

**PLANNING AND ZONING REGULATIONS**

Reinvestment Zone Number 1  
City of Houston



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DRAFT  
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## **Planning and Zoning Regulations**

Reinvestment Zone Number 1  
City of Houston

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### **Article I.**

#### **Authority, Title, Purpose**

##### **Section 1.1. Authority.**

These Regulations are adopted by the Board of Directors of Reinvestment Zone Number One, City of Houston, hereinafter referred to as (the "Zone") pursuant to the provisions of Chapter 311, Texas Tax Code, and Chapter 211, Texas Local Government Code and the applicable ordinances and resolutions of the City of Houston authorizing and approving these regulations.

##### **Section 1.2. Title.**

These Regulations shall be known as the Planning and Zoning Regulations of Reinvestment Zone Number One, City of Houston (the "Regulations").

##### **Section 1.3. General Purpose and Policy.**

The Regulations are adopted for the purpose of promoting and protecting the health, safety, and welfare of the residents and property owners of the Zone.

The Regulations are specifically adopted for the further purpose of facilitating the financing and redevelopment of the Zone which at the time of the adoption of these Regulations is unregulated as to land use and is in a blighted and deteriorated state of development. Without the imposition of orderly plan of development, including the establishment of effective land use regulations and new public investment in streets, sidewalks, utilities and other public improvements, the redevelopment and financing of private and public improvements in the area cannot be undertaken due to the uncertainty and unpredictability of future land uses.

## Article II.

### Section 2.1. **Definitions.**

1. *Apartment* - A dwelling unit contained in a multifamily building consisting of three (3) or more dwelling units, each of which has an entrance from a hallway or balcony in common with at least one (1) other dwelling unit, or has individual entrances at the ground level for dwelling units located vertically above ground floor dwelling units.
2. *Appeal* - A means for obtaining review and reconsideration of a decision, determination, order, or failure to act pursuant to the terms of these regulations, as expressly authorized by the provisions of these regulations.
3. *Bar, Lounge or Tavern* - An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, pursuant to a license or permit issued by the Texas Alcoholic Beverage commission, and which establishment derives more than 75 percent of its gross revenue from the on-premise sale of alcoholic beverages, based on its operation during the preceding 12 month period, or since it began operation, whichever is shorter.
4. *Block* - An area bounded by streets and occupied by or intended for occupancy by a building or buildings, in which one or more lots may be located.
5. *Board* - The Board of Directors of Reinvestment Zone No. One, City of Houston.
6. *Boulevard Street* - A residential street consisting of divided lanes separated by esplanades from one or more lanes providing access to abutting property.
7. *Boundary Street* - A street located at a boundary of the Zone, including South Rice Avenue, Richmond Avenue, West Alabama Street or Chimney Rock Road.
8. *Buffer* - An area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to continuously limit views and/or sound from the site to adjacent sites or properties. A buffer may also be located on an abutting property or easement.
9. *Building* - A structure built, maintained, or intended for the use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.
10. *Accessory building* - Any building on a lot with a principal building containing an

auxiliary related or accessory use.

11. *Board* - Means the Board of the TIRZ.
12. *Board of Adjustment* - Means the Board of Adjustment of Reinvestment Zone No. 1 of the City of Houston.
13. *Building Height* - The vertical distance from the average contact grade level of a building to the highest point of the coping of a flat roof or to the deck line of a massard roof or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.
14. *Commercial Use* - An office, retail uses, shopping center uses.
15. *CPTED Standards* - Regulations, guidelines or standards approved by the Board to implement the Crime Prevention Through Environmental Design recommendations.
16. *Comprehensive Plan* - The document adopted by the City council by ordinance as the official comprehensive plan of the Zone or the City, passed finally on October 17, 1992 and as such document is amended from time to time.
17. *Court Yard House* - A single-family attached or detached house, or patio house where an internal open-air courtyard, surrounded on at least two sides by the exterior walls of the dwelling, is the primary open space and where the rear yard area is reduced by a minimum setback and a major portion of the rear yard area incorporated into the courtyard.
18. *Development* - The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading or other movement of land, for which permission may be required pursuant to these Regulations.
19. *Duplex Dwelling* - An attached dwelling in a building, containing two dwelling units, each attached to the other on the side, sharing a common wall with the other.
20. *Dwelling* - A housing unit, providing independent living facilities, including single-family detached, patio, zero-lot line, single-family attached townhouse, single-family semi-detached duplex, multifamily and apartment dwelling units.
21. *Dwelling Unit* - A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family.

22. *Easement* - A right-of-way granted, for the limited use of private land for a public, quasi-public or other purpose (including the use by another and for a specified purpose of any designated part of the property), and within which the owner of the property shall not erect any permanent structures.
23. *Family* - An individual or two (2) or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship or up to six unrelated adult persons, living as a single housekeeping unit in a dwelling unit.
24. *Family Home* - A residential home containing not more than six disabled persons, as defined by Federal or State law, and two supervisory personnel residing at the same time and that otherwise meets the requirements of applicable State law, including Section 123 of the Texas Human Resources Code, as it may be amended from time to time.
25. *Floor Area, Gross* - The sum of the gross floor area of each floor of a building measured from the exterior limits of the faces of the structure. The floor area of a building includes useable basement floor area, and attic floor area only if the attic or basement area meets the City Building Code standards for habitable floor area. It does not include cellars and unenclosed porches, or any floor space in an accessory building or in the principal building which is designed for the parking of motor vehicles in order to meet the parking requirements of this ordinance.
26. *Floor Area Ratio* - An intensity of use measured as a ratio, determined by dividing the gross floor area of a building (all habitable floors) by the lot or site area.
27. *Garage* - A building, or portion thereof, used or intended to be used for the parking and storage of motor vehicles. A residential garage may be attached or detached with respect to the principal building.
28. *Height* - The vertical distance measured from the average elevation at ground level to the mid-point of a pitched or a gable roof or to the top of the cornice of a flat roof. Height may also be defined as the number of habitable floors or stories of a building.
29. *Home Occupation* - A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, or a structure accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. It is carried on solely by a member or members of the family residing in the dwelling unit; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; has no additional employees who are not members of the family or who are lawfully residing in the dwelling unit; and no commodity or service is sold to others within the premises.



30. *Horizontal Projections* - Horizontal projections, within required setback areas, are limited to steps, chimneys, roof eaves, awnings, pents, balconies, bay windows, and extended gables. Horizontal projections of garages and accessory buildings shall be located within the minimum yard and setbacks requirements and shall not project into any easement.
31. *Impervious Surface* - Any surface or material which prevents the absorption of water, including but not limited to buildings, paved parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt paving.
32. *Liquor Sale Establishment* - An establishment engaged in the retail sale of alcoholic beverages for consumption off the premises, pursuant to a valid license or permit by the Texas Alcoholic Beverage Commission, and which establishment derives 75 percent or more of its gross revenue from the on-premise sale of alcoholic beverages, based on its operation during the preceding twelve-month period or since it began operation, whichever is shorter. This use classification includes liquor stores and package stores that meet the above definition.
33. *Lot* - A parcel of land undivided by any street or private road, except driveways and alleys, and occupied by, or designated to be developed for a building or buildings and customary accessory buildings or uses; including such open spaces, driveways, and yards required by this ordinance for such building, use, or development.
34. *Lot Area* - The area contained within the boundary lines of a lot excluding public rights-of-way easements, but including all other easements.
35. *Lot Line* - Any boundary line of a lot, which divides one lot from another or from a street or any other public or private space, including front, side and rear lot lines.
36. *Lot Width* - The mean horizontal distance between the side lot lines measured at right angles to those side lot lines at the building line. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line. Where side lot lines are not parallel, lot width shall be measured at the set-back line.
37. *Mobile Home* - A transportable, single-family dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.
38. *Motor Court* - A vehicular area in the front yard of a lot meeting the requirements of

these Regulations.

39. *Occupancy* - The use or intended use of a particular area of land or a particular building structure, or portion thereof, by owners, proprietors or tenants.
40. *Open Area* - Area unoccupied by any structure and open and unobstructed to the sky, which may include natural plants or trees, and except for projections specifically permitted herein.
41. *Open Space* - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.
42. *Owner* - The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.
43. *Parcel* - An area defined by boundary or lot lines, within the boundary lines of a development or tract.
44. *Parking, Off-Street* - An area for the temporary storage of a motor vehicle located in a parking lot or structure.
45. *Parking, On-Street* - A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way or easement, generally parallel parking or angled parking.
46. *Parking Lot, Commercial* - A lot upon which cars are parked for which a fee is charged.
47. *Parking Lot, Private* - A lot upon which cars are parked in addition to parking spaces on a residential single-family detached lot.
48. *Patio House* - A detached or semi-detached dwelling, with one (1) dwelling unit having individual outside access. Except for the front yard, the lot shall be fully enclosed by a wall not less than six nor more than seven feet in height. All living space (living room, den and bedroom(s)) shall open onto a private open-space or patio. A patio house may be a zero lot line house.
49. *Permitted Use* - A use specifically permitted or a use analogous to those specifically permitted by the Regulations.

50. *Pervious Surface* - Any material that permits full or partial absorption of storm water into previously unimproved land.
51. *Planned Development* - See Planned Unit Development.
52. *Planned Unit Development* - An area with a specified minimum contiguous acreage to be developed as a single entity according to a plan, containing residential areas, quasi-public, commercial or uses in such ranges or ratios of nonresidential uses as shall be specified in these Regulations.
53. *Porte-cochere* - A permanent roofed structure attached to a dwelling to accommodate the passage of a vehicle, that is open on at least two sides, directly attached to a principal building and enclosed on one side by the wall of the principal building and may include a habitable enclosed space on the second floor.
54. *Private Use* - A use which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received and where no business or commercial activity is associated with such use or buildings.
55. *Prohibited Use* - Shall mean any use not specifically permitted or a use not analogous to those specifically permitted by these Regulations.
56. *Public Improvement* - Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.
57. *Rear Lot Line* - Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.
58. *Recreational Vehicle* - A vehicle or a unit that is mounted on a drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.
59. *Religious Assembly* - Facility for religious worship activities, including accessory uses located on the site of the religious assembly such as a private denominational school through grade 12 serving the children of members or non-members of the religious

assembly. This classification includes only a tax-exempt organization engaging in religious worship activities not conflicting with U.S. Internal Revenue Code Section 501(c)(3).

60. *Residential Purposes* - Ordinary domestic purposes not involving any business, commercial, industrial or institutional activity, whether carried on for profit or not.
61. *Residential Street* - Any street, other than a major thoroughfare (collector, arterial or freeway), servicing a residential neighborhood or subdivision where the property fronting on either side of the street is restricted to a residential use, designed for low volume, low speed traffic and safety of pedestrians.
62. *Residential Use* - Shall be deemed to include single-family detached, attached, and multifamily dwellings, excluding hotels, motels, dormitories, and trailer parks.
63. *Restaurant* - An establishment engaged in the preparation and retail sale of food and beverages primarily for consumption on the premises, which may include the on-premise sale of alcoholic beverages pursuant to a license or permit issued by the Texas Alcoholic Beverages Commission, and which establishment derives 25 percent or more of its gross revenues, based on its operation during the preceding twelve-month period, or since it began operation, whichever is shorter, from the on-premise sale of food and beverages (excluding alcoholic beverages).
64. *Right-of-Way* - A strip or area of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.
65. *School* - An institution, either public or private, organized and operated by a school district for the education of children or adults based on organized curriculum or study plan accredited under the Texas Education Code or any other state law pertaining to education or instructional services.
66. *Screen* - A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.
67. *Setbacks* - The distance between the front, rear or side lot line and the line of a building excluding permitted horizontal projections.
68. *Shade or Street Tree* - A tree in a public place, street, special easement, or right-of-way adjoining a street, generally providing shade to a sidewalk or pedestrian area.
69. *Shopping Center* - A commercial development where there are located a number of separate commercial activities, in which there are appurtenant shared facilities, such as

parking and pedestrian walkways, designed to provide an area where the public can obtain varied products and services. Distinguishing characteristics of a shopping center may, but need not, include common ownership of the real property upon which the center is located, common wall construction, and multiple occupant commercial use of a single structure, and office and residential uses above ground floor retail uses.

70. *Sidewalk* - A paved path provided for pedestrian use and located parallel to a road or street within the right-of-way.
71. *Sign* - A devise or visual display, including sign boards, billboards, and other advertising devises communicating information about a product, service, premises, location, business, residence, event, organization, or other entity.
72. *Site Area* - The lot or a portion of a lot that is used for purposes of development and which has not been included in any other development.
73. *Site Plan* - A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plans, marshes, and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress; drainage facilities, utility services, landscaping sings, lighting, and screening devices; and any other information that may be reasonably required in order to make an informed determination pursuant to these Regulations.
74. *Street* - Any street, avenue, boulevard, road, parkway, viaduct, drive or other roadway. Streets within the Zoning District may include cul-de-sacs, divided streets or boulevards, access drives, residential access streets, neighborhood collectors, alleys and CPTED streets. Streets may be public or private.
75. *Swimming Pool* - A contained body of water used for bathing or swimming purposes either above or below ground level with the container being eighteen (18) or more inches in depth and/or wider than eight (8) feet at any point measured on the long axis.
76. *Tandem Parking* - The parking of a motor vehicles in a line, one vehicle behind another vehicle.
77. *Use* - The purpose or activity for which land or any building thereon is designed, arranged, or intended or for which it is occupied or maintained.
78. *Variance* - Permission to depart from the specific or quantitative requirements of these Regulations, granted pursuant to Section 7.5 hereof.
79. *Water Feature* - A fountain, pool or other endorsed body of water.

