City of Bellaire

ORDINANCE NO. 25-036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING *CHAPTER 24, PLANNING AND ZONING, ARTICLES II* THROUGH *VII* AND *ARTICLE XI,* OF THE *CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS ("CITY CODE"),* FOR THE PURPOSE OF IMPLEMENTING CHANGES IN THE RECENT COUNCIL-APPROVED COMPREHENSIVE PLAN.

WHEREAS, the City Council of the City of Bellaire, Texas, after giving notice as required by law, held a public hearing on March 3, 2025, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on or in connection with any matter or question involving proposed amendments to *Chapter 24, Planning and Zoning,* of the *City Code,* including *Articles II* through *VII* and *Article XI,* for the purpose of implementing changes in the recent Council-approved Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission of the City of Bellaire, Texas, held a public hearing to consider the amendments on December 12, 2024; and

WHEREAS, the City Council has duly received the recommendations of the Planning and Zoning Commission concerning said zoning amendments; and

WHEREAS, the City Council has determined that changes in the recent Council-approved Comprehensive Plan should be implemented.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

Section 1. **THAT** the recitals set forth above are found to be true and correct.

Section 2. **THAT** *Chapter 24, Planning and Zoning, Articles II* through *VII* and *Article XI,* are amended in the *City Code* to read as set out in Exhibit "A" attached hereto. All other portions of *Chapter 24* of the *City Code* not specifically amended, deleted, added, and/or revised hereby shall remain in full force and effect.

Section 3. **THAT** all ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of conflict only.

Section 4. **THAT** if any word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 5. **THAT** the City Council officially finds, determines, and declares that a sufficient written notice of the date, hour, place, and subject of each meeting at which this Ordinance was discussed, considered, or acted upon was given in the manner required by the *Texas Open Meetings Act*, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration, and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

Section 6. **THAT** this Ordinance shall be effective immediately upon its adoption by the City Council after publication as required by law.

PASSED, APPROVED, and **ADOPTED** this 19th day of May, 2025.

SIGNED:

Gus E. Pappas
Mayor

ATTEST:

CITY OF BELLAIRE TEXAS

Tracy L. Dutton, TRMC
City Clerk

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

EXHIBIT A TO
ORDINANCE NO. 25-036

Chapter 24 PLANNING AND ZONING[1]

ARTICLE I. TITLE, AUTHORITY, PURPOSE, POLICIES AND APPLICABILITY

Sec. 24-101. Title.

This chapter shall be known as the "Code of Planning and Zoning Regulations of the City of Bellaire."

Sec. 24-102. Authority.

This chapter is adopted pursuant to the Charter of the City of Bellaire, the Texas Constitution, the Texas Local Government Code and all other provisions of the laws of the State of Texas which are currently applicable or which may be later enacted or determined applicable.

(Ord. No. 89-009, § 1, 3-6-1989)

Sec. 24-103. General Purpose and Policies.

This chapter is adopted for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens and inhabitants of the City of Bellaire and for the protection and preservation of places of historical and cultural importance and significance and the general welfare of the community. The provisions of this chapter are the requirements necessary to accomplish these purposes as specifically delineated in this chapter. This chapter is further adopted in order to regulate the use of land within the City of Bellaire so as to promote orderly and healthful development, good government, peace and order of the City and the trade and commerce thereof, as may be necessary or proper to carry into effect the powers vested in the City of Bellaire by the Constitution and laws of the State of Texas.

(Ord. No. 82-020, § 1, 3-29-1982)

[1]State law reference(s)—Municipal zoning authority, V.T.C.A., Local Government Code § 211.001 et seq.; zoning commission, V.T.C.A., Local Government Code § 211.007; comprehensive plan, V.T.C.A., Local Government Code § 213.002; board of adjustment, V.T.C.A., Local Government Code §§ 211.008—211.013; zoning districts, V.T.C.A., Local Government Code § 211.005; regulation of signs by home-rule municipality, V.T.C.A., Local Government Code § 216.901; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903; municipality may regulate parking on private property, V.T.C.A., Local Government Code § 431.001.

Federal law reference—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 322(c)(7); limited Federal preemption of state and local zoning laws affecting amateur radio facilities, Memorandum Opinion and Order, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

Sec. 24-104. Comprehensive Plan.

The Comprehensive Plan dated November 16, 2009, along with any updates thereto subsequently approved by the City Council, is adopted as the Comprehensive Plan of the City, and the requirements of such plan are herein incorporated by reference. The Comprehensive Plan shall be maintained of record in the office of the City Clerk and the user is directed to the City's official website for a link to the Comprehensive Plan.

(Ord. No. 97-012, § 2, 4-7-1997; Ord. No. 09-077, § 2(App. A), 11-16-2009)

State law reference(s)—Comprehensive plan, V.T.C.A., Local Government Code § 211.001 et seq.

Sec. 24-105. Applicability.

(a) *General Application.* This chapter shall apply to all structures and the uses of land within the corporate limits of the City of Bellaire, Texas. Existing structures and uses which are inconsistent with the provisions of this chapter shall be permitted only as provided for in Article VII of this chapter. All applications for development approval shall be required to meet the requirements of this chapter which are in effect on the date of any permit or authority issued hereunder.

(b) *General Prohibition.* It shall be unlawful for any person to carry out any development or to modify in any way any use or structure existing upon any land within the City of Bellaire, which is inconsistent with the requirements of this chapter.

(c) *Building Permits Issued Prior to Enactment of this chapter.* This chapter shall not affect lawfully issued building permits which have been finally issued prior to the effective date of this chapter, save and except those building permits so issued which shall have expired, lapsed or been revoked.

Sec. 24-106. Repealer.

All prior provisions of Chapter 24 of the Code of Ordinances of the City of Bellaire are hereby repealed save and except those provisions of Sections 24-186 and 24-187 of such chapter which are set out and contained in Articles VIII and IX, respectively, of this chapter.

Sec. 24-107. Effective Upon Enactment.

The provisions of this chapter shall become final, binding and effective upon all property within the City of Bellaire upon the same being finally enacted as evidenced by the ordinance of enactment duly executed by the Mayor and the City Clerk of the City of Bellaire, the provisions of which shall form a part of this Code.

Secs. 24-108—24-200. Reserved.

ARTICLE II. DEFINITIONS AND INTERPRETATION

Sec. 24-201. Interpretation.

This chapter shall be construed liberally to effect the purposes hereof and the rules of this Section shall be observed except when the context clearly requires otherwise:

(1) Words used or defined in one tense or form shall include other tenses or derivative forms.

(2) Words in the singular shall include the plural, and words in the plural shall include the singular.

(3) The masculine gender shall include the feminine, and the feminine shall include the masculine.

(4) The words "shall" or "will" are mandatory.

(5) The word "may" is permissive.

(6) In the event that this chapter shall contain provisions which are in conflict or provide differing regulations as to the same type of requirement, property or use, then in such case, the most restrictive provision shall be deemed controlling.

(7) In the event of a conflict between the text of this chapter and any caption, illustration, table or map, the text shall control.

(8) In the event of obvious mistake in drafting or other misstatement in the text of this chapter, in any amendment hereto or order or decision issued hereunder where it reasonably appears that such error was inadvertent and an obvious mistake, such error or mistake shall not prevent the plain intent from being given to such provisions of this chapter, amendment, decision or order.

(9) In the event of conflict between any of the provisions or sections of this chapter, or in the event the meaning or intent of any of the provisions or sections of this text is not plain and obvious, the City Council, the Planning and Zoning Commission or the Board of Adjustment, if any of them be the body designated to act with respect to applicable provisions or sections of this chapter, shall interpret the same and shall note as part of their decision, order or recommendation, the interpretation provided. However, in the event that any decision, order or recommendation made by any board, commission or individual is subject to final action or review by the City Council, the City Council shall not be bound to the interpretation as established by such board, commission or individual, but shall be free under the terms and provisions of this chapter to act as if it were considering the question de novo and to provide appropriate interpretation. Any final interpretation provided hereunder shall be deemed controlling on any further action concerning such decision, order or recommendation.

(10) In the event that the member or members of city staff designated under the terms and provisions of this chapter to perform a certain function or to carry out a certain duty, obligation or responsibility, cannot perform such function, such staff member or members may, subject to the provisions of this Code, delegate to someone else the duties and responsibilities imposed upon them herein; and such designee shall serve with the same powers, responsibilities and obligations imposed on the principal staff member or members herein. Any reference to any such staff member or members in this chapter shall constitute a reference to any such designee.

Sec. 24-202. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter:

(1) *Access.* Any point of ingress or egress between streets, driveways, sidewalks or any combination thereof.

(2) *Accessory use.* A structure or use which:

a) Is subordinate and incidental to and serves a principal building or a principal use;

b) Is subordinate in area, extent and purpose to the principal structure or principal use served;

c) Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or use;

d) Is located on the same lot as the principal structure or its use; and

e) Is detached from the principal structure.

EXCEPTION: An accessory use or structure may be attached to a main residential structure, provided it is attached only by means of another structure, such as a breezeway or a carport, which connecting structure is enclosed by walls on no more than two (2) sides. (Ord. No. 89-009, § 1, 3-6-1989)

(3) *Alley.* A public space or thoroughfare which affords only secondary means of access to property abutting thereon and not over 30 feet in right-of-way width.

(4) *Amusement, commercial indoors.* An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.

(4.5) *Antenna.* Any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic waves except direct satellite T.V., personal T.V., radio towers and antennas for non-commercial service or antennas located on independent support structures which are being used primarily for the transmission of electrical power by a public utility. (Ord. No. 98-016, 7-20-1998)

(4.75) *Antenna Support Structure.* The term antenna support structure includes any of the following:

a) *Monopole Antenna Structure.* A self supporting pole type structure with no guy support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment.

b) *Lattice Antenna Structure.* A steel lattice, self supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment.

c) *Guy Lattice Antenna Structure.* A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more antennas and related equipment.

d) *Independent Support Structures.* Buildings, other than residences, or other structures such as water towers, steeples or utility poles that can support fixtures for one or more antennas. (Ord. No. 98-016, 7-20-1998)

(5) *Antique shop.* An establishment offering for sale within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design and sentiment.

(5.25) *Arcade.* An arched or covered passageway attached to a building facade. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(5.5) *Architectural features in side yard.* Projections from a side residential building line that are either roof eaves, and/or chimneys and/or bay windows. No feature which touches or is in any way directly attached to the ground or foundation shall be considered an architectural feature. No other projection from a side residential building line shall be considered an architectural feature. (Ord. No. 91-012, § 16, 3-4-1991)

(6) *Art gallery or museum.* An institution for the collection, display and distribution of objects of art or science and which is operated by a public or quasi-public agency and which facility is open to the general public.

(6.25) *Articulation.* Architectural design method in which particular elements and parts of a building are made more distinct through variation in flat surfaces and straight lines (e.g., building facades, rooflines, etc.). (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(6.5) *Assisted living facility.* A multifamily, residential facility, the primary purpose of which is to provide long term housing, together with personal care (collectively, "assisted living services"), to persons who, because of their age or physical condition, desire or require such personal care. An assisted living facility shall also satisfy the requirements of the Texas Department of Health with respect to a Personal Care Home, Type A or B, as defined in the Texas Administrative Code under Title 25, Part 2, chapter 145, Subchapter L.

An assisted living facility may also provide medical or nursing care services to its residents, in addition to personal care; provided that the primary purpose of the facility shall be to provide assisted living services. Such personal care and other services shall be administered by an employee, staff member, facility representative, or other responsible adult who is under the general supervision of a facility. An assisted living facility may be a part of hospital or nursing home, if such uses are otherwise permitted under this Code. Unless otherwise specifically approved by the City Council and Planning and Zoning Commission, an assisted living facility shall not be used for the primary purpose of housing or treating (a) persons addicted to or dependent on drugs or alcohol; (b) intellectually disabled or emotionally disturbed individuals; or (c) persons with long-term, chronic or terminal illnesses, whether or not communicable. Notwithstanding the above, residents of the facility, from time to time may suffer from any one or more of such conditions and may receive treatment at such assisted living facility. (Ord. No. 89-022, § 2, 6-5-1989)

(7) *Athletic facilities/clubs.* Commercial swimming, tennis, racquetball or other athletic facilities that are privately owned and operated as private clubs or that are open to the public.

(8) *Auto or motorcycles sales.* A place wherein automobiles or motorcycles are on the premises within a building or within a screened storage area and are available for sale to the ultimate consumer.

(9) *Auto parts sales.* A place wherein automobile parts, including but not limited to tires and/or mufflers, are on the premises within a building or within a screened storage area and are available for sale to the ultimate consumer.

(9.5) *Auto sales and auto-related sales and services.* A place or places wherein new automobiles are on the premises within a building or within a paved holding area and are available for sale to the ultimate consumer. Said place or places may engage in used car sales, auto parts sales and services to the extent that such sales and services are subordinate and incidental to the sale of new automobiles on the premises. (Ord. No. 88-008, § 1, 3-7-1988)

(10) Reserved.

(11) *Automobile service station.* Any building, structure or land used primarily for supplying automobile fuel and motor oil, at retail direct to the customer, including the supplying of accessories, replacement parts and services essential to the normal operation of automobiles, but not including body or fender work, painting or major motor repairs.

(12) Reserved.

(13) *Average equivalent lot size.* The number of square feet within a residential planned development district divided by the number of dwelling units within the district, excluding from the computation all public lands within the district that were in existence prior to the creation of the district.

(14) *Bakery or confectionery shop (retail).* Any place used for the purpose of mixing, compounding and baking for retail sale, any bread, biscuit, pretzels, crackers, buns, rolls, macaroni, cake, pie or any other food products of which flour or meal is a principal ingredient.

(15) *Bakery (wholesale).* Any place used for the purpose of mixing, compounding and baking for sale to a retailer or for sale to a restaurant, retail baker or hotel, any bread, biscuit, pretzels, crackers, buns, rolls, macaroni, cake, pie or any other food products of which flour or meal is a principal ingredient.

(16) *Block.* An area enclosed by streets and occupied by or intended for buildings; or if said work is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersect said street on said side.

(17) *Board of Adjustment.* (Hereinafter referred to as Board.) A board having powers and duties as provided in other sections of this chapter, without limitation, to hear matters on appeal concerning interpretation of the provisions of this chapter, to grant variances and special exceptions. The Board of Adjustment may, in addition, require the discontinuance of nonconforming uses of lands or structures.

(18) *Boat.* A vessel of any size designed to transport people or cargo across water.

(19) *Bottling plant.* A place wherein beverages are bottled under pressure for sale at wholesale or retail.

(20) *Buffer.* The area, space or physical means which is established to protect or insulate one land use or one building from another.

(21) *Building.* A structure lawfully erected under the terms and provisions of the Code of Ordinances of the City of Bellaire, having a roof and designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. Said building may have common party walls when erected in accordance with the Code of Ordinances of the City.

(22) *Building line.* A line usually parallel to the property line, which is the outermost line of permissible building construction.

(23) *Building material storage and wholesaling.* A place in which building materials customarily used in the construction and/or remodeling of dwellings or commercial structures are stored and are sold to contractors, builders or other persons engaged in the construction and/or alteration of structures or improvements.

(24) *Building Official.* A person duly appointed by the City Manager of the City of Bellaire, as provided in other sections of this chapter, without limitation, charged with the duty and obligation of issuing permits and certificates of occupancy and primarily charged with the responsibility of enforcing the provisions of this chapter.

(25) *Building permit.* A permit issued by the Building Official under the terms and provisions of chapter 9 of this Code.

(25.5) *Business and professional offices and services.* Places wherein commercial enterprises or professional fields of endeavor are conducted, such as but not limited to the following: real estate services, management services, veterinary services, physician and dental services, legal services, accounting, auditing and bookkeeping services, and education and scientific research services. (Ord. No. 88-008, § 1, 3-7-1988)

(26) *Cabinet or upholstery shop.* A place wherein cabinetry is manufactured and/or fabricated or where fabrics are applied to furniture and are finished.

(27) *Cafeteria.* A place where meals and drinks are served to the public generally or selected portions of the public, in a manner whereby such meals or drinks are served at a counter or in a line.

(28) *Camping trailer.* A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

(29) *Certificate of Compliance.* A certificate issued by the signature of the Administrative Official certifying that a proposed development complies with the terms and provisions of this chapter and Code; such certification shall constitute a statement as to compliance of proposed buildings with this chapter and Code.

(30) *Certificate of Occupancy.* A certificate issued by the Building Official which certifies that a structure has been erected in accordance with this Code and shall have as its effect permitting the occupancy of a building.

(31) City Center. An area of the city bounded by Chimney Rock Road (west), Bissonnet Street, Linden Street and Bellaire Boulevard (south), South Rice Avenue and Third Street (east), and Locust Street and the northern boundaries of lots facing Spruce Street (north). (Ord. No. 83-095, § 4, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986; Ord. No. 14-041, § 1, 8-18-2014)

(32) *City Council.* The body established under and by the authority of the Charter of the City of Bellaire as being the body ultimately responsible for the enactment of ordinances and enforcement thereof and having the ultimate authority for amendment or repeal of any provisions of this chapter. (See Articles I and II of the Charter of the City of Bellaire.)

(33) *City Manager*. The chief administrative officer of the City of Bellaire.

(34) *Cleaning and dyeing plant (commercial).* A place wherein textile fabrics or other materials are dry cleaned, refurbished, washed or treated for cleaning, preservation and renewal and wherein such fabrics may, in addition, be dyed by the application of coloring or bleaching agents in order to change or alter their physical appearance or status.

(35) *Cleaning or laundry (small shop or pick-up).* A cleaning or laundry establishment where the work is performed other than on the premises.

(36) *Clothing store.* A commercial establishment limited to the sale of clothing and clothing accessories to the ultimate consumer.

(37) *Collector lane.* A driveway within a surface parking area designed to collect and distribute traffic between parking spaces and public streets.

(38) *Collector street.* A roadway designed to provide direct access to residential, commercial, industrial and other activity areas with a primary function of collecting and distributing traffic between local access streets and the major thoroughfare system as follows: Glenmont Drive, Newcastle Drive, Evergreen Street, and Avenue B.

(39) *College or university.* An academic institution of higher learning accredited or recognized by the State and offering a program or series of programs of academic study.

(40) *Commencement of construction.* Any work on the project site pertaining to the work of the project itself that is in addition to the preliminary work of locating signs and temporary construction buildings and facilities on the site, and in addition to clearing and grading the site. (Ord. No. 83-095, § 5, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(41) *Commercial parking lots (areas).* An open paved area offering parking facilities for the general public for payment of a daily, weekly, monthly or hourly tariff.

(42) *Commercial residential.* A building or development wherein all of the first floor building/floor area is devoted to commercial use and not more than fifty percent of the total building/floor area of all floors combined is devoted to residential use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)

(43) *Commercial type vehicle.* Any vehicle with self-motive power or designed to be drawn, three-quarter ton or more in size, or which is licensed by the State of Texas as a commercial vehicle or which is used to haul or carry passengers or cargo for financial gain or profit.

(43.5) *Communication industry systems and operations.* Places wherein telephone, telegraph, radio broadcasting and transmitting, television broadcasting and transmitting, combined radio and television systems or other communication systems or operations are located. (Ord. No. 88-008, § 1, 3-7-1988)

(43.75) *Communication Tower.* Any structure built on the ground that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting antennas, and related equipment except tower structures on real property owned, leased, held, used or dedicated for use by a public utility when such structures are used for rendering utility service, such as a structure being used primarily for the transmission of electrical power by a public utility. (Ord. No. 98-016)

(44) *Community Center (public).* A building and grounds owned by the City of Bellaire for the social, recreational, health or welfare of the community.

(45) *Community shopping center.* A shopping area designed to serve a trade area of 40,000 to 150,000 people with a minimum site of ten (10) acres in area, where the lead tenant is a variety discount or junior department store. (Ord. No. 83-095, § 6, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(45.5) *Conference center facility.* A facility that is devoted to hosting conventions and special events and providing meeting, exhibition and public assembly space, either as a stand-alone facility or attached to a hotel, office building or other complementary land use. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(46) *Consumer.* A person or persons who are ultimate users or purchasers of goods or services.

(47) *Contractor's shop or yard.* A place wherein work may be performed or equipment stored or used in conjunction with services rendered by a contractor in conjunction with agreements and undertakings by said contractor to perform services for third parties on a periodic by job basis.

(48) *Contractual interest (person holding).* An interest obtained by written agreement and held by any person, partnership or corporation in real property. Such interest must be capable of being demonstrated and must appear on its face to be superior to all other interests of a similar nature. Such interest must, in addition, not be in conflict with that of the record title owner.

(49) *Corner lot.* A lot adjoining the point of intersection of two (2) or more public streets and in which the interior angle of approximately 135 or less is formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines.

(49.5) *Cornice.* A horizontal molded projection that crowns or completes the top of a building or wall. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(50) *Court.* An open, unoccupied space bounded on two (2) or more sides by exterior walls of a building or buildings. An inner court is a court entirely surrounded by the exterior walls of a building or buildings. An outer court is a court having at least one (1) side open to a street, alley, yard or other permanent space.

(50.5) *Crime Prevention Through Environmental Design (CPTED).* A multi-disciplinary approach to deterring criminal behavior through purposeful design of development sites, buildings, parking areas and public spaces to increase visibility and minimize potential hiding places. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(51) *Cul-de-sac.* A dead-end street with a circular turn-around meeting minimum specifications of this Code for streets and turn-arounds.

(52) *Custom personal service shop.* A commercial establishment such as barber, beauty, tailor, dressmaker, cabinet and upholstery shops, to provide such types of services to the ultimate consumer.

(53) *Density, residential.* The number of dwelling units per gross area of land. (Ord. No. 82-010, § 11, 3-29-1982)

(54) *Department store.* A commercial establishment housing general merchandise for sale to the ultimate consumer including, but not limited to, men's, women's and children's clothing, shoes, dry goods, furniture and household appliances.

(55) *Development.* The carrying out of any building operation requiring permits under the terms and provisions of this Code or the making of any material change in the use or appearance of any structure or land requiring a permit or other authority under this Code.

(56) *District.* See "Zoning district."

(56.5) *Dormer.* An extension built out from a sloping roof to accommodate a vertical window. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(57) *Drapery and/or carpet shop.* A commercial establishment wherein window hangings may be custom made on or off-premises for sale to the ultimate consumer or where carpeting is displayed and sold to the ultimate consumer or wherein both window hangings and carpeting are sold to the ultimate consumer.

(58) *Drive-in banking facilities.* A place where a person or persons may conduct banking transactions from an automobile without the necessity of leaving such automobile.

(59) *Dwelling, multi-family.* A residential structure on one (1) plot of land, containing separate living units for three (3) or more families, but which may have joint services or facilities.

(60) *Dwelling, single-family.* A residential structure in which the members of a single family reside and no more than two (2) of the occupants thereof are unrelated.

(60.5) *Dwelling, townhouse*. A single-family dwelling unit constructed in a group of two (2) or more attached units in which each unit has its own access to the outside, no unit is located over another, and each is separated from any other unit by one (1) or more common, fire-resistant walls and is located on a separately platted lot.

(61) *Dwelling unit.* A building or portion of a building which is arranged, occupied or intended to be occupied by a family as living quarters and includes facilities for food preparation and sleeping.

(62) *Easement.* The lawful right one person or entity has to use the land of another for a specific or general purpose and for a definite or indefinite term.

(63) *Electrical generating plant (private).* A facility used for the generation of electric energy for transmission to ultimate consumers or additional transmission point.

(64) *Engine or motor repair shop.* A place wherein engines and motors of every type are serviced and parts replaced for general use.

(64.5) *Estate housing development.* Any housing permitted under the regulations provided in this chapter for the Mulberry Residential Estate District other than housing of a type existing at the time of adoption of this provision. (Ord. No. 83-076, § 1, 10-17-1983)

(65) *Expansion of nonconforming use.* Enlargement by the addition of floor area, coverage or addition of land wherein there is located a use or structure which, although lawful at the time of its inception, is not prohibited under this chapter.

(66) *Facilities owned and maintained by the City.* The buildings of municipal government and related service facilities such as, but not limited to, libraries or recreational centers or other department offices.

(67) *Family.* Any number of individuals living together as a single housekeeping unit in which no more than two (2) individuals are unrelated by blood, marriage or adoption.

(68) *Fence.* A structure used as a means of enclosure or screening primarily designed to keep people or animals in or out, or used as a visual barrier and constructed in accordance with the requirements of this Code.

(69) *Field of vision.* The normal uninterrupted spectrum of sight enjoyed by a person while making visual observations without turning or eye movements of any kind.

(70) *Financial institution.* A commercial establishment where matters concerning money, economic management and the application of money are conducted: a bank, savings and loan or insurance company.

(71) *Floor area.* The sum of the gross horizontal surface areas of the several stories of the building measured from the exterior walls or from the center line of party walls, excluding parking structures or that portion of any structure devoted to parking. Stairwells, elevator shafts, atriums and other open areas shall only be included in the computation of floor area as to the actual floor space of such areas.

(72) *Floor area ratio (FAR).* The floor area of the building or buildings on a lot divided by the area of the lot.

(73) *Florist or plant shop.* A commercial establishment where plants, flowers, greenery and other products of the art of horticulture are sold to the ultimate consumer.

(74) *Front.* That part or side of a building or lot which has both the main point of ingress to and egress from the building or structure and abuts a street or a court. Where the main point of ingress or egress is not certain, then the front shall be deemed to be the side of a building which has assigned to it the street number address for that building.

(75) *Front yard.* An open, unoccupied space on a lot facing a street, extending across the front of a lot between the side lot lines and from the outermost surface of the main building to the front lot line, with the minimum distance between the front lot line and the main building line as specified for the district in which the lot is located.

(76) *Frontage.* The length of a building or lot which fronts and abuts a public parking area or a public street or area. The length of a common surface parking area abutting a public street or a public way.

(77) *Furniture store.* A commercial establishment wherein home or office furnishings and related accessories are sold to the ultimate consumer.

(77.5) *Gable.* A triangular area of an exterior wall under the inverted "v" formed at the end of a pitched roof. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(78) *Garage, commercial.* A garage structure (building) offering parking facilities for the general public for payment of a daily, weekly, monthly or hourly tariff.

(79) *Garage, residential (in Planned Developments).* An attached or unattached structure being an enclosure designed to be used in the storage of at least two (2) standard size automobiles.

(80) *Garden shop including greenhouses or nursery stock storage area.* A place wherein flowers, plants and other growing foliage, seeds, tools and implements are sold or kept for service or sale to ultimate consumers and individuals engaged in gardening and/or landscaping.

(81) *Grade.* The line or elevation of the inclination from the horizontal.

(81.5) *Green roof system.* The complete or partial covering of a building roof with vegetation and a growing medium, planted over a waterproofing membrane, which may also include additional layers such as a root barrier and drainage and irrigations systems. Such rooftop systems are typically used to

absorb and/or retain rainwater, provide insulation, create urban habitat for wildlife, and help to lower urban air temperatures. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(82) *Grocery store.* A commercial establishment wherein fresh produce, meats, staples and various and sundry perishable and non-perishable items related to the daily needs of a household are sold to the ultimate consumer.

(83) *Hardware store.* A commercial establishment wherein supplies, tools and accessories for home and garden are sold to the ultimate consumer.

(83.5) *Head shops.* Any retail establishment open to the public that presents, displays, or offers for sale, distribution, or delivery, smoking paraphernalia items of any kind. "Smoking paraphernalia" shall mean paraphernalia, devices, or instruments, including but not limited to pipes, bongs, and hookahs, that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body "controlled substances" as defined by the Texas Controlled Substance Act, Health and Safety Code, Ch. 481, as may be amended. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended to be used, or commonly known to be used for the ingestion, inhalation, preparation, or injection of illegal substances, and include any device or instrument which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "controlled substance analogue," "synthetic controlled substance," or other substance or chemical that mimics the effect of THC such as synthetic cannabinoids or other controlled substances, or any other substance that violates local, state, or federal law, and is adapted for the purpose of smoking or ingesting by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the smoking paraphernalia for some other purpose. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived from the manufacturing, compounding, converting, producing, processing or preparing of a controlled substance. "Smoking paraphernalia" does not include lighters, matches, cigarette holders, and devices used to store or preserve tobacco, tobacco cigarettes, cigarette papers or cigars, nor does it include e-cigarette, e-pipe and e-cigar devices or their respective components including but not limited to the atomizer unit, liquid nicotine reservoir or nicotine cartridge tank, and cartomizer.

(Ord. No. 17-028, § 1, 5-15-2017)

(84) *Height.* The vertical distance of a building measured from the top of the lowest level of the top of the foundation of the building enclosed within the outer walls of the structure to the top of the highest point of the structure, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers and antenna onto cupolas, domes and spires and parapet walls not exceeding ten (10) feet in height. (Ord. No. 01-037, § 3(24-202), 4-16-2001)

(84.5) *High-capacity power transmission lines.* Lines for the bulk transfer of electrical energy between generating power plants and substations at transmission-level voltage, which is distinct from the local wiring for final delivery of electric power to retail customers at distribution-level voltage. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(85) *Home occupation.* A business, profession, or trade conducted within or from a residential building or accessory structure for gain or support by a resident of the dwelling, which is incidental and secondary to the residential use of the building and does not change the essential residential character of the use. Particular occupations permitted are listed in Section 24-517(d) and are subject to all applicable provisions of this chapter. (Ord. No. 81-006, § 1, 2-23-1981)

(86) *Hospital.* An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life.

(87) *Hotel.* A building in which lodging is provided or offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby.

(88) *Household appliance sales and/or service.* The sale and service of refrigerators, washing machines, ranges or other electrical or gas equipment for use in the home.

(89) *Reserved.* (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)

(90) *Reserved.* (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)

(91) *Kindergarten, nursery and/or day care center.* An establishment where ten (10) or more children are housed for care and pre-school activities, which meets licensing requirements as established by the State of Texas.

(92) *Kitchen facilities.* A room or area principally designed for or containing appliances for the cold storage of foods or for the preparation of hot foods.

(93) *Land.* The earth, water and air, above, below or on the surface, and including any improvements or structures customarily regarded as land.

(94) *Land use intensity.* A term referring to the types and extent of uses, activities, coverage, building dimensions and open space existing upon a designated tract or parcel of land.

(95) *Laundry and dry-cleaning plant.* A physical facility containing equipment and machinery designed to launder and/or dry-clean clothing, fabric or other textiles.

(96) *Level of Service C.* A condition existing under various speed and volume conditions on a highway or street as defined in the Highway Capacity Manual, that has been determined to be generally acceptable to meet the needs of travelers to progress along streets and through intersections without undue delay. (Ord. No. 83-095, § 6, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(97) *Light compounding or fabrication.* The manufacturing of any item not involving the generation of noise, odor, vibration, dust or hazard, including a scientific laboratory or dental laboratory.

(98) *Light manufacturing.* Any place or plant wherein any product or thing, including food or beverage products, is manufactured or processed, wherein such operation conforms to the performance standards herein specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration and open storage. (Ord. No. 88-008, § 1, 3-7-1988)

(99) *Local access street.* A residential or non-residential street designed to provide direct access to individual homes, shops, abutting land and similar traffic destinations, with no provision for through traffic (e.g. Little Lake Street, Spruce Street). (Ord. No. 83-095, § 7, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(100) *Loop 610 Corridor.* The area of land paralleling Interstate Highway 610 that is generally recognized as affected by traffic on Interstate Highway 610.

(101) *Lot.* A part of a properly platted and recorded subdivision which shall be readily identifiable upon a plat of such subdivision, which plat shall show the dimensions of its subdivision lots and dimensions of all streets, alleys, squares, parks or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

(102) *Lot coverage (site coverage).* The area of a particular lot or tract which is covered with buildings and other surfaces. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)

(103) *Lot coverage ratio (LCR).* The ratio of buildings and other surfaces to the lot area, including all parts of the lot covered with other surfaces of any kind. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)

(104) *Lot depth.* The average distance between the front and rear property lines.

(105) *Lot lines.* The lines bounding a lot.

(106) *Lot width.* The average distance between the side property lines.

(107) *Mayor.* The presiding officer of the City Council and chief elected officer of the City of Bellaire.

(107.5) *Mini-storage business.* A commercial establishment which operates a facility that is subdivided into secure storage spaces that are rented to customers on a short-term or periodic basis (e.g., for storage of personal items, archive materials, vehicles and/or boats, etc.). (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(108) *Mixed-use development.* A combined land use project containing two or more component land uses. (Ord. No. 85-011, § 1, 1-28-1985)

(109) *Mobile home.* A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.

(110) *Mortuary or funeral home.* An establishment where the dead are prepared for burial or cremation, where the body may be viewed and where funeral services are sometimes held.

(111) *Motel.* A building in which lodging is provided or offered to the public for compensation, which is characterized by ingress to and egress from the rooms usually through an outside entrance, and which is of a design oriented to the short term occupancy needs of tourists traveling by automobile.

(112) *Motor home.* A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete unit.

(113) *Needlework, weaving or other arts and crafts.* An establishment wherein supplies and materials are sold or work actually performed in the art of needlework, weaving, painting or other handicrafts.

(113.5) *Movie theater, indoor.* A commercial establishment which provides one or more auditorium spaces for the showing of movies for public entertainment upon customer purchase of a ticket, and which may also involve preparation and serving of food and beverages for consumption on the premises (also known as a "cinema"). (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(114) *Neighborhood.* A predominantly residential area distinguishable from surrounding areas by recognizable functional boundaries, such as major arterials or city limits.

(115) *Neighborhood shopping center.* A shopping area designed to serve a trade area of 2,500 to 40,000 people and with a minimum site of three (3) acres in area where the lead tenant is a grocery or drug store. (Ord. No. 83-095, § 8, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(116) *Newsstand.* An establishment wherein daily, weekly and monthly news publications from the local region and other regions are sold to the ultimate consumer.

(117) *Nonconforming lot of record.* A lot being a part of a plat duly filed for record in the office of the County Clerk of Harris County, Texas, as provided for by law, which lot does not conform to the requirements of this chapter.

(118) *Nonconforming use.* Any use lawfully being made of any land prior to the enactment of this chapter or any amendment hereto, which upon adoption of this chapter or any amendment, does not comply with all the regulations of this chapter or any amendment hereto, thus rendering such use nonconforming. A nonconforming use may relate to land, building, structure or any parts thereof.

(118.5) *Office residential.* A building or development wherein all of the first floor building/floor area is devoted to office use and not more than fifty percent of the total building/floor area of all floors combined is devoted to residential use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)

(119) *Office supplies, stationery or letter shop.* An establishment that sells to the ultimate consumer supplies for use at home or office including, but not limited to, writing paper supplies and other items generally used in relation to the administration of business or social activities.

(120) *Official Zoning District Map.* The map adopted as a part of this chapter having delineated thereon all the zoning districts and the boundaries thereof within the City of Bellaire.

(121) *On-site parking, non-residential.* An area set aside for temporary parking (at no charge) of automobiles being used by persons shopping for goods or services or by persons there temporarily to conduct business on the premises.

(122) *On-site parking, residential.* A paved area on a residential lot set aside for the parking of motor vehicles.

(123) *Open space.* Any area of land or water set aside, open and unobstructed to the sky.

(123.1) *Other surface.* As used in determining lot coverage and lot coverage ratio, any material applied to the surface of land, which does not permit the natural infiltration of water into the ground, including, but not limited to, air conditioning pads, asphalt, bath houses, concrete, decks, patios, porches, driveways, garbage pads, gazebos, parking areas, paving systems (whether permeable or not), sidewalks, swimming pools, spas, sports courts, except for the ground area of the buildings. The water surface area of a swimming pool or a spa, fifty (50) percent of an uncovered wood deck constructed over bare soil, loosely graveled walkways, and artificial turf, installed behind the front building line, constructed in a method approved by the city engineer and providing not less than 0.30 acre feet of detention per acre of artificial turf shall not be considered another surface. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)

(124) *Outermost surface.* That part of any building, excluding eaves and roof extensions that do not extend a distance greater than five (5) feet, which is closest to the street abutting the lot on which the building is located.

(125) *Owner.* Any legal entity, person or otherwise who holds superior title to and can evidence superior title in real or personal property.

(126) *Package liquor store.* A commercial establishment wherein alcoholic beverages (beer, wine and spirits) are sold to the ultimate consumer.

(127) *Paint and/or wallpaper store.* A commercial establishment wherein paint products or other wall covering products are sold to the ultimate consumer.

(128) *Parcel.* Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

(129) *Parking space.* An enclosed or unenclosed all-weather surfaced area not on a public street or alley together with an all-weather surfaced driveway connecting parking space with a street or alley, permitting free ingress and egress without encroachment on the street or alley. Any parking adjacent to a public street wherein the maneuvering is done directly on the public street shall not be classified as off-street parking in computing the parking requirement for any use.

(130) *Particulate matter.* Any material except uncombined water which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.

(131) *Passenger terminal, bus passenger station or heliport.* A place designated and used for embarkation onto and debarkation from a bus or other mode of mass transportation or to move passengers from one mode of transportation to another by debarkation and embarkation.

(131.5) *Pawnshop.* A location at which or premises in which a pawnbroker regularly conducts business. A pawnbroker is a person engaged in the business of (a) lending money on the security of pledged goods deposited with or otherwise delivered into the possession of the pawnbroker, or (b) purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period. (Texas Finance Code, Section 371.003.) (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(132) *Person.* Any natural person or entity created by law including, but not limited to, a corporation (profit or non-profit), partnership or association.

(132.5) *Personal care.* The supervision of, or limited assistance with, routine living functions of a person who, because of his/her age or physical condition, desires or requires such personal care. The following are examples of personal care:

a) Assistance with medication regimen;

b) Assistance with hygiene;

c) Assistance with grooming, including assistance with dressing; and

d) Assistance with ambulation.

(Ord. No. 89-022, § 2, 6-5-1989)

(133) *Pet shop and pet grooming.* A commercial establishment wherein household pets are sold, washed, groomed and kept within a building.

(134) *Pharmacy.* A commercial establishment wherein substances used for medicinal purposes are sold to the ultimate consumer.

(134.5) *Place of Worship.* A building or buildings where persons regularly assemble for organized religious worship, religious education and activities to promote fellowship among persons who are members or visitors of the organized religious body occupying the building or buildings.

(135) *Planned development district (Amendment).* A zoning district of the City of Bellaire approved in accordance with provisions of this chapter for amendments to the chapter and Official Zoning District Map, which has, as a part of the amendment, a site plan for development of the entire district.

(136) *Planning and Zoning Commission.* The Planning and Zoning Commission of the City of Bellaire, Texas. (Ord. No. 81-013, 4-6-1981)

(137) *Plat (subdivision plat), final.* A document including a graphic description of a tract of land by metes and bounds and giving the dimensions of all streets, alleys, squares, parks and other public areas, and giving the dimensions of all lots or tracts contained therein and which has been finally approved under the provisions of this Code or prior law.

(138) *Plat (subdivision plat), preliminary.* A document including a graphic description of a tract of land by metes and bounds and giving the dimensions of all streets, alleys, sidewalks and other public places, which has been submitted for review and possible tentative approval, but has not been filed with the City for final approval nor for record with Harris County in accordance with V.T.C.A., Local Government Code ch. 212. (Ord. No. 89-009, § 1, 3-6-1989)

(139) *Primary arterial.* A major thoroughfare with limited at-grade access, which expands and links to the expressway system and is designed primarily for movement of through traffic as follows: Chimney Rock Road, Bellaire Boulevard, Bissonnet Street, IH 610.

(140) *Printing plants and shops.* Places wherein the printing of circulars, news or other written material is performed.

(141) *Private club.* A place wherein members gather for friendship and recreation, which has such membership restricted to persons who are actually on the rolls of membership of such club or their guests.

(142) *Property building line.* The line drawn on the subdivision plat indicating the front or outermost line or point where a building may be erected or the line established by reference to this Code as being the front or outermost line or point where a building may be erected. In case of conflict between the provisions of this Code and the designated property building line on the subdivision plat, the line designated providing the greatest setback distance shall control.

(142.5) *Public service drive.* A dedicated public right-of-way to access homes within an estate housing development that meets the minimum standards for "alleys" serving townhomes as set forth in Section 23.5-21(b) of the Code of Ordinances of the City of Bellaire. (Ord. No. 83-076, § 1, 10-17-1983)

(143) *Public utility plants and offices.* Plants used by utility franchisees of the City of Bellaire for the maintenance and continuation of service to the citizens of Bellaire and such offices as shall be necessary for the reasonable support of such function.

(144) *Radio or television broadcasting stations, studios or offices.* A place wherein television and/or radio programs are originated and broadcasted, including the support facilities and offices necessary for such production and operation.

(145) *Radio, television or microwave towers.* Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding non-commercial antennae installations for home reception of radio or television.

(146) *Rear yard.* An open, unoccupied space, except for accessory buildings as permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a minimum depth between the end of the main building and the rear lot line as specified for the district in which the lot is located.

(147) *Recreational vehicle.* A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

(148) *Restaurant.* An eating establishment where food and drink are served to customers in a dining room or in a building or where food is prepared.

(149) *Restaurant with drive-in service.* An eating establishment where food and drink are served to customers for consumption in motor vehicles parked on the premises or where facilities are provided which encourage the serving or consumption of food in motor vehicles.

(149.5) *Retail Residential.* A building or development wherein all of the first floor building/floor area is devoted to retail use and not more than fifty percent of the total building/floor area for all floors combined is devoted to retail use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)

(150) *Retail sales and service establishments.* Establishments for the sale of consumer goods, commodities and services to ultimate consumers or users.

(151) *Right-of-way.* A strip of land either dedicated or owned by the City or other public agency and used for the purpose of a public way or roadway. The area designated as a right-of-way shall not be included in computing the area or size of a lot or tract. (Ord. No. 83-095, § 9, 12-5-1983; Ord. No. 83-095, § 18, 12-

5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(152) *School.* An institution, either public or private, organized and operated for the purposes of providing facilities for the education of children and/or adults based upon an organized curriculum or study plan, accredited by or application for accreditation pending before the appropriate state agency.

(153) *School, business or trade.* A place of instruction or education wherein physical, mechanical or other skills that may be used in business or commerce are taught and which may be operated for profit.

(153.5) *Score line.* A notch or incision on a building façade, often in a different color and/or texture, to add variety and visual interest to exterior walls. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(154) *Screen, screening.* A wall or fence located in the front, rear or side yard in accordance with standards herein set forth and erected for the purpose of giving privacy and reducing noise impact.

(155) *Secondary arterial.* A major thoroughfare with limited at-grade access, which supports the primary arterial system by providing essential system linkages to expressways, primary arterials and activity centers of medium intensity as follows: Fournace Place and South Rice Avenue.

(156) *Service station.* See "Automobile service station."

(157) *Setback.* The required distance between the outermost part of any building and the property line.

(158) *Side Yard.* An open space on each side of a building and on the same lot with the building, situated between the building and side line of the lot and extending through from the front yard to the rear yard. Air conditioning units may occupy space in the side yard at the discretion of the Building Official, provided that such location does not create a violation of the City's fire code or any other code, ordinance, rule, or regulation of the City of Bellaire. Any lot line, not the rear line or a front line, shall be deemed to be a side line. (Ord. No. 81-006, § 2, 2-23-1981)

(159) *Sign.* A structure or any part thereof which is used or intended to be used to attract attention to a subject matter for advertising purposes, and properly permitted under the provisions of this Code.

(160) *Site.* A lot, tract or parcel of property, being described by lot and block number, metes and bounds and/or parts thereof, developed and/or intended to be developed by the erection of a building or buildings and which shall include front, rear and side yards where applicable.

(161) *Site coverage (lot coverage).* The area of a particular site or tract which is covered with buildings and impervious (impermeable) surfaces.

(162) *Site plan or plans.* A one-dimensional graphic illustration setting forth minimum and maximum requirements for ingress to and egress from the property, public or private streets or drives, with adequate right-of-way, sidewalks, utilities, drainage, maximum lot coverage, yards and open spaces, screening walls or fences, landscaping and other development and protective requirements including maintenance considered necessary to create a reasonable transition to and protection of the adjacent property.

(163) *Small household appliance sales and/or service.* The sale and service of irons, coffee pots, electric mixers, blenders and other small electrical equipment useful in the home.

(164) *Special exception.* A type of relief granted by the Board of Adjustment pursuant to the terms and authorization contained in this chapter for particular and unique situations, which may include expansion of nonconforming uses.

(165) *Specific use.* A use permitted by ordinance in a district where it is not necessarily incompatible but where it might cause harm if not watched. Exceptions are authorized under conditions which will insure their compatibility with surrounding uses.

(166) *Specific use amendment.* An amendment authorizing a certain use which, because of its nature, is not subject to categorizing into specific zoning districts, subject to such conditions or limitations as the City Council shall provide.

(167) *Speed copying service.* A place of business designed to provide duplication and/or photocopying of papers, documents or business records.

(167.5) *Sports stadium or arena.* A facility that serves as a venue for the viewing of athletic competitions, concerts and other special events by providing a field or court area or stage which is either partly or completely surrounded by a structure with seating for spectators, usually in tiers. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(168) *Statement of ownership.* A sworn statement by a person swearing to or affirming the legal or equitable ownership of real property.

(169) *Storm drainage policy.* Regulations adopted and administered jointly by the Building Official and the Administrative Official, providing criteria for the development and improvement of land drainage and flood prevention. See also Chapter 9 of this Code, Article II-A.

(170) *Story.* That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. A "working" story is for functional residential or nonresidential use, at least eight feet in height from the surface of the floor to the ceiling immediately above.

EXCEPTION: Any subsurface space for parking, storage or permitted use that has a vertical distance when measured from the surface of a floor to the ceiling immediately above that is at least eighty percent below the surface of the grade that is the highest point of elevation of the street or streets abutting the site.

EXCEPTION: Any space for one level of drive under parking that is at grade level or immediately above permitted subsurface parking. (Ord. No. 85-011, § 2, 1-28-1985; Ord. No. 11-086, § 1(App. A), 12-12-2011)

(171) *Street.* Any thoroughfare, road, highway or public driveway other than an alley, and more than thirty (30) feet right-of-way in width, which has been dedicated or deeded to the public for public use expressly or by implication.

(172) *Structure.* Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, excluding paved surface access ways and surface parking areas, approved surface water detention facilities and architectural/landscaping embellishment.

(173) *Studio for photography, music, art or health.* A place where professionally trained persons provide certain services including instruction in photographic renditions of people or things, instruction in the use of musical instruments, instruction in artistic renditions including sculpture, painting and similar arts, and instruction or place for physical health and well-being.

(174) *Subdivision.* A tract of land identifiable upon a plat duly approved and filed for record in the office of the County Clerk of Harris County, Texas, which shall clearly delineate the location and dimensions of all lots within such subdivision, streets, alleys, squares, parks or other portions intended for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and which shall be accurately described upon said plat by metes and bounds in order that the same might be located with respect to an original corner of the original survey of which it is a part.

(174.25) *Tattoo shop.* A commercial use involving the creation of an indelible mark, figure, word or graphic illustration upon a human body by the insertion of pigment under the skin or by the production of scars or scarring. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(174.5) *Technical research facilities.* A place or places wherein office uses, technical laboratories, computer centers, engineering operations, research and/or related light manufacturing uses are located. (Ord. No. 88-008, § 1, 3-7-1988)

(174.55) *Theater, for live performances.* A facility which provides one or more auditorium spaces in which plays and other dramatic, musical or entertainment performances are provided to an audience, either as a commercial operation involving customer ticket purchases, or as a free (public or nonprofit) venue. The facility may also involve preparation and serving of food and beverages for consumption on the premises. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(174.6) *Theatrical fly space.* The area in a theater above the stage into which scenery and other accessories are hoisted to an extent that the scenery and other accessories are not visible to the audience. (Ord. No. 08-059, § 1(App. A), 9-8-2008)

(174.7) *Through lot.* Any lot that connects two (2) generally parallel streets and is adjacent to more than one (1) interior lot on the same side. (Ord. No. 07-074, § 2(Exh. A), 12-3-2007)

(175) *Tire retreading or recapping.* A place wherein tires used on vehicles are repaired by the addition of new tread surface to such tires.

(175.5) *Traffic impact analysis.* A specialized engineering study which quantitatively assesses the adequacy of the existing structure or future transportation infrastructure to accommodate additional trips generated by a proposed development, redevelopment, or land rezoning. This report should be signed and sealed by a licensed professional engineer and must be approved by the Administrative Official.

(176) *Trailer rental or sales.* A place wherein trailers, regardless of class or size, are rented on a temporary basis or sold.

(177) *Travel agency.* A place wherein persons provide services in planning travel, including the sale of tickets and passage on buses, ships and airplanes.

(178) *Travel trailer.* A vehicular unit up to thirty-two (32) feet in length and eight (8) feet in width, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.

(178.5) *Trip generation report.* A report that includes the estimated maximum AM peak, PM peak, and total daily volume trip generation of the proposed facility, the planned circulation of inbound and outbound traffic during operation, and the estimated length of any queuing of cars, if applicable. The trip generation report shall also include a statement from the owner/operator that they agree to operate the facility in accordance with the approved circulation plan, which must be approved by the Administrative Official, and to install the necessary mitigation measures if traffic issues present themselves in the future.

(179) *Truck and construction equipment sales and service.* A place wherein vehicles, including trucks of any size, are sold and serviced, including any type of equipment used in the construction industry.

(180) *Truck camper.* A portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

(181) *Use.* The particular type of function or purpose to which land and/or structure is committed.

(182) *Variance.* Relief granted by order of the Board of Adjustment, not contrary to the public interest, where owing to special conditions the literal enforcement of the regulations of this chapter will result in unnecessary hardship.

(183) *Veterinary clinic (no outside pet facilities or runs).* A place wherein animals are brought for the purposes of providing medical care and examination and for the purpose of providing treatment, diagnosis or other medical attention to sick, disabled or otherwise infirm animals.

(184) *Wall.* The side of a room or building between the floor, foundation and the ceiling and roof, built to enclose, divide, support or protect, and constructed in accordance with the requirements of this Code.

(185) *Warehouse/warehousing, wholesaling and distribution facilities.* A place or places wherein commodities are stored or maintained on an interim basis prior to manufacturing, assembling and/or distribution to other locations. No outside storage shall be classified as a warehouse, wholesaling or distribution facility. (Ord. No. 88-008, § 1, 3-7-1988)

(186) *Welding or machine shop.* A place wherein metal apparatus are welded and/or where machinery exists to perform various functions necessary to repair or modify various apparatus.

(187) *Yard.* An open space other than a court, on a lot or parcel of land on which a building is situated and which is unobstructed above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and landscape features.

(188) *Zero lot line.* The side lot line of a lot or tract without required minimum side yards, in order that the wall or structure may be erected on the side property line.

(189) *Zoning district.* (Hereinafter referred to as District.) Any district delineated on the Official Zoning District Map under the terms and provisions of this chapter or which may hereinafter be created subsequent to the enactment of this chapter.

(190) *Zoning district boundaries.* The boundaries of each zoning district as more fully described in Section 24-403(c) of this chapter.

(Ord. No. 82-020, § 11, 3-29-1982)

(Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 19-059, § 1(App. A), 11-4-2019)

Secs. 24-203—24-300. Reserved.

ARTICLE III. DECISION-MAKING AND ADMINISTRATIVE BODIES

Sec. 24-301. City Council.

In addition to any authority granted the City Council by state law, City Charter or the Code of Ordinances of the City of Bellaire, the City Council shall have the powers and duties set forth in this chapter, including but not limited to the following:

(1) To review and approve, disapprove or modify the capital improvement program prepared by the City Manager;

(2) To call and conduct public hearings on proposals to amend or modify the provisions of this chapter;

(3) To amend the provisions of this chapter upon appropriate findings, by ordinance, after public hearing and recommendation by the Planning and Zoning Commission; and

(4) To take such other action not otherwise reserved for the Planning and Zoning Commission that the City Council may deem desirable and necessary.

Secs. 24-302, 24-303. Reserved.

Sec. 24-304. Office of Planning and Zoning and Administrative Official.

A. *Creation and appointment.* There is hereby established an Office of Planning and Zoning. The Administrative Official shall be the head of the Office of Planning and Zoning and shall be appointed by and serve at the pleasure of the City Manager.

B. *Jurisdiction, authority and duties.* In addition to the jurisdiction, authority and duties which may be conferred on the Administrative Official by other provisions of this Code, the Administrative Official shall have the following jurisdiction, authority and duties:

(1) The Administrative Official shall receive and review, or cause to have reviewed, all applications under the provisions of this chapter;

(2) The Administrative Official shall serve as staff planner to the Planning and Zoning Commission and Board of Adjustment, and shall inform such bodies of all facts and information at his disposal with respect to the development proposals or any other matters brought before such bodies;

(3) The Administrative Official shall assist in the preparation and giving of all notices required by this chapter and may, in addition, give recommendations on all proposals properly before the Commission or the City Council;

(4) The Administrative Official shall assist the City Clerk in maintaining the Official Zoning District Map;

(5) The Administrative Official shall certify compliance when it shall be determined that a proposed development is in accordance with the provisions of this chapter; and

(6) Whenever requested to do so by the City Manager or the City Council, the Administrative Official, with the assistance of other City departments, shall conduct or cause to be conducted surveys, investigations and studies and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as may be requested.

Sec. 24-305. Office of Inspections and Building Official.

A. *Creation and appointment.* There is hereby created an Office of Inspections. The Building Official shall be the head of the Office of Inspections and shall be appointed by and serve at the pleasure of the City Manager.

B. *Jurisdiction, authority and duties.* In addition to the jurisdiction, authority and duties which may be conferred on the Building Official by other provisions of this Code, the Building Official shall have the following jurisdiction, authority and duties:

(1) The Building Official shall issue building permits in accordance with the procedures of this Code;

(2) The Building Official shall issue certificates of occupancy in accordance with the procedures of this Code;

(3) The Building Official shall enforce the provisions of this chapter; and

(4) The Building Official shall provide the City Council, the Planning and Zoning Commission and the Board of Adjustment with reports and recommendations with respect to matters before such bodies as directed by the City Manager.

Secs. 24-306—24-400. Reserved.

ARTICLE IV. PLANNING DOCUMENTS AND OFFICIAL MAP

Sec. 24-401. Comprehensive Plan.

A. *Authority.* The Commission shall annually review the adopted comprehensive plan and prepare a report thereon, recommending to the City Council adoption of amendments to the plan if the Commission deems the same necessary.

B. *Effect.* All decisions made by the City implementing the terms of this chapter shall be consistent with the policies adopted in the plan. Any action on any application for amendment to this chapter shall be in accordance with the adopted policies of the plan except where the policy itself is the subject of the proposed change.

C. *Procedures for review and amendment.*

(1) *Review of plan.* The Commission, with the assistance of the Administrative Official, shall annually review the comprehensive plan and submit a report thereon to the City Council. The Commission shall make reasonable efforts to obtain the views, comments on and criticisms of the plan or proposed amendments thereto from departments, interested organizations, groups, firms and residents of the City. The Commission may incorporate in the report proposed amendments to the plan, if any, which may be submitted by residents at any time and shall set forth its recommendations on each proposal in accordance with the procedure established for reports to the City Council. The Commission shall transmit such report to the City Council no later than October 1st of each year, together with any materials or statements deemed necessary to a full consideration of such report. Such report may include recommendations, majority and minority positions and proposed amendments.

(2) *Receipt of report.* The City Council shall formally receive the report from the Commission.

(Ord. No. 02-048, § 2(24-401), 8-19-2002)

Sec. 24-402. Capital Improvement Program.

A. *Authority.* Commencing in 1981 and annually thereafter, the City Manager shall prepare and the City Council may adopt or amend a capital improvement program for the City of Bellaire.

B. *Definition.* The capital improvement program shall consist of a program of municipal capital improvement projects with their estimated costs, projected over a period of at least five (5) years. Such projects may include any major expenditure for physical municipal facilities, such as costs for acquisition, development and improvement of lands or interests in land; acquisition or construction of buildings, structures, streets and permanent installations, including additions or major repairs or alterations; acquisition and construction of utility lines; acquisition, construction or installation of permanent public improvements; acquisition of equipment; major landscaping installations; and similar expenditures.

C. *Purpose.* The capital improvement program shall serve as a means for systematically reviewing proposed capital projects to ensure coordination of expenditures and development. The program shall tie together the timing, location and financing of proposed capital projects, shall encourage the development of such projects in scheduled stages, and shall provide the public with an understanding of future needs and development activities to be undertaken by the City of Bellaire.

D. *Procedures for adoption and amendment.*

(1) *Development of program.* The City Manager shall propose the capital improvement program and shall refer it to the Commission for review and comment on the consistency of the program with the adopted comprehensive plan.

(2) *Adoption of program.* Within thirty (30) days of receipt of the capital improvement program from the City Manager, the Commission shall transmit its comments and recommendations to the City Council in the form provided for reports and recommendations from the Planning and Zoning Commission. The City Council may adopt the capital improvement program, as recommended by the City Manager, with or without modifications.

(3) *Amendment of program.* The capital improvement program, or any part thereof, may be amended at any time in the same manner as herein provided for its original development and adoption, subject only to the limitations imposed by law. The City Council may amend or adopt a capital improvement program at any time in accordance with law, without action of any individual board or commission.

Sec. 24-403. Official Zoning District Map.

A. *Map status.* The Official Zoning District Map described in this Section, a reduced copy of which is attached to this chapter, is hereby designated and established as a part of this chapter; and the originals thereof which are on file at City Hall, City of Bellaire and bear the signatures of the City Clerk and the Mayor, shall be as much a part of this chapter as if the information contained therein was set out in full in this chapter. (Ord. No. 80-065, § 1, 9-8-1980; Ord. No. 82-020, § 12, 3-29-1982; Ord. No. 82-021, § 1, 3-29-1982; Ord. No. 83-076, § 2, 10-17-1983; as amended by Ord. No. 84-035, § 1, 4-16-1984; Ord. No. 83-095, § 10, 12-5-1983; as amended by Ord. No. 86-009, § 1, 2-3-1986; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986; Ord. No. 84-005, § 1, 1-16-1984; Ord. No. 85-051, § 1, 8-19-1985; Ord. No. 85-069, § 1, 11-11-1985; Ord. No. 86-031, § 1, 4-7-1986; Ord. No. 88-008, § 1, 3-7-1988; Ord. No. 88-016, § 1, 5-9-1988; Ord. No. 90-016, 3-19-1990; Ord. No. 91-045, § 1, 6-17-1991; Ord. No. 92-048, § 1, 6-15-1992; as amended by Ord. No. 00-030, 1-5-2000; Ord. No. 10-025, § 4(App. B), 4-5-2010)

B. *Procedures.*

(1) Adoption and amendment to the Official Zoning District Map shall be in accordance with the provisions of this chapter.

(2) Two (2) copies of the map shall be filed with the City Clerk, one of which shall be prominently displayed and available for public inspection. Any amendments to the map shall be considered amendments to this chapter; and as soon as the same are properly enacted, the two (2) maps in the office of the City Clerk should be properly changed.

(3) One (1) copy shall be filed with the Building Official and the Administrative Official and shall be maintained up-to-date by posting thereon all amendments, to be readily accessible for the purposes of issuing building permits, certificates of occupancy and certificates of compliance, and for enforcing the provisions of this chapter.

(4) One (1) copy shall be maintained in the records of the Planning and Zoning Commission for reference purposes and shall be maintained up-to-date by posting thereon all changes and subsequent amendments.

C. *District boundaries.* In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the Official Zoning District Map, the following rules shall apply:

(1) The district boundaries are the centerlines of the streets, alleys, waterways and rights-of-way, unless otherwise indicated. Where designation of a boundary line on the Zoning District Map coincides with the location of a street, alley, waterway or right-of-way, the centerline of such street, alley, waterway or right-of-way shall be construed to be the boundary of such district.

(2) Where the district boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundaries of such district.

(3) Where the district boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way or lot lines, the district boundary shall be determined by the use of the scale shown on the Zoning District Map.

(4) Boundaries indicated as approximately following city limits shall be construed as following city limits.

Secs. 24-404—24-500. Reserved.

ARTICLE V. ZONING REGULATIONS[2]

DIVISION 1. ZONING DISTRICTS AND REGULATIONS OF GENERAL APPLICABILITY

Sec. 24-501. Districts Established.

In order to carry out the goals and objectives of the comprehensive plan and the purposes of this chapter, the following districts are hereby created:

(1) Residential Districts.

a) R-1 Residential District (R-1)

b) R-3 Residential District (R-3)

c) R-4 Residential District (R-4)

d) R-5 Residential District (R-5)

e) R-MF Residential Multi-Family District (R-MF)

f) R-6 Small-Lot Residential Attached District (R-6)

(2) Mixed-Use Districts.

a) R-M.2-O Residential-Office Mixed-Use District (R-M.2-O)

b) Corridor Mixed-Use District (CMU)

c) Urban Village — Downtown District (UV-D)

d) Urban Village — Transit Oriented Development District (UV-T)

(3) Other Districts.

a) Loop 610 District (L610)

[2]State law reference(s)—Districts, V.T.C.A., Local Government Code § 211.005.

b) Light Industrial District (LI)

c) North Bellaire Special Development District (NBSDD)

(Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 21-031, § 2(App. A), 5-24-2021)

Sec. 24-502. Permitted Uses.

No structure or land in the City of Bellaire shall hereafter be constructed, built, moved, remodeled by expanding the size thereof, reconstructed, used or occupied except in accordance with the requirements of the zoning district in which the structure is located. However, a structure, use or lot lawfully existing at the date of adoption of this chapter may be occupied as a nonconforming use under the procedures and requirements of this chapter.

It is further specifically provided that there shall be a right of continued occupancy for any nonconforming residential structure located in the City of Bellaire which is used as a place of residence and that such right shall not be terminated by reason of sale or other transfer of title or vacancy of the structure.

Any such structure may be reoccupied as a residence at any time, subject only to the requirements of this Code for the issuance of an occupancy permit; and whenever requested to do so by a title company, a mortgage company, a potential buyer or another interested party, the Building Official is hereby authorized to issue a certificate of right to occupy such legally existing nonconforming residential structure.

(Ord. No. 89-009, § 1, 3-6-1989)

Sec. 24-503. Specific Uses.

Certain uses, which because of their nature and existing location are not appropriate for categorizing into specific zoning districts, are allowed in various zoning districts by specific use permit. The procedure for approval of a specific use permit includes notice, public hearings and recommendation of the Planning and Zoning Commission, the same basic procedure prescribed for amendments to this Code. Any use not permitted by this chapter or approved as a specific use permit under the procedures hereinafter set out is prohibited.

(Ord. No. 10-057, § 1(App. A), 8-2-2010)

Sec. 24-504. Planned Development.

A. *Planned Development in Residential Districts.* A planned development mechanism is provided for selected residential districts in order to provide greater flexibility and opportunity in the planning and development of residential projects that serve to upgrade and enhance existing residential neighborhoods while responding to current market trends in housing. (Ord. No. 82-020, § 13, 3-29-1982)

B. *Planned Development in Residential-Commercial Mixed-Use Districts.* A planned development mechanism is provided in order to provide greater flexibility and opportunity in the planning and development of residential or commercial projects or a combination thereof within a mixed land use environment.

C. *Planned Development in City Center Districts.* A planned development mechanism is provided in order to provide greater flexibility and opportunity in the planning and development of city center projects, such as shopping centers, office plazas, permitted retail, service and commercial type uses, or a combination of such uses.

D. *Planned Development in Loop 610 District.* A planned development mechanism is provided for the area immediately adjacent to Interstate Highway Loop 610 in order to provide greater flexibility and opportunity in the planning and development of projects of good design, such as office plazas, residential projects, medical centers, or a combination of such uses.

E. *Planned Development in the North Bellaire Special Development District.* A planned development mechanism is provided in order to provide greater flexibility and opportunity in the planning and development of large-scale mixed-use developments, while considering community protections.

(Ord. No. 21-031, § 2(App. A), 5-24-2021)

Sec. 24-505. Temporary Uses.

A. *Authorization.* Temporary uses may be authorized by the City Council in any zoning district subject to the standards hereinafter established, provided that all temporary uses shall meet the minimum requirements of this Code for any type of development within the zoning district in which the use is located and shall, in addition, meet the minimum requirements of this Code for the building and maintenance of any structure erected as a temporary use.

B. *Time limitation.* All temporary uses shall be for a period of time not exceeding thirty (30) days from the date of commencement of construction of the temporary use structure or the actual inhabitation or use of the structure for temporary use purposes, whichever is shorter.

The time limitation herein imposed may be extended or shortened by action of the City Council, for good cause shown, when it shall appear that extension thereof is in the best interest of the applicant and neither contrary to the purposes and objectives of the comprehensive plan nor injurious to the health, safety and well-being of the residents, citizens and inhabitants of the City of Bellaire.

C. *Permit required.* A permit must be obtained for all temporary uses; such permit shall be issued by the Building Official of the City of Bellaire. The permit issued shall be entitled "Temporary Use Permit" and shall be for a period of time not exceeding thirty (30) days. Such permit shall clearly specify the use intended and any conditions and safeguards imposed by the Building Official for the protection of the health, safety and well being of the residents, citizens and inhabitants of the City of Bellaire. The Building Official shall be authorized to charge a fee for the issuance of a temporary use permit in an amount as shall from time to time be established by the City Council or the City Manager. Nothing herein provided shall prevent the City Council from extending the expiration date of any temporary use permit issued hereunder under such terms and conditions as may be prescribed.

D. *Exception for construction.* The Building Official may, for a period not in excess of thirty (30) days, issue a temporary permit for construction offices (shacks) and the open storage of building materials upon a construction site so long as such offices (shacks) and open storage meet all other requirements of this Code.

E. *Construction upon public rights-of-way.* The Building Official may, for a period to terminate simultaneously with the completion of construction, issue a temporary permit for the open storage of construction equipment, construction materials and the location of construction offices (shacks) on private property, except private property that is zoned residential, in residential use or immediately adjacent to a residential use, which has been duly leased by, which is owned by or which has been provided, by written consent of the owner, to a contractor performing work on public property or public rights-of-way, so long as such equipment and materials are stored behind the required front building line as specified for the zoning district in which the property is located and in a manner which shall not adversely impact adjacent property, and further so long as such equipment and materials are adequately fenced and/or other appropriate safeguards are provided to prevent injury to third parties. The open storage of construction equipment and materials and construction offices (shacks) shall meet all other requirements of this Code.

(Ord. No. 85-036, § 1, 6-3-1985; Ord. No. 87-025, § 1, 6-15-1987)

Sec. 24-506. Subdivision Regulations.

In addition to the requirements as set forth in this chapter, all property proposed for planned development approval or any property requiring subdividing or resubdividing for any purpose within the City, shall be laid out in accordance with chapter 23.5 of this Code, "Land Subdivision Regulations," including, but not limited to, regulations contained therein for streets, alleys, sidewalks, utilities and drainage.

Sec. 24-507. Use of Nonconforming Residential Lots.

Notwithstanding the minimum requirements for residential lot size, structures may be constructed, built, moved, remodeled by expanding the size thereof, reconstructed, occupied or used on a nonconforming lot of record platted prior to the enactment of this chapter, or any amendment hereto, provided that all such structures shall meet all other applicable development and use regulations for the zoning district in which the structure is located. (Ord. No. 81-006, § 3, 2-23-1981)

Sec. 24-508. Structure and Area Regulations.

No structure or part thereof shall be constructed, built, moved, remodeled by expanding the size thereof, reconstructed, occupied or used in such manner that the maximum height, lot coverage, floor area or floor area ratio exceeds that specified for the zoning district in which the structure or use is located; nor shall a structure or part thereof be constructed, built, remodeled by expanding the size thereof, reconstructed, occupied or used in such manner that yards are provided which are smaller than the required yards in the zoning district in which the structure or use is located.

Provisions of this Section may be modified only to the extent that is permissible under the terms and provisions of this Code.

Sec. 24-509. Use and Land Regulations.

No structure or land shall be used for any purpose except as specified herein except as a nonconforming use lawfully existing at the date of enactment of this chapter.

Sec. 24-510. Accessory Uses and Structures.

A. *Authorization.* Accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district provided that all accessory structures or uses shall meet the development regulations for the zoning district in which the structure or use is located, in addition to the further requirements of this Section.

B. *Particular prohibited accessory structures and uses.* Prohibited accessory structures and uses are:

(1) Commercial garages, commercial parking lots and commercial parking areas, except when incorporated within an approved planned development; and

(2) Kitchen facilities in any structure other than a principal residential structure or one accessory residential structure of a single-family home which contributes to the comfort, convenience or necessity of the occupants of a single-family residence which is the principal structure, provided that the accessory residential structure is constructed in accordance with all minimum requirements prescribed by the Building Code for the construction of a residential structure and the provisions of subsection (C) of this Section. For purposes of this Section, the term "comfort, convenience or

necessity" shall not include a right of the owner or occupant of the principal structure to derive income from use of the accessory structure as a rental property; rental of any residential accessory structure is specifically prohibited. However, the comfort, convenience or necessity of the occupant of the principal structure may be served by using such residential accessory structure for the purpose of housing guests on a temporary basis, as a place of residence for family members or as a place of residence for any full-time or part-time domestic employees who work within the main residential structure or upon the grounds surrounding the same. Whenever occupied as quarters for the employee, it shall be unlawful for any adult person to occupy such residential accessory structure unless he or she is a domestic employee of the occupant of the main structure. (Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 10-025, § 2(App. B), 4-5-2010)

C. *Accessory structures, location and regulation.*

(1) All detached accessory structures and uses in any residential district shall be located in the rear or side yard of the residential unit.

(2) No accessory structure or use shall exceed the height of the principal structure to which it is accessory.

(3) All accessory structures and uses shall be subordinate to and supportive of the primary use and structure.

Sec. 24-511. Performance Standards.

All uses in any district of the City shall conform in operation, location and construction to the performance standards herein specified for noise, air pollution and particulate matter and other air contaminants, odorous matter, fire and explosive hazard material, toxic and noxious matter, vibration, open storage and glare.

A. *Noise.*

(1) *Environmental sound levels.* It shall be a violation of this chapter for any person to operate or permit to be operated any stationary source of sound which creates a unit percentile sound level (L1) greater than 15 dB(A) above the ambient sound pressure level (L90) as set forth in Table 1 in any residential use zone, or creates a tenth percentile sound level (L10) or a ninetieth percentile sound level (L90) which exceeds the limits set forth in Table 1 for the receiving land use districts when measured at the property boundary. For the purpose of enforcing these provisions, a measurement period shall not be less than ten (10) minutes or more than thirty (30) minutes.

Table 1. Limiting Sound Levels for Land Use Districts

L_{90}

Use District	7:00 a.m.—10:00 p.m.	10:00 p.m.—7:00 a.m.
Residential	55 dB(A)	50 dB(A)
Commercial	62 dB(A)	57 dB(A)
Industrial	75 dB(A)	75 dB(A)

L_{10}

Use District	7:00 a.m.—10:00 p.m.	10:00 p.m.—7:00 a.m.
Residential	65 dB(A)	60 dB(A)
Commercial	72 dB(A)	67 dB(A)
Industrial	85 dB(A)	85 dB(A)

When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundary and within the most restrictive land use category.

(2) *Public and private project review.* All public and private projects shall be subject to a review process by the Building Official in order to determine if such projects are likely to cause noise or vibration in violation of this subsection. The Building Official shall be authorized to make or require any investigations or studies which in his opinion are necessary to determine if compliance with this subsection can be achieved. The Building Official shall also have the authority to require noise attenuation measures in accordance with the findings of said investigations or studies for the purpose of determining compliance with this subsection.

(3) *Exemptions.* The following uses and activities shall be exempt from the noise level regulations herein specified:

a) Noises not directly under control of the property user;

b) Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (daylight hours);

c) Noises of safety signals, warning devices and emergency pressure relief valves;

d) Transient noise of moving sources such as automobiles, trucks, airplanes and trains.

B. *Control of air pollution from visible emission and particulate matter.* No person may cause, suffer, allow or permit any outdoor burning, incineration, visible emissions or particulate matter from any source to exceed allowable rates specified in the 30 Tex. Admin. Code § 111.111, incorporated herein by reference.

C. *Odorous matter.* No person shall discharge from any source whatsoever one or more air contaminants that produce an odor, in such concentration and of such duration as may tend to be injurious to or to adversely affect human health or welfare. No discharge shall be permitted which exceeds applicable standards set by the Texas Commission on Environmental Quality.

D. *Fire and explosive hazardous material.*

(1) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in any district except that chlorates, nitrates, perchlorates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshall of the City of Bellaire as not presenting a fire or explosion hazard.

(2) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City.

(3) Volatile organic compound loading facilities and gasoline terminals must be in compliance with 30 Tex. Admin. Code § 115.219 (as applicable to Harris County), incorporated herein by reference and filed in the office of the City Clerk of the City of Bellaire.

E. *Toxic and noxious matter.* No operation or use in any district shall emit toxic and noxious matter that is in violation of 30 Tex. Admin. Code § 101.1 et seq. (as applicable to Harris County), incorporated herein by reference and filed in the office of the City Clerk of the City of Bellaire.

F. *Vibration.* No operation or use in any district shall at any time create earthborn vibration which, when measured at the bounding property line of the source of operation, exceeds the limit of displacement set forth in the following table in the frequency ranges specified.

Frequency cycles per second	Displacement in inches
0 to 10	.0010
10 to 20	.0008
20 to 30	.0005
30 to 40	.0004
40 and Over	.0003

G. *Open storage.* No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use in an LI, Light Industrial or PD, Planned Development Industrial District which is located in a building. No open storage operation shall be located in front of a main building. No wrecking, junk or salvage yard shall be permitted as a storage use in any district.

