The City of West University Place
A Neighborhood City

ZPC Meeting Agenda

Notice is hereby given of a **regular meeting of the Zoning and Planning Commission** and members of the City Council of West University Place to be held on **Thursday, September 13, 2018 at 6:15 pm** in the **Municipal Building**, 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items:

Call to Order

1. **Notices, Rules, Etc.** Matters relating to notices, introductions, rules, meeting procedures and identifying parties.
   Public comments must be kept to the subject before the Commission. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent or slanderous remarks shall be barred by the presiding officer from further comment before the Commission during the meeting. Speakers must limit their comments to three minutes each.
2. **Presentation of a Rezoning Request for Lots 1-6, Block 25 of Collegeview Section One.** Matters related to rezoning Lots 1-6 at the corner of Ruskin Street and Academy from SF3 and PDD-SF2 to a new PDD-SF3district. Proposal includes the addition of the new zoning district and new district specific regulations.
3. **Balconies and Front Porches.** Matters related to balconies, porches, front yard projections and other related regulations.
4. **Fence-like Hedges.** Matters related to fence-like hedges in the front yard setback and other related regulations.
5. **Structure Height.** Matters related to the maximum structure height for those structures that must be elevated due to flooding and other related regulations.
6. **Minutes.** Matters regarding approval of minutes from August 9, 2018.
7. **Executive Session (if necessary).**

The Commission reserves the right to, at any time during the session, convene in a closed session pursuant to Chapter 551 of the Texas Government Code, for reasons including but not limited to:

Section 551.071 (consultation with legal counsel to seek or receive legal advice or consultation regarding pending or contemplated litigation); Section 551.087 (deliberation regarding economic development).

Convene into Open Session. Take action, if any.

ADJOURN

In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact the person that signs this below at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Municipal Building is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area. Special seating will be provided in the Meeting Chambers.

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I certify that the attached notice and agenda of items to be considered by the West University Place Zoning Planning Commission on September 13, 2018 was posted on the Municipal Building bulletin board on or before September 10, 2018 at 6:00 o'clock pm.

D Scarcella

Debbie Scarcella, City Planner, dscarcella@westutx.gov, 713-662-5893

Agenda Item #2

Memo

To: **Zoning and Planning Commission**

From: **Debbie Scarcella, City Planner**

Date: **September 6, 2018**

Re: **Staff Report for Application for Rezoning ATT Site**

Applicant's Request

The owner of the property located at 6707 Academy (behind the ATT building) at the corner of Ruskin Street and Academy is requesting a rezoning of the parking lot area, more specifically Lots 1-6 of Block 25, Collegeview Section 1. The request is to change the zoning designation from Single Family (Detached) (SF3) for Lots 1-4 and Second Single Family Planned Development District (PDD-SF2) for Lots 5-6, to a newly created Single Family Planned Development District (PDD-SF3).

Background

The parking lot located behind the ATT building and the Whole Foods shopping center on Bellaire is actually located in a single family zoning district. ATT owns six lots and the shopping center owner owns four lots that all front on Ruskin St. The parking lots have been authorized to be there since 1970 for lots 1-4 and since 1975 for lots 5-10. Initially lots 1-4 and 5 & 6 were owned by Southwestern Bell (now ATT) and authorized for use by SWBT employee vehicles and company service vehicles. Lots 7-10 were authorized for employee parking only for the owners of the Whole Foods center. Lots 1-4 are located in an SF3 district and lots 5-10 are located in a PDD-SF2 (formerly PDD-TH6 or Ruskin Townhome District). The applicant is asking that lots 1-6 be rezoned to a newly created Third Single Family Planned Development District (PDD-SF3).

The requirements for creation of a Planned Development District are covered by Article 9 of the zoning regulations, which are attached. Lots 1-6 contain 34,500 and so meet the minimum square footage requirements in Article 9. The first section of Article 9 contains additional criteria for creation as follows:

"Section 9-101. - Certain regulations.

Within a PDD, the applicable regulations shall be described in the corresponding PDD schedule. A PDD schedule must require a minimum setback from the front street line on each building site of five feet, except for PDD's established in the C District. A PDD schedule may include the following land uses, and no others, determined by the pre-existing district in which the PDD is proposed:

(1) In a SF District: single-family (detached) use only.

(2) In a non-SF residential district: any use permitted in the GR-2 District.

(3) In a non-residential district: any use permitted in the GR-2 District or the C District.

Section 9-102. - Site criteria.

A person applying for the establishment of a PDD must own the entire area subject to the application. .*Exception*: In the C District, two or more persons may own the area subject to the application, if they

jointly apply for a single PDD. The area must include either: (i) 40,000 square feet or more, all contiguous or *separated only by a street, or (ii) 30,000 square feet or more, all contiguous.*

Section 9-103. - Procedures.

a) *Submissions*. The applicant must submit a development plat (which may be the same as a plat submitted under another ordinance of the City, if allowed by such other ordinance) and a development report containing a general description of the proposed development and an analysis of traffic patterns, street areas, drainage, utilities, and maintenance of public spaces, together with any additional items the administrative official or the Z&PC may reasonably request.

(b) *Processing*. The processing procedure for approval of a PDD shall be the same as for an amendment to this ordinance. If a PDD is approved, the Zoning District Map shall be amended to show the PDD boundaries, and a PDD schedule shall be added to this ordinance to provide the necessary regulations.

(c) *Review; No Entitlement*. The review of a PDD, like all amendments to zoning ordinances, involves extensive procedures and legislative weighing of competing policy considerations. Therefore, no person is guaranteed or assured that a PDD either will or will not be acted upon favorably or within any given period of time and no person shall ever be entitled to the approval of a PDD under any circumstances."

The ZPC requested legal counsel to review the provisions of a new PDD and give a legal opinion for the following two questions:

1) Does ATT's request violate the Comprehensive Plan that was adopted last year? (among other things, the Plan says that property zoned and developed as residential should not be rezoned for non-residential use, or words to that effect),and

2) Does ATT's request violate section 9-101 of the zoning ordinance, which appears to limit permissible uses within the proposed PDD to "single-family (detached) use only?

The proposed district will be the same underlying use as single family residential, except while ATT or a similar telecommunications company occupies the property. When that condition exists, then the district regulations would allow for any uses covered by an existing special exception; authorize use of ATT owned vehicles and vehicles less than 2 axles; loading and unloading of ATT vehicles and inventory and supplies in the vehicles. The proposal prohibits structures and signs and requires fencing and landscaping to be maintained. The proposal prohibits access on Ruskin and Cason Streets and limits access to the Bellaire and Academy entries. The major provisions are contained in proposed notes 12 and 13 as detailed in the application.

ZPC should determine if the request meets the minimum criteria as outlined in Chapter 9. ZPC can consider the proposal as written, modify it, request more information or reject it. A favorable report would result in City Council calling for a joint public hearing with the ZPC to garner additional public input.

City of West University Place
Harris County, Texas

Ordinance No. ____

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON A PROPOSAL TO AMEND THE ZONING ORDINANCE AND CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS SO AS TO CREATE A NEW THIRD SINGLE FAMILY PLANNED DEVELOPMENT DISTRICT (PDD-SF3) AND CHANGE THE ZONING DISTRICTS FOR A CERTAIN BUILDING SITE LOCATED AT THE CORNER OF THE INTERSECTION OF ACADEMY AND RUSKIN STREET (LOTS 1-6, BLOCK 25, COLLEGEVIEW SECTION ONE) BY INCLUDING THOSE LOTS IN THE DISTRICT; ADD LANGUAGE ESTABLISHING THE DISTRICT SPECIFIC REGULATIONS; PRESCRIBING PROCEDURES AND NOTICES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") has submitted a preliminary report on a proposal to amend the zoning ordinance of the City, as last reformatted and re-adopted by Ordinance No. 1672, adopted March 12, 2001, and as amended thereafter ("Zoning Ordinance"); and

WHEREAS, the preliminary report also proposes an amendment to the Code of Ordinances of the City including the creation of a new zoning district classification; a zoning district change for the building site located at the corner of the intersection of Academy and Ruskin Street, more fully described as Lots One through Six of Block Twenty-five out of the Collegeview Section One Subdivision of Harris County, Texas; language that will establish district specific regulations; and zoning district map change.

WHEREAS, the Z&PC's preliminary report is attached to this ordinance as Exhibit A and made a part of this ordinance by reference; and

WHEREAS, the City Council desires to call a joint public hearing on such proposal;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE:

Section 1. The City Council hereby calls a joint public hearing before the City Council and Z&PC on the proposal described in Exhibit A. Unless rescheduled, the hearing shall be held in the Council Chamber of the Municipal Building, 3800 University Boulevard, West University Place, Texas 77005 during the City Council meeting set to begin at 6:30 p.m. on _____. The hearing may be recessed and continued

to the City Council meeting set to begin at 6:30 p.m. on _____ at the same place, unless rescheduled. The City Manager may reschedule either date and time, or both, to accommodate other pending matters, but the rescheduled date(s) and time(s) may not be later than 30 days past the later of the two dates set by this ordinance.

Section 2. The purpose for the hearing is to provide an opportunity for parties in interest and citizens to be heard in relation to the proposal described in Exhibit A.

Section 3. The procedures for adoption of the proposal shall be as follows: (1) notice as required by this ordinance, (2) hearing as called by this ordinance, (3) report by the Z&PC, and (4) vote by the City Council on the question of adoption. The procedures for enforcing the proposal shall be as set out in the existing Zoning Ordinance. The proposal described in Exhibit A is hereby submitted and re-submitted to the Z&PC for its consideration.

Section 4. The City Secretary shall give notice of such hearing as prescribed by this section. The notice shall be in substantially the form set out in Exhibit B, which is attached and made a part of this ordinance by reference. The notice shall be published in the City's official newspaper (or another newspaper of general circulation in the City) at least once on or before the 16th day preceding the date of the hearing. In addition, the notice shall be mailed to the persons on the mailing list for the *City Currents* newsletter. The notices shall be deposited in the United States mail on or before ninth day preceding the date of the hearing, properly addressed with postage prepaid. Alternately, the notices may be included within the newsletter or with utility bills or may be separate. The City Council specifically approves giving combined notice of two or more hearings in a single notice document, as this would save money and also provide better information about the full scope of possible amendments to all interested persons.

Section 5. The City staff is authorized to make all necessary arrangements for the hearing and to assist the Zoning and Planning Commission and the City Council.

Section 6. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 7. The City Council officially finds, determines and declares that sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended, and that such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies,

approves and confirms such notices and the contents and posting thereof.

Section 8. Because the proposal to amend the Zoning Ordinance is vitally important and should be considered at the earliest possible date, a state of emergency is declared requiring that this ordinance be read and adopted finally at this meeting. Accordingly, this ordinance shall be adopted finally on first reading and shall become effective immediately upon adoption and signature.

PASSED, APPROVED, ADOPTED AND SIGNED on _____, 20___.

Attest/Seal: _____
City Secretary

Signed: _____
Mayor

Recommended:

_____
City Manager

Approved as to legal form:

_____
City Attorney

Exhibit A

Zoning & Planning Commission

City of West University Place, Texas
3800 University Boulevard
West University Place, Texas 77005

August 9, 2018

Honorable Mayor &
Members of the City Council
City of West University Place
3808 University Boulevard
Houston, Texas 77005

Subject: Preliminary report on a request to amend the Zoning Ordinance and Code of Ordinances, including the Zoning District Map of the City of West University Place, Texas ("City") by establishing a new Third Single Family - Planned Development District (PDD-SF3)in the Third Single Family (Detached)(SF3)District.

To the Honorable Mayor
& Members of City Council:

The Zoning & Planning Commission of the City submits this, its preliminary report, on the subject proposal, for the assistance of the Council as well as other interested persons.

Scope of Proposal. The purpose of this proposal is to amend the Zoning Ordinance and Zoning District Map by changing the zoning district designation of the building site located at the corner of the intersection of Academy and Ruskin Street, more fully described as Lots One through Six in Block Twenty-five of the Collegeview Section One subdivision. This request by the property owner, AT&T (Southwestern Bell), is to rezone six abutting lots that have been developed as parking for the main ATT structure fronting on Bellaire Boulevard.

The site was originally developed as single family residential. There were 10 abutting lots that fronted on Ruskin Street. In 1970, four of the lots (One through Four) were granted a special exception for use as parking for the then Southwestern Bell (SWBT) vehicles and the vehicles in use by the SWBT employees. Five years later in 1975, a second exception was granted for parking of vehicles on Lots Five through Ten, restricting Lots

Seven through Ten to passenger vehicles only. There were restrictions associated with the special exception as to plantings, fencing, lighting, etc. The underlying zoning designation for lots Five through Ten has remained residential, but subsequent zoning ordinance amendments and zoning map adoptions have at different times changed to townhome "Ruskin Townhome District" and eventually to the current PDD-SF2 designation. Lots One through Four have remained in the SF3 Disrict.

The proposal is to create a new third single family planned development district (PDD-SF3) that includes lots 1-6 of block 25. The proposal includes language (See Attachment 1 to this report) that establishes single family district three regulations as the underlying regulations. Two notes to Table 7-1 will allow for the existing parking lot as long as the property is owned by ATT or a similar telecommunications company. The proposal will allow ATT owned vehicles access and will allow for the loading and unloading of these vehicles. It will also allow for the inventory and supply of equipment to those vehicles as well as access to the vehicles for various employee activities. The proposal limits hours of operation, entry and exit for certain streets, prohibits signage, other structures, and requires fencing and landscaping. Conforming language in certain chapters is included.

Preliminary Recommendation. Subject to further review following public hearing, the Commission recommends that the City Council call a joint public hearing to consider this matter. The Commission invites all interested persons to participate in the joint public hearing.

The Vote. The vote on approval of this report was as follows: voted "aye;" "noes;"

Respectfully submitted:

ZONING AND PLANNING COMMISSION OF THE
CITY OF WEST UNIVERSITY PLACE, TEXAS

By: _____
For the Commission

Attachment 1

West University Place Zoning Ordinance – Proposed PDD-SF3

Table 5-1		*General Rule:* This table prescribes the minimum dimensions for building sites, by District. ("DU" means "dwelling unit.") *Exceptions/Special Rules:* (1) See PDD Schedules for planned development districts. (2) See special notes in table. (3) The Z&PC may establish different dimensions by approving a plan, plat or replat (see Article 5).									
Item	Measurement	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7		PDD-C1
Old building sites (before October 24, 1987) *See Notes 1 and 2*	Width, minimum	50 ft.			N/A						50 ft.
	Depth, minimum	100 ft.			N/A						N/A
	Area, minimum	5,000 sq. ft.			2,000 sq. ft. per DU						5,000 sq. ft.
New building sites (on or after October 24, 1987) *See Note 3.*	Width, minimum	75 ft.			N/A						50 ft.
	Depth, minimum	110 ft.			N/A						N/A

	Area, minimum	8,250 sq. ft.	2,000 sq. ft. per DU		5,000 sq. ft.

