

ORDINANCE NO. 11-086

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING VARIOUS ARTICLES, DIVISIONS, AND SECTIONS OF CHAPTER 24, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS ("CODE"), BY ADDING AND/OR REVISING SAID ARTICLES, DIVISIONS, AND SECTIONS AS HEREIN DESCRIBED AND FOR THE PURPOSES HEREIN STATED.

WHEREAS, the City Council of the City of Bellaire, Texas ("City Council"), held a public hearing on the 5th day of December, 2011, 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 additions and/or revisions proposed to various articles, divisions, and sections of *Chapter 24, Planning and Zoning*, of the *Code*; and

WHEREAS, notice of said public hearing having been duly given and published as required by law, said public hearing was held on the 5th day of December, 2011, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at which time and place all persons desiring to be heard were heard on or in connection with additions and/or provisions proposed to *Chapter 24, Planning and Zoning*, of the *Code* described as follows for the stated purposes:

- *Article II, Definitions and Interpretations, Section 24-202, Definitions:* addition of definitions to accommodate the revisions and/or additions to *Article V, Planning and Zoning, Division 2, Zoning District Regulations, Section 24-547, Urban Village (TOD) District (UV-T)*, as well as an adjustment to the existing definition of "story";
- *Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability:* addition of a new section, *Section 24-524, Site Plan Review*, to require all applications for a planned development amendment to include a site plan review;
- *Article V, Zoning Regulations, Division 2, Zoning District Regulations:* repeal of existing *Section 24-547, Urban Village (TOD) District (UV-T)*, and replacement with a new *Section 24-547, Urban Village (TOD) District (UV-T)*, to provide new

regulations for the development of the UV-T Zoning District in accordance with the City of Bellaire's Comprehensive Plan;

- *Article VI, Amendatory Procedure, Section 24-604, Application for Planning Development Amendment, and Section 24-619, Final Planned Development Amendment: repeal of existing Section 24-604, Application for Planned Development Amendment, and Section 24-619, Final Planned Development Amendment, and replacement with a new Section 24-604, Application for Planned Development Amendment, and a new Section 24-619, Final Planned Development Amendment to revise the requirements for constructing improvements within a planned development; and*

WHEREAS, the Planning and Zoning Commission of the City of Bellaire, Texas ("Planning and Zoning Commission"), did, by memorandum dated November 22, 2011, and subsequent addendum from Michael Doyle, Chair of the Planning and Zoning Commission, make a recommendation concerning the referenced additions and/or revisions proposed to *Chapter 24, Planning and Zoning*, of the *Code*, a copy of which is attached hereto and marked Exhibit "A"; and

WHEREAS, the City Council has duly received the memorandum and subsequent addendum of recommendations of the Planning and Zoning Commission and hereby accepts such recommendations; **NOW, THEREFORE,**

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

Section 1. *Chapter 24, Planning and Zoning, Article II, Definitions and Interpretations, Section 24-202, Definitions, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-524, Site Plan Review, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-547, Urban Village (TOD) District (UV-T), Article VI, Amendatory Procedure, Section 24-604, Application for Planning Development Amendment, and Article VI, Amendatory Procedure, Section 24-619, Final Planned Development Amendment, are hereby amended and the amended Code shall read as set out in Appendix "A" attached hereto. All other portions of Chapter 24, Planning and Zoning, of the Code not specifically amended hereby shall remain in full force and effect.*

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of conflict only.

Section 3. 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 4. 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 5. This Ordinance shall be effective as of January 1, 2012.

PASSED, APPROVED, and ADOPTED this 12th day of December, 2011.

Cynthia Siegel, Mayor
City of Bellaire, Texas

ATTEST:

Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney
City of Bellaire, Texas

APPENDIX A

Instructions: New definitions to be added to section.

Sec. 24-202. Definitions.

