

NBD, Neighborhood Business Design District Draft

10.1600 NBD, Neighborhood Business Design District

(ZC 2020-012, Ordinance No. 202X-XX-XX)

.1 Purpose

The NBD district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of development in the Oak Point area. The district is designed to reinforce surrounding neighborhood character, provide appropriate transitions in use and building scale, ensure appropriate allocation and design of open space, and achieve a well-connected street and pedestrian network. The zoning district is appropriate primarily for commercial properties and redevelopment sites and the standards are intended to ensure compatibility between various uses for the purpose of implementing the Envision Oak Point Plan.

.2 Option for Residential Standards

The district may be entirely commercial or may include residential land uses. If residential land uses are incorporated into the development plan, these uses must fully utilize the Residential Community Design District (RCD) (Section [9.1700](#)) standards, including usable open space, parking, and all other requirements.

.3 Minimum District Size

No NBD district may be established smaller than 10 acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan or related study.

.4 Permitted Uses

See the nonresidential districts use table in Sec. [14.200](#) for a complete listing.

.5 Area, Yard, and Bulk Requirements

A. The following area, yard, and bulk requirements apply to all nonresidential development in the NBD district unless otherwise expressly stated:

| Description | Requirement |
|---|--|
| Minimum Lot Area | None |
| Minimum Lot Width | None |
| Minimum Lot Depth | None |
| Front Yard Setbacks | |
| Front yard along Type D and above thoroughfares | Minimum: 20 feet, except as provided in Sec. 13.500.2 and Sec. 10.1600.6 75% of the building face must be within 25 feet of the property line (consistent with Sec. 15(B) , Building Placement and Design.) If easements, a landscape edge, public usable open space, patio dining, public plaza, or other similar amenity prohibit conformance with this standard, a minimum of 75% of the building face must be built to the easement line, landscape edge, usable open space, or public amenity. |

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| Description | Requirement |
|---|---|
| | The setback may be increased to a maximum of 80 feet if a drive aisle with single-loaded parking is installed between the building face and a public street. |
| Front yard along Type E and below thoroughfares | Minimum: 10 feet, except as provided in Sec. 13.500.2 and Sec. 10.1600.6 75% of the building face must be within 15 feet of the property line (consistent with Sec. 15(B) , Building Placement and Design.) If easements, a landscape edge, public usable open space, patio dining, public plaza or other similar amenity prohibit conformance with this standard, a minimum of 75% of the building face must be built to the easement line, landscape edge, usable open space, or public amenity. |
| Front yard along major and minor streets | Minimum: none, except as provided in Sec. 13.500.2 and Sec. 10.1600.6 75% of the building face must be within 15 feet of the property line (consistent with Sec. 15(B) , Building Placement and Design.) If easements, public usable open space, patio dining, public plaza or other similar amenity prohibit conformance with this standard, a minimum of 75% of the building face must be built to the easement line, usable open space, or public amenity. |
| Front yard along paseos | Minimum: none, except as provided in Sec. 13.500.2 and Sec. 10.1600.6 75% of the building face must be within 5 feet of the property line (consistent with Sec. 15(B) , Building Placement and Design.) If easements, public usable open space, patio dining, public plaza or other similar amenity prohibit conformance with this standard, a minimum of 75% of the building face must be built to the easement line, usable open space, or public amenity. |
| Side Yard Setbacks | |
| Interior Lot | None, except as provided in Sec. 13.500.3 and Sec. 10.1600.6 |
| Corner Lot | Same as front yard setback, except as provided in Sec. 13.500.3 and Sec. 10.1600.6 |
| Rear Yard Setback | 10 feet where no alley abuts the rear property line, except as provided in Sec. 13.500.4 and Sec. 10.1600.6 |
| Maximum Height | 3 story, 50 feet, except as provided in Sec. 13.600 and Sec. 10.1600.6 |
| Maximum Lot Coverage | 75%, 90% if structured parking is included |
| Minimum Lot Coverage | None |
| Maximum Floor Area Ratio | None |
| Minimum Floor Area Ratio | None |
| Minimum Usable Open Space | 10% in accordance with Sec. 10.1600.14 |