Note 1. *4,500 Square Foot Exception* . A structure may be located on an old building site with at least 40 feet of width and at least 4,500 square feet of total area, if the building site: (i) was improved with a principal building in existence on the 1987 effective date or for any period of twenty consecutive years prior to the 1987 effective date, under circumstances where there was no additional land used for the building site, and (ii) was created by subdivision plat and not made smaller thereafter except to provide public right of way or to accommodate physical encroachments, or as specifically allowed by Article 5.

Note 2. *4,300 Square Foot Exception.* A structure may be located on an old building site with at least 40 feet of width and at least 4,300 square feet of total area, if the building site: (i) was created by subdivision plat approved by the city council or the Z&PC, (ii) has not been made smaller thereafter for any reason.

Note 3. *Certain Re-Subdivisions After October 24, 1987* . A subdivided lot in a SF-1, SF-3 or GR-1 District may be further subdivided to produce a building site with less than seventy-five (75) feet of width or less than one hundred ten (110) feet of depth if all applicable procedures under state law and the City's ordinances, rules and regulations are followed and one of the following three sets of circumstances is present: (A) All portions of the subdivided lots are added to adjoining subdivided lots. (B) The number of lots is not increased, and all resulting lots have: (i) a depth greater than or equal to the depth of the shallowest lot before the re-subdivision, and (ii) a width greater than or equal to the width of the narrowest lot before the re-subdivision; provided that no resulting lot is irregularly shaped (unless it was so shaped before the re-subdivision). (C) A portion of the subdivided lot is needed for City use or utility or service use.

TABLE 7-1

Table 7-1		*General Rule:* Within each District: uses marked "A" are allowed, uses marked "SE" are allowed only to the extent authorized by a special exception (see Note 3), and uses marked "X" are prohibited. *Exceptions/Special Rules:* (1) See PDD Schedules for planned development districts. (2) See special rules noted in table. The ZBA is authorized to issue all special exceptions mentioned in this Table.								
Use Category	Specific Use	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-CI
Residential	Single-family (detached)	A *See Notes 1 and 7*								A
	Single-family (attached)	X *See Note 8*			A *See Note 1*		A *See Notes 1 and 7*	A *See Note 1*		X
	Other residential	X	X	X	X	X	X	X	X	X
Public and Semi-Public	Park, playground, or community center (public), school (public), place of worship	A *See Notes 1 and 3*								A *See Notes 3 and 4*
	Private green space	*See Notes 1 and 2*								
	School (other) *See Note 9*	X	X	X	X	X	X	X	X	X *See Note 3*

	Utility or service use. *See Art. 8* .	A *See Note 1*								
	PWSF use.	A or SE *See PWSF Schedule. See Note 1*								
Commercial *See Article 8 regarding certain sexually oriented businesses.*	Light commercial	X	*See Note 5*	See Notes 12 & 13	X	X	X	X	X	*See Notes 6 and 11*
	Medium commercial	X	*See Note 5*		X	X	X	X	X	X
All other uses		X	X	X	X	X	X	X	X	X

Note 1. *High-density occupancies in SF District* . High-density occupancies are allowed in SF Districts only to the extent authorized by a special exception. The ZBA may issue such a special exception if it finds and determines that the occupancy is a use that is (i) accessory to a lawful primary use and (ii) reasonably compatible with nearby sites and their uses (in addition to any other findings and determinations required for a special exception). *Note* : A previously-issued special exception that authorized a use with a high-density occupancy is sufficient to comply with this note.

Note 2. *Private Green Space.* Vineyards, gardens, landscaping, private playgrounds and other similar uses that are predominantly pervious, vegetated and non-commercial are allowed in all districts. Unless otherwise authorized by a special exception, the only structures allowed are fences, playground equipment and landscaping structures (e.g., low, retaining walls, borders, etc.). The ZBA may issue a special exception to authorize other structures. The special exception shall include a site plan specifying and limiting allowable structures. If so ordered by the ZBA, the site plan controls over any other ordinance to the contrary. However, the site plan may not specify yards (or "setbacks") different from those otherwise required, unless the ZBA finds that the different yards are: (i) necessary for efficient use of the available space and (ii) compatible with nearby sites and their uses. The special exception may allow accessory structures without a principal building.

Note 3. *Accessory Uses and Structures.* In the indicated districts, the ZBA may issue a special exception to authorize additional uses and structures, if the ZBA finds and determines that each additional use and structure is: (i) accessory to a lawful primary use and (ii) compatible with nearby sites and their uses. The special exception may include a site plan identifying and limiting such uses and structures.

Note 4. *Park, Playground, Etc.* In the C District, a park, playground or community center may be privately or publicly owned.

Note 5. Parking Use in PDD-SF2. The ZBA may issue a special exception to authorize parking of motor vehicles in connection with nearby commercial activities, upon approval by the ZBA of the types of vehicles, design of parking facilities (including landscaping, paving, lighting, fences or walls, signs, etc.) and curb cuts, all of which may be included as site-specific conditions of the special exception.

Note 6. Light Office Use in PDD-C1. The only commercial use allowed in PDD-C1 is light office use, meaning offices for conducting real estate, insurance and other similar businesses and the offices of the architectural, clerical, engineering, legal, dental, medical and other established and recognized professions, in which only such personnel are employed as are customarily required for the practice of such business or profession.

Note 7. Garden-style use in PDD-TH4 . "Garden-style" single family detached use is allowed in PDD-TH4 if authorized by a site plan meeting the requirements of Ordinance No. 1560, adopted October 12, 1998, which is continued in effect for the original site plan and for amendments and replacements of that plan. Such a site plan, after approval by ordinance in accordance with Article 14, controls over any provision elsewhere in this ordinance.

Note 8. Attached dwellings in PDD-SF3. Any existing attached dwellings which complied with the former Schedule PDD-TH3 (Browning Townhouse PDD) at the time of their construction have PNC status, under and subject to Article 12 of this ordinance. The minimum width for interior side yards for such dwelling units is zero where there is an existing common wall (or existing continuously-abutting separate walls) along the property line, in either case with a four-hour fire rating or better. The minimum number of parking spaces is two per dwelling unit, and additional guest parking is not required, notwithstanding other provisions of this ordinance or any special exception issued under this ordinance.

Note 9. School (other) . A special exception may authorize this use on sites wholly within the C District or partially within the C District and partially within another district.

Note 10. Uses in TCC. The only uses allowed in TCC are retail, light office use, and food service use. TCC does not allow for residential use of any kind, bars or club uses, entertainment venues, sexually oriented businesses, auto-intensive uses, gambling establishments, surgical or emergency clinics, or any medium commercial uses.

Note 11. Hours of operation. In the C, TCC and PDD-C1 districts, hours of operation for commercial uses shall not unreasonably impact the residential character of adjoining residential districts. All operations, including deliveries and other outdoor activity, shall comply with the City's noise regulations; see Chapter 54 of the Code of Ordinances. All commercial garbage and trash collection activities shall comply with Chapter 38 of the Code of Ordinances.

Note 12. Parking Lot Use in PDD-SF3. PDD-SF3 may be used for (i) parking, loading and unloading and sorting/inventory of contents of vehicles, trucks and vans (2 axels maximum) owned by AT&T and/or its employees only, as part of the telecommunications business only, limited to 7am-7pm Monday-Saturday except related to services to medical facilities, due to customer medical emergencies or catastrophic events (storms, terrorist events, etc.), or parking only, which may occur at other times, (ii) vehicles temporarily required for repairs/construction relating to the adjacent building under common ownership, limited to the term of a valid City building permit, (iii) no use (non-use is not abandonment), and (iv) any use permitted by a current special exception. Washing, refueling and mechanical services are prohibited, but minor emergency repairs (flat tire, dead battery, out of fuel, etc.) are permitted. Transporting personal items (including food) to and from vehicles and adjacent building under common ownership, and transporting trash, litter and materials to and from vehicles and waste storage areas is permitted. Resting and phone calls are permitted within vehicles. Structures are prohibited, unless permitted by a current special exception. The parking lot shall comply with City Code, including light and noise restrictions applicable to residential areas. The existing solid walls and gates, and the landscaping outside the walls must be maintained in good

condition. Monthly landscaping services are required. No exterior signage is permitted, except as required by law. Parking lot use on any lot in PDD-SF3 shall terminate upon: (i) independent sale of the lot, (ii) sale of all of AT&T's facility on Bellaire/Academy to an entity not in the telecommunications business. Merger of AT&T into another entity in the telecommunication business will not terminate the parking lot use.

Note 13. Access/Parking Limits in PDD-SF3 during Parking Lot Use. The following limitations apply to Parking Lot use: (i) access is prohibited from the parking lot to Ruskin St., (ii) parking/driving of vehicles owned by AT&T and/or its employees is prohibited on Ruskin St. and Cason St., except for residents/invited guests, and temporarily while providing telecommunication services to residents on those streets, and (iii) access to/from the parking lot shall be from Bellaire Blvd. via Academy St. to the parking lot except temporarily while providing telecommunication services to residents on those streets.

TABLE 7-2

Table 7-2		*General Rule:* No part of any structure may be located within a part of a building site included within a yard defined, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) Structures may be located in yards to the extent allowed by the Projections Schedule. (2) See special rules noted in table. (3) See PDD Schedules for Planned Development Districts. (4) See additional setbacks in the PWSF Schedule.								
Item	Measurement	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-CI
Front yard	Distance from front street line.	20 feet if the building site depth is 110 feet or less; 25 feet if the building site depth is more than 110 feet but not more than 125 feet; 30 feet if the building site depth is more than 125 feet. *See Note 5* .			10 ft. See Note 7.				20 ft. (Mercer Street)	5 ft. (Bellaire Blvd.)
Interior side yard	Distance from side property line (each side).	Greater of 10% of building site width or 5 feet. *See Note 2.*			5 ft. *See Notes 4.1 and 4.2. See Note 7.*				20 ft. (south property line)	N/A
Street side yard	Distance from side street line.	Greater of 10% of building site width or 5 ft. *See Notes 2, 6* .			10 ft. *See Note 7* .				10 ft. (Bissonnet)	*See Note 8.*
Rear yard	Distance from rear property line.	20 ft. *See Note 1.*			20 ft. *See Note 1.*	10 ft. *See Note 1.*	20 ft. *See Note 1.*		5 ft. (west property line)	*See Note 8.*

SF Buffer-yard	Distance from nearest part of an SF District	N/A	20 ft. *See Note 7.*	10 ft. *See Note 7.*	20 ft. *See Note 7.*	N/A	*See Note 8.*

Note 1. Through Lots or Building Sites or *Rear Through Lots or Building Sites.* If a lot or building site extends all the way through a block so that the front and rear both abut a street area, there is no rear yard. The site is a "through" or "rear through" lot or building site, and is considered to have two front yards, one at each street frontage. Front yard (setbacks) shall be as provided in Table 7-2. Exception: If the site is "flag" shaped or irregular, the "flag" portion shall have the same setback as the adjoining building sites fronting that street.

Note 2. Narrow Site "3/7" Exception. Alternate side yard areas apply to a building site meeting all four of the following criteria: (A) The building site is less than 55 feet wide. (B) The use is single-family (detached) use. (C) Outside the rear yard, no main wall surface of any building is closer than 10 feet to any main wall surface of a "prior building" on another building site (unless there are "prior buildings" on both sides, each within seven feet of the property line, in which case the minimum separation from a "prior building" is eight feet). A "prior building" is a building in existence, under construction or covered by a current building permit when a building permit is issued for the subsequent building. (D) The owner has designated alternate side setback areas in a form approved by the administrative official and in accordance with all of the following criteria: (1) Minimum setback, interior: 3 feet. (2) Minimum setback, street side: 5 feet. (3) Minimum setbacks, both sides combined: greater of 10 feet or 20% of the building site width. (4) On each side, the setback is uniform in width along its entire length. See Table 7-5a regarding "alternating driveway" rule.

Note 3. Rotated Corners. For rotated corner building sites (SF-1 District only), the minimum side street yard width is: (i) 10 feet if the building site width is 65 feet or less, (ii) 10 feet plus the distance by which the width of the building site exceed 65 feet, if the building site width is more than 65 feet but less than 75 feet, (iii) 20 feet if the building site width is 75 feet or more but less than 100 feet, or (iv) for building sites 100 feet wide or more, the side street yard width is determined by the same rules as the front yard depth, except that the "depth" of the building site is measured from the side street line.

Note 4.1. Common Walls. In the TH, GR-2, C, and all PDD-TH districts, the ZBA may issue a special exception for a zero-width side yard, but only upon application by both property owners and only if the special exception is conditioned upon the construction and maintenance of a common wall or continuously abutting separate walls (in either case with a four-hour fire rating or better) along the property line. See, also, Note 7, below, for QMDS.

Note 4.2. Common Walls in New Townhouse Construction. In all PDD-TH districts, where new townhouses are concurrently constructed on two or more abutting building sites along a block face, zero-width side yards are allowed by right wherever a common wall or continuously abutting separate walls will be constructed and maintained (in either case with a four-hour fire rating or better) along the property line. On each building site that contains the end townhouse in a row of attached townhouses on abutting sites, the interior side yard requirement, or the street side yard requirement for a corner site, shall apply along the side property line where a common wall or continuously abutting separate walls will not be constructed. See, also, Note 7, below, for QMDS.

Note 5. Major Thoroughfares. The ZBA may issue a special exception for a front yard less than 30 feet deep abutting a major thoroughfare, if the front yard prescribed is at least 10 feet deep, and

if the special exception requires the greatest practicable amount of pervious area in the front yard.

Note 6. Special Exception. The ZBA may prescribe a different street side yard by special exception relating to frontage. See Article 8.

Note 7. Yards In QMDS. In a QMDS, yards are only required around the perimeter of the subdivision and are designated by the subdivision plat. See definition of QMDS. Standard projections into QMDS yards are allowed per the Projections Schedule. In addition:

(a) Front yard (GR-1 or GR-2 Only): A principal building with an internal access garage may project as close as 10 feet to the street area if, in the projecting part: (a) there is a first-floor porch or with at least 80 sq. ft. of floor space (open or screened) and no dimension smaller than seven feet; (b) above the porch or court, no more than half the usable floor space is enclosed (coverings and other floor space, including open or screened porches, are allowed above all the porch or court); (c) the cornice height does not exceed 27 feet; (d) there are no more than 2.5 stories; and (e) there is no garage space.