H. *Glare.* No use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination or glare nor shall such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

Sec. 24-512. Fence and Wall Regulations.

A. In residential zoning districts, no fences or walls that are not screening fences or walls, as required in Section 24-513, shall be constructed to a height in excess of eight (8) feet. Fences or walls eight (8) feet in height or less may be constructed anywhere inside the property lines of a lot zoned residential, except within the front yard as that term is defined in this chapter and according to the table below.

Maximum Height of Fence or Wall Based on Location			
Right-of-Way Frontage	Fence or Wall Setback from Property Line Adjacent to Right-of-Way		
	Less than 12 ½ Feet	12 ½ to 24 Feet	25 Feet or More
South Rice Avenue, Chimney Rock Road, Newcastle Drive, and Bissonnet Street	48 inches	8 feet	8 feet
Bellaire Boulevard	48 inches	48 inches	8 feet
Interstate Highway 610 (West Loop) Frontage Road*	10 feet	10 feet	10 feet
Union Pacific Railroad*	10 feet	10 feet	10 feet

* In the case of the Interstate Highway 610 (West Loop) Frontage Road and Union Pacific Railroad rights-of-way, this Section shall not be construed to mean that a fence or wall of any height is permitted in the front yard. It applies to fences in the side or rear yard only.

In all cases fences or walls shall have setbacks that are sufficient to provide clear vision of the street to the driver of a vehicle entering or backing into the street.

B. In non-residential zoning districts, fences may be located anywhere on a lot, subject to such conditions and limitations as shall be provided in this Code.

(Ord. No. 19-059, § 1(App. A), 11-4-2019)

Sec. 24-513. Landscaping, Screening and Buffering.

A. *Purpose.* The standards set out in this Section are intended to:

(1) Protect and improve the appearance and character of the community, including its developed and open space areas, in accordance with the Comprehensive Plan;

(2) Increase the compatibility of adjacent land uses;

(3) Mitigate the effects of noise, dust, debris, artificial light intrusions and other externalities created by the use of land, and the "heat island" effect of paved surfaces in urban settings; and

(4) Conserve water and promote the long-term viability of development landscaping by promoting the planting and maintenance of native and drought-resistant vegetation types.

B. *Applicability.* Standards described herein are minimum standards applicable to all new planned developments, mixed-use developments, multifamily and, non-residential structures and related parking that have, as a condition of approval, requirements for landscaping, screening or buffering and to all non-residential uses and related parking permitted.

(1) The requirements of this Section shall also apply when:

a) There is an enlargement exceeding one thousand (1,000) square feet in area of the exterior dimensions of an existing non-residential, multifamily residential, mixed-use building, or of any existing building within a planned development, or more than one thousand (1,000) square feet cumulative among multiple buildings in all such cases; or

b) There is either a new parking lot for a non-residential or multifamily residential or mixed-use building, or for a planned development, or expansion of an existing parking lot in such cases to provide one or more additional parking spaces.

(2) The requirements of this Section shall apply to the entirety of the development site if it is completely developed by the new construction of a building or buildings and associated off-street parking. If the entirety of the building site is only partially developed by new construction or enlargement (with the enlargement exceeding at least one thousand (1,000) square feet in area of the previous exterior dimensions of a building, or cumulative among multiple buildings, per subsection (1)b)), the requirements of this Section shall be applied only in proportion to the area of the new or enlarged building and/or off-street parking area.

(3) The requirements of this Section shall not apply when:

a) Reconstruction work on an existing building that was partially damaged or destroyed involves less than fifty (50) percent of the pre-existing area of the exterior dimensions of the building. This exemption shall apply only when the reconstruction will not result in an increase in the number of parking spaces.

(4) Nothing in this Section shall be construed to require compliance with the requirements of this Section for finish or remodeling work to the interior or exterior of an existing building if such work does not result in an increase in the number of parking spaces or in an enlargement of the exterior dimensions of the building.

C. *General requirements.*

(1) *Quantity of landscaping.* The minimum amount of landscaping required for a development site shall be based on the applicable factors in Table 24-513.A, Quantity of Landscaping.

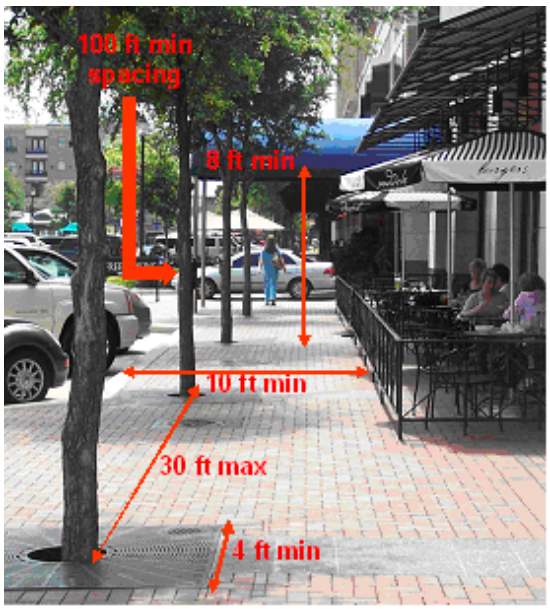
Table 24-513.A Quantity of Landscaping	
Type	Required Quantity
Street Trees (for commercial, multifamily residential and mixed-use properties only)	Number of trees as specified in Section 9-355.1, based on the amount of street frontage (generally a minimum of one 45-gallon tree for every 40 feet of frontage).
Parking Lot Trees (for commercial, multifamily residential and mixed-use properties only)	Number of trees as specified in Section 9-355.2. (generally a minimum ratio of one 45-gallon tree per 10 parking spaces).
Site Trees	The minimum number of trees in the required front and back yards as specified in Section 9-354, based on the site width.
Shrubs	Number of shrubs necessary, based on five-gallon container size and maximum spacing between shrubs of four feet on center, to meet the screening requirements for off-street parking areas in Section 24-513.E.

a) *Street trees in the UV-D and UV-T districts.* Street trees shall be planted at regular intervals along all street frontages in accordance with Section 9-355.1 in Chapter 9, Buildings, of the City Code, except that the minimum tree spacing in the UV-D and UV-T districts shall be thirty (30) feet rather than forty (40) feet. Applicants may select any tree variety specified for the UV-D and UV-T districts, if any, in Section 9-355.1, and shall not plant specified undesirable trees. Such trees may be planted within the public street right-of-way as provided in Section 9-355.1, subject to the approval of the Administrative Official. As illustrated in Figure 24-513.A, the following specific provisions also apply in the UV-D and UV-T districts:

1) Minor variations from the regular 30-foot spacing are permitted to avoid conflicts with driveway locations and accommodate other design considerations.

2) Trees shall be planted in at-grade tree wells with tree grates, a minimum of four (4) feet square, within the sidewalk. Such street trees shall be maintained to provide a clear zone free of limbs, from ground level up to eight (8) feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles. Each tree well shall have an irrigation system for the delivery of water to the wells.

FIGURE 24-513.A
Street Tree Planting
in UV-D and UV-T Districts



(2) *General site landscaping.* Any portions of development sites not used for buildings, sidewalks, parking areas or other impervious surfaces that count toward site coverage shall be planted or covered, and so maintained by the owners. This treatment shall consist of any combination of such material as trees, hedges, shrubs, garden plants, vines, ground covers, grasses, and mulch. The use of planter boxes of any size shall not constitute compliance with this Section.

a) *Use of sod.* In non-residential and multifamily residential development and planned developments, not more than fifty (50) percent of the area devoted to general site landscaping as defined in this subsection may be planted with sod. Athletic fields shall not be counted in this calculation.

b) *Use of mulch.* In non-residential and multifamily residential development and planned developments, not more than ten (10) percent of the area devoted to general site landscaping as defined in this subsection may involve the placement of mulch. Mulch used in landscaping areas may be organic, such as pine bark or shredded hardwoods, or inorganic, such as stone, gravel or commercially available recycled materials intended for such use. Materials that float shall be contained by edging.

c) *Use of palm trees.* Palm trees may be used in site landscaping but shall not count toward compliance with the minimum tree requirements in Table 24-513.A.

d) *Mitigation of building mass in the UV-D and UV-T districts.* Where a building is more than sixty (60) feet in length, tree plantings other than required street trees shall be clustered to break up the appearance of building mass so that the building is perceived to be divided into lengths of no greater than fifty (50) feet when viewed from street-level vantage points.

(3) *Credits against required landscaping.* For development sites in the UV-D district, landscaping, as herein required of a surface parking area adjacent to a street, may be counted toward meeting the general site landscaping requirements. The Administrative Official may, upon application of the property owner and/or developer, allow the use of the adjacent public street right-of-way for the perimeter landscaping and screening of the surface parking.

a) The Administrative Official shall permit the use of the public street right-of-way for landscaping and screening only when it is determined, in consultation with the Department of Public Works, that such use does not constitute an actual or potential hazard to the health, safety and well-being of the residents, citizens and inhabitants of the City of Bellaire.

(4) *Planting standards.* All plantings in satisfaction of this Section shall comply with the standards of this subsection.

a) *Quality and viability of plantings.* All landscape material shall be in compliance with the standards of the American Nursery and Landscape Association. All plant material shall have a habit of growth that is normal for the species.

b) *Locally appropriate species.* At least seventy-five (75) percent of the proposed plantings shall be species native to Southeast Texas to promote reduced water use and increased drought resistance.

c) *Undesirable species.* No proposed landscape material shall appear on the Invasive and Noxious Weeds list for the State of Texas promulgated by the United States Department of Agriculture, nor on the Texas Noxious Weed List promulgated by the Texas Department of Agriculture.

1) *Undesirable tree species.* No proposed new or replacement trees shall be among the undesirable tree species identified in Section 9-350.M.

d) *Species diversity.* To avoid large monocultures of trees and shrubs, and the risk of large-scale losses in the event of disease or blight, species used to meet the requirements of this Section shall be diversified as follows, with calculations rounded up to the nearest whole number:

1) When ten (10) or more trees are required on a parcel proposed for development, no more than fifty (50) percent of each category of required trees (street trees, parking lot trees, site trees) on a site shall be of any one species.

(5) *Installation.* All landscaping shall be installed in a sound workmanlike manner according to accepted commercial planting procedures, with the quality of plant materials as described in this Section and with a readily available water supply. All plant material shall be insect and disease-resistant and shall be of sound health and vigorous growth, clean and reasonably free of injuries, weeds, noxious pests and diseases when installed.

a) Sod shall be solid, and seeding of turf grasses is not permitted.

b) Ground cover shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three (3) months after planting.

c) Shrubs used for screening shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height.

d) *Phased development.* The Administrative Official may allow installation of landscaping with each phase of a multi-phase development, provided that all landscaping required for each phase is installed concurrently with each phase. The City Attorney may require execution of a development agreement with the City to clarify phasing plans and timing, and to provide surety.

e) *Tree planting within City right-of-way.* Planting of trees and other vegetation within City rights-of-way shall meet any applicable Department of Public Works standards, to protect underground and overhead utilities, streets and sidewalks, drainage improvements; street lighting, and sight distances, and the visibility of traffic control devices.

(6) *Maintenance.* The owner and tenant of the landscaped premises and their agents, if any, shall be jointly and severally responsible for the continuing care and maintenance of all landscaping and

preserved vegetation in a good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. This shall include any portions of abutting public right-of-way that the owner was permitted to landscape as part of complying with this Section.

a) All landscape areas shall be watered as needed to ensure continuous healthy growth and development.

b) Trees shall be pruned as needed to ensure healthy growth and development, and when planted near streets or sidewalks, to not interfere with vehicular or pedestrian traffic or parked vehicles.

1) Topping, tipping, bark ripping, flush cutting, and stub cutting are prohibited for trees that are installed and maintained within a public street right-of-way or were planted or preserved on private property as part of complying with this Section.

c) Maintenance shall include the removal and replacement of dead, dying or diseased plant material.

1) Replacement of required landscaping that is dead or otherwise no longer meets the standards of this Section shall occur within sixty (60) days of notification by the City. Replacement material shall be of similar character and quality as the dead or removed landscaping, and in the case of trees, shall meet and be completed in accordance with applicable provisions of Article XI, Trees, in Chapter 9, Buildings, of the City Code of Ordinances. Failure to replace in a timely manner in accordance with this subsection shall constitute a violation of these regulations.

D. *Screening and buffering*.

(1) *Between non-residential or multifamily and residential uses.* Where the rear or side of a non-residential or multifamily building is exposed to a residence or to a residential district boundary line, and where such building is closer than fifty (50) feet to the residence or to the boundary line, a screening wall of at least eight (8) feet in height and at most twelve (12) feet in height shall be erected separating the rear or side from the adjacent residence or residential district, unless a planned development has been approved specifically authorizing an alternate solution for screening and/or buffering, which is not in conflict with the purposes of this Section and which is justified based upon architectural, aesthetic and landscaping considerations peculiar to the specific development, in which case the requirements of the planned development approval shall prevail.

a) *City Council waiver of non-residential screening requirement.* The provisions of this subsection as to screening and buffering between non-residential or multifamily and residential uses may be waived by the City Council upon recommendation by the Planning and Zoning Commission in the following cases:

1) When a property line abuts a dedicated alley, except where the property line is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district; or

2) When a rear or service side abuts an existing wall or other durable landscaping or screening barrier on an abutting property if said existing barrier satisfies the requirements of this subsection.

b) *Automatic waiver in UV-D and UV-T districts.* The provisions of this subsection as to screening and buffering between non-residential or multifamily and residential uses are waived in the UV-D and UV-T districts, except that the provisions still apply in the UV-D district when the non-residential property is at a boundary of the district and the abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district.

1) *Parking area distance in UV-T district.* Off-street parking areas in the UV-T district shall not be located within fifty (50) feet of a residential zoned neighborhood.

c) The Administrative Official may allow or require a screening wall greater than twelve (12) feet in height if he determines that the additional height is necessary to mitigate negative impacts from the non-residential or multifamily property.

(2) *Between residential planned developments and other residential property.* Where a residential use requires a planned development amendment to proceed, there shall be at least a six-foot (6') screening wall or fence and at most a ten-foot (10') screening wall or fence between the property that is the subject of the planned development and any abutting residential property that conforms to regulations for permitted uses within the district in which it is located. A planned development may be approved specifically authorizing an alternate solution for screening and/or buffering, which is not in conflict with the purposes of this Section and which is justified based upon architectural, aesthetic and landscaping considerations peculiar to the specific development, in which case the requirements of the planned development approval shall prevail.

a) *Automatic waiver in UV-D and UV-T districts.* The provisions of this subsection as to screening and buffering between residential planned developments and other residential uses are waived in the UV-D and UV-T districts, except that the provisions still apply in the UV-D district when the residential planned development is at a boundary of the district and the abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district.

1) *Parking area distance in UV-T district.* Off-street parking areas in the UV-T district shall not be located within fifty (50) feet of a residential zoned neighborhood.

b) The Administrative Official may allow or require a screening wall or fence greater than ten (10) feet in height if he determines that the additional height is necessary to mitigate negative impacts from the residential planned development property.

(3) *Standards for screening walls and fences.* A screening wall or fence shall be of wood or masonry construction as provided herein. However, only masonry construction is permitted for required screening walls between non-residential and residential uses, in which case the masonry material and construction shall be consistent for the entire length of the wall erected to screen a particular use.

a) A screening wall or fence of wooden construction shall be a permanent wooden fence constructed of cedar or redwood and with capped galvanized iron posts set in concrete. The wall or fence must not be less than the height specified for each of the types of screening addressed in subsections D.(1) and D.(2). The wall or fence shall not contain openings of more than forty (40) square inches in each one-square-foot of surface of such wall or fence, and such wall or fence surface shall constitute a visual barrier.

b) A screening wall or fence may be constructed, which shall be of masonry construction on a concrete beam or foundation or a metal frame or base, which supports a permanent type wall material, the surface of which does not contain openings of more than forty (40) square inches in each one-square-foot of surface of such wall or fence, and which fence or wall surface shall constitute a visual barrier.

c) In either permanent wooden or masonry constructed walls or fences, no opening shall be permitted for access unless a solid gate, equaling the height of the wall or fence, is provided. Such gate shall remain closed at all times except when in actual use.

(4) *Screening of trash receptacles.* All trash receptacles upon property adjacent to single-family residential use shall be located at least ten (10) feet from any and all points upon any lot in single-family residential use. Further, all such trash receptacles shall be visually screened by means of a fence or a wall.

a) *Limited application in UV-T district.* The screening requirement for trash receptacles applies in the UV-T district only with regard to visual screening from an abutting public street right-of-way and not from adjacent residential property.

b) *Additional provisions in UV-D and UV-T districts.*

1) Dumpsters and garbage bins shall be located behind principal buildings relative to public street frontage whenever practical, and such trash receptacles shall also be accessible from alleys or vehicular access easements where available and practical.

2) Such solid waste facilities shall be fully enclosed as specified by this subsection, except that an opaque wall shall be provided in all cases in the UV-D and UV-T districts rather than a wood fence alternative.

(5) *Screening of outside storage.* All outside storage areas, including waste material storage facilities, in planned development, non-residential, and multifamily districts shall be screened from adjacent residential uses and public street rights-of-way. No other outside storage besides trash receptacles is permitted in the UV-D and UV-T districts. Screening may be as follows:

a) A screening wall or fence which shall be of wood or masonry construction of sufficient height to screen that which is being stored; or

b) A hedge which shall be of sufficient height and density to screen that which is being stored.

E. *Screening of off-street parking.* Landscaping shall be provided along the edge of any off-street parking area for five (5) vehicles or more that is not visually screened by an intervening building or structure from an abutting public right-of-way or adjacent residential property.

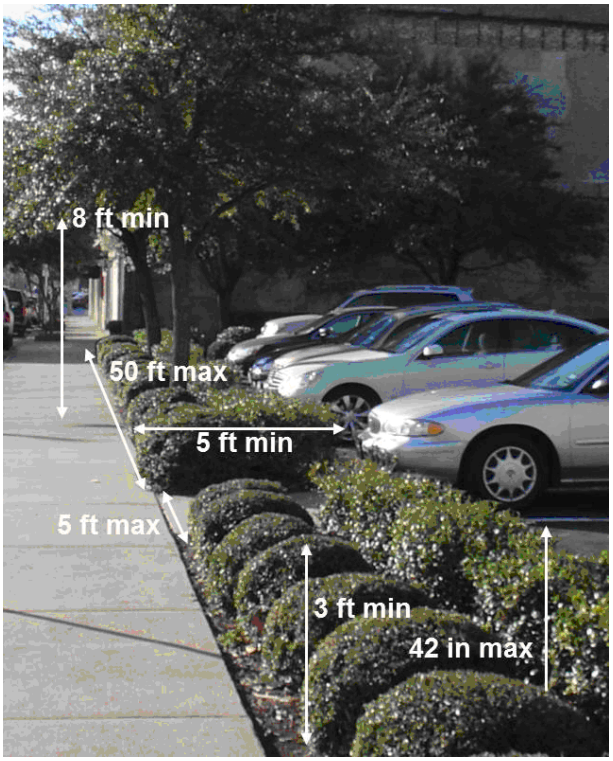
(1) The perimeter landscaping shall involve shrubs of five-gallon container size, spaced a maximum of four (4) feet on center, to form a continuous and solid visual screen, within one (1) year of planting, exclusive of driveways, pedestrian walkways and visibility triangles. The shrubs shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height.

(2) *Special provisions for UV-D and UV-T districts.* Requirements in this subsection for screening of off-street parking areas apply in the UV-D and UV-T districts only with regard to visual screening from an abutting public street right-of-way and not from adjacent residential property, and are illustrated in Figure 24-513.B. In the UV-D district, the screening requirement applies when the adjacent residential property is outside the UV-D district and in an R-1, R-3, R-4, R-5 or R-6 district.

a) *Openings for circulation.* Openings through the perimeter landscaping, for pedestrian and bicycle circulation to and from public sidewalks or other circulation routes, shall be provided approximately every fifty (50) linear feet, with each opening no more than five (5) feet wide.

b) *Utility company screening policies in UV-T.* Screening of parking areas which utility companies allow on their properties within the UV-T district shall be subject to the policies of such companies with regard to allowable screening methods and the location and height of screening.

FIGURE 24-513.B
Screening of Off-Street Parking
in UV-D and UV-T Districts



Parking Area Perimeters. The screening and access standards illustrated above apply to surface parking areas that abut a public street right-of-way.

F. *Landscaping of off-street parking.*

(1) Parking lot trees shall be provided for any off-street parking area for ten (10) vehicles or more for a commercial, multifamily residential or mixed-use development, with a minimum of one 45-gallon tree for every ten (10) parking spaces, in accordance with Section 9-355.2.

a) Parking lot trees shall be planted so that each parking space is within fifty (50) feet of at least one such tree as measured from the center of the tree trunk to some point on the marked parking space. Depending on the size and shape of smaller parking areas, this may mean that the required tree(s) may be planted adjacent to rather than within the interior of the parking area. The required tree(s) also may be planted within an abutting public street right-of-way subject to the approval requirements of this Section.

b) When trees must be planted within the interior of a parking area to comply with the requirements of this subsection, or are otherwise incorporated within the interior, the following standards shall apply:

1) The planting area for each tree, whether located at an edge of the parking area or designed as an interior island or median between parking modules, shall be no less than six (6) feet across in any horizontal direction.

2) All planting areas shall have permeable surfaces and be planted with locally appropriate species as defined in this Section, which may include shrubs, groundcovers or grasses. If a

planting area is used as part of a biological stormwater treatment system, pursuant to an approved drainage plan, groundcovers shall be selected that are appropriate to that function.

3) Where required or otherwise incorporated, planting areas and landscaping islands shall be integrated into the overall design of the surface parking area in accordance with this chapter in such a manner that they may assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments.

(2) Where applicable, landscaped areas and walkways abutting parking spaces shall be protected by a wheel stop or six (6) inch curb that is at least three (3) feet from any landscaping except grass or ground cover. Curb lines may be interrupted to allow for stormwater flows into biological treatment areas pursuant to an approved drainage plan, provided that the curb openings do not interfere with the curb's protective function.

(3) All parking lot landscaping shall be located and maintained so as not to interfere with the act of parking or with parking area maintenance and so as not to create a traffic hazard by obscuring driver or pedestrian vision within the parking lot interior or at the intersections of walkways, driveways, collector lanes and streets, or any combination thereof.

(4) Interior landscaping of parking areas may be included as a condition of planned development approval for the purpose of providing trees and massed plantings.

(5) *Waiver of interior landscaping in UV-D and UV-T districts.* Off-street surface parking areas in the UV-D and UV-T districts shall be exempt from any required planting of trees within the interior of such parking areas given the limited developable area within these districts. Instead, the requirement in Section 9-355.1 of one tree for every ten (10) parking spaces shall be satisfied by planting such trees within or near the perimeter screening area required by this Section for off-street surface parking areas.

a) Any such trees planted within or near a perimeter screening area shall be maintained to provide a clear zone free of limbs, from ground level up to eight (8) feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles.

G. *Screening of parking structures and drive-under parking.* The ground level of a parking structure or ground-level parking located under an elevated building shall be screened from public street rights-of-way and/or any abutting residential use or zoning district through the installation of vegetative screening, except at points of ingress and egress. Such screening shall involve shrubs of five-gallon container size, spaced a maximum of four (4) feet on center, to form a continuous and solid visual screen, within one year of planting, exclusive of driveways, pedestrian walkways and visibility triangles. The shrubs shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height. Such screening shall not be required where a parking structure is wrapped with liner buildings that accommodate active uses other than parking, or where buildings are otherwise situated that obstruct views of the garage or of the drive-under parking.

(1) *Screening of upper levels of parking structures.* Each level of a parking structure above the ground level shall be designed to include screening along any façade that is not visually screened by an intervening building or structure from public view or abutting residential use or zoning district. Such screening shall consist of architectural and/or landscape elements that are at least three (3) feet and six (6) inches in height, as measured from the floor of the level, to provide a continuous and solid visual screen that blocks headlight glare from vehicles parked within the structure.

H. *Special provisions.*

(1) *Parking lot tree planting waiver in CMU/R-MF districts.* The requirements of this Section and of Section 9-355.2 related to parking lot tree planting shall not apply to off-street parking areas in the CMU and R-MF districts when the parking area is located behind a building on a development site or is otherwise not visible from abutting public street rights-of-way.

(2) *Relief on constrained sites in the UV-D and UV-T districts.* Upon the recommendation of the Administrative Official, the Planning and Zoning Commission may modify or reduce landscaping requirements, to the minimum extent necessary, to provide relief for constrained and/or redeveloping sites in the UV-D and UV-T districts where full compliance would be impractical and adjacent properties would not be unreasonably impacted.

(Ord. No. 83-095, § 11, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-050, §§ 1, 2, 8-19-1985; Ord. No. 86-009, § 1, 2-3-1986; Ord. No. 87-001, § 1, 1-5-1987; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 91-057, § 7, 7-1-1991; Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 17-008, § 1, 1-23-2017; Ord. No. 21-052, § 1(Att. A), 9-20-2021)

Sec. 24-513a. Design standards in commercial and mixed-use districts.

A. *Purpose.* The purpose of this Section is to establish reasonable design standards and related guidance to address community desire for visually appealing non-residential, multi-family, and mixed-use development that enhances the overall quality and character of the City, while balancing the legitimate development and commercial needs of property owners.

(1) *Urban Village districts.* For the Urban Village-Downtown (UV-D) and Urban Village-Transit-Oriented Development (UV-T) districts, certain standards within this Section, together with the use regulations and physical development standards for each district, are especially intended to promote and maintain an Urban development character as described in the respective district purpose statements.

(2) *Security emphasis.* All design processes within the CMU, R-MF, UV-D and UV-T districts shall also consider Crime Prevention Through Environmental Design (CPTED) principles to enhance the security of residents, workers and visitors.

B. *Applicability.* The design standards established in this Section apply to any new non-residential, multifamily, or mixed-use development in the Corridor Mixed Use (CMU), Residential - Multifamily (R-MF), Urban Village-Downtown (UV-D), and Urban Village-Transit-Oriented Development (UV-T) districts, and to any non-residential, multifamily, or mixed-use redevelopment in these districts that follows the removal of all pre-existing buildings on the site.

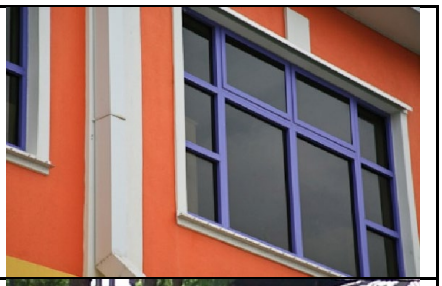
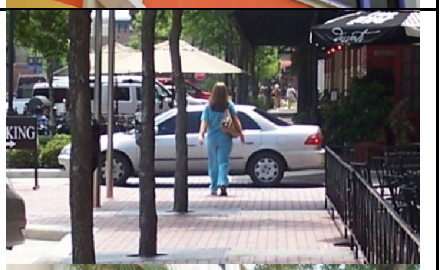
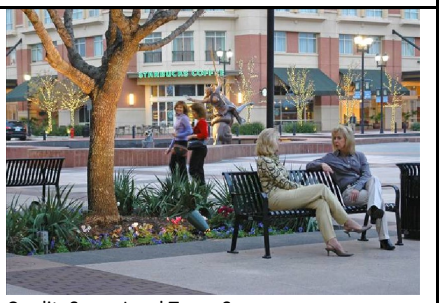
(1) The requirements of this Section regarding canopies and awnings, colors, and visual interest and anti-monotony shall also apply to the enlarged portion of an existing non-residential, multifamily residential or mixed-use building when the enlargement exceeds one thousand (1,000) square feet or twenty-five (25) percent in area, whichever is less, of the exterior dimensions of the building.

(2) The requirements of this Section shall not apply to the reconstructed portion of an existing building that was partially damaged or destroyed if the reconstruction involves less than fifty (50) percent of the pre-existing area of the exterior dimensions of the building.

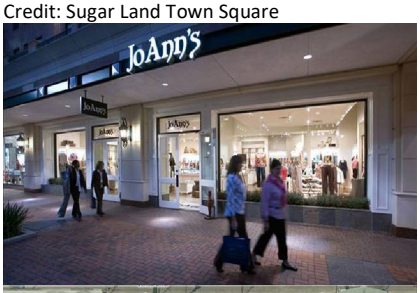
(3) Nothing in this Section shall be construed to require compliance with the requirements of this Section for finish or remodeling work to the interior of an existing building if such work does not result in an enlargement of the exterior dimensions of the building.

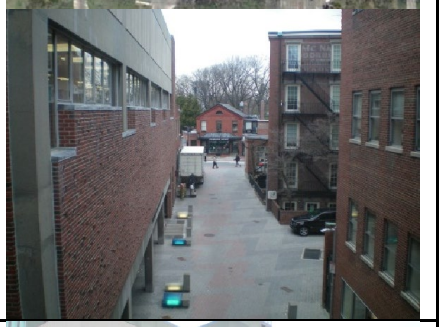
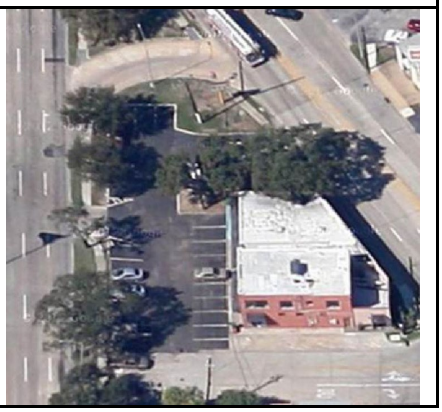
C. *Standards.* The specific standards are provided in Table 24-513a.A. The table is arranged in alphabetical order by the type of standard.

Table 24-513a.A Design Standards for CMU, R-MF, UV-D and UV-T Districts		
Applicable District(s)	Standards	Illustrations
CMU R-MF (only for Unified Design) UV-D UV-T	**Arrangement and Design for Multiple Buildings** Unified Design Developments with multiple structures on a single property shall reflect a coordinated design and include unifying elements such as common building forms, materials, textures, architectural detailing and colors. Massing Through Grouping (Not for CMU/R-MF) Individual buildings on a development site or on adjacent sites, if not attached, shall be arranged and designed to appear as a group of attached buildings to the extent practical. Clustering for Pedestrian Focus (Not for CMU/R-MF) Individual buildings on a development site or on adjacent sites shall be clustered, whenever possible, to create pedestrian-oriented precincts and walkable connections.	
CMU R-MF UV-D UV-T	**Canopies and Awnings** Use of canopies and awnings on building and parking structure façades adjacent to and above public sidewalks and other public spaces is encouraged to provide shade and weather protection and to add visual interest to structures, provided the placement and design of such canopies and awnings is consistent with the building architecture, and they are maintained in sound condition at all times. Projection Canopies and awnings shall project no more than six feet from the façade of a building or parking structure. Lighting Canopies and awnings shall not be backlit or internally lit.	
UV-D UV-T	**Clear Building Entries** The primary building entry shall be easily identifiable for visitors. The building architecture should reinforce the visual importance of the entry, and the entry design should be pedestrian-scale and transparent.	 Credit: Chipotle

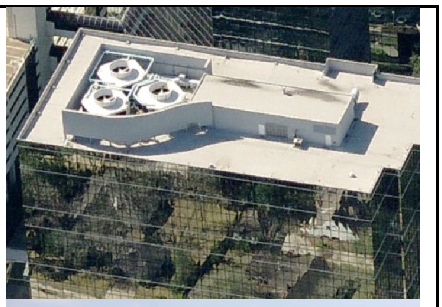
CMU R-MF UV-D UV-T	**Colors** Use of overly iridescent or fluorescent colors on any building façade or roof is prohibited, as determined by the Administrative Official, taking into consideration the existing range and use of color in architecture, signs and other physical improvements within the district and its vicinity.	
UV-D UV-T	**Curb Cut Limits for Vehicular Access** Such limits are intended to minimize vehicle-pedestrian conflict points at mid-block locations along public sidewalks, enhance the pedestrian environment within the district, and preserve the extent of curb space for on-street parking. • A maximum of one curb cut shall be permitted for every 100 feet of public street frontage. • All driveways shall be limited to two lanes, and in no case shall a driveway or associated curb cut exceed 30 feet in width. • Upon recommendation of the Administrative Official, the Planning and Zoning Commission may increase the maximum number or decrease the minimum spacing of curb cuts per segment of street frontage, as specified above, where warranted based on site-specific or emergency access considerations. <u>Pedestrian Safety</u> Wherever an access driveway, alley, vehicular access easement or other vehicular circulation path crosses a public sidewalk or other pedestrian path, a crosswalk treatment shall be installed consisting of a material that contrasts with the adjacent pavement in both texture and color (e.g., brick pavers, patterned concrete, etc.). • Access points for off-street parking areas and parking structures, where vehicles cross a public sidewalk or other pedestrian path, shall be well lit to ensure visibility of pedestrians and bicyclists.	 
UV-D UV-T	**Framing of and Relationship to Public Spaces** Individual buildings or groups of buildings on a development site or adjacent sites shall be arranged and designed, whenever possible, to form pedestrian-friendly outdoor plaza areas, courtyards and open spaces that are focal points for surrounding and nearby development and which encourage street activity, public gathering, outdoor dining, recreation, etc. Landscaping, street furniture, water features, public art, active play areas for	 Credit: Sugar Land Town Square

	children and/or other amenities should be incorporated to enhance the appeal of such spaces for pedestrians and users of the space. Such spaces should be adjacent to and easily accessible from a public street whenever possible. Private-Public Design Compatibility Where a development fronts on a public plaza, pocket park or other public space, the building architecture and other on-site elements shall be designed for compatibility with the existing or planned adjacent public space. Lighting Where a development fronts on public street rights-of-way and/or public plazas/spaces, exterior lighting shall be located and directed to provide adequate pedestrian-level illumination of public sidewalks and other immediately adjacent public ways and/or seating areas.	
CMU R-MF	**Freestanding Canopies** The design of freestanding or semi-freestanding canopies, such as those used as shelters for pump islands at auto service stations, and for port-cocheres, shall be consistent with the architectural style, predominant and accent materials, color, and lighting of the principal building on the development site.	
UV-D UV-T	**Grid Street Pattern** Where applicable, depending on the district size and shape and the nature and extent of proposed development or redevelopment, blocks shall be arranged in an approximate grid-like fashion to ensure connectivity and alternate circulation routes within the district. Variation from the grid pattern should occur only to avoid constraints or accommodate other desirable design elements.	

UV-D UV-T	**Ground-Level Uses** Development projects shall locate off-street parking and/or garage parking within the interior of blocks and away from public street frontages whenever practical so that such ground-level parking does not directly abut a public sidewalk. Instead, the ground level of structures that front on public sidewalks should be occupied by active retail, service, office, residential or other uses permitted in the district. "Wrap-around" design of active uses around parking garages is strongly encouraged. <u>Parking Structures</u> Where active uses along the ground-level street frontages of a parking structure are not practical, the parking structure and its vehicle entrances shall be designed to minimize views into the garage interior from adjacent streets through installation of decorative grilles or screens, additional landscaping, or other effective screening method.	Credit: Sugar Land Town Square  
UV-D UV-T	**Lighting of Buildings and Sites** Lighting of building exteriors and parking areas shall be designed to match the architectural character of the site and its vicinity in terms of fixtures and illumination.	 Credit: Sugar Land Town Square

UV-D UV-T	**Maximum Block Length** Where applicable, depending on the district size and shape and the nature and extent of proposed development or redevelopment, the length of a block, on any side, generally shall not exceed 400 feet. This distance is measured between streets that frame and define a block; however, a public access way or easement shall also be considered to define a block when, in the same manner as a vehicular through street, such access way or easement creates a break between private development sites that provides continuous non-vehicular circulation between streets on either side of the development sites.	 
CMU R-MF UV-D UV-T	**Multi-Family Development** Internalized Design Ingress to and egress from all dwelling units shall be made through the interior of the building rather than from direct outside entrances to each unit. Balconies At least 50% of the units shall be provided with a functional or faux balcony. All such balconies shall be located on side or rear building elevations to avoid projection of balconies over the front building line and into public right-of-way, when the front setback is less than five feet. Mechanical Equipment No window or wall-mounted air conditioning units are permitted.	
UV-T	**Off-Street Parking Limits*** Off-Street Parking Dispersion Off-street surface parking is permitted in the district, but concentrations of such parking shall be avoided to promote the desired Urban character and prevent disruption of non-vehicular circulation within the area. Maximum Parking Area Dimension No edge of an off-street surface parking area shall exceed 150 feet in length, and the entire parking area shall not exceed 21,780 square feet (½ acre).	

	* Drive-under parking is excluded from these provisions.	
UV-D UV-T	**Orientation of Residential Garages** All garage doors associated with any residential development in the district shall be oriented away from, and not be visible from, any public street right-of-way inside or outside the zoning district.	 NOT DESIRABLE (garages oriented to street)  DESIRABLE (garages not visible from street)
UV-D UV-T	**Parking Structures** Such structures shall be designed for architectural consistency with the primary building served or other nearby buildings in terms of façade design, articulation, finish materials and/or shielding of unfinished structural elements and mechanical equipment. <u>Special Design Elements</u> Parking structures shall include architectural and/or landscape elements which enhance the garage appearance and help to screen parked vehicles and interior lighting from external view (e.g., decorative screens, trellises with or without associated vegetation, façade and roofline variation).	

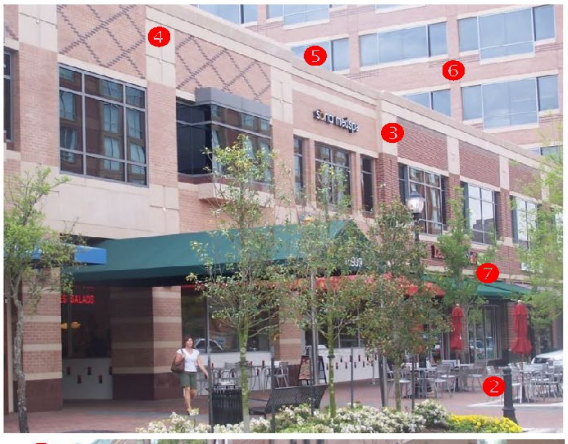
CMU R-MF UV-D UV-T	**Screening of Mechanical/Service Equipment** Rooftop Mechanical Equipment Such equipment shall be completely screened from ground-level public view through design and materials consistent with the overall building design and colors, including potential use of sloped roofs or other architectural elements (e.g., parapet walls) that conceal flat roof areas where mechanical equipment is mounted. • Where a green roof system is installed and maintained on a rooftop, dense vegetative screening may be used to satisfy the screening requirement for mechanical equipment. (Only for UV-T) Ground-Level or Building-Mounted Service Equipment Such exterior equipment (e.g., mechanical components, electrical drops, utility meter banks, heating/cooling controls) shall be completely screened from ground-level public view through design, materials and/or painting consistent with the overall building design and colors. The required screening may also be accomplished through installation of dense, year-round vegetation as shown on the site landscape plan.	 
CMU	**Service Bays** Uses with overhead doors providing access to service bays (e.g., auto service/repair) shall, wherever the site size, shape and orientation allows, place any building wall with overhead doors perpendicular to public street frontage. Where such building orientation is not practical, the overhead doors shall be of similar color to the building façade or roof material.	
UV-D UV-T	**Sidewalks** Sidewalks with a minimum width of 10 feet shall be provided along each side of a site that abuts a public street. Such sidewalks shall be designed and constructed according to City standards. Applicants may use any alternative design treatments for public sidewalks which are specified for the district, if any, in Section 23.5-21(d) in Chapter 23.5, Land Subdivision Regulations, of the City Code. *Relief on constrained sites in UV-D.* Upon the recommendation of the Administrative Official, the Planning and Zoning Commission may reduce the sidewalk width standard to the minimum extent necessary, and in no case to less than 6 feet of sidewalk width, to provide relief for constrained	

	and/or redeveloping sites where full compliance would be impractical. <u>Public Access Easement</u> Where a sidewalk or portion of the sidewalk required by this Section is situated outside the City street right-of-way, the property owner shall establish a public access easement so that such sidewalk area is continuously available for public use. <u>Arcade Treatment</u> Arcades may be constructed along building façades to provide shelter and shade, but shall be located entirely outside the public right-of-way. The arcade design shall also incorporate adequate pedestrian-level lighting under the arcade for visibility and security.	
UV-D UV-T	**Transparency of Non-Residential Uses at Street Level** Building façades associated with non-residential uses that face public street rights-of-way, public plazas/spaces shall have windows at the ground level, for product display or other active building uses, which, together with door openings, comprise at least 60 percent of the ground-level façade. • Such ground-level windows and doors shall be non-mirrored, allowing views into and out of the interior of the building, to the extent practical given code requirements governing the selection of window glass. Frosted glass or other treatment is permitted for doors and windows where privacy is needed (e.g., bathrooms).	 Credit: Whole Foods

UV-D UV-T	**Overhead Utility Lines** All local utility wires, not including high-capacity power transmission lines, shall be installed underground.	
CMU R-MF UV-D UV-T	**Visual Interest and Anti-Monotony** The standards below shall apply to all exterior elevations of structures that are not visually screened by an intervening building or structure from public view. **Building Articulation** Building façades to which these standards apply shall be articulated to reduce the apparent mass of the structure and to add visual appeal. This may be accomplished by stepping back a portion of the façade periodically relative to the building line, along with other design variations in the façade as illustrated in Figure 24-513a.A, below. **Roofline Articulation** For flat roofs or façades with a horizontal eave, fascia or parapet, the roofline shall be varied vertically so that no unmodulated segment of roof exceeds 50 feet in horizontal dimension. This standard can also be satisfied by incorporating design elements such as functional or faux dormers, gables, towers, or chimneys. <u>Avoidance of Blank Walls</u> Any exterior building elevation that faces a public street right-of-way, public plaza/space, public parking area or area of residential use shall have no more than 16 feet of uninterrupted blank wall space in a horizontal or vertical direction. This standard can be satisfied by incorporating window openings,	See Figure 24-513a.A, below, for graphics illustrating building articulation and other techniques for adding architectural interest.

	porches or balconies, articulation of the building façade, decorative cornices, material and color variations, or score lines. Landscape Treatment for Large Walls Where buildings are more than 60 feet in length or 35 feet in height, site trees required by the landscaping standards of this Chapter (and not required street trees) shall be arranged to break up the appearance of building mass so that the building is perceived to be divided into lengths of no greater than 50 feet when viewed from ground-level public vantage points.	

Figure 24-513a.A
Examples of Building Designs and Articulation Standards





Architectural Variation and Quality. The images above provide examples of the following standards as numbered on the images:

1. Arcade treatment.
2. Street-level transparency.
3. Building articulation through step-backs of the frontfaçade.
4. Building articulation through avoidance of blank walls.
5. Building articulation through roofline variation.
6. Quality and durable building materials.
7. Use of awnings and canopies.

(Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 17-008, § 1, 1-23-2017; Ord. No. 19-059, § 1(App. A), 11-4-2019)

Sec. 24-514. Off-Street Parking and Loading.

A. *Purpose.* The requirements of this Section are intended to reduce congestion of the public streets and to promote the safety and welfare of the public by ensuring the availability of adequate off-street parking and loading facilities in the City of Bellaire.

B. *Required parking.*

(1) Off-street parking spaces shall be provided for each use in accordance with the requirements of each district.

(2) The number of required off-street parking spaces that are designed and designated for disabled persons shall comply with the requirements of the Texas Accessibility Standards.

(3) When calculating the number of required off-street parking spaces, fractions of less than one-half shall be disregarded, and fractions of one-half or more shall be counted as one (1) space.

C. *Location of required parking spaces.*

(1) For single-family detached and single-family attached dwelling units, required parking shall be located on the same lot.

(2) Spaces needed to meet parking requirements for all uses other than single-family detached and attached dwellings may be located off-site on a separate property provided that the most distant parking space that is located off-site is no more than three hundred (300) feet from the principal building associated with the use, and the off-site parking is not separated from the use by an arterial street, a limited-access highway or other impediment to pedestrian circulation.

a) No more than fifty (50) percent of the total required off-street parking spaces shall be located off site. None of the required parking spaces for disabled persons shall be located off site. None of the off-site parking shall involve or displace the off-street parking required of another use except through a shared parking arrangement under this Chapter.

b) An identifiable and publicly available pedestrian connection shall exist between the off-site parking area and the use.

c) Any proposed off-site parking arrangement, and the continued availability of the dedicated parking, shall be documented through a written legal agreement executed by the involved property owners. An agreement shall be reviewed by and be satisfactory to the City Attorney as to form, sufficiency and manner of execution, and shall bind all heirs, successors and assigns. Off-site parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force.

1) If there is a change in circumstances regarding the off-site parking area, which displaces, reduces or terminates the required parking, the owner of the use served by the off-site parking shall promptly notify the Administrative Official of the changed circumstances and his plans for maintaining full compliance with this Chapter.

2) Failure to notify the Administrative Official of changed circumstances, or to provide the required parking within ninety (90) days of any loss of required parking, shall be cause for initiating revocation of the certificate of occupancy for the use.

D. *Use of required parking spaces.* No portion of any required off-street parking space shall be used for the storage, sale or display of merchandise, or the storage, sale or display of complete or dismantled vehicles, except as authorized in this Code.

(1) Blocking access to required off-street parking and loading spaces is prohibited, and dumpsters, trash enclosures, utility equipment or other site improvements or activities shall not be located in off-street parking and loading spaces.

E. *Design of required parking spaces.*

(1) Except as provided in subsection (2) or as otherwise specified in a planned development approval, each required parking space shall have the dimensions as hereinafter provided.

(2) Required parking spaces shall be dimensioned as specified in Table 24-514.A.

a) Vertical clearance of not less than eight (8) feet from all structures and trees/vegetation shall be provided over all parking space types. Additional clearance shall be provided, as appropriate,

over spaces designated for vans, light trucks and other larger vehicles that require greater clearance. All parking garage entrances shall include an overhead bar to alert drivers of oversized vehicles regarding clearance.

Table 24-514.A Parking Space Dimensions		
Type of Space	Space Width x Length	Other Specifications
Angled (up to 90 degrees)	9 feet x 19 feet	Length may be reduced to 18 feet where vehicle overhang of a pavement edge is anticipated.
Parallel	9 feet x 23 feet	
Designated for Disabled Persons	Such spaces shall be designed and located as required by the *Texas Accessibility Standards.*	
Designated for Bicycles	2 feet x 6 feet	Minimum width of four feet for access aisles beside or between rows of bicycle parking.

F. *Change of use.* Whenever a use which is in existence on the date of enactment of this chapter is changed or modified so that additional parking spaces are required under this chapter, the new required parking spaces shall comply with the requirements of this Section. A nonconformity with the terms and provisions of this Section as to insufficient parking spaces may be continued, but the nonconformity shall not be increased as provided for in Article VII of this chapter.

G. *Required off-street loading spaces.*

(1) *Location of required loading spaces.* Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in a required front yard.

(2) *Designation and use.* Each required loading space shall be designated as such and shall only be used for loading purposes.

(3) *Design and maintenance.*

a) *Dimensions.* Each space shall be a minimum of twelve (12) feet wide, forty-five (45) feet long, with an unobstructed vertical clearance of not less than fourteen (14) feet. (Ord. No. 83-095, § 13, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

b) *Screening.* All loading spaces or maneuvering areas shall be fully screened from view of any residential use by a uniformly colored, solid, visual and auditory barrier of not less than five (5) feet nor greater than seven (7) feet in height or a densely planted landscape screen consisting of evergreen shrubs or trees which shall be at least four (4) feet in height when planted and which can be expected to reach at least six (6) feet in height within three (3) years thereafter. The screening shall extend the full length of any loading facility with openings as required for ingress and egress, with not greater than twenty percent open space within the screen. The screen shall not be located closer than five (5) feet to any lot line.

1) *Screening waiver in UV-T district.* Requirements in this subsection for screening of loading spaces and maneuvering areas from the view of any residential use do not apply in the UV-T district, but such areas shall be fully screened where visible from an abutting public street right-of-way. Additionally, loading and truck access areas shall be located behind principal buildings relative to public street frontage whenever practical, and such areas shall also be accessible from alleys or vehicular access easements where available and practical.

c) *Surfacing and drainage.* All loading spaces shall be surfaced with an all-weather, durable and dust-free surface and shall be graded and drained to dispose of surface water accumulation by means of a storm water drainage system.

(4) *Number required.* One (1) loading space shall be required for the first 50,000 to 100,000 square feet of commercial floor area, and one (1) space shall be required for each additional 200,000 square feet of commercial floor area.

(5) *On-street loading in UV-D and UV-T districts.* On-street, over-the-curb loading is permitted in the UV-D and UV-T districts between the hours of 7:00 a.m. and 10:00 p.m.

(Ord. No. 83-095, §§ 12, 14, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986; Ord. No. 87-001, § 1, 1-5-1987; Ord. No. 14-013, § 1, 3-3-2014)

State law reference(s)—Municipality may regulate parking on private property, V.T.C.A., Local Government Code § 431.001.

Sec. 24-514a. Parking requirements, non-single family.

(a) *General Requirements.* The following requirements as provided in Table 24-514a.A are hereby established as parking regulations for all structures and developments other than single-family dwellings (attached or detached), including planned developments, which may be found in all zoning districts as permitted.

TABLE 24-514a.A Required Off-Street Parking	
Use Classification	Minimum Parking Spaces
Office	
a. General office	3 per 1000 SF GFA
b. Financial institution	3 per 1000 SF GFA
Residential	
a. Multi-family residential	1.75 per dwelling unit
b. Retirement/Assisted living community	0.75 per dwelling unit or room, plus 1.0 per employee of largest shift
c. Hotel or motel	1.0 per room
Health Care Facilities	
a. Hospital	1.75 per bed
b. Medical or dental office	3.5 per 1000 SF GFA
c. Nursing home	1.0 per bed plus 1 per 3 employees
d. Funeral home or mortuary	.05 per chapel seat
e. Veterinary clinic	5.0 per 1000 SF GFA
Industrial and Commercial Manufacturing	
Wholesaling and warehousing	2.5 per 1000 SF GFA of office space; and 1.00 per 5,000 SF GFA of non-office space
Light manufacturing	2.5 per 1000 SF GFA of office space; and 1.00 per 5,000 SF GFA of assembly space
Other industrial/manufacturing	2.5 per 1000 SF GFA of office space; and 1.00 per 5,000 SF GFA of non-office space
Religious, Civic, and Educational	

a. Place of worship or private club	1 per every 3 seats in main sanctuary/meeting room; if no fixed seating, 1.0 for every 40 square feet of GFA in the main sanctuary/meeting room
b. Nursery school or day care center	1.0 for every employee on duty during the largest shift; plus 1.0 per 5 children in attendance when the facility is operating at maximum capacity.
c. School, elementary	According to use as determined by the specific use permit
d. School, junior high/middle	
e. School, high	
f. College, university, trade school	1 per every 3 students
g. Art gallery or museum	3.0 per 1000 sf of GFA
Recreation and Entertainment	
a. Theater, including movie	1.0 per every 3 seats
b. Bowling alley	5.0 per lane
c. Sports club or health spa	5.0 per 1000 sf GFA
d. Swimming club	9.0 per employee
Food and Beverage	
a. Take-out restaurant (without seating)	4.0 plus 1 for every 1000 sf of GFA
b. Dessert shop	6.0 for every 1000 sf of GFA
c. Restaurant	10.0 for every 1000 sf of GFA
Retail Services	
a. Grocery store	5.0 per 1000 sf of GFA
b. Furniture store	2.0 per 1000 sf of GFA
c. General retail	4.0 per 1000 sf of GFA
d. Barber or beauty salon	3.0 per operator chair
Automobile	
a. Vehicle sales	5.5 per 1000 sf of GFA
b. Auto repair	5.0 per 1000 sf of GFA
c. Car wash	1.0 per bay
d. Service station	3.0 per service stall; plus 1.0 per each employee on duty during largest shift
e. Auto parts store	4.0 per 1000 sf of GFA; plus additional 2.0 per 1000 GFA is mechanic shop is incorporated.

(1) GFA — Gross Floor Area (excludes space used for distinct lobbies, hallways, elevators, mechanical equipment, etc.).

(b) *Mixed use.* Mixed-use development in the CMU, UV-D and UV-T districts may be granted reductions in required parking as provided in this subsection.

(1) *Shared parking table.* Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak parking demands at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:

a) Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals, such as (e.g., handicapped parking), by the appropriate percentage listed in Table 24-514a.B, for each of the designated time periods.

b) Calculate a sum for all uses for each of the five columns. The minimum parking requirement is the highest of these sums.

c) In general, the maximum reduction pursuant to Table 24-514a.B shall be 25 percent. However, a greater reduction is permitted, provided that:

1) Sufficient land is set aside for each parking space in excess of the 25 percent reduction that is not constructed, so that the spaces may be constructed at a later date should the Administrative Official determine that they are necessary; and

2) The property owner executes and records a document that guarantees that the spaces will be constructed upon written order of the Administrative Official.

Table 24-514a.B:
Shared Parking Table

Use	Weekday			Weekend	
	Night (12:00 a.m. to 6:00 a.m.)	Day (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to 12:00 a.m.)	Day (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to 12:00 a.m.)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail/ Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Commercial Amusement	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

(2) *Special shared parking study.* As an alternative to the methodology in Table 24-514a.B, an applicant may propose a special study to document the parking required for mixed uses by reviewing peak loading times for uses during a 24-hour day and designing for the peak hour demand.

a) The study shall provide data on the following:

1) The recommended parking needs of the project.

2) The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.

3) Similar mixes of uses in other areas of the community or surrounding region.

4) Degree of variability of parking for individual uses (average, range and standard deviation).

b) The shared parking study must be conducted by a professional engineer with experience in parking analysis and planning.

1) The City may retain a qualified engineer, at the applicant's expense, to prepare the special study and provide recommendations to the City; or

2) The City may rely on the applicant's selected engineer to conduct the study, with review provided by City technical staff and/or consultant.

c) Upon the recommendation of the Administrative Official, the Planning and Zoning Commission may require a reserved open area on the site to offset the risk of parking needs increasing over time. Once the project is occupied and well established, if there is a surplus of parking, the applicant may petition for additional development capacity and parking using the reserved area.

(3) *Design of shared parking.* Where shared parking is implemented:

a) A pedestrian circulation system shall be provided that connects uses and parking areas, making it easy and convenient to move between uses.

b) All shared parking shall be located within 150 feet of any building which it serves, as measured along an established pedestrian route from the nearest point of the parking facility to the nearest point of the use served.

(c) *Shared parking among sites under different ownership.* Adjoining developments with separate property ownership in the CMU, UV-D and UV-T districts may propose shared parking arrangements in accordance with the purposes and procedure of Section 24-514a(b)(1), above, with the following conditions:

(1) Cooperating property owners shall use Table 24-514a.B to calculate the reduction in required parking to be achieved through a shared parking arrangement.

(2) The Administrative Official is authorized to approve joint parking arrangements in accordance with this subsection.

(3) In addition to the conditions specified in this Section, above, for shared parking among mixed uses on a single site, a shared parking arrangement among multiple sites shall require:

a) Provision for interconnected parking areas between the sites to accommodate vehicular circulation; and

b) Recorded easements that provide for, at a minimum:

1) Cross-access among the parking areas and connections to permit parking by the different uses anywhere in the connected properties;

2) A pedestrian circulation system that connects uses and parking areas, making it easy and convenient to move between uses; and

3) Allocation of maintenance responsibilities.

(d) *Stacking spaces.* Uses with drive-through facilities in the CMU and UV-D districts shall provide vehicle stacking spaces as set out in this Section and in Table 24-514a.C. Stacking spaces include the spaces at menu boards, service windows, and drive-through lanes for Automated Teller Machines (ATMs).

(1) Size of stacking spaces: 8 feet wide x 18 feet long, exclusive of access drives and parking aisles.

Table 24-514a.C: Required Stacking Spaces	
Land Use with Drive-Through	Stacking Requirement
Generally (if not listed below)	3 per drive-through lane or service window, including the position at the window
Banks and credit unions	Single drive-through lane: 6, including the position at the service window/station Multiple drive-through lanes: 5 per lane, including the position at the service window/station ATMs: 3, including the position at the ATM
Restaurants	8 to each menu board 3 between menu board and service window OR, if multiple windows (for payment and then service): 4 between menu board and the first window,

	including the position at the first window 2 between first and second windows, including the position at the second window

(Ord. No. 01-037, § 7(24-514a), 4-16-2001; Ord. No. 14-041, § 1, 8-18-2014)

Ord. No. 14-041, § 1, adopted August 18, 2014, amended § 24-514a to read as set out herein. Previously § 24-514a was titled parking in commercial and mixed-use districts.

Sec. 24-515. Special Off-Street Parking Regulations.

In all residential districts, no truck exceeding three-fourths ton capacity, no bus, no recreational vehicle, trailer, boat, motor home or mobile home shall be parked or stored on any abutting street or within the front yard, as such terms are defined in this chapter, and shall not, anywhere within any of such districts, be used as a dwelling or for business, commercial or storage purposes.

A truck, bus, recreational vehicle, trailer, boat, motor home or mobile home may only be parked behind the rear plane of the primary structure.

Sec. 24-516. Parking on Unsurfaced Area Prohibited.

A. It shall be prohibited to park unattended vehicles on the unsurfaced area within the distance between the edge of the curb or edge of the paved surface of a public street abutting a front or side yard and the outermost surface of any structures located on any property. For the purpose of this Section unsurfaced area includes, but is not limited to, those areas covered with grass and/or other vegetation, whether natural, planted or landscaped.

B. It shall be an affirmative defense to prosecution under this Section that the vehicle was parked on an uncurbed street with two wheels on the same lateral side of the vehicle resting on and parallel to the paved portion of the street and two wheels on the same lateral side of the vehicle resting on and parallel to the unsurfaced area defined in (a) above; provided, however, that such parking in no way impedes the orderly flow of traffic on said street. (Ord. No. 82-028, § 1, 4-19-1982)

Sec. 24-517. Home Occupations.

A. *Authorization.* A home occupation shall be permitted in any residential dwelling unit or accessory structure provided that the home or structure complies with the terms and provisions of this chapter.

B. *Purpose.* The regulations of this Section are designed to protect and maintain the residential character of established neighborhoods while recognizing that particular professional and limited business activities are traditionally and inoffensively carried on in the home. All home occupations are subordinate to the primary use of the home as a place of residence and shall not interfere with the enjoyment of surrounding homes as places of residence.

C. *Limitation on home occupations.* Any home occupation is prohibited when:

(1) The home occupation causes, by reason of its existence, a noticeable increase in the number of motor vehicles traveling to and from the home or on the public streets surrounding or abutting the home; or when

(2) The home occupation in any way destroys or interferes with the primary use of the home as a place of residence.

D. *Particular home occupations permitted.* Permitted home occupations are (list is not all inclusive).

(1) Homebound employment of a physically, mentally or emotionally handicapped person;

(2) Office facilities for salesmen, sales representatives and manufacturers' representatives, when no retail or wholesale sales are made or transacted on premises;

(3) Studio or laboratory of an artist, musician, photographer, craftsman, writer, tailor or similar person;

(4) Office facilities for accountants, architects, brokers, engineers, lawyers, insurance agents, realtors and members of similar professions.

E. *Use limitations.* In addition to the requirements of the zoning district in which it is located and those requirements herein previously set out, all home occupations shall comply with the following restrictions:

(1) No stock in trade shall be displayed or sold on the premises;

(2) The home occupation shall be conducted entirely within the principal dwelling unit or accessory structure, or off premises in accordance with all applicable provisions of this chapter, and in no event shall such use be visible from any other residential structure or public way;

(3) There shall be no outdoor storage of equipment or material used in the home occupation;

(4) No more than one vehicle shall be used in the conduct of the home occupation;

(5) No mechanical, explosive, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used;

(6) No home occupation shall be permitted which is noxious or offensive to a person of ordinary sensitivity or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions; (Ord. No. 89-009, § 1, 3-6-1989)

(7) Advertising.

a) Forms of advertising of home occupations that are permitted:

1) Word of mouth by telephone or face to face;

2) Free listing in telephone directories and business journals and directories; and/or

3) Business cards and stationery. (Ord. No. 89-009, § 1, 3-6-1989)

b) Forms of advertising home occupations that are prohibited:

1) Any sign, display or written advertisement of the occupation or the telephone number of the occupation except as specifically listed in (7)a; and

2) Any radio or television advertisement of the occupation or the telephone number of the occupation or any other means of advertisement by word of mouth except as specifically listed in (7)a. (Ord. No. 81-006, § 4, 2-23-1981)

Sec. 24-518. Expansion of Nonconforming Residential Structures.

Notwithstanding the minimum requirements for side yards and rear yards as herein set out, any existing residential structure, lawfully existing prior to the enactment of this chapter or any amendment hereto, located within the City of Bellaire may be expanded or enlarged as long as such expansion or enlargement does not extend into the required side yard or rear yard beyond the outermost surface of the existing building line, and as long as

such expansion does not violate the City's fire code or any other code, ordinance, rule or regulation of the City of Bellaire. (Ord. No. 81-006, § 5, 2-23-1981)

Sec. 24-519. Residential Planned Development.

Residential planned developments may be proposed for lands immediately adjacent to Interstate Highway Loop 610, provided that the subject property abuts the right-of-way of either Interstate Highway Loop 610 East Service Road or West Service Road and that the project will not isolate or surround any parcel of land abutting it. The intent of allowing such development is to acknowledge the adverse impact of the freeway and encourage development of projects of high quality which will mitigate these effects with sound barriers such as walls and landscaping that will act as buffers both for the development and for adjacent residential areas. Such lands in any zoning district, except the Light Industrial District, may be approved as residential planned developments, subject to the following restrictions and limitations.

(1) *Size and area.*

a) *Project area:* The minimum project area shall be two (2) acres with a gross density not to exceed ten (10) dwelling units per acre, which is equivalent to an average minimum lot size of 4,300 square feet. The depth of the site from the service road shall not exceed 400 feet. In the event that a line 400 feet from the service road bisects a lot, the nearest platted lot line legally existing at the time of adoption of this Section shall be the outermost boundary of the Planned Development District.

b) *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

c) *Minimum floor area per dwelling unit:* 1,250 square feet.

d) *Building lines.*

1) The front building line shall be setback a minimum of ten (10) feet from any new street right-of-way dedicated as a part of the planned development district, except that in no case shall required parking obstruct pedestrian flow in the required sidewalk.

The front building line facing an existing public street other than the East and West Service Road of Loop 610 shall be set back from the public street right-of-way a minimum distance, which shall be determined by computing the average distance between the outermost surface of the existing main buildings on the two (2) abutting lots and the edge of the public street right-of-way. However, in the event that there are no existing buildings on the two (2) abutting lots, the required setback distance shall be twenty-five (25) feet.

In the event that the front building line is facing a court, as that term is defined herein, there shall be a minimum separation between front building lines of forty (40) feet with at least ten (10) feet of yard space from the front of the building to the property line and twenty (20) feet for a public utility easement, for pedestrian access as well as utilities between the property lines.

2) No building line of any structure within the planned development district shall be located any closer than eight (8) feet to the side lot line of any residential lot adjacent to the planned development district. In the event that any portion of the planned development site includes a corner lot, no such building line shall be located closer than ten (10) feet to the right-of-way of the adjacent side street, designated as such on the approved plat of the

planned development. This provision does not apply to the corner lots in the event that the right-of-way of the adjacent side street is the East or West Service Road of Loop 610.

Within the interior of the planned development district, zero lot lines are permitted for adjacent residential units; but in the event that the main residential units are separated, a minimum of six (6) feet must be maintained between units.

3) No building line of any main residential structure shall be located within a distance of seventy-five (75) feet of the East or West Service Roads of Loop 610. A berm and/or plantings shall be located within this strip that are not less than five (5) feet in width and six (6) feet in height at the time of occupancy of the site. The individual trees or shrubs shall be planted and maintained by the owner or occupant so as to provide a dense screen year-round. At least 50 percent of the plantings shall consist of evergreens. A solid wall or fence, not to exceed eight (8) feet in height, complemented by suitable plantings, may be substituted for the landscaped screening, if specifically authorized as a condition to the approval of the planned development. The strip may be part of the yard or common area of residential uses within a planned development or have required parking and/or recreational amenities located within it.

4) No building line of any structure within the planned development district shall be located any closer than ten (10) feet to the rear lot line of any adjacent residential lot.

5) No contiguous building lines of structures having zero lot lines shall exceed 200 linear feet.

e) Maximum site coverage: 60 percent of site area.

(2) *Parking and driveways.* Each home within the planned development district shall have as a minimum one (1) car garage; driveways shall be of such design as to accommodate two (2) vehicles per unit totally on site. Within the planned development district, two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required six (6) foot minimum distance is maintained between separated main residential structures.

(3) *Screening and landscaping.* Generally, screening and landscaping shall be required for the planned development district according to the specifications set forth in Section 24-513, Division 1, of this Article.

(4) *Soundproofing.* All dwelling units shall be soundproofed such that residents will not be subject to sustained noise from Interstate Highway 610 in excess of fifty (50) db(A). (Ord. No. 82-020, § 14, 3-29-1982)

Sec. 24-520. Minimum Setback Along Bellaire Boulevard.

The front building line for all residential development along Bellaire Boulevard shall be set back a minimum of thirty (30) feet from the property line. (Ord. No. 82-020, § 15, 3-29-1982)

Sec. 24-521. Communication Towers and Antennas.

The following general conditions for communication towers and antennas shall apply regardless of whether the communications tower or antenna is to be construed as a permitted use or a specific use.

A. *Permit Required.* Before construction of a communication tower or antenna, a permit must be obtained from the Building Official. Issuance of the permit shall be conditioned upon submission of plans and specifications, payment of established fees and continued compliance with all requirements relating to communication towers or antennas set forth in the City Code.

B. *Availability of suitable existing communication towers or other support structures.*

1. All new communication towers shall be designed to structurally accommodate the maximum number of additional users as economically, as well as, technically practicable.

2. No new communication tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Building Official that no existing communication tower or antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing communication tower or antenna support structure can accommodate the applicant's proposed antenna may consist of any of the following:

   (a) No existing communication towers or antenna support structures are located within the geographic area required to meet applicant's engineering requirements, or

   (b) Existing communication towers or antenna support structures are not of sufficient height to meet applicant's engineering requirements, or

   (c) Existing communication towers or antenna support structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength, or

   (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing communication towers or antenna support structures, or the support structures would cause interference with the applicant's proposed antenna, or

   (e) The fees or costs required to share an existing communication tower or antenna support structure or to adapt an existing tower or antenna structure for sharing are unreasonable, or

   (f) Property owners or owners of existing communication towers or antenna support structures are unwilling to accommodate the applicant's needs, or

   (g) The applicant demonstrates that there are other limiting factors that render existing communication towers and antenna support structures unsuitable.

3. The permit granted for the construction and continued operation of a new communication tower is specifically subject to the condition that the communication tower owner abides by the following provisions relating to shared use:

   (a) The communication tower owner shall respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;

   (b) The communication tower owner shall negotiate in good faith for shared use by third parties; and

   (c) The communication tower owner shall allow shared use where the third party seeking the use agrees in writing to pay reasonable, pro rata charges for sharing, including payment of all charges necessary to modify the communication tower and transmitters to accommodate shared use, but not total communication tower reconstruction, and to observe whatever technical requirements are necessary to allow shared use without creating interference.

C. *Distance from adjacent property.* Communication towers shall be spaced from all adjacent property at a minimum of 125 percent of the height of the communication tower measured from the base of the communication tower to the nearest adjacent property line.

D. *Height Restriction.* The maximum height for communication towers shall be one hundred twenty feet as measured from the base of the communication tower to its highest point.

E. *Structural Integrity.* To ensure the structural integrity of communication towers or antennas, the owner of a communication tower or antenna shall, before building such structure, submit a structural integrity report to the Building Official prepared by a registered professional engineer prior to placing such communication tower or antenna into service. In addition, the owner shall ensure that the communication tower or antenna is maintained in compliance with all standards contained in applicable local building codes and the applicable standard for communication towers and antenna that are published by the electronic Industries Association, as amended from time to time. The owner of a communication tower or antenna shall submit on an annual basis, to the Building Official, a certification of structural integrity prepared by a registered professional engineer. If the Building official determines that the communication tower or antenna fails to comply with such codes and standards and constitutes a danger to persons and property, then upon notice being provided to the owner, the owner shall have thirty (30) days to bring such communication tower or antenna into compliance with such codes and standards. If the owner fails to bring such communication tower or antenna into compliance within the said thirty (30) days, the City may remove such communication tower or antenna or cause it to be removed at the owner's expense.

F. *Security Fencing.* Communication towers, other than monopole antenna support structures, shall be enclosed by fencing not less than eight feet in height and shall be equipped with an appropriate anti-climbing device. Access to the communication tower shall only be through a locked gate.

G. *No hazardous materials on site.* The storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, natural gas, and dangerous chemicals shall be prohibited on any site used for the location of a communication tower or antenna except for that fuel needed for a backup generator.

H. *Radiation Standards.* Communication towers and antennas shall comply with current Federal Communication Commission Standards for non-ionizing electromagnetic radiation (NIER). The owner shall submit verification that the proposed site plan ensures compliance with these standards prior to placing any communication tower or antennas into service.

I. *Visual impacts.*

1. Communication towers shall, subject to any applicable standards of the FAA or other applicable federal or state agency, have a neutral finish, or otherwise be constructed so as to reduce visual obtrusiveness, and blend the tower facilities to the natural setting and built environment.

2. Communication towers and antennas shall not be illuminated except as required by FAA regulation or other federal or state agencies.

J. *Abandonment.* Any antenna or communication tower that for a continuous period of twelve (12) months is not operated, shall be considered abandoned, and the owner of such antenna or communication tower shall remove same within ninety (90) days of receipt of notice from the Building Official notifying the owner of such abandonment. If such antenna or communication tower is not removed within said ninety (90) days, the Building Official may cause such antenna or communication tower to be removed at the owner's expense. If there are two or more users of a single communication tower, then this provision shall not become effective until all users cease using the communication tower.

Federal law reference—Preservation of local zoning authority regarding wireless telecommunications facilities, 47 USC § 322(c)(7).

Sec. 24-522. Setback Requirements for Combined Lots.

When two or more lots are combined, whether by plat, replat, or amended plat, after August 7, 2006, the new lot will retain the setback from each street that existed prior to the combination.

(Ord. No. 06-070, § 2, 8-7-2006)

Sec. 24-523. Through Lots Prohibited.

No plat, replat or amending plat shall be approved if such approval results in the creation of a through lot. Through lots in existence as of December 3, 2007, may continue.

(Ord. No. 07-074, § 2(Exh. A), 12-3-2007)

Sec. 24-524. Site Plan Review.

A. *Required Information.* Development applications which require administrative and/or Planning and Zoning Commission review of a site plan under this chapter, as well as all applications for a planned development amendment to this chapter, shall include the following information in a format specified by the Administrative Official:

(1) North arrow and scale.

(2) Vicinity map indicating the general location of the site and its relationship with adjacent and nearby streets in all directions from the site to a distance of 200 feet.

(3) Surrounding uses, activities and influences of the site and adjacent properties within 200 feet, including:

a) Public streets, and the location of any existing traffic control devices.

b) Bicycle and/or pedestrian facilities, routes, paths or other existing improvements.

c) Driveways that exist or which are proposed to the degree that they appear on plans on file with the City.

d) Any buildings that exist or are proposed to the degree that their location and size are shown on plans on file with the City.

e) Residences, which may be shown in approximate location and general size and shape.

(4) The boundary lines of the area included in the site plan, including bearings, dimensions and reference to a point on a recorded plat.

(5) Existing and finished grades or contours, as applicable.

(6) Identification of any areas on the site or within 200 feet that are within the 100-year floodplain.

(7) The size of the subject property, and sufficient dimensions to indicate the relationship between buildings, property lines, zoning district boundaries, parking areas and other elements of the plan.

(8) Existing structures and other improvements on the site.

(9) The general location of new public streets, any proposed improvements or adjustments to existing public streets, and points of ingress to and egress from the development.

(10) Proposed location of buildings and other structures, parking areas, driveways, on-site circulation, screening and buffering, drainage patterns, public streets and any existing or proposed easements.

(11) A schedule indicating total site area, total floor area, lot coverage relative to landscape surface area, allocation and specific location of all proposed principal and accessory land uses, number of dwelling units, nonresidential square footage, number of standard and ADA accessible parking spaces, any loading spaces, height of all buildings and structures, residential density, nonresidential floor area ratio(s), and other pertinent quantities relative to the submitted plan, including the above quantities by individual structure for plans with multiple buildings.

(12) Focal points and site amenities.

(13) The proposed location of any and all green space, public parks or other areas reserved for public use in the proposed development.

(14) Building elevations and other site and architectural detail depicting conformance with design standards established for particular zoning districts, including:

a) For the UV-T district, site and building design standards outlined in Section 24-547.D.

(15) Landscape plan as set forth in Section 24-513.D.(2), illustrating the planned approach for providing required landscaping, screening and buffering, as applicable, as well as required tree planting for commercial property as set forth in Section 9-355 in Chapter 9, Buildings, of the City Code.