80. *Wholesale* - The business of selling goods or merchandise to retailers or jobbers for resale to the ultimate consumer.
81. *Yard* - The space between a lot line and building line unoccupied by a structure and unobstructed from the ground upward, excluding permitted projections.
82. *Yard, Rear* - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.
83. *Yard, Side* - A yard extending the full length of the lot in the area between a side lot line and a side building line.
84. *Zero Lot Line Home* - A single-family detached dwelling on a lot without a side yard on one side of the lot, provided there is a three-foot wall maintenance and overhang easement on the lot adjacent to the zero lot line property line. The vertical wall shall be located not less than one foot from the lot on the zero lot line side. The vertical wall shall be fire-resistant material such as brick, masonry or stucco and without windows (except glass block is permitted).
85. *Zone Planning and Zoning Official* - A person licensed as an architect or engineer or by the American Institute of Certified Planners and who is appointed by the Board to perform the responsibilities and tasks described herein, including zoning, building, subdivision and administrative matters.
86. *Zoning District Map* - The map adopted on the effective date, showing the zone boundaries, as said map may be amended from time to time.

## Article III.

### General Provisions

#### Section 3.1. **Building and Land Uses Regulated.**

- a. *Limitation on all land and structures.* No land within the Zone shall be used or occupied and no structures shall be erected or used or occupied except in conformity with these Regulations and upon the performance of all conditions set forth herein. However, a structure or use lawfully existing at the date of adoption of these Regulations may be occupied as a non-conforming use under the procedures and requirements of these Regulations.
- b. *Limitation on building on lots.* Every building hereafter erected shall be located on a lot except as permitted in a Planned Unit Development
- c. *Zone building permit required.* No building or structure shall be erected, added to or structurally altered in the Zone until a Zone building permit has been approved by the Zone Planning and Zoning Official. The Zone building permit is required to be issued prior to the issuance of a City building permit.
- d. *Applications for Zone Building Permits* All applications for such permits shall be in accordance with the requirements of these Regulations, and, unless upon the written order of the Zone Board of Adjustment, no zone building permit or zone certificate of occupancy shall be issued for any building or structure where the construction, addition or alteration or use thereof would be in violation of any of the provisions of these Regulations.
- e. *Zone Certificate of Occupancy* All uses, including non-conforming uses, shall obtain a zone certificate of occupancy from the Zone Planning and Zoning Official. The zone certificate of occupancy shall be issued by such Official when he shall determine that the use, as described in the Zone Building Permit application complies with all applicable requirements of these Regulations. In cases of mixed occupancy, the regulations for each use shall apply to the portion of the structure or land so used.
- f. *Records* The Zone Planning and Zoning Official shall maintain a record of the following:
  1. Building permit applications
  2. Building permits
  3. Certificates of occupancy
  4. Nonconforming uses

The Official shall provide a copy, upon written request, of any record to any person having a proprietary or tenancy interest in property within the District. The Board of Directors shall establish reasonable fees to be charged for such copies in the same manner as the City establishes similar charges. One copy of each Zone record shall be provided to the City Department of Planning and Development without charge.

g. *Affirmative Defenses* It shall be an affirmative defense in any proceeding to enforce these Regulations that:

1. An order authorizing the conduct in question was duly issued or adopted, as the case may be, and all conditions therein prescribed have been completely observed and fulfilled; or
2. The property or use involved had been registered as a nonconforming use at the time of violation, in accordance with Section 7.6 of these Regulations.

h. *Penalty*

1. *Fine.* The violation of any provision of these Regulations shall be punishable by a fine. No fine shall exceed any amount imposed by state law. The fine for each offense may not exceed one thousand dollars (\$1,000), provided that this limit shall automatically increase to include any penalty now or hereafter within the jurisdiction of the municipal courts of the City under Section 29.003 of the Texas Government Code or other state law. Each day any violation of these Regulations continues shall constitute a separate offense. All fines, penalties and court costs shall be the property of the City.
2. *Other remedies.* Nothing in these Regulations shall limit any remedy available to the Zone or the City on becoming available to the Zone or the City, including, without limitation, those remedies provided by Title 2, Chapter 54, Subchapter B of the Local Government Code and Title 7, Chapter 211, Section 211.012 of the Local Government Code. All such remedies may be availed of regardless of whether a criminal prosecution is, has been or will be pending or completed. No remedy shall be a bar to any other remedy.

### Section 3.2. **Accessory Uses.**

Accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district, provided that all accessory structures or uses shall comply with the Regulations for the zoning district in which the structure or use is located. All accessory structures and uses shall be subordinate to and supportive of the primary use and structure. A City Building Permit and a Zone building permit is required for all accessory uses constructed in the Zone. All such accessory uses shall be constructed in accordance with these Regulations and the applicable



City Codes and Ordinances.

**Section 3.3. Temporary Uses.**

a. *Authority* Temporary uses may be authorized by the Zone Planning and Zoning Official in any zoning district subject to the standards hereinafter established.

b. *Permit* A permit must be obtained for all temporary uses. The permit shall be issued by the Zone Planning and Zoning Official for a period not to exceed thirty (30) days, and may be renewed for one additional period of thirty (30) days, with the exception of temporary permits for construction and sales. After the expiration of the initial term and one renewal, then a new original permit must be obtained. No more than two permits may be issued for a temporary use other than construction permits or sales office permits under this Section.

c. *Temporary Construction Permits*

The Zone Planning and Zoning Official may issue, for a period to terminate simultaneously with the completion of construction, a temporary permit for the temporary open storage of construction equipment, construction materials and the location of temporary construction offices on private property. The permit shall require that the building materials shall be stored behind the front building line, shall be fenced, restacked and reordered at the end of each day there is construction activity on the site, and that a covered container of not less than 6 cubic yards be on-site at all times during construction to contain all waste material from the construction.

d. *Temporary Sales Office Permit*

The Zone Planning and Zoning Official may authorize the use of a principal or accessory structure as a sales office for property within the Zone until all initial sales are completed in the Zone, for a period of time not to exceed two (2) years, renewable for one additional year, for a total of three (3) years.

**Article IV.**

**Zone Districts**

**Section 4.1. Districts Established.**

In order to carry out the goals and objectives of the comprehensive plan for the Zone and the purposes of these Regulations, the following zoning districts are hereby created:

- a. *Residential Districts*
  - 1) RS residential district
- b. *Planned Unit Development (PUD) (unmapped)*
  - 1) NC-PUD (SG) district
  - 2) R-PUD (SG) district
  - 3) U-PUD (SG) district

Section 4.2. **Zoning District Map.**

- a. The Zoning District Map for the Zone is hereby designated and established as part of this ordinance; a copy of such map is attached to this order and made a part hereof for all purposes. The map shall indicate the boundaries of the respective zoning districts within the Zone.
- b. In the event that any uncertainty exists with regard to the intended boundaries of the zoning districts shown on the Zoning Map, the following rules shall apply:
  - 1) The district boundaries are the center lines of the streets, alleys, and rights-of-way, unless otherwise indicated. Where designation of a boundary line on the Zoning Map coincides with the location of a street, alley, waterway or right-of-way, the center line of such street, alley, waterway or right-of-way shall be construed to be the boundary of such district. Zone district lines may also be the street right-of-way line, provided uses on both sides of the street are compatible. Where through the application of these rules the location of district boundaries will place incompatible uses on opposing sides of a street or alley then the zoning boundaries shall be deemed to be the rear lot lines of properties fronting on the street or right-of-way which parallels the zoning district boundary lines.
  - 2) Where the district boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
  - 3) Where the district boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way or lot lines, the district boundary shall be determined by the use of the scale shown on the Zoning Map.

Section 4.3. **RS (SG) Residential District.**

- a. *Purpose* The R-1(SG) Residential District is a low density residential area in

which the regulations established in this section shall apply.

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

c. *Permitted Uses*

1) A building may be erected or used and a lot may be used or occupied for any of the following purposes, and for no other. The Permitted Uses in the R-1(SG) Residential District are limited to the following:

a) Single family detached dwellings (including detached patio and court yard houses);

b) Accessory uses are limited to the following:

1) Private garages for a minimum of two automobiles

2) Living quarters above the garages

3) Swimming pools and related structures including gazebos and pavilions

c) Home occupations are subject to the requirements of Section 6.2 and are to be reviewed and approved by the Board of Adjustment as a special exception under Section 7.5 of these Regulations;

d) Public or Private Parks and places of religious assembly, subject to the review of paragraph (i) of this section;

e) Utilities

1) Local utility distribution lines

2) Telephone lines and related cross connections

3) Gas lines;

f) Facilities owned by the City of Houston or Harris County or other governmental entity and uses for law enforcement, fire protection, traffic control or flood control purposes;

g) A Planned Unit Development complying with the requirements

of Article V and approved as an amendment under Article VIII of these Regulations;

h) Single family attached dwelling in a peripheral lot, subject to site plan review and approval by the Zone Board of Directors under Section 6.11 of these Regulations.

i) The construction or reconstruction of improvements by a person or corporation not subject to ad valorem taxation by the City of Houston, Harris County or any other taxing unit shall be subject to a special review by the Board of Directors to determine if the construction or reconstruction of such tax-exempt improvements together with all other improvements in the zone exempt from ad valorem taxation will impair the security for the timely payment of principal and interest on any bonds the City may issue or has issued to finance the redevelopment of the Zone under the authority of Chapter 372, Local Government Code or Chapter 311, Texas Tax Code. If the Board of Directors finds in writing that an impairment will result, the Zone building permit will be denied by the Zone Building Official.

j) A family home shall be permitted in the RS (SG) Residential District. A family home shall not be within one-half mile of another family home.

2) Special Exceptions, subject to the provisions described in Section 7.5, shall be approved by the Board and limited to Home Occupations and undersized lots with an area that is less than the required minimum area and dimensions.

3) Prohibited Uses

The following uses are specifically prohibited in the R-1(SG) District:

a) Parking of any vehicle, boat, recreational vehicle in the front yard on unpaved surfaces;

b) Sexually oriented business;

c) Automobile repair yard, gas stations, car washes or automobile sales establishments;

d) Industrial warehouses or storage buildings;

- e) Outdoor storage yards;
- f) Sales offices, except as a temporary use authorized by a permit issued under these Regulations;
- g) Free-standing antennas, microwave transmission towers;
- h) Any other use not specifically permitted

d. *Area and Height Regulations*

1) Residential structures in the R-1(SG) Zone shall be constructed on lots that meet the following minimum standards:

a) Lot Size and Area

1) Minimum lot area shall be 6,000 square feet, except that the minimum area of lots facing a boulevard street shall be 5,000 square feet.

2) Minimum lot width shall be 60 feet at the front yard setback line, except for corner lots where the minimum width shall be fifty (50) feet.

3) Minimum lot depth shall be 90 feet.

b) Building Height. Maximum building height shall be two and one-half stories or a maximum of 38 feet except that roof elements such as gables, cupolas and chimneys, may extend an additional ten (10) feet above the highest ridge of the roof of the principal structure. Maximum building height, exclusive of roof elements, may be increased to 42 feet above the average ground elevation by written application to the Zone Building Official. All projections through the roof including radio and television antennas and vent stacks shall be in the rear side of the roof area, except where required by the City of Houston Building Code. No antennae shall be placed in a location that is visible from a public street or sidewalk in the Zone. The calculation of height restriction shall exclude cupolas, steeples and domes of a church or other institutional use.

c) Floor Area. The minimum floor area per dwelling unit shall be 2,000 square feet, provided that upon the request of a Zone Board

member or upon a written request of a property owner and, upon written notice to all property owners deemed by the Board to be affected by the request, the Board may establish a minimum floor area per dwelling unit for a block of lots in the Zone of not less than 1,600 square feet nor more than 2,800 square feet. To establish a revised minimum square foot requirement the Zone Board must find that the revised requirement is consistent with and facilitates the implementation of the comprehensive plan for the Zone. The maximum floor area of an accessory building in the RS(SG) Zone shall be 10% of the lot area or 700 square feet, whichever is less.

d) Coverage, Setback and Building Separation

1) Building Coverage

Maximum building coverage of lot shall be 60% of lot area for the principal building, or 70% of lot area in the case of a patio or zero lot line house, excluding accessory buildings and a porte-cochere. All open areas of the lot shall be paved, planted or landscaped as required by these Regulations.

