

# City of Bellaire

## PLANNING & ZONING COMMISSION

Thursday, August 8, 2019

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**Council Chamber**

**Regular Session**

**6:00 PM**

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**FIRST FLOOR OF CITY HALL  
7008 S. RICE AVENUE  
BELLAIRE, TX 77401**

### Agenda

#### Chair

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Ross Gordon

#### Vice Chair

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Mike Axelrad

#### Commissioner

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Mike Baker

#### Commissioner

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John T. Klug

#### Commissioner

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Marc Steinberg

#### Commissioner

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Weldon Taylor

#### Commissioner

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Pamela Nelson

**REGULAR SESSION - 6:00 P.M.**

- I. Call to Order and Announcement of a Quorum**
- II. Approval of Minutes From Past Meeting(s)**
- III. Reminder to Persons Desiring to Address the Commission**
- IV. General Public Comments**

Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission, by submitting the form provided shall have (3) three minutes each to present their comments. The Commission is not permitted to fully discuss, debate, or consider items that are not on the agenda. Questions presented to the Commission may be referred to staff.

- V. Current Business (Items for Discussion, Consideration, and/or Possible Action)**

- A. Public Hearing**

**Docket # SU-2019-06**-Public Hearing on an application filed by SLS West Loop, LP regarding approximately 9.6 acres on 5901 S. Rice Avenue, Bellaire, TX 77401 ("the Property"), a portion of the tracts commonly referred to as the Chevron property, on a request for a specific use permit pursuant to Chapter 24, Section 24-536 C. (2) d) 4) (c) of the Code of Ordinances of the City of Bellaire, Texas, to allow for an increase in the maximum building height from fifty-three feet (53 ft.) to eighty-five feet (85 ft.) for a building to be used for an indoor movie theater and an athletic club and/or facilities.

[Agenda Statement-Bellaire Place - Pdf](#)

- 1. Presentation of the Public Hearing Process**
    - 2. Presentation by the Applicant**
    - 3. Staff Findings**
    - 4. Public Comments**

Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. This time limit may be extended to five (5) minutes at the discretion of the Chair with the consent of the Commission.
    - 5. Response by Applicant**
    - 6. Questions from the Commission**
    - 7. Invitation for Written Comments, if applicable**
    - 8. Closure of the Public Hearing**

- B. Discussion, consideration, and possible action on the adoption of the proposed revisions to the Commission's 2019-2020 Rules of Procedure

[P&Z Rules of Procedure Redline](#)

- C. Discussion, consideration, and possible action on calling a public hearing regarding the proposed revisions to Chapter 24 of the City of Bellaire Code of Ordinances

[Suggested Changes to Section 24-202, Definitions](#)

[Suggested Changes to Section 24-512, Fence Regulations](#)

[Suggested Changes to Sec. 24-513a, Design Standards](#)

[Suggested Changes to Sec 24-604, Application for PD](#)

[Suggested Changes to Section 24-605, Application for Specific Use Permit](#)

- D. Discussion, consideration, and possible action on forming a subcommittee to review potential amendments to the City of Bellaire's Comprehensive Plan
- E. Approval of the Planning and Zoning Commission's letter to the Building and Standards Commission regarding review of permitted building materials for driveways/walkways on private property

[Letter to BSC Re Driveway Materials](#)

**VI. Committee Reports**

**VII. Correspondence**

**VIII. 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.
- B. The Chair 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 referral to Staff for investigation.

**IX. Adjournment**

## AGENDA STATEMENT

## City of Bellaire

**MEETING:** Planning & Zoning Commission - Aug 08 2019

**PREPARED BY:** Ashley Parcus

**DEPARTMENT:** Development Services

### ITEM TITLE:

**Docket # SU-2019-06**-Public Hearing on an application filed by SLS West Loop, LP regarding approximately 9.6 acres on 5901 S. Rice Avenue, Bellaire, TX 77401 ("the Property"), a portion of the tracts commonly referred to as the Chevron property, on a request for a specific use permit pursuant to Chapter 24, Section 24-536 C. (2) d) 4) (c) of the Code of Ordinances of the City of Bellaire, Texas, to allow for an increase in the maximum building height from fifty-three feet (53 ft.) to eighty-five feet (85 ft.) for a building to be used for an indoor movie theater and an athletic club and/or facilities.

### RECOMMENDATION:

The item is only for the public hearing, no action is required at this time.

### BACKGROUND/SUMMARY:

One public hearing will be held on a request filed by SLS West Loop, LP for the property located at 5901 S. Rice Avenue to allow for a increase in height from fifty-three (53) feet to eighty-five (85) feet within the proposed 145,000 square foot mixed-use building containing the movie theater and athletic club.

On July 11, 2019, a public hearing was held by the Commission on requests to re-zone the property to the Corridor Mixed-Use District (CMU), as well as for two specific use permits to allow for a movie theater and athletic club. If the request to re-zone the property and the specific use permits for the uses are approved, an increase in building height is allowed for, but only through the approval of an additional specific use permit.

### Site Details:

Property Owner: SLS West Loop LP

Applicant: Danny Sheena, SLS West Loop LP

Location: 5901 S Rice Avenue

Legal Description: Lot 5 & Tract 6, Block 12 of Westmoreland Farms

Current Zoning: Technical Research Park (TRP)

Requested Zoning: Corridor Mixed-Use (CMU)

Future Land Use Map: North Bellaire Special Development Area

### Notice Information:

Owners of property and tenants within 500 feet: 143



Notification Letters Mailed: July 26, 2019

Legal Notice Published: July 23, 2019

Notification Signs Posted: July 24, 2019

**Adjacent Base Zoning & Land Uses:**

Direction: North

Current Base Zoning: R-3

Current Land Use: Single-Family Residential

Direction: East

Current Base Zoning: PD-2

Current Land Use: Commercial

Direction: South

Current Base Zoning: R-3

Current Land Use: Single-Family Residential

Direction: West

Current Base Zoning: City of Houston

Current Land Use: City of Houston

**Development Review Committee:**

The Development Review Committee has previously reviewed the entire proposal for "Bellaire Place Phase II," which includes the properties located at 4800 Fournace Place and 5901 S Rice Avenue, and did not provide any specific comments/concerns about the increase in allowable height for the building containing the movie theater and athletic club. The building must still meet all fire code requirements, and if approved, this will be addressed during the permitting process.

The Committee will meet again prior to consideration of the applications for this property, and their final comments will be included in the Commission's packet for consideration of those items.

**CITY ATTORNEY REVIEW:**

☐ Yes ☒ No

## APPLICATION FOR SPECIFIC USE PERMIT

(Height - Retail)

July 24, 2019

Ms. ChaVonne Sampson  
Director of Development Services  
City of Bellaire  
7008 South Rice Avenue  
Bellaire, TX 77401

Re: 5901 S. Rice Ave, Bellaire TX 77401 ("Retail Property Portion")  
(Part of 4800 Fournace Place complex)

Dear Ms. Sampson:

SLS West Loop, LP ("SLS") provides this Application for Specific Use Permit to specifically authorize a height of 85 ft as part of the proposed development of the property located at 5901 S. Rice Ave, Bellaire TX 77401 ("Retail Property Portion") that is part of the 4800 Fournace Place complex. SLS has also made an Application to Amend Zoning District to Corridor Mixed Use District ("CMU") and to a Planned Development ("PD") relating to the same development. **The current zoning of the Retail Property Portion is TRPD with a building maximum height of 84'.**

The Retail Property Portion is approximately 9.6 acre site and is located on the Northern edge of the Bellaire's City Limits at approximately the corner of S. Rice Ave and Fournace Place. Both S. Rice Ave and Fournace Place are main traffic thoroughfares and "high profile roadway corridors" used by residents and visitors traveling through the City of Bellaire and "high profile roadway gateways" into the City. The Rice Property Portion is currently vacant.

The following is the relevant section of the City Ordinance dealing with Special Use Permits.

### **Section 24-605. – Application for Specific Use Permit.**

*Any person desiring to petition for a specific use permit to this chapter shall be required to file an application in writing with the Planning and Zoning Official, accompanied by a nonrefundable application fee, in an amount established by the City Council or by City Manager, to defray the actual cost of processing the application. The application shall include the following information:*

- (1) The name and address of the applicant; and in the event that the applicant is a partnership, the full name and address of the general partner, and in the vent that the applicant is a corporation, the full names and addresses of all officers, a statement as to the state of incorporation, the name and address of the registered agent and the address of the registered office of the corporation;*

Applicant Name: SLS West Loop, LP  
Address: 2500 West Loop South, Suite 518, Houston TX 77027  
General Partner: SLS West Loop General, LLC  
2500 West Loop South, Suite 518, Houston TX 77027

- (4) *A statement of ownership accompanied by a certificate from a title insurance company certifying ownership;*

Ownership of the Property is vested with SLS West Loop, LP  
See Exhibit B for Title Policy.

- (5) *A written description of the proposed specific use as provided for in this Code;*

The proposed specific use is for height of 85' and above 53' on the Retail Property Portion.

**Section 24-544 – Technical Research Park District (TRPD)**

D. *Standard regulations.*

- 1) *Size and area.*  
b) Maximum building height: No building . . . shall have a height in excess of . . . eighty-four (84) feet.

**The current zoning of the Retail Property Portion is TRPD with a building maximum height of 84'.**

SLS intends to construct a 3-story interior building on the Rice Property Portion that will have retail/athletic club/movie theater/office as part of a multi-level structure ("Interior Building"). The Interior Building will contain approximately 145,000 sq. ft. of space. The height of the interior building will not be higher than 85 feet. It is generally expected that the first and second floors of the Interior Building will be occupied by large tenants with the 3<sup>rd</sup> floor being occupied by business and professional offices and services tenants. The Interior Building is expected to be constructed South of the expected multi-story parking garage.

- (6) *A written environmental assessment statement describing in general terms the impact of the development for which approval is sought and providing any specific information that the Planning and Zoning Official shall deem necessary; and*

There will be no environmental impact to the Retail Property Portion as a result of the requested height.

SUP – Height Retail  
July 24, 2019  
Page 4 of 4

- (7) *Such other information or documentation as the Planning and Zoning Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.*

See Site Plan.

See Applications to Amend Zoning District to Corridor Mixed Use District and PD.

The Application fee is being tendered as required. Thank you in advance for your assistance in this application. Please do not hesitate to contact me if you have any questions or if you need additional information.

Very truly yours,

*Danny M. Sheena*

Danny M. Sheena  
[Danny@SLSProperties.net](mailto:Danny@SLSProperties.net)  
(281) 352-7498 Cell

DMS/4800 Fournace/SUP Height Retail/me  
Attachments

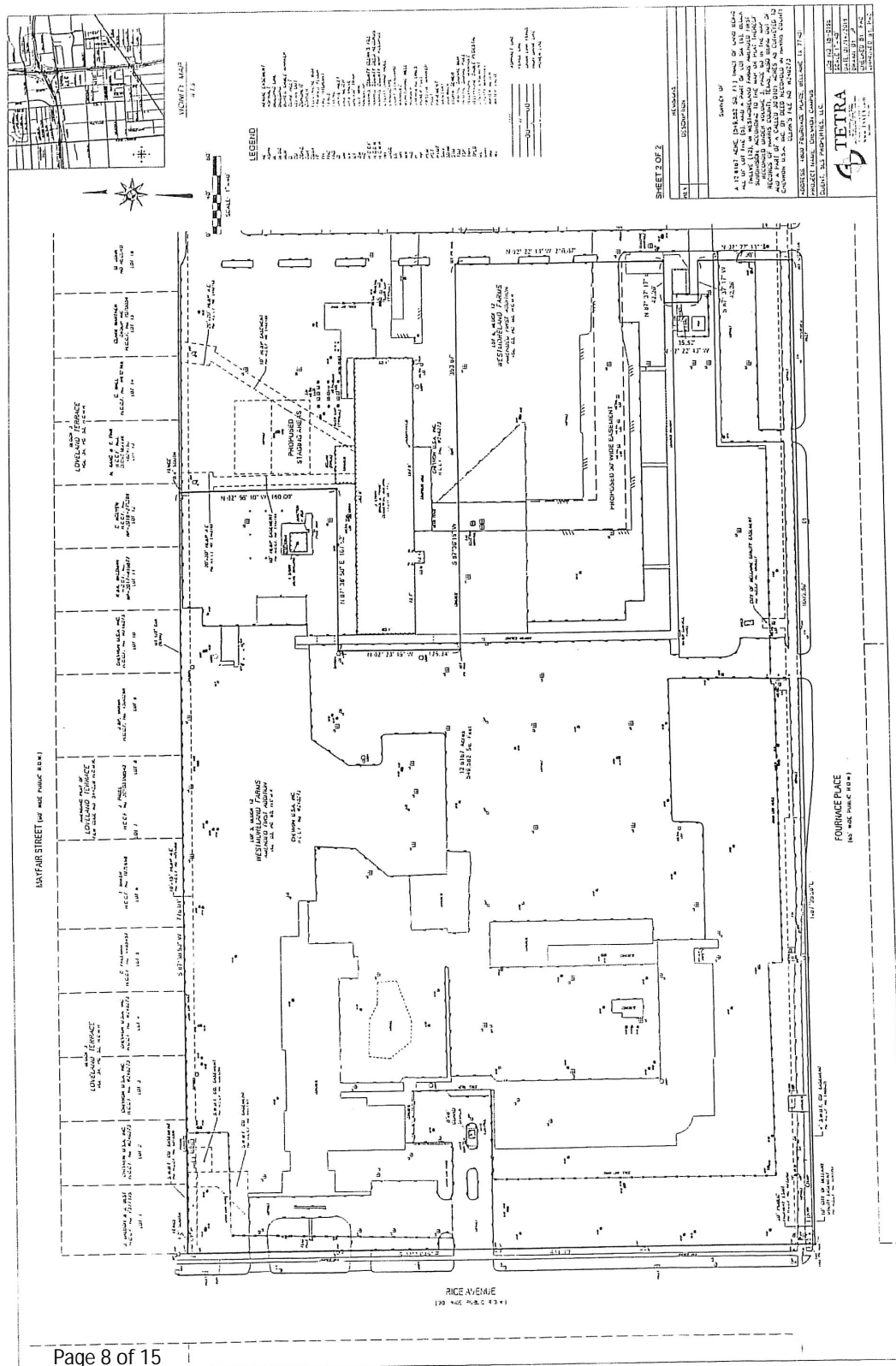




4800 Fournace Mixed Use Concept Site Plan











STATE OF TEXAS  
COUNTY OF HARRIS  
J. BESSING SURVEY, ABSTRACT No. 162

A 12.6167 ACRE TRACT OF LAND LOCATED IN THE J. BLESSING SURVEY, ABSTRACT NO. 162, BEING ALL OF LOT 5, BLOCK 12 AND A PART OF LOT 6, BLOCK 12, OF WESTMORELAND FARMS AMENDED FIRST ADDITION, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 03, PAGE 60 OF THE HARRIS COUNTY MAP RECORDS, AND BEING PART OF THE SAME LANDS CONVEYED TO CHEVRON U.S.A. INC. BY DEED RECORDED IN HARRIS COUNTY CLERK'S FILE NO. W246273, SAID 12.0386 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A P.K. NAIL FOUND IN THE NORTH RIGHT-OF-WAY LINE OF FOURNACE PLACE (55 FOOT WIDE PUBLIC RIGHT-OF-WAY), AND THE EAST LINE OF RICE AVENUE (90 FOOT WIDE PUBLIC RIGHT-OF-WAY), POINT BEING THE SOUTHWEST CORNER OF LOT 5, BLOCK 12 OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION;

