

Sec. 6.8. 1st and 3rd Overlay District

6.8.1 Boundary

The 1st and 3rd Overlay District is defined as tracts of land that abut or adjoin South 1st Street from the north intersection of West Avenue M to the intersection of West Avenue E and from the intersection of West Avenue E and South 3rd Street to the intersection of South 3rd Street and West Avenue D, generally following the curve where South 1st and South 3rd join and tracts of land that abut or adjoin North 3rd Street from the intersection of Adams Avenue to the intersection of West Bellaire North and North 3rd Street.

Any property that is consolidated into property that meets the above criteria must also conform to the Overlay Standards.

The 1st and 3rd Overlay District is more specifically shown in the map below, which is adopted by reference and declared a part of this UDC.

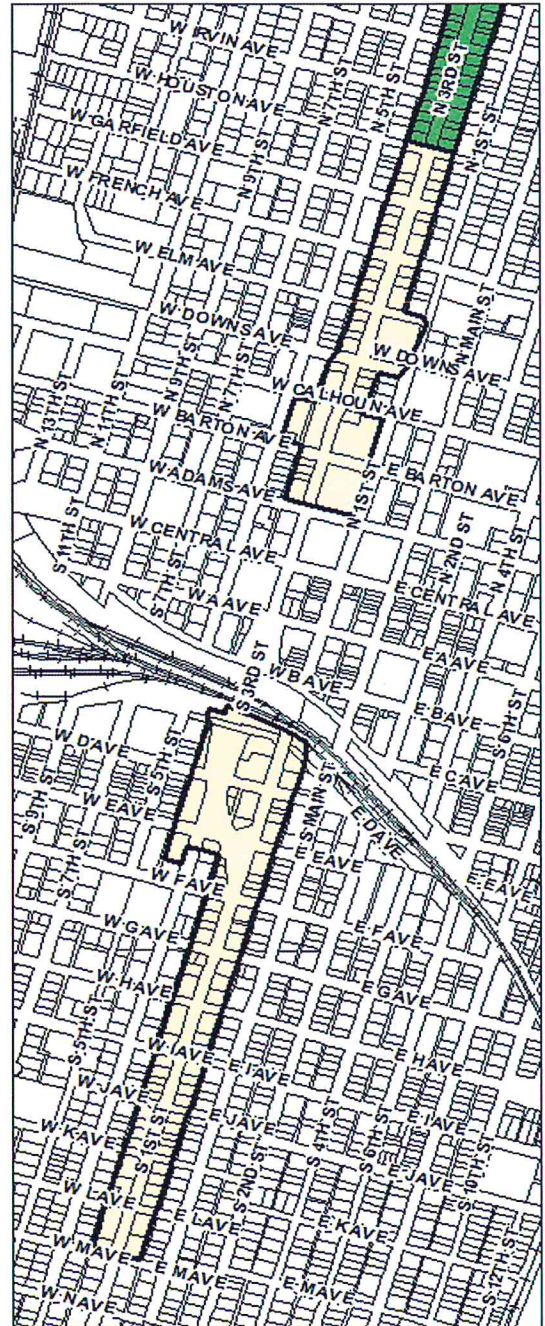
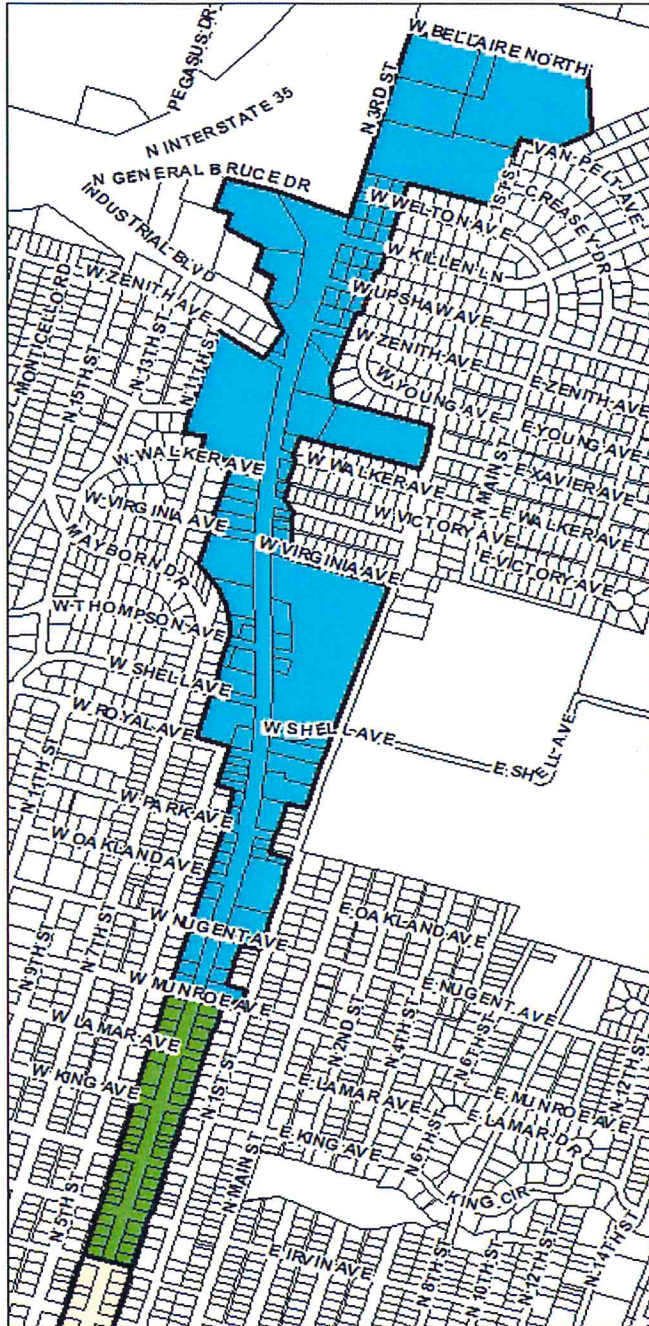
[Ord. No. 2014-4631]