(b) Front yard: Bay windows, canopies and balconies at least 18 inches above grade may project up to 24 inches beyond the principal building. Steps and handrails may project up to 30 inches beyond the principal building.

(c) Rear Yard and SF Bufferyard. Buildings up to 10 feet high (measured from finished grade to top of roof plate) may project, but not closer than 10 feet to the property line.

Note 8. Yards in PDD-C1. In PDD-C1, the yards and street lines are as follows, notwithstanding other provisions of this ordinance: (i) The rear yard is the area within 20 feet of the rear property line (the line farthest from Bellaire Blvd.) of any building site, and for this purpose, the said rear property line shall be not in excess of 120 feet from the north right-of-way line of Bellaire Blvd. Exception: The rear yard upon Lot 2, Block 35, Colonial Terrace Addition (also known as the south 140 feet of Tract 9, Cambridge Place) is the area within 40 feet of the rear property line of said lot, said rear property line being located 140 north of the north right-of-way line of Bellaire Blvd. (ii) The street side yard is the area within ten feet of any side street line where the street area is 50 feet or less in width, or within five feet of any side street line where the street area is more than 50, but less than 70, feet wide. (iii) The front yard is the area within five feet of the front street line (which is the common boundary with Bellaire Boulevard). Any area outside of a building line established by ordinance or by recorded plat is considered part of the corresponding yard.

Note 9. Yards in TCC. In TCC, the front street line is designated as the common boundary of the building site and the Edloe Street street area. For building sites with a side street along Rice Boulevard, the side yard shall be zero feet. For building sites with a side street line along University Boulevard, the side yard shall be five feet. The rear yard may be reduced by any future reduction in the width of the utility easement along the Poor Farm Ditch.

TABLE 7-3

Table 7-3		*General Rule:* Every building site must have the minimum open and pervious areas shown, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) See PDD Schedules for planned development districts. (2) See special rules noted in table. (3) See the Projections Schedule for details about calculating open and pervious areas.								
Item	Measurement	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Open area	Front yard, minimum percentage.	60%.			N/A					N/A
	Rear yard, minimum percentage. *See Note 6.*	60%. *See Note 1.*			N/A					N/A
	Entire building site, minimum percentage.	40%			25%					N/A
Pervious area	Front yard, minimum percentage	50%			50% *See Note 2.*					N/A
	Entire building site, minimum percentage	24%			15%					N/A
	Landscaping strips	Required, except for SFD uses on building sites with 5,000 sq. ft. or more. *See Notes 3 and 5.*								

	Qualified trees	For SFD uses on building sites with 5,000 sq. ft. or more, there must be at least one qualified tree in the front yard or in the adjacent street area. For all other uses, each qualified tree required by this ordinance or Chapter 82 of the Code of Ordinance must be located within a contiguous and reasonably compact pervious area containing at least 25 sq. ft. However, additional or better pervious area may be required to comply with Chapter 82.
	Pervious pavement	In a QMDS only, pervious pavement is allowed to be used for all vehicular areas, and part of it may count as pervious area. *See Note 4.*
	Parking areas, interior	Each parking area containing 21 or more parking spaces must contain interior pervious areas in "island" or "peninsula" configurations aggregating in area at least two square feet for each parking space.

Note 1. Rear Yard Adjacent to Non-SF . The ZBA may issue a special exception to reduce the requirement for open area in a rear yard in a SF District to not less than 40%, if the rear yard abuts a non-SF District.

Note 2. Pervious Area in QMDS . Front yard minimum pervious area requirement in a QMDS is 40%., or 30% for a front yard in a QMDS "low-impact motor court."

Note 3. Landscaping Strips . Vegetated pervious areas required as follows: (a) minimum five feet wide adjacent to each street area (or 3.5 ft. if located in front of a fence or wall at least 3.5 feet high), and (b) minimum 18 inches wide to separate each paved vehicular area from a fence or subdivision or replat boundary. Exception: Strips are not required along alleys or where they must be crossed by sidewalks or driveways. Strips along street areas must have live, evergreen shrubs (maximum spacing is 3.5 ft.) and live qualified trees under Chapter 82 of the Code of Ordinances (maximum spacing is 20 ft.). The administrative official may approve different spacing for shrubs or trees, upon a showing that (i) the spacing is allowed by standard urban forestry criteria for the particular species and location and (ii) the spacing will comply with Chapter 82. The ZBA may issue a special exception to allow a landscaping strip to be located in whole or in part within a street area, if the ZBA finds that the particular landscaping will, in all probability, be allowed to remain intact for at least 50 years and that it can be maintained and will function as well as a strip located completely on private property.

Note 4. Pervious Pavement . In a QMDS, the area of the holes or gaps (if actually pervious) counts toward pervious area requirements (but no more than 30% out of any area with pervious pavement may count).

Note 5. Visual Buffer Zone. In TCC, along the east edge of each property a landscaped buffer zone shall be established consisting of trees, shrubs, and other durable vegetation adequate to minimize the transmittal of light and provide a visual buffer between a use in TCC and adjacent SF district properties. Evergreen shrubs shall be planted to form a continuous hedge with no gaps. Shrubs shall be hardy species that will withstand freezing temperatures. The plants shall be at least 18 inches in height as measured from the surrounding soil line and shall have a maximum 18 inch width at the widest portion when planted. Shrubs shall be capable of growth to not less than 48 inches in height when measured from the surrounding soil line and shall form a continuous hedge within three annual growing seasons. Shrubs shall be maintained at a

height that does not interfere with overhead utility lines. Trees planted in the buffer zone shall not interfere with overhead utility lines.

Note 6. Old Stock Housing. The ZBA may issue a special exception to reduce the open area requirement in the rear yard, if the ZBA determines: (i) the reduction is reasonably necessary to preserve or protect old stock housing as it then exists or as it may be proposed to be remodeled or expanded (up to a total gross floor area, for all buildings on the site, that does not exceed the greater of 3,400 square feet or 200% of the gross floor area of all the buildings on the site when the principal building was built, before 1980); and (ii) there will be no substantial adverse impact upon nearby properties.

TABLE 7-4a

Table 7-4a		*General Rule:* Every building site, garage space and related structure must conform to the applicable regulations shown, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts. (3) See Note 1 regarding special exceptions.								
Item	Regulation	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Garage space, in general	Garage parking spaces. *See Article 10.*	Minimum 2.0 (1.0 per DU for old stock housing); each must be enclosed or semi-enclosed and adjoin a driveway. Maximum 1.0 per 2,225 of building site area, not to exceed 4.0.			Minimum 2.0 per DU; must be enclosed.					N/A
	Minimum garage parking space dimensions	10 feet wide, 20 feet deep (for each required garage parking space).			10 feet wide, 20 feet deep (for each required garage parking space).					N/A
Garage doors or openings	Maneuvering area	See Article 10								N/A
	Door or opening facing front street line.	Prohibited unless: (i) the garage door is set back ten feet or more from the front yard, and (ii) there is only open area above the driveway for at least seven feet inward from the front yard, and (iii) any structure above the driveway (and within ten feet of the front yard) must be cantilevered or suspended			(May affect eligibility as QMDS. *See definitions in Article 2.*)					N/A

		from the building (no special posts or vertical supports being allowed).		
	Door or opening facing side street line	Prohibited unless: (i) the garage door is set back ten feet or more from the side street line, and (ii) there is only open area above the driveway for 10 at least seven feet inward from the side street line, and (iii) any structure above the driveway (and within ten feet of the side street line) must be cantilevered or suspended from the building (no special posts or vertical supports being allowed).	(May affect eligibility as QMDS. *See definitions in Article 2.*)	N/A
Garage accessory buildings	Limit on non-garage space	Max. 600 sq. ft. GFA in any accessory building containing garage space.	N/A	N/A

Note 1. Special Exceptions . The ZBA may issue a special exception for a parking area, garage or driveway in another location or with a different design than prescribed by this table, if it finds that: (i) the other location or design will not unreasonably interfere with available light and air and will not significantly alter access for fire-fighting and similar needs; (ii) the other location or design will prevent the destruction of a qualified tree; (iii) in the case of the remodeling of a principal building, the location requested is the same location as an existing parking area, garage or driveway; or (iv) the location or design requested is necessary for safety considerations.

TABLE 7-4b

Table 7-4b		*General Rule:* Every structure must conform to the applicable regulations shown, by District, in this table.("N/A" means the rule does not apply.) Exceptions/Special Rules: (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts.								
Item	Regulation	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Dwelling units	Maximum number per building site	One, plus one AQ			17.5 per acre. *See Note 9.*					One plus one AQ
Framed area, all buildings on a building site	Maximum area as a percentage of building site area	80%			100%. *See Note 4.*	100% for all dwelling types other than TH; 125% for TH. *See Note 4.*	100%. *See Note 4.*			N/A
Length or width, any building	Maximum horizontal dimension	N/A			130 feet. *See Note 3.*					N/A
Exterior materials, any building.	Type	N/A			Must be of equal grade and quality, all sides. *See Section 8-104.*					
Separation of DU's	Fire-rated wall	N/A			A four-hour firewall, or its equivalent, must separate adjoining dwelling units. *See Notes 3 and 5. See also Note 10 (PDD-TH7 only)*					
SF privacy protection	*See Note 8.*	N/A			Applies. *See Note 8. See also Note 10 (PDD-TH7 only)*					N/A

Accessory buildings *See Article 10 regarding garage space.*	Maximum number per building site	N/A	3		N/A
	Height, maximum	25 ft.			35 ft. *See Note 2.*
Principal buildings	Stories, maximum	2 and one-half	3		N/A
	Height, maximum, in feet	35, 25 in rear yard. *See Note 1*	35. *See Notes 1 and 7.*		35
	Minimum gross floor area, square feet	1,400 each DU	1,200 each DU	1,600 each DU	1,300
	Width, feet (min,), outside to outside	N/A	16, each DU		N/A
Height and screening of rooftop mechanical equipment	*See Note 11.*	N/A			Applies

Note 1. Antennas and Chimneys. Roof-mounted radio or television antennas on a principal building in a residential district may project up to four feet above the roof. The maximum height of chimneys attached to a principal building is the greater of 35 feet or four feet above the roof.

Note 2. Height In C District. In the C District, no part of any structure (except a fence) may be higher than the horizontal distance from that part to the nearest part of an SF District.

Note 3. Building Detail, TH, PDD-TH and GR Districts. To separate buildings, there must be open area at least five feet wide maintained so that firefighters with hoses could pass through.

Note 4. Framed Area In QMDS. Allowed square footage for a given building site is calculated by multiplying the allowable percentage by (a) the building site's area plus (b) an allocated part of any common use areas in the same QMDS (e.g., access easements, private streets, alleys,

reserves, etc. that are not part of a building site). The allocated part is proportional to the building site's area divided by the area of all building sites in the same QMDS.

Note 5. Building Code. Separation requirements are in addition to other requirements of building codes and other ordinances. See Code of Ordinances.

Note 6. Height in GR-1, GR-2. Principal buildings in GR-1 or GR-2 Districts may be three stories high, but subject to the lower height limits prescribed for projecting spaces. *See* Table 7-2, Note 7.

Note 7. Certain Projecting Buildings . Special height rules apply to buildings projecting into yards. See Tables 7-2 and 7-6.

Note 8. SF privacy protection . On a building site where this applies, there may not be a direct sight line from any "third-floor viewpoint" to any point in an "SF privacy zone." A "third-floor viewpoint" is any viewpoint on a "third-floor area" at eye level (six feet) or lower. A "third-floor area" is any floored area (indoors or outdoors) where the floor is 18 feet or higher. The "SF privacy zone" includes every point: (i) within 100 feet of the third floor viewpoint in question, (ii) on a building site in an SF District, and (iii) below 20 feet in height. See Figure SFP.

Note 9. Calculation of DU's Per Acre . In a QMDS only, the total number of DU's is divided by the total acreage of the QMDS to calculate the number of DU's per acre.

Note 10. Spacing of Dwelling Units in PDD-TH7 . Except where dwelling units are separated by common walls, the minimum distance between dwelling units shall be as follows: (i) No part of any dwelling unit may be closer than five feet to another dwelling unit. (ii) No window may be closer than 50 feet to a facing window to living space in another dwelling unit. (iii) Neither eaves nor balconies may be closer than 40 feet to a facing window to living space in another dwelling unit. (iv) Neither windows to living space nor balconies may be closer than 20 feet to any facing wall of another dwelling unit.

Note 11. Rooftop Mechanical Equipment. In the C, TCC and PDD-C1 districts, any rooftop mechanical equipment, whether new or replacement equipment, shall be accommodated within the maximum building height limit and shall be fully screened from off-site and street area views through design and materials consistent with the overall design and colors of the principal building. This may include use of sloped roofs, a low parapet wall or other architectural elements that conceal flat roof areas where mechanical equipment is mounted, provided that all such building features comply with and do not project above the maximum building height limit.

Note 12. Building Placement and Maximum Height in TCC. In TCC, the following height restriction shall apply: (i) Principal buildings shall be located in the front 60 feet of the building site and shall be limited to 2 stories and 35 feet in height, including any rooftop mechanical equipment. (ii) Accessory structures shall be located in the rear 70 feet of the building site and shall be limited to 35 feet in height, including any rooftop mechanical equipment. (iii) Any rooftop mechanical equipment, whether new or replacement, shall be fully screened from off-site and street area views through design and materials consistent with the overall design and colors of the principal building. This may include use of sloped roofs, a low parapet wall or other architectural elements that conceal flat roof areas where mechanical equipment is mounted, provided that all such building features comply with and do not project above the maximum building height limit.

Note 13. Street Level Orientation in TCC. In TCC, the first floor of all buildings shall be at grade level. Elevated structures with open areas or parking below the second floor are not permitted.