(16) Tree disposition plan for the preservation and replacement of trees on the property as set forth in Section 9-352.D. in Chapter 9, Buildings, of the City Code:

a) For planned development applications, the tree disposition plan shall be submitted at the time of application rather than with an application for building permit after planned development approval.

(17) Name and address of the land owner, applicant, architect, landscape architect, planner, engineer, surveyor or other person involved in the preparation of the site plan.

(18) A written description, and any available documentation, of known environmental hazards or conditions existing on the property from historical use or off-site activities which impacted the site.

a) Specifically, applicants shall provide any existing, known Phase I Environmental Site Assessment Reports or other environmental due diligence reports in their possession associated with the property.

b) Applicants shall provide all reports submitted to the Texas Commission on Environmental Quality (TCEQ) and associated correspondence on the status of any environmental assessment, remediation, and/or closure activities related to the property.

c) Should the TCEQ issue a "No Further Action" determination or "Certificate of Completion," documentation of such shall be provided to the City and no further action shall be required under this subsection.

d) For planned development applications, specific use permit applications, or zoning changes, environmental documentation required by this subsection shall be submitted at the time of the planned development, specific use permit, or zoning change application, rather than with an application for building permit after planned development, specific use permit, or zoning change approval.

(19) A written description and analysis of additional demand on City utilities and storm drainage facilities, and impact on their available capacity, from the proposed development.

(20) A traffic impact analysis, if deemed necessary by the Administrative Official, the Planning and Zoning Commission or the City Council.

(21) Such other information or documentation as the Administrative Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application, including, but not limited to, dumpster locations.

B. *Procedures.*

(1) *Complete application.* The applicant shall submit a complete application to the Administrative Official along with the content requirements specified in this Section, above. Processing of the application and review of the site plan shall not commence until all submittal requirements are satisfied.

(2) *Review.* Except as otherwise required for a planned development and in the NBSDD and the UV-T district, the Administrative Official shall review the site plan for conformance with all applicable standards and guidelines of the City Code, with the exception of any proposed variations from City standards as part of a planned development application, which must be clearly specified.

(3) *Zoning amendment process for Planned Development Amendments.* When the Planning and Zoning Commission is ready to proceed with the zoning amendment aspect of a planned development application, including a report and recommendation to City Council, the Commission and the Administrative Official shall proceed to complete all public notice, hearing and other processing requirements as set forth in Chapter 24, Article VI, Amendatory Procedure, of the City Code.

(Ord. No. 11-086, § 1(App. A), 12-12-2011; Ord. No. 23-068, § 2(App. A), 10-2-2023)

Sec. 24-524a. Developments with Known Affected Soil or Groundwater.

For development applications which require administrative and/or Planning and Zoning Commission review of a site plan under this chapter, as well as all applications for a planned development amendment to this chapter, the following provisions shall apply to all proposed developments with known affected soil or groundwater per the Texas Commission on Environmental Quality (TCEQ):

(1) Prior to issuance of any building permit which involves soil disturbance, a Soil and Groundwater Management Plan prepared by a licensed professional engineer shall be submitted to and reviewed and approved by the Building Official or his or her designee. The plan will address, at a minimum, environmental monitoring during construction, spill contingency plans, plans for management of affected media, profiling and disposal of wastes, and communications with the City and regulatory agencies. The recommendations of the approved Soil and Groundwater Management Plan shall be followed without exception. Any violation of the approved Soil and Groundwater Management Plan can result in immediate construction stoppage and revocation of the development's building permit.

(2) As part of the fees associated with the building permit, the applicant shall pay all costs associated with 3rd-party construction monitoring and soil testing contracted by the City of Bellaire which is necessary to confirm that the Soil and Groundwater Management Plan is strictly adhered to.

(3) Prior to initiation of any soil disturbance activities, the applicant shall provide documentation that its earthwork contractors are Hazardous Waste Operations and Emergency Response (HAZWOPER) trained to perform excavation in areas with the potential for encountering impacted soils.

(Ord. No. 23-068, § 2(App. A), 10-2-2023)

Sec. 24-525. Schools, private clubs, and places of worship in residential districts.

A. Purpose. The purpose of this section is to set specific and consistent regulations for the development of schools, private clubs, and places of worship in residentially zoned districts to ensure compatibility with existing neighborhoods and to minimize possible negative impacts of such uses.

B. Standard Regulations.

(1) Size and Area:

a. Minimum lot area: 22,000 square feet;

b. Minimum lot width: 125 feet;

c. Minimum lot depth: 125 feet;

d. Maximum building height: 45 feet, including steeples, domes, spires, bell towers, cooling towers, roof gables, chimneys, antennas, and vent stacks;

e. Minimum floor area: 2,500;

f. Minimum required yards;

i. Front yard: Thirty (30) feet;

ii. Side yard: Twenty (20) feet, provided that on a corner lot, the minimum side yard adjacent to the side street shall be ten (10) feet;

iii. Rear yard: Twenty (20) feet, for both the main structure and any accessory structures;

g. Maximum lot coverage: Fifty (50) percent of lot area. Up to seventy-five (75) percent of lot area if approved with a specific use permit, except for places of worship and schools in the Bellaire Boulevard Estate Overlay District.

(2) Parking: See Sec. 24-514a.

(Ord. No. 14-041, § 1, 8-18-2014)

Sec. 24-526. Pawnshop regulations.

The following general conditions for pawnshops shall apply regardless of whether the pawnshop is to be construed as a permitted or specific use. A pawnshop shall not be located within one hundred (100) feet of any residential property to the closest point of any property in use as a pawnshop or containing such use.

(Ord. No. 17-028, § 1, 5-15-2017)

Secs. 24-527—24-530. Reserved.

DIVISION 2. ZONING DISTRICT REGULATIONS

Sec. 24-531. R-1 Residential District.

A. *Purpose.* The R-1 Residential District is a low density residential area characterized by the zoning requirements set forth in this Section.

B. *Unzoned property.* All property not included in a zoning district or for any reason removed from an established zoning classification, shall be deemed included in the R-1 Residential District although not so delineated on the Official Zoning District Map.

C. *Uses.*

(1) *Permitted uses:*

a) Single-family dwellings.

b) Public parks.

c) Utilities:

1) Telephone lines and related cross connecting points.

2) Local utility distribution lines.

d) Accessory uses, subject to the requirements of Section 24-510.

e) Home occupations, subject to the requirements of Section 24-517.

f) Facilities owned and maintained by the City.

g) Deleted. (Ord. No. 89-009, § 1, 3-6-1989)

(2) *Specific uses:*

a) Schools.

b) Places of worship. (Ord. No. 81-067, § 1, - -1981)

D. *Standard regulations.*

(1) *Residential structures.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

Table 24-531-1, Dimensional Regulations for Single-Family Detached Dwellings

Zoning District	Minimum							Maximum	
	Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Floor Area per Dwelling Unit (sq ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height	Lot Coverage (%)
R-1 Residential	14,400	80	125	1,600	50	8 *See notes 1-3*	10 from any alley or easement *See notes 4-5*	2.5 stories (25 and 35.5) *See notes 7-9*	55
R-3 Residential	7,400	60	100	1,250	30	8 if lot >90 wide ---------- 6 if lot ≤90 wide *See notes 1-3*	10 from rear property line *See notes 4-5*	2.5 stories (25 and 35.5) *See notes 7-9*	55

Table 24-531-1, Dimensional Regulations for Single-Family Detached Dwellings									
Zoning District	Minimum							Maximum	
	Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Floor Area per Dwelling Unit (sq ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height	Lot Coverage (%)
R-4 Residential	5,000	----	100	1,100	25	8 if lot >90 wide --- 6 if lot >70 wide and ≤90 wide --- 5 if lot <70 wide *See notes 1-3*	10 from rear property line *See notes 4-5*	2.5 stories (25 and 35.5) *See notes 7-9*	60 if lot ≤7,000 sq ft *See note 14*
R-5 Residential	5,000	50	100	1,100	25	Same as R-4 above	10 from rear property line *See notes 4-5*	2.5 stories (25 and 35.5) *See notes 7-9*	55
R-M.2-O Residential-Office Mixed Use	5,000	50	100	1,100	25	5 *See notes 1-3*	10 from rear property line *See notes 4-5*	2.5 stories (25 and 35.5) *See notes 7-9*	55
L610 Loop 610	7,400	60	100	1,250	30	6 *See notes 1-3*	10 from any alley or easement *See note 6*	2.5 stories (25 and 35.5) *See notes 7-9*	55
R-6 Small-Lot Residential Attached	1,950	30	65	1,100	25 from existing public street right of way --- 10 from internal private street right of way	5 between structures --- 10 adjacent to side street on a corner lot *See notes 2-3*	5 if abutting R-6 district --- 10 abutting all other districts	3 stories, up to 35.5, if within 75 of R-1, R-3, R-4 or R-5 district (rooftop decks prohibited) *See notes 10-12* --- 4 stories, up to 45.5, if >75 of R-1, R-3, R-4 or R-5 district, or within 75 of a public right-of-way abutting R-1, R-3, R-4 or R-5 district *See notes 10-11, 13*	75

Table 24-531-1, Dimensional Regulations for Single-Family Detached Dwellings									
Zoning District	Minimum							Maximum	
	Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Floor Area per Dwelling Unit (sq ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height	Lot Coverage (%)

SIDE YARD NOTES:

1. Provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.
2. For any accessory structure, there shall be a side yard of not less than three (3) feet from any interior side lot line when such accessory structure is located in the rear of the lot (which is to the rear of a line connecting the midpoints of the two opposite side lot lines). When any part of an accessory structure is located in front of the line connecting the two midpoints of the two opposite side lot lines, then the same side yard as specified for the main building is required. (Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 89-009, § 1, 3-6-1989)
3. Architectural features: the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of three (3) feet from the side property line. No other projection from the side building line shall be permitted. (Ord. No. 91-012, § 17, 3-4-1991)

REAR YARD NOTES:

4. For any accessory structure, five (5) feet from the rear property line.
5. In computing rear yard, all measurements shall be made from the rear property line as shown on the plat properly filed for record in the office of the County Clerk of Harris County, Texas. (Ord. No. 91-012, § 7, 3-4-1991)
6. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

Table 24-531-1, Dimensional Regulations for Single-Family Detached Dwellings									
Zoning District	Minimum							Maximum	
	Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Floor Area per Dwelling Unit (sq ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height	Lot Coverage (%)

BUILDING HEIGHT NOTES:

7. Not to exceed twenty-five (25) feet to the top plate of the second story and thirty-five (35) feet six (6) inches at any ridge pole. To determine height restrictions related to the maximum height of the top plate of the second story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure.
8. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.
9. To determine height restrictions related to the maximum height of any ridge pole, height measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure to any ridge pole exceed thirty-five (35) feet six (6) inches.
10. To determine height restrictions related to the maximum height of the top plate of the third story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure.
11. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed fifty (50) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. Rooftop decks are prohibited.
12. To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed thirty-five (35) feet six (6) inches.
13. To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed forty-five (45) feet six (6) inches.

LOT COVERAGE NOTES:

14. For lots having an area greater than seven thousand (7,000) square feet, maximum lot coverage is the greater of four thousand two hundred (4,200) square feet or fifty-five (55) percent of lot area.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Nonresidential structures.*

a) *Reserved.*

b) *Reserved.*

(Ord. No. 82-020, § 16, 3-29-1982; Ord. No. 01-006, § 2(24-531D(1)(a)4), 1-15-2001; Ord. No. 04-034, § 2(24-531D(1)(a)4), 6-7-2004; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Sec. 24-532. R-3 Residential District.

A. *Purpose.* The R-3 Residential District is a lower medium density residential area characterized by the zoning requirements set forth in this Section.

B. *Uses.*

(1) *Permitted uses.*

a) Single-family dwellings;

b) Public parks;

c) Utilities:

1) Local utility distribution lines; and

2) Telephone lines and related cross connecting points.

d) Accessory uses, subject to the requirements of Section 24-510;

e) Home occupations, subject to the requirements of Section 24-517;

f) Facilities owned and maintained by the City;

g) Deleted; (Ord. No. 89-009, § 1, 3-6-1989)

h) Planned Development: Loop 610 Residential.

(2) *Specific uses.*

a) Schools; and

b) Places of worship.

(Ord. No. 81-067, § 2, 1981)

C. *Standard regulations.*

(1) *Residential structures.* See Table 24-531-1 for all dimensional regulations for single-family dwellings.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Nonresidential structures.*

a) *Reserved.*

b) *Reserved.*

(Ord. No. 82-020, §§ 17, 18, 3-29-1982; Ord. No. 01-006, § 3(24-532C(1)(a)4), 1-15-2001; Ord. No. 04-034, § 2(24-532.C(1)(a)4), 6-7-2004; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Sec. 24-533. R-4 Residential District.

A. *Purpose.* The R-4 Residential District is a medium density residential area characterized by the zoning requirements set forth in this Section.

B. *Uses.*

(1) *Permitted uses:*

a) Single-family dwellings;

b) Public parks; and

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points;

3) Accessory uses, subject to the requirements of Section 24-510;

d) Home occupations, subject to the requirements of Section 24-517;

e) Facilities owned and maintained by the City; and

f) Deleted. (Ord. No. 89-009, § 1, 3-6-1989)

(2) *Specific uses:*

a) Schools; and

b) Places of worship. (Ord. No. 81-067, § 3, 1981)

C. *Standard regulations:*

(1) *Residential structures.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Nonresidential structures.*

a) *Reserved.*

b) *Reserved.*

(Ord. No. 82-020, § 19, 3-29-1982; Ord. No. 01-006, § 4(24-533C(1)(a)4), 1-15-2001; Ord. No. 04-034, § 2(24-533C(1)(a)4), 6-7-2004; Ord. No. 07-074, § 2(Exh. A), 12-3-2007; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Sec. 24-534. R-5 Residential District.

A. *Purpose.* The R-5 Residential District is a medium to upper medium density residential area characterized by the zoning requirements set forth in this Section.

B. *Uses:*

(1) *Permitted uses:*

a) Single-family dwellings;

b) Public parks;

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points;

d) Accessory uses, subject to the requirements of Section 24-510;

e) Home occupations, subject to the requirements of Section 24-517;

f) Facilities owned and maintained by the City; and

g) Planned Development: Residential.

(2) *Specific uses:*

a) Schools; and

b) Places of worship. (Ord. No. 81-067, § 4, 1981)

C. *Standard regulations:*

(1) *Residential structures.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Nonresidential structures:*

a) *Reserved.*

b) *Reserved.*

D. *Planned Development: Residential.* Planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations.

(1) *Size and area:*

a) *Project area:* A planned development in an R-5 Residential District shall have a minimum site of two (2) acres except in the event that a site of less than two (2) acres is bounded on two or more sides by town homes. In the latter instance the minimum size and area shall be that which is designated on the approved plat of the planned development. In either event the project area shall have a minimum average equivalent lot size of 5,000 square feet; (Ord. No. 82-020, § 20, 3-29-1982)

b) *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building;

To determine height restrictions related to the maximum height of the top plate of the second story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure.

To determine height restrictions related to the maximum height of any ridge pole, height measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure to any ridge pole exceed thirty-five (35) feet six (6) inches.

c) *Minimum floor area per dwelling unit:* 1,550 square feet;

d) *Building lines:*

1) The front building line shall be set back a minimum of ten (10) feet from any new street right-of-way dedicated as part of the planned development district, except that in no case shall required parking obstruct pedestrian flow on the required sidewalk;

The front building line facing an existing public street shall be set back from the public street right-of-way a minimum distance, which shall be determined by computing the

average distance between the outermost surface of the existing main buildings on the two (2) abutting lots and the edge of the public street right-of-way.

In the event that the front building line faces a court, as that term is defined herein, there shall be a minimum separation between front building lines of forty (40) feet with at least ten (10) feet of yard space from the front of the building to the property line and twenty (20) feet for a public utility easement, for pedestrian access as well as utilities between the property lines;

2) No building line of any structure within the planned development district shall be located any closer than six (6) feet from the side lot line of any residential lot adjacent to the planned development district. In the event that any portion of the planned development site includes a corner lot, no such building line shall be located any closer than ten (10) feet to the right-of-way of the adjacent side street, designated as such on the approved plat of the planned development. Within the interior of the planned development district, zero lot lines are permitted for adjacent residential units; but in the event that the main residential units are separated, a minimum of eight (8) feet must be maintained between units;

3) No building line of any structure within the planned development district shall be located any closer than ten (10) feet to the rear lot line of any adjacent residential lot;

4) No contiguous building lines of structures having zero lot lines shall exceed two hundred (200) linear feet; and

5) In no case shall any building line of any structure within the planned development district be located nearer than ten (10) feet to the street right-of-way of Bellaire Boulevard.

f) Maximum site coverage: 60 percent of site area.

(2) *Parking and driveways.* Each home within the planned development district shall have a two (2) car garage; driveways shall be of such design as to accommodate two (2) vehicles totally on site. Within the planned development district, two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required eight (8) foot minimum distance is maintained between separated main residential structures;

(3) *Screening.* Screening shall be required between the planned development district and abutting property in commercial use, according to the specifications set forth in Section 24-513 of Division 1 of this Article;

(4) *Landscaping.* In addition to that landscaping which may be an integral part of the screening herein required, landscaping shall also be required for the purpose of providing an acceptable transition between the planned development district and surrounding lower density residential development.

(Ord. No. 01-006, § 5(24-534C(1)(a)4), 1-15-2001; Ord. No. 04-034, § 2(24-534C(1)(a)4), 6-7-2004; Ord. No. 07-074, § 2(Exh. A), 12-3-2007; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Sec. 24-535. R-MF Residential Multi-Family District.

A. *Purpose.* The R-MF Residential Multi-Family District is a high density residential area including the potential for independent senior living, characterized by the zoning requirements set forth in this Section.

B. *Uses.*

(1) *Permitted uses.*

a) Multi-family dwellings with access from the interior of the building;

b) Public parks;

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points;

3) Accessory uses, subject to the requirements of Section 24-510; and

4) Home occupations, subject to the requirements of Section 24-517.;

d) Facilities owned and maintained by the City; and

e) Planned Development: Applicants may propose planned developments in this district under the amendatory procedures in Section 24-604. This procedure will enable consideration of development proposals involving uses or designs that might not strictly adhere to the standards within this Section but would meet the spirit and intent of the district.

C. *Standard regulations.*

(1) *Residential structures.*

a) Size and area:

1) Minimum lot area: Forty-three thousand five hundred sixty (43,560) square feet (1 acre);

2) Minimum lot width: One hundred fifty (150) feet;

3) Minimum lot depth: One hundred (100) feet;

4) Maximum building height: Fifty-three (53) feet, including drive under parking, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed sixty-three (63) feet above the average level of the base of the foundation of the building.;

5) Minimum required yards:

a. Front yard: Ten (10) feet;

b. Side yard: No side yard is specified except that when a side yard abuts a lot which is in residential use, the minimum side yard shall be ten (10) feet, and on a corner lot, both street exposures shall be treated as front yards.

c. Architectural features: the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of seven (7) feet from the side property line when a side yard is required.

No other projection from the side building line shall be permitted.

d. Rear yard: Fifteen (15) feet

6) Maximum lot coverage: Seventy-five (75) percent of lot area.

b) Height-Setback plane for side and rear yards: Where a property is a at a boundary of the R-MF district and a residential property in a R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the R-MF district, any portion of the principal building(s) that exceeds twenty-seven (27) feet in height, shall be set back an additional amount, computed as two (2) feet from the rear set back line for each one foot of additional building

height above twenty-seven (27) feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

1) Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

2) Planting of trees within any utility easements along the property line shall meet any applicable City standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process to seek an alternate solution which is not in conflict with the purposes of this subsection.

3) On properties subject to the height-setback plane, no accessory structure shall be located within the rear yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback requirements as applied to the principal structure(s), in addition to the requirements of Section 24-510.

c) Minimum site area per dwelling unit: One thousand two hundred (1,200) square feet.

1) The minimum site area per dwelling unit may be reduced through an approved planned development.

d) Site plan review required: All development applications in this district require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of the City Code.

1) *Required approvals.*

a. *Administrative final action.* The Administrative Official is authorized to take final action on site plans for all development applications, except planned developments, in accordance with Section 24-524, provided that the site plan complies with the standards for this district and other applicable provisions of the City Code, or will comply if conditions specified by the official are met. The Administrative Official, at his sole discretion, may also refer any such site plan to the Planning and Zoning Commission for review and decision.

2) *Application requirements.* Applicants shall satisfy all application and submittal requirements for the site plan review itemized in Section 24-524.

a. *Waiver authority.* The Administrative Official is authorized to waive elements of the site plan submittal requirements in Section 24-524 if he finds that the specified information relates to a site development standard that does not apply to a proposed project. This waiver authority does not apply to planned developments.

(Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 81-067, § 5, 1981; Ord. No. 85-011, § 4, 1-28-1985; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 91-012, §§ 11, 21, 3-4-1991; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 17-008, § 1, 1-23-2017; Ord. No. 21-052, § 1(Att. A), 9-20-2021)

Sec. 24-536. Corridor mixed use district (CMU).

A. *Purpose.*

(1) *Generally.* This district provides for residential, non-residential and mixed uses, at higher development intensities than many other areas of the community, to accommodate local shopping, services, employment and housing options that benefit Bellaire residents and the City's tax base. This district is also intended to elevate the quality of site development and redevelopment along and in the vicinity of roadway corridors under this zoning given their high visibility to Bellaire residents and many others who travel through the community daily. Screening measures and reduced development intensities are required where district edges abut primarily residential properties to ensure protection of neighborhoods just outside the district.

(2) *Character.* Much of the property along roadway corridors within Bellaire is oriented to automobile circulation and access versus a pedestrian focus. However, this district provides site and building design standards to mitigate the Auto Urban development character that typically predominates along busy, principal roadway corridors (e.g., extensive site area devoted to surface parking, limited landscaping, greater setback of buildings from street frontages). The CMU district also encompasses downtown edges that are likely to continue exhibiting an Auto Urban development pattern relative to the core Urban Village-Downtown area.

(3) *Uses.* This district provides for a range of residential and non-residential development options—and encourages mixing of such uses. Especially along roadway corridors where relatively small and shallow frontage properties are common, CMU provides for small-scale businesses and other uses that are convenient to nearby residents. Residential development opportunities within the district, especially for small-lot and attached housing types, address housing needs of Bellaire residents at different stages of life. Downtown edges included within CMU provide for a similar use mix as along corridor frontages, but with the opportunity for larger sites and scale of uses near some of the busiest intersections in the City.

B. *Uses.*

(1) *Permitted uses.*

a) Utilities:

1) Local utility distribution lines; and

2) Telephone lines and related cross-connecting points.

b) Facilities owned and maintained by the City or other governmental entities, including public transit facilities and public parks.

c) Commercial uses as follows, not to include any drive-in or drive-through facilities without specific use permit approval, or head shops:

1) Banks, credit unions and similar institutions;

2) Business and professional offices and services;

3) General retail sales and services; and

4) Restaurants and cafeterias.

d) Mixed-use developments consisting of a combination of two or more of the permitted commercial uses listed in subsection c), above, or a combination of one or more of such uses and at least one of the following residential uses:

1) Single-family dwellings, attached; and

2) Multi-family dwellings.

e) Planned Development: Applicants may propose planned developments in this district under the amendatory procedures in Section 24-604. This procedure will enable consideration of development proposals involving uses or designs that might not strictly adhere to the standards within this Section but would meet the spirit and intent of the district. All such applications must still meet the following district standards:

1) Minimum site area;

2) Minimum site width and depth;

3) Maximum building height; and

4) Height-setback plane where a property is at a boundary of the CMU district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district.

f) Accessory uses as follows, subject to the requirements of Section 24-510, except that, for the purposes of the CMU district, an accessory use may occur within a portion of a principal structure:

1) Home occupations, subject to the requirements of Section 24-517.

(2) *Specific uses.*

a) Recreational and amusement uses as follows:

1) Amusement, commercial indoor;

2) Art gallery or museum;

3) Athletic, swimming or tennis club and/or facilities;

4) Movie theater, indoor; and

5) Private club.

b) Educational, institutional and special uses as follows:

1) Antenna;

2) Hospital, acute and/or chronic care;

3) Kindergarten, nursery and/or day care center;

4) Nursing home;

5) Radio, television or microwave antenna or tower; and

6) School, business or trade.

c) Commercial uses with drive-in or drive-through facilities, not to include head shops. Such drive-ins and drive-throughs shall comply with the provisions of Section 24-54a(d), and the following:

1) Plans for onsite circulation and driveway locations shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

2) Bicycle and pedestrian use of drive-through windows shall not be prohibited.

3) Walk-up windows do not count as drive-ins or drive-throughs and shall not require a specific use permit.

d) Transportation, automobile and related uses as follows:

1) Auto parts sales; and

2) Automobile service stations.

e) Places of worship.

f) Schools.

(3) *Temporary uses.* Temporary uses in the CMU district shall be authorized, permitted, limited in duration and subject to potential time extensions as provided in Section 24-505. Examples of such uses include:

a) Construction offices.

b) Public interest or special events.

c) Sidewalk sales and other outdoor sales events (e.g., farmers' market).

(4) *Relative quantity of multi-family residential use.* At no time shall more than ten (10) percent of the total gross developed floor area within the CMU district, excluding the floor area of any parking structures, be in multi-family residential uses.

C. *Development Standards.*

(1) *Site plan review required.* All development applications in the CMU district require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of the City Code.

a) *Required approvals.*

1) *Administrative final action.* The Administrative Official is authorized to take final action on site plans for all development applications other than planned developments, in accordance with Section 24-524, provided the site plan complies with the standards for this district and other applicable provisions of the City Code, or will comply if conditions specified by the official are met. The Administrative Official, at his sole discretion, may also refer any such site plan to the Planning and Zoning Commission for review and decision.

b) *Application requirements.* Applicants shall satisfy all application and submittal requirements for site plan review itemized in Section 24-524.

1) *Waiver authority.* For projects in the CMU district other than planned development applications, the Administrative Official is authorized to waive elements of the site plan submittal requirements in Section 24-524 if he finds that the specified information relates to a site development standard that does not apply to a proposed project.

2) *Size and area.*

c) *Places of Worship.*

1) *Minimum lot area:* 5,000 square feet.

2) *Minimum lot width:* 50 feet.

3) *Minimum lot depth:* 100 feet.

4) *Maximum building height:* 40 feet including drive-under parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed fifty (50) feet above the average level of the base of the foundation of the building;

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed sixty (60) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

5) *Minimum required yards:*

(a) *Front yard:* 15 feet.

(b) *Side yard:* Five (5) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

(c) *Rear yard:*

i. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot.

ii. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

(d) *Height-setback plane for side and rear yards:* Where a property is at a boundary of the CMU district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

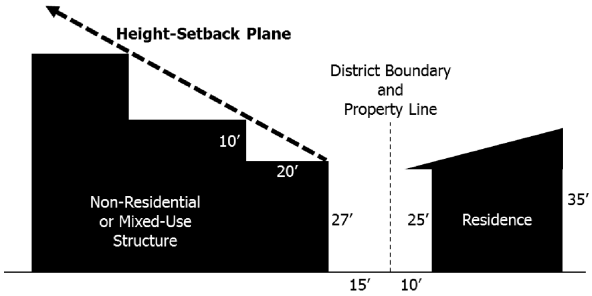
Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

i. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

6) *Maximum site coverage:* 75 percent of lot area.

Figure 24-536.A
Height-Setback Plane



d) *Schools.*

1) *Minimum lot area:* 5,000 square feet.

2) *Minimum lot width:* 50 feet.

3) *Minimum lot depth:* 100 feet.

4) *Maximum building height:* 40 feet including drive-under parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed fifty (50) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed sixty (60) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

5) *Minimum required yards:*

(a) *Front yard:* 15 feet.

(b) *Side yard:* Five (5) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

(c) *Rear yard:*

i. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot.

ii. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

(d) *Height-setback plane for side and rear yards:* Where a property is at a boundary of the CMU district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

i. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

6) *Maximum site coverage:* 75 percent of lot area.

e) *Commercial and small-scale (under one-half acre) mixed-use development.*

1) *Minimum lot area:* 5,000 square feet.

2) *Minimum lot width:* 50 feet.

3) *Minimum lot depth:* 100 feet.

4) *Maximum building height:* 40 feet including drive-under parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed

fifty (50) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed sixty (60) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

5) *Minimum required yards:*

(a) *Front yard:* 15 feet.

(b) *Side yard:* No side yard is specified except that:

i. Where a side yard abuts a lot which is in residential use, the minimum side yard shall be ten (10) feet; or

ii. On a corner lot which is in residential use, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

(c) *Rear yard:* 10 feet.

(d) *Height-setback plane for side and rear yards:* Where a property is at a boundary of the CMU district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review

process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

i. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(e) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the CMU district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

6) *Maximum density for multi-family residential use.* Any mixed-use development with a multi-family residential component shall not exceed a gross residential density of thirty (30) units per acre for the total project site.

7) *Maximum site coverage:* 75 percent of lot area.

f) *Mixed-Use Development.*

1) *Minimum site area:* 21,780 square feet (½ acre).

(a) *Minimum mix of uses.* For a development on a site of one-half acre or larger to be considered a "mixed-use" project, each different use must occupy at least 5,000 square feet or 10 percent of the total floor area of the development, whichever is greater.

i. Where a mixed-use development involves multi-family dwellings, such dwellings shall not be the sole principal use in a freestanding building. The principal multi-family residential use shall only be constructed as part of a building which includes one or more principal non-residential uses that are permitted in the district as provided in Section 24-536.B.(1)b) or c), and that occupy at least twenty-five (25) percent of the total gross floor area of the building. Any floor area used for parking shall not count as part of the floor area of any principal use.

2) *Minimum site width:* 100 feet.

3) *Minimum site depth:* 100 feet.

4) *Maximum building height:* 53 feet including drive-under parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed sixty-three (63) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television

antennae, with the total not to exceed seventy-three (73) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

5) *Minimum required yards:*

(a) *Front yard:* 15 feet.

(b) *Side yard:* No side yard is specified except that:

i. Where a side yard abuts a lot which is in residential use, the minimum side yard shall be ten (10) feet; or

ii. On a corner lot which is in residential use, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

(c) *Rear yard:* 10 feet.

(d) *Height-setback plane for side and rear yards:* Where a property is at a boundary of the CMU district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

i. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(e) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the CMU district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

6) *Maximum density for multi-family residential use.* Any mixed-use development with a multi-family residential component shall not exceed a gross residential density of thirty (30) units per acre for the total project site.

7) *Maximum site coverage:* 85 percent of lot area.

g) *Planned Development.*

1) *Minimum site area:* 32,670 square feet (3/4 acre).

2) *Minimum site width:* 150 feet.

3) *Minimum site depth:* 100 feet.

4) *Maximum building height:* 53 feet including drive-under parking, except that requests for additional height beyond the allowances provided shall be incorporated into the planned development application.

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed sixty-three (63) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed seventy-three (73) feet above the average level of the base of the foundation of the building; and

5) *Minimum required yards:* As established by the approved site plan for the planned development amendment, except that for side and rear yards:

(a) Where a property is at a boundary of the CMU district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

i. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(b) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the CMU district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

6) *Maximum site coverage:* As established by the approved site plan for the planned development amendment.

(2) *Parking.* A minimum number of off-street parking spaces shall be required as follows:

a) Residential structures:

1) Two (2) on-site spaces per single-family dwelling unit, subject to the requirements of Section 24-514.

2) For multi-family dwellings, a minimum number of off-street parking spaces as provided in Section 24-514a.

b) Places of worship:

1) One (1) on-site space for every three (3) individual seats provided in the main sanctuary. Whenever pews are provided in lieu of individual seats, 24 inches shall be the equivalent of one (1) seat.

c) Schools:

1) One (1) on-site space for each classroom plus one (1) on-site space for each four (4) seats in any auditorium, gymnasium or other place of assembly.

d) Other non-residential uses:

1) A minimum number of off-street parking spaces as provided in Section 24-514a.

(3) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

(Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 85-011, § 4, 1-28-1985; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 91-012, §§ 12, 22, 3-4-1991; Ord. No. 92-011, 3-2-1992; Ord. No. 04-034, § 2(24-536.C(1)(a)(4)), 6-7-2004; Ord. No. 12-006, § 1(App. A), 2-20-2012; Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 17-028, § 1, 5-15-2017)

Ord. No. 14-013, § 1, adopted March 3, 2014, amended the title of § 24-536 to read as set out herein. Previously § 24-536 was titled R-M.1 Residential-Commercial Mixed Use District.

Sec. 24-537. Urban village-downtown district (UV-D).

A. *Purpose.*

(1) *Generally.* This district provides for a mix of uses and style of development intended to reinforce the "small town" downtown feel desired by Bellaire residents, including opportunities for shopping, services, dining and entertainment. While Bellaire residents and visitors frequent the area for convenience shopping and multi-purpose trips, it has not offered the typical experience of a destination downtown given how this primary commercial area in Bellaire developed over time without a traditional Main Street or other focal point for typical downtown amenities. The district is also a high-profile area of the community given its proximity to busy Bellaire Boulevard and its bifurcation by the Bissonnet diagonal. District standards require that more visible landscaping and green elements be incorporated on all sites, including within off-street parking areas and any higher-intensity residential or mixed-use developments that emerge within the district.

(2) *Character.* This district is intended to support a transition to a more Urban development character through redevelopment in the core downtown area. This could provide the critical mass the area has always lacked to spur greater foot traffic and extended visits that are essential to a vibrant mix of retail, service and hospitality businesses. Encouraging housing options adds another important element by putting full-time residents in the area with expectations for a safe and hospitable environment in which to live, recreate, and host guests and visitors. Keys to an Urban character are relatively small block sizes (or pedestrian routes through larger blocks), more intensive site development and coverage, reduced reliance on off-street surface parking, and greater architectural enclosure of public streets and spaces to support a pedestrian orientation.

(3) *Uses.* This district provides for a mix of commercial, office, civic and entertainment uses appropriate for an Urban character setting, and especially for new residential presence to add built-in demand for local shopping and services. Land assembly and master-planned development is encouraged, as is vertical mixing of uses in buildings that accommodate upper-floor residential, office or other uses above street-level retail and services. This pattern is most appropriate in pedestrian-oriented areas, but also along busy arterial streets through the district where frontage properties are less conducive for stand-alone residential use. Unusually shaped and undersized building sites, caused by the diagonal orientation of Bissonnet through the community, pose a particular challenge in some parts of the district, which is also good reason to encourage more vertical development where appropriate.

B. *Uses.*

(1) *Permitted uses.*

a) Utilities:

1) Local utility distribution lines; and

2) Telephone lines and related cross-connecting points.

b) Facilities owned and maintained by the City or other governmental entities, including public transit facilities and public parks.

c) Single-family dwellings, attached, involving at least five (5) contiguous lots, with at least one-half (1/2) of each lot located within three hundred and fifty (350) feet of a boundary of the UV-D district that abuts residential property in an R-1, R-3, R-4, R-5 or R-6 district, so as to provide a transition between the UV-D district and nearby lower density residential development.

d) Commercial uses as follows, not to include any drive-in or drive-through facilities except as provided in (2)d) below or head shops:

1) Banks, credit unions and similar institutions;

2) Business and professional offices and services;

3) General retail sales and services, but not including mini-storage businesses, mortuaries or funeral parlors, pawnshops, or tattoo shops;

4) Hotels, but not motels as defined in Section 24-202(111); and

5) Restaurants and cafeterias.

e) Recreational and amusement uses as follows:

1) Amusement, commercial indoor;

2) Art gallery or museum;

3) Athletic, swimming or tennis club and/or facilities;

4) Movie theater, indoor; and

5) Theater, for live performances.

f) Private club or place of worship.

g) Conference center facilities.

h) Mixed-use developments consisting of a combination of two or more of the permitted uses listed in subsections d), e) or f), above, or a combination of one or more of such uses and at least one of the following residential uses:

1) Single-family dwellings, attached; and

2) Multi-family dwellings.

i) Planned Development: Applicants may propose planned developments in this district under the amendatory procedures in Section 24-604. This procedure will enable consideration of development proposals involving uses or designs that might not strictly adhere to the standards within this Section but would meet the spirit and intent of the district. All such applications must still meet the following district standards:

1) Minimum site area;

2) Maximum building height; and

3) Height-setback plane where a property is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district.

j) Accessory uses as follows, subject to the requirements of Section 24-510, except that, for the purposes of the UV-D district, an accessory use may occur within a portion of a principal structure:

1) Home occupations, subject to the requirements of Section 24-517;

2) Bars, when accessory to a principal restaurant, hotel, commercial indoor amusement, movie theater, theater or private club use, and subject to the requirements of Chapter 3, Alcoholic Beverages; and

3) Vehicle washing, included as an accessory service use within a parking structure, provided that all associated activity is carried out inside the structure, screened from view from any public street right-of-way, and that no vehicle repairs are made on the premises.

(2) *Specific uses.*

a) Commercial uses without drive-in or drive-through facilities not listed in B(1)d), above, not to include head shops.

b) Educational, institutional and special uses as follows:

1) Antenna;

2) Hospital, acute and/or chronic care;

3) Kindergarten, nursery and/or day care center;

4) Nursing home;

5) Radio, television or microwave antenna or tower; and

6) School, business or trade.

c) Transportation, automobile and related uses as follows:

1) Commercial parking garage operations, within multi-level and/or underground garage space as defined in Section 24-202(78), but not commercial surface parking lots (areas) as defined in Section 24-202(42); and

2) Passenger terminals and bus passenger stations, but not heliports.

d) Drive-ins and drive-throughs for properties with lot lines that are within one-hundred (100) feet or less of the nearest right-of-way line of Bissonnet Street, Bellaire Boulevard, or South Rice Avenue. Such drive-ins and drive-throughs shall comply with the provisions of Section 24-514a(d), and the following:

1) Drive-through windows shall be located to the side of or rear of buildings and shall not be located between the principal structure and Bissonnet, Bellaire, and South Rice.

2) Plans for onsite circulation and driveway locations shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

3) Bicycle and pedestrian use of drive-through windows shall not be prohibited.

4) Walk-up windows do not count as drive-ins or drive-throughs and shall not require a specific use permit.

(3) *Temporary uses.* Temporary uses in the UV-D district shall be authorized, permitted, limited in duration and subject to potential time extensions as provided in Section 24-505. Examples of such uses include:

a) Construction offices.

b) Public interest or special events.

c) Sidewalk sales and other outdoor sales events (e.g., farmers' market).

(4) *Relative quantity of multi-family residential use.* At no time shall more than fifteen (15) percent of the total gross developed floor area within the UV-D district, excluding the floor area of any parking structures, be in multi-family residential uses.

C. *Development Standards.*

(1) *Site plan review required.* All development applications in the UV-D district require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of this Code.

a) *Required approvals.*

1) *Administrative approval.* The Administrative Official is authorized to take final action on site plans for all development applications other than planned developments, in accordance with Section 24-524, provided the site plan complies with the standards for this district and other applicable provisions of the City Code, or will comply if conditions specified by the official are met. The Administrative Official, at his sole discretion, may also refer any such site plan to the Planning and Zoning Commission for review and decision.

b) *Application requirements.* Applicants shall satisfy all application and submittal requirements for site plan review itemized in Section 24-524.

1) *Waiver authority.* For projects in the UV-D district other than planned development applications, the Administrative Official is authorized to waive elements of the site plan submittal requirements in Section 24-524 if he finds that the specified information relates to a site development standard that does not apply to a proposed project.

(2) *Size and area.*

a) *Single-family dwellings, attached.*

1) *Minimum lot area:* 2,500 square feet.

2) *Minimum lot width:* 25 feet.

3) *Minimum lot depth:* 100 feet.

4) *Maximum building height:* 40 feet including drive-under parking and any above surface portion of partial subsurface parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed fifty (50) feet above the average level of the base of the foundation of the building; and

(b) Requests for additional height beyond the allowances provided in item (a), above, shall require approval of a specific use permit.

5) *Minimum floor area per dwelling unit:* 1,550 square feet.

6) *Required yards:*

(a) *Front yard:* No front yard is specified except that:

i. *Maximum front building setback.* At least 50 percent of the front building façade of all principal buildings shall be at the front property line, with zero feet of setback. Step-backs from the front building line are permitted

elsewhere along the front building façade to accommodate recessed dwelling entries, a front stairway to an elevated dwelling entry, a front porch or patio area, and/or landscaping.

(b) *Side and rear yards:* No side or rear yard is specified except that:

i. Where a property is at a boundary of the UV-D district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the UV-D district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

ii. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

8) *Maximum lot coverage:* eighty (80) percent of lot area, with ninety (90) percent available as part of a planned development.

b) *Commercial and small-scale (under one-acre) mixed-use development.*

1) *Minimum site area:* 5,000 square feet.

2) *Minimum site width:* 50 feet.

3) *Minimum site depth:* 100 feet.

4) *Maximum building height:* 40 feet including drive-under parking and any above-surface portion of partial subsurface parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed fifty (50) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed sixty (60) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

5) *Minimum required yards:*

(a) *Front yard:* No front yard is specified except that:

i. *Maximum front building setback.* At least 75 percent of the front building façade of all principal buildings shall be at the front property line, with zero feet of setback. Step-backs from the front building line are permitted elsewhere along the front building façade for articulation purposes. The 75 percent minimum may only be decreased to accommodate a public plaza, pocket park or other public open space, or an outdoor seating area associated with a restaurant use, which is situated between the building and along a public street.

(b) *Side and rear yards:* No side or rear yard is specified except that:

i. Where a property is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, the minimum yard toward the abutting property shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

ii. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(c) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

6) *Maximum site coverage:* eighty (80) percent of lot area, with ninety (90) percent available as part of a planned development.

7) *Standards applicable to residential use.*

(a) *Single-family dwellings, attached:* Any single-family dwellings, attached, that are part of a mixed-use development shall meet all the standards for lot area and dimensions, building height, floor area per dwelling unit, yards, and lot coverage that apply to such dwellings when they are developed as an independent use in the UV-D district.

(b) *Multi-family dwellings:* Any mixed-use development with a multi-family residential component shall not exceed a gross residential density of thirty (30) units per acre for the total project site.

c) *Mixed-Use Development.*

1) *Minimum site area:* 1 acre.

(a) *Minimum mix of uses.* For a development on a site of one acre or larger to be considered a "mixed-use" project, each different use must occupy at least 5,000 square feet or 10 percent of the total floor area of the development, whichever is greater.

i. Where a mixed-use development involves multi-family dwellings, such dwellings shall not be the sole principal use in a freestanding building. The principal multi-family residential use shall only be constructed as part of a building which includes one or more principal non-residential uses that are permitted in the district as provided in Section 24-537.B.(1)b), d), e) or f), and that occupy at least twenty-five (25) percent of the total gross floor area of the building. Any floor area used for parking shall not count as part of the floor area of any principal use.

(b) *Site area credit.* If a site abuts an alley or vehicular access easement, one-half of the width of the alley or easement which is directly adjacent to the site shall be counted toward the calculation of site area.

2) *Maximum building height:* 53 feet including drive-under parking and any above-surface portion of partial subsurface parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed

sixty-three (63) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed seventy-three (73) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

3) *Minimum required yards:*

(a) *Front yard:* No front yard is specified except that:

i. *Maximum front building setback.* At least 75 percent of the front building façade of all principal buildings shall be at the front property line, with zero feet of setback. Step-backs from the front building line are permitted elsewhere along the front building façade for articulation purposes. The 75 percent minimum may only be decreased to accommodate a public plaza, pocket park or other public open space, or an outdoor seating area associated with a restaurant use, which is situated between the building and along a public street.

(b) *Side and rear yards:* No side or rear yard is specified except that:

i. Where a property is at a boundary of the UV-D district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

ii. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(c) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

4) *Maximum site coverage:* eighty (80) percent of lot area, with ninety (90) percent available as part of a planned development.

5) *Standards applicable to residential use.*

(a) *Single-family dwellings, attached:* Any single-family dwellings, attached, that are part of a mixed-use development shall meet all the standards for lot area and dimensions, building height, floor area per dwelling unit, yards, and lot coverage that apply to such dwellings when they are developed as an independent use in the UV-D district.

(b) *Multi-family dwellings:* Any mixed-use development with a multi-family residential component shall not exceed a gross residential density of thirty (30) units per acre for the total project site.

d) *Planned Development.*

1) *Minimum site area:* 1 acre.

(a) *Site area credit.* If a site abuts an alley or vehicular access easement, one-half of the width of the alley or easement which is directly adjacent to the site shall be counted toward the calculation of site area.

2) *Minimum building height:* As established by the approved site plan for the planned development amendment.

3) *Maximum building height:* 79 feet including drive-under parking and any above-surface portion of partial subsurface parking, except that requests for additional height beyond the allowances provided shall be incorporated into the planned development application.

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed eighty-nine (89) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed ninety-nine (99) feet above the average level of the base of the foundation of the building.

4) *Minimum required yards:*

(a) *Front yard:* As established by the approved site plan for the planned development amendment.

(b) *Side and rear yards:* No side or rear yard is specified except that:

i. Where a property is at a boundary of the UV-D district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the UV-D district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

ii. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(c) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

5) *Maximum site coverage:* ninety (90) percent.

(3) *Parking.* A minimum number of off-street parking spaces shall be required as follows:

a) Residential structures:

1) Two (2) on-site spaces per single-family dwelling unit, subject to the requirements of Section 24-514.

2) For multi-family dwellings, a minimum number of off-street parking spaces as provided in Section 24-514a.

b) Other non-residential uses:

1) A minimum number of off-street parking spaces as provided in Section 24-514a.

(4) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

(Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 85-011, § 4, 1-28-1985; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 91-012, §§ 13, 23, 3-4-1991; Ord. No. 92-011, 3-2-1992; Ord. No. 04-034, § 2(24-537.C(1)(a)(4)), 6-7-2004; Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 17-028, § 1, 5-15-2017)

Ord. No. 14-013, § 1, adopted March 3, 2014, amended the title of § 24-537 to read as set out herein. Previously § 24-537 was titled R-M.2 Residential-Commercial Mixed-Use District.

Sec. 24-537a. R-M.2-O Residential-Office Mixed-Use District.

A. *Purpose*. The R-M.2-O Residential-Office Mixed-Use District is a medium density mixed residential and small-scale commercial area that serves as a buffer zone between retail/office and residential uses, characterized by the zoning requirements set forth in this Section.

B. *Uses.*

(1) *Permitted uses.*

a) Single family dwellings;

b) Public parks;

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points.

d) Accessory uses, subject to the requirements of Section 24-510.

e) Home occupations, subject to the requirements of Section 24-517.

f), g) [Deleted.] (Ord. No. 92-011, 3-2-1992)

h) Facilities owned and maintained by the City.

i) Business and professional offices and services.

(2) *Specific uses.*

a) Kindergarten, nursery and/or day care center;

b) Places of worship; (Ord. No. 92-011, 3-2-1992)

c) Schools. (Ord. No. 92-011, 3-2-1992)

(3) *Additional use requirements.* It shall be unlawful for any person to make use of any property located within the R-M.2-O Residential-Office Mixed Use District except in accordance with the uses permitted in this District, with the performance standards set forth in Division 1 of this Article and with the additional regulations listed below.

Trash and laundry. No collection, storage for refuse, debris or garbage generated by any use shall be allowed in this District when such storage is visible from publicly owned streets. No hanging of laundry, cleaning rags, mops or similar items shall be allowed within view of publicly owned streets. Screening structures erected to obscure such items from view from publicly owned streets shall meet applicable city specifications for materials and construction as set forth in Section 24-513.

C. *Standard regulations.*

(1) *Residential structures.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Non-residential structures.*

a) *Places of Worship.*

1) *Size and area.*

a. *Minimum lot area:* 5,000 square feet.

b. *Minimum lot width:* 50 feet.

c. *Minimum lot depth:* 100 feet.

d. *Maximum building height:* 2½ stories, except that:

1. Church steeples, domes, spires and bell towers may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building; and

2. Cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

e. *Maximum floor area to lot area:* 50 percent of lot area.

f. *Minimum required yards:*

1. *Front yard:* Twenty-five (25) feet;

2. *Side yard:* Five (5) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet;

3. *Rear yard:*

aa. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot;

bb. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

g. *Maximum lot coverage:* 60 percent of lot area.

2) *Parking.* One (1) on-site space for every three (3) individual seats provided in the main sanctuary. Whenever pews are provided in lieu of individual seats, 24 inches shall be the equivalent of one (1) seat.

b) *Schools.*

1) *Size and area.*

a. *Minimum lot area:* 5,000 square feet.

b. *Minimum lot width:* 50 feet.

c. *Minimum lot depth:* 100 feet.

d. *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

e. *Maximum floor area to lot area:* 100 percent of lot area.

f. *Minimum required yards:*

1. *Front yard:* Twenty-five (25) feet;

2. *Side yard:* Five (5) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

3. *Rear yard:*

aa. For the main structure, ten(10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot;

bb. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

g. *Maximum lot coverage:* 60 percent of lot area.

2) *Parking.* One (1) on-site space for each classroom plus one (1) on-site space for each four (4) seats in any auditorium, gymnasium or other place of assembly.

c) *Commercial-Office.*

1) *Size and area.*

a. *Minimum lot area:* 5,000 square feet.

b. *Minimum lot width:* 50 feet.

c. *Minimum lot depth:* 100 feet.

d. *Maximum building height:* One story, and drive-under parking is prohibited, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks and similar extensions may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower.

e. *Maximum floor area to lot area:* 25 percent of lot area.

f. *Minimum required yards:*

1. *Front yard:* Fifteen (15) feet;

2. *Side yard:* Five (5) feet, except that on a corner lot, the side yard shall be ten (10) feet.

3. *Rear yard:* Fifteen (15) feet.

g. *Maximum lot coverage:* 75 percent of lot area.

2) *[Deleted.]* (Ord. No. 89-009, § 1, 3-6-1989)

3) *Landscaping and screening.* Landscaping and screening shall be required between property in office use and abutting property in residential use or zoned residential, according to the specifications set forth in Section 24-513 of Division 1 of this Article.

(Ord. No. 04-034, § 2(24-537a.C(1)(a)(4)), 6-7-2004; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Secs. 24-538—24-540. Reserved.

Ord. No. 14-013, § 1, adopted March 3, 2014, repealed §§ 24-538—24-540 in their entirety. Former §§ 24-538—24-540 pertained to R-M.3 Residential-Commercial Mixed-Use District; CCD-1 City Center District; and CCD-2 City Center District, respectively, and were derived from Ord. No. 81-006, § 6, adopted February 23, 1981; Ord. No. 85-011, § 4, adopted January 28, 1985; Ord. No. 89-009, § 1, adopted March 6, 1989; Ord. No. 91-012, §§ 15, 25, adopted March 4, 1991; Ord. No. 92-011, adopted March 2, 1992; Ord. No. 01-037, §§ 4(24-539), 5(24-540), adopted April 16, 2001; Ord. No. 04-034, § 2(24-538.C(1)(a)(4)), adopted June 7, 2004 and Ord. No. 12-006, § 1(App. A), adopted February 20, 2012.

Sec. 24-541. Loop 610 District.

A. *Purpose.* The Loop 610 District is an area of high quality office plaza and mixed use, including residential, which is in close proximity to and compatible with existing and future residential use on land which is adjacent to or in close proximity to Interstate Highway Loop 610, characterized by the zoning requirements set forth in this Section. (Ord. No. 81-065, § 1, 11-2-1981)

B. *Permitted uses.*

a) Single family dwellings.

b) Public parks.

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points; and

d) Accessory uses, subject to the requirements of Section 24-510.

e) Home occupations, subject to the requirements of Section 24-517. (Ord. No. 92-011, 3-2-1992)

f) Facilities owned and maintained by the City.

g) Planned Development: Office Plaza. (Ord. No. 81-065, § 2, 11-2-1981)

h) Planned Development: Residential-Office Plaza Mixed Use.

C. *Specific Uses.*

(1) Places of worship;

(2) Schools.

(Ord. No. 92-011, 3-2-1992)

D. *Standard regulations.*

(1) *Residential structures.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

a) *Parking:* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Non-residential structures.*

a) *Places of worship.*

1) *Size and area.*

a. *Minimum lot area:* 7,400 square feet.

b. *Minimum lot width:* 60 feet.

c. *Minimum lot depth:* 100 feet.

d. *Maximum building height:* 2½ stories, except that:

1. Church steeples, domes, spires and bell towers may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building; and

2. Cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

e. *Maximum floor area to lot area:* 50 percent of lot area.

f. *Minimum required yards:*

1. *Front yard:* Thirty (30) feet;

2. *Side yard:* Six (6) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by

the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet;

3. *Rear yard:*

aa. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot;

bb. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

g. *Maximum lot coverage:* 60 percent of lot area.

2) *Parking.* One (1) on-site space for every three (3) individual seats provided in the main sanctuary. Whenever pews are provided in lieu of individual seats, 24 inches shall be the equivalent of one (1) seat.

b) *Schools.*

1) Size and area.

a. *Minimum lot area:* 7,400 square feet.

b. *Minimum lot width:* 60 feet.

c. *Minimum lot depth:* 100 feet.

d. Maximum building height: 2½ stories, except that one (1) additional story is allowed for every one hundred (100) feet a structure is located from the nearest lot line of a residential lot located in an existing abutting residential district, provided that any residential district or portion of any residential district which is separated from the structure by Loop 610 shall not be considered an abutting residential district, provided, however, that, regardless of where it is located, no structure shall exceed six (6) stories. Cooling towers, roof gables, theatrical fly spaces, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total height not to exceed eighty-four (84) feet above the average level of the base of the foundation of the building, excluding basements. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

e. *Maximum floor area to lot area:* 100 percent of lot area.

f. *Minimum required yards:*

1. *Front yard:* Thirty (30) feet;

2. *Side yard:* Six (6) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed.

On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

3. *Rear yard:*

aa. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot;

bb. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

g. *Maximum lot coverage:* 60 percent of lot area.

2) *Parking.* One (1) on-site space for each classroom plus one (1) on-site space for each four (4) seats in any auditorium, gymnasium or other place of assembly.

D. *Planned Development: Office Plaza.* Office plaza planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations: (Ord. No. 81-065, § 3, 11-2-1981)

(1) *Size and area.*

a) *Site area:* The minimum site area shall be four (4) acres.

See provisions of § 24-604 and § 24-605 for procedure to be followed in initiating planned development amendments and specific use amendments.

b) *Maximum building height:* No building shall have a height in excess of six (6) stories (excluding cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions which may extend for an additional height, the total not to exceed eighty-four (84) feet). A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower. (Ord. No. 82-020, § 21, 3-29-1982)

c) *Maximum floor area to site area:* 100 percent of site area.

d) *Building lines:*

1) No building shall be constructed less than fifty (50) feet from the right-of-way line of the abutting Interstate Highway Loop 610 Service Road;

2) All other building lines shall be computed on the basis of a ratio of .84 foot of building height per one (1) foot of distance between said building lines and the nearest point on a lot zoned residential or in residential use that is outside of the proposed planned development district and existing on the date said planned development district is established by ordinance.

3) Interior building lines within the planned development shall be established by the approved site plan.

e) *Maximum site coverage:* 60 percent of site area.

(2) *[Deleted.]* (Ord. No. 85-011, § 4, 1-28-1985)

(3) *Screening.* None is prescribed except as may be established by the planned development amendment.

(4) *Landscaping.* None is prescribed except as may be established by the planned development amendment.

(5) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

(6) *Development intensity bonuses.* Notwithstanding any other provisions of this Section, a planned development amendment may be granted which permits floor area ratio increases over and above that permitted by other provisions of this Section not to exceed the amounts set out herein, except that the cumulative amount of any bonus granted may not cause the total floor area to exceed 200 percent of the site area.

a) *Public open space:* One percent floor area to site area for every one percent of the development site over and above the forth percent base requirement, that is preserved in landscaped open space, plazas with public art, fountains and/or pedestrian walkways.

b) *Parking:* One (1) percent floor area to site area for every three (3) percent of a parking structure located below ground level or for every three (3) percent of a parking structure integrated into the base structure of the main building that it serves.

c) *Land assembly:* The allowable maximum floor area to site area (floor area ratio) for any site assembled that is in excess of one (1) acre may be increased by an amount computed as follows:

.05 (total site minus one (1) acre) divided by one (1) acre

d) *Street orientation, siting and design:* Increase in floor area to site area of up to thirty-three percent for special street orientation, siting or design features that achieve a standard of excellence in relation to the specific environment in which the project is located and that exceed other requirements of this Code.

E. *Planned Development: Residential-Office Plaza.* Residential-office plaza planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations.

(1) *Size and area.*

a) *Site area:* The minimum site area shall be four (4) acres, with not less than 34 percent of such site allocated to residential development, with not more than 33 percent allocated to office plaza development and with at least thirty-three percent committed to open space, including public and private rights-of-way, all impervious surfaces, exclusive of buildings, and pervious (green) area.

b) *Maximum building height:*

1) *Residential:* Three (3) stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

2) *Office Plaza:* No building shall have a height in excess of six (6) stories (excluding cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions which may extend for an additional height, the total not to exceed eighty-four (84) feet). A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower. (Ord. No. 82-020, § 22, 3-29-1982)

c) *Floor area to site area:*

1) *Residential:* A minimum of 1,250 square feet of living area per dwelling unit of site committed to residential development;

EXCEPTION: For any planned development approved under the terms and provisions of this Section for the development of an assisted living facility or nursing home, a minimum of 325 square feet of building area per resident; (Ord. No. 89-022, § 2, 6-5-1989)

2) *Office plaza:* A maximum of 100 percent of site area committed to commercial development.

d) *Building lines:* (Ord. No. 89-022 mislabels subsection (d) as being subsection (e)).

1) *Residential:*

a. The front building line shall be set back a minimum of ten (10) feet from any new street right-of-way dedicated as a part of the planned development district, except that in no case shall required parking obstruct pedestrian flow on the required sidewalk. The front building line facing an existing public street shall be set back from the public street right-of-way a minimum distance, which shall be determined by computing the average distance between the outermost surface of the existing main buildings on the two (2) abutting lots and the edge of the public street right-of-way. However, in the event that there are no existing buildings on the two (2) abutting lots, the required setback distance shall be twenty-five (25) feet.

In the event that the front building line is facing a court, as that term is defined herein, there shall be a minimum separation between front building lines of forty (40) feet with at least ten (10) feet of yard space from the front of the building to the property line and twenty (20) feet for a public utility easement, for pedestrian access as well as utilities between the property lines.

b. No building line of any structure within the planned development district shall be located any closer than eight (8) feet to the side lot line of any residential lot adjacent to the planned development district nor shall any such building line be located any closer than fifteen (15) feet to the side lot line of any commercial lot adjacent to the planned development district. In the event that any portion of the planned development site includes a corner lot, no such building line shall be located any closer than ten (10) feet from the right-of-way of the adjacent side street, designated as such on the approved plat of the planned development.

Within the interior of the planned development district, zero lot lines are permitted for adjacent residential units; but in the event that the main residential units are separated, a minimum of six (6) feet must be maintained between units.

c. No building line of any structure within the planned development district shall be located any closer than ten (10) feet to the rear lot line of any adjacent residential lot.

d. No contiguous building lines of structures having zero lot lines shall exceed two hundred (200) linear feet.

e. In order to mitigate possible adverse impacts of office uses upon residential uses within the residential-office plaza planned development district, the special relationship between such office and residential uses shall be governed by the performance standards set forth in this Code and by building line standards in the site plan.

2) *Office plaza:*

a. No building shall be constructed less than fifty (50) feet from the right-of-way of the abutting Interstate Highway Loop 610 Service Road;

b. All office plaza building lines shall be computed on the basis of a ratio of .84 foot of building height per one (1) foot of distance between said building lines and the nearest point on a lot zoned residential or in residential use that is outside of the proposed planned development district and existing on the date said planned development district is established by ordinance.

3) Interior building lines between buildings within the planned development shall be established by the approved site plan.

e) *Maximum site coverage under permitted total site allocations:*

1) *Residential:* 75 percent of that portion of the site area allocated to residential development;

2) *Office plaza:* 60 percent of that portion of the site area allocated to commercial development.

Open space requirements in residential and office plaza areas may be derived from the 33 percent site requirement for open space, which includes private and public rights-of-way, all impervious surfaces, exclusive of buildings, and pervious (green) areas.

(2) *Parking.*

a) *Residential parking and driveways.* Each home within the planned development district shall have a two (2) car garage; driveways shall be of such design as to accommodate two (2) vehicles per unit totally on site. Within the planned development district, two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required six (6) foot minimum distance is maintained between separated main residential structures.

b) *[Deleted.]* (Ord. No. 85-011, § 4, 1-28-1985)

c) Notwithstanding anything in this subsection to the contrary, no nursing home or assisted living facility shall be required to have a garage or driveway, unless otherwise provided in the planned development district in which it is located. (Ord. No. 89-022, § 2, 6-5-1989)

(3) *Screening.* None is prescribed except as may be established by the planned development amendment.

(4) *Landscaping.* None is prescribed except as may be established by the planned development amendment.

(5) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures, whether located within or outside of the planned development district, are not directly illuminated.

(6) *Development intensity bonuses.* Notwithstanding any other provisions of this Section, a planned development amendment may be granted which permits floor area ratio increases over and above that permitted by other provisions of this Section not to exceed the amounts set out herein, except that the cumulative amount of any bonus granted may not cause the total floor area to exceed 200 percent of the site area.

a) *Public open space:* One percent floor area to site area for every one percent of the development site over and above the forth percent base requirement, that is preserved in landscaped open space, plazas with public art, fountains and/or pedestrian walkways.

b) *Parking:* One percent floor area to site area for every three (3) percent of a parking structure located below ground level or for every three (3) percent of a parking structure integrated into the base structure of the main building that it serves.

c) *Land assembly:* The allowable maximum floor area to site area (floor area ratio) for any site assembled that is in excess of one (1) acre may be increased by an amount computed as follows:

.05 (total site minus one (1) acre) divided by one (1) acre

d) *Street orientation, siting and design:* Increase in floor area to site area of up to thirty-three (33) percent for special street orientation, siting or design features that achieve a standard of excellence in relation to the specific environment in which the project is located and that exceed other requirements of this Code.

(Ord. No. 04-034, § 2(24-541.C(1)(a)(4)), 6-7-2004; Ord. No. 08-058, § 1(App. A), 9-8-2008; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Sec. 24-542. LI Light Industrial District (LI).

A. *Purpose.* The LI Light Industrial District includes light and industrial non-polluting uses such as manufacturing, storage, warehousing, distribution and related office use.

B. *Uses.*

(1) *Permitted uses.*

a) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points.

b) Facilities owned and maintained by the City.

c) Planned Development: Light Industrial.

d) Accessory offices to light industrial uses.

e) Automobile or motorcycles sales.

f) Automobile parts sales.

g) Bottling plant.

h) Building material storage and wholesaling.

i) Cabinet or upholstery shop.

j) Contractor's yard or shop.

k) Engine or motor repair shop.

l) Garden shop, including greenhouse or nursery stock storage area.

m) Laundry and dry cleaning plants.

n) Light compounding or fabrication.

o) Light manufacturing uses.

p) Printing plants and shops.

q) Public utility plants and offices.

r) Radio or television broadcasting stations, studios or offices.

s) Tire retreading or recapping.

t) Trailer rental or sales.

u) Truck and construction equipment sales and service.

v) Veterinary clinic.

w) Warehouse.

x) Welding or machine shop.

y) Wholesale bakery.

z) Business and professional offices. (Ord. No. 83-088, § 1, 11-21-1983)

(2) *Specific uses.*

a) Electrical generating plant (private).

b) Automobile service station.

c) Passenger terminal, bus passenger station or heliport.

d) Radio, television and microwave antenna or tower.

C. *Standard regulations.*

(1) *Size and area.*

a) *Minimum lot area:* 7,500 square feet.

b) *Minimum lot width:* 60 feet.

c) *Minimum lot depth:* 100 feet.

d) *Maximum building height:* Three (3) stories, except that cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions may extend for an additional height, the total not to exceed forty-two (42) feet above the average level of the base of the foundation of the building. A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower.

e) *Maximum floor area to lot area:* 100 percent of lot area.

f) *Minimum required yards:*

1) All yards shall extend at least ten (10) feet from any public right-of-way;

2) All yards shall extend at least five (5) feet from any property line not adjacent to a public right-of-way;

3) All yards shall extend at least fifty (50) feet from the nearest point on any lot zoned residential or in residential use on the date of enactment of this chapter.

g) *Maximum lot coverage:* 80 percent of lot area.

(2) *[Deleted.]* (Ord. No. 85-011, § 4, 1-28-1985)

D. *Planned Development: Light Industrial.* Light Industrial planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations.

(1) *Size and area.*

Please see provisions of § 24-604 and § 24-605 for procedure to be followed in initiating planned development amendments and specific use amendments.

a) *Site area:* The minimum site area shall be 22,500 square feet.

b) *Maximum building height:* No building shall have a height in excess of five (5) stories, excluding cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions which may extend for an additional height, the total not to exceed eighty (80) feet unless the building has a height which does not exceed .84 feet in height per foot of distance between the building and the nearest point on a lot zoned residential or in residential use that is outside of the proposed planned development district and existing on the date said planned development district is established by ordinance. A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower.

c) *Maximum floor area to site area:* 150 percent of site area.

d) *Building lines:* None are prescribed except as may be established by the planned development amendment.

Maximum site coverage: 85 percent of site area.

(2) *[Deleted.]* (Ord. No. 85-011, § 4, 1-28-1985)

(3) *Screening.* None is prescribed except as may be established by the planned development amendment.

(4) *Landscaping.* None is prescribed except as may be established by the planned development amendment.

(5) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

Sec. 24-543. Mulberry Residential Estate District (MRED).

A. *Purpose*. The Mulberry Residential Estate District is a district created to allow maximum flexibility in accordance with the specific requirements of this Code for the purposes of providing for development and/or redevelopment of the properties within this District.

B. *Platting.* Special platting provisions as set out in Section 23.5-15 may be used for all subdivision platting in this District.

C. *Uses.*

(1) *Permitted uses.*

a) Single family dwellings.

b) Public parks.

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points.

d) Accessory uses, subject to the requirements of Section 24-510.

e) Home occupations, subject to the requirements of Section 24-517.

f) Facilities owned and maintained by the City.

(2) *Specific uses.*

a) Places of worship.

b) Schools.

Average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

a) *Minimum floor area per dwelling unit:* 1,600 square feet.

b) *Minimum required yards:* The front most building lines for all buildings located adjacent to Mulberry Lane shall be set back a minimum of fifty (50) feet from the property line contiguous with the Mulberry Lane right-of-way. For all estate housing development, the area between the required minimum setback of the front most building line and the property line shall be common open space, perpetually retained and maintained by the homeowners' association. Where, through platting procedures, the tract of land to be developed is subdivided into individual lots for detached single-family dwelling units, in addition to the required common area, one side yard shall be eliminated and no side yard required. The other side yard must equal a minimum of fifteen (15) feet.

The wall of the dwelling unit located on the zero lot line shall have no windows, doors, air conditioning units or any other type of openings, provided, however, that atriums or courts shall be permitted on the zero lot line side, when the court or atrium is enclosed by three (3) walls of the dwelling unit, and a solid wall of at least eight (8) feet in height is provided on the zero lot line.

Any building to be constructed on the property line may be permitted only after a perpetual easement in the adjacent side yard of the adjoining property has been dedicated for the following purposes:

1) A roof overhang from the adjoining lot (limited by Building Code requirements for such overhang into the side yards);

2) Maintenance, improvement or replacement of any of the original construction of the improvements on the adjacent property, including but not limited to overhangs, eaves, portions of roofs, outcroppings of structures or minor encroachments due to natural settlement of structures;

3) For any other purpose as shall reasonably be necessary to service and/or maintain such structures.

The wall of any dwelling unit which is located on a zero lot line shall be constructed of the same material as the exterior walls of the unit.

4) Additional setback requirements: Where detached units are designed to face upon an open space or common area, rather than a street, cul-de-sac or public service drive, the open space or common area shall be a minimum of fifty (50) feet in width, and the area of fifty (50) feet in width upon which the dwelling units face shall not include vehicular drives or parking areas.

Where lots face upon a new street or cul-de-sac, the setback from the front property line shall be a minimum of twenty-five (25) feet, and the setback from the rear property line shall be a minimum of twenty (20) feet.

Where the lot abuts a public service drive, the setback from the rear property line shall be a minimum of ten (10) feet.

A distance of three (3) feet shall be required between a public service drive and the required screening wall or fence that separates the new development from adjacent properties.

5) Maximum lot coverage: The total lot coverage permitted for all buildings, cul-de-sacs, alleys and other impervious surfaces on the site shall not exceed 55 percent of the site area. (Ord. No. 89-009, § 1, 3-6-1989)

(2) *Variety in housing development.*

a) Where there are no more than four (4) units and no less than two (2) housing units, there shall be at least two (2) different floor plans providing varied setbacks, heights or rooflines. The variation herein required shall be of such a nature as to be readily apparent from observation from the street or other areas, and shall be significant in nature.

b) Where there are five (5) to twelve (12) units within a housing development, there shall be at least three (3) floor plans providing varied setbacks, heights or rooflines.

c) Where there are more than twelve (12) units within a housing development, there shall be at least five (5) floor plans providing varied setbacks, heights or rooflines.

In the event of a dispute as to the meaning or interpretation of this provision, the Building Official is hereby vested with authority to determine a significant variation, based upon established standards in the housing industry.

(3) *Parking.* A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit, in addition to a two (2) car garage for each dwelling unit. In the event that the garage openings within the housing development have a direct access to public service drives, said garages shall not face onto said public service drives that adjoin side yards of existing lots in residential use.

(4) *Access.* Each dwelling unit within a housing development shall have a clear, direct access on a public service drive, street or cul-de-sac, complying with applicable subdivision regulations in chapter 23.5 of the Code of Ordinances of the City of Bellaire. Public service drives shall provide automobile access to individual units, service access for trash collection and emergency service access. Public service drives shall not be used as storage and shall provide for signage restricting parking.

(5) *Cul-de-sacs.* Cul-de-sacs in housing developments, notwithstanding what may be provided in other sections of this Code, may have a minimum right-of-way diameter of eighty-five (85) feet and a minimum turning radius of thirty-five (35) feet.

(6) *Screening and landscaping.* A screening wall or fence no less than six (6) feet and no greater than eight (8) feet in height shall be constructed on the north, south and east property lines of estate housing developments that are adjacent to property in residential use. A screening wall or fence shall not extend into the common front area resulting from the required minimum setback from Mulberry Lane.

Along the east property line of an estate housing development site, landscaping may be substituted for a screening wall or fence where the east property line abuts an easement that is at least one hundred (100) feet in width.

Landscaping of a guest parking area, of sufficient height, density and location, is required to screen automobiles from Mulberry Lane, if said parking area is not visually screened from Mulberry Lane by an intervening building.

In addition to landscaping and screening as required above, landscaping shall be provided on the basis of at least three (3) trees per dwelling unit within the estate development. Existing trees shall be preserved to the maximum extent practicable, and in the event any such existing tree shall have a trunk of at least ten inches in diameter, the same shall count towards meeting the total tree requirement.

Editor's note(s)—The basis of this Section is Ordinance No. 83-076, § 3, 10-17-1983.

Sec. 24-544. North Bellaire Special Development District (NBSDD).

A. *Purpose.*

(1) *Generally.* The North Bellaire Special Development District is bordered not only by busy arterial streets, but also a major freeway. Long-established neighborhoods of single-family detached homes are immediately north of the district and also to the south across Fournace Place. This district provides for non-residential mixed-use development as part of an overall master-planned contiguous special development district. The district is intended for commercial uses such as retail centers, restaurants, office, entertainment, hospitality, and service businesses that cater to the Bellaire community and provide a pedestrian oriented destination which promotes community and boosts quality of life in Bellaire. Recognizing the district's location within a primarily residential area, development must be properly located and scaled and shall minimize impacts to surrounding areas, considering traffic, noise, light, and shadows. Highly visible landscaping, green and open space areas, and pedestrian features shall be incorporated on all sites. Access to and from the district shall be prioritized for the West Loop 610 Frontage Road. Additionally, development shall consider and mitigate drainage and flooding impacts in accordance with City requirements, or as determined by the City to be necessary and appropriate to mitigate risks from flooding to health and safety and property value in the surrounding residential areas.

(2) *Character.* Recognizing the unique aspects of a large contiguous commercial district, this Section provides for higher development intensities than in other areas of the city but requires careful and creative site planning to ensure consistency in architectural standards, to provide for a mix of parking options, to conceal parking structures to the maximum degree practicable, and to promote pedestrian connectivity among uses. The highest allowable development intensities shall be limited to properties that front on and have their primary access from the West Loop 610 Frontage Road. Development intensities shall be lower elsewhere in the district. Uses should be designed with sensitivity to the proximity and lower-intensity suburban character of adjacent residential areas. Buffering is emphasized along the northern edge of the district to mitigate impacts on the established residential neighborhood to the north.

(3) *Uses.* This district provides for a range of non-residential development options and encourages mixing of such uses. However, this district contains no permitted uses other than municipal and utility functions, and all developments must be proposed and approved as a planned development.

B. *Uses.*

(1) *Permitted uses.*

a) Utilities:

1) Local utility distribution lines; and

2) Telephone lines and related cross-connecting points.

b) Facilities owned and maintained by the City.