2) Minimum Yard Areas

Each lot shall have at least the following setbacks and yard areas:

a) Front yard setbacks shall be a minimum of 25 feet, except that for lots fronting on a boulevard street, the front yard setback shall be a minimum of ten (10) feet for principal buildings and five (5) feet for garages with side access. The front yard setback of garages or porte-cochere with garage doors facing the street shall be a minimum of twelve (12) feet greater than the front building line of the principal structure. Side loading garages are exempt from this provision.

b) Side yard setbacks shall be a minimum of five (5) feet, which may include utility easements. Accessory structures shall have the same side yard requirement as the principal structure, except that the side yard of a detached garage may be reduced to 3 feet, provided no roof overhangs or projections extend more than 1.0 feet into the yard area. A porte-cochere

shall have a minimum side yard setback of 5 feet, including utility easements.

c) Rear yard setbacks for a residential structure shall be a minimum of fifteen (15) feet from any rear lot line. The minimum rear setback for an attached garage or a courtyard house shall be five (5) feet.

d) Minimum rear yard setbacks for any accessory structure including detached garages shall be 5 feet from any rear lot line and 3 feet from the side property line.

e) The side yard of a corner lot shall be a minimum of ten (10) feet, including garages and accessory buildings. The side yard setback for a corner lot abutting a major thoroughfare shall be 10 feet if the side yard is enclosed by an ornamental metal and brick fence the entire length of the lot along the major thoroughfare. All corner lots shall be fenced in compliance with Section 6.5 of these Regulations and landscaped along the side lot line with a seven-foot brick and ornamental metal fence if the abutting street is a boundary street. Garages with access from the side yard shall comply with the following:

1) A setback within the lot to provide for twenty-two (22) feet of tandem parking in the driveway, or

2) Restricted to no tandem parking if the setback is less than 22 feet (nonconforming);

3) Side loading garages on corner lots shall be equipped with electronic opening mechanisms.

3) Minimum Building Separation Including Horizontal Projections

a) The minimum distance between principal buildings is 10 feet.

b) The minimum distance between accessory buildings or garages is 6 feet.

- c) The minimum distance between a principal building and a garage on an adjoining lot is 8 feet.
- d) Horizontal projections of principal buildings are permitted within a required setback distance, but shall be limited to a maximum of 1.5 feet. Horizontal projections are limited to bay windows, gutters, down spouts, chimneys, roof eaves, awnings, pents and extended gables.
- e) Horizontal projections of garages and accessory buildings shall be limited to a maximum of one (1) foot within the required setback lines.
- f) A garage for a dwelling may be attached or detached. If detached, it may be connected to the principal building by a covered or one-story enclosed breezeway, with or without having space above the garage. If attached, it may be connected to the principal building with enclosed connections on the first and second floors. If the garage is attached to the principal building, the side and rear yard setbacks shall be a minimum of five (5) feet.

## **Article V.**

### **Planned Unit Development**

#### **Section 5.1. Planned Unit Development (PUD).**

Planned unit development districts may hereafter be established by amendment to the Zoning District Map and these Regulations. Under the provisions of Article VIII of these Regulations, a Planned Unit Development is permitted only in the RS(SG) Residential District by enactment by a zoning amendment. A Planned Unit Development is permitted only in the area or areas designated in the Zoning District Map; more specifically, the area of land bounded on the north by the south right-of-way line of Fairdale Street, on the west by the east right-of-way line of Yorktown and on the south by the north right-of-way line of Richmond and on the east by the west right-of-way line of South Rice Poullevard. In addition, a Residential Planned Unit Development (R-PUD) is permitted in the area defined by the existing lots fronting on a Boulevard Street with landscaped esplanades and an Urban PUD (U-PUD) is permitted in the area adjacent to Chimney Rock Road, as described herein. A Planned Unit Development shall be subject to the limitations and restrictions of this Article. The Board may revise limitations and restrictions contained in this Article at the time of the establishment of the planned unit if the Board finds that such revisions are consistent with the public health, safety and welfare, that the revisions are consistent with the general criteria applicable to a PUD, and are required by the specific circumstances of the proposed PUD.



**Section 5.2. Purposes of a Planned Unit Development.**

The purpose of a Planned Unit Development is to encourage on larger tracts of land, higher quality development including the mixing of compatible land uses, employment opportunities within walking distance of residences, and provision of needed public amenities such as parks and plazas and preservation of natural resources and amenities. A Planned Unit Development shall encourage pedestrian circulation as an alternative to dependence on the automobile, and provide convenience services, shopping, offices, and recreation facilities accessible by walking from adjoining residential areas. A Planned Unit Development should also strengthen and enhance the character and liveability of the neighborhood, and promote an harmonious relationship between residential and nonresidential uses.

In order to achieve these purposes, reasonable flexibility in land use regulations, otherwise applicable to residential and other uses, may be required, subject to the approval of a specific PUD plan by the Board of the Zone.

**Section 5.3. Criteria Applicable to all Planned Unit Development Amendments and Specific Use Amendments.**

A Planned Unit Development amendment may be granted and may be allowed to continue if it meets the following criteria:

- a. The Planned Unit Development amendment is consistent with the purposes, goals, objectives and standards of the comprehensive plan of the Zone and the City, if any.
- b. The design of the proposed Planned Unit Development, including zoning amendments minimizes adverse effects, including visual impacts, of the proposed uses on adjacent properties;
- c. The proposed Planned Unit Development will not have an adverse effect on the value of adjacent properties;
- d. The proposed Planned Unit Development will not unduly burden essential public facilities and services, including streets, police and fire protection, sanitary sewers, storm sewers, solid waste disposal and schools; and
- e. The applicant for the Planned Unit Development has adequate financial and technical capacity to complete the development as proposed and has met all requirements of these Regulations, including such conditions as have been imposed as a part of a planned development amendment or specific use amendment.

**Section 5.4. Planned Unit Development Neighborhood Commercial Planned Unit Development NC-PUD (SG), Residential Planned Unit Development R-PUD (SG), and Urban Planned Unit Development U-PUD (SG).**

Neighborhood commercial planned unit development (NC-PUD) (SG), Residential Planned Unit Development (R-PUD)(SG) and Urban Planned Unit Development (U-PUD)(SG) are permitted and may be approved in an RS(SG) Residential District, subject to the following conditions, regulations and requirements:

a. *Minimum Site or Tract Area*

1) Site area. Unless the Zone has adopted a General Development Plan for the PUD, the minimum site area for a Planned Unit Development shall be 4.5 acres. Within the area of a PUD for which a General Development Plan has been adopted, the minimum site area for an NC-PUD(SG) or R-PUD(SG) shall be a minimum of 1.0 acre.

2) Location.

(1) NC-PUD(SG) The NC-PUD(SG) shall be limited to the property located in Block 7, Lots 1-33, and Block 8, Lots 1-17 of the Lamar Terrace subdivision and, if abandoned by the City of Houston, the street right-of-way of McCulloch Circle Street between Rice and Yorktown.

(2) R-PUD(SG) The R-PUD(SG) shall be limited to the property fronting a boulevard street with a landscaped esplanade or esplanades.

(3) U-PUD(SG) The U-PUD(SG) shall be limited to the property located in Block 9, Lots 1-11, Block 10, Lots 1-22, Block 25, Lots 1-25, Block 24, Lots 1-17, Block 23, Lots 1-7, Block 22, Lots 5-13, Block 21, Lots 1-11, Block 21, Lots 1-18, Block 19, Lots 4-22, Block 18, Lots 1-23, Block 17, Lots 1-13 of the Lamar Terrace subdivision, Lots 1-6 of the Galleria View, a resubdivision of Lots 1-3 and Lots 23-25 of Block 19 of the Lamar Terrace subdivision and, if abandoned by the City of Houston, the street rights-of-way of Val Verde Street, Hidalgo Street, Bosque Street, Delores Street and McCulloch Circle.

b. *Use regulations within a PUD(SG) Zone*

Within the PUD(SG) Zones a building may be erected or used and a lot may be used or occupied for any of the following uses and no other:

1) Permitted Uses.

a) Residential (NC-PUD(SG)) and (U-PUD(SG))

1. Single-family detached residences including patio houses
2. Single-family attached, including duplexes and townhouses limited to 4 attached single-family units in a row
3. Apartments (Including apartments above the first floor of nonresidential uses)

b) Residential (R-PUD(SG))

1. Single-family detached residences
2. Patio houses
3. Single-family semi-detached or duplexes
4. Townhouses

c) Non-residential (NC-PUD(SG) Only) and U-PUD(SG)

1. Shopping Center, Retail Shops
2. Offices, including general offices, professional offices, medical offices and related facilities
3. Gas Stations, excluding repair shops and sales establishments
4. Recreation Facilities

d) Other Uses (NC-PUD (SG) Only) and U-PUD (SG)

1. Churches, Schools
2. Any use permitted in an RS(SG) residential district
3. Multi-story parking garages
4. Vertically mixed uses, such as apartments and offices above retail uses
5. Other uses, excluding specifically prohibited RS uses, determined by the Board to be compatible with the PUD plan

c. *General Plan for PUD*

In response to a petition by the owners of record of one-half (.5) acre or more of real property in a PUD or upon the motion of the Board may adopt a general development plan for the entire PUD area.

1) Content of General Development Plan

- a) Specific land use plan for all property in the PUD.
- b) A detailed site plan for the PUD.

- 2) Procedure for Adoption of General Development Plan
  - a) The Commission shall call a public hearing and publish notice of such hearing in a newspaper of general circulation in the City. Notice shall be given to the property owners in the proposed PUD area and to the property owners within two hundred (200) feet of the boundary of the proposed PUD under the procedures set forth at 211.007, Texas Local Government Code.
  - b) The adoption of a general development plan shall be deemed to be an amendment of these regulations and shall comply with the provisions of Article VIII of these Regulations.
- d. Any PUD application submitted after the adoption of the General Development Plan must comply with such Plan, and these Regulations, including the requirements of Article V, Planned Unit Development and Article VIII, Amendments.
- e. *Area and Height Regulations*
  - 1) All structures and uses in a NC-PUD or U-PUD(SG) shall comply with the following regulations:
    - a) Floor Area Ratio - A maximum of .75, which may be increased subject to the incentive provisions of paragraphs (7) and (8) of this subsection.
    - b) Maximum Building Height - Three stories or a maximum of forty (40) feet, excluding chimneys, spires and cupolas, provided that structures facing Richmond Avenue shall be subject to the incentive exceptions of paragraph 7 of this subsection and structures facing Chimney Rock Road shall be subject to the restrictions of paragraph 8 of this subsection.
  - 2) Common Open Space - A minimum of 10% of the total PUD area shall be devoted to landscaped common open space. Landscaped plazas and water features shall be included in meeting the open area requirement.
  - 3) Impervious Coverage - A maximum of 70% of the total area may be impervious surfaces.
  - 4) Minimum Setback Requirements applicable to the peripheral boundaries of the PUD shall be as follows:
    - a) Front yard setback on Richmond shall be 25 feet

- b) Any other front yard setback shall be 15 feet
- c) Side yard setback shall be 10 feet
- d) Rear yard setback shall be 20 feet (where applicable)
- e) Where a PUD provides for a street-to-street development, such lots may have two front yards and no rear yard

5) Minimum Building Separation

- a) Commercial structures shall be separated by a minimum distance of 20 feet
- b) Commercial structures shall be separated from residential uses by a minimum distance of 30 feet except, where residential uses are located above the ground floor.
- c) Parking garages shall be separated from residential uses by a minimum distance of 30 feet, including a planted landscape buffer.
- d) Additional internal PUD setback, yard and building separation requirements and other regulations shall be established in the PUD plan adopted as an amendment to these Regulations.

6) Other Regulations

- a) Multi-storied parking garages shall have a minimum of 50% of the ground floor areas devoted to retail and other compatible uses.
- b) All open parking lots shall be screened with a 3-foot hedge or a low wall or fence.
- c) Streets within a PUD may be private streets, with a minimum pavement width of twenty-two (22) feet for an internal access drive. Otherwise, streets shall comply with the minimum requirements of the Zone and City Regulations.
- d) Uses above ground floor retail uses - A minimum of 50% of the building coverage of retail uses shall have residential (apartments or multifamily dwellings) or offices, or a combination thereof, above retail uses.
- e) Screening. Where the rear or side of a nonresidential building is exposed to a residence and where the nonresidential building is closer than 100 feet to a residence, a screening wall or fence of at least eight (8) feet in height shall be created separating the rear or side from the adjacent residence. An alternate for such screening may be approved by the Zone Planning and Zoning Official which screens the rear or side of the commercial building from the residence and which is justified

upon architectural, aesthetic and landscaping considerations peculiar to the planned unit development.

