken to ensure that the sign colors compliment and relate to the building and its surroundings.

(4) *Other exterior elements.*

a. *Fencing.* Fencing must be in character with the surroundings. Barbed wire fences or chain linked fence shall not be permitted. Fences of brick, wrought iron, stucco, wood or concrete shall be encouraged. Fence requirements as included in this chapter.

b. *Walkways/sidewalks.* Walkways or sidewalks must be maintained by the property owner in good condition and free of obstruction or debris.

c. *Landscaping.* Native and low water usage landscaping shall be required . Public areas use of alleys as public space shall be encouraged. Projects containing courtyards, public art or landscaping visible to the public shall be encouraged. Native plants such as yucca, mesquite, agave, wild olive, retama palmetto palms. Etc.

d. *Lighting.* All exterior lights limited. Use eco friendly, warm bulbs and building light fixtures be pointed down

e. *Parking.* All buildings consistent with parking in front for new construction. Parking should include landscaping.

5 Sidewalk displays.

(a) For the purpose of commercial advancement of Laguna Vista Business District , outdoor display of wares for sale will be allowed with the approval of a permit from the TOWN OF LAGUNA VISTA BUILDING DEPARTMENT. This is intended to allow merchants with proper permits to display regular store merchandise outside the enclosed establishment.

(b) The permit review process will be overseen by the TOWN OF LAGUNA VISTA BUILDING DEPARTMENT or a subcommittee delegated by the TOWN OF LAGUNA VISTA BUILDING DEPARTMENT. The TOWN OF LAGUNA VISTA BUILDING DEPARTMENT or delegated committee will actively pursue the highest standards of aesthetic presentation of the downtown area are upheld. They will also ensure, through the permitting and code enforcement process, that guidelines and procedures for building occupants/owners to use the right-of-way for such permitted displays are maintained in such a manner that will not restrict pedestrian movement.

(c) Violation of any permit stipulations will be considered a zoning violation and shall be enforced with the same penalties and provisions stipulated in this article for other such offenses.

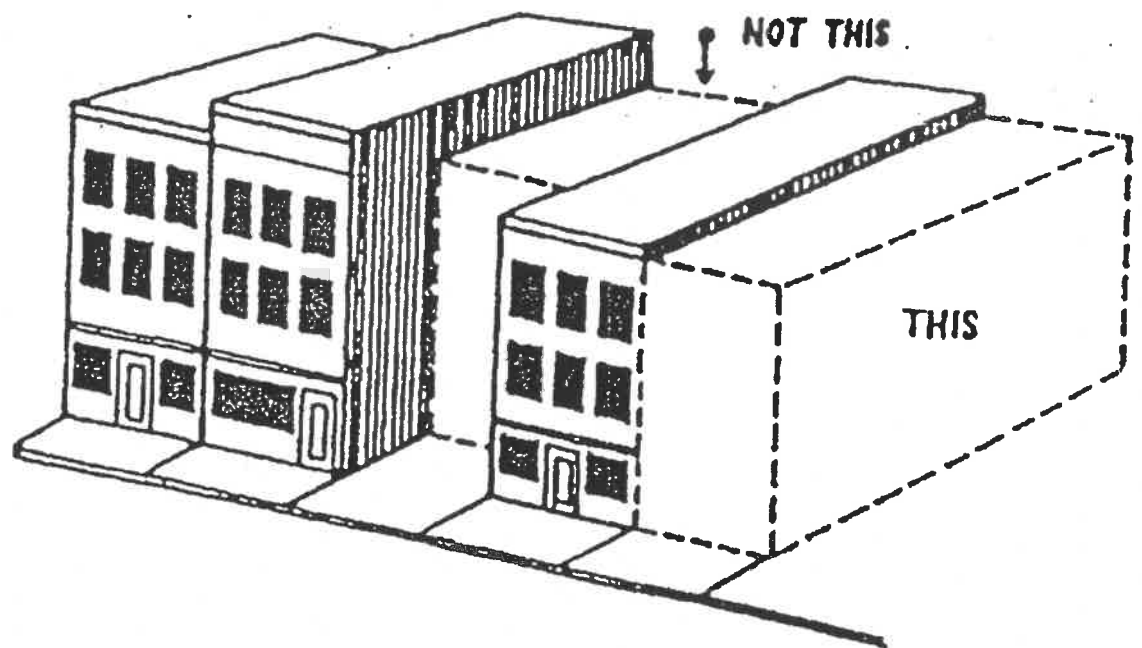
Section-7 - Commercial Developments and Multiple Building Sites.

In the case of a commercial development or other development involving multiple building sites, whether on one (1) or more platted lots, the above described regulations shall apply to the development as an entire tract rather than to each platted lot. Developments of this type shall be reviewed by the Town through a site plan review process which illustrates compliance with this Ordinance.

Section 8 - New construction.

Business buildings are situated in one of two arrangements relative to adjacent surroundings hereinafter called either "infill buildings" or "stand-alone buildings" and are defined as follows:

- (1) Infill buildings fill the width of space but not necessarily the depth of space between other buildings or groups of buildings. It should be flush with the adjoining buildings.
- (2) A stand-alone building is situated not between other buildings or groups of buildings. One or both of its sides face toward "open" space.
- (3) Any new infill building or replacement of an existing infill type of building must fill the entire space toward the street front and between the other buildings.
- (5) Any new stand-alone building or replacement of an existing stand-alone type of building must fill the entire space available toward the street front and toward any adjacent side street front.
- (6) Exterior design and the completed construction of any new or replacement existing building must be deemed by the TOWN OF LAGUNA VISTA BUILDING DEPARTMENT to satisfactorily reflect the desired characteristic rhythm of facades along the street, as well as all specific requirements given herein including alignment of building fronts. (See illustration below.)



(7) All the requirements of this section applicable to any whole building new construction and replacement of existing buildings shall apply equally to other actions including the following:

(8) Construction of additions onto, over or about the street-side fronts of any existing stand-alone building.

(9) Partial building demolition and repair or replacement of building structural members at the street-side front of any existing building.

Section 9 - Exceptions.

Property, if for any reason, that cannot be developed without violating the standards of this Ordinance shall be considered by the Board of Adjustments with the intent to devise a workable development plan which is consistent with the purpose and intent of this Ordinance. All variances to shall be reviewed as per Ordinance Number 2014-17.

FIRST READING - PASSED, APPROVED, AND ADOPTED by the Town Council of the Town of Laguna Vista, Texas at the special council meeting on the 23rd day of May 2023.

SECOND READING – PASSED, APPROVED, AND ADOPTED by the Town Council of the Town of Laguna Vista, Texas at the regular meeting on the 13th day of June 2023.



Michael Carter, Mayor

ATTEST:



Crystal Chapa, City Secretary