



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

MARCH 3, 2014

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

REGULAR SESSION - 7:00 P.M.

A. Call to Order - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:00 p.m.

B. Announcement of a Quorum - Dr. Philip L. Nauert, Mayor

Attendee Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Present	
Amanda B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	
James P. Avioli Sr.	Councilman	Present	
Gus E. Pappas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Andrew S. Friedberg	Councilman	Present	
Paul A. Hofmann	City Manager	Present	
Alan P. Petrov	City Attorney	Present	
Tracy L. Dutton	City Clerk	Present	

C. Inspirational Reading and/or Invocation - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, provided the inspirational reading for the evening.

D. Pledges to the Flags - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, led members of City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

E. Approval or Correction of Minutes

1. Mayor and Council - Regular Session - Feb 17, 2014 7:00 PM

Motion:

To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, February 17, 2014.

Councilman Andrew S. Friedberg noted that the motion on page 11 of the agenda packet (page 7 of the minutes) should have been recorded as "Adopted as Amended" rather than "Adopted."

After noting a consensus from the members of City Council, Mayor Nauert advised that the change mentioned by Councilman Friedberg would be considered a scrivener's error.

RESULT:	APPROVED AS CORRECTED [UNANIMOUS]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

2. Mayor and Council - Public Hearing - Feb 24, 2014 6:00 PM

Motion:

To approve the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, February 24, 2014.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

F. Personal/Audience Comments

Molly McGee:

Ms. McGee addressed City Council regarding the proposed site plan for the new Condit Elementary School campus ("Condit"). She advised that one of Condit's guiding principles was to be "community-based." In Ms. McGee's opinion, the community-based connection for Condit had not been established effectively. She indicated that few residents had known about or had the opportunity to learn about the plans for Condit.

One of Ms. McGee's major concerns was the 66 space parking lot proposed to be located on Third Street and its negative effect on traffic flow, the safety of children and residents, and on the aesthetics of a campus located on the edge of a residential community that shared joint use parking with the City.

In Ms. McGee's opinion, the current proposed parking on Third Street would increase traffic within the residential areas between Jessamine Street and Linden Street during school days and during school events. Additionally, Ms. McGee believed the current proposed parking on Third Street would increase traffic significantly with any community event that took place at City Hall, the City's green space, Condit green space, and Paseo Park, and would create extra pedestrian traffic through school grounds during the events.

HISD had suggested that getting the carpool line off of Third Street and into the parking lot would make crossing surrounding streets safer for the children and decrease the number of cars that parked along Jessamine Street to Linden Street for pick up and drop off. Ms. McGee stated that she believed the proposed parking on Third Street would not enhance the safety of children as children would need to pass in front of cars in the carpool line and cars accessing parking spaces.

Ms. McGee urged City Council to consider three points regarding the current proposed Condit site plan and to communicate the points to HISD.

Point 1: Leave the current parking at the corner of Linden Street and South Rice Avenue.

Point 2: Leave the proposed parking at the corner of Jessamine Street and South Rice Avenue.

Point 3: Delete the proposed parking lot along Third Street and allow minimal parking by the main entrance to the campus.

In closing, Ms. McGee referenced an alternate site plan that she had provided earlier to City Council. The alternate site plan would retain the same number of slots that the City had mandated and alleviate the concerns that many residents had about traffic, safety, and aesthetics.

Anne Wallace:

Ms. Wallace addressed City Council and indicated that she was absolutely opposed to the parking lot proposed by HISD for the Condit Elementary School on Third Street. Ms. Wallace advised that residents already had a difficult time leaving or reaching their homes due to traffic congestion in the area. Allowing parking on Third Street would exacerbate the problem.

Karin Diaz:

Ms. Diaz addressed City Council and referenced the proposed Condit parking lot on Third Street. She advised that she could not understand how a parking lot dumping into a neighborhood was good for the neighborhood. She echoed the comments made by Ms. McGee, and indicated that she was definitely against the proposed Third Street parking lot.

Mark Cummings:

Mr. Cummings addressed City Council and spoke in favor of the alternate site plan for Condit parking presented earlier by Ms. McGee.

Don Gullquist:

Mr. Gullquist echoed the comments made by the previous speakers.

Mark Sass:

Mr. Sass addressed City Council and expressed serious concerns about HISD and the City not looking out for the interest of its constituents and taxpayers. He indicated that when Laurel Street went away, residents were concerned about losing their access to South Rice Avenue. After the green space, now known as Condit Park, was developed, residents enjoyed it.

HISD's plans to reconstruct Condit Elementary School would force the neighborhood to look at a two-story building with 40-50 feet of concrete in front of it. The plan called for one of the worst possible situations that the school could probably have. Mr. Sass also referenced the difficulty he had getting out of his driveway during school hours, noting that adding 66 spaces on Third Street was not a good situation.

In closing, Mr. Sass advised that he, too, was concerned for the safety of Condit students, as those students would have to cross a parking lot with a line forming in it for pick up and drop off and then cross Third Street and another set of traffic.

Leslie Little:

Ms. Little addressed City Council regarding the proposed parking lot on Third Street for Condit. Ms. Little advised that she had been a part of Condit for many years, with service to various Parent-Teacher Organization (PTO) board positions, as a parent, and as a member of the City's Parks and Recreation Advisory Board.

Reference was made by Ms. Little to the many volunteer hours worked by parents and the PTO to establish the green space that was now adjacent to the school and known as Condit Park. Her role to protect that green space continued with six years of service on the City's Parks and Recreation Advisory Board. She advised that her comments and position were not brought to the table lightly or without experience.

Ms. Little urged City Council to consider the following points:

Point 1:

Leave the current parking lot onsite at Linden Street and South Rice Avenue.

Point 2:

Leave the proposed parking lot at the corner of Jessamine Street and South Rice Avenue.

Point 3:

Delete the proposed parking lot on Third Street, leaving a minimal amount of parking spaces at the new main entrance for visitors.

In closing, Ms. Little favorably recognized the steps already taken by HISD and the City Council to reduce the number of spaces required on the lot and to continue the Joint Use Agreement between the City and HISD.

Eddy Donalson:

Mr. Donalson addressed City Council and indicated his desire for the parking lots to remain where they currently were and not on the residential side. He echoed comments made by Molly McGee and Leslie Little.

Mary Goodman:

Ms. Goodman indicated that she wished to echo all of the comments made earlier this evening by residents.

George Williams:

Mr. Williams addressed City Council and indicated that he and his wife had chosen to live in Bellaire because of the City's family-friendly environment. A parking lot on Third Street inside the neighborhood was simply contradictory to the approach that the City had so eloquently taken in the past.

Mr. Williams stated that he was deeply concerned about placing a high volume parking lot inside the neighborhood where his small children would be playing. It would convert the neighborhood streets from a warm place for families to a freeway or a vessel to connect to the freeway.

He urged City Council to reject the site plan as proposed by HISD and to modify that plan so that the parking lot was placed on South Rice Avenue.

G. Report(s)

1. City Manager's Report - Paul A. Hofmann, City Manager

- a. City Manager's Report dated March 3, 2014, regarding Internal Operations (Bellaire Police Department Strategic Planning and Creation of Staff Teams), Meeting Updates (Bellaire Business Alliance Meeting and Future Meeting with Uptown Houston District), Training (Boards and Commissions), Traffic/Drainage Issues (Baldwin Street Traffic Study and Ferris Street Drainage and Traffic Concerns), and Major Projects Update (Central Water Project Schedule).

City Manager Paul A. Hofmann presented the City Manager's Report dated March 3, 2014, to members of City Council. Following questions of City Manager Hofmann regarding his report, action was taken to accept the report into the record as presented by City Manager Hofmann.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Roman F. Reed, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

2. Delinquent Collection Activity Report - Michael Darlow, Partner, Perdue, Brandon, Fielder, Collins & Mott, L.L.P.

- a. Delinquent Collection Activity Report - Michael Darlow, Partner, Perdue, Brandon, Fielder, Collins & Mott L.L.P.

Michael Darlow, Partner, Perdue, Brandon, Fielder, Collins & Mott, L.L.P., provided a "Delinquent Collection Activity Report" to members of City Council. The report covered property tax collections, utility account collections, and municipal court fee collections.

Mr. Darlow provided statistical information with respect to the percentage of monies owed to the City of Bellaire that had been collected or in the process of collection. With respect to municipal court fee collections, Mr. Darlow indicated that the bulk of monies owed to the City of Bellaire were from persons who resided in Texas. An overview of the collection procedures followed by Perdue, Brandon was also given.

Following questions of Mr. Darlow by members of City Council, action was taken to accept the "Delinquent Collection Activity Report," as presented by Mr. Darlow, into the record.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

H. New Business

1. Consent Agenda

- a. Consideration of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 14-004, Wastewater Treatment Plant Activated Sludge Disposal, to WCA - Waste Corporation of Texas ("WCA") in an amount not to exceed \$480.00 per 20 cubic yard (CY) load in a 25 CY or 30 CY container and on the adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with WCA for services necessary for the pickup, hauling, acceptance, treatment, processing, handling, storage, and disposal of Wastewater Treatment Plant sludge from the City of Bellaire, Texas, in an amount not to exceed \$480.00 per 20 CY load in a 25 CY or 30 CY container for a total estimated annual expenditure of \$87,360.00.

Motion:

To approve the Consent Agenda dated March 3, 2014, consisting of the following item: award of Bid No. 14-004, Wastewater Treatment Plant Activated Sludge Disposal, to WCA - Waste Corporation of Texas ("WCA") in an amount not to exceed \$480.00 per 20 cubic yard (CY) load in a 25 CY or 30 CY container and to adopt an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with WCA for services necessary for the pickup, hauling, acceptance, treatment, processing, handling, storage, and disposal of Wastewater Treatment Plant sludge from the City of Bellaire, Texas, in an amount not to exceed \$480.00 per 20 CY load in a 25 CY or 30 CY container for a total estimated annual expenditure of \$87,360.00.

{Ordinance was subsequently numbered: 14-012}

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

2. Adoption of Ordinance(s)/Resolution(s)

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas, by deleting the following Sections: 24-536, R-M.1 Residential-Commercial Mixed-Use District; 24-537, R-M.2 Residential-Commercial Mixed Use District; 24-538, R-M.3 Residential-Commercial Mixed Use District; 24-539, CCD-1 City Center District; 24-540, CCD-2 City Center District; and 24-547, Urban Village (TOD) District (UV-T), Subsection (D), Design standards; and inserting new sections regulating new zoning districts (Urban Village Downtown [UV-D] and Corridor Mixed-Use [CMU]) and design standards for the UV-T, CMU, and UV-D; and by amending the following sections: 24-547, UV-T, Subsection (C)(1), Site Plan Review, to allow for review by the Department of Community Development of all site plans; amendments to Section 24-513, Landscaping, Screening and Buffering, of general applicability; and 24-403, Official Zoning District Map, as appropriate; and by renumbering sections as appropriate.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending *Chapter 24, Planning and Zoning*, of the *Code of Ordinances of the City of Bellaire, Texas*, by deleting the following sections: 24-536, R-M.1 Residential-Commercial Mixed-Use District; 24-537, R-M.2 Residential-Commercial Mixed-Use District; 24-538, R-M.3 Residential-Commercial Mixed-Use District; 24-539, CCD-1 City Center District; 24-540, CCD-2 City Center District; 24-547, Urban Village (TOD) District (UV-T), Subsection (D), Design standards; and inserting new sections regulating new zoning districts (Urban Village Downtown [UV-D] and Corridor Mixed-Use [CMU]) and design standards for the UV-T, CMU, and UV-D; and by amending the following sections: 24-547, UV-T, Subsection (C)(1), Site Plan Review, to allow for review by the Department of Community Development of all site plans; amendments to *Section 24-513, Landscaping, Screening and Buffering*, of general applicability; and 24-403, *Official Zoning District Map*, as appropriate; and by renumbering sections as appropriate.

Amendment (No. 1) to Main Motion:

Mayor Pro Tem Amanda B. Nathan moved to amend *Appendix A* to the referenced ordinance as follows:

Section 24-536, Corridor Mixed-Use District, Subsection C, Development Standards, (2) Size and area, d) Mixed-Use Development, (1) Minimum Site Area, (a) Minimum mix of uses, as marked below:

- 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 ~~and~~ 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.*

Section 24-537, Urban Village-Downtown District (UV-D), Subsection C, Development Standards, (2) Size and area, c) Mixed-Use Development, (1) Minimum site area, (a) Minimum mix of uses, as

marked below:

- 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 ~~and~~ 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 24-537B.(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.*

Councilman Andrew S. Friedberg seconded the amendment (no. 1) to the main motion.

RESULT:**ADOPTED [6 TO 1]****MOVER:**

Amanda B. Nathan, Mayor Pro Tem

SECONDER:

Andrew S. Friedberg

AYES:

Nauert, Nathan, Reed, Pappas, McLaughlan,

Friedberg

NAYS:

Avioli Sr.

Amendment (No. 2) to Main Motion:

Mayor Pro Tem Amanda B. Nathan moved to amend *Appendix A* to the referenced ordinance as follows:

Section 24-536, Corridor Mixed-Use District, Subsection C, Development Standards, (2), Size and area, a) Churches, 5) Minimum required yards, (d) Height-setback plane for side and rear yards, as marked below:

*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 or R-5 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 plan as illustrated in **Figure 24-536.A**.*

Additionally, in situations 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.

Section 24-536, Corridor Mixed-Use District, Subsection C, Development Standards, (2), Size and area, b) Schools, 5) Minimum required yards, (d) Height-setback plane for side and rear yards, as marked below:

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 or R-5 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 plan as illustrated in **Figure 24-536.A**.

Additionally, in situations 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.

Section 24-536, Corridor Mixed-Use District, Subsection C,

Development Standards, (2), Size and area, c) Commercial and small-scale (under one-half acre) mixed-use development, 5) Minimum required yards, (d) Height-setback plane for side and rear yards, as marked below:

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 or R-5 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 plan as illustrated in **Figure 24-536.A**.

Additionally, in situations 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.

Section 24-536, Corridor Mixed-Use District, Subsection C, Development Standards, (2), Size and area, d) Mixed-Use Development, 5) Minimum required yards, (d) Height-setback plane for side and rear yards, as marked below:

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 or R-5 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 plan as illustrated in **Figure 24-**

536.A.

Additionally, in situations 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.*

Section 24-536, Corridor Mixed-Use District, Subsection C, Development Standards, (2), Size and area, e) Planned Development, 5) Minimum required yards, (a), as marked below:

*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 or R-5 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 plan as illustrated in **Figure 24-536.A**.*

Additionally, in situations 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.

Section 24-537, Urban Village-Downtown District (UV-D), Subsection C, Development Standards, (2), size and area, a) Single-family dwellings, attached, 7) Required yards, (b) Side and rear yards, as marked below:

- 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 or R-5 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 plan 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 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.

Section 24-537, Urban Village-Downtown District (UV-D), Subsection C, Development Standards, (2) Size and area, b) Commercial and

small-scale (under one acre) mixed-use development, 6) Minimum required yards, (b) Side and rear yards, as marked below:

- 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 or R-5 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 plan 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 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.*

Section 24-537, Urban Village-Downtown District (UV-D), Subsection C, Development Standards, (2) Size and area, c) Mixed-Use Development, 4) Minimum required yards, (b) Side and rear yards, as marked below:

- 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 or R-5 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 plan 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 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.*

Section 24-537, Urban Village-Downtown District (UV-D), Subsection C, Development Standards, (2) Size and area, d) Planned Development, 4) Minimum required yards, (b) Side and rear yards, as marked below:

- 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 or R-5 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 plan 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 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.*

Councilman Andrew S. Friedberg seconded the amendment (no. 2) to the main motion.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Amanda B. Nathan, Mayor Pro Tem
SECONDER: Andrew S. Friedberg
AYES: Nauert, Nathan, Reed, Aviloli Sr., Pappas, McLaughlan, Friedberg

Amendment (No. 3) to Main Motion:

Mayor Pro Tem Amanda B. Nathan moved to amend *Appendix A* to the referenced ordinance as follows:

Section 24-536, Corridor Mixed-Use District, Subsection B, Uses, (4), Relative quantity of multi-family to residential use, as marked below:

At no time shall more than ~~fifteen (15)~~ 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.

Councilman Andrew S. Friedberg seconded the amendment (no. 2) to the main motion.

RESULT: **ADOPTED [6 TO 1]**
MOVER: Amanda B. Nathan, Mayor Pro Tem
SECONDER: Andrew S. Friedberg
AYES: Nauert, Nathan, Reed, Pappas, McLaughlan, Friedberg
NAYS: Avioli Sr.

Following discussion of the main motion, as amended, action was taken. During the discussion, Councilmen James P. Avioli, Sr., and Gus E. Pappas, indicated that their opposition to the main motion, as amended, was related to the proposed multi-family uses, which were not supported in the new zoning districts.

{Ordinance was subsequently numbered: 14-013}

RESULT:	ADOPTED AS AMENDED [5 TO 2]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Nathan, Reed, McLaughlan, Friedberg
NAYS:	Avioli Sr., Pappas

- b. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, adopting a "Post Issuance Compliance Policy and Procedure Manual" for the purpose of complying with applicable provisions of the Internal Revenue Code of 1986, as amended, and Treasury Regulations.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, adopting a "Post Issuance Compliance Policy and Procedure Manual" for the purpose of complying with applicable provisions of the Internal Revenue Code of 1986, as amended, and Treasury Regulations.

{Resolution was subsequently numbered: 14-06}

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- c. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change in the date of the second Regular Session in March of 2014 from Monday, March 17, 2014, to Monday, March 24, 2014, due to the Spring Break holiday.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change in the date of the second Regular Session in March of 2014 from Monday, March 17, 2014, to Monday, March 24, 2014, due to the Spring Break Holiday.

Councilman Roman F. Reed indicated that he was opposed to the motion and felt that City Council should meet on March 17, 2014, as scheduled.

{Ordinance was subsequently numbered: 14-014}

RESULT:	ADOPTED [6 TO 1]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Nathan, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	Reed

I. Items for Future Agendas; Community Interest Items from the Mayor and City Council

Items for future agendas included a suggestion by Councilman Pat B. McLaughlan to schedule a face-to-face meeting with the Texas Department of Transportation for purposes of discussing their rationale for the proposed IH 610/US 59 Interchange project.

Expressions of thanks were given to the Bellaire Planning and Zoning Commission and Consultant Gary Mitchell of Kendig Keast Collaborative for all of their hard work on the zoning ordinances related to the City's Comprehensive Plan; expressions of thanks were also given to Harris County Judge Ed Emmett and Harris County Commissioner Steve Radack for the funds provided to the City for the maintenance and operations of The Nature Discovery Center; and a reminder was given to residents to vote on Tuesday, March 4, 2014.

J. Adjournment

Motion:

Councilman Roman F. Reed moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:57 p.m. on Monday, March 3, 2014. Councilman Pat B. McLaughlan seconded the motion. The motion carried unanimously on a 7-0 vote.



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

FEBRUARY 17, 2014

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

REGULAR SESSION - 7:00 P.M.

A. Call to Order - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, February 17, 2014.

B. Announcement of a Quorum - Dr. Philip L. Nauert

Attendee Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Present	
Amanda B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	
James P. Avioli Sr.	Councilman	Present	
Gus E. Pappas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Andrew S. Friedberg	Councilman	Present	
Paul A. Hofmann	City Manager	Present	
Alan P. Petrov	City Attorney	Present	
Tracy L. Dutton	City Clerk	Present	

C. Inspirational Reading and/or Invocation - Gus E. Pappas, Councilman - Position No. 3

Gus E. Pappas, Councilman - Position No. 3, provided the inspirational reading for the evening.

D. Pledges to The Flags - Gus E. Pappas, Councilman - Position No. 3

1. U.S. Pledge of Allegiance

2. Pledge to the Texas Flag

Gus E. Pappas, Councilman - Position No. 3, led the members of City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

E. Approval or Correction of Minutes

1. City Council Special Session (Interviews) Minutes dated Monday, January 27, 2014

Motion:

Minutes Acceptance: Minutes of Feb 17, 2014 7:00 PM (Approval or Correction of Minutes)

To approve the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, January 27, 2014.
(Requested by Tracy L. Dutton, City Clerk)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Roman F. Reed, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

2. Mayor and Council - Regular Session - Jan 27, 2014 7:00 PM

Motion:

To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, January 27, 2014.

Correction (Scrivener's Error):

Councilman Andrew S. Friedberg requested a correction to the motion he made related to the election of Mayor Pro Tempore Amanda B. Nathan. He asked that the word "nomination" be changed to "election," so that the motion recorded in the January 27, 2014, minutes would read as follows:

Councilman Andrew S. Friedberg called for the ~~nomination~~ election by acclamation of Amanda B. Nathan as the City's Mayor Pro Tempore.

There were no objections by members of City Council regarding the correction.

RESULT:	APPROVED AS CORRECTED [UNANIMOUS]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

3. Mayor and Council - Town Meeting - Feb 3, 2014 7:00 PM

Motion:

To approve the minutes of the Regular Session (Town Meeting) of the City Council of the City of Bellaire, Texas, held on Monday, February 3, 2014.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

4. 1085 : Mayor and Council Special Session (Executive Session) - Feb 10, 2014 - 6:00 PM

Motion:

To approve the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, February 10, 2014.
(Requested by Tracy L. Dutton, City Clerk)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

F. Personal/Audience Comments

There were no requests to address City Council this evening.

G. Reports

1. City Manager Comments

Dr. Philip L. Nauert, Mayor, introduced Bellaire's new City Manager ("CM"), Paul A. Hofmann to members in the audience. He noted that CM Hofmann had a Master's Degree in Public Administration and 28-29 years of public administration experience. Texas cities served by CM Hofmann included Alvin, Sugar Land, Kerrville, and Castroville.

CM Hofmann thanked Mayor Nauert for his introduction and indicated that he was fortunate and honored to be following in former City Manager Bernie Satterwhite's leadership. CM Hofmann also indicated that Bellaire had a group of dedicated professionals on staff and a great staff environment.

CM Hofmann provided a brief outline of meetings and tasks that he planned to address in his first few weeks at Bellaire.

Mayor Nauert offered CM Hofmann a sincere and heartfelt welcome and introduced Barbara Hofmann, CM Hofmann's wife, who was present for the City Council meeting.

(Requested by Tracy L. Dutton, City Clerk)

2. 2013 Annual Audit and Comprehensive Annual Financial Report (CAFR)

Robert Belt, Managing Partner and CPA, Belt Harris Pechachek, LLLP, presented the Comprehensive Annual Financial Report (CAFR) of the City of Bellaire, Texas, for the year ended September 30, 2013, and Independent Auditors' Report covering the same period to members of City Council.

Mr. Belt provided a brief overview of the City's revenues and expenditures, as well as the City's total indebtedness.

With respect to the Independent Auditors' Report, Mr. Belt advised that the City had received a clean opinion or unmodified report, which was the highest level of assurance that could be provided. The opinion, as stated in the Independent Auditors' Report read as follows: *In our opinion, the financial statements referred to above [Bellaire's financial statements for the period ended September 30, 2013] present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the remaining fund information of the City as of September 30, 2013, and the*

respective changes in financial position and, where applicable, cash flows thereof for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Dr. Philip L. Nauert, Mayor, opened the floor for questions or comments from City Council. Following questions from City Council related to the Required Auditor Disclosure Letter, action was taken to accept the CAFR of the City of Bellaire, Texas, for the year ended September 30, 2013, and Independent Auditors' Report for the same period.

(Requested by Linda Symank, Finance Administration)

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

3. Monthly Financial Report as of January 31, 2014

Chief Financial Officer Linda Symank presented the Monthly Financial Report covering the period ended January 31, 2014, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle, Equipment and Technology Fund, and Capital Improvement Program Fund, as well as discussion of statistical data.

Following questions from the Mayor and City Council regarding her report, action was taken to accept the Monthly Financial Report for the period ended January 31, 2014, as presented by Chief Financial Officer Linda Symank, into the record.

Motion:

To accept the Monthly Financial Report for the period ended January 31, 2014, as presented by Chief Financial Officer Linda Symank, into the record.

(Requested by Linda Symank, Finance Administration)

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

H. New Business

1. Consent Agenda

At the request of Councilmen Andrew S. Friedberg and Pat B. McLaughlan, items related to the adoption of a resolution amending the authorized representatives for the City of Bellaire, Texas, with TexPool and TexPool Prime and on the adoption of a resolution accepting a donation for use by the Bellaire Police Department to fund a pedestrian safety awareness program, were removed from the Consent Agenda and considered separately.

The remainder of the Consent Agenda was considered and adopted unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- a. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the TexSTAR Local Government Investment Pool (TexSTAR), withdrawing funds from TexSTAR, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

(Requested by Linda Symank, Finance Administration)

- b. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the TexasTERM Local Government Investment Pool (TexasTERM), withdrawing funds from TexasTERM, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

(Requested by Linda Symank, Finance Administration)

- c. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting donation in the amount of \$9,029.00 from the Friends of the Bellaire Library to be utilized by the Bellaire City Library for the purchase of reference material, Bookpage Magazine, program support for children's teen and adult summer programming, promotional material, Born to Read kits, sports nonfiction books, and die cuts.

(Requested by Mary Cohrs, Library)

2. Adoption of Ordinance(s)/Resolution(s)

- a. Consideration of and possible action on a request for restricted, permit parking along the 4500 block of Merrie Lane between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 30, Traffic, Article II, Traffic-Control Regulations, Division 5, Parking, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of adding a new Section 30-117, to be entitled "Restricted parking--7:00 a.m. to 5:00 p.m., Monday through Friday," for the purpose of establishing a permit parking process allowing for restricted parking on residential streets, more specifically in the 4500 block of Merrie Lane, Bellaire, Texas.

Note: This agenda item stemmed from a petition signed by more than 80% of the residents on the 4500 block of Merrie Lane requesting restricted permit parking.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas,

amending *Chapter 30, Traffic, Article II, Traffic-Control Regulations, Division 5, Parking*, of the *Code of Ordinances of the City of Bellaire, Texas*, for the purpose of adding a new *Section 30-117*, to be entitled "Restricted parking-7:00 a.m. to 5:00 p.m., Monday through Friday," for the purpose of establishing a permit parking process allowing for restricted parking on residential streets, more specifically in the 4500 block of Merrie Lane, Bellaire, Texas.

Dr. Philip L. Nauert, Mayor, called upon the primary petitioners, Dirk Stiggins and Nick Hodges, to provide a brief overview of the petition and request.

Dirk Stiggins indicated that more than 80% of the homeowners residing on the 4500 block of Merrie Lane had signed a petition requesting the City of Bellaire to implement restricted permit parking from 7:00 a.m. until 5:00 p.m., Monday through Friday, on the 4500 block of Merrie Lane. Messrs. Stiggins and Hodges provided a PowerPoint presentation depicting the congestion that occurred on their street on a daily basis caused by vehicles visiting a nearby school or auto repair facility. The referenced vehicles remained parked on Merrie Lane for the entire workday from Monday through Friday.

The petitioners requested City Council to consider the adoption of an ordinance similar to one previously passed by City Council for Wedgewood Drive and Wildwood Lane related to restricted permit parking.

(Requested by Tracy L. Dutton, City Clerk)

RESULT:	ADOPTED [6 TO 1]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
NAYS:	Pappas

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an engagement letter with Blackburn & Carter PC for the provision of professional services necessary to address the City of Bellaire's concerns regarding environmental matters associated with the Texas Department of Transportation's proposed US 59 South/IH 610 West Interchange Reconstruction Project.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an engagement letter with Blackburn & Carter PC for the provision of professional services necessary to address the City of Bellaire's concerns regarding environmental matters associated with the Texas Department of Transportation's proposed US 59 South/IH 610 West Interchange Reconstruction Project.

Following City Council discussion of the Blackburn & Carter PC engagement letter, a motion was made and seconded to amend one word in the last sentence of the last paragraph of the first page as set forth below:

Amendment to the Motion:

Councilman Pat B. McLaughlan moved to amend the last line of the last paragraph of the first page of the Blackburn & Carter PC engagement letter as follows:

We propose completing Phase 1 in about six weeks or less with work on subsequent phases to move forward with City Council ~~concurrence~~ approval.

Councilman Gus E. Pappas seconded the amendment to the motion.

Said amendment to the motion carried unanimously on a 7-0 vote.
(Requested by Tracy L. Dutton, City Clerk)

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- c. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 22, Offenses--Miscellaneous, of the Code of Ordinances of the City of Bellaire, Texas, by adding a new Article V, entitled "Credit Access Businesses," relating to consumer protection and regulation of credit access businesses within the City; containing findings and other provisions relating thereto; and providing a penalty clause.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 22, Offenses-Miscellaneous, of the Code of Ordinances of the City of Bellaire, Texas, by adding a new Article V, entitled "Credit Access Businesses," relating to consumer protection and regulation of credit access businesses within the City; containing findings and other provisions relating thereto; and providing a penalty clause.

Following questions of City Attorney Alan P. Petrov related to the ordinance, action was taken to adopt the ordinance as written.
(Requested by Tracy L. Dutton, City Clerk)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- d. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the Texas Local Government Investment Pool (TexPool/TexPool Prime), withdrawing funds from TexPool, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the Texas Local Government Investment Pool (TexPool/TexPool Prime), withdrawing funds from TexPool, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

Amendment to Motion:

Councilman Andrew S. Friedberg moved to amend the resolution by adding a new Section C, to read as follows: *THAT the Participant may by Amending Resolution signed by the Participant add or remove an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant.** The amendment was seconded by Mayor Pro Tem Amanda B. Nathan.

*It was noted that the language Councilman Friedberg moved to add to the resolution existed in the City's other resolutions amending authorized representatives with local government investment pools--TexSTAR and TexasTERM.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andrew S. Friedberg
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

(Requested by Linda Symank, Finance Administration)

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- e. **Motion:** 1080 Acceptance of Donation to BPD from Superbag Operating, Ltd.
Consideration of and possible action on the adoption of a resolution of the

City Council of the City of Bellaire, Texas, accepting a donation in the amount of \$1,800.00 from Superbag Operating, Ltd. of Houston to be utilized by the Bellaire Police Department to fund a pedestrian safety awareness program.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of \$1,800.00 from Superbag Operating, Ltd. of Houston to be utilized by the Bellaire Police Department to fund a pedestrian safety awareness program.

Following questions of Chief of Police Byron Holloway regarding the pedestrian safety awareness program for which the Superbag Operating, Ltd. of Houston donation would be used, action was taken to adopt the resolution accepting said donation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

3. Item for Individual Consideration

- a. Consideration of and possible approval by City Council of a request from the Environmental and Sustainability Board of the City of Bellaire, Texas, to pursue a joint/combined annual recycles day or recycles fest with the City of West University Place, Texas, the first of which would be held on Saturday, November 1, 2014.

Chair William (Bill) Stone of the Environmental and Sustainability Board of the City of Bellaire, Texas ("ESB"), introduced the agenda item before City Council. He indicated that he had contacted the Chair of the West University Place Board regarding a possible combined event and noted that the Board was in favor of joining with Bellaire. He was uncertain as to whether or not the Chair had approached the West University Place City Council for authorization.

It was noted by Chair Stone that a combined event would allow both cities to combine resources and sponsors, as well as to reduce some of the burden on the staff of each City. It was the hope of the ESB to alternate the location of the event between Bellaire and West University Place.

Motion:

To approve a request from the Environmental and Sustainability Board of the City of Bellaire, Texas, to pursue a joint/combined annual recycles day or recycles fest with the City of West University Place, Texas, the first of which would be held on Saturday, November 1, 2014.

Following questions of Chair Stone regarding a combined recycles event, a motion was made and action taken on the request.
(Requested by Tracy L. Dutton, City Clerk)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

I. Items for Future Agendas; Community Interest Items from the Mayor and City Council

Items for future agendas were requested by Councilmen Gus E. Pappas, James P. Avioli, Sr. and Pat B. McLaughlan. Councilman Pappas requested an agenda item to approve an account or fund for the Cultural Arts Board and an item to revisit self-funding by the City of Bellaire of renovations to The Nature Discovery Center. Councilman Avioli requested a new agreement or appropriate legal instrument protecting the City should the Evelyn's Park property revert back to the donors (noting that the third-year milestone was almost up and the park was not yet operational). Councilman McLaughlan requested the deferral of a meeting with METRO and the Uptown Houston District related to the proposed Bellaire Transit Center at the northern boundary of Bellaire until a better design proposal could be introduced--it was suggested that a meeting occur at the end of March or early April. Councilman McLaughlan also requested a meeting between City Council and the Texas Department of Transportation for the purpose of establishing a better understanding of their plans, as well as an open discussion.

Community interest items from the Mayor and City Council included expressions of welcome to Paul A. and Barbara Hofmann; reminder to attend the City Council upcoming Public Hearing on regarding zoning amendments to the downtown area and Bissonnet Corridor; and expression of thanks to Harris County Judge Ed Emmett and Harris County Commissioner Steve Radack for a \$30,000.00 check to be utilized to fund maintenance and operations of The Nature Discovery Center.

J. Adjourn

Motion to Adjourn:

A motion was made by Councilman Roman F. Reed and seconded by Councilman Pat B. McLaughlan to adjourn the Regular Session of the Bellaire City Council at 8:54 p.m. on Monday, February 17, 2014. The motion carried unanimously on a 7-0 vote.



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

FEBRUARY 24, 2014

Council Chamber

Public Hearing

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

SPECIAL SESSION (PUBLIC HEARING) - 6:00 P.M.

A. Call to Order - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, called the Special Session (Public Hearing) City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, February 24, 2014.

B. Announcement of a Quorum - Dr. Philip L. Nauert, Mayor

Attendee Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Present	
Amanda B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	
James P. Avioli Sr.	Councilman	Present	
Gus E. Pappas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Andrew S. Friedberg	Councilman	Present	
Paul A. Hofmann	City Manager	Present	
Elliot Barner	Attorney	Present	
Tracy L. Dutton	City Clerk	Present	
John McDonald	Director	Present	

C. Reading of Notice of Public Hearing - Tracy L. Dutton, City Clerk

City Clerk Tracy L. Dutton read the "Notice of Public Hearing" into the record.

D. Summary of Public Hearing Procedures - Paul A. Hofmann, City Manager

City Manager Paul A. Hofmann summarized the public hearing procedures for the evening's meeting.

E. Presentation Related to Zoning Code Amendments Proposed by the Planning and Zoning Commission - Consultant Gary Mitchell of Kendig Keast Collaborative and Director of Community Development John McDonald

1. Public hearing before the Bellaire City Council regarding a recommendation from the Planning and Zoning Commission of the City of Bellaire, Texas, to amend various sections within Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas, with regard to the downtown area and the Bissonnet Corridor.

Minutes Acceptance: Minutes of Feb 24, 2014 6:00 PM (Approval or Correction of Minutes)

Gary Mitchell, Kendig Keast Collaborative, presented the amendments proposed by the Bellaire Planning and Zoning Commission to Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas.

Mr. Mitchell indicated that there were three plan priorities: 1) renewal of the City Center; 2) corridor quality/appearance to match residential quality and appearance; and 3) to provide multi-unit housing types or lifestyle housing through mixed-use projects and stand-alone residential. Examples of mixed-use projects with retail, commercial, and residential units were provided (i.e., The Woodlands Market Street and Sugar Land Town Square).

It was noted that the focus of the amendments were to create new zoning districts (Corridor Mixed-Use [CMU] and Urban Village Downtown [UV-D]); to update standards for landscaping and screening, as well as parking and loading; and to provide new standards for site and building design.

Key points/changes made to the draft since City Council had last seen it in May of 2013 were summarized by Mr. Mitchell as follows:

- More options by right versus planned development, but with definitive standards for predictability;
- Mixed use did not have to involve a multi-family use, but was the only path to multi-family use;
- Small-scale commercial and mixed-use were still permitted by right in the UV-D and CMU within a minimum lot size; and
- Built-in incentives had been added to do more through by-right, mixed-use option, or planned development process.

In closing, Mr. Mitchell indicated that the most significant revisions were:

- Single-family attached by right in the UV-D Zoning District;
- Mixed threshold for "mixed use" developments;
- Lower minimum site area for planned developments in the CMU Zoning District;
- Height setback plane adjustments;
- Various limits on multi-family use;
- Building design standards that applied to all visible sides of a building; and
- A limitation on outdoor customer areas.
(Requested by Tracy L. Dutton, City Clerk)

F. Recognition of Citizens and/or Other Interested Parties - Dr. Philip L. Nauert, Mayor

Judy Viebig

Ms. Viebig addressed City Council and expressed growing concern and confusion over

what had initiated the changes to the City's zoning districts and why those changes were being considered now. She indicated further that she opposed the provisions that encouraged the development of additional apartments and increased the height limits (up to six stories), especially in the areas adjacent to single-family residential areas.

Ms. Viebig continued and indicated that she had read in hearing notices that the proposed changes were intended to provide for a walkable downtown Bellaire. She had seen nothing in the zoning changes that would address the walkability of downtown Bellaire, which she did support.