(2) *Planned development:* Applicants intending any use other than those permitted in the district by this subsection must propose a planned development under the amendatory procedures in Section 24-604. All such applications must meet the development standards detailed in this Section. Allowable uses inside a planned development may include a single use from the following list or a combination of two or more of the listed uses:

a) Business and professional offices and services;

b) Banks, credit unions and similar institutions, but not credit access businesses;

c) General retail sales and services, excluding pawnshops, tattoo shops, head shops, vehicle sales and services, including service stations, vehicle washing, vehicle repair and vehicle storage;

d) Restaurants and cafeterias;

e) Bars, when accessory to a principal restaurant, hotel, commercial indoor amusement or theater use, and subject to the requirements of Chapter 3, Alcoholic Beverages, of the City Code;

f) Indoor athletic facilities;

g) Amusement, commercial indoor;

h) Studios for photography, art, music, dance or fitness activities;

i) Museums or art galleries;

j) Theaters, for live performances;

k) Hotels, as defined in Section 24-202(87), designed to where ingress to and egress from all rooms is made through an inside lobby;

l) Conference center facilities;

m) Medical offices and/or urgent care facilities;

n) Commercial parking garage operations, within multi-level and/or underground garage space as defined in Section 24-202(78), but not commercial surface parking lots (areas) as defined in Section 24-202(42).

(3) *Temporary uses.* Temporary uses in the NBSDD shall be authorized, permitted, limited in duration and subject to potential time extensions as provided in Section 24-505. Examples of such uses include:

a) Construction offices.

b) Public interest or special events.

c) Sidewalk sales and other outdoor sales events (e.g. farmer's market).

C. *Development standards.*

(1) *Site plan review required.* All development applications require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of the City Code. All development applications, including planned developments and those development applications that are not planned developments, and their associated site plans, require Planning and Zoning Commission review, and a recommendation to City Council, in accordance with Article VI, Amendatory Procedure, of this chapter. Applicants shall satisfy all application and submittal requirements itemized in Section 24-524, including, but not limited to, compliance with established landscape and design standards.

(2) *Traffic impact analysis:* All applications relating to a change in use or an increase in development intensity shall include a traffic impact analysis as part of the site plan review. Any and all traffic impacts directly attributable to the development application shall be assessed and all reasonable mitigation actions implemented to maintain existing levels of service on South Rice Avenue and Fournace Place.

(3) *Size and area.*

a) *Site area.* The minimum site area for all planned developments shall be two acres. There is no minimum site area for permitted uses.

b) *Maximum building height.* Height shall be limited to eighty-five (85) feet, including drive-under parking, above the average level of the base of the foundation of the building. This provision

should not be interpreted to encourage construction up to the maximum building height throughout the district. In accordance with community protection goals, lesser heights are preferred in areas of the district not directly adjacent to the West Loop 610 Frontage Road.

(4) *Minimum required yards.* As established by the approved site plan for each development application, except that:

a) Where a property is at a boundary of the NBSDD and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the NBSDD, the minimum yard toward the abutting property or alley shall be sixty-five (65) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 65-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane.

b) Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this chapter.

c) Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

d) On properties subject to the height-setback plane, no accessory structure shall be located within the 65-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510. In addition, sixty-five (65) feet adjacent to the property line shall be green space.

e) No building shall be constructed less than fifty (50) feet from the right-of-way line of the abutting Interstate Highway Loop 610 Service Road.

(5) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the NBSDD and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located no closer than fifty (50) feet from the property line. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

(6) *Maximum site coverage.* As established by the approved site plan for the planned development, but not greater than 80 percent for any given development application. This provision should not be interpreted to encourage construction up to the maximum site coverage throughout the district. In accordance with community protection goals, reduced site coverage is preferred in areas of the district not directly adjacent to the West Loop 610 Frontage Road areas not abutting the West Loop 610 Frontage Road.

(7) *Parking.* A minimum number of off-street parking spaces as provided in Section 24-514.a.

(8) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

(Ord. No. 21-031, § 2(App. A), 5-24-2021)

Editor's note(s)—Ord. No. 21-031, § 2(App. A), adopted May 24, 2021, repealed § 24-544 and enacted a new § 24-544, as set out herein. The former § 24-544 pertained to the technical research park district (TRPD) and derived from Ord. No. 16-062, § 1, adopted Oct. 17, 2016.

Sec. 24-545. Larch Lane Development District (LLDD).

A. *Purpose.* The Larch Lane Development District is a district created to allow maximum flexibility in accordance with the specific requirements of this Code for the purposes of providing for residential rehabilitation and/or redevelopment of the properties within this District.

B. *Platting.* Special platting provisions as set out in Section 23.5-15 may be used for all subdivision platting in this District.

C. *Uses.*

(1) *Permitted uses.*

a) Detached single family dwellings.

b) Attached single family dwellings.

c) Duplexes (2 dwelling units).

d) Public parks.

e) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points.

f) Accessory uses, subject to the requirements of Section 24-510.

g) Home occupations, subject to the requirements of Section 24-517.

h) Facilities owned and maintained by the City.

(2) *Specific uses.*

a) Schools.

b) Places of worship.

D. *Standard regulations.* Residential structures (detached, attached and duplex single family dwellings).

(1) *Size and area.*

a) *Minimum site area:* 6,200 square feet, with a minimum of 3,100 square feet of the site area per attached or duplex single family unit.

b) *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building.

Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

c) *Minimum floor area:* 1,500 square feet.

d) *Minimum required yards:*

1) *Front yard:* Twenty (20) feet.

2) *Side yard:*

a. *Detached:* Five (5) feet.

b. *Attached:* Zero feet, provided that a ten (10) foot minimum distance is maintained between lines of attached structures and that no line of attached structures shall exceed two hundred (200) linear feet.

3) *[Corner lots.]* All corner lots shall maintain a ten (10) foot side yard on the side street frontage.

4) *Rear yard:*

a. For the main residential structure, ten (10) feet from any alley or easement; (Ord. No. 89-009, § 1, 3-6-1989)

e) *[Accessory structure.]* For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

f) *Maximum lot coverage:* 55 percent of site area. (Ord. No. 89-009, § 1, 3-6-1989)

(2) *Parking and driveways.* Each residential structure shall have a two (2) car garage, and driveways shall be of such design as to accommodate two (2) vehicles totally on site. Two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required five (5) foot side yards are maintained between separated main residential structures.

(3) *Screening.* Screening shall be required between the Larch Lane Development District and abutting property in commercial and residential use, according to the specifications set forth in Section 24-513 of Division I of this Article.

(4) *Landscaping.* Adequate and appropriate landscaping, including trees, shrubs and ground cover, shall be planted in a proper manner and maintained in a healthy and growing condition prior to the issuance of any occupancy permits.

Editor's note(s)—The basis of this Section is Ordinance No. 85-051, § 2, 8-19-1985.

Sec. 24-546. Bellaire Boulevard Estate Overlay District (BBEOD).

A. *Purpose.* The Bellaire Boulevard Estate Overlay District is a low density residential area and applies to all properties with frontage along Bellaire Boulevard generally from Loop 610 to the eastern City limit as shown on the zoning district map. The overlay district's purpose is to encourage large lot residential development resulting in a "grand boulevard of homes, schools, churches, and houses of worship" with homes facing Bellaire Boulevard and no home with side or rear yard adjacent to Bellaire Boulevard. The overlay district is dormant on each property being invoked only if the property is replatted, resubdivided, or otherwise redeveloped.

B. *Permitted uses.*

1) Detached single-family dwellings.

2) Public parks.

3) Home occupations, subject to the requirements of Section 24-517.

4) Utilities (including local utility distribution lines and telephones lines and related cross-connecting points).

5) Facilities owned and maintained by the City.

C. *Specific uses.*

1) Places of worship.

2) Schools.

D. *Accessory uses.* Accessory uses, subject to the requirements of Section 24-510, are considered to be "permitted uses" in this district.

E. *Standard requirements.*

1) *Minimum Lot Area.* 25,000 square feet.

2) *Minimum Lot Width.* 100 feet.

3) *Minimum Lot Depth.* 250 feet.

4) *Maximum Building Height.* 2½ stories, except:

a) *Churches and Houses of Worship:* Steeples, domes, spires and bell towers may extend to a height not to exceed 40 feet.

b) *Other exceptions for residences, places of worship, and schools:* cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed 40 feet. Radio communications antennas for non-commercial service may not exceed 60 feet.

5) *Minimum floor area.* One thousand six hundred (1,600) square feet per dwelling unit.

a) *Places of Worship:* One thousand six hundred (1,600) square feet.

b) *Schools:* One thousand six hundred (1,600) square feet.

6) *Minimum front yard setback for residences, places of worship, or schools.* 50 feet.

7) *Minimum side yard setback for residences, places of worship, or schools.* Ten (10) feet provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet except:

a) *Accessory structures.* There shall be a side yard of not less than three feet (3') from any interior side lot line when such accessory structure is located in the rear of the lot (which is to the rear of a line connecting the midpoints of the two opposite side lot lines). When any part of an accessory structure is located in front of the line connecting the two midpoints of the two opposite side lot lines, then the same side yard as specified for the main building is required.

b) *Architectural features.* The outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of three feet from the side property line. No other projection from the side building line shall be permitted.

8) *Rear yard setback.* (In computing the rear yard, all measurements shall be made from the rear property line as shown on the plat filed for record in the office of the County Clerk of Harris County, Texas):

a) *Main structure/residential.* Ten (10) feet from property line.

b) *Main structure/place of worship, or school.* Ten (10) feet from alley or easement, with not more than 50 percent lot coverage on back half of the lot.

c) *Accessory structure/residential.* Five (5) feet from the rear property line.

d) *Accessory structure/place of worship or school.* Three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

9) *Maximum lot coverage.*

a) *Residential.* 55 percent of lot area.

b) *Place of Worship or School.* 50 percent of lot area.

10) *Parking.*

a) *Residential.* Two (2) on-site spaces per dwelling unit shall be provided subject to the requirements of Section 24-514.

b) *Place of Worship.* One (1) on-site space for every three (3) individual seats provided in the main sanctuary. Whenever pews are provided in lieu of individual seats, 24 inches shall be the equivalent of one (1) seat.

c) *School.* One (1) on-site space for each classroom plus one (1) on-site space for each four (4) seats in any auditorium, gymnasium, or other place of assembly.

(Ord. No. 02-048, § 3(24-546), 8-19-2002)

Sec. 24-547. Urban Village (TOD) District (UV-T).

A. *Purpose.*

(1) *Generally.* This district provides for development styles and intensities in a mix and pattern not found elsewhere in Bellaire. This is due to the district's location at an edge of the community; its proximity to the West Loop 610-U.S. 59 freeway interchange, the Westpark Tollway, and the Uptown Houston area; and the anticipated construction of a METRO light rail hub station along Westpark, which is the northern boundary of the district. The district is intended to yield a mixed-use, pedestrian-oriented, high-quality setting which includes uses and amenities that boost the quality of life of Bellaire residents while also providing a transit-supportive context for passenger rail service that links the community to many other metropolitan destinations. Buffering is emphasized in the southern part of the district to protect the more Suburban character of the established residential neighborhood immediately to the south.

(2) *Character.* This district has an Urban character, which results from multi-story buildings that create a sense of enclosure along streets and around open spaces through reduced setbacks and greater site coverage. Accommodation of pedestrians is primary while vehicular circulation and access is secondary, especially with the extent of foot traffic a rail transit station can generate. Off-street private surface parking is minimized in favor of on-street parking, scattered common parking areas, and parking structures where feasible, as well as through greater access to the area by transit, walking and bicycling. Any surface parking is generally located behind buildings and/or screened from public view. Landscaping is usually most formal in an Urban character area, with regular street trees, sidewalk and streetscape greenery, and within parks and plazas framed by buildings.

(3) *Uses.* This district is intended to provide a mix of commercial, office and multi-family residential uses in an Urban development form. This may occur through location of varied uses in close proximity,

potentially as part of master-planned developments, as well as through vertical mixing of uses within individual buildings, such as residential units or office space above ground-floor retail and personal service uses. Retail, restaurants and service businesses are desired on the street level along highly visible corridors, and especially in close proximity to the anticipated rail transit station. Less visible and quieter streets should accommodate primarily residential buildings, with opportunities to orient dwellings toward potential green spaces (e.g., mews) or other common open space.

B. *Uses.*

(1) *Permitted uses.*

a) Utilities:

1) Local utility distribution lines; and

2) Telephone lines and related cross-connecting points.

b) Facilities owned and maintained by the City of Bellaire or other governmental entities, including public transit facilities and public parks.

c) Mixed-use developments consisting of a combination of two or more of the permitted uses listed in this subsection, including:

1) Multifamily dwellings, designed to where ingress to and egress from all dwelling units is made through the interior of the building rather than from direct outside entrances to each unit.

2) Business and professional offices and services.

3) Banks, credit unions and similar institutions.

4) Restaurants and cafeterias, without drive-in and/or drive-through service.

5) General retail sales and services.

6) Schools, business or trade.

7) Hotels, as defined in Section 24-202.(87), designed to where ingress to and egress from all rooms is made through an inside lobby.

8) Conference center facilities.

9) Nurseries and/or day care centers.

10) Athletic facilities/clubs.

11) Commercial indoor amusements.

12) Studios for photography, art, music, dance or fitness activities.

13) Museums or art galleries.

14) Movie theaters, indoor.

15) Theaters, for live performances.

16) Private club or place of worship.

17) Commercial parking garage operations, within multi-level and/or underground garage space as defined in Section 24-202(78), but not commercial surface parking lots (areas) as defined in Section 24-202(42).

d) Planned Development: Applicants may propose planned developments in this district under the amendatory procedures in Section 24-604. This procedure will enable consideration of proposed single-use projects which could be a positive addition to the district, and of other development proposals which might not strictly adhere to the standards within this Section but would meet the spirit and intent of the district. All such applications must still meet the following district standards:

1) *Site area.* Minimum of one acre.

2) *Height.* Minimum building height of two working stories or 30 feet, whichever is greater.

3) *Sidewalk Width.* Minimum 10 feet wide along any side of a public street.

(2) *Accessory uses.* Accessory uses, subject to the requirements of Section 24-510. Except that, for the purposes of the UV-T district, an accessory use may occur within a portion of a principal structure.

a) Home occupations, subject to the requirements of Section 24-517.

b) Bars, when accessory to a principal restaurant, hotel, commercial indoor amusement, movie theater, theater or private club use, and subject to the requirements of Chapter 3, Alcoholic Beverages, of the City Code.

c) Vehicle washing, included as an accessory service use within a parking structure, provided that all associated activity is carried out inside the structure, screened from view from any public street right-of-way, and that no vehicle repairs are made on the premises.

(3) *Temporary uses.* Temporary uses in the UV-T district shall be authorized, permitted, limited in duration and subject to potential time extensions as provided in Section 24-505. Examples of such uses include:

a) Construction offices.

b) Public interest or special events.

c) Sidewalk sales and other outdoor sales events (e.g., farmers' market).

(4) *Prohibited uses.*

a) Single-family dwellings (detached or attached).

b) Any commercial uses (restaurants, banking, etc.) with drive-in, drive-up or drive-through service.

c) Pawnshops.

d) Tattoo shops.

e) Vehicle sales and services, including service stations, vehicle washing, vehicle repair and vehicle storage.

f) Motels, as defined in Section 24-202.(111) , where ingress to and egress from each room is through an outside entrance.

g) Mini-storage businesses.

h) Commercial parking lots (areas) as defined in Section 24-202(42).

i) Industrial and/or manufacturing uses.

j) Warehousing, wholesaling and distribution facilities.

k) Mortuaries or funeral homes.

l) Cemeteries.

m) Heliports.

n) Sports stadiums or arenas.

o) Head shops.

C. *Development Standards.*

(1) *Site plan review required.* All development applications, including planned developments and those development applications that are not planned developments, in the UV-T district are subject to approval by the Planning and Zoning Commission following a site plan review process to determine conformance with the substantive standards for this district and other applicable provisions of the City Code. Applicants shall satisfy all application and submittal requirements itemized in Section 24-524.

(2) *Streets.*

a) *East-west connectivity.* All new development, redevelopment and public improvements in the district shall be designed so as not to impede potential future improvement of continuous east-west public streets along the existing alignments of Terminal and Lehigh streets, ideally to provide connectivity from the Loop 610 frontage road on the east to South Rice Avenue (through City of Houston territory) on the west.

(3) *Size and area.*

a) *Site area.* The minimum site area for all developments shall be two acres.

1) *Site area credit.* If a site abuts an alley or vehicular access easement, one-half of the width of the alley or easement which is directly adjacent to the site shall be counted toward the calculation of site area.

2) *Blocks and public streets north of Terminal Street.* It is the City's intent, consistent with its Comprehensive Plan, to encourage relatively intensive development in close proximity to the planned rail transit station along Westpark Drive. Given that the dead-end termini of several existing public streets are currently in this vicinity (e.g., North 1st Street, North 2nd Street, North 3rd Street), the City will consider development applications on the abutting blocks, north of Terminal Street, which propose to increase development yield through construction of buildings and/or parking structures which span above the public streets, potential abandonment of some or all of the rights-of-way associated with the public streets, or other potential public/private partnership arrangements. This statement of intent in no way obligates the City to pursue or agree to any such proposal.

b) *Front building setback.* At least 75 percent of the front building facade of all principal buildings shall be at the front property line, with zero feet of setback. Step-backs from the front building line are permitted elsewhere along the front building facade for articulation purposes. The 75 percent minimum may only be decreased to accommodate a public plaza, pocket park or other public open space which is situated between the building and along a public street.

c) *Site and landscape coverage.* The maximum site coverage for all developments shall be 90 percent of the site area. The corresponding minimum landscape coverage for all developments shall be 10 percent of the site area.

d) *Height.* The minimum building height for all developments shall be two working stories or 30 feet, whichever is greater. The maximum building height shall be 16 above-ground working stories or 235 feet, whichever is greater, though this limit shall not foreclose consideration of applications calling for in excess of 16 stories through the planned development process.

(4) *Development intensity.* The standards provided in Table 24-547.A, Development Intensity Standards, indicate the required minimum floor area ratio (FAR) for all developments in the UV-T district, and the

maximum FAR permitted under varying conditions. Opportunities for development intensity bonuses, in the form of increased FAR allowances, are also indicated.

Table 24-547.A:
Development Intensity Standards

Land Use	Minimum Floor Area Ratio (FAR)**	Maximum Floor Area Ratio (FAR)***	Off-Street Parking Provision	Additional Site Area	Public Plaza, Pocket Park or Other Public Open Space^^	Commentary
Mixed-Use Development*	0.75	1.00	All Surface Parking, with a 10% FAR Bonus if none of the parking area(s) abuts a public street or sidewalk	25% FAR Bonus for each 1 acre of additional site area beyond the minimum 2 acres	5% FAR Bonus for each 1,000 square feet of such amenity area provided, up to 10,000 square feet	Projects which rely entirely on surface parking will have reduced development intensity but are still provided an adequate FAR allowance to support an Urban development character. However, even here, incentives are provided for desired outcomes through potential FAR bonuses.
Mixed-Use Development	0.75	1.25	Mix of Surface and Garage Parking, with the same FAR Bonus as above	Same as above	Same as above	A slightly higher FAR allowance is provided where the project will utilize a mix of surface and garage parking, with the same potential FAR bonuses as above.

Mixed-Use Development	0.75	4.00	All Garage Parking	Same as above	Same as above	The combination of mixed uses and all garage parking is granted a significant FAR increase, still with the potential for further FAR bonuses.
Mixed-Use Development with 75% or more of all ground floor space along public streets in general retail sales and services or restaurant uses	0.75	No maximum	All Garage Parking	n/a	n/a	For projects which include multiple uses and utilize all garage parking, and also provide significant ground floor activity, no maximum FAR is set.

* For purposes of the UV-T district, for a building or development to be considered a "mixed use" project, each different use must occupy at least 5,000 square feet or 10% of the total floor area of the building or development, whichever is less.

** A minimum FAR of 0.75 for all developments, together with a minimum building height of two stories, helps to establish an Urban character in the district, even for smaller sites and projects.

*** The floor area contained with any portion of a building which the City allows to span above a public street right-of-way shall not be counted when calculating the total floor area of the building.

^^ An additional 10% FAR Bonus shall apply if at least 5,000 square feet of the amenity area is located entirely within a 500-foot radius of the edge of a rail transit station site.

(5) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structure are not directly illuminated.

(Ord. No. 01-037, § 6, 4-16-2001; Ord. No. 10-025, § 3(App. B), 4-5-2010; Ord. No. 11-086, § 1(App. A), 12-12-2011; Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 17-028, § 1, 5-15-2017)

Sec. 24-548. R-6 Small-Lot Residential Attached District.

A. *Purpose.* The R-6 Small-Lot Residential Attached District is an upper medium density residential area characterized by the zoning requirements set forth in this Section.

B. *Uses:*

(1) *Permitted uses:*

a) Single-family dwellings;

b) Townhouse dwellings;

c) Public parks;

d) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points;

e) Accessory uses, subject to the requirements of Section 24-510;

f) Home occupations, subject to the requirements of Section 24-517;

g) Facilities owned and maintained by the City; and

h) Planned Development: Single-Family and/or Townhouse Residential.

(2) *Specific uses:*

a) Schools; and

b) Places of worship.

C. *Standard regulations:*

(1) *Single-family dwellings.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Townhouse dwellings:*

a) *Size and area:*

1) *Minimum lot area:* 1,625 square feet.

2) *Minimum lot width:* 25 feet.

3) *Minimum lot depth:* 65 feet.

4) *Maximum building height for structures within seventy-five (75) feet of R-1, R-3, R-4, or R-5 district or within seventy-five (75) feet of a public right-of-way abutting R-1, R-3, R-4, or R-5 district:* 3 stories not to exceed thirty-five (35) feet six (6) inches. To determine height restrictions related to the maximum height of the top plate of the third story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. Rooftop decks are prohibited.

To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance

Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed thirty-five (35) feet six (6) inches.

5) *Maximum building height for structures not within seventy-five (75) feet of R-1, R-3, R-4, or R-5 district or within seventy-five (75) feet of a public right-of-way abutting R-1, R-3, R-4, or R-5 district:* 4 stories not to exceed forty-five (45) feet six (6) inches. To determine height restrictions related to the maximum height of the top plate of the third story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed fifty (50) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. Rooftop decks are prohibited.

   To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed forty-five (45) feet six (6) inches.

6) *Minimum floor area per dwelling unit:* 1,100 square feet.

7) *Minimum required yards:*

   a. *Front yard from existing public street right-of-way:* Twenty-five (25) feet.

   b. *Front yard from internal private street right-of-way:* Ten (10) feet.

   c. *Side yard:* Zero (0) feet from interior side lot lines where there is separation from any other unit by one (1) or more common fire-resistant walls. On corner lots, the minimum side yard adjacent to the side street shall be ten (10) feet.

   d. *Minimum yard between structures:* Five (5) feet.

   e. *Architectural features:* the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of three (3) feet from the side property line. No other projection from the side building line shall be permitted.

f. *Rear yard abutting R-6 district:* Five (5) feet.

g. *Minimum yard abutting all other districts:* Ten (10) feet.

8) *Maximum lot coverage*: 80 percent of lot area.

b) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

c) Drainage shall comply with the Code of Ordinances, Section 9-72. - Drainage requirements for non-residential construction.

D. *Planned Development*: Single-Family and/or Townhouse Residential. Planned developments may be approved in this District under the amendatory procedures of this chapter, but shall be limited to Single-Family and/or Townhouse Residential uses and subject to the following restrictions and limitations.

(1) *Size and area:*

a) *Project area:* A planned development in an R-6 Residential District shall have a minimum site of one (1) acre.

b) *Maximum building height for structures within seventy-five (75) feet of R-1, R-3, R-4, or R-5 district or within seventy-five (75) feet of a public right-of-way abutting R-1, R-3, R-4, or R-5 district:* 3 stories not to exceed thirty-five (35) feet six (6) inches. To determine height restrictions related to the maximum height of the top plate of the third story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. Rooftop decks are prohibited.

To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed thirty-five (35) feet six (6) inches.

c) *Maximum building height for structures not within seventy-five (75) feet of R-1, R-3, R-4, or R-5 district or within seventy-five (75) feet of a public right-of-way abutting R-1, R-3, R-4, or R-5 district:* 4 stories not to exceed forty-five (45) feet six (6) inches. To determine height restrictions related to the maximum height of the top plate of the third story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent

stacks may extend to a height not to exceed fifty (50) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. Rooftop decks are prohibited.

To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed forty-five (45) feet six (6) inches.

d) *Minimum floor area per dwelling unit:* 1,100 square feet.

e) *Building lines* shall be established in the ordinance approving the planned development.

f) *Maximum site coverage*: 80 percent of site area.

(2) *Parking and driveways.* Each home within the planned development district shall have a two (2) car garage; driveways shall be of such design as to accommodate two (2) vehicles totally on site.

(3) *Screening.* Screening shall be required between the planned development district and abutting property according to the specifications set forth in Section 24-513 of Division 1 of this Article.

(4) *Landscaping.* In addition to that landscaping which may be an integral part of the screening herein required, landscaping shall also be required for the purpose of providing an acceptable transition between the planned development district and surrounding lower density residential development.

(5) Drainage shall comply with the Code of Ordinances, Section 9-72. - Drainage requirements for non-residential construction.

Secs. 24-549—24-600. Reserved.

ARTICLE VI. AMENDATORY PROCEDURE

Sec. 24-601. Purpose.

The purpose of this Article is to provide appropriate and uniform procedures for the conduct of public hearings and adoption of amendments by the City Council as well as for the conduct of public hearings and making of recommendations by the Planning and Zoning Commission.

Sec. 24-602. Types of Amendment.

This Article provides a procedure for amendment to the written text of this chapter or the Official Zoning District Map, the creation and approval of planned development districts and the approval of specific use permits as amendments to this chapter.

Amendments are not intended to relieve particular hardships or to confer special privileges or rights on any person but to amend this chapter in light of changed circumstances and conditions. In determining whether to grant a requested amendment, the City Council and the Planning and Zoning Commission shall consider the consistency of the proposed amendment with the provisions of the comprehensive plan set forth in Section 24-104 of this chapter.

Sec. 24-603. Application for Amendment to Written Text or Official Zoning District Map.

Any person desiring to petition for an amendment to the written text of this chapter or to the Official Zoning District Map shall be required to file an application in writing with the Administrative Official, accompanied by a nonrefundable application fee, in an amount established by the City Manager, to defray the actual cost of processing the application. The application shall include the following information:

(1) The applicant's name and address;

(2) The precise wording of any proposed amendment to the written text of this chapter and a statement of the present provisions and Section or Sections of this chapter sought to be amended, or in the event the proposal concerns a change in the Official Zoning District Map, then a clear delineation of the area set out on the map sought to be rezoned;

(3) A statement of the need and justification for the proposed amendment;

(4) A statement as to the conformity of the proposed amendment to the comprehensive plan set forth in Section 24-104 of this chapter or the reason for any deviation from such plan and the precise wording of any proposed change in the plan to bring the plan into conformity with the proposed amendment;

(5) In the event that the proposed amendment would change the Official Zoning District Map and the zoning classification of any property:

a) The street address and legal description of the property proposed to be reclassified;

b) The applicant's interest in the subject property;

c) The owner's name and address, if different than the applicant's, and the owner's signed consent to the filing of the application or the signatures of 75 percent of the owners of the parcels to be affected;

d) The names and addresses of all owners of property required to be notified under this Article;

e) The present zoning classification and existing uses of the property proposed to be reclassified; and

f) The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof; and

(6) Such other information or documentation as the Administrative Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.

Sec. 24-604. Application for Planned Development Amendment.

Any person desiring to petition for a planned development amendment to this chapter shall be required to file an application in writing with the Administrative Official, accompanied by a nonrefundable application fee, in an amount established by the City Council or the City Manager, to defray the actual cost of processing the application. The application shall include the following information:

(1) The name and address of the applicant; and in the event that the applicant is a partnership, the full name and address of the general partner, and in the event that the applicant is a corporation, the full names and addresses of all officers, a statement as to the state of incorporation, the name and address of the registered agent and the address of the registered office of the corporation;

(2) A legal description and street address of the property which is the subject of the application;

(3) A statement of ownership accompanied by a certificate from a title insurance company certifying ownership;

(4) A written description of the proposed development and associated land use(s), including specific description of any applicable parameter(s) in the City's development regulations from which the applicant proposes variation;

(5) A site plan in accordance with Section 24-524;

(6) The names and addresses of all owners of property required to be notified under this Article; and

(7) Such other information or documentation as the Administrative Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.

(Ord. No. 11-086, § 1(App. A), 12-12-2011; Ord. No. 19-059, § 1(App. A), 11-4-2019)

Sec. 24-605. Application for Specific Use Permit.

Any person desiring to petition for a specific use permit to this chapter shall be required to file an application in writing with the Administrative Official, accompanied by a nonrefundable application fee, in an amount established by the City Council or the City Manager, to defray the actual cost of processing the application. The application shall include the following information:

(1) The name and address of the applicant; and in the event that the applicant is a partnership, the full name and address of the general partner, and a statement as to the state of the organization/formation, if applicable, and in the event that the applicant is a corporation, the full names and addresses of all officers, a statement as to the state of incorporation, the name and address of the registered agent and the address of the registered office of the corporation;

(2) The section or sections of this chapter authorizing a specific use permit;

(3) A legal description, street address, and zoning district of the property which is the subject of the application;

(4) A statement of ownership accompanied by a certificate from a title insurance company certifying ownership;

(5) A written description of the proposed specific use as provided for in this Code;

(6) A survey of the property in question;

(7) A scaled site plan of the property showing the general arrangement of the project, together with essential requirements, including, but not limited to, off-street parking; size, height, construction materials, and locations of the building and use to be permitted; location of proposed signage, means of ingress and egress to public streets; the type of visual screening that is being proposed, such as walls, plantings, and fences; and any foreseen negative impacts of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet;

(8) A landscape plan in accordance with Section 24-513 of the City's Code of Ordinances. This requirement may be waived by the Administrative Official, based on information provided in the application;

(9) A traffic impact analysis or trip generation report. See Table 24-605.A to determine which is required. This requirement may be waived by the Administrative Official, based on the information provided in the application;

(10) A written environmental assessment statement describing in general terms the impact of the development for which approval is sought and providing any specific information that the Administrative Official shall deem necessary;

(11) The names and addresses of all owners of property required to be notified under this Article; and

(12) Such other information or documentation as the Administrative Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.

Table 24-605.A

	Traffic Impact Analysis	Trip Generation Report
All New Developments	x	
All developments proposing a new drive-through	x	
All re-developments adjacent to or within residential zoning districts R-1, R-3, R-4, R-5 & R-6	x	
All other developments		x

(Ord. No. 10-057, § 1(App. A), 8-2-2010; Ord. No. 19-059, § 1(App. A), 11-4-2019)

Sec. 24-606. Amendments Initiated by the Planning and Zoning Commission and City Council.

Nothing herein shall prevent the Planning and Zoning Commission from calling and conducting public hearings on proposals by such Commission for amendments to the text of this chapter or the Official Zoning District Map and making recommendations thereon nor shall anything herein prevent the City Council from initiating consideration of amendments to the text of this chapter or the Official Zoning District Map.

Sec. 24-607. Call of Public Hearings.

(1) When any amendment is proposed pursuant to the provisions of this chapter, the City Council may, at its discretion and by ordinance, call a joint public hearing to be held before the City Council and the Planning and Zoning Commission. The City Council shall receive the Commission's final report and recommendation before considering any amendment.

(2) In the event the City Council shall not elect to call a joint public hearing on such proposed amendment:

(a) The Planning and Zoning Commission Chair or the City Manager shall then call a public hearing before the Planning and Zoning Commission and such public hearing shall be held prior to the Planning and Zoning Commission making its report and recommendation to the City Council.

(b) Upon receipt of the report and recommendation of the Planning and Zoning Commission by the City Clerk, and upon request by any applicant, the City Manager shall then call a public hearing before the City Council and such public hearing shall be held prior to the City Council considering such amendment.

(Ord. No. 10-057, § 1(App. A), 8-2-2010)

Sec. 24-608. Notice Required.

Upon formal action by the Planning and Zoning Commission or ordinance duly enacted by the City Council, notice of all public hearings concerning proposed amendments shall be given in accordance with this Article.

Sec. 24-609. Content of Notice.

Every required notice shall include the date, time and place of the hearing, statement of the proposal under consideration or the text of the proposal to be considered and identification of the body conducting the hearing.

Sec. 24-610. Publication.

A. For public hearings before the Commission, notice of such public hearings shall be given by publication in the official newspaper of the City of Bellaire, and such hearings shall not occur earlier than ten (10) days from the date of the publication. When the matter under consideration by the Commission involves an amendment or change in the classification or boundary of a zoning district, written notice of public hearing before the Commission on the proposed amendment or change shall be sent to all owners of real property lying within five hundred (500) feet of the property upon which the change is requested, including streets and alleys, and the owners of such additional property as may be designated by the commission. Such notice shall be given not less than ten (10) days before the date set for the hearing by depositing such notice in the mail, properly addressed and postage prepaid, to each taxpayer as the ownership appears on the last approved tax roll.

B. For public hearings before the City Council, notice of such public hearings shall be given by publication in the official newspaper of the City of Bellaire, and such hearings shall not occur earlier than fifteen (15) days from the date of the publication. When the matter under consideration by the City Council involves an amendment or change in the classification or boundary of a zoning district, written notice of public hearing before the City Council on the proposed amendment or change shall be sent to all owners of real property lying within five hundred (500) feet of the property upon which the change is requested, including streets and alleys, and the owners of such additional property as may be designated by the City Council. Such notice shall be given not less than fifteen (15) days before the date set for the hearing by depositing such notice in the mail, properly addressed and postage prepaid, to each taxpayer as the ownership appears on the last approved tax roll.

(Ord. No. 87-001, § 1, 01-05-87; Ord. No. 15-023, § 1, 3-23-2015)

Sec. 24-611. Required Notification Signs.

A. *Sign Requirements.* For public hearings before the Planning and Zoning Commission or the City Council in regard to a request for a specific use permit, a planned development amendment, or an amendment to the

Official Zoning Map, a sign or signs shall be posted on the subject property, a minimum of fifteen (15) days prior to such hearing that meets the following requirements:

(1) Minimum sign size: four (4) feet by eight (8) feet;

(2) Sign location: not more than fifteen (15) feet from each street abutting the property. One (1) notification sign is required facing each street adjacent to the site.

(3) Sign lettering: must be legible from the street;

(4) The site address and the case number assigned to the request by the City must appear on the sign;

(5) The purpose of the public hearing must be identified. If a rezoning has been requested, then the current and proposed zoning districts must be listed;

(6) The date, time, and place of the public hearing shall appear on the sign; and

(7) It shall be the duty and responsibility of the applicant to procure the sign and to cause the same to be properly maintained as required.

B. *Affidavit of posting.* The applicant shall file with the Administrative Official, an affidavit of posting, which affidavit shall be made under oath and shall specify that a sign, meeting the requirements of this Section, has been posted at or before the time required.

(1) The affidavit of posting shall be on a form provided by the Administrative Official and include photos of the sign or signs as attachments to the form;

(2) The filing of such affidavit of posting shall be sufficient proof of compliance with this Section and no one may complain of the validity of any amendment or permit because such sign has been prematurely removed or is alleged not to have been posted; and

(3) The filing of an affidavit of posting with the Administrative Official shall be prima facie evidence and conclusive for all purposes of compliance with this Section.

(Ord. No. 12-006, § 1(App. A), 2-20-2012)

Editor's note(s)—Section 1 (Appendix A) of Ord. No. 12-006, adopted Feb. 20, 2012, deleted, and added a new § 24-611 to read as herein set out. Former § 24-611 derived from the original codification and Ord. No. 11-019, adopted March 7, 2011.

Sec. 24-612. Conduct of Public Hearings.

A. *Rights of all persons.* Any person may appear at a public hearing and submit evidence either individually or as a representative of any organization. Each person who appears at a public hearing shall identify himself, his address and state the name and mailing address of any organization he represents. The body conducting the hearing may exclude evidence that it finds to be irrelevant, immaterial or unduly repetitious.

B. *Due order of proceedings.* Any person shall have the right to appear and present evidence or testimony which is relevant and material to the matter under consideration. Any person may, in addition, ask relevant questions of other persons appearing as witnesses, but shall do so only through the presiding officer; and the presiding officer may, as he shall deem fit, address such questions to the witnesses.

C. *Opinions.* Any person, in addition to giving evidence in the form of oral testimony or documentation, shall have the right at a public hearing to express opinions and give other information, so long as the same is relevant, material and not unduly repetitious.

D. *Continuance of hearing.* The body conducting the hearing may, on its own motion or the request of any person, continue the hearing to a fixed date, time and place. An applicant shall have the right to request and

be granted one (1) continuance without statement of grounds or reasons therefor. However, all subsequent continuances shall be granted at the discretion of the body conducting the hearing, upon good cause shown. Any person requesting and being granted a continuance shall be required to pay all costs and expenses as required by law. All adjourned and recessed public hearings shall only commence upon the giving of all notices which would have been required were it the initial call of the public hearing.

E. *Other rules to govern.* Other matters pertaining to the public hearing shall be governed by other provisions of this chapter applicable to the body conducting the hearing and its adopted rules of procedure, so long as the same are not in conflict with this Code.

F. *Record.*

(1) The body conducting the hearing shall record the proceedings by any suitable and available process, which shall be duplicated by any appropriate means at the request of any person upon application to the City Clerk and payment of a fee to cover the cost of transcription, or the audio record (tape) may be duplicated.

(2) The transcript of oral proceedings, including testimony and statements of personal opinions, the minutes of the secretary, all applications, exhibits and papers submitted in any proceeding before the decision-making body, the report of the Administrative Official or other member of the city staff and the decision and report or reports of the decision-making body, shall constitute the record.

(3) All records of the decision-making bodies shall be public records, open to inspection at reasonable times and upon reasonable notice in accordance with Public Information Act, V.T.C.A., Government Code § 552.001 et seq.

G. *Joint hearing procedure.* A joint public hearing shall be conducted in accordance with procedures for public hearings as set out herein. The Mayor shall act as presiding officer at any joint public hearing, or in the event of the absence of the Mayor, the Mayor Pro Tem or member of City Council designated by a majority of the members of the City Council present, shall preside.

Sec. 24-613. Expeditious Action.

All decision-making bodies shall act expeditiously and promptly to conclude their deliberations and take final action on the matter before them. Such actions should be taken as promptly as possible in consideration of the interest of the citizens of the City of Bellaire.

Sec. 24-614. Reports and Recommendations of the Planning and Zoning Commission.

The Planning and Zoning Commission shall render written reports and recommendations to the City Council, which shall include at least the following elements:

(1) A clear statement of specific findings;

(2) A summary of the information presented before the Commission by interested citizens appearing before the Commission and making presentations. The report should state the approximate total number of citizens appearing and shall provide a brief summary of the differing opinions presented by such persons;

(3) Copies of all documentary evidence provided to the Commission or which the Commission considered in making its report; and

(4) Identification of the members of the Commission voting for the majority position and identification of the members of the Commission voting against the majority position, with a brief statement explaining the reasons for the determinations made.

Sec. 24-615. Standards Applicable to All Planned Development Amendments and Specific Use Permits.

A planned development amendment or a specific use permit may be granted and may be allowed to continue if it meets the following criteria and standards and is otherwise in accord with this Code. (Ord. No. 81-066, § 1, 11-2-1981)

(1) The proposed planned development amendment or specific use permit is consistent with the purposes, goals, objectives and standards of the comprehensive plan of the City of Bellaire;

(2) The design of the proposed development, considered as a part of the planned development amendment or specific use permit, minimizes adverse effects, including visual impacts of the proposed use on adjacent properties;

(3) The proposed development will not have an adverse effect on the value of the adjacent property;

(4) The proposed development will not unduly burden essential public facilities and services, including streets, police and fire protection, sanitary sewers, storm sewers, solid waste disposal and schools; and

(5) The applicant for the development has adequate financial and technical capacity to complete the development as proposed and has met all requirements of this Code, including such conditions as have been imposed as a part of a planned development amendment or specific use permit.

(Ord. No. 10-057, § 1(App. A), 8-2-2010)

Sec. 24-616. Amendments to This Chapter.

The City Council may enact such amendments to this chapter under the conditions as herein provided and subject to the procedure as provided herein upon finding of such changed circumstances or conditions necessitating such amendment. No amendment to this chapter, other than procedural amendments, shall be adopted unless specific findings of fact shall be made reasonably concluding that a change in circumstance or condition exists. In all such amendments, a finding shall be made that the proposed amendment is in compliance with the comprehensive plan of the City of Bellaire as set out in this chapter, or if not in compliance, what new facts or circumstances necessitate a change in the comprehensive plan.

(Ord. No. 81-066, § 3, 11-2-1981)

Sec. 24-617. Final Action by the City Council.

The City Council may, subject to the requirements and conditions herein set out, upon receipt and acceptance of the report and recommendation of the Planning and Zoning Commission and appropriate public hearing(s), enact ordinances amending this chapter or the Official Zoning District Map as its decision-making determination in accordance with the provisions of this chapter. In the case of a planned development amendment or a specific use amendment, the City Council may approve the site plan within such parameters subject to such conditions, safeguards and restrictions as the City Council may deem appropriate and necessary. (Ord. No. 81-066, § 2, 11-2-1981)

In the event of a written protest against such change, signed by the owners of twenty percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all of the members of the City Council. In computing the percentage of land area, the area of streets and alleys shall be included in the computation. (Ord. No. 87-001, § 1, 1-5-1987)

The City Council may, if it deems necessary, refer the proposal to such other official, board or commission for further study and review, or take no action.

Sec. 24-618. Notification of Decision.

A. *Planning and Zoning Commission.* The Administrative Official shall mail to any interested applicants, by certified mail, return receipt requested, a letter setting out the decision of the Planning and Zoning Commission.

B. *City Council.* In the case of the final adoption of an ordinance, the City Clerk shall mail to any interested applicants, a certified copy of the ordinance duly enacted; and if no ordinance is enacted, the City Clerk shall mail to such interested applicants, by certified mail, return receipt requested, a letter setting out the decision of the City Council.

Sec. 24-619. Final Plan for Planned Development Districts.

The applicant shall file with the Building Official a final site plan in conjunction with its request for a building permit. The final site plan shall show compliance with the parameters and conditions established by the City Council and the planned development amendment ordinance. In the event the planned development amendment contemplates a development consisting of more than one building, the applicant shall only be required to file a final site plan for the site upon which the buildings sought to be constructed is located.

The Building Official shall issue a building permit if the final site plan is in accord with the provisions of this chapter and the planned development amendment and if all other conditions of this Code and administrative orders of the Building Official have been complied with.

(1) *Timing.* All improvements reflected on an approved site plan shall be constructed at the time of development, unless clearly specified in the planned development application and on the associated site plan as part of a future phase in a phased development plan.

(Ord. No. 11-086, § 1(App. A), 12-12-2011)

Sec. 24-620. Successive Applications.

Whenever any application for an amendment or change in the Official Zoning District Map is denied after public hearing, a second application for amendment or change in the Official Zoning District Map, being substantially the same as the first application, from the same applicant and involving the same property, shall not be considered within two (2) years from the date of denial. The body charged with conducting the public hearing immediately prior to such denial shall resolve any question concerning the similarity of a second application.

Secs. 24-621—24-700. Reserved.

ARTICLE VII. VARIANCES, SPECIAL EXCEPTIONS, APPEALS AND NONCONFORMITIES

DIVISION 1. VARIANCES

Sec. 24-701. Authority.

The Board of Adjustment shall have authority to grant variances from the requirements of this chapter in accordance with the procedures of this chapter.

Sec. 24-702. Purpose.

The purpose of variances is to provide a mechanism for relief where, owing to special conditions, the literal enforcement of the regulations of this chapter will result in unnecessary hardship, provided that the granting of variances will not be contrary to the public interest and provided further that the spirit of this chapter will be preserved by variances granted under the terms and provisions hereof.

Sec. 24-703. Initiation.

An owner or person, either owning or having a contractual interest in the property to be affected by the variance, may seek a variance under the provisions of this chapter.

Sec. 24-704. Standards.

The Board shall not grant a variance unless it shall, in each case, make specific written affirmative findings based directly upon the particular evidence presented to it which support written conclusions that:

(1) Such modifications of the height, yard, area, lot width, lot depth, off-street loading, screening wall, coverage, parking and sign regulations are necessary to secure appropriate development of a parcel of land which materially differs from other parcels in the district because of a special condition unique to and inherent in the parcel itself, such as restricted area, shape or slope, such that the parcel cannot be appropriately developed without modification;

(2) A literal enforcement of the zoning ordinance from which the variance is requested would result in unnecessary hardship not self-created or personal, nor solely financial in nature;

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood; and

(4) The variance desired will not be opposed to the general spirit and intent of this chapter.

(5) In addition to the criteria in subsections (1) through (4), above, on which the Board must make affirmative findings in order to approve a variance request, the Board may consider the following criteria to support a decision on a variance request:

a. The financial cost of compliance is greater than fifty (50) percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Texas Local Government Code Section 26.01, Tax Code;

b. Compliance would result in a loss to the lot on which the structure is located of at least twenty-five (25) percent of the area on which development may physically occur;

c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or

e. The municipality considers the existing structure to be a nonconforming structure.

(Ord. No. 08-073, § 1(App. A), 11-17-2008)

Sec. 24-705. Application.

An application for a variance shall be filed with the Secretary of the Board of Adjustment according to rules of procedure adopted from time to time by the Board and shall be accompanied by a nonrefundable fee as prescribed in such rules of procedure, to defray administrative costs.

Sec. 24-706. Limitations on Variances.

Variances from the terms of this chapter shall not be contrary to the public interest but may be granted where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship.

Sec. 24-707. Action of Board.

The Board shall hold a hearing on a requested variance, pursuant to the procedures set out in this Code, as soon as practical after a complete application for a variance is filed.

Sec. 24-708. Conditions on Variances.

The Board may set forth conditions in the written order granting a variance. Such conditions may relate to screening, landscaping, location and other conditions necessary to preserve the character of the area and protect property in the vicinity of the variance.

Secs. 24-709—24-715. Reserved.

DIVISION 2. SPECIAL EXCEPTIONS

Sec. 24-716. Authority.

The Board of Adjustment shall have the authority to grant special exceptions, in accordance with the provisions of this Code and the procedures and standards hereinafter set forth, to permit:

(1) The reconstruction of a nonconforming structure when the structure has been damaged or destroyed to the extent of more than fifty percent of the fair market value of the structure, or the restoration, repair or renovation of a nonconforming structure when the structure has been damaged by less than fifty percent of its fair market value where no building permit has been previously automatically issued for such restoration, repair or renovation within six (6) months from the date of damage as permitted under this Code; or

(2) Any nonconformity which is nonconforming solely because of failure to comply with regulations governing parking, screening, landscaping or lighting, to continue as a special exception, subject to the procedures in this Article and subject to conditions which may be imposed by the Board; or

(3) Any nonconformity for which such authority has been specifically allowed by ordinance.

(Ord. No. 11-019, § 2(App. A), 3-7-2011)

Sec. 24-717. Initiation.

The owner or other person having a contractual interest in the property which is the site of the proposed special exception may initiate a request for a special exception.

Sec. 24-718. Standards for Special Exceptions.

Special exceptions may not be granted unless the Board makes written findings based directly upon the particular evidence presented to it which support written conclusions that the granting of the special exception will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood.

Sec. 24-719. Application.

An application for a special exception shall be filed with the Secretary of the Board of Adjustment according to rules of procedure adopted from time to time by the Board and shall be accompanied by a nonrefundable fee as prescribed in such rules of procedure, to defray administrative costs.

Sec. 24-720. Action of Board.

The Board shall hold a hearing on a special exception as soon as practical after a complete application for a special exception is filed, pursuant to the procedures of the Board.

Sec. 24-721. Conditions Attached to Special Exceptions.

The Board may attach conditions to the granting of a special exception, including landscaping, lighting, hours of operation, parking or other reasonable conditions which will minimize the impact of the exception on the surrounding neighborhood. The Board shall provide for the duration of the special exception.

Sec. 24-722. Special Exceptions in the Case of Adjustments of Minimum Yard Dimensions for Residential Structures.

This Section shall only be applicable where construction has lawfully been commenced in full compliance with all other provisions of this Code, but because of circumstances beyond the control of the City of Bellaire and/or the homeowner, conditions are found to exist wherein because of the particular stage of construction and/or completion, it is discovered that a required yard is insufficient and that a residential structure was constructed based upon an error in surveying wherein the required minimum yard dimension is less than the required distance between the property line and the structure.

The Board of Adjustment may grant a special exception to permit the maintenance of a structure not meeting the minimum yard requirements, as herein provided, if the Board of Adjustment finds that the grant of the special exception:

a. Will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; nor

b. Increase the congestion in public streets; nor

c. Increase the danger of fire; nor

d. Endanger the public health, safety and well-being; and finds that

e. The Building Official or other person designated by the City Manager has filed a written analysis with the Board of Adjustment which provides a summary of the circumstances surrounding the request for a special exception and an analysis of the impact the proposed special exception would have as to any fire, health, safety and welfare hazard and economic impact relating to the degree of construction lawfully completed when the discovery was made that the required minimum yard dimension is less than the required distance between the property line and the structure.

(Ord. No. 91-091, § 1, 11-18-91)

Secs. 24-723—24-730. Reserved.

DIVISION 3. NONCONFORMITIES

Sec. 24-731. Purpose.

The purpose of this Section is to regulate and limit the continued existence of uses, lots and structures in nonresidential districts established prior to the enactment of this chapter which do not conform to the provisions of this chapter. Many nonconformities may continue, but the provisions of this Division are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the zoning districts. Nonconforming uses, lots and structures in residential districts may continue and are not subject to termination under any provision of this Division; however, nonconformities in residential districts may not be enlarged, changed or modified unless the same are done in accordance with other provisions of this Article.

Sec. 24-732. Nonconforming Uses and Structures.

A. *Authority to continue.* Nonconforming uses of land and nonconforming uses of structures may continue in accordance with the provisions of this Division and the provisions of Section 24-502 establishing a right of continued occupancy and authorizing the issuance of certificates of right to occupy legally existing nonconforming residential structures. (Ord. No. 89-009, § 1, 03-06-89)

B. *Ordinary repair and maintenance.* Normal maintenance and repair of nonconforming uses may be performed.

C. *Extensions.* Nonconforming uses shall not be extended. This prohibition shall be construed so as to prevent the:

(1) Enlargement of nonconforming uses by additions to the structure in which such nonconforming uses are located; and

(2) Occupancy of additional land.

D. *Relocation.* A structure housing a nonconforming use may not be moved unless the use shall thereafter conform to the limitations of the zoning district into which it is moved.

E. *Change in use.* A nonconforming use shall not be changed to any other use unless such use conforms to the provisions of this chapter.

F. *Termination.*

(1) *Abandonment or discontinuance.*

a) Where a nonconforming use of land is discontinued or abandoned for six (6) months, then such use may not be re-established or resumed, and any subsequent use must conform to the provisions of this chapter.

b) Where a nonconforming use of a structure is discontinued or abandoned for twelve (12) months, then such use may not be re-established or resumed and any subsequent use must conform to the provisions of this chapter.

(2) *Damage or destruction.* If a structure housing a nonconforming use is damaged or destroyed by 50 percent or more of the fair market value of the structure, then the structure may be restored by special exception granted by the Board. No permit other than a building permit shall be required for the restoration, repair or renovation of a nonconforming structure which has been damaged by less than 50 percent of the fair market value of such structure. However, no building permit shall be automatically issued for the restoration, repair or renovation after the expiration of six (6) months from the date of the damage unless a special exception shall be granted by the Board of Adjustment.

(3) The Board may require the discontinuance of nonconforming uses of land or structures in a nonresidential district or a nonresidential use in a residential district, under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of this chapter. All actions to discontinue a nonconforming use of land and structure shall be taken with due regard for the property rights of the persons affected when considered in light of the public welfare and character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The Board shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the City.

Sec. 24-733. Nonconforming Accessory Uses and Structures.

No nonconforming accessory use or structure shall continue after the principal structure or use shall have ceased or terminated unless such structure or use shall thereafter conform to the provisions of the zoning district in which it is located.

Secs. 24-734—24-740. Reserved.

DIVISION 4. APPEALS

Sec. 24-741. Authority.

The Board of Adjustment shall have the authority to hear and decide appeals from any decision, determination or interpretation by any administrative official with respect to the provisions of this chapter, subject to the standards and procedures hereinafter set forth.

Sec. 24-742. Initiation.

An application for an appeal may be initiated by any person aggrieved, or by any officer, department or board of the municipality affected, by any orders, decision, determination or interpretation of any administrative official with respect to the provisions of this chapter. Said application for appeal shall be filed with the Secretary of

the Board of Adjustment according to rules of procedure adopted from time to time by the Board. (Ord. No. 81-006, § 13, 2-23-1981)

Sec. 24-743. Procedures.

A notice of appeal in prescribed form must be filed with the Secretary of the Board and with the office or department rendering the decision, determination or interpretation which is the subject of the appeal, within fifteen (15) days of such decision, determination or interpretation. The filing of such notice of appeal will require the Building Official or other city department to forward to the Board any and all records concerning the subject matter of the appeal.

Failure to file such appeal shall constitute a waiver of any rights under this chapter to appeal any interpretation or determination made by such administrative official.

Sec. 24-744. Effect of Filing an Appeal.

The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the Building Official or other administrative official rendering such decision, determination or interpretation certifies in writing to the Board and the applicant that a stay poses an imminent peril to life or property, in which case the appeal will not stay further proceedings. The Board may review such certification and grant or deny a stay of the proceedings.

Sec. 24-745. Action of the Board.

The Board of Adjustment shall hold a hearing on an appeal as soon as practical after a notice of appeal is filed. The failure of the Board to act within a reasonable time shall not deprive it of jurisdiction of the matter. The Board may reverse, affirm or modify the decision, determination or interpretation appealed from and in so modifying such decision, determination or interpretation, the Board shall be deemed to have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.

Secs. 24-746—24-800. Reserved.

NOTE:

The content for Article X. Signs is not included in this package of adopted Chapter 24 amendments.

ARTICLE XI. SEXUALLY ORIENTED BUSINESSES[3]

Sec. 24-1100. Applicable in Certain Districts.

The provisions of this Article shall be applicable in zoned districts UV-D and CMU of the city. The uses as herein provided shall remain prohibited in all other zoned districts.

(Ord. No. 14-041, § 1, 8-18-2014)

Sec. 24-1101. Definitions.

As used in this Article, the following words and terms shall have the meanings ascribed to them in this Section, unless the context of their usage clearly indicates another meaning:

(a) *Achromatic.* Colorless, lacking in saturation or hue. Without limitation, gray shall be included, but white and black shall be excluded from the definition of achromatic.

(b) *Adult bookstore.* An establishment whose primary business is the offering to customers of books, magazines, films or videotapes CDs, DVDs (whether for viewing off-premises or on-premises by use of electronic media image-producing devices), periodicals, or other printed or pictorial materials which are intended to provide sexual stimulation or sexual gratification to such customers, and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.

(c) *Adult cabaret.* An establishment whose primary business is the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.

(d) *Adult encounter parlor.* An establishment whose primary business is the provision of premises where customers either congregate, associate, or consort with employees who engage in specified sexual activities with or in the presence of such customers, or who display specified anatomical areas in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification to such customers.

(e) *Adult lounge.* An adult cabaret, as defined above, which is a permitted or licensed premises, pursuant to the Texas Alcoholic Beverage Code, where alcoholic beverages may be served or sold.

(f) *Adult modeling studio.* An establishment whose primary business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

[3]State law reference(s)—Municipal authority to regulate sexually oriented businesses, V.T.C.A., Local Government Code § 243.001 et seq.

(g) *Adult movie theater.* An establishment, containing a room with tiers or rows of seats facing a screen, or projection area, whose primary business is the exhibition to customers of electronic media which are intended to provide sexual stimulation or sexual gratification to such customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(h) *Applicant.* The applicant for a permit shall be the intended operator of the enterprise.

(i) *Chief of Police.* The Chief of Police and such employee(s) of the police department as he may designate to perform the duties of the Chief of Police under this Article.

(j) *Commercial multi-unit center.* A building or structure (including a shopping mall or strip shopping center) containing three (3) or more separate premises, each of which is offered by lease or otherwise for separate occupancy or control and each of which occupies an enclosed area having its own door or entrance way opening onto public property, a public way, or a common area.

(k) *Conduct any business in an enterprise.* Any person who does any one (1) or more of the following shall be deemed to be conducting business in an enterprise:

(1) Operates a cash register, cash drawer or other depository on the enterprise premises where cash funds or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;

(2) Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the enterprise premises;

(3) Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the enterprise premises;

(4) Acts as a door attendant to regulate entry of customers or other persons into the enterprise premises; or

(5) Supervises or manages other persons in the performance of any of the foregoing activities on the enterprise premises.

(l) *Customer.* Any person who:

(1) Is allowed to enter a regulated establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or

(2) Enters a regulated establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or

(3) Is a member of and on the premises of a regulated establishment operating as a private club.

(m) *Employee.* Any person who renders any service whatsoever to the customers of a regulated establishment or who works in or about a regulated establishment and who receives compensation for such service or work from the operator or owner of the regulated establishment or from the customers therein.

(n) *Enterprise.* An adult cabaret, adult encounter parlor, adult lounge, adult modeling studio, or any establishment whose primary business is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. The term "enterprise" shall not be construed to include:

(1) Any business operated by or employing licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists, or licensed barbers performing functions authorized under the licenses held;

(2) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts; or

(3) Reserved.

(o) *Entertainment.* Any act or performance, such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors, or customers. The term "entertainment" shall also mean bartenders, waiters, waitresses, or other employees exposing specified anatomical areas or engaging in specified sexual activities in the presence of customers.

(p) *Exterior portion.* Any part of the physical structure of a regulated establishment, including a wall, veneer, door, fence, roof, roof covering, or window, which is visible from any public way or public property.

(q) *Licensed day-care center.* A facility licensed by the State of Texas, whether situated within the city or not, that provides care, training, education, custody, treatment or supervision for children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

(r) *Operator.* The manager or other natural person principally in charge of a regulated establishment.

(s) *Owner or owners.* Owner or owners shall mean the proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors, and persons holding ten percent or more of the outstanding shares of a corporation. The term "owner" shall not include any such person who has given to the operator a statement under oath that he does not desire to be listed on the permit application and that he waives any right to any notice that is required or permitted to be given under this Article.

(t) *Permit.* A current, valid permit issued by the Chief of Police pursuant to the terms of this Article to an operator for an enterprise.

(u) *Place of Worship*. A building, whether situated within the City or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

(v) *Regulated establishment.* Any enterprise, adult bookstore, or adult movie theater, as defined herein.

(w) *Residential.* Pertaining to the use of land, whether situated within the City or not, for premises such as homes, town homes, patio homes, mobile homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein. A premises which is designed primarily for living, sleeping, cooking and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boardinghouses, nursing homes, hospitals, and nursery schools shall not be considered to be residential.

(x) *School.* A building, whether situated within the City or not, where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadium and other structures or grounds used in conjunction therewith. The term is limited to:

(1) Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and

(2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).

(Ord. No. 90-045, § 1, 7-12-1990; Ord. No. 17-028, § 1, 5-15-2017)

Sec. 24-1102. Permit—Required.

(a) It shall be unlawful for any person to own, operate or conduct any business in an enterprise located within the City unless there is a permit for the enterprise.

(b) It shall be unlawful for any person to own, operate, or conduct any business in an enterprise located within the City unless the permit is posted at or near the principal public entrance to the enterprise in such a manner that it will be conspicuous to patrons who enter the premises.

(c) In any prosecution under subsection (a) above, it shall be presumed that there was no permit at the time of the alleged offense, unless a permit was then posted as provided in subsection (b).

Sec. 24-1103. Permit—Applications.

(a) Applications for a permit, whether original or renewal, must be made to the Chief of Police by the intended operator of the enterprise. Applications must be submitted by hand delivery to the Chief of Police during regular working hours (8:00 a.m. to 4:00 p.m., Monday through Friday, city holidays excepted). Application forms shall be supplied by the Chief of Police. The intended operator shall be required to give the following information on the application form:

(1) a. The name, street address (and mailing address if different) and Texas driver's license number of the intended operator, and any and all aliases;

b. The name and street address (and mailing address if different) of the owner(s);

(2) The name under which the enterprise is to be operated and a general description of the services to be provided;

(3) The telephone number of the enterprise;

(4) The address and legal description of the parcel of land on which the enterprise is to be located;

(5) The date on which the owner(s) acquired the enterprise for which the permit is sought, and the date on which the enterprise began operations as an enterprise at the location for which the permit is sought; and

(6) A list of all employees or contractors involved in providing the services to be provided by the enterprise.

(b) The application shall be accompanied by the following:

(1) Payment in full of a fee of:

a. Three Hundred Fifty Dollars ($350.00) for an original application; or

b. One Hundred Dollars ($100.00) for a renewal application, as applicable, by certified check, cashier's check or money order, which fee shall not be refundable under any circumstances;

(2) A certified copy of the assumed name certificate filed in compliance with the Assumed Business or Professional Name Act (Texas Revised Civil Statutes Annotated, Business and Commerce Code, chapter 36) if the enterprise is to be operated under an assumed name;

(3) If the enterprise is a Texas corporation, a certified copy of the articles of incorporation, together with all amendments thereto;

(4) If the enterprise is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;

(5) If the enterprise is a limited partnership formed under the laws of Texas, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the Secretary of State under the Texas Revised Limited Partnership Act (Article 6132a Vernon's Texas Civil Statutes);

(6) If the enterprise is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto, filed in the office of the Secretary of State under the Texas Revised Limited Partnership Act (Article 6132a Vernon's Texas Civil Statutes);

(7) Any of items (2) through (6) above shall not be required for a renewal application if the applicant states that the documents previously furnished the Chief of Police with the original application or previous renewals thereof remain correct and current.

(c) The application shall contain a statement under oath that:

(1) The applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct; and

(2) The applicant has read the provisions of this Article.

(d) A separate application and permit shall be required for each enterprise.

Sec. 24-1104. Permit—Term; Renewal.

Each permit shall be valid for a period of one (1) year and shall expire on the anniversary of its date of issuance, unless sooner revoked, or surrendered. Each permit shall be subject to renewal as of its expiration date by the filing of a renewal application with the Chief of Police. Renewal applications must be filed at least thirty (30) days prior to the expiration date of the permit that is to be renewed.

Sec. 24-1105. Permit—Issuance or Denial.

(a) Within thirty (30) days of receipt of any application, either original or renewal, the Chief of Police shall grant or deny the requested permit and give written notice to the applicant as to the decision.

(b) The Chief of Police shall issue a permit to the applicant unless one (1) or more of the following conditions exist:

(1) The applicant's enterprise is located within five hundred (500) feet of any school, place of worship, or licensed day care center. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of such school, place of worship, or licensed day care center;

(2) The applicant's enterprise is located within one thousand (1,000) feet of any other enterprise for which there is a permit. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of any other enterprise;

(3) Five hundred (500) feet from any residential property, measured from the closest point on the property line of the residential property to the closest point of any property in a use regulated under the provisions of this Article;

(4) The applicant failed to supply all of the information requested on the application;

(5) The applicant gave materially false, fraudulent or untruthful information on the application;

(6) The applicant's enterprise is not in compliance with Section 24-1109 and Section 24-1110 of this Article;

(7) The applicant or the enterprise does not meet any other requirement of this Article;

(8) The applicant has not fully complied with all state, federal and local laws or regulations affecting the conduct of its business, including the laws of any other city located in Harris County;

(9) The operator has had a permit revoked for the same enterprise within the one hundred eighty (180) day period next preceding the date that the application was filed.

(c) Property uses and distances for original applications shall be determined as of the time that the application is filed. If a renewal application is timely filed as provided in Section 24-1104, the property uses and measurements for the renewal application shall be determined as of the time that the original application for the enterprise was filed. If not timely filed, renewal applications shall be subject to the same fees and shall be treated in the same manner in all respects as original applications.

(d) In the event that the Chief of Police determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within thirty (30) days of the receipt of its application by the Chief of Police. An applicant may appeal the decision of the Chief of Police regarding such denial by filing a written request for a hearing with the Chief of Police within fifteen (15) days after he is given notice of such denial. The Chief of Police's decision on the application shall be final unless an appeal is timely filed. An appeal shall not stay the Chief of Police's decision on the issuance of a permit. The applicant's written request for a hearing shall set out the grounds on which the denial is challenged. The hearing shall be conducted by a hearing official to be designated by the Chief of Police. The hearing official shall not have participated in any investigation or decision relating to the denial of the permit. At the hearing, the hearing official shall receive oral and written testimony regarding the application. Hearings shall be conducted under rules issued by the Chief of Police which shall be consistent with the nature of the proceeding and shall ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel.

(e) The hearing official shall conduct the hearing within fifteen (15) days after receipt of the applicant's written request for a hearing unless the applicant requests an extension in writing. The hearing official shall render a written decision and issue notice thereof to the applicant within five (5) days after the conclusion of the hearing. The written decision of the hearing official shall be final unless an appeal is filed to the City Council pursuant to Section 24-1105(f).

(f) The applicant may appeal the decision of the hearing official to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after the applicant is given notice of the hearing official's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Chief of Police may submit a memorandum in response to the memorandum filed by the applicant on appeal to the City Council. After reviewing such memoranda, as well as the hearing official's written decision, and the exhibits introduced at the hearing before the hearing official, the City Council shall vote to either uphold or overrule the hearing official's decision. Such vote shall be taken within fourteen (14) calendar days after the date on which the City Clerk receives the notice of appeal. However, all parties shall be required to comply with the hearing official's decision during the pendency of the appeal. The decision of the City Council shall be final.

(g) Failure of the Chief of Police to give timely notice of his action on an application, or failure of the hearing official to timely conduct or give notice of his decision on an appeal from the City Manager's decision, or failure of the City Council to vote on an appeal from the decision of the hearing official within the limitations of time specified above, shall entitle the applicant to the issuance of a temporary permit upon written demand therefor filed by the applicant with the City Manager. Such a temporary permit shall only be valid until the third (3rd) day after the City Manager gives notice of his action on the application or the hearing official gives notice of this decision on the appeal, or the City Council votes on the appeal, as applicable.

Sec. 24-1106. Permit—Transfer Upon Change.

(a) A permit is personal to the owner(s) and operator designated in the application, provided it may be transferred pursuant to this Section. A transfer application must be filed by the tenth (10th) day next following any change of the owner(s) or operator designated on the application. In the event that a transfer application is not timely filed, then the permit shall be invalid for any purpose relating to the operation of the enterprise, and any transfer shall require and be treated in all respects as an original permit application. For purposes of measurements between enterprises under Section 24-1105 of this Code, an establishment for which the permit has become invalid by operation of this Section shall be treated as though it had a permit until the permit is revoked pursuant to Section 24-1107 of the Code and any appeal therefrom to the City Council has been concluded.

(b) The Chief of Police shall prescribe a form on which permit transfer applications shall be made. The form shall include a statement under oath that the original application remains correct as previously submitted in all respects except those that are amended hereby. The transfer application shall contain a statement under oath that the individual signing the transfer application has personal knowledge of the information contained therein and that the information is true and correct and shall not be complete unless accompanied by a non-refundable transfer fee of One Hundred Dollars ($100.00). Transfer applications shall be filed in the same place and at the same time as original applications and the fee shall be payable in the same manner as for original applications, as provided in Section 24-1103 of this Code.

(c) Transfers shall be reviewed, issued and subject to appeal in the same manner as original applications, pursuant to Section 24-1105; except that items (1), (2), and (3) of subsection (b) shall not apply, and they shall be issued for the remaining term of the permit to be transferred.

Sec. 24-1107. Permit—Revocation or Suspension.

(a) The Chief of Police shall have the authority to revoke a permit for any one (1) or more of the following reasons:

(1) The owner or operator of the permitted enterprise knowingly allowed a person under seventeen (17) years of age to enter an enterprise;

(2) The permitted enterprise does not conform to the provisions of Section 24-1109 and Section 24-1110 of this Article;

(3) Three (3) or more cumulative violations of any of the offenses contained in chapter 21, chapter 43, Section 22.011, or Section 22.021 of the Texas Penal Code or of the offenses contained in this Code have occurred on the premises of the permitted enterprise. These violations must have occurred in a consecutive period of twelve (12) months, and the owner or operator must have knowingly allowed such violations to occur or did not make a reasonable effort to prevent the occurrence of such violations;

(4) The operator of the permitted enterprise gave materially false, fraudulent or untruthful information on the original, renewal or transfer application form;

(5) The enterprise has been closed for business for a period of thirty (30) consecutive days, unless such closure is due to circumstances beyond the control of the owner, and the owner is proceeding with due diligence, given all attendant circumstances, to reopen the establishment;

(6) That there was a change of owner or operator for which a transfer application was not timely filed pursuant to Section 24-1106 of this Article; or

(7) That the permit should not have been issued pursuant to the criteria of Section 24-1105 of this Article.

(b) Prior to revocation of a permit, the Chief of Police shall investigate the grounds alleged to determine whether probable cause for revocation may exist and, if so, shall notify the owner(s) and operator in writing of reasons for the proposed revocation and grant such owner(s) and operator the opportunity to appear before a hearing official to be designated by the Chief of Police at a time and place specified within such notice. The hearing official designated shall not have participated in any investigation of the alleged grounds for the revocation. Such hearing shall be held not less than fifteen (15) days after notice is given. Hearings shall be conducted under rules issued by the Chief of Police. Such rules shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel. If, after the hearing, the hearing official finds that the permit should be revoked, he shall issue a written order revoking such permit which shall be effective on the third (3rd) day after notice thereof is given to the operator. If the hearing official determines, based upon the nature of the violation, that the ends of justice would be served by a suspension in lieu of a revocation, he may suspend the operation of the permit for a period of time to be stated in the order of suspension, not to exceed two (2) months; however, a suspension may not be ordered if the grounds are based upon item (6) or (7) of subsection (a) above.

(c) The owner(s) or operator shall have the right to appeal an order of the hearing official revoking a permit to the City Council in accordance with the procedure set forth in Section 24-1105 by delivering notice of appeal to the City Clerk within fifteen (15) days after notice is given to the owner(s) and operator of the order. The filing of an appeal of a revocation to the City Council shall not have the effect of superseding or suspending the order of the Chief of Police. Orders suspending permits shall not be subject to any appeal.

(d) An enterprise shall be treated as having a permit for purposes of measurements under Section 24-1105 of this Code, pending the date for filing an appeal of a permit revocation, and if an appeal is filed, pending the disposition of the appeal by the City Council. An establishment holding a suspended permit shall be treated as having a permit for the purpose of measurements made under Section 24-1105.

Sec. 24-1108. Other Permit Provisions.

(a) A permit is valid only at the location for which it is issued.

(b) It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a permit.

(c) A permit may be cancelled upon written request of the owner(s) or operator and surrender of the permit itself to the Chief of Police. Permits shall be surrendered at the same place and at the same time as permit applications as provided in Section 24-1103 of this Code. The surrender of a permit shall be effective upon its filing with the Chief of Police.

Sec. 24-1109. Exterior Portions of Regulated Establishments.

(a) It shall be unlawful for an owner or operator of a regulated establishment to allow the merchandise or activities of the regulated establishment to be visible from any point outside such regulated establishment.

(b) It shall be unlawful for the owner or operator of a regulated establishment to allow the exterior portions of the regulated establishment to have flashing lights, or any words, lettering, photographs, silhouettes,

drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this Article or other provisions of this Code.

(c) It shall be unlawful for the owner or operator of a regulated establishment to allow exterior portions of the regulated establishment to be painted any color other than a single achromatic color. This provision shall not apply to any regulated establishment if the following conditions are met:

(1) The regulated establishment is a part of a commercial multi-unit center; and

(2) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the regulated establishment, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

(d) Nothing in this Article shall be construed to require the painting of an otherwise unpainted exterior portion of a regulated establishment.

Sec. 24-1110. Persons Younger than Twenty-One (21) Prohibited from Entry; Attendant Required.

(a) It shall be unlawful to allow a person who is younger than twenty-one (21) years of age to enter or be on the premises of a regulated establishment at any time that the regulated establishment is open for business.

(b) It shall be the duty of the operator of each regulated establishment to ensure that an attendant is stationed at each public entrance to the regulated establishment at all times during such regulated establishment's regular business hours. It shall be the duty of the attendant to not allow any person under the age of twenty-one (21) years to enter the regulated establishment. It shall be presumed that an attendant knew a person was under the age of twenty-one (21) unless such attendant asked for and was furnished:

(1) A valid operator's, commercial operator's, or chauffeur's driver's license; or

(2) A valid personal identification certificate issued by the Texas Department of Public Safety reflecting that such person is twenty-one (21) years or older.

Sec. 24-1111. Notices.

(a) Any notice required or permitted to be given by the Chief of Police or any other city office, division, department or other agency under this Article to any applicant, operator or owner of an enterprise may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application which has been received by the Chief of Police, or any notice of address change which has been received by the Chief of Police.

Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Chief of Police shall cause it to be posted at the principal entrance to the establishment.

(b) Any notice required or permitted to be given to the Chief of Police by any person under this Article shall not be deemed given until and unless it is received in the office of the Captain of the Vice Division at the time(s) and in the manner provided for filing of applications in Section 24-1103 of this Code.

(c) It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the Chief of Police in writing of any change of residence or mailing address.