- (3.5) *Aluminum composite panel (ACP)*. A smooth material comprised of composite metal for external cladding of buildings on vertical, sloped or horizontal surfaces. ACPs may be applied over masonry, structural steel, stud backup, or within curtain wall designs. ACPs may be produced in numerous colors or in patterns that imitate other materials such as marble or wood.
- (5.25) *Arcade*. An arched or covered passageway attached to a building façade.
- (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.).
- (21.5) *Building integrated photovoltaics (BIPV)*. Use of photovoltaic materials to replace conventional building materials in parts of a building envelope such as the facades, roof or skylights. Photovoltaic materials generate electrical power by converting solar radiation into direct current electricity. A BIPV system serves the dual function of building skin and power generator, and is often used to add architectural interest to a building.
- (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.
- (49.5) *Cornice*. A horizontal molded projection that crowns or completes the top of a building or wall.
- (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.
- (56.5) *Dormer*. An extension built out from a sloping roof to accommodate a vertical window.
- (65.5) *Exterior Insulation and Finish System (EIFS)*. A method of building cladding that provides an insulating, protective and decorative finish system for exterior walls that can be installed on any type of construction, and in a variety of shapes, colors and textures to replicate other architectural styles or finish materials.
- (77.5) *Gable*. A triangular area of an exterior wall under the inverted "v" formed at the end of a pitched roof.

- (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.
- (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.
- (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.).
- (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").
- (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.)
- (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.
- (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.
- (167.75) *Standing seam metal.* A side-by-side formation of panels, typically made of steel, aluminum, copper or other architectural metal, in which the panels are joined together at the sides and secured in place by concealed fasteners, with the overlapping panel lock forming a seam as a connecting point between the panels. This enables the connected panels to be used for building and roofing applications.
- (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.

- (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 non-profit) venue. The facility may also involve preparation and serving of food and beverages for consumption on the premises.
-

Instructions: Language to be added to existing definition shown by underline.

Sec. 24-202. Definitions.

- (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 non-residential 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)

Instructions: New section to be added.

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 Planning and Zoning 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, non-residential square footage, number of standard and ADA accessible parking spaces, any loading spaces, height of all buildings and structures, residential density, non-residential 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;
- (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 Planning and Zoning Official, the Planning and Zoning Commission or the City Council.
- (21) Such other information or documentation as the Planning and Zoning 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.

B. Procedures.

- (1) *Complete application.* The applicant shall submit a complete application to the Planning and Zoning 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.* The Planning and Zoning 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. Conforming plans shall be placed on the next available agenda of the Planning and Zoning Commission.
 - (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 Planning and Zoning 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.
-

Instructions: Delete section in its entirety.

Sec. 24-547. Urban Village (TOD) District (UV-T).

Instructions: New section to be added.

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) Multi-family 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.
 - 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.

C. *Development Standards.*

- (1) *Site plan review required.* All development applications 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) *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 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 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.
- (3) *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.

{Remainder of page intentionally left blank}

**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 | <i>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.</i> |
| 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 | <i>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.</i> |
| Mixed-Use Development | 0.75 | 4.00 | All Garage Parking | Same as above | Same as above | <i>The combination of mixed uses and all garage parking is granted a significant FAR increase, still with the potential for further FAR bonuses.</i> |
| 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 | <i>For projects which include multiple uses and utilize all garage parking, and also provide significant ground-floor activity, no maximum FAR is set.</i> |

* 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 within 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.

(4) *Screening and Buffering.*

- a) *Buffering.* Requirements in Section 24-513 for buffering between non-residential and residential uses, and between higher and lower residential densities, are waived in the UV-T district.
- b) *Residential protection.* Off-street parking areas shall not be located within 50 feet of a residential zoned neighborhood.
- c) *Parking area perimeters.* Requirements in Section 24-513.G. for screening of off-street parking areas apply 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. The following specific provisions also apply in the UV-T district:
 - 1) A buffer strip, a minimum of five feet deep, shall be provided along any edge of an off-street parking area which is visible from a public street right-of-way, but such buffer strip is not required where a parking area edge abuts an alley or vehicular access easement. Screening of parked vehicles shall be provided within this strip through installation of a dense hedge or an opaque wall, to a minimum height of three feet and no higher than four feet from ground level.
 - 2) Openings through the perimeter buffer strip, for pedestrian and bicycle circulation to and from public sidewalks or other circulation routes, shall be provided approximately every 50 linear feet, with each opening no more than five feet wide.
 - 3) Screening of parking areas which utility companies allow on their properties shall be subject to the policies of such companies with regard to allowable screening methods, location and height of screening, etc.
- d) *Loading and truck access areas.* Requirements in Section 24-514.G.(3)b) 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. The following specific provisions also apply in the UV-T district:
 - 1) 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.
- e) *Solid waste facilities.* Requirements in Section 24-513.F. for screening of outside storage apply 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. The following specific provisions also apply in the UV-T district:

- 1) Dumpsters and garbage bins shall be located behind principal buildings relative to public street frontage whenever practical, and such solid waste facilities 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 in Section 24-513.D.4., except that an opaque wall shall be provided in all cases in the UV-T district rather than a wood fence alternative.
- 3) No other outside storage besides solid waste facilities is permitted in the UV-T district.

(5) *Landscaping.*

- a) *Street trees.* 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-T district shall be 30 feet rather than 40 feet. Applicants may select any tree variety specified for the UV-T district, 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 City's administrative official. The following specific provisions also apply in the UV-T district:
 - 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 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 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.
- b) *On-site landscaping.* For the portion of a development site where buildings and other site coverage is not allowed, as defined in Section 24-202.(161), landscaping shall be provided in accordance with Section 24-513. The following specific provisions also apply in the UV-T district:
 - 1) A mix of vegetation types shall be provided, including a combination of canopy trees, understory or ornamental trees, shrubs or other low plantings, and turf or other groundcover, as appropriate to the site and the proposed development plan. The proposed selection, distribution and potential clustering of such vegetation on the site shall be illustrated on a landscape plan.

Drought-tolerant groundcovers and shrubs should be used whenever practical.

- 2) Where buildings are more than 60 feet in length or two stories in height, trees should 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 street-level vantage points.
- c) *Parking area interiors.* Off-street parking areas in the UV-T district shall be exempt from the requirement in Section 9-355.1 in Chapter 9, Buildings, of the City Code that trees be planted within the interior of such parking areas given the limited developable area within this district. Instead, the requirement in Section 9-355.1 of one tree for every 10 parking spaces shall be satisfied by planting such trees within the perimeter buffer area required by this Section for off-street parking areas, or elsewhere near the parking area edges.
 - 1) Any such trees planted within a perimeter buffer area shall be maintained to provide a clear zone free of limbs, from ground level up to eight feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles.
- d) *Relief on constrained sites.* Upon the recommendation of the City's 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 where full compliance would be impractical and adjacent properties would not be unreasonably impacted.
- (6) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structure are not directly illuminated.
- (7) *Parking.* A minimum number of off-street parking spaces shall be required as provided in Section 24-514a of the City Code.
 - a) *Maximum parking.* For purposes of the UV-T district, off-street parking shall also be limited, as follows, to reduce the proportion of developable land devoted to vehicular parking and promote greater transit ridership:
 - 1) *Maximum residential parking.* The maximum off-street parking for multi-family residential uses shall not exceed 1.5 spaces per dwelling unit.
 - 2) *Maximum commercial parking.* The maximum off-street parking for commercial retail uses shall not exceed four parking spaces for each 1,000 square feet of gross leasable area. For general offices uses, the maximum is three parking spaces for each 1,000 square feet of gross leasable area.

- 3) *Exceptions.* The City's administrative official may allow up to 10% fewer parking spaces than the minimum parking requirement, or up to 10% more parking spaces than the maximum parking standard, when unique characteristics of the proposed use, as demonstrated by the applicant, justify such minor variation from the usual parking standards of this Chapter.
- b) *Parking credits.* In the UV-T district, an applicant may also deduct from the standard parking requirement its share of on-street, unrestricted public parking spaces and any public lot parking as follows:
 - 1) *Calculation of Credit.* The credit shall be calculated according to the following formula:
 - a) Parking Credit = $0.8 \times (A \times P)$, where:
 - 1) "A" is equal to the area of the applicant's parcel divided by the area within 600 feet of the boundaries of the parcel proposed for development that are within the same zoning district in which the parcel is located; and
 - 2) "P" is equal to the total number of parking spaces on streets and in public parking lots that are located within 600 feet of the boundaries of the parcel proposed for development that are within the same zoning district in which the parcel is located.
 - b) The values for "A" and "P" shall be documented by the applicant.
 - c) *Mixed use.* Mixed-use development in the UV-T district 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 (e.g., handicapped parking), by the appropriate percentage listed in Table 24-547.B, Shared Parking Table, 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 24-547.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 City's 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 City's administrative official.