Jane McNeel

Ms. McNeel addressed City Council and expressed concern as well over what had initiated the zoning changes and led to the discussion of apartments and condominiums, as well as tall buildings within 15 feet of single-family residential homes. Such changes, in her opinion, would lead to more congestion and traffic cutting through the neighborhoods and down her street.

Ms. McNeel continued and advised that she had reviewed the City's most recent Comprehensive Plan ("Plan") and was unable to find a statement that said "throw out all of the current zoning for commercial areas in Bellaire and develop new ordinances that were less restrictive, allowed taller buildings, and introduced more multi-family development." Reference was made to the Urban Village Downtown Zoning District where taller structures ranging from 79 to 99 feet would be allowed.

Based on language Ms. McNeel read in the City's Plan regarding the description of an enclave city with traditional neighborhoods, walkable commercial areas, and lifestyle housing, she had envisioned the preservation of the City's neighborhoods; the construction of more sidewalks; updates to commercial structures; additional landscaping on the City's easements, main thoroughfares, and side streets in the form of trees and plantings; and zoning for patio homes or brownstone-style townhouses along the perimeter of the commercial areas.

Ms. McNeel had not envisioned encouraging developers to buy up blocks of commercial sites for the construction of something that was now in vogue-multi-use developments with retail on the ground floor and apartments or condominiums above.

In closing, Ms. McNeel indicated that the proposed amendments opened a "Pandora's Box" of unknown consequences. She expressed concern for the possible loss of the City's many small businesses, restaurants, grocery stores, and auto repair shops. She asked if the City really needed more apartments and condominiums backing up to the residents' homes. Reference was made to other upscale communities, including West University Place and the Memorial Villages, which did not allow any structures taller than the residences and had no zoning regulations for multi-family developments. She urged City Council to keep Bellaire a "City of Homes."

Mitchell Pilot

Mr. Pilot addressed City Council and indicated that his residence was adjacent to one of the areas proposed to change. He, like the previous speakers, was concerned with multi-family residences. He expressed particular concern regarding the possible reduction in the minimum size of an apartment or condominium down to as small as 700 square feet.

Although multi-family developments might provide walkable amenities, such as restaurants and shops, those residents would still have to leave Bellaire to go to work and return in the evening. He referred to the existing virtual gridlock in the area of South Rice Avenue and Bellaire Boulevard and South Rice Avenue and Bissonnet Street that occurred twice a day and expressed concern that greater density would cause that gridlock to become unbearable for the residents living in single-family homes in the area.

Joseph Ives

Mr. Ives addressed City Council and stated that many of the proposed improvements under discussion for downtown Bellaire would not benefit the people who lived in Bellaire. He stated that he did not want apartment complexes or commercial development near his residence.

John Swafford

Mr. Swafford addressed City Council and indicated that he had moved to Bellaire because it was a single-family housing community and he wanted Bellaire to stay that way. He stated that he was opposed to multi-family housing.

Edward Schafman

Mr. Schafman indicated that he had signed up to speak earlier in the meeting and that many of his questions had been answered during the presentation, so he wished to pass his time to his neighbors.

Brent LeBlanc

Mr. LeBlanc addressed City Council and indicated that he worked in real estate, but was still confused about the proposed zoning changes. During the course of his career, Mr. LeBlanc stated that he had seen hundreds of lifestyle projects across the country.

Mr. LeBlanc stated further that mixed-use lifestyle centers were "in vogue" 15 years ago, and that the first ones built and developed were a big success. Today, however, mixed-use lifestyle centers were out of vogue and many across the country were sitting half empty. Reference was made to Sugar Land's Town Center and the large number of businesses that had moved in and out of the center.

In closing, Mr. LeBlanc stated that he supported growth and development and would love to be able to walk behind his home to a restaurant. On the other hand, he advised that he had never seen a development pieced together as had been suggested. He urged City Council not to piece developments together and to be leaders rather than followers.

William Voss

Mr. Voss addressed City Council and indicated that he agreed with everything that had been stated so far this evening and would pass his time to his neighbors.

Lynn McBee

Ms. McBee addressed City Council and suggested tossing out the proposed zoning amendments. She indicated that she wished to address one component-the planned development.

Ms. McBee referred to the history of planned developments in Bellaire following the opening of Loop 610 in the late 1960s, which allowed for high-rise office buildings and townhouses along the Loop 610 corridor. Between 1974 and 1989, Bellaire approved over one dozen planned developments. From 1989 through 2002, four residential planned developments were approved and several more had been added since then.

Reference was made to the proposed Corridor Mixed Use Zoning District (CMU) to which Ms. McBee advised that planned developments no longer had minimum sizes. A 150' X 100' lot (5,000 square feet) was all that was needed for a planned development in the CMU. She inquired as to whose discretion was applied to developments in the CMU, as well as to oversight for such developments.

With respect to the Urban Village Downtown Zoning District (UV-D), planned developments would only have to meet the size and area requirements for the new district--25' X 100' (2,500 square feet) with no front, rear or side setbacks.

In closing, Ms. McBee advised that the proposed planned developments were nothing like the traditional planned developments in Bellaire and other zoned communities around the country, in her opinion. She strongly urged City Council to realize that planned developments were not being treated as beneficial to the community, but rather as beneficial to only the landowner and to delete all of the proposed planned developments as inadequate, without oversight, and dangerous to the integrity of zoning's general predictability.

Robert Riquelmy

Mr. Riquelmy addressed City Council and asked what the purpose of the proposed zoning amendments was and what the City hoped to achieve with the amendments.

Brad Brumback

Mr. Brumback addressed City Council and indicated that he was a commercial property owner in the proposed Urban Village Downtown District (UV-D), as well as a resident. He inquired as to how the new proposed UV-D applied to existing buildings with respect to tenant conversions, etc. He advised that other concerns, such as multi-family developments, had been expressed pretty clearly.

Bill Bergeron

Mr. Bergeron addressed City Council and advised that the rear fence of his residential property abutted the Newcastle Drive hiking and biking trail. He urged City Council not to allow disruptive things to occur between Newcastle Drive and Mulberry Lane (i.e., apartment complexes and loud bars).

Written Comment:**Lee and Linda Norris**

Dear Mayor and City Council:

We have reviewed the proposed zoning changes. We think that the real question is does Bellaire want to be more dense and urban? The detail in the proposed zoning changes assumes the answer is "yes."

The idea for these changes originated with a prior city council. There seems to have been no substantive reason for this idea, other than change for the sake of change, to "pretty up" downtown.

If this is passed, we hope that it doesn't deter what is currently happening in downtown. Who would have ever thought that that the area where the Bellaire Shoe Shop is would look so nice? Who would ever have thought that the shopping center now known as The Centre would be putting together such an interesting collection of retail? Downtown seems to be taking care of itself.

We have previously lived in a very urban area, San Francisco, and it was delightful. Dense and urban is part of the San Francisco culture. It is not part of the Houston/Bellaire culture. Do we want to force that change? That is the difficult decision you must make. Does Bellaire want to be more dense and urban?

G. Questions from the Mayor and City Council - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, opened the floor for questions from the City Council related to the presentation given by Mr. Mitchell and/or related to inquiries made by residents during the public comment period.

H. Close of Public Hearing - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, closed the Special Session (Public Hearing) at 7:58 p.m. on Monday, February 24, 2014.

Mayor Nauert advised that City Council would not be receiving any more oral comments. Written comments, however, could be submitted to the City Council in care of the City Clerk. In order to be considered for the record, written comments needed to be received by the City Clerk by noon on Thursday, February 27, 2014.

Mayor Nauert thanked Gary Mitchell, Kendig Keast Collaborative, for facilitating the meeting. Members of City Council expressed their thanks to Mr. Mitchell for a great presentation and hard work, as well as the Planning and Zoning Commission during the questions portion of the agenda.

I. Adjournment**Motion:**

Councilman Roman F. Reed moved to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 8:01 p.m. on Monday, February 24, 2014. The motion was seconded by Councilman Pat B. McLaughlan.

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Roman F. Reed, Councilman
SECONDER: Pat B. McLaughlan, Councilman
AYES: Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

Tracy L. Dutton, TRMC
City Clerk

Approved:

Dr. Philip L. Nauert, Mayor

Date: March 3, 2014

Minutes Acceptance: Minutes of Feb 24, 2014 6:00 PM (Approval or Correction of Minutes)



Collection Report to the City of Bellaire February 2014

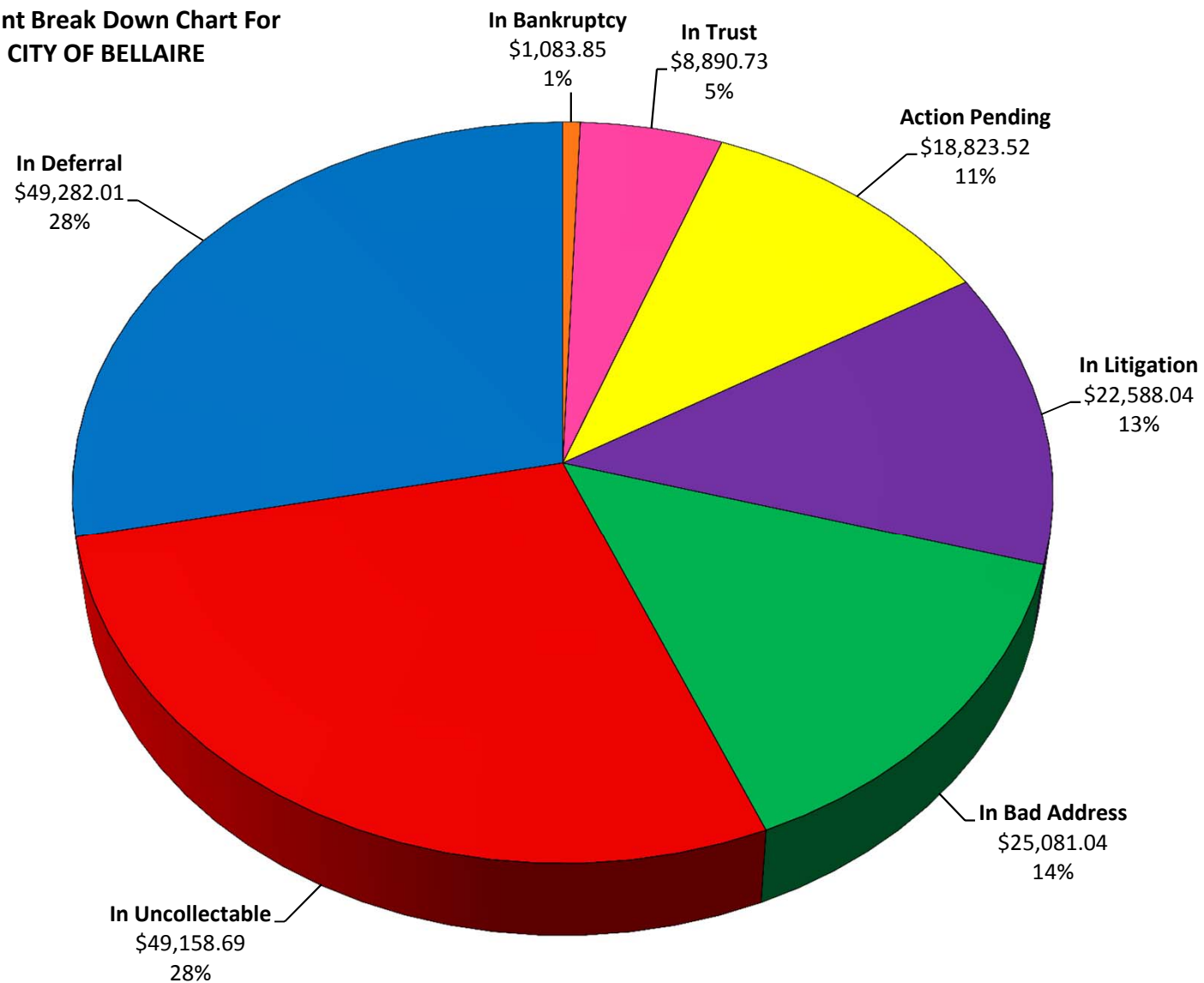
Submitted by: Michael J. Darlow

1235 North Loop West * Suite 600 * Houston * Texas * 77008 * (713) 862-1860

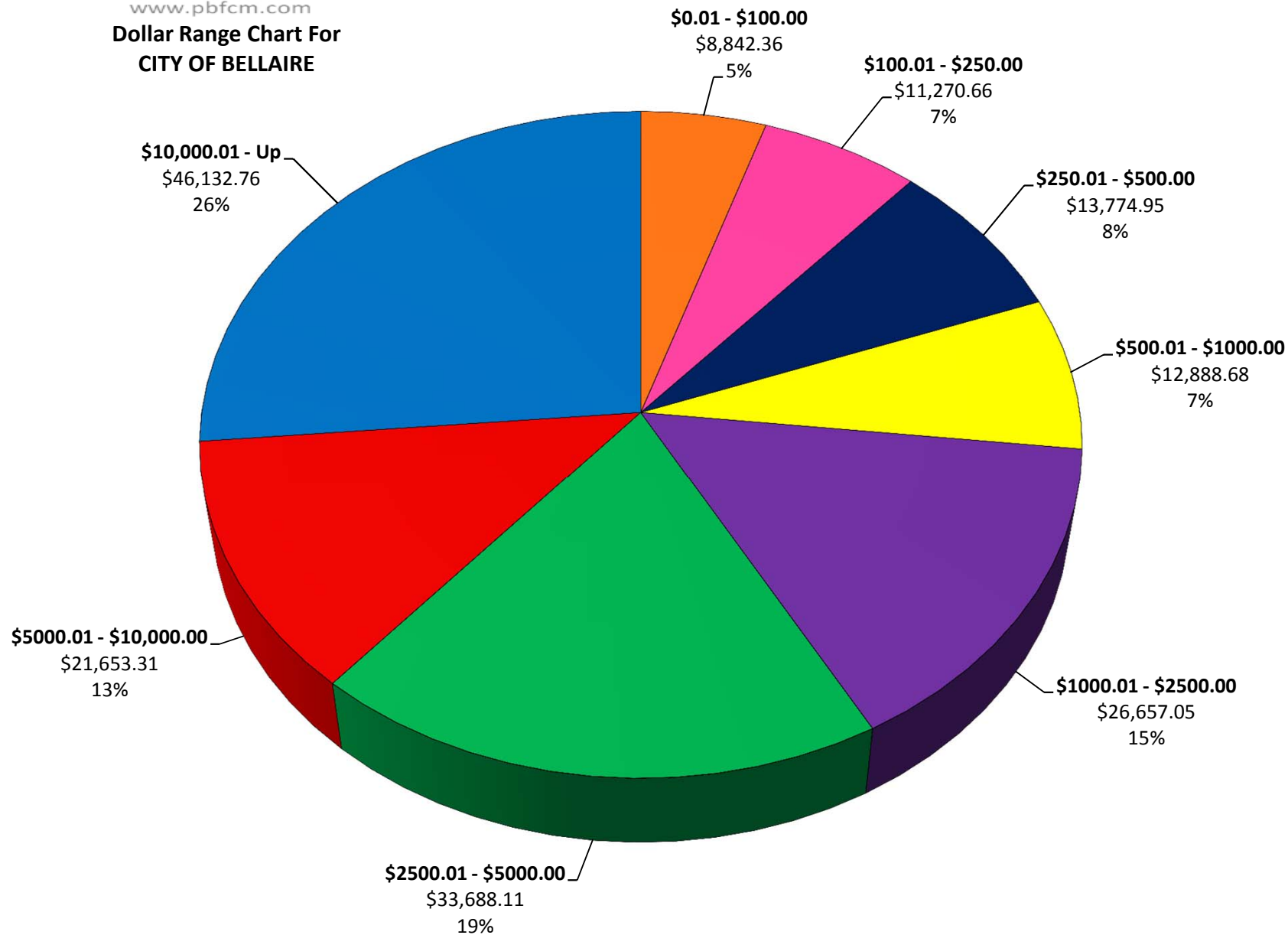
www.pbfcml.com

Attachment: Collection Report to the City of Bellaire February 2014 (1092 : Delinquent Collection Activity Report)

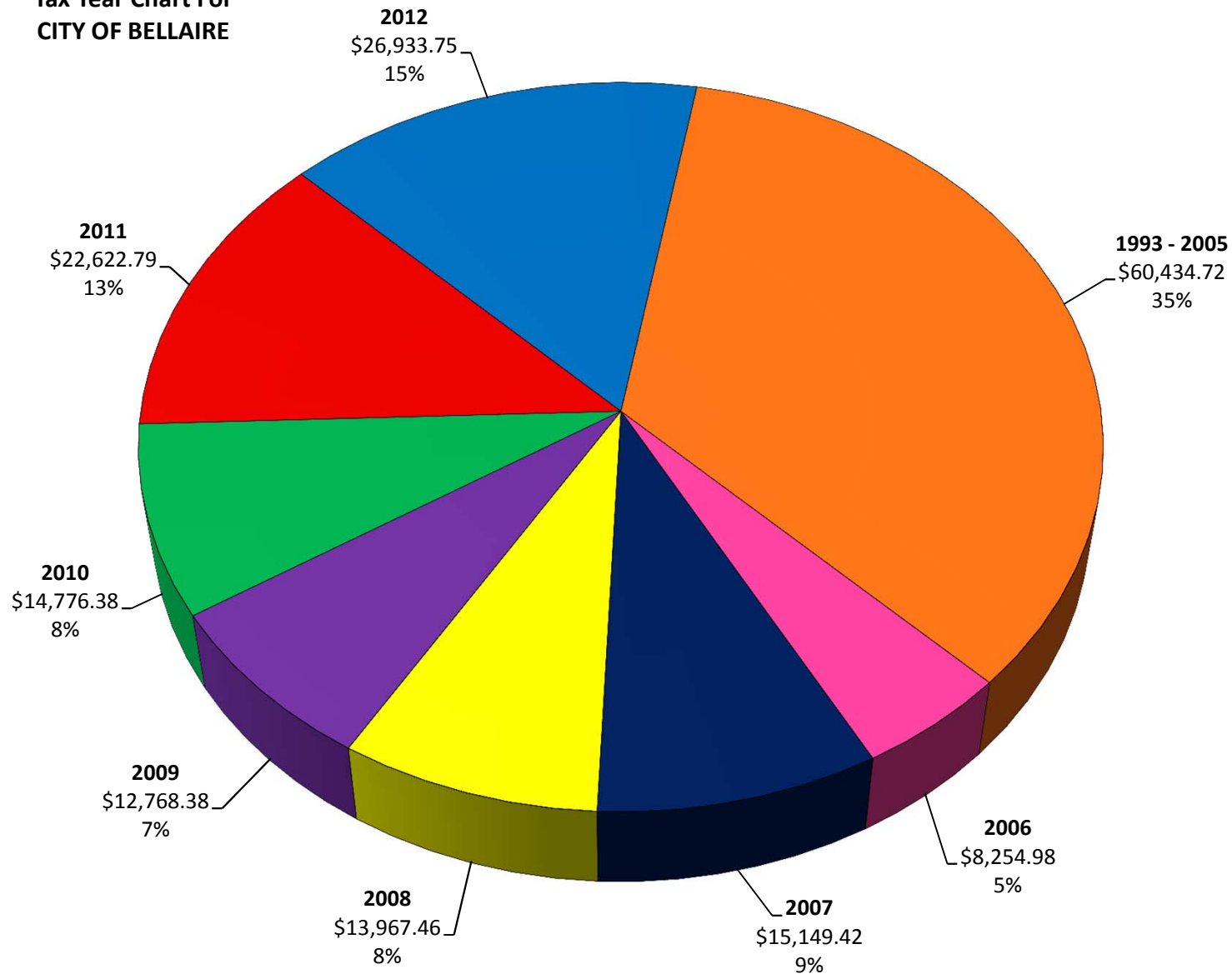
Account Break Down Chart For
CITY OF BELLAIRE



**Dollar Range Chart For
CITY OF BELLAIRE**

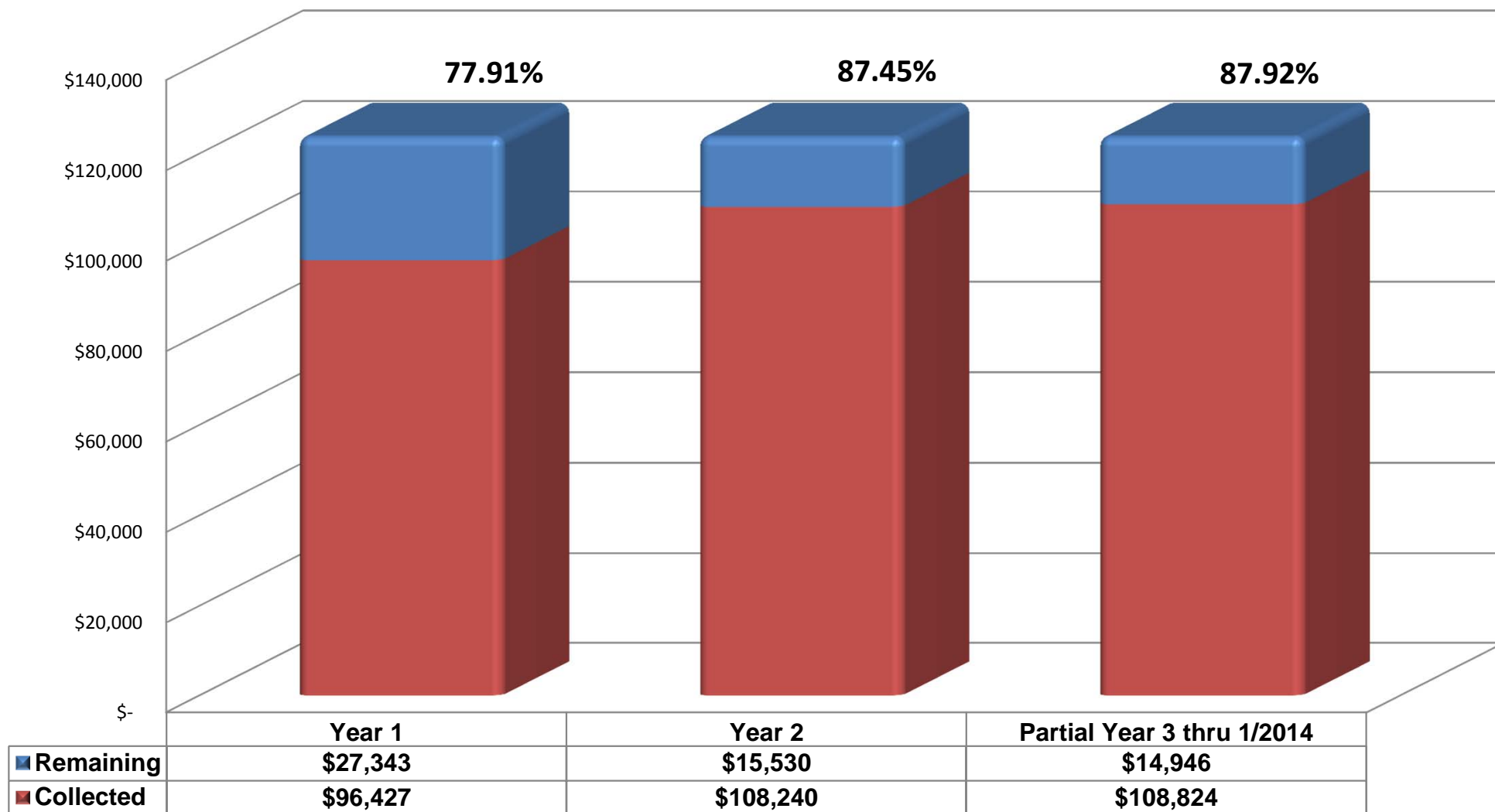


**Tax Year Chart For
CITY OF BELLAIRE**



City of Bellaire

2010 Percentage of Collections

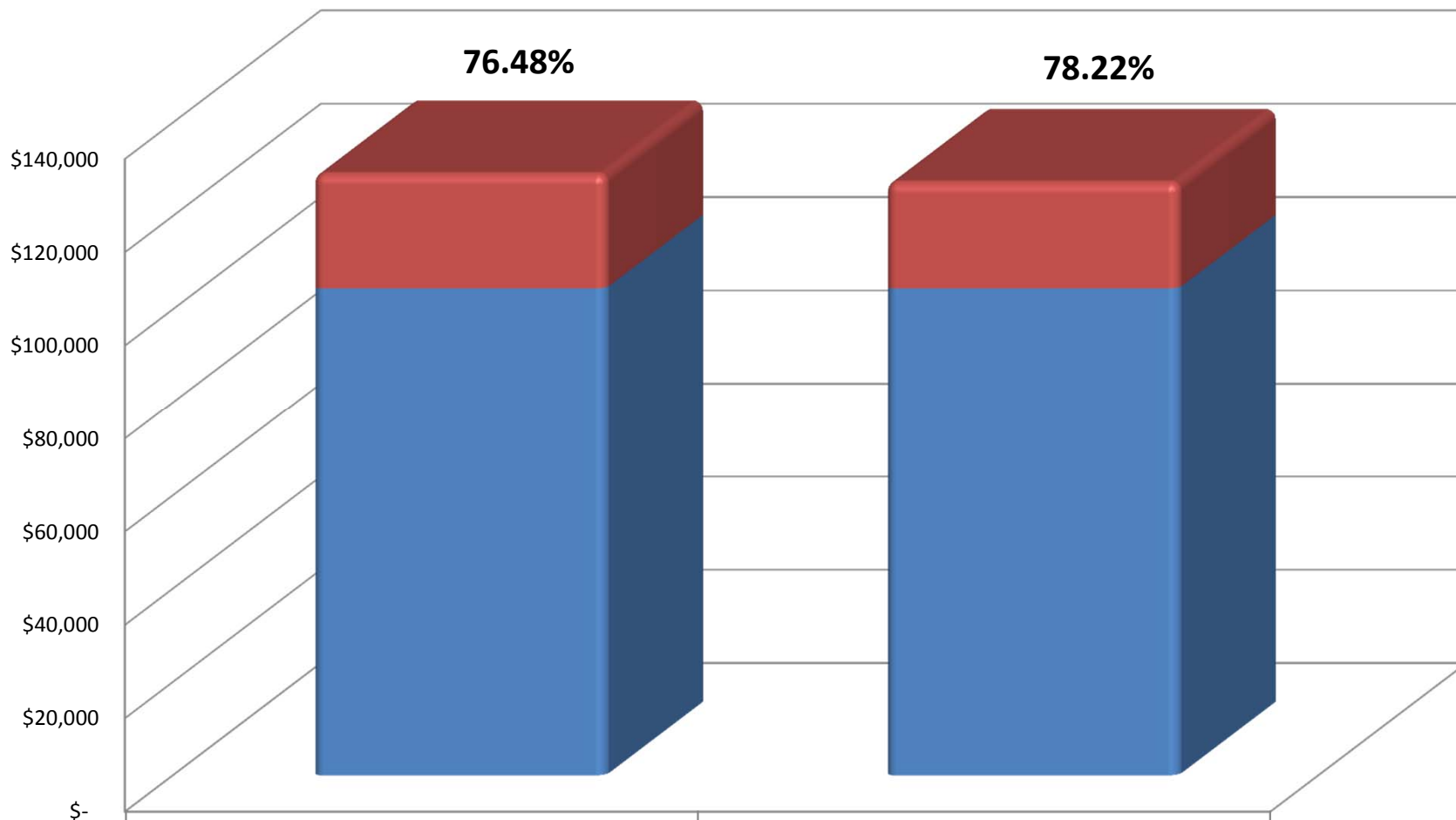


Beginning Balance 7/1/2011 - \$123,770

Perdue, Brandon, Fielder, Collins & Mott, L.L.P

City of Bellaire

2011 Percentage of Collections



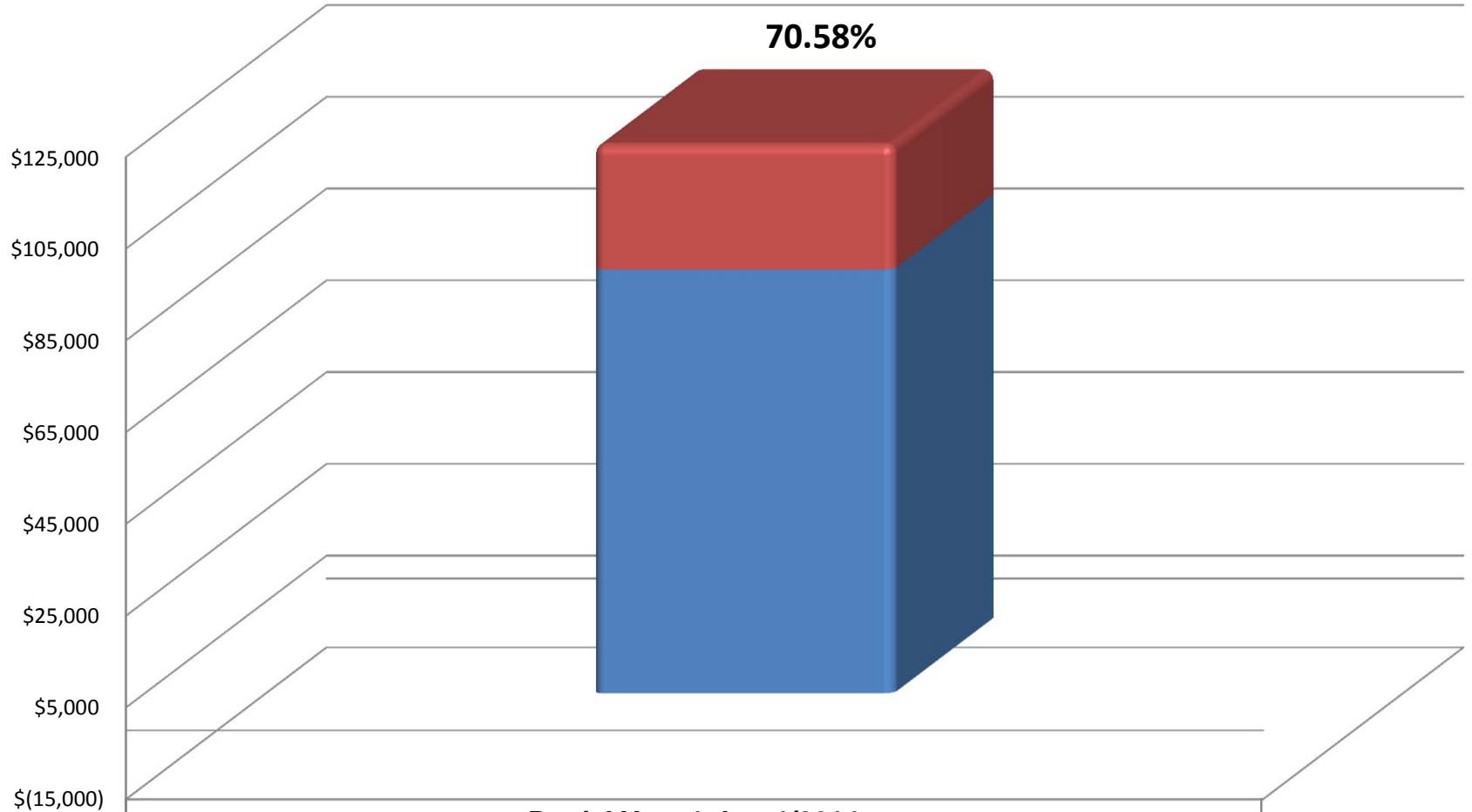
	Year 1	Partial Year 2 thru 1/2014
Remaining	\$24,572	\$22,759
Beginning Balance	\$104,488	\$104,488

Beginning Balance 7/1/2012 - \$104,488

Perdue, Brandon, Fielder, Collins & Mott, L.L.P

City of Bellaire

2012 Percentage of Collections



■ Remaining	Partial Year 1 thru 1/2014	\$27,195
■ Beginning Balance		\$92,423

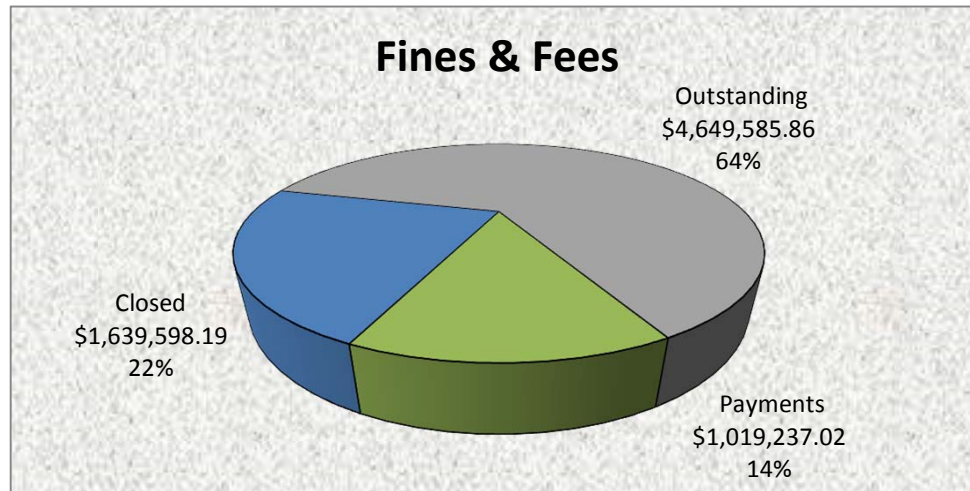
Beginning Balance 7/1/2013 - \$92,423

Perdue, Brandon, Fielder, Collins & Mott, L.L.P

Perdue, Brandon, Fielder, Collins, & Mott L.L.P

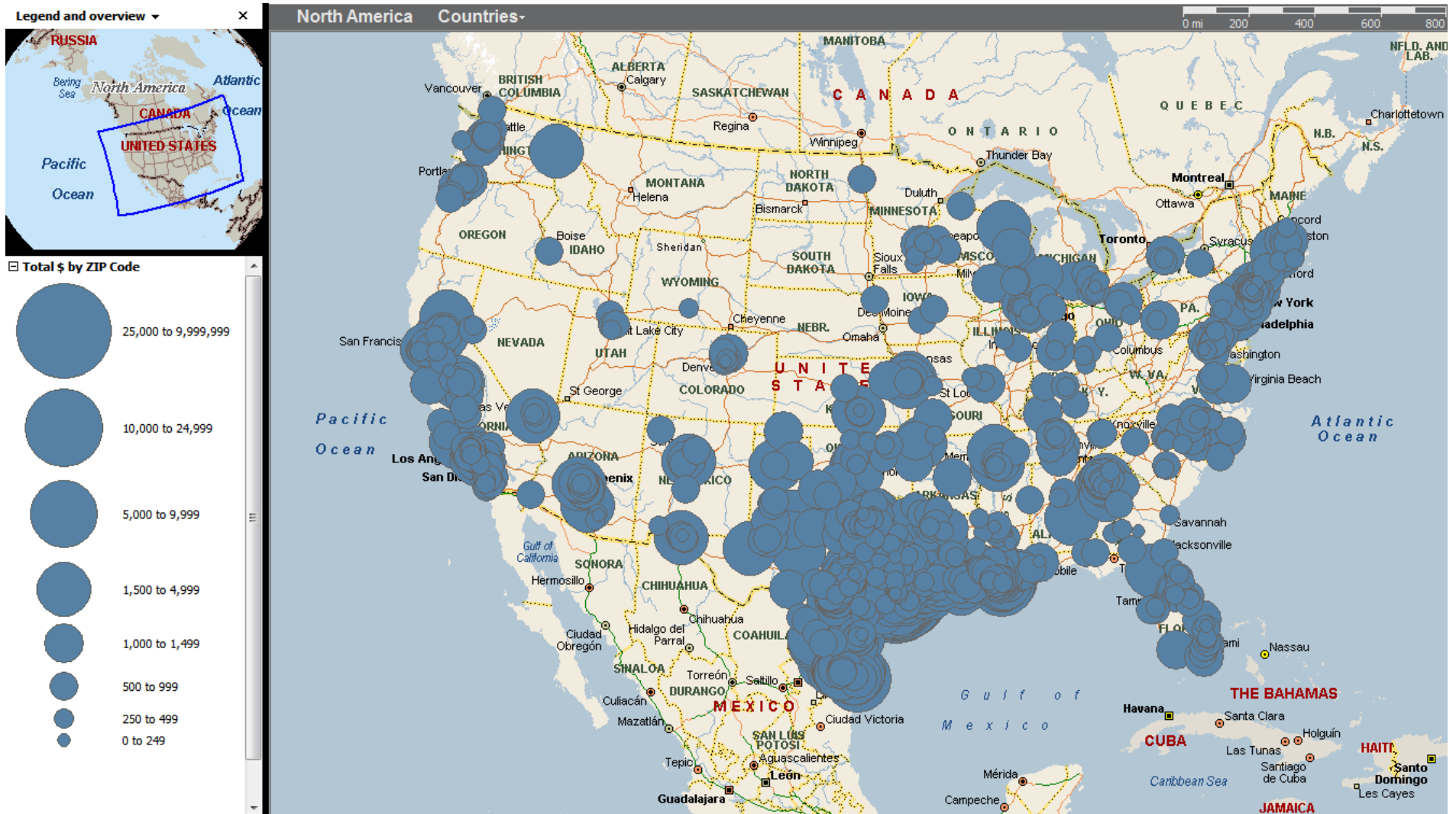
Fine and Fee Collection Report as of February 17, 2014