- f) Open Storage Prohibited. No open storage shall be permitted in an area designated Planned Unit Development. All trash receptacles shall be stored at least seventy-five (75) feet from any residence and shall be screened by a wall or fence at least eight (8) feet in height. All off-street parking shall be screened by a building or wall or fence from the lot line of any residence within 200 feet of the boundary of the parking lot. No parking space shall be used for the outside storage of vehicles or property of any commercial business.

- 7) Incentive provisions for increased building height and bulk for buildings located in NC-PUD(SG) and facing Richmond Avenue.

- a) Within 250 feet of the northern right-of-way line of Richmond Avenue, the maximum height may be modified to permit a maximum floor area ratio of 1.30, permit impervious cover of 80% and a maximum building height of 6.5 stories, subject to compliance with the following requirements.

- 1) The building contains a single facade facing Richmond Avenue at least 400 feet in length with a continuous arcade or portico at the ground level; and,

- 2) At least 60% of the required parking is provided in an enclosed or multi-level structure, with direct pedestrian connections to the primary structure enclosed in the principal building; and,

- 3) The vertical wall of the highest floor is setback from the perimeter of the building at least 10 feet, with a decorative cornice and balustrade; and,

- 4) No portion of the parking structure is visible from a residential lot; and,

- 5) A sidewalk at least 10 feet wide with decorative pavement and street trees, planted thirty (30) feet on center, is provided the full length of Richmond Avenue within the Zone; with a minimum setback of all of 15 feet along Richmond Avenue and a minimum setback of 25 feet along any street upon which residences are opposite the boundary of the PUD; and

- 6) The building has a pitched roof or a flat roof with a decorative, traditional cornice or a combination thereof, that is visible from the street; and
- 7) Other requirements determined by the Board to provide for the viability of the proposed PUD and to provide compatibility with the adjacent residential uses.
- 8) Incentive provisions for increased building height and bulk for buildings located in NC-PUD(SG) or U-PUD(SG) and facing Chimney Rock Road.
  - a) This height restriction along Chimney Rock may be increased to eight (8) stories, if the proposed PUD meets the height exception standards applicable to a PUD facing Richmond Avenue under Section 5.4(e)(1-7) in these Regulations.

f. *Townhouses*

The following regulations shall apply to attached dwellings or townhouses located in a Planned Unit Development:

- a) Minimum floor area per dwelling unit shall be 1,000 square feet.
- b) Minimum lot area shall be 2,400 square feet.
- c) Minimum lot width shall be 25 feet.
- d) Maximum impervious cover of a lot shall be 80%.
- e) Maximum building height shall be 2.5 stories or a maximum of 35 feet.
- f) Minimum distance between buildings shall be 15 feet.
- g) Maximum number of attached units in a row shall be four.
- h) Minimum yard requirements:
  - 1. Front yard setback shall be 10 feet.
  - 2. Side yard setback shall be 5 feet (end unit only).
  - 3. Rear yard setback shall be 10 feet.

g. *Apartments and Multifamily Dwellings*

The following regulations shall apply to apartments and multifamily dwellings in a Planned Unit Development:

- a) Minimum floor area per dwelling unit shall be 800 square feet.
- b) Maximum pervious coverage of apartment building site or lot shall be 80%.
- c) Minimum distance between buildings shall be 20 feet for 2.5 stories, 30 feet for 3 stories or greater.
- d) Minimum yard requirements for tract on which apartments are located.
  1. Front yard setback shall be 25 feet.
  2. Side yard setback shall be 15 feet.
  3. Rear yard setback shall be 20 feet.

h. *Semi-Detached or Duplex Dwellings*

The following regulations shall apply to semi-attached dwellings or duplexes located in a Planned Unit Development:

- a) Minimum floor area per dwelling unit shall be 1,200 square feet.
- b) Minimum lot area shall be 2,800 square feet/dwelling, or 5,600 square feet/duplex building.
- c) Minimum lot width shall be 28 feet.
- d) Maximum impervious cover of a lot shall be 80%.
- e) Maximum building height shall be 2.5 stories or a maximum of 38 feet.
- f) Minimum distance between buildings shall be 6 feet.
- g) Minimum yard requirements.
  1. Front yard setback shall be 10 feet.
  2. Side yard setback shall be 3 feet (one side).
  3. Rear yard setback shall be 5 feet.

i. *Patio and Zero Lot Line Dwellings*

The following regulations shall apply to attached dwellings or townhouses located in a



Planned Unit Development:

- a) Minimum floor area per dwelling unit shall be 1,200 square feet.
- b) Minimum lot area shall be 4,000 square feet.
- c) Minimum lot width shall be 40 feet.
- d) Maximum impervious cover of a lot shall be 80%.
- e) Maximum building height shall be 2.5 stories or a maximum of 35 feet.
- f) Minimum distance between buildings shall be 6 feet.
- g) Minimum yard requirements.
  - 1. Front yard setback shall be 10 feet.
  - 2. Side yard setback shall be 3 feet.
  - 3. Rear yard setback shall be 5 feet.
- j. *Other Uses*
  - a) Maximum impervious coverage shall be 70%.
  - b) Maximum building height shall be 3.0 stories or a maximum of 40 feet.
  - c) Minimum distance between buildings shall be 20 feet for 2.5 stories; 30 feet for 3 stories.
  - d) For single-family semi-detached dwellings or duplexes not located in a PUD, see Section 6.11.
- k. *Applicability of PUD Regulations*

Where there are conflicts between the PUD provisions herein and the Zone general zoning, or other Zone regulations or requirements, these PUD special regulations shall apply in the PUD district unless the Board shall find, in the particular case: (a) that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, subdivision or other regulations or requirements, or (b) that actions, designs or solutions proposed by the applicant, although not literally in accord with these PUD Regulations or general regulations, satisfy public purposes to at least an equivalent degree.

**Section 5.5. Application for Planned Unit Development Amendment.**

The procedures for application for a PUD are as follows:

Any person desiring to petition for a Planned Unit Development amendment to these Regulations shall file an application in writing with the Zone Planning and Zoning Official, accompanied by the applicable non-refundable application fee, to defray the actual cost of reviewing and processing the application. The application shall include the following information:

- a. 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 offices of the corporation; and a list of principal stockholders (owning 5% or more of the issued stock).
- b. A statement of the Section or Sections of these Regulations authorizing a Planned Unit Development amendment;
- c. A legal description, acreage calculation, and certified boundary survey, and street address of the property which is the subject of the application;
- d. A statement of ownership accompanied by a certificate from a title insurance company certifying ownership; and legal evidence of an option or contract to purchase said property;
- e. A written description of the proposed development and a proposed site plan which set forth the following:
  - 1) The size of the subject property;
  - 2) A survey of the subject property;
  - 3) The location of adjacent streets and right-of-ways and, a plan showing any proposed modifications of such streets and right-of-ways;
  - 4) A general land use and circulation plan, showing proposed uses and the location and size of streets, drives and parking areas;
  - 5) The approximate number, location and height of any and all proposed buildings to be constructed upon the site (including proposed setbacks and minimum building separations), with a description of the parameters desired for variation from the proposed number and height of any and all buildings, and a description of the type and use;

- 6) The proposed lot coverage and floor area ratio of all buildings to be developed, with a description of the parameters desired for variation from the proposed lot coverage and floor area ratio of all buildings to be developed;
  - 7) The proposed location of any and all open space, including common open space, public parks or other areas reserved for private or public use in the proposed development, with a description of the parameters desired for variation from the proposed location of any and all such open space;
  - 8) A general landscape plan for the entire area, showing trees, shrubs, pedestrian ways and landscape treatments;
  - 9) Proposed development regulations and standards, for streets, walkways, parking, lighting, landscaping, signs and graphics, with appropriate text and illustrations;
  - 10) Proposed plan for phasing the development, if applicable.
- f. A summary environmental assessment report, if determined to be required by the Zone Planning and Zoning Official, which shall include but not be limited to, a traffic impact analysis, an analysis of demand on utilities and their capacity, an analysis for the demand for other public services, a description of development phases or stages, if applicable, and other data as may be deemed necessary by the Board to evaluate the proposal;
- g. Other information or documentation such as architectural sketches or renderings of the proposed development, as the Zone Planning and Zoning Official, or the Board may from time to time designate or which may be deemed necessary and appropriate for a full and proper consideration, recommendation and action of the particular application.
- h. Complete application - Within ten days of submission, the Zone Planning and Zoning Official shall give the applicant written notice that the application is complete, or if not complete, specifically the additions and modifications necessary for a complete application. Upon receipt of written notice of a complete application, the Board shall call for a public hearing, within ten (10) days of said written notice. The hearing shall be held within thirty (30) days of the call for said hearing.

#### **Section 5.6. Final Plan for Planned Unit Development Districts.**

Following the approval of an application for a planned unit development, the applicant shall file with the Zone Planning and Zoning Official a final site plan in conjunction with its request for a Zone building permit. The final site plan shall show compliance with the parameters and conditions established by the Board of Directors and the Planned Unit Development amendment order. In the event the Planned Unit Development amendment contemplates a development in phases or consisting of more than one building, and no General Development Plan has been adopted by the Board, the

applicant shall only be required to file a final site plan for the site upon which the building sought to be constructed is located, including a general site plan for all phases of the entire PUD as defined in Section 5.5.

The final site plan for any phase of a PUD shall include, but not be limited to:

- a. Construction documents for all site improvements, including structures, landscaping, lighting, utilities, drawing facilities, fences and outdoor equipment.
- b. Schematic architectural drawings, including typical building floor plans and exterior elevations, for all proposed structures.
- c. Any information required by the City for a zone building permit for the proposed site improvements.
- d. Phasing plan, if applicable.

The Zone Planning and Zoning Official shall issue a zone building permit if the final site plan is in accord with the provisions of these Regulations and the Planned Unit Development amendment approved by the Board and the City Council, and if all other conditions of these Regulations and administrative orders of the Zone Planning and Zoning Official have been complied with. No construction shall occur until a building permit is issued by the City, consistent with the Zone building permit.

## **Article VI.**

### **Supplemental Development Standards and Regulations**

#### **Section 6.1. General.**

The following development standards and regulations shall apply to the permitted uses in the respective zoning districts of the Zone, including residential Planned Unit Development.

#### **Section 6.2. Home Occupations.**

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

b. *Limitation of home occupations* Any home occupation is prohibited when:

- 1) The person using the property employs persons who do not reside in the residence.
- 2) There are any signs or markings identifying the residence as a business.
- 3) There are business clients who are regularly received at the residence.

c. *Particular home occupations permitted* Permitted home occupations include, but are not limited to the following:

- 1) Homebound employment of a physically, mentally or emotionally handicapped person;
- 2) Office facilities for salesmen, sales representatives and manufacturers' representatives, when no retail or wholesale sales are made or transacted on premises;
- 3) Studio or laboratory of an artist, musician, photographer, craftsman, writer, tailor or similar person;
- 4) Office facilities for accountants, architects, brokers, engineers, lawyers, insurance agents, realtors and members of similar professions.

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

- 1) No stock in trade shall be displayed or sold on the premises.
- 2) The home occupation shall be conducted entirely within the principal dwelling unit or accessory structure, or off premises in accordance with all applicable provisions of these Regulations, and in no event shall such use be visible from any other residential structures or public way.
- 3) There shall be no outdoor storage of equipment or material used in the home occupation.
- 4) No more than one (1) vehicle shall be used in the conduct of the home occupation. One off-street parking space shall be available for said vehicle.
- 5) No mechanical, explosive, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.

- 6) No home occupation shall be permitted which is noxious or offensive to a person of ordinary sensitivity or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
- 7) Advertising.
  - a) Forms of advertising of home occupations that are permitted.
    - 1) Word of mouth by telephone or by face to face contact.
    - 2) Free listing in telephone directories and business journals and directories.
    - 3) Business cards and stationery.
  - b) Forms of advertising home occupations that are prohibited.
    - 1) Any sign, display or written advertisement of the occupation or the telephone number of the occupation except as specifically listed in Section 6.2(7)a.
    - 2) Any radio or television advertisement of the occupation or the telephone number of the occupation or any other means of advertisement by word of mouth except as specifically listed in Section 6.2(7)a.