THENCE NORTH 87°39'58" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF FOURNACE PLACE AND SOUTH LINE OF LOT 5 AND 6, BLOCK 12 OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 1003.56 FEET TO A SET 1/2" CAPPED IRON ROD (TETRA) FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 02°22'43" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 97.00 FEET, TO A CORNER;

THENCE SOUTH 87°37'17" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 42.26 FEET, TO A CORNER;

THENCE NORTH 02°22'43" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 35.52 FEET, TO A CORNER;

THENCE NORTH 87°37'17" EAST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 42.26 FEET, TO A CORNER;

THENCE NORTH 02°22'43" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 216.67 FEET, TO A P.K. NAIL SET IN CONCRETE;

THENCE SOUTH 87°36'15" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 393.67 FEET, TO A P.K. NAIL SET IN CONCRETE IN THE COMMON LINE BETWEEN LOTS 5 AND 6, BLOCK 12, SAID WESTMORELAND FARMS AMENDED FIRST ADDITION;

THENCE NORTH 02°23'45" WEST, ALONG THE COMMON LINE BETWEEN LOTS 5 AND 6, BLOCK 12, SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 125.84 FEET, TO A CORNER;

THENCE NORTH 87°38'50" EAST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 167.52 FEET, TO A CORNER;

THENCE NORTH 02°56'10" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 160.00 FEET, TO A CORNER FOR THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 87°38'50" WEST, ALONG THE COMMON LINE BETWEEN BLOCK 12, OF SAID WESTMORELAND BLOCK 3, OF LOVELAND TERRACE, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 34, PAGE 52 OF THE HARRIS COUNTY MAP RECORDS, A DISTANCE OF 776.01 FEET, TO A FOUND 1/2-INCH IRON PIPE IN THE EAST RIGHT-OF-WAY LINE OF RICE AVENUE FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02°23'45" EAST, A DISTANCE OF 634.39 FEET , TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT AND CONTAINING WITHIN THESE CALLS 12.6167 ACRES, OR 549,582 SQUARE FEET OF LAND.



**PROPERTY ADDRESS AND PROPERTY LEGAL DESCRIPTION**

**Property address of land:**

5901 S. Rice Ave, Bellaire TX 77401

**Total area of the property proposed to be reclassified:**

Approximately 418,578 (9.60 acres) of land

Approximately 635' along S. Rice Blvd

Approximately 609' along Fournace Place

Approximately 776' along the Northern edge

**Legal Description of the Land**

9.60 ACRES OF LAND OUT OF A 12.63 ACRE TRACT OF LAND LOCATED IN THE J. BLESSING SURVEY, ABSTRACT NO. 162, BEING ALL OF LOT 5, BLOCK 12 AND A PART OF LOT 6, BLOCK 12, OF WESTMORELAND FARMS AMENDED FIRST ADDITION, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 03, PAGE 60 OF THE HARRIS COUNTY MAP RECORDS, AND BEING PART OF THE SAME LANDS CONVEYED TO CHEVRON U.S.A. INC. BY DEED RECORDED IN HARRIS COUNTY CLERK'S FILE NO. W246273, SAID 12.0386 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A P.K. NAIL FOUND IN THE NORTH RIGHT-OF-WAY LINE OF FOURNACE PLACE (55 FOOT WIDE PUBLIC RIGHT-OF-WAY), AND THE EAST LINE OF RICE AVENUE (90 FOOT WIDE PUBLIC RIGHT-OF-WAY), POINT BEING THE SOUTHWEST CORNER OF LOT 5, BLOCK 12 OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION;

THENCE NORTH 87°39'58" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF FOURNACE PLACE AND SOUTH LINE OF LOT 5 AND 6, BLOCK 12 OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 1003.56 FEET TO A SET 1/2" CAPPED IRON ROD (TETRA) FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 02°22'43" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 97.00 FEET, TO A CORNER;

THENCE SOUTH 87°37'17" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 42.26 FEET, TO A CORNER;

THENCE NORTH 02°22'43" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 35.52 FEET, TO A CORNER;

THENCE NORTH 87°37'17" EAST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 42.26 FEET, TO A CORNER;

THENCE NORTH 02°22'43" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 216.67 FEET, TO A P.K. NAIL SET IN CONCRETE;

THENCE SOUTH 87°36'15" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 393.67 FEET, TO A P.K. NAIL SET IN CONCRETE IN THE COMMON LINE BETWEEN LOTS 5 AND 6, BLOCK 12, SAID WESTMORELAND FARMS AMENDED FIRST ADDITION;

THENCE NORTH 02°23'45" WEST, ALONG THE COMMON LINE BETWEEN LOTS 5 AND 6, BLOCK 12, SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 125.84 FEET, TO A CORNER;

THENCE NORTH 87°38'50" EAST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 167.52 FEET, TO A CORNER;

THENCE NORTH 02°56'10" WEST, ACROSS LOT 6, BLOCK 12, OF SAID WESTMORELAND FARMS AMENDED FIRST ADDITION, A DISTANCE OF 160.00 FEET, TO A CORNER FOR THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 87°38'50" WEST, ALONG THE COMMON LINE BETWEEN BLOCK 12, OF SAID WESTMORELAND BLOCK 3, OF LOVELAND TERRACE, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 34, PAGE 52 OF THE HARRIS COUNTY MAP RECORDS, A DISTANCE OF 776.01 FEET, TO A FOUND 1/2-INCH IRON PIPE IN THE EAST RIGHT-OF-WAY LINE OF RICE AVENUE FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02°23'45" EAST, A DISTANCE OF 634.39 FEET , TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT AND CONTAINING WITHIN THESE CALLS 12.6167 ACRES, OR 549,582 SQUARE FEET OF LAND.

PLUS AN ADDITIONAL AREA OF 5' BY 167.52' FROM THE NORTH OF THE CENTRAL PLANT ALONG N 87° 38" 50" E.

FOR A TOTAL OF 550,419 SQUARE FEET OF LAND OR 12.6359 ACRES OF LAND.



*First American*

## Schedule A

Owner Policy of Title Insurance (T-1)

ISSUED BY

**First American Title Insurance Company**

POLICY NUMBER

**NCS-816950 O**

Name and Address of Title Insurance Company:

**First American Title Insurance Company, 1 First American Way, Santa Ana, CA 92707.**

File No.: NCS-816950-SA1

Date of Policy: September 27, 2018 at 9:08 A.M.

Address for Reference only: APN TX-037-053-012-0007, TX-037-053-012-0005, TX-077-183-001-0005, and TX-077-183-002-0005

Amount of Insurance:

1. Name of Insured:

SLS West Loop, LP, a Texas limited partnership

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is Insured as vested in:

SLS West Loop, LP, a Texas limited partnership

4. The land referred to in this policy is described as follows:

TRACT I:

ALL OF LOT FIVE (5), SIX (6) AND SEVEN (7), BLOCK TWELVE (12), IN WESTMORELAND FARMS AMENDED FIRST SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER VOLUME 3, PAGE 60 IN THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

TRACT II:

LOT FIVE (5), SIX (6), SEVEN (7), EIGHT (8) AND NINE (9), BLOCK ONE (1) AND LOT FIVE (5), SIX (6), SEVEN (7), EIGHT (8) AND NINE (9), BLOCK TWO (2) OF TWIN OAKS, SECTION ONE (1), A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 34, PAGE 51 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

TRACT III:

A 0.4477 ACRE TRACT OF LAND LOCATED IN THE J. BLESSING SURVEY, ABSTRACT NO. 162, BEING A PORTION OF FLEETWOOD STREET AS SHOWN ON TWIN OAKS, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 34, PAGE 51 OF THE HARRIS COUNTY MAP RECORDS, AND BEING ALL OF THAT CERTAIN CALLED "TRACT A" CONVEYED TO CHEVRON U.S.A. INC. BY DEED RECORDED IN CLERK'S FILE NO. W246273, SAID 0.4477 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT FOUND IN THE WEST

RIGHT-OF-WAY LINE OF HIGHWAY 610 (BASED ON A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), SAID POINT BEING THE SOUTHEAST CORNER OF LOT 5, BLOCK 1 OF SAID TWIN OAKS SUBDIVISION;

THENCE NORTH 02°23'37" WEST, ALONG THE EAST LINE OF SAID LOT 5, BLOCK 1, A DISTANCE OF 126.25 FEET TO A TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT FOUND IN SAID WEST RIGHT-OF-WAY LINE OF HIGHWAY 610 FOR THE NORTHEAST CORNER OF SAID LOT 5, SAID POINT BEING THE SOUTHEAST CORNER OF SAID "TRACT A" AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 87°38'50" WEST, ALONG THE SOUTH LINE OF SAID "TRACT A", A DISTANCE OF 325.00 FEET TO A POINT LOCATED IN THE WEST LIMIT OF SAID TWIN OAKS SUBDIVISION, SAID POINT BEING THE NORTHWEST CORNER OF LOT 9, BLOCK 1 OF TWIN OAKS, AND THE SOUTHWEST CORNER OF SAID "TRACT A" AND THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 02°23'37" WEST, ALONG THE WEST LIMIT OF SAID TWIN OAKS SUBDIVISION AND SAID "TRACT A", A DISTANCE OF 60.00 FEET TO A POINT LOCATED IN THE WEST LIMIT OF TWIN OAKS SUBDIVISION, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 9, BLOCK 2 OF TWIN OAKS, AND THE NORTHWEST CORNER OF "TRACT A" AND THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 87°38'50" EAST, ALONG THE NORTH LINE OF SAID "TRACT A", A DISTANCE OF 325.00 FEET TO A TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT FOUND IN SAID WEST RIGHT-OF-WAY LINE OF HIGHWAY 610 FOR THE SOUTHEAST CORNER OF LOT 5, BLOCK 2 OF TWIN OAKS, SAID POINT BEING THE NORTHEAST CORNER OF SAID "TRACT A" AND THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 02°23'37" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE OF HIGHWAY 610, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT AND CONTAINING WITHIN THESE CALLS 0.4477 ACRES, OR 19,500 SQUARE FEET OF LAND.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof

# City of Bellaire

## Rules of Procedure

### Planning and Zoning Commission

#### City of Bellaire, Texas

**~~2018~~-2019-2020 Term**

Adopted: ~~July 2018~~August 2019

Last Amended: August ~~2017~~2019

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## **Article I                    Purpose and Enabling Authority**

### **Section A        General**

The Planning and Zoning Commission of the City of Bellaire, Texas (~~the Commission~~  
"Commission") is an advisory body to the City Council regarding Zoning and subdivision regulations. The Commission is also responsible for the review and approval/rejection of Plats and for making recommendations to the City Council regarding plans for the physical development of the City.

The existence of the Commission is governed by state and local laws. These include, but are not limited to:

- Texas Local Government Code, Chapter 171, *Regulation of Conflicts of Interest of Officers of Municipalities, Counties and Certain Other Governments*
- Texas- Local- Government- Code, -Chapter- 211,- *Municipal -Zoning Authority*
- Texas Local Government Code, Chapter 212, *Municipal Regulation of Subdivisions and Property Development*
- Texas Government Code, Chapter 551, *Open Meetings Law*
- Texas Government Code, Chapter 552, *Public Information*
- Bellaire Code of Ordinances, Chapter 2, Article VI, *Code of Ethics*
- Bellaire Code- of -Ordinances, -Chapter -2, -Article -VII, -*Boards, Commissions and Committees*
- Bellaire Code of Ordinances, Chapter 23.5, *Land Subdivision Regulations*
- Bellaire Code of Ordinances, Chapter 24, *Planning and Zoning*

### **Section B        Advisory Role**

Actions taken by the Commission in its advisory role are in the form of recommendations to the City Council. Such actions include, but are not limited to:

- Responding to requests from the City Council, the Staff Liaison, or City Manager.
- Reviewing the Comprehensive Plan and reporting on such review to the City Council.
- Recommending amendments to the Code of Ordinances concerning matters involving land use regulations and the future growth and regulation of the City.
- Considering Applications brought before the Commission for planned developments, Specific Uses, permitted uses, or other

amendments to Zoning regulations or the official Zoning District ~~Map-map~~ as provided by the Code of Ordinances.

- To identify and explore community needs for such things as, commercial re-development, ~~—city—~~ beautificationcity projects ~~beautification projects, and, -otherand other~~ planning and development ideas that build on the goals of the Comprehensive Plan, and bring such ideas to the attention of City Council.
- Annually reporting to the City Council the Commission's needs, accomplishments, and recommendations.