Sec. 24-1112. Penalty.

(a) The violation of any provision of this Article, including the doing of anything which is herein prohibited or declared to be unlawful or the failure to do anything or perform any duty which is required herein, shall be punishable as provided by Section 243.010(b) of the Local Government Code, as amended. Each day any violation shall continue shall constitute and be punishable as a separate offense.

(b) The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty and the imposition of a criminal penalty shall not prevent the revocation or suspension of a permit.

Sec. 24-1113. Occupancy Permit.

An occupancy permit shall be issued by the Building Official for the lawful occupancy of the building or premises upon issuance of the permit as herein provided. The Building Official shall immediately upon the request of the applicant identify in writing any legally sufficient reason why the occupancy permit cannot be issued.

Chapter 24 PLANNING AND ZONING[1]

ARTICLE I. TITLE, AUTHORITY, PURPOSE, POLICIES AND APPLICABILITY

Sec. 24-101. Title.

This chapter shall be known as the "Code of Planning and Zoning Regulations of the City of Bellaire."

Sec. 24-102. Authority.

This chapter is adopted pursuant to the Charter of the City of Bellaire, the Texas Constitution, the Texas Local Government Code and all other provisions of the laws of the State of Texas which are currently applicable or which may be later enacted or determined applicable.

(Ord. No. 89-009, § 1, 3-6-1989)

Sec. 24-103. General Purpose and Policies.

This chapter is adopted for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens and inhabitants of the City of Bellaire and for the protection and preservation of places of historical and cultural importance and significance and the general welfare of the community. The provisions of this chapter are the requirements necessary to accomplish these purposes as specifically delineated in this chapter. This chapter is further adopted in order to regulate the use of land within the City of Bellaire so as to promote orderly and healthful development, good government, peace and order of the City and the trade and commerce thereof, as may be necessary or proper to carry into effect the powers vested in the City of Bellaire by the Constitution and laws of the State of Texas.

(Ord. No. 82-020, § 1, 3-29-1982)

Sec. 24-104. Comprehensive Plan.

The Comprehensive Plan dated November 16, 2009, along with any updates thereto subsequently approved by the City Council, is adopted as the Comprehensive Plan of the City, and the requirements of such plan are herein incorporated by reference. The Comprehensive Plan shall be maintained of record in the office of the City Clerk and the user is directed to the City's official website for a link to the Comprehensive Plan.

(Ord. No. 97-012, § 2, 4-7-1997; Ord. No. 09-077, § 2(App. A), 11-16-2009)

State law reference(s)—Municipal zoning authority, V.T.C.A., Local Government Code § 211.001 et seq.; zoning commission, V.T.C.A., Local Government Code § 211.007; comprehensive plan, V.T.C.A., Local Government Code § 213.002; board of adjustment, V.T.C.A., Local Government Code §§ 211.008—211.013; zoning districts, V.T.C.A., Local Government Code § 211.005; regulation of signs by home-rule municipality, V.T.C.A., Local Government Code § 216.901; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903; municipality may regulate parking on private property, V.T.C.A., Local Government Code § 431.001.

Sec. 24-105. Applicability.

(a) *General Application.* This chapter shall apply to all structures and the uses of land within the corporate limits of the City of Bellaire, Texas. Existing structures and uses which are inconsistent with the provisions of this chapter shall be permitted only as provided for in Article V of this chapter.

Federal law reference—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 332(c)(7), limited federal preemption of state and local zoning laws affecting amateur radio facilities, Memorandum Opinion and Order, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR 97.15(b), Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

approval shall be required to meet the requirements of this chapter which are in effect on the date of any permit or authority issued hereunder.

(b) *General Prohibition.* It shall be unlawful for any person to carry out any development or to modify in any way any use or structure existing upon any land within the City of Bellaire, which is inconsistent with the requirements of this chapter.

(c) *Building Permits Issued Prior to Enactment of this chapter.* This chapter shall not affect lawfully issued building permits which have been finally issued prior to the effective date of this chapter, save and except those building permits so issued which shall have expired, lapsed or been revoked.

Sec. 24-106. Repealer.

All prior provisions of Chapter 24 of the Code of Ordinances of the City of Bellaire are hereby repealed save and except those provisions of Sections 24-186 and 24-187 of such chapter which are set out and contained in Articles VIII and IX, respectively, of this chapter.

Sec. 24-107. Effective Upon Enactment.

The provisions of this chapter shall become final, binding and effective upon all property within the City of Bellaire upon the same being finally enacted as evidenced by the ordinance of enactment duly executed by the Mayor and the City Clerk of the City of Bellaire, the provisions of which shall form a part of this Code.

Secs. 24-108—24-200. Reserved.

ARTICLE II. DEFINITIONS AND INTERPRETATION

Sec. 24-201. Interpretation.

This chapter shall be construed liberally to effect the purposes hereof and the rules of this Section shall be observed except when the context clearly requires otherwise:

(1) Words used or defined in one tense or form shall include other tenses or derivative forms.

(2) Words in the singular shall include the plural, and words in the plural shall include the singular.

(3) The masculine gender shall include the feminine, and the feminine shall include the masculine.

(4) The words "shall" or "will" are mandatory.

(5) The word "may" is permissive.

(6) In the event that this chapter shall contain provisions which are in conflict or provide differing regulations as to the same type of requirement, property or use, then in such case, the most restrictive provision shall be deemed controlling.

(7) In the event of a conflict between the text of this chapter and any caption, illustration, table or map, the text shall control.

(8) In the event of obvious mistake in drafting or other misstatement in the text of this chapter, in any amendment hereto or order or decision issued hereunder where it reasonably appears that such error was inadvertent and an obvious mistake, such error or mistake shall not prevent the plain intent from being given to such provisions of this chapter, amendment, decision or order.

(9) In the event of conflict between any of the provisions or sections of this chapter, or in the event the meaning or intent of any of the provisions or sections of this text is not plain and obvious, the City Council, the Planning and Zoning Commission or the Board of Adjustment, if any of them be the body designated to act with respect to applicable provisions or sections of this chapter, shall interpret the same and shall note as part of their decision, order or recommendation, the interpretation provided. However, in the event that any decision, order or recommendation made by any board, commission or individual is subject to final action or review by the City Council, the City Council shall not be bound to the interpretation as established by such board, commission or individual, but shall be free under the terms and provisions of this chapter to act as if it were considering the question de novo and to provide appropriate interpretation. Any final interpretation provided hereunder shall be deemed controlling on any further action concerning such decision, order or recommendation.

(10) In the event that the member or members of city staff designated under the terms and provisions of this chapter to perform a certain function or to carry out a certain duty, obligation or responsibility, cannot perform such function, such staff member or members may, subject to the provisions of this Code, delegate to someone else the duties and responsibilities imposed upon them herein; and such designee shall serve with the same powers, responsibilities and obligations imposed on the principal staff member or members herein. Any reference to any such staff member or members in this chapter shall constitute a reference to any such designee.

Sec. 24-202. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter:

(1) *Access.* Any point of ingress or egress between streets, driveways, sidewalks or any combination thereof.

(2) *Accessory use.* A structure or use which:

a) Is subordinate and incidental to and serves a principal building or a principal use;

b) Is subordinate in area, extent and purpose to the principal structure or principal use served;

c) Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or use;

d) Is located on the same lot as the principal structure or its use; and

e) Is detached from the principal structure.

EXCEPTION: An accessory use or structure may be attached to a main residential structure, provided it is attached only by means of another structure, such as a breezeway or a carport, which connecting structure is enclosed by walls on no more than two (2) sides. (Ord. No. 89-009, § 1, 3-6-1989)

(3) *Alley.* A public space or thoroughfare which affords only secondary means of access to property abutting thereon and not over 30 feet in right-of-way width.

(4) *Amusement, commercial indoors.* An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.

(4.5) *Antenna.* Any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic waves except direct satellite T.V., personal T.V., radio towers and antennas for non-commercial service or antennas located on

independent support structures which are being used primarily for the transmission of electrical power by a public utility. (Ord. No. 98-016, 7-20-1998)

(4.75) *Antenna Support Structure.* The term antenna support structure includes any of the following:

a) *Monopole Antenna Structure.* A self supporting pole type structure with no guy support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment.

b) *Lattice Antenna Structure.* A steel lattice, self supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment.

c) *Guy Lattice Antenna Structure.* A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more antennas and related equipment.

d) *Independent Support Structures.* Buildings, other than residences, or other structures such as water towers, steeples or utility poles that can support fixtures for one or more antennas. (Ord. No. 98-016, 7-20-1998)

(5) *Antique shop.* An establishment offering for sale within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design and sentiment.

(5.25) *Arcade.* An arched or covered passageway attached to a building facade. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(5.5) *Architectural features in side yard.* Projections from a side residential building line that are either roof eaves, and/or chimneys and/or bay windows. No feature which touches or is in any way directly attached to the ground or foundation shall be considered an architectural feature. No other projection from a side residential building line shall be considered an architectural feature. (Ord. No. 91-012, § 16, 3-4-1991)

(6) *Art gallery or museum.* An institution for the collection, display and distribution of objects of art or science and which is operated by a public or quasi-public agency and which facility is open to the general public.

(6.25) *Articulation.* Architectural design method in which particular elements and parts of a building are made more distinct through variation in flat surfaces and straight lines (e.g., building facades, rooflines, etc.). (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(6.5) *Assisted living facility.* A multifamily, residential facility, the primary purpose of which is to provide long term housing, together with personal care (collectively, "assisted living services"), to persons who, because of their age or physical condition, desire or require such personal care. An assisted living facility shall also satisfy the requirements of the Texas Department of Health with respect to a Personal Care Home, Type A or B, as defined in the Texas Administrative Code under Title 25, Part 2, chapter 145, Subchapter L.

An assisted living facility may also provide medical or nursing care services to its residents, in addition to personal care; provided that the primary purpose of the facility shall be to provide assisted living services. Such personal care and other services shall be administered by an employee, staff member, facility representative, or other responsible adult who is under the general supervision of a facility. An assisted living facility may be a part of hospital or nursing home, if such uses are otherwise permitted under this Code. Unless otherwise specifically approved by the City Council and Planning and Zoning Commission, an assisted living facility shall not be used for the primary purpose of housing or treating (a) persons addicted to or dependent on drugs or alcohol; (b) intellectually disabled or emotionally disturbed individuals; or (c) persons with long-term, chronic or terminal illnesses, whether or not communicable. Notwithstanding the above, residents of the facility, from time to time may suffer from

any one or more of such conditions and may receive treatment at such assisted living facility. (Ord. No. 89-022, § 2, 6-5-1989)

(7) *Athletic facilities/clubs.* Commercial swimming, tennis, racquetball or other athletic facilities that are privately owned and operated as private clubs or that are open to the public.

(8) *Auto or motorcycles sales.* A place wherein automobiles or motorcycles are on the premises within a building or within a screened storage area and are available for sale to the ultimate consumer.

(9) *Auto parts sales.* A place wherein automobile parts, including but not limited to tires and/or mufflers, are on the premises within a building or within a screened storage area and are available for sale to the ultimate consumer.

(9.5) *Auto sales and auto-related sales and services.* A place or places wherein new automobiles are on the premises within a building or within a paved holding area and are available for sale to the ultimate consumer. Said place or places may engage in used car sales, auto parts sales and services to the extent that such sales and services are subordinate and incidental to the sale of new automobiles on the premises. (Ord. No. 88-008, § 1, 3-7-1988)

(10) Reserved.

(11) *Automobile service station.* Any building, structure or land used primarily for supplying automobile fuel and motor oil, at retail direct to the customer, including the supplying of accessories, replacement parts and services essential to the normal operation of automobiles, but not including body or fender work, painting or major motor repairs.

(12) Reserved.

(13) *Average equivalent lot size.* The number of square feet within a residential planned development district divided by the number of dwelling units within the district, excluding from the computation all public lands within the district that were in existence prior to the creation of the district.

(14) *Bakery or confectionery shop (retail).* Any place used for the purpose of mixing, compounding and baking for retail sale, any bread, biscuit, pretzels, crackers, buns, rolls, macaroni, cake, pie or any other food products of which flour or meal is a principal ingredient.

(15) *Bakery (wholesale).* Any place used for the purpose of mixing, compounding and baking for sale to a retailer or for sale to a restaurant, retail baker or hotel, any bread, biscuit, pretzels, crackers, buns, rolls, macaroni, cake, pie or any other food products of which flour or meal is a principal ingredient.

(16) *Block.* An area enclosed by streets and occupied by or intended for buildings; or if said work is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersect said street on said side.

(17) *Board of Adjustment.* (Hereinafter referred to as Board.) A board having powers and duties as provided in other sections of this chapter, without limitation, to hear matters on appeal concerning interpretation of the provisions of this chapter, to grant variances and special exceptions. The Board of Adjustment may, in addition, require the discontinuance of nonconforming uses of lands or structures.

(18) *Boat.* A vessel of any size designed to transport people or cargo across water.

(19) *Bottling plant.* A place wherein beverages are bottled under pressure for sale at wholesale or retail.

(20) *Buffer.* The area, space or physical means which is established to protect or insulate one land use or one building from another.

(21) *Building.* A structure lawfully erected under the terms and provisions of the Code of Ordinances of the City of Bellaire, having a roof and designed or built for the support, enclosure, shelter or protection of

persons, animals, chattels or property of any kind. Said building may have common party walls when erected in accordance with the Code of Ordinances of the City.

(22) *Building line.* A line usually parallel to the property line, which is the outermost line of permissible building construction.

(23) *Building material storage and wholesaling.* A place in which building materials customarily used in the construction and/or remodeling of dwellings or commercial structures are stored and are sold to contractors, builders or other persons engaged in the construction and/or alteration of structures or improvements.

(24) *Building Official.* A person duly appointed by the City Manager of the City of Bellaire, as provided in other sections of this chapter, without limitation, charged with the duty and obligation of issuing permits and certificates of occupancy and primarily charged with the responsibility of enforcing the provisions of this chapter.

(25) *Building permit.* A permit issued by the Building Official under the terms and provisions of chapter 9 of this Code.

(25.5) *Business and professional offices and services.* Places wherein commercial enterprises or professional fields of endeavor are conducted, such as but not limited to the following: real estate services, management services, veterinary services, physician and dental services, legal services, accounting, auditing and bookkeeping services, and education and scientific research services. (Ord. No. 88-008, § 1, 3-7-1988)

(26) *Cabinet or upholstery shop.* A place wherein cabinetry is manufactured and/or fabricated or where fabrics are applied to furniture and are finished.

(27) *Cafeteria.* A place where meals and drinks are served to the public generally or selected portions of the public, in a manner whereby such meals or drinks are served at a counter or in a line.

(28) *Camping trailer.* A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

(29) *Certificate of Compliance.* A certificate issued by the signature of the Administrative Official certifying that a proposed development complies with the terms and provisions of this chapter and Code; such certification shall constitute a statement as to compliance of proposed buildings with this chapter and Code.

(30) *Certificate of Occupancy.* A certificate issued by the Building Official which certifies that a structure has been erected in accordance with this Code and shall have as its effect permitting the occupancy of a building.

(31) City Center. An area of the city bounded by Chimney Rock Road (west), Bissonnet Street, Linden Street and Bellaire Boulevard (south), South Rice Avenue and Third Street (east), and Locust Street and the northern boundaries of lots facing Spruce Street (north). (Ord. No. 83-095, § 4, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986; Ord. No. 14-041, § 1, 8-18-2014)

(32) *City Council.* The body established under and by the authority of the Charter of the City of Bellaire as being the body ultimately responsible for the enactment of ordinances and enforcement thereof and having the ultimate authority for amendment or repeal of any provisions of this chapter. (See Articles I and II of the Charter of the City of Bellaire.)

(33) *City Manager*. The chief administrative officer of the City of Bellaire.

(34) *Cleaning and dyeing plant (commercial).* A place wherein textile fabrics or other materials are dry cleaned, refurbished, washed or treated for cleaning, preservation and renewal and wherein such fabrics may, in addition, be dyed by the application of coloring or bleaching agents in order to change or alter their physical appearance or status.

(35) *Cleaning or laundry (small shop or pick-up).* A cleaning or laundry establishment where the work is performed other than on the premises.

(36) *Clothing store.* A commercial establishment limited to the sale of clothing and clothing accessories to the ultimate consumer.

(37) *Collector lane.* A driveway within a surface parking area designed to collect and distribute traffic between parking spaces and public streets.

(38) *Collector street.* A roadway designed to provide direct access to residential, commercial, industrial and other activity areas with a primary function of collecting and distributing traffic between local access streets and the major thoroughfare system as follows: Glenmont Drive, Newcastle Drive, Evergreen Street, and Avenue B.

(39) *College or university.* An academic institution of higher learning accredited or recognized by the State and offering a program or series of programs of academic study.

(40) *Commencement of construction.* Any work on the project site pertaining to the work of the project itself that is in addition to the preliminary work of locating signs and temporary construction buildings and facilities on the site, and in addition to clearing and grading the site. (Ord. No. 83-095, § 5, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(41) *Commercial parking lots (areas).* An open paved area offering parking facilities for the general public for payment of a daily, weekly, monthly or hourly tariff.

(42) *Commercial residential.* A building or development wherein all of the first floor building/floor area is devoted to commercial use and not more than fifty percent of the total building/floor area of all floors combined is devoted to residential use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)

(43) *Commercial type vehicle.* Any vehicle with self-motive power or designed to be drawn, three-quarter ton or more in size, or which is licensed by the State of Texas as a commercial vehicle or which is used to haul or carry passengers or cargo for financial gain or profit.

(43.5) *Communication industry systems and operations.* Places wherein telephone, telegraph, radio broadcasting and transmitting, television broadcasting and transmitting, combined radio and television systems or other communication systems or operations are located. (Ord. No. 88-008, § 1, 3-7-1988)

(43.75) *Communication Tower.* Any structure built on the ground that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting antennas, and related equipment except tower structures on real property owned, leased, held, used or dedicated for use by a public utility when such structures are used for rendering utility service, such as a structure being used primarily for the transmission of electrical power by a public utility. (Ord. No. 98-016)

(44) *Community Center (public).* A building and grounds owned by the City of Bellaire for the social, recreational, health or welfare of the community.

(45) *Community shopping center.* A shopping area designed to serve a trade area of 40,000 to 150,000 people with a minimum site of ten (10) acres in area, where the lead tenant is a variety discount or junior department store. (Ord. No. 83-095, § 6, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(45.5) *Conference center facility.* A facility that is devoted to hosting conventions and special events and providing meeting, exhibition and public assembly space, either as a stand-alone facility or attached to a hotel, office building or other complementary land use. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(46) *Consumer.* A person or persons who are ultimate users or purchasers of goods or services.

(47) *Contractor's shop or yard.* A place wherein work may be performed or equipment stored or used in conjunction with services rendered by a contractor in conjunction with agreements and undertakings by said contractor to perform services for third parties on a periodic by job basis.

(48) *Contractual interest (person holding).* An interest obtained by written agreement and held by any person, partnership or corporation in real property. Such interest must be capable of being demonstrated and must appear on its face to be superior to all other interests of a similar nature. Such interest must, in addition, not be in conflict with that of the record title owner.

(49) *Corner lot.* A lot adjoining the point of intersection of two (2) or more public streets and in which the interior angle of approximately 135 or less is formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines.

(49.5) *Cornice.* A horizontal molded projection that crowns or completes the top of a building or wall. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(50) *Court.* An open, unoccupied space bounded on two (2) or more sides by exterior walls of a building or buildings. An inner court is a court entirely surrounded by the exterior walls of a building or buildings. An outer court is a court having at least one (1) side open to a street, alley, yard or other permanent space.

(50.5) *Crime Prevention Through Environmental Design (CPTED).* A multi-disciplinary approach to deterring criminal behavior through purposeful design of development sites, buildings, parking areas and public spaces to increase visibility and minimize potential hiding places. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(51) *Cul-de-sac.* A dead-end street with a circular turn-around meeting minimum specifications of this Code for streets and turn-arounds.

(52) *Custom personal service shop.* A commercial establishment such as barber, beauty, tailor, dressmaker, cabinet and upholstery shops, to provide such types of services to the ultimate consumer.

(53) *Density, residential.* The number of dwelling units per gross area of land. (Ord. No. 82-010, § 11, 3-29-1982)

(54) *Department store.* A commercial establishment housing general merchandise for sale to the ultimate consumer including, but not limited to, men's, women's and children's clothing, shoes, dry goods, furniture and household appliances.

(55) *Development.* The carrying out of any building operation requiring permits under the terms and provisions of this Code or the making of any material change in the use or appearance of any structure or land requiring a permit or other authority under this Code.

(56) *District.* See "Zoning district."

(56.5) *Dormer.* An extension built out from a sloping roof to accommodate a vertical window. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(57) *Drapery and/or carpet shop.* A commercial establishment wherein window hangings may be custom made on or off-premises for sale to the ultimate consumer or where carpeting is displayed and sold to the ultimate consumer or wherein both window hangings and carpeting are sold to the ultimate consumer.

(58) *Drive-in banking facilities.* A place where a person or persons may conduct banking transactions from an automobile without the necessity of leaving such automobile.

(59) *Dwelling, multi-family.* A residential structure on one (1) plot of land, containing separate living units for three (3) or more families, but which may have joint services or facilities.

(60) *Dwelling, single-family.* A residential structure in which the members of a single family reside and no more than two (2) of the occupants thereof are unrelated.

(60.5) *Dwelling, townhouse*. A single-family dwelling unit constructed in a group of two (2) or more attached units in which each unit has its own access to the outside, no unit is located over another, and each is separated from any other unit by one (1) or more common, fire-resistant walls and is located on a separately platted lot.

(61) *Dwelling unit.* A building or portion of a building which is arranged, occupied or intended to be occupied by a family as living quarters and includes facilities for food preparation and sleeping.

(62) *Easement.* The lawful right one person or entity has to use the land of another for a specific or general purpose and for a definite or indefinite term.

(63) *Electrical generating plant (private).* A facility used for the generation of electric energy for transmission to ultimate consumers or additional transmission point.

(64) *Engine or motor repair shop.* A place wherein engines and motors of every type are serviced and parts replaced for general use.

(64.5) *Estate housing development.* Any housing permitted under the regulations provided in this chapter for the Mulberry Residential Estate District other than housing of a type existing at the time of adoption of this provision. (Ord. No. 83-076, § 1, 10-17-1983)

(65) *Expansion of nonconforming use.* Enlargement by the addition of floor area, coverage or addition of land wherein there is located a use or structure which, although lawful at the time of its inception, is not prohibited under this chapter.

(66) *Facilities owned and maintained by the City.* The buildings of municipal government and related service facilities such as, but not limited to, libraries or recreational centers or other department offices.

(67) *Family.* Any number of individuals living together as a single housekeeping unit in which no more than two (2) individuals are unrelated by blood, marriage or adoption.

(68) *Fence.* A structure used as a means of enclosure or screening primarily designed to keep people or animals in or out, or used as a visual barrier and constructed in accordance with the requirements of this Code.

(69) *Field of vision.* The normal uninterrupted spectrum of sight enjoyed by a person while making visual observations without turning or eye movements of any kind.

(70) *Financial institution.* A commercial establishment where matters concerning money, economic management and the application of money are conducted: a bank, savings and loan or insurance company.

(71) *Floor area.* The sum of the gross horizontal surface areas of the several stories of the building measured from the exterior walls or from the center line of party walls, excluding parking structures or that portion of any structure devoted to parking. Stairwells, elevator shafts, atriums and other open areas shall only be included in the computation of floor area as to the actual floor space of such areas.

(72) *Floor area ratio (FAR).* The floor area of the building or buildings on a lot divided by the area of the lot.

(73) *Florist or plant shop.* A commercial establishment where plants, flowers, greenery and other products of the art of horticulture are sold to the ultimate consumer.

(74) *Front.* That part or side of a building or lot which has both the main point of ingress to and egress from the building or structure and abuts a street or a court. Where the main point of ingress or egress is not certain, then the front shall be deemed to be the side of a building which has assigned to it the street number address for that building.

(75) *Front yard.* An open, unoccupied space on a lot facing a street, extending across the front of a lot between the side lot lines and from the outermost surface of the main building to the front lot line, with the minimum distance between the front lot line and the main building line as specified for the district in which the lot is located.

(76) *Frontage.* The length of a building or lot which fronts and abuts a public parking area or a public street or area. The length of a common surface parking area abutting a public street or a public way.

(77) *Furniture store.* A commercial establishment wherein home or office furnishings and related accessories are sold to the ultimate consumer.

(77.5) *Gable.* A triangular area of an exterior wall under the inverted "v" formed at the end of a pitched roof. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(78) *Garage, commercial.* A garage structure (building) offering parking facilities for the general public for payment of a daily, weekly, monthly or hourly tariff.

(79) *Garage, residential (in Planned Developments).* An attached or unattached structure being an enclosure designed to be used in the storage of at least two (2) standard size automobiles.

(80) *Garden shop including greenhouses or nursery stock storage area.* A place wherein flowers, plants and other growing foliage, seeds, tools and implements are sold or kept for service or sale to ultimate consumers and individuals engaged in gardening and/or landscaping.

(81) *Grade.* The line or elevation of the inclination from the horizontal.

(81.5) *Green roof system.* The complete or partial covering of a building roof with vegetation and a growing medium, planted over a waterproofing membrane, which may also include additional layers such as a root barrier and drainage and irrigations systems. Such rooftop systems are typically used to absorb and/or retain rainwater, provide insulation, create urban habitat for wildlife, and help to lower urban air temperatures. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(82) *Grocery store.* A commercial establishment wherein fresh produce, meats, staples and various and sundry perishable and non-perishable items related to the daily needs of a household are sold to the ultimate consumer.

(83) *Hardware store.* A commercial establishment wherein supplies, tools and accessories for home and garden are sold to the ultimate consumer.

(83.5) *Head shops.* Any retail establishment open to the public that presents, displays, or offers for sale, distribution, or delivery, smoking paraphernalia items of any kind. "Smoking paraphernalia" shall mean paraphernalia, devices, or instruments, including but not limited to pipes, bongs, and hookahs, that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body "controlled substances" as defined by the Texas Controlled Substance Act, Health and Safety Code, Ch. 481, as may be amended. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended to be used, or commonly known to be used for the ingestion, inhalation, preparation, or injection of illegal substances, and include any device or instrument which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled

substance," "controlled substance analogue," "synthetic controlled substance," or other substance or chemical that mimics the effect of THC such as synthetic cannabinoids or other controlled substances, or any other substance that violates local, state, or federal law, and is adapted for the purpose of smoking or ingesting by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the smoking paraphernalia for some other purpose. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived from the manufacturing, compounding, converting, producing, processing or preparing of a controlled substance. "Smoking paraphernalia" does not include lighters, matches, cigarette holders, and devices used to store or preserve tobacco, tobacco cigarettes, cigarette papers or cigars, nor does it include e-cigarette, e-pipe and e-cigar devices or their respective components including but not limited to the atomizer unit, liquid nicotine reservoir or nicotine cartridge tank, and cartomizer.

(Ord. No. 17-028, § 1, 5-15-2017)

(84) *Height.* The vertical distance of a building measured from the top of the lowest level of the top of the foundation of the building enclosed within the outer walls of the structure to the top of the highest point of the structure, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers and antenna onto cupolas, domes and spires and parapet walls not exceeding ten (10) feet in height. (Ord. No. 01-037, § 3(24-202), 4-16-2001)

(84.5) *High-capacity power transmission lines.* Lines for the bulk transfer of electrical energy between generating power plants and substations at transmission-level voltage, which is distinct from the local wiring for final delivery of electric power to retail customers at distribution-level voltage. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(85) *Home occupation.* A business, profession, or trade conducted within or from a residential building or accessory structure for gain or support by a resident of the dwelling, which is incidental and secondary to the residential use of the building and does not change the essential residential character of the use. Particular occupations permitted are listed in Section 24-517(d) and are subject to all applicable provisions of this chapter. (Ord. No. 81-006, § 1, 2-23-1981)

(86) *Hospital.* An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life.

(87) *Hotel.* A building in which lodging is provided or offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby.

(88) *Household appliance sales and/or service.* The sale and service of refrigerators, washing machines, ranges or other electrical or gas equipment for use in the home.

(89) *Reserved.* (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)

(90) *Reserved.* (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)

(91) *Kindergarten, nursery and/or day care center.* An establishment where ten (10) or more children are housed for care and pre-school activities, which meets licensing requirements as established by the State of Texas.

(92) *Kitchen facilities.* A room or area principally designed for or containing appliances for the cold storage of foods or for the preparation of hot foods.

(93) *Land.* The earth, water and air, above, below or on the surface, and including any improvements or structures customarily regarded as land.

(94) *Land use intensity.* A term referring to the types and extent of uses, activities, coverage, building dimensions and open space existing upon a designated tract or parcel of land.

(95) *Laundry and dry-cleaning plant.* A physical facility containing equipment and machinery designed to launder and/or dry-clean clothing, fabric or other textiles.

(96) *Level of Service C.* A condition existing under various speed and volume conditions on a highway or street as defined in the Highway Capacity Manual, that has been determined to be generally acceptable to meet the needs of travelers to progress along streets and through intersections without undue delay. (Ord. No. 83-095, § 6, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(97) *Light compounding or fabrication.* The manufacturing of any item not involving the generation of noise, odor, vibration, dust or hazard, including a scientific laboratory or dental laboratory.

(98) *Light manufacturing.* Any place or plant wherein any product or thing, including food or beverage products, is manufactured or processed, wherein such operation conforms to the performance standards herein specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration and open storage. (Ord. No. 88-008, § 1, 3-7-1988)

(99) *Local access street.* A residential or non-residential street designed to provide direct access to individual homes, shops, abutting land and similar traffic destinations, with no provision for through traffic (e.g. Little Lake Street, Spruce Street). (Ord. No. 83-095, § 7, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(100) *Loop 610 Corridor.* The area of land paralleling Interstate Highway 610 that is generally recognized as affected by traffic on Interstate Highway 610.

(101) *Lot.* A part of a properly platted and recorded subdivision which shall be readily identifiable upon a plat of such subdivision, which plat shall show the dimensions of its subdivision lots and dimensions of all streets, alleys, squares, parks or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

(102) *Lot coverage (site coverage).* The area of a particular lot or tract which is covered with buildings and other surfaces. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)

(103) *Lot coverage ratio (LCR).* The ratio of buildings and other surfaces to the lot area, including all parts of the lot covered with other surfaces of any kind. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)

(104) *Lot depth.* The average distance between the front and rear property lines.

(105) *Lot lines.* The lines bounding a lot.

(106) *Lot width.* The average distance between the side property lines.

(107) *Mayor.* The presiding officer of the City Council and chief elected officer of the City of Bellaire.

(107.5) *Mini-storage business.* A commercial establishment which operates a facility that is subdivided into secure storage spaces that are rented to customers on a short-term or periodic basis (e.g., for storage of personal items, archive materials, vehicles and/or boats, etc.). (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(108) *Mixed-use development.* A combined land use project containing two or more component land uses. (Ord. No. 85-011, § 1, 1-28-1985)

(109) *Mobile home.* A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.

(110) *Mortuary or funeral home.* An establishment where the dead are prepared for burial or cremation, where the body may be viewed and where funeral services are sometimes held.

(111) *Motel.* A building in which lodging is provided or offered to the public for compensation, which is characterized by ingress to and egress from the rooms usually through an outside entrance, and which is of a design oriented to the short term occupancy needs of tourists traveling by automobile.

(112) *Motor home.* A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete unit.

(113) *Needlework, weaving or other arts and crafts.* An establishment wherein supplies and materials are sold or work actually performed in the art of needlework, weaving, painting or other handicrafts.

(113.5) *Movie theater, indoor.* A commercial establishment which provides one or more auditorium spaces for the showing of movies for public entertainment upon customer purchase of a ticket, and which may also involve preparation and serving of food and beverages for consumption on the premises (also known as a "cinema"). (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(114) *Neighborhood.* A predominantly residential area distinguishable from surrounding areas by recognizable functional boundaries, such as major arterials or city limits.

(115) *Neighborhood shopping center.* A shopping area designed to serve a trade area of 2,500 to 40,000 people and with a minimum site of three (3) acres in area where the lead tenant is a grocery or drug store. (Ord. No. 83-095, § 8, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(116) *Newsstand.* An establishment wherein daily, weekly and monthly news publications from the local region and other regions are sold to the ultimate consumer.

(117) *Nonconforming lot of record.* A lot being a part of a plat duly filed for record in the office of the County Clerk of Harris County, Texas, as provided for by law, which lot does not conform to the requirements of this chapter.

(118) *Nonconforming use.* Any use lawfully being made of any land prior to the enactment of this chapter or any amendment hereto, which upon adoption of this chapter or any amendment, does not comply with all the regulations of this chapter or any amendment hereto, thus rendering such use nonconforming. A nonconforming use may relate to land, building, structure or any parts thereof.

(118.5) *Office residential.* A building or development wherein all of the first floor building/floor area is devoted to office use and not more than fifty percent of the total building/floor area of all floors combined is devoted to residential use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)

(119) *Office supplies, stationery or letter shop.* An establishment that sells to the ultimate consumer supplies for use at home or office including, but not limited to, writing paper supplies and other items generally used in relation to the administration of business or social activities.

(120) *Official Zoning District Map.* The map adopted as a part of this chapter having delineated thereon all the zoning districts and the boundaries thereof within the City of Bellaire.

(121) *On-site parking, non-residential.* An area set aside for temporary parking (at no charge) of automobiles being used by persons shopping for goods or services or by persons there temporarily to conduct business on the premises.

(122) *On-site parking, residential.* A paved area on a residential lot set aside for the parking of motor vehicles.

(123) *Open space.* Any area of land or water set aside, open and unobstructed to the sky.

(123.1) *Other surface.* As used in determining lot coverage and lot coverage ratio, any material applied to the surface of land, which does not permit the natural infiltration of water into the ground, including, but not limited to, air conditioning pads, asphalt, bath houses, concrete, decks, patios, porches, driveways, garbage pads, gazebos, parking areas, paving systems (whether permeable or not), sidewalks, swimming pools, spas, sports courts, except for the ground area of the buildings. The water surface area of a swimming pool or a spa, fifty (50) percent of an uncovered wood deck constructed over bare soil, loosely graveled walkways, and artificial turf, installed behind the front building line, constructed in a method approved by the city engineer and providing not less than 0.30 acre feet of detention per acre of artificial turf shall not be considered another surface. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)

(124) *Outermost surface.* That part of any building, excluding eaves and roof extensions that do not extend a distance greater than five (5) feet, which is closest to the street abutting the lot on which the building is located.

(125) *Owner.* Any legal entity, person or otherwise who holds superior title to and can evidence superior title in real or personal property.

(126) *Package liquor store.* A commercial establishment wherein alcoholic beverages (beer, wine and spirits) are sold to the ultimate consumer.

(127) *Paint and/or wallpaper store.* A commercial establishment wherein paint products or other wall covering products are sold to the ultimate consumer.

(128) *Parcel.* Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

(129) *Parking space.* An enclosed or unenclosed all-weather surfaced area not on a public street or alley together with an all-weather surfaced driveway connecting parking space with a street or alley, permitting free ingress and egress without encroachment on the street or alley. Any parking adjacent to a public street wherein the maneuvering is done directly on the public street shall not be classified as off-street parking in computing the parking requirement for any use.

(130) *Particulate matter.* Any material except uncombined water which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.

(131) *Passenger terminal, bus passenger station or heliport.* A place designated and used for embarkation onto and debarkation from a bus or other mode of mass transportation or to move passengers from one mode of transportation to another by debarkation and embarkation.

(131.5) *Pawnshop.* A location at which or premises in which a pawnbroker regularly conducts business. A pawnbroker is a person engaged in the business of (a) lending money on the security of pledged goods deposited with or otherwise delivered into the possession of the pawnbroker, or (b) purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period. (Texas Finance Code, Section 371.003.) (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(132) *Person.* Any natural person or entity created by law including, but not limited to, a corporation (profit or non-profit), partnership or association.

(132.5) *Personal care.* The supervision of, or limited assistance with, routine living functions of a person who, because of his/her age or physical condition, desires or requires such personal care. The following are examples of personal care:

a) Assistance with medication regimen;

b) Assistance with hygiene;

c) Assistance with grooming, including assistance with dressing; and

d) Assistance with ambulation.

(Ord. No. 89-022, § 2, 6-5-1989)

(133) *Pet shop and pet grooming.* A commercial establishment wherein household pets are sold, washed, groomed and kept within a building.

(134) *Pharmacy.* A commercial establishment wherein substances used for medicinal purposes are sold to the ultimate consumer.

(134.5) *Place of Worship.* A building or buildings where persons regularly assemble for organized religious worship, religious education and activities to promote fellowship among persons who are members or visitors of the organized religious body occupying the building or buildings.

(135) *Planned development district (Amendment).* A zoning district of the City of Bellaire approved in accordance with provisions of this chapter for amendments to the chapter and Official Zoning District Map, which has, as a part of the amendment, a site plan for development of the entire district.

(136) *Planning and Zoning Commission.* The Planning and Zoning Commission of the City of Bellaire, Texas. (Ord. No. 81-013, 4-6-1981)

(137) *Plat (subdivision plat), final.* A document including a graphic description of a tract of land by metes and bounds and giving the dimensions of all streets, alleys, squares, parks and other public areas, and giving the dimensions of all lots or tracts contained therein and which has been finally approved under the provisions of this Code or prior law.

(138) *Plat (subdivision plat), preliminary.* A document including a graphic description of a tract of land by metes and bounds and giving the dimensions of all streets, alleys, sidewalks and other public places, which has been submitted for review and possible tentative approval, but has not been filed with the City for final approval nor for record with Harris County in accordance with V.T.C.A., Local Government Code ch. 212. (Ord. No. 89-009, § 1, 3-6-1989)

(139) *Primary arterial.* A major thoroughfare with limited at-grade access, which expands and links to the expressway system and is designed primarily for movement of through traffic as follows: Chimney Rock Road, Bellaire Boulevard, Bissonnet Street, IH 610.

(140) *Printing plants and shops.* Places wherein the printing of circulars, news or other written material is performed.

(141) *Private club.* A place wherein members gather for friendship and recreation, which has such membership restricted to persons who are actually on the rolls of membership of such club or their guests.

(142) *Property building line.* The line drawn on the subdivision plat indicating the front or outermost line or point where a building may be erected or the line established by reference to this Code as being the front or outermost line or point where a building may be erected. In case of conflict between the provisions of this Code and the designated property building line on the subdivision plat, the line designated providing the greatest setback distance shall control.

(142.5) *Public service drive.* A dedicated public right-of-way to access homes within an estate housing development that meets the minimum standards for "alleys" serving townhomes as set forth in Section 23.5-21(b) of the Code of Ordinances of the City of Bellaire. (Ord. No. 83-076, § 1, 10-17-1983)

(143) *Public utility plants and offices.* Plants used by utility franchisees of the City of Bellaire for the maintenance and continuation of service to the citizens of Bellaire and such offices as shall be necessary for the reasonable support of such function.

(144) *Radio or television broadcasting stations, studios or offices.* A place wherein television and/or radio programs are originated and broadcasted, including the support facilities and offices necessary for such production and operation.

(145) *Radio, television or microwave towers.* Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding non-commercial antennae installations for home reception of radio or television.

(146) *Rear yard.* An open, unoccupied space, except for accessory buildings as permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a minimum depth between the end of the main building and the rear lot line as specified for the district in which the lot is located.

(147) *Recreational vehicle.* A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

(148) *Restaurant.* An eating establishment where food and drink are served to customers in a dining room or in a building or where food is prepared.

(149) *Restaurant with drive-in service.* An eating establishment where food and drink are served to customers for consumption in motor vehicles parked on the premises or where facilities are provided which encourage the serving or consumption of food in motor vehicles.

(149.5) *Retail Residential.* A building or development wherein all of the first floor building/floor area is devoted to retail use and not more than fifty percent of the total building/floor area for all floors combined is devoted to retail use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)

(150) *Retail sales and service establishments.* Establishments for the sale of consumer goods, commodities and services to ultimate consumers or users.

(151) *Right-of-way.* A strip of land either dedicated or owned by the City or other public agency and used for the purpose of a public way or roadway. The area designated as a right-of-way shall not be included in computing the area or size of a lot or tract. (Ord. No. 83-095, § 9, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

(152) *School.* An institution, either public or private, organized and operated for the purposes of providing facilities for the education of children and/or adults based upon an organized curriculum or study plan, accredited by or application for accreditation pending before the appropriate state agency.

(153) *School, business or trade.* A place of instruction or education wherein physical, mechanical or other skills that may be used in business or commerce are taught and which may be operated for profit.

(153.5) *Score line.* A notch or incision on a building façade, often in a different color and/or texture, to add variety and visual interest to exterior walls. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(154) *Screen, screening.* A wall or fence located in the front, rear or side yard in accordance with standards herein set forth and erected for the purpose of giving privacy and reducing noise impact.

(155) *Secondary arterial.* A major thoroughfare with limited at-grade access, which supports the primary arterial system by providing essential system linkages to expressways, primary arterials and activity centers of medium intensity as follows: Fournace Place and South Rice Avenue.

(156) *Service station.* See "Automobile service station."

(157) *Setback.* The required distance between the outermost part of any building and the property line.

(158) *Side Yard.* An open space on each side of a building and on the same lot with the building, situated between the building and side line of the lot and extending through from the front yard to the rear yard. Air conditioning units may occupy space in the side yard at the discretion of the Building Official, provided that such location does not create a violation of the City's fire code or any other code, ordinance, rule, or regulation of the City of Bellaire. Any lot line, not the rear line or a front line, shall be deemed to be a side line. (Ord. No. 81-006, § 2, 2-23-1981)

(159) *Sign.* A structure or any part thereof which is used or intended to be used to attract attention to a subject matter for advertising purposes, and properly permitted under the provisions of this Code.

(160) *Site.* A lot, tract or parcel of property, being described by lot and block number, metes and bounds and/or parts thereof, developed and/or intended to be developed by the erection of a building or buildings and which shall include front, rear and side yards where applicable.

(161) *Site coverage (lot coverage).* The area of a particular site or tract which is covered with buildings and impervious (impermeable) surfaces.

(162) *Site plan or plans.* A one-dimensional graphic illustration setting forth minimum and maximum requirements for ingress to and egress from the property, public or private streets or drives, with adequate right-of-way, sidewalks, utilities, drainage, maximum lot coverage, yards and open spaces, screening walls or fences, landscaping and other development and protective requirements including maintenance considered necessary to create a reasonable transition to and protection of the adjacent property.

(163) *Small household appliance sales and/or service.* The sale and service of irons, coffee pots, electric mixers, blenders and other small electrical equipment useful in the home.

(164) *Special exception.* A type of relief granted by the Board of Adjustment pursuant to the terms and authorization contained in this chapter for particular and unique situations, which may include expansion of nonconforming uses.

(165) *Specific use.* A use permitted by ordinance in a district where it is not necessarily incompatible but where it might cause harm if not watched. Exceptions are authorized under conditions which will insure their compatibility with surrounding uses.

(166) *Specific use amendment.* An amendment authorizing a certain use which, because of its nature, is not subject to categorizing into specific zoning districts, subject to such conditions or limitations as the City Council shall provide.

(167) *Speed copying service.* A place of business designed to provide duplication and/or photocopying of papers, documents or business records.

(167.5) *Sports stadium or arena.* A facility that serves as a venue for the viewing of athletic competitions, concerts and other special events by providing a field or court area or stage which is either partly or completely surrounded by a structure with seating for spectators, usually in tiers. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(168) *Statement of ownership.* A sworn statement by a person swearing to or affirming the legal or equitable ownership of real property.

(169) *Storm drainage policy.* Regulations adopted and administered jointly by the Building Official and the Administrative Official, providing criteria for the development and improvement of land drainage and flood prevention. See also Chapter 9 of this Code, Article II-A.

(170) *Story.* That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. A "working" story is for functional

residential or nonresidential use, at least eight feet in height from the surface of the floor to the ceiling immediately above.

EXCEPTION: Any subsurface space for parking, storage or permitted use that has a vertical distance when measured from the surface of a floor to the ceiling immediately above that is at least eighty percent below the surface of the grade that is the highest point of elevation of the street or streets abutting the site.

EXCEPTION: Any space for one level of drive under parking that is at grade level or immediately above permitted subsurface parking. (Ord. No. 85-011, § 2, 1-28-1985; Ord. No. 11-086, § 1(App. A), 12-12-2011)

(171) *Street.* Any thoroughfare, road, highway or public driveway other than an alley, and more than thirty (30) feet right-of-way in width, which has been dedicated or deeded to the public for public use expressly or by implication.

(172) *Structure.* Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, excluding paved surface access ways and surface parking areas, approved surface water detention facilities and architectural/landscaping embellishment.

(173) *Studio for photography, music, art or health.* A place where professionally trained persons provide certain services including instruction in photographic renditions of people or things, instruction in the use of musical instruments, instruction in artistic renditions including sculpture, painting and similar arts, and instruction or place for physical health and well-being.

(174) *Subdivision.* A tract of land identifiable upon a plat duly approved and filed for record in the office of the County Clerk of Harris County, Texas, which shall clearly delineate the location and dimensions of all lots within such subdivision, streets, alleys, squares, parks or other portions intended for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and which shall be accurately described upon said plat by metes and bounds in order that the same might be located with respect to an original corner of the original survey of which it is a part.

(174.25) *Tattoo shop.* A commercial use involving the creation of an indelible mark, figure, word or graphic illustration upon a human body by the insertion of pigment under the skin or by the production of scars or scarring. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(174.5) *Technical research facilities.* A place or places wherein office uses, technical laboratories, computer centers, engineering operations, research and/or related light manufacturing uses are located. (Ord. No. 88-008, § 1, 3-7-1988)

(174.55) *Theater, for live performances.* A facility which provides one or more auditorium spaces in which plays and other dramatic, musical or entertainment performances are provided to an audience, either as a commercial operation involving customer ticket purchases, or as a free (public or nonprofit) venue. The facility may also involve preparation and serving of food and beverages for consumption on the premises. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(174.6) *Theatrical fly space.* The area in a theater above the stage into which scenery and other accessories are hoisted to an extent that the scenery and other accessories are not visible to the audience. (Ord. No. 08-059, § 1(App. A), 9-8-2008)

(174.7) *Through lot.* Any lot that connects two (2) generally parallel streets and is adjacent to more than one (1) interior lot on the same side. (Ord. No. 07-074, § 2(Exh. A), 12-3-2007)

(175) *Tire retreading or recapping.* A place wherein tires used on vehicles are repaired by the addition of new tread surface to such tires.

(175.5) *Traffic impact analysis.* A specialized engineering study which quantitatively assesses the adequacy of the existing structure or future transportation infrastructure to accommodate additional trips generated by a proposed development, redevelopment, or land rezoning. This report should be signed and sealed by a licensed professional engineer and must be approved by the Administrative Official.

(176) *Trailer rental or sales.* A place wherein trailers, regardless of class or size, are rented on a temporary basis or sold.

(177) *Travel agency.* A place wherein persons provide services in planning travel, including the sale of tickets and passage on buses, ships and airplanes.

(178) *Travel trailer.* A vehicular unit up to thirty-two (32) feet in length and eight (8) feet in width, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.

(178.5) *Trip generation report.* A report that includes the estimated maximum AM peak, PM peak, and total daily volume trip generation of the proposed facility, the planned circulation of inbound and outbound traffic during operation, and the estimated length of any queuing of cars, if applicable. The trip generation report shall also include a statement from the owner/operator that they agree to operate the facility in accordance with the approved circulation plan, which must be approved by the Administrative Official, and to install the necessary mitigation measures if traffic issues present themselves in the future.

(179) *Truck and construction equipment sales and service.* A place wherein vehicles, including trucks of any size, are sold and serviced, including any type of equipment used in the construction industry.

(180) *Truck camper.* A portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

(181) *Use.* The particular type of function or purpose to which land and/or structure is committed.

(182) *Variance.* Relief granted by order of the Board of Adjustment, not contrary to the public interest, where owing to special conditions the literal enforcement of the regulations of this chapter will result in unnecessary hardship.

(183) *Veterinary clinic (no outside pet facilities or runs).* A place wherein animals are brought for the purposes of providing medical care and examination and for the purpose of providing treatment, diagnosis or other medical attention to sick, disabled or otherwise infirm animals.

(184) *Wall.* The side of a room or building between the floor, foundation and the ceiling and roof, built to enclose, divide, support or protect, and constructed in accordance with the requirements of this Code.

(185) *Warehouse/warehousing, wholesaling and distribution facilities.* A place or places wherein commodities are stored or maintained on an interim basis prior to manufacturing, assembling and/or distribution to other locations. No outside storage shall be classified as a warehouse, wholesaling or distribution facility. (Ord. No. 88-008, § 1, 3-7-1988)

(186) *Welding or machine shop.* A place wherein metal apparatus are welded and/or where machinery exists to perform various functions necessary to repair or modify various apparatus.

(187) *Yard.* An open space other than a court, on a lot or parcel of land on which a building is situated and which is unobstructed above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and landscape features.

(188) *Zero lot line.* The side lot line of a lot or tract without required minimum side yards, in order that the wall or structure may be erected on the side property line.

(189) *Zoning district.* (Hereinafter referred to as District.) Any district delineated on the Official Zoning District Map under the terms and provisions of this chapter or which may hereinafter be created subsequent to the enactment of this chapter.

(190) *Zoning district boundaries.* The boundaries of each zoning district as more fully described in Section 24-403(c) of this chapter.

(Ord. No. 82-020, § 11, 3-29-1982)

(Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 19-059, § 1(App. A), 11-4-2019)

Secs. 24-203—24-300. Reserved.

ARTICLE III. DECISION-MAKING AND ADMINISTRATIVE BODIES

Sec. 24-301. City Council.

In addition to any authority granted the City Council by state law, City Charter or the Code of Ordinances of the City of Bellaire, the City Council shall have the powers and duties set forth in this chapter, including but not limited to the following:

(1) To review and approve, disapprove or modify the capital improvement program prepared by the City Manager;

(2) To call and conduct public hearings on proposals to amend or modify the provisions of this chapter;

(3) To amend the provisions of this chapter upon appropriate findings, by ordinance, after public hearing and recommendation by the Planning and Zoning Commission; and

(4) To take such other action not otherwise reserved for the Planning and Zoning Commission that the City Council may deem desirable and necessary.

Secs. 24-302, 24-303. Reserved.

Sec. 24-304. Office of Planning and Zoning and Administrative Official.

A. *Creation and appointment.* There is hereby established an Office of Planning and Zoning. The Administrative Official shall be the head of the Office of Planning and Zoning and shall be appointed by and serve at the pleasure of the City Manager.

B. *Jurisdiction, authority and duties.* In addition to the jurisdiction, authority and duties which may be conferred on the Administrative Official by other provisions of this Code, the Administrative Official shall have the following jurisdiction, authority and duties:

(1) The Administrative Official shall receive and review, or cause to have reviewed, all applications under the provisions of this chapter;

(2) The Administrative Official shall serve as staff planner to the Planning and Zoning Commission and Board of Adjustment, and shall inform such bodies of all facts and information at his disposal with respect to the development proposals or any other matters brought before such bodies;

(3) The Administrative Official shall assist in the preparation and giving of all notices required by this chapter and may, in addition, give recommendations on all proposals properly before the Commission or the City Council;

(4) The Administrative Official shall assist the City Clerk in maintaining the Official Zoning District Map;

(5) The Administrative Official shall certify compliance when it shall be determined that a proposed development is in accordance with the provisions of this chapter; and

(6) Whenever requested to do so by the City Manager or the City Council, the Administrative Official, with the assistance of other City departments, shall conduct or cause to be conducted surveys, investigations and studies and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as may be requested.

Sec. 24-305. Office of Inspections and Building Official.

A. *Creation and appointment.* There is hereby created an Office of Inspections. The Building Official shall be the head of the Office of Inspections and shall be appointed by and serve at the pleasure of the City Manager.

B. *Jurisdiction, authority and duties.* In addition to the jurisdiction, authority and duties which may be conferred on the Building Official by other provisions of this Code, the Building Official shall have the following jurisdiction, authority and duties:

(1) The Building Official shall issue building permits in accordance with the procedures of this Code;

(2) The Building Official shall issue certificates of occupancy in accordance with the procedures of this Code;

(3) The Building Official shall enforce the provisions of this chapter; and

(4) The Building Official shall provide the City Council, the Planning and Zoning Commission and the Board of Adjustment with reports and recommendations with respect to matters before such bodies as directed by the City Manager.

Secs. 24-306—24-400. Reserved.

ARTICLE IV. PLANNING DOCUMENTS AND OFFICIAL MAP

Sec. 24-401. Comprehensive Plan.

A. *Authority.* The Commission shall annually review the adopted comprehensive plan and prepare a report thereon, recommending to the City Council adoption of amendments to the plan if the Commission deems the same necessary.

B. *Effect.* All decisions made by the City implementing the terms of this chapter shall be consistent with the policies adopted in the plan. Any action on any application for amendment to this chapter shall be in accordance with the adopted policies of the plan except where the policy itself is the subject of the proposed change.

C. *Procedures for review and amendment.*

(1) *Review of plan.* The Commission, with the assistance of the Administrative Official, shall annually review the comprehensive plan and submit a report thereon to the City Council. The Commission shall make reasonable efforts to obtain the views, comments on and criticisms of the plan or proposed

amendments thereto from departments, interested organizations, groups, firms and residents of the City. The Commission may incorporate in the report proposed amendments to the plan, if any, which may be submitted by residents at any time and shall set forth its recommendations on each proposal in accordance with the procedure established for reports to the City Council. The Commission shall transmit such report to the City Council no later than October 1st of each year, together with any materials or statements deemed necessary to a full consideration of such report. Such report may include recommendations, majority and minority positions and proposed amendments.

(2) *Receipt of report.* The City Council shall formally receive the report from the Commission.

(Ord. No. 02-048, § 2(24-401), 8-19-2002)

Sec. 24-402. Capital Improvement Program.

A. *Authority.* Commencing in 1981 and annually thereafter, the City Manager shall prepare and the City Council may adopt or amend a capital improvement program for the City of Bellaire.

B. *Definition.* The capital improvement program shall consist of a program of municipal capital improvement projects with their estimated costs, projected over a period of at least five (5) years. Such projects may include any major expenditure for physical municipal facilities, such as costs for acquisition, development and improvement of lands or interests in land; acquisition or construction of buildings, structures, streets and permanent installations, including additions or major repairs or alterations; acquisition and construction of utility lines; acquisition, construction or installation of permanent public improvements; acquisition of equipment; major landscaping installations; and similar expenditures.

C. *Purpose.* The capital improvement program shall serve as a means for systematically reviewing proposed capital projects to ensure coordination of expenditures and development. The program shall tie together the timing, location and financing of proposed capital projects, shall encourage the development of such projects in scheduled stages, and shall provide the public with an understanding of future needs and development activities to be undertaken by the City of Bellaire.

D. *Procedures for adoption and amendment.*

(1) *Development of program.* The City Manager shall propose the capital improvement program and shall refer it to the Commission for review and comment on the consistency of the program with the adopted comprehensive plan.

(2) *Adoption of program.* Within thirty (30) days of receipt of the capital improvement program from the City Manager, the Commission shall transmit its comments and recommendations to the City Council in the form provided for reports and recommendations from the Planning and Zoning Commission. The City Council may adopt the capital improvement program, as recommended by the City Manager, with or without modifications.

(3) *Amendment of program.* The capital improvement program, or any part thereof, may be amended at any time in the same manner as herein provided for its original development and adoption, subject only to the limitations imposed by law. The City Council may amend or adopt a capital improvement program at any time in accordance with law, without action of any individual board or commission.

Sec. 24-403. Official Zoning District Map.

A. *Map status.* The Official Zoning District Map described in this Section, a reduced copy of which is attached to this chapter, is hereby designated and established as a part of this chapter; and the originals thereof which are on file at City Hall, City of Bellaire and bear the signatures of the City Clerk and the Mayor, shall be as much a part of this chapter as if the information contained therein was set out in full in this chapter. (Ord.

No. 80-065, § 1, 9-8-1980; Ord. No. 82-020, § 12, 3-29-1982; Ord. No. 82-021, § 1, 3-29-1982; Ord. No. 83-076, § 2, 10-17-1983; as amended by Ord. No. 84-035, § 1, 4-16-1984; Ord. No. 83-095, § 10, 12-5-1983; as amended by Ord. No. 86-009, § 1, 2-3-1986; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986; Ord. No. 84-005, § 1, 1-16-1984; Ord. No. 85-051, § 1, 8-19-1985; Ord. No. 85-069, § 1, 11-11-1985; Ord. No. 86-031, § 1, 4-7-1986; Ord. No. 88-008, § 1, 3-7-1988; Ord. No. 88-016, § 1, 5-9-1988; Ord. No. 90-016, 3-19-1990; Ord. No. 91-045, § 1, 6-17-1991; Ord. No. 92-048, § 1, 6-15-1992; as amended by Ord. No. 00-030, 1-5-2000; Ord. No. 10-025, § 4(App. B), 4-5-2010)

B. *Procedures.*

(1) Adoption and amendment to the Official Zoning District Map shall be in accordance with the provisions of this chapter.

(2) Two (2) copies of the map shall be filed with the City Clerk, one of which shall be prominently displayed and available for public inspection. Any amendments to the map shall be considered amendments to this chapter; and as soon as the same are properly enacted, the two (2) maps in the office of the City Clerk should be properly changed.

(3) One (1) copy shall be filed with the Building Official and the Administrative Official and shall be maintained up-to-date by posting thereon all amendments, to be readily accessible for the purposes of issuing building permits, certificates of occupancy and certificates of compliance, and for enforcing the provisions of this chapter.

(4) One (1) copy shall be maintained in the records of the Planning and Zoning Commission for reference purposes and shall be maintained up-to-date by posting thereon all changes and subsequent amendments.

C. *District boundaries.* In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the Official Zoning District Map, the following rules shall apply:

(1) The district boundaries are the centerlines of the streets, alleys, waterways and rights-of-way, unless otherwise indicated. Where designation of a boundary line on the Zoning District Map coincides with the location of a street, alley, waterway or right-of-way, the centerline of such street, alley, waterway or right-of-way shall be construed to be the boundary of such district.

(2) Where the district boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundaries of such district.

(3) Where the district boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way or lot lines, the district boundary shall be determined by the use of the scale shown on the Zoning District Map.

(4) Boundaries indicated as approximately following city limits shall be construed as following city limits.

Secs. 24-404—24-500. Reserved.

ARTICLE V. ZONING REGULATIONS[2]

DIVISION 1. ZONING DISTRICTS AND REGULATIONS OF GENERAL APPLICABILITY

Sec. 24-501. Districts Established.

In order to carry out the goals and objectives of the comprehensive plan and the purposes of this chapter, the following districts are hereby created:

(1) Residential Districts.

a) R-1 Residential District (R-1)

b) R-3 Residential District (R-3)

c) R-4 Residential District (R-4)

d) R-5 Residential District (R-5)

e) R-MF Residential Multi-Family District (R-MF)

f) R-6 Small-Lot Residential Attached District (R-6)

(2) Mixed-Use Districts.

a) R-M.2-O Residential-Office Mixed-Use District (R-M.2-O)

b) Corridor Mixed-Use District (CMU)

c) Urban Village — Downtown District (UV-D)

d) Urban Village — Transit Oriented Development District (UV-T)

(3) Other Districts.

a) Loop 610 District (L610)

b) Light Industrial District (LI)

c) North Bellaire Special Development District (NBSDD)

(Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 21-031, § 2(App. A), 5-24-2021)

Sec. 24-502. Permitted Uses.

No structure or land in the City of Bellaire shall hereafter be constructed, built, moved, remodeled by expanding the size thereof, reconstructed, used or occupied except in accordance with the requirements of the zoning district in which the structure is located. However, a structure, use or lot lawfully existing at the date of adoption of this chapter may be occupied as a nonconforming use under the procedures and requirements of this chapter.

It is further specifically provided that there shall be a right of continued occupancy for any nonconforming residential structure located in the City of Bellaire which is used as a place of residence and that such right shall not be terminated by reason of sale or transfer of title or vacancy of the structure.

[2] State law reference(s)—Authority to zone, V.T.C.A., Local Government Code § 211.005.

Any such structure may be reoccupied as a residence at any time, subject only to the requirements of this Code for the issuance of an occupancy permit; and whenever requested to do so by a title company, a mortgage company, a potential buyer or another interested party, the Building Official is hereby authorized to issue a certificate of right to occupy such legally existing nonconforming residential structure.

(Ord. No. 89-009, § 1, 3-6-1989)

Sec. 24-503. Specific Uses.

Certain uses, which because of their nature and existing location are not appropriate for categorizing into specific zoning districts, are allowed in various zoning districts by specific use permit. The procedure for approval of a specific use permit includes notice, public hearings and recommendation of the Planning and Zoning Commission, the same basic procedure prescribed for amendments to this Code. Any use not permitted by this chapter or approved as a specific use permit under the procedures hereinafter set out is prohibited.

(Ord. No. 10-057, § 1(App. A), 8-2-2010)

Sec. 24-504. Planned Development.

A. *Planned Development in Residential Districts.* A planned development mechanism is provided for selected residential districts in order to provide greater flexibility and opportunity in the planning and development of residential projects that serve to upgrade and enhance existing residential neighborhoods while responding to current market trends in housing. (Ord. No. 82-020, § 13, 3-29-1982)

B. *Planned Development in Residential-Commercial Mixed-Use Districts.* A planned development mechanism is provided in order to provide greater flexibility and opportunity in the planning and development of residential or commercial projects or a combination thereof within a mixed land use environment.

C. *Planned Development in City Center Districts.* A planned development mechanism is provided in order to provide greater flexibility and opportunity in the planning and development of city center projects, such as shopping centers, office plazas, permitted retail, service and commercial type uses, or a combination of such uses.

D. *Planned Development in Loop 610 District.* A planned development mechanism is provided for the area immediately adjacent to Interstate Highway Loop 610 in order to provide greater flexibility and opportunity in the planning and development of projects of good design, such as office plazas, residential projects, medical centers, or a combination of such uses.

E. *Planned Development in the North Bellaire Special Development District.* A planned development mechanism is provided in order to provide greater flexibility and opportunity in the planning and development of large-scale mixed-use developments, while considering community protections.

(Ord. No. 21-031, § 2(App. A), 5-24-2021)

Sec. 24-505. Temporary Uses.

A. *Authorization.* Temporary uses may be authorized by the City Council in any zoning district subject to the standards hereinafter established, provided that all temporary uses shall meet the minimum requirements of this Code for any type of development within the zoning district in which the use is located and shall, in addition, meet the minimum requirements of this Code for the building and maintenance of any structure erected as a temporary use.

B. *Time limitation.* All temporary uses shall be for a period of time not exceeding thirty (30) days from the date of commencement of construction of the temporary use structure or the actual inhabitation or use of the structure for temporary use purposes, whichever is shorter.

The time limitation herein imposed may be extended or shortened by action of the City Council, for good cause shown, when it shall appear that extension thereof is in the best interest of the applicant and neither contrary to the purposes and objectives of the comprehensive plan nor injurious to the health, safety and well-being of the residents, citizens and inhabitants of the City of Bellaire.

C. *Permit required.* A permit must be obtained for all temporary uses; such permit shall be issued by the Building Official of the City of Bellaire. The permit issued shall be entitled "Temporary Use Permit" and shall be for a period of time not exceeding thirty (30) days. Such permit shall clearly specify the use intended and any conditions and safeguards imposed by the Building Official for the protection of the health, safety and well being of the residents, citizens and inhabitants of the City of Bellaire. The Building Official shall be authorized to charge a fee for the issuance of a temporary use permit in an amount as shall from time to time be established by the City Council or the City Manager. Nothing herein provided shall prevent the City Council from extending the expiration date of any temporary use permit issued hereunder under such terms and conditions as may be prescribed.

D. *Exception for construction.* The Building Official may, for a period not in excess of thirty (30) days, issue a temporary permit for construction offices (shacks) and the open storage of building materials upon a construction site so long as such offices (shacks) and open storage meet all other requirements of this Code.

E. *Construction upon public rights-of-way.* The Building Official may, for a period to terminate simultaneously with the completion of construction, issue a temporary permit for the open storage of construction equipment, construction materials and the location of construction offices (shacks) on private property, except private property that is zoned residential, in residential use or immediately adjacent to a residential use, which has been duly leased by, which is owned by or which has been provided, by written consent of the owner, to a contractor performing work on public property or public rights-of-way, so long as such equipment and materials are stored behind the required front building line as specified for the zoning district in which the property is located and in a manner which shall not adversely impact adjacent property, and further so long as such equipment and materials are adequately fenced and/or other appropriate safeguards are provided to prevent injury to third parties. The open storage of construction equipment and materials and construction offices (shacks) shall meet all other requirements of this Code.

(Ord. No. 85-036, § 1, 6-3-1985; Ord. No. 87-025, § 1, 6-15-1987)

Sec. 24-506. Subdivision Regulations.

In addition to the requirements as set forth in this chapter, all property proposed for planned development approval or any property requiring subdividing or resubdividing for any purpose within the City, shall be laid out in accordance with chapter 23.5 of this Code, "Land Subdivision Regulations," including, but not limited to, regulations contained therein for streets, alleys, sidewalks, utilities and drainage.

Sec. 24-507. Use of Nonconforming Residential Lots.

Notwithstanding the minimum requirements for residential lot size, structures may be constructed, built, moved, remodeled by expanding the size thereof, reconstructed, occupied or used on a nonconforming lot of record platted prior to the enactment of this chapter, or any amendment hereto, provided that all such structures shall meet all other applicable development and use regulations for the zoning district in which the structure is located. (Ord. No. 81-006, § 3, 2-23-1981)

Sec. 24-508. Structure and Area Regulations.

No structure or part thereof shall be constructed, built, moved, remodeled by expanding the size thereof, reconstructed, occupied or used in such manner that the maximum height, lot coverage, floor area or floor area ratio exceeds that specified for the zoning district in which the structure or use is located; nor shall a structure or part thereof be constructed, built, remodeled by expanding the size thereof, reconstructed, occupied or used in such manner that yards are provided which are smaller than the required yards in the zoning district in which the structure or use is located.

Provisions of this Section may be modified only to the extent that is permissible under the terms and provisions of this Code.

Sec. 24-509. Use and Land Regulations.

No structure or land shall be used for any purpose except as specified herein except as a nonconforming use lawfully existing at the date of enactment of this chapter.

Sec. 24-510. Accessory Uses and Structures.

A. *Authorization.* Accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district provided that all accessory structures or uses shall meet the development regulations for the zoning district in which the structure or use is located, in addition to the further requirements of this Section.

B. *Particular prohibited accessory structures and uses.* Prohibited accessory structures and uses are:

(1) Commercial garages, commercial parking lots and commercial parking areas, except when incorporated within an approved planned development; and

(2) Kitchen facilities in any structure other than a principal residential structure or one accessory residential structure of a single-family home which contributes to the comfort, convenience or necessity of the occupants of a single-family residence which is the principal structure, provided that the accessory residential structure is constructed in accordance with all minimum requirements prescribed by the Building Code for the construction of a residential structure and the provisions of subsection (C) of this Section. For purposes of this Section, the term "comfort, convenience or necessity" shall not include a right of the owner or occupant of the principal structure to derive income from use of the accessory structure as a rental property; rental of any residential accessory structure is specifically prohibited. However, the comfort, convenience or necessity of the occupant of the principal structure may be served by using such residential accessory structure for the purpose of housing guests on a temporary basis, as a place of residence for family members or as a place of residence for any full-time or part-time domestic employees who work within the main residential structure or upon the grounds surrounding the same. Whenever occupied as quarters for the employee, it shall be unlawful for any adult person to occupy such residential accessory structure unless he or she is a domestic employee of the occupant of the main structure. (Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 10-025, § 2(App. B), 4-5-2010)

C. *Accessory structures, location and regulation.*

(1) All detached accessory structures and uses in any residential district shall be located in the rear or side yard of the residential unit.

(2) No accessory structure or use shall exceed the height of the principal structure to which it is accessory.

(3) All accessory structures and uses shall be subordinate to and supportive of the primary use and structure.

Sec. 24-511. Performance Standards.

All uses in any district of the City shall conform in operation, location and construction to the performance standards herein specified for noise, air pollution and particulate matter and other air contaminants, odorous matter, fire and explosive hazard material, toxic and noxious matter, vibration, open storage and glare.

A. *Noise.*

(1) *Environmental sound levels.* It shall be a violation of this chapter for any person to operate or permit to be operated any stationary source of sound which creates a unit percentile sound level (L1) greater than 15 dB(A) above the ambient sound pressure level (L90) as set forth in Table 1 in any residential use zone, or creates a tenth percentile sound level (L10) or a ninetieth percentile sound level (L90) which exceeds the limits set forth in Table 1 for the receiving land use districts when measured at the property boundary. For the purpose of enforcing these provisions, a measurement period shall not be less than ten (10) minutes or more than thirty (30) minutes.

Table 1. Limiting Sound Levels for Land Use Districts

L_{90}

Use District	7:00 a.m.—10:00 p.m.	10:00 p.m.—7:00 a.m.
Residential	55 dB(A)	50 dB(A)
Commercial	62 dB(A)	57 dB(A)
Industrial	75 dB(A)	75 dB(A)

L_{10}

Use District	7:00 a.m.—10:00 p.m.	10:00 p.m.—7:00 a.m.
Residential	65 dB(A)	60 dB(A)
Commercial	72 dB(A)	67 dB(A)
Industrial	85 dB(A)	85 dB(A)

When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundary and within the most restrictive land use category.

(2) *Public and private project review.* All public and private projects shall be subject to a review process by the Building Official in order to determine if such projects are likely to cause noise or vibration in violation of this subsection. The Building Official shall be authorized to make or require any investigations or studies which in his opinion are necessary to determine if compliance with this subsection can be achieved. The Building Official shall also have the authority to require noise attenuation measures in accordance with the findings of said investigations or studies for the purpose of determining compliance with this subsection.

(3) *Exemptions.* The following uses and activities shall be exempt from the noise level regulations herein specified:

a) Noises not directly under control of the property user;

b) Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (daylight hours);

c) Noises of safety signals, warning devices and emergency pressure relief valves;

d) Transient noise of moving sources such as automobiles, trucks, airplanes and trains.

B. *Control of air pollution from visible emission and particulate matter.* No person may cause, suffer, allow or permit any outdoor burning, incineration, visible emissions or particulate matter from any source to exceed allowable rates specified in the 30 Tex. Admin. Code § 111.111, incorporated herein by reference.

C. *Odorous matter.* No person shall discharge from any source whatsoever one or more air contaminants that produce an odor, in such concentration and of such duration as may tend to be injurious to or to adversely affect human health or welfare. No discharge shall be permitted which exceeds applicable standards set by the Texas Commission on Environmental Quality.

D. *Fire and explosive hazardous material.*

(1) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in any district except that chlorates, nitrates, perchlorates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshall of the City of Bellaire as not presenting a fire or explosion hazard.

(2) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City.

(3) Volatile organic compound loading facilities and gasoline terminals must be in compliance with 30 Tex. Admin. Code § 115.219 (as applicable to Harris County), incorporated herein by reference and filed in the office of the City Clerk of the City of Bellaire.

E. *Toxic and noxious matter.* No operation or use in any district shall emit toxic and noxious matter that is in violation of 30 Tex. Admin. Code § 101.1 et seq. (as applicable to Harris County), incorporated herein by reference and filed in the office of the City Clerk of the City of Bellaire.

F. *Vibration.* No operation or use in any district shall at any time create earthborn vibration which, when measured at the bounding property line of the source of operation, exceeds the limit of displacement set forth in the following table in the frequency ranges specified.

Frequency cycles per second	Displacement in inches
0 to 10	.0010
10 to 20	.0008
20 to 30	.0005
30 to 40	.0004
40 and Over	.0003

G. *Open storage.* No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use in an LI, Light Industrial or PD, Planned Development Industrial District which is located in a building. No open storage operation shall be located in front of a main building. No wrecking, junk or salvage yard shall be permitted as a storage use in any district.

H. *Glare.* No use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination or glare

nor shall such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

Sec. 24-512. Fence and Wall Regulations.

A. In residential zoning districts, no fences or walls that are not screening fences or walls, as required in Section 24-513, shall be constructed to a height in excess of eight (8) feet. Fences or walls eight (8) feet in height or less may be constructed anywhere inside the property lines of a lot zoned residential, except within the front yard as that term is defined in this chapter and according to the table below.

Maximum Height of Fence or Wall Based on Location			
Right-of-Way Frontage	Fence or Wall Setback from Property Line Adjacent to Right-of-Way		
	Less than 12 ½ Feet	12 ½ to 24 Feet	25 Feet or More
South Rice Avenue, Chimney Rock Road, Newcastle Drive, and Bissonnet Street	48 inches	8 feet	8 feet
Bellaire Boulevard	48 inches	48 inches	8 feet
Interstate Highway 610 (West Loop) Frontage Road*	10 feet	10 feet	10 feet
Union Pacific Railroad*	10 feet	10 feet	10 feet

* In the case of the Interstate Highway 610 (West Loop) Frontage Road and Union Pacific Railroad rights-of-way, this Section shall not be construed to mean that a fence or wall of any height is permitted in the front yard. It applies to fences in the side or rear yard only.

In all cases fences or walls shall have setbacks that are sufficient to provide clear vision of the street to the driver of a vehicle entering or backing into the street.