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.8. 1st and 3rd Overlay District

North Section:

South Section



Frontage Type A Frontage Type B Frontage Type C

[Ord. No. 2014-4631]

6.8.2 Applicability

- A. The provisions of 1st and 3rd Overlay District apply to development types in the table below.
- B. Improvements to existing buildings are cumulative within a 15-year period when determining which of the following standards apply. Costs of interior improvements count toward the cumulative improvement thresholds, but standards are not triggered until exterior building improvements or site modifications occur.
- C. When more than one threshold is reached, the most stringent standards apply.
- D. All other provisions of the UDC apply unless otherwise stated.

Nonresidential and Multiple-Family Development Type	General Standards	Circulation Standards	Private Property Landscaping Standards and General Planting Criteria	Screening Standards	Public Frontage Standards	Sign Standards	Utility Standards
New construction (Non-residential and Multiple-Family)	✓	✓	✓	✓	✓	✓	✓
Site modifications and improvements including: installation and/or expansion of parking lot or irrigation system or sidewalks	✓	✓	✓	✓	✓		
Change in use from single-family residential to multiple-family and nonresidential use (See City Code 12-16 Business Registration)	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓		✓	✓			
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓						

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Nonresidential and Multiple-Family Development Type	General Standards	Circulation Standards	Private Property Landscaping Standards and General Planting Criteria	Screening Standards	Public Frontage Standards	Sign Standards	Utility Standards
Interior or exterior maintenance of existing structure with like or similar materials with no increase in gross floor area							
Interior modifications or improvements (remodeling) only							
New Sign						✓	

Single Family Development Type	General Standards	Public Frontage Standards and General Planting Criteria
New construction (Single family attached and detached)	✓	✓

6.8.3 1st and 3rd Overlay District Site Plan Review Process

All redevelopment and new development in the 1st and 3rd Overlay District must follow the TMED site plan review process as described in Article 3.