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B. Additional Standards for Live-Work (Business Loft):

- i. Live-Work (Business Loft) units must be located within 600 feet of an existing residential neighborhood.
- ii. No more than 10 Live-Work (Business Loft) units per block.
- iii. The residential space must have an exterior entrance on the ground floor.
- iv. The ground floor must have a minimum floor-to-ceiling height of twelve feet.
- v. The following area, yard, and bulk requirements apply in addition to those in Sec. 10.1600.5A:

| Description | Requirements |
|--------------------------------------|---|
| Minimum Lot Area | 1,500 square feet |
| Maximum Units per Lot | 1 unit |
| Minimum Front Yard | 5 feet, except as provided in Sec. 13.500.2 |
| Maximum Front Yard | 20 feet, except as provided in Sec. 13.500.2 |
| Front Yard Encroachments | Canopies, balconies, stoops, bay windows, awnings, and other building projections may extend up to 5 feet into the front yard setback. |
| Minimum Building Separation | 10 feet |
| Garage Setback | The distance from any garage to the property line must be 5 feet or less, or 20 feet or greater in length. |
| Minimum Floor Area per Dwelling Unit | 400 square feet |
| Maximum Nonresidential Floor Area | 5,000 square feet |
| Parking Requirements | 2 parking spaces per dwelling unit located behind the front building line (See Article 16). See Article 16 for nonresidential parking requirements. |

.6 Residential Transition Areas

In addition to the front, side, and rear yard requirements noted in Sec. [10.1600.5](#), all buildings must be set back from the district boundary line of the nearest residential zoning district or the lot line of a residential use outside of the NBD district, as follows:

- A. When an alley is present on the neighboring property: at least two feet for every one foot of building height.
- B. When an alley is not present on the neighboring property: at least 15 feet plus two feet for every one foot of building height.
- C. This minimum setback may be reduced to a setback of 20 feet when the nearest residential zoning district allows a maximum height greater than 35 feet.

.7 District Establishment and Administration

- A. The regulations contained within this zoning district may be supplemented with additional standards and conditions to execute a specific development plan. The boundary of each NBD district must be defined on the Zoning Map and identified with the letters NBD followed by a unique number referencing the supplementary regulations. In considering the establishment of an NBD district, the Planning & Zoning Commission and

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City Council may amend and supplement the base NBD regulations and related development regulations in the Zoning Ordinance and Subdivision Ordinance to implement individual development plans, with the exception of:

- i. Requirement for an adopted development plan;
- ii. Requirement for a governance association;
- iii. Maximum residential densities;
- iv. Requirement to maintain three or more uses; and
- v. Requirement for nonresidential uses to be constructed within the first phase of development.

B. An NBD district may not be used to:

- i. Require construction of public improvements or the dedication or reservation of land, which are not of primary benefit to development within the district or necessary to mitigate an adverse impact attributable to development within the district, unless compensation is provided as required by law.
- ii. Secure agreements between owners of property within the district with third parties.
- iii. Assign responsibility to the city for enforcement of private deed restrictions or covenants.
- iv. Waive or modify the requirements of ordinances other than the Zoning Ordinance, except as specifically authorized by this ordinance.

.8 Adopted Development Plan

A. An NBD district must not be established without the concurrent adoption of a development plan for the district. The plan must comply with Sec. 3.500 and must:

- i. Show the location and type of streets, blocks, parking areas, open space, and residential transition areas;
- ii. Specify the minimum and maximum number of residential units by housing type; and
- iii. Enumerate all standards, conditions, and performance and implementation requirements not otherwise contained in the base zoning district requirements.

B. The development plan must be adopted as part of the ordinance creating the NBD district. Modifications to the development plan must comply with the requirements in Sec. 3.600.