B. In non-residential zoning districts, fences may be located anywhere on a lot, subject to such conditions and limitations as shall be provided in this Code.

(Ord. No. 19-059, § 1(App. A), 11-4-2019)

Sec. 24-513. Landscaping, Screening and Buffering.

A. *Purpose.* The standards set out in this Section are intended to:

(1) Protect and improve the appearance and character of the community, including its developed and open space areas, in accordance with the Comprehensive Plan;

(2) Increase the compatibility of adjacent land uses;

(3) Mitigate the effects of noise, dust, debris, artificial light intrusions and other externalities created by the use of land, and the "heat island" effect of paved surfaces in urban settings; and

(4) Conserve water and promote the long-term viability of development landscaping by promoting the planting and maintenance of native and drought-resistant vegetation types.

B. *Applicability.* Standards described herein are minimum standards applicable to all new planned developments, mixed-use developments, multifamily and, non-residential structures and related parking that have, as a condition of approval, requirements for landscaping, screening or buffering and to all non-residential uses and related parking permitted.

(1) The requirements of this Section shall also apply when:

a) There is an enlargement exceeding one thousand (1,000) square feet in area of the exterior dimensions of an existing non-residential, multifamily residential, mixed-use building, or of any existing building within a planned development, or more than one thousand (1,000) square feet cumulative among multiple buildings in all such cases; or

b) There is either a new parking lot for a non-residential or multifamily residential or mixed-use building, or for a planned development, or expansion of an existing parking lot in such cases to provide one or more additional parking spaces.

(2) The requirements of this Section shall apply to the entirety of the development site if it is completely developed by the new construction of a building or buildings and associated off-street parking. If the entirety of the building site is only partially developed by new construction or enlargement (with the enlargement exceeding at least one thousand (1,000) square feet in area of the previous exterior dimensions of a building, or cumulative among multiple buildings, per subsection (1)b)), the requirements of this Section shall be applied only in proportion to the area of the new or enlarged building and/or off-street parking area.

(3) The requirements of this Section shall not apply when:

a) Reconstruction work on an existing building that was partially damaged or destroyed involves less than fifty (50) percent of the pre-existing area of the exterior dimensions of the building. This exemption shall apply only when the reconstruction will not result in an increase in the number of parking spaces.

(4) Nothing in this Section shall be construed to require compliance with the requirements of this Section for finish or remodeling work to the interior or exterior of an existing building if such work does not result in an increase in the number of parking spaces or in an enlargement of the exterior dimensions of the building.

C. *General requirements.*

(1) *Quantity of landscaping.* The minimum amount of landscaping required for a development site shall be based on the applicable factors in Table 24-513.A, Quantity of Landscaping.

Table 24-513.A
Quantity of Landscaping

Type	Required Quantity
Street Trees (for commercial, multifamily residential and mixed-use properties only)	Number of trees as specified in Section 9-355.1, based on the amount of street frontage (generally a minimum of one 45-gallon tree for every 40 feet of frontage).
Parking Lot Trees (for commercial, multifamily residential and mixed-use properties only)	Number of trees as specified in Section 9-355.2. (generally a minimum ratio of one 45-gallon tree per 10 parking spaces).
Site Trees	The minimum number of trees in the required front and back yards as specified in Section 9-354, based on the site width.
Shrubs	Number of shrubs necessary, based on five-gallon container size and maximum spacing between shrubs of four feet on center, to meet the screening requirements for off-street parking areas in Section 24-513.E.

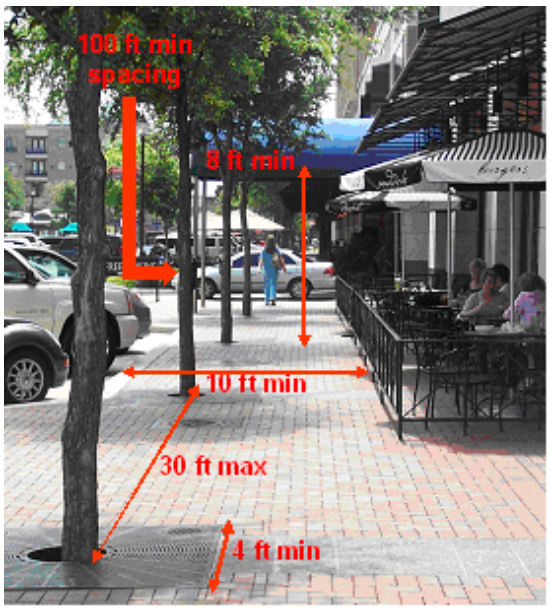
a) *Street trees in the UV-D and UV-T districts.* Street trees shall be planted at regular intervals along all street frontages in accordance with Section 9-355.1 in Chapter 9, Buildings, of the City Code,

except that the minimum tree spacing in the UV-D and UV-T districts shall be thirty (30) feet rather than forty (40) feet. Applicants may select any tree variety specified for the UV-D and UV-T districts, if any, in Section 9-355.1, and shall not plant specified undesirable trees. Such trees may be planted within the public street right-of-way as provided in Section 9-355.1, subject to the approval of the Administrative Official. As illustrated in Figure 24-513.A, the following specific provisions also apply in the UV-D and UV-T districts:

1) Minor variations from the regular 30-foot spacing are permitted to avoid conflicts with driveway locations and accommodate other design considerations.

2) Trees shall be planted in at-grade tree wells with tree grates, a minimum of four (4) feet square, within the sidewalk. Such street trees shall be maintained to provide a clear zone free of limbs, from ground level up to eight (8) feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles. Each tree well shall have an irrigation system for the delivery of water to the wells.

FIGURE 24-513.A
Street Tree Planting
in UV-D and UV-T Districts



(2) *General site landscaping.* Any portions of development sites not used for buildings, sidewalks, parking areas or other impervious surfaces that count toward site coverage shall be planted or covered, and so maintained by the owners. This treatment shall consist of any combination of such material as trees, hedges, shrubs, garden plants, vines, ground covers, grasses, and mulch. The use of planter boxes of any size shall not constitute compliance with this Section.

a) *Use of sod.* In non-residential and multifamily residential development and planned developments, not more than fifty (50) percent of the area devoted to general site landscaping as defined in this subsection may be planted with sod. Athletic fields shall not be counted in this calculation.

b) *Use of mulch.* In non-residential and multifamily residential development and planned developments, not more than ten (10) percent of the area devoted to general site landscaping as defined in this subsection may involve the placement of mulch. Mulch used in landscaping areas may be organic, such as pine bark or shredded hardwoods, or inorganic, such as stone, gravel or commercially available recycled materials intended for such use. Materials that float shall be contained by edging.

c) *Use of palm trees.* Palm trees may be used in site landscaping but shall not count toward compliance with the minimum tree requirements in Table 24-513.A.

d) *Mitigation of building mass in the UV-D and UV-T districts.* Where a building is more than sixty (60) feet in length, tree plantings other than required street trees shall be clustered to break up the appearance of building mass so that the building is perceived to be divided into lengths of no greater than fifty (50) feet when viewed from street-level vantage points.

(3) *Credits against required landscaping.* For development sites in the UV-D district, landscaping, as herein required of a surface parking area adjacent to a street, may be counted toward meeting the general site landscaping requirements. The Administrative Official may, upon application of the property owner and/or developer, allow the use of the adjacent public street right-of-way for the perimeter landscaping and screening of the surface parking.

a) The Administrative Official shall permit the use of the public street right-of-way for landscaping and screening only when it is determined, in consultation with the Department of Public Works, that such use does not constitute an actual or potential hazard to the health, safety and well-being of the residents, citizens and inhabitants of the City of Bellaire.

(4) *Planting standards.* All plantings in satisfaction of this Section shall comply with the standards of this subsection.

a) *Quality and viability of plantings.* All landscape material shall be in compliance with the standards of the American Nursery and Landscape Association. All plant material shall have a habit of growth that is normal for the species.

b) *Locally appropriate species.* At least seventy-five (75) percent of the proposed plantings shall be species native to Southeast Texas to promote reduced water use and increased drought resistance.

c) *Undesirable species.* No proposed landscape material shall appear on the Invasive and Noxious Weeds list for the State of Texas promulgated by the United States Department of Agriculture, nor on the Texas Noxious Weed List promulgated by the Texas Department of Agriculture.

1) *Undesirable tree species.* No proposed new or replacement trees shall be among the undesirable tree species identified in Section 9-350.M.

d) *Species diversity.* To avoid large monocultures of trees and shrubs, and the risk of large-scale losses in the event of disease or blight, species used to meet the requirements of this Section shall be diversified as follows, with calculations rounded up to the nearest whole number:

1) When ten (10) or more trees are required on a parcel proposed for development, no more than fifty (50) percent of each category of required trees (street trees, parking lot trees, site trees) on a site shall be of any one species.

(5) *Installation.* All landscaping shall be installed in a sound workmanlike manner according to accepted commercial planting procedures, with the quality of plant materials as described in this Section and with a readily available water supply. All plant material shall be insect and disease-resistant and shall be of sound health and vigorous growth, clean and reasonably free of injuries, weeds, noxious pests and diseases when installed.

a) Sod shall be solid, and seeding of turf grasses is not permitted.

b) Ground cover shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three (3) months after planting.

c) Shrubs used for screening shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height.

d) *Phased development.* The Administrative Official may allow installation of landscaping with each phase of a multi-phase development, provided that all landscaping required for each phase is installed concurrently with each phase. The City Attorney may require execution of a development agreement with the City to clarify phasing plans and timing, and to provide surety.

e) *Tree planting within City right-of-way.* Planting of trees and other vegetation within City rights-of-way shall meet any applicable Department of Public Works standards, to protect underground and overhead utilities, streets and sidewalks, drainage improvements; street lighting, and sight distances, and the visibility of traffic control devices.

(6) *Maintenance.* The owner and tenant of the landscaped premises and their agents, if any, shall be jointly and severally responsible for the continuing care and maintenance of all landscaping and

preserved vegetation in a good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. This shall include any portions of abutting public right-of-way that the owner was permitted to landscape as part of complying with this Section.

a) All landscape areas shall be watered as needed to ensure continuous healthy growth and development.

b) Trees shall be pruned as needed to ensure healthy growth and development, and when planted near streets or sidewalks, to not interfere with vehicular or pedestrian traffic or parked vehicles.

1) Topping, tipping, bark ripping, flush cutting, and stub cutting are prohibited for trees that are installed and maintained within a public street right-of-way or were planted or preserved on private property as part of complying with this Section.

c) Maintenance shall include the removal and replacement of dead, dying or diseased plant material.

1) Replacement of required landscaping that is dead or otherwise no longer meets the standards of this Section shall occur within sixty (60) days of notification by the City. Replacement material shall be of similar character and quality as the dead or removed landscaping, and in the case of trees, shall meet and be completed in accordance with applicable provisions of Article XI, Trees, in Chapter 9, Buildings, of the City Code of Ordinances. Failure to replace in a timely manner in accordance with this subsection shall constitute a violation of these regulations.

D. *Screening and buffering.*

(1) *Between non-residential or multifamily and residential uses.* Where the rear or side of a non-residential or multifamily building is exposed to a residence or to a residential district boundary line, and where such building is closer than fifty (50) feet to the residence or to the boundary line, a screening wall of at least eight (8) feet in height and at most twelve (12) feet in height shall be erected separating the rear or side from the adjacent residence or residential district, unless a planned development has been approved specifically authorizing an alternate solution for screening and/or buffering, which is not in conflict with the purposes of this Section and which is justified based upon architectural, aesthetic and landscaping considerations peculiar to the specific development, in which case the requirements of the planned development approval shall prevail.

a) *City Council waiver of non-residential screening requirement.* The provisions of this subsection as to screening and buffering between non-residential or multifamily and residential uses may be waived by the City Council upon recommendation by the Planning and Zoning Commission in the following cases:

1) When a property line abuts a dedicated alley, except where the property line is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district; or

2) When a rear or service side abuts an existing wall or other durable landscaping or screening barrier on an abutting property if said existing barrier satisfies the requirements of this subsection.

b) *Automatic waiver in UV-D and UV-T districts.* The provisions of this subsection as to screening and buffering between non-residential or multifamily and residential uses are waived in the UV-D and UV-T districts, except that the provisions still apply in the UV-D district when the non-residential property is at a boundary of the district and the abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district.

1) *Parking area distance in UV-T district.* Off-street parking areas in the UV-T district shall not be located within fifty (50) feet of a residential zoned neighborhood.

c) The Administrative Official may allow or require a screening wall greater than twelve (12) feet in height if he determines that the additional height is necessary to mitigate negative impacts from the non-residential or multifamily property.

(2) *Between residential planned developments and other residential property.* Where a residential use requires a planned development amendment to proceed, there shall be at least a six-foot (6') screening wall or fence and at most a ten-foot (10') screening wall or fence between the property that is the subject of the planned development and any abutting residential property that conforms to regulations for permitted uses within the district in which it is located. A planned development may be approved specifically authorizing an alternate solution for screening and/or buffering, which is not in conflict with the purposes of this Section and which is justified based upon architectural, aesthetic and landscaping considerations peculiar to the specific development, in which case the requirements of the planned development approval shall prevail.

a) *Automatic waiver in UV-D and UV-T districts.* The provisions of this subsection as to screening and buffering between residential planned developments and other residential uses are waived in the UV-D and UV-T districts, except that the provisions still apply in the UV-D district when the residential planned development is at a boundary of the district and the abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district.

1) *Parking area distance in UV-T district.* Off-street parking areas in the UV-T district shall not be located within fifty (50) feet of a residential zoned neighborhood.

b) The Administrative Official may allow or require a screening wall or fence greater than ten (10) feet in height if he determines that the additional height is necessary to mitigate negative impacts from the residential planned development property.

(3) *Standards for screening walls and fences.* A screening wall or fence shall be of wood or masonry construction as provided herein. However, only masonry construction is permitted for required screening walls between non-residential and residential uses, in which case the masonry material and construction shall be consistent for the entire length of the wall erected to screen a particular use.

a) A screening wall or fence of wooden construction shall be a permanent wooden fence constructed of cedar or redwood and with capped galvanized iron posts set in concrete. The wall or fence must not be less than the height specified for each of the types of screening addressed in subsections D.(1) and D.(2). The wall or fence shall not contain openings of more than forty (40) square inches in each one-square-foot of surface of such wall or fence, and such wall or fence surface shall constitute a visual barrier.

b) A screening wall or fence may be constructed, which shall be of masonry construction on a concrete beam or foundation or a metal frame or base, which supports a permanent type wall material, the surface of which does not contain openings of more than forty (40) square inches in each one-square-foot of surface of such wall or fence, and which fence or wall surface shall constitute a visual barrier.

c) In either permanent wooden or masonry constructed walls or fences, no opening shall be permitted for access unless a solid gate, equaling the height of the wall or fence, is provided. Such gate shall remain closed at all times except when in actual use.

(4) *Screening of trash receptacles.* All trash receptacles upon property adjacent to single-family residential use shall be located at least ten (10) feet from any and all points upon any lot in single-family residential use. Further, all such trash receptacles shall be visually screened by means of a fence or a wall.

a) *Limited application in UV-T district.* The screening requirement for trash receptacles applies in the UV-T district only with regard to visual screening from an abutting public street right-of-way and not from adjacent residential property.

b) *Additional provisions in UV-D and UV-T districts.*

1) Dumpsters and garbage bins shall be located behind principal buildings relative to public street frontage whenever practical, and such trash receptacles shall also be accessible from alleys or vehicular access easements where available and practical.

2) Such solid waste facilities shall be fully enclosed as specified by this subsection, except that an opaque wall shall be provided in all cases in the UV-D and UV-T districts rather than a wood fence alternative.

(5) *Screening of outside storage.* All outside storage areas, including waste material storage facilities, in planned development, non-residential, and multifamily districts shall be screened from adjacent residential uses and public street rights-of-way. No other outside storage besides trash receptacles is permitted in the UV-D and UV-T districts. Screening may be as follows:

a) A screening wall or fence which shall be of wood or masonry construction of sufficient height to screen that which is being stored; or

b) A hedge which shall be of sufficient height and density to screen that which is being stored.

E. *Screening of off-street parking.* Landscaping shall be provided along the edge of any off-street parking area for five (5) vehicles or more that is not visually screened by an intervening building or structure from an abutting public right-of-way or adjacent residential property.

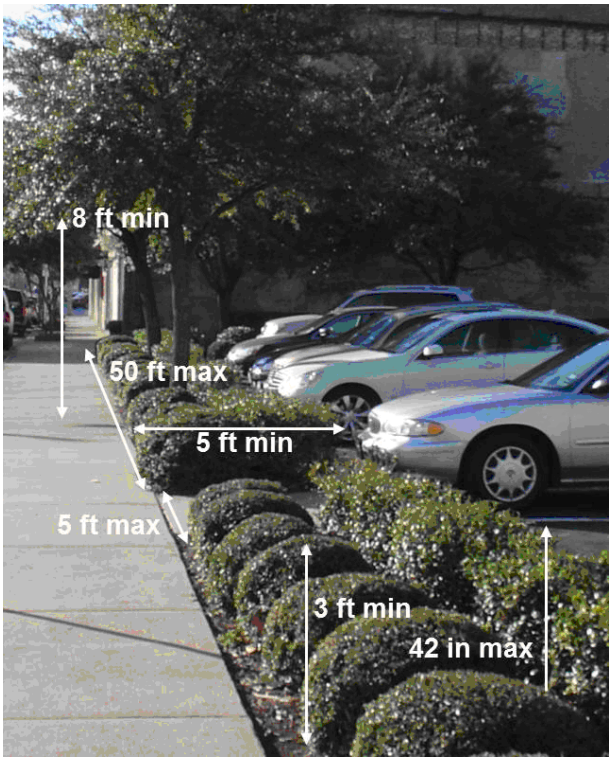
(1) The perimeter landscaping shall involve shrubs of five-gallon container size, spaced a maximum of four (4) feet on center, to form a continuous and solid visual screen, within one (1) year of planting, exclusive of driveways, pedestrian walkways and visibility triangles. The shrubs shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height.

(2) *Special provisions for UV-D and UV-T districts.* Requirements in this subsection for screening of off-street parking areas apply in the UV-D and UV-T districts only with regard to visual screening from an abutting public street right-of-way and not from adjacent residential property, and are illustrated in Figure 24-513.B. In the UV-D district, the screening requirement applies when the adjacent residential property is outside the UV-D district and in an R-1, R-3, R-4, R-5 or R-6 district.

a) *Openings for circulation.* Openings through the perimeter landscaping, for pedestrian and bicycle circulation to and from public sidewalks or other circulation routes, shall be provided approximately every fifty (50) linear feet, with each opening no more than five (5) feet wide.

b) *Utility company screening policies in UV-T.* Screening of parking areas which utility companies allow on their properties within the UV-T district shall be subject to the policies of such companies with regard to allowable screening methods and the location and height of screening.

FIGURE 24-513.B
Screening of Off-Street Parking
in UV-D and UV-T Districts



Parking Area Perimeters. The screening and access standards illustrated above apply to surface parking areas that abut a public street right-of-way.

F. *Landscaping of off-street parking.*

(1) Parking lot trees shall be provided for any off-street parking area for ten (10) vehicles or more for a commercial, multifamily residential or mixed-use development, with a minimum of one 45-gallon tree for every ten (10) parking spaces, in accordance with Section 9-355.2.

a) Parking lot trees shall be planted so that each parking space is within fifty (50) feet of at least one such tree as measured from the center of the tree trunk to some point on the marked parking space. Depending on the size and shape of smaller parking areas, this may mean that the required tree(s) may be planted adjacent to rather than within the interior of the parking area. The required tree(s) also may be planted within an abutting public street right-of-way subject to the approval requirements of this Section.

b) When trees must be planted within the interior of a parking area to comply with the requirements of this subsection, or are otherwise incorporated within the interior, the following standards shall apply:

1) The planting area for each tree, whether located at an edge of the parking area or designed as an interior island or median between parking modules, shall be no less than six (6) feet across in any horizontal direction.

2) All planting areas shall have permeable surfaces and be planted with locally appropriate species as defined in this Section, which may include shrubs, groundcovers or grasses. If a

planting area is used as part of a biological stormwater treatment system, pursuant to an approved drainage plan, groundcovers shall be selected that are appropriate to that function.

3) Where required or otherwise incorporated, planting areas and landscaping islands shall be integrated into the overall design of the surface parking area in accordance with this chapter in such a manner that they may assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments.

(2) Where applicable, landscaped areas and walkways abutting parking spaces shall be protected by a wheel stop or six (6) inch curb that is at least three (3) feet from any landscaping except grass or ground cover. Curb lines may be interrupted to allow for stormwater flows into biological treatment areas pursuant to an approved drainage plan, provided that the curb openings do not interfere with the curb's protective function.

(3) All parking lot landscaping shall be located and maintained so as not to interfere with the act of parking or with parking area maintenance and so as not to create a traffic hazard by obscuring driver or pedestrian vision within the parking lot interior or at the intersections of walkways, driveways, collector lanes and streets, or any combination thereof.

(4) Interior landscaping of parking areas may be included as a condition of planned development approval for the purpose of providing trees and massed plantings.

(5) *Waiver of interior landscaping in UV-D and UV-T districts.* Off-street surface parking areas in the UV-D and UV-T districts shall be exempt from any required planting of trees within the interior of such parking areas given the limited developable area within these districts. Instead, the requirement in Section 9-355.1 of one tree for every ten (10) parking spaces shall be satisfied by planting such trees within or near the perimeter screening area required by this Section for off-street surface parking areas.

a) Any such trees planted within or near a perimeter screening area shall be maintained to provide a clear zone free of limbs, from ground level up to eight (8) feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles.

G. *Screening of parking structures and drive-under parking.* The ground level of a parking structure or ground-level parking located under an elevated building shall be screened from public street rights-of-way and/or any abutting residential use or zoning district through the installation of vegetative screening, except at points of ingress and egress. Such screening shall involve shrubs of five-gallon container size, spaced a maximum of four (4) feet on center, to form a continuous and solid visual screen, within one year of planting, exclusive of driveways, pedestrian walkways and visibility triangles. The shrubs shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height. Such screening shall not be required where a parking structure is wrapped with liner buildings that accommodate active uses other than parking, or where buildings are otherwise situated that obstruct views of the garage or of the drive-under parking.

(1) *Screening of upper levels of parking structures.* Each level of a parking structure above the ground level shall be designed to include screening along any façade that is not visually screened by an intervening building or structure from public view or abutting residential use or zoning district. Such screening shall consist of architectural and/or landscape elements that are at least three (3) feet and six (6) inches in height, as measured from the floor of the level, to provide a continuous and solid visual screen that blocks headlight glare from vehicles parked within the structure.

H. *Special provisions.*

(1) *Parking lot tree planting waiver in CMU/R-MF districts.* The requirements of this Section and of Section 9-355.2 related to parking lot tree planting shall not apply to off-street parking areas in the CMU and R-MF districts when the parking area is located behind a building on a development site or is otherwise not visible from abutting public street rights-of-way.

(2) *Relief on constrained sites in the UV-D and UV-T districts.* Upon the recommendation of the Administrative Official, the Planning and Zoning Commission may modify or reduce landscaping requirements, to the minimum extent necessary, to provide relief for constrained and/or redeveloping sites in the UV-D and UV-T districts where full compliance would be impractical and adjacent properties would not be unreasonably impacted.

(Ord. No. 83-095, § 11, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-050, §§ 1, 2, 8-19-1985; Ord. No. 86-009, § 1, 2-3-1986; Ord. No. 87-001, § 1, 1-5-1987; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 91-057, § 7, 7-1-1991; Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 17-008, § 1, 1-23-2017; Ord. No. 21-052, § 1(Att. A), 9-20-2021)

Sec. 24-513a. Design standards in commercial and mixed-use districts.

A. *Purpose.* The purpose of this Section is to establish reasonable design standards and related guidance to address community desire for visually appealing non-residential, multi-family, and mixed-use development that enhances the overall quality and character of the City, while balancing the legitimate development and commercial needs of property owners.

(1) *Urban Village districts.* For the Urban Village-Downtown (UV-D) and Urban Village-Transit-Oriented Development (UV-T) districts, certain standards within this Section, together with the use regulations and physical development standards for each district, are especially intended to promote and maintain an Urban development character as described in the respective district purpose statements.

(2) *Security emphasis.* All design processes within the CMU, R-MF, UV-D and UV-T districts shall also consider Crime Prevention Through Environmental Design (CPTED) principles to enhance the security of residents, workers and visitors.

B. *Applicability.* The design standards established in this Section apply to any new non-residential, multifamily, or mixed-use development in the Corridor Mixed Use (CMU), Residential - Multifamily (R-MF), Urban Village-Downtown (UV-D), and Urban Village-Transit-Oriented Development (UV-T) districts, and to any non-residential, multifamily, or mixed-use redevelopment in these districts that follows the removal of all pre-existing buildings on the site.

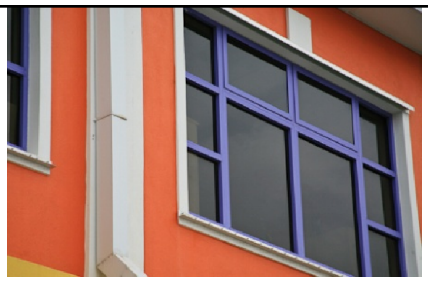
(1) The requirements of this Section regarding canopies and awnings, colors, and visual interest and anti-monotony shall also apply to the enlarged portion of an existing non-residential, multifamily residential or mixed-use building when the enlargement exceeds one thousand (1,000) square feet or twenty-five (25) percent in area, whichever is less, of the exterior dimensions of the building.

(2) The requirements of this Section shall not apply to the reconstructed portion of an existing building that was partially damaged or destroyed if the reconstruction involves less than fifty (50) percent of the pre-existing area of the exterior dimensions of the building.

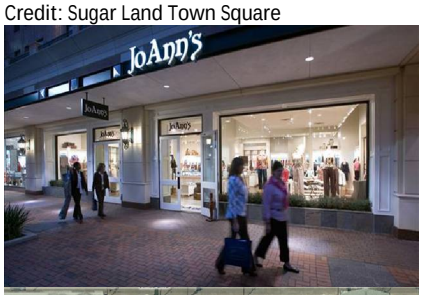
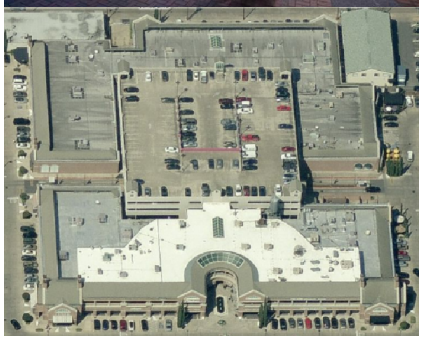
(3) Nothing in this Section shall be construed to require compliance with the requirements of this Section for finish or remodeling work to the interior of an existing building if such work does not result in an enlargement of the exterior dimensions of the building.

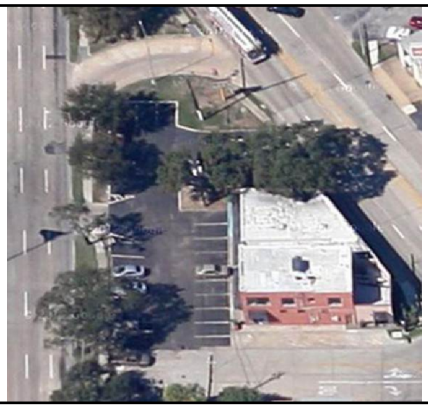
C. *Standards.* The specific standards are provided in Table 24-513a.A. The table is arranged in alphabetical order by the type of standard.

Table 24-513a.A Design Standards for CMU, R-MF, UV-D and UV-T Districts		
Applicable District(s)	Standards	Illustrations
CMU R-MF (only for Unified Design) UV-D UV-T	**Arrangement and Design for Multiple Buildings** Unified Design Developments with multiple structures on a single property shall reflect a coordinated design and include unifying elements such as common building forms, materials, textures, architectural detailing and colors. Massing Through Grouping (Not for CMU/R-MF) Individual buildings on a development site or on adjacent sites, if not attached, shall be arranged and designed to appear as a group of attached buildings to the extent practical. Clustering for Pedestrian Focus (Not for CMU/R-MF) Individual buildings on a development site or on adjacent sites shall be clustered, whenever possible, to create pedestrian-oriented precincts and walkable connections.	
CMU R-MF UV-D UV-T	**Canopies and Awnings** Use of canopies and awnings on building and parking structure façades adjacent to and above public sidewalks and other public spaces is encouraged to provide shade and weather protection and to add visual interest to structures, provided the placement and design of such canopies and awnings is consistent with the building architecture, and they are maintained in sound condition at all times. Projection Canopies and awnings shall project no more than six feet from the façade of a building or parking structure. Lighting Canopies and awnings shall not be backlit or internally lit.	
UV-D UV-T	**Clear Building Entries** The primary building entry shall be easily identifiable for visitors. The building architecture should reinforce the visual importance of the entry, and the entry design should be pedestrian-scale and transparent.	 Credit: Chipotle

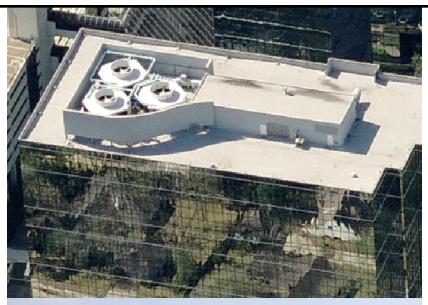
CMU R-MF UV-D UV-T	**Colors** Use of overly iridescent or fluorescent colors on any building façade or roof is prohibited, as determined by the Administrative Official, taking into consideration the existing range and use of color in architecture, signs and other physical improvements within the district and its vicinity.	
UV-D UV-T	**Curb Cut Limits for Vehicular Access** Such limits are intended to minimize vehicle-pedestrian conflict points at mid-block locations along public sidewalks, enhance the pedestrian environment within the district, and preserve the extent of curb space for on-street parking. • A maximum of one curb cut shall be permitted for every 100 feet of public street frontage. • All driveways shall be limited to two lanes, and in no case shall a driveway or associated curb cut exceed 30 feet in width. • Upon recommendation of the Administrative Official, the Planning and Zoning Commission may increase the maximum number or decrease the minimum spacing of curb cuts per segment of street frontage, as specified above, where warranted based on site-specific or emergency access considerations. <u>Pedestrian Safety</u> Wherever an access driveway, alley, vehicular access easement or other vehicular circulation path crosses a public sidewalk or other pedestrian path, a crosswalk treatment shall be installed consisting of a material that contrasts with the adjacent pavement in both texture and color (e.g., brick pavers, patterned concrete, etc.). • Access points for off-street parking areas and parking structures, where vehicles cross a public sidewalk or other pedestrian path, shall be well lit to ensure visibility of pedestrians and bicyclists.	 
UV-D UV-T	**Framing of and Relationship to Public Spaces** Individual buildings or groups of buildings on a development site or adjacent sites shall be arranged and designed, whenever possible, to form pedestrian-friendly outdoor plaza areas, courtyards and open spaces that are focal points for surrounding and nearby development and which encourage street activity, public gathering, outdoor dining, recreation, etc. Landscaping, street furniture, water features,	 Credit: Sugar Land Town Square

	public art, active play areas for children and/or other amenities should be incorporated to enhance the appeal of such spaces for pedestrians and users of the space. Such spaces should be adjacent to and easily accessible from a public street whenever possible. Private-Public Design Compatibility Where a development fronts on a public plaza, pocket park or other public space, the building architecture and other on-site elements shall be designed for compatibility with the existing or planned adjacent public space. Lighting Where a development fronts on public street rights-of-way and/or public plazas/spaces, exterior lighting shall be located and directed to provide adequate pedestrian-level illumination of public sidewalks and other immediately adjacent public ways and/or seating areas.	
CMU R-MF	**Freestanding Canopies** The design of freestanding or semi-freestanding canopies, such as those used as shelters for pump islands at auto service stations, and for port-cocheres, shall be consistent with the architectural style, predominant and accent materials, color, and lighting of the principal building on the development site.	
UV-D UV-T	**Grid Street Pattern** Where applicable, depending on the district size and shape and the nature and extent of proposed development or redevelopment, blocks shall be arranged in an approximate grid-like fashion to ensure connectivity and alternate circulation routes within the district. Variation from the grid pattern should occur only to avoid constraints or accommodate other desirable design elements.	

UV-D UV-T	**Ground-Level Uses** Development projects shall locate off-street parking and/or garage parking within the interior of blocks and away from public street frontages whenever practical so that such ground-level parking does not directly abut a public sidewalk. Instead, the ground level of structures that front on public sidewalks should be occupied by active retail, service, office, residential or other uses permitted in the district. "Wrap-around" design of active uses around parking garages is strongly encouraged. <u>Parking Structures</u> Where active uses along the ground-level street frontages of a parking structure are not practical, the parking structure and its vehicle entrances shall be designed to minimize views into the garage interior from adjacent streets through installation of decorative grilles or screens, additional landscaping, or other effective screening method.	Credit: Sugar Land Town Square  
UV-D UV-T	**Lighting of Buildings and Sites** Lighting of building exteriors and parking areas shall be designed to match the architectural character of the site and its vicinity in terms of fixtures and illumination.	 Credit: Sugar Land Town Square

UV-D UV-T	**Maximum Block Length** Where applicable, depending on the district size and shape and the nature and extent of proposed development or redevelopment, the length of a block, on any side, generally shall not exceed 400 feet. This distance is measured between streets that frame and define a block; however, a public access way or easement shall also be considered to define a block when, in the same manner as a vehicular through street, such access way or easement creates a break between private development sites that provides continuous non-vehicular circulation between streets on either side of the development sites.	 
CMU R-MF UV-D UV-T	**Multi-Family Development** Internalized Design Ingress to and egress from all dwelling units shall be made through the interior of the building rather than from direct outside entrances to each unit. Balconies At least 50% of the units shall be provided with a functional or faux balcony. All such balconies shall be located on side or rear building elevations to avoid projection of balconies over the front building line and into public right-of-way, when the front setback is less than five feet. Mechanical Equipment No window or wall-mounted air conditioning units are permitted.	
UV-T	**Off-Street Parking Limits*** Off-Street Parking Dispersion Off-street surface parking is permitted in the district, but concentrations of such parking shall be avoided to promote the desired Urban character and prevent disruption of non-vehicular circulation within the area. Maximum Parking Area Dimension No edge of an off-street surface parking area shall exceed 150 feet in length, and the entire parking area shall not exceed 21,780 square feet (½ acre).	

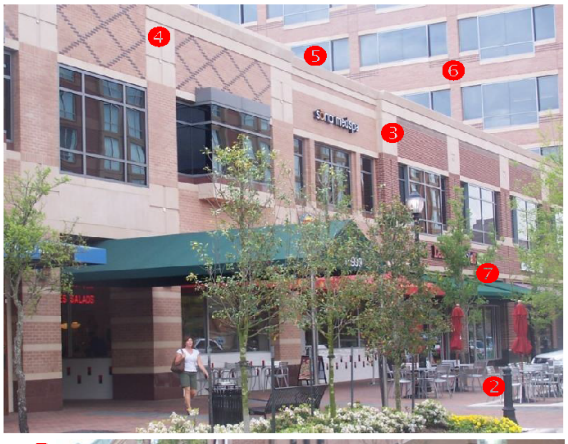
	* Drive-under parking is excluded from these provisions.	
UV-D UV-T	**Orientation of Residential Garages** All garage doors associated with any residential development in the district shall be oriented away from, and not be visible from, any public street right-of-way inside or outside the zoning district.	 NOT DESIRABLE (garages oriented to street)  DESIRABLE (garages not visible from street)
UV-D UV-T	**Parking Structures** Such structures shall be designed for architectural consistency with the primary building served or other nearby buildings in terms of façade design, articulation, finish materials and/or shielding of unfinished structural elements and mechanical equipment. <u>Special Design Elements</u> Parking structures shall include architectural and/or landscape elements which enhance the garage appearance and help to screen parked vehicles and interior lighting from external view (e.g., decorative screens, trellises with or without associated vegetation, façade and roofline variation).	

CMU R-MF UV-D UV-T	**Screening of Mechanical/Service Equipment** Rooftop Mechanical Equipment Such equipment shall be completely screened from ground-level public view through design and materials consistent with the overall building design and colors, including potential use of sloped roofs or other architectural elements (e.g., parapet walls) that conceal flat roof areas where mechanical equipment is mounted. • Where a green roof system is installed and maintained on a rooftop, dense vegetative screening may be used to satisfy the screening requirement for mechanical equipment. (Only for UV-T) Ground-Level or Building-Mounted Service Equipment Such exterior equipment (e.g., mechanical components, electrical drops, utility meter banks, heating/cooling controls) shall be completely screened from ground-level public view through design, materials and/or painting consistent with the overall building design and colors. The required screening may also be accomplished through installation of dense, year-round vegetation as shown on the site landscape plan.	 
CMU	**Service Bays** Uses with overhead doors providing access to service bays (e.g., auto service/repair) shall, wherever the site size, shape and orientation allows, place any building wall with overhead doors perpendicular to public street frontage. Where such building orientation is not practical, the overhead doors shall be of similar color to the building façade or roof material.	
UV-D UV-T	**Sidewalks** Sidewalks with a minimum width of 10 feet shall be provided along each side of a site that abuts a public street. Such sidewalks shall be designed and constructed according to City standards. Applicants may use any alternative design treatments for public sidewalks which are specified for the district, if any, in Section 23.5-21(d) in Chapter 23.5, Land Subdivision Regulations, of the City Code. *Relief on constrained sites in UV-D.* Upon the recommendation of the Administrative Official, the Planning and Zoning Commission may reduce the sidewalk width standard to the minimum extent necessary, and in no case to less than 6 feet of sidewalk width, to provide relief for constrained and/or redeveloping sites where full compliance would be impractical.	

	Public Access Easement Where a sidewalk or portion of the sidewalk required by this Section is situated outside the City street right-of-way, the property owner shall establish a public access easement so that such sidewalk area is continuously available for public use. Arcade Treatment Arcades may be constructed along building façades to provide shelter and shade, but shall be located entirely outside the public right-of-way. The arcade design shall also incorporate adequate pedestrian-level lighting under the arcade for visibility and security.	
UV-D UV-T	**Transparency of Non-Residential Uses at Street Level** Building façades associated with non-residential uses that face public street rights-of-way, public plazas/spaces shall have windows at the ground level, for product display or other active building uses, which, together with door openings, comprise at least 60 percent of the ground-level façade. • Such ground-level windows and doors shall be non-mirrored, allowing views into and out of the interior of the building, to the extent practical given code requirements governing the selection of window glass. Frosted glass or other treatment is permitted for doors and windows where privacy is needed (e.g., bathrooms).	 Credit: Whole Foods
UV-D UV-T	**Overhead Utility Lines** All local utility wires, not including high-capacity power transmission lines, shall be installed underground.	

CMU R-MF UV-D UV-T	**Visual Interest and Anti-Monotony** The standards below shall apply to all exterior elevations of structures that are not visually screened by an intervening building or structure from public view. **Building Articulation** Building façades to which these standards apply shall be articulated to reduce the apparent mass of the structure and to add visual appeal. This may be accomplished by stepping back a portion of the façade periodically relative to the building line, along with other design variations in the façade as illustrated in Figure 24-513a.A, below. **Roofline Articulation** For flat roofs or façades with a horizontal eave, fascia or parapet, the roofline shall be varied vertically so that no unmodulated segment of roof exceeds 50 feet in horizontal dimension. This standard can also be satisfied by incorporating design elements such as functional or faux dormers, gables, towers, or chimneys. Avoidance of Blank Walls Any exterior building elevation that faces a public street right-of-way, public plaza/space, public parking area or area of residential use shall have no more than 16 feet of uninterrupted blank wall space in a horizontal or vertical direction. This standard can be satisfied by incorporating window openings, porches or balconies, articulation of the building façade, decorative cornices, material and color variations, or score lines. Landscape Treatment for Large Walls Where buildings are more than 60 feet in length or 35 feet in height, site trees required by the landscaping standards of this Chapter (and not required street trees) shall be arranged to break up the appearance of building mass so that the building is perceived to be divided into lengths of no greater than 50 feet when viewed from ground-level public vantage points.	See Figure 24-513a.A, below, for graphics illustrating building articulation and other techniques for adding architectural interest.

Figure 24-513a.A
Examples of Building Designs and Articulation Standards





Architectural Variation and Quality. The images above provide examples of the following standards as numbered on the images:

1. Arcade treatment.
2. Street-level transparency.
3. Building articulation through step-backs of the frontfaçade.
4. Building articulation through avoidance of blank walls.
5. Building articulation through roofline variation.
6. Quality and durable building materials.
7. Use of awnings and canopies.

(Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 17-008, § 1, 1-23-2017; Ord. No. 19-059, § 1(App. A), 11-4-2019)

Sec. 24-514. Off-Street Parking and Loading.

A. *Purpose.* The requirements of this Section are intended to reduce congestion of the public streets and to promote the safety and welfare of the public by ensuring the availability of adequate off-street parking and loading facilities in the City of Bellaire.

B. *Required parking.*

(1) Off-street parking spaces shall be provided for each use in accordance with the requirements of each district.

(2) The number of required off-street parking spaces that are designed and designated for disabled persons shall comply with the requirements of the Texas Accessibility Standards.

(3) When calculating the number of required off-street parking spaces, fractions of less than one-half shall be disregarded, and fractions of one-half or more shall be counted as one (1) space.

C. *Location of required parking spaces.*

(1) For single-family detached and single-family attached dwelling units, required parking shall be located on the same lot.

(2) Spaces needed to meet parking requirements for all uses other than single-family detached and attached dwellings may be located off-site on a separate property provided that the most distant parking space that is located off-site is no more than three hundred (300) feet from the principal building associated with the use, and the off-site parking is not separated from the use by an arterial street, a limited-access highway or other impediment to pedestrian circulation.

a) No more than fifty (50) percent of the total required off-street parking spaces shall be located off site. None of the required parking spaces for disabled persons shall be located off site. None of the off-site parking shall involve or displace the off-street parking required of another use except through a shared parking arrangement under this Chapter.

b) An identifiable and publicly available pedestrian connection shall exist between the off-site parking area and the use.

c) Any proposed off-site parking arrangement, and the continued availability of the dedicated parking, shall be documented through a written legal agreement executed by the involved property owners. An agreement shall be reviewed by and be satisfactory to the City Attorney as to form, sufficiency and manner of execution, and shall bind all heirs, successors and assigns. Off-site parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force.

1) If there is a change in circumstances regarding the off-site parking area, which displaces, reduces or terminates the required parking, the owner of the use served by the off-site parking shall promptly notify the Administrative Official of the changed circumstances and his plans for maintaining full compliance with this Chapter.

2) Failure to notify the Administrative Official of changed circumstances, or to provide the required parking within ninety (90) days of any loss of required parking, shall be cause for initiating revocation of the certificate of occupancy for the use.

D. *Use of required parking spaces.* No portion of any required off-street parking space shall be used for the storage, sale or display of merchandise, or the storage, sale or display of complete or dismantled vehicles, except as authorized in this Code.

(1) Blocking access to required off-street parking and loading spaces is prohibited, and dumpsters, trash enclosures, utility equipment or other site improvements or activities shall not be located in off-street parking and loading spaces.

E. *Design of required parking spaces.*

(1) Except as provided in subsection (2) or as otherwise specified in a planned development approval, each required parking space shall have the dimensions as hereinafter provided.

(2) Required parking spaces shall be dimensioned as specified in Table 24-514.A.

a) Vertical clearance of not less than eight (8) feet from all structures and trees/vegetation shall be provided over all parking space types. Additional clearance shall be provided, as appropriate,

over spaces designated for vans, light trucks and other larger vehicles that require greater clearance. All parking garage entrances shall include an overhead bar to alert drivers of oversized vehicles regarding clearance.

Table 24-514.A Parking Space Dimensions		
Type of Space	Space Width x Length	Other Specifications
Angled (up to 90 degrees)	9 feet x 19 feet	Length may be reduced to 18 feet where vehicle overhang of a pavement edge is anticipated.
Parallel	9 feet x 23 feet	
Designated for Disabled Persons	Such spaces shall be designed and located as required by the *Texas Accessibility Standards.*	
Designated for Bicycles	2 feet x 6 feet	Minimum width of four feet for access aisles beside or between rows of bicycle parking.

F. *Change of use.* Whenever a use which is in existence on the date of enactment of this chapter is changed or modified so that additional parking spaces are required under this chapter, the new required parking spaces shall comply with the requirements of this Section. A nonconformity with the terms and provisions of this Section as to insufficient parking spaces may be continued, but the nonconformity shall not be increased as provided for in Article VII of this chapter.

G. *Required off-street loading spaces.*

(1) *Location of required loading spaces.* Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in a required front yard.

(2) *Designation and use.* Each required loading space shall be designated as such and shall only be used for loading purposes.

(3) *Design and maintenance.*

a) *Dimensions.* Each space shall be a minimum of twelve (12) feet wide, forty-five (45) feet long, with an unobstructed vertical clearance of not less than fourteen (14) feet. (Ord. No. 83-095, § 13, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

b) *Screening.* All loading spaces or maneuvering areas shall be fully screened from view of any residential use by a uniformly colored, solid, visual and auditory barrier of not less than five (5) feet nor greater than seven (7) feet in height or a densely planted landscape screen consisting of evergreen shrubs or trees which shall be at least four (4) feet in height when planted and which can be expected to reach at least six (6) feet in height within three (3) years thereafter. The screening shall extend the full length of any loading facility with openings as required for ingress and egress, with not greater than twenty percent open space within the screen. The screen shall not be located closer than five (5) feet to any lot line.

1) *Screening waiver in UV-T district.* Requirements in this subsection for screening of loading spaces and maneuvering areas from the view of any residential use do not apply in the UV-T district, but such areas shall be fully screened where visible from an abutting public street right-of-way. Additionally, loading and truck access areas shall be located behind principal buildings relative to public street frontage whenever practical, and such areas shall also be accessible from alleys or vehicular access easements where available and practical.

c) *Surfacing and drainage.* All loading spaces shall be surfaced with an all-weather, durable and dust-free surface and shall be graded and drained to dispose of surface water accumulation by means of a storm water drainage system.

(4) *Number required.* One (1) loading space shall be required for the first 50,000 to 100,000 square feet of commercial floor area, and one (1) space shall be required for each additional 200,000 square feet of commercial floor area.

(5) *On-street loading in UV-D and UV-T districts.* On-street, over-the-curb loading is permitted in the UV-D and UV-T districts between the hours of 7:00 a.m. and 10:00 p.m.

(Ord. No. 83-095, §§ 12, 14, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986; Ord. No. 87-001, § 1, 1-5-1987; Ord. No. 14-013, § 1, 3-3-2014)

State law reference(s)—Municipality may regulate parking on private property, V.T.C.A., Local Government Code § 431.001.

Sec. 24-514a. Parking requirements, non-single family.

(a) *General Requirements.* The following requirements as provided in Table 24-514a.A are hereby established as parking regulations for all structures and developments other than single-family dwellings (attached or detached), including planned developments, which may be found in all zoning districts as permitted.

TABLE 24-514a.A Required Off-Street Parking	
Use Classification	Minimum Parking Spaces
Office	
a. General office	3 per 1000 SF GFA
b. Financial institution	3 per 1000 SF GFA
Residential	
a. Multi-family residential	1.75 per dwelling unit
b. Retirement/Assisted living community	0.75 per dwelling unit or room, plus 1.0 per employee of largest shift
c. Hotel or motel	1.0 per room
Health Care Facilities	
a. Hospital	1.75 per bed
b. Medical or dental office	3.5 per 1000 SF GFA
c. Nursing home	1.0 per bed plus 1 per 3 employees
d. Funeral home or mortuary	.05 per chapel seat
e. Veterinary clinic	5.0 per 1000 SF GFA
Industrial and Commercial Manufacturing	
Wholesaling and warehousing	2.5 per 1000 SF GFA of office space; and 1.00 per 5,000 SF GFA of non-office space
Light manufacturing	2.5 per 1000 SF GFA of office space; and 1.00 per 5,000 SF GFA of assembly space
Other industrial/manufacturing	2.5 per 1000 SF GFA of office space; and 1.00 per 5,000 SF GFA of non-office space
Religious, Civic, and Educational	

a. Place of worship or private club	1 per every 3 seats in main sanctuary/meeting room; if no fixed seating, 1.0 for every 40 square feet of GFA in the main sanctuary/meeting room
b. Nursery school or day care center	1.0 for every employee on duty during the largest shift; plus 1.0 per 5 children in attendance when the facility is operating at maximum capacity.
c. School, elementary	According to use as determined by the specific use permit
d. School, junior high/middle	
e. School, high	
f. College, university, trade school	1 per every 3 students
g. Art gallery or museum	3.0 per 1000 sf of GFA
Recreation and Entertainment	
a. Theater, including movie	1.0 per every 3 seats
b. Bowling alley	5.0 per lane
c. Sports club or health spa	5.0 per 1000 sf GFA
d. Swimming club	9.0 per employee
Food and Beverage	
a. Take-out restaurant (without seating)	4.0 plus 1 for every 1000 sf of GFA
b. Dessert shop	6.0 for every 1000 sf of GFA
c. Restaurant	10.0 for every 1000 sf of GFA
Retail Services	
a. Grocery store	5.0 per 1000 sf of GFA
b. Furniture store	2.0 per 1000 sf of GFA
c. General retail	4.0 per 1000 sf of GFA
d. Barber or beauty salon	3.0 per operator chair
Automobile	
a. Vehicle sales	5.5 per 1000 sf of GFA
b. Auto repair	5.0 per 1000 sf of GFA
c. Car wash	1.0 per bay
d. Service station	3.0 per service stall; plus 1.0 per each employee on duty during largest shift
e. Auto parts store	4.0 per 1000 sf of GFA; plus additional 2.0 per 1000 GFA is mechanic shop is incorporated.

(1) GFA — Gross Floor Area (excludes space used for distinct lobbies, hallways, elevators, mechanical equipment, etc.).

(b) *Mixed use.* Mixed-use development in the CMU, UV-D and UV-T districts may be granted reductions in required parking as provided in this subsection.

(1) *Shared parking table.* Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak parking demands at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:

a) Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals, such as (e.g., handicapped parking), by the appropriate percentage listed in Table 24-514a.B, for each of the designated time periods.

b) Calculate a sum for all uses for each of the five columns. The minimum parking requirement is the highest of these sums.

c) In general, the maximum reduction pursuant to Table 24-514a.B shall be 25 percent. However, a greater reduction is permitted, provided that:

1) Sufficient land is set aside for each parking space in excess of the 25 percent reduction that is not constructed, so that the spaces may be constructed at a later date should the A dministrative Official determine that they are necessary; and

2) The property owner executes and records a document that guarantees that the spaces will be constructed upon written order of the Administrative Official.

Table 24-514a.B:
Shared Parking Table

Use	Weekday			Weekend	
	Night (12:00 a.m. to 6:00 a.m.)	Day (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to 12:00 a.m.)	Day (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to 12:00 a.m.)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail/ Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Commercial Amusement	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

(2) *Special shared parking study.* As an alternative to the methodology in Table 24-514a.B, an applicant may propose a special study to document the parking required for mixed uses by reviewing peak loading times for uses during a 24-hour day and designing for the peak hour demand.

a) The study shall provide data on the following:

1) The recommended parking needs of the project.

2) The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.

3) Similar mixes of uses in other areas of the community or surrounding region.

4) Degree of variability of parking for individual uses (average, range and standard deviation).

b) The shared parking study must be conducted by a professional engineer with experience in parking analysis and planning.

1) The City may retain a qualified engineer, at the applicant's expense, to prepare the special study and provide recommendations to the City; or

2) The City may rely on the applicant's selected engineer to conduct the study, with review provided by City technical staff and/or consultant.

c) Upon the recommendation of the Administrative Official, the Planning and Zoning Commission may require a reserved open area on the site to offset the risk of parking needs increasing over time. Once the project is occupied and well established, if there is a surplus of parking, the applicant may petition for additional development capacity and parking using the reserved area.

(3) *Design of shared parking.* Where shared parking is implemented:

a) A pedestrian circulation system shall be provided that connects uses and parking areas, making it easy and convenient to move between uses.

b) All shared parking shall be located within 150 feet of any building which it serves, as measured along an established pedestrian route from the nearest point of the parking facility to the nearest point of the use served.

(c) *Shared parking among sites under different ownership.* Adjoining developments with separate property ownership in the CMU, UV-D and UV-T districts may propose shared parking arrangements in accordance with the purposes and procedure of Section 24-514a(b)(1), above, with the following conditions:

(1) Cooperating property owners shall use Table 24-514a.B to calculate the reduction in required parking to be achieved through a shared parking arrangement.

(2) The Administrative Official is authorized to approve joint parking arrangements in accordance with this subsection.

(3) In addition to the conditions specified in this Section, above, for shared parking among mixed uses on a single site, a shared parking arrangement among multiple sites shall require:

a) Provision for interconnected parking areas between the sites to accommodate vehicular circulation; and

b) Recorded easements that provide for, at a minimum:

1) Cross-access among the parking areas and connections to permit parking by the different uses anywhere in the connected properties;

2) A pedestrian circulation system that connects uses and parking areas, making it easy and convenient to move between uses; and

3) Allocation of maintenance responsibilities.

(d) *Stacking spaces.* Uses with drive-through facilities in the CMU and UV-D districts shall provide vehicle stacking spaces as set out in this Section and in Table 24-514a.C. Stacking spaces include the spaces at menu boards, service windows, and drive-through lanes for Automated Teller Machines (ATMs).

(1) Size of stacking spaces: 8 feet wide x 18 feet long, exclusive of access drives and parking aisles.

Table 24-514a.C: Required Stacking Spaces	
Land Use with Drive-Through	Stacking Requirement
Generally (if not listed below)	3 per drive-through lane or service window, including the position at the window
Banks and credit unions	Single drive-through lane: 6, including the position at the service window/station Multiple drive-through lanes: 5 per lane, including the position at the service window/station ATMs: 3, including the position at the ATM
Restaurants	8 to each menu board 3 between menu board and service window OR, if multiple windows (for payment and then service): 4 between menu board and the first window, including the position at the first window

	2 between first and second windows, including the position at the second window

(Ord. No. 01-037, § 7(24-514a), 4-16-2001; Ord. No. 14-041, § 1, 8-18-2014)

Ord. No. 14-041, § 1, adopted August 18, 2014, amended § 24-514a to read as set out herein. Previously § 24-514a was titled parking in commercial and mixed-use districts.

Sec. 24-515. Special Off-Street Parking Regulations.

In all residential districts, no truck exceeding three-fourths ton capacity, no bus, no recreational vehicle, trailer, boat, motor home or mobile home shall be parked or stored on any abutting street or within the front yard, as such terms are defined in this chapter, and shall not, anywhere within any of such districts, be used as a dwelling or for business, commercial or storage purposes.

A truck, bus, recreational vehicle, trailer, boat, motor home or mobile home may only be parked behind the rear plane of the primary structure.

Sec. 24-516. Parking on Unsurfaced Area Prohibited.

A. It shall be prohibited to park unattended vehicles on the unsurfaced area within the distance between the edge of the curb or edge of the paved surface of a public street abutting a front or side yard and the outermost surface of any structures located on any property. For the purpose of this Section unsurfaced area includes, but is not limited to, those areas covered with grass and/or other vegetation, whether natural, planted or landscaped.

B. It shall be an affirmative defense to prosecution under this Section that the vehicle was parked on an uncurbed street with two wheels on the same lateral side of the vehicle resting on and parallel to the paved portion of the street and two wheels on the same lateral side of the vehicle resting on and parallel to the unsurfaced area defined in (a) above; provided, however, that such parking in no way impedes the orderly flow of traffic on said street. (Ord. No. 82-028, § 1, 4-19-1982)

Sec. 24-517. Home Occupations.

A. *Authorization.* A home occupation shall be permitted in any residential dwelling unit or accessory structure provided that the home or structure complies with the terms and provisions of this chapter.

B. *Purpose.* The regulations of this Section are designed to protect and maintain the residential character of established neighborhoods while recognizing that particular professional and limited business activities are traditionally and inoffensively carried on in the home. All home occupations are subordinate to the primary use of the home as a place of residence and shall not interfere with the enjoyment of surrounding homes as places of residence.

C. *Limitation on home occupations.* Any home occupation is prohibited when:

(1) The home occupation causes, by reason of its existence, a noticeable increase in the number of motor vehicles traveling to and from the home or on the public streets surrounding or abutting the home; or when

(2) The home occupation in any way destroys or interferes with the primary use of the home as a place of residence.

D. *Particular home occupations permitted.* Permitted home occupations are (list is not all inclusive).

(1) Homebound employment of a physically, mentally or emotionally handicapped person;

(2) Office facilities for salesmen, sales representatives and manufacturers' representatives, when no retail or wholesale sales are made or transacted on premises;

(3) Studio or laboratory of an artist, musician, photographer, craftsman, writer, tailor or similar person;

(4) Office facilities for accountants, architects, brokers, engineers, lawyers, insurance agents, realtors and members of similar professions.

E. *Use limitations.* In addition to the requirements of the zoning district in which it is located and those requirements herein previously set out, all home occupations shall comply with the following restrictions:

(1) No stock in trade shall be displayed or sold on the premises;

(2) The home occupation shall be conducted entirely within the principal dwelling unit or accessory structure, or off premises in accordance with all applicable provisions of this chapter, and in no event shall such use be visible from any other residential structure or public way;

(3) There shall be no outdoor storage of equipment or material used in the home occupation;

(4) No more than one vehicle shall be used in the conduct of the home occupation;

(5) No mechanical, explosive, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used;

(6) No home occupation shall be permitted which is noxious or offensive to a person of ordinary sensitivity or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions; (Ord. No. 89-009, § 1, 3-6-1989)

(7) Advertising.

a) Forms of advertising of home occupations that are permitted:

1) Word of mouth by telephone or face to face;

2) Free listing in telephone directories and business journals and directories; and/or

3) Business cards and stationery. (Ord. No. 89-009, § 1, 3-6-1989)

b) Forms of advertising home occupations that are prohibited:

1) Any sign, display or written advertisement of the occupation or the telephone number of the occupation except as specifically listed in (7)a; and

2) Any radio or television advertisement of the occupation or the telephone number of the occupation or any other means of advertisement by word of mouth except as specifically listed in (7)a. (Ord. No. 81-006, § 4, 2-23-1981)

Sec. 24-518. Expansion of Nonconforming Residential Structures.

Notwithstanding the minimum requirements for side yards and rear yards as herein set out, any existing residential structure, lawfully existing prior to the enactment of this chapter or any amendment hereto, located within the City of Bellaire may be expanded or enlarged as long as such expansion or enlargement does not extend into the required side yard or rear yard beyond the outermost surface of the existing building line, and as long as such expansion does not violate the City's fire code or any other code, ordinance, rule or regulation of the City of Bellaire. (Ord. No. 81-006, § 5, 2-23-1981)

Sec. 24-519. Residential Planned Development.

Residential planned developments may be proposed for lands immediately adjacent to Interstate Highway Loop 610, provided that the subject property abuts the right-of-way of either Interstate Highway Loop 610 East Service Road or West Service Road and that the project will not isolate or surround any parcel of land abutting it. The intent of allowing such development is to acknowledge the adverse impact of the freeway and encourage development of projects of high quality which will mitigate these effects with sound barriers such as walls and landscaping that will act as buffers both for the development and for adjacent residential areas. Such lands in any zoning district, except the Light Industrial District, may be approved as residential planned developments, subject to the following restrictions and limitations.

(1) *Size and area.*

a) *Project area:* The minimum project area shall be two (2) acres with a gross density not to exceed ten (10) dwelling units per acre, which is equivalent to an average minimum lot size of 4,300 square feet. The depth of the site from the service road shall not exceed 400 feet. In the event that a line 400 feet from the service road bisects a lot, the nearest platted lot line legally existing at the time of adoption of this Section shall be the outermost boundary of the Planned Development District.

b) *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

c) *Minimum floor area per dwelling unit:* 1,250 square feet.

d) *Building lines.*

1) The front building line shall be setback a minimum of ten (10) feet from any new street right-of-way dedicated as a part of the planned development district, except that in no case shall required parking obstruct pedestrian flow in the required sidewalk.

The front building line facing an existing public street other than the East and West Service Road of Loop 610 shall be set back from the public street right-of-way a minimum distance, which shall be determined by computing the average distance between the outermost surface of the existing main buildings on the two (2) abutting lots and the edge of the public street right-of-way. However, in the event that there are no existing buildings on the two (2) abutting lots, the required setback distance shall be twenty-five (25) feet.

In the event that the front building line is facing a court, as that term is defined herein, there shall be a minimum separation between front building lines of forty (40) feet with at least ten (10) feet of yard space from the front of the building to the property line and twenty (20) feet for a public utility easement, for pedestrian access as well as utilities between the property lines.

2) No building line of any structure within the planned development district shall be located any closer than eight (8) feet to the side lot line of any residential lot adjacent to the planned development district. In the event that any portion of the planned development site includes a corner lot, no such building line shall be located closer than ten (10) feet to the right-of-way of the adjacent side street, designated as such on the approved plat of the planned development. This provision does not apply to the corner lots in the event that the right-of-way of the adjacent side street is the East or West Service Road of Loop 610.

Within the interior of the planned development district, zero lot lines are permitted for adjacent residential units; but in the event that the main residential units are separated, a minimum of six (6) feet must be maintained between units.

3) No building line of any main residential structure shall be located within a distance of seventy-five (75) feet of the East or West Service Roads of Loop 610. A berm and/or plantings shall be located within this strip that are not less than five (5) feet in width and six (6) feet in height at the time of occupancy of the site. The individual trees or shrubs shall be planted and maintained by the owner or occupant so as to provide a dense screen year-round. At least 50 percent of the plantings shall consist of evergreens. A solid wall or fence, not to exceed eight (8) feet in height, complemented by suitable plantings, may be substituted for the landscaped screening, if specifically authorized as a condition to the approval of the planned development. The strip may be part of the yard or common area of residential uses within a planned development or have required parking and/or recreational amenities located within it.

4) No building line of any structure within the planned development district shall be located any closer than ten (10) feet to the rear lot line of any adjacent residential lot.

5) No contiguous building lines of structures having zero lot lines shall exceed 200 linear feet.

e) Maximum site coverage: 60 percent of site area.

(2) *Parking and driveways.* Each home within the planned development district shall have as a minimum one (1) car garage; driveways shall be of such design as to accommodate two (2) vehicles per unit totally on site. Within the planned development district, two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required six (6) foot minimum distance is maintained between separated main residential structures.

(3) *Screening and landscaping.* Generally, screening and landscaping shall be required for the planned development district according to the specifications set forth in Section 24-513, Division 1, of this Article.

(4) *Soundproofing.* All dwelling units shall be soundproofed such that residents will not be subject to sustained noise from Interstate Highway 610 in excess of fifty (50) db(A). (Ord. No. 82-020, § 14, 3-29-1982)

Sec. 24-520. Minimum Setback Along Bellaire Boulevard.

The front building line for all residential development along Bellaire Boulevard shall be set back a minimum of thirty (30) feet from the property line. (Ord. No. 82-020, § 15, 3-29-1982)

Sec. 24-521. Communication Towers and Antennas.

The following general conditions for communication towers and antennas shall apply regardless of whether the communications tower or antenna is to be construed as a permitted use or a specific use.

A. *Permit Required.* Before construction of a communication tower or antenna, a permit must be obtained from the Building Official. Issuance of the permit shall be conditioned upon submission of plans and specifications, payment of established fees and continued compliance with all requirements relating to communication towers or antennas set forth in the City Code.

B. *Availability of suitable existing communication towers or other support structures.*

1. All new communication towers shall be designed to structurally accommodate the maximum number of additional users as economically, as well as, technically practicable.

2. No new communication tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Building Official that no existing communication tower or antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing communication tower or antenna support structure can accommodate the applicant's proposed antenna may consist of any of the following:

   (a) No existing communication towers or antenna support structures are located within the geographic area required to meet applicant's engineering requirements, or

   (b) Existing communication towers or antenna support structures are not of sufficient height to meet applicant's engineering requirements, or

   (c) Existing communication towers or antenna support structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength, or

   (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing communication towers or antenna support structures, or the support structures would cause interference with the applicant's proposed antenna, or

   (e) The fees or costs required to share an existing communication tower or antenna support structure or to adapt an existing tower or antenna structure for sharing are unreasonable, or

   (f) Property owners or owners of existing communication towers or antenna support structures are unwilling to accommodate the applicant's needs, or

   (g) The applicant demonstrates that there are other limiting factors that render existing communication towers and antenna support structures unsuitable.

3. The permit granted for the construction and continued operation of a new communication tower is specifically subject to the condition that the communication tower owner abides by the following provisions relating to shared use:

   (a) The communication tower owner shall respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;

   (b) The communication tower owner shall negotiate in good faith for shared use by third parties; and

   (c) The communication tower owner shall allow shared use where the third party seeking the use agrees in writing to pay reasonable, pro rata charges for sharing, including payment of all charges necessary to modify the communication tower and transmitters to accommodate shared use, but not total communication tower reconstruction, and to observe whatever technical requirements are necessary to allow shared use without creating interference.

C. *Distance from adjacent property.* Communication towers shall be spaced from all adjacent property at a minimum of 125 percent of the height of the communication tower measured from the base of the communication tower to the nearest adjacent property line.

D. *Height Restriction.* The maximum height for communication towers shall be one hundred twenty feet as measured from the base of the communication tower to its highest point.

E. *Structural Integrity.* To ensure the structural integrity of communication towers or antennas, the owner of a communication tower or antenna shall, before building such structure, submit a structural integrity report to the Building Official prepared by a registered professional engineer prior to placing such communication tower or antenna into service. In addition, the owner shall ensure that the communication tower or antenna is maintained in compliance with all standards contained in applicable local building codes and the applicable standard for communication towers and antenna that are published by the electronic Industries Association, as amended from time to time. The owner of a communication tower or antenna shall submit on an annual basis, to the Building Official, a certification of structural integrity prepared by a registered professional engineer. If the Building official determines that the communication tower or antenna fails to comply with such codes and standards and constitutes a danger to persons and property, then upon notice being provided to the owner, the owner shall have thirty (30) days to bring such communication tower or antenna into compliance with such codes and standards. If the owner fails to bring such communication tower or antenna into compliance within the said thirty (30) days, the City may remove such communication tower or antenna or cause it to be removed at the owner's expense.

F. *Security Fencing.* Communication towers, other than monopole antenna support structures, shall be enclosed by fencing not less than eight feet in height and shall be equipped with an appropriate anti-climbing device. Access to the communication tower shall only be through a locked gate.

G. *No hazardous materials on site.* The storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, natural gas, and dangerous chemicals shall be prohibited on any site used for the location of a communication tower or antenna except for that fuel needed for a backup generator.

H. *Radiation Standards.* Communication towers and antennas shall comply with current Federal Communication Commission Standards for non-ionizing electromagnetic radiation (NIER). The owner shall submit verification that the proposed site plan ensures compliance with these standards prior to placing any communication tower or antennas into service.

I. *Visual impacts.*

1. Communication towers shall, subject to any applicable standards of the FAA or other applicable federal or state agency, have a neutral finish, or otherwise be constructed so as to reduce visual obtrusiveness, and blend the tower facilities to the natural setting and built environment.

2. Communication towers and antennas shall not be illuminated except as required by FAA regulation or other federal or state agencies.

J. *Abandonment.* Any antenna or communication tower that for a continuous period of twelve (12) months is not operated, shall be considered abandoned, and the owner of such antenna or communication tower shall remove same within ninety (90) days of receipt of notice from the Building Official notifying the owner of such abandonment. If such antenna or communication tower is not removed within said ninety (90) days, the Building Official may cause such antenna or communication tower to be removed at the owner's expense. If there are two or more users of a single communication tower, then this provision shall not become effective until all users cease using the communication tower.

Federal law reference—Preservation of local zoning authority regarding wireless telecommunications facilities, 47 USC § 322(c)(7).

Sec. 24-522. Setback Requirements for Combined Lots.

When two or more lots are combined, whether by plat, replat, or amended plat, after August 7, 2006, the new lot will retain the setback from each street that existed prior to the combination.

(Ord. No. 06-070, § 2, 8-7-2006)

Sec. 24-523. Through Lots Prohibited.

No plat, replat or amending plat shall be approved if such approval results in the creation of a through lot. Through lots in existence as of December 3, 2007, may continue.

(Ord. No. 07-074, § 2(Exh. A), 12-3-2007)

Sec. 24-524. Site Plan Review.

A. *Required Information.* Development applications which require administrative and/or Planning and Zoning Commission review of a site plan under this chapter, as well as all applications for a planned development amendment to this chapter, shall include the following information in a format specified by the Administrative Official:

(1) North arrow and scale.

(2) Vicinity map indicating the general location of the site and its relationship with adjacent and nearby streets in all directions from the site to a distance of 200 feet.

(3) Surrounding uses, activities and influences of the site and adjacent properties within 200 feet, including:

a) Public streets, and the location of any existing traffic control devices.

b) Bicycle and/or pedestrian facilities, routes, paths or other existing improvements.

c) Driveways that exist or which are proposed to the degree that they appear on plans on file with the City.

d) Any buildings that exist or are proposed to the degree that their location and size are shown on plans on file with the City.

e) Residences, which may be shown in approximate location and general size and shape.

(4) The boundary lines of the area included in the site plan, including bearings, dimensions and reference to a point on a recorded plat.

(5) Existing and finished grades or contours, as applicable.

(6) Identification of any areas on the site or within 200 feet that are within the 100-year floodplain.

(7) The size of the subject property, and sufficient dimensions to indicate the relationship between buildings, property lines, zoning district boundaries, parking areas and other elements of the plan.

(8) Existing structures and other improvements on the site.

(9) The general location of new public streets, any proposed improvements or adjustments to existing public streets, and points of ingress to and egress from the development.

(10) Proposed location of buildings and other structures, parking areas, driveways, on-site circulation, screening and buffering, drainage patterns, public streets and any existing or proposed easements.

(11) A schedule indicating total site area, total floor area, lot coverage relative to landscape surface area, allocation and specific location of all proposed principal and accessory land uses, number of dwelling units, nonresidential square footage, number of standard and ADA accessible parking spaces, any loading spaces, height of all buildings and structures, residential density, nonresidential floor area ratio(s), and other pertinent quantities relative to the submitted plan, including the above quantities by individual structure for plans with multiple buildings.

(12) Focal points and site amenities.

(13) The proposed location of any and all green space, public parks or other areas reserved for public use in the proposed development.

(14) Building elevations and other site and architectural detail depicting conformance with design standards established for particular zoning districts, including:

a) For the UV-T district, site and building design standards outlined in Section 24-547.D.

(15) Landscape plan as set forth in Section 24-513.D.(2), illustrating the planned approach for providing required landscaping, screening and buffering, as applicable, as well as required tree planting for commercial property as set forth in Section 9-355 in Chapter 9, Buildings, of the City Code.

(16) Tree disposition plan for the preservation and replacement of trees on the property as set forth in Section 9-352.D. in Chapter 9, Buildings, of the City Code:

a) For planned development applications, the tree disposition plan shall be submitted at the time of application rather than with an application for building permit after planned development approval.

(17) Name and address of the land owner, applicant, architect, landscape architect, planner, engineer, surveyor or other person involved in the preparation of the site plan.

(18) A written description, and any available documentation, of known environmental hazards or conditions existing on the property from historical use or off-site activities which impacted the site.

a) Specifically, applicants shall provide any existing, known Phase I Environmental Site Assessment Reports or other environmental due diligence reports in their possession associated with the property.

b) Applicants shall provide all reports submitted to the Texas Commission on Environmental Quality (TCEQ) and associated correspondence on the status of any environmental assessment, remediation, and/or closure activities related to the property.

c) Should the TCEQ issue a "No Further Action" determination or "Certificate of Completion," documentation of such shall be provided to the City and no further action shall be required under this subsection.

d) For planned development applications, specific use permit applications, or zoning changes, environmental documentation required by this subsection shall be submitted at the time of the planned development, specific use permit, or zoning change application, rather than with an application for building permit after planned development, specific use permit, or zoning change approval.

(19) A written description and analysis of additional demand on City utilities and storm drainage facilities, and impact on their available capacity, from the proposed development.

(20) A traffic impact analysis, if deemed necessary by the Administrative Official, the Planning and Zoning Commission or the City Council.

(21) Such other information or documentation as the Administrative Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application, including, but not limited to, dumpster locations.

B. *Procedures.*

(1) *Complete application.* The applicant shall submit a complete application to the Administrative Official along with the content requirements specified in this Section, above. Processing of the application and review of the site plan shall not commence until all submittal requirements are satisfied.

(2) *Review.* Except as otherwise required for a planned development and in the NBSDD and the UV-T district, the Administrative Official shall review the site plan for conformance with all applicable standards and guidelines of the City Code, with the exception of any proposed variations from City standards as part of a planned development application, which must be clearly specified.

(3) *Zoning amendment process for Planned Development Amendments.* When the Planning and Zoning Commission is ready to proceed with the zoning amendment aspect of a planned development application, including a report and recommendation to City Council, the Commission and the Administrative Official shall proceed to complete all public notice, hearing and other processing requirements as set forth in Chapter 24, Article VI, Amendatory Procedure, of the City Code.