In its advisory role, the Commission communicates with the City Council by requesting that the City Manager, Mayor, or any Council Member place an appropriate item on a City Council meeting Agenda and, if warranted, in writing. When appropriate, the Commission should request an opportunity to present information at a ~~regular~~ meeting of the City Council ~~or other appropriate venue. Successive applications by the same party on the same subject matter shall be governed by the Code of Ordinances.~~

Any advice, opinion or information given by any Commissioner or by the secretary of the Commission or any other official or employee of the City shall not be binding on the Commission.

### **Section C Administrative Role**

The City Council has specifically delegated exclusive authority to the Commission for the review and approval/rejection of certain Plats, Replats, and Amending Plats. Actions by the Commission regarding Plats, Replats and, Amending Plats are final and cannot be appealed to the City Council, but may be appealed to other judicial authorities. The authority delegated to the Commission includes, but is not limited to, certain:

- Applications for a preliminary Plat
- Applications for a final Plat
- Applications for a preliminary Replat
- Applications for a final Replat
- Applications for an Amending Plat

The City Council has specifically delegated review and advisory authority to the Commission for Specific Use Permits ("SUPs"), Planned Developments ("PDs") zoning code amendments, and zoning map amendments; however, final approval of ~~the~~ SUPs, PDs, zoning code amendments, and zoning map amendments lies with City Council.

~~No formal requests for advice or moot questions will be considered by the Commission.~~ Any

advice, opinion or information given by any Commissioner or by the ~~S~~ecretary of the Commission or any other official or employee of the City ~~of Bellaire~~ shall not be binding on the Commission.

## **Article II            Definitions**

### **Agenda**

A document listing and describing items of business and other matters to be addressed at a meeting of the Commission, duly established and published in accordance with the Open Meetings Act, Chapter 551 of the Texas Government Code.

### **Amending Plat**

A modification of an existing Plat that is controlling over the preceding plat without vacating that plat, pursuant to Texas Local Government Code, Chapter 212. In the case of a n Amending Plat governed by Texas Local Government Code, subsections 212.016(a)(7, 9, 10 or 11), such Amending Plat may not amend or remove existing covenants or Deed Restrictions. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an Amending Plat. See also Replat and Plat.

### **Applicant**

A person or entity (or the duly appointed agent or representative of a person or entity), that presents to the Commission an Application for action or decision within the authority of the Commission.

### **Application**

A request made to the Commission for action or decision within the authority of the Commission that is presented in compliance with the Code of Ordinances and the requirements of the Development Services Department of the City.

### **Chair**

The Commissioner elected by the Commission pursuant to these Rules to preside over the meetings of the Commission and perform other duties of the Chair pursuant these Rules or the Code of Ordinances.

### **City**

The City of Bellaire, Texas.

### **City Council**

The governing body of the City.

### **Code of Ordinances**

The Code of Ordinances of the City of Bellaire, Texas adopted by the City Council.

**Commissioner**

A person duly appointed by the City Council to serve on the Commission in accordance with Section 24-302 of the Code of Ordinances.

**Committee**

A group appointed by the Chair to address a specific issue of interest to the Commission. Committees may be composed of Commissioners and/or other persons with helpful knowledge or expertise. Committees shall not include any number of Commissioners that would constitute a Quorum of the Commission.

**Comprehensive Plan**

A present statement of policy and a guide for future land use decisions, adopted as an ordinance by the City. See Section 24-401 of the Code of Ordinances; 24-403 (Official Zoning District Map).

**Council Liaison**

A member of City Council, appointed by City Council, to act as a facilitator between the Commission and City Council.

**Current Business**

Any matter that is on the Agenda to be addressed at a Regular Meeting or Special Meeting of the Commission, for consideration and possible action at such meeting.

**Deed Restrictions**

An existing and valid recorded covenant or restriction affecting the use of a property. The Commission may not approve a Replat, or an Amending Plat governed by Texas §

Local Government Code, Section 212.016(a)(10), if such approval would result in the amendment or removal of a Deed Restriction.

**Easement**

The lawful right that one person or entity has to use the property of another person or entity, for a specific or general purpose, for a definite or indefinite term, as further defined in Chapter 24 of the Code of Ordinances.

**New Business**

Any matter to be considered for inclusion as Current Business on the Agenda of a future Regular Meeting or Special Meeting of the Commission. No action may be taken on New Business, other than to designate it as Current Business on the Agenda

of a future Regular Meeting or Special Meeting of the Commission, to be properly noticed in accordance with the Open Meetings Act, Chapter 551 of the Texas Government Code. New Business may also be designated as the subject of a future Commission Workshop.

#### **Plat**

A document, which may include a graphic description of a tract of land by metes and bounds, giving the dimensions of all Easements, setbacks, subdivision names, streets, alleys, squares, parks and other public areas, and giving the dimensions of all lots or tracts contained therein, pursuant to Texas Local Government Code, Chapter 212 and the Code of Ordinances. The Commission is not permitted to consider existing covenants or Deed Restrictions when considering a request for approval of a Plat. See also Amending Plat and Replat.

#### **Public Hearing**

A meeting or an Agenda item on a meeting of the Commission to receive comments of any interested person or entity concerning the following: (i) any amendment to the Code of Ordinances prior to formal recommendation by the Commission to the City Council in the Commission's advisory role; (ii) certain Replats; (iii) any other item of business requiring the use of a Public Hearing; or (iv) any item of business that the Commission deems in its sole discretion to be conducive to the conduct of a Public Hearing.

#### **Quorum**

A Quorum of the Commission is any four or more Commissioners.

#### **Regular Meeting**

A meeting of the Commission held pursuant to an Agenda. Regular Meetings of the Commission are held on the second Thursday of each month in the Council Chambers of the City, 7008 South Rice Avenue, Bellaire, Texas or at such other location as designated by the Agenda.

If it should be necessary because of the workload that any Regular Meeting be continued to the following day, such a meeting will reconvene on the day following, and this second meeting shall be considered as part of the same session, if a quorum can be assembled. The Planning and Zoning

Commission shall state the time and location of the second meeting prior to the conclusion of the first meeting.

#### **Replat**

A proposed modification of an existing Plat pursuant to Texas Local Government ~~Code—Chapter~~Code Chapter 212 and the Code of Ordinances. A Replat may not

amend or remove existing covenants or Deed Restrictions. See also Amending Plat and Plat.

## **Rules**

These Rules of Procedure of the Commission of the City.

## **Special Meeting**

A meeting of the Commission, other than a Regular Meeting, held pursuant to an Agenda.

## **Specific Use**

A certain use of land that, because of its nature and existing location, is not a use permitted by right.

## **Staff Liaison**

A City staff person appointed by the City Manager of the City in accordance with Section 24-304 of the Code of Ordinances. The Staff Liaison provides assistance to the Commission and is also known as the Zoning Official.

## **Vice Chair**

The Commissioner elected by the Commission pursuant to these Rules to perform the duties of the Vice Chair pursuant to these Rules and the Code of Ordinances.

## **Workshop**

A meeting of the Commission called for the purpose of discussing a specific issue of interest to the Commission. No Business may be voted upon at a Workshop.

## **Zoning**

A power over division of land and its use granted to a City pursuant to Chapter 211, Texas Local Government Code, for the purpose of promoting the public health, safety, morals, and/or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

## **Zoning District**

A geographic division of land by means of land use.

## **Zoning Official**

See Staff Liaison.

## **Article III                    Membership / Structure**

### **Section A            Appointment and Removal of Commissioners; Conflicts of Interest**

Membership on the Commission is by appointment made by the City Council of the City, pursuant to the Code of Ordinances.

The Commission consists of seven (7) Commissioners. Each Commissioner shall serve for two (2) years. Three (3) Commissioners are appointed in odd numbered years and four (4) in even numbered years. No Commissioner shall be appointed to serve more than three (3) consecutive full terms; any part of a term shall not constitute a full term.

Commissioners may be removed by City Council for cause after being provided with written charges and the opportunity to provide a defense at a City Council meeting in a closed session or, at the option of the Commissioner in question, at a Public Hearing. Vacancies shall be filled by a vote of the City Council, as necessary.

No Commissioner shall vote or participate as a Commissioner in any proceeding before the Commission that involves any matter regarding a business entity or real property in which that Commissioner has a substantial interest. If a substantial interest exists, the affected Commissioner shall disclose the nature and extent to the Commission by affidavit and remove him or herself from any participation in the discussion, deliberations, or action on the matter. The specific rules for determining when a substantial interest exists, and how it must be handled are defined by the following:

- §171.002 and §171.004 of the Texas Local Government Code
- The Code of Ordinances, Chapter 2, Article VI, Code of Ethics, and
- Code of Ordinances, Chapter 2, Article VII, Division 2, §2-104.

### **Section B            Officers of the Commission**

The officers of the Commission are the Chair and Vice Chair.

At the first or second Regular Meeting of each year following the regular appointment of Commissioners, a Chair and Vice-Chair shall be elected from among the Commissioners pursuant to the Code of Ordinances. The previous year-~~'s~~ Chair shall preside over the election of the Chair, who shall immediately assume his or her duties and preside over the election of the Vice-Chair.~~---~~

In the event that either officer shall fail to complete his or her term of service for any reason, a new officer shall be elected to the vacated position at the next Regular Meeting.

### **Section C            Chair's Duties**

The Chair shall preside over each meeting of the Commission. To this affect the Chair:

- Shall conduct meetings in an orderly, fair, and open manner.
- Shall oversee preparation of the Agenda for each meeting of the Commission as provided in Article IV Section A.

Pursuant to authorizations given by the Commission, the Chair shall:

- Sign Plats, Plats, Replats, and Amending Plats
- Submit findings and recommendations of the Commission to be forwarded to the City Council
- Prepare certifications of reasons for approval or denial of Plats, Replats, and Amending Plats requested by interested person, in accordance with state law
- Correspond with the City Manager, Staff Liaison, Council Liaison, City Council, City ~~Departments~~departments, or other boards or commissions as directed by the Commission
- At his or her discretion, request investigation by City staff regarding comments or questions brought by or to the attention of the Commission

#### **Section D Vice Chair's Duties**

The Vice Chair shall preside in the absence of the Chair. In the event of the absence or disability of the both the Chair and Vice Chair, the Commissioners shall elect an ~~A~~acting Chair to preside during such absence. The Vice Chair or ~~a~~Acting Chair shall perform all of the acts required of the Chair until his or her return or replacement.

### **Article IV Agendas and Meetings**

Meetings of the Commission shall be conducted in such a manner as to allow for a fair and orderly examination of the issues before the Commission.

Successive Applications by the same party on the same subject matter shall be governed by the Code of Ordinances. No formal requests for advice or moot questions will be considered by the Commission.

Meetings shall generally be conducted in accordance with parliamentary procedure as set out in the latest edition of Robert's Rules of Order unless otherwise specified by these Rules. However, breach of Robert's Rules of Order, in and of itself, shall not render any action by the Commission invalid.

The order of business for specific types of meetings is established in this Article. At any meeting, the order in which Agenda items are addressed may be altered by the Chair.



### **Section A     Establishment of the Agenda**

Items for consideration and/or action by the Commission may be placed on a meeting Agenda as follows:

- By the Chair;
- At the direction of the City Council or the request of the City Manager, Council Liaison, or the Staff Liaison;
- By written request from any other board or commission of the City delivered to the Chair or the Staff Liaison; or
- As required by state law or the Code of Ordinances.

No item may be submitted for inclusion on a meeting Agenda after noon of the seventh day preceding the date of such meeting.

### **Section B     Types of Meetings**

The types of meetings addressed by these Rules are as follows:

- Regular Meetings
- Special Meetings
- Public Hearings
- Commission Workshops
- Committee Meetings
- First Meeting of a New Commission

### **Section C     Regular Meetings**

The Agenda and conduct for a Regular Meeting of the Commission shall be as follows:

#### **I.     Call to Order and Announcement of Quorum**

After confirming that everyone necessary to conduct business is ready, the Chair shall call the meeting to order, noting for the record the time and date that the meeting is called to order.

The Chair shall determine and announce the presence of a Quorum. The Chair should announce and the minutes should reflect the names of Commissioners present and absent.

#### **II.     Approval of ~~minutes~~ Minutes from Past Meeting(s)**

Minutes from the previous meeting(s) shall be reviewed and may either be approved (i) as submitted; (ii) approved with corrections; or (iii) deferred to a future meeting to allow time for staff corrections and revisions.

III. Reminder To Persons Desiring To Address Commission

Persons desiring to be heard on a particular Agenda item and/or on any matter of general interest to the Commission shall be afforded the opportunity to speak in accordance with these Rules. The Commission shall make available at the entrance to the meeting place ~~the Personal/Audience Comments Form~~ a designated audience comment form by which persons shall indicate their desire to be heard.

The Chair shall remind persons desiring to address the Commission that each person who wishes to speak, other than in presenting an Application or other matter on the Agenda to the Commission or if invited by the Commission to offer expertise on a particular matter, must submit the ~~Personal/Audience Comments Form~~ designated audience comment form. To accommodate all speakers, citizen comments are limited to three (3) minutes. If another speaker wishes to yield their time to you, a total of six (6) minutes will be allotted for your comments. Please make sure that the speaker's form indicates to whom they are yielding their time. If additional time is not yielded to the speaker, their time limit may be extended to five (5) minutes at the discretion of the Chair. Generally, written requests to speak will be accepted before completion of any docket item under consideration. However, in the event that the Commission is considering an Application, written requests to speak must be submitted before the Chair calls for the response of the Applicant.