6.8.4 General Standards**A. Article 4, Zoning Districts, applies in its entirety with the addition of the following:**

1. Maximum impervious lot coverage for residential uses is 50%.
2. Maximum impervious lot coverage for non-residential uses is 70%.

- B. Article 5, Use Standards, applies in its entirety.**
- C. Article 7, General Development Standards, Section 7.1 Performance Standards applies in its entirety.**

6.8.5 Access and Circulation Standards

A. Applicability

The 1st and 3rd Overlay District circulation standards in this Section apply to all zoning districts and uses unless otherwise stated.

B. Article 7, General Development Standards, Section 7.2 Access and Circulation does not apply.

C. Thoroughfare Standards

1. Cul-de-sacs are prohibited in the 1st and 3rd Overlay District.
2. Flag lots are prohibited in the 1st and 3rd Overlay District.

D. Access and Connectivity

1. General

- a. All driveway connections must be constructed and stubbed or connected to any existing stub.
- b. Driveway spacing must be based on the appropriate alignment with any existing or proposed median breaks as approved by the City Engineer and TxDOT.
- c. Each business is permitted one 24' wide curb cut per street frontage.
- d. If a site has greater than 300' of frontage on South 1st or greater than 400' of frontage on North 3rd, it may have two 24' wide curb cuts for that street frontage.

6.8.6 Public Frontage Standards

A. Applicability

The 1st and 3rd Overlay District public frontage standards in this Section apply to all zoning districts and uses.

B. Public Frontage

1. Public frontage is generally the space between the existing or proposed back-of-curb and the property line.

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2. Total public frontage depth is measured from back-of-curb. If existing right-of-way does not accommodate all requirements, private property must be used to account for the additional required depth.
3. Raised curb and gutter installation is required.
4. The table below establishes public frontage type and assigns standards to each public frontage type.

Public Frontage Type	Location	On-Street Parking Permitted	Typical Public Frontage Depth (ft.)	Sidewalk Width (ft.)	Planting Strip and Buffer Zone (ft.) Behind Sidewalk
A	South 1st Street from Avenue M to Avenue E and South 3 rd Street from Avenue E to Avenue D and from Adams Avenue to Houston Avenue	No	12'	8' Sidewalk Back of Curb	4'
B	North 3 rd Street Houston to South Intersection with Munroe Avenue	No	15'	5' Sidewalk 8' From back of Curb	2' or greater
C	North 3 rd Street North Intersection with Munroe to West Bellaire North	No	14'	8' Sidewalk Back of Curb	4' or greater

[Ord. No. 2014-4631]

C. Public Frontage Landscape Standards

1. **Street Trees**
 - a. One tree per 25' linear street frontage is required. Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a nonresidential use.
 - b. Trees must be a single species selected from the table in Section 6.8.9.

- c. Trees must be planted within the required planting strip and buffer zone adjacent to the back of sidewalk based on public frontage type.
- d. Large canopy trees must be planted if overhead utilities are not present. Medium canopy trees must be planted if overhead utilities are present.
- e. Public Frontage Type A – Trees must be planted a minimum 10' from back-of-curb in the required planting strip.
- f. Public Frontage Type B – Trees must be planted a minimum thirteen feet from back-of-curb in the required planting strip. If TxDOT right-of-way is greater than 13', the required street trees must be located 1' away from TxDOT right-of-way. The planting strip and buffer zone must be increased 1' for every 1' of additional TxDOT controlled right-of-way.
- g. Public Frontage Type C – Trees must be planted a minimum twelve feet from back-of-curb in the required planting strip. If TxDOT right-of-way is greater than 12', the required street trees must be located 1' away from TxDOT right-of-way. The Planting strip and buffer zone must be increased 1' for every 1' of additional TxDOT controlled right-of-way.