| Table 24-547.B: Shared Parking Table | | | | | |
|---|---------------------|------------------|-----------------------|------------------|-----------------------|
| Use | Weekday | | | Weekend | |
| | Night (12AM to 6AM) | Day (6AM to 6PM) | Evening (6PM to 12AM) | Day (6AM to 6PM) | Evening (6PM to 12AM) |
| 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% |
| Entertainment | 10% | 40% | 100% | 80% | 100% |
| All Others | 100% | 100% | 100% | 100% | 100% |

Example Shared Parking Calculation (for a development with the mix of uses quantified below):

| | | | | | |
|--|------------|--------------|--------------|--------------|--------------|
| 50 Multi-Family Units (75 required spaces) | 75 | 45 | 68 | 60 | 68 |
| 100,000 sq ft Office (300 required spaces) | 15 | 300 | 30 | 30 | 15 |
| 200,000 sq ft Retail (800 required spaces) | 40 | 560 | 720 | 800 | 560 |
| 300-Room Hotel (300 required spaces) | 240 | 240 | 300 | 150 | 300 |
| 6,000 sq ft Restaurant (60 required spaces) | 6 | 24 | 60 | 48 | 60 |
| 1,535 required spaces | 376 | 1,169 | 1,178 | 1,088 | 1,003 |

Result: A reduction in the required number of parking spaces from 1,535 to 1,178. This is 357 fewer spaces, or a 23% parking reduction.

- 2) *Special shared parking study.* As an alternative to the methodology in Table 24-547.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 City's 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.
- d) *Shared parking among sites under different ownership.* Adjoining developments with separate property ownership may propose joint parking arrangements in accordance with Section 24-514.C.(2) of the City Code, with the following specific provisions for the UV-T district:
 - 1) Cooperating property owners shall use Table 24-547.B to calculate the reduction in required parking to be achieved through a shared parking arrangement.
 - 2) The City's administrative official is authorized to approve joint parking arrangements in the UV-T district.
 - 3) In addition to the conditions specified in this subsection, 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;
 - 3) allocation of maintenance responsibilities; and
 - 4) a right of enforcement by the City.
- e) *Bicycle parking.* Bicycle parking shall be required for all parcels proposed for non-residential and/or multi-family residential development that will have off-street parking with 20 or more parking spaces.
 - 1) Bicycle parking shall be provided in the following amounts:
 - a) *Surface parking areas.* One bicycle parking space per 10 vehicle parking spaces, to a maximum of 10 bicycle parking spaces.

- b) *Parking Structures:* One bicycle parking space per 20 vehicle parking spaces, with a minimum requirement of six bicycle parking spaces up to a maximum requirement of 10 bicycle parking spaces.
- 2) *Design standards for bicycle parking.*
- a) Areas devoted to bicycle parking shall be hard surfaced.
 - b) Bicycle racks must be provided, and be securely anchored.
 - c) Bicycle racks are not required for bicycle parking associated with multi-family residential uses. Required bicycle parking for such uses may be provided in garages, storage rooms and other resident-accessible, well-lit and secure areas.
- 3) *Location of bicycle parking.*
- a) Short-term bicycle parking (for visitors and customers versus longer-term parking for residents and employees) shall be located within 50 feet of the principal building entrance, at the same grade as the sidewalk or accessible route.
 - b) If authorized by the City's administrative official, some or all of the required bicycle parking may be located within the public right-of-way, provided that pedestrian, wheelchair and bicycle circulation paths are not obstructed.
- 4) *Shared bicycle parking.* The City's administrative official may allow the required bicycle parking for a development to be consolidated with the bicycle parking of an adjacent development if the parking location is within 150 feet of the principal building entrance of the development that would benefit from the off-site bicycle parking. Such shared provision of required bicycle parking shall be evidenced by a written agreement executed by both property owners.
- 5) *Administrative adjustments.* The City's administrative official may approve an administrative adjustment reducing the number of required bicycle spaces, potentially to zero, if it is demonstrated that:
- a) The use is not likely to generate significant bicycle traffic; or