<u>Court</u>	<u>Total Turnover</u>		<u>Payments and/or Partial Payments</u>				<u>Dismissed/Cleared</u>				<u>Total \$ %</u>	<u>Total # %</u>	<u>Address Correction</u>
	<u>\$</u>	<u>#</u>	<u>\$</u>	<u>#</u>	<u>% of \$</u>	<u>% of #</u>	<u>\$</u>	<u>#</u>	<u>% of \$</u>	<u>% of #</u>	<u>cleared</u>	<u>cleared</u>	
<u>City of Bellaire Fines</u>	7,308,421.07	22,692	1,019,237.02	4,323	13.95%	19.05%	1,639,598.19	8,939	22.43%	39.39%	36.38%	58.44%	10,051

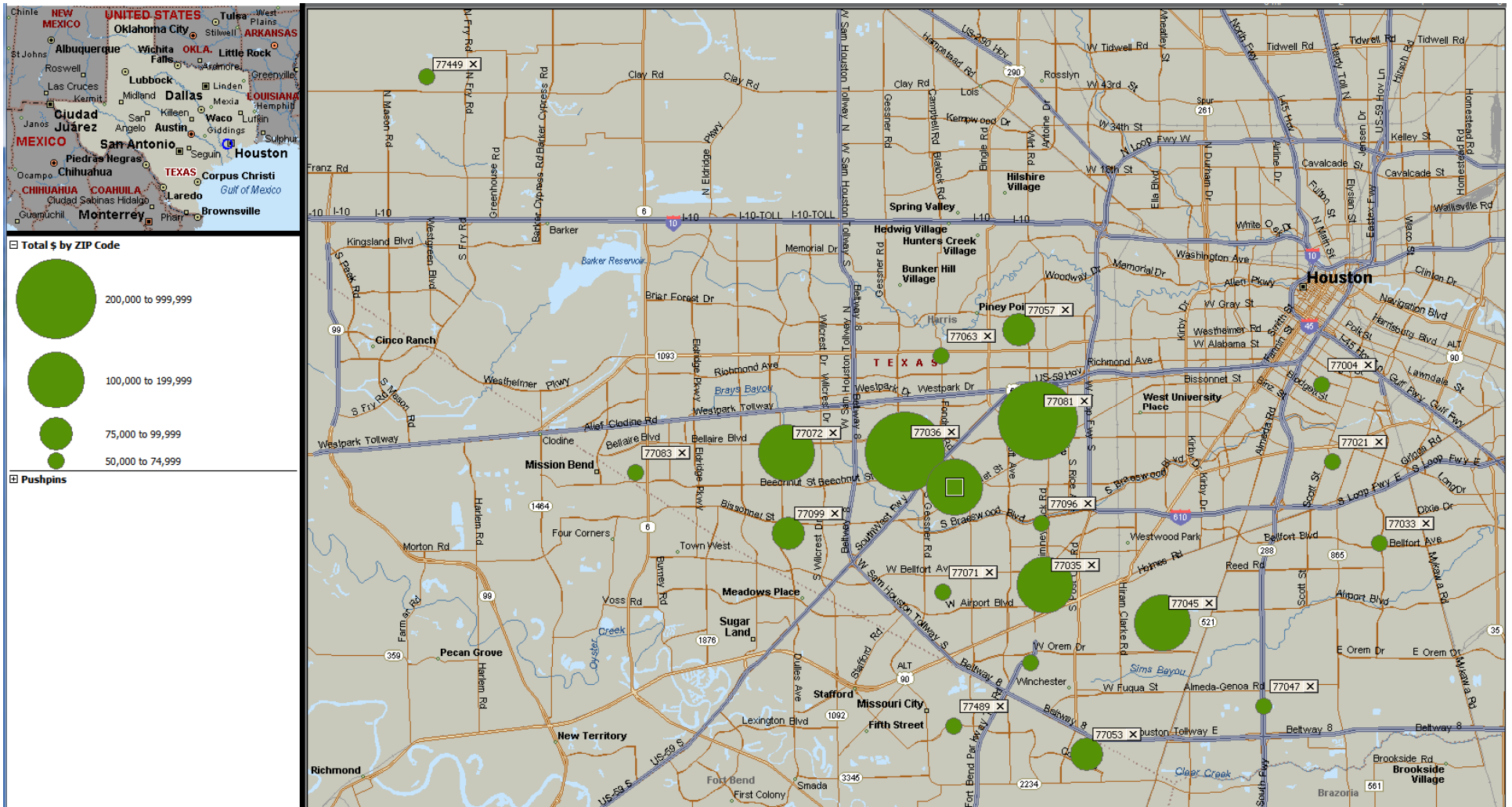


Bellaire Delinquent Accounts

All Delinquent Accounts By Zip Code

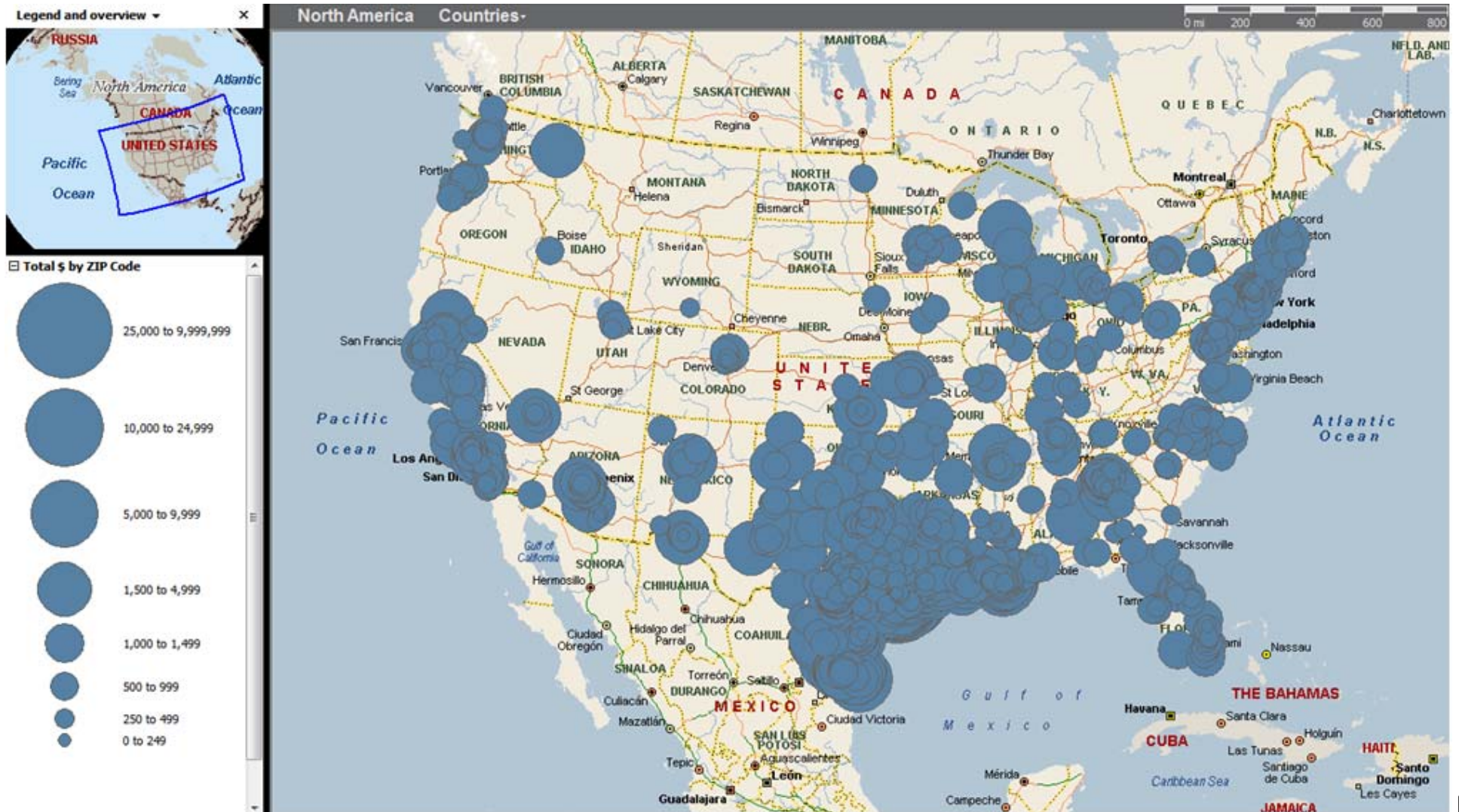


Bellaire Delinquent Accounts Top 20 Zip Codes

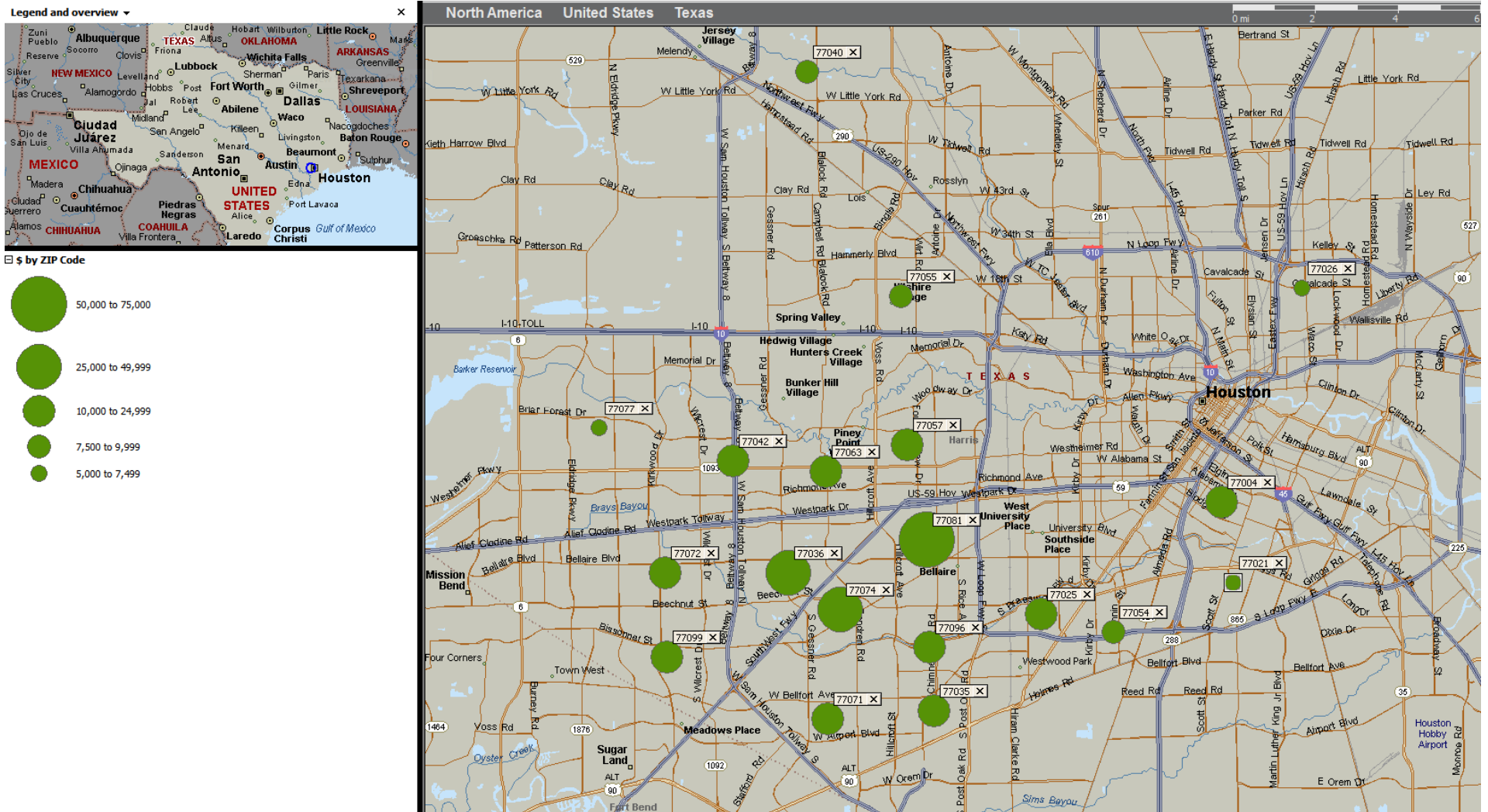


Bellaire Delinquent Accounts

All Delinquent Accounts with Bad Addresses



Bellaire Delinquent Accounts Top 20 Zip Codes with Bad Addresses



City of Bellaire

Final Bid Tabulation Sheet

Bid No.: 14-004
 Bid Title: Wastewater Treatment Plant Activated Sludge Disposal
 Department: Public Works
 Deadline for Receipt: February 12, 2014 @ 10:00 a.m.

Bidder/Address	Date/Time of Bid Receipt	Cost per 20 CY Load in a 25 CY or 30 CY Container
WCA - Waste Corporation of Texas 8515 Highway 6 South Houston, TX 77083	02/11/2014 10:58 a.m.	\$480.00
Waste Management 1901 Afton Houston, TX 77055	02/11/2014 1:39 p.m.	\$809.00
Denali Water Solutions P.O. Box 73006 Houston, TX 77273	02/12/2014 9:43 a.m.	\$544.43
Republic Services 13630 Fondren Rd. Houston, TX 77085	02/12/2014 9:45 a.m.	No Bid



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST, RESPECTIVELY, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, A *STANDARD FORM OF AGREEMENT* WITH WCA – WASTE CORPORATION OF TEXAS, IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A," FOR THE PROVISION OF SERVICES NECESSARY FOR THE PICKUP, HAULING, ACCEPTANCE, TREATMENT, PROCESSING, HANDLING, STORAGE, AND DISPOSAL OF ACTIVATED SLUDGE FROM THE CITY OF BELLAIRE WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$480.00 PER 20 CUBIC YARD LOAD IN A 25 CUBIC YARD OR 30 CUBIC YARD CONTAINER.

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

THAT the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with WCA – Waste Corporation of Texas, in a form as attached hereto and marked Exhibit "A," for the provision of services necessary for the pickup, hauling, acceptance, treatment, processing, handling, storage, and disposal of activated sludge from the City of Bellaire Wastewater Treatment Plant in an amount not to exceed \$480.00 per 20 cubic yard load in a 25 cubic yard or 30 cubic yard container for a total estimated annual expenditure of \$87,360.00 (Bid No. 14-004).

PASSED and **APPROVED** this 3rd day of March, 2014.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney



EXHIBIT A

STANDARD FORM OF AGREEMENT

WCA – Waste Corporation of Texas
Bid No. 14-004, Wastewater Treatment Plant Activated Sludge Disposal
Ordinance No. 14-_____

STANDARD FORM OF AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This **AGREEMENT** is made and entered into this 3rd day of March, 2014, by and between the **CITY OF BELLAIRE, TEXAS**, of the County of Harris and State of Texas, duly incorporated and existing under and by virtue of the Constitution and laws of the State of Texas, acting by and through the undersigned Mayor, as attested to by the City Clerk of the **CITY OF BELLAIRE, TEXAS**, thereunto duly authorized to do so, hereinafter referred to as "**CITY**," and **WCA – WASTE CORPORATION OF TEXAS**, a corporation, hereinafter referred to as "**CONTRACTOR**."

WITNESSETH:

That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the **CITY**, the **CONTRACTOR** hereby agrees with the **CITY** to commence and provide the services described as follows:

Bid No. 14-004, Wastewater Treatment Plant Activated Sludge Disposal. This project consists of the provision of services necessary for the pickup, hauling, acceptance, treatment, processing, handling, storage, and disposal of activated sludge from the City of Bellaire Wastewater Treatment Plant located at 4401 Edith Street, Bellaire, Texas 77401.

All work of every kind or nature necessary to complete said project, under the terms as stated in the **CONTRACTOR'S PROPOSAL** in accordance with the conditions and costs stated in the **CONTRACTOR'S PROPOSAL** attached hereto and marked

"Attachment A" all of which are made a part hereof, collectively evidence and constitute the entire **Contract**.

The **CITY** agrees to pay the **CONTRACTOR** in current funds for the performance of the **Contract** in accordance with the **CONTRACTOR'S PROPOSAL** submitted therefore which forms a part of this **Contract** and to make payment on account thereof as provided therein.

The undersigned person executing this **Contract** and all other documents executed simultaneously herewith, does certify and attest that he or she is executing the same in his or her capacity as herein stated as an officer of said corporation.

IN WITNESS WHEREOF, the Mayor of the **CITY OF BELLAIRE, TEXAS**, as attested to by the City Clerk of the **CITY OF BELLAIRE, TEXAS**, hereunto, have executed this **AGREEMENT** in the year and date first above written, under the authority granted to them under the provisions of Ordinance No. 14-____, an Ordinance duly enacted by the City Council of the **CITY OF BELLAIRE, TEXAS**.

CITY OF BELLAIRE, TEXAS

Dr. Philip L. Nauert, 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

IN WITNESS WHEREOF, the **CONTRACTOR**, whose name is hereinafter set out, does certify and attest that he or she has executed this **Agreement** in his or her capacity as herein stated, for and on behalf of said corporation, and that he or she has authority to do so.

Printed Name:
Title:

Attest:

Printed Name:
Title:



ATTACHMENT A

CONTRACTOR'S PROPOSAL

Attachment A to Standard Form of Agreement
WCA – Waste Corporation of Texas
Bid No. 14-004, Wastewater Treatment Plant Activated Sludge Disposal
Ordinance No. 14-_____

**CITY OF BELLAIRE, TEXAS
7008 SOUTH RICE AVENUE
BELLAIRE, TEXAS 77401
(713) 662-8222**

BID INVITATION

BID TITLE: WASTEWATER TREATMENT PLANT ACTIVATED SLUDGE DISPOSAL

BID CLOSING TIME: 10:00 (a.m./p.m.) local time.

(By City Clerk Time Stamp) (Strike one)

BID NUMBER: 14-004

BID CLOSING DATE: February 12, 2014

This bid invitation includes:

Bid Invitation

Instructions to bidders

Bidder's certification form *

Bid proposal form *

Specifications

* Requires bidder's signature, and must be returned with bid.

BID (To be completed by bidder)

The undersigned agrees to fully comply in strict accordance with the bid invitation, specifications and provisions attached thereto for the amounts shown on the bid proposal form. Bids will be accepted within 120 days unless otherwise specified.

Bidder Name: WCA - Waste Corporation of Texas

Address: 8515 Highway 6 South Houston, TX 77083

Telephone: (832) 707-3348 (832) 523-8292

Signature of Individual Authorized to sign bid:

Date

February 7, 2014

Signer's Name and Title:

Larry Wheeler Area Sales Manager - Region 2

(Please print or type)

CITY OF BELLAIRE, TEXAS
INSTRUCTIONS TO BIDDERS

PREPARATION OF BIDS

Any explanation desired by a prospective bidder regarding the true meaning or interpretation of the bid invitation, specifications, drawings, or other documents, must be requested in writing to the City Clerk, with sufficient time allowed for a reply to reach the prospective bidder before the submission deadline of bids. Oral explanations or instructions given before the award of any bid will not be binding. Any information given to a prospective bidder concerning an invitation will be furnished to all prospective bidders as an amendment to the invitation, if such information is necessary to bidders in submitting bids on the invitation, or if the lack of such information would be prejudicial to uninformed bidders. All addenda so issued shall become part of the bid documents.

1. SPECIFICATIONS

Bidders are expected to examine specifications, drawings, standard provisions and all instructions. Failure to do so will be at the bidder's risk. Bidders may provide a product exceeding specifications, as an alternate bid, if they so desire.

2. SUBMISSION OF BIDS

- A. Sealed bids, **in triplicate form**, should be returned in an envelope marked on the outside with the bidder's name, address, bid title, bid due date and bid number to:

City of Bellaire, Texas
City Clerk
7008 South Rice Avenue
City Hall
Bellaire, Texas 77401

Bid Title: **WASTEWATER TREATMENT PLANT ACTIVATED SLUDGE DISPOSAL**

Bid Due Date: **February 12, 2014**

Bid Number: **14-004**

- B. Sealed bids, **in triplicate form**, may also be delivered in person to the above address and designated accordingly.
- C. Bids must be returned in sufficient time so as to be received and time stamped at the above location on or before the published due date and time as shown in the bid invitation. Late bids properly identified will be returned unopened to the bidder. Late bids will not be considered under any circumstances.
- D. Bid documents and necessary information are included in the bid invitation, or may be obtained from the Purchasing Technician at the above address. Bids submitted on forms other than those provided in the bid invitation or with different terms and provisions may not be considered as responsive bids. However, bid proposal forms provided in the bid invitation may be photocopied if the bidder is submitting multiple bids.
- E. If the bidder, however, believes it necessary to base its price on price adjustment, such a bid may be considered, but only as an alternate bid.

F. Bidder **MUST** give full firm name and address. Failure to manually sign the bid will automatically disqualify such bid. The person signing the bid should show **TITLE**, and **AUTHORITY TO BIND HIS FIRM IN A CONTRACT**.

G. Bids will not be accepted via **FAX**.

3. MODIFICATION OR WITHDRAWAL OF BIDS

Bids may be modified or withdrawn by written notice received by the City Clerk prior to the exact hour and date specified for receipt of bids. A bid may also be withdrawn in person by a bidder or his authorized representative, provided his identity is made known and he signs a receipt for the bid, but only if the withdrawal is made prior to the exact hour and date set for the receipt of bids. Bids **CANNOT** be altered or amended after opening time. No bid may be withdrawn after opening without approval, based on a written acceptable reason.

4. INFORMATION REQUIRED

- A. Each bidder shall furnish the information required by the invitation. The bidder shall sign the bid invitation, bidder's certification form, bid proposal form, and, when appropriate, specifications. Erasures or other changes must be initialed by the person signing the offer. Bids signed by an agent are to be accompanied by evidence of his authority to bind his firm in a contract, unless such evidence has been previously furnished to the City Clerk.
- B. The City is exempt from State of Texas local retail sales and use taxes, as well as Federal Excise Taxes. The City does not maintain a tax-exempt number, but may provide exemption certificates upon request.
- C. The bidder should quote its lowest and best price, F.O.B. destination on each item. If delivery and shipping quantities affect unit bid price, multiple bids may be made so as to indicate "price break" quantities in order for the City to determine maximum economic benefits. Pricing should include packaging and transportation unless otherwise specified. Pricing shall be entered on the bid proposal form in ink or typewritten. Totals shall be entered in the "Total Price" section of the bid proposal form. In case of discrepancy between unit price and extended price, the unit price will be presumed to be correct.
- D. Transportation Charges. If the quoted price does not include transportation charges, such charges must be itemized separately; provided, however, that the City shall have the right to designate the method of transportation to be used to ship the goods.
- E. Time, if stated as a number of days, will include Saturdays, Sundays and holidays. Time of delivery is part of the bid and is very important. The required delivery date indicated is at point of destination. If the indicated date cannot be met or date is not indicated, bidder shall state its best delivery time.
- F. If the bid invitation indicates "approved equal" products are acceptable, the bidder may offer an "equal" product as an alternate bid. Final "approved equal" determination remains with the City.
- G. Attorneys-in-fact who sign bid bonds or performance bonds must file with each bond a certified and effectively dated copy of their Power-of-Attorney.
- H. Laws and Regulations. The bidder's attention is directed to the fact that all applicable state laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over

performance of the bidder shall apply to the contract throughout, and they will be deemed to be included in the bid the same as though written out in full.

- I. Deviations from bid specifications and alternate bids must be clearly shown on the bid with complete information attached. Such bids may or may not be considered.
- J. Investigation of Conditions. Bidders are notified to investigate and become familiar with conditions relating to the item or service to be furnished according to the bid invitation and specifications. Failure on the part of the bidder to so investigate will not be grounds for additional claims under the bid.

5. EVALUATION FACTORS

- A. Most Advantageous Bid. The City will award purchase orders and/or contracts to the lowest and most responsive bidder, which represents the most advantageous bid to the City, price and other factors considered. In determining the most advantageous bid or proposal, price, quantifiable factors, and other factors will be considered. Such factors include, but are not limited to, specifications, delivery requirements, the initial purchase price, life expectancy, cost of maintenance and operation, operating efficiency, training requirements, disposal value, and other factors contributing to the overall acquisition cost of an item. Consideration may be given, but not necessarily limited to conformity to the specifications, product warranty, a bidder's proposed service, ability to supply and provide service, delivery on required schedules, and past performance in other bids with the City, including timely delivery.
- B. Partial Awards. Bidders may furnish pricing for all or any portion of the bid invitation. Unless the bidder specifies otherwise in the bid, the City may award the bid for any individual item, group of items, or any combination of items thereof.
- C. Reservations. The City expressly reserves the right to:
 - 1. Waive as an informality, minor deviations from specifications, provided total cost of the bid is lower and the overall function of the bid item(s) is improved or not impaired;
 - 2. Waive any defect, irregularity or informality in any bid or bidding procedure;
 - 3. Reject or cancel any or all bids;
 - 4. Reissue a bid invitation;
 - 5. Extend the bid opening time and date;
 - 6. Procure any bid item by other means;
 - 7. Increase or decrease the quantity or quantities specified in the bid invitation, unless the bidder specifies otherwise.
 - 8. Consider and accept an alternate bid as provided herein when most advantageous to the City.

6. ACCEPTANCE

Acceptance of bidder's offer for an open market purchase will be in the form of a purchase order or other appropriate written communication. The City Council will award the bid on the date specified herein, or on any other date as determined at that meeting.

7. CONFLICTS OF INTEREST

Bidders must comply with any conflict of interest provisions in the City Charter, Code of Ordinances, State of Texas or Federal laws. Consistent and continually tied bidding may cause rejection of bids by the City and/or investigation for anti-trust violations.

8. EQUAL EMPLOYMENT OPPORTUNITY

Bidders are expected to treat all applicants and employees without discrimination as to race, color, religion, sex, marital status, and age or disability status. Any complaints filed with the City alleging that a bidder is not an Equal Opportunity Employer due to activities arising during any previous City contract may be referred to the appropriate State or Federal agency for the purpose of review and recommendation. Bidders are expected to identify themselves as an "Equal Opportunity Employer" in all help wanted advertising or request.

BIDDER'S CERTIFICATION

The 1985 Texas Legislature passed HB 620 relating to bids by nonresident contractors. The pertinent portion of the Act has been extracted and is as follows:

Section 1. (a).

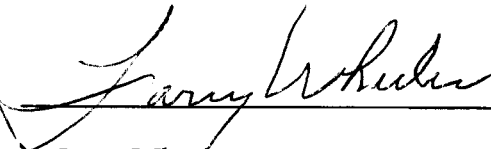
(2) "Nonresident bidder" means a bidder whose principal place of business is not in this state, but excludes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

(3) "Texas resident bidder" means a bidder whose principal place of business is in this state, and includes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

(b) The state or a governmental agency of the state may not award a contract for general construction, improvements, services, or public works projects or purchases of supplies, materials, or equipment to a nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

I certify that WCA - Waste Corporation of Texas is
(company name)

a Resident bidder of Texas as defined in HB 620.

Signature 
Print Name Larry Wheeler

I certify that _____ is
(company name)

a Nonresident bidder of Texas as defined in HB 620 and our principal place of business is:

(City and State)

Signature _____
Print Name _____

CITY OF BELLAIRE

SPECIFICATIONS FOR WASTEWATER TREATMENT PLANT ACTIVATED SLUDGE DISPOSAL

GENERAL DESCRIPTION

It is the intent of this specification to describe services for pickup, hauling, acceptance, treatment, processing, handling, storage and disposal of Wastewater Treatment Plant sludge from the City of Bellaire.

The Wastewater Treatment Plant Activated Sludge will become the property and responsibility of the successful Bidder. The successful Bidder shall take ownership and be responsible for final disposal of the Wastewater Treatment Plant sludge according to TCEQ and all other government rules and regulations.

The landfill or processing plant shall be open a minimum of six (6) days per week, Monday through Saturday, 8:00am to 4:00pm.

Contractor will maintain the following insurance coverage:

- a. Statutory Worker's Compensation insurance covering all persons assigned by Contractor to the City.
- b. General liability coverage with minimum limits of at least One Million Dollars (\$1,000,000)
- c. Excess liability limits of Three Million Dollars (\$3,000,000).
- d. Excess of underlying general liability and Workers' Compensation

All policies listed above are required to be on a per occurrence policy limit. The certificate of insurance must list all the Contractor's facilities from which the Contractor will provide personnel services to the City. **Submit** a copy of your insurance certificate showing the above coverage and have the original mailed from your insurance agency to:

**City of Bellaire
7008 S Rice Ave
Bellaire, Texas 77401
Attn: Leonard Hansen**

City of Bellaire must be listed as an additional insured. The certificate of insurance should state that the insurance would not be canceled without at least 30 days written notice to the City.

The successful bidder shall comply with all local, State and federal transportation laws and regulations.

There are approximately three (3) to four (4) pickups per week. The City will call for pickup and pickup shall occur within 24 hours. There may be more or less than three (3) to four (4) pickups per week. The driver shall sign in at the Wastewater Treatment Plant prior to entry. **On the scheduled delivery date, the vendor shall arrive no earlier than 8:30 am and no later 4:00 pm unless otherwise directed by the City of Bellaire.** In the event of an emergency, delivery shall be made within 12 hrs from the time the order is placed.

The vendor shall respond to all inquiries by the City of Bellaire within 24 hours.

CITY OF BELLAIRE
**SPECIFICATIONS FOR WASTEWATER TREATMENT PLANT ACTIVATED SLUDGE
DISPOSAL**

All bidders shall submit a list of references with names and phone numbers of contacts.

The City of Bellaire shall be invoiced monthly.

ALL COSTS SHALL BE INCLUDED IN THE COST PER 20 CUBIC YARD LOAD. The City of Bellaire will only fill the containers with 20 cubic yards. All containers shall have a painted line or marking indicating the 20 cubic yard point. Only 25-cubic yard or 30-cubic yard containers shall be accepted. All 20-cubic yard containers shall be refused entry at vendor's expense.

Compliance with TxDOT axle requirements and weight limits for disposal of 20 cubic yards of sludge shall be the responsibility of the successful bidder.

If you have any questions, please contact Mr. Leonard Hansen at 713/662-8172 or lhansen@ci.bellaire.tx.us with "Wastewater Treatment Plant Activated Sludge Disposal" in the Subject line. Please allow twenty-four (24) hours for a response.

CITY OF BELLAIRE

SPECIFICATIONS FOR WASTEWATER TREATMENT PLANT ACTIVATED SLUDGE DISPOSAL

BID SHEET

The City of Bellaire intends to select the contractor on the basis of price and capability to meet schedule. The effective dates of purchases for this bid shall commence on the date the bid is awarded and shall last for one (1) year. The City of Bellaire retains the option to extend to the bidder awarded this bid, and extension at the end of the above purchasing period, for the purpose of purchasing Wastewater Treatment Plant Activated Sludge Disposal specified in this bid proposal, upon agreement with bidder and the City of Bellaire, said optional extension and renewal of contract up to four years, one year at a time subject to price increases, service and mutual agreement between the City Manager on behalf of the City of Bellaire and the successful bidder.

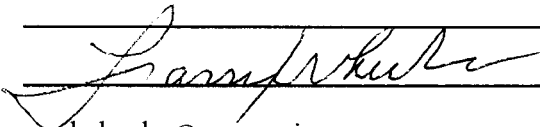
Wastewater Treatment Plant Activated Sludge Disposal (estimated 3,000 CY/year):

The City of Bellaire will only fill the containers with 20 cubic yards. All containers shall have a painted line or marking indicating the 20 cubic yard point.

20 CY CONTAINERS SHALL NOT BE ACCEPTED!

Cost per 20 CY Load in a 25 CY or 30 CY Container:

\$ 480⁰⁰ PER LOAD

COMPANY NAME	<u>WCA - Waste Corportion of Texas</u>
ADDRESS	<u>8515 Highway 6 South</u>
CITY, STATE, ZIP CODE	<u>Houston, TX 77083</u>
SIGNATURE OF BIDDER	<u></u>
EMAIL ADDRESS	<u>lwheeler@wcamerica.com</u>
COMPANY WEBSITE	<u>www.wcawaste.com</u>
TITLE	<u>Area Sales Manager - Region 2</u>
TELEPHONE	<u>(832) 707-3348</u>
DATE	<u>February 7, 2014</u>

KEY ISSUES

Bellaire Downtown and Corridor Zoning Amendments

Bellaire City Council conducted a public hearing on the proposed zoning ordinance amendments package on February 24, followed immediately by Council questions and discussion. Compiled below are core issues raised, and related information from the proposed amendments package and the City's current zoning regulations. Visuals for certain aspects will be prepared for the March 3 Council meeting.

Reasons for Proposed Amendments

Concerns expressed about the origin and intent of the proposed zoning ordinance amendments.

- Zoning ordinance amendments adopted in 2012, and those being considered now, originated from priority action items in the 2009 update of the Bellaire Comprehensive Plan. In particular, the "Commercial Area Development and Enhancement" section emphasized upgrading commercial quality to match residential, with the associated tax base benefits. In working toward amendments to recommend to City Council, the Planning & Zoning Commission considered – and weighed potential areas of tension among – several plan goals: (1) A revitalized City Center area geared toward the shopping, service and entertainment needs of Bellaire residents (Goal 5.2); (2) Vibrant commercial corridors with improved aesthetics and public and private design quality (5.3); and (3) Greater housing choice in Bellaire to increase overall supply and accommodate "life cycle" needs for a more age-diverse community (2.2).

Multi-Family Residential Use

Concerns expressed about the potential extent, density, bulk/scale, and quality of this development type.

- In the subject areas, multi-family use is currently allowed only in the CCD districts, and only as part of a mixed-use project subject to Planned Development (PD) approval. The proposed amendments allow such mixed-use projects by right in UV-D, subject to limits and standards (up to 53 ft/4 stories if attainable). PD approval is still required for the most intensive projects (up to 79 ft/6 stories if attainable).
- Mixed-use projects are also allowed by right in CMU, subject to limits and standards (up to 53 ft/4 stories if attainable). PD approval is still required for the most intensive projects, and PDs are also limited to 53 ft/4 stories in CMU, meaning they cannot reach the maximum height allowed for PDs in UV-D.
- Under the proposed amendments, single-family detached homes (including small-lot designs such as for patio homes) require PD approval in all cases in both UV-D and CMU.
- Single-family attached homes are now shown as permitted by right in UV-D, but effectively possible only along either side of Spruce. Proposed locations elsewhere in UV-D would require PD approval. Single-family attached homes are permitted by right in CMU, but only as part of a mixed-use project.
- The current CCD districts require that multi-family use involve units no smaller than 900 sq ft. Given a highly dynamic market for unit sizes today, no minimum unit size is included for UV-D or CMU. Instead, the total number of possible units is capped at 30 units per acre (roughly the density of the current Pont Alba apartments at Bissonnet and Mulberry). If a development chooses to include smaller unit sizes, it is potentially reducing its overall footprint given the 30 unit-per-acre limit. Other zoning limits on height and building scale (plus required parking) ultimately regulate overall building size.
- Along with the continued requirement that multi-family occur only as part of mixed-use developments, these added limitations are entirely new through the proposed amendments:
 - Any building with multi-family use must be occupied at least 25% by non-residential use(s) that are allowed in the district (e.g., retail, banking, office, restaurant, etc.).
 - In UV-D, for the most intensive possible mixed-use or PD projects involving multi-family use, at least 75% of the ground floor must be occupied by such non-residential use(s).
 - In both CMU and UV-D, the overall extent of multi-family use cannot exceed 15% of the total floor area of all existing development in the respective district.
 - Multi-family use requires "internalized" design, with all units accessed from the building interior.



- Multi-family use must meet the same, entirely new building material and architectural design standards that will now apply to all non-residential development.

Building Height

Concerns expressed about the potential height of buildings under the amended regulations.

