

## Sec. 24-544. – North Bellaire Special Development District (NBSDD)

### A. Purpose.

- (1) *Generally.* This district provides for non-residential mixed-use development as part of an overall master-planned contiguous special development district. The district is intended for commercial uses such as retail centers, office, entertainment, hospitality, and service businesses that cater to the Bellaire community and provide a pedestrian oriented destination which promotes community and boosts quality of life in Bellaire. Recognizing the district's location within a primarily residential area, development must be properly located and scaled and shall minimize impacts to surrounding areas, considering traffic, noise, light, and shadows. Highly visible landscaping, green and open space areas, and pedestrian features shall be incorporated on all sites. Access to and from the district shall be prioritized for the West Loop 610 Frontage Road.
- (2) *Character.* Recognizing the unique aspects of a large contiguous commercial district, this Section provides for higher development intensities than in other areas of the city but requires progressive site planning to ensure consistency in architectural standards, to provide for a mix of parking options, to conceal parking structures to the maximum degree practicable, and to promote pedestrian connectivity between uses. The highest allowable development intensities shall be limited to properties that front on and have their primary access from the West Loop 610 Frontage Road. Development intensities shall be lower elsewhere in the district. Uses should be designed with sensitivity to the proximity and lower-intensity Suburban character of adjacent residential areas. Buffering is emphasized along the northern edge of the district to mitigate impacts on the established residential neighborhood to the north.
- (3) *Uses.* This district provides for a range of non-residential development options and encourages mixing of such uses. However, this district contains no permitted uses other than municipal and utility functions, and all developments must be proposed and approved as a planned development.

### B. Uses.

- (1) *Permitted uses.*
  - a) Utilities:
    - 1) Local utility distribution lines; and
    - 2) Telephone lines and related cross-connecting points.
  - b) Facilities owned and maintained by the City.
- (2) *Planned Development:* Applicants intending any use other than those permitted in the district by this subsection must propose a planned development under the amendatory procedures in Section 24-604. All such applications must meet the development standards detailed in this Section. Allowable uses inside a planned development may include a single use from the following list or a combination of two or more of the listed uses:
  - a) Business and professional offices and services;
  - b) Banks, credit unions and similar institutions;

- c) General retail sales and services, excluding pawnshops, tattoo shops, head shops, vehicle sales and services, including service stations, vehicle washing, vehicle repair and vehicle storage;
- d) Restaurants and cafeterias;
- e) Bars, when accessory to a principal restaurant, hotel, commercial indoor amusement, movie theater, or theater use, and subject to the requirements of Chapter 3, Alcoholic Beverages, of the City Code;
- f) Indoor movie theater;
- g) Indoor athletic facilities;
- h) Amusement, commercial indoor;
- i) Studios for photography, art, music, dance or fitness activities;
- j) Museums or art galleries;
- k) Theaters, for live performances;
- l) Hotels, as defined in Section 24-202(87), designed to where ingress to and egress from all rooms is made through an inside lobby;
- m) Conference center facilities;
- n) Medical offices and/or urgent care facilities;
- o) Assisted living facilities;
- p) Nursing homes; or skilled nursing facilities;
- q) Hospital or emergency room; and
- r) Commercial parking garage operations, within multi-level and/or underground garage space as defined in Section 24-202(78), but not commercial surface parking lots (areas) as defined in Section 24-202(42).

(3) *Temporary uses.* Temporary uses in the NBSDD shall be authorized, permitted, limited in duration and subject to potential time extensions as provided in Section 24-505.

Examples of such uses include:

- a) Construction offices.
- b) Public interest or special events.
- c) Sidewalk sales and other outdoor sales events (e.g. farmer's market).

C. *Development Standards.*

(1) *Site plan review required.* All development applications in the NBSDD are subject to approval by the Planning and Zoning Commission following a site plan review process to determine conformance with the substantive standards for this district and other applicable provisions of the City Code. Applicants shall satisfy all application and submittal requirements itemized in Section 24-524, including but not limited to compliance with established landscape and design standards.

(2) *Traffic Impact Analysis:* All applications relating to a change in use or an increase in development intensity shall include a Traffic Impact Analysis as part of the site plan review. Any and all traffic impacts directly attributable to the development application shall be assessed and all reasonable mitigation actions implemented to maintain existing levels of service on South Rice Avenue and Fournace Place.

(3) *Size and area.*

- a) *Site Area*. The minimum site area for all planned developments shall be two acres. There is no minimum site area for permitted uses.
  - b) *Maximum building height*. Height shall be limited to eighty-five (85) feet including drive-under parking, except that: up to ten (10) feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks, and mechanical equipment, with the total not to exceed ninety-five (95) feet above the average level of the base of the foundation of the building. This provision should not be interpreted to encourage construction up to the maximum building height throughout the district. In accordance with community protection goals, lesser heights are preferred in areas of the district not directly adjacent to the West Loop 610 Frontage Road.
- (4) *Minimum required yards*. As established by the approved site plan for each development application, except that:
- a) Where a property is at a boundary of the NBSDD and a residential property in an R-1, R-3, R-4 or R-5 district either abuts or is directly across an alley from the subject property in the NBSDD, the minimum yard toward the abutting property or alley shall be fifteen (15) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the 15-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.
  - b) Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.
  - c) Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the administrative official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.
  - d) On properties subject to the height-setback plane, no accessory structure shall be located within the 15-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply

with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

- (5) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the NBSDD and an abutting residential property is in an R-1, R-3, R-4 or R-5 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located no closer than fifty (50) feet from the property line. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.
- (6) *Maximum site coverage.* As established by the approved site plan for the planned development amendment, but not greater than 80 percent for any given development application. This provision should not be interpreted to encourage construction up to the maximum site coverage throughout the district. In accordance with community protection goals, reduced site coverage is preferred in areas of the district not directly adjacent to the West Loop 610 Frontage Road
- (7) *Parking.* A minimum number of off-street parking spaces as provided in Section 24-514.a.
- (8) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.