- b) It is physically impractical to provide bicycle parking at the subject location.
- (8) *Loading.* A minimum number of loading spaces shall be required as provided in Section 24-514.G.(4) of the City Code.
 - a) On-street, over-the-curb loading is permitted in the UV-T district between the hours of 7:00 a.m. and 10:00 p.m.
- D. *Design Standards.* The standards within this subsection, together with the use regulations and physical development standards elsewhere in this Section, are intended to promote and maintain an Urban character as described in the purpose statement to this Section. All design processes within the UV-T district shall also consider Crime Prevention Through Environmental Design (CPTED) principles to enhance the security of residents, workers and visitors.
 - (1) *Blocks.*
 - a) *Grid pattern.* Blocks shall be arranged in a 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.
 - b) *Block length.* 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, in the UV-T district, 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.
 - (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) *Access and driveways.*
 - a) *Curb cut limits.* 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.

- 1) A maximum of one curb cut shall be permitted for every 100 feet of public street frontage.
- 2) All driveways shall be limited to two lanes, and in no case shall a driveway or associated curb cut exceed 30 feet in width.
- 3) Upon recommendation of the City's 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 in this subsection, based on site-specific or emergency access considerations.

b) *Pedestrian safety.*

- 1) 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.).
- 2) 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.

(4) *Sidewalks.*

- a) *Location.* Sidewalks shall be provided along each side of a site which abuts a public street, and be designed and constructed according to City standards. Applicants may use any alternative design treatments for public sidewalks which are specified for the UV-T district, if any, in Section 23.5-21(d) in Chapter 23.5, Land Subdivision Regulations, of the City Code.

- 1) *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.

- b) *Width.* Minimum 10 feet wide.

- c) *Arcade treatment.* Arcades may be constructed along building facades 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.

- (5) *Off-street parking dispersion.* Off-street surface parking is permitted in the UV-T district, but concentrations of such parking are to be avoided to promote the desired Urban character and prevent disruption of non-vehicular circulation within the area.
 - a) *Maximum parking area dimension.* No edge of an off-street surface parking area shall exceed 145 feet in length, and the entire parking area shall not exceed 21,025 square feet. This limitation does not apply to surface parking areas located on properties within the district owned by utility companies which allow such parking.
- (6) *Street-level design and pedestrian orientation.*
 - a) *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 which front on public sidewalks should be occupied by active retail, service, office, residential or other uses permitted in the district.
 - 1) 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.
 - b) *Clear building entries.* The primary building entry must 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.
 - c) *Transparency of non-residential uses.* Building facades that face public street rights-of-way and public plazas/spaces must 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 facade.
 - 1) Such ground-level windows and doors must 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

bathrooms and in other doors and windows where privacy is needed.

- d) *Relationship to public spaces.* 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.
 - e) *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.
- (7) *Buildings and architecture.* Except where specified, the following building and architectural standards apply to all non-residential and multi-family developments.
- a) *Massing.*
 - 1) *Grouping.* 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.
 - 2) *Clustering for connectivity.* Individual buildings on a development site or on adjacent sites shall be clustered, whenever possible, to create pedestrian-oriented precincts and walkable connections.
 - 3) *Framing public spaces.* Individual buildings or groups of buildings 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 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.
 - b) *Architectural quality.* Unless indicated otherwise in this subsection, building design standards related to architectural features, materials and articulation of a building façade shall apply to all exterior elevations of structures given the high visibility of the UV-T district.