.9 Governance Association

Applications for building permits for development within an NBD district must not be accepted or approved until a suitable property owners' governance association is established. The association must be responsible for maintaining all common property, improvements, and amenities within the district. It must have power sufficient to assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to, security, promotion and marketing, and entertainment. A Municipal Management District or Public Improvement District created in conformance with the Texas Local Government Code may be created to satisfy this

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requirement. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks, and access to other amenities must be incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

.10 Additional Requirements and Restrictions

Each NBD district must contain three or more different uses as listed in Article 14.

- ☑ Once a property is developed for residential purposes within the NBD district, with the exception of live-work (business loft) units, home occupations, and bed and breakfast inns, nonresidential uses are not permitted within that property.
- ☑ At least 10,000 square feet of nonresidential space must be built as part of the first phase of development. Freestanding nonresidential buildings may not have a floor area less than 5,000 square feet.
- ☑ The second building constructed and all subsequent buildings may not be more than 150 feet from another building.

.11 Streets and Sidewalks

A. All streets within an NBD district must be dedicated as public streets, or if the city does not accept the dedication of some or all as public streets, the streets that have not been dedicated as public streets must be platted as private streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events. All streets must be located in a private street lot or in public right-of-way. The width of a street lot or right-of-way is determined by the adopted development plan. A private street lot or public right-of-way may vary in width but must accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership. Easements may be required within the street lot for utilities and emergency access.

B. Street Design

An NBD district site must be organized into blocks created by a connected grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets. Cul-de-sacs and curvilinear streets are prohibited, except where needed to account for major natural features.

C. Block Size

The maximum block size is three acres, except as required for public parks or school use.

D. Block Length

The maximum block length is 600 feet, with a desired typical block length of 400 feet. The block length is the distance along a street face uninterrupted by an intersecting street, transit right-of-way, and/or public usable open space designated on the development plan, excluding intersections with mews streets, alleys, and service drives.

E. Street Trees

A tree planting strip at least 5 feet in width is required on both sides of major and minor streets between the curb and sidewalk. Trees must be centered in the tree planting strip at the rate of one tree per 40 linear feet of street frontage. Adjacent to retail uses, street trees are required at the rate of one tree per 100 feet of major and minor street frontage.

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F. Sidewalks

Sidewalks are required on both sides of all major and minor streets. Trees, landscaping, outdoor dining areas, bicycle racks, and street furniture may be placed on or within a sidewalk, but a minimum clearance width equal to the minimum sidewalk width must be maintained. Awnings, canopies, and other detachable fixtures may extend into the private street lot or public right-of-way. All public sidewalks to be maintained by the governance association must be located in a private street lot or public right-of-way.

G. Street Types

All streets within an NBD district must be constructed in accordance with the following general street classifications:

| Street Type | Travel Lanes | On-street Parking | Sidewalks |
|------------------------------|---|---|--|
| Type D or above thoroughfare | Per Thoroughfare Standards Rules & Regulations | | Minimum 12 feet in width |
| Type E or below thoroughfare | Per Thoroughfare Standards Rules & Regulations | | Minimum 7 feet in width |
| Major Street | Two 11-foot vehicle lanes | Parallel or diagonal parking in accordance with Sec. 16.1500 and valet or drop-off lanes required | Minimum 12 feet in width |
| Minor Street | | Parallel parking in accordance with Sec. 16.1500 and designated loading zones required. | Minimum 7 feet in width |
| Alley/Service Drive | Two 9-foot vehicle lanes plus 3 feet on each side of the street to accommodate utilities and services | 7-foot driveway/setback lanes Additional easements may be needed to accommodate utilities. | If provided, minimum 5 feet in width, but none required |
| Paseo | Minimum overall width: 28 feet with minimum 15 percent landscaped area with 3 caliper inches of shade trees or 6 caliper inches of ornamental trees per 500 square feet of landscape area with a minimum tree size of 2-inch caliper. No vehicle lanes, except for emergency service access if built to fire lane standards. | Not permitted | Minimum 12-foot wide main sidewalk and minimum 4-foot wide pathways providing access to individual entrances of buildings on adjacent lots |

H. Landscape Edge

Along Type D and above thoroughfares, a 20-foot landscape edge is required. Within the landscape edge, 6 caliper inches of shade trees or 12 caliper inches of ornamental trees must be planted per 500 square feet of landscape edge, with a minimum tree size

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of 2-inch caliper. The number of required trees must be calculated based solely on the area of the required landscape edge.