- Height limits for permitted-by-right uses in the current R-M districts and CCD-1 are generally 2 to 2.5 stories. The by-right limit is 4 stories in CCD-2. Through Planned Development (PD) approval, height can reach up to 3 stories in CCD-1, and up to 4 stories in R-M.1 (along Bissonnet from Ave B to Mulberry). PD approval can currently increase building height up to 6 stories in CCD-2 – and up to 10 stories for certain projects eligible for development intensity bonuses.
- However, all such height limits have been imprecise moving targets as the height of a “story” is not limited in any way in the current regulations. To avoid this going forward, all height limits are now expressed as a specific number of feet (with the assumption that a typical story is ~13.5 ft in height). Additionally, the definition of “story” specifically provides that “any space for one level of drive under parking that is at grade level or immediately above permitted subsurface parking” does not count as a story (Sec. 24-202(170)). In the proposed amendments, it is now explicitly stated that “drive-under parking and any above-surface portion of partial subsurface parking” counts toward the height limit.
- In general, the by-right building height limit in both CMU and UV-D is 40 feet, or slightly higher than the typical 36.5 ft limit for single-family detached homes in Bellaire. Then as required site area increases to allow for mixed-use and PD projects, the height limit also increases incrementally:
 - In CMU, up to 53 ft for mixed-use and PD projects (equivalent to the 4-story maximum in R-M.1).
 - In UV-D, up to 53 ft for mixed-use projects (equivalent to the current by-right limit in CCD-2).
 - Then up to 79 ft in UV-D for PD projects (equivalent to the 6-story PD maximum in CCD-2, and eliminating the current opportunity for 7 to 10 stories in CCD-2).
 - As now, where PD approval is required, City Council can apply further conditions or restrictions.
- Where the proposed amendments increase height limits (current R-M.2 and R-M.3 districts, UV-D zoning of properties along Spruce), the entirely new limitations of a “height-setback plane” cause development height and intensity to shift away from lot lines shared with adjacent single-family homes and toward the street frontage of the CMU or UV-D property. A tree buffer is also required along the property line.
 - In the current regulations, a building can go to the full maximum height allowed with generally only 10 ft of setback from a residential property line. The height-setback plane increases this to 15 ft.
 - At the 15 ft setback, the maximum height is 27 ft (2-story equivalent) in all cases. Past this setback each 1 ft of additional height requires 2 ft of additional setback wherever the building exceeds 27 ft.
 - In all cases, this means that the 40 ft height limit (3-story equivalent) for certain buildings in CMU and UV-D cannot be attained until a point 41 ft away from a shared residential property line. The 53 ft height limit (4-story equivalent) cannot be attained until a point 67 ft away from the property line. In UV-D, the 79 ft height limit (6-story equivalent) cannot be attained until a point 119 ft into the site.
- Even if all other factors worked (e.g., required parking), the maximum potential heights in CMU and UV-D can never be attained on the smallest and shallowest existing properties in the districts under the height-setback plane, or only on a portion of the property farthest from neighboring homes and closest to the street frontage. For example, properties in UV-D along the north side of Spruce are all roughly 125 ft deep. So the 53 ft building height cannot be attained until just past the halfway point of these lots away from the rear property lines shared with the single-family homes along the south side of Locust. The 79 ft building height cannot be attained until 119 ft from the rear property line, which is only six feet from the front property line. Additionally, in the CMU district, a 15 ft front yard is required, so this further constrains how high a building can reach on small, shallow sites. On larger and deeper properties (generally about 150-300 ft deep, but up to 400-500 ft deep in a few existing R-M district situations), the height-setback plane ensures the highest building point is well away from shared residential property lines.



Impacts of Redevelopment (Traffic, On-Street Parking, Cut-Through Traffic)

Concerns expressed about certain possible side effects of development allowed by the amended regulations.

- More productive use of currently under-utilized properties will involve greater traffic generation.
- Every new or expanded land use, or a change of use in the same structure, must still satisfy the required parking quantity for the use in the zoning regulations. The amendments package does not change this.
- Cut-through traffic and on-street parking are addressed in City Code Chapter 30, Traffic and Vehicles.

Nonconformities

Questions raised about how treatment of nonconformities might change under the amended regulations.

- Provisions that govern the continuation of or changes to legal nonconforming uses and structures are not affected in any way by the proposed amendments as they are located elsewhere in the current zoning regulations (Chapter 24, Division 3, Nonconformities).

Miscellaneous Items

Clarification of some other points mentioned during the public comment portion of the hearing.

- The minimum required site area for a Planned Development (PD) application in CMU is 32,670 sq ft ($\frac{3}{4}$ acre) – not 5,000 sq ft as stated during the hearing. In UV-D the minimum required area for a PD application is one acre – not 2,500 sq ft as stated.
- Regarding a comment about land assembly, UV-D offers the same type of incentive for this pre-development practice as current CCD-2 (a development intensity bonus for developing on a larger site).
- “Loud bars” were mentioned during the hearing. Bars as defined in City Code Chapter 3, Alcoholic Beverages, are not permitted at all in CMU. In UV-D bars are allowed only as an accessory use to other principal uses (e.g., restaurants, hotels).



ORDINANCE NO. 14-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING CHAPTER 24, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, BY DELETING THE FOLLOWING SECTIONS: 24-536, R-M.1 RESIDENTIAL-COMMERCIAL MIXED-USE DISTRICT; 24-537, R-M.2 RESIDENTIAL-COMMERCIAL MIXED-USE DISTRICT; 24-539, CCD-1 CITY CENTER DISTRICT; 24-540, CCD-2 CITY CENTER DISTRICT; AND 24-547, URBAN VILLAGE (TOD) DISTRICT (UV-T), SUBSECTION (D), DESIGN STANDARDS; AND BY INSERTING NEW SECTIONS REGULATING NEW ZONING DISTRICTS (URBAN VILLAGE DOWNTOWN [UV-D] AND CORRIDOR MIXED-USE [CMU]) AND DESIGN STANDARDS FOR THE UV-T, CMU, AND UV-D; AND BY AMENDING THE FOLLOWING SECTIONS: 24-547, UV-T, SUBSECTION (C)(1), SITE PLAN REVIEW, TO ALLOW FOR REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF ALL SITE PLANS; 24-513, LANDSCAPING, SCREENING AND BUFFERING, OF GENERAL APPLICABILITY; AND 24-403, OFFICIAL ZONING DISTRICT MAP, AS APPROPRIATE; AND BY RENUMBERING SECTIONS AS APPROPRIATE.

WHEREAS, the City Council of the City of Bellaire, Texas ("City Council"), held a public hearing on the 24th day of February, 2014, 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, deletions, and/or revisions proposed to various articles and sections of Chapter 24, Planning and Zoning, of the Code.

WHEREAS, notice of said public hearing having been duly given and published as required by law, said public hearing was held on the 24th day of February, 2014, 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, deletions, and/or revisions proposed to Chapter 24, Planning and Zoning, of the Code as set out in "Appendix A" attached hereto;

WHEREAS, the Planning and Zoning Commission of the City of Bellaire, Texas ("Planning and Zoning Commission"), did, by memorandum dated January 31, 2014, from Winfred C. Frazier, Chair of the Planning and Zoning Commission, make

recommendations concerning the referenced additions, deletions, 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 of recommendation of the Planning and Zoning Commission and hereby accepts such recommendation; **NOW, THEREFORE**,

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

Section 1. THAT Chapter 24, Planning and Zoning, is hereby amended as follows: by deleting the following Sections: 24-536 R-M.1 Residential-Commercial Mixed-Use District; 24-537, R-M.2 Residential-Commercial Mixed-Use District; R-M.3 Residential-Commercial Mixed-Use District; 24-539, CCD-1 City Center District; 24-540, CCD-2 City Center District; and 24-547, Urban Village (TOD) District (UV-T), Subsection (D), Design Standards; and by inserting new sections regulating new zoning districts (Urban Village Downtown [UV-D] and Corridor Mixed-Use [CMU]) and design standards for the UV-T, CMU, and UV-D; and by amending Section 24-547, UV-T, Subsection (C)(1), Site Plan Review, to allow for review by the Department of Community Development of all site plans; by amending the following Sections: 24-513, Landscaping, Screening and Buffering, of general applicability; and 24-403, Official Zoning District Map, as appropriate; and by renumbering sections as appropriate; said revised 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, deleted, added and/or revised hereby shall remain in full force and effect.

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

Section 3. 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 4. 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 5. THAT This Ordinance shall be effective as of the 3rd day of March , 2014.

PASSED, APPROVED, and ADOPTED this 3rd day of March, 2014.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney



**APPENDIX A
TO
ORDINANCE NO. 14-____
(ATTACHED)**

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

This document is not final pending consideration and potential adoption by City Council.

NOTE: Table of Contents below not updated after accepting tracked changes to produce this clean version.

Sec. 24-202. Definitions. [AMENDED]	
.....	2
Sec. 24-501. Districts Established. [AMENDED]	
.....	3
Sec. 24-513. Landscaping, Screening and Buffering. [AMENDED]	
A. Purpose	4
B. Applicability	4
C. General Requirements	5
D. Screening and Buffering	8
E. Screening of Off-Street Parking	10
F. Landscaping of Off-Street Parking	11
G. Screening of Parking Structures and Drive-Under Parking	12
H. Special Provisions	13
Sec. 24-513a. Design Standards in Commercial and Mixed-Use Districts. [NEW]	
A. Purpose	14
B. Applicability	14
C. Standards	14
Sec. 24-514. Off-Street Parking and Loading. [AMENDED]	
B. Required Parking	26
C. Location of Required Parking Spaces	26
D. Use of Required Parking Spaces	27
E. Design of Required Parking Spaces	27
G. Required Off-Street Loading Spaces	27
Sec. 24-536. Corridor Mixed Use District (CMU). [NEW]	
A. Purpose	29
B. Uses	29
C. Development Standards	31
Sec. 24-537. Urban Village-Downtown District (UV-D). [NEW]	
A. Purpose	40
B. Uses	40
C. Development Standards	42
Sec. 24-538. Reserved. [DELETED]	
Sec. 24-539. Reserved. [DELETED]	
Sec. 24-540. Reserved. [DELETED]	
Sec. 24-547. Urban Village (TOD) District (UV-T). [AMENDED]	
C. Development Standards	51

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

This document is not final pending consideration and potential adoption by City Council.

Instructions: Existing section to be amended.

Sec. 24-202. - Definitions.

~~(10) *Automobile, compact.* An automobile which is of a size that is small enough to require a parking space of eight (8) feet in width by eighteen (18) feet in depth when the parking angle is 90 degrees. (Ord. No. 83-095, § 3, 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)~~

~~(12) *Automobile, standard.* An automobile which is of a size to require a full size parking space of nine (9) feet in width by nineteen (19) feet in depth when the parking angle is 90 degrees. (Ord. No. 83-095, § 3, 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)~~

[Renumber Section accordingly.]

DRAFT

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

This document is not final pending consideration and potential adoption by City Council.

Instructions: Existing section to be amended.**Sec. 24-501. Districts Established.****(2) Mixed-Use Districts.**

- a) CMU Corridor Mixed Use District (CMU)
- b) UV-D Urban Village-Downtown District (UV-D)
- c) R-M.2-O Residential-Office Mixed-Use District (R-M.2-O)
- d) UV-T Urban Village-Transit-Oriented Development District (UV-T)

(3) Commercial Districts.

- a) Loop 610 District (LOOP 610)
- b) LI Light Industrial District (LI)
- c) Technical Research Park District (TRPD)

DRAFT

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

This document is not final pending consideration and potential adoption by City Council.

Instructions: Existing section to be replaced in its entirety.

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 and mixed-use developments and all new 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 or multifamily residential or 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 1,000 square feet in area of the previous exterior dimensions of a building, or cumulative among multiple buildings, per subsection (1)b), above), 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.

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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.

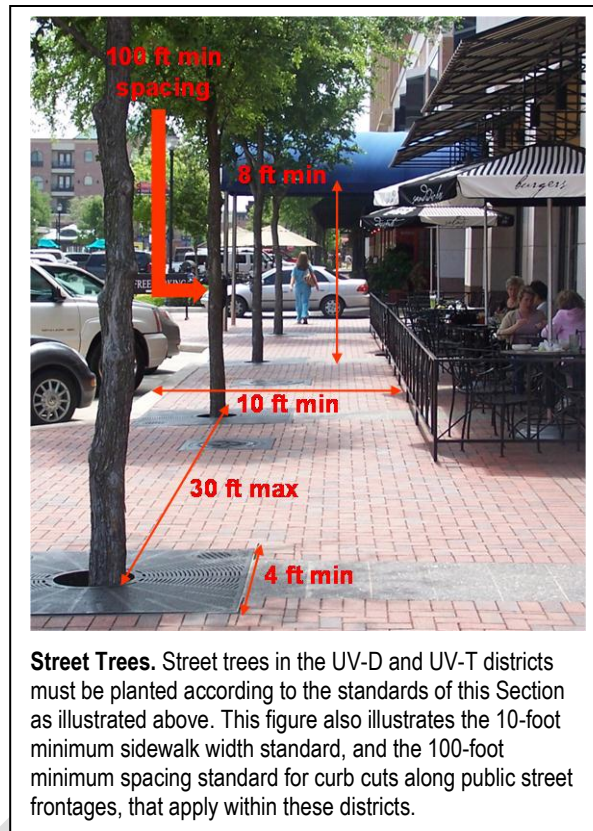
Table 24-513.A Quantity of Landscaping	
Type	Required Quantity
Street Trees (for commercial, multifamily residential and mixed-use properties only)	Number of trees as specified in Section 9-355.1, based on the amount of street frontage (generally a minimum of one 45-gallon tree for every 40 feet of frontage).
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 30 feet rather than 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 City's 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 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.

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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 60 feet in length, tree plantings other than required street trees shall be clustered to break

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- 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.
- (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

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- 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 and residential uses.* Where the rear or side of a non-residential 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 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 and residential uses may be waived by the City Council upon recommendation by the Planning and Zoning Commission in the following cases:

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- 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 or R-5 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 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 or R-5 district.
 - 1) *Parking area distance in UV-T district.* Off-street parking areas in the UV-T district shall not be located within 50 feet of a residential zoned neighborhood.
- (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 (6) foot 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 or R-5 district.
 - 1) *Parking area distance in UV-T district.* Off-street parking areas in the UV-T district shall not be located within 50 feet of a residential zoned neighborhood.
- (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), above. The wall or fence shall not contain openings of more than forty (40) square inches in each one (1) 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 (1) square foot of surface of such wall or fence, and which fence or wall surface shall constitute a visual barrier.

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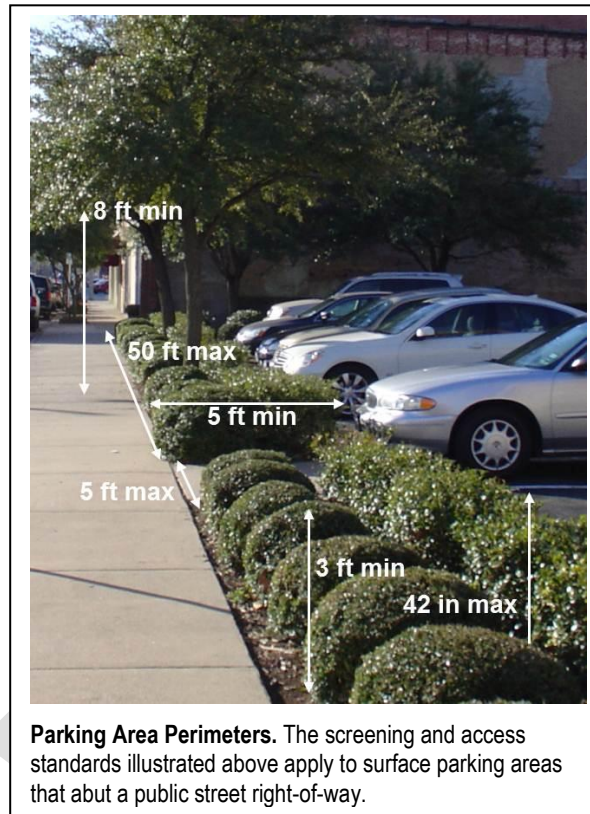
- c) In either permanent wooden or masonry constructed walls or fences, no opening shall be permitted for access unless a solid gate, equaling the height of the wall or fence, is provided. Such gate shall remain closed at all times except when in actual use.
- (4) *Screening of trash receptacles.* Where property in non-residential use lies adjacent to property in residential use, all trash receptacles upon such non-residential property shall be located at least ten (10) feet from any and all points upon any lot in 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 and non-residential 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 (5)-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 or R-5 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

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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



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 (1) 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.

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- 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 (1) 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 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 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. 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.

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- (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 district.* 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 district 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 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 in the UV-D and UV-T districts where full compliance would be impractical and adjacent properties would not be unreasonably impacted.

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Instructions: New section to be added.

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 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, 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 or mixed-use development in the Corridor Mixed Use (CMU), Urban Village-Downtown (UV-D), and Urban Village-Transit-Oriented Development (UV-T) districts, and to any non-residential 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 building materials, 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**, below. The table is arranged in alphabetical order by the type of standard.



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Table 24-513a.A Design Standards for CMU, UV-D and UV-T Districts		
Applicable District(s)	Standards	Illustrations
CMU (only for Unified Design) UV-D UV-T	<p>Arrangement and Design for Multiple Buildings</p> <p><u>Unified Design</u> 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.</p> <p><u>Massing Through Grouping</u> (Not for CMU) 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.</p> <p><u>Clustering for Pedestrian Focus</u> (Not for CMU) Individual buildings on a development site or on adjacent sites shall be clustered, whenever possible, to create pedestrian-oriented precincts and walkable connections.</p>	
CMU UV-D UV-T	<p>Building Materials</p> <p>The standards below are intended to ensure the use of building materials that convey an appearance of quality and durability. The standards shall apply to all exterior elevations of structures, excluding doors and windows.</p> <p><u>Permitted Principal Materials</u> For exterior building elevations these include:</p> <ul style="list-style-type: none"> ▪ Brick or similar masonry materials, including cast stone. ▪ Limestone and other natural stone. ▪ Any concrete product (architectural pre-cast concrete; concrete masonry unit, CMU; etc.) that has an integrated color and is textured or patterned to look like brick, stone, marble, granite or tile. ▪ Glass. (Not for UV-D) ▪ Other materials where it is demonstrated that they have comparable durability, impact resistance and aesthetic quality as those listed above; and/or they are part of a building that is designed to achieve a green building certification such as Leadership in Energy and Environmental Design (LEED) or Energy Star. ▪ Building integrated photovoltaics. <p><u>Permitted Accent Materials</u> The following materials are permitted, but only as accents rather than a predominant exterior material. Accent materials shall comprise no more than 25 percent of any building façade in the CMU district, and no more than 15 percent in the UV-D and UV-T districts, excluding doors</p>	  


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<p>and windows.</p> <ul style="list-style-type: none"> ▪ Exterior Insulation and Finish Systems (EIFS). [EIFS may be installed only above the floor level of the second story, or no less than 12 feet above the grade for one-story buildings. EIFS shall not be installed in any pedestrian contact areas.] ▪ Stucco. [Both EIFS and stucco shall incorporate detailing to look like traditional wall cornices, soffits, window trim and similar features.] ▪ Architectural metal, including aluminum composite panel (ACP) treatments. ▪ Fiber cement siding. (For CMU and UV-D, but not for UV-T). ▪ Wood or composite wood. (Not for UV-T) ▪ Tile. ▪ Glass. (Only for UV-D) ▪ Stainless steel. ▪ Chrome. <p><u>Prohibited Materials</u> For exterior building elevations these include:</p> <ul style="list-style-type: none"> ▪ Pre-fabricated or corrugated metal wall panels. ▪ Smooth-faced concrete block. ▪ Vinyl, wood, plywood, cedar shingle, composite or metal siding. (Fiber cement siding not for UV-T). ▪ Plastic. ▪ Crushed rock or crushed tumbled glass. ▪ Mirrored glass in ground floor windows. <p><u>Privacy Glass</u> Frosted glass or other treatment is permitted for bathrooms and in other doors and windows where privacy is needed.</p> <p><u>Roofing</u> Steel, standing seam metal and/or architectural metal may be used on a sloped roof.</p> <p><u>Service Doors</u> Galvanized steel and painted steel are permitted only for use on doors and roll-up doors that provide access to loading areas and/or face toward alleys or vehicular access easements.</p> <p><u>Awnings and Canopies</u> 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.</p> <p><u>Parking Structures</u> 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</p>	 
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	parking structures. Steel, standing seam metal and/or architectural metal may be used on any sloped roof of a parking structure.	
CMU UV-D UV-T	<p>Canopies and Awnings Use of canopies and awnings 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 canopies and awnings is consistent with the building architecture, and they are maintained in sound condition at all times.</p> <p><u>Projection</u> Canopies and awnings shall project no more than six feet from the façade of a building or parking structure.</p> <p><u>Lighting</u> Canopies and awnings shall not be backlit or internally lit.</p>	
UV-D UV-T	<p>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.</p>	 <p>Credit: Chipotle</p>
CMU UV-D UV-T	<p>Colors Use of overly iridescent or fluorescent colors on any building façade 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.</p>	
UV-D UV-T	<p>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.</p> <ul style="list-style-type: none"> ▪ 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 City's administrative official, the Planning and 	


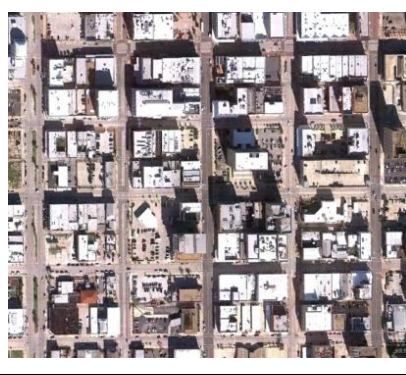

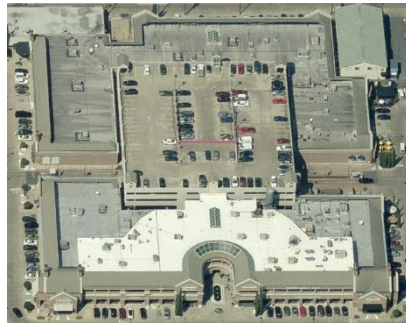
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	<p>Zoning Commission may increase the maximum number or decrease the minimum spacing of curb cuts per segment of street frontage, as specified above, where warranted based on site-specific or emergency access considerations.</p> <p><u>Pedestrian Safety</u></p> <p>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.).</p> <ul style="list-style-type: none"> ▪ 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	<p>Framing of and Relationship to Public Spaces</p> <p>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 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.</p> <p><u>Private-Public Design Compatibility</u></p> <p>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.</p> <p><u>Lighting</u></p> <p>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.</p>	 <p style="text-align: center;">Credit: Sugar Land Town Square</p>

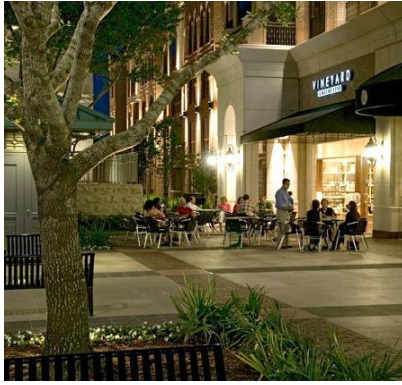



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CMU	<p>Freestanding Canopies</p> <p>The design of freestanding or semi-freestanding canopies, such as those used as shelters for pump islands at auto service stations, and for port-cocheres, shall be consistent with the architectural style, predominant and accent materials, color, and lighting of the principal building on the development site.</p>	
UV-D UV-T	<p>Grid Street Pattern</p> <p>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.</p>	
UV-D UV-T	<p>Ground-Level Uses</p> <p>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.</p> <p><u>Parking Structures</u></p> <p>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.</p>	 <p style="text-align: center;">Credit: Sugar Land Town Square</p> 

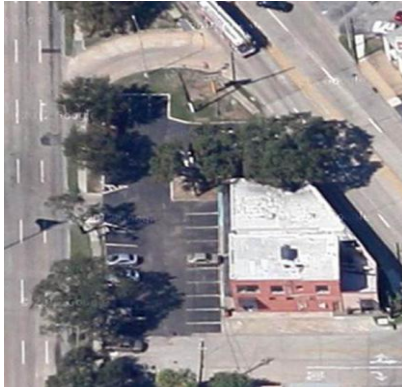


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UV-D UV-T	<p>Lighting of Buildings and Sites Lighting of building exteriors and parking areas shall be designed to match the architectural character of the site and its vicinity in terms of fixtures and illumination.</p>	 <p>Credit: Sugar Land Town Square</p>
UV-D UV-T	<p>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.</p>	 
CMU UV-D UV-T	<p>Multi-Family Development</p> <p><u>Internalized Design</u> 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.</p> <p><u>Balconies</u> 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.</p> <p><u>Mechanical Equipment</u> No window or wall-mounted air conditioning units are permitted.</p>	




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UV-T	<p>Off-Street Parking Limits*</p> <p><u>Off-Street Parking Dispersion</u> 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.</p> <p><u>Maximum Parking Area Dimension</u> 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).</p> <p>* Drive-under parking is excluded from these provisions.</p>	
UV-D UV-T	<p>Orientation of Residential Garages</p> <p>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.</p>	 <p style="text-align: center;">NOT DESIRABLE (garages oriented to street)</p> <p style="text-align: center;">DESIRABLE (garages not visible from street)</p>
UV-D UV-T	<p>Parking Structures</p> <p>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.</p> <p><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, facade and roofline variation).</p>	



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<p>CMU UV-D UV-T</p>	<p>Screening of Mechanical/Service Equipment</p> <p><u>Rooftop Mechanical Equipment</u> 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.</p> <ul style="list-style-type: none"> 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) <p><u>Ground-Level or Building-Mounted Service Equipment</u> 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.</p>	
<p>CMU</p>	<p>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.</p>	
<p>UV-D UV-T</p>	<p>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.</p> <p><i>Relief on constrained sites in UV-D.</i> Upon the recommendation of the City's 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.</p>	

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	<p><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.</p> <p><u>Arcade Treatment</u> 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.</p>	
UV-D UV-T	<p>Transparency of Non-Residential Uses at Street Level Building facades 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 facade.</p> <ul style="list-style-type: none"> ▪ 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). 	 <p style="text-align: right;">Credit: Whole Foods</p>
UV-D UV-T	<p>Overhead Utility Lines All local utility wires, not including high-capacity power transmission lines, shall be installed underground.</p>	
CMU UV-D UV-T	<p>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.</p> <p><u>Building Articulation</u> Building facades 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</p>	<p>See <i>Figure 24-513a.A</i>, below, for graphics illustrating building articulation and other techniques for adding architectural interest.</p>

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	<p>of the facade periodically relative to the building line, along with other design variations in the façade as illustrated in Figure 24-513a.A, below.</p> <p><u>Roofline Articulation</u> 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, or chimneys.</p> <p><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, porches or balconies, articulation of the building facade, decorative cornices, material and color variations, or score lines.</p> <p><u>Landscape Treatment for Large Walls</u> 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.</p>	
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FIGURE 24-513a.A
Examples of Building Design 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 front façade.
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.

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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Instructions: Existing section to be amended.

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

B. *Required parking.*

- (1) Off-street parking spaces shall be provided for each use in accordance with the requirements of each district, or as specified for commercial and mixed-use districts in Section 24-514a.
- (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.

[Renumber existing item (2) to (3).]

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 City's administrative official of the changed circumstances and his/her plans for maintaining full compliance with this Chapter.
 - 2) Failure to notify the City's 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.

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- (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 <i>Texas Accessibility Standards</i> .	
Designated for Bicycles	2 feet x 6 feet	Minimum width of four feet for access aisles beside or between rows of bicycle parking.

G. *Required off-street loading spaces.*

- (3) *Design and maintenance.*
 - 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.
- (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.

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- (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.

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Instructions: Existing section to be replaced in its entirety.

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 of Bellaire 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:
 - 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.

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- 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 or R-5 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.
 - d) Transportation, automobile and related uses as follows:
 - 1) Auto parts sales; and
 - 2) Automobile service stations.
 - e) Churches.
 - 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).

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- (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 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) *Planning and Zoning Commission review for planned developments.* All planned development applications, 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.

- 2) *Administrative approval.* The City's administrative official is authorized to approve site plans for all development applications other than planned developments, 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.

- (a) *Required referral to Commission.* The administrative official is not authorized to disapprove a site plan. The official shall refer a site plan to the Planning and Zoning Commission for review and decision if the official finds reasons for potential disapproval, including when a site plan does not strictly conform to all standards for this district or other applicable provisions of the City Code. If the official does not approve the site plan, he shall place the site plan on the agenda of the Planning and Zoning Commission so that it may be considered for approval, approval with conditions, or disapproval by the Commission.

- (b) *Applicant request for Commission review.* The administrative official shall refer a site plan to the Planning and Zoning Commission for review and decision if the applicant disagrees with a condition of approval specified by the official, or otherwise requests Commission involvement in the site plan review.

- 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.*

a) *Churches.*

- 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;

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- (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 an abutting residential property is in an R-1, R-3, R-4 or R-5 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.
 - 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.

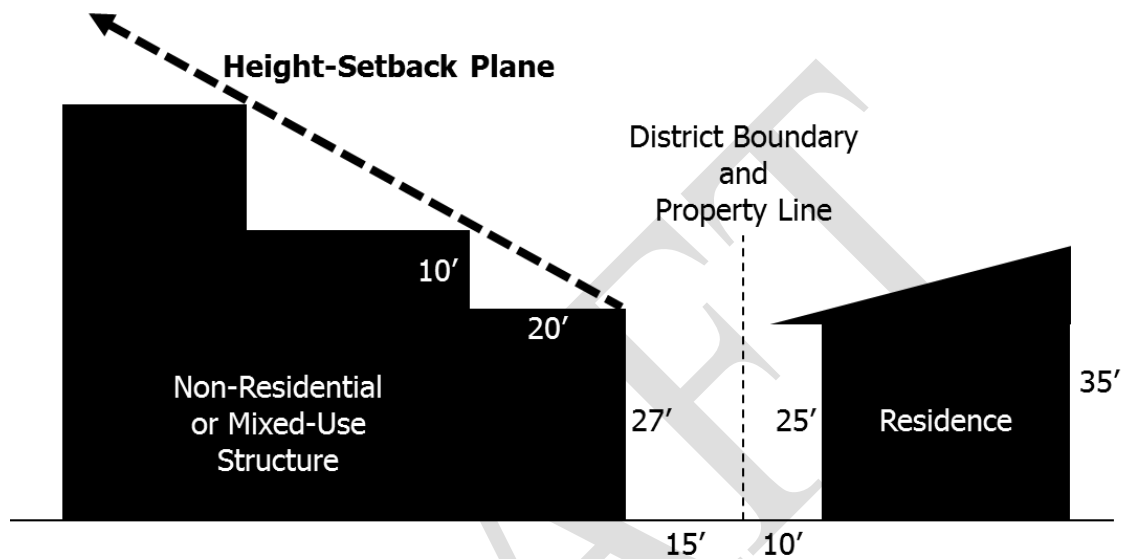
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Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

- 6) *Maximum site coverage:* 75 percent of lot area.

FIGURE 24-536.A
Height-Setback Plane



- b) *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

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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 an abutting residential property is in an R-1, R-3, R-4 or R-5 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.

- 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. 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.

c) *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

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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 an abutting residential property is in an R-1, R-3, R-4 or R-5 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.
 - 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. 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,

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- R-4 or R-5 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.
- d) *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 use in a freestanding building, and shall only be constructed as part of a building which includes one or more non-residential uses that occupy at least twenty-five (25) percent of the total floor area of the building.
 - 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:* *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 an abutting residential property is in an R-1, R-3, R-4 or R-5

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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.

- 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. 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 or R-5 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.
- e) *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:
 - (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

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- (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:* 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 an abutting residential property is in an R-1, R-3, R-4 or R-5 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.
 - 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. 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 or R-5 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.

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- (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 of the City Code.
 - b) Churches:
 - 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 of the City Code.
- (4) *Outdoor lighting*. All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

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Instructions: Existing section to be replaced in its entirety.

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 of Bellaire 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

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- of the UV-D district that abuts residential property in an R-1, R-3, R-4 or R-5 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 without Specific Use Permit approval:
 - 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;
 - 5) Private club; and
 - 6) Theater, for live performances.
 - f) Conference center facilities.
 - g) 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.
 - h) 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;
 - 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 or R-5 district; and
 - 4) Maximum floor area to site area, with potential development intensity bonuses.
 - i) 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, of the City Code; 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.

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- (2) *Specific uses.*
 - a) Commercial uses with drive-in or drive-through facilities.
 - 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.
 - (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 the City Code.
 - a) *Required approvals.*
 - 1) *Planning and Zoning Commission review for planned developments.* All planned development applications, 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.
 - 2) *Administrative approval.* The City's administrative official is authorized to approve site plans for all development applications other than planned developments, 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.
 - (a) *Required referral to Commission.* The administrative official is not authorized to disapprove a site plan. The official shall refer a site plan to the Planning and Zoning Commission for review and decision if the official finds reasons for potential disapproval, including when a site plan does not strictly conform to all standards for this district or other applicable provisions of the City Code. If the official does not approve the site plan, he shall place the site plan on the agenda of the Planning and

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- Zoning Commission so that it may be considered for approval, approval with conditions, or disapproval by the Commission.
- (b) *Applicant request for Commission review.* The administrative official shall refer a site plan to the Planning and Zoning Commission for review and decision if the applicant disagrees with a condition of approval specified by the official, or otherwise requests Commission involvement in the site plan review.
 - 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) *Minimum building height:* 30 feet, which shall include at least two working stories for all portions of the building situated at the front building line.
 - 5) *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.
 - 6) *Minimum floor area per dwelling unit:* 1,550 square feet.
 - 7) *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 an abutting residential property is in an R-1, R-3, R-4 or R-5 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

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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.
- 8) *Maximum lot coverage*: 90 percent of lot area.

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) *Minimum building height*: 30 feet, which shall include at least two working stories for all portions of the building situated at the front building line.
- 5) *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.
- 6) *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:

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- 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 or R-5 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 or R-5 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.
- 7) *Maximum site coverage:* 90 percent of lot area.
 - 8) *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.
- 9) *Maximum floor area to site area:* As provided in **Table 24-537.A**, with a base standard of 1.00 maximum for commercial, mixed-use and planned development projects for

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which all of the off-street parking is surface parking. Potential development intensity bonuses, in the form of increased floor area allowances relative to site area beyond the base maximum standard, are also provided in the table.

NOTE: Revisions below to Table 24-537.A are for clarity purposes only (no substantive changes).

Table 24-537.A: Development Intensity Standards and Potential Bonuses					
Development and Parking Plan		Maximum Floor Area Ratio (FAR): Base + Bonus	Other Available Intensity Bonuses Beyond 1.00 Base FAR Maximum		
Development Type	Off-Street Parking Approach		Off-Street Parking Location	Additional Site Area	Amenity Space***
<ul style="list-style-type: none"> ▪ Commercial ▪ Mixed Use* ▪ Planned Development (PD) 	All surface parking	1.00 Base + 0.00 Bonus = 1.00	10% FAR Bonus if none of the off-street parking abuts a public street or sidewalk	n/a	5% FAR Bonus for each 1,000 square feet of such amenity area provided, up to 5,000 square feet
<ul style="list-style-type: none"> ▪ Mixed Use* ▪ Planned Development (PD) 	Mix of surface and garage (or drive-under) parking**	1.00 Base + 0.25 Bonus = 1.25	Same as above	25% FAR Bonus for each 1 acre of additional site area beyond the minimum required	Same as above
<ul style="list-style-type: none"> ▪ Mixed Use* ▪ Planned Development (PD) 	All garage parking**	1.00 Base + 1.00 Bonus = 2.00	Same as above	Same as above	Same as above
<ul style="list-style-type: none"> ▪ Mixed Use* ▪ Planned Development (PD) <p>In all cases, must have 75% or more of all ground floor space along public streets in general retail sales and services or restaurant uses</p>	All garage parking**	1.00 Base + 2.00 Bonus = 3.00 With consideration, through the Planned Development (PD) process, of applications proposing an FAR greater than 3.00	Same as above	Same as above	Same as above

NOTE: All standards and bonus opportunities in the table involving off-street parking exclude any parking associated with single-family dwellings, attached, that are part of a mixed-use or planned development.

* For purposes of the UV-D district, 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% of the total floor area of the development, whichever is greater.

** Whether the garage parking is entirely above ground or partially or entirely below ground level.

*** "Amenity space" includes an on-site public plaza, pocket park or other public open space, or an on-site outdoor seating area associated with a restaurant use.

c) *Mixed-Use Development.*

1) *Minimum site area:* 1 acre.

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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- (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 use in a freestanding building, and shall only be constructed as part of a building which includes one or more non-residential uses that occupy at least twenty-five (25) percent of the total floor area of the building.
 - (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) *Minimum building height:* 30 feet, which shall include at least two working stories for all portions of the building situated at the front building line.
- 3) *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.
- 4) *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 or R-5 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

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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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 or R-5 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:* 90 percent of lot area.
- 6) *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.
- 7) *Maximum floor area to site area:* As provided in **Table 24-537.A**, with a base standard of 1.00 maximum for commercial, mixed-use and planned development projects for which all of the off-street parking is surface parking. Potential development intensity bonuses, in the form of increased floor area allowances relative to site area beyond the base maximum standard, are also provided in the table.
- 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:

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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- (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; and
- (c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.