(Ord. No. 11-086, § 1(App. A), 12-12-2011; Ord. No. 23-068, § 2(App. A), 10-2-2023)

Sec. 24-524a. Developments with Known Affected Soil or Groundwater.

For development applications which require administrative and/or Planning and Zoning Commission review of a site plan under this chapter, as well as all applications for a planned development amendment to this chapter, the following provisions shall apply to all proposed developments with known affected soil or groundwater per the Texas Commission on Environmental Quality (TCEQ):

(1) Prior to issuance of any building permit which involves soil disturbance, a Soil and Groundwater Management Plan prepared by a licensed professional engineer shall be submitted to and reviewed and approved by the Building Official or his or her designee. The plan will address, at a minimum, environmental monitoring during construction, spill contingency plans, plans for management of affected media, profiling and disposal of wastes, and communications with the City and regulatory agencies. The recommendations of the approved Soil and Groundwater Management Plan shall be followed without exception. Any violation of the approved Soil and Groundwater Management Plan can result in immediate construction stoppage and revocation of the development's building permit.

(2) As part of the fees associated with the building permit, the applicant shall pay all costs associated with 3rd-party construction monitoring and soil testing contracted by the City of Bellaire which is necessary to confirm that the Soil and Groundwater Management Plan is strictly adhered to.

(3) Prior to initiation of any soil disturbance activities, the applicant shall provide documentation that its earthwork contractors are Hazardous Waste Operations and Emergency Response (HAZWOPER) trained to perform excavation in areas with the potential for encountering impacted soils.

(Ord. No. 23-068, § 2(App. A), 10-2-2023)

Sec. 24-525. Schools, private clubs, and places of worship in residential districts.

A. Purpose. The purpose of this section is to set specific and consistent regulations for the development of schools, private clubs, and places of worship in residentially zoned districts to ensure compatibility with existing neighborhoods and to minimize possible negative impacts of such uses.

B. Standard Regulations.

(1) Size and Area:

a. Minimum lot area: 22,000 square feet;

b. Minimum lot width: 125 feet;

c. Minimum lot depth: 125 feet;

d. Maximum building height: 45 feet, including steeples, domes, spires, bell towers, cooling towers, roof gables, chimneys, antennas, and vent stacks;

e. Minimum floor area: 2,500;

f. Minimum required yards;

i. Front yard: Thirty (30) feet;

ii. Side yard: Twenty (20) feet, provided that on a corner lot, the minimum side yard adjacent to the side street shall be ten (10) feet;

iii. Rear yard: Twenty (20) feet, for both the main structure and any accessory structures;

g. Maximum lot coverage: Fifty (50) percent of lot area. Up to seventy-five (75) percent of lot area if approved with a specific use permit, except for places of worship and schools in the Bellaire Boulevard Estate Overlay District.

(2) Parking: See Sec. 24-514a.

(Ord. No. 14-041, § 1, 8-18-2014)

Sec. 24-526. Pawnshop regulations.

The following general conditions for pawnshops shall apply regardless of whether the pawnshop is to be construed as a permitted or specific use. A pawnshop shall not be located within one hundred (100) feet of any residential property to the closest point of any property in use as a pawnshop or containing such use.

(Ord. No. 17-028, § 1, 5-15-2017)

Secs. 24-527—24-530. Reserved.

DIVISION 2. ZONING DISTRICT REGULATIONS

Sec. 24-531. R-1 Residential District.

A. *Purpose.* The R-1 Residential District is a low density residential area characterized by the zoning requirements set forth in this Section.

B. *Unzoned property.* All property not included in a zoning district or for any reason removed from an established zoning classification, shall be deemed included in the R-1 Residential District although not so delineated on the Official Zoning District Map.

C. *Uses.*

(1) *Permitted uses:*

a) Single-family dwellings.

b) Public parks.

c) Utilities:

1) Telephone lines and related cross connecting points.

2) Local utility distribution lines.

d) Accessory uses, subject to the requirements of Section 24-510.

e) Home occupations, subject to the requirements of Section 24-517.

f) Facilities owned and maintained by the City.

g) Deleted. (Ord. No. 89-009, § 1, 3-6-1989)

(2) *Specific uses:*

a) Schools.

b) Places of worship. (Ord. No. 81-067, § 1, - -1981)

D. *Standard regulations.*

(1) *Residential structures.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

Table 24-531-1, Dimensional Regulations for Single-Family Detached Dwellings

Zoning District	Minimum							Maximum	
	Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Floor Area per Dwelling Unit (sq ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height	Lot Coverage (%)
R-1 Residential	14,400	80	125	1,600	50	8 *See notes 1-3*	10 from any alley or easement *See notes 4-5*	2.5 stories (25 and 35.5) *See notes 7-9*	55
R-3 Residential	7,400	60	100	1,250	30	8 if lot >90 wide ---------- 6 if lot ≤90 wide *See notes 1-3*	10 from rear property line *See notes 4-5*	2.5 stories (25 and 35.5) *See notes 7-9*	55
R-4 Residential	5,000	----	100	1,100	25	8 if lot >90 wide ---------- 6 if lot >70 wide and ≤90 wide ---------- 5 if lot <70 wide *See notes 1-3*	10 from rear property line *See notes 4-5*	2.5 stories (25 and 35.5) *See notes 7-9*	60 if lot ≤7,000 sq ft *See note 14*

Table 24-531-1, Dimensional Regulations for Single-Family Detached Dwellings									
Zoning District	Minimum							Maximum	
	Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Floor Area per Dwelling Unit (sq ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height	Lot Coverage (%)
R-5 Residential	5,000	50	100	1,100	25	Same as R-4 above	10 from rear property line *See notes 4-5*	2.5 stories (25 and 35.5) *See notes 7-9*	55
R-M.2-O Residential-Office Mixed Use	5,000	50	100	1,100	25	5 *See notes 1-3*	10 from rear property line *See notes 4-5*	2.5 stories (25 and 35.5) *See notes 7-9*	55
L610 Loop 610	7,400	60	100	1,250	30	6 *See notes 1-3*	10 from any alley or easement *See note 6*	2.5 stories (25 and 35.5) *See notes 7-9*	55
R-6 Small-Lot Residential Attached	1,950	30	65	1,100	25 from existing public street right of way --- 10 from internal private street right of way	5 between structures --- 10 adjacent to side street on a corner lot *See notes 2-3*	5 if abutting R-6 district --- 10 abutting all other districts	3 stories, up to 35.5, if within 75 of R-1, R-3, R-4 or R-5 district (rooftop decks prohibited) *See notes 10-12* --- 4 stories, up to 45.5, if >75 of R-1, R-3, R-4 or R-5 district, or within 75 of a public right-of-way abutting R-1, R-3, R-4 or R-5 district *See notes 10-11, 13*	75

Table 24-531-1, Dimensional Regulations for Single-Family Detached Dwellings									
Zoning District	Minimum							Maximum	
	Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Floor Area per Dwelling Unit (sq ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height	Lot Coverage (%)

SIDE YARD NOTES:

1. Provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.
2. For any accessory structure, there shall be a side yard of not less than three (3) feet from any interior side lot line when such accessory structure is located in the rear of the lot (which is to the rear of a line connecting the midpoints of the two opposite side lot lines). When any part of an accessory structure is located in front of the line connecting the two midpoints of the two opposite side lot lines, then the same side yard as specified for the main building is required. (Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 89-009, § 1, 3-6-1989)
3. Architectural features: the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of three (3) feet from the side property line. No other projection from the side building line shall be permitted. (Ord. No. 91-012, § 17, 3-4-1991)

REAR YARD NOTES:

4. For any accessory structure, five (5) feet from the rear property line.
5. In computing rear yard, all measurements shall be made from the rear property line as shown on the plat properly filed for record in the office of the County Clerk of Harris County, Texas. (Ord. No. 91-012, § 7, 3-4-1991)
6. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

Table 24-531-1, Dimensional Regulations for Single-Family Detached Dwellings									
Zoning District	Minimum							Maximum	
	Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Floor Area per Dwelling Unit (sq ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height	Lot Coverage (%)

BUILDING HEIGHT NOTES:

7. Not to exceed twenty-five (25) feet to the top plate of the second story and thirty-five (35) feet six (6) inches at any ridge pole. To determine height restrictions related to the maximum height of the top plate of the second story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure.
8. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.
9. To determine height restrictions related to the maximum height of any ridge pole, height measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure to any ridge pole exceed thirty-five (35) feet six (6) inches.
10. To determine height restrictions related to the maximum height of the top plate of the third story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure.
11. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed fifty (50) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. Rooftop decks are prohibited.
12. To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed thirty-five (35) feet six (6) inches.
13. To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed forty-five (45) feet six (6) inches.

LOT COVERAGE NOTES:

14. For lots having an area greater than seven thousand (7,000) square feet, maximum lot coverage is the greater of four thousand two hundred (4,200) square feet or fifty-five (55) percent of lot area.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Nonresidential structures.*

a) *Reserved.*

b) *Reserved.*

(Ord. No. 82-020, § 16, 3-29-1982; Ord. No. 01-006, § 2(24-531D(1)(a)4), 1-15-2001; Ord. No. 04-034, § 2(24-531D(1)(a)4), 6-7-2004; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Sec. 24-532. R-3 Residential District.

A. *Purpose.* The R-3 Residential District is a lower medium density residential area characterized by the zoning requirements set forth in this Section.

B. *Uses.*

(1) *Permitted uses.*

a) Single-family dwellings;

b) Public parks;

c) Utilities:

1) Local utility distribution lines; and

2) Telephone lines and related cross connecting points.

d) Accessory uses, subject to the requirements of Section 24-510;

e) Home occupations, subject to the requirements of Section 24-517;

f) Facilities owned and maintained by the City;

g) Deleted; (Ord. No. 89-009, § 1, 3-6-1989)

h) Planned Development: Loop 610 Residential.

(2) *Specific uses.*

a) Schools; and

b) Places of worship.

(Ord. No. 81-067, § 2, 1981)

C. *Standard regulations.*

(1) *Residential structures.* See Table 24-531-1 for all dimensional regulations for single-family dwellings.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Nonresidential structures.*

a) *Reserved.*

b) *Reserved.*

(Ord. No. 82-020, §§ 17, 18, 3-29-1982; Ord. No. 01-006, § 3(24-532C(1)(a)4), 1-15-2001; Ord. No. 04-034, § 2(24-532.C(1)(a)4), 6-7-2004; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Sec. 24-533. R-4 Residential District.

A. *Purpose.* The R-4 Residential District is a medium density residential area characterized by the zoning requirements set forth in this Section.

B. *Uses.*

(1) *Permitted uses:*

a) Single-family dwellings;

b) Public parks; and

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points;

3) Accessory uses, subject to the requirements of Section 24-510;

d) Home occupations, subject to the requirements of Section 24-517;

e) Facilities owned and maintained by the City; and

f) Deleted. (Ord. No. 89-009, § 1, 3-6-1989)

(2) *Specific uses:*

a) Schools; and

b) Places of worship. (Ord. No. 81-067, § 3, 1981)

C. *Standard regulations:*

(1) *Residential structures.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Nonresidential structures.*

a) *Reserved.*

b) *Reserved.*

(Ord. No. 82-020, § 19, 3-29-1982; Ord. No. 01-006, § 4(24-533C(1)(a)4), 1-15-2001; Ord. No. 04-034, § 2(24-533C(1)(a)4), 6-7-2004; Ord. No. 07-074, § 2(Exh. A), 12-3-2007; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Sec. 24-534. R-5 Residential District.

A. *Purpose.* The R-5 Residential District is a medium to upper medium density residential area characterized by the zoning requirements set forth in this Section.

B. *Uses:*

(1) *Permitted uses:*

a) Single-family dwellings;

b) Public parks;

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points;

d) Accessory uses, subject to the requirements of Section 24-510;

e) Home occupations, subject to the requirements of Section 24-517;

f) Facilities owned and maintained by the City; and

g) Planned Development: Residential.

(2) *Specific uses:*

a) Schools; and

b) Places of worship. (Ord. No. 81-067, § 4, 1981)

C. *Standard regulations:*

(1) *Residential structures.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Nonresidential structures:*

a) *Reserved.*

b) *Reserved.*

D. *Planned Development: Residential.* Planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations.

(1) *Size and area:*

a) *Project area:* A planned development in an R-5 Residential District shall have a minimum site of two (2) acres except in the event that a site of less than two (2) acres is bounded on two or more sides by town homes. In the latter instance the minimum size and area shall be that which is designated on the approved plat of the planned development. In either event the project area shall have a minimum average equivalent lot size of 5,000 square feet; (Ord. No. 82-020, § 20, 3-29-1982)

b) *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building;

To determine height restrictions related to the maximum height of the top plate of the second story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure.

To determine height restrictions related to the maximum height of any ridge pole, height measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure to any ridge pole exceed thirty-five (35) feet six (6) inches.

c) *Minimum floor area per dwelling unit:* 1,550 square feet;

d) *Building lines:*

1) The front building line shall be set back a minimum of ten (10) feet from any new street right-of-way dedicated as part of the planned development district, except that in no case shall required parking obstruct pedestrian flow on the required sidewalk;

The front building line facing an existing public street shall be set back from the public street right-of-way a minimum distance, which shall be determined by computing the average distance between the outermost surface of the existing main buildings on the two (2) abutting lots and the edge of the public street right-of-way.

In the event that the front building line faces a court, as that term is defined herein, there shall be a minimum separation between front building lines of forty (40) feet with at least ten (10) feet of yard space from the front of the building to the property line and twenty (20) feet for a public utility easement, for pedestrian access as well as utilities between the property lines;

2) No building line of any structure within the planned development district shall be located any closer than six (6) feet from the side lot line of any residential lot adjacent to the planned development district. In the event that any portion of the planned development site includes a corner lot, no such building line shall be located any closer than ten (10) feet to the right-of-way of the adjacent side street, designated as such on the approved plat of the planned development. Within the interior of the planned development district, zero lot lines are permitted for adjacent residential units; but in the event that the main residential units are separated, a minimum of eight (8) feet must be maintained between units;

3) No building line of any structure within the planned development district shall be located any closer than ten (10) feet to the rear lot line of any adjacent residential lot;

4) No contiguous building lines of structures having zero lot lines shall exceed two hundred (200) linear feet; and

5) In no case shall any building line of any structure within the planned development district be located nearer than ten (10) feet to the street right-of-way of Bellaire Boulevard.

f) Maximum site coverage: 60 percent of site area.

(2) *Parking and driveways.* Each home within the planned development district shall have a two (2) car garage; driveways shall be of such design as to accommodate two (2) vehicles totally on site. Within the planned development district, two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required eight (8) foot minimum distance is maintained between separated main residential structures;

(3) *Screening.* Screening shall be required between the planned development district and abutting property in commercial use, according to the specifications set forth in Section 24-513 of Division 1 of this Article;

(4) *Landscaping.* In addition to that landscaping which may be an integral part of the screening herein required, landscaping shall also be required for the purpose of providing an acceptable transition between the planned development district and surrounding lower density residential development.

(Ord. No. 01-006, § 5(24-534C(1)(a)4), 1-15-2001; Ord. No. 04-034, § 2(24-534C(1)(a)4), 6-7-2004; Ord. No. 07-074, § 2(Exh. A), 12-3-2007; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Sec. 24-535. R-MF Residential Multi-Family District.

A. *Purpose.* The R-MF Residential Multi-Family District is a high density residential area including the potential for independent senior living, characterized by the zoning requirements set forth in this Section.

B. *Uses.*

(1) *Permitted uses.*

a) Multi-family dwellings with access from the interior of the building;

b) Public parks;

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points;

3) Accessory uses, subject to the requirements of Section 24-510; and

4) Home occupations, subject to the requirements of Section 24-517.;

d) Facilities owned and maintained by the City; and

e) Planned Development: Applicants may propose planned developments in this district under the amendatory procedures in Section 24-604. This procedure will enable consideration of development proposals involving uses or designs that might not strictly adhere to the standards within this Section but would meet the spirit and intent of the district.

C. *Standard regulations.*

(1) *Residential structures.*

a) Size and area:

1) Minimum lot area: Forty-three thousand five hundred sixty (43,560) square feet (1 acre);

2) Minimum lot width: One hundred fifty (150) feet;

3) Minimum lot depth: One hundred (100) feet;

4) Maximum building height: Fifty-three (53) feet, including drive under parking, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed sixty-three (63) feet above the average level of the base of the foundation of the building.;

5) Minimum required yards:

a. Front yard: Ten (10) feet;

b. Side yard: No side yard is specified except that when a side yard abuts a lot which is in residential use, the minimum side yard shall be ten (10) feet, and on a corner lot, both street exposures shall be treated as front yards.

c. Architectural features: the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of seven (7) feet from the side property line when a side yard is required.

No other projection from the side building line shall be permitted.

d. Rear yard: Fifteen (15) feet

6) Maximum lot coverage: Seventy-five (75) percent of lot area.

b) Height-Setback plane for side and rear yards: Where a property is a at a boundary of the R-MF district and a residential property in a R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the R-MF district, any portion of the principal building(s) that exceeds twenty-seven (27) feet in height, shall be set back an additional amount, computed as two (2) feet from the rear set back line for each one foot of additional building height above twenty-seven (27) feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

1) Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

2) Planting of trees within any utility easements along the property line shall meet any applicable City standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process to seek an alternate solution which is not in conflict with the purposes of this subsection.

3) On properties subject to the height-setback plane, no accessory structure shall be located within the rear yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback requirements as applied to the principal structure(s), in addition to the requirements of Section 24-510.

c) Minimum site area per dwelling unit: One thousand two hundred (1,200) square feet.

1) The minimum site area per dwelling unit may be reduced through an approved planned development.

d) Site plan review required: All development applications in this district require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of the City Code.

1) *Required approvals.*

a. *Administrative final action.* The Administrative Official is authorized to take final action on site plans for all development applications, except planned developments, in accordance with Section 24-524, provided that the site plan complies with the standards for this district and other applicable provisions of the City Code, or will comply if conditions specified by the official are met. The Administrative Official, at his sole discretion, may also refer any such site plan to the Planning and Zoning Commission for review and decision.

2) *Application requirements.* Applicants shall satisfy all application and submittal requirements for the site plan review itemized in Section 24-524.

a. *Waiver authority.* The Administrative Official is authorized to waive elements of the site plan submittal requirements in Section 24-524 if he finds that the specified information relates to a site development standard that does not apply to a proposed project. This waiver authority does not apply to planned developments.

(Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 81-067, § 5, 1981; Ord. No. 85-011, § 4, 1-28-1985; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 91-012, §§ 11, 21, 3-4-1991; Ord. No. 14-041, § 1, 8-18-2014; Ord. No. 17-008, § 1, 1-23-2017; Ord. No. 21-052, § 1(Att. A), 9-20-2021)

Sec. 24-536. Corridor mixed use district (CMU).

A. *Purpose.*

(1) *Generally.* This district provides for residential, non-residential and mixed uses, at higher development intensities than many other areas of the community, to accommodate local shopping, services, employment and housing options that benefit Bellaire residents and the City's tax base. This district is also intended to elevate the quality of site development and redevelopment along and in the vicinity of roadway corridors under this zoning given their high visibility to Bellaire residents and many others who travel through the community daily. Screening measures and reduced development intensities are required where district edges abut primarily residential properties to ensure protection of neighborhoods just outside the district.

(2) *Character.* Much of the property along roadway corridors within Bellaire is oriented to automobile circulation and access versus a pedestrian focus. However, this district provides site and building design standards to mitigate the Auto Urban development character that typically predominates along busy, principal roadway corridors (e.g., extensive site area devoted to surface parking, limited landscaping, greater setback of buildings from street frontages). The CMU district also encompasses downtown edges that are likely to continue exhibiting an Auto Urban development pattern relative to the core Urban Village-Downtown area.

(3) *Uses.* This district provides for a range of residential and non-residential development options—and encourages mixing of such uses. Especially along roadway corridors where relatively small and shallow frontage properties are common, CMU provides for small-scale businesses and other uses that are convenient to nearby residents. Residential development opportunities within the district, especially for small-lot and attached housing types, address housing needs of Bellaire residents at different stages of life. Downtown edges included within CMU provide for a similar use mix as along corridor frontages, but with the opportunity for larger sites and scale of uses near some of the busiest intersections in the City.

B. *Uses.*

(1) *Permitted uses.*

a) Utilities:

1) Local utility distribution lines; and

2) Telephone lines and related cross-connecting points.

b) Facilities owned and maintained by the City or other governmental entities, including public transit facilities and public parks.

c) Commercial uses as follows, not to include any drive-in or drive-through facilities without specific use permit approval, or head shops:

1) Banks, credit unions and similar institutions;

2) Business and professional offices and services;

3) General retail sales and services; and

4) Restaurants and cafeterias.

d) Mixed-use developments consisting of a combination of two or more of the permitted commercial uses listed in subsection c), above, or a combination of one or more of such uses and at least one of the following residential uses:

1) Single-family dwellings, attached; and

2) Multi-family dwellings.

e) Planned Development: Applicants may propose planned developments in this district under the amendatory procedures in Section 24-604. This procedure will enable consideration of development proposals involving uses or designs that might not strictly adhere to the standards within this Section but would meet the spirit and intent of the district. All such applications must still meet the following district standards:

1) Minimum site area;

2) Minimum site width and depth;

3) Maximum building height; and

4) Height-setback plane where a property is at a boundary of the CMU district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district.

f) Accessory uses as follows, subject to the requirements of Section 24-510, except that, for the purposes of the CMU district, an accessory use may occur within a portion of a principal structure:

1) Home occupations, subject to the requirements of Section 24-517.

(2) *Specific uses.*

a) Recreational and amusement uses as follows:

1) Amusement, commercial indoor;

2) Art gallery or museum;

3) Athletic, swimming or tennis club and/or facilities;

4) Movie theater, indoor; and

5) Private club.

b) Educational, institutional and special uses as follows:

1) Antenna;

2) Hospital, acute and/or chronic care;

3) Kindergarten, nursery and/or day care center;

4) Nursing home;

5) Radio, television or microwave antenna or tower; and

6) School, business or trade.

c) Commercial uses with drive-in or drive-through facilities, not to include head shops. Such drive-ins and drive-throughs shall comply with the provisions of Section 24-54a(d), and the following:

1) Plans for onsite circulation and driveway locations shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

2) Bicycle and pedestrian use of drive-through windows shall not be prohibited.

3) Walk-up windows do not count as drive-ins or drive-throughs and shall not require a s pecific use permit.

d) Transportation, automobile and related uses as follows:

1) Auto parts sales; and

2) Automobile service stations.

e) Places of worship.

f) Schools.

(3) *Temporary uses.* Temporary uses in the CMU district shall be authorized, permitted, limited in duration and subject to potential time extensions as provided in Section 24-505. Examples of such uses include:

a) Construction offices.

b) Public interest or special events.

c) Sidewalk sales and other outdoor sales events (e.g., farmers' market).

(4) *Relative quantity of multi-family residential use.* At no time shall more than ten (10) percent of the total gross developed floor area within the CMU district, excluding the floor area of any parking structures, be in multi-family residential uses.

C. *Development Standards.*

(1) *Site plan review required.* All development applications in the CMU district require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of the City Code.

a) *Required approvals.*

1) *Administrative final action.* The Administrative Official is authorized to take final action on site plans for all development applications other than planned developments, in accordance with Section 24-524, provided the site plan complies with the standards for this district and other applicable provisions of the City Code, or will comply if conditions specified by the official are met. The Administrative Official, at his sole discretion, may also refer any such site plan to the Planning and Zoning Commission for review and decision.

b) *Application requirements.* Applicants shall satisfy all application and submittal requirements for site plan review itemized in Section 24-524.

1) *Waiver authority.* For projects in the CMU district other than planned development applications, the Administrative Official is authorized to waive elements of the site plan submittal requirements in Section 24-524 if he finds that the specified information relates to a site development standard that does not apply to a proposed project.

2) *Size and area.*

c) *Places of Worship.*

1) *Minimum lot area:* 5,000 square feet.

2) *Minimum lot width:* 50 feet.

3) *Minimum lot depth:* 100 feet.

4) *Maximum building height:* 40 feet including drive-under parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed fifty (50) feet above the average level of the base of the foundation of the building;

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television

antennae, with the total not to exceed sixty (60) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

5) *Minimum required yards:*

(a) *Front yard:* 15 feet.

(b) *Side yard:* Five (5) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

(c) *Rear yard:*

i. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot.

ii. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

(d) *Height-setback plane for side and rear yards:* Where a property is at a boundary of the CMU district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

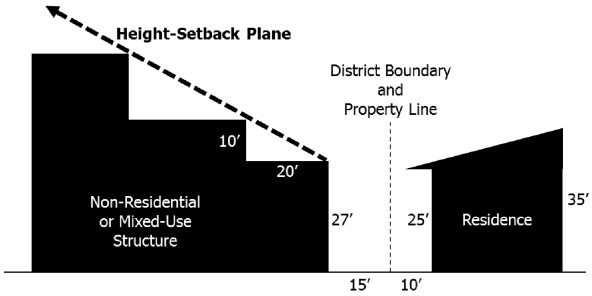
Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

i. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

6) *Maximum site coverage:* 75 percent of lot area.

Figure 24-536.A
Height-Setback Plane



d) *Schools.*

1) *Minimum lot area:* 5,000 square feet.

2) *Minimum lot width:* 50 feet.

3) *Minimum lot depth:* 100 feet.

4) *Maximum building height:* 40 feet including drive-under parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed fifty (50) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed sixty (60) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

5) *Minimum required yards:*

(a) *Front yard:* 15 feet.

(b) *Side yard:* Five (5) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

(c) *Rear yard:*

i. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot.

ii. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

(d) *Height-setback plane for side and rear yards:* Where a property is at a boundary of the CMU district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

i. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

6) *Maximum site coverage:* 75 percent of lot area.

e) *Commercial and small-scale (under one-half acre) mixed-use development.*

1) *Minimum lot area:* 5,000 square feet.

2) *Minimum lot width:* 50 feet.

3) *Minimum lot depth:* 100 feet.

4) *Maximum building height:* 40 feet including drive-under parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed

fifty (50) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed sixty (60) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

5) *Minimum required yards:*

(a) *Front yard:* 15 feet.

(b) *Side yard:* No side yard is specified except that:

i. Where a side yard abuts a lot which is in residential use, the minimum side yard shall be ten (10) feet; or

ii. On a corner lot which is in residential use, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

(c) *Rear yard:* 10 feet.

(d) *Height-setback plane for side and rear yards:* Where a property is at a boundary of the CMU district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review

process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

i. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(e) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the CMU district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

6) *Maximum density for multi-family residential use.* Any mixed-use development with a multi-family residential component shall not exceed a gross residential density of thirty (30) units per acre for the total project site.

7) *Maximum site coverage:* 75 percent of lot area.

f) *Mixed-Use Development.*

1) *Minimum site area:* 21,780 square feet (½ acre).

(a) *Minimum mix of uses.* For a development on a site of one-half acre or larger to be considered a "mixed-use" project, each different use must occupy at least 5,000 square feet or 10 percent of the total floor area of the development, whichever is greater.

i. Where a mixed-use development involves multi-family dwellings, such dwellings shall not be the sole principal use in a freestanding building. The principal multi-family residential use shall only be constructed as part of a building which includes one or more principal non-residential uses that are permitted in the district as provided in Section 24-536.B.(1)b) or c), and that occupy at least twenty-five (25) percent of the total gross floor area of the building. Any floor area used for parking shall not count as part of the floor area of any principal use.

2) *Minimum site width:* 100 feet.

3) *Minimum site depth:* 100 feet.

4) *Maximum building height:* 53 feet including drive-under parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed sixty-three (63) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television

antennae, with the total not to exceed seventy-three (73) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

5) *Minimum required yards:*

(a) *Front yard:* 15 feet.

(b) *Side yard:* No side yard is specified except that:

i. Where a side yard abuts a lot which is in residential use, the minimum side yard shall be ten (10) feet; or

ii. On a corner lot which is in residential use, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

(c) *Rear yard:* 10 feet.

(d) *Height-setback plane for side and rear yards:* Where a property is at a boundary of the CMU district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

i. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(e) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the CMU district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

6) *Maximum density for multi-family residential use.* Any mixed-use development with a multi-family residential component shall not exceed a gross residential density of thirty (30) units per acre for the total project site.

7) *Maximum site coverage:* 85 percent of lot area.

g) *Planned Development.*

1) *Minimum site area:* 32,670 square feet (3/4 acre).

2) *Minimum site width:* 150 feet.

3) *Minimum site depth:* 100 feet.

4) *Maximum building height:* 53 feet including drive-under parking, except that requests for additional height beyond the allowances provided shall be incorporated into the planned development application.

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed sixty-three (63) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed seventy-three (73) feet above the average level of the base of the foundation of the building; and

5) *Minimum required yards:* As established by the approved site plan for the planned development amendment, except that for side and rear yards:

(a) Where a property is at a boundary of the CMU district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

i. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(b) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the CMU district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

6) *Maximum site coverage:* As established by the approved site plan for the planned development amendment.

(2) *Parking.* A minimum number of off-street parking spaces shall be required as follows:

a) Residential structures:

1) Two (2) on-site spaces per single-family dwelling unit, subject to the requirements of Section 24-514.

2) For multi-family dwellings, a minimum number of off-street parking spaces as provided in Section 24-514a.

b) Places of worship:

1) One (1) on-site space for every three (3) individual seats provided in the main sanctuary. Whenever pews are provided in lieu of individual seats, 24 inches shall be the equivalent of one (1) seat.

c) Schools:

1) One (1) on-site space for each classroom plus one (1) on-site space for each four (4) seats in any auditorium, gymnasium or other place of assembly.

d) Other non-residential uses:

1) A minimum number of off-street parking spaces as provided in Section 24-514a.

(3) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

(Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 85-011, § 4, 1-28-1985; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 91-012, §§ 12, 22, 3-4-1991; Ord. No. 92-011, 3-2-1992; Ord. No. 04-034, § 2(24-536.C(1)(a)(4)), 6-7-2004; Ord. No. 12-006, § 1(App. A), 2-20-2012; Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 17-028, § 1, 5-15-2017)

Ord. No. 14-013, § 1, adopted March 3, 2014, amended the title of § 24-536 to read as set out herein. Previously § 24-536 was titled R-M.1 Residential-Commercial Mixed Use District.

Sec. 24-537. Urban village-downtown district (UV-D).

A. *Purpose.*

(1) *Generally.* This district provides for a mix of uses and style of development intended to reinforce the "small town" downtown feel desired by Bellaire residents, including opportunities for shopping, services, dining and entertainment. While Bellaire residents and visitors frequent the area for convenience shopping and multi-purpose trips, it has not offered the typical experience of a destination downtown given how this primary commercial area in Bellaire developed over time without a traditional Main Street or other focal point for typical downtown amenities. The district is also a high-profile area of the community given its proximity to busy Bellaire Boulevard and its bifurcation by the Bissonnet diagonal. District standards require that more visible landscaping and green elements be incorporated on all sites, including within off-street parking areas and any higher-intensity residential or mixed-use developments that emerge within the district.

(2) *Character.* This district is intended to support a transition to a more Urban development character through redevelopment in the core downtown area. This could provide the critical mass the area has always lacked to spur greater foot traffic and extended visits that are essential to a vibrant mix of retail, service and hospitality businesses. Encouraging housing options adds another important element by putting full-time residents in the area with expectations for a safe and hospitable environment in which to live, recreate, and host guests and visitors. Keys to an Urban character are relatively small block sizes (or pedestrian routes through larger blocks), more intensive site development and coverage, reduced reliance on off-street surface parking, and greater architectural enclosure of public streets and spaces to support a pedestrian orientation.

(3) *Uses.* This district provides for a mix of commercial, office, civic and entertainment uses appropriate for an Urban character setting, and especially for new residential presence to add built-in demand for local shopping and services. Land assembly and master-planned development is encouraged, as is vertical mixing of uses in buildings that accommodate upper-floor residential, office or other uses above street-level retail and services. This pattern is most appropriate in pedestrian-oriented areas, but also along busy arterial streets through the district where frontage properties are less conducive for stand-alone residential use. Unusually shaped and undersized building sites, caused by the diagonal orientation of Bissonnet through the community, pose a particular challenge in some parts of the district, which is also good reason to encourage more vertical development where appropriate.

B. *Uses.*

(1) *Permitted uses.*

a) Utilities:

1) Local utility distribution lines; and

2) Telephone lines and related cross-connecting points.

b) Facilities owned and maintained by the City or other governmental entities, including public transit facilities and public parks.

c) Single-family dwellings, attached, involving at least five (5) contiguous lots, with at least one-half (1/2) of each lot located within three hundred and fifty (350) feet of a boundary of the UV-D district that abuts residential property in an R-1, R-3, R-4, R-5 or R-6 district, so as to provide a transition between the UV-D district and nearby lower density residential development.

d) Commercial uses as follows, not to include any drive-in or drive-through facilities except as provided in (2)d) below or head shops:

1) Banks, credit unions and similar institutions;

2) Business and professional offices and services;

3) General retail sales and services, but not including mini-storage businesses, mortuaries or funeral parlors, pawnshops, or tattoo shops;

4) Hotels, but not motels as defined in Section 24-202(111); and

5) Restaurants and cafeterias.

e) Recreational and amusement uses as follows:

1) Amusement, commercial indoor;

2) Art gallery or museum;

3) Athletic, swimming or tennis club and/or facilities;

4) Movie theater, indoor; and

5) Theater, for live performances.

f) Private club or place of worship.

g) Conference center facilities.

h) Mixed-use developments consisting of a combination of two or more of the permitted uses listed in subsections d), e) or f), above, or a combination of one or more of such uses and at least one of the following residential uses:

1) Single-family dwellings, attached; and

2) Multi-family dwellings.

i) Planned Development: Applicants may propose planned developments in this district under the amendatory procedures in Section 24-604. This procedure will enable consideration of development proposals involving uses or designs that might not strictly adhere to the standards within this Section but would meet the spirit and intent of the district. All such applications must still meet the following district standards:

1) Minimum site area;

2) Maximum building height; and

3) Height-setback plane where a property is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district.

j) Accessory uses as follows, subject to the requirements of Section 24-510, except that, for the purposes of the UV-D district, an accessory use may occur within a portion of a principal structure:

1) Home occupations, subject to the requirements of Section 24-517;

2) Bars, when accessory to a principal restaurant, hotel, commercial indoor amusement, movie theater, theater or private club use, and subject to the requirements of Chapter 3, Alcoholic Beverages; and

3) Vehicle washing, included as an accessory service use within a parking structure, provided that all associated activity is carried out inside the structure, screened from view from any public street right-of-way, and that no vehicle repairs are made on the premises.

(2) *Specific uses.*

a) Commercial uses without drive-in or drive-through facilities not listed in B(1)d), above, not to include head shops.

b) Educational, institutional and special uses as follows:

1) Antenna;

2) Hospital, acute and/or chronic care;

3) Kindergarten, nursery and/or day care center;

4) Nursing home;

5) Radio, television or microwave antenna or tower; and

6) School, business or trade.

c) Transportation, automobile and related uses as follows:

1) Commercial parking garage operations, within multi-level and/or underground garage space as defined in Section 24-202(78), but not commercial surface parking lots (areas) as defined in Section 24-202(42); and

2) Passenger terminals and bus passenger stations, but not heliports.

d) Drive-ins and drive-throughs for properties with lot lines that are within one-hundred (100) feet or less of the nearest right-of-way line of Bissonnet Street, Bellaire Boulevard, or South Rice Ave nue. Such drive-ins and drive-throughs shall comply with the provisions of Section 24-514a(d), and the following*:*

1) Drive-through windows shall be located to the side of or rear of buildings and shall not be located between the principal structure and Bissonnet, Bellaire, and South Rice.

2) Plans for onsite circulation and driveway locations shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

3) Bicycle and pedestrian use of drive-through windows shall not be prohibited.

4) Walk-up windows do not count as drive-ins or drive-throughs and shall not require a s pecific use permit.

(3) *Temporary uses.* Temporary uses in the UV-D district shall be authorized, permitted, limited in duration and subject to potential time extensions as provided in Section 24-505. Examples of such uses include:

a) Construction offices.

b) Public interest or special events.

c) Sidewalk sales and other outdoor sales events (e.g., farmers' market).

(4) *Relative quantity of multi-family residential use.* At no time shall more than fifteen (15) percent of the total gross developed floor area within the UV-D district, excluding the floor area of any parking structures, be in multi-family residential uses.

C. *Development Standards.*

(1) *Site plan review required.* All development applications in the UV-D district require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of this Code.

a) *Required approvals.*

1) *Administrative approval.* The Administrative Official is authorized to take final action on site plans for all development applications other than planned developments, in accordance with Section 24-524, provided the site plan complies with the standards for this district and other applicable provisions of the City Code, or will comply if conditions specified by the official are met. The Administrative Official, at his sole discretion, may also refer any such site plan to the Planning and Zoning Commission for review and decision.

b) *Application requirements.* Applicants shall satisfy all application and submittal requirements for site plan review itemized in Section 24-524.

1) *Waiver authority.* For projects in the UV-D district other than planned development applications, the Administrative Official is authorized to waive elements of the site plan submittal requirements in Section 24-524 if he finds that the specified information relates to a site development standard that does not apply to a proposed project.

(2) *Size and area.*

a) *Single-family dwellings, attached.*

1) *Minimum lot area:* 2,500 square feet.

2) *Minimum lot width:* 25 feet.

3) *Minimum lot depth:* 100 feet.

4) *Maximum building height:* 40 feet including drive-under parking and any above surface portion of partial subsurface parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed fifty (50) feet above the average level of the base of the foundation of the building; and

(b) Requests for additional height beyond the allowances provided in item (a), above, shall require approval of a specific use permit.

5) *Minimum floor area per dwelling unit:* 1,550 square feet.

6) *Required yards:*

(a) *Front yard:* No front yard is specified except that:

i. *Maximum front building setback.* At least 50 percent of the front building façade of all principal buildings shall be at the front property line, with zero feet of setback. Step-backs from the front building line are permitted

elsewhere along the front building façade to accommodate recessed dwelling entries, a front stairway to an elevated dwelling entry, a front porch or patio area, and/or landscaping.

(b) *Side and rear yards:* No side or rear yard is specified except that:

i. Where a property is at a boundary of the UV-D district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the UV-D district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

ii. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

8) *Maximum lot coverage:* eighty (80) percent of lot area, with ninety (90) percent available as part of a planned development.

b) *Commercial and small-scale (under one-acre) mixed-use development.*

1) *Minimum site area:* 5,000 square feet.

2) *Minimum site width:* 50 feet.

3) *Minimum site depth:* 100 feet.

4) *Maximum building height:* 40 feet including drive-under parking and any above-surface portion of partial subsurface parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed fifty (50) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed sixty (60) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

5) *Minimum required yards:*

(a) *Front yard:* No front yard is specified except that:

i. *Maximum front building setback.* At least 75 percent of the front building façade of all principal buildings shall be at the front property line, with zero feet of setback. Step-backs from the front building line are permitted elsewhere along the front building façade for articulation purposes. The 75 percent minimum may only be decreased to accommodate a public plaza, pocket park or other public open space, or an outdoor seating area associated with a restaurant use, which is situated between the building and along a public street.

(b) *Side and rear yards:* No side or rear yard is specified except that:

i. Where a property is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, the minimum yard toward the abutting property shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

ii. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(c) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

6) *Maximum site coverage:* eighty (80) percent of lot area, with ninety (90) percent available as part of a planned development.

7) *Standards applicable to residential use.*

(a) *Single-family dwellings, attached:* Any single-family dwellings, attached, that are part of a mixed-use development shall meet all the standards for lot area and dimensions, building height, floor area per dwelling unit, yards, and lot coverage that apply to such dwellings when they are developed as an independent use in the UV-D district.

(b) *Multi-family dwellings:* Any mixed-use development with a multi-family residential component shall not exceed a gross residential density of thirty (30) units per acre for the total project site.

c) *Mixed-Use Development.*

1) *Minimum site area:* 1 acre.

(a) *Minimum mix of uses.* For a development on a site of one acre or larger to be considered a "mixed-use" project, each different use must occupy at least 5,000 square feet or 10 percent of the total floor area of the development, whichever is greater.

i. Where a mixed-use development involves multi-family dwellings, such dwellings shall not be the sole principal use in a freestanding building. The principal multi-family residential use shall only be constructed as part of a building which includes one or more principal non-residential uses that are permitted in the district as provided in Section 24-537.B.(1)b), d), e) or f), and that occupy at least twenty-five (25) percent of the total gross floor area of the building. Any floor area used for parking shall not count as part of the floor area of any principal use.

(b) *Site area credit.* If a site abuts an alley or vehicular access easement, one-half of the width of the alley or easement which is directly adjacent to the site shall be counted toward the calculation of site area.

2) *Maximum building height:* 53 feet including drive-under parking and any above-surface portion of partial subsurface parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed

sixty-three (63) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed seventy-three (73) feet above the average level of the base of the foundation of the building; and

(c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

3) *Minimum required yards:*

(a) *Front yard:* No front yard is specified except that:

i. *Maximum front building setback.* At least 75 percent of the front building façade of all principal buildings shall be at the front property line, with zero feet of setback. Step-backs from the front building line are permitted elsewhere along the front building façade for articulation purposes. The 75 percent minimum may only be decreased to accommodate a public plaza, pocket park or other public open space, or an outdoor seating area associated with a restaurant use, which is situated between the building and along a public street.

(b) *Side and rear yards:* No side or rear yard is specified except that:

i. Where a property is at a boundary of the UV-D district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the CMU district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

ii. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(c) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

4) *Maximum site coverage:* eighty (80) percent of lot area, with ninety (90) percent available as part of a planned development.

5) *Standards applicable to residential use.*

(a) *Single-family dwellings, attached:* Any single-family dwellings, attached, that are part of a mixed-use development shall meet all the standards for lot area and dimensions, building height, floor area per dwelling unit, yards, and lot coverage that apply to such dwellings when they are developed as an independent use in the UV-D district.

(b) *Multi-family dwellings:* Any mixed-use development with a multi-family residential component shall not exceed a gross residential density of thirty (30) units per acre for the total project site.

d) *Planned Development.*

1) *Minimum site area:* 1 acre.

(a) *Site area credit.* If a site abuts an alley or vehicular access easement, one-half of the width of the alley or easement which is directly adjacent to the site shall be counted toward the calculation of site area.

2) *Minimum building height:* As established by the approved site plan for the planned development amendment.

3) *Maximum building height:* 79 feet including drive-under parking and any above-surface portion of partial subsurface parking, except that requests for additional height beyond the allowances provided shall be incorporated into the planned development application.

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks and mechanical equipment, with the total not to exceed eighty-nine (89) feet above the average level of the base of the foundation of the building; and

(b) Up to 20 feet of additional height is allowed to accommodate church steeples, domes, spires and bell towers; cooling towers; and radio and television antennae, with the total not to exceed ninety-nine (99) feet above the average level of the base of the foundation of the building.

4) *Minimum required yards:*

(a) *Front yard:* As established by the approved site plan for the planned development amendment.

(b) *Side and rear yards:* No side or rear yard is specified except that:

i. Where a property is at a boundary of the UV-D district and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the UV-D district, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

ii. On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

(c) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located only in front of a line connecting the two midpoints of the two opposite side lot lines. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

5) *Maximum site coverage:* ninety (90) percent.

(3) *Parking.* A minimum number of off-street parking spaces shall be required as follows:

a) Residential structures:

1) Two (2) on-site spaces per single-family dwelling unit, subject to the requirements of Section 24-514.

2) For multi-family dwellings, a minimum number of off-street parking spaces as provided in Section 24-514a.

b) Other non-residential uses:

1) A minimum number of off-street parking spaces as provided in Section 24-514a.

(4) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

(Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 85-011, § 4, 1-28-1985; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 91-012, §§ 13, 23, 3-4-1991; Ord. No. 92-011, 3-2-1992; Ord. No. 04-034, § 2(24-537.C(1)(a)(4)), 6-7-2004; Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 17-028, § 1, 5-15-2017)

Ord. No. 14-013, § 1, adopted March 3, 2014, amended the title of § 24-537 to read as set out herein. Previously § 24-537 was titled R-M.2 Residential-Commercial Mixed-Use District.

Sec. 24-537a. R-M.2-O Residential-Office Mixed-Use District.

A. *Purpose.* The R-M.2-O Residential-Office Mixed-Use District is a medium density mixed residential and small-scale commercial area that serves as a buffer zone between retail/office and residential uses, characterized by the zoning requirements set forth in this Section.

B. *Uses.*

(1) *Permitted uses.*

a) Single family dwellings;

b) Public parks;

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points.

d) Accessory uses, subject to the requirements of Section 24-510.

e) Home occupations, subject to the requirements of Section 24-517.

f), g) [Deleted.] (Ord. No. 92-011, 3-2-1992)

h) Facilities owned and maintained by the City.

i) Business and professional offices and services.

(2) *Specific uses.*

a) Kindergarten, nursery and/or day care center;

b) Places of worship; (Ord. No. 92-011, 3-2-1992)

c) Schools. (Ord. No. 92-011, 3-2-1992)

(3) *Additional use requirements.* It shall be unlawful for any person to make use of any property located within the R-M.2-O Residential-Office Mixed Use District except in accordance with the uses permitted in this District, with the performance standards set forth in Division 1 of this Article and with the additional regulations listed below.

Trash and laundry. No collection, storage for refuse, debris or garbage generated by any use shall be allowed in this District when such storage is visible from publicly owned streets. No hanging of laundry, cleaning rags, mops or similar items shall be allowed within view of publicly owned streets. Screening structures erected to obscure such items from view from publicly owned streets shall meet applicable city specifications for materials and construction as set forth in Section 24-513.

C. *Standard regulations.*

(1) *Residential structures.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Non-residential structures.*

a) *Places of Worship.*

1) *Size and area.*

a. *Minimum lot area:* 5,000 square feet.

b. *Minimum lot width:* 50 feet.

c. *Minimum lot depth:* 100 feet.

d. *Maximum building height:* 2½ stories, except that:

1. Church steeples, domes, spires and bell towers may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building; and

2. Cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

e. *Maximum floor area to lot area:* 50 percent of lot area.

f. *Minimum required yards:*

1. *Front yard:* Twenty-five (25) feet;

2. *Side yard:* Five (5) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet;

3. *Rear yard:*

aa. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot;

bb. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

g. *Maximum lot coverage:* 60 percent of lot area.

2) *Parking.* One (1) on-site space for every three (3) individual seats provided in the main sanctuary. Whenever pews are provided in lieu of individual seats, 24 inches shall be the equivalent of one (1) seat.

b) *Schools.*

1) *Size and area.*

a. *Minimum lot area:* 5,000 square feet.

b. *Minimum lot width:* 50 feet.

c. *Minimum lot depth:* 100 feet.

d. *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

e. *Maximum floor area to lot area:* 100 percent of lot area.

f. *Minimum required yards:*

1. *Front yard:* Twenty-five (25) feet;

2. *Side yard:* Five (5) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

3. *Rear yard:*

aa. For the main structure, ten(10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot;

bb. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

g. *Maximum lot coverage:* 60 percent of lot area.

2) *Parking.* One (1) on-site space for each classroom plus one (1) on-site space for each four (4) seats in any auditorium, gymnasium or other place of assembly.

c) *Commercial-Office.*

1) *Size and area.*

a. *Minimum lot area:* 5,000 square feet.

b. *Minimum lot width:* 50 feet.

c. *Minimum lot depth:* 100 feet.

d. *Maximum building height:* One story, and drive-under parking is prohibited, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks and similar extensions may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower.

e. *Maximum floor area to lot area:* 25 percent of lot area.

f. *Minimum required yards:*

1. *Front yard:* Fifteen (15) feet;

2. *Side yard:* Five (5) feet, except that on a corner lot, the side yard shall be ten (10) feet.

3. *Rear yard:* Fifteen (15) feet.

g. *Maximum lot coverage:* 75 percent of lot area.

2) *[Deleted.]* (Ord. No. 89-009, § 1, 3-6-1989)

3) *Landscaping and screening.* Landscaping and screening shall be required between property in office use and abutting property in residential use or zoned residential, according to the specifications set forth in Section 24-513 of Division 1 of this Article.

(Ord. No. 04-034, § 2(24-537a.C(1)(a)(4)), 6-7-2004; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Secs. 24-538—24-540. Reserved.

Ord. No. 14-013, § 1, adopted March 3, 2014, repealed §§ 24-538—24-540 in their entirety. Former §§ 24-538—24-540 pertained to R-M.3 Residential-Commercial Mixed-Use District; CCD-1 City Center District; and CCD-2 City Center District, respectively, and were derived from Ord. No. 81-006, § 6, adopted February 23, 1981; Ord. No. 85-011, § 4, adopted January 28, 1985; Ord. No. 89-009, § 1, adopted March 6, 1989; Ord. No. 91-012, §§ 15, 25, adopted March 4, 1991; Ord. No. 92-011, adopted March 2, 1992; Ord. No. 01-037, §§ 4(24-539), 5(24-540), adopted April 16, 2001; Ord. No. 04-034, § 2(24-538.C(1)(a)(4)), adopted June 7, 2004 and Ord. No. 12-006, § 1(App. A), adopted February 20, 2012.

Sec. 24-541. Loop 610 District.

A. *Purpose.* The Loop 610 District is an area of high quality office plaza and mixed use, including residential, which is in close proximity to and compatible with existing and future residential use on land which is adjacent to or in close proximity to Interstate Highway Loop 610, characterized by the zoning requirements set forth in this Section. (Ord. No. 81-065, § 1, 11-2-1981)

B. *Permitted uses.*

a) Single family dwellings.

b) Public parks.

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points; and

d) Accessory uses, subject to the requirements of Section 24-510.

e) Home occupations, subject to the requirements of Section 24-517. (Ord. No. 92-011, 3-2-1992)

f) Facilities owned and maintained by the City.

g) Planned Development: Office Plaza. (Ord. No. 81-065, § 2, 11-2-1981)

h) Planned Development: Residential-Office Plaza Mixed Use.

C. *Specific Uses.*

(1) Places of worship;

(2) Schools.

(Ord. No. 92-011, 3-2-1992)

D. *Standard regulations.*

(1) *Residential structures.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

a) *Parking:* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Non-residential structures.*

a) *Places of worship.*

1) *Size and area.*

a. *Minimum lot area:* 7,400 square feet.

b. *Minimum lot width:* 60 feet.

c. *Minimum lot depth:* 100 feet.

d. *Maximum building height:* 2½ stories, except that:

1. Church steeples, domes, spires and bell towers may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building; and

2. Cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

e. *Maximum floor area to lot area:* 50 percent of lot area.

f. *Minimum required yards:*

1. *Front yard:* Thirty (30) feet;

2. *Side yard:* Six (6) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by

the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet;

3. *Rear yard:*

aa. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot;

bb. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

g. *Maximum lot coverage:* 60 percent of lot area.

2) *Parking.* One (1) on-site space for every three (3) individual seats provided in the main sanctuary. Whenever pews are provided in lieu of individual seats, 24 inches shall be the equivalent of one (1) seat.

b) *Schools.*

1) Size and area.

a. *Minimum lot area:* 7,400 square feet.

b. *Minimum lot width:* 60 feet.

c. *Minimum lot depth:* 100 feet.

d. Maximum building height: 2½ stories, except that one (1) additional story is allowed for every one hundred (100) feet a structure is located from the nearest lot line of a residential lot located in an existing abutting residential district, provided that any residential district or portion of any residential district which is separated from the structure by Loop 610 shall not be considered an abutting residential district, provided, however, that, regardless of where it is located, no structure shall exceed six (6) stories. Cooling towers, roof gables, theatrical fly spaces, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total height not to exceed eighty-four (84) feet above the average level of the base of the foundation of the building, excluding basements. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

e. *Maximum floor area to lot area:* 100 percent of lot area.

f. *Minimum required yards:*

1. *Front yard:* Thirty (30) feet;

2. *Side yard:* Six (6) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) fe et or more, the building line provisions on the plat shall be observed.

On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

3. *Rear yard:*

aa. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot;

bb. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

g. *Maximum lot coverage:* 60 percent of lot area.

2) *Parking.* One (1) on-site space for each classroom plus one (1) on-site space for each four (4) seats in any auditorium, gymnasium or other place of assembly.

D. *Planned Development: Office Plaza.* Office plaza planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations: (Ord. No. 81-065, § 3, 11-2-1981)

(1) *Size and area.*

a) *Site area:* The minimum site area shall be four (4) acres.

See provisions of § 24-604 and § 24-605 for procedure to be followed in initiating planned development amendments and specific use amendments.

b) *Maximum building height:* No building shall have a height in excess of six (6) stories (excluding cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions which may extend for an additional height, the total not to exceed eighty-four (84) feet). A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower. (Ord. No. 82-020, § 21, 3-29-1982)

c) *Maximum floor area to site area:* 100 percent of site area.

d) *Building lines:*

1) No building shall be constructed less than fifty (50) feet from the right-of-way line of the abutting Interstate Highway Loop 610 Service Road;

2) All other building lines shall be computed on the basis of a ratio of .84 foot of building height per one (1) foot of distance between said building lines and the nearest point on a lot zoned residential or in residential use that is outside of the proposed planned development district and existing on the date said planned development district is established by ordinance.

3) Interior building lines within the planned development shall be established by the approved site plan.

e) *Maximum site coverage:* 60 percent of site area.

(2) *[Deleted.]* (Ord. No. 85-011, § 4, 1-28-1985)

(3) *Screening.* None is prescribed except as may be established by the planned development amendment.

(4) *Landscaping.* None is prescribed except as may be established by the planned development amendment.

(5) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

(6) *Development intensity bonuses.* Notwithstanding any other provisions of this Section, a planned development amendment may be granted which permits floor area ratio increases over and above that permitted by other provisions of this Section not to exceed the amounts set out herein, except that the cumulative amount of any bonus granted may not cause the total floor area to exceed 200 percent of the site area.

a) *Public open space:* One percent floor area to site area for every one percent of the development site over and above the forth percent base requirement, that is preserved in landscaped open space, plazas with public art, fountains and/or pedestrian walkways.

b) *Parking:* One (1) percent floor area to site area for every three (3) percent of a parking structure located below ground level or for every three (3) percent of a parking structure integrated into the base structure of the main building that it serves.

c) *Land assembly:* The allowable maximum floor area to site area (floor area ratio) for any site assembled that is in excess of one (1) acre may be increased by an amount computed as follows:

.05 (total site minus one (1) acre) divided by one (1) acre

d) *Street orientation, siting and design:* Increase in floor area to site area of up to thirty-three percent for special street orientation, siting or design features that achieve a standard of excellence in relation to the specific environment in which the project is located and that exceed other requirements of this Code.

E. *Planned Development: Residential-Office Plaza.* Residential-office plaza planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations.

(1) *Size and area.*

a) *Site area:* The minimum site area shall be four (4) acres, with not less than 34 percent of such site allocated to residential development, with not more than 33 percent allocated to office plaza development and with at least thirty-three percent committed to open space, including public and private rights-of-way, all impervious surfaces, exclusive of buildings, and pervious (green) area.

b) *Maximum building height:*

1) *Residential:* Three (3) stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

2) *Office Plaza:* No building shall have a height in excess of six (6) stories (excluding cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions which may extend for an additional height, the total not to exceed eighty-four (84) feet). A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower. (Ord. No. 82-020, § 22, 3-29-1982)

c) *Floor area to site area:*

1) *Residential:* A minimum of 1,250 square feet of living area per dwelling unit of site committed to residential development;

EXCEPTION: For any planned development approved under the terms and provisions of this Section for the development of an assisted living facility or nursing home, a minimum of 325 square feet of building area per resident; (Ord. No. 89-022, § 2, 6-5-1989)

2) *Office plaza:* A maximum of 100 percent of site area committed to commercial development.

d) *Building lines:* (Ord. No. 89-022 mislabels subsection (d) as being subsection (e)).

1) *Residential:*

a. The front building line shall be set back a minimum of ten (10) feet from any new street right-of-way dedicated as a part of the planned development district, except that in no case shall required parking obstruct pedestrian flow on the required sidewalk. The front building line facing an existing public street shall be set back from the public street right-of-way a minimum distance, which shall be determined by computing the average distance between the outermost surface of the existing main buildings on the two (2) abutting lots and the edge of the public street right-of-way. However, in the event that there are no existing buildings on the two (2) abutting lots, the required setback distance shall be twenty-five (25) feet.

In the event that the front building line is facing a court, as that term is defined herein, there shall be a minimum separation between front building lines of forty (40) feet with at least ten (10) feet of yard space from the front of the building to the property line and twenty (20) feet for a public utility easement, for pedestrian access as well as utilities between the property lines.

b. No building line of any structure within the planned development district shall be located any closer than eight (8) feet to the side lot line of any residential lot adjacent to the planned development district nor shall any such building line be located any closer than fifteen (15) feet to the side lot line of any commercial lot adjacent to the planned development district. In the event that any portion of the planned development site includes a corner lot, no such building line shall be located any closer than ten (10) feet from the right-of-way of the adjacent side street, designated as such on the approved plat of the planned development.

Within the interior of the planned development district, zero lot lines are permitted for adjacent residential units; but in the event that the main residential units are separated, a minimum of six (6) feet must be maintained between units.

c. No building line of any structure within the planned development district shall be located any closer than ten (10) feet to the rear lot line of any adjacent residential lot.

d. No contiguous building lines of structures having zero lot lines shall exceed two hundred (200) linear feet.

e. In order to mitigate possible adverse impacts of office uses upon residential uses within the residential-office plaza planned development district, the special relationship between such office and residential uses shall be governed by the performance standards set forth in this Code and by building line standards in the site plan.

2) *Office plaza:*

a. No building shall be constructed less than fifty (50) feet from the right-of-way of the abutting Interstate Highway Loop 610 Service Road;

b. All office plaza building lines shall be computed on the basis of a ratio of .84 foot of building height per one (1) foot of distance between said building lines and the nearest point on a lot zoned residential or in residential use that is outside of the proposed planned development district and existing on the date said planned development district is established by ordinance.

3) Interior building lines between buildings within the planned development shall be established by the approved site plan.

e) *Maximum site coverage under permitted total site allocations:*

1) *Residential:* 75 percent of that portion of the site area allocated to residential development;

2) *Office plaza:* 60 percent of that portion of the site area allocated to commercial development.

Open space requirements in residential and office plaza areas may be derived from the 33 percent site requirement for open space, which includes private and public rights-of-way, all impervious surfaces, exclusive of buildings, and pervious (green) areas.

(2) *Parking.*

a) *Residential parking and driveways.* Each home within the planned development district shall have a two (2) car garage; driveways shall be of such design as to accommodate two (2) vehicles per unit totally on site. Within the planned development district, two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required six (6) foot minimum distance is maintained between separated main residential structures.

b) *[Deleted.]* (Ord. No. 85-011, § 4, 1-28-1985)

c) Notwithstanding anything in this subsection to the contrary, no nursing home or assisted living facility shall be required to have a garage or driveway, unless otherwise provided in the planned development district in which it is located. (Ord. No. 89-022, § 2, 6-5-1989)

(3) *Screening.* None is prescribed except as may be established by the planned development amendment.

(4) *Landscaping.* None is prescribed except as may be established by the planned development amendment.

(5) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures, whether located within or outside of the planned development district, are not directly illuminated.

(6) *Development intensity bonuses.* Notwithstanding any other provisions of this Section, a planned development amendment may be granted which permits floor area ratio increases over and above that permitted by other provisions of this Section not to exceed the amounts set out herein, except that the cumulative amount of any bonus granted may not cause the total floor area to exceed 200 percent of the site area.

a) *Public open space:* One percent floor area to site area for every one percent of the development site over and above the forth percent base requirement, that is preserved in landscaped open space, plazas with public art, fountains and/or pedestrian walkways.

b) *Parking:* One percent floor area to site area for every three (3) percent of a parking structure located below ground level or for every three (3) percent of a parking structure integrated into the base structure of the main building that it serves.

c) *Land assembly:* The allowable maximum floor area to site area (floor area ratio) for any site assembled that is in excess of one (1) acre may be increased by an amount computed as follows:

.05 (total site minus one (1) acre) divided by one (1) acre

d) *Street orientation, siting and design:* Increase in floor area to site area of up to thirty-three (33) percent for special street orientation, siting or design features that achieve a standard of excellence in relation to the specific environment in which the project is located and that exceed other requirements of this Code.

(Ord. No. 04-034, § 2(24-541.C(1)(a)(4)), 6-7-2004; Ord. No. 08-058, § 1(App. A), 9-8-2008; Ord. No. 20-054, § 1(App. A), 12-21-2020)

Sec. 24-542. LI Light Industrial District (LI).

A. *Purpose.* The LI Light Industrial District includes light and industrial non-polluting uses such as manufacturing, storage, warehousing, distribution and related office use.

B. *Uses.*

(1) *Permitted uses.*

a) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points.

b) Facilities owned and maintained by the City.

c) Planned Development: Light Industrial.

d) Accessory offices to light industrial uses.

e) Automobile or motorcycles sales.

f) Automobile parts sales.

g) Bottling plant.

h) Building material storage and wholesaling.

i) Cabinet or upholstery shop.

j) Contractor's yard or shop.

k) Engine or motor repair shop.

l) Garden shop, including greenhouse or nursery stock storage area.

m) Laundry and dry cleaning plants.

n) Light compounding or fabrication.

o) Light manufacturing uses.

p) Printing plants and shops.

q) Public utility plants and offices.

r) Radio or television broadcasting stations, studios or offices.

s) Tire retreading or recapping.

t) Trailer rental or sales.

u) Truck and construction equipment sales and service.

v) Veterinary clinic.

w) Warehouse.

x) Welding or machine shop.

y) Wholesale bakery.

z) Business and professional offices. (Ord. No. 83-088, § 1, 11-21-1983)

(2) *Specific uses.*

a) Electrical generating plant (private).

b) Automobile service station.

c) Passenger terminal, bus passenger station or heliport.

d) Radio, television and microwave antenna or tower.

C. *Standard regulations.*

(1) *Size and area.*

a) *Minimum lot area:* 7,500 square feet.

b) *Minimum lot width:* 60 feet.

c) *Minimum lot depth:* 100 feet.

d) *Maximum building height:* Three (3) stories, except that cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions may extend for an additional height, the total not to exceed forty-two (42) feet above the average level of the base of the foundation of the building. A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower.

e) *Maximum floor area to lot area:* 100 percent of lot area.

f) *Minimum required yards:*

1) All yards shall extend at least ten (10) feet from any public right-of-way;

2) All yards shall extend at least five (5) feet from any property line not adjacent to a public right-of-way;

3) All yards shall extend at least fifty (50) feet from the nearest point on any lot zoned residential or in residential use on the date of enactment of this chapter.

g) *Maximum lot coverage:* 80 percent of lot area.

(2) *[Deleted.]* (Ord. No. 85-011, § 4, 1-28-1985)

D. *Planned Development: Light Industrial.* Light Industrial planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations.

(1) *Size and area.*

Please see provisions of § 24-604 and § 24-605 for procedure to be followed in initiating planned development amendments and specific use amendments.

a) *Site area:* The minimum site area shall be 22,500 square feet.

b) *Maximum building height:* No building shall have a height in excess of five (5) stories, excluding cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions which may extend for an additional height, the total not to exceed eighty (80) feet unless the building has a height which does not exceed .84 feet in height per foot of distance between the building and the nearest point on a lot zoned residential or in residential use that is outside of the proposed planned development district and existing on the date said planned development district is established by ordinance. A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower.

c) *Maximum floor area to site area:* 150 percent of site area.

d) *Building lines:* None are prescribed except as may be established by the planned development amendment.

Maximum site coverage: 85 percent of site area.

(2) *[Deleted.]* (Ord. No. 85-011, § 4, 1-28-1985)

(3) *Screening.* None is prescribed except as may be established by the planned development amendment.

(4) *Landscaping.* None is prescribed except as may be established by the planned development amendment.

(5) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

Sec. 24-543. Mulberry Residential Estate District (MRED).

A. *Purpose.* The Mulberry Residential Estate District is a district created to allow maximum flexibility in accordance with the specific requirements of this Code for the purposes of providing for development and/or redevelopment of the properties within this District.

B. *Platting.* Special platting provisions as set out in Section 23.5-15 may be used for all subdivision platting in this District.

C. *Uses.*

(1) *Permitted uses.*

a) Single family dwellings.

b) Public parks.

c) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points.

d) Accessory uses, subject to the requirements of Section 24-510.

e) Home occupations, subject to the requirements of Section 24-517.

f) Facilities owned and maintained by the City.

(2) *Specific uses.*

a) Places of worship.

b) Schools.

Average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

a) *Minimum floor area per dwelling unit:* 1,600 square feet.

b) *Minimum required yards:* The front most building lines for all buildings located adjacent to Mulberry Lane shall be set back a minimum of fifty (50) feet from the property line contiguous with the Mulberry Lane right-of-way. For all estate housing development, the area between the required minimum setback of the front most building line and the property line shall be common open space, perpetually retained and maintained by the homeowners' association. Where, through platting procedures, the tract of land to be developed is subdivided into individual lots for detached single-family dwelling units, in addition to the required common area, one side yard shall be eliminated and no side yard required. The other side yard must equal a minimum of fifteen (15) feet.

The wall of the dwelling unit located on the zero lot line shall have no windows, doors, air conditioning units or any other type of openings, provided, however, that atriums or courts shall be permitted on the zero lot line side, when the court or atrium is enclosed by three (3) walls of the dwelling unit, and a solid wall of at least eight (8) feet in height is provided on the zero lot line.

Any building to be constructed on the property line may be permitted only after a perpetual easement in the adjacent side yard of the adjoining property has been dedicated for the following purposes:

1) A roof overhang from the adjoining lot (limited by Building Code requirements for such overhang into the side yards);

2) Maintenance, improvement or replacement of any of the original construction of the improvements on the adjacent property, including but not limited to overhangs, eaves, portions of roofs, outcroppings of structures or minor encroachments due to natural settlement of structures;

3) For any other purpose as shall reasonably be necessary to service and/or maintain such structures.

The wall of any dwelling unit which is located on a zero lot line shall be constructed of the same material as the exterior walls of the unit.

4) Additional setback requirements: Where detached units are designed to face upon an open space or common area, rather than a street, cul-de-sac or public service drive, the open space or common area shall be a minimum of fifty (50) feet in width, and the area of fifty (50) feet in width upon which the dwelling units face shall not include vehicular drives or parking areas.

Where lots face upon a new street or cul-de-sac, the setback from the front property line shall be a minimum of twenty-five (25) feet, and the setback from the rear property line shall be a minimum of twenty (20) feet.

Where the lot abuts a public service drive, the setback from the rear property line shall be a minimum of ten (10) feet.

A distance of three (3) feet shall be required between a public service drive and the required screening wall or fence that separates the new development from adjacent properties.

5) Maximum lot coverage: The total lot coverage permitted for all buildings, cul-de-sacs, alleys and other impervious surfaces on the site shall not exceed 55 percent of the site area. (Ord. No. 89-009, § 1, 3-6-1989)

(2) *Variety in housing development.*

a) Where there are no more than four (4) units and no less than two (2) housing units, there shall be at least two (2) different floor plans providing varied setbacks, heights or rooflines. The variation herein required shall be of such a nature as to be readily apparent from observation from the street or other areas, and shall be significant in nature.

b) Where there are five (5) to twelve (12) units within a housing development, there shall be at least three (3) floor plans providing varied setbacks, heights or rooflines.

c) Where there are more than twelve (12) units within a housing development, there shall be at least five (5) floor plans providing varied setbacks, heights or rooflines.

In the event of a dispute as to the meaning or interpretation of this provision, the Building Official is hereby vested with authority to determine a significant variation, based upon established standards in the housing industry.

(3) *Parking.* A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit, in addition to a two (2) car garage for each dwelling unit. In the event that the garage openings within the housing development have a direct access to public service drives, said garages shall not face onto said public service drives that adjoin side yards of existing lots in residential use.

(4) *Access.* Each dwelling unit within a housing development shall have a clear, direct access on a public service drive, street or cul-de-sac, complying with applicable subdivision regulations in chapter 23.5 of the Code of Ordinances of the City of Bellaire. Public service drives shall provide automobile access to individual units, service access for trash collection and emergency service access. Public service drives shall not be used as storage and shall provide for signage restricting parking.

(5) *Cul-de-sacs.* Cul-de-sacs in housing developments, notwithstanding what may be provided in other sections of this Code, may have a minimum right-of-way diameter of eighty-five (85) feet and a minimum turning radius of thirty-five (35) feet.

(6) *Screening and landscaping.* A screening wall or fence no less than six (6) feet and no greater than eight (8) feet in height shall be constructed on the north, south and east property lines of estate housing developments that are adjacent to property in residential use. A screening wall or fence shall not extend into the common front area resulting from the required minimum setback from Mulberry Lane.

Along the east property line of an estate housing development site, landscaping may be substituted for a screening wall or fence where the east property line abuts an easement that is at least one hundred (100) feet in width.

Landscaping of a guest parking area, of sufficient height, density and location, is required to screen automobiles from Mulberry Lane, if said parking area is not visually screened from Mulberry Lane by an intervening building.

In addition to landscaping and screening as required above, landscaping shall be provided on the basis of at least three (3) trees per dwelling unit within the estate development. Existing trees shall be preserved to the maximum extent practicable, and in the event any such existing tree shall have a trunk of at least ten inches in diameter, the same shall count towards meeting the total tree requirement.

Editor's note(s)—The basis of this Section is Ordinance No. 83-076, § 3, 10-17-1983.

Sec. 24-544. North Bellaire Special Development District (NBSDD).

A. *Purpose.*

(1) *Generally.* The North Bellaire Special Development District is bordered not only by busy arterial streets, but also a major freeway. Long-established neighborhoods of single-family detached homes are immediately north of the district and also to the south across Fournace Place. This district provides for non-residential mixed-use development as part of an overall master-planned contiguous special development district. The district is intended for commercial uses such as retail centers, restaurants, office, entertainment, hospitality, and service businesses that cater to the Bellaire community and provide a pedestrian oriented destination which promotes community and boosts quality of life in Bellaire. Recognizing the district's location within a primarily residential area, development must be properly located and scaled and shall minimize impacts to surrounding areas, considering traffic, noise, light, and shadows. Highly visible landscaping, green and open space areas, and pedestrian features shall be incorporated on all sites. Access to and from the district shall be prioritized for the West Loop 610 Frontage Road. Additionally, development shall consider and mitigate drainage and flooding impacts in accordance with City requirements, or as determined by the City to be necessary and appropriate to mitigate risks from flooding to health and safety and property value in the surrounding residential areas.

(2) *Character.* Recognizing the unique aspects of a large contiguous commercial district, this Section provides for higher development intensities than in other areas of the city but requires careful and creative site planning to ensure consistency in architectural standards, to provide for a mix of parking options, to conceal parking structures to the maximum degree practicable, and to promote pedestrian connectivity among uses. The highest allowable development intensities shall be limited to properties that front on and have their primary access from the West Loop 610 Frontage Road. Development intensities shall be lower elsewhere in the district. Uses should be designed with sensitivity to the proximity and lower-intensity suburban character of adjacent residential areas. Buffering is emphasized along the northern edge of the district to mitigate impacts on the established residential neighborhood to the north.

(3) *Uses.* This district provides for a range of non-residential development options and encourages mixing of such uses. However, this district contains no permitted uses other than municipal and utility functions, and all developments must be proposed and approved as a planned development.

B. *Uses.*

(1) *Permitted uses.*

a) Utilities:

1) Local utility distribution lines; and

2) Telephone lines and related cross-connecting points.

b) Facilities owned and maintained by the City.

(2) *Planned development:* Applicants intending any use other than those permitted in the district by this subsection must propose a planned development under the amendatory procedures in Section 24-604. All such applications must meet the development standards detailed in this Section. Allowable uses inside a planned development may include a single use from the following list or a combination of two or more of the listed uses:

a) Business and professional offices and services;

b) Banks, credit unions and similar institutions, but not credit access businesses;

c) General retail sales and services, excluding pawnshops, tattoo shops, head shops, vehicle sales and services, including service stations, vehicle washing, vehicle repair and vehicle storage;

d) Restaurants and cafeterias;

e) Bars, when accessory to a principal restaurant, hotel, commercial indoor amusement or theater use, and subject to the requirements of Chapter 3, Alcoholic Beverages, of the City Code;

f) Indoor athletic facilities;

g) Amusement, commercial indoor;

h) Studios for photography, art, music, dance or fitness activities;

i) Museums or art galleries;

j) Theaters, for live performances;

k) Hotels, as defined in Section 24-202(87), designed to where ingress to and egress from all rooms is made through an inside lobby;

l) Conference center facilities;

m) Medical offices and/or urgent care facilities;

n) Commercial parking garage operations, within multi-level and/or underground garage space as defined in Section 24-202(78), but not commercial surface parking lots (areas) as defined in Section 24-202(42).

(3) *Temporary uses.* Temporary uses in the NBSDD shall be authorized, permitted, limited in duration and subject to potential time extensions as provided in Section 24-505. Examples of such uses include:

a) Construction offices.

b) Public interest or special events.

c) Sidewalk sales and other outdoor sales events (e.g. farmer's market).

C. *Development standards.*

(1) *Site plan review required.* All development applications require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of the City Code. All development applications, including planned developments and those development applications that are not planned developments, and their associated site plans, require Planning and Zoning Commission review, and a recommendation to City Council, in accordance with Article VI, Amendatory Procedure, of this chapter. Applicants shall satisfy all application and submittal requirements itemized in Section 24-524, including, but not limited to, compliance with established landscape and design standards.