- 1) *Visual interest and anti-monotony.*
 - a) *Building articulation.* Building facades that face public street rights-of-way and other public areas 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 facade periodically relative to the front building line, along with other design variations in the front facade.
 - b) *Avoidance of blank walls.* Any exterior building elevation that faces a public street right-of-way, 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 facade, decorative cornices, material and color variations, score lines, etc.
 - c) *Roofline articulation.* For flat roofs or facades 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, chimneys, etc.
- 2) *Building materials.* The intent of this subsection is to ensure use of building materials in the UV-T district which convey an appearance of quality and durability.
 - a) *Permitted building materials.* For exterior building elevations these include:
 - 1) Brick.
 - 2) Natural stone.
 - 3) Marble.
 - 4) Granite.
 - 5) Glass.
 - 6) Building integrated photovoltaics.

- 7) Galvanized steel and painted steel, only for use on doors and roll-up doors that provide access to loading areas and/or face toward alleys or vehicular access easements.
- b) *Accent materials.* The following materials are permitted, but only as accents rather than a predominant exterior material. Accent materials shall comprise no more than 15 percent of any building façade, may be used only above the floor level of the second story, and must incorporate detailing.
- 1) Exterior Insulation and Finish Systems (EIFS).
 - 2) Stucco.
 - 3) Architectural metal, including aluminum composite panel (ACP) treatments.
 - 4) Tile.
 - 5) Any concrete product which has an integrated color and is textured or patterned to look like brick, stone, marble, granite or tile.
 - 6) Stainless steel.
 - 7) Chrome.
- c) *Roofing.* Steel, standing seam metal and/or architectural metal may be used on a sloped roof.
- d) *Awnings and canopies.* Awnings and canopies shall be made of durable, easily maintained or replaced materials, which may include canvas, fabric, steel or architectural metal, including aluminum composite panel (ACP) treatments.
- e) *Parking structures.* The exterior facades of parking structures shall utilize the permitted building materials and accent materials specified in this subsection for exterior building elevations, except that precast concrete may also be used on the facades of parking structures. Steel, standing seam metal and/or architectural metal may be used on any sloped roof of a parking structure.

- f) *Prohibited building materials.* For exterior building elevations these include:
 - 1) Pre-fabricated metal wall panels.
 - 2) Smooth-faced concrete block.
 - 3) Vinyl, wood, cedar shingle, composite, metal or fiber cement siding.
 - 4) Wood.
 - 5) Plastic.
 - 6) Crushed rock.
 - 7) Mirrored glass in ground floor windows.
- g) *Privacy glass.* Frosted glass or other treatment is permitted for bathrooms and in other doors and windows where privacy is needed.
- 3) *Colors.* Use of overly iridescent or fluorescent colors on any building facade or roof is prohibited, as determined by the City's 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.
- 4) *Multi-family development.*
 - a) *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.
 - b) *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.
 - c) *Mechanical equipment.* No window or wall-mounted air conditioning units are permitted.
- 5) *Parking structures.* Such structures shall be designed for architectural consistency with the primary building served or other nearby buildings in terms of facade design, articulation, finish materials and/or shielding of

unfinished structural elements and mechanical equipment.

a) *Special design elements.* 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, facade and roofline variation).

6) *Awnings and canopies.* Use of awnings and canopies on building and parking structure facades 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 awnings is consistent with the building architecture, and they are maintained in sound condition at all times. The following specific provisions also apply in the UV-T district:

a) *Projection.* Awnings and canopies shall project no more than six feet from a building or parking structure facade.

b) *Lighting.* Awnings and canopies shall not be backlit or internally lit.

(8) *External elements.*

a) *Overhead utility lines.* All local utility wires, not including high-capacity power transmission lines, shall be installed underground.

b) *Building and site lighting.*

1) 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.

c) *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 that conceal flat roof areas where mechanical equipment is mounted.

1) 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.

- d) *Ground- or building-mounted service equipment.* Such exterior equipment (e.g., mechanical components, 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.
-

Instructions: Delete section in its entirety.

Sec. 24-604. Application for Planned Development Amendment.

Instructions: New section to be added.

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 Planning and Zoning Official, accompanied by a non-refundable 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; and
- (5) A site plan in accordance with Section 24-524.
- (6) Such other information or documentation as the Planning and Zoning 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.

Instructions: Delete section in its entirety.

Sec. 24-619. Final Planned Development Amendment.

Instructions: New section to be added.

Sec. 24-619. Final Planned Development Amendment.

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.