Table 7-5a

Table 7-5a		*General Rule:* Every building site, vehicular area and related structure must conform to the applicable regulations shown, by District, in this table. ("N&A" means the rule does not apply.) *Exceptions/ Special Rules* : (1) *See* special rules noted in table. (3) *See* Article 9 regarding Planned Development Districts. (3) *See* Note 7 regarding special exceptions. (4) *See* Article 10.								
Item	Regulation	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Off-street parking spaces and parking areas *Other regulations apply; see, e.g. Article 10*	Number, location, size, design	Depends on land use, layout, etc. *See this Table, Table 7-4a, and Article 10 (including maneuvering areas, design requirements, "same site" rule, yards, street areas, loading spaces, etc.).*								
	Grouping or sharing.	Not allowed, except in a QMDS platted parking reserve serving two or more DU's. *But see Note 2.*								
	Use of parking areas	Parking spaces for non-SFD uses may only be used for motor vehicle parking. *See Note 3.*								
	Maneuvering areas	*See Article 10.*								
Emergency accessway	Minimum width *See Note 1.*	20 ft, via public or private street, to each principal building and each DU (or to an adjacent open area accessible to firefighters and equipment). Other regulations also apply, e.g, fire code.								
Driveways and private streets *Other regulations*	Minimum width *See Note 1.*	For SFD use: nine ft. For non-SFD residential use: 10 feet, or 17 feet if two-way and serving three or more DU's.								
	Maximum	For SFD use: (i) Driveway serving any single-bay garage: 12 feet. (ii) Driveway								

apply; see, e.g. Article 10.	width (in front yard or street area) *See Note 1.*	in a front yard serving rear garage or side-facing garage: 12 feet. (iii) Driveway in side street area of a corner site serving a side-facing garage with three or more bays: 30 feet; (iv) Any other driveway: 20 feet. For other residential uses: 24 ft. (or 35 feet if connecting to a major thoroughfare). For all other uses: 30 feet (or 35 feet if connecting to a major thoroughfare).	
	Maximum length	For non-SFD uses: 160 feet, driving distance to the nearest street area, measured along centerline from farthest end point. A longer driveway is allowed if there is an approved turnaround or second means of egress, or if the driveway is platted as part of the common area in a QMDS.	
	Route, location	*See Note 6*	N&A
	Spacing	For non-SFD uses: There must be at least 40 feet between the "inside" apron edges (at their narrowest points) of driveways serving the same building site.	
Pavement	Required type *See Note 4.*	For SFD use: Hard-surfaced or pervious pavement required for each required driveway and parking space; twin "ribbons" of pavement are permitted. For all other uses: Reinforced concrete, with curbs and drains required for all vehicular areas. *Exceptions: (i) See* Table 7-3 (pervious pavement) and Note 4, below. (ii) See Article 10 regarding "overhang."	
Markings; wheel stops.	Required type	For non-SFD uses: Parking spaces must be clearly marked on the pavement, and wheel stops are required. *See Note 12.*	
Curb cuts *Other regulations apply; see, e.g. Article 10 and Chapter 70 of the Code of Ordinances.*	Number	For SFD use: Maximum one per designated building site abutting the street. For non-SFD uses: Maximum one per 50-ft. segment of street line. *See Note 5.*	
	Max. width per 50-ft. segment of street line	Four feet (for aprons) plus the maximum driveway width allowed. Each curb cut must be confined to the part of the street area that directly abuts the building site(s) served. *See Note 1.*	

Visibility triangles	Forbidden structures, plants and other things	See Chapter 82 of the Code of Ordinances.

Note 1. Width measurement methods . Minimum driveway width refers to unobstructed vehicular access path and, for non-SFD use, pavement. Maximum driveway width refers to maximum width of pavement in a front yard or street area, excluding complying curb cut aprons. Maximum curb cut width refers to the width of the driveway plus aprons, measured at the edge of the roadway.

Note 2. Grouped or shared parking . Article 10 also provides for a special exception, in certain circumstances.

Note 3. Parking exclusivity (non-SFD uses) . Required parking spaces must be kept open, readily accessible and used for parking only, with no sales, dead storage, display, repair work, dismantling or servicing of any kind. Required guest parking spaces must be kept open and reserved for that use only.

Note 4. Pavement . The ZBA may issue a special exception to allow other materials if it finds that they will provide equal or better durability.

Note 5. Curb cuts. The ZBA may issue a special exception for additional curb cuts. Exception: The Administrative Official may authorize additional curb cuts for a corner site when in compliance with the requirements for two curb cuts for circular driveways specifically allowed by Chapter 70 of the Code of Ordinances. These additional curb cuts are not prohibited and do not require a special exception.

Note 6. Route; Alternating Driveways . Each driveway must connect garage space to the street by the most direct route. On narrow sites where alternate side yard areas apply (see "Yards" table), the following special restrictions also apply: (A) there must be a driveway located as nearly as practicable to one side of the site; (B) the side is determined in accordance with the established driveway pattern for the block face in question, if there is such a pattern; and (C) if there is no such pattern, and if there is an adjacent driveway on one adjoining building site but not the other, the driveway must be on the side farthest from the adjoining driveway. Exceptions: (i) this paragraph does not prohibit circular driveways specifically permitted under another ordinance of the City, and (ii) a driveway may be curved or moved away from the most direct route to the extent reasonably necessary to avoid destroying or seriously injuring a tree.

Note 7. Special Exceptions . The ZBA may issue a special exception for a parking area, garage or driveway (or other maneuvering area) in another location or with a different design than prescribed by this ordinance, if it finds that: (i) the other location or design will not unreasonably interfere with available light and air and will not significantly alter access for fire-fighting and similar needs; (ii) the other location or design will prevent the destruction of a qualified tree; (iii) in the case of the remodeling of a principal building, the location requested is the same location as an existing parking area, garage or driveway; or (iv) the location or design requested is necessary for safety considerations.

Note 8. Curb Cuts in PDD-TH1 . (i) If a building site abuts both Bellaire Boulevard and another street, then all vehicular access shall be from the other street, and no more than two curb cuts shall be allowed. However, in the case of the development of Lots 6, 7, 8, 9 and the east ten feet of Lot 10, Block 1, Kent Place Addition, if Lot 6 is included in the same building site or in a joint development with the other lots, vehicular access shall be limited to one curb cut on Mercer

Street. (ii) If a building site abuts only Bellaire Boulevard, vehicular access shall be limited to two curb cuts.

Note 9. Curb Cuts in PDD-TH5 . (i) If a building site abuts both Academy and Bissonnet, no curb cuts on Bissonnet and no more than two curb cuts on Academy are permitted. (ii) If a building site abuts only Bissonnet, there may be no more than two curb cuts.

Note 10. Driveways in PDD-TH7. Cul-de-sac driveways in PDD-TH7 may not exceed 50 feet in length, or 200 feet if a terminus is provided with dimensions adequate for turning.

Note 11. Curb Cuts in PDD-TH2. (i) If a building site abuts both Kirby Drive and another street, there may be one curb cut on Kirby Drive and on each other abutting street. (ii) If a building site abuts only Kirby Drive, vehicular access shall be limited to two curb cuts.

Note 12. Curbs as Wheel Stops. Curbs may be used as wheel stops. Area outside a curb-wheel stop counts toward minimum parking space dimensions if actually usable as "overhang" and not needed for maneuvering area.

TABLE 7-5b

Table 7-5b		*General Rule:* Every structure must conform to the applicable regulations shown, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) See special rules noted in table. (3) See Article 9 regarding Planned Development Districts.								
Item	Regulation	PDD-SF-1	PDD-SF-2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Swimming pools	Maximum number per building site	One. *See Note 1.*			*See Note 2.*					
Tennis courts	Maximum number per building site	One (may only be a private tennis court). *See Note 1.*								
All structures *See, also, Article 8.*	Height, maximum	25 feet. *But see "Buildings" table for certain building height limits.*								35 ft. *See Note 3.*

Note 1. *Tennis Courts., Swimming Pools in SF Districts* . Each tennis court in a SF District must: (i) be a private accessory structure for a single building site, (ii) be used for residential purposes only, (iii) be open to the sky, but enclosed and screened to a height of at least eight feet on all sides, and (iv) never be lighted for play. Each swimming pool in an SF District must be a private accessory structure for a single building site and used for residential purposes only.

Note 2. *Swimming Pools, Tennis Courts In TH Districts* . The ZBA may issue a special exception for a tennis court or a swimming pool if the ZBA finds that the proposed facility will not create a drainage or noise problem and will not cause a significant increase in traffic on nearby streets. Tennis courts and swimming pools must comply with the tennis court and swimming pool regulations in the SF Districts, but may serve commonly-platted or restricted sites. See Note 1.

Note 3. *Height in C District* . In the C District, no part of any structure (except a fence) may be higher than the horizontal distance from that part to the nearest part of an SF District.

Note 4. *Utility Poles* . An ordinary utility pole owned by a franchisee of the City may be up to 43 feet high, if the administrative official certifies that the additional height is necessary to separate wires of different voltages and capacities from each other and from the ground, applying standard technical codes and utility safety guidelines.

Application for Rezoning from R-3/Parking Lot/ PDD SF2 to PDD SF3
AT&T Parking Lot on Lots 1-6, Block 25
Collegeview Section One
AT&T Facility Parking Lot

Executive Summary:

AT&T requests the following zoning change:

* Creation of new zone PDD-SF3; and
* Lots 1-4 from SF3/Parking Lot to PDD SF3;
* Lots 5-6 from PDD SF2/Parking Lot to PDD SF3.

These 6 lots are the AT&T parking lot, located at the southeast corner of Ruskin and Academy (the "Parking Lot", and shown on Exhibit A), and are used ancillary, accessory and supportive to the adjacent AT&T building at 6707 Academy/4068 Bellaire (in the C-Commercial zone). The Parking Lot is subject to special parking lot zoning by City Ordinances No. 932 and 1039 (the "AT&T Ordinances), as shown on the City Zoning Map (Exhibit B). No buildings are allowed. An unusual series of actions in 2016-2017 by the Zoning Board of Adjustment (the "Board") regarding the Parking Lot resulted in controversy and confusion as to the proper use of the Parking Lot.

Approval of these requests will unite the Parking Lot in one zoning district (which AT&T and current City Staff believe was the original City intention) and clarify what can and cannot be done with the Parking Lot.

History of AT&T Facility:

AT&T (previously known as Southwestern Bell) has owned this facility, including the Parking Lots for decades. For many years, it was the most valuable property in the City, and thus, the highest tax payer. Today, it continues to be among the highest tax payers in the City.

The first (and continuing) use is a telephone switching facility (1940), a critical AT&T facility. This facility serves the MOhawk exchange. In prior times, the area phone numbers began with MO to dignify the MOhawk exchange. When phone numbers changed to be numeric, area numbers all began with 66, being the numbers corresponding on a phone dial to M and O. The area of the Mohawk exchange is shown on Exhibit J, with West University Place being a significant portion.

In 1956, the facility was expanded, adding space for support services and offices. A variety of specific uses have been housed there, most consistently service vehicles for AT&T telecommunication devices (originally telephones, and now internet and related telecommunication services and related hardware). The number of employees that office at the facility has changed over time, with the change in types of service and technology. While the precise use has changed over the years, the use has always been commercial/utility. Service personael and related service vehicles have been a primary use of the facility. The only change is that the type of telecommunication devices has changed due to technological progress. A review of Google Earth historic images shows AT&T service vehicles parked in the Parking Lot over a long period of years.

In the late 1960's, many employees worked at the facility, creating a parking issue with the surrounding residential streets. The City intervened and asked AT&T for a solution. AT&T

acquired 4 adjacent residential lots in 1970 for the purpose of installing the Parking Lot. AT&T later expanded the Parking Lot with 2 additional lots in 1975.

Per the City Zoning Map, the building is in the C-Commercial Zone. The Parking Lot is divided between 2 zones, and is subject to the AT&T Ordinances (see Exhibit C), which were specifically adopted to permit the Parking Lot and its use. At the time of adoption, the Parking Lot was zoned for single family housing only. Lots 1-4 are currently zoned as Residential SF3 and lots 5-6 are zoned PDD SF2. When the City passed its comprehensive rezoning in 1986, the AT&T Ordinances were intentionally brought forward and are specifically referenced on the City Zoning Map.

The facility was constructed, expanded and extensively renovated based on various approvals issued by the City. The current uses are AT&T UVERSE operations and telecommunication switching facility for the MOhawk exchange area. As contemplated by the AT&T Ordinances, the Parking Lot supports these functions. This facility is critical for AT&T and supports high quality telecommunications for the City of West University Place and surrounding areas. AT&T has similar service facilities for its other exchange areas.

AT&T has enjoyed a long, positive relationship with the City, and has endeavored to be a good corporate citizen.

ZBA Appeal

In recent years, certain complaints were filed with the City objecting to AT&T activities within the Parking Lot. AT&T met numerous times with the City and modified its facility and operations to address the concerns referenced in the complaints. The City always acknowledged AT&T's right to use and occupy the Parking Lot for uses ancillary to the AT&T operations in the C-Commercial zoned building, such as the use of a trash dumpster, recycle bins, access to the loading dock, ferrying equipment to and from AT&T repair vans, and related activities common to commercial parking lots.

In 2016, the City was asked whether the activities of loading, unloading, and stocking of AT&T service vehicles with daily work supplies and the temporary inventorying of such supplies in the Parking Lot are allowed uses. On April 7, 2016, the City *correctly* issued a Formal Decision of the Administrative Official (the "City Decision"), signed by Ms. Debbie Scarcella, the City Planner (see Exhibit D). The City Decision states that because the ordinances governing the Parking Lot allowed the parking of vehicles owned by AT&T and/or its employees, then

> "[i]t is expected that the loading/unloading and stocking of AT&T service vehicles would necessarily occur on the site designated for parking such vehicles."

The City Decision is a reasonable and proper interpretation and is consistent with prior use of the Parking Lot (and the City's long time prior interpretation). A neighbor appealed to the Board, requesting that the Decision be reversed (See Exhibit E).

On June 23, 2016, the Board heard the appeal, and after a lengthy hearing, *reversed* the City Decision by 4-1 vote, with the Chair, a Public Law specialist, voting to uphold the City Decision. A major issue in the reversal was the Board's concern with the wording of the City Decision, which did not place any limits on the permitted activities (other than the limits inherent in the limited nature of the permitted activities – "loading/unloading and stocking of AT&T service vehicles."). Because the matter before the ZBA was an appeal of the Decision, not a variance

or special exception, there was no discretion for the ZBA to approve the Decision *with conditions*. Under this tight procedural constraint, the ZBA reversed.

AT&T requested a rehearing, as permitted by the Board's rules (See Exhibit F). On July 28, 2016 the rehearing was held, and new evidence introduced by AT&T. Testimony by the supervisor of the AT&T UVERSE service crews demonstrated i) the facility is not a warehouse (an incorrect allegation made in the initial hearing), ii) that vehicle inventory shown in pictures entered into evidence at the June 23, 2016 hearing occurs infrequently, and iii) the typical hours for AT&T UVERSE service crews are limited. The new evidence also included the testimony of John Neighbors, the Mayor Pro-Tem who chaired the City Commission meeting where Ordinance No. 932 (authorizing parking lot use) was passed, to show the intention of the City Commission to permit the type of uses approved in the City Decision. Mr. Neighbors supported the Decision and a transcript of Mr. Neighbor's testimony is attached as Exhibit G. The Board *denied* AT&T's request for rehearing.