I. Bike Lanes

Bike lanes must have a rideable surface at least 5 feet in width. A solid white lane line, bicycle lane word and/or symbol, and arrow markings that meet the Texas Manual on Uniform Traffic Control Devices requirements must be used to define the bike lane. A minimum 2-foot separation between the bike lane and any parallel vehicle lane is required. On major streets, a physical barrier between the bike lane and any parallel vehicle lane is required and must meet the Federal Highway Administration Separated Bike Lane Planning and Design Guide standards. Where possible, bike lanes must connect to existing or planned trails or bikeways located in or adjacent to the NBD district.

J. Connectivity

Connections must be made to provide direct pedestrian and bicycle access from the NBD district to adjacent sidewalks, trails, parks, transit stops, and other connections where feasible. Pedestrian access must be provided by connection to any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the NBD district. In order to provide efficient pedestrian connections to adjacent properties, the city may require additional sidewalks, walkways, or trails not associated with a street.

K. Curb Bulb Outs

Curb bulb outs are required at all intersections and defined mid-block crossing points on all street types with dedicated on-street parking, except for Type D and above thoroughfares. Curb bulb out areas may not be used to satisfy the required street tree planting strip.

.12 Parking Requirements

A. Parking for residential uses must follow RCD standards (Sec. [9.1700.12](#)).

B. All required off-street parking in NBD districts must be accommodated in accordance with Section [16.700](#) (Off-Street Parking Schedule) of Article 16 (Parking and Loading), except that on-street parking spaces adjacent to a lot may be included in the parking calculations for nonresidential uses on that lot.

C. The maximum permitted parking for nonresidential uses is capped at 110% of the minimum required parking. Parking in excess of the maximum caps may only be provided in parking garages.

D. Surface parking lots for nonresidential uses must meet the following requirements:

i. Parking lots must be located behind front building facades.

ii. A minimum five-foot landscape edge must be provided between all surface parking lots and major and minor streets. Within the landscape edge, 3 caliper inches of shade trees or 6 caliper inches of ornamental trees must be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees must be calculated solely on the area of the required landscape edge.

iii. Surface parking lots must not exceed 200 spaces per parking lot.

iv. A sidewalk at least seven feet in width must be provided to connect the parking lot to the street and to any adjacent buildings or open space areas. The sidewalk must meet the following requirements:

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- a. The sidewalk must be distinguished from areas used by vehicles with one or more of the following techniques:
 - i. Changing paving material, pattern, and/or paving color, but not including the painting of the paving material;
 - ii. Changing paving height;
 - iii. Addition of decorative bollards; or
 - iv. Constructing raised median walkways with landscaped buffers.
 - b. Have adequate lighting for security and safety; and
 - c. Not include barriers that limit pedestrian access between the subject property and adjacent properties.
- E.** Vehicle parking garages for nonresidential uses must meet the following requirements:
- i. The building footprint of a parking garage must not exceed 60,000 square feet.
 - ii. Parking garages must not have direct vehicle access to Type D and above thoroughfares.
 - iii. Parking garages must be set back a minimum of 150 feet from existing residential zoning districts or residential uses outside of the NBD district.
 - iv. Parking garages must have architecturally integrated facades compatible with the buildings they serve. The design of the structure must reflect the massing, fenestration and detailing of adjacent and abutting buildings.
 - v. Garages must be screened so that no vehicles, headlights or light fixtures from within the structure are visible from surrounding properties or streets.
 - vi. External elevator towers and stairwells must be open to public view, or enclosed with transparent glazing
 - vii. Parking garages must not exceed the height of surrounding buildings and must not be visually predominant when viewed from the street or public usable open space
 - viii. If a parking garage is multi-level, one full level at or below grade must be provided for public parking
 - ix. A pedestrian path at least four feet wide with clear signage and lighting must be provided within the parking garage. The pedestrian path must connect to adjacent sidewalks. Electric vehicle charging stations must not impede a minimum of four feet of clearance on any path, walkway, or sidewalk.