### Section 6.3. **Parking.**

In addition to the City's off-street parking ordinance, the following parking requirements shall apply:

- a. *Residential* - A minimum of two off-street spaces per dwelling unit, except that in a Planned Unit Development apartments and multifamily use may be reduced to a minimum of 1.5 spaces per dwelling unit provided the applicant can show shared parking availability. Otherwise, requirements shall be the same as the City's off-street parking ordinance.
- b. *Commercial* - The minimum requirements shall be the same and shall comply with the city's off-street parking ordinance.
- c. *Special off-street parking regulations* - In all residential districts, no truck exceeding three-fourths (3/4) ton capacity, no bus, no recreational vehicle, trailer, boat, motor home or

mobile home is permitted to be parked or stored within the front yard, and shall not, anywhere within any of such districts, be used as a dwelling or for business, commercial or storage purposes.

d. *Parking on Unsurfaced Area Prohibited* - In all residential districts it shall be prohibited to park unattended vehicles on the unsurfaced area within the distance between the edge of the curb or edge of the paved surface of a public street abutting a front or side yard and the outermost surface of any structures located on any property.

e. *Motor Courts* - The front setback yard of a single-family detached dwelling may include a motor court if approved by the Zone Planning and Zoning Official. The proposed use of a front setback yard as a motor court shall be submitted with an application and site plan and applicable fees to the Zone Planning and Zoning Official. The Zone Planning and Zoning Official shall approve the motor court site plan and application if:

- 1) The motor court has a permanent surface consistent with a residential use.
- 2) The driveway to the motor court is located at a site consistent with the special street design of the Zone.
- 3) A circular driveway may be permitted if the driveway or driveway entrances are consistent with the special street design of the Zone and with the safety of vehicles and pedestrians.
- 4) The motor court is enclosed by a brick or masonry wall constructed on private property and parallel to the front street right-of-way line not more than three feet in height, and constructed in accordance with the special wall construction standards for the Zone.
- 5) The front yard is landscaped at the front building line of the principal building, and all other unpaved areas shall be landscaped.
- 6) The area of the motor court is not more than 70% of the front yard setback area.

#### Section 6.4. **Landscaping, Screening and Buffering.**

a. *Purpose* The purpose of requirements for landscaping, screening and buffering is to improve the aesthetic appearance and increase the attractiveness of open spaces within the Zone, including off-street parking, and to enhance the compatibility of adjacent land uses, and in general, to mitigate negative visual environmental influences of climate on land uses including, heat, noise, and air pollution.

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

c. *General landscaping requirements*

1) **Installation.** All landscaping shall be installed in a sound workmanlike manner according to accepted planting procedures, and with a readily available water supply. All plant material shall be insect and disease resistant.

2) **Maintenance.** The owner or tenant of the landscaped premises and their agents, if any, shall be responsible for the maintenance of all landscaping in a good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris.

3) All open areas, not covered by impervious surfaces shall be landscaped with ground cover, plants and shrubs, and/or trees, based on a landscape plan approved by the Zone Planning and Zoning Official.

4) All parking lots in excess of ten spaces shall be landscaped with one shade tree per ten spaces, with a low masonry wall or hedge on the perimeter of the lot.

5) All new residential lots shall have a minimum of 6 specimen trees, which may include existing trees. Shrubs and plants shall be planted in planting beds that shall include not less than 75% of the front facade of the residential structures. Each lot shall be planted with a grass lawn. New specimen trees shall be at least 2.5 inch caliper minimum measured at 4 feet above the top of the root ball.

6) Street trees shall be planted in front of each residential structure within or adjacent to the right-of-way or parkway on regular intervals of forty (40) feet centers. All street trees shall be 3.5 inch caliper minimum measured at four (4) feet above the top of the root ball.

7) All applications for a building permit or for Planned Unit Development approval shall contain a general landscaping plan, showing all proposed plant materials (trees, shrubs, ground cover, grass), the irrigation plan, and outline specifications. The General Landscaping Plan shall be reviewed for approval by the Zone Planning and Zoning Official.

d. *Screening and buffering between nonresidential and residential uses* Where the rear or side of a nonresidential building is exposed to a residence or to a residential district boundary line, and where such building is closer than 100 feet to the residence or the boundary line, a screening wall or fence of at least eight (8) feet in height shall be erected separating the



rear or side of the nonresidential building from the adjacent residence or residential district.

- 1) A screening wall or fence shall be of wood or masonry construction as provided herein.

A screening wall or fence of wood construction shall be a permanent wooden fence constructed cedar, redwood or wolmanized treated wood, and with capped galvanized iron posts set in concrete with a horizontal cap rail and bottom rail. The wall or fence surface shall constitute a visual barrier between nonresidential and residential use. An alternative design may be approved by the Board if it functions as a visual barrier substantially equivalent to these standards.

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

- 2) The provisions of this subsection as to screening and buffering between nonresidential and residential uses may be waived by the Board in the following cases:

- a) When a property line abuts a dedicated alley;
- b) When a rear or side of a building abuts an existing wall or other durable landscaping or screening barrier on an abutting property if said existing barrier satisfies the requirements of this subsection.
- c) In a Planned Unit Development where the abutting uses are compatible based upon a unified design plan.
- d) Where an alternative design is recommended by the Planning & Zoning Official and approved by the Board.

- 3) Where property in nonresidential use lies adjacent to property in residential use, all trash receptacles within such nonresidential property shall be located at least seventy-five (75) feet from any and all points upon any lot in residential use. Further, all such trash receptacles shall be visually screened by means of a fence or a wall.

e. *Existing Trees*

Existing specimen trees in healthy and stable conditions shall be protected and preserved, except when the Zone Planning and Zoning Official determines that such trees shall be removed for construction or street design purposes. In addition, the following shall apply:

- 1) All non-specimen and specimen trees in poor condition shall be removed, including trees which adversely affect the health of adjacent trees to be preserved.
- 2) Healthy, existing trees may be used in satisfying the minimum requirements for front and rear yard trees and street trees.
- 3) Healthy specimen trees may be removed if determined by the Zone Planning and Zoning Official to be a hazard to public safety, or obstruct clear sight lines of motorists, or do not conform with the regular pattern and geometry of street trees.

**Section 6.5. Fence Regulations.**

- a. Fences shall be constructed according to design standards prepared by the Zone Planning and Zoning Official and approved by the Board of Directors.
- b. Fences are required on the side and rear yards of residential lots, shall be constructed on the property line, a minimum of six (6) feet in height.
- c. In residential districts, no fences shall be constructed to a height in excess of 8 feet. Fences facing a major thoroughfare shall be at least seven (7) feet in height.
- d. Fences 6 feet in height or less may be constructed anywhere inside the property lines of a lot in the RS(SG) District, except within the front yard as that term is defined in these Regulations.
- e. Walls or fences may be permitted in front yard areas, subject to Design Standards approved by the Board. Such walls or fences shall consist of brick columns not more than six (6) feet high and vertical metal fencing or a low, solid brick wall not more than 2 feet in height.

**Section 6.6. Lighting - Exterior.**

- a. All residential lots shall have at least one lighting fixture in the front yard and one lighting fixture in the rear yard. The lights may be gas or electric. At least one exterior electric light fixture in both the front and rear yards shall be controlled by a timer or photosensitive device to provide light only during darkness and to conserve energy during the daylight.
- b. Exterior lighting shall be sized and located so as to prevent intense glare or direct illumination across the property line from a visible source of illumination; nor shall any such lighting be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.
- c. Exterior lighting shall be designed and located according to CPTED guidelines adopted

by the Board.

#### Section 6.7. **Signs and Graphics.**

In general, the signs in the Zone should be of minimum size and number and part of a graphics system established by an order of the Board and comply with the following requirements:

- 1) Exterior signs in residential areas on private property shall be limited to one address marker on the ground and one address number attached to the front facade of the dwelling. No sign face shall exceed 72 square inches. Letters and numbers shall not exceed four (4) inches in height.
- 2) Gateway signs at street entrances shall be an integral part of the gateway design elements and may contain street names and the name and logo of the district. Gateway sign faces are limited to a maximum of 3 square feet each with maximum of two per gateway.
- 3) Temporary signs are limited to "for sale" signs and "construction" in the front yards of lots, not to exceed 6 square feet in area per lot and shall not be more than three (3) feet in height above the ground. Such signs may only remain in place while the lot or house is for sale or construction is underway.
- 4) Street, traffic and directional signs shall be designed and located in accordance with City of Houston standards. Street signs may be combined with street lamps, based on a standard Zone design provided by the Zone Planning and Zoning Official. All designs for street, traffic and directional signs that differ from standard City design shall be submitted for review and approval by the Director of the Capital Projects Department of the City.
- 5) Signs in all nonresidential areas, including PUD's, shall be governed by Zone sign and graphics standards and guidelines prepared by the Zone Planning and Zoning Official. In a PUD, the applicant shall prepare a Sign & Graphics Manual to be reviewed and approved as part of the PUD. The Sign & Graphics Manual shall cover the location, size, type material, color, lettering and maintenance of all signs and exterior graphics in the PUD.
- 6) No sign shall be a flashing or moving message sign, nor shall there be more than two (2) signs per building.

#### Section 6.8. **Performance and Nuisance Standards.**

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

a. *Noise*

- 1) Noise shall be subject to the regulations established in Chapter 30, Code of Ordinances, except as modified in this section.
- 

**Table 1**

**Limiting Sound Levels for Land Use Districts**

Use District	7 am - 10 pm	10 pm - 7 am
Residential	65 dB(A)	58 dB(A)
Planned Unit Development	68 dB(A)	68 dB(A)

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

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

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

- a) Noises not directly under control of the property owner or user;
- b) Noises emanating from construction and maintenance activities between

the hours of 7:00 a.m. and 7:00 p.m. (daylight hours);

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

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

b. *Control of air pollution from visible emission and particulate matter* No person may cause, suffer, allow or permit any outdoor burning, incineration, visible emissions or particulate matter from any source to exceed allowable rates specified in the Texas Air Control Board Regulations.

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

d. *Fire and explosive hazard material*

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

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

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

Frequency Cycles Per Second	Displacement in Inches
0 to 10	.0010
10 to 20	.0008
20 to 30	.0005

30 to 40	.0004
40 and Over	.0003

f. *Open Storage* No open storage of materials, vehicles or commodities shall be permitted in any district. No open storage operation shall be located in front of a principal building. No wrecking, junk or salvage yard shall be permitted as a use in any district.

g. *Glare* No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above 60E from horizontal shall be utilized.

h. *Other Nuisances Regulated*

1) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

2) All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

3) **Radioactivity and Electrical Disturbance:** There shall be no activity which emits dangerous or harmful radioactivity. There shall be no electrical disturbance adversely affecting the operation or any equipment beyond the property line of the creator of such disturbance.

i. *Zone Planning and Zoning Official Review* All projects shall be subject to a review process by the Zone Planning and Zoning Official in order to determine if such projects are likely to cause noise, odor, vibration, or other effects in violation of this Section. The Zone Planning and Zoning Official shall be authorized to make or require any investigations or studies which in his opinion are necessary to determine if compliance with this subsection can be achieved. The Zone Planning and Zoning Official shall also have the authority to require noise attenuation measures in accordance with the findings of said investigations or studies for the purpose of determining compliance with this subsection.

**Section 6.9. Exterior Building Materials.**

In order to encourage durability of private investment in the Zone and reduced maintenance, and compatibility with local climatic conditions, exterior building materials for all construction in the Zone are limited as follows:

a. *Walls* Brick, stucco, cast stone or similar masonry type materials. Wood siding including wood shingle siding shall be used only where required for architectural detailing and where the design combines wood and masonry in a traditional manner and shall be limited to 10% of the vertical exposed front facade of the building. Reflective glass windows are not permitted on a residential structure, shall not exceed 10% of the vertical exposed area of any nonresidential structure except a mid-rise office building.

b. *Roofing* Fire retardant treated woodshake, tile, slate, or composition shingles with a minimum of 25-year warranty rating. All roofs shall have overhangs to protect walls and openings from moisture penetration and shall be pitched, unless otherwise approved by the Zone Planning and Zoning Official.

c. The Zone Planning and Zoning Official may approve building materials of equal or similar performance and, upon approval of the Board, and may issue additional standards and guidelines for building methods and materials.

#### Section 6.10. **Design Review Committee.**

The Board of Directors of the Zone shall constitute a committee for review of all and building plans to ensure that all construction will comply with the project plan and finance plan for the Zone. The Board of Directors of the Zone will continue to function as that committee following the enactment of any conforming amendments pursuant to Section 8.2(d) of these regulations.

#### Section 6.11. **Standards and Procedures for Site Plan Review and Approval for Single Family Semi-detached or Duplex Dwellings Not Located in PUD.**

a. Single-Family Semi-detached or Duplex dwellings in peripheral areas of the Zone and on lots facing boulevard streets are permitted under the standards of this Section subject to a site plan reviewed and approved by the Zone Board of Directors.

1) Single-Family Semi-detached dwellings or duplexes are permitted on a lot of a minimum of 6,000 square feet of lot area, subject to site plan approval procedures of this Section, in the following locations:

a. Corner lots on South Rice (Block 1, Lot 13; Block 2, Lots 13 and 14, Block 3, Lots 13 and 14; Block 4, Lots 14 and 15; Block 5, Lots 16 and 17; Block 6, Lots 17 and 18; Block 7, Lots 16 and 17; Block 8, Lot 17 of the Lamar Terrace subdivision).

b. The north side of Fayette Street (Block 1, Lots 1 through 13 of the Lamar Terrace subdivision) and the south side of Fayette Street (Block 2, Lots 1 through 13 of the Lamar Terrace subdivision).