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 an abutting residential property is in an R-1, R-3, R-4 or R-5 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 or R-5 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

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- 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*: As established by the approved site plan for the planned development amendment.
 - 6) *Maximum floor area to site area*: As provided in **Table 24-537.A**, with a base standard of 1.00 maximum for commercial, mixed-use and planned development projects for which all of the off-street parking is surface parking. Potential development intensity bonuses, in the form of increased floor area allowances relative to site area beyond the base maximum standard, are also provided in the table.
- (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 of the City Code.
 - b) Other non-residential uses:
 - 1) A minimum number of off-street parking spaces as provided in Section 24-514a of the City Code.
- (4) *Outdoor lighting*. All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

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Instructions: Existing sections to be deleted in their entirety.

Sec. 24-538. - Reserved.

Sec. 24-539. - Reserved.

Sec. 24-540. - Reserved.

Instructions: Existing section to be amended.

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

C. *Development Standards.*

(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.

[ReNUMBER subsequent existing items in subsection C. accordingly, and delete existing items (4), (5), (7) and (8) as this content is moved elsewhere in Chapter 24.]

(3) *Size and area.*

(4) *Development intensity.*

(5) *Outdoor lighting.*

~~D. *Design Standards.*~~

[Delete subsection D. in its entirety as this content is moved elsewhere in Chapter 24.]



Report and Recommendation From the Planning and Zoning Commission

Report Date: January 31, 2014
Ordinance No. 14-_____



CITY OF BELLAIRE

Planning and Zoning Commission

MEMORANDUM

To: Mayor and City Council
 From: Winfred Frazier, Chairman, Planning and Zoning Commission
 CC: John McDonald, Director of Community Development
 Date: January 30, 2014
 Subject: Report and Recommendation on proposed changes to Code of Ordinances, Chapter 24, Planning and Zoning with regard to the downtown area and the Bissonnet corridor

On May 13, 2013, City Council held a public hearing on a recommendation from the Planning and Zoning Commission (Commission) on amendments to the Code of Ordinances of the City of Bellaire, Chapter 24, Planning and Zoning. These amendments included the creation of two new zoning districts (Urban Village Downtown and Corridor Mixed-Use), the deletion of five existing zoning districts, the modification of other sections as needed, and the adoption of an updated zoning map based on the new districts. At their subsequent meeting held on May 20, 2013, the Council referred the item back to the Commission for further consideration. Motion No. 2013-004 included nine specific points that Council sought further clarification and information from the Commission on. A copy of the motion is attached.

Upon receipt of this request, the Commission, working with staff and Gary Mitchell of Kendig Keast Collaborative, set forth to revisit the proposed amendments to Chapter 24, holding three additional workshops and continuing the discussion at regular meetings. Citizen comment was requested at each workshop and meeting. Additionally, Staff met with citizen representatives to review specific concerns from property owners adjacent to the downtown area. Substantive changes were made to the original proposal and a second public hearing was scheduled.

The Commission held a public hearing on November 11, 2013, for the purpose of hearing any and all persons desiring to be heard in connection with proposed revisions to the Code of Ordinances of the City of Bellaire, Chapter 24, Planning and Zoning. Four speakers voiced comments at the public hearing. Comments included:

- Questions regarding the height regulations in the proposed Corridor Mixed-Use District (CMU);
- Concerns about the allowance of single-family homes in the downtown area;
- Apprehension about the inclusion of multi-family and increases in parking and traffic problems; and
- Support for the amendment reducing the minimum size requirement for planned development residential.

In a regular meeting held after the public hearing, and after due consideration and discussion, the Commission voted unanimously (7-0) to support passage of the proposed amendments to Chapter 24, Planning and Zoning, herewith attached along with other documentary evidence considered by the Commission.

Members Present and Voting FOR the Amendment: (7)

- Winfred Frazier;
- Bill Thorogood;
- Wayne Alderman;
- Paul Simmons;
- S. Lynne Skinner;
- Marc Steinberg; and
- Dirk Stiggins.

Members Absent: none

Attachments:

- City Council Motion Document No. 2013-004;
- Original Report from the Commission dated April 22, 2013;
- Summary of Revisions;
- Proposed Amendments to Chapter 24, Planning and Zoning;
- Maps of proposed rezoning based on new zoning districts; and
- Draft minutes from the November 11, 2013, Commission public hearing.



MOTION NO. 2013-004

SUBJECT OF MOTION:

To refer the ordinance of proposed amendments to *Chapter 24, Planning and Zoning*, of the *Code of Ordinances of the City of Bellaire, Texas* ("Code") submitted to City Council for consideration on May 20, 2013, back to the Planning and Zoning Commission of the City of Bellaire, Texas, ("PZC") for further receipt of public input and review, with a particular emphasis on working with neighbors most directly affected by the proposed amendments, as well as issues related to height and density, generally, and the following issues, specifically:

- In the Corridor Mixed Use (CMU) District, consideration should be given to requiring mixed use development with a height exceeding 40 feet to go through the planned development process;
- Consideration should be given to the creation of a buffer for the neighborhood on the north side of the Urban Village-Downtown (UV-D) District by zoning the area on the north side of Spruce Street to be residential, with the possibility of single-family small lot and/or single-family attached houses, and possibly commercial (but not mixed use), with a height not to exceed 40 feet;
- In the CMU and the UV-D Districts, consideration should be given to the issue that seemingly unlimited numbers of attached single-family dwellings could be attached to a single 5,000 square foot commercial building, and whether in that event such dwellings should simply be allowed as of right in either or both of those districts;
- Consideration should be given as to whether standards should be developed for single-family attached dwellings that are part of mixed use developments, for example, with respect to minimum lot size and minimum square footage interior;

- Consideration should be given to the undesirability of allowing freestanding, multi-family dwellings (apartment buildings) to be constructed as part of a mixed use development;
- Consideration should be given to potential controls that could be included in the ordinance to limit the number of multi-family dwelling units that can be constructed above commercial units as part of a mixed use development;
- Public input should be obtained from affected residents in the CMU and UV-D Districts as to whether municipal uses abutting residential properties would be more preferable than an unknown development;
- Consideration should be given to uses **allowed by right** of developments that abut residential properties, as necessary to attempt to minimize noise and sound intrusions; and
- Consideration should be given to reducing the minimum site requirement for a planned development to three-quarters (3/4) of an acre, in lieu of one (1) acre, in the CMU.

MAIN MOTION BY:

Councilman Andrew S. Friedberg

SECOND BY:

Councilman Corbett Daniel Parker

VOTE:**6-0-1, as follows:**


Mayor Philip L. Nauert	Abstain*
Mayor Pro Tem Amanda B. Nathan	For
Councilman Roman F. Reed	For
Councilman James P. Avioli, Sr.	For
Councilman Corbett Daniel Parker	For
Councilman Pat B. McLaughlan	For
Councilman Andrew S. Friedberg	For

None Absent

*Mayor Nauert abstained from voting on the agenda item due to his financial interest and ownership of an affected property located at 4562 Bissonnet Street, Bellaire, Texas.

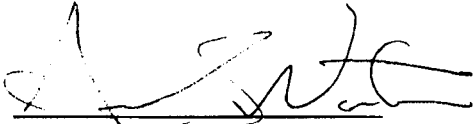
PASSED and **APPROVED** this 20th day of May, 2013.

ATTEST:



Tracy L. Dutton
Tracy L. Dutton, TRMC
City Clerk

SIGNED:



Amanda B. Nathan
Mayor Pro Tem



CITY OF BELLAIRE

Planning and Zoning Commission

April 22, 2013

To: Honorable Mayor and City Council
 From: Winfred C. Frazier, Chair, Planning and Zoning Commission
 CC: John McDonald, Director of Community Development
 Subject: Review and discussion of proposed amendments to Chapter 24, Planning & Zoning Regulations, addressing zoning districts and/or the Downtown & Bissonnet Corridor as Prepared by Gary Mitchell of Kendig Keast Collaborative.

At the April 9, 2013 regular meeting, the Planning and Zoning Commission ("Commission") approved a recommendation to the City Council to amend the Code of Ordinances, Chapter 24, Planning and Zoning, regarding the creation of two new zoning districts (Urban Village Downtown and Corridor Mixed Use) and the rezoning of areas generally located in the downtown area and along the Bissonnet Corridor. This recommendation was made after due consideration of input presented at a public hearing held on January 29, 2013, and further review and discussion of the subject matter at meetings in February and March of this year.

This recommendation is the culmination of thirteen months of review and discussion that began in March 2012 with a series of workshops led by Gary Mitchell of Kendig Keast Collaborative.

As part of the public hearing held in January, thirteen members of the public provided oral comments concerning the proposed zoning changes. These concerns included:

- Elimination of the R-M.2-O Zoning District;
- 6 residential lots on Howard & Newcastle to be zoned CMU;
- Protection of residential properties/Neighboring properties being zoned commercial;
- Quality of life for Bellaire residents/Over-flow parking; and
- Lack of knowledge by residents of the proposed zoning changes.

The Commission discussed the draft proposal section by section to ensure that all concerns/questions were addressed. Based on comments brought up at the public meeting, and considering input from staff and the consultant, the Commission voted to maintain the R-M.2-O Zoning District as it is currently and readdress that item at a later date.

RECOMMENDATION

Following a presentation by Gary Mitchell, and after due consideration and discussion of comments presented by the public, the Commission voted unanimously to recommend

adoption of the proposed amendments to Chapter 24, including an amended zoning map based on the newly created districts.

VOTE OF THE COMMISSION

Members present and voting FOR this recommendation to City Council:

- Winfred Frazier, Wayne Alderman, Paul Simmons, S. Lynne Skinner, Dirk Stiggins, Marc Steinberg

Members present and voting AGAINST this recommendation to City Council:

- None

Members absent:

- Lori Aylett

SUMMARY OF REVISIONS

Bellaire Downtown and Corridor Zoning Amendments

Summarized in the table below are the substantive revisions made to the proposed zoning ordinance amendments package on which City Council deferred action on May 20, 2013. The Planning and Zoning Commission evaluated the concerns and issues raised by Council and those received through public comment, considered potential revisions in response to this feedback, and provided specific direction to City staff and consultant Kendig Keast Collaborative through a final workshop session and regular Commission meeting on October 8, 2013. The changes summarized below reflect what appears in the revised amendments package dated October 20, 2013 (as posted on the City website ahead of the upcoming Commission public hearing on November 12). The table generally follows the order of the revisions within the amendments package, with specific page locations cited.

Focus of Change	Changes Made	Page(s)
No Waiver of Screening for Residential Protection	For UV-D district, removed ability of Council to waive required screening between non-residential and residential uses where a dedicated alley is between the subject properties.	Page 9 in 10/20/13 revised package
Screening of Off-Street Parking Areas	For UV-D district, where screening of off-street parking from adjacent residential property is not required <u>within</u> the district, added the screening requirement when the adjacent residential property is just outside the district.	Page 10
Screening of Upper Levels of Parking Garages	For all applicable districts , extended a screening requirement to upper levels of a multi-level parking garage, when visible from an abutting residential use or district, in addition to required ground-level screening in such cases.	Page 13
Applicability of Building Design Standards for Visual Interest and Anti-Monotony	For CMU and UV-D districts, extended design standards for building façades in non-residential and mixed-use developments to all visible sides of a building versus only sides that face public street rights-of-way and other public areas.	Page 23
CMU District Purpose Statement	Removed specific references to “Bissonnet” in the purpose statement in case Corridor Mixed Use zoning is ever applied to other major roadways in Bellaire.	Page 29
Limitation on Extent of Multi-Family Use in Districts	For CMU and UV-D districts, added a provision that limits how much of the total gross developed floor area within each district may be devoted to multi-family residential use (indicated as 15 percent maximum for both CMU and UV-D in the revised draft amendments package).	Page 31 for CMU Page 42 for UV-D
Adjustments to Height-Setback Plane	For CMU and UV-D districts, increased from 10 to 15 feet the minimum building setback on a property at a district edge that is adjacent to an “R” zoned property just outside the district. Also reduced the slope of the height-setback plane so that each one foot of additional building height above 27 feet requires two feet (versus one foot) of additional building setback above 27 feet, as measured from the 15-foot setback line.	Pages 32, 34, 35 for development options in CMU (plus revised Figure 24-536.A on page 33) Pages 43, 45, 47, 49 in UV-D

SUMMARY OF REVISIONS: Downtown and Corridor Zoning Amendments (10.31.13)

Focus of Change	Changes Made	Page(s)
Adjustments to Height-Setback Plane (continued)	In addition to the eight-foot masonry screening wall already required along the common property line, added a tree planting requirement adjacent to the wall (a row of 45-gallon size trees spaced up to 10 feet on center) and separate from any other required site landscaping. Also, where utility or easement issues arise, enabled the administrative official to work with applicants (or the Planning and Zoning Commission for Planned Development applications) to seek an alternate but compliant solution. Also applied the minimum 15-foot setback and height-setback plane to accessory buildings in these district edge situations.	Pages 32, 34, 35 for development options in CMU (plus revised Figure 24-536.A on page 33) Pages 43, 45, 47, 49 in UV-D
Limitation on Outdoor Activity Near Residential Districts	For CMU and UV-D districts, for any property at a district edge that is adjacent to an “R” zoned property, added a provision that limits outdoor seating, assembly or other customer service areas to the front half of the property, away from the common property line with the “R” zoned property.	Pages 35, 37, 38 for CMU Pages 45, 48, 49 for UV-D
Density Limitation on Multi-Family Residential Use	For CMU and UV-D districts, added a provision to limit the density of the multi-family residential component within a mixed-use development (maximum 30 units per acre for the total project site).	Pages 36 and 37 for CMU Pages 45 and 48 for UV-D
Mix Threshold for “Mixed-Use” Developments	For CMU and UV-D districts, made text correction so that a “mixed-use project” must have each different use occupying at least 5,000 square feet or 10 percent of the total floor area of the development, whichever is <u>greater</u> (versus “whichever is less”). This ensures that each use component will be at least 5,000 square feet, and each component must be even larger if 10 percent of the total floor area is more than the 5,000 square foot minimum.	Page 36 for CMU Page 47 for UV-D (plus footnote to Table 24-537.A on page 46)
Limit on Solely Multi-Family Buildings in Mixed-Use Developments	For CMU and UV-D districts, added a provision to require that any building in a mixed-use development involving multi-family residential use must have at least 25 percent of the total building floor area devoted to one or more non-residential uses.	Page 36 for CMU Page 47 for UV-D
Lower Minimum Site Area for Planned Developments in CMU	For CMU district, reduced the minimum site area required for Planned Developments from one acre to three-quarters of an acre. For this reason, also reduced the required minimum site width from 200 to 150 feet.	Page 37
Lighting Protection for Residential Use	For CMU and UV-D districts, added an explicit provision, as in UV-T, to specify that outdoor lighting must be located, screened or shielded to prevent any direct illumination of adjacent residential lots or structures.	Page 39 for CMU Page 50 for UV-D

SUMMARY OF REVISIONS: Downtown and Corridor Zoning Amendments (10.31.13)

Focus of Change	Changes Made	Page(s)
Single-Family Attached Dwellings Permitted by Right in UV-D	For UV-D district, made single-family attached dwellings a permitted-by-right use versus requiring they be part of a mixed-use development. Such instances must involve at least five contiguous lots. Also, at least one-half of each lot must be located within 350 feet of a UV-D district boundary that abuts "R" zoned property so that the single-family use helps to provide a transition between UV-D and lower-density residential use just outside the district. (With the proposed UV-D district boundaries, single-family attached dwellings under this scenario could be developed only along the north and south sides of Spruce Street within the district.) With this change to a permitted use, also had to incorporate development standards specifically for cases where single-family attached dwellings are developed apart from a mixed-use development (including the typical set of standards for lot area and dimensions, building height, dwelling floor area, front/side/rear yards, and lot coverage, as well as the height-setback plane and related requirements on district edge properties). The proposed minimum lot size is 2,500 square feet as is typical to accommodate multi-story townhome/brownstone dwellings in an urban district.	Pages 40, 43
	Additionally, provisions were added under the mixed-use development options in UV-D to: (1) apply the same development standards as above for single-family attached dwellings when they are part of a mixed-use project; and (2) restate that any multi-family residential component in a mixed-use development is limited to a density of 30 units per acre for the total project site.	Pages 45, 48
Clarification of Minimum Building Height in UV-D	For UV-D district, reworded the Minimum Building Height standard to ensure the intended height at the front building line (minimum 30 feet that involves at least two working stories).	Pages 43, 44, 47

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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NOTE: Previous drafts of this amendments package already had legislative edits (underscores for new content, strikethroughs for deleted content). Therefore, further revisions within this newest package are also highlighted to distinguish them from the original proposed amendments from May 2013. Highlights in green indicate additional revisions made after the November 12 Planning & Zoning Commission meeting.

Sec. 24-202. Definitions. [AMENDED]	2
Sec. 24-501. Districts Established. [AMENDED]	3
Sec. 24-513. Landscaping, Screening and Buffering. [AMENDED]	
A. Purpose	4
B. Applicability	4
C. General Requirements	5
D. Screening and Buffering	8
E. Screening of Off-Street Parking	10
F. Landscaping of Off-Street Parking	11
G. Screening of Parking Structures and Drive-Under Parking	12
H. Special Provisions	13
Sec. 24-513a. Design Standards in Commercial and Mixed-Use Districts. [NEW]	
A. Purpose	14
B. Applicability	14
C. Standards	14
Sec. 24-514. Off-Street Parking and Loading. [AMENDED]	
B. Required Parking	26
C. Location of Required Parking Spaces	26
D. Use of Required Parking Spaces	27
E. Design of Required Parking Spaces	27
G. Required Off-Street Loading Spaces	27
Sec. 24-536. Corridor Mixed Use District (CMU). [NEW]	
A. Purpose	29
B. Uses	29
C. Development Standards	31
Sec. 24-537. Urban Village-Downtown District (UV-D). [NEW]	
A. Purpose	40
B. Uses	40
C. Development Standards	42
Sec. 24-538. Reserved. [DELETED]	
Sec. 24-539. Reserved. [DELETED]	
Sec. 24-540. Reserved. [DELETED]	
Sec. 24-547. Urban Village (TOD) District (UV-T). [AMENDED]	
C. Development Standards	51

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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Instructions: Existing section to be amended.

Sec. 24-202. - Definitions.

- ~~(10) *Automobile, compact.* An automobile which is of a size that is small enough to require a parking space of eight (8) feet in width by eighteen (18) feet in depth when the parking angle is 90 degrees. (Ord. No. 83-095, § 3, 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)~~
- ~~(12) *Automobile, standard.* An automobile which is of a size to require a full size parking space of nine (9) feet in width by nineteen (19) feet in depth when the parking angle is 90 degrees. (Ord. No. 83-095, § 3, 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)~~

[Renummer Section accordingly.]

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Instructions: Existing section to be amended.

Sec. 24-501. Districts Established.

- (2) ~~Residential-Commercial~~ Mixed-Use Districts.
 - a) ~~CMU Corridor Mixed Use District (CMU)~~ ~~R-M.1 Residential-Commercial Mixed Use District (R-M.1)~~
 - b) ~~UV-D Urban Village-Downtown District (UV-D)~~ ~~R-M.2 Residential-Commercial Mixed Use District (R-M.2)~~
 - c) R-M.2-O Residential-Office Mixed-Use District (R-M.2-O)
 - d) ~~UV-T Urban Village-Transit-Oriented Development District (UV-T)~~ ~~R-M.3 Residential-Commercial Mixed Use District (R-M.3)~~
- (3) Commercial Districts.
 - a) ~~CCD 1 City Center District (CCD 1)~~
 - b) ~~CCD 2 City Center District (CCD 2)~~
 - ae) Loop 610 District (LOOP 610)
 - be) LI Light Industrial District (LI)
 - ce) Technical Research Park District (TRPD)
 - ~~f) Research, Development and Distribution District (RDD)~~

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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Instructions: Existing section to be replaced in its entirety.

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 and mixed-use developments and all new 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 or multifamily residential or 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 1,000 square feet in area of the previous exterior dimensions of a building, or cumulative among multiple buildings, per subsection (1)b), above), 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.

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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.

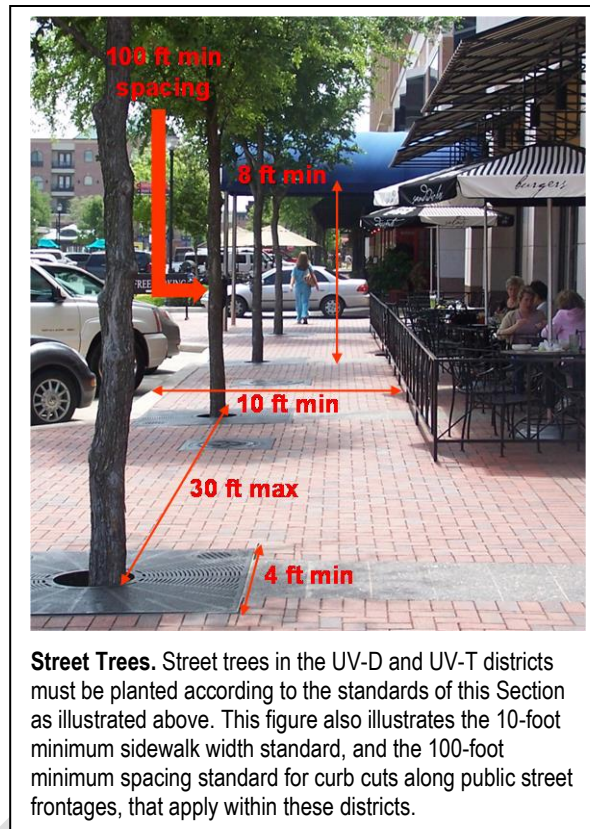
Table 24-513.A Quantity of Landscaping	
Type	Required Quantity
Street Trees (for commercial, multifamily residential and mixed-use properties only)	Number of trees as specified in Section 9-355.1, based on the amount of street frontage (generally a minimum of one 45-gallon tree for every 40 feet of frontage).
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 30 feet rather than 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 City's 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 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.

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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 60 feet in length, tree plantings other than required street trees shall be clustered to break

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- 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.
- (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

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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- 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 and residential uses.* Where the rear or side of a non-residential 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 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 and residential uses may be waived by the City Council upon recommendation by the Planning and Zoning Commission in the following cases:

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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- 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 or R-5 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 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 or R-5 district.
 - 1) *Parking area distance in UV-T district.* Off-street parking areas in the UV-T district shall not be located within 50 feet of a residential zoned neighborhood.
- (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 (6) foot 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 or R-5 district.
 - 1) *Parking area distance in UV-T district.* Off-street parking areas in the UV-T district shall not be located within 50 feet of a residential zoned neighborhood.
- (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), above. The wall or fence shall not contain openings of more than forty (40) square inches in each one (1) 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 (1) square foot of surface of such wall or fence, and which fence or wall surface shall constitute a visual barrier.

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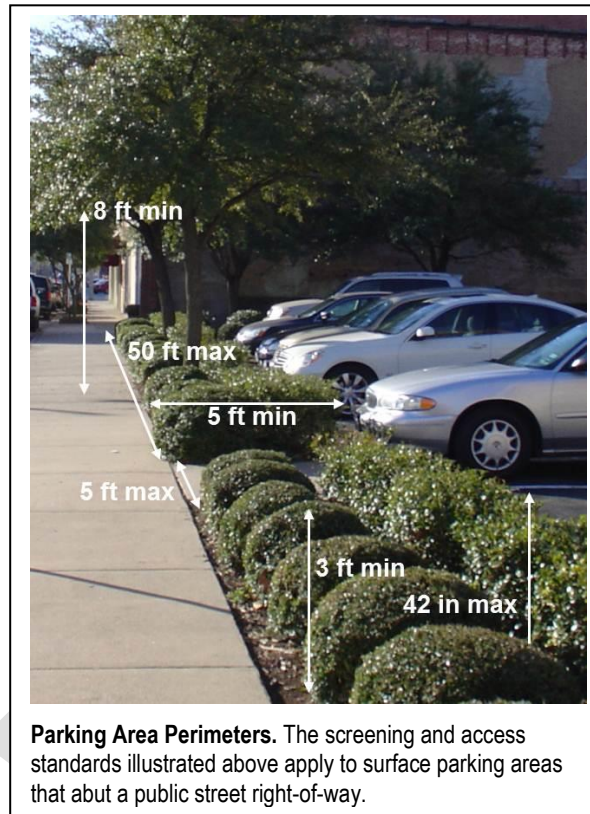
- c) In either permanent wooden or masonry constructed walls or fences, no opening shall be permitted for access unless a solid gate, equaling the height of the wall or fence, is provided. Such gate shall remain closed at all times except when in actual use.
- (4) *Screening of trash receptacles.* Where property in non-residential use lies adjacent to property in residential use, all trash receptacles upon such non-residential property shall be located at least ten (10) feet from any and all points upon any lot in 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 and non-residential 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 (5)-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 or R-5 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

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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



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 (1) 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.

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- 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 (1) 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 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 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. 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.

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(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 district.* 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 district 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 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 in the UV-D and UV-T districts where full compliance would be impractical and adjacent properties would not be unreasonably impacted.

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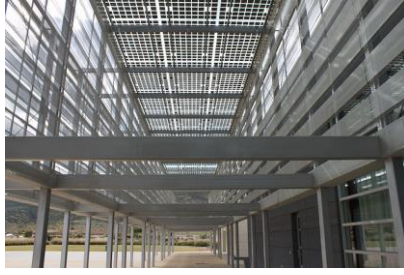
Instructions: New section to be added.

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 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, 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 or mixed-use development in the Corridor Mixed Use (CMU), Urban Village-Downtown (UV-D), and Urban Village-Transit-Oriented Development (UV-T) districts, and to any non-residential 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 building materials, 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**, below. The table is arranged in alphabetical order by the type of standard.



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Table 24-513a.A Design Standards for CMU, UV-D and UV-T Districts		
Applicable District(s)	Standards	Illustrations
CMU (only for Unified Design) UV-D UV-T	<p>Arrangement and Design for Multiple Buildings</p> <p><u>Unified Design</u> 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.</p> <p><u>Massing Through Grouping</u> (Not for CMU) 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.</p> <p><u>Clustering for Pedestrian Focus</u> (Not for CMU) Individual buildings on a development site or on adjacent sites shall be clustered, whenever possible, to create pedestrian-oriented precincts and walkable connections.</p>	
CMU UV-D UV-T	<p>Building Materials</p> <p>The standards below are intended to ensure the use of building materials that convey an appearance of quality and durability. The standards shall apply to all exterior elevations of structures, excluding doors and windows.</p> <p><u>Permitted Principal Materials</u> For exterior building elevations these include:</p> <ul style="list-style-type: none"> ▪ Brick or similar masonry materials, including cast stone. ▪ Limestone and other natural stone. ▪ Any concrete product (architectural pre-cast concrete; concrete masonry unit, CMU; etc.) that has an integrated color and is textured or patterned to look like brick, stone, marble, granite or tile. ▪ Glass. (Not for UV-D) ▪ Other materials where it is demonstrated that they have comparable durability, impact resistance and aesthetic quality as those listed above; and/or they are part of a building that is designed to achieve a green building certification such as Leadership in Energy and Environmental Design (LEED) or Energy Star. ▪ Building integrated photovoltaics. <p><u>Permitted Accent Materials</u> The following materials are permitted, but only as accents rather than a predominant exterior material. Accent materials shall comprise no more than 25 percent of any building façade in the CMU district, and no more than 15 percent in the UV-D and UV-T districts, excluding doors</p>	  


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<p>and windows.</p> <ul style="list-style-type: none"> ▪ Exterior Insulation and Finish Systems (EIFS). [EIFS may be installed only above the floor level of the second story, or no less than 12 feet above the grade for one-story buildings. EIFS shall not be installed in any pedestrian contact areas.] ▪ Stucco. [Both EIFS and stucco shall incorporate detailing to look like traditional wall cornices, soffits, window trim and similar features.] ▪ Architectural metal, including aluminum composite panel (ACP) treatments. ▪ Fiber cement siding. (For CMU and UV-D, but not for UV-T). ▪ Wood or composite wood. (Not for UV-T) ▪ Tile. ▪ Glass. (Only for UV-D) ▪ Stainless steel. ▪ Chrome. <p><u>Prohibited Materials</u> For exterior building elevations these include:</p> <ul style="list-style-type: none"> ▪ Pre-fabricated or corrugated metal wall panels. ▪ Smooth-faced concrete block. ▪ Vinyl, wood, plywood, cedar shingle, composite or metal siding. (Fiber cement siding not for UV-T). ▪ Plastic. ▪ Crushed rock or crushed tumbled glass. ▪ Mirrored glass in ground floor windows. <p><u>Privacy Glass</u> Frosted glass or other treatment is permitted for bathrooms and in other doors and windows where privacy is needed.</p> <p><u>Roofing</u> Steel, standing seam metal and/or architectural metal may be used on a sloped roof.</p> <p><u>Service Doors</u> Galvanized steel and painted steel are permitted only for use on doors and roll-up doors that provide access to loading areas and/or face toward alleys or vehicular access easements.</p> <p><u>Awnings and Canopies</u> 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.</p> <p><u>Parking Structures</u> 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</p>	 
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	parking structures. Steel, standing seam metal and/or architectural metal may be used on any sloped roof of a parking structure.	
CMU UV-D UV-T	<p>Canopies and Awnings Use of canopies and awnings 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 canopies and awnings is consistent with the building architecture, and they are maintained in sound condition at all times.</p> <p><u>Projection</u> Canopies and awnings shall project no more than six feet from the façade of a building or parking structure.</p> <p><u>Lighting</u> Canopies and awnings shall not be backlit or internally lit.</p>	
UV-D UV-T	<p>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.</p>	 Credit: Chipotle
CMU UV-D UV-T	<p>Colors Use of overly iridescent or fluorescent colors on any building façade 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.</p>	
UV-D UV-T	<p>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.</p> <ul style="list-style-type: none"> ▪ 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 City's administrative official, the Planning and 	


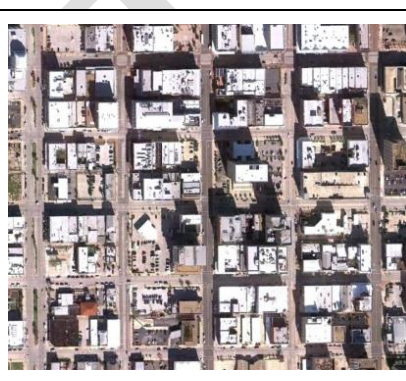

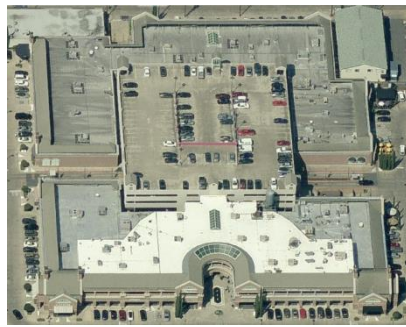
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	<p>Zoning Commission may increase the maximum number or decrease the minimum spacing of curb cuts per segment of street frontage, as specified above, where warranted based on site-specific or emergency access considerations.</p> <p><u>Pedestrian Safety</u></p> <p>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.).</p> <ul style="list-style-type: none"> ▪ 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	<p>Framing of and Relationship to Public Spaces</p> <p>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 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.</p> <p><u>Private-Public Design Compatibility</u></p> <p>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.</p> <p><u>Lighting</u></p> <p>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.</p>	 <p style="text-align: right;">Credit: Sugar Land Town Square</p>

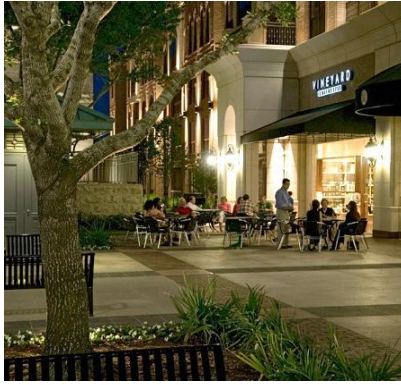


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CMU	<p>Freestanding Canopies</p> <p>The design of freestanding or semi-freestanding canopies, such as those used as shelters for pump islands at auto service stations, and for port-cocheres, shall be consistent with the architectural style, predominant and accent materials, color, and lighting of the principal building on the development site.</p>	
UV-D UV-T	<p>Grid Street Pattern</p> <p>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.</p>	
UV-D UV-T	<p>Ground-Level Uses</p> <p>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.</p> <p><u>Parking Structures</u></p> <p>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.</p>	 <p style="text-align: center;">Credit: Sugar Land Town Square</p> 

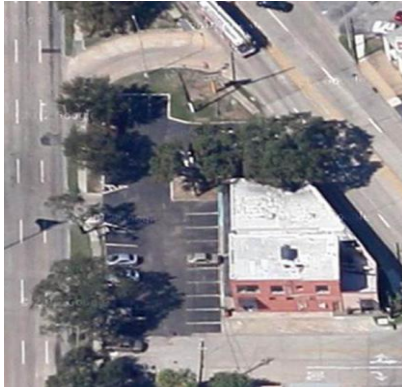


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UV-D UV-T	<p>Lighting of Buildings and Sites Lighting of building exteriors and parking areas shall be designed to match the architectural character of the site and its vicinity in terms of fixtures and illumination.</p>	 <p>Credit: Sugar Land Town Square</p>
UV-D UV-T	<p>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.</p>	
CMU UV-D UV-T	<p>Multi-Family Development</p> <p><u>Internalized Design</u> 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.</p> <p><u>Balconies</u> 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.</p> <p><u>Mechanical Equipment</u> No window or wall-mounted air conditioning units are permitted.</p>	




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UV-T	<p>Off-Street Parking Limits*</p> <p><u>Off-Street Parking Dispersion</u> 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.</p> <p><u>Maximum Parking Area Dimension</u> 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).</p> <p>* Drive-under parking is excluded from these provisions.</p>	
UV-D UV-T	<p>Orientation of Residential Garages</p> <p>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.</p>	 <p style="text-align: center;">NOT DESIRABLE (garages oriented to street)</p> <p style="text-align: center;">DESIRABLE (garages not visible from street)</p>
UV-D UV-T	<p>Parking Structures</p> <p>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.</p> <p><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, facade and roofline variation).</p>	



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CMU UV-D UV-T	<p>Screening of Mechanical/Service Equipment</p> <p><u>Rooftop Mechanical Equipment</u> 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.</p> <ul style="list-style-type: none"> 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) <p><u>Ground-Level or Building-Mounted Service Equipment</u> 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.</p>	
CMU	<p>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.</p>	
UV-D UV-T	<p>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.</p> <p><i>Relief on constrained sites in UV-D.</i> Upon the recommendation of the City's 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.</p>	

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	<p><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.</p> <p><u>Arcade Treatment</u> 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.</p>	
UV-D UV-T	<p>Transparency of Non-Residential Uses at Street Level Building facades 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 facade.</p> <ul style="list-style-type: none"> ▪ 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). 	 <p style="text-align: right;">Credit: Whole Foods</p>
UV-D UV-T	<p>Overhead Utility Lines All local utility wires, not including high-capacity power transmission lines, shall be installed underground.</p>	
CMU UV-D UV-T	<p>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 in the UV-T district given the high visibility of the district. In the CMU and UV-D districts, the standards shall apply only to building facades that face public street rights-of-way and other public areas.</p> <p><u>Building Articulation</u></p>	<p>See <i>Figure 24-513a.A</i>, below, for graphics illustrating building articulation and other techniques for adding architectural interest.</p>

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	<p>Building facades 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 facade periodically relative to the building line, along with other design variations in the facade as illustrated in Figure 24-513a.A, below.</p> <p><u>Roofline Articulation</u> 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, or chimneys.</p> <p><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, porches or balconies, articulation of the building facade, decorative cornices, material and color variations, or score lines.</p> <p><u>Landscape Treatment for Large Walls</u> 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.</p>	
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FIGURE 24-513a.A
Examples of Building Design 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 front façade.
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.

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Instructions: Existing section to be amended.

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

B. Required parking.

- (1) Off-street parking spaces shall be provided for each use in accordance with the requirements of each district, or as specified for commercial and mixed-use districts in Section 24-514a.

- (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.

[Renumber existing item (2) to (3).]

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 City's administrative official of the changed circumstances and his/her plans for maintaining full compliance with this Chapter.

- 2) Failure to notify the City's 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.

- ~~(2) The City Council may determine that it is in the best interest of the applicant and the surrounding property owners to permit the joint use by two (2) or more property owners of parking areas which may be located on the same property as the structure or on contiguous or noncontiguous property. In such cases, the City Council may determine that such joint use parking is appropriate and in the best interest of the applicant, adjoining property~~

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~~owners and the residents, citizens and inhabitants of the City of Bellaire and thereby approve said proposal in accordance with this subsection. All joint-use 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. *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 athe 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. Up to 30 percent of the required parking spaces may be designated for use by compact automobiles, provided that adequate provision should be made for safe ingress to and egress from all parking spaces and parking areas with adequate and safe turning and backing radii. Parking spaces shall be adequately sized for standard and compact automobiles in accordance with plans and specifications on file in the office of the Building Official or as approved in a planned development amendment. (Ord. No. 83-095, § 12, 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)

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 <i>Texas Accessibility Standards</i> .	
Designated for Bicycles	2 feet x 6 feet	Minimum width of four feet for access aisles beside or between rows of bicycle parking.