IV. General Public Comments

Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission, by submitting the form provided, shall have three (3) minutes each to present their comments in an order determined by the Chair. Speakers requiring a translator are allowed twice the normal amount of time for the non-English speaker to address the Commission. ~~If another speaker wishes to yield their time to you, a total of six (6) minutes will be allotted for your comments. Please make sure that the speaker's form indicates to whom they are yielding their time. If additional time is not yielded to the speaker, their~~ A s p e a k e r ' s time limit may be extended to five (5) minutes ~~at the discretion of the Chair~~ by approval of a majority of the Commissioners present. --Media presentations are subject to the availability of the City's electronic equipment, and must be submitted to the Development Services Director for review in advance of the meeting. Questions presented to the Commission may be referred to City staff.

V. Current Business

The procedure for considering Applications that do not require a Public Hearing is as follows:

- **Presentation of the Application by the Applicant.** The Applicant or agent(s) may make a presentation not to exceed fifteen (15) minutes in length.
- **Presentation of the Application by City Staff.** Staff shall provide a presentation on the Application providing pertinent information and findings.

- **Response or Additional Comments from the Applicant.** The Applicant ~~may~~ respond to the presentation by staff, public comments or make additional comments regarding the Application. Such response or additional comments shall be limited to five (5) minutes.
- **Discussion and Consideration by the Commission.** The Commissioners shall each have an opportunity to question the Applicant at the close of his or her Response or Additional Comments (if any). Then each Commissioner shall have the opportunity for questions ~~to staff, public speakers, and/or general discussion~~ concerning the Application. Following discussion, the Application shall be considered for approval upon motion of any Commissioner, duly seconded.
- **Voting.** Each Commissioner, including the Chair, is entitled to a vote on an Application. A motion ~~to approve an Application~~ passes upon votes in favor of the motion by a ~~minimum of four~~majority of the Commissioners present. In the event of a protest petition pursuant to Section 212.015 (c) of the Texas Local Government Code (regarding a proposed Replat requiring a variance), the vote required for approval shall be not less than 75% of the Commissioners present. Plats, Amending Plats, and Replats are approved unless denied. In general, motions should be made in the affirmative.

Other items of Current Business for consideration and possible action by the Commission, including Applications which have been subject to a Public Hearing, shall proceed ~~similarly~~as follows:-

- Introduction and Review of the Item/Application by City Staff. Staff shall introduce and review the item/Application for the Commission's discussion, consideration, and possible action.
- Discussion and Consideration by the Commission. The Commission shall have a general discussion concerning the item/Application. During this time, each Commissioner may ask questions to the Applicant, if applicable, City staff, and/or members of the public concerning the item/Application the purpose of furthering the Commissions discussion. Following discussion, the item/Application shall be considered for approval upon motion of any Commissioner and duly seconded.
- Voting. Each Commissioner, including the Chair, is entitled to a vote on a Current Business item or Application, A motion passes upon votes in favor of the motion by a majority of Commissioners present unless a greater number is required by state law or the Code of Ordinances. In general, motions for action should be made in the affirmative; however, Plats, Amending Plats, and Replats are approved unless denied.

~~In general, motions for action should be made in the affirmative.~~

#### VI. Committee Reports

A member of a Committee may present a report to the Commission concerning any issue such Committee has been designated to address. All Committee reports shall be in writing and provided to the Commission prior to any oral report.

VII. Correspondence

Staff shall report on correspondence received and/or other City business relevant and of interest to the Commission. Commissioners may also report on correspondence or other communications received concerning matters of interest to the Commission. All written correspondence that is discussed shall be provided for distribution to the Commission.

VIII. Requests for New Business, Announcements and Comments

Staff, the Chair, and/or Commissioners shall announce Committee schedules, the need for Public Hearings, discussions before or by the City Council relative to Commission matters, the need for Commission participation in Council meetings or Public Hearings, or any other matter of interest to the Commission. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission for future Agenda or staff action.

IX. Adjournment

The Chair shall entertain or call for a motion to adjourn. The meeting is adjourned upon motion of any Commissioner, duly seconded, and a majority vote of the Commissioners present.

**Section D Special Meetings**

Special Meetings may be called by the Staff Liaison, the Chair or any two Commissioners, to occur at a time other than a Regular Meeting. Notice of a Special Meeting shall be given in conformity with the Texas Open Meetings Law and with the procedures of the City.

**Section E Public Hearings**

Staff shall promptly bring to the Chair's attention any matters that require a Public Hearing. The Chair shall announce the need for such a hearing to the Commission, which shall set a time and place for such hearing. A Public Hearing may be held during a Regular Meeting or a Special Meeting.

In the event of a joint Public Hearing called by the City Council, the time, venue, Agenda, and procedure for conduct of the meeting is determined by the City Council.

The conduct of a Public Hearing shall be as follows:

I. Presentation of the Public Hearing Process

The City Attorney or the Staff Liaison shall present the Public Hearing process to be followed.

II. Presentation by the Applicant

The Applicant or his or her representative(s) shall have fifteen (15) minutes to present his or her request to the Commission. For zoning map or zoning code amendments initiated and proposed by the Commission, the Chair shall give brief description of the proposed amendments to the public.

III. Staff Findings

City staff shall present findings and conclusions of each City department and/or consultant that reviewed the Application.

IV. Public Comments

Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. Speakers requiring a translator are allowed twice the normal amount of time for the non-English speaker to address the Commission. If another speaker wishes to yield their time to you, a total of six (6) minutes will be allotted for your comments. Please make sure that the speaker's form indicates to whom they are yielding their time. If additional time is not yielded to the speaker, their A speaker's time limit may be extended to five (5) minutes by approval of a majority of the Commissioners present at the discretion of the Chair, with the consent of the Commission. Media Presentations are subject to the availability of the City's electronic equipment and must be submitted to the Development Services Director Staff Liaison for review at least three (3) business days in advance of the meeting.

V. Response of Applicant

The Applicant may respond to staff findings, public comments or make additional comments regarding the request. Such response or comments shall be limited to five (5) minutes.

VI. Questions from the Commission

Each Commissioner shall have the opportunity to make inquiries of the Applicant, speakers or staff.

VII. Invitation for Written Comments, if applicable

The Chair shall announce that further evidence or comments from the public or from the Applicant shall not be received except those submitted to the Commission in writing and delivered to City Hall or the City's designated email address for such comments submitted to the Commission no later than a date certain (to be announced).

VIII. Closure of the Public Hearing

The Chair shall entertain or call for a motion to close the Public Hearing. The Public Hearing is closed upon motion of any Commissioner, duly seconded, and a majority vote of the Commissioners present.

## **Section F      Commission Workshops**

The Agenda and conduct for a Commission Workshop shall be established by the Chair and Staff Liaison. Current Business may not be voted upon at a Workshop.

## **Section G      Committee Meetings**

The order of business at a Committee meeting is wholly at the discretion of the Committee Chair.

## **Section H      First Meeting of a New Commission**

The first meeting of a new Commission shall be a joint meeting of the outgoing Commission and the incoming Commission. The Chair of the outgoing Commission shall call the meeting to order and shall preside until the Chair of the incoming Commission is elected. The meeting will be conducted in two parts according to the Agendas and conduct established by the Chair and Staff Liaison and shall include but not be limited to the following:

### **(1)      Meeting of the Outgoing Commission**

- I.      Unfinished Business, Minutes, Communications and Reports
- II.     Swearing In of New Commissioners (incoming Commission assumes duties and outgoing Commission retires)

### **(2)      Meeting of the Incoming Commission**

The meeting of the incoming Commission shall proceed as a Regular Meeting, with Current Business to include: (1) ~~Introduction of Incoming Commissioners;~~ (2) Election of Chair and Vice Chair; and (3) Adoption of Rules of Procedure.

## **Article V              Docket Items**

### **Section A      Numbering Docket Items**

Docketing procedures may be established by City staff in accordance with its needs and procedures, or as directed by the Commission.

### **Section B      Minutes of Meetings**

The City Manager shall provide staff to serve as Secretary for the Commission. The Secretary shall maintain a record of minutes of each Commission meeting. The Secretary shall indicate in the minutes which Commissioners were present and which were absent during all, or part of, each meeting. The minutes shall include a report of the proceedings and any action taken at each meeting, including the vote of each Commissioner on each motion before the Commission.

## **Article VI Administration of Rules of Procedure**

### **Section A Adoption by Incoming Commission**

The incoming Commission shall by majority vote adopt temporary or permanent Rules, which shall take effect immediately and remain in effect until amended.

### **Section B Amendments by Existing Commission**

These Rules may be amended by a majority vote of the ~~entire Commission~~Commissioners present as an item of Current Business.

### **Section C Review**

These Rules shall be reviewed not less frequently than every two years. The adoption of these Rules by a new Commission shall not constitute such review.

### **Section D Committee on Rules**

The Chair may appoint a Committee on Rules to conduct the required annual review of these Rules and to make recommendations to the Commission concerning the adoption and amendment of these Rules.

## **Article VII Hierarchy of Authority**

If there is a conflict among various legal instruments, referenced documents, and these Rules of Procedure, the following hierarchy shall apply:

1. The Constitution and statutes of the United States of America
2. The Constitution and statutes of the State of Texas
3. The Charter of the City
4. The Code of Ordinances of the City

### **Adoption of Rules of Procedure**

These Rules are adopted by the Planning and Zoning Commission of the City of Bellaire, Texas, on this, the ~~128<sup>th</sup>~~ day of ~~July~~August, 2019~~8~~.

**Attest:**

\_\_\_\_\_  
**Chairman**

**History:**

2017-2018 Term  
Adopted by Commission July 13, 2017  
Amended by Commission August 10, 2017

2016-2017 Term  
Adopted by Commission July 12, 2016

2015-2016 Term  
Adopted by Commission July 14, 2015  
Amended by Commission October 13, 2015

2013-2014 Term  
Adopted by Commission July 8, 2014

2012-2013 Term  
Adopted by Commission July 9, 2013

2011-2012 Term  
Adopted by Commission July 10, 2012

2010-2011 Term  
Amended November 8, 2011

2009-2010 Term  
Adopted by Incoming Commission July 14, 2009

2008-2009 Term  
Adopted by Incoming Commission July 8, 2008

2007-2008 Term  
Adopted January 8, 2008  
Amended March 11, 2008  
Amended July 14, 2009



Sec. 24-202. - Definitions.

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

- (1) *Access*. Any point of ingress or egress between streets, driveways, sidewalks or any combination thereof.
- (2) *Accessory use*. A structure or use which:
  - a) Is subordinate and incidental to and serves a principal building or a principal use;
  - b) Is subordinate in area, extent and purpose to the principal structure or principal use served;
  - c) Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or use;
  - d) Is located on the same lot as the principal structure or its use; and
  - e) Is detached from the principal structure.

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

- (3) *Alley*. A public space or thoroughfare which affords only secondary means of access to property abutting thereon and not over 30 feet in right-of-way width.
- (3.5) *Aluminum composite panel (ACP)*. A smooth material comprised of composite metal for external cladding of buildings on vertical, sloped or horizontal surfaces. ACPs may be applied over masonry, structural steel, stud backup, or within curtain wall designs. ACPs may be produced in numerous colors or in patterns that imitate other materials such as marble or wood. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (4) *Amusement, commercial indoors*. An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.
- (4.5) *Antenna*. Any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic waves except direct satellite T.V., personal T.V., radio towers and antennas for non-commercial service or antennas located on independent support structures which are being used primarily for the transmission of electrical power by a public utility. (Ord. No. 98-016, 7-20-1998)
- (4.75) *Antenna Support Structure*. The term antenna support structure includes any of the following:
  - a) *Monopole Antenna Structure*. A self-supporting pole type structure with no guy support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment.
  - b) *Lattice Antenna Structure*. A steel lattice, self-supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment.
  - c) *Guy Lattice Antenna Structure*. A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more antennas and related equipment.
  - d) *Independent Support Structures*. Buildings, other than residences, or other structures such as water towers, church steeples or utility poles that can support fixtures for one or more antennas. (Ord. No. 98-016, 7-20-1998)

- (5) *Antique shop.* An establishment offering for sale within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design and sentiment.
- (5.25) *Arcade.* An arched or covered passageway attached to a building facade. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (5.5) *Architectural features in side yard.* Projections from a side residential building line that are either roof eaves, and/or chimneys and/or bay windows. No feature which touches or is in any way directly attached to the ground or foundation shall be considered an architectural feature. No other projection from a side residential building line shall be considered an architectural feature. (Ord. No. 91-012, § 16, 3-4-1991)
- (6) *Art gallery or museum.* An institution for the collection, display and distribution of objects of art or science and which is operated by a public or quasi-public agency and which facility is open to the general public.
- (6.25) *Articulation.* Architectural design method in which particular elements and parts of a building are made more distinct through variation in flat surfaces and straight lines (e.g., building facades, rooflines, etc.). (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (6.5) *Assisted living facility.* A multifamily, residential facility, the primary purpose of which is to provide long term housing, together with personal care (collectively, "assisted living services"), to persons who, because of their age or physical condition, desire or require such personal care. An assisted living facility shall also satisfy the requirements of the Texas Department of Health with respect to a Personal Care Home, Type A or B, as defined in the Texas Administrative Code under Title 25, Part 2, chapter 145, Subchapter L.
- An assisted living facility may also provide medical or nursing care services to its residents, in addition to personal care; provided that the primary purpose of the facility shall be to provide assisted living services. Such personal care and other services shall be administered by an employee, staff member, facility representative, or other responsible adult who is under the general supervision of a facility. An assisted living facility may be a part of hospital or nursing home, if such uses are otherwise permitted under this Code. Unless otherwise specifically approved by the City Council and Planning and Zoning Commission, an assisted living facility shall not be used for the primary purpose of housing or treating (a) persons addicted to or dependent on drugs or alcohol; (b) mentally retarded or emotionally disturbed individuals; or (c) persons with long-term, chronic or terminal illnesses, whether or not communicable. Notwithstanding the above, residents of the facility, from time to time may suffer from any one or more of such conditions and may receive treatment at such assisted living facility. (Ord. No. 89-022, § 2, 6-5-1989)
- (7) *Athletic facilities/clubs.* Commercial swimming, tennis, racquetball or other athletic facilities that are privately owned and operated as private clubs or that are open to the public.
- (8) *Auto or motorcycles sales.* A place wherein automobiles or motorcycles are on the premises within a building or within a screened storage area and are available for sale to the ultimate consumer.
- (9) *Auto parts sales.* A place wherein automobile parts, including but not limited to tires and/or mufflers, are on the premises within a building or within a screened storage area and are available for sale to the ultimate consumer.
- (9.5) *Auto sales and auto-related sales and services.* A place or places wherein new automobiles are on the premises within a building or within a paved holding area and are available for sale to the ultimate consumer. Said place or places may engage in used car sales, auto parts sales and services to the extent that such sales and services are subordinate and incidental to the sale of new automobiles on the premises. (Ord. No. 88-008, § 1, 3-7-1988)
- (10) Reserved.