On July 26, 2016, the Board entered in its records, its order reversing the Decision (Exhibit H), without specific reasons, and which was final and appealable. Due to a quirky state zoning law, the order must be appealed within 10 days of when entered into the Board's record. Solely to protect its legal rights, AT&T filed a Petition for Writ of Certiorari against the Board on August 4, 2016, to obtain judicial review of the order of the Board, as required in Texas Local Government Code Section 211.011.

Following the appeal, attorneys for AT&T and the City agreed not to focus on the lawsuit, but to discuss possible settlement strategies. The illness of the City Planner delayed discussions deep into 2017. The parties mediated the appeal on January 30, 2018 and because of that mediation, AT&T filed its original request for rezoning in an attempt to provide a formal process for the Board to issue a Special Exception to permit Parking Use for the Parking Lots with reasonable limitations and conditions.

Previous Rezoning Request:

AT&T previously requested that all the Parking Lot be placed in PDD SF2, along with a change to the special exception to include incidental uses in parking lots on lots zoned PDD SF2 adjacent to commercial properties. This request was consistent with the settlement agreement reached in the mediation.

After hearing feedback from its residential neighbors, both directly and though legal representatives, AT&T withdrew the PDD SF2 Special Exception request. This new re-zoning request more definitively addresses neighbor concerns and includes a number of specific limitations concerning use of the Parking Lot.

Concerns/Responses

- "Incidental Use" is too broad/ambiguous- Deleted
- Buildings could be permitted- Prohibited
- Large trucks could be permitted- Trucks may not exceed 2 axles (no 18 wheelers)

• If AT&T sold its facility, other C-Commercial uses could be supported by the Parking Lot-	Only AT&T vehicles (or its employees) permitted. Only vehicles related to telecommunication business (and employees) permitted Primary use of lots remains residential
• A Special Exception could be erroneously issued-	Special Exception deleted Authorized parking lot uses, and limits incorporated directly in PDD SF3
• Timing-	Only 7am-7pm M-Sat. for uses other than parking*
• City light and noise restrictions might not apply-	Specified to apply
• No maintenance standard-	Added, including required monthly landscaping service
• Signage could be installed-	Prohibited*
• Access to Ruskin possible-	Prohibited
• Parking on Ruskin and Cason possible-	Prohibited*
• Driving on Ruskin and Cason possible-	Prohibited*
• Access should be from Academy via Bellaire-	Required*

*minor, limited exceptions set forth in ordinance text – See Notes 12 & 13 below

Creation of PDD SF3

AT&T requests the creation of a new zone (PDD SF3) applicable to the Parking Lot in the form of Exhibit I-1. PDD SF3 is *identical* to PDD SF2 (see comparison attached as Exhibit I-2), *except*, it permits parking lots uses in proposed new Notes 12 and 13 to Table 7-1 of the Zoning Ordinance:

Note 12. Parking Lot Use in PDD-SF3. PDD-SF3 may be used for (i) parking, loading and unloading and sorting/inventory of contents of vehicles, trucks and vans (2 axels maximum) owned by AT&T and/or its employees only, as part of the telecommunications business only, limited to 7am-7pm Monday-Saturday except related to services to medical facilities, due to customer medical emergencies or catastrophic events (storms, terrorist events, etc.), or parking only, which may occur at other times, (ii) vehicles temporarily required for repairs/construction relating to the adjacent building under common ownership, limited to the term of a valid City building permit, (iii) no use (non-use is not abandonment), and (iv) any use permitted by a current special exception. Washing, refueling and mechanical services are prohibited, but minor emergency repairs (flat tire, dead battery, out of fuel, etc.) are permitted. Transporting personal items (including food) to and from vehicles and adjacent building under common ownership, and transporting trash, litter and materials to and from vehicles and waste storage areas is permitted. Resting and phone calls are

permitted within vehicles. Structures are prohibited, unless permitted by a current special exception. The parking lot shall comply with City Code, including light and noise restrictions applicable to residential areas. The existing solid walls and gates, and the landscaping outside the walls must be maintained in good condition. Monthly landscaping services are required. No exterior signage is permitted, except as required by law. Parking lot use on any lot in PDD-SF3 shall terminate upon: (i) independent sale of the lot, or (ii) sale of all of AT&T's facility on Bellaire/Academy to an entity not in the telecommunications business. Merger of AT&T into another entity in the telecommunication business will not terminate the parking lot use.

Note 13. Access/Parking Limits in PDD-SF3 during Parking Lot Use. The following limitations apply to Parking Lot use: (i) access is prohibited from the parking lot to Ruskin St., (ii) parking/driving of vehicles owned by AT&T and/or its employees is prohibited on Ruskin St. and Cason St., except for residents/invited guests, and temporarily while providing telecommunication services to residents on those streets, and (iii) access to/from the parking lot shall be from Bellaire Blvd. via Academy St. to the parking lot except temporarily while providing telecommunication services to residents on those streets.

Rezoning Analysis- PDD SF3

By rezoning Lots 1-6, Block 25 Collegeview Section One to PDD SF3, the City follows the past legislative history and interpretation practice, which has consistently permitted the Parking Lot to be used for parking, and ancillary uses, but will add significant, specific conditions and limitations.

- Rezoning provides clarity as to permitted and prohibited uses. The Parking Lot is already zoned by the AT&T Ordinances as parking use, but those ordinances are ambiguous. This rezoning will moot the dispute over the City Decision. The AT&T Ordinances will be rescinded.

- The City has an established zoning structure with site specific PDD zones. Another PDD is appropriate for these 6 lots. The form of the proposed PDD SF3 is same as the other PDD SF zones.

- The proposed PDD SF3 is, like the current zoning of the 6 lots, a *primarily residential single-family zone*. The only non-residential permitted use will be parking lot use. No buildings are permitted.

- The location of the 6 lots, a buffer area between C- Commercial uses with frontage on Bellaire Blvd. and exclusively residential use across Ruskin and Academy, makes it an appropriate are for special consideration.

- The long history of parking lot use, since 1970, and the adjacent parking lot use (in the PDD SF2 zone – for the Whole Foods Shopping Center), support special consideration.

This rezoning does not extend commercial use into residential areas. This area is already zoned and used as commercial parking lot in addition to residential use.

Formal Request:

AT&T respectfully requests creation of a new zone PDD SF3, and rezoning of Lots 1-6, Block 25, Collegeview Section One to PDD SF3.

Respectfully submitted,

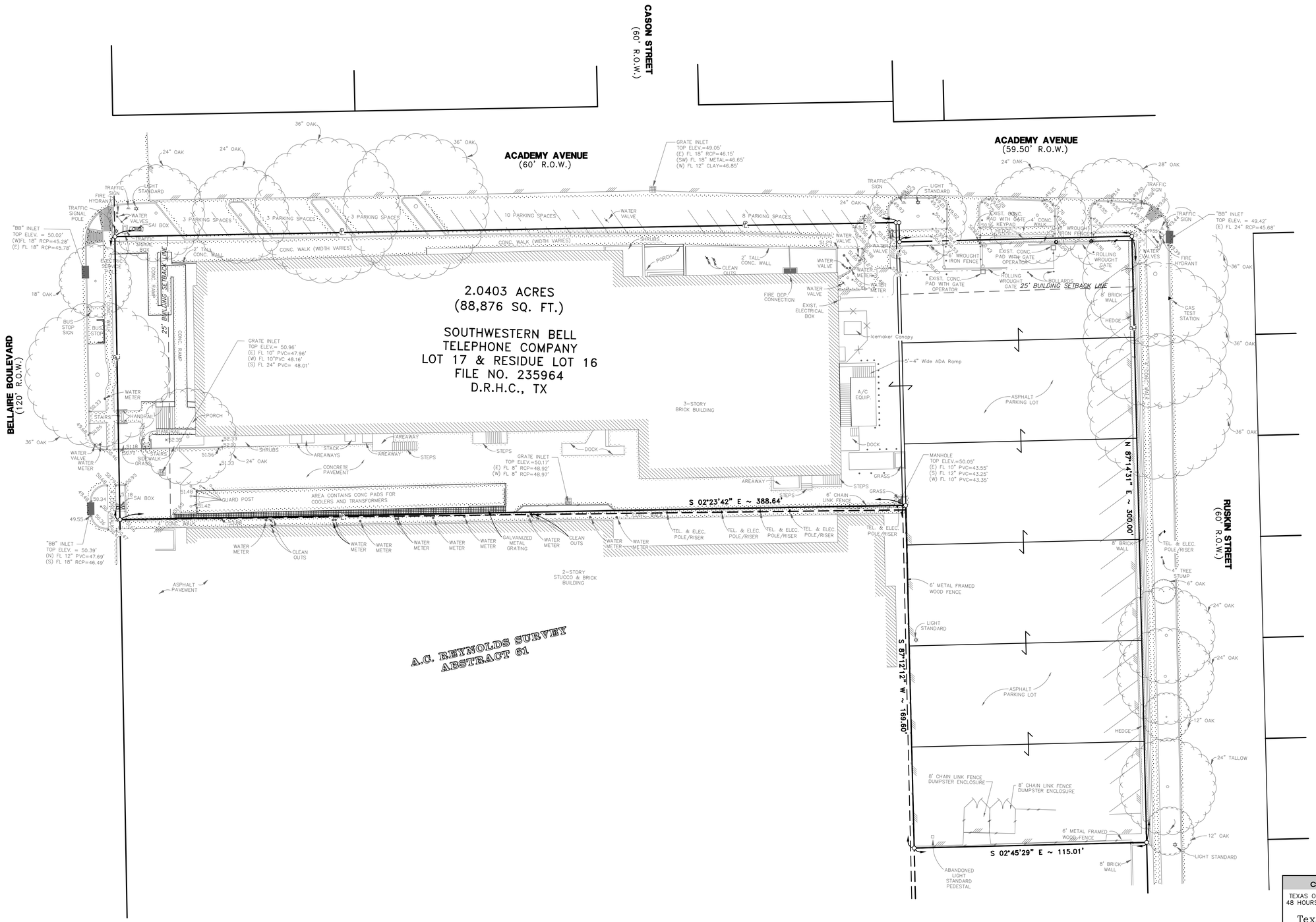
Wilson, Cribbs + Goren

By: Reid C. Wilson
Counsel for AT&T

Exhibits:

Exhibit A— Site Plan
Exhibit B— Zoning Map
Exhibit C— AT&T Zoning Ordinances No. 932 and 1039
Exhibit D— Formal Decision of the Administrative Official
Exhibit E— Appeal of the Formal Decision
Exhibit F— AT&T Request for Rehearing
Exhibit G— Transcript of John Neighbor's Testimony
Exhibit H— ZBA Order Reversing the Formal Decision
Exhibit I-1— Proposed PDD-SF3
Exhibit I-2— Comparison of PDD SF2 and PDD SF3
Exhibit J— Mohawk exchange service area

Exhibit "A"



REMOTE TERMINAL SITE
SCALE: 1"=20'

EXIST SITE LAYOUT

LEGEND	
MECP	MATCH EXIST. CONC. PVM'T ELEVATION
℄	CENTERLINE
—//—	PROP. CHAIN LINK FENCE
	EXISTING EDGE OF CONC. PVM'T.
—EJ—	PROP. EXPANSION JOINT

ABBREVIATIONS	
CONC.	CONCRETE
C.L.G.	CHAIN LINK GATE
C.L.F.	CHAIN LINK FENCE
R.O.W.	RIGHT OF WAY
TYP.	TYPICAL
℞.	PROPERTY LINE

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Texas One Call System
1-800-669-8344

UNITED ENGINEERS, INC. JOB NO. 216-017

at&t
CORPORATE REAL ESTATE

Gensler
711 Louisiana Street
Suite 300
Houston TX 77002
Telephone 713.228.8050
Facsimile 713.229.9343

ALLIANCE MEMBERS

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713.567.8867 FAX:713.660.2040
CONTACT: RALPH MARQUEZ

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808 TRAVIS STREET, SUITE 200
HOUSTON, TEXAS 77002
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TEL (713) 271-2900
FAX (713) 271-2999
E-MAIL UNITEDW@UNITEDE.COM
TBPE CERTIFICATE OF REGISTRATION NO. F-000142

PROPRIETARY AT&T INFORMATION

NOT FOR GENERAL USE OR DISCLOSURE OUTSIDE OF AT&T
THIS INFORMATION MAY ONLY BE USED BY AUTHORIZED PERSONNEL OF THE LOCAL GOVERNMENT AGENCY IN CONNECTION WITH APPLICATION FOR PERMITS AND AUTHORIZATIONS FOR BUILDINGS, CONSTRUCTION, AND/OR ZONING CHANGES.

AT&T PROJECT NUMBER 8650996	AT&T AUTHORIZATION
GEOTEC # MOHAWK C.O.	JAMES DEY AT&T PROJECT MANAGER

Issue	Date & Issue Description	By	Check
01	12/04/2012	CMN	KT
	SITE SURVEY		

Seal/Signature

STATE OF TEXAS
JUAN G. CASTILLO
114217
LICENSED
PROFESSIONAL ENGINEER
1/4/16

Project Name
MOHAWK C.O.