- G. *Required off-street loading spaces.*

(3) *Design and maintenance.*

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

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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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.
- (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.

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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Instructions: Existing section to be replaced in its entirety.

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 ~~Bissonnet~~ given ~~their~~this corridor's 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 ~~Bissonnet~~ 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 ~~segments of the Bissonnet~~ 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. ~~However, as in the downtown core, some building sites are affected by the diagonal orientation of Bissonnet through the area.~~

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) Commercial uses as follows, not to include any drive-in or drive-through facilities without Specific Use Permit approval:
 - 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.

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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- 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 or R-5 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.
 - d) Transportation, automobile and related uses as follows:
 - 1) Auto parts sales; and
 - 2) Automobile service stations.
 - e) Churches.
 - 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).

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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(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 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) *Planning and Zoning Commission review for planned developments.* All planned development applications, 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.

2) *Administrative approval.* The City's administrative official is authorized to approve site plans for all development applications other than planned developments, 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.

(a) *Required referral to Commission.* The administrative official is not authorized to disapprove a site plan. The official shall refer a site plan to the Planning and Zoning Commission for review and decision if the official finds reasons for potential disapproval, including when a site plan does not strictly conform to all standards for this district or other applicable provisions of the City Code. If the official does not approve the site plan, he shall place the site plan on the agenda of the Planning and Zoning Commission so that it may be considered for approval, approval with conditions, or disapproval by the Commission.

(b) *Applicant request for Commission review.* The administrative official shall refer a site plan to the Planning and Zoning Commission for review and decision if the applicant disagrees with a condition of approval specified by the official, or otherwise requests Commission involvement in the site plan review.

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.*

a) *Churches.*

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;

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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- (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 an abutting residential property is in an R-1, R-3, R-4 or R-5 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~~ feet from the 150-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.
 - 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.

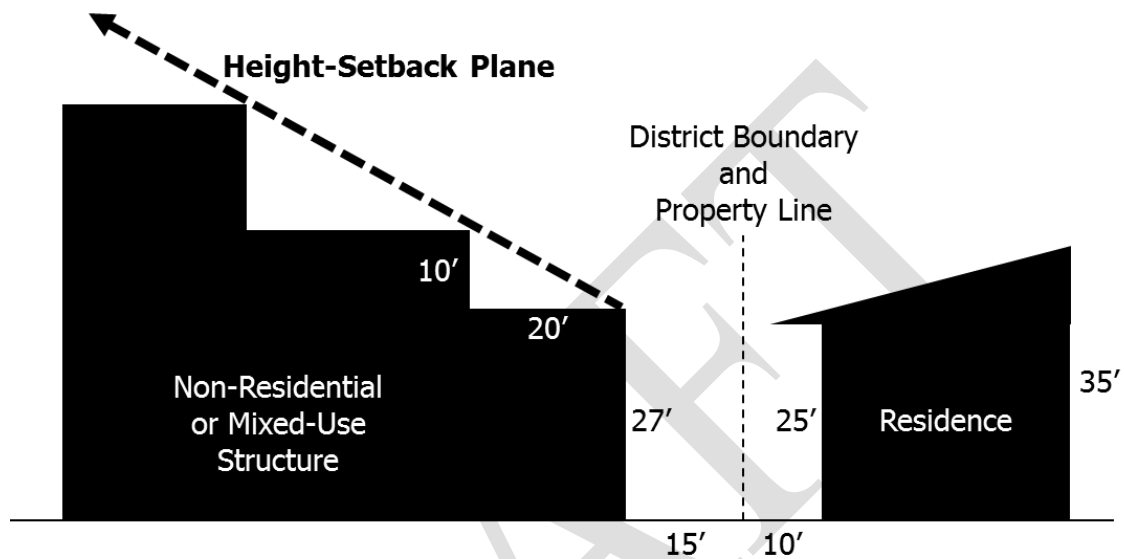
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Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

- 6) *Maximum site coverage:* 75 percent of lot area.

FIGURE 24-536.A
Height-Setback Plane



- b) *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

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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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 an abutting residential property is in an R-1, R-3, R-4 or R-5 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.

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. 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.

(c) *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

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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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 an abutting residential property is in an R-1, R-3, R-4 or R-5 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 150-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.

- 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. 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,

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R-4 or R-5 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.

76) *Maximum site coverage:* 75 percent of lot area.

d) *Mixed-Use Development.*

1) *Minimum site area:* 21,780 square feet (½ acre).

(a) *Minimum mix of uses.* For ~~a building or~~ 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 ~~building or~~ development, whichever is greater.

i. *Where a mixed-use development involves multi-family dwellings, such dwellings shall not be the sole use in a freestanding building, and shall only be constructed as part of a building which includes one or more non-residential uses that occupy at least twenty-five (25) percent of the total floor area of the building.*

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:* ~~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 an abutting residential property is in an R-1, R-3, R-4 or R-5

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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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 150-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.

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. 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 or R-5 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.

76) Maximum site coverage: 85 percent of lot area.

e) *Planned Development.*

1) *Minimum site area:* 32,670 square feet (3/4 acre)~~1-acre.~~

2) *Minimum site width:* 150~~200~~ 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

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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- (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:* 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 an abutting residential property is in an R-1, R-3, R-4 or R-5 district, the minimum yard toward the abutting property shall be ~~fifteen~~ (150) 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~~ (24) ~~feet~~ from the 150-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.

- 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. 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 or R-5 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.

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- (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 of the City Code.
 - b) Churches:
 - 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 of the City Code.

(4) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

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Instructions: Existing section to be replaced in its entirety.

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 of Bellaire 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

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- of the UV-D district that abuts residential property in an R-1, R-3, R-4 or R-5 district, so as to provide a transition between the UV-D district and nearby lower density residential development.
- de)** Commercial uses as follows, not to include any drive-in or drive-through facilities without Specific Use Permit approval:
- 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.
- ed)** 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;
 - 5) Private club; and
 - 6) Theater, for live performances.
- fe)** Conference center facilities.
- gf)** Mixed-use developments consisting of a combination of two or more of the permitted uses listed in subsections **d), e) or f(e), d) or e)**, 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.
- hg)** 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 or R-5 district; ~~and-~~
 - 4) **Maximum floor area to site area, with potential development intensity bonuses.**
- ih)** 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, of the City Code; 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.

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- (2) *Specific uses.*
 - a) Commercial uses with drive-in or drive-through facilities.
 - 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.
- (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 the City Code.
 - a) *Required approvals.*
 - 1) *Planning and Zoning Commission review for planned developments.* All planned development applications, 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.
 - 2) *Administrative approval.* The City's administrative official is authorized to approve site plans for all development applications other than planned developments, 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.
 - (a) *Required referral to Commission.* The administrative official is not authorized to disapprove a site plan. The official shall refer a site plan to the Planning and Zoning Commission for review and decision if the official finds reasons for potential disapproval, including when a site plan does not strictly conform to all standards for this district or other applicable provisions of the City Code. If the official does not approve the site plan, he shall place the site plan on the agenda of the Planning and

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Zoning Commission so that it may be considered for approval, approval with conditions, or disapproval by the Commission.

- (b) *Applicant request for Commission review.* The administrative official shall refer a site plan to the Planning and Zoning Commission for review and decision if the applicant disagrees with a condition of approval specified by the official, or otherwise requests Commission involvement in the site plan review.
- 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) *Minimum building height: 30 feet, which shall include at least two working stories for all portions of the building situated at the front building line.*
 - 5) *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.*
 - 6) *Minimum floor area per dwelling unit: 1,550 square feet.*
 - 7) *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 an abutting residential property is in an R-1, R-3, R-4 or R-5 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

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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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.

8) *Maximum lot coverage: 90 percent of lot area.*

ba) 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) *Minimum building height: ~~2 working stories or~~ 30 feet, which shall include at least two working stories for all portions of the building situated at the front building line, whichever is greater.*
- 5) *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.
- 6) *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.

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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(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 or R-5 district, the minimum yard toward the abutting property shall be ~~fifteen~~ (150) 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~~ (24) ~~feet~~ from the 150-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 or R-5 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.

7) *Maximum site coverage:* 90 percent of lot area.

8) *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.

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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98) Maximum floor area to site area: As provided in Table 24-537.A ~~for commercial development and other development scenarios permitted in the district, with a base standard of 1.00 maximum for commercial, mixed-use and planned development projects for which all of the off-street parking is surface parking.~~ Potential development intensity bonuses, in the form of increased floor area allowances relative to site area ~~beyond the base maximum standard,~~ are also provided in the table.

NOTE: Revisions below to Table 24-537.A are for clarity purposes only (no substantive changes).

Table 24-537.A: Development Intensity Standards and Potential Bonuses					
Development and Parking Plan		Maximum Floor Area Ratio (FAR): <u>Base + Bonus</u>	Other Available Intensity Bonuses Beyond <u>1.00 Base Maximum FAR Maximum</u>		
Development Type	Off-Street Parking Approach		Off-Street Parking Location	Additional Site Area	Amenity Space***
Commercial Mixed Use* Planned Development (PD)	All surface parking	<u>1.00 Base</u> <u>+ 0.00 Bonus =</u> <u>1.00</u>	10% FAR Bonus if none of the off-street parking abuts a public street or sidewalk	n/a	5% FAR Bonus for each 1,000 square feet of such amenity area provided, up to 5,000 square feet
Mixed Use* Planned Development (PD)	Mix of surface and garage (or drive-under) parking**	<u>1.00 Base</u> <u>+ 0.25 Bonus =</u> <u>1.25</u>	Same as above	25% FAR Bonus for each 1 acre of additional site area beyond the minimum required	Same as above
Mixed Use* Planned Development (PD)	All garage parking**	<u>1.00 Base</u> <u>+ 1.00 Bonus =</u> <u>2.00</u>	Same as above	Same as above	Same as above
Mixed Use* Planned Development (PD) In all cases, must have 75% or more of all ground floor space along public streets in general retail sales and services or restaurant uses	All garage parking**	<u>1.00 Base</u> <u>+ 2.00 Bonus =</u> <u>3.00</u> With consideration, through the Planned Development (PD) process, of applications proposing an <u>FAR greater than 3.00</u> higher FAR	Same as above	Same as above	Same as above

NOTE: All standards and bonus opportunities in the table involving off-street parking exclude any parking associated with single-family dwellings, attached, that are part of a mixed-use or planned development.

* For purposes of the UV-D district, for a ~~building or~~ 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% of the total floor area of the ~~building or~~ development, whichever is ~~greater~~less.

** Whether the garage parking is entirely above ground or partially or entirely below ground level.

*** "Amenity space" includes an on-site public plaza, pocket park or other public open space, or an on-site outdoor seating area associated with a restaurant use.

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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cb) Mixed-Use Development.

1) Minimum site area: 1 acre.

- (a) Minimum mix of uses. For ~~a building or~~ 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 ~~building or~~ development, whichever is ~~greater~~less.

- i. Where a mixed-use development involves multi-family dwellings, such dwellings shall not be the sole use in a freestanding building, and shall only be constructed as part of a building which includes one or more non-residential uses that occupy at least twenty-five (25) percent of the total floor area of the building.

- (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) Minimum building height: ~~2 working stories or~~ 30 feet, which shall include at least two working stories for all portions of the building situated at the front building line whichever is greater.

3) 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.

4) 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 or R-5 district, the minimum yard toward the abutting property shall be ~~fifteen~~ten (150) 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~~one (24) ~~feet~~feet from the 150-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

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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 or R-5 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:* 90 percent of lot area.

6) *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.

7) *Maximum floor area to site area:* As provided in Table 24-537.A for mixed-use development and other development scenarios permitted in the district, with a base standard of 1.00 maximum for commercial, mixed-use and planned development projects for which all of the off-street parking is surface parking. Potential development intensity bonuses, in the form of increased floor area allowances relative to site area beyond the base maximum standard, are also provided in the table.

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.

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

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- 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:
 - (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; and
 - (c) Requests for additional height beyond the allowances provided in items (a) and (b), above, shall require approval of a specific use permit.
- 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 an abutting residential property is in an R-1, R-3, R-4 or R-5 district, the minimum yard toward the abutting property shall be ~~fifteen~~ (150) 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~~ (24) ~~feet~~ from the 150-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.

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

This document is not final pending consideration and potential adoption by City Council.

- (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 or R-5 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:* As established by the approved site plan for the planned development amendment.
- 6) *Maximum floor area to site area:* As provided in **Table 24-537.A** ~~for commercial development and other development scenarios permitted in the district, with a base standard of 1.00 maximum for commercial, mixed-use and planned development projects for which all of the off-street parking is surface parking.~~ Potential development intensity bonuses, in the form of increased floor area allowances relative to site area ~~beyond the base maximum standard,~~ are also provided in the table.
- (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 of the City Code.
 - b) Other non-residential uses:
 - 1) A minimum number of off-street parking spaces as provided in Section 24-514a of the City Code.
- (4) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

REVISED ZONING ORDINANCE AMENDMENTS PACKAGE

This document is not final pending consideration and potential adoption by City Council.

Instructions: Existing sections to be deleted in their entirety.

Sec. 24-538. - Reserved.

Sec. 24-539. - Reserved.

Sec. 24-540. - Reserved.

Instructions: Existing section to be amended.

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

C. Development Standards.

(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.

[ReNUMBER subsequent existing items in subsection C. accordingly, and delete existing items (4), (5), (7) and (8) as this content is moved elsewhere in Chapter 24.]

~~(32) Size and area.~~

~~(43) Development intensity.~~

~~(4) Screening and Buffering.~~

~~(5) Landscaping.~~

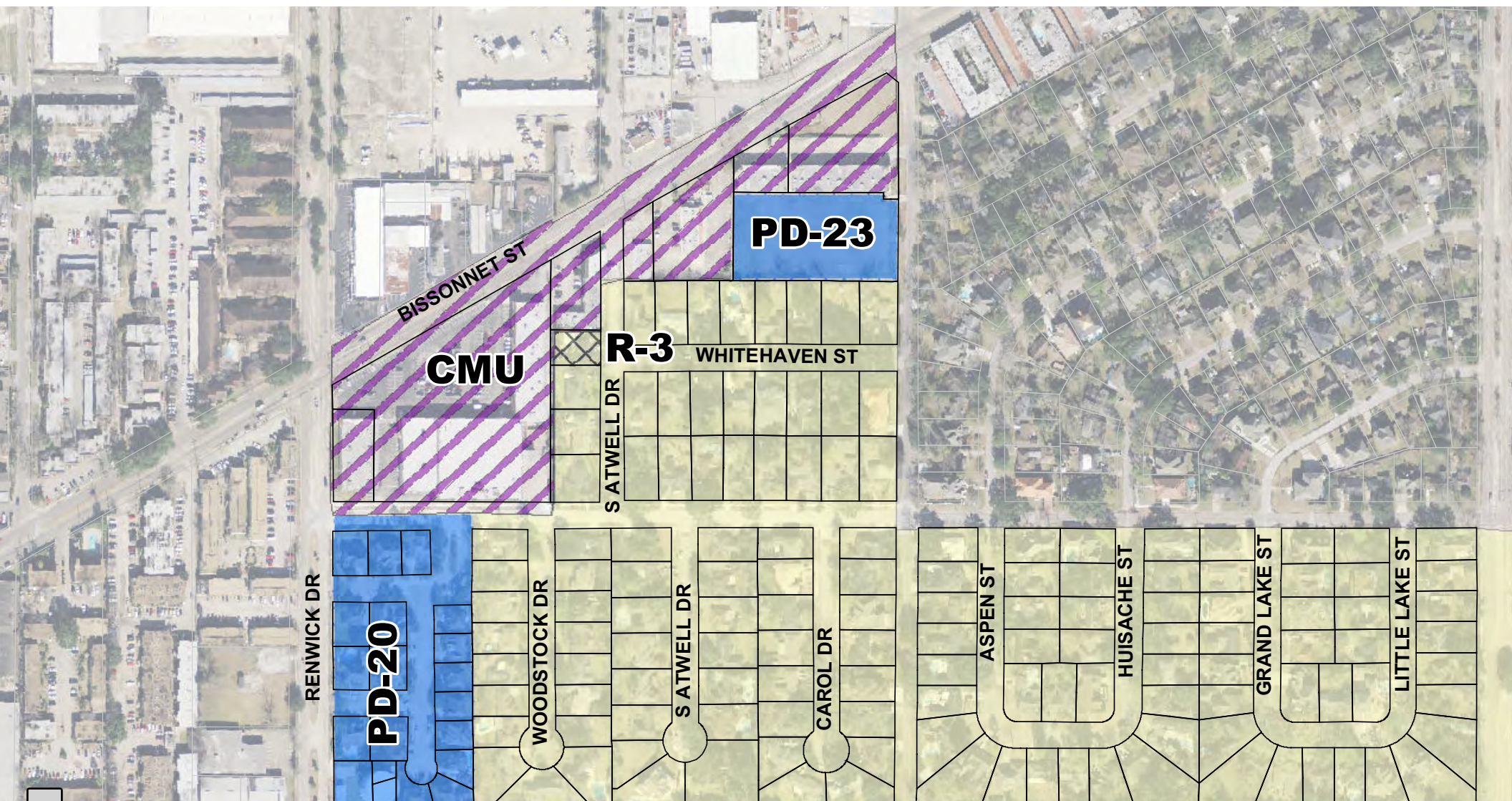
~~(56) Outdoor lighting.~~

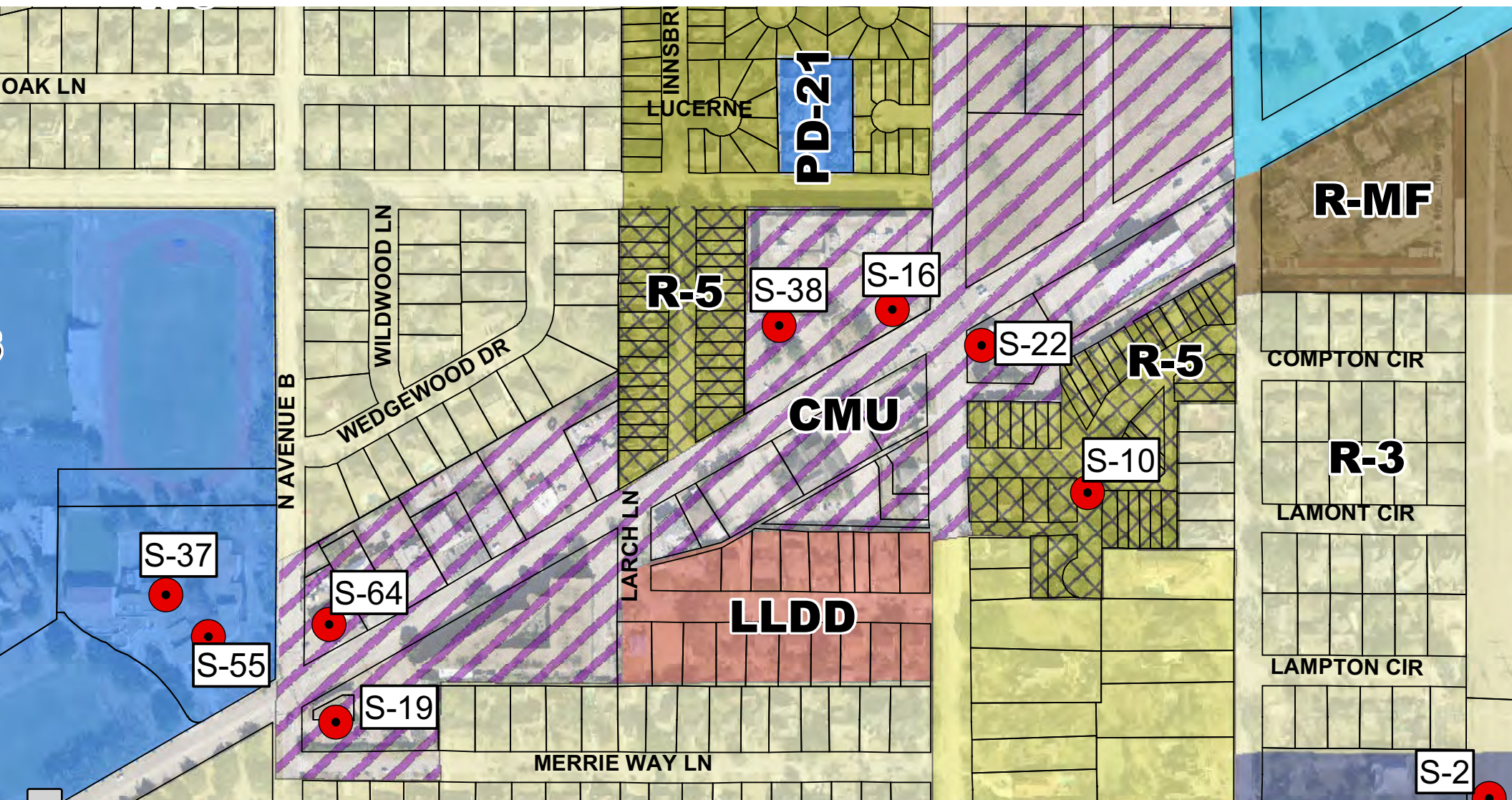
~~(7) Parking.~~

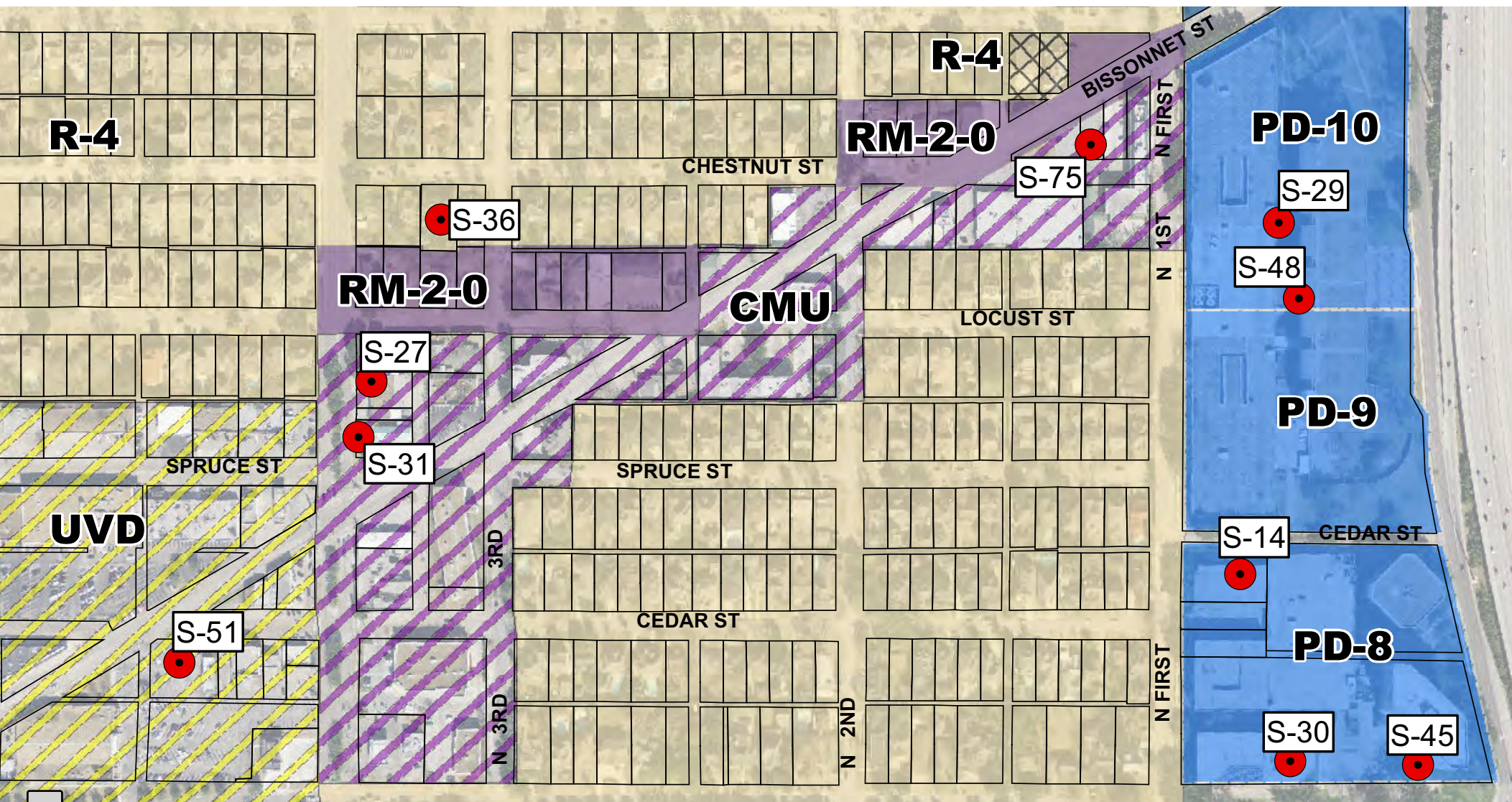
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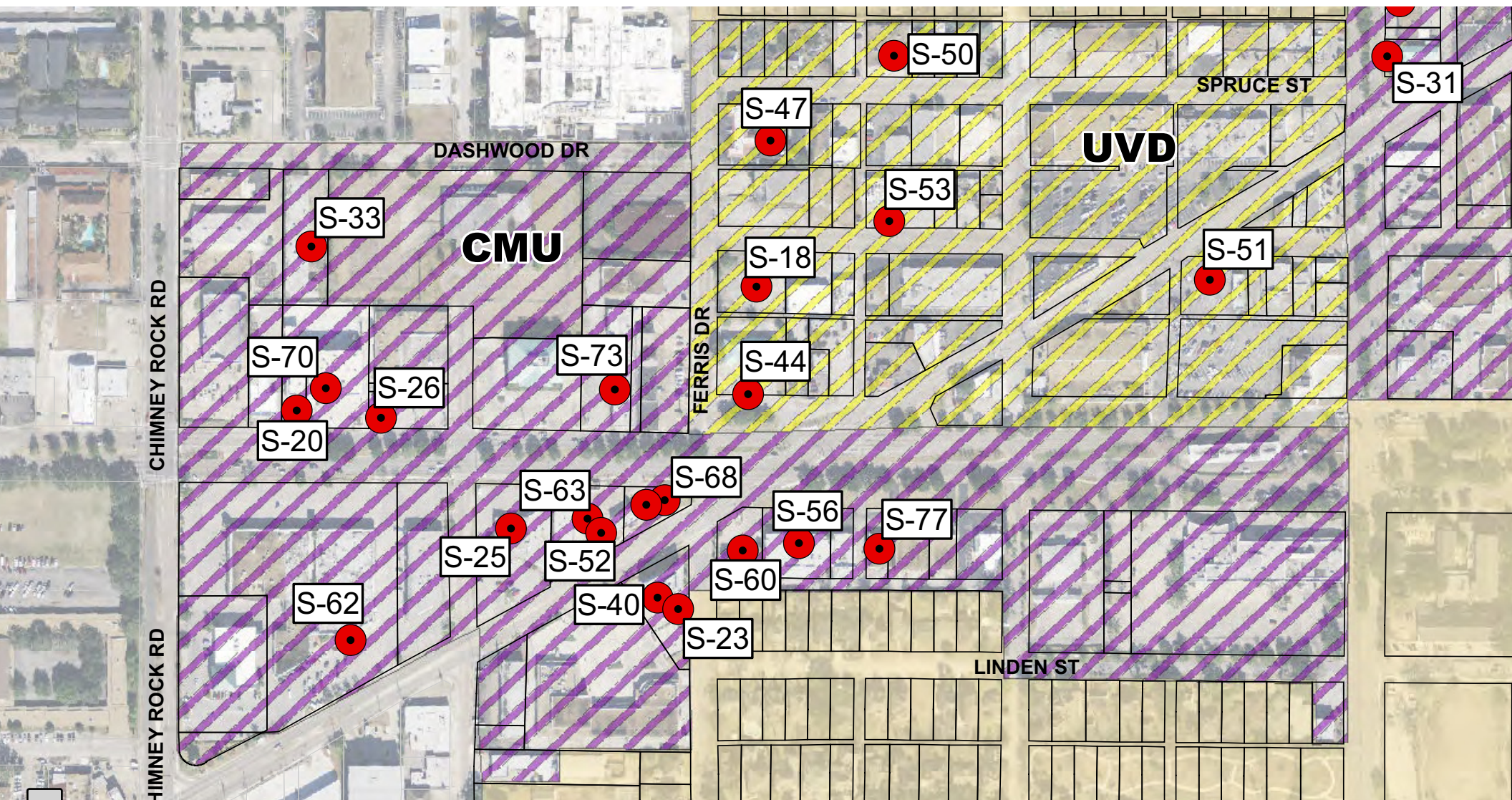
~~D. Design Standards.~~

[Delete subsection D. in its entirety as this content is moved elsewhere in Chapter 24.]









**MINUTES
PLANNING & ZONING COMMISSION
TUESDAY, NOVEMBER 12, 2013
REGULAR MEETING
6:00 PM**

The Planning and Zoning Commission met in a Regular Session at 6:00 PM, on Tuesday November 12, 2013 in the City Council Chambers of City Hall, 7008 South Rice Avenue, Bellaire, Texas for the following purposes:

I. Call to Order and Announcement of Quorum

Chairman Frazier called the meeting to order at 6:04 PM.

Chairman Frazier announced that a quorum was present, consisting of the following members:

**Chairman Win Frazier
Vice Chairman Bill Thorogood
Commissioner Wayne Alderman
Commissioner Paul Simmons
Commissioner S. Lynne Skinner
Commissioner Marc Steinberg
Commissioner Dirk Stiggins**

The following staff members were present:

**Director of Community Development, John McDonald
Assistant City Attorney, Elliot Barner
Community Development, Taylor Reynolds**

Mr. Gary Mitchell from Kendig Keast Collaborative was also present.

II. Approval of Minutes from Past Meetings

- a. **Regular meeting of October 8, 2013.**
- b. **Workshop session of October 8, 2013.**

MOTION: a motion was made by Commissioner Simmons and seconded by Commissioner Stiggins to approve the minutes from the Regular Meeting and Workshop Sessions of October 8, 2013.

Chairman Frazier made three minor corrections.

AMENDED MOTION: To approve the minutes from the Regular Meeting and Workshop Sessions of October 8, 2013 as corrected.

VOTE: the motion carried on a unanimous vote of 7-0.

III. Reminder to citizens desiring to address the Commission

Chairman Frazier explained that the public will have two opportunities to speak due to the fact that there is a public hearing on the agenda, and reminded everyone who wished to address the Commission to fill out a sign in sheet.

IV. Public Hearings

- a. **Proposed amendments to the Code of Ordinances of the City of Bellaire; Chapter 24; Planning & Zoning Regulations, including the deletion of Sections 24-536, R-M.1 Residential-Commercial Mixed-Use District; 24-537, R-M.2 Residential-Commercial Mixed-Use District; 24-538, R-M.3 Residential-Commercial Mixed-Use District; 24-539, CCD-1 City Center District; 24-540, CCD-2 City Center District; 24-547 (D), Design Standards; and insert new sections regulating new zoning districts (Urban Village Downtown [UV-D] and Corridor Mixed-Use [CMU]); and design standards for Urban Village (TOD) District (UV-T), CMU, and UV-D; and amend Section 24-547/C/(1), Site Plan Review, to allow for city staff review of all site plans; 24-513, Landscaping, Screening, and Buffering, of general applicability; and Section 24-403, to amend the Official Zoning District Map, and re-number sections as appropriate.**

Mr. McDonald explained the public hearing process and informed Chairman Frazier that Mr. Mitchell had a presentation to begin the process.

Mr. Mitchell presented a power point of the revised ordinances. He gave a brief summary of the background history of this presentation for the citizens who are unfamiliar with what has been going on with the plans to add multi-unit housing to the city of Bellaire. Mr. Mitchell explained that this project is a result of the Comprehensive Plan that was adopted by the City of Bellaire in 2009. He mentioned several priorities of the plan:

1. Create more of a small town downtown feel, with restaurants and walkable areas.
2. Build up corridors along Bissonnet to match the redevelopment of the rest of the community.
3. Offer more life-cycle housing and multi-unit housing types through either mixed-use projects or stand-alone projects in some cases.

Mr. Mitchell posed the question of how to permit residential: by right, Specific Use Permit, or another procedure. He mentioned that a market analysis was done several years back for the city-center area, which included interviews with members of the development community, real-estate professionals, and local leadership. Mr. Mitchell added that the consensus was that

mixed-use development was the solution to make the area turn over and redevelop, and detached housing did not come up at all. He pointed out that during this process it is good to look at what is being developed in Central Houston and other cities with urban development and mixed-use projects. Mr. Mitchell gave the example of the Midtown area of Houston, where there has been an increase in the development of multi-family units and retail projects, as well as shared parking for areas with limited space. He stated that developers across the country are looking at the mixed-use approach, seeing where it makes sense financially, and from a market standpoint. Mr. Mitchell added that multi-family development is a concern in every city, and that the object is to get people to live in the area while providing the walking conveniences. Mr. Mitchell continued by saying that in some zoning districts, Bellaire requires a minimum of 900 square feet for apartment units, whereas, in other areas of Houston there is a huge market for apartment units as small as 200 square feet. He stated that these changes would potentially create two new zoning districts within Bellaire, as well as improving some of the city's standards and development quality. Mr. Mitchell then showed the current zoning map and pointed out the two zoning districts within the downtown area. He mentioned that along the Bissonnet Corridor there is currently a series of individual R-M mixed-use zoning districts, and that one of the initiatives of the Comp Plan was to look for opportunities to combine some of those districts. Mr. Mitchell showed the proposed map and zoning districts, which includes combining the following:

- Renwick and Atwell area- a proposed corridor mixed-use district
- Avenue B, Newcastle, and Mulberry area (Bissonnet corridor)- the proposal is to focus on the properties that front the corridor and have the existing smaller lots go back to residential zoning
- The South Rice and Bissonnet area
- The downtown area- proposed location for the Urban Village District
- The Chimney Rock area

A summary of the significant revisions include:

- **Height-setback plane adjustments**
 - Mr. Mitchell explained the height-setback plane by stating that it would not only create a setback from the property line, but also a height setback from the building. He added that as the height increases, the setback has to increase. Mr. Mitchell stated that by doing this, it will create more productive space. He noted that the original proposal for the height-setback plane was 27 feet, a 1:1 ratio, but the revision to the ordinance

would push it to a 1:2 ratio, meaning that for every one foot in height, two feet are required in distance. Mr. Mitchell explained that the new setback plane is 10:15. He also added that trees must be planted on the non-residential property line facing R-zoning, and accessory buildings would have to meet the 15ft minimum set back.

- **Single-family attached by right UV-D**

- Mr. Mitchell pointed out that the most significant change since the May package is the decision to allow single-family attached housing by right, whereas, before it had to be a part of a mixed-use project. He stated that the provisions for this kind of development are that it must include at least 5 lots and that the lots for this housing have to be within 350ft of a boundary of a district with R-Zoning (along Spruce St).

- **Mixed threshold for "Mixed-use"**

- Mr. Mitchell explained that a mixed-use development would consist of, for example, a group of residential homes and then a corner store. He stated that the corner non-residential would need to be at least 5,000ft or 10% of the flooring of the entire development, whichever is greater.

- **Limit on MF floor area within districts (UV-D & CMU)**

- He then mentioned the multi-family limitations: if you take the total area of development in that district, 15% (which is changeable) of that project can be multi-family development.

- **Density limit for MF on sites**

- On individual sites the amount of multi-family that can occur is 30 units per acre for each site. He made reference to Pont Alba Apartments as a suburban style complex and stated that Bellaire may see the number [30 units] go higher in the new districts in order to promote a more urban atmosphere.

- **Limit on solely MF buildings**

- Any building that has multi-family must have at least 25% of the building floor area in non-residential use.

- **Building design standards apply to all visible sides**

- The design standard apply to all visible sides, meaning anywhere a building is visible it must get the same design treatment as the rest of the building.

- **Limitation on outdoor customer areas**

- Anything with outdoor seating can only be on the front half of the lot towards the street and away from the residential rear boundary.

Mr. Mitchell also mentioned that a planned development in the previous packet required a one acre minimum, whereas, in the revised packet the requirement is three-quarters of an acre.

Gary Mitchell then opened the floor up for questions.

Public Hearing Comments

Donna Rickenbacker– Ms. Rickenbacker thanked the Commission for making some adjustments with respect to the CMU District. She also mentioned that the 40 foot maximum height limit could be increased by 10 feet for drive under parking, antennae, gables, etc. and asked Mr. Mitchell whether or not the setoffs of every two feet are inclusive of every additional height that is allowed.

Chairman Frazier said that the question will be answered specifically after others ask their questions.