- (11) *Automobile service station.* Any building, structure or land used primarily for supplying automobile fuel and motor oil, at retail direct to the customer, including the supplying of accessories, replacement parts and services essential to the normal operation of automobiles, but not including body or fender work, painting or major motor repairs.
- (12) Reserved.
- (13) *Average equivalent lot size.* The number of square feet within a residential planned development district divided by the number of dwelling units within the district, excluding from the computation all public lands within the district that were in existence prior to the creation of the district.
- (14) *Bakery or confectionery shop (retail).* Any place used for the purpose of mixing, compounding and baking for retail sale, any bread, biscuit, pretzels, crackers, buns, rolls, macaroni, cake, pie or any other food products of which flour or meal is a principal ingredient.
- (15) *Bakery (wholesale).* Any place used for the purpose of mixing, compounding and baking for sale to a retailer or for sale to a restaurant, retail baker or hotel, any bread, biscuit, pretzels, crackers, buns, rolls, macaroni, cake, pie or any other food products of which flour or meal is a principal ingredient.
- (16) *Block.* An area enclosed by streets and occupied by or intended for buildings; or if said work is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersect said street on said side.
- (17) *Board of Adjustment.* (Hereinafter referred to as Board.) A board having powers and duties as provided in other sections of this chapter, without limitation, to hear matters on appeal concerning interpretation of the provisions of this chapter, to grant variances and special exceptions. The Board of Adjustment may, in addition, require the discontinuance of nonconforming uses of lands or structures.
- (18) *Boat.* A vessel of any size designed to transport people or cargo across water.
- (19) *Bottling plant.* A place wherein beverages are bottled under pressure for sale at wholesale or retail.
- (20) *Buffer.* The area, space or physical means which is established to protect or insulate one land use or one building from another.
- (21) *Building.* A structure lawfully erected under the terms and provisions of the Code of Ordinances of the City of Bellaire, having a roof and designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. Said building may have common party walls when erected in accordance with the Code of Ordinances of the City.
- (21.5) *Building integrated photovoltaics (BIPV).* Use of photovoltaic materials to replace conventional building materials in parts of a building envelope such as the facades, roof or skylights. Photovoltaic materials generate electrical power by converting solar radiation into direct current electricity. A BIPV system serves the dual function of building skin and power generator, and is often used to add architectural interest to a building. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (22) *Building line.* A line usually parallel to the property line, which is the outermost line of permissible building construction.
- (23) *Building material storage and wholesaling.* A place in which building materials customarily used in the construction and/or remodeling of dwellings or commercial structures are stored and are sold to contractors, builders or other persons engaged in the construction and/or alteration of structures or improvements.
- (24) *Building Official.* A person duly appointed by the City Manager of the City of Bellaire, as provided in other sections of this chapter, without limitation, charged with the duty and obligation of issuing permits and certificates of occupancy and primarily charged with the responsibility of enforcing the provisions of this chapter.

- (25) *Building permit*. A permit issued by the Building Official under the terms and provisions of chapter 9 of this Code.
- (25.5) *Business and professional offices and services*. Places wherein commercial enterprises or professional fields of endeavor are conducted, such as but not limited to the following: real estate services, management services, veterinary services, physician and dental services, legal services, accounting, auditing and bookkeeping services, and education and scientific research services. (Ord. No. 88-008, § 1, 3-7-1988)
- (26) *Cabinet or upholstery shop*. A place wherein cabinetry is manufactured and/or fabricated or where fabrics are applied to furniture and are finished.
- (27) *Cafeteria*. A place where meals and drinks are served to the public generally or selected portions of the public, in a manner whereby such meals or drinks are served at a counter or in a line.
- (28) *Camping trailer*. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
- (29) *Certificate of Compliance*. A certificate issued by the signature of the Planning and Zoning Official certifying that a proposed development complies with the terms and provisions of this chapter and Code; such certification shall constitute a statement as to compliance of proposed buildings with this chapter and Code.
- (30) *Certificate of Occupancy*. A certificate issued by the Building Official which certifies that a structure has been erected in accordance with this Code and shall have as its effect permitting the occupancy of a building.
- (31) *Church*. A building or buildings where persons regularly assemble for organized religious worship, religious education and activities to promote fellowship among persons who are members or visitors of the organized religious body occupying the building or buildings.
- (32) *City Center*. An area of the city bounded by Chimney Rock Road (west), Bissonnet Street, Linden Street and Bellaire Boulevard (south), South Rice Avenue and Third Street (east), and Locust Street and the northern boundaries of lots facing Spruce Street (north). (Ord. No. 83-095, § 4, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986; [Ord. No. 14-041, § 1, 8-18-2014](#).)
- (33) *City Council*. The body established under and by the authority of the Charter of the City of Bellaire as being the body ultimately responsible for the enactment of ordinances and enforcement thereof and having the ultimate authority for amendment or repeal of any provisions of this chapter. (See Articles I and II of the Charter of the City of Bellaire.)
- (34) *City Manager*. The chief administrative officer of the City of Bellaire.
- (35) *Cleaning and dyeing plant (commercial)*. A place wherein textile fabrics or other materials are dry cleaned, refurbished, washed or treated for cleaning, preservation and renewal and wherein such fabrics may, in addition, be dyed by the application of coloring or bleaching agents in order to change or alter their physical appearance or status.
- (36) *Cleaning or laundry (small shop or pick-up)*. A cleaning or laundry establishment where the work is performed other than on the premises.
- (37) *Clothing store*. A commercial establishment limited to the sale of clothing and clothing accessories to the ultimate consumer.
- (38) *Collector lane*. A driveway within a surface parking area designed to collect and distribute traffic between parking spaces and public streets.
- (39) *Collector street*. A roadway designed to provide direct access to residential, commercial, industrial and other activity areas with a primary function of collecting and distributing traffic

between local access streets and the major thoroughfare system as follows: Glenmont Drive, Newcastle Drive, Evergreen Street, and Avenue B.

- (40) *College or university.* An academic institution of higher learning accredited or recognized by the State and offering a program or series of programs of academic study.
- (41) *Commencement of construction.* Any work on the project site pertaining to the work of the project itself that is in addition to the preliminary work of locating signs and temporary construction buildings and facilities on the site, and in addition to clearing and grading the site. (Ord. No. 83-095, § 5, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (42) *Commercial parking lots (areas).* An open paved area offering parking facilities for the general public for payment of a daily, weekly, monthly or hourly tariff.
- (42.5) *Commercial residential.* A building or development wherein all of the first floor building/floor area is devoted to commercial use and not more than fifty percent of the total building/floor area of all floors combined is devoted to residential use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)
- (43) *Commercial type vehicle.* Any vehicle with self-motive power or designed to be drawn, three-quarter ton or more in size, or which is licensed by the State of Texas as a commercial vehicle or which is used to haul or carry passengers or cargo for financial gain or profit.
- (43.5) *Communication industry systems and operations.* Places wherein telephone, telegraph, radio broadcasting and transmitting, television broadcasting and transmitting, combined radio and television systems or other communication systems or operations are located. (Ord. No. 88-008, § 1, 3-7-1988)
- (43.75) *Communication Tower.* Any structure built on the ground that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting antennas, and related equipment except tower structures on real property owned, leased, held, used or dedicated for use by a public utility when such structures are used for rendering utility service, such as a structure being used primarily for the transmission of electrical power by a public utility. (Ord. No. 98-016)
- (44) *Community Center (public).* A building and grounds owned by the City of Bellaire for the social, recreational, health or welfare of the community.
- (45) *Community shopping center.* A shopping area designed to serve a trade area of 40,000 to 150,000 people with a minimum site of ten (10) acres in area, where the lead tenant is a variety discount or junior department store. (Ord. No. 83-095, § 6, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (45.5) *Conference center facility.* A facility that is devoted to hosting conventions and special events and providing meeting, exhibition and public assembly space, either as a stand-alone facility or attached to a hotel, office building or other complementary land use. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (46) *Consumer.* A person or persons who are ultimate users or purchasers of goods or services.
- (47) *Contractor's shop or yard.* A place wherein work may be performed or equipment stored or used in conjunction with services rendered by a contractor in conjunction with agreements and undertakings by said contractor to perform services for third parties on a periodic by job basis.
- (48) *Contractual interest (person holding).* An interest obtained by written agreement and held by any person, partnership or corporation in real property. Such interest must be capable of being demonstrated and must appear on its face to be superior to all other interests of a similar nature. Such interest must, in addition, not be in conflict with that of the record title owner.
- (49) *Corner lot.* A lot adjoining the point of intersection of two (2) or more public streets and in which the interior angle of approximately 135 or less is formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines.

- (49.5) *Cornice*. A horizontal molded projection that crowns or completes the top of a building or wall. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (50) *Court*. An open, unoccupied space bounded on two (2) or more sides by exterior walls of a building or buildings. An inner court is a court entirely surrounded by the exterior walls of a building or buildings. An outer court is a court having at least one (1) side open to a street, alley, yard or other permanent space.
- (50.5) *Crime Prevention Through Environmental Design (CPTED)*. A multi-disciplinary approach to deterring criminal behavior through purposeful design of development sites, buildings, parking areas and public spaces to increase visibility and minimize potential hiding places. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (51) *Cul-de-sac*. A dead-end street with a circular turn-around meeting minimum specifications of this Code for streets and turn-arounds.
- (52) *Custom personal service shop*. A commercial establishment such as barber, beauty, tailor, dressmaker, cabinet and upholstery shops, to provide such types of services to the ultimate consumer.
- (53) *Density, residential*. The number of dwelling units per gross area of land. (Ord. No. 82-010, § 11, 3-29-1982)
- (54) *Department store*. A commercial establishment housing general merchandise for sale to the ultimate consumer including, but not limited to, men's, women's and children's clothing, shoes, dry goods, furniture and household appliances.
- (55) *Development*. The carrying out of any building operation requiring permits under the terms and provisions of this Code or the making of any material change in the use or appearance of any structure or land requiring a permit or other authority under this Code.
- (56) *District*. See "Zoning district."
- (56.5) *Dormer*. An extension built out from a sloping roof to accommodate a vertical window. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (57) *Drapery and/or carpet shop*. A commercial establishment wherein window hangings may be custom made on or off-premises for sale to the ultimate consumer or where carpeting is displayed and sold to the ultimate consumer or wherein both window hangings and carpeting are sold to the ultimate consumer.
- (58) *Drive-in banking facilities*. A place where a person or persons may conduct banking transactions from an automobile without the necessity of leaving such automobile.
- (59) *Dwelling, multi-family*. A residential structure on one (1) plot of land, containing separate living units for three (3) or more families, but which may have joint services or facilities.
- (60) *Dwelling, single-family*. A residential structure in which the members of a single family reside and no more than two (2) of the occupants thereof are unrelated.
- (61) *Dwelling unit*. A building or portion of a building which is arranged, occupied or intended to be occupied by a family as living quarters and includes facilities for food preparation and sleeping.
- (62) *Easement*. The lawful right one person or entity has to use the land of another for a specific or general purpose and for a definite or indefinite term.
- (63) *Electrical generating plant (private)*. A facility used for the generation of electric energy for transmission to ultimate consumers or additional transmission point.
- (64) *Engine or motor repair shop*. A place wherein engines and motors of every type are serviced and parts replaced for general use.