Project Number
22.9702.000

CAD File Name

ALLIANCE NUMBER

Description
PROPOSED ROLLING GATE LAYOUT

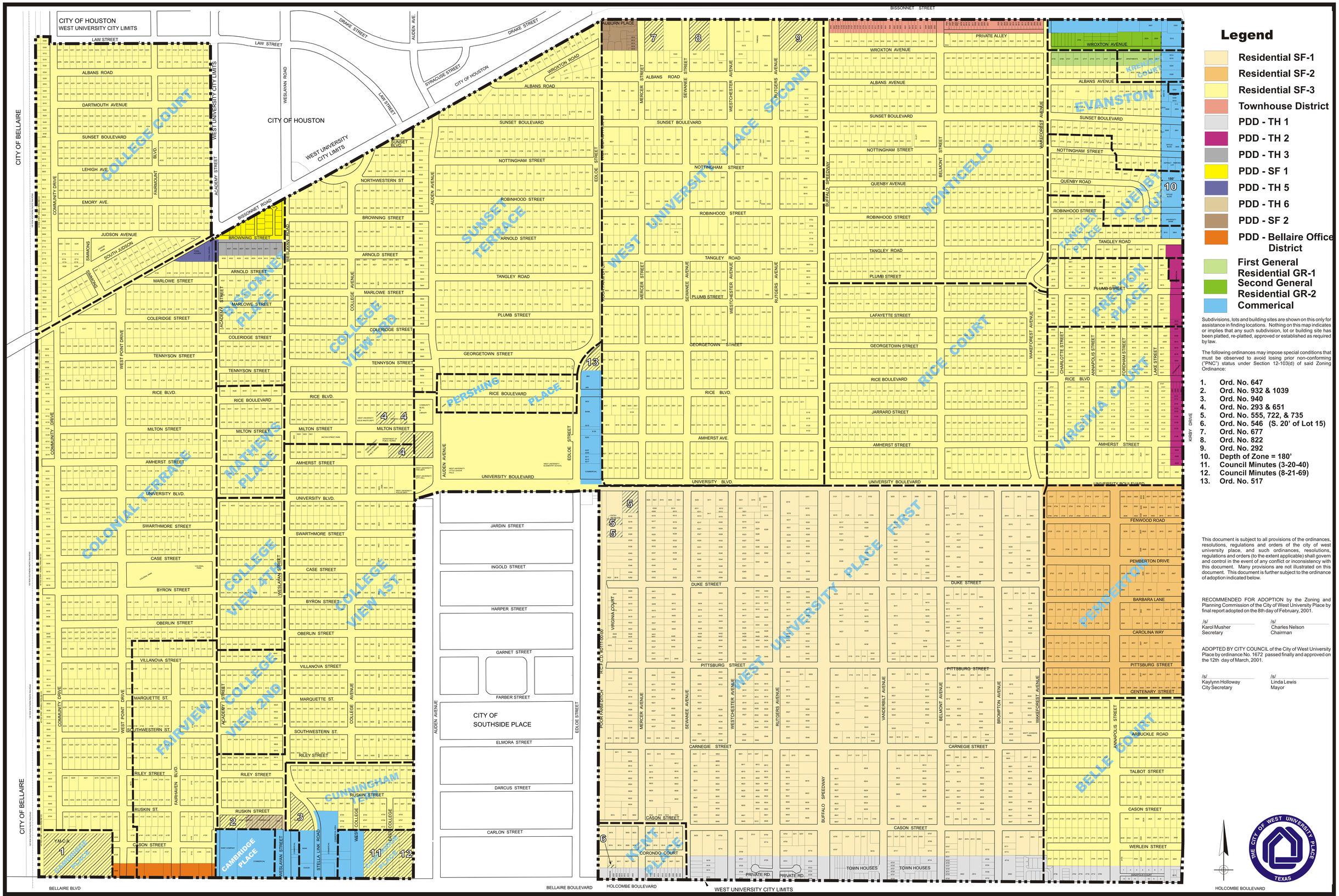
Scale
NOTED

Ref. North

SHEET 1 OF 1

©2003 Gensler

Exhibit "B"



Legend

- Residential SF-1
- Residential SF-2
- Residential SF-3
- Townhouse District
- PDD - TH 1
- PDD - TH 2
- PDD - TH 3
- PDD - SF 1
- PDD - TH 5
- PDD - TH 6
- PDD - SF 2
- PDD - Bellaire Office District
- First General Residential GR-1
- Second General Residential GR-2
- Commerical

Subdivisions, lots and building sites are shown on this only for assistance in finding locations. Nothing on this map indicates or implies that any such subdivision, lot or building site has been platted, re-platted, approved or established as required by law.

The following ordinances may impose special conditions that must be observed to avoid losing prior non-conforming ("PNC") status under Section 12-103(d) of said Zoning Ordinance:

1. Ord. No. 647
2. Ord. No. 932 & 1039
3. Ord. No. 940
4. Ord. No. 293 & 651
5. Ord. No. 555, 722, & 735
6. Ord. No. 546 (S. 20' of Lot 15)
7. Ord. No. 677
8. Ord. No. 822
9. Ord. No. 292
10. Depth of Zone = 180'
11. Council Minutes (3-20-40)
12. Council Minutes (8-21-69)
13. Ord. No. 517

This document is subject to all provisions of the ordinances, resolutions, regulations and orders of the city of west university place, and such ordinances, resolutions, regulations and orders (to the extent applicable) shall govern and control in the event of any conflict or inconsistency with this document. Many provisions are not illustrated on this document. This document is further subject to the ordinance of adoption indicated below.

RECOMMENDED FOR ADOPTION by the Zoning and Planning Commission of the City of West University Place by final report adopted on the 8th day of February, 2001.

/s/ Karol Musher, Secretary

/s/ Charles Nelson, Chairman

ADOPTED BY CITY COUNCIL of the City of West University Place by ordinance No. 1672 passed finally and approved on the 12th day of March, 2001.

/s/ Kaylynn Holloway, City Secretary

/s/ Linda Lewis, Mayor

CITY OF WEST UNIVERSITY PLACE, TEXAS

Subdivision and Zoning Map

CLAUNCH & MILLER, INC.
Engineering Consultants
3703 Kirby Drive, Suite 860 Houston, Texas 77098 (713) 524-7113

Exhibit "C"

ORDINANCE NUMBER 932

AN ORDINANCE AMENDING ORDINANCE NUMBER 111 OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY PERMITTING LOTS 1, 2, 3, and 4, BLOCK 25, COLLEGEVIEW FIRST ADDITION, CITY OF WEST UNIVERSITY PLACE, TEXAS, TO BE USED FOR PARKING PURPOSES SUBJECT TO VARIOUS RESTRICTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

SECTION 1. That Ordinance number 111 of the City of West University Place, Texas, be and it is hereby amended by the addition thereto of Section 24C, immediately following Section 24B, which said Section 24C shall read as follows:

"Section 24C. Lots 1, 2, 3 and 4, Block 25, Collegeview First Addition, City of West University Place, Texas, shall be used for the following purposes and no others:

A. A use that conforms in all respects to the requirements as to the use, lot size, location of main and accessory buildings, frontage, setbacks and size of main and accessory buildings, in Single Family Dwelling District Number VIII-A.

B. A parking lot for the parking of vehicles owned by the Southwestern Bell Telephone Company and or its employees and when used for such purposes no structures of any kind shall be constructed on said parking lot, except signs as provided in Section C-(7) of this ordinance.

C. The use of said lots as a parking lot shall be conditioned upon compliance with the following regulations, to-wit:

(1) No entrances or exits shall be allowed on the Ruskin Street side of the parking lot. All entrances and exits shall be on Academy Street.

(2) A hedge shall be planted along the entire width of the parking lot on Ruskin Street and along the Academy Street side of the parking lot in compliance with Article V, Section 20.72 through and including Section 20.75 of the Code of Ordinances of the City of West University Place, Texas (Ordinance number 741).

(3) An opaque fence or wall shall be constructed on the east property line of Lot 4, beginning at the setback line of Lot 5, which is 20 ft., preceding south along the east property line of Lot 4, thence west along the south property line of Lot 4 and a portion of Lot 3, to its intersection with the east property line of Southwestern Bell Telephone Company's existing property, such fence or wall to be a minimum of six (6) feet in height and a maximum of seven (7) feet in height, from ground level.

If, in compliance with the aforesaid provision, the owner of the parking lot desires to erect a masonry wall, such wall shall be constructed in accordance with specifications for "masonry walls" in the Code of Ordinances of the City of West University Place, Texas.

(4) There shall be a minimum of two (2) feet from the property line to the edge of the parking surface.

(5) All parking area shall be paved with a stabilized all-weather surface, or concrete, provided, however, no concrete paving shall be placed over existing sanitary sewer and water lines in the reserved twenty (20) foot strip.

(6) If light is provided, it shall be of the type which will illuminate the parking lot only.

(7) Signs for the purpose of identifying the property shall not exceed six (6) square feet in area and shall be restricted to locations at entrances and exits and if illuminated shall be a constant light source and not to be intermittent or flashing light."

SECTION 2. This Ordinance shall be in full force and effect immediately from and after its passage and approval by the Mayor.

PASSED AND APPROVED this 26th day of January, 1970.

Commissioners Voting Aye: All

Commissioners Voting No: None

Homer L. Ramsey
Mayor

ATTEST:

Lee Lockard
Assistant City Secretary

ORDINANCE NUMBER 1039

AN ORDINANCE AMENDING ORDINANCE NUMBER 111 OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY PERMITTING LOTS 5, 6, 7, 8, 9 AND 10, BLOCK 25, COLLEGEVIEW FIRST ADDITION, CITY OF WEST UNIVERSITY PLACE, TEXAS, TO BE USED FOR PARKING PURPOSES SUBJECT TO VARIOUS RESTRICTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

Section 1. That Section 24C of Ordinance Number 111 of the City of West University Place, Texas be, and it is hereby amended so that hereafter said Section 24C shall read as follows:

"Section 24C. Collegeview First Addition; Block 25, Lots 1-10, Restrictions.

A. A use that conforms in all respects to the requirements as to the use, lot size, location of main and accessory buildings, frontage, setbacks and size of main and accessory buildings, in Single Family Dwelling District Number VIII-A.

B. Lots 1, 2, 3, 4, 5 and 6 may be used as a parking lot for the parking of vehicles owned by the Southwestern Bell Telephone Company and/or its employees. Lots 7, 8, 9 and 10 may be used as a parking lot for the parking of passenger vehicles. All other vehicles are prohibited. When such lots are used for the purposes of parking, no structures of any kind shall be constructed on said lots except as provided in Section C below.

"Passenger" vehicle is defined for the purposes of this Section as any vehicle designed and used primarily for the transportation of passengers and having a maximum gross vehicular weight of 6,000 pounds.

C. The use of said lots as a parking lot shall be conditioned upon compliance with the following regulations, to-wit:

1. No entrance-exit shall be permitted onto Ruskin Street from Lots 1, 2, 3, 4, 5 and 6. The size, number and location of curb cuts for entrance-exit onto Ruskin Street and Weslayan Street from Lots 7, 8, 9 and 10 shall require approval of the City Commission upon application by the owners of such lots, if and when such lots are used for parking purposes.

2. A hedge shall be planted and/or an opaque fence or wall constructed with a minimum height of 3½' and a maximum height of 4½' on the property line bordering Ruskin Street and Weslayan Street and bordering the

line of any adjacent lots which are not used for parking purposes. The type of hedge or wall located on the south line of the lots, if any, shall be subject to the approval of the Chief of the Fire Department.

If, in compliance with the aforesaid provision, the owner of the parking lot desires to erect a masonry wall, such wall shall be constructed in accordance with specifications for "masonry walls" in the Code of Ordinances of the City of West University Place, Texas.

3. There shall be a minimum of two (2) feet from the property line to the edge of the parking surface.

4. All parking area shall be paved with a stabilized all-weather surface, or concrete, provided, however, no concrete paving shall be placed over existing sanitary sewer and water lines located in the easement area.

5. Sufficient light shall be provided to adequately illuminate such lots and shall be of the type which will illuminate the parking lot only.

6. Signs for the purpose of identifying the property shall not exceed six (6) square feet in area and shall be restricted to locations at entrances and exits and if illuminated shall be a constant light source and not to be intermittent or flashing light."

Section 2. This ordinance shall be in full force and effect immediately from and after its passage and approval by the Mayor.

PASSED AND APPROVED this 26th day of May, 1975.

Commissioners Voting Aye: All

Commissioners Voting No: None

Paul W. Wallin Jr
Mayor

ATTEST:

Lee Lockard
Assistant City Secretary

Exhibit "D"

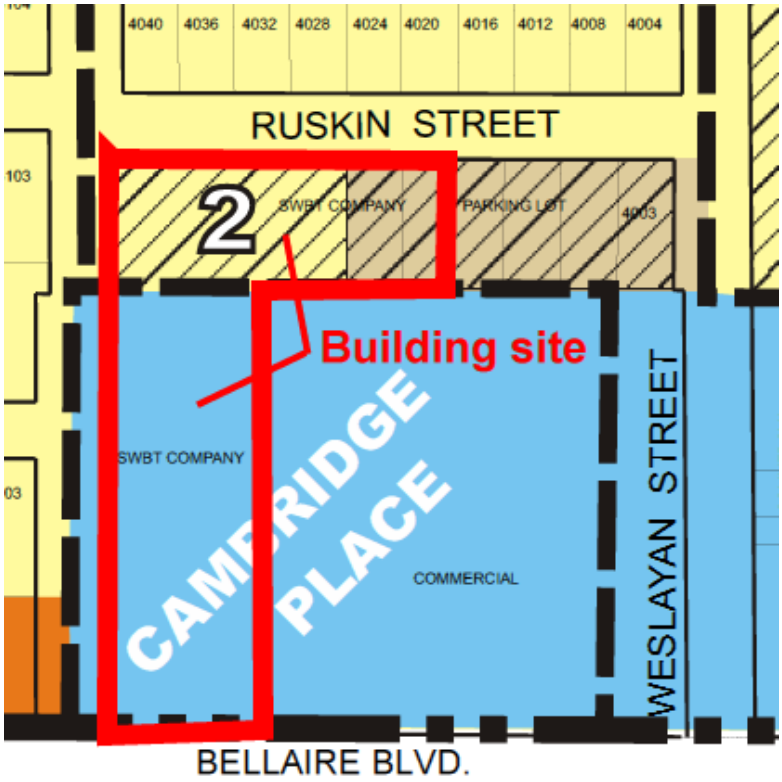
The City of West University Place
A Neighborhood City

Office of the Administrative Official

City of West University Place, Texas ("City")

FORMAL DECISION OF THE ADMINISTRATIVE OFFICIAL

Address of the building site: 4068 Bellaire Boulevard, 6707 Academy Street and "0" Ruskin Street (Lots 1-6, Block 25 of Collegeview Section 1), City of West University Place, Texas 77005. The building site is shown in the diagram below (not to scale):



Owner: SOUTHWESTERN BELL TELEPHONE COMPANY DBA
AT&T Southwest, AT&T DataComm, AT&T Texas ("AT&T")
208 South Akard Street, Ste 3608
Dallas, Texas 75202

Decisions Requested: Determine whether the activities of loading/unloading and stocking of AT&T service vehicles with daily work supplies and the temporary inventorying of such supplies in the designated parking area (which is on the north portion of the building site, adjoining Ruskin) are allowed uses.

Ordinance Reference: Zoning Ordinance ("ZO") of the City of West University Place, Texas, as amended. *See* Sections 7-101 (Table 7-1). *See, also*, City of West University Place Ordinance Nos. 932 and Ordinance 1039, adopted in 1970 and 1975, respectively, which rezoned and authorized the use of Lots 1-6 on the building site for parking (the "Parking Ordinances").