.13 Usable Open Space

- A.** Public usable open space must be provided in an amount not less than ten percent of the gross acreage of the development. The following requirements also apply:
 - i. A maximum of 25% of the minimum required public usable open space may be located within a floodplain or within an overhead transmission line easement if these areas are improved for use through the addition of trails and other pedestrian amenities.
 - ii. Public usable open space must be provided in the form of greens, linear parks, greenbelts, pocket parks, public art displays, and paseos that are integrated within the block pattern defined on the development plan.

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- iii. At least one public usable open space must be a minimum of 7,500 square feet with a minimum width of 30 feet. and have buildings or streets directly fronting or siding the public usable open space on a minimum of three sides.
 - iv. Natural features must be designed to be integrated into the site with buildings or public usable open space fronting on them and sufficient pedestrian and vehicle access.
 - v. Rooftops and accessory buildings, except those portions of any building designed specifically for public recreational purposes, do not count toward the public usable open space requirements.
 - vi. Required landscaping does not count toward the usable open space requirement.
 - vii. Open space that is adjacent to the rear of a building or to a service area and which does not front on a street cannot be included in the public usable open space requirement.
- B.** Private usable open space, including interior courtyards and patios for individual business and residential uses, is permitted but does not count toward the public usable open space requirement.

.14 Building Placement and Design

- A.** An NBD district or a group of buildings within the district cannot be walled, fenced, or restricted from general public access.
- B.** Buildings in an NBD district must be designed and oriented to reinforce the street grid. The distance from building face to building face must not exceed 100 feet on major and minor streets, unless separated by usable open space and/or patio dining.
- C.** Lots must be oriented so that buildings directly front on a designated street or usable open space defined on a development plan.
- D.** No single tenant may occupy more than 30,000 square feet of the ground floor of a building.
- E.** With the exception of parking garages, podium garages, and loading and service areas, 60% of the ground floor of nonresidential buildings and live/work-units must consist of windows and doors.
- F.** Nonresidential spaces must have a minimum floor-to-ceiling height of 12 feet.

.15 Sign Regulations

- A.** For signage for uses fronting Type D and above thoroughfares, the regulations, specifications, and design standards contained in Article 22 (Signs) apply.
- B.** For all other signage, the regulations, specifications, and design standards for signs contained in Sec. [10.800](#) (BG, Downtown Business/Government) apply.

(continued on next page)

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NBD - Neighborhood Business Design Permitted Uses

| Accessory and Incidental Uses | |
|-------------------------------|----------|
| Accessory Building or Use | P, 8 |
| Construction Yard (Temporary) | P, 9 |
| Field Office | P, 9, 35 |

| Educational, Institutional, Public, and Special Uses | |
|--|----------|
| Accessory Housing Shelter (Temporary) | P, 45 |
| Assembly Hall | P |
| College/University | P, 5 |
| Community Center | P |
| Continuing Care Facility | P, 52 |
| Farm, Ranch, Garden, or Orchard | P |
| Fire Station/Public Safety Building | P |
| Fraternal Organization, Lodge, or Civic Club | P |
| Park/Playground | P, 52 |
| Post Office (Government and Private) | P |
| Private Recreation Facility | P |
| Religious Facility | P, 5 |
| School (Private) | P, 5, 52 |
| School (Public or Parochial) | P, 5 |
| Trade Schools | S |

P = Permitted Use; **S** = Specific use permit required; **5** = See Sec. 13.300.2; **8** = See Sec. 13.900; **9** = For construction yard, field offices, and other temporary buildings, see Sec. 15.300; **35** = Subject to temporary permit and removal at completion of project; **52** = See Sec. 15.900.