- (64.5) *Estate housing development.* Any housing permitted under the regulations provided in this chapter for the Mulberry Residential Estate District other than housing of a type existing at the time of adoption of this provision. (Ord. No. 83-076, § 1, 10-17-1983)
- (65) *Expansion of nonconforming use.* Enlargement by the addition of floor area, coverage or addition of land wherein there is located a use or structure which, although lawful at the time of its inception, is not prohibited under this chapter.
- (65.5) *Exterior Insulation and Finish System (EIFS).* A method of building cladding that provides an insulating, protective and decorative finish system for exterior walls that can be installed on any type of construction, and in a variety of shapes, colors and textures to replicate other architectural styles or finish materials. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (66) *Facilities owned and maintained by the City.* The buildings of municipal government and related service facilities such as, but not limited to, libraries or recreational centers or other department offices.
- (67) *Family.* Any number of individuals living together as a single housekeeping unit in which no more than two (2) individuals are unrelated by blood, marriage or adoption.
- (68) *Fence.* A structure used as a means of enclosure or screening primarily designed to keep people or animals in or out, or used as a visual barrier and constructed in accordance with the requirements of this Code.
- (69) *Field of vision.* The normal uninterrupted spectrum of sight enjoyed by a person while making visual observations without turning or eye movements of any kind.
- (70) *Financial institution.* A commercial establishment where matters concerning money, economic management and the application of money are conducted: a bank, savings and loan or insurance company.
- (71) *Floor area.* The sum of the gross horizontal surface areas of the several stories of the building measured from the exterior walls or from the center line of party walls, excluding parking structures or that portion of any structure devoted to parking. Stairwells, elevator shafts, atriums and other open areas shall only be included in the computation of floor area as to the actual floor space of such areas.
- (72) *Floor area ratio (FAR).* The floor area of the building or buildings on a lot divided by the area of the lot.
- (73) *Florist or plant shop.* A commercial establishment where plants, flowers, greenery and other products of the art of horticulture are sold to the ultimate consumer.
- (74) *Front.* That part or side of a building or lot which has both the main point of ingress to and egress from the building or structure and abuts a street or a court. Where the main point of ingress or egress is not certain, then the front shall be deemed to be the side of a building which has assigned to it the street number address for that building.
- (75) *Front yard.* An open, unoccupied space on a lot facing a street, extending across the front of a lot between the side lot lines and from the outermost surface of the main building to the front lot line, with the minimum distance between the front lot line and the main building line as specified for the district in which the lot is located.
- (76) *Frontage.* The length of a building or lot which fronts and abuts a public parking area or a public street or area. The length of a common surface parking area abutting a public street or a public way.
- (77) *Furniture store.* A commercial establishment wherein home or office furnishings and related accessories are sold to the ultimate consumer.
- (77.5) *Gable.* A triangular area of an exterior wall under the inverted "v" formed at the end of a pitched roof. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

- (78) *Garage, commercial.* A garage structure (building) offering parking facilities for the general public for payment of a daily, weekly, monthly or hourly tariff.
- (79) *Garage, residential (in Planned Developments).* An attached or unattached structure being an enclosure designed to be used in the storage of at least two (2) standard size automobiles.
- (80) *Garden shop including greenhouses or nursery stock storage area.* A place wherein flowers, plants and other growing foliage, seeds, tools and implements are sold or kept for service or sale to ultimate consumers and individuals engaged in gardening and/or landscaping.
- (81) *Grade.* The line or elevation of the inclination from the horizontal.
- (81.5) *Green roof system.* The complete or partial covering of a building roof with vegetation and a growing medium, planted over a waterproofing membrane, which may also include additional layers such as a root barrier and drainage and irrigations systems. Such rooftop systems are typically used to absorb and/or retain rainwater, provide insulation, create urban habitat for wildlife, and help to lower urban air temperatures. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (82) *Grocery store.* A commercial establishment wherein fresh produce, meats, staples and various and sundry perishable and non-perishable items related to the daily needs of a household are sold to the ultimate consumer.
- (83) *Hardware store.* A commercial establishment wherein supplies, tools and accessories for home and garden are sold to the ultimate consumer.
- (83.5) *Head shops.* Any retail establishment open to the public that presents, displays, or offers for sale, distribution, or delivery, smoking paraphernalia items of any kind. "Smoking paraphernalia" shall mean paraphernalia, devices, or instruments, including but not limited to pipes, bongs, and hookahs, that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body "controlled substances" as defined by the Texas Controlled Substance Act, Health and Safety Code, Ch. 481, as may be amended. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended to be used, or commonly known to be used for the ingestion, inhalation, preparation, or injection of illegal substances, and include any device or instrument which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "controlled substance analogue," "synthetic controlled substance," or other substance or chemical that mimics the effect of THC such as synthetic cannabinoids or other controlled substances, or any other substance that violates local, state, or federal law, and is adapted for the purpose of smoking or ingesting by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the smoking paraphernalia for some other purpose. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived from the manufacturing, compounding, converting, producing, processing or preparing of a controlled substance. "Smoking paraphernalia" does not include lighters, matches, cigarette holders, and devices used to store or preserve tobacco, tobacco cigarettes, cigarette papers or cigars, nor does it include e-cigarette, e-pipe and e-cigar devices or their respective components including but not limited to the atomizer unit, liquid nicotine reservoir or nicotine cartridge tank, and cartomizer.

( [Ord. No. 17-028, § 1. 5-15-2017](#) )

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



- (84.5) *High-capacity power transmission lines.* Lines for the bulk transfer of electrical energy between generating power plants and substations at transmission-level voltage, which is distinct from the local wiring for final delivery of electric power to retail customers at distribution-level voltage. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (85) *Home occupation.* A business, profession, or trade conducted within or from a residential building or accessory structure for gain or support by a resident of the dwelling, which is incidental and secondary to the residential use of the building and does not change the essential residential character of the use. Particular occupations permitted are listed in Section 24-517(d) and are subject to all applicable provisions of this chapter. (Ord. No. 81-006, § 1, 2-23-1981)
- (86) *Hospital.* An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life.
- (87) *Hotel.* A building in which lodging is provided or offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby.
- (88) *Household appliance sales and/or service.* The sale and service of refrigerators, washing machines, ranges or other electrical or gas equipment for use in the home.
- (89) *Reserved.* (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (90) *Reserved.* (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (91) *Kindergarten, nursery and/or day care center.* An establishment where ten (10) or more children are housed for care and pre-school activities, which meets licensing requirements as established by the State of Texas.
- (92) *Kitchen facilities.* A room or area principally designed for or containing appliances for the cold storage of foods or for the preparation of hot foods.
- (93) *Land.* The earth, water and air, above, below or on the surface, and including any improvements or structures customarily regarded as land.
- (94) *Land use intensity.* A term referring to the types and extent of uses, activities, coverage, building dimensions and open space existing upon a designated tract or parcel of land.
- (95) *Laundry and dry-cleaning plant.* A physical facility containing equipment and machinery designed to launder and/or dry-clean clothing, fabric or other textiles.
- (96) *Level of Service C.* A condition existing under various speed and volume conditions on a highway or street as defined in the Highway Capacity Manual, that has been determined to be generally acceptable to meet the needs of travelers to progress along streets and through intersections without undue delay. (Ord. No. 83-095, § 6, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (97) *Light compounding or fabrication.* The manufacturing of any item not involving the generation of noise, odor, vibration, dust or hazard, including a scientific laboratory or dental laboratory.
- (98) *Light manufacturing.* Any place or plant wherein any product or thing, including food or beverage products, is manufactured or processed, wherein such operation conforms to the performance standards herein specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration and open storage. (Ord. No. 88-008, § 1, 3-7-1988)
- (99) *Local access street.* A residential or non-residential street designed to provide direct access to individual homes, shops, abutting land and similar traffic destinations, with no provision for through traffic (e.g. Little Lake Street, Spruce Street). (Ord. No. 83-095, § 7, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

- (100) *Loop 610 Corridor*. The area of land paralleling Interstate Highway 610 that is generally recognized as affected by traffic on Interstate Highway 610.
- (101) *Lot*. A part of a properly platted and recorded subdivision which shall be readily identifiable upon a plat of such subdivision, which plat shall show the dimensions of its subdivision lots and dimensions of all streets, alleys, squares, parks or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.
- (102) *Lot coverage (site coverage)*. The area of a particular lot or tract which is covered with buildings and other surfaces. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (103) *Lot coverage ratio (LCR)*. The ratio of buildings and other surfaces to the lot area, including all parts of the lot covered with other surfaces of any kind. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (104) *Lot depth*. The average distance between the front and rear property lines.
- (105) *Lot lines*. The lines bounding a lot.
- (106) *Lot width*. The average distance between the side property lines.
- (107) *Mayor*. The presiding officer of the City Council and chief elected officer of the City of Bellaire.
- (107.5) *Mini-storage business*. A commercial establishment which operates a facility that is subdivided into secure storage spaces that are rented to customers on a short-term or periodic basis (e.g., for storage of personal items, archive materials, vehicles and/or boats, etc.). (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (108) *Mixed-use development*. A combined land use project containing two or more component land uses. (Ord. No. 85-011, § 1, 1-28-1985)
- (109) *Mobile home*. A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.
- (110) *Mortuary or funeral home*. An establishment where the dead are prepared for burial or cremation, where the body may be viewed and where funeral services are sometimes held.
- (111) *Motel*. A building in which lodging is provided or offered to the public for compensation, which is characterized by ingress to and egress from the rooms usually through an outside entrance, and which is of a design oriented to the short term occupancy needs of tourists traveling by automobile.
- (112) *Motor home*. A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete unit.
- (113) *Needlework, weaving or other arts and crafts*. An establishment wherein supplies and materials are sold or work actually performed in the art of needlework, weaving, painting or other handicrafts.
- (113.5) *Movie theater, indoor*. A commercial establishment which provides one or more auditorium spaces for the showing of movies for public entertainment upon customer purchase of a ticket, and which may also involve preparation and serving of food and beverages for consumption on the premises (also known as a "cinema"). (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (114) *Neighborhood*. A predominantly residential area distinguishable from surrounding areas by recognizable functional boundaries, such as major arterials or city limits.
- (115) *Neighborhood shopping center*. A shopping area designed to serve a trade area of 2,500 to 40,000 people and with a minimum site of three (3) acres in area where the lead tenant is a grocery or drug store. (Ord. No. 83-095, § 8, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as

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

- (116) *Newsstand*. An establishment wherein daily, weekly and monthly news publications from the local region and other regions are sold to the ultimate consumer.
- (117) *Nonconforming lot of record*. A lot being a part of a plat duly filed for record in the office of the County Clerk of Harris County, Texas, as provided for by law, which lot does not conform to the requirements of this chapter.
- (118) *Nonconforming use*. Any use lawfully being made of any land prior to the enactment of this chapter or any amendment hereto, which upon adoption of this chapter or any amendment, does not comply with all the regulations of this chapter or any amendment hereto, thus rendering such use nonconforming. A nonconforming use may relate to land, building, structure or any parts thereof.
- (118.5) *Office residential*. A building or development wherein all of the first floor building/floor area is devoted to office use and not more than fifty percent of the total building/floor area of all floors combined is devoted to residential use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)
- (119) *Office supplies, stationery or letter shop*. An establishment that sells to the ultimate consumer supplies for use at home or office including, but not limited to, writing paper supplies and other items generally used in relation to the administration of business or social activities.
- (120) *Official Zoning District Map*. The map adopted as a part of this chapter having delineated thereon all the zoning districts and the boundaries thereof within the City of Bellaire.
- (121) *On-site parking, non-residential*. An area set aside for temporary parking (at no charge) of automobiles being used by persons shopping for goods or services or by persons there temporarily to conduct business on the premises.
- (122) *On-site parking, residential*. A paved area on a residential lot set aside for the parking of motor vehicles.
- (123) *Open space*. Any area of land or water set aside, open and unobstructed to the sky.
- (123.1) *Other surface*. As used in determining lot coverage and lot coverage ratio, any material applied to the surface of land, which does not permit the natural infiltration of water into the ground, including, but not limited to, air conditioning pads, asphalt, bath houses, concrete, decks, patios, porches, driveways, garbage pads, gazebos, parking areas, paving systems (whether permeable or not), sidewalks, swimming pools, spas, sports courts, except for the ground area of the buildings. The water surface area of a swimming pool or a spa, fifty (50) percent of an uncovered wood deck constructed over bare soil, and loosely graveled walkways, and artificial turf, installed behind the front building line, constructed in a method approved by the city engineer and providing .30 acre feet of detention per acre of artificial turf shall not be considered an other surface. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (124) *Outermost surface*. That part of any building, excluding eaves and roof extensions that do not extend a distance greater than five (5) feet, which is closest to the street abutting the lot on which the building is located.
- (125) *Owner*. Any legal entity, person or otherwise who holds superior title to and can evidence superior title in real or personal property.
- (126) *Package liquor store*. A commercial establishment wherein alcoholic beverages (beer, wine and spirits) are sold to the ultimate consumer.
- (127) *Paint and/or wallpaper store*. A commercial establishment wherein paint products or other wall covering products are sold to the ultimate consumer.
- (128) *Parcel*. Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

- (129) *Parking space*. An enclosed or unenclosed all-weather surfaced area not on a public street or alley together with an all-weather surfaced driveway connecting parking space with a street or alley, permitting free ingress and egress without encroachment on the street or alley. Any parking adjacent to a public street wherein the maneuvering is done directly on the public street shall not be classified as off-street parking in computing the parking requirement for any use.
- (130) *Particulate matter*. Any material except uncombined water which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.
- (131) *Passenger terminal, bus passenger station or heliport*. A place designated and used for embarkation onto and debarkation from a bus or other mode of mass transportation or to move passengers from one mode of transportation to another by debarkation and embarkation.
- (131.5) *Pawnshop*. A location at which or premises in which a pawnbroker regularly conducts business. A pawnbroker is a person engaged in the business of (a) lending money on the security of pledged goods deposited with or otherwise delivered into the possession of the pawnbroker, or (b) purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period. (Texas Finance Code, Section 371.003.) (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (132) *Person*. Any natural person or entity created by law including, but not limited to, a corporation (profit or non-profit), partnership or association.
- (132.5) *Personal care*. The supervision of, or limited assistance with, routine living functions of a person who, because of his/her age or physical condition, desires or requires such personal care. The following are examples of personal care:
- a) Assistance with medication regimen;
  - b) Assistance with hygiene;
  - c) Assistance with grooming, including assistance with dressing; and
  - d) Assistance with ambulation.