2. **Planting Area**

- a. Public Frontage Planting Strip Type A – must be planted with approved shrubs in accordance with Section 6.8.9 at a rate of one one-gallon container per 3 linear feet of street yard planting area and filled with river rock.
- b. Public Frontage Planting Strip Type B – must be planted in sod or evergreen groundcover in accordance with Section 6.8.9.
- c. Public Frontage Planting Strip Type C – must be planted in sod or evergreen groundcover in accordance with Section 6.8.9.

D. Parking Lot Screen

This subsection applies only to non-residential and multiple-family development and uses in the 1st and 3rd Overlay District. Additional

parking lot screening is not required for Type A public frontage sections.

1. All parking must be screened from public rights-of-way a minimum 36" in height, through one of the following methods:
 - a. Planting screen of evergreen shrubs;
 - b. Masonry wall;
 - c. Combination of evergreen shrubs and wall.
2. Planted screening must be capable of providing a solid, opaque 36" screen within two years, and must be planted in the public frontage planting strip and buffer zone.
3. Parking lot screening shrubs and landscape area count towards the general site landscaping requirements established in Section 6.8.8 but not towards public frontage planting area.

E. Public Frontage Sidewalk Standards

1. Sidewalks must extend the entire length of the development's frontage on a public street and must be constructed in accordance with the Design and Development Standards Manual and related provisions in this UDC.
2. Sidewalks must be constructed before the Chief Building Official issues a Certificate of Occupancy.
3. Sidewalks must be constructed at the back of curb.
4. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
5. Sidewalks of different widths must be transitioned within a length of sidewalk by two expansion joints not less than six feet apart as required by state and federal accessibility standards.
6. Sidewalks must connect to parking within the lot and to primary entrances of each nonresidential building.
7. Pedestrian walkways must connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.

8. Residential sidewalks must be installed from the primary entrance of the residence to the perimeter street sidewalk system.

6.8.7 Public Frontage Lighting

A. Applicability

1. This subsection applies only to City initiated projects in the 1st and 3rd Overlay District.
2. Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development. Refer to the TMED Design Criteria Manual for the specific pedestrian-scale lighting models and styles that are permitted in the 1st and 3rd Overlay District.

6.8.8 Private Property Landscape Standards

A. Applicability

The private property landscape standards in this Section apply to all non-residential and multiple-family zoning districts and uses in the 1st and 3rd Overlay District.

B. Article 7, General Development Standards, Section 7.3 Landscaping does not apply.

C. General Site Landscape

1. A minimum percentage of the total area of the private property on which development, construction or reconstruction is proposed must be dedicated to landscape area including trees, shrubs, groundcover, sod or other living plant material.
2. The table below establishes minimum site landscape requirements for the 1st and 3rd Overlay District.

Development Type	Minimum Landscape Area (%)	Trees and Shrubs per Lot
Multiple-family	40%	2 trees and 8 shrubs per 1,000 sq ft landscape area
Non-residential	30%	1 tree and 4 shrubs per 600 sq ft landscape area

D. Foundation Planting

1. Foundation plantings are required within a planting area a minimum of four feet in depth along 50% of the length of any façade visible to the public.
2. Foundation planting shrubs and landscape area count towards the general site landscaping requirements established in Section 6.8.8.

E. Tree Mix

1. Private property trees must be selected from the table in Section 6.8.9.
2. A minimum of 50 percent of required trees must be selected from the medium or large size tree list.
3. A minimum of 40 percent of required trees must be evergreen species.

6.8.9 General Planting Criteria

A. Applicability

The 1st and 3rd Overlay District general planting criteria in this Section apply to all zoning districts and uses.

B. Approved Tree List – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; B Approved Tree List.

C. Approved Shrubs - Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; C Approved Shrub List.

D. Approved Groundcover List

The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in the 1st and 3rd Overlay District.