Lynn McBee– Ms. McBee stated that this is a documented public hearing and she did not receive a list of names and addresses of the people notified; therefore, the hearing may possibly be tainted if a larger amount of people other than those directly affected within 200ft of the zoning changes haven't been notified about the 11-12-13 public hearing. She continued to say that the proposal to change the existing acreage for a planned developed site from a current one acre to three-quarters of an acre does two things negatively:

1. By changing the city-wide minimum requirement for a planned development, you increase the number of potential client developments, which undercuts the zoning predictability that you have.
2. If a developer wishes to get a particular change to the existing standards then he applies to the City Council for a hearing for that proposal. She added that this would increase the number of special planned developments, along with the unpredictability of zoning.

Ms. McBee noted that she appreciated the revisions that were made in response to the critics that felt the changes on the corridor would adversely affect them. She then mentioned the logo "the city of homes" and stated that in opening Pandora's Box to allow even a limited amount of residential homes as part of retail development, the Commission has no idea what kind of problems that the city is going to inherit. She mentioned that any residential addition to the corridors is a roulette-wheel, and voiced her opinion that the corridor mixed-use looks wonderful on paper, but will be a bear's nest in actuality. Ms. McBee strongly encouraged the Commission to remove the use of residential building in the downtown area. She added that the idea of trying to reduce the auto-oriented emphasis "is not only a joke, it is absurd."

Nick Lanza–Mr. Lanza stated that he owns a home on Newcastle and an office building on Bissonnet. He added that he is interested in owning a few more office buildings in Bellaire. He then thanked the Commission for the hard work that they do for the community. Mr. Lanza explained that when he moved here 15 years ago he was attracted to the quaintness of the city, the

family environment, and the city of homes. He added that he is heavily invested in this city and has no interest in living in a multi-family unit town. He stated that he wants the personal connections with the people in the community to continue, and feels that the City of Bellaire will sell out to big retail stores if the zoning is changed. Mr. Lanza added that parking and traffic will become a problem, and that the quality of life is in jeopardy for the people in Bellaire.

Mike Salomon-0 Howard & 0 Newcastle-Owner of Sandcastle homes,

Mr. Salomon explained that he was originally opposed to the new ordinances because it would prohibit his company from building homes. Mr. Salomon informed the Commission that he is not into commercial/ mixed use projects and thanked Mr. McDonald, the city staff, and the Commission for working with him on this matter and revising the ordinance to only require $\frac{3}{4}$ of an acre for a planned development. He stated that he has submitted to the city a proposal for a planned development to create 12 patio home lots. Mr. Salomon was curious if a 15ft setback would apply to his project.

Chairman Frazier then allowed Mr. Mitchell to respond to the public questions asked.

Mr. Mitchell answered Ms. Rickenbacker's height-setback question by saying that you have to start stepping back at 27 feet and that some clarifying language can be added to say that it is strictly 27 feet, and that there are no extensions.

Ms. Rickenbacker asked if the antenna that adds to the total height of the building would be included in the 27ft.

Mr. Mitchell said that if the antenna or whatever extension was at the back of the building at the 27 foot mark, then the setback couldn't go above the 27ft.

Mr. Mitchell mentioned Ms. McBee's comment that changing the auto-oriented nature was absurd. He added that the question has come up regarding why all of the area over to Chimney Rock that is in the current CCD Districts is not included. He explained that those areas are shopping center type developments oriented towards the cars coming in off the street. Mr. Mitchell added that the Comp Plan focuses on a core area, which is why the proposed UV-D is a smaller part of the current CCD District. He also pointed out that it Comp Plan talks about the possibility of the city or property owners could propose zoning change to the Urban Village Zoning. Mr. Mitchell continued by stating that plenty of cities redevelop to change from auto-oriented to narrowing streets in order to promote a different style of development. He mentioned the concern with multi-family developments and explained that the desire for the downtown area to change and be better is going to be tough if some of the parts of that equation do not change. Mr. Mitchell stated that with these changes, the city is providing a path to other types of residential development. He noted that the market analysis portrays Bellaire as a

273 challenging place to get projects approved, due to things like density/unit
274 limitations, allowable building height/mix of buildings, and location. Mr.
275 Mitchell then addressed Mr. Salomon's question regarding the 15 ft. setback.
276 He explained that once that property had been approved as a PD it is no
277 longer under the limitations of the CMU District, and is instead under the
278 parameters of the planned development project.

279 Mr. McDonald mentioned the revision to allow $\frac{3}{4}$ of an acre for a PD and
280 pointed out that currently in the RM districts the minimum acreage for a
281 residential PD is less than half an acre (18,000 square feet), meaning that
282 even with the change, the land requirement for a planned development is
283 increasing from the current code.

284 Chairman Frazier opened up questions from the commission.

285 Vice Chairman Thorogood stated that the original decision to require one acre
286 for a PD was arbitrary.

287 Commissioner Simmons noted that he is satisfied with the Commission's due
288 diligence and is happy with the product and progress. He mentioned Mr.
289 Salomon's question about the setbacks and asked Mr. Mitchell if there would
290 be any situations where the side setback would conflict with the required
291 height-setback plane.

292 Mr. Mitchell explained that the height-setback plane applies to whatever side
293 is facing R zoning.

294 Commissioner Alderman asked if the 15% multi-family requirement could be
295 changed with a PD.

296 Mr. Mitchell responded by saying that if PDs are approved, over time they
297 become their own site specific zoning; they're not a part of the CMU or UV-D
298 Districts, so it is always keeping track of the total floor area within those
299 districts. Mr. Mitchell informed the Commission that $\leq 15\%$ was just a
300 proposed number for this draft, and can be changed now, or over time.

301 Commissioner Alderman asked for clarification on the term "mixed-use." He
302 wanted to know if there could be a mixed-use development without a
303 residential component, for example, office and retail.

304 Mr. Mitchell stated that any mix of different uses versus just an independent
305 establishment in a single building can be considered mixed-use. He added
306 that mixed-use can also be side-by-side, vertical, or horizontal development.

307 Commissioner Alderman mentioned that in reading over the draft ordinance it
308 seemed as though residential was required as a part of a mixed-use
309 development.

Mr. Mitchell explained that the term "patio-home" came up in the Comp Plan talking about the CCD-1 District, as well as the term "apartment," which was changed to "Multi-Unit Housing Types." He continued to say that the difference in terminology is simply ownership versus rental, and that they are just forms of development in which the units are attached. Mr. Mitchell reminded the Commission that the city can regulate the design, but cannot regulate the topic of rental vs. ownership through zoning.

Commissioner Alderman asked where the 15% came from.

Mr. Mitchell explained that that the thinking was to get people living in the area, but not for the area to become residential. He added that the objective was to have a "small town downtown." Mr. Mitchell informed the Commission that 15% was just to set a relatively low number of how much of that area can be multi-family.

Commissioner Alderman questioned whether the 15% residential limitation will make future projects viable.

Mr. Mitchell said yes, and that part of that 15% approach is "first come first serve." He continued by saying that someone could come in on a larger site or with land assembly and take a large amount, if not all of that 15%, or it could happen gradually over time through piecemeal projects. Mr. Mitchell added that it is a moving target, and that some land area could come out of these districts through planned development. He added that the redevelopment of properties over time will increase the total floor area, which will lead to an increase in the 15% as well.

Commissioner Alderman said that 15% allows people to build and test the idea out, and City Council will always have the option of revising the percentage depending on how successful it is/isn't. He also stated that the problem is that apartments are only good for the first 20-30 years before they go downhill, and at that point it is too late for City Council to revise that number.

Mr. Mitchell agreed that this is an adjustable percentage, but disagreed with the statement that apartments are only good for the first 20-30 years. He felt that it was a broad statement that does not always apply.

Commissioner Alderman pointed out the typo/ inconsistency on pages 5 & 6 regarding the height of spacing.

Mr. Mitchell clarified that there is a difference between the two pages, the table is showing the citywide standard of 40 foot spacing, and the image is depicting the suggestion for the UV-D.

Commissioner Steinberg thanked everyone for coming to the public hearing. He stated that he has a fear of downtown Bellaire turning into an apartment

city; however, he felt as though the Commission added several safe-guards to prevent that from happening. He asked Mr. Mitchell if he felt the same way.

Mr. Mitchell agreed and explained that the implementations of design standards and mixed-use requirements will deter unwanted apartment failures. He stated that it will be up to the market to determine the success of the mixed-use, multi-family units.

Commissioner Steinberg mentioned the construction material requirements and pointed out that the ordinance was written in such a fashion that the type of materials required would prevent the complexes from quickly deteriorating.

Mr. Mitchell agreed that the regulation of construction materials, as well as the requirement for internalized design (not garden apartments) will absolutely help to control quality and density of the developments.

Commissioner Steinberg wanted clarification that 2 or 3 developers could not come into the city and propose multiple multi-family units within Bellaire due to the following regulations:

- Land size limitations
- Building Height Limitations
- Requirement for retail development
- Parking Limitations

Commissioner Stiggins mentioned the large apartment building being constructed behind Berings that Vice Chairman Thorogood had brought up at a previous meeting. He asked if there had been a conclusion on whether or not something like this could be built where Auntie Pastos is.

Commissioner Alderman stated that an apartment complex could be built there, but could not be that size.

Mr. Mitchell stated that the building structure could not be strictly apartment units; it would have to be a mixed-use development. He added that in order to get to the highest floor area ratio, 75% of the street level has to be retail or service uses, for example, garage parking. He reassured the Commission that there are a variety of factors why a project of that size could not be built on even on a large site like Auntie Pastos.

Commissioner Stiggins asked if it would be possible to choke down the flow of auto traffic through the Bissonnet and Bellaire area.

Mr. Mitchell made reference to Downtown Fredericksburg, with HWY 290 going through their main street. He explained that the area has stores along the side grabbing attention from the highway. He also mentioned Grapevine, TX and how it has great downtown and an FM RD as its main street, as well as South Congress in Austin, Tx. Mr. Mitchell said that if it is the right place and has the right destinations along with the right attractions then it can

work. He continued to speak on Bissonnet and Bellaire and how that area receives a lot of through traffic with no intentions of stopping. He pointed out that there could be a way to attract a portion of that traffic or make those areas a destination, so that ultimately it is not a place to come through.

Commissioner Skinner asked how the residents of Bellaire are going to support all of this commercial space. She also brought up her concern of spaces being vacant in the mixed-use area.

Mr. Mitchell explained that the driving force for the Comp Plan was to provide life cycle housing for people fresh out of college, or elderly people looking to downsize. He added that the twist is to get people to live in the area and to bring income into the community.

Vice Chairman Thorogood asked how the 15% came about, and for confirmation that the CMU is four/five times larger than the UV-D.

Mr. Mitchell explained that it all depends on the lot shapes and properties.

Vice Chairman Thorogood asked if it would be possible to put a number cap on the units instead of a percentage cap, which he feels will be difficult to manage. He then asked Mr. McDonald how many units could be built today in both the CMU and the UV-D.

Mr. McDonald explained that the number of units cannot be calculated because unit sizes range. He continued by saying that an average can be used but not an exact number because there is no way to be accurate as to what space is being used towards what type of mixed-use development.

Vice Chairman Thorogood expressed his concern with the inconsistency of the 15%. He stated that as Bellaire grows so does the 15%. He added that he would be more comfortable with a concrete number.

Mr. McDonald said that he can get the calculations of the maximum amount of mixed-use relative to the area, but that it cannot be done for the number of units. He stressed that all multi-family developments must be mixed-use and that no solely multi-family development will be permitted under this code.

Vice Chairman Thorogood appreciated Mr. McDonald's explanation, but stated that he was trying to understand roughly how many apartment units the city could potentially have.

Commissioner Steinberg pointed out that there is a limitation of 30 units per acre.

Mr. McDonald explained that if you had six acres, the most you could have is 180 units.

Commissioner Steinberg stated that in looking at a piece of land and taking into consideration the height limit he doesn't feel as though 180 units would be attainable in Bellaire.

Vice Chairman Thorogood felt as though the Commission needs to provide Council with a range of possibilities with regards to the number of potential apartment units that will be permitted within the city. He then made reference to Pont Alba Apartments in the RMF District, stating that the project is small with 100 units, has its own zoning, and has not posed a problem. He felt that any similar project would be fine, but giant structures would become an issue. Vice Chairman Thorogood explained that he is struggling with giving the "go ahead" without knowing how many structures there could ultimately be.

Mr. Mitchell responded by saying that not knowing the unit size, the extent of development that can be in a multi-family structure is a widely varying range depending on the mix of unit sizes each development picks. He explained that it has become more difficult to determine because the unit sizes are getting smaller. Mr. Mitchell made reference to apartment complexes on Washington Avenue saying that they are predominately studio and one bedroom apartments with some larger multi-bedroom units, but it is project by project. He continued by saying that these projects depend on their finances, market and their site. Mr. Mitchell added that not knowing what the mix might be, you don't know what the extent of the area is, but when tied to the amount of development on the ground that is a definite number, once calculated. He pointed out that once you have that, you know that each new development or re-development is 15% of that number. Mr. Mitchell added that the number of units will be controlled by the 30 units per acre regulation, but that each particular development is their decision on what mix of unit sizes there will be.

Vice Chairman Thorogood said that he is looking for some sort of number to grasp and that Mr. Mitchell has done an excellent job guiding the Commission through the 30 units per acre proposal. He asked that before the draft ordinance goes to City Council, the information regarding the amount of units be gathered, so it can be on the table in case anyone asks that question. He continued to say that there have been concerns regarding how this is going to affect the schools and the traffic flow, and once this information is gathered the Commission can give those who have addressed their concerns a definite answer. He asked Mr. McDonald if the calculations can be accelerated.

Mr. McDonald informed the Commission that the calculations will be completed before the draft goes to Council.

Vice Chairman Thorogood stated that the concern is with the CMU more than the UV-D because the UV-D is a very small piece, and is less likely to accommodate multi-family developments. He pointed out that the Commission has taken the "right" out of the PD and replaced it with "by-right"

for multi-family. He continued by saying that a few letters have been received stating that other cities are going in the opposite direction. He mentioned that the development in Alamo Heights (San Antonio) is going through a PD process and that their community is very similar to Bellaire's.

Mr. McDonald explained that Alamo Heights has a major proposal for mixed-use development with a fairly good sum of apartments, multi-family included. He informed the Commission that no city in Texas can prohibit multi-family developments within city limits. Mr. McDonald explained that Bellaire has an area zoned specifically for multi-family, and has included the UV-T so it is okay. Mr. McDonald clarified that most cities have a process in place for multi-family developments to come through, and just because they aren't there yet doesn't mean that the city is not prepared for those structures.

Vice Chairman Thorogood asked if Bellaire can have multi-family in the mixed-use areas with its current zoning ordinances outside the RM-F.

Mr. McDonald said that between the RM-F and the UV-T Bellaire specifically allows for multi-family development so the city is in compliance with the Fair Housing Act.

Commissioner Skinner asked for clarification as to whether or not all of the standards for the Texas Fair Housing Laws have been met by the city.

Attorney Barner assured Commissioner Skinner that the city is in compliance with the laws regarding fair housing.

Vice Chairman Thorogood stated that in order to surpass the height limits in the code, a developer would have to go through the specific use permit process. He felt as though a specific use permit is somewhat of a "done deal", whereas a planned development has a 50/50 chance of being approved. He asked Attorney Barner to speak on the legal barriers for a specific use permit versus a planned development.

Attorney Barner asked for an intermission into the discussion on the ordinances and stated that he would speak more to that once in the regular session of the meeting.

MOTION: a motion was made by Commissioner Stiggins and seconded by Commissioner Skinner to close the public hearing.

VOTE: the motion carried on a unanimous vote of 7-0.

V. Current Business (items for discussion, consideration, and/or possible action)

- a. **Discussion, Consideration, and possible action on proposed amendments to the Code of Ordinances of the City of Bellaire; Chapter 24; Planning & Zoning Regulations, including the deletion of Sections**

24-536, R-M.1 Residential-Commercial Mixed-Use District; 24-537, R-M.2 Residential-Commercial Mixed-Use District; 24-538, R-M.3 Residential-Commercial Mixed-Use District; 24-539, CCD-1 City Center District; 24-540, CCD-2 City Center District; 24-547 (D), Design Standards; and insert new sections regulating new zoning districts (Urban Village Downtown [UV-D] and Corridor Mixed-Use [CMU]); and design standards for Urban Village (TOD) District (UV-T), CMU, and UV-D; and amend Section 24-547/C/(1), Site Plan Review, to allow for city staff review of all site plans; 24-513, Landscaping, Screening, and Buffering, of general applicability; and Section 24-403, to amend the Official Zoning District Map, and re-number sections as appropriate.

Chairman Frazier moved to the "General Public Comments" section of the meeting and reminded the public that wished to address the Commission to sign up. Please refer to item VI. for the Comments.

Chairman Frazier asked if there were any questions or comments that any commissioner would like to bring forth.

Commissioner Skinner informed the public that they will always have the opportunity to apply for permit parking if it becomes a problem down the road.

Commissioner Simmons mentioned Vice Chairman Thorogood's question regarding the number of apartment units that could potentially be built in Bellaire, and asked if the Commission will have to delay sending the draft forward until those numbers are calculated.

Chairman Frazier informed Commissioner Simmons that the Commission/staff will make sure that the information is gathered and that the proper documentation is prepared for Council.

Commissioner Alderman asked what the timetable was for this item to be on Council's agenda.

Chairman Frazier explained that he does not know the timetable for Council; however, he does know that the Commission is prepared to vote on the draft ordinance. He added that Council has their own procedure, and that the Commission has no control over when this item will be considered. Chairman Frazier stated that a lot of work has been done on this project and wished to thank the following for their contributions:

- City Council
- The Public
- Mr. Mitchell of Kendig Keast Collaborative
- Mr. McDonald and City staff
- Mr. Chris Butler
- The Commission

Chairman Frazier pointed out that the document is not final; it is pending consideration and potential adoption by City Council.

MOTION: A motion was made by Chairman Frazier and seconded by Vice Chairman Thorogood that the Commission recommend to approve and send forward to City Council the zoning ordinance amendment package as presented by Gary Mitchell of Kendig Keast Collaborative.

VOTE: The motion carried on a unanimous vote of 7-0.

VI. General Public Comments

Lynn McBee- Ms. McBee suggested that the plan be delayed, considering the conversations regarding the legal aspects of a planned development and specific use permits. She urged the Commission to first learn the ramifications of each process before they send a document forward to City Council with that language included. Ms. McBee asked for the legal opinion of an attorney.

Commissioner Skinner asked for a 5 minute recess.

The meeting reconvened at 7:45 PM.

Charlotte Proctor- She had concerns of overflow parking issues on the residential streets, and asked whether or not this issue had been addressed in the revised ordinance.

Mr. McDonald stated that overflow parking is never specifically allowed and that the city has parking requirements that address the minimum number of spaces per thousand square feet for a particular use. He pointed out, however, that the city cannot prohibit parking on public streets. Mr. McDonald explained that staff is looking into revising the minimum parking requirements and is hoping to bring that to the Commission in December.

VII. Committee Reports

There were no committee reports.

VIII. Correspondence

There was no correspondence.

IX. Requests for New Business, Announcements and Comments

a. Staff liaison report on the status of projects previously addressed by the Commission as well as projects for future meetings.

Mr. McDonald informed the Commission that the city is continuing to meet with HISD representatives on the planning for the new school. He stated that the focus is on Condit right now and that a public meeting was held two weeks ago where a preliminary plan was presented. He added that staff is

continuing to review the requirements for the new school. Mr. McDonald pointed out that there was one developable tract left in the R-M.2-O District, at the corner of Bissonnet and First St. He stated that plans have been submitted for a one story office building in that location and should begin construction within the next month. He added that the second subdivision on Maple St., which was approved at the preliminary level a few months back should be submitting their final plat by the end of the week in order to be put on the Commission's December agenda.

Commissioner Stiggins asked what the status was on the Mandarin School.

Mr. McDonald stated that staff has had a couple of discussions with the architects focusing on lot coverage and parking requirements, and that they have gone back to make some adjustments to their site plan, which they should be submitting back to the city shortly. Mr. McDonald added that the new high school is still in the preliminary stages.

Chairman Frazier asked for a timetable on the citywide parking revisions.

Mr. McDonald explained that although our parking requirements are very similar to the surrounding areas, the City of Bellaire does not break its numbers down into as many categories as other cities do. He informed the Commission that staff is trying to figure out the best fit for each type of use, and pointed out that staff may propose an enlargement of the chart to add more specific uses. Mr. McDonald mentioned that he was looking at pulling the school and church parking designations out of the each specific district and adding them to the citywide parking requirement chart.

Commissioner Steinberg asked when the Commission will begin working on other projects such as Larch Lane.

Mr. McDonald explained that he hopes to have Larch Lane back on the table in the next couple months.

Chairman Frazier asked about the Mulberry Ln. project.

Commissioner Simmons explained that he lives on Mulberry Ln and was the driver behind the re-zoning project on Mulberry. He added that currently, by right, a developer can come in and build multiple housing.

Mr. McDonald stated that the zoning allows for a different use, and years ago the city amended the subdivision ordinance that killed that revision. He added that it is a very limited, very expensive option.

Commissioner Simmons said that the Commission initiated the effort to eliminate the possibility of that happening and to make it uniform for the residents. He added that the initiator felt that the residents would appreciate it and that it wouldn't take much effort to rezone.

Mr. McDonald said that he was the initiator of that project and would bring that forward again.

Commissioner Simmons noted that there is no pressure and no insistence from the residents, he just want to make sure that the issue was not being ignored.

- b. **The Chairman shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future Agenda of the Commission or for referral to staff for investigation.**

There was no new business.

Vice Chairman Thorogood thanked Chairman Frazier for his leadership.

X. Adjournment

Motion: a motion was made by Commissioner Simmons and seconded by Commissioner Skinner to adjourn the regular meeting.

Vote: the motion carried on a unanimous vote of 7-0.

The meeting was adjourned at 8:01 PM.

Respectfully Submitted,

Ashley Parcus
Planning & Zoning

Approved:

Win Frazier, Chairman
Planning & Zoning Commission



WRITTEN COMMENTS

Proposed Revisions to Chapter 24 Planning and Zoning, including UV-D and CMU

**Comments received from February 26-27, 2014,
on behalf of the Bellaire City Council by the City Clerk's Office.**

Tracy Dutton

From: [REDACTED]
Sent: Wednesday, February 26, 2014 11:35 PM
To: tdutton@ci.bellaire.ci.bellaire.tx.us
Subject: please forward to Bellaire City Council and Mayor

Hi Tracy:
 Please forward this to the Mayor and Council members. Thanks very much!

Dear Mayor and Council Members:

I'm writing you in a final plea to vote "NO" to allowing any changes to the City of Bellaire's zoning laws which would permit ANY NEW APARTMENTS to be built within the City of Bellaire.

Our City is a unique entity as we have very strict zoning. The zoning is what helps keep our home values high. I have lived in Bellaire for over 25 years. I sold my first town home in Bellaire 15 years ago which was outside the loop. I then rented until I could find another town home to buy inside the loop. I have never wanted to live any where else in the Houston area. Many citizens feel just like I do. We are very fortunate to live in this wonderful oasis in the middle of the 4th largest city in the United States. Please let's keep Bellaire a "City of Homes."

Apartment buildings notoriously bring crime into the area. Just because developers have to build retail underneath, it doesn't guarantee they will be full all the time or that they would lease the retail space to desirable businesses. So in fact, we are using the retail requirement as a way for apartment developers to make inroads to our City. Developers don't care what happens to the apartments or if they get run down or they have to lower their rents to keep the buildings full. In fact, usually the developers just build the building and sell it to another owner just to reap profits.

One of the Council members said the other night, "what will I tell my constituents that ask what will this zoning do for me?" That is a good question as all the neighbors I have spoken to say it will hurt us!!!!!!!

I hope you consider the long range consequences of the proposed zoning changes and VOTE NO!

Thanks you for your consideration.

Your neighbor,
 Karen *Reichek*
 Pin Oak Place Town homes

Attachment: Written Comments on UV-D and CMU (1113 : Revisions to Chapter 24 Including New Districts UV-D and CMU)

Tracy Dutton

From: Sally I Evans, APR [REDACTED]
Sent: Wednesday, February 26, 2014 11:50 AM
To: Tracy Dutton
Subject: To City Council re: rezoning of Bissonnet corridor

To the Mayor and City Council:

I, along with many of my neighbors in Pin Oak Place, object to the proposed rezoning that would allow apartments in the Bissonnet corridor and downtown area. We are most concerned with the following:

1. The potential for increased traffic on already-crowded Newcastle and the possibility that the street would be widened to accommodate that increase, leaving our subdivision with no buffer between the street and the back fences of St. Paul and tearing out the walking path.
2. The possible decrease in values of our townhomes if apartments are built across the street from our subdivision, since apartments often attract more transient individuals and families. (Renters rarely care as much as owners.)

Also, when reading the proposed plan, I did not see anything requiring sidewalks or anything else enhancing walkability, which I understand to be one of the goals.

Thank you for your consideration.

SiE

Sally I Evans

[REDACTED]

Resident since 1983

Sent from my iPad

Attachment: Written Comments on UV-D and CMU (1113 : Revisions to Chapter 24 Including New Districts UV-D and CMU)

February 26, 2014

Mayor Nauert and City Council
Bellaire, Texas
Via email

Subject: Proposed Zoning Ordinances and Comprehensive Plan

I was not able to attend, but had the opportunity to watch, the Comcast delivered Bellaire's City Council Public Hearing of February 24, 2014 for the proposed zoning ordinances for the new UV-D (Urban Village-Downtown) and CMU (Corridor-Mixed Use) districts.

Although a few citizens had comments on the topic of multi-family, I was quite surprised there were no other major issues that were raised by citizens. Additionally, I understand from those that attended, the turnout was not like the hundreds that turned out and spoke in the 1990's when a large multi-family project was proposed for the current site of the Pin Oak middle school. Except for one citizen, I did not see any of the Locust Street petitioners speak against the proposed ordinance. I credit their absence to the changes they recommended to, and were accepted by, the Planning & Zoning Commission and included in the final proposed ordinances submitted to City Council.

The proposed zoning ordinances are an attempt to provide opportunity and encouragement for enhancement and redevelopment of Bellaire's commercial/retail areas. These ordinances will not cause an immediate change, rather are a design and land use framework for many future years to assist property owners, developers and business owners in the enhancement their property and deliver to Bellaire a "downtown" that meets the needs and desires of its residents. For those who believe in a free market driven system, the proposed rules have been developed and expanded to accommodate and elevate the character, appearance and functionality of Bellaire's commercial/retail areas, while at the same time, follow the principal of "do no harm" to the City of Homes and its residents.

If you are interested in "no change", then the Comprehensive Plan should have never been started, taxpayer's dollars should have never been spent, and time spent by dedicated elected officials, concerned residents and Bellaire's hard working Staff should have never been consumed. However, if you believe that Bellaire's commercial/retail areas can be elevated and redeveloped to match the nearly 30 years of on-going redevelopment of the Bellaire's residential sector; the current reconstruction of Bellaire's schools (HISD-Condit, Horn, Pin Oak, Bellaire High, Post Oak Montessori, Episcopal High); the renewal of Bellaire's public sector spaces (Fire station, planned City Hall, Police Station, upgraded Library, Evelyn's Park, Bellaire Town Square Aquatic Center as well as Street replacement program), then I ask you to support these zoning ordinance proposals. If you are interested in the commercial/retail sectors carrying their own share of property taxes, then I ask you to support these zoning ordinance proposals. If you believe Bellaire's "Downtown" as well as the "Bissonnet Corridor" from the east end rail tracks to the west end at Renwick, can be brought into the current Century in design, architectural, landscape and buffering standards, appearance and usefulness, then I ask you to support and approve the proposed zoning ordinances you have received from the Planning & Zoning Commission.

Attachment: Written Comments on UV-D and CMU (1113 : Revisions to Chapter 24 Including New Districts UV-D and CMU)

February 26, 2014
Mayor Nauert and City Council
Proposed Zoning Ordinances

If there are certain parts of the proposed zoning ordinance in which you disagree, then propose to other Council members to modify, add to or eliminate these parts and get on with it. Tweak the proposed zoning ordinances as considered necessary at Council Table and please bring the Comprehensive Plan to the next stage. While the proposed ordinances identify the limits the Planning & Zoning Commission believes Bellaire is willing to accept, we all know that market forces will ultimately determine the answer.

Finally, the Comprehensive Plan, Table 6.1, Priority Action Agenda, clearly notes that without hands-on direction and lead effort by a City Function that encourages commercial/retail area redevelopment and seeks opportunities through the development of relationships for working with current and future property owners, business owners and developers to cause redevelopment to occur, then all will have been wasted. I direct your attention to this section titled, "Dedicated staff position or contract role for economic development focus" which notes that the City Manager has this action item's primary implementation role.

In conclusion, nothing is perfect and these proposed ordinances may not meet everyone's desire, I believe they are a great start! I ask for your support and approval of these proposed ordinances.

Thank you for the giving your time and serving our great City of Bellaire

Bill Thorogood


(attachment)

February 26, 2014
 Mayor Nauert and City Council
 Proposed Zoning Ordinances
 Attachment

Mayor Nauert and City Council

During the cablecast of the meeting, I noted one question that may have gone unanswered, so I present the following to you:

Question: “Why are we doing this (changing zoning ordinances certain of the retail/commercial areas of Bellaire)?” Here a few answers that started the update of Bellaire’s Comprehensive Plan and the proposed Zoning Ordinance.

Answer: (key ones, but not all inclusive):

1. Citizens have noted that the redevelopment of retail/commercial sectors of Bellaire have not kept up with the significant residential redevelopment, schools redevelopment, and public sector improvements.
2. Bellaire residents pay a premium for their residences and have high expectations of the same for retail/commercial properties and businesses to meet their desires and needs. For years, citizens have commented this is not happening. We have all heard the comments, “How many banks does Bellaire need, or why do we have another cash, pawn and title loan store, or why can’t Bellaire have a market competitive grocery store as well as those that already exist, or why doesn’t Bellaire have more high quality restaurants, or do we need or want another pizza place or yogurt shop, or why are there so many thrift shops and what is the Bellaire motel and so on?” **Yes, Bellaire has some very good business, but for the size of Bellaire’s retail/commercial area, the general consensus is Bellaire should, and can do, much, much better.**
3. The property tax valuations of the retail/commercial sectors of Bellaire has not increased at the same rate as that for residential properties, even for Bellaire’s original residential housing stock. Stated another way, the residential sector is carrying more than its fair share of property tax and actually subsidizing many of the retail/commercial properties. **Simply stated, you and I are subsidizing cash stores, title loan and thrift stores and motel!**
4. Currently, Bellaire residents that want to downsize or reside in a smaller or different style of housing have very limited options in Bellaire. Additionally, for those desiring to live in Bellaire, but cannot yet afford the high cost of single family housing in Bellaire, they are unable to live and contribute to our community. **Simply stated, many of our seniors have to leave Bellaire and our college graduate daughters and sons remained priced out of living in Bellaire. Bellaire needs more types of residential housing choices while still remaining “City of Homes”.**

Many more answers are detailed in the Comprehensive Plan.

Tracy Dutton

From: J Schoellhorn [REDACTED]
Sent: Thursday, February 27, 2014 8:30 AM
To: Phil Nauert; Roman Reed; Jim Avioli; Gus Pappas; Pat McLaughlan; Andrew Friedberg; Mandy Nathan
Cc: Tracy Dutton
Subject: Zoning Changes

Dear Mayor & Council: I am OPPOSED to the proposed zoning changes of the current residential-commercial mixed use districts to Commercial Mixed Use & Urban Village-Downtown districts. I am especially OPPOSED to allowance of multi-family housing. This type of development would strain Bellaire's already burdened infrastructure & city services. I am also concerned about increased traffic, increased crime, decreased aesthetics, and decreased single residence property values.

Regards,
Jane Schoellhorn
[REDACTED]
Bellaire, Texas 77401

Attachment: Written Comments on UV-D and CMU (1113 : Revisions to Chapter 24 Including New Districts UV-D and CMU)

Tracy Dutton

From: Rob Dulaney [REDACTED]
Sent: Thursday, February 27, 2014 9:41 AM
To: Tracy Dutton
Cc: Mandy Nathan; Christy Dulaney
Subject: Vote NO on proposed rezoning

My name is Robert Dulaney, my wife and I live at 5609 St. Moritz with our three children Trey (6), Abby (4), and Hannah Grace (2).

First, I want to say that Mandy Nathan has been AMAZING at helping to inform myself and our neighbors of the details of the proposed merger. She has provided thorough and unbiased information about the proposed zoning. She has been amazingly responsive to our questions. We are so fortunate to have such an amazing representative!!

After much deliberation and review of the information presented by the planning and zoning committee last Monday I want to say that my wife and I are officially against the proposed rezoning.

This has not been a simple decision. The goal of creating a more 'walkable' Bellaire is laudable. We greatly appreciate all of the hard work that the zoning commission has done. However, after reviewing all of the information and thinking about the pro's and con's, I can not in good faith support this rezoning.

(1) - Preserving the Bellaire 'Brand'. As I was considering my decision the question that I kept asking myself is 'What makes Bellaire special'. 'Why do I love living here?' .. As I reflect on those questions the it always came back to our identity of a community of homes. People deeply rooted in the success and wellbeing of Bellaire. In pin oak place ,were we live, we have been fortunate to build relationships with neighbors that have lived here for 30+ years. In an increasingly mobile world, it is nice to have a community that is so rooted. Again, Houston has lots of areas that will be known for great mixed-use residential areas. I just don't see Bellaire ever competing with them. We should focus on what makes us special and guard that.

(a) Schools - While it is not clear that this development would overwhelm our schools, Our elementary schools have already been forced to loose magnet funding because of the numbers of students that attend. I would urge the council to keep this fact in mind when considering rezoning to allow additional multi-family units. Our strength as a community is extremely dependent on the quality of our schools.


(2) - We are not set up to do multi-family mixed use well. - It would be one thing if we could ensure that this rezoning would lead to a well planned and designed development. However, with so many properties owned by different owners, we are not in that situation. The 'dream' that we have of a great walkable corridor that is fully developed, well designed and full of upscale restaurants and shops, I believe is more fantasy than reality. The benefits of mixed use multi family lies compety in the SYNERGY of the entire development. This will not be the case in Bellaire. The presenter on Monday admitted as much as he talked about all of the restrictions that we have already put forth in order to alleviate our concerns. Laudably, this plan has tried to strike a balance. However, I think the reality is that any development will be slow.

(3) - The lack of clarity is PREVENTING development- I would urge the council to make a decisive move against mixed use multi family units and put that idea completely off the table. It is clear that the residents of Bellaire are luke warm at best to the idea and as you well know many many residents are hostile to the

idea. Clearly removing mixed use as an option will provide clarity for property owners. If I was a property owner and there was a chance that rezoning could potentially dramatically increase the value of my property I would refrain from any development until I was certain what value I could receive from selling/developing the property. Once we clearly establish a future without mixed use multi family, I believe very attractive development opportunities exist. Clearly, they won't be as lucrative for those that own developable property in the corridor, however I do believe this new development will be best for Bellaire as a whole.

Thanks again for all of your hard work and time. We are grateful to have such capable public servants. Good luck and best wishes in your deliberations.

Rob Dulaney



Tracy Dutton

From: Mandy Manchee [REDACTED]
Sent: Thursday, February 27, 2014 10:40 AM
To: Tracy Dutton
Subject: Proposed Changes to Bellaire Zoning

This email is to voice my opposition to the proposed changes in Bellaire zoning. I do not support this measure because I feel the rezoning and other proposed changes (multi-family dwellings) will bring increased traffic, more crime and possible parking problems which we are fortunate not to have to live with now. If I wanted a village atmosphere (such as West University) I would consider moving to that area. One of the first things that many complain in that area is a terrible parking problem. As far as the walk about enhancement, in my part of the city (Newcastle & Fournace) – I don't see this as much of a possibly. To reach the downtown area I would still need to drive to that area which I do now & walk from there.

I strongly urge all city officials to vote NO on this proposal.

Mandy Manchee
[REDACTED]
Bellaire, Texas 77401

Attachment: Written Comments on UV-D and CMU (1113 : Revisions to Chapter 24 Including New Districts UV-D and CMU)

Tracy Dutton

From: wohlford [REDACTED]
Sent: Thursday, February 27, 2014 11:16 AM
To: Tracy Dutton
Subject: Re: Bellaire City Council Special Session (Public Hearing) - February 24, 2014

To Whom It may concern :

I am not in favor of any of the Proposed Changes to the Zoning Codes currently being suggested. We are a special town with unique assets. And some of the Proposed Changes could have huge effects

on the current residential owners that are adjacent to many of these Proposed Change areas.

Thank you.

Juliann Wohlford
 [REDACTED]
 Bellaire, TX 77401

From: Council Agendas & Minutes
Sent: Thursday, February 20, 2014 3:09 PM
To: [REDACTED]
Subject: Bellaire City Council Special Session (Public Hearing) - February 24, 2014

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An agenda has been posted on the City's bulletin board and website regarding a Special Session (Public Hearing) before the City Council of the City of Bellaire, Texas, to be held on Monday, February 24, 2014, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. This public hearing relates to amendments proposed by the Planning and Zoning Commission to Chapter 24, Planning and Zoning, of the City's Code, with a focus on the downtown area and Bissonnet Corridor.