(Ord. No. 89-022, § 2, 6-5-1989)

- (133) *Pet shop and pet grooming*. A commercial establishment wherein household pets are sold, washed, groomed and kept within a building.
- (134) *Pharmacy*. A commercial establishment wherein substances used for medicinal purposes are sold to the ultimate consumer.
- (135) *Planned development district (Amendment)*. A zoning district of the City of Bellaire approved in accordance with provisions of this chapter for amendments to the chapter and Official Zoning District Map, which has, as a part of the amendment, a site plan for development of the entire district.
- (136) *Planning and Zoning Commission*. The Planning and Zoning Commission of the City of Bellaire, Texas. (Ord. No. 81-013, 4-6-1981)
- (137) *Plat (subdivision plat), final*. A document including a graphic description of a tract of land by metes and bounds and giving the dimensions of all streets, alleys, squares, parks and other public areas, and giving the dimensions of all lots or tracts contained therein and which has been finally approved under the provisions of this Code or prior law.
- (138) *Plat (subdivision plat), preliminary*. A document including a graphic description of a tract of land by metes and bounds and giving the dimensions of all streets, alleys, sidewalks and other public places, which has been submitted for review and possible tentative approval, but has not been filed with the City for final approval nor for record with Harris County in accordance with V.T.C.A., Local Government Code ch. 212. (Ord. No. 89-009, § 1, 3-6-1989)

- (139) *Primary arterial.* A major thoroughfare with limited at-grade access, which expands and links to the expressway system and is designed primarily for movement of through traffic as follows: Chimney Rock Road, Bellaire Boulevard, Bissonnet Street, IH 610.
- (140) *Printing plants and shops.* Places wherein the printing of circulars, news or other written material is performed.
- (141) *Private club.* A place wherein members gather for friendship and recreation, which has such membership restricted to persons who are actually on the rolls of membership of such club or their guests.
- (142) *Property building line.* The line drawn on the subdivision plat indicating the front or outermost line or point where a building may be erected or the line established by reference to this Code as being the front or outermost line or point where a building may be erected. In case of conflict between the provisions of this Code and the designated property building line on the subdivision plat, the line designated providing the greatest setback distance shall control.
- (142.5) *Public service drive.* A dedicated public right-of-way to access homes within an estate housing development that meets the minimum standards for "alleys" serving townhomes as set forth in Section 23.5-21(b) of the Code of Ordinances of the City of Bellaire. (Ord. No. 83-076, § 1, 10-17-1983)
- (143) *Public utility plants and offices.* Plants used by utility franchisees of the City of Bellaire for the maintenance and continuation of service to the citizens of Bellaire and such offices as shall be necessary for the reasonable support of such function.
- (144) *Radio or television broadcasting stations, studios or offices.* A place wherein television and/or radio programs are originated and broadcasted, including the support facilities and offices necessary for such production and operation.
- (145) *Radio, television or microwave towers.* Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding non-commercial antennae installations for home reception of radio or television.
- (146) *Rear yard.* An open, unoccupied space, except for accessory buildings as permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a minimum depth between the end of the main building and the rear lot line as specified for the district in which the lot is located.
- (147) *Recreational vehicle.* A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
- (148) *Restaurant.* An eating establishment where food and drink are served to customers in a dining room or in a building or where food is prepared.
- (149) *Restaurant with drive-in service.* An eating establishment where food and drink are served to customers for consumption in motor vehicles parked on the premises or where facilities are provided which encourage the serving or consumption of food in motor vehicles.
- (149.5) *Retail Residential.* A building or development wherein all of the first floor building/floor area is devoted to retail use and not more than fifty percent of the total building/floor area for all floors combined is devoted to retail use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)
- (150) *Retail sales and service establishments.* Establishments for the sale of consumer goods, commodities and services to ultimate consumers or users.
- (151) *Right-of-way.* A strip of land either dedicated or owned by the City or other public agency and used for the purpose of a public way or roadway. The area designated as a right-of-way shall not be included in computing the area or size of a lot or tract. (Ord. No. 83-095, § 9, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

- (152) *School*. An institution, either public or private, organized and operated for the purposes of providing facilities for the education of children and/or adults based upon an organized curriculum or study plan, accredited by or application for accreditation pending before the appropriate state agency.
- (153) *School, business or trade*. A place of instruction or education wherein physical, mechanical or other skills that may be used in business or commerce are taught and which may be operated for profit.
- (153.5) *Score line*. A notch or incision on a building façade, often in a different color and/or texture, to add variety and visual interest to exterior walls. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (154) *Screen, screening*. A wall or fence located in the front, rear or side yard in accordance with standards herein set forth and erected for the purpose of giving privacy and reducing noise impact.
- (155) *Secondary arterial*. A major thoroughfare with limited at-grade access, which supports the primary arterial system by providing essential system linkages to expressways, primary arterials and activity centers of medium intensity as follows: Fournace Place and South Rice Avenue.
- (156) *Service station*. See "Automobile service station."
- (157) *Setback*. The required distance between the outermost part of any building and the property line.
- (158) *Side Yard*. An open space on each side of a building and on the same lot with the building, situated between the building and side line of the lot and extending through from the front yard to the rear yard. Air conditioning units may occupy space in the side yard at the discretion of the Building Official, provided that such location does not create a violation of the City's fire code or any other code, ordinance, rule, or regulation of the City of Bellaire. Any lot line, not the rear line or a front line, shall be deemed to be a side line. (Ord. No. 81-006, § 2, 2-23-1981)
- (159) *Sign*. A structure or any part thereof which is used or intended to be used to attract attention to a subject matter for advertising purposes, and properly permitted under the provisions of this Code.
- (160) *Site*. A lot, tract or parcel of property, being described by lot and block number, metes and bounds and/or parts thereof, developed and/or intended to be developed by the erection of a building or buildings and which shall include front, rear and side yards where applicable.
- (161) *Site coverage (lot coverage)*. The area of a particular site or tract which is covered with buildings and impervious (impermeable) surfaces.
- (162) *Site plan or plans*. A one-dimensional graphic illustration setting forth minimum and maximum requirements for ingress to and egress from the property, public or private streets or drives, with adequate right-of-way, sidewalks, utilities, drainage, maximum lot coverage, yards and open spaces, screening walls or fences, landscaping and other development and protective requirements including maintenance considered necessary to create a reasonable transition to and protection of the adjacent property.
- (163) *Small household appliance sales and/or service*. The sale and service of irons, coffee pots, electric mixers, blenders and other small electrical equipment useful in the home.
- (164) *Special exception*. A type of relief granted by the Board of Adjustment pursuant to the terms and authorization contained in this chapter for particular and unique situations, which may include expansion of nonconforming uses.
- (165) *Specific use*. A use permitted by ordinance in a district where it is not necessarily incompatible but where it might cause harm if not watched. Exceptions are authorized under conditions which will insure their compatibility with surrounding uses.

- (166) *Specific use amendment.* An amendment authorizing a certain use which, because of its nature, is not subject to categorizing into specific zoning districts, subject to such conditions or limitations as the City Council shall provide.
- (167) *Speed copying service.* A place of business designed to provide duplication and/or photocopying of papers, documents or business records.
- (167.5) *Sports stadium or arena.* A facility that serves as a venue for the viewing of athletic competitions, concerts and other special events by providing a field or court area or stage which is either partly or completely surrounded by a structure with seating for spectators, usually in tiers. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (167.75) *Standing seam metal.* A side-by-side formation of panels, typically made of steel, aluminum, copper or other architectural metal, in which the panels are joined together at the sides and secured in place by concealed fasteners, with the overlapping panel lock forming a seam as a connecting point between the panels. This enables the connected panels to be used for building and roofing applications. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (168) *Statement of ownership.* A sworn statement by a person swearing to or affirming the legal or equitable ownership of real property.
- (169) *Storm drainage policy.* Regulations adopted and administered jointly by the Building Official and the Planning and Zoning Official, providing criteria for the development and improvement of land drainage and flood prevention. See also Chapter 9 of this Code, Article II-A.
- (170) *Story.* That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. A "working" story is for functional residential or nonresidential use, at least eight feet in height from the surface of the floor to the ceiling immediately above.
- EXCEPTION: Any subsurface space for parking, storage or permitted use that has a vertical distance when measured from the surface of a floor to the ceiling immediately above that is at least eighty percent below the surface of the grade that is the highest point of elevation of the street or streets abutting the site.
- EXCEPTION: Any space for one level of drive under parking that is at grade level or immediately above permitted subsurface parking. (Ord. No. 85-011, § 2, 1-28-1985; Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (171) *Street.* Any thoroughfare, road, highway or public driveway other than an alley, and more than thirty (30) feet right-of-way in width, which has been dedicated or deeded to the public for public use expressly or by implication.
- (172) *Structure.* Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, excluding paved surface access ways and surface parking areas, approved surface water detention facilities and architectural/landscaping embellishment.
- (173) *Studio for photography, music, art or health.* A place where professionally trained persons provide certain services including instruction in photographic renditions of people or things, instruction in the use of musical instruments, instruction in artistic renditions including sculpture, painting and similar arts, and instruction or place for physical health and well-being.
- (174) *Subdivision.* A tract of land identifiable upon a plat duly approved and filed for record in the office of the County Clerk of Harris County, Texas, which shall clearly delineate the location and dimensions of all lots within such subdivision, streets, alleys, squares, parks or other portions intended for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and which shall be accurately described upon said plat by metes and bounds in order that the same might be located with respect to an original corner of the original survey of which it is a part.

- (174.25) *Tattoo shop*. A commercial use involving the creation of an indelible mark, figure, word or graphic illustration upon a human body by the insertion of pigment under the skin or by the production of scars or scarring. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (174.5) *Technical research facilities*. A place or places wherein office uses, technical laboratories, computer centers, engineering operations, research and/or related light manufacturing uses are located. (Ord. No. 88-008, § 1, 3-7-1988)
- (174.55) *Theater, for live performances*. A facility which provides one or more auditorium spaces in which plays and other dramatic, musical or entertainment performances are provided to an audience, either as a commercial operation involving customer ticket purchases, or as a free (public or nonprofit) venue. The facility may also involve preparation and serving of food and beverages for consumption on the premises. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (174.6) *Theatrical fly space*. The area in a theater above the stage into which scenery and other accessories are hoisted to an extent that the scenery and other accessories are not visible to the audience. (Ord. No. 08-059, § 1(App. A), 9-8-2008)
- (174.7) *Through lot*. Any lot that connects two (2) generally parallel streets and is adjacent to more than one (1) interior lot on the same side. (Ord. No. 07-074, § 2(Exh. A), 12-3-2007)
- (175) *Tire retreading or recapping*. A place wherein tires used on vehicles are repaired by the addition of new tread surface to such tires.

(175.5) Traffic Circulation Study. A report that includes the estimated maximum peak hour trip generation of the facility, the planned circulation of inbound and outbound traffic during operation, and the estimated length of any queuing of cars, if applicable. It must also ensure that traffic will not back up on any public street. The Traffic Circulation Study shall include a statement that the owner/operator agrees to operate the facility in accordance with the approved circulation plan, which must be approved by the Public Work Department.

(175.75) Traffic Impact Analysis. A specialized engineering study which quantitatively assesses the adequacy of the existing or future transportation infrastructure to accommodate additional trips generated by a proposed development, redevelopment, or land rezoning. This report should be signed and sealed by a licensed professional engineer.

- (176) *Trailer rental or sales*. A place wherein trailers, regardless of class or size, are rented on a temporary basis or sold.
- (177) *Travel agency*. A place wherein persons provide services in planning travel, including the sale of tickets and passage on buses, ships and airplanes.
- (178) *Travel trailer*. A vehicular unit up to thirty-two (32) feet in length and eight (8) feet in width, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.
- (179) *Truck and construction equipment sales and service*. A place wherein vehicles, including trucks of any size, are sold and serviced, including any type of equipment used in the construction industry.
- (180) *Truck camper*. A portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
- (181) *Use*. The particular type of function or purpose to which land and/or structure is committed.

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- (182) *Variance*. Relief granted by order of the Board of Adjustment, not contrary to the public interest, where owing to special conditions the literal enforcement of the regulations of this chapter will result in unnecessary hardship.
- (183) *Veterinary clinic (no outside pet facilities or runs)*. A place wherein animals are brought for the purposes of providing medical care and examination and for the purpose of providing treatment, diagnosis or other medical attention to sick, disabled or otherwise infirm animals.
- (184) *Wall*. The side of a room or building between the floor, foundation and the ceiling and roof, generally a structure of stone, brick or other material built to enclose, divide, support or protect, and constructed in accordance with the requirements of this Code.
- (185) *Warehouse/warehousing, wholesaling and distribution facilities*. A place or places wherein commodities are stored or maintained on an interim basis prior to manufacturing, assembling and/or distribution to other locations. No outside storage shall be classified as a warehouse, wholesaling or distribution facility. (Ord. No. 88-008, § 1, 3-7-1988)
- (186) *Welding or machine shop*. A place wherein metal apparatus are welded and/or where machinery exists to perform various functions necessary to repair or modify various apparatus.
- (187) *Yard*. An open space other than a court, on a lot or parcel of land on which a building is situated and which is unobstructed above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and landscape features.
- (188) *Zero lot line*. The side lot line of a lot or tract without required minimum side yards, in order that the wall or structure may be erected on the side property line.
- (189) *Zoning district*. (Hereinafter referred to as District.) Any district delineated on the Official Zoning District Map under the terms and provisions of this chapter or which may hereinafter be created subsequent to the enactment of this chapter.
- (190) *Zoning district boundaries*. The boundaries of each zoning district as more fully described in Section 24-403(c) of this chapter.

(Ord. No. 82-020, § 11, 3-29-1982)

( [Ord. No. 14-013, § 1, 3-3-2014](#).)

Sec. 24-512. - Fence Regulations.

- A. In residential zoning districts, no fences shall be constructed to a height in excess of eight (8) feet, except in the instance that it is being constructed at the rear of a property whose property lines are at the boundary of a non-residential zoning district. In this instance, the rear fence may not be constructed to a height in excess of ten (10) feet. Fences eight (8) feet in height or less may be constructed anywhere inside the property lines of a lot zoned residential, except within the front yard as that term is defined in this chapter.

On South Rice Avenue, Chimney Rock Road, Newcastle Drive, and Bissonnet Street, and Interstate Highway 610 (West Loop), a screening wall or fence may be built in the front yard provided that any fence or wall constructed on the front property line shall not exceed forty-eight (48) inches in height, and screening walls or fences having a height greater than forty-eight (48) inches but not exceeding eight (8) feet in height may be constructed in front yards when such walls or fences are set back from the front property line a minimum distance of twelve and one-half (12½) feet and provided that in all cases such setback shall be sufficient to provide clear vision of the street to the driver of a vehicle entering or backing into the street. On Bellaire Boulevard, such screening walls or fences may be constructed in the front yard provided such walls or fences are set back a minimum distance of twenty-five (25) feet from the front property line.

On properties with side yards along the Interstate Highway 610 (West Loop) Frontage Road, or whose side yard or backyard abuts the Union Pacific Railroad, a fence may be built to a height of ten (10) feet on the affected side of the property, provided that any fence built to ten (10) feet in height shall not be of masonry construction.

In the event that the property building line, as set out on the subdivision plat, shall be closer than the outermost surface of any building to the property line, then it shall be a defense to any action commenced under this Section that such fence was not in fact located within the distance between the property building line and the front lot line. Any person who shall plead such defense shall be required to prove the exact measured distance from the property building line to the front lot line.