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| Office and Professional Uses | |
|--|---|
| Medical Office | P |
| Office - Professional/General Administrative | P |

| Primary Residential Uses | |
|------------------------------------|-----------|
| Live-Work (Business Loft) | P, 54 |
| Multifamily Residence | P, 52, 53 |
| Single-Family Residence (Attached) | P, 53 |
| Single-Family Residence (Detached) | P, 53 |
| Studio Residence | P, 53 |
| Two-Family Residence | P, 53 |
| Two-Family Residence (Attached) | P, 53 |

| Retail Uses | |
|--|-------|
| Convenience Store | R, 33 |
| Farmers Market | P |
| Food/Grocery Store | P |
| Furniture, Home Furnishings, and Equipment Store | P |
| Garden Center | R |
| Grocery/Food Store | P |
| Hardware Store | P |
| Nursery | S |
| Retail/Service (Incidental) | P |
| Retail Store | P |
| Service/Retail (Incidental) | P |
| Shopping Center | P |

P = Permitted Use; **S** = Specific use permit required; **R** = Refer to Residential Adjacency Standards; **33** = Fuel dispensing and/or car washing facilities associated with this use may be prohibited when in proximity to residential districts. See Residential Adjacency Standards of Article 21.52 = See Sec. 15.900; **53** = See Section 9.1700 for housing type requirements; **54** = See Sec. 15.2000.

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| Service Uses | |
|---|-------|
| Arcade | P, 12 |
| Artisan's Workshop | P |
| Artist, Musician, Photographer, Radio, and/or TV Studio | P |
| Bank, Savings and Loan, or Credit Union | P |
| Bed and Breakfast Inn | P |
| Business Service | P |
| Commercial Amusement (Indoor) | P |
| Commercial Amusement (Outdoor) | S |
| Dance, Gymnastics, and/or Martial Arts Studio | P |
| Day Care Center | P, 52 |
| Day Care Center (Accessory) | P, 52 |
| Day Care Center (Adult) | P, 52 |
| Food Truck Park | S, R |
| Health/Fitness Center | P |
| Kennel (Indoor Pens)/Commercial Pet Sitting | P |
| Licensed Massage Therapy | P |
| Motel/Hotel | P |
| Personal Service Shop | P |
| Print Shop (Minor) | P |
| Restaurant/Cafeteria | P, 47 |
| Studio (Dance, Gymnastics and/or Martial Arts) | P |
| Studio (Photographer, Musician, Artist, Radio, and/or TV) | P |
| Theater (Neighborhood) | P |
| Veterinary Clinic | P |
| Winery | S |

P = Permitted Use; **S** = Specific use permit required; **R** = Refer to Residential Adjacency Standards; **12** = See Sec. 15.100; **19** = See Sec. 15.1000; **47** = Drive-up windows are not allowed; **52** = See Sec. 15.1900

| Transportation, Utility, and Communications Uses | |
|--|-------|
| Antenna | P, 34 |
| Antenna Support Structure (Commercial and Amateur) | P, 34 |
| Concrete/Asphalt Batching Plant (Temporary) | 36 |
| Electrical Substation | S |
| Private Utility (other than listed) | P |
| Service Yard (Public or Utility) | S, 50 |
| Transit Center/Station | S |
| Transportation and Utility Structures/Facilities | P |
| Utility Distribution/Transmission Line | P |
| Utility, Private (other than listed) | P |
| Vehicle and Related Uses | |
| Vehicle Parking Lot/Garage (Primary) | P |
| Wholesale | |
| Office (Showroom/Warehouse) | S |

P = Permitted Use; **S** = Specific use permit required; **R** = Refer to Residential Adjacency Standards; **33** = Fuel dispensing and/or car washing facilities associated with this use may be prohibited when in proximity to residential districts. See Residential Adjacency Standards of Article 21.; **34** = See 15.200; **36** = Concrete Plant: Issuance of temporary permit by City Engineer and removal as directed; Asphalt Plant: Issuance of temporary permit by resolution of City Council; **50** = Allowed by right as an accessory use to a park/playground if located a minimum of 150 feet from a residential property line and screened from view of adjacent streets and properties.