To view a copy of the agenda and packet for this meeting, please click on the link below. Please allow a few minutes for the agenda packet materials to download.

<http://bellairecitytx.igmp2.com/Citizens/FileOpen.aspx?Type=1&ID=1034&Inline=True>

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

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Attachment: Written Comments on UV-D and CMU (1113 : Revisions to Chapter 24 Including New Districts UV-D and CMU)

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Elaine Messer

5114 Beech Street

Planning & Zoning

I attended the meeting but needed to digest the information before commenting.

I have lived in Bellaire for 20 years. During that time I have seen improvements to some of the buildings in the downtown area, but much more needs to be done.

I believe we only need to look west of Chimney Rock on both Bellaire Blvd. and Biss. to see why any attempt to put RENTAL units in our city center would be a huge mistake. I oppose any attempt to build rental units in Bellaire. Additionally, I am really disappointed to see loan, check cashing and pawn shops multiply in our downtown. These "low end" businesses will not attract neighbors who would want to be next door!

Look at Maggies! This ugly, square bldg. looks amazing because of creativity! Congratulations to them!

I can see the entire block of land between Bellaire Blvd. and Biss. with a two story shopping center much like the two story in Rice village full of restaurants and small shops. Plenty of room for parking all around, wide sidewalks for strolling, outdoor courtyards for quick snack, ice cream or coffee.

Ever been to "Up" restaurant in Highland Village? Overlooking good looking shops along Westheimer?

Would you like to eat outdoors at the yogurt shop on that tiny tip of land south of HEB? Taking your life in your hands!

Let's attract higher end businesses by improving and encouraging businesses in Bellaire to improve their buildings and hopefully get a large chunk of land like Randalls or Bellaire Triangle to put in a two story bldg. much like Rice village where one can stroll around several shops in a contained piece of property.

Certainly one of our challenges is the bus center. And the fact that our downtown is cut in half by two major four lane streets.

Regarding housing, I can easily see streets like Cedar, Laurel, and others that back up to residential properties transformed to townhome projects. The "step back height" approach would be unacceptable to me. I agree that the mixed use, residential/businesses in the same bldg is awful!

Again, look at areas around Rice village where there are plenty of lovely townhomes near the shopping area. This would be a much better approach and keep our residences upscale, which will also attract more upscale businesses.

Thank you,

Elaine Messer

I am Christopher Butler. I serve on the Cultural Arts Board, and was the planner who worked with the Locust neighborhood. My goal was to explain the proposed code, and assist with collective or individual responses. It was important to get past simply saying "no," and start a constructive dialogue. I think that happened, despite lingering disagreement on apartments.

I wanted to hear the public mood after all this time, which is one reason I didn't speak Monday night. At the 2013 hearing, the top citizen objections seemed to be height, traffic externalities, and apartments. Of those, only apartments were discussed by the majority of Monday's speakers. The Locust proposal to P&Z addressed height and externalities. I think that comforted some who opposed the code in 2013, but no longer felt the need to attend on Monday. Does every Locust resident feel the lower height and wider setback go far enough? Clearly not. Are we in 100% agreement as a neighborhood? Nope. I am still delighted with the homeowners' productive engagement though.

The P&Z should be praised for their willingness to reconsider those issues long AFTER the 11th hour. They worked for years on the UV code with little resident comment, despite their pleas for public feedback. If not for the changes P&Z made to height and leakage in the UV-D, the crowd at last week's hearing would have been much larger. I also think most would have opposed ALL aspects of the code, instead of focusing so strongly on apartments and downtown's character.

I worked more than 100 volunteer hours for this, and I wasn't the only one from Locust who did that. For me, it was worthwhile no matter what happens tonight. If nothing else, it showed that both sides share some blame for the botched communication.

As officials, we must think beyond state notification minimums. We can't rely on long and intimidating meetings as our only citizen involvement method. If we add anything to seek additional engagement, it will take more time and legal effort to stay within open meetings and notice laws. That price is worth paying though. As residents, all 17 thousand of us must get off the couch and play our part in citizen government. After work, household chores, and kids, that is expensive too. Every citizen can't be as committed as Lynn or Robert, but there is much more we can contribute. There are vacancies on several boards including Art and Sustainability, voter and public meeting turnout is appalling, and we all know what happened with downtown. Naive as it sounds, if we start talking now, maybe the next crisis won't be this contentious.

Christopher Butler




RESOLUTION NO. 14-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, ADOPTING A "POST ISSUANCE COMPLIANCE POLICY AND PROCEDURE MANUAL" FOR THE PURPOSE OF COMPLYING WITH APPLICABLE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND TREASURY REGULATIONS.

WHEREAS, the Internal Revenue Code of 1986, as amended, and applicable treasury regulations require compliance with post issuance policies and procedures by entities that issue tax-exempt debt; and

WHEREAS, the Finance Department of the City of Bellaire, Texas, has and does adhere to said post issuance policies and procedures; and

WHEREAS, the Finance Department of the City of Bellaire, Texas, and the City Attorney of the City of Bellaire, Texas, have reviewed a written policy developed by Arbitrage Compliance Specialists, Inc., detailing the City's post issuance debt compliance responsibilities; and

WHEREAS, the Finance Department of the City of Bellaire, Texas, and the City Attorney of the City of Bellaire, Texas, recommend adoption of the written policy, attached hereto as Exhibit "A" and entitled "Post Issuance Compliance Policy and Procedure Manual"; and

WHEREAS, the City Council of the City of Bellaire, Texas, finds that adoption of the Post Issuance Compliance Policy and Procedure Manual is necessary and appropriate; **NOW, THEREFORE**,

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

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

2. THAT the City Council of the City of Bellaire, Texas, hereby adopts the Post Issuance Compliance Policy and Procedure Manual, attached hereto as Exhibit "A," as the Post Issuance Compliance Policy and Procedure Manual of the City of Bellaire, Texas.

3. THAT the Chief Financial Officer of the City of Bellaire, Texas, is designated as the official authorized to implement the Post Issuance Compliance Policy and Procedure Manual.

4. THAT this Resolution shall be effective immediately upon its passage and adoption.

PASSED and **APPROVED** this 3rd day of March, 2014.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Dr. Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

POLICY NUMBER: _____
EFFECTIVE DATE: _____

**CITY OF BELLAIRE
 POLICY AND PROCEDURE**

POST ISSUANCE COMPLIANCE POLICY AND PROCEDURE MANUAL

COMPLIANCE OFFICER:	<u>Linda Symank, CFO</u>		<u>March 3, 2014</u>
	Name/Title	Signature	Date

PURPOSE:

The purpose of this post-issuance compliance policy and procedure manual is to adopt policies and procedures to guide the City of Bellaire in meeting the requirements of the Internal Revenue Code of 1986, as amended, and Treasury Regulations (the “Tax Code”) concerning tax-exempt and tax-advantaged debt (“debt issuances”). Non-compliance with the Tax Code may result in fines and/or loss of the preferential status of the debt issuances.

COMPLIANCE OFFICER:

The Compliance Officer shall be the person primarily responsible for ensuring that the City of Bellaire successfully carries out its post-issuance compliance requirements under applicable provisions of the Tax Code with regard to all debt issuances of the City of Bellaire. The Compliance Officer shall be assisted by other City Finance staff and officials when appropriate. The Compliance Officer will also be assisted in carrying out post-issuance compliance requirements by contracted entities including Bond Counsel, Financial Advisor, Paying Agent, Trustee, Arbitrage Consultant, and/or other consultants deemed necessary.

The Compliance Officer shall be responsible for assigning post-issuance compliance responsibilities to other City Finance staff, Bond Counsel, the Financial Advisor, the Paying Agent, the Trustee and the Arbitrage Consultant, as needed. The Compliance Officer shall utilize such other professional service organizations as are necessary to ensure compliance with the post-issuance compliance requirements of the City of Bellaire.

I. GENERAL OVERVIEW OF ARBITRAGE, YIELD RESTRICTION AND REBATE REQUIREMENTS

A. Overview

The purpose of this section is to introduce the concept of arbitrage and its requirements. There are exceptions to many of the arbitrage rules. Advice from the Bellaire’s Arbitrage Consultant and/or Bond Counsel is strongly recommended before any action is taken.

B. Definition

Arbitrage is the price differential, or profit made, from investing inherently lower yielding debt issuance proceeds in higher yielding taxable investments. In other words, arbitrage is the difference between the yield on an issuer's debt issuance and the investment income earned on the proceeds invested in taxable instruments. Arbitrage rebate refers to the positive or negative amount that must be paid (rebated) to the federal government.

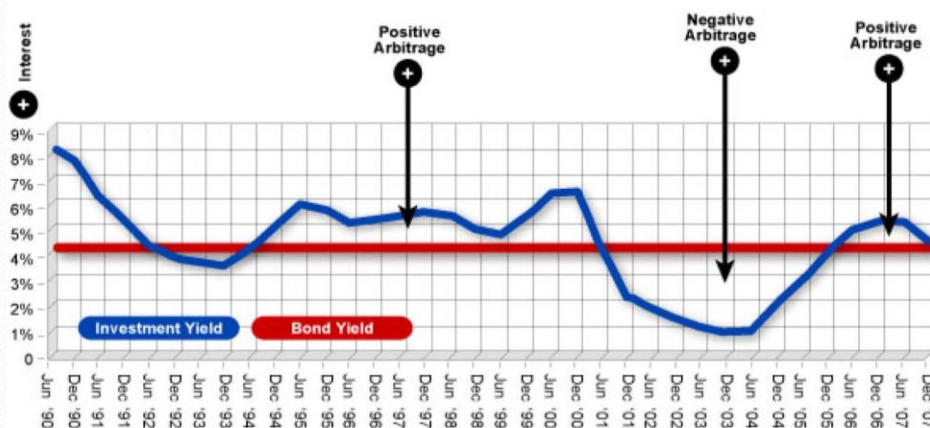
<i>Debt Yield</i>	<i>Overall Investment Yield for Gross Proceeds</i>	<i>Result</i>
4.0%	5.0%	<i>Positive Arbitrage</i>
5.0%	5.0%	<i>No Arbitrage</i>
6.0%	5.0%	<i>Negative Arbitrage</i>

C. Areas of arbitrage compliance that must be addressed:

1. The arbitrage rebate requirements identify what must be done with any arbitrage (profits or earnings) above the debt issuance's yield earned on the investment of the gross proceeds of the debt issuance. Arbitrage on gross proceeds must be rebated to the federal government every five years after the date of issuance (or earlier if elected) through and including the final maturity ("filing date").

What is Arbitrage Rebate?

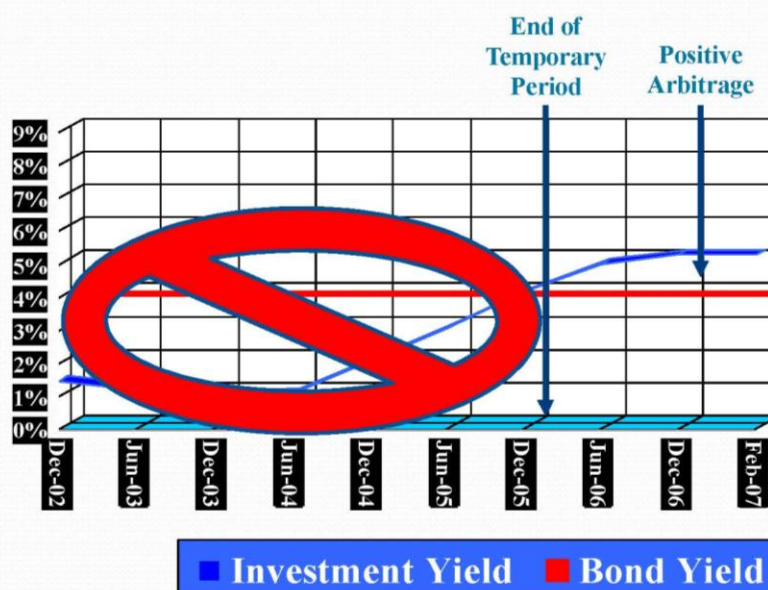
Investment Pool Historical Rates



2. The yield restriction requirements set forth various investment yield limitation conditions for different categories of gross proceeds from a debt issuance (e.g. construction, refunding escrow, debt service, and reserve funds). The issuer should meet these various yield restriction conditions to avoid compromising the tax-exempt or tax-advantaged status of the debt issuance. Since the yield restriction requirements are specific to a debt issuance it is recommended that the City of Bellaire consult with the Arbitrage Consultant and/or Bond Counsel to determine the specific yield restriction requirements on a per debt issuance basis.

Construction Fund Yield Restriction: The most common yield restriction constraint for an issuer is related to construction funds. Generally, if there are unexpended project/construction proceeds at the end of the initial 3-year temporary period in excess of the **minor portion** (the lesser of \$100,000 or 5% of the sale proceeds of the debt issuance), an issuer may no longer invest the remaining proceeds above the **materially higher yield** (debt issuance yield + .125%) without taking corrective actions to remedy interest earnings above the materially higher yield. The issuer must yield restrict the proceeds below the materially higher yield, or a yield reduction payment report will be required. Any yield reduction payment under the yield restriction requirements must be paid per the same deadlines as the arbitrage rebate requirements: every five years after the date of issuance (or earlier if elected) through and including the final maturity.

What is Yield Restriction?



D. Purpose of the Tax Code regarding arbitrage:

The Tax Code was put into place to minimize the benefits of investing tax-exempt or tax-advantaged debt proceeds, thus encouraging expenditures for the governmental purpose of the debt issuance and to remove the incentive to:

1. Issue debt earlier than needed,
2. Leave debt outstanding longer than necessary, and/or
3. Issue more debt than necessary for a governmental purpose.

E. Type of debt issuances and funds subject to arbitrage compliance:

1. The following types of debt issuances are subject to arbitrage compliance as of the following dates:
 - a. Single Family Debt Issuances 09/25/79
 - b. Private Activity Debt Issuances 12/31/84

- c. Student Loan Debt Issuances 12/31/85
- d. Governmental Debt Issuances 08/31/86

2. The following funds and proceeds of a debt issuance are defined as **Gross Proceeds** of a debt issuance:

- a. Project funds
- b. Debt service funds
- c. Costs of issuance funds
- d. Refunding escrow funds
- e. Reserve funds
- f. Disposition proceeds
- g. Replacement proceeds (other than debt service funds)
- h. Transferred proceeds (if an old debt issuance has been refunded by a new debt issuance and the old debt issuance has unspent funds, such funds may transfer to the new debt issuance)

Note of Concern: An often misunderstood concept is that monies received upon closing of a debt issuance are the only monies subject to arbitrage rebate. One of the most common funds found to be subject to arbitrage rebate that is not funded from debt issuance proceeds is the debt service fund. The debt service fund receives a majority of its funding from tax or use revenues. The debt service fund is required to be included in the arbitrage rebate calculation unless the fund balance is depleted at least once each bond year, except for a reasonable carryover amount not to exceed the greater of:

- a. The earnings on the fund for the immediate preceding bond year; **or**
- b. One-twelfth of the principal and interest payments on the Debt Issuance or the immediately preceding bond year.

F. Exceptions to the rebate requirements:

The Tax Code sets forth general arbitrage and rebate requirements for debt issuances. The general rule is that any arbitrage earned must be determined and reported to the federal government every fifth anniversary date after the date of issuance of the debt issuance and on the final maturity, or as elected. Arbitrage rebate is essentially 100% of investment earnings in excess of the debt issuance's yield. There are several exceptions to the arbitrage and rebate requirements, and if any one of these exceptions are met, all or a portion of the debt issuance's proceeds are not subject to the arbitrage and rebate requirements. Consult with the Bellaire's Arbitrage Consultant and/or Bond Counsel to determine if the debt issuance is eligible for a particular exception, to establish the appropriate investment plan for the debt issuance proceeds, and to assess whether the exception requirements were met.

The purpose of this section is to introduce the concept of spending exceptions and their requirements. There may be special elections and circumstances for a debt issuance that can affect how the exceptions are tested. Advice from the Bellaire's Arbitrage Consultant and/or Bond Counsel is strongly recommended before any action is taken. Below are descriptions of the various exceptions:

1. **6-month spending exception:** If all gross proceeds and actual interest earnings are spent within 6-months after issuance, the interest earned during that period is not subject to the

rebate requirements. Intermediate expenditure requirements are necessary (95% by 6 months and 100% within 12 months).

If there are unspent proceeds remaining at the end of the 6-month period, an issuer may still qualify for the spending exception under the following condition:

- a. If the remaining amount is 5% or less and is spent within 6 months from the end of the 6-month spending date.
2. **18-month spending exception:** If a debt issuance *does not* qualify as a construction issuance (75% of the debt issuance actually spent on construction) then the debt issuance is eligible for the 18-month spending exception, but *not* the 2-year spending exception. If all gross proceeds and expected interest earnings for the 6-month and 12-month period and actual interest for the 18-month period is spent within 18-months according to a strict timetable, the interest earned during that period is not subject to the rebate requirements. Intermediate expenditure requirements are necessary (15% by 6 months, 60% by 12 months, 100% by 18 months).

If there are unspent proceeds remaining at the end of the 18-month period an issuer may still qualify for the spending exception under the following conditions:

- a. A reasonable retainage amount of 5% or less is allowed for business purposes and the retainage is spent within 12 months from the end of the 18-month spending date, **or**;
 - b. If the remaining amount does not exceed the lesser of \$250,000 or 3% of the issue price and due diligence is exercised to complete the project and spend the remaining project/construction proceeds.
3. **2-year spending exception:** If a debt issuance qualifies as a construction issuance (75% of the debt issuance is actually spent on construction) and all gross proceeds and expected interest earnings for the 6-month, 12-month, and 18-month period and actual interest for the 24-month period are spent within 2 years according to a strict timetable, then interest earned during that period is not subject to the rebate requirements. Intermediate expenditure requirements are necessary (10% by 6 months, 45% by 12 months, 75% by 18 months and 100% by 2-years).

If there are unspent project/construction proceeds remaining at the end of the 2-year period, an issuer may still qualify for the spending exception under the following conditions:

- a. A reasonable retainage amount of 5% or less is allowed for business purposes and the retainage is spent within 12 months from the end of the 2-year spending date, **or**;
- b. If the remaining amount does not exceed the lesser of \$250,000 or 3% of the issue price and due diligence is exercised to complete the project and spend the remaining project/construction proceeds.

4. **Small issuer exception:** General taxing authorities reasonably expecting to issue \$5M or less in tax-exempt or tax-advantaged debt during each calendar year (cumulative for all debt issuances) may qualify for the small issuer exception to the rebate requirements, *but must still satisfy the yield restriction requirements*. The small issuer exception does not apply to private activity, 501(c)(3) or student loan debt.

a. General requirements:

- i. The issuer must have general taxing powers.
- ii. The debt issuances must be governmental debt issuances.
- iii. At least 95% of the proceeds must be used for local governmental activities of the issuer or by governmental units located within the issuer's boundaries.
- iv. All tax-exempt or tax-advantaged debt issued in a calendar year cannot exceed \$5,000,000.

b. Additional requirements for refunding debt issuances:

- i. The debt being refunded (old debt issuance) must have qualified for the small issuer exception.
- ii. The weighted average maturity of the refunding debt issuance (new debt issuance) must not exceed the weighted average maturity of the refunded debt (old debt issuance). Current refunding debt issuances that have a three year or less weighted average maturity are exempt from the weighted average maturity test.
- iii. The refunding debt (new debt issuance) must not mature more than thirty years after the issuance of the original refunded debt (old debt issuance).

Note – Historically 1/3 of refunding debt issuances (new debt issuances) will fail one of the three rules listed above and become subject to the rebate requirements.

c. Additional requirements for public school debt issuances:

- i. Public school debt issuances issued from 8/31/86 – 12/31/97
\$5 Million small issuer exception available
- ii. Public school debt issuances issued from 1/1/98 – 12/31/01
\$10 Million small issuer exception available: \$5 Million can be used for any purpose; the amount that exceeds \$5 Million *must* be for new public school construction.
- iii. Public school debt issuances issued from 1/1/02 – current
\$15 Million small issuer exception available: \$5 Million can be used for any purpose; the amount that exceeds \$5 Million *must* be for new public school construction.

II. DUE DILIGENCE REVIEW AT REGULAR INTERVALS

This policy and its related procedures start with a review of the due diligence measures that will take place at regular intervals, as well as each filing date to ensure that each debt issuance is compliant with the requirements of the Tax Code. The City of Bellaire will complete the annual due diligence review every December on all debt issuances.

III. IDENTIFYING THE COMPLIANCE OFFICER RESPONSIBLE FOR REVIEW

The Finance Department is/are primarily responsible for the administration of this policy. Within the Finance Department the Compliance Officer will be responsible for the due diligence review. The due diligence review will apply to all debt issuances.

IV. TRAINING OF COMPLIANCE OFFICER

The Compliance Officer has and will continue to take all necessary steps to maintain an adequate understanding of post-issuance compliance requirements relating to the debt issuances for which he/she will review. These steps include, but are not limited to participating in webinars, attending seminars and/or self study.

V. RETENTION OF ADEQUATE RECORDS TO SUBSTANTIATE COMPLIANCE

A. General overview

1. **Debt not refunded:** Currently the IRS record retention requirements are to keep all records, data and documents associated with non-refunded debt issuances for three years past the final maturity date for the debt issuance (or longer if required by local or state law.)
2. **Refunded debt:** Since the refunding debt issuance (new debt issuance) is dependent on the tax-exempt or tax-advantaged status of the refunded debt issuance (old debt issuance), all records are required to be maintained for three years past the final maturity of both debt issuances (or longer if required by local or state law).
3. **Electronic data storage requirements:** Electronic records may be stored in an electronic format in lieu of hard copies if certain requirements are satisfied, for example:
 - a. The system must ensure an accurate and complete transfer of the hard copy books and records to the electronic storage system and contain a retrieval system that indexes, stores, preserves, retrieves and reproduces all transferred information.
 - b. The system must include reasonable controls and quality assurance programs.
 - c. The information maintained in the system must be cross-referenced with the books and records in a manner that provides an audit trail to the source documents.
 - d. Upon request by the IRS, a complete description of the electronic storage system, including all procedures relating to its use and the indexing system must be provided.
 - e. Upon request by the IRS, the issuer must retrieve and reproduce hard copies of all electronically stored records.
 - f. The system must not be subject to any agreement that would limit the IRS' access to the use of the system.

- B. **Electronic file storage and backup:** Financial/accounting transactions will be retained and backed up by Communications Technology Services (CTS) as identified below. Access to this data will be restricted as authorized by the Compliance Officer.

1. Local Incode Server BCN.Bellaire_Incode/Incode/Data
2. Vitrua Incode Server 10.0.0.229/Bellaire_Incode/Incode/Data
3. Tyler Technologies Disaster Recovery – All Incode SQL data files

C. Storage of hard copies: A folder jacket, box or other media storage container displaying the debt issuance description will be set up for each debt issuance. The storage container will contain the documents mentioned in Section E on the next page. Access will be restricted to persons authorized by the Compliance Officer.

D. Destruction of records: A log will be kept of all debt issuances whose records are destroyed after the IRS mandated retention period detailing the debt issuance description, allowable destruction date, date records were destroyed, the Compliance Officer's signature authorizing the record destruction, and witness signature. Access to this information will be restricted as authorized by the Compliance Officer and stored at Veriturst Records Storage, 2030 Afton, Houston, Texas 77055.

E. Required information to be stored for each debt issuance

1. **Documents:** Bond Counsel shall send a Transcript for the debt issuance to the Compliance Officer. If a Transcript was not compiled, then copies of the following documents will be forwarded or made available to the Compliance Officer's office:

- a. Bond Counsel Opinion
- b. Final Official Statement or Private Placement Memorandum
- c. Insurance Documents
- d. Council Certificate for Ordinance
- e. Copy of Ordinance Authorizing Debt Issuance
- f. IRS Form 8038-G, Form 8038-GC, Form 8038, Form 8308-TC or Form 8038-B
- g. CPA Verification Report (for refunding debt issuances only)
- h. Non-Arbitrage Tax Certificate or similar document
- i. All Debt Service Schedules not included in the Official Statement
- j. Letter of Credit Agreement (generally for variable rate debt issuances only)
- k. Swap Agreement (generally for variable rate debt issuances only)
- l. Winning Bid Forms
- m. Trust Indenture
- n. Investment Banker's Closing Memorandum
- o. Investment Banker's Notice of Delivery Memorandum
- p. Investment Banker's Sources and Uses of Funds Memorandum

2. **Reports completed after issuance**

- a. Rebate calculation reports
- b. Yield restriction reports
- c. Spending exception reports
- d. Penalty in lieu of rebate reports
- e. CPA verification report for restructuring of escrow
- f. Payment documentation to include:
 - i. Form 8038-T
 - ii. Cancelled check
 - iii. Proof of mailing

- g. Refund claims
- h. Other reports related to the Debt Issuance

3. **Correspondence**

- a. Bond Counsel
- b. Board Meetings
- c. Financial Advisor
- d. Arbitrage Consultant
- e. Underwriter
- f. Investment Firms
- g. Other correspondence concerning any other aspect of the debt issuance to include but not limited to expenditures, investments, allowable projects, etc.

4. **Investment activity:** Trust statements (or equivalent) with detailed investment activity for the entire computation period for each fund/account in which gross proceeds of the debt issuance were held. Investment information must be recorded on a daily transactional level. This information is required to compute the yield on the investments and to comply with archive requirements. Investment activity details should include such items as:

- a. General ledgers
- b. Subsidiary ledgers
- c. Investment statements (state pools, bank statements, etc.)
- d. Type of investment
- e. Date of purchase and purchase price
- f. Interest rate
- g. Interest payment amounts
- h. Maturity date
- i. Interest payment dates
- j. Interest calculation methodology
- k. Date of sale and sales price
- l. Investment contract information to include:
 - i. Evidence of the purchase price paid for investment contract
 - ii. Detailed documentation of the investment contract bid process
 - iii. Certification by the investment contract provider of fees paid for contract
 - iv. All bid solicitation forms (3 bid minimum)
 - v. Administrative costs

5. **Expenditure information:** The Finance Department will capture expenditure information. The following expenditure information must be captured and stored in accordance with the above mentioned record retention requirements to include:

- a. Description of expenditure
- b. Date of expenditure
- c. Amount of expenditure
- d. Invoices
- e. Proof of payment (canceled check, wire information, etc.)

6. **Initial letter of credit information to include:**

- a. Payment amounts
 - b. Date of payment
 - c. Terms
7. **Actual letter of credit information to include:**
- a. Actual amount paid
 - b. Actual date payment is made
 - c. Invoices
 - d. Statements
8. **Initial swap/hedge agreement information to include:**
- a. Payment amounts
 - b. Date of payment
 - c. Terms
9. **Final swap/hedge agreement information to include:**
- a. Actual date payment is made
 - b. Actual amount paid
 - c. Invoices
 - d. Statements
10. **Allocation of gross proceeds to expenditures:** Any allocation of gross proceeds to expenditures must involve a current outlay of cash for the governmental purpose of the debt issuance. A current outlay of cash is an outlay reasonably expected to occur within five banking days after the date of an allocation. If expenditure is paid by check, the outlay is the date the check is mailed, provided that it is expected to be cashed in five days.
- a. **Allocation:** Reasonable allocation methods for allocating funds from different sources to expenditures for the **same** governmental purpose include any of the following methods if consistently applied:
 - i. The first in, first out/FIFO method permits the City of Bellaire to put the proceeds of more than one debt issuance into a single account (commingle) and treat all expenditures as coming from proceeds of the first debt issuance until they are fully spent.
 - ii. The gross proceeds spent first method is used where available funds include, tax revenues, private contributions, etc., in addition to debt issuance proceeds. The debt issuance proceeds are treated as spent first.
 - iii. The specific tracing method permits the City of Bellaire to keep proceeds from different debt issuances in separate accounts. Costs may be charged to any debt issuance/checking account at the City's discretion.
 - iv. The ratable allocation method permits the City of Bellaire to place proceeds of more than one debt issuance into a single account (commingle) and treat expenditures as coming from proceeds of each debt issuance that contributed proceeds to that account. The expenditures are allocated to each debt issuance ratably based on each debt issuance's proportion of ownership of the account.

- b. **Timing:** An issuer must account for the allocation of proceeds to expenditures not more than 18 months after the later of: the date the expenditure is paid or the date the project, if any, that is financed by the debt issuance is placed in service. This allocation must be made in any event by the date 60 days after the fifth anniversary of the issuance date or the date 60 days after the retirement of the debt issuance, if earlier. This paragraph applies to debt issuances issued on or after May 16, 1997.
11. **Allocation of investments in a commingled fund:** The Tax Code requires that all payments and receipts on investments held in a commingled fund must be allocated to the different sources/investments in the fund not less frequently than the close of a consistently used fiscal period (not in excess of three months); this allocation must be based on a consistently applied, reasonable ratable allocation. Treasury Reg. Section 1.148-6(e). Currently, the City of Bellaire allocates all payments and receipts monthly.
12. **Qualified use of proceeds, financed property, private business use:** The qualified use of proceeds, property financed, and private business use limitations by the debt issuance should be identified and continually monitored to ensure compliance with the limitations as defined in the debt issuance documents or if more restrictive, state law or the Tax Code's limitations. Supporting documentation is required to support qualified use of proceeds, property financed, and private business use. The Compliance Officer will ensure such limitations are in compliance with debt issuance documents or if more restrictive, state law or the Tax Code's limitations.
13. **Issuance price and volume cap allocation:** The issuance price and volume cap allocation activity limitations should be identified and monitored to ensure compliance with the limitations as defined in the debt issuance documents or if more restrictive, state law or the Tax Code's limitations. Supporting documentation is required for issuance price determination and volume cap allocation limitations of the debt issuance. The Compliance Officer will ensure such limitations are in compliance with the debt issuance documents or if more restrictive, state law or the Tax Code's limitations.
14. **Fair market value of investments:** The City of Bellaire is to provide information to support that the investments were purchased or sold at a fair value. The City may not purchase an investment at a price in excess of fair market value with gross proceeds of the debt issuance. Nor may the City sell an investment purchased with gross proceeds at a price lower than fair market value. Treasury Regulations Section 1.148-6(c). In dealing with fair market value requirements, the Tax Code specifically provides three safe harbor categories of investments:
- Securities traded on an established market from a willing seller in a bona fide arm's-length transaction.
 - Certificates of deposit purchased using a safe harbor under the applicable Tax Code. The safe harbor is available only for certificates that have a fixed interest rate, a fixed payment schedule and a substantial penalty for early withdrawal.
 - Guaranteed investment contracts purchased used a three-bid safe harbor under the Tax Code.
15. **Continuing disclosure:** The City of Bellaire is to provide continuing disclosure, such as annual financial information and material event notices in accordance with SEC rule 15c2-12. The Compliance Officer is primarily responsible for undertaking such continuing disclosure obligations and to monitor compliance with such obligations.

VI. PROCEDURES TO IDENTIFY NON-COMPLIANCE

This policy and its related procedures begin with a review of the due diligence measures that will take place at regular intervals to ensure that each debt issuance is compliant with the Tax Code.

Date due diligence review completed: _____

Person(s)/Contractor(s) completing review:

Compliance Officer:	_____	_____	_____
	Name/Title	Signature/Date	Sections Completed

Bond Counsel:	_____	_____	_____
	Name/Title	Signature/Date	Sections Completed

Arbitrage Consultant:	_____	_____	_____
	Name/Title	Signature/Date	Sections Completed

Financial Advisor:	_____	_____	_____
	Name/Title	Signature/Date	Sections Completed

Results accepted by:	_____	_____	_____
	Name/Title	Signature	Date

Date of next due diligence review: _____

The following pages contain items that are required to be verified for compliance. For all “no” responses, provide an explanation in Schedule A.

A. GENERAL OVERVIEW OF ARBITRAGE, YIELD RESTRICTION AND REBATE REQUIREMENTS	Yes/No	Responsibility
1. Debt Facts		
a. Has a debt listing been prepared identifying all debt issuances issued on and after August 31, 1986? Include the following facts: i. Debt issuance description ii. Date of issuance iii. Maturity date iv. Subjectivity to arbitrage rebate v. Subjectivity to project fund yield restriction		
2. Debt Issuances that are Subject to Arbitrage Rebate		
a. Have arbitrage reports been completed for each filing date?		
3. Debt Issuances Subject to Project Fund Yield Restriction		
a. Have project proceeds been spent before the end of the temporary period for each debt issuance? If no, proceed with question 3.b. below.		
b. Have yield restriction calculations been completed for all filing dates until the project monies were spent below the minor portion? If no, provide the following information on Schedule A: i. End date of temporary period ii. Balance remaining on temporary period end date iii. Balance remaining as date of the review (if known) iv. Explanation of compliance measures taken		

B. TRAINING OF COMPLIANCE OFFICER AND OTHER RESPONSIBLE PARTIES	
Provide the following information for training sessions attended since the last due diligence review.	
Name(s) of Attendees:	_____
Name of Program:	_____
Program Provider's Organization:	_____
Date of Training:	_____
Hours of Training:	_____

C. RETENTION OF ADEQUATE RECORDS	Yes/No	Responsibility
1. Retention of Adequate Records in Adherence to Policy Manual Guidelines		
a. Electronic data storage requirements met?		
b. Electronic file storage and backup requirements met?		
c. Storage of hard copy requirements met?		
d. Destruction of records requirements met?		
e. Document data storage requirements met?		
f. Report storage requirements met?		
g. Correspondence storage requirements met?		
2. Recording of Financial Transactions in Adherence to Policy Manual Guidelines		
a. Investment activity recording requirements met?		
b. Expenditure activity recording requirements met?		
c. Allocation of gross proceeds to expenditure requirements met?		
d. Allocation of investments in commingled fund requirements met?		
3. Qualified Use of Proceeds, Financed Property, Private Business Use		
a. Have proceeds been properly spent on allowable uses?		
b. Has the financed property been used in accordance with the allowable uses including Private Business Use limitations?		
4. Issuance Price, Volume Cap Allocation and Private Activity		
a. Has the issuance price been identified appropriately according to the requirements of the Tax Code and guidelines stated within the debt issuance documents?		
b. Have the volume cap allocation requirements been satisfied for applicable debt issuances as identified in the Tax Code and guidelines stated within the debt issuance documents?		
c. Have all qualified private activity debt issuances been identified appropriately according to the requirements of the Tax Code and guidelines stated within the debt issuance documents?		
5. Fair Market Value of Investments		
a. Have all investments purchased since the last due diligence review qualified under the safe harbor rules for purchasing investments at fair market value?		
6. Continuing Disclosure		
a. Have continuing disclosure requirements been met for each debt issuance?		

Schedule A (Exceptions and Explanations)

VII. PROCEDURES TO CORRECT NON-COMPLIANCE

If it is determined that the requirements of the policies and procedures set forth herein have been violated or if it is determined that the Tax Code related to each debt issuance has been violated, the [ENTITY] will take the appropriate action described under the applicable Tax Code to remediate such non-compliance.

Such action may include, but is not limited to the following steps:

- A. Notify Compliance Officer.
- B. Notify Bond Counsel, Arbitrage Consultant, and/or Financial Advisors.
- C. Resolve non-compliance in a timely manner in order to reduce penalties and late interest. A 60 day resolution period is recommended.
- D. Take the appropriate remedial action as advised by Bond Counsel. Remedies may include, but are not limited to:
 1. Enter the Voluntary Closing Agreement Program (VCAP).
 2. Pay all past due arbitrage rebate or yield restriction liabilities to the IRS to include a letter of explanation for late payment, late interest and/or penalties.
 3. Correct non-compliance matter to ensure future compliance.

ARBITRAGE COMPLIANCE SPECIALISTS, INC. LEGAL DISCLAIMER

The materials contained herein have been prepared and provided for educational and informational purposes only. The materials contained herein are not intended to provide any type of legal, tax or accounting opinions or advice on any specific matter. This manual is owned by Arbitrage Compliance Specialists, Inc. Copyright © 2011 Arbitrage Compliance Specialists, Inc. All rights reserved. You may not copy, distribute, share or deliver this document to anyone outside of your entity.



ORDINANCE NO. 14-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING A CHANGE IN THE DATE OF THE SECOND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, IN MARCH OF 2014 FROM MONDAY, MARCH 17, 2014, TO MONDAY, MARCH 24, 2014, DUE TO THE SPRING BREAK HOLIDAY.

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

1. THAT the second Regular Session of the City Council of the City of Bellaire, Texas, in March 2014 shall be changed from Monday, March 17, 2014, to Monday, March 24, 2014, due to the Spring Break holiday.

2. THAT this Ordinance shall be effective immediately upon its passage and adoption.

PASSED and **APPROVED** this 3rd day of March, 2014.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Dr. Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Attachment: Change in Meeting Date due to Spring Break Holiday (1127 : Change in March Regular Session Date)