- c. In designated PUD areas, as part of a PUD application under Article V of these Regulations.
- 2) The following regulations shall apply to Semi-detached or Duplex dwellings:
- a. Except as provided in this subsection, all RS(SG) District regulations apply to a Single-Family Semi-detached Dwelling.
  - b. The minimum Lot Area shall be six thousand 6,000 square feet.
  - c. The minimum Lot Width shall be thirty (30) feet.
  - d. The required Side Yard shall be three (3) feet and shall be required on the unattached side of each Single-Family Attached dwelling.
  - e. The minimum Front Yard Setback may be reduced to ten (10) feet if the front yard is enclosed by a wall or fence approved by the Zone Board of Directors.
  - f. Maximum building coverage shall be a maximum of 75% of the lot area.
  - g. The rear yard shall include a seven (7) foot high solid fence of wood or masonry construction the entire width of the Rear Lot Line and the side abutting any lot for which a Single-Family Detached Dwelling use is permitted, extending from the Rear Lot Line to either the front facade of the principal building or within ten (10) feet of the front building line. The side yard fence may be of ornamental metal.
  - h. An ornamental metal or masonry fence is required to be constructed along the side yards of adjacent dwellings at the building line. The required fence shall be parallel to the street and may include gates to access the side yards.
- 3) Site plan review and approval. (Semi-detached or duplex dwellings)
- a. The site plan must provide for the simultaneous construction of two Single Family Attached Dwelling units on a lot of 6,000 square feet or more. No site plan shall be approved for the construction of one Duplex Dwelling outside the boundaries of a PUD approved under Article V of these Regulations.
  - b. All Duplex Dwellings, prior to the issuance of a Zone building permit, shall be subject to site plan review by the Zone Board of Directors.



The site plan submission shall contain at least the following materials:

1. Certified lot survey showing boundaries, easements, utilities.
  2. Site plan showing proposed building footprints, setbacks, height, coverage, garages, driveways, roof plan, general landscaping, lighting, walks, parking, fences and walls, drainage provisions.
  3. Schematic architectural floor plans, with overall dimensions, and building elevations of all proposed structures.
- c. After review and written recommendation by the Zone Planning and Zoning Official, the Zone Board of Directors shall review and take action on the site plan application; either approval, approval with conditions, or denial.
- d. In making its decision, the Board shall consider:
1. The benefits of the proposed plans on other property owners and on the District in general.
  2. The architectural character of the proposed dwellings.
  3. The impact on public services and property values.
- e. Site plan approval shall constitute the issuance of a Zone building permit, when accompanied by complete construction documents.

#### Section 6.12. **Alcoholic Beverages.**

No bar or liquor sale establishment shall be permitted in the Zone.

A restaurant may be permitted in the NC-PUD or PUD if it shall meet the following requirements:

- 1) The maximum size of the restaurant shall be 3,000 square feet of gross floor area; and
- 2) No outdoor eating or drinking shall be permitted except where the outdoor eating area is
  - a) a sidewalk facility on a major thoroughfare designated by the City in its

Major Thoroughfare and Freeway Plan; and

- b) a deck, no more than 30 inches high, located in a rear, front or side yard adjoining a nonresidential use; and
- c) the use is separated from adjoining residential uses by an 8 foot solid sound attenuating masonry fence; and
- d) if alcoholic beverages are served on the premises, the use shall be located not less than 300 feet from any school, hospital, or place of religion as prescribed in Section 3-2, Chapter 3, of the Code of Ordinances.

A restaurant and other retail uses in a PUD engaged in the retail sale of alcoholic beverages pursuant to a license or permit, issued by the Texas Alcoholic Beverage Commission, shall be subject to the following audit requirement:

- 1) Affidavit. Within 30 days after a written request is received from the Zoning Official, the operator of such establishment shall file, at its expense, an officially approved form with the Zoning Official that reports the gross revenue from the operation of the establishment for the preceding three-month period and the preceding twelve-month period, or since the establishment began operation, whichever is shorter, breaking down sales between alcoholic beverages, and food or other items other than alcoholic beverages.
- 2) Right to audit. The operator of the establishment shall permit the Zoning Official or designee, at the operator's expense to examine the books, records and receipts relative to the sale of food and alcoholic beverages. The records may be introduced in court for the purpose of showing the operator to be in violation of these Zoning Regulations.

## **Article VII.**

### **Variances, Appeals and Nonconformances, Administration**

#### **Section 7.1. Zone Planning and Zoning Official; Office of Planning and Zoning.**

- a. *Creation and Appointment* There is hereby established the office of the Zone Planning and Zoning Official. The Zone Planning and Zoning Official shall be appointed by and serve at the pleasure of the Board.
- b. *Jurisdiction, authority and duties* In addition to the jurisdiction, authority and duties which may be conferred on the Zone Planning and Zoning Official by other provisions of these Regulations, the Zone Planning and Zoning Official shall have the following jurisdiction, authority and duties:

- 1) To receive and review, or cause to have reviewed, all applications under the provisions of these Regulations;
- 2) To receive and examine for completeness all applications for zoning and other permits in the Zone;
- 3) To process zoning permit applications for all uses permitted within the applicable districts. Where required, applications shall be forwarded to the Board;
- 4) To assist the Board of the Zone and the Planning and Zoning Commission and Zone Board of Adjustment, and to inform such bodies of all facts and information at his disposal with respect to the development proposals or any other matters brought before such bodies;
- 5) To assist in the preparation and giving of all notices required by these Regulations and in addition, to make recommendations on all proposals properly before the Commission or the City Council;
- 6) To assist the Board of Directors of the Zone in maintaining the Official Zoning District Map;
- 7) To certify compliance when it shall be determined that a proposed development is in accordance with the provisions of these Regulations;
- 8) To establish a Zone Design Standards and Guidelines Manual for adoption by the Board, assisting in review of plans submitted for permits. The Official shall be responsible for maintaining and updating the Zone Design Standards and Guidelines Manual;
- 9) To conduct site plan review for all PUD applications and multiple lot applications for residential uses, and make recommendations to the Board;
- 10) To conduct surveys and inspections, including a listing and registration of nonconforming uses, to determine compliance or non-compliance with the provisions of these Regulations;
- 11) To provide expert testimony in public hearings and proceedings;
- 12) Whenever requested to do so by the Board of Directors of the Zone, the Zone Planning and Zoning Official, with the assistance of other City departments, shall conduct or cause to be conducted surveys, investigations and studies and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as may be requested; and

13) To perform all other functions specifically described in these regulations as the responsibility of the Zone Official.

**Section 7.2. Zone Permits and Certificates of Occupancy.**

a. *General Requirements* A Zone building permit issued by the Zone Planning and Zoning Official is required prior to the application for a building permit from the City of Houston. In addition to the City of Houston Certificate of Occupancy, a Zone Certificate of Occupancy is also required.

b. *Jurisdiction, authority and duties* In addition to the jurisdiction, authority and duties which may be conferred on the Zone Planning and Zoning Official by other provisions of these Regulations, the Zone Planning and Zoning Official shall have the following jurisdiction, authority and duties:

- 1) To issue zone building permits in accordance with the procedures of these Regulations;
- 2) To issue zone certificates of occupancy in accordance with the procedures of these Regulations;
- 3) To enforce the provisions of these Regulations; and
- 4) To provide the Board of Directors of the Zone, the Commission and the Board of Adjustment with reports and recommendations with respect to matters before such bodies.

**Section 7.3. Zoning Board of Adjustment.**

a. *Creation* There is hereby established the Board of Adjustment.

b. *Qualifications for membership* Members of the Board of Adjustment shall possess the following minimum qualifications:

- 1) Shall be at least twenty-one (21) years of age;
- 2) Shall be citizens of the United States of America and qualified voters of the State of Texas;
- 3) Shall possess such other qualifications as shall be from time to time imposed by law for members of the Board of Directors.

c. *Membership: Appointment, removal, terms and vacancies*

1) The Board of Adjustment shall be composed of five (5) regular members to be appointed by the Board of Directors, who shall serve without compensation. The Board of Directors may also appoint four (4) alternate members who shall serve in the absence of one or more of the regular members when requested to do so by the Chairman of the Board or the Vice-Chairman or acting Chairman in the event of the absence of the Chairman and Vice-Chairman.

2) All members of the Board of Adjustment shall serve a staggered term of two (2) years, except that all members of the Board shall be appointed for an initial term ending on the last day of December, 1994. all members shall serve until their successors are appointed and qualified.

3) No member of the Board of Adjustment may be removed by the Board of Directors except for cause; provided, however, that before such removal, such member shall be provided written charges and given an opportunity to appear in his defense at a public hearing.

d. *Chairman and Vice Chairman*

1) At the first meeting after the appointment of members of the Board of Adjustment for a new term, the members of the Board shall elect one of their number as Chairman and one of their number as Vice Chairman.

2) In the absence of the Chairman, the Vice Chairman shall act as Chairman and shall have all powers of the Chairman.

3) The members of the Board of Adjustment may select an additional person to preside over meetings in the absence of the Chairman and the Vice Chairman.

4) The presiding officer of any meeting of the Board of Adjustment may administer oaths and shall be in charge of all proceedings before such Board and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Board of Adjustment.

e. *Secretary* The Board shall elect one of their members to serve as Secretary to the Board. The Secretary shall keep minutes of all proceedings of the Board of Adjustment, which shall include the vote of each member upon every question. Such minutes shall be a summary of all proceedings before the Board of Adjustment attested to by the Secretary and shall be approved by a vote of a majority of the members of the Board, voting to approve the minutes. The secretary shall maintain all records of the Board and shall, in addition, prepare orders of the Board of Adjustment for signature by the Chairman as the official order of the Board.

f. *Quorum and necessary vote* No meeting of the Board of Adjustment may be called to order nor may any business be transacted without a quorum, consisting of at least four (4) members of the Board of Adjustment, being present. The concurring vote of at least four (4) members shall be necessary for the Board of Adjustment to take action, save and except to consider and pass a motion of adjournment which shall require the concurring vote of a simple majority of the members of the Board of Adjustment then present and voting.

g. *Meetings, hearings and procedures*

- 1) Regular meetings of the WP of Adjustment shall be held monthly as business shall require, and special meetings at the call of the Chairman.
- 2) All meetings and hearings of the board of Adjustment shall be open to the public in accordance with the provisions, limitations and exceptions of the Texas Open Meetings Law, Article 6252-17, Tex. Rev. Civ. Stat. Ann. (Vernon's).
- 3) Notices of appeals and requests for variances or special exceptions or for determination of nonconforming uses or elimination thereof shall be given by mail to the persons in interest and by publishing a notice of such hearing in a newspaper of general circulation in the City of Houston at least ten (10) days prior to the date set for the hearing.
- 4) All records of the Board shall be public records open to inspection at reasonable times and upon reasonable notice in accordance with Article 6252-17a, Tex. Rev. Civ. Stat. Ann. (Vernon's).

h. *Powers and duties* The Board of Adjustment shall have the following powers and duties:

- 1) To hear and decide where it is alleged there is error in any order, requirement, decision or determination by the Zone Planning and Zoning Official in the enforcement by the Zone of these Regulations. *Tex. Local Gov't Code Ann.* Chapter 211.
- 2) To authorize, upon appeal in specific cases, and to grant such variances from the terms of these Regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these Regulations will result in unnecessary hardship, and so that the spirit of these Regulations shall be observed and substantial justice done. The granting of variances shall follow the provisions of Section 7.4.
- 3) To review and report on any matter referred to it by the Board of Directors.

4) To adopt rules of procedure which are not in conflict with the provisions of these Regulations.

i. *Appeals from the Board of Adjustment* Any person or persons, jointly or severally, or any taxpayer, any officer, department or board of the municipality, aggrieved by any decision of the Board, may present to the District Court of Harris County, Texas, a verified petition stating that a decision is illegal and specifying the grounds of the illegality. Such petition shall be filed with the Court no later than ten (10) days after the filing of the Board's decision with the City Clerk. If such person or persons fails to file such petition within such ten-day period of time, then the decision of the at of Adjustment shall become final and binding.

#### Section 7.4. **Variances.**

a. *Standards for Granting of Variances*

The Board of Adjustment shall not grant a variance unless it shall, in each case, make specific written findings based directly upon the particular evidence presented to it which support written conclusions that:

1) Such modifications of the height, yard areas, setback floor area ratio, lot area, lot width, lot depth, landscaping, parking, screening wall, and coverage regulations are necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape or slope that it cannot be appropriately developed without modification;

2) The granting of variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood; and

3) The variance desired will not be contrary to the general purpose and intent of these Regulations.

b. *Application*

An application for a variance shall be filed with the Secretary of the Board of Adjustment according to rules of procedure adopted from time to time by the Board and shall be accompanied by a non-refundable fee as prescribed in such rules of procedure, to defray administrative costs.

c. *Limitations on Variances*

Variations from the terms of these Regulations shall not be contrary to the public interest but may be granted where, owing to special conditions, a literal enforcement of the provisions of these Regulations will result in unnecessary hardship to the property owner or applicant.

d. *Action of Board of Adjustment*

The Board of Adjustment shall hold a hearing on a requested variance, pursuant to the procedures set out in these Regulations, as soon as practical after a complete application for a variance is filed.

e. *Conditions on Variances*

The Board of Adjustment may set forth conditions in the written order granting a variance. Such conditions may relate to screening, landscaping, location and other conditions necessary to preserve the character of the area and protect property in the vicinity of the variance.