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

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

- A. *Purpose.* The purpose of this Section is to establish reasonable design standards and related guidance to address community desire for visually appealing non-residential, multi-family, and mixed-use development that enhances the overall quality and character of the City, while balancing the legitimate development and commercial needs of property owners.
- (1) *Urban Village districts.* For the Urban Village-Downtown (UV-D) and Urban Village-Transit-Oriented Development (UV-T) districts, certain standards within this Section, together with the use regulations and physical development standards for each district, are especially intended to promote and maintain an Urban development character as described in the respective district purpose statements.
- (2) *Security emphasis.* All design processes within the CMU, R-MF, UV-D and UV-T districts shall also consider Crime Prevention Through Environmental Design (CPTED) principles to enhance the security of residents, workers and visitors.
- B. *Applicability.* The design standards established in this Section apply to any new non-residential, multifamily, or mixed-use development in the Corridor Mixed Use (CMU), Residential - Multifamily (R-MF), Urban Village-Downtown (UV-D), and Urban Village-Transit-Oriented Development (UV-T) districts, and to any non-residential, multifamily, or mixed-use redevelopment in these districts that follows the removal of all pre-existing buildings on the site.
- (1) The requirements of this Section regarding ~~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. The table is arranged in alphabetical order by the type of standard.

Table 24-513a.A Design Standards for CMU, R-MF, UV-D and UV-T Districts		
Applicable District(s)	Standards	Illustrations

<p>CMU R-MF (only for Unified Design) UV-D UV-T</p>	<p><b>Arrangement and Design for Multiple Buildings</b></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/R-MF) Individual buildings on a development site or on adjacent sites, if not attached, shall be arranged and designed to appear as a group of attached buildings to the extent practical.</p> <p><u>Clustering for Pedestrian Focus</u> (Not for CMU/R-MF) Individual buildings on a development site or on adjacent sites shall be clustered, whenever possible, to create pedestrian-oriented precincts and walkable</p>	
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	connections.	
CMU R-MF UV-D UV-T	<p><b>Building Materials</b></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></p> <p>For exterior building elevations these include:</p> <ul style="list-style-type: none"> <li>• Brick or similar masonry materials, including cast stone.</li> <li>• Limestone and other natural stone.</li> <li>• 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.</li> <li>• Glass. (Not for UV-D)</li> <li>• Other materials</li> </ul>	

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.

Permitted Accent Materials

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 and R-MF districts, and no

~~more than 15 percent in the UV-D and UV-T districts, excluding doors and windows.~~

~~• 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. (Not for UV-T).~~

~~• Wood or composite wood. (Not for UV-T)~~

~~• Tile.~~

~~• Glass. (Only for~~



	<p><u>UV-D)</u></p> <ul style="list-style-type: none"> <li>• <del>Stainless steel.</del></li> <li>• <del>Chrome.</del></li> </ul> <p><u>Prohibited Materials</u> For exterior building elevations these include:</p> <ul style="list-style-type: none"> <li>• <del>Pre-fabricated or corrugated metal wall panels.</del></li> <li>• <del>Smooth-faced concrete block.</del></li> <li>• <del>Vinyl, wood, plywood, cedar shingle, composite or metal siding. (Fiber cement siding not for UV-T).</del></li> <li>• <del>Plastic.</del></li> <li>• <del>Crushed rock or crushed tumbled glass.</del></li> <li>• <del>Mirrored glass in ground-floor windows.</del></li> </ul>	
	<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></p>	



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.


Awnings and Canopies



Awnings and canopies shall be made of durable, easily maintained or replaced materials, which may include canvas, fabric, steel or architectural metal, including aluminum composite panel (ACP) treatments.

Parking Structures

The exterior façades 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 façades of parking structures. Steel, standing seam metal and/or



	<del>architectural metal may be used on any sloped roof of a parking structure.</del>	
CMU R-MF UV-D UV-T	<p><b>Canopies and Awnings</b></p> <p>Use of canopies and awnings on building and parking structure façades adjacent to and above public sidewalks and other public spaces is encouraged to provide shade and weather protection and to add visual interest to structures, provided the placement and design of such canopies and awnings is consistent with the building architecture, and they are maintained in sound condition at all times.</p> <p><u>Projection</u></p> <p>Canopies and awnings shall project no more than six feet from the façade of a building or parking structure.</p> <p><u>Lighting</u></p> <p>Canopies and awnings shall not be backlit or internally</p>	

	lit.	
UV-D UV-T	<p><b>Clear Building Entries</b></p> <p>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 R-MF UV-D UV-T	<p><b>Colors</b></p> <p>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>	

<p>UV-D UV-T</p>	<p><b>Curb Cut Limits for Vehicular Access</b></p> <p>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"><li>• A maximum of one curb cut shall be permitted for every 100 feet of public street frontage.</li><li>• All driveways shall be limited to two lanes, and in no case shall a driveway or associated curb cut exceed 30 feet in width.<ul style="list-style-type: none"><li>• Upon recommendation of the City's administrative official, the Planning and Zoning Commission may increase the maximum number or decrease the minimum spacing of curb cuts per segment of street frontage, as specified</li></ul></li></ul>	 A photograph of a city street scene. In the foreground, a paved sidewalk runs along the left side of the frame. A person is walking on the sidewalk, moving away from the camera. To the right of the sidewalk is a street with a white car parked. Further right is a building with a driveway. The building has a sign that says "RESTAURANT". There are trees and a black metal fence in the background.
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above, where warranted based on site-specific or emergency access considerations.


Pedestrian Safety

Wherever an access driveway, alley, vehicular access easement or other vehicular circulation path crosses a public sidewalk or other pedestrian path, a crosswalk treatment shall be installed consisting of a material that contrasts with the adjacent pavement in both texture and color (e.g., brick pavers, patterned concrete, etc.).

- Access points for off-street parking areas and parking structures, where vehicles cross a public sidewalk or other pedestrian path, shall be well lit to ensure visibility of pedestrians and bicyclists.

<p>UV-D UV-T</p>	<p><b>Framing of and Relationship to Public Spaces</b></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>Credit: Sugar Land Town Square</p>
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	<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>	
CMU R-MF	<p><b>Freestanding Canopies</b></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,</p>	

	<p>shall be consistent with the architectural style, predominant and accent materials, color, and lighting of the principal building on the development site.</p>	
<p>UV-D UV-T</p>	<p><b>Grid Street Pattern</b> 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>	
<p>UV-D UV-T</p>	<p><b>Ground-Level Uses</b> Development projects shall locate off-street parking and/or garage parking within the interior of blocks and</p>	<p>Credit: Sugar Land Town Square</p>





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.


Parking Structures



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>UV-D UV-T</p>	<p><b>Lighting of Buildings and Sites</b></p> <p>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> 
<p>UV-D UV-T</p>	<p><b>Maximum Block Length</b></p> <p>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</p>	


	<p>sites that provides continuous non-vehicular circulation between streets on either side of the development sites.</p>	
<p>CMU R-MF UV-D UV-T</p>	<p><b>Multi-Family Development</b>  <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, when the front setback is less than five feet.</p> <p><u>Mechanical Equipment</u>  No window or wall-mounted air conditioning units</p>	

	are permitted.	
UV-T	<p><b>Off-Street Parking Limits*</b></p> <p><u>Off-Street Parking Dispersion</u></p> <p>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></p> <p>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><b>Orientation of Residential Garages</b></p> <p>All garage doors associated with any residential development in the district shall be</p>	<p>NOT DESIRABLE (garages oriented to street)</p> <p>DESIRABLE (garages not visible from street)</p>

	<p>oriented away from, and not be visible from, any public street right-of-way inside or outside the zoning district.</p>	
<p>UV-D UV-T</p>	<p><b>Parking Structures</b> Such structures shall be designed for architectural consistency with the primary building served or other nearby buildings in terms of façade design, articulation, finish materials and/or shielding of unfinished structural elements and mechanical equipment.</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, façade</p>	

	and roofline variation).	
CMU R-MF UV-D UV-T	<p><b>Screening of Mechanical/Service Equipment</b>  <b><u>Rooftop Mechanical Equipment</u></b></p> <p>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"> <li>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)</li> </ul> <p><b><u>Ground-Level or</u></b></p>	


	<p><b><u>Building-Mounted Service Equipment</u></b></p> <p>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.</p> <p>The required screening may also be accomplished through installation of dense, year-round vegetation as shown on the site landscape plan.</p>	
CMU	<p><b>Service Bays</b></p> <p>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</p>	

	<p>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><b>Sidewalks</b></p> <p>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.</p> <p>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</p>	



	<p>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>	
	<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 façades to provide shelter and shade, but shall be located entirely outside the public right-of-way. The arcade design shall also incorporate adequate pedestrian-level</p>	

	lighting under the arcade for visibility and security.	
UV-D UV-T	<p><b>Transparency of Non-Residential Uses at Street Level</b></p> <p>Building façades associated with non-residential uses that face public street rights-of-way, public plazas/spaces shall have windows at the ground level, for product display or other active building uses, which, together with door openings, comprise at least 60 percent of the ground-level façade.</p> <ul style="list-style-type: none"> <li>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).</li> </ul>	 <p>Credit: Whole Foods</p>

<p>UV-D UV-T</p>	<p><b>Overhead Utility Lines</b> All local utility wires, not including high-capacity power transmission lines, shall be installed underground.</p>	
<p>CMU R-MF UV-D UV-T</p>	<p><b>Visual Interest and Anti-Monotony</b> 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. <b>Building Articulation</b> Building façades to which these standards apply shall be articulated to reduce the apparent mass of the structure and to add visual appeal. This may be accomplished by stepping back a portion of the façade periodically relative to the building line, along with other design variations in the façade as illustrated in Figure 24-513a.A, below. <b>Roofline Articulation</b> For flat roofs or façades with a</p>	<p>See Figure 24-513a.A, below, for graphics illustrating building articulation and other techniques for adding architectural interest.</p>

	<p>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 façade, decorative cornices, material and color</p>	

	<p>variations, or score lines.</p> <p><u>Landscape</u></p> <p><u>Treatment for Large Walls</u></p> <p>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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( [Ord. No. 14-013, § 1, 3-3-2014](#) ; [Ord. No. 17-008, § 1, 1-23-2017](#) )

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

Any person desiring to petition for a planned development amendment to this chapter shall be required to file an application in writing with the Planning and Zoning Official, accompanied by a nonrefundable application fee, in an amount established by the City Council or the City Manager, to defray the actual cost of processing the application. The application shall include the following information:

- (1) The name and address of the applicant; and in the event that the applicant is a partnership, the full name and address of the general partner, and in the event that the applicant is a corporation, the full names and addresses of all officers, a statement as to the state of incorporation, the name and address of the registered agent and the address of the registered office of the corporation;
- (2) A legal description and street address of the property which is the subject of the application;
- (3) A statement of ownership accompanied by a certificate from a title insurance company certifying ownership;
- (4) A written description of the proposed development and associated land use(s), including specific description of any applicable parameter(s) in the City's development regulations from which the applicant proposes variation; ~~and~~
- (5) A site plan in accordance with [Section 24-524:-](#)  
~~(6) The names and addresses of all owners of property required to be notified under this article; and~~
- (6) Such other information or documentation as the Planning and Zoning Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.

Sec. 24-605. - Application for Specific Use Permit.

Any person desiring to petition for a specific use permit to this chapter shall be required to file an application in writing with the Planning and Zoning Official, accompanied by a nonrefundable application fee, in an amount established by the City Council or the City Manager, to defray the actual cost of processing the application. The application shall include the following information:

- (1) The name and address of the applicant; and in the event that the applicant is a partnership, the full name and address of the general partner, and in the event that the applicant is a corporation, the full names and addresses of all officers, a statement as to the state of incorporation, the name and address of the registered agent and the address of the registered office of the corporation;
- (2) The Section or Sections of this chapter authorizing a specific use permit;
- (3) A legal description, and street address, and zoning district of the property which is the subject of the application;
- (4) A statement of ownership accompanied by a certificate from a title insurance company certifying ownership;
- (5) A written description of the proposed specific use as provided for in this Code;
- (6) A survey of the property in question;
- (7) A scaled site plan of the property showing the general arrangement of the project, together with essential requirements, including, but not limited to, off-street parking; size, height, construction materials, and locations of the buildings and use to be permitted; location of proposed signage, means of ingress and egress to public streets; the type of visual screening that is being proposed, such as walls, plantings, and fences; and any foreseen negative impacts of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet.
- (8) A landscape plan in accordance with Section 24-513 of the City's Code of Ordinances. This requirement may be waived by the Planning and Zoning Official, based on information provided in the application.
- (9) A Traffic Impact Analysis or Traffic Circulation Study. See Table 24-605.A to determine which is required. This requirement may be waived by the Planning and Zoning Official, based on the information provided in the application.
- (610) A written environmental assessment statement describing in general terms the impact of the development for which approval is sought and providing any specific information that the Planning and Zoning Official shall deem necessary;
- (11) The names and addresses of all owners of property required to be notified under this article; and
- (712) Such other information or documentation as the Planning and Zoning Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.

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**Table 24-605.A**

	Traffic Impact Analysis	Traffic Circulation Study
All New Developments	X	
All developments proposing a new drive-through	X	
All redevelopments adjacent to or within residential zoning districts R-1, R-3, R-4, & R-5	X	
All other developments		X

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



City of Bellaire  
DEVELOPMENT SERVICES

July 30, 2019

Chairman Collins,

During a recent discussion regarding pervious and impervious lot coverage, it was brought to the Planning and Zoning Commission's attention that there has recently been an increase in interest and inquiries from property owners and/or homebuilders to install paver systems in their driveways/walkways. Currently, Chapter 9 does not allow for pavers to be used unless installed with a concrete substrate.

The Commission requests that the Building and Standards Commission review acceptable materials and/or methods for driveway and walkway construction, including pavers without a concrete substrate.

Sincerely,

Ross Gordon, Chairman  
Planning and Zoning Commission