(2) *Traffic impact analysis:* All applications relating to a change in use or an increase in development intensity shall include a traffic impact analysis as part of the site plan review. Any and all traffic impacts directly attributable to the development application shall be assessed and all reasonable mitigation actions implemented to maintain existing levels of service on South Rice Avenue and Fournace Place.

(3) *Size and area.*

a) *Site area.* The minimum site area for all planned developments shall be two acres. There is no minimum site area for permitted uses.

b) *Maximum building height.* Height shall be limited to eighty-five (85) feet, including drive-under parking, above the average level of the base of the foundation of the building. This provision

should not be interpreted to encourage construction up to the maximum building height throughout the district. In accordance with community protection goals, lesser heights are preferred in areas of the district not directly adjacent to the West Loop 610 Frontage Road.

(4) *Minimum required yards.* As established by the approved site plan for each development application, except that:

a) Where a property is at a boundary of the NBSDD and a residential property in an R-1, R-3, R-4, R-5 or R-6 district either abuts or is directly across an alley from the subject property in the NBSDD, the minimum yard toward the abutting property or alley shall be sixty-five (65) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 65-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane.

b) Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this chapter.

c) Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the Administrative Official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

d) On properties subject to the height-setback plane, no accessory structure shall be located within the 65-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510. In addition, sixty-five (65) feet adjacent to the property line shall be green space.

e) No building shall be constructed less than fifty (50) feet from the right-of-way line of the abutting Interstate Highway Loop 610 Service Road.

(5) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the NBSDD and an abutting residential property is in an R-1, R-3, R-4, R-5 or R-6 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located no closer than fifty (50) feet from the property line. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.

(6) *Maximum site coverage.* As established by the approved site plan for the planned development, but not greater than 80 percent for any given development application. This provision should not be interpreted to encourage construction up to the maximum site coverage throughout the district. In accordance with community protection goals, reduced site coverage is preferred in areas of the district not directly adjacent to the West Loop 610 Frontage Road areas not abutting the West Loop 610 Frontage Road.

(7) *Parking.* A minimum number of off-street parking spaces as provided in Section 24-514.a.

(8) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

(Ord. No. 21-031, § 2(App. A), 5-24-2021)

Editor's note(s)—Ord. No. 21-031, § 2(App. A), adopted May 24, 2021, repealed § 24-544 and enacted a new § 24-544, as set out herein. The former § 24-544 pertained to the technical research park district (TRPD) and derived from Ord. No. 16-062, § 1, adopted Oct. 17, 2016.

Sec. 24-545. Larch Lane Development District (LLDD).

A. *Purpose.* The Larch Lane Development District is a district created to allow maximum flexibility in accordance with the specific requirements of this Code for the purposes of providing for residential rehabilitation and/or redevelopment of the properties within this District.

B. *Platting.* Special platting provisions as set out in Section 23.5-15 may be used for all subdivision platting in this District.

C. *Uses.*

(1) *Permitted uses.*

a) Detached single family dwellings.

b) Attached single family dwellings.

c) Duplexes (2 dwelling units).

d) Public parks.

e) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points.

f) Accessory uses, subject to the requirements of Section 24-510.

g) Home occupations, subject to the requirements of Section 24-517.

h) Facilities owned and maintained by the City.

(2) *Specific uses.*

a) Schools.

b) Places of worship.

D. *Standard regulations.* Residential structures (detached, attached and duplex single family dwellings).

(1) *Size and area.*

a) *Minimum site area:* 6,200 square feet, with a minimum of 3,100 square feet of the site area per attached or duplex single family unit.

b) *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building.

Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

c) *Minimum floor area:* 1,500 square feet.

d) *Minimum required yards:*

1) *Front yard:* Twenty (20) feet.

2) *Side yard:*

a. *Detached:* Five (5) feet.

b. *Attached:* Zero feet, provided that a ten (10) foot minimum distance is maintained between lines of attached structures and that no line of attached structures shall exceed two hundred (200) linear feet.

3) *[Corner lots.]* All corner lots shall maintain a ten (10) foot side yard on the side street frontage.

4) *Rear yard:*

a. For the main residential structure, ten (10) feet from any alley or easement; (Ord. No. 89-009, § 1, 3-6-1989)

e) *[Accessory structure.]* For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

f) *Maximum lot coverage:* 55 percent of site area. (Ord. No. 89-009, § 1, 3-6-1989)

(2) *Parking and driveways.* Each residential structure shall have a two (2) car garage, and driveways shall be of such design as to accommodate two (2) vehicles totally on site. Two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required five (5) foot side yards are maintained between separated main residential structures.

(3) *Screening.* Screening shall be required between the Larch Lane Development District and abutting property in commercial and residential use, according to the specifications set forth in Section 24-513 of Division I of this Article.

(4) *Landscaping.* Adequate and appropriate landscaping, including trees, shrubs and ground cover, shall be planted in a proper manner and maintained in a healthy and growing condition prior to the issuance of any occupancy permits.

Editor's note(s)—The basis of this Section is Ordinance No. 85-051, § 2, 8-19-1985.

Sec. 24-546. Bellaire Boulevard Estate Overlay District (BBEOD).

A. *Purpose.* The Bellaire Boulevard Estate Overlay District is a low density residential area and applies to all properties with frontage along Bellaire Boulevard generally from Loop 610 to the eastern City limit as shown on the zoning district map. The overlay district's purpose is to encourage large lot residential development resulting in a "grand boulevard of homes, schools, churches, and houses of worship" with homes facing Bellaire Boulevard and no home with side or rear yard adjacent to Bellaire Boulevard. The overlay district is dormant on each property being invoked only if the property is replatted, resubdivided, or otherwise redeveloped.

B. *Permitted uses.*

1) Detached single-family dwellings.

2) Public parks.

3) Home occupations, subject to the requirements of Section 24-517.

4) Utilities (including local utility distribution lines and telephones lines and related cross-connecting points).

5) Facilities owned and maintained by the City.

C. *Specific uses.*

1) Places of worship.

2) Schools.

D. *Accessory uses.* Accessory uses, subject to the requirements of Section 24-510, are considered to be "permitted uses" in this district.

E. *Standard requirements.*

1) *Minimum Lot Area.* 25,000 square feet.

2) *Minimum Lot Width.* 100 feet.

3) *Minimum Lot Depth.* 250 feet.

4) *Maximum Building Height.* 2½ stories, except:

a) *Churches and Houses of Worship:* Steeples, domes, spires and bell towers may extend to a height not to exceed 40 feet.

b) *Other exceptions for residences, places of worship, and schools:* cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed 40 feet. Radio communications antennas for non-commercial service may not exceed 60 feet.

5) *Minimum floor area.* One thousand six hundred (1,600) square feet per dwelling unit.

a) *Places of Worship:* One thousand six hundred (1,600) square feet.

b) *Schools:* One thousand six hundred (1,600) square feet.

6) *Minimum front yard setback for residences, places of worship, or schools.* 50 feet.

7) *Minimum side yard setback for residences, places of worship, or schools.* Ten (10) feet provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet except:

a) *Accessory structures.* There shall be a side yard of not less than three feet (3') from any interior side lot line when such accessory structure is located in the rear of the lot (which is to the rear of a line connecting the midpoints of the two opposite side lot lines). When any part of an accessory structure is located in front of the line connecting the two midpoints of the two opposite side lot lines, then the same side yard as specified for the main building is required.

b) *Architectural features.* The outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of three feet from the side property line. No other projection from the side building line shall be permitted.

8) *Rear yard setback.* (In computing the rear yard, all measurements shall be made from the rear property line as shown on the plat filed for record in the office of the County Clerk of Harris County, Texas):

a) *Main structure/residential.* Ten (10) feet from property line.

b) *Main structure/place of worship, or school.* Ten (10) feet from alley or easement, with not more than 50 percent lot coverage on back half of the lot.

c) *Accessory structure/residential.* Five (5) feet from the rear property line.

d) *Accessory structure/place of worship or school.* Three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

9) *Maximum lot coverage.*

a) *Residential.* 55 percent of lot area.

b) *Place of Worship or School.* 50 percent of lot area.

10) *Parking.*

a) *Residential.* Two (2) on-site spaces per dwelling unit shall be provided subject to the requirements of Section 24-514.

b) *Place of Worship.* One (1) on-site space for every three (3) individual seats provided in the main sanctuary. Whenever pews are provided in lieu of individual seats, 24 inches shall be the equivalent of one (1) seat.

c) *School.* One (1) on-site space for each classroom plus one (1) on-site space for each four (4) seats in any auditorium, gymnasium, or other place of assembly.

(Ord. No. 02-048, § 3(24-546), 8-19-2002)

Sec. 24-547. Urban Village (TOD) District (UV-T).

A. *Purpose.*

(1) *Generally.* This district provides for development styles and intensities in a mix and pattern not found elsewhere in Bellaire. This is due to the district's location at an edge of the community; its proximity to the West Loop 610-U.S. 59 freeway interchange, the Westpark Tollway, and the Uptown Houston area; and the anticipated construction of a METRO light rail hub station along Westpark, which is the northern boundary of the district. The district is intended to yield a mixed-use, pedestrian-oriented, high-quality setting which includes uses and amenities that boost the quality of life of Bellaire residents while also providing a transit-supportive context for passenger rail service that links the community to many other metropolitan destinations. Buffering is emphasized in the southern part of the district to protect the more Suburban character of the established residential neighborhood immediately to the south.

(2) *Character.* This district has an Urban character, which results from multi-story buildings that create a sense of enclosure along streets and around open spaces through reduced setbacks and greater site coverage. Accommodation of pedestrians is primary while vehicular circulation and access is secondary, especially with the extent of foot traffic a rail transit station can generate. Off-street private surface parking is minimized in favor of on-street parking, scattered common parking areas, and parking structures where feasible, as well as through greater access to the area by transit, walking and bicycling. Any surface parking is generally located behind buildings and/or screened from public view. Landscaping is usually most formal in an Urban character area, with regular street trees, sidewalk and streetscape greenery, and within parks and plazas framed by buildings.

(3) *Uses.* This district is intended to provide a mix of commercial, office and multi-family residential uses in an Urban development form. This may occur through location of varied uses in close proximity,

potentially as part of master-planned developments, as well as through vertical mixing of uses within individual buildings, such as residential units or office space above ground-floor retail and personal service uses. Retail, restaurants and service businesses are desired on the street level along highly visible corridors, and especially in close proximity to the anticipated rail transit station. Less visible and quieter streets should accommodate primarily residential buildings, with opportunities to orient dwellings toward potential green spaces (e.g., mews) or other common open space.

B. *Uses.*

(1) *Permitted uses.*

a) Utilities:

1) Local utility distribution lines; and

2) Telephone lines and related cross-connecting points.

b) Facilities owned and maintained by the City of Bellaire or other governmental entities, including public transit facilities and public parks.

c) Mixed-use developments consisting of a combination of two or more of the permitted uses listed in this subsection, including:

1) Multifamily dwellings, designed to where ingress to and egress from all dwelling units is made through the interior of the building rather than from direct outside entrances to each unit.

2) Business and professional offices and services.

3) Banks, credit unions and similar institutions.

4) Restaurants and cafeterias, without drive-in and/or drive-through service.

5) General retail sales and services.

6) Schools, business or trade.

7) Hotels, as defined in Section 24-202.(87), designed to where ingress to and egress from all rooms is made through an inside lobby.

8) Conference center facilities.

9) Nurseries and/or day care centers.

10) Athletic facilities/clubs.

11) Commercial indoor amusements.

12) Studios for photography, art, music, dance or fitness activities.

13) Museums or art galleries.

14) Movie theaters, indoor.

15) Theaters, for live performances.

16) Private club or place of worship.

17) Commercial parking garage operations, within multi-level and/or underground garage space as defined in Section 24-202(78), but not commercial surface parking lots (areas) as defined in Section 24-202(42).

d) Planned Development: Applicants may propose planned developments in this district under the amendatory procedures in Section 24-604. This procedure will enable consideration of proposed single-use projects which could be a positive addition to the district, and of other development proposals which might not strictly adhere to the standards within this Section but would meet the spirit and intent of the district. All such applications must still meet the following district standards:

1) *Site area.* Minimum of one acre.

2) *Height.* Minimum building height of two working stories or 30 feet, whichever is greater.

3) *Sidewalk Width.* Minimum 10 feet wide along any side of a public street.

(2) *Accessory uses.* Accessory uses, subject to the requirements of Section 24-510. Except that, for the purposes of the UV-T district, an accessory use may occur within a portion of a principal structure.

a) Home occupations, subject to the requirements of Section 24-517.

b) Bars, when accessory to a principal restaurant, hotel, commercial indoor amusement, movie theater, theater or private club use, and subject to the requirements of Chapter 3, Alcoholic Beverages, of the City Code.

c) Vehicle washing, included as an accessory service use within a parking structure, provided that all associated activity is carried out inside the structure, screened from view from any public street right-of-way, and that no vehicle repairs are made on the premises.

(3) *Temporary uses.* Temporary uses in the UV-T district shall be authorized, permitted, limited in duration and subject to potential time extensions as provided in Section 24-505. Examples of such uses include:

a) Construction offices.

b) Public interest or special events.

c) Sidewalk sales and other outdoor sales events (e.g., farmers' market).

(4) *Prohibited uses.*

a) Single-family dwellings (detached or attached).

b) Any commercial uses (restaurants, banking, etc.) with drive-in, drive-up or drive-through service.

c) Pawnshops.

d) Tattoo shops.

e) Vehicle sales and services, including service stations, vehicle washing, vehicle repair and vehicle storage.

f) Motels, as defined in Section 24-202.(111) , where ingress to and egress from each room is through an outside entrance.

g) Mini-storage businesses.

h) Commercial parking lots (areas) as defined in Section 24-202(42).

i) Industrial and/or manufacturing uses.

j) Warehousing, wholesaling and distribution facilities.

k) Mortuaries or funeral homes.

l) Cemeteries.

m) Heliports.

n) Sports stadiums or arenas.

o) Head shops.

C. *Development Standards.*

(1) *Site plan review required.* All development applications, including planned developments and those development applications that are not planned developments, in the UV-T district are subject to approval by the Planning and Zoning Commission following a site plan review process to determine conformance with the substantive standards for this district and other applicable provisions of the City Code. Applicants shall satisfy all application and submittal requirements itemized in Section 24-524.

(2) *Streets.*

a) *East-west connectivity.* All new development, redevelopment and public improvements in the district shall be designed so as not to impede potential future improvement of continuous east-west public streets along the existing alignments of Terminal and Lehigh streets, ideally to provide connectivity from the Loop 610 frontage road on the east to South Rice Avenue (through City of Houston territory) on the west.

(3) *Size and area.*

a) *Site area.* The minimum site area for all developments shall be two acres.

1) *Site area credit.* If a site abuts an alley or vehicular access easement, one-half of the width of the alley or easement which is directly adjacent to the site shall be counted toward the calculation of site area.

2) *Blocks and public streets north of Terminal Street.* It is the City's intent, consistent with its Comprehensive Plan, to encourage relatively intensive development in close proximity to the planned rail transit station along Westpark Drive. Given that the dead-end termini of several existing public streets are currently in this vicinity (e.g., North 1st Street, North 2nd Street, North 3rd Street), the City will consider development applications on the abutting blocks, north of Terminal Street, which propose to increase development yield through construction of buildings and/or parking structures which span above the public streets, potential abandonment of some or all of the rights-of-way associated with the public streets, or other potential public/private partnership arrangements. This statement of intent in no way obligates the City to pursue or agree to any such proposal.

b) *Front building setback.* At least 75 percent of the front building facade of all principal buildings shall be at the front property line, with zero feet of setback. Step-backs from the front building line are permitted elsewhere along the front building facade for articulation purposes. The 75 percent minimum may only be decreased to accommodate a public plaza, pocket park or other public open space which is situated between the building and along a public street.

c) *Site and landscape coverage.* The maximum site coverage for all developments shall be 90 percent of the site area. The corresponding minimum landscape coverage for all developments shall be 10 percent of the site area.

d) *Height.* The minimum building height for all developments shall be two working stories or 30 feet, whichever is greater. The maximum building height shall be 16 above-ground working stories or 235 feet, whichever is greater, though this limit shall not foreclose consideration of applications calling for in excess of 16 stories through the planned development process.

(4) *Development intensity.* The standards provided in Table 24-547.A, Development Intensity Standards, indicate the required minimum floor area ratio (FAR) for all developments in the UV-T district, and the

maximum FAR permitted under varying conditions. Opportunities for development intensity bonuses, in the form of increased FAR allowances, are also indicated.

Table 24-547.A:
Development Intensity Standards

Land Use	Minimum Floor Area Ratio (FAR)**	Maximum Floor Area Ratio (FAR)***	Off-Street Parking Provision	Additional Site Area	Public Plaza, Pocket Park or Other Public Open Space^^	Commentary
Mixed-Use Development*	0.75	1.00	All Surface Parking, with a 10% FAR Bonus if none of the parking area(s) abuts a public street or sidewalk	25% FAR Bonus for each 1 acre of additional site area beyond the minimum 2 acres	5% FAR Bonus for each 1,000 square feet of such amenity area provided, up to 10,000 square feet	Projects which rely entirely on surface parking will have reduced development intensity but are still provided an adequate FAR allowance to support an Urban development character. However, even here, incentives are provided for desired outcomes through potential FAR bonuses.
Mixed-Use Development	0.75	1.25	Mix of Surface and Garage Parking, with the same FAR Bonus as above	Same as above	Same as above	A slightly higher FAR allowance is provided where the project will utilize a mix of surface and garage parking, with the same potential FAR bonuses as above.

Mixed-Use Development	0.75	4.00	All Garage Parking	Same as above	Same as above	The combination of mixed uses and all garage parking is granted a significant FAR increase, still with the potential for further FAR bonuses.
Mixed-Use Development with 75% or more of all ground floor space along public streets in general retail sales and services or restaurant uses	0.75	No maximum	All Garage Parking	n/a	n/a	For projects which include multiple uses and utilize all garage parking, and also provide significant ground floor activity, no maximum FAR is set.

* For purposes of the UV-T district, for a building or development to be considered a "mixed use" project, each different use must occupy at least 5,000 square feet or 10% of the total floor area of the building or development, whichever is less.

** A minimum FAR of 0.75 for all developments, together with a minimum building height of two stories, helps to establish an Urban character in the district, even for smaller sites and projects.

*** The floor area contained with any portion of a building which the City allows to span above a public street right-of-way shall not be counted when calculating the total floor area of the building.

^^ An additional 10% FAR Bonus shall apply if at least 5,000 square feet of the amenity area is located entirely within a 500-foot radius of the edge of a rail transit station site.

(5) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structure are not directly illuminated.

(Ord. No. 01-037, § 6, 4-16-2001; Ord. No. 10-025, § 3(App. B), 4-5-2010; Ord. No. 11-086, § 1(App. A), 12-12-2011; Ord. No. 14-013, § 1, 3-3-2014; Ord. No. 17-028, § 1, 5-15-2017)

Sec. 24-548. R-6 Small-Lot Residential Attached District.

A. *Purpose.* The R-6 Small-Lot Residential Attached District is an upper medium density residential area characterized by the zoning requirements set forth in this Section.

B. *Uses:*

(1) *Permitted uses:*

a) Single-family dwellings;

b) Townhouse dwellings;

c) Public parks;

d) Utilities:

1) Local utility distribution lines;

2) Telephone lines and related cross connecting points;

e) Accessory uses, subject to the requirements of Section 24-510;

f) Home occupations, subject to the requirements of Section 24-517;

g) Facilities owned and maintained by the City; and

h) Planned Development: Single-Family and/or Townhouse Residential.

(2) *Specific uses:*

a) Schools; and

b) Places of worship.

C. *Standard regulations:*

(1) *Single-family dwellings.* Table 24-531-1 identifies all dimensional regulations for single-family dwellings.

a) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Townhouse dwellings:*

a) *Size and area:*

1) *Minimum lot area:* 1,625 square feet.

2) *Minimum lot width:* 25 feet.

3) *Minimum lot depth:* 65 feet.

4) *Maximum building height for structures within seventy-five (75) feet of R-1, R-3, R-4, or R-5 district or within seventy-five (75) feet of a public right-of-way abutting R-1, R-3, R-4, or R-5 district:* 3 stories not to exceed thirty-five (35) feet six (6) inches. To determine height restrictions related to the maximum height of the top plate of the third story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. Rooftop decks are prohibited.

To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above,

then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed thirty-five (35) feet six (6) inches.

5) *Maximum building height for structures not within seventy-five (75) feet of R-1, R-3, R-4, or R-5 district or within seventy-five (75) feet of a public right-of-way abutting R-1, R-3, R-4, or R-5 district:* 4 stories not to exceed forty-five (45) feet six (6) inches. To determine height restrictions related to the maximum height of the top plate of the third story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed fifty (50) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. Rooftop decks are prohibited.

   To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed forty-five (45) feet six (6) inches.

6) *Minimum floor area per dwelling unit:* 1,100 square feet.

7) *Minimum required yards:*

   a. *Front yard from existing public street right-of-way:* Twenty-five (25) feet.

   b. *Front yard from internal private street right-of-way:* Ten (10) feet.

   c. *Side yard:* Zero (0) feet from interior side lot lines where there is separation from any other unit by one (1) or more common fire-resistant walls. On corner lots, the minimum side yard adjacent to the side street shall be ten (10) feet.

   d. *Minimum yard between structures:* Five (5) feet.

   e. *Architectural features:* the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of three (3) feet from the side property line. No other projection from the side building line shall be permitted.

f. *Rear yard abutting R-6 district:* Five (5) feet.

g. *Minimum yard abutting all other districts:* Ten (10) feet.

8) *Maximum lot coverage*: 80 percent of lot area.

b) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

c) Drainage shall comply with the Code of Ordinances, Section 9-72. - Drainage requirements for non-residential construction.

D. *Planned Development*: Single-Family and/or Townhouse Residential. Planned developments may be approved in this District under the amendatory procedures of this chapter, but shall be limited to Single-Family and/or Townhouse Residential uses and subject to the following restrictions and limitations.

(1) *Size and area:*

a) *Project area:* A planned development in an R-6 Residential District shall have a minimum site of one (1) acre.

b) *Maximum building height for structures within seventy-five (75) feet of R-1, R-3, R-4, or R-5 district or within seventy-five (75) feet of a public right-of-way abutting R-1, R-3, R-4, or R-5 district:* 3 stories not to exceed thirty-five (35) feet six (6) inches. To determine height restrictions related to the maximum height of the top plate of the third story, height measurements shall be from the top of the lowest level of the top of the foundat ion of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. Rooftop decks are prohibited.

To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed thirty-five (35) feet six (6) inches.

c) *Maximum building height for structures not within seventy-five (75) feet of R-1, R-3, R-4, or R-5 district or within seventy-five (75) feet of a public right-of-way abutting R-1, R-3, R-4, or R-5 district:* 4 stories not to exceed forty-five (45) feet six (6) inches. To determine height restrictions related to the maximum height of the top plate of the third story, height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent

stacks may extend to a height not to exceed fifty (50) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. Rooftop decks are prohibited.

To determine the maximum height, measurements shall be from a reference elevation established as three (3) feet above the average natural ground at the structure. However, in the event the 500-year flood elevation at the structure, as determined by the effective FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map, plus one (1) foot is higher than the reference elevation defined above, then a revised reference elevation defined as the 500-year flood elevation at the structure plus one (1) foot shall be utilized. Under no circumstances shall the height from the lowest level of the top of the foundation of the heated or air-conditioned building enclosed within the outer walls of the structure exceed forty-five (45) feet six (6) inches.

d) *Minimum floor area per dwelling unit:* 1,100 square feet.

e) *Building lines* shall be established in the ordinance approving the planned development.

f) *Maximum site coverage*: 80 percent of site area.

(2) *Parking and driveways.* Each home within the planned development district shall have a two (2) car garage; driveways shall be of such design as to accommodate two (2) vehicles totally on site.

(3) *Screening.* Screening shall be required between the planned development district and abutting property according to the specifications set forth in Section 24-513 of Division 1 of this Article.

(4) *Landscaping.* In addition to that landscaping which may be an integral part of the screening herein required, landscaping shall also be required for the purpose of providing an acceptable transition between the planned development district and surrounding lower density residential development.

(5) Drainage shall comply with the Code of Ordinances, Section 9-72. - Drainage requirements for non-residential construction.

Secs. 24-549—24-600. Reserved.

ARTICLE VI. AMENDATORY PROCEDURE

Sec. 24-601. Purpose.

The purpose of this Article is to provide appropriate and uniform procedures for the conduct of public hearings and adoption of amendments by the City Council as well as for the conduct of public hearings and making of recommendations by the Planning and Zoning Commission.

Sec. 24-602. Types of Amendment.

This Article provides a procedure for amendment to the written text of this chapter or the Official Zoning District Map, the creation and approval of planned development districts and the approval of specific use permits as amendments to this chapter.

Amendments are not intended to relieve particular hardships or to confer special privileges or rights on any person but to amend this chapter in light of changed circumstances and conditions. In determining whether to grant a requested amendment, the City Council and the Planning and Zoning Commission shall consider the consistency of the proposed amendment with the provisions of the comprehensive plan set forth in Section 24-104 of this chapter.

Sec. 24-603. Application for Amendment to Written Text or Official Zoning District Map.

Any person desiring to petition for an amendment to the written text of this chapter or to the Official Zoning District Map shall be required to file an application in writing with the Administrative Official, accompanied by a nonrefundable application fee, in an amount established by the City Manager, to defray the actual cost of processing the application. The application shall include the following information:

(1) The applicant's name and address;

(2) The precise wording of any proposed amendment to the written text of this chapter and a statement of the present provisions and Section or Sections of this chapter sought to be amended, or in the event the proposal concerns a change in the Official Zoning District Map, then a clear delineation of the area set out on the map sought to be rezoned;

(3) A statement of the need and justification for the proposed amendment;

(4) A statement as to the conformity of the proposed amendment to the comprehensive plan set forth in Section 24-104 of this chapter or the reason for any deviation from such plan and the precise wording of any proposed change in the plan to bring the plan into conformity with the proposed amendment;

(5) In the event that the proposed amendment would change the Official Zoning District Map and the zoning classification of any property:

a) The street address and legal description of the property proposed to be reclassified;

b) The applicant's interest in the subject property;

c) The owner's name and address, if different than the applicant's, and the owner's signed consent to the filing of the application or the signatures of 75 percent of the owners of the parcels to be affected;

d) The names and addresses of all owners of property required to be notified under this Article;

e) The present zoning classification and existing uses of the property proposed to be reclassified; and

f) The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof; and

(6) Such other information or documentation as the Administrative Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.

Sec. 24-604. Application for Planned Development Amendment.

Any person desiring to petition for a planned development amendment to this chapter shall be required to file an application in writing with the Administrative Official, accompanied by a nonrefundable application fee, in

an amount established by the City Council or the City Manager, to defray the actual cost of processing the application. The application shall include the following information:

(1) The name and address of the applicant; and in the event that the applicant is a partnership, the full name and address of the general partner, and in the event that the applicant is a corporation, the full names and addresses of all officers, a statement as to the state of incorporation, the name and address of the registered agent and the address of the registered office of the corporation;

(2) A legal description and street address of the property which is the subject of the application;

(3) A statement of ownership accompanied by a certificate from a title insurance company certifying ownership;

(4) A written description of the proposed development and associated land use(s), including specific description of any applicable parameter(s) in the City's development regulations from which the applicant proposes variation;

(5) A site plan in accordance with Section 24-524;

(6) The names and addresses of all owners of property required to be notified under this Article; and

(7) Such other information or documentation as the Administrative Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.

(Ord. No. 11-086, § 1(App. A), 12-12-2011; Ord. No. 19-059, § 1(App. A), 11-4-2019)

Sec. 24-605. Application for Specific Use Permit.

Any person desiring to petition for a specific use permit to this chapter shall be required to file an application in writing with the Administrative Official, accompanied by a nonrefundable application fee, in an amount established by the City Council or the City Manager, to defray the actual cost of processing the application. The application shall include the following information:

(1) The name and address of the applicant; and in the event that the applicant is a partnership, the full name and address of the general partner, and a statement as to the state of the organization/formation, if applicable, and in the event that the applicant is a corporation, the full names and addresses of all officers, a statement as to the state of incorporation, the name and address of the registered agent and the address of the registered office of the corporation;

(2) The section or sections of this chapter authorizing a specific use permit;

(3) A legal description, street address, and zoning district of the property which is the subject of the application;

(4) A statement of ownership accompanied by a certificate from a title insurance company certifying ownership;

(5) A written description of the proposed specific use as provided for in this Code;

(6) A survey of the property in question;

(7) A scaled site plan of the property showing the general arrangement of the project, together with essential requirements, including, but not limited to, off-street parking; size, height, construction materials, and locations of the building and use to be permitted; location of proposed signage, means of ingress and egress to public streets; the type of visual screening that is being proposed, such as walls, plantings, and fences; and any foreseen negative impacts of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet;

(8) A landscape plan in accordance with Section 24-513 of the City's Code of Ordinances. This requirement may be waived by the Administrative Official, based on information provided in the application;

(9) A traffic impact analysis or trip generation report. See Table 24-605.A to determine which is required. This requirement may be waived by the Administrative Official, based on the information provided in the application;

(10) A written environmental assessment statement describing in general terms the impact of the development for which approval is sought and providing any specific information that the Administrative Official shall deem necessary;

(11) The names and addresses of all owners of property required to be notified under this Article; and

(12) Such other information or documentation as the Administrative Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.

Table 24-605.A

	Traffic Impact Analysis	Trip Generation Report
All New Developments	x	
All developments proposing a new drive-through	x	
All re-developments adjacent to or within residential zoning districts R-1, R-3, R-4, R-5 & R-6	x	
All other developments		x

(Ord. No. 10-057, § 1(App. A), 8-2-2010; Ord. No. 19-059, § 1(App. A), 11-4-2019)

Sec. 24-606. Amendments Initiated by the Planning and Zoning Commission and City Council.

Nothing herein shall prevent the Planning and Zoning Commission from calling and conducting public hearings on proposals by such Commission for amendments to the text of this chapter or the Official Zoning District Map and making recommendations thereon nor shall anything herein prevent the City Council from initiating consideration of amendments to the text of this chapter or the Official Zoning District Map.

Sec. 24-607. Call of Public Hearings.

(1) When any amendment is proposed pursuant to the provisions of this chapter, the City Council may, at its discretion and by ordinance, call a joint public hearing to be held before the City Council and the Planning and Zoning Commission. The City Council shall receive the Commission's final report and recommendation before considering any amendment.

(2) In the event the City Council shall not elect to call a joint public hearing on such proposed amendment:

(a) The Planning and Zoning Commission Chair or the City Manager shall then call a public hearing before the Planning and Zoning Commission and such public hearing shall be held prior to the Planning and Zoning Commission making its report and recommendation to the City Council.

(b) Upon receipt of the report and recommendation of the Planning and Zoning Commission by the City Clerk, and upon request by any applicant, the City Manager shall then call a public hearing before the

City Council and such public hearing shall be held prior to the City Council considering such amendment.

(Ord. No. 10-057, § 1(App. A), 8-2-2010)

Sec. 24-608. Notice Required.

Upon formal action by the Planning and Zoning Commission or ordinance duly enacted by the City Council, notice of all public hearings concerning proposed amendments shall be given in accordance with this Article.

Sec. 24-609. Content of Notice.

Every required notice shall include the date, time and place of the hearing, statement of the proposal under consideration or the text of the proposal to be considered and identification of the body conducting the hearing.

Sec. 24-610. Publication.

A. For public hearings before the Commission, notice of such public hearings shall be given by publication in the official newspaper of the City of Bellaire, and such hearings shall not occur earlier than ten (10) days from the date of the publication. When the matter under consideration by the Commission involves an amendment or change in the classification or boundary of a zoning district, written notice of public hearing before the Commission on the proposed amendment or change shall be sent to all owners of real property lying within five hundred (500) feet of the property upon which the change is requested, including streets and alleys, and the owners of such additional property as may be designated by the commission. Such notice shall be given not less than ten (10) days before the date set for the hearing by depositing such notice in the mail, properly addressed and postage prepaid, to each taxpayer as the ownership appears on the last approved tax roll.

B. For public hearings before the City Council, notice of such public hearings shall be given by publication in the official newspaper of the City of Bellaire, and such hearings shall not occur earlier than fifteen (15) days from the date of the publication. When the matter under consideration by the City Council involves an amendment or change in the classification or boundary of a zoning district, written notice of public hearing before the City Council on the proposed amendment or change shall be sent to all owners of real property lying within five hundred (500) feet of the property upon which the change is requested, including streets and alleys, and the owners of such additional property as may be designated by the City Council. Such notice shall be given not less than fifteen (15) days before the date set for the hearing by depositing such notice in the mail, properly addressed and postage prepaid, to each taxpayer as the ownership appears on the last approved tax roll.

(Ord. No. 87-001, § 1, 01-05-87; Ord. No. 15-023, § 1, 3-23-2015)

Sec. 24-611. Required Notification Signs.

A. *Sign Requirements.* For public hearings before the Planning and Zoning Commission or the City Council in regard to a request for a specific use permit, a planned development amendment, or an amendment to the Official Zoning Map, a sign or signs shall be posted on the subject property, a minimum of fifteen (15) days prior to such hearing that meets the following requirements:

(1) Minimum sign size: four (4) feet by eight (8) feet;

(2) Sign location: not more than fifteen (15) feet from each street abutting the property. One (1) notification sign is required facing each street adjacent to the site.

(3) Sign lettering: must be legible from the street;

(4) The site address and the case number assigned to the request by the City must appear on the sign;

(5) The purpose of the public hearing must be identified. If a rezoning has been requested, then the current and proposed zoning districts must be listed;

(6) The date, time, and place of the public hearing shall appear on the sign; and

(7) It shall be the duty and responsibility of the applicant to procure the sign and to cause the same to be properly maintained as required.

B. *Affidavit of posting.* The applicant shall file with the Administrative Official, an affidavit of posting, which affidavit shall be made under oath and shall specify that a sign, meeting the requirements of this Section, has been posted at or before the time required.

(1) The affidavit of posting shall be on a form provided by the Administrative Official and include photos of the sign or signs as attachments to the form;

(2) The filing of such affidavit of posting shall be sufficient proof of compliance with this Section and no one may complain of the validity of any amendment or permit because such sign has been prematurely removed or is alleged not to have been posted; and

(3) The filing of an affidavit of posting with the Administrative Official shall be prima facie evidence and conclusive for all purposes of compliance with this Section.

(Ord. No. 12-006, § 1(App. A), 2-20-2012)

Editor's note(s)—Section 1 (Appendix A) of Ord. No. 12-006, adopted Feb. 20, 2012, deleted, and added a new § 24-611 to read as herein set out. Former § 24-611 derived from the original codification and Ord. No. 11-019, adopted March 7, 2011.

Sec. 24-612. Conduct of Public Hearings.

A. *Rights of all persons.* Any person may appear at a public hearing and submit evidence either individually or as a representative of any organization. Each person who appears at a public hearing shall identify himself, his address and state the name and mailing address of any organization he represents. The body conducting the hearing may exclude evidence that it finds to be irrelevant, immaterial or unduly repetitious.

B. *Due order of proceedings.* Any person shall have the right to appear and present evidence or testimony which is relevant and material to the matter under consideration. Any person may, in addition, ask relevant questions of other persons appearing as witnesses, but shall do so only through the presiding officer; and the presiding officer may, as he shall deem fit, address such questions to the witnesses.

C. *Opinions.* Any person, in addition to giving evidence in the form of oral testimony or documentation, shall have the right at a public hearing to express opinions and give other information, so long as the same is relevant, material and not unduly repetitious.

D. *Continuance of hearing.* The body conducting the hearing may, on its own motion or the request of any person, continue the hearing to a fixed date, time and place. An applicant shall have the right to request and be granted one (1) continuance without statement of grounds or reasons therefor. However, all subsequent continuances shall be granted at the discretion of the body conducting the hearing, upon good cause shown. Any person requesting and being granted a continuance shall be required to pay all costs and expenses as required by law. All adjourned and recessed public hearings shall only commence upon the giving of all notices which would have been required were it the initial call of the public hearing.

E. *Other rules to govern.* Other matters pertaining to the public hearing shall be governed by other provisions of this chapter applicable to the body conducting the hearing and its adopted rules of procedure, so long as the same are not in conflict with this Code.

F. *Record.*

(1) The body conducting the hearing shall record the proceedings by any suitable and available process, which shall be duplicated by any appropriate means at the request of any person upon application to the City Clerk and payment of a fee to cover the cost of transcription, or the audio record (tape) may be duplicated.

(2) The transcript of oral proceedings, including testimony and statements of personal opinions, the minutes of the secretary, all applications, exhibits and papers submitted in any proceeding before the decision-making body, the report of the Administrative Official or other member of the city staff and the decision and report or reports of the decision-making body, shall constitute the record.

(3) All records of the decision-making bodies shall be public records, open to inspection at reasonable times and upon reasonable notice in accordance with Public Information Act, V.T.C.A., Government Code § 552.001 et seq.

G. *Joint hearing procedure.* A joint public hearing shall be conducted in accordance with procedures for public hearings as set out herein. The Mayor shall act as presiding officer at any joint public hearing, or in the event of the absence of the Mayor, the Mayor Pro Tem or member of City Council designated by a majority of the members of the City Council present, shall preside.

Sec. 24-613. Expeditious Action.

All decision-making bodies shall act expeditiously and promptly to conclude their deliberations and take final action on the matter before them. Such actions should be taken as promptly as possible in consideration of the interest of the citizens of the City of Bellaire.

Sec. 24-614. Reports and Recommendations of the Planning and Zoning Commission.

The Planning and Zoning Commission shall render written reports and recommendations to the City Council, which shall include at least the following elements:

(1) A clear statement of specific findings;

(2) A summary of the information presented before the Commission by interested citizens appearing before the Commission and making presentations. The report should state the approximate total number of citizens appearing and shall provide a brief summary of the differing opinions presented by such persons;

(3) Copies of all documentary evidence provided to the Commission or which the Commission considered in making its report; and

(4) Identification of the members of the Commission voting for the majority position and identification of the members of the Commission voting against the majority position, with a brief statement explaining the reasons for the determinations made.

Sec. 24-615. Standards Applicable to All Planned Development Amendments and Specific Use Permits.

A planned development amendment or a specific use permit may be granted and may be allowed to continue if it meets the following criteria and standards and is otherwise in accord with this Code. (Ord. No. 81-066, § 1, 11-2-1981)

(1) The proposed planned development amendment or specific use permit is consistent with the purposes, goals, objectives and standards of the comprehensive plan of the City of Bellaire;

(2) The design of the proposed development, considered as a part of the planned development amendment or specific use permit, minimizes adverse effects, including visual impacts of the proposed use on adjacent properties;

(3) The proposed development will not have an adverse effect on the value of the adjacent property;

(4) The proposed development will not unduly burden essential public facilities and services, including streets, police and fire protection, sanitary sewers, storm sewers, solid waste disposal and schools; and

(5) The applicant for the development has adequate financial and technical capacity to complete the development as proposed and has met all requirements of this Code, including such conditions as have been imposed as a part of a planned development amendment or specific use permit.

(Ord. No. 10-057, § 1(App. A), 8-2-2010)

Sec. 24-616. Amendments to This Chapter.

The City Council may enact such amendments to this chapter under the conditions as herein provided and subject to the procedure as provided herein upon finding of such changed circumstances or conditions necessitating such amendment. No amendment to this chapter, other than procedural amendments, shall be adopted unless specific findings of fact shall be made reasonably concluding that a change in circumstance or condition exists. In all such amendments, a finding shall be made that the proposed amendment is in compliance with the comprehensive plan of the City of Bellaire as set out in this chapter, or if not in compliance, what new facts or circumstances necessitate a change in the comprehensive plan.

(Ord. No. 81-066, § 3, 11-2-1981)

Sec. 24-617. Final Action by the City Council.

The City Council may, subject to the requirements and conditions herein set out, upon receipt and acceptance of the report and recommendation of the Planning and Zoning Commission and appropriate public hearing(s), enact ordinances amending this chapter or the Official Zoning District Map as its decision-making determination in accordance with the provisions of this chapter. In the case of a planned development amendment or a specific use amendment, the City Council may approve the site plan within such parameters subject to such conditions, safeguards and restrictions as the City Council may deem appropriate and necessary. (Ord. No. 81-066, § 2, 11-2-1981)

In the event of a written protest against such change, signed by the owners of twenty percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all of the members of the City Council. In computing the percentage of land area, the area of streets and alleys shall be included in the computation. (Ord. No. 87-001, § 1, 1-5-1987)

The City Council may, if it deems necessary, refer the proposal to such other official, board or commission for further study and review, or take no action.

Sec. 24-618. Notification of Decision.

A. *Planning and Zoning Commission.* The Administrative Official shall mail to any interested applicants, by certified mail, return receipt requested, a letter setting out the decision of the Planning and Zoning Commission.

B. *City Council.* In the case of the final adoption of an ordinance, the City Clerk shall mail to any interested applicants, a certified copy of the ordinance duly enacted; and if no ordinance is enacted, the City Clerk shall mail to such interested applicants, by certified mail, return receipt requested, a letter setting out the decision of the City Council.

Sec. 24-619. Final Plan for Planned Development Districts.

The applicant shall file with the Building Official a final site plan in conjunction with its request for a building permit. The final site plan shall show compliance with the parameters and conditions established by the City Council and the planned development amendment ordinance. In the event the planned development amendment contemplates a development consisting of more than one building, the applicant shall only be required to file a final site plan for the site upon which the buildings sought to be constructed is located.

The Building Official shall issue a building permit if the final site plan is in accord with the provisions of this chapter and the planned development amendment and if all other conditions of this Code and administrative orders of the Building Official have been complied with.

(1) *Timing.* All improvements reflected on an approved site plan shall be constructed at the time of development, unless clearly specified in the planned development application and on the associated site plan as part of a future phase in a phased development plan.

(Ord. No. 11-086, § 1(App. A), 12-12-2011)

Sec. 24-620. Successive Applications.

Whenever any application for an amendment or change in the Official Zoning District Map is denied after public hearing, a second application for amendment or change in the Official Zoning District Map, being substantially the same as the first application, from the same applicant and involving the same property, shall not be considered within two (2) years from the date of denial. The body charged with conducting the public hearing immediately prior to such denial shall resolve any question concerning the similarity of a second application.

Secs. 24-621—24-700. Reserved.

ARTICLE VII. VARIANCES, SPECIAL EXCEPTIONS, APPEALS AND NONCONFORMITIES

DIVISION 1. VARIANCES

Sec. 24-701. Authority.

The Board of Adjustment shall have authority to grant variances from the requirements of this chapter in accordance with the procedures of this chapter.

Sec. 24-702. Purpose.

The purpose of variances is to provide a mechanism for relief where, owing to special conditions, the literal enforcement of the regulations of this chapter will result in unnecessary hardship, provided that the granting of variances will not be contrary to the public interest and provided further that the spirit of this chapter will be preserved by variances granted under the terms and provisions hereof.

Sec. 24-703. Initiation.

An owner or person, either owning or having a contractual interest in the property to be affected by the variance, may seek a variance under the provisions of this chapter.

Sec. 24-704. Standards.

The Board shall not grant a variance unless it shall, in each case, make specific written affirmative findings based directly upon the particular evidence presented to it which support written conclusions that:

(1) Such modifications of the height, yard, area, lot width, lot depth, off-street loading, screening wall, coverage, parking and sign regulations are necessary to secure appropriate development of a parcel of land which materially differs from other parcels in the district because of a special condition unique to and inherent in the parcel itself, such as restricted area, shape or slope, such that the parcel cannot be appropriately developed without modification;

(2) A literal enforcement of the zoning ordinance from which the variance is requested would result in unnecessary hardship not self-created or personal, nor solely financial in nature;

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood; and

(4) The variance desired will not be opposed to the general spirit and intent of this chapter.

(5) In addition to the criteria in subsections (1) through (4), above, on which the Board must make affirmative findings in order to approve a variance request, the Board may consider the following criteria to support a decision on a variance request:

a. The financial cost of compliance is greater than fifty (50) percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Texas Local Government Code Section 26.01, Tax Code;

b. Compliance would result in a loss to the lot on which the structure is located of at least twenty-five (25) percent of the area on which development may physically occur;

c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or

e. The municipality considers the existing structure to be a nonconforming structure.

(Ord. No. 08-073, § 1(App. A), 11-17-2008)

Sec. 24-705. Application.

An application for a variance shall be filed with the Secretary of the Board of Adjustment according to rules of procedure adopted from time to time by the Board and shall be accompanied by a nonrefundable fee as prescribed in such rules of procedure, to defray administrative costs.

Sec. 24-706. Limitations on Variances.

Variances from the terms of this chapter shall not be contrary to the public interest but may be granted where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship.

Sec. 24-707. Action of Board.

The Board shall hold a hearing on a requested variance, pursuant to the procedures set out in this Code, as soon as practical after a complete application for a variance is filed.

Sec. 24-708. Conditions on Variances.

The Board may set forth conditions in the written order granting a variance. Such conditions may relate to screening, landscaping, location and other conditions necessary to preserve the character of the area and protect property in the vicinity of the variance.

Secs. 24-709—24-715. Reserved.

DIVISION 2. SPECIAL EXCEPTIONS

Sec. 24-716. Authority.

The Board of Adjustment shall have the authority to grant special exceptions, in accordance with the provisions of this Code and the procedures and standards hereinafter set forth, to permit:

(1) The reconstruction of a nonconforming structure when the structure has been damaged or destroyed to the extent of more than fifty percent of the fair market value of the structure, or the restoration, repair or renovation of a nonconforming structure when the structure has been damaged by less than fifty percent of its fair market value where no building permit has been previously automatically issued for such restoration, repair or renovation within six (6) months from the date of damage as permitted under this Code; or

(2) Any nonconformity which is nonconforming solely because of failure to comply with regulations governing parking, screening, landscaping or lighting, to continue as a special exception, subject to the procedures in this Article and subject to conditions which may be imposed by the Board; or

(3) Any nonconformity for which such authority has been specifically allowed by ordinance.

(Ord. No. 11-019, § 2(App. A), 3-7-2011)

Sec. 24-717. Initiation.

The owner or other person having a contractual interest in the property which is the site of the proposed special exception may initiate a request for a special exception.

Sec. 24-718. Standards for Special Exceptions.

Special exceptions may not be granted unless the Board makes written findings based directly upon the particular evidence presented to it which support written conclusions that the granting of the special exception will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood.

Sec. 24-719. Application.

An application for a special exception shall be filed with the Secretary of the Board of Adjustment according to rules of procedure adopted from time to time by the Board and shall be accompanied by a nonrefundable fee as prescribed in such rules of procedure, to defray administrative costs.

Sec. 24-720. Action of Board.

The Board shall hold a hearing on a special exception as soon as practical after a complete application for a special exception is filed, pursuant to the procedures of the Board.

Sec. 24-721. Conditions Attached to Special Exceptions.

The Board may attach conditions to the granting of a special exception, including landscaping, lighting, hours of operation, parking or other reasonable conditions which will minimize the impact of the exception on the surrounding neighborhood. The Board shall provide for the duration of the special exception.

Sec. 24-722. Special Exceptions in the Case of Adjustments of Minimum Yard Dimensions for Residential Structures.

This Section shall only be applicable where construction has lawfully been commenced in full compliance with all other provisions of this Code, but because of circumstances beyond the control of the City of Bellaire and/or the homeowner, conditions are found to exist wherein because of the particular stage of construction and/or completion, it is discovered that a required yard is insufficient and that a residential structure was constructed based upon an error in surveying wherein the required minimum yard dimension is less than the required distance between the property line and the structure.

The Board of Adjustment may grant a special exception to permit the maintenance of a structure not meeting the minimum yard requirements, as herein provided, if the Board of Adjustment finds that the grant of the special exception:

a. Will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; nor

b. Increase the congestion in public streets; nor

c. Increase the danger of fire; nor

d. Endanger the public health, safety and well-being; and finds that

e. The Building Official or other person designated by the City Manager has filed a written analysis with the Board of Adjustment which provides a summary of the circumstances surrounding the request for a special exception and an analysis of the impact the proposed special exception would have as to any fire, health, safety and welfare hazard and economic impact relating to the degree of construction lawfully completed when the discovery was made that the required minimum yard dimension is less than the required distance between the property line and the structure.

(Ord. No. 91-091, § 1, 11-18-91)

Secs. 24-723—24-730. Reserved.

DIVISION 3. NONCONFORMITIES

Sec. 24-731. Purpose.

The purpose of this Section is to regulate and limit the continued existence of uses, lots and structures in nonresidential districts established prior to the enactment of this chapter which do not conform to the provisions of this chapter. Many nonconformities may continue, but the provisions of this Division are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the zoning districts. Nonconforming uses, lots and structures in residential districts may continue and are not subject to termination under any provision of this Division; however, nonconformities in residential districts may not be enlarged, changed or modified unless the same are done in accordance with other provisions of this Article.

Sec. 24-732. Nonconforming Uses and Structures.

A. *Authority to continue.* Nonconforming uses of land and nonconforming uses of structures may continue in accordance with the provisions of this Division and the provisions of Section 24-502 establishing a right of continued occupancy and authorizing the issuance of certificates of right to occupy legally existing nonconforming residential structures. (Ord. No. 89-009, § 1, 03-06-89)

B. *Ordinary repair and maintenance.* Normal maintenance and repair of nonconforming uses may be performed.

C. *Extensions.* Nonconforming uses shall not be extended. This prohibition shall be construed so as to prevent the:

(1) Enlargement of nonconforming uses by additions to the structure in which such nonconforming uses are located; and

(2) Occupancy of additional land.

D. *Relocation.* A structure housing a nonconforming use may not be moved unless the use shall thereafter conform to the limitations of the zoning district into which it is moved.

E. *Change in use.* A nonconforming use shall not be changed to any other use unless such use conforms to the provisions of this chapter.

F. *Termination.*

(1) *Abandonment or discontinuance.*

a) Where a nonconforming use of land is discontinued or abandoned for six (6) months, then such use may not be re-established or resumed, and any subsequent use must conform to the provisions of this chapter.

b) Where a nonconforming use of a structure is discontinued or abandoned for twelve (12) months, then such use may not be re-established or resumed and any subsequent use must conform to the provisions of this chapter.

(2) *Damage or destruction.* If a structure housing a nonconforming use is damaged or destroyed by 50 percent or more of the fair market value of the structure, then the structure may be restored by special exception granted by the Board. No permit other than a building permit shall be required for the restoration, repair or renovation of a nonconforming structure which has been damaged by less than 50 percent of the fair market value of such structure. However, no building permit shall be automatically issued for the restoration, repair or renovation after the expiration of six (6) months from the date of the damage unless a special exception shall be granted by the Board of Adjustment.

(3) The Board may require the discontinuance of nonconforming uses of land or structures in a nonresidential district or a nonresidential use in a residential district, under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of this chapter. All actions to discontinue a nonconforming use of land and structure shall be taken with due regard for the property rights of the persons affected when considered in light of the public welfare and character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The Board shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the City.

Sec. 24-733. Nonconforming Accessory Uses and Structures.

No nonconforming accessory use or structure shall continue after the principal structure or use shall have ceased or terminated unless such structure or use shall thereafter conform to the provisions of the zoning district in which it is located.

Secs. 24-734—24-740. Reserved.

DIVISION 4. APPEALS

Sec. 24-741. Authority.

The Board of Adjustment shall have the authority to hear and decide appeals from any decision, determination or interpretation by any administrative official with respect to the provisions of this chapter, subject to the standards and procedures hereinafter set forth.

Sec. 24-742. Initiation.

An application for an appeal may be initiated by any person aggrieved, or by any officer, department or board of the municipality affected, by any orders, decision, determination or interpretation of any administrative official with respect to the provisions of this chapter. Said application for appeal shall be filed with the Secretary of the Board of Adjustment according to rules of procedure adopted from time to time by the Board. (Ord. No. 81-006, § 13, 2-23-1981)

Sec. 24-743. Procedures.

A notice of appeal in prescribed form must be filed with the Secretary of the Board and with the office or department rendering the decision, determination or interpretation which is the subject of the appeal, within fifteen (15) days of such decision, determination or interpretation. The filing of such notice of appeal will require the Building Official or other city department to forward to the Board any and all records concerning the subject matter of the appeal.

Failure to file such appeal shall constitute a waiver of any rights under this chapter to appeal any interpretation or determination made by such administrative official.

Sec. 24-744. Effect of Filing an Appeal.

The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the Building Official or other administrative official rendering such decision, determination or interpretation certifies in writing to the Board and the applicant that a stay poses an imminent peril to life or property, in which case the appeal will not stay further proceedings. The Board may review such certification and grant or deny a stay of the proceedings.

Sec. 24-745. Action of the Board.

The Board of Adjustment shall hold a hearing on an appeal as soon as practical after a notice of appeal is filed. The failure of the Board to act within a reasonable time shall not deprive it of jurisdiction of the matter. The Board may reverse, affirm or modify the decision, determination or interpretation appealed from and in so modifying such decision, determination or interpretation, the Board shall be deemed to have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.

Secs. 24-746—24-800. Reserved.

NOTE:

The content for Article X. Signs is not included in this package of adopted Chapter 24 amendments.

ARTICLE XI. SEXUALLY ORIENTED BUSINESSES[3]

Sec. 24-1100. Applicable in Certain Districts.

The provisions of this Article shall be applicable in zoned districts UV-D and CMU of the city. The uses as herein provided shall remain prohibited in all other zoned districts.

(Ord. No. 14-041, § 1, 8-18-2014)

Sec. 24-1101. Definitions.

As used in this Article, the following words and terms shall have the meanings ascribed to them in this Section, unless the context of their usage clearly indicates another meaning:

(a) *Achromatic.* Colorless, lacking in saturation or hue. Without limitation, gray shall be included, but white and black shall be excluded from the definition of achromatic.

(b) *Adult bookstore.* An establishment whose primary business is the offering to customers of books, magazines, films or videotapes CDs, DVDs (whether for viewing off-premises or on-premises by use of electronic media image-producing devices), periodicals, or other printed or pictorial materials which are intended to provide sexual stimulation or sexual gratification to such customers, and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.

(c) *Adult cabaret.* An establishment whose primary business is the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.

(d) *Adult encounter parlor.* An establishment whose primary business is the provision of premises where customers either congregate, associate, or consort with employees who engage in specified sexual activities with or in the presence of such customers, or who display specified anatomical areas in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification to such customers.

(e) *Adult lounge.* An adult cabaret, as defined above, which is a permitted or licensed premises, pursuant to the Texas Alcoholic Beverage Code, where alcoholic beverages may be served or sold.

(f) *Adult modeling studio.* An establishment whose primary business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

[3]State law reference(s)—Municipal authority to regulate sexually oriented businesses, V.T.C.A., Local Government Code § 243.001 et seq.

(g) *Adult movie theater.* An establishment, containing a room with tiers or rows of seats facing a screen, or projection area, whose primary business is the exhibition to customers of electronic media which are intended to provide sexual stimulation or sexual gratification to such customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(h) *Applicant.* The applicant for a permit shall be the intended operator of the enterprise.

(i) *Chief of Police.* The Chief of Police and such employee(s) of the police department as he may designate to perform the duties of the Chief of Police under this Article.

(j) *Commercial multi-unit center.* A building or structure (including a shopping mall or strip shopping center) containing three (3) or more separate premises, each of which is offered by lease or otherwise for separate occupancy or control and each of which occupies an enclosed area having its own door or entrance way opening onto public property, a public way, or a common area.

(k) *Conduct any business in an enterprise.* Any person who does any one (1) or more of the following shall be deemed to be conducting business in an enterprise:

(1) Operates a cash register, cash drawer or other depository on the enterprise premises where cash funds or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;

(2) Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the enterprise premises;

(3) Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the enterprise premises;

(4) Acts as a door attendant to regulate entry of customers or other persons into the enterprise premises; or

(5) Supervises or manages other persons in the performance of any of the foregoing activities on the enterprise premises.

(l) *Customer.* Any person who:

(1) Is allowed to enter a regulated establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or

(2) Enters a regulated establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or

(3) Is a member of and on the premises of a regulated establishment operating as a private club.

(m) *Employee.* Any person who renders any service whatsoever to the customers of a regulated establishment or who works in or about a regulated establishment and who receives compensation for such service or work from the operator or owner of the regulated establishment or from the customers therein.

(n) *Enterprise.* An adult cabaret, adult encounter parlor, adult lounge, adult modeling studio, or any establishment whose primary business is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. The term "enterprise" shall not be construed to include:

(1) Any business operated by or employing licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists, or licensed barbers performing functions authorized under the licenses held;

(2) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts; or

(3) Reserved.

(o) *Entertainment.* Any act or performance, such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors, or customers. The term "entertainment" shall also mean bartenders, waiters, waitresses, or other employees exposing specified anatomical areas or engaging in specified sexual activities in the presence of customers.

(p) *Exterior portion.* Any part of the physical structure of a regulated establishment, including a wall, veneer, door, fence, roof, roof covering, or window, which is visible from any public way or public property.

(q) *Licensed day-care center.* A facility licensed by the State of Texas, whether situated within the city or not, that provides care, training, education, custody, treatment or supervision for children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

(r) *Operator.* The manager or other natural person principally in charge of a regulated establishment.

(s) *Owner or owners.* Owner or owners shall mean the proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors, and persons holding ten percent or more of the outstanding shares of a corporation. The term "owner" shall not include any such person who has given to the operator a statement under oath that he does not desire to be listed on the permit application and that he waives any right to any notice that is required or permitted to be given under this Article.

(t) *Permit.* A current, valid permit issued by the Chief of Police pursuant to the terms of this Article to an operator for an enterprise.

(u) *Place of Worship*. A building, whether situated within the City or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

(v) *Regulated establishment.* Any enterprise, adult bookstore, or adult movie theater, as defined herein.

(w) *Residential.* Pertaining to the use of land, whether situated within the City or not, for premises such as homes, town homes, patio homes, mobile homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein. A premises which is designed primarily for living, sleeping, cooking and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boardinghouses, nursing homes, hospitals, and nursery schools shall not be considered to be residential.

(x) *School.* A building, whether situated within the City or not, where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadium and other structures or grounds used in conjunction therewith. The term is limited to:

(1) Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and

(2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).

(Ord. No. 90-045, § 1, 7-12-1990; Ord. No. 17-028, § 1, 5-15-2017)

Sec. 24-1102. Permit—Required.

(a) It shall be unlawful for any person to own, operate or conduct any business in an enterprise located within the City unless there is a permit for the enterprise.

(b) It shall be unlawful for any person to own, operate, or conduct any business in an enterprise located within the City unless the permit is posted at or near the principal public entrance to the enterprise in such a manner that it will be conspicuous to patrons who enter the premises.

(c) In any prosecution under subsection (a) above, it shall be presumed that there was no permit at the time of the alleged offense, unless a permit was then posted as provided in subsection (b).

Sec. 24-1103. Permit—Applications.

(a) Applications for a permit, whether original or renewal, must be made to the Chief of Police by the intended operator of the enterprise. Applications must be submitted by hand delivery to the Chief of Police during regular working hours (8:00 a.m. to 4:00 p.m., Monday through Friday, city holidays excepted). Application forms shall be supplied by the Chief of Police. The intended operator shall be required to give the following information on the application form:

(1) a. The name, street address (and mailing address if different) and Texas driver's license number of the intended operator, and any and all aliases;

b. The name and street address (and mailing address if different) of the owner(s);

(2) The name under which the enterprise is to be operated and a general description of the services to be provided;

(3) The telephone number of the enterprise;

(4) The address and legal description of the parcel of land on which the enterprise is to be located;

(5) The date on which the owner(s) acquired the enterprise for which the permit is sought, and the date on which the enterprise began operations as an enterprise at the location for which the permit is sought; and

(6) A list of all employees or contractors involved in providing the services to be provided by the enterprise.

(b) The application shall be accompanied by the following:

(1) Payment in full of a fee of:

a. Three Hundred Fifty Dollars ($350.00) for an original application; or

b. One Hundred Dollars ($100.00) for a renewal application, as applicable, by certified check, cashier's check or money order, which fee shall not be refundable under any circumstances;

(2) A certified copy of the assumed name certificate filed in compliance with the Assumed Business or Professional Name Act (Texas Revised Civil Statutes Annotated, Business and Commerce Code, chapter 36) if the enterprise is to be operated under an assumed name;

(3) If the enterprise is a Texas corporation, a certified copy of the articles of incorporation, together with all amendments thereto;

(4) If the enterprise is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;

(5) If the enterprise is a limited partnership formed under the laws of Texas, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the Secretary of State under the Texas Revised Limited Partnership Act (Article 6132a Vernon's Texas Civil Statutes);

(6) If the enterprise is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto, filed in the office of the Secretary of State under the Texas Revised Limited Partnership Act (Article 6132a Vernon's Texas Civil Statutes);

(7) Any of items (2) through (6) above shall not be required for a renewal application if the applicant states that the documents previously furnished the Chief of Police with the original application or previous renewals thereof remain correct and current.

(c) The application shall contain a statement under oath that:

(1) The applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct; and

(2) The applicant has read the provisions of this Article.

(d) A separate application and permit shall be required for each enterprise.

Sec. 24-1104. Permit—Term; Renewal.

Each permit shall be valid for a period of one (1) year and shall expire on the anniversary of its date of issuance, unless sooner revoked, or surrendered. Each permit shall be subject to renewal as of its expiration date by the filing of a renewal application with the Chief of Police. Renewal applications must be filed at least thirty (30) days prior to the expiration date of the permit that is to be renewed.

Sec. 24-1105. Permit—Issuance or Denial.

(a) Within thirty (30) days of receipt of any application, either original or renewal, the Chief of Police shall grant or deny the requested permit and give written notice to the applicant as to the decision.

(b) The Chief of Police shall issue a permit to the applicant unless one (1) or more of the following conditions exist:

(1) The applicant's enterprise is located within five hundred (500) feet of any school, place of worship, or licensed day care center. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of such school, place of worship, or licensed day care center;

(2) The applicant's enterprise is located within one thousand (1,000) feet of any other enterprise for which there is a permit. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of any other enterprise;

(3) Five hundred (500) feet from any residential property, measured from the closest point on the property line of the residential property to the closest point of any property in a use regulated under the provisions of this Article;

(4) The applicant failed to supply all of the information requested on the application;

(5) The applicant gave materially false, fraudulent or untruthful information on the application;

(6) The applicant's enterprise is not in compliance with Section 24-1109 and Section 24-1110 of this Article;

(7) The applicant or the enterprise does not meet any other requirement of this Article;

(8) The applicant has not fully complied with all state, federal and local laws or regulations affecting the conduct of its business, including the laws of any other city located in Harris County;

(9) The operator has had a permit revoked for the same enterprise within the one hundred eighty (180) day period next preceding the date that the application was filed.

(c) Property uses and distances for original applications shall be determined as of the time that the application is filed. If a renewal application is timely filed as provided in Section 24-1104, the property uses and measurements for the renewal application shall be determined as of the time that the original application for the enterprise was filed. If not timely filed, renewal applications shall be subject to the same fees and shall be treated in the same manner in all respects as original applications.

(d) In the event that the Chief of Police determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within thirty (30) days of the receipt of its application by the Chief of Police. An applicant may appeal the decision of the Chief of Police regarding such denial by filing a written request for a hearing with the Chief of Police within fifteen (15) days after he is given notice of such denial. The Chief of Police's decision on the application shall be final unless an appeal is timely filed. An appeal shall not stay the Chief of Police's decision on the issuance of a permit. The applicant's written request for a hearing shall set out the grounds on which the denial is challenged. The hearing shall be conducted by a hearing official to be designated by the Chief of Police. The hearing official shall not have participated in any investigation or decision relating to the denial of the permit. At the hearing, the hearing official shall receive oral and written testimony regarding the application. Hearings shall be conducted under rules issued by the Chief of Police which shall be consistent with the nature of the proceeding and shall ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel.

(e) The hearing official shall conduct the hearing within fifteen (15) days after receipt of the applicant's written request for a hearing unless the applicant requests an extension in writing. The hearing official shall render a written decision and issue notice thereof to the applicant within five (5) days after the conclusion of the hearing. The written decision of the hearing official shall be final unless an appeal is filed to the City Council pursuant to Section 24-1105(f).

(f) The applicant may appeal the decision of the hearing official to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after the applicant is given notice of the hearing official's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Chief of Police may submit a memorandum in response to the memorandum filed by the applicant on appeal to the City Council. After reviewing such memoranda, as well as the hearing official's written decision, and the exhibits introduced at the hearing before the hearing official, the City Council shall vote to either uphold or overrule the hearing official's decision. Such vote shall be taken within fourteen (14) calendar days after the date on which the City Clerk receives the notice of appeal. However, all parties shall be required to comply with the hearing official's decision during the pendency of the appeal. The decision of the City Council shall be final.

(g) Failure of the Chief of Police to give timely notice of his action on an application, or failure of the hearing official to timely conduct or give notice of his decision on an appeal from the City Manager's decision, or failure of the City Council to vote on an appeal from the decision of the hearing official within the limitations of time specified above, shall entitle the applicant to the issuance of a temporary permit upon written demand therefor filed by the applicant with the City Manager. Such a temporary permit shall only be valid until the third (3rd) day after the City Manager gives notice of his action on the application or the hearing official gives notice of this decision on the appeal, or the City Council votes on the appeal, as applicable.

Sec. 24-1106. Permit—Transfer Upon Change.

(a) A permit is personal to the owner(s) and operator designated in the application, provided it may be transferred pursuant to this Section. A transfer application must be filed by the tenth (10th) day next following any change of the owner(s) or operator designated on the application. In the event that a transfer application is not timely filed, then the permit shall be invalid for any purpose relating to the operation of the enterprise, and any transfer shall require and be treated in all respects as an original permit application. For purposes of measurements between enterprises under Section 24-1105 of this Code, an establishment for which the permit has become invalid by operation of this Section shall be treated as though it had a permit until the permit is revoked pursuant to Section 24-1107 of the Code and any appeal therefrom to the City Council has been concluded.

(b) The Chief of Police shall prescribe a form on which permit transfer applications shall be made. The form shall include a statement under oath that the original application remains correct as previously submitted in all respects except those that are amended hereby. The transfer application shall contain a statement under oath that the individual signing the transfer application has personal knowledge of the information contained therein and that the information is true and correct and shall not be complete unless accompanied by a non-refundable transfer fee of One Hundred Dollars ($100.00). Transfer applications shall be filed in the same place and at the same time as original applications and the fee shall be payable in the same manner as for original applications, as provided in Section 24-1103 of this Code.

(c) Transfers shall be reviewed, issued and subject to appeal in the same manner as original applications, pursuant to Section 24-1105; except that items (1), (2), and (3) of subsection (b) shall not apply, and they shall be issued for the remaining term of the permit to be transferred.

Sec. 24-1107. Permit—Revocation or Suspension.

(a) The Chief of Police shall have the authority to revoke a permit for any one (1) or more of the following reasons:

(1) The owner or operator of the permitted enterprise knowingly allowed a person under seventeen (17) years of age to enter an enterprise;

(2) The permitted enterprise does not conform to the provisions of Section 24-1109 and Section 24-1110 of this Article;

(3) Three (3) or more cumulative violations of any of the offenses contained in chapter 21, chapter 43, Section 22.011, or Section 22.021 of the Texas Penal Code or of the offenses contained in this Code have occurred on the premises of the permitted enterprise. These violations must have occurred in a consecutive period of twelve (12) months, and the owner or operator must have knowingly allowed such violations to occur or did not make a reasonable effort to prevent the occurrence of such violations;

(4) The operator of the permitted enterprise gave materially false, fraudulent or untruthful information on the original, renewal or transfer application form;

(5) The enterprise has been closed for business for a period of thirty (30) consecutive days, unless such closure is due to circumstances beyond the control of the owner, and the owner is proceeding with due diligence, given all attendant circumstances, to reopen the establishment;

(6) That there was a change of owner or operator for which a transfer application was not timely filed pursuant to Section 24-1106 of this Article; or

(7) That the permit should not have been issued pursuant to the criteria of Section 24-1105 of this Article.

(b) Prior to revocation of a permit, the Chief of Police shall investigate the grounds alleged to determine whether probable cause for revocation may exist and, if so, shall notify the owner(s) and operator in writing of reasons for the proposed revocation and grant such owner(s) and operator the opportunity to appear before a hearing official to be designated by the Chief of Police at a time and place specified within such notice. The hearing official designated shall not have participated in any investigation of the alleged grounds for the revocation. Such hearing shall be held not less than fifteen (15) days after notice is given. Hearings shall be conducted under rules issued by the Chief of Police. Such rules shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel. If, after the hearing, the hearing official finds that the permit should be revoked, he shall issue a written order revoking such permit which shall be effective on the third (3rd) day after notice thereof is given to the operator. If the hearing official determines, based upon the nature of the violation, that the ends of justice would be served by a suspension in lieu of a revocation, he may suspend the operation of the permit for a period of time to be stated in the order of suspension, not to exceed two (2) months; however, a suspension may not be ordered if the grounds are based upon item (6) or (7) of subsection (a) above.

(c) The owner(s) or operator shall have the right to appeal an order of the hearing official revoking a permit to the City Council in accordance with the procedure set forth in Section 24-1105 by delivering notice of appeal to the City Clerk within fifteen (15) days after notice is given to the owner(s) and operator of the order. The filing of an appeal of a revocation to the City Council shall not have the effect of superseding or suspending the order of the Chief of Police. Orders suspending permits shall not be subject to any appeal.

(d) An enterprise shall be treated as having a permit for purposes of measurements under Section 24-1105 of this Code, pending the date for filing an appeal of a permit revocation, and if an appeal is filed, pending the disposition of the appeal by the City Council. An establishment holding a suspended permit shall be treated as having a permit for the purpose of measurements made under Section 24-1105.

Sec. 24-1108. Other Permit Provisions.

(a) A permit is valid only at the location for which it is issued.

(b) It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a permit.

(c) A permit may be cancelled upon written request of the owner(s) or operator and surrender of the permit itself to the Chief of Police. Permits shall be surrendered at the same place and at the same time as permit applications as provided in Section 24-1103 of this Code. The surrender of a permit shall be effective upon its filing with the Chief of Police.

Sec. 24-1109. Exterior Portions of Regulated Establishments.

(a) It shall be unlawful for an owner or operator of a regulated establishment to allow the merchandise or activities of the regulated establishment to be visible from any point outside such regulated establishment.

(b) It shall be unlawful for the owner or operator of a regulated establishment to allow the exterior portions of the regulated establishment to have flashing lights, or any words, lettering, photographs, silhouettes,

drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this Article or other provisions of this Code.

(c) It shall be unlawful for the owner or operator of a regulated establishment to allow exterior portions of the regulated establishment to be painted any color other than a single achromatic color. This provision shall not apply to any regulated establishment if the following conditions are met:

(1) The regulated establishment is a part of a commercial multi-unit center; and

(2) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the regulated establishment, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

(d) Nothing in this Article shall be construed to require the painting of an otherwise unpainted exterior portion of a regulated establishment.

Sec. 24-1110. Persons Younger than Twenty-One (21) Prohibited from Entry; Attendant Required.

(a) It shall be unlawful to allow a person who is younger than twenty-one (21) years of age to enter or be on the premises of a regulated establishment at any time that the regulated establishment is open for business.

(b) It shall be the duty of the operator of each regulated establishment to ensure that an attendant is stationed at each public entrance to the regulated establishment at all times during such regulated establishment's regular business hours. It shall be the duty of the attendant to not allow any person under the age of twenty-one (21) years to enter the regulated establishment. It shall be presumed that an attendant knew a person was under the age of twenty-one (21) unless such attendant asked for and was furnished:

(1) A valid operator's, commercial operator's, or chauffeur's driver's license; or

(2) A valid personal identification certificate issued by the Texas Department of Public Safety reflecting that such person is twenty-one (21) years or older.

Sec. 24-1111. Notices.

(a) Any notice required or permitted to be given by the Chief of Police or any other city office, division, department or other agency under this Article to any applicant, operator or owner of an enterprise may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application which has been received by the Chief of Police, or any notice of address change which has been received by the Chief of Police.

Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Chief of Police shall cause it to be posted at the principal entrance to the establishment.

(b) Any notice required or permitted to be given to the Chief of Police by any person under this Article shall not be deemed given until and unless it is received in the office of the Captain of the Vice Division at the time(s) and in the manner provided for filing of applications in Section 24-1103 of this Code.

(c) It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the Chief of Police in writing of any change of residence or mailing address.

Sec. 24-1112. Penalty.

(a) The violation of any provision of this Article, including the doing of anything which is herein prohibited or declared to be unlawful or the failure to do anything or perform any duty which is required herein, shall be punishable as provided by Section 243.010(b) of the Local Government Code, as amended. Each day any violation shall continue shall constitute and be punishable as a separate offense.

(b) The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty and the imposition of a criminal penalty shall not prevent the revocation or suspension of a permit.

Sec. 24-1113. Occupancy Permit.

An occupancy permit shall be issued by the Building Official for the lawful occupancy of the building or premises upon issuance of the permit as herein provided. The Building Official shall immediately upon the request of the applicant identify in writing any legally sufficient reason why the occupancy permit cannot be issued.