**Section 7.5. Special Exceptions.**

a. *Authority*

The Board of Adjustment shall have the authority to grant special exceptions, in accordance with the provisions of these Regulations and the procedures and standards hereinafter set forth, to permit:

- 1) The reconstruction of a nonconforming structure when the structure has been damaged or destroyed to the extent of more than fifty percent (50%) of the fair market value of the structure. The fair market value shall be the average of two, independent real estate appraisals of the value of the structure as it existed immediately prior to the damage or destruction.
- 2) Any nonconformity which is nonconforming solely because of failure to comply with regulations governing parking, screening, landscaping or lighting, other supplemental and performance regulations, to continue as a special exception, subject to the procedures in this Article and subject to conditions which may be imposed by the Board.
- 3) A Home Occupation authorized under the provisions of Section 6.2.

b. *Initiation*

The owner or other person having a contractual interest in the property which is the site



of the proposed special exception may initiate a request for a special exception.

c. *Standards for Special Exceptions*

Special exceptions may not be granted unless the Board of Adjustment makes written findings based directly upon the particular evidence presented to it which support written conclusions that the granting of the special exception will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood.

d. *Application*

An application for a special exception shall be filed with the Secretary of the Board of Adjustment according to rules of procedure adopted from time to time by the Board and shall be accompanied by a non-refundable fee as prescribed in such rules of procedure, to defray administrative costs.

e. *Action of Board of Adjustment*

The Board of Adjustment shall hold a hearing on a special exception as soon as practical after a complete application for a special exception is filed, pursuant to the procedures of the Board.

f. *Conditions Attached to Special Exceptions*

The Board of Adjustment may attach conditions to the grant of a special exception, including landscaping, light, hours of operation, parking or other reasonable conditions which will minimize the impact of the special exception on the surrounding neighborhood. The Board of Adjustment shall specify the duration of the special exception.

Section 7.6. **Nonconforming Uses and Structures.**

a. *Purpose*

The purpose of this Section is to regulate and limit the continued existence of uses, lots and structures in zoning districts established prior to the enactment of these Regulations which do not conform to the provisions of this Regulation. The provisions of this Section are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity and environmental quality of the zoning districts.

b. *Authority to Continue*

1) Nonconforming uses of land and nonconforming uses of structures may continue in accordance with the provisions of this Section and with the establishing of a right of continued occupancy and authorizing the issuance of certificates of right to occupy legally existing nonconforming residential structures.

c. *Ordinary Repair and Maintenance*

1) Normal maintenance and repair of nonconforming uses and structures may be performed.

d. *Extensions*

1) Nonconforming uses shall not be extended or enlarged. This prohibition shall be construed so as to prevent the:

a) Enlargement of nonconforming uses by additions to the structure in which such nonconforming uses are located; and

b) Occupancy of additional land.

e. *Relocation*

1) A structure housing a nonconforming use may not be moved unless the use shall thereafter conform to the limitations of the zoning district into which it is moved.

f. *Change in Use*

1) A nonconforming use shall not be changed to any other use unless such use conforms to the provisions of these Regulations and to the uses permitted in the Zoning district.

g. *Expansion of Nonconforming Residential Structures*

1) Notwithstanding the minimum requirements for side yards as herein set out, any existing residential structure, lawfully existing prior to the enactment of these Regulations, or any amendment hereto, located within the Zone may be expanded or enlarged as long as such expansion or enlargement does not extend into the required front, side or rear yards beyond the outermost surface of the existing building line and as long as such expansion does not violate the City's Fire Code or any other code, ordinance, rule, or regulation of the City of Houston.

h. *Registration of Nonconforming Uses/Structures*

1) The owner or owners of the land or structures in which a nonconforming use or nonconforming structure is located shall register such nonconforming use by filing with the Zone Planning and Zoning Official and with the Board a registration statement for such nonconforming use or structure. Such nonconforming use registration statement shall be filed within one year from the date of adoption of these Regulations or within one year of the date of adoption of an amendment to these Regulations that renders the use not in conformity with the amended Regulations.

The registration statement may be made by any person, firm, corporation or entity that has a legal or equitable interest in the designated land or structure. The registration statements shall require a disclosure of the ownership of the land and the structure or structures, if any, in which the nonconforming use is located. Alternatively, a title report prepared not less than 60 days prior to the filing of the registration statement shall be filed in connection with the registration statement. At any time after registration, upon application to the Board of Adjustment and the written consent of the owners affected thereby, a registration statement may be amended to indicate changes in ownership. A copy of each registration statement shall be returned to the owners and an original of such registration shall be placed in the permanent records of the Board of Adjustment, the official records of the City Secretary of the City of Houston. The Zoning Board of Adjustment shall record all registration statements, but such recording shall not constitute an authorization to operate an unlawful use. The filing of a false statement with the Zoning Board of Adjustment will not confer any equitable or legal right to continue the operation of such use.

i. *Termination of Nonconforming Uses and Structures*

Nonconforming uses and structures shall be terminated as follows:

1) By abandonment or discontinuance.

a) Where a nonconforming use of land is discontinued or abandoned for six (6) months, then such use may not be re-established or resumed, and any subsequent use must conform to the provisions of these Regulations.

b) Where a nonconforming use of a structure is discontinued or abandoned for twelve (12) months, then such use may not be re-established or resumed and any subsequent use must conform to the provisions of these Regulations.

2) By damage or destruction. If a structure housing a nonconforming use or nonconforming structure is damaged or destroyed by fifty percent (50%) or more of the fair market value of the structure, then the structure may be restored by special

exception granted by the Board of Adjustment. A special permit shall be required for the restoration, repair or renovation of a nonconforming structure which has been damaged by less than fifty percent (50%) of the fair market value of such structure. The Board of Adjustment shall not make a final determination of fair market value until it has received at least two independent real estate appraisals. Said permit may be denied by the Board of Adjustment, as provided herein, if, in the opinion of the Board of Adjustment, continuance of the nonconforming use would adversely impact adjacent conforming uses.

3) By operation of law. The Board of Adjustment shall review each registration statement of a nonconforming use or nonconforming structure and may upon its own motion inquire as to the existence of a nonconforming use or structure, and after public hearing and investigation, require the discontinuance of such use taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of these Regulations. The time for the discontinuance of such use or structure shall be prescribed by the Board of Adjustment, based on the board's ruling as to a reasonable amortization period for the nonconforming structure or nonconforming use. In establishing the time for discontinuance of a nonconforming use or structure the Board of Adjustment shall afford the owner an opportunity to recover such owner's investment in such use or structure as of the time such use or structure became nonconforming under these Regulations. In making such determination the Board of Adjustment shall consider traffic conditions created by the use, environmental impacts, visual blight, health hazards, hazards to life and safety, other dangers or nuisances or any condition or use existing on the property. Upon the conclusion of the public hearing, the Board of Adjustment shall determine, on the basis of written findings of fact and conclusions, whether the status of the use should be amortized or terminated. In making its determination whether or not to revoke, the Board of Adjustment shall consider the standards set forth below, and if it determines to amortize or terminate, it shall, in accordance with applicable law, after considering evidence presented at the hearing and other factors consistent with the purposes of these zoning Regulations, establish an amortization period for the owner to recoup the actual investment in the use made by the owner prior to the time the use became nonconforming. The use shall terminate at the end of the amortization period or the termination date, as the case may be, established by the Board of Adjustment. To support a determination to require the amortization of a nonconforming use based on written findings of fact and conclusions, the Board of Adjustment must find any of the following: (i) a violation of any condition imposed by the Board of Adjustment, (ii) that the continuation of the nonconforming use materially and continuously interferes in an adverse manner with the implementation of the legislative purposes of the zoning district in which the use is located, or (iii) a pattern of repeated occurrences of one or more of the following with respect to the nonconforming use:

- a) Noise above the maximum permissible limits, set forth in Section 6.8 or

in any other City Ordinance;

- b) Traffic generation of more than twice that of the same use or use of a similar nature, based on rates set forth in the most recent edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual;
- c) Noxious or annoying emissions of odor, smoke, wastewater, light or other matters;
- d) Hours of operation that begin prior to 7:00 a.m. and extend beyond 10:00 p.m. and as such exacerbate general noise or traffic;
- e) Lack of substantial compliance with applicable City codes and ordinances;
- f) Police reports on alleged criminal activity associated with the nonconforming use; or
- g) Similar factors.

All such determinations shall be entered into the minutes and orders of the Board of Adjustment. All actions to discontinue a nonconforming use of land and structure shall be taken with due regard for the property rights of the persons affected when considered in light of the public welfare and character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The Board of Adjustment shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use or structure within the Zone.

The Board of Adjustment may require that as a condition of permitting the amortization of an investment of nonconforming property that the property owner maintain such property in the same or similar condition that existed when the amortization period began. The Board of Adjustment may require that the owner secure the performance of such maintenance by a performance bond or other equivalent security payable in the event of a default in the performance of such maintenance obligation in favor of the Zone to be used to repair or to demolish the structure if it cannot be repaired.

j. *Nonconforming Accessory Uses and Structures*

No nonconforming accessory use or structure shall continue after the principal structure or use shall have ceased or terminated unless such structure or use shall thereafter conform to the provisions of the zoning district in which it is located. For purposes of this section,

automobile or vehicle storage or repair or outside storage on a residential lot shall be considered an accessory use.

k. *Yard Areas of Nonconforming Uses and Structures*

The use of yard areas, particularly front and side yards, in the public view, for purposes associated with the non-conformance, shall terminate immediately.

l. *Fences and Signs*

All fences and signs which do not conform to these Regulations shall be removed. All replacement of fences and signs shall be in accordance with these Regulations.

**Section 7.7. Appeals.**

a. *Authority*

The Board of Adjustment shall have the authority to hear and decide appeals from any decision, determination or interpretation by any Zone Planning and Zoning Official with respect to the provisions of these Regulations, subject to the standards and procedures hereinafter set forth.

b. *Initiation and Application*

An application for any appeal may be initiated by any person aggrieved or affected, by any orders, decision, determination or interpretation of any administrative official with respect to the provisions of these Regulations. The application for appeal shall be filed with the Secretary of the Board of Adjustment according to rules of procedure adopted from time to time by the Board and shall be accompanied by a fee as prescribed in such rules of procedure to defray administrative costs.

c. *Procedures*

A notice of appeal in prescribed form must be filed with the Secretary of the Board of Adjustment and with the office or department rendering the decision, determination or interpretation which is the subject of the appeal, within fifteen (15) days of such decision, determination or interpretation. The filing of such notice of appeal will require the Zone Planning and Zoning Official to forward to the Board of Adjustment any and all records concerning the subject matter of the appeal. Failure to file such appeal shall constitute a waiver of any rights under these Regulations to appeal any interpretation or determination made by the Zone Planning and Zoning Official.

d. *Effect of Filing an Appeal*

The filing of a notice of an appeal shall stay any proceedings in furtherance of the action appealed from unless the Zone Planning and Zoning Official rendering such decision, determination or interpretation certifies in writing to the Board of Adjustment and the applicant that a stay poses an imminent peril to life or property, in which case the appeal will not stay further proceedings. The Board may review such certification and grant or deny a stay of the proceedings.

e. *Action of the Board*

The Board of Adjustment shall hold a hearing on an appeal as soon as practical after a notice of appeal is filed. The failure of the Board of Adjustment to act within a reasonable time shall not deprive it of jurisdiction of the matter. The Board of Adjustment may reverse, affirm or modify the decision, determination or interpretation appealed from and in so modifying such decision, determination or interpretation, the Board of Adjustment shall be deemed to have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.

## **Article VIII.**

### **Amendment, Amendatory Procedure**

#### **Section 8.1. Purpose.**

a. The purpose of this Article is to provide appropriate and uniform procedures for the conduct of public hearings and adoption of amendments by the Board of Directors as well as for the conduct of public hearings and making of recommendations by the Board.

#### **Section 8.2. Amendments.**

a. *Amendments Generally*

The Board of Directors may enact such amendments to these Regulations under the conditions as herein provided and subject to the procedure as provided herein upon finding of such changed circumstances the conditions necessitating such amendment. No amendment to these Regulations, other than procedural amendments, shall be adopted unless specific findings of fact shall be made reasonably concluding that a change in circumstance or condition exists, or unless there is compliance with the Planned Unit Development provisions. In all amendments including Planned Unit Development, a finding shall be made that the proposed amendment is in compliance with the comprehensive plan of the Zone as set out in this Regulation, or if not in compliance, what new facts or circumstances necessitate a change in the comprehensive plan.

b. *Types of Amendment*

This Article provides a procedure for amendment to the written text of this Chapter or of the Zoning District Map, the creation and approval of Planned Unit Development districts and applications, and the approval of specific use permits as amendments to these Regulations.