Administrative Official's Findings: The ZO directly regulates most activities on the building site. The building site is split among three different zoning districts. The south part, adjoining Bellaire Boulevard, is in the Commercial "C" District. Four of the lots on the north, adjoining Ruskin, are in the Single Family "SF-3" District, and two are in the Planned Development District-Single Family "PDD-SF2" District (formerly known as the PDD-TH6 District).

On all six of the northern lots, which comprise the parking area in question (the "Parking Area"), commercial uses are normally prohibited by Section 7-101, Table 7-1 of the ZO.[1] However, the Parking Ordinances expressly authorized the Parking Area to be used as a parking lot for parking of vehicles owned by AT&T and its employees. The Parking Ordinances further indicate that "when such lots are used for the purposes of parking" then the Parking Area is subject to the alternate regulations set forth in Section C of the same, thereby recognizing the need to differentiate the property when used as a parking lot versus as single family residential. The Parking Area was effectively rezoned making parking the principal use of the Parking Area and directly tying the use of the Parking Area to the adjacent commercial AT&T property.

Currently, the AT&T employees park their service vehicles in the Parking Area and bring supplies out of the building to the vehicles. The supplies are brought out of the building on dollies and handcarts down a service ramp leading from a back door and platform. The platform and ramp are contained within the commercially zoned property. At times, the supplies from within the vehicles are brought out of the vehicle so that an inventory can be taken and new supplies brought in to restock the service vehicles.

Administrative Official's Decision: The parking of AT&T service vehicles in the Parking Area is authorized by the Parking Ordinances, which specifically tied the use of the Parking Area to the use and ownership of the adjacent commercial property. Service vehicles are required to have specific equipment and supplies in order to serve their intended purpose. It is expected that the

[1] Table 7-1 indicates that "utility or service use" is allowed. However, the questioned activities are not covered by the definition of that use in Section 2-102 of the ZO. Because Lots 5 and 6 are in the PDD-SF2 District, Table 7-101, Note 5 allows the Zoning Board of Adjustment to issue a special exception to allow non-residential parking on those two lots, subject to conditions. No such special exception has been reported or found.

loading/unloading and stocking of AT&T service vehicles would necessarily occur on the site designated for parking such vehicles. The Parking Ordinances focus on the types of structures not allowed in the Parking Area, but do not prohibit activities that are incidental to the parking of service vehicles. Because the questioned activities are interrelated with parking and not prohibited by the Parking Ordinances, they were authorized concomitantly with the authorization for the parking of AT&T service vehicles in the Parking Area. Therefore, the activities of loading/unloading and stocking AT&T service vehicles and the temporary inventorying of supplies are allowed uses in the Parking Area.

Effective Date & Appeals: This decision takes effect on the date it is signed. Persons listed in Section 211.010 of the Texas Local Government Code may appeal this decision. Appeals (including the deadline for filing of appeals) are subject to and governed by applicable rules, ordinances and laws, including:

(X) Zoning Ordinance,

(X) Chapter 18, Code of Ordinances,

(X) Zoning Board of Adjustment "Rules of Procedure." IMPORTANT: Article II, Section 3 of the Rules of Procedure generally requires that appeals be filed on or before the tenth City business day following the date the Administrative Official "enters an order, ruling, decision, or determination that is the subject of the appeal . . . ."

UNLESS APPEALED AS PROVIDED ABOVE, THIS DECISION WILL BECOME FINAL. IF APPEALED, THIS DECISION CAN BE REVERSED, MODIFIED OR AFFIRMED BY THE ZONING BOARD OF ADJUSTMENT. NOTHING IN THIS DECISION CREATES ANY VESTED RIGHT OR PROPERTY RIGHT, BUT INSTEAD, ALL SITES, USES AND ACTIVITIES REMAIN FULLY SUBJECT TO THE REGULATORY AUTHORITY OF THE CITY.

Other Administrative Remedies: In addition to the appeals mentioned above, other administrative remedies may apply to matters covered by this decision. These include: (1) responding directly to the Administrative Official, in person, by phone, by fax, by email or by mail (see contact information, below); (2) applying to the Board of Adjustment for a variance, special exception or interpretation, as applicable; (3) giving notices under Section 8-112 of the ZO for certain claims based on federal or state law; and (4) applying to the Zoning & Planning Commission or City Council, or both, to add or change applicable regulations. Applications to the Board of Adjustment or Zoning & Planning Commission should be in writing or fax and may be delivered to the Administrative Official (see contact information, below). Applications to the City Council should be in writing and delivered to the City Secretary, 3800 University Blvd., West University Place, Texas 77005. Members of the public may also address the Board, Commission or Council in person during a meeting. Dates, times and places of meetings of the Board, Commission and Council are posted at 3800 University Blvd., West University Place, Texas 77005 and on the City's website: http://www.westutx.gov/ .

Generally. This decision does not authorize, allow or excuse any violations or failures to comply with the Zoning Ordinance or other laws, ordinances, rules or regulations. Penalties, sanctions and other remedies continue to apply to any such violations and failures to comply. This decision is not an order, but it is a notice of violation as contemplated by Section 54.017, Texas Local Government Code.

CITY OF WEST UNIVERSITY PLACE

Date entered: April 7, 2016

By: *Debbie Scarcella*
Administrative Official
3826 Amherst, West University Place, TX 77005
Phone: 713-662-5839; Fax: 713-662-5369
Email: dscarcella@westutx.gov

Date delivered to owner: 4-7-16 *Delivered by: (electronic and regular mail)*

Additional copies of this decision were delivered as follows:

Reid Wilson, Legal Counsel (by electronic transmission on: 4-7-16)
Karen Jones, Facility Manager (by electronic transmission on: 4-7-16)
Robert Grossman (by electronic transmission on: 4-7-16)
David Cole (by electronic transmission on: 4-7-16)

(This Addendum is an integral part of the foregoing notice entitled "FORMAL DECISION OF THE ADMINISTRATIVE OFFICIAL.")

ADDENDUM REGARDING OWNERSHIP OF THE REAL PROPERTY ("BUILDING SITE") DESCRIBED IN THE FOREGOING NOTICE

TO: SOUTHWESTERN BELL TELEPHONE COMPANY: According to the real property records of Harris County, you own the real property described in the attached notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

This Addendum is submitted pursuant to Section 54.005 of the Texas Local Government Code. You may use the affidavit shown below to state that you no longer own the property described in the foregoing notice (referred-to as the "building site"). It must be delivered to this office (see address below) within 20 days.

SIGNED AND SUBMITTED:

By: _____, Administrative Official Date: _____
Address of this office: 3826 Amherst, West University Place, TX 77005

AFFIDAVIT

THE STATE OF _____ X

COUNTY OF _____ X

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned person, who being by me first duly sworn, did upon his or her oath depose and say:

(1) My name is (*insert*): _____. I am a duly authorized representative of SOUTHWESTERN BELL TELEPHONE COMPANY.

(2) SOUTHWESTERN BELL TELEPHONE COMPANY does not own the property described in the foregoing notice.

(3) The name and last known address of the person who acquired the property from SOUTHWESTERN BELL TELEPHONE COMPANY are as follows: (*insert*)

SIGNED:_____

SWORN TO AND SUBSCRIBED before me on _____, 20____

(SEAL) _____
My commission expires:_____ Notary Public

Exhibit "E"

City of West University Place
APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS ("CITY")

Address of site: **"0" Ruskin Street City of West University Place, Texas 77005**

Legal description of the site:
Lots 1-6, Block 25 of Collegeview Section 1, City of West University Place Texas 77005

Applicant: **Robert Grossman**
Address: **4103 Ruskin ST, City of West University Place, Texas 77005**
Contact: **Robert Grossman** ***Phone:*** **832 877 0158** ***Fax:*** **not available** ***Email:*** **rhgrossman@aol.com**

Decision or Action Requested (check one or more and provide requested data):

( ) **Appeal.** Hear and decide an appeal from an order, requirement, decision or determination made by the Administrative Official.

- Is the official's action in writing? (X) Yes; (X)copy is attached. ( )No, but the action appealed is as follows:

- When was the action taken? **4-7-16** Note: Appeals must be filed within a reasonable time. Please explain any delay below: **Filing is timely and in accordance with the direction of the administrative official.**

- Exact zoning ordinance section(s) involved:

  Section 7-101 (Table 7-1) West Univesity Place Ordinances No. 932 AND 1039
  ARTICLE 2. - DEFINITIONS AND INTERPRETATIONS Section 2-100, Section 2-101, Section 2-102.
  ARTICLE 10. - PARKING AREAS, DRIVEWAYS AND LOADING AREAS Section 10-104. - Loading spaces.
  Section 5-100. - Requirement for building site. Section 5-101. - Designation of building site.
  Section 5-102. - Division of building sites.

- Grounds for appeal:
  Error in the Formal Decision of the Administrative Official dated 4-07-16. Request for reversal and revision.
  Authorized by Texas Local Government Code 211.009 AUTHORITY OF BOARD. (a) (1) and (b)
  Argument
  Ordinances 932 and 1039 authorize parking of certain vehicles or residential use. Southwestern Bell owns 6707 Academy 4068 Bellaire Blvd which were and are today zoned commercial. Commercial use was not expected or authorized on lots 1-6 . Block 25 of Collegeview Section 1, City of West University Place by either Ordinance 932 and Ordinance 1039. or in the minutes of the City Commissions that enacted ordinances 932 or 1039.

( ) **Special Exception.** **Not requested**

- Exact zoning ordinance section that authorizes the special exception:

- Exact wording of special exception requested:

( ) **Variance.** **Not requested**

- Exact zoning ordinance section from which a variance is requested:

- Exact wording of variance requested:

Other Data. Are there drawings or other data? (X)No ( )Yes*(list items here and attach them)*

Attached. The applicant has read the State and City regulations attached.

Signature of applicant: _____ Date: 4-18-2016

For Staff Use only Date filed: 4.18.16 **Date heard:** 5.26.16 **Docket#:** 2016-00005

Form ZBA-102

Narrative

Ordinances 932 and 1039 authorize parking of vehicles owned by Southwestern Bell or its employees, or residential use. Southwestern Bell owns 6707 Academy 4068 Bellaire Blvd which were and are today zoned commercial.

As evidenced by the plain text of the referenced ordinances and the minutes of City Commission that enacted the ordinances, commercial use was not expected or authorized on lots 1-6 . Block 25 of Collegeview Section 1, City of West University Place.

Loading, unloading stocking and counting of commercial equipment and supplies are commercial activities which are not parking and are not residential and are therefore prohibited.

The City of West University Place

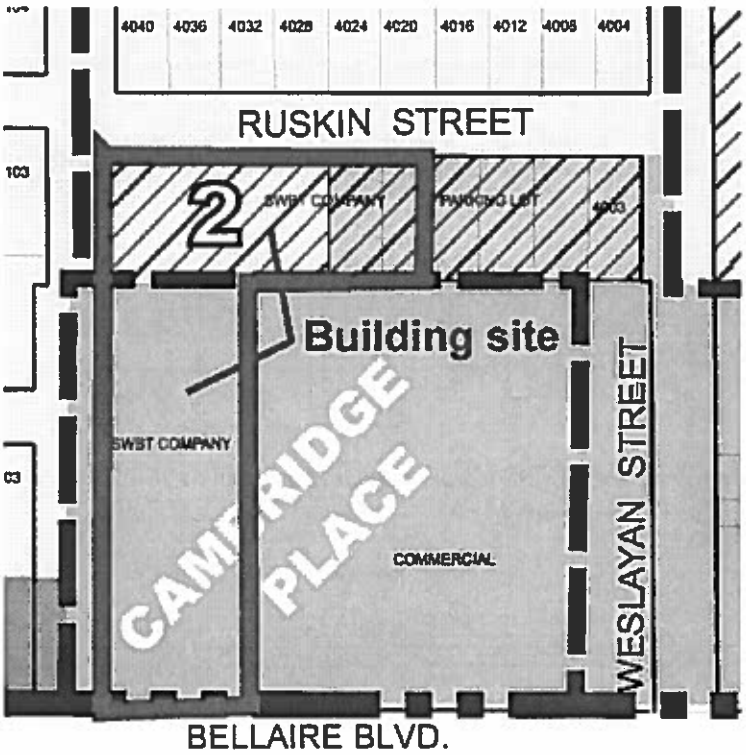
A Neighborhood City

Office of the Administrative Official

City of West University Place, Texas ("City")

FORMAL DECISION OF THE ADMINISTRATIVE OFFICIAL

Address of the building site: 4068 Bellaire Boulevard, 6707 Academy Street and "0" Ruskin Street (Lots 1-6, Block 25 of Collegeview Section 1), City of West University Place, Texas 77005. The building site is shown in the diagram below (not to scale):



Owner: SOUTHWESTERN BELL TELEPHONE COMPANY DBA
AT&T Southwest, AT&T DataComm, AT&T Texas ("AT&T")
208 South Akard Street, Ste 3608
Dallas, Texas 75202

Decisions Requested: Determine whether the activities of loading/unloading and stocking of AT&T service vehicles with daily work supplies and the temporary inventorying of such supplies in the designated parking area (which is on the north portion of the building site, adjoining Ruskin) are allowed uses.

Ordinance Reference:

Zoning Ordinance ("ZO") of the City of West University Place, Texas, as amended. *See* Sections 7-101 (Table 7-1). *See, also,* City of West University Place Ordinance Nos. 932 and Ordinance 1039, adopted in 1970 and 1975, respectively, which rezoned and authorized the use of Lots 1-6 on the building site for parking (the "Parking Ordinances").

Administrative Official's Findings:

The ZO directly regulates most activities on the building site. The building site is split among three different zoning districts. The south part, adjoining Bellaire Boulevard, is in the Commercial "C" District. Four of the lots on the north, adjoining Ruskin, are in the Single Family "SF-3" District, and two are in the Planned Development District-Single Family "PDD-SF2" District (formerly known as the PDD-TH6 District).

On all six of the northern lots, which comprise the parking area in question (the "Parking Area"), commercial uses are normally prohibited by Section 7-101, Table 7-1 of the ZO.[1] However, the Parking Ordinances expressly authorized the Parking Area to be used as a parking lot for parking of vehicles owned by AT&T and its employees. The Parking Ordinances further indicate that "when such lots are used for the purposes of parking" then the Parking Area is subject to the alternate regulations set forth in Section C of the same, thereby recognizing the need to differentiate the property when used as a parking lot versus as single family residential. The Parking Area was effectively rezoned making parking the principal use of the Parking Area and directly tying the use of the Parking Area to the adjacent commercial AT&T property.