Groundcover		
Common Name	Scientific Name	Type
Asian Jasmine	<i>Trachelospermum asiaticum</i>	Evergreen
English Ivy	<i>Hedera helix</i>	Evergreen
Liriope	<i>Liriope muscari</i>	Evergreen
Monkey Grass (Mondo Grass)	<i>Ophiopogon japonicus</i>	Evergreen

E. Approved Lawn Grass - Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; E Approved Lawn Grass.

F. Landscape Installation – Applicable to 1st and 3rd Street Overlay

[Ord. No. 2013-4580]

1. Trees

- a. All required large trees must be a minimum of three inches in diameter (single trunk) at breast height or 65-gallon container size at planting.
- b. All required medium trees must be a minimum of two and one-half inches in diameter (single trunk) at breast height at planting.
- c. All required small trees must be a minimum of two inches in diameter (single trunk) at breast height at planting at planting.

2. Shrubs

All required shrubs must be a minimum three-gallon container size at planting.

3. Groundcover

All required groundcover must be a minimum one-gallon container size at planting.

4. Lawn Grass

Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

5. Landscape Maintenance

- a. All new plant material must be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1 through 6).
- b. All required public frontage and private frontage landscaping must be maintained in good condition after installation.
- c. The owner must replace, within 30 days, any plant material that is diseased, deteriorated or dead. The Director of Planning may

issue up to a 90-day extension of time for replacement during drought or summer months.

6. **Irrigation**

Permanent irrigation is required for all landscape. City Code Chapter 7, Buildings, Article 7, Landscape Irrigation Standards, applies in its entirety.

6.8.10 Off-Street Parking and Loading

A. Article 7, General Development Standards, Section 7.4 Off-street Parking and Loading applies in its entirety with the following additions.

1. **General**

Surface parking shall be constructed on-site in accordance with the following standards:

- a. Surface parking areas must be constructed with raised curb and gutter.

6.8.11 Signs

A. Article 7, General Development Standards, Section 7.5 Signs applies in its entirety with the following additions and exceptions.

1. **Lighting**

All signs must be internally illuminated.

2. **Prohibited Signs**

Pole signs and roof signs are prohibited in the 1st and 3rd Street Overlay.

6.8.12 Screening and Buffering

A. Article 7, General Development Standards, Section 7.6 Screening and Buffering applies in its entirety with the following additions and exceptions.

B. Screening of Mechanical Equipment

This subsection applies to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from view or isolated so as not

to be visible from any residential districts or uses, streets, rights-of-way or public park areas within 150 feet of the property line of the subject lot or tract, measured from a point five feet above grade in accordance with this Section.

2. Roof-mounted mechanical equipment must be shielded from view on all sides using parapet walls.
3. Wall or ground-mounted equipment screening must be constructed of:
 - a. Vegetative screens; or
 - b. Brick, stone, architecturally finished concrete, or other similar masonry materials; and
 - c. All fence or wall posts must be concrete-based masonry or concrete pillars.
4. Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the building.
5. Mechanical equipment screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Section 6.8.8.

C. Screening of Waste Containers

This subsection applies to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. Waste containers must be located at the rear of the building and screened on all sides, including gates, from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the structure.
2. Waste containers must be located a minimum of 50 feet away from any residential use or district's property lines.
3. Waste containers must be located a minimum of 50 feet away from a multi-family entryway.
4. Screening must be at least as tall as the waste container(s) and comprised of materials and color schemes that are visually and

aesthetically compatible with the overall project that incorporate the following:

- a. Brick;
 - b. Stone;
 - c. Stucco;
 - d. Architecturally finished concrete; or
 - e. Other similar masonry materials.
5. Waste containers with fence posts must be rust-protected metal, concrete based, masonry or concrete pillars; and waste containers must have six-inch concrete filled steel pipes (bollards) that are located to protect the enclosure from truck operations and not obstruct operations associated with the waste container.
 6. Waste container enclosures must have steel gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tie-backs must be used to secure the steel gates in the open position.
 7. Waste container screening must be maintained by the owner at all times.
 8. The ingress, egress, and approach to all waste container pads must conform to fire lane requirements.
 9. Waste container pad and aprons requirements must be constructed in accordance with the Design and Development Standards Manual.
 10. Waste container screening shrubs and landscape area count towards the general site landscaping requirements established in Section 6.8.8.