Amendments are not intended to relieve particular hardships or to confer special privileges or rights on any person but to amend these Regulations in light of changed circumstances and conditions. In determining whether to grant a requested amendment, the Board of Directors shall consider the consistency of the proposed amendment with the provisions of the comprehensive plan set forth in these Regulations.

c. *Application for Amendment to Written Text or Official Zoning District Map, or for Planned Unit Development Approval*

Any person desiring to petition for an amendment to the written text of these Regulations or the Zoning District Map, or for Planned Unit Development approval, shall be required to file an application in writing with the Zone Planning and Zoning Official, accompanied by a non-refundable application fee, in an amount established by the Board of Directors, to defray the actual cost of processing the application. The application shall include the following information:

- 1) The applicant's name and address;
- 2) The precise wording of any proposed amendment to the written text of these Regulations and a statement of the present provisions and Section or Sections of these Regulations sought to be amended, or in the event the proposal concerns a change in the Official Zoning District Map, then a clear delineation of the area set out on the map sought to be rezoned;
- 3) A statement of the need and justification for the proposed amendment;
- 4) A statement as to the conformity of the proposed amendment to the comprehensive plan or the reason for any deviation from such plan and the precise wording of any proposed change in the plan to bring the plan into conformity with the proposed amendment;
- 5) In the event that the proposed amendment would change the Zoning District Map and the zoning classification of any property:
  - a) The street address and legal description of the property proposed to be reclassified;



- b) The applicant's interest in the subject property;
  - c) The owner's name and address, if different than the applicant's, and the owner's signed consent to the filing of the application or the signatures of seventy-five percent (75%) of the owners of the parcels to be affected;
  - d) The names and addresses of all owners of property required to be notified under this Article;
  - e) The present zoning classification and existing uses of the property proposed to be reclassified; and
  - f) The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof;
  - g) The location of the property in terms of vehicular access, pedestrian circulation; and
  - h) A survey of the property, showing acreage and existing conditions, including structures, vegetation, utilities, and easements.
- 6) Such other information or documentation as the Zone Planning and Zoning Official, or the Board of Directors 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.

d. *Conforming Amendments*

The Board of Directors shall enact amendments to conform these Regulations to the City Zoning Ordinance (the "Zoning Ordinance") that will be adopted by the City Council. The conforming amendments will be consistent with the Zone Comprehensive Plan and these Regulations and are intended to provide for consistency in the administration of these Regulations and the zoning regulations established by the City for general application throughout the City. The amendments shall be made following an affirmative vote by the electors of the City of Houston on the Zoning Ordinance and prior to the effective date of the Zoning Ordinance. These Regulations and the Comprehensive Plan will not be amended so as to impair the security for the timely payment of principal and interest on any bonds the City may issue to finance the redevelopment of the Zone under the authority of Chapter 372, Texas Local Government Code or Chapter 311, Texas Tax Code.

**Section 8.3. Final Action by the City Council.**

a. The City Council may, subject to the requirements and conditions herein set out, upon receipt and written approval of the report and recommendation of the Board of Directors and appropriate public hearing(s), amend these Regulations or the Official Zoning District Map. In the case of a Planned Unit Development amendment or a specific use amendment, the Board of Directors may approve the site plan and related development regulations within such parameters, subject to such additional conditions, safeguards and restrictions as the City Council may, from time to time, deem appropriate and necessary. Public hearings and administrative procedures shall be conducted as described in Article IX.

In the event of a written protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots or land included in such proposed change, or the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths (  $\frac{3}{4}$  ) of all of the members of the board of Directors. In computing the percentage of land area, the area of streets and alleys shall be included in the computation.

**Section 8.4. Notification of Decision.**

a. *Board of Directors* In the case of the final adoption of an order, the Secretary of the Board of Directors, shall mail to any interested applicants, a certified copy of the order duly enacted; and if no order is enacted, the Secretary of the Board of Directors shall mail to such interested applicants, by certified mail, return receipt requested, a letter setting out the decision of the Board of Directors.

**Article IX.**

**Administration and Enforcement**

**Section 9.1. Administration, District Planning and Zoning Commission.**

The administration of these Regulations shall be the responsibility of the Board of Directors and the Zone Planning and Zoning Official. Administration of these Regulations shall conform to the procedures described herein. Texas Local Gov't Code, and Chapter 311, Texas Tax Code.

a. *Zoning Commission* The Board of Directors has appointed a Zone Zoning Commission consisting of five (5) members, including a chairman. The Zone Zoning Commission may be a sub-committee of the City Planning and Zoning Commission. The Zone Zoning Commission shall have the responsibility to review and make recommendations regarding applications submitted to the Board and the Zone Planning and Zoning Official,

including a PUD site plan and subdivision plat applications, but excluding zone building permits and Zone Certificates of Occupancy.

**Section 9.2. Amendments.**

Nothing in this Article shall prevent the Board of Directors from calling and conducting public hearings on proposals for amendments to the text of these Regulations, or the Zoning Map and making recommendations thereon nor shall anything herein prevent the City Council from initiating consideration of amendments to the text of these Regulations or the Zoning Map.

**Section 9.3. Public Hearings, Optional Joint Hearings.**

When any amendment is proposed under the provisions of these Regulations the Board of Directors may, at its option and discretion and by order, call a joint public hearing to be held before the Board of Directors and the Zone Planning and Zoning Commission. The City Council shall receive the joint Board Commission final report and recommendations before considering any amendment.

A joint public hearing shall be conducted in accordance with procedures for public hearings as set out herein. The Chairman of the Board of Directors shall act as presiding officer at any joint public hearing, or in the event of the absence of the Chairman, the Vice-Chairman or a member of the Board of Directors designated by a majority of the members of the Board of Directors present, shall preside.

**Section 9.4. Notice Required.**

Upon formal action or order duly enacted by the Board of Directors, notice of all public hearings concerning proposed amendments shall be given in accordance with these Regulations.

**Section 9.5. Content of Notice.**

Every required notice shall include the date, time and place of the hearing, statement of the proposal under consideration or the text of the proposal to be considered and identification of the body conducting the hearing.

**Section 9.6. Publication.**

For public hearings before the Board of Directors, notice of such public hearings shall be given by publication in a newspaper of general circulation in the City of Houston and such hearings shall not occur earlier than fifteen (15) days from the date of the publication. When the matter under consideration by the Board of Directors involves an amendment or change in the classification or boundary of a zoning district, written notice of public hearing before the Board of Directors City Council on the proposed amendment or change shall be sent to all owners of real property lying within two hundred 200 feet of the property upon which the change is requested, including street and alleys, and

the owners of such additional property given not less than fifteen (15) days before the date set for the hearing by depositing such notice in the mail, properly addressed, and postage prepaid, to each taxpayer as the ownership appears on the last approved tax roll.

**Section 9.7. Required Notice of the Hearing, Signs.**

In the case of a hearing in regard to an amendment to the Zoning Map or a Planned Unit Development amendment, at least fifteen (15) days prior to any public hearing under these Regulations, a sign at least four (4) square feet in front surface area which describes the nature of the amendment and the date, time and location of the hearing, shall be posted on the property which is the subject of the hearing. It shall be the duty and responsibility of the applicant to procure the sign and to cause the same to be properly lettered so that the same might be easily visible from all public streets and public ways abutting the property. The applicant shall file with the Zone Planning and Zoning Official, an affidavit of posting, which affidavit shall be made under oath and shall specify that a sign meeting the requirements of this Section has been posted at or before the time required. The filing of such affidavit with the record shall be sufficient proof of compliance with this Section; and no one may complain of the validity of any amendment because such sign has been prematurely removed or is alleged not to have been posted. The filing of an affidavit of posting in a form as approved by the Zone Planning and Zoning Official, in conjunction with the certificate of the Zone Planning and Zoning Official, shall be prima facie evidence and conclusive for all purposes of compliance with this Section.

**Section 9.8. Conduct of Public Hearings.**

The following rules shall apply to the meetings of the Board of Directors when considering actions or matters under these Regulations:

- a. *Rights of all persons* Any person may appear at a public hearing and submit evidence either individually or as a representative of any organization. Each person who appears at a public hearing shall identify himself, his address and state the name and mailing address of any organization he represents. The body conducting the hearing may exclude evidence it finds to be irrelevant, immaterial or unduly repetitious.
- b. *Due order of proceedings* Any person shall have the right to appear and present evidence or testimony which is relevant and material to the matter under consideration.
- c. *Opinions* Any person, in addition to giving evidence in the form of oral testimony or documentation, shall have the right at a public hearing to express opinions and give other information, so long as the same is relevant, material and not unduly repetitious.
- d. *Continuance of hearing* The body conducting the hearing may, on its own motion or the request of any person, continue the hearing to a fixed date, time and place. An application shall have the right to request and be granted one (1) continuance without statement of grounds or reasons therefor. However, all subsequent continuance shall be granted at the discretion of the body conducting the hearing, upon good cause shown. Any person requesting and being

granted a continuance shall be required to pay all costs and . All adjourned and recessed public hearings shall only commence upon the giving of all notices which would have been required if it were the initial public hearing.

e. *Other rules to govern* Other matters pertaining to the public hearing shall be governed by other provisions of these Regulations applicable to the body conducting the hearing and its adopted rules of procedure, so long as the same are not in conflict with these Regulations.

f. *Record*

1) The body conducting the hearing shall record the proceedings by any suitable and available process, which shall be duplicated by any appropriate means at the request of any person upon application to the Board of Directors and payment of a fee to cover the cost of transcription, or the audio record (tape).

2) The transcript of oral proceedings, including testimony and statements of personal opinions, the minutes of the secretary, all applications, exhibits and papers submitted in any proceeding before the decision-making body, the report of the Zone Planning and Zoning Official or other member of the City staff and the decision and report or reports of the decision-making body, shall constitute the record.

3) All records of the decision-making bodies shall be public records, open to inspection at reasonable times and upon reasonable notice in accordance with Article 6252-17a, Texas Open Records Act.

#### Section 9.9. **Expeditions Action.**

All decision-making bodies shall act expeditiously and promptly to conclude their deliberations and take final action on the matter before them. Such action should be taken as promptly as possible in consideration of the interests of the citizens of the City of Houston. Within thirty days of the close of the public hearing, reports and recommendations shall be made in writing to the applicant.

#### Section 9.10. **Reports and Recommendations of the Board of Directors.**

The Board of Directors shall render written reports and recommendations, which shall include at least the following elements:

a. A clear statement of specific findings;

b. A summary of the information presented before the Board of Directors by interested citizens and representatives of the applicant appearing before the Board and making a presentation. The report should state the approximate total number of citizens appearing and shall provide a brief summary of the differing opinions presented by such persons;

- c. Copies of all documentary evidence provided to the Board of Directors considered in making its report;
- d. Identification of the members of the Board of Directors voting for the majority position and identification of the members of the Board of Directors voting against the majority position, with a brief statement explaining the reasons for the determinations made;
- e. Recommendations of the Board - The Board may make decisions by a recommendation for approval, approval with conditions or denial. In the case of approval with conditions, the Board shall clearly state the specific amendments, changes and modifications in the proposal necessary for approval. In the case of denial, the Board shall state clearly the factual and legal basis for denying approval of the application.

#### **Section 9.11. Successive Applications.**

Whenever any application for an amendment other than a Planned Unit Development or change in the Zoning District Map is denied after public hearing, a second application for amendment or change in the Official Zoning District Map, being substantially the same as the first application, from the applicant and involving the same property, shall not be considered within two (2) years from the date of denial. The body charged with conducting the public hearing immediately prior to such denial shall resolve any question concerning the similarity of a second application.

#### **Section 9.12. Fees for Review of Permit Application.**

The Board has the authority to establish and modify reasonable application fees to cover the actual cost of reviewing and processing permit applications. The following initial fees are hereby established, subject to review and modification by the Board:

- a. *Residential Dwellings*
  - 1) The minimum fee for the Zone building permit for a single-family detached dwellings is \$200.
- b. *Nonresidential, Multifamily, Commercial and PUD Applications*
  - 1) The minimum fee for site plan review is \$400, plus \$500/acre or a pro-rata portion thereof.
  - 2) The minimum fee for a zoning building permit review is \$50 per 1,000 square feet of floor area or pro-rata portion thereof.
  - 3) The minimum fee for review of a PUD is \$500 plus \$500 per acre or pro-rata

portion thereof.

- c. *Temporary Use Permits* The minimum fee shall be \$100.
- d. *Other fees* Other reasonable fees may be set for property inspections, determination of conformity or non-conformity of structures and uses under these Regulations.

## **Article X.**

### **Remedies, Penalties, Validity**

#### **Section 10.1. Violations and Penalties.**

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building on any land or uses any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this ordinance, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to punishment as provided by law. Each day upon which such violation continues shall constitute a separate offense.

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