D. Screening of Loading Docks

This subsection applies to all nonresidential development and uses in the 1st and 3rd Overlay District.

1. Loading and service areas must be located at the rear of the building and screened from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the principal building.

2. Loading areas must not be located closer than 50 feet to any single-family lot, unless wholly within an enclosed building.
3. Off-street loading areas must be screened from view from any street or adjacent property of differing land use.
4. All loading areas must be enclosed on three sides by a wall or other screening device a minimum of eight feet in height.
5. Loading areas that are visible from any public right-of-way must also include a combination of evergreen trees and shrubs that will result in solid opaque vegetative screening a minimum of eight feet in height within two years of planting. The planting area must be a prepared bed that is at least four feet in width.
6. Loading dock screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Section 6.8.8.

E. Fence and Wall Standards for All Uses

This subsection applies to all development and uses in the 1st and 3rd Overlay District.

1. Fences and walls on the primary and secondary frontage may have a maximum height of four feet.
2. Fences and walls to the rear of the site may have a maximum height of six feet, unless they are required for loading dock screening.
3. Fencing and walls must not be placed within the required line of sight as determined by the sight triangle established in Section 4.4.8.
4. Chain link, barbed wire, razor wire and metal or corrugated panels are prohibited for all uses.

F. Nonresidential and Multiple-Family Uses - Fences

This subsection is applicable to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. Fences and walls must be constructed of wood panels on steel posts, decorative blocks, brick, stone, vinyl, woodcrete and wrought iron.

2. Breaks in the fence or wall must be made to provide for required pedestrian connections to the perimeter of the site and to adjacent developments.

G. Single-Family Uses - Fences

This subsection is applicable to all single family-detached or attached dwelling, row house and townhouse uses in the 1st and 3rd Overlay District. Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, wood, woodcrete and wrought iron.

H. Outdoor Storage

Outdoor storage is not permitted in the 1st and 3rd Overlay District. Prohibited outdoor storage includes open storage of inventory and equipment, portable containers, portable buildings or any other structure not fixed onto a permanent slab and that adheres to the architectural standards defined in Section 7.7.

I. Outdoor Retail Display

Commodities must not be displayed outdoors for sale in the 1st and 3rd Overlay District, except that temporary outdoor display for a sidewalk sale is permitted that does not extend more than five feet from a front façade and reserves at least five feet of sidewalk or walkway for pedestrian use. Commodities must be brought indoors at the end of each business day.

6.8.13 Building Exterior Materials

- A. Article 7, General Development Standards, Section 7.7 Building Exterior Materials Applies in its entirety.**

6.8.14 Utility Standards

A. Applicability

The 1st and 3rd Overlay District utility standards in this Section apply to all nonresidential and multiple-family development zoning districts and uses.

B. Underground Utilities Required

All electric, telephone and cable television wires and cables from the property line to all structures being served on the site must be located underground.

6.8.15 Exception Requests

- A.** Upon application, the Director of Planning may consider an administrative exception for sidewalk width and location. In determining whether to approve, approve with conditions or deny an administrative exception, the Director of Planning must consider:
1. whether the reduction in width or location is consistent with the purpose of the overlay district; and
 2. building location; and
 3. extent to which parking is affected and cannot be remedied by restriping, relocation, and/or other means

B. Application Submittal

An exception application must be submitted to the Director of Planning. The application must include a dimensioned site plan of the property depicting the proposed location and width of the sidewalk, and existing parking, buildings, driveways, curb cuts, and landscaping.

- C.** Any party aggrieved by a decision of the Director of Planning on a development review application in the 1st and 3rd Street Overlay District may appeal to the Planning and Zoning Commission and City Council for final action.

[Ord. 2012-4532]