Currently, the AT&T employees park their service vehicles in the Parking Area and bring supplies out of the building to the vehicles. The supplies are brought out of the building on dollies and handcarts down a service ramp leading from a back door and platform. The platform and ramp are contained within the commercially zoned property. At times, the supplies from within the vehicles are brought out of the vehicle so that an inventory can be taken and new supplies brought in to restock the service vehicles.

Administrative Official's Decision:

The parking of AT&T service vehicles in the Parking Area is authorized by the Parking Ordinances, which specifically tied the use of the Parking Area to the use and ownership of the adjacent commercial property. Service vehicles are required to have specific equipment and supplies in order to serve their intended purpose. It is expected that the

[1] Table 7-1 indicates that "utility or service use" is allowed. However, the questioned activities are not covered by the definition of that use in Section 2-102 of the ZO. Because Lots 5 and 6 are in the PDD-SF2 District, Table 7-101, Note 5 allows the Zoning Board of Adjustment to issue a special exception to allow non-residential parking on those two lots, subject to conditions. No such special exception has been reported or found.

loading/unloading and stocking of AT&T service vehicles would necessarily occur on the site designated for parking such vehicles. The Parking Ordinances focus on the types of structures not allowed in the Parking Area, but do not prohibit activities that are incidental to the parking of service vehicles. Because the questioned activities are interrelated with parking and not prohibited by the Parking Ordinances, they were authorized concomitantly with the authorization for the parking of AT&T service vehicles in the Parking Area. Therefore, the activities of loading/unloading and stocking AT&T service vehicles and the temporary inventorying of supplies are allowed uses in the Parking Area.

Effective Date & Appeals: This decision takes effect on the date it is signed. Persons listed in Section 211.010 of the Texas Local Government Code may appeal this decision. Appeals (including the deadline for filing of appeals) are subject to and governed by applicable rules, ordinances and laws, including:

(X) Zoning Ordinance,

(X) Chapter 18, Code of Ordinances,

(X) Zoning Board of Adjustment "Rules of Procedure." IMPORTANT: Article II, Section 3 of the Rules of Procedure generally requires that appeals be filed on or before the tenth City business day following the date the Administrative Official "enters an order, ruling, decision, or determination that is the subject of the appeal . . . ."

UNLESS APPEALED AS PROVIDED ABOVE, THIS DECISION WILL BECOME FINAL. IF APPEALED, THIS DECISION CAN BE REVERSED, MODIFIED OR AFFIRMED BY THE ZONING BOARD OF ADJUSTMENT. NOTHING IN THIS DECISION CREATES ANY VESTED RIGHT OR PROPERTY RIGHT, BUT INSTEAD, ALL SITES, USES AND ACTIVITIES REMAIN FULLY SUBJECT TO THE REGULATORY AUTHORITY OF THE CITY.

Other Administrative Remedies: In addition to the appeals mentioned above, other administrative remedies may apply to matters covered by this decision. These include: (1) responding directly to the Administrative Official, in person, by phone, by fax, by email or by mail (see contact information, below); (2) applying to the Board of Adjustment for a variance, special exception or interpretation, as applicable; (3) giving notices under Section 8-112 of the ZO for certain claims based on federal or state law; and (4) applying to the Zoning & Planning Commission or City Council, or both, to add or change applicable regulations. Applications to the Board of Adjustment or Zoning & Planning Commission should be in writing or fax and may be delivered to the Administrative Official (see contact information, below). Applications to the City Council should be in writing and delivered to the City Secretary, 3800 University Blvd., West University Place, Texas 77005. Members of the public may also address the Board, Commission or Council in person during a meeting. Dates, times and places of meetings of the Board, Commission and Council are posted at 3800 University Blvd., West University Place, Texas 77005 and on the City's website: http://www.westutx.gov/ .

Generally. This decision does not authorize, allow or excuse any violations or failures to comply with the Zoning Ordinance or other laws, ordinances, rules or regulations. Penalties, sanctions and other remedies continue to apply to any such violations and failures to comply. This decision is not an order, but it is a notice of violation as contemplated by Section 54.017, Texas Local Government Code.

CITY OF WEST UNIVERSITY PLACE

Date entered: April 7, 2016

By: Debbie Scarcella
Administrative Official
3826 Amherst, West University Place, TX 77005
Phone: 713-662-5839; Fax: 713-662-5369
Email: dscarcella@westutx.gov

Date delivered to owner: 4-7-16 *Delivered by: (electronic and regular mail)*

Additional copies of this decision were delivered as follows:

Reid Wilson, Legal Counsel (by electronic transmission on: 4-7-16)
Karen Jones, Facility Manager (by electronic transmission on: 4-7-16)
Robert Grossman (by electronic transmission on: 4-7-16)
David Cole (by electronic transmission on: 4-7-16)

(This Addendum is an integral part of the foregoing notice entitled "FORMAL DECISION OF THE ADMINISTRATIVE OFFICIAL.")

ADDENDUM REGARDING OWNERSHIP OF THE REAL PROPERTY ("BUILDING SITE") DESCRIBED IN THE FOREGOING NOTICE

TO: SOUTHWESTERN BELL TELEPHONE COMPANY: According to the real property records of Harris County, you own the real property described in the attached notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

This Addendum is submitted pursuant to Section 54.005 of the Texas Local Government Code. You may use the affidavit shown below to state that you no longer own the property described in the foregoing notice (referred-to as the "building site"). It must be delivered to this office (see address below) within 20 days.

SIGNED AND SUBMITTED:

By: _____, Administrative Official Date: _____
Address of this office: 3826 Amherst, West University Place, TX 77005

AFFIDAVIT

THE STATE OF _____ X

COUNTY OF _____ X

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned person, who being by me first duly sworn, did upon his or her oath depose and say:

(1) My name is (*insert*): _____. I am a duly authorized representative of SOUTHWESTERN BELL TELEPHONE COMPANY.

(2) SOUTHWESTERN BELL TELEPHONE COMPANY does not own the property described in the foregoing notice.

(3) The name and last known address of the person who acquired the property from SOUTHWESTERN BELL TELEPHONE COMPANY are as follows: (*insert*)

SIGNED:_____

SWORN TO AND SUBSCRIBED before me on _____, 20____

(SEAL) _____
My commission expires: Notary Public

West University Place Zoning Ordinances: APPENDIX A - ZONING ORDINANCE*

ARTICLE 2. - DEFINITIONS AND INTERPRETATIONS
Section 2-100. - Rules of Construction.

In this ordinance:

(3) Words not specially defined in this ordinance are used in their common ordinary senses, except that special terms used in the context of criminal violations (such as "affirmative defense" and "presumption") are intended to have the same meanings as in the Texas Penal Code.

Section 2-101. - Intent and effect of law.

The intent of this ordinance and of the use of particular undefined words is to be determined from the whole ordinance and not from a narrow reading of a particular sentence or phrase. This ordinance shall be interpreted and applied in accordance with the constitutions and laws of the State of Texas and the federal government of the United States of America as well as the Charter of the City.

Section 2-102. - Certain terms.

Certain terms in this ordinance, whether capitalized or not, are defined as follows for purposes of this ordinance:

Parking area. An outdoor area designated or improved to store motor vehicles. The term includes parking "pads."

Residential purposes (or uses). Ordinary domestic purposes (or uses), not involving any business, commercial, industrial or institutional activity, whether carried on for profit or not. Providing any good or service, or offering to provide it, on or from any premises to or for anyone who does not reside on the same premises in exchange for any money or thing of value, whether demanded or accepted, is a business activity. However, in any proceeding where the presence of a business activity under this ordinance is an issue, it shall be an affirmative defense that the alleged business activity was only an incidental sale or was part of a home occupation, but such an affirmative defense shall not apply to any alleged violation of another ordinance of the City unless the other ordinance so provides.

Section 10-104. - Loading spaces.

On the same building site with every building used for non-residential purposes there must be adequate loading space, separate and apart from the off-street parking spaces. The amount of loading space shall be sufficient in size and configuration to avoid the possibility that loading or unloading would obstruct a street or sidewalk, taking into account the proposed use of the building and the types of vehicles likely to serve it. However, there must be at least one loading area (10 wide by 30 feet long) for each 20,000 square feet of gross floor area, or fraction thereof, of building space likely to require loading space. Loading areas do not satisfy this section unless they are located within 200 feet (measured in a straight line horizontally) of the farthest point in the building space they serve.

Section 5-100. - Requirement for building site. Section 5-101. - Designation of building site.
Section 5-102. - Division of building sites.

Common/Ordinary definitions by Merriam-Webster

Commercial. related to or used in the buying and selling of goods and services. : concerned with earning money. : relating to or based on the amount of profit that something earns.

Park. to leave temporarily on a public way or in a parking lot or garage bring (a vehicle that one is driving) to a halt and leave it temporarily, typically in a parking lot or by the side of the road.

ORDINANCE NUMBER 1039

AN ORDINANCE AMENDING ORDINANCE NUMBER 111 OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY PERMITTING LOTS 5, 6, 7, 8, 9 AND 10, BLOCK 25, COLLEGEVIEW FIRST ADDITION, CITY OF WEST UNIVERSITY PLACE, TEXAS, TO BE USED FOR PARKING PURPOSES SUBJECT TO VARIOUS RESTRICTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

Section 1. That Section 24C of Ordinance Number 111 of the City of West University Place, Texas be, and it is hereby amended so that hereafter said Section 24C shall read as follows:

"Section 24C. Collegeview First Addition; Block 25, Lots 1-10, Restrictions.

A. A use that conforms in all respects to the requirements as to the use, lot size, location of main and accessory buildings, frontage, setbacks and size of main and accessory buildings, in Single Family Dwelling District Number VIII-A.

B. Lots 1, 2, 3, 4, 5 and 6 may be used as a parking lot for the parking of vehicles owned by the Southwestern Bell Telephone Company and/or its employees. Lots 7, 8, 9 and 10 may be used as a parking lot for the parking of passenger vehicles. All other vehicles are prohibited. When such lots are used for the purposes of parking, no structures of any kind shall be constructed on said lots except as provided in Section C below.

"Passenger" vehicle is defined for the purposes of this Section as any vehicle designed and used primarily for the transportation of passengers and having a maximum gross vehicular weight of 6,000 pounds.

C. The use of said lots as a parking lot shall be conditioned upon compliance with the following regulations, to-wit:

1. No entrance-exit shall be permitted onto Ruskin Street from Lots 1, 2, 3, 4, 5 and 6. The size, number and location of curb cuts for entrance-exit onto Ruskin Street and Weslayan Street from Lots 7, 8, 9 and 10 shall require approval of the City Commission upon application by the owners of such lots, if and when such lots are used for parking purposes.

2. A hedge shall be planted and/or an opaque fence or wall constructed with a minimum height of 3½' and a maximum height of 4½' on the property line bordering Ruskin Street and Weslayan Street and bordering the

line of any adjacent lots which are not used for parking purposes. The type of hedge or wall located on the south line of the lots, if any, shall be subject to the approval of the Chief of the Fire Department.

If, in compliance with the aforesaid provision, the owner of the parking lot desires to erect a masonry wall, such wall shall be constructed in accordance with specifications for "masonry walls" in the Code of Ordinances of the City of West University Place, Texas.

3. There shall be a minimum of two (2) feet from the property line to the edge of the parking surface.

4. All parking area shall be paved with a stabilized all-weather surface, or concrete, provided, however, no concrete paving shall be placed over existing sanitary sewer and water lines located in the easement area.

5. Sufficient light shall be provided to adequately illuminate such lots and shall be of the type which will illuminate the parking lot only.

6. Signs for the purpose of identifying the property shall not exceed six (6) square feet in area and shall be restricted to locations at entrances and exits and if illuminated shall be a constant light source and not to be intermittent or flashing light."

Section 2. This ordinance shall be in full force and effect immediately from and after its passage and approval by the Mayor.

PASSED AND APPROVED this 26th day of May, 1975.

Commissioners Voting Aye: All

Commissioners Voting No: None

Paul W. Wellingh
Mayor

ATTEST:

Lee Lockard
Assistant City Secretary

ORDINANCE NUMBER 932

AN ORDINANCE AMENDING ORDINANCE NUMBER 111 OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY PERMITTING LOTS 1, 2, 3, and 4, BLOCK 25, COLLEGEVIEW FIRST ADDITION, CITY OF WEST UNIVERSITY PLACE, TEXAS, TO BE USED FOR PARKING PURPOSES SUBJECT TO VARIOUS RESTRICTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST UNIVERSITY PLACE. TEXAS:

SECTION 1. That Ordinance number 111 of the City of West University Place, Texas, be and it is hereby amended by the addition thereto of Section 24C, immediately following Section 24B, which said Section 24C shall read as follows:

"Section 24C. Lots 1, 2, 3 and 4, Block 25, Collegeview First Addition, City of West University Place, Texas, shall be used for the following purposes and no others:

A. A use that conforms in all respects to the requirements as to the use, lot size, location of main and accessory buildings, frontage, setbacks and size of main and accessory buildings, in Single Family Dwelling District Number VIII-A.

B. A parking lot for the parking of vehicles owned by the Southwestern Bell Telephone Company and or its employees and when used for such purposes no structures of any kind shall be constructed on said parking lot, except signs as provided in Section C-(7) of this ordinance.

C. The use of said lots as a parking lot shall be conditioned upon compliance with the following regulations, to-wit:

(1) No entrances or exits shall be allowed on the Ruskin Street side of the parking lot. All entrances and exits shall be on Academy Street.

(2) A hedge shall be planted along the entire width of the parking lot on Ruskin Street and along the Academy Street side of the parking lot in compliance with Article V, Section 20.72 through and including Section 20.75 of the Code of Ordinances of the City of West University Place, Texas (Ordinance number 741).

(3) An opaque fence or wall shall be constructed on the east property line of Lot 4, beginning at the setback line of Lot 5, which is 20 ft., preceding south along the east property line of Lot 4, thence west along the south property line of Lot 4 and a portion of Lot 3, to its intersection with the east property line of Southwestern Bell Telephone Company's existing property, such fence or wall to be a minimum of six (6) feet in height and a maximum of seven (7) feet in height, from ground level.

If, in compliance with the aforesaid provision, the owner of the parking lot desires to erect a masonry wall, such wall shall be constructed in accordance with specifications for "masonry walls" in the Code of Ordinances of the City of West University Place, Texas.

(4) There shall be a minimum of two (2) feet from the property line to the edge of the parking surface.

(5) All parking area shall be paved with a stabilized all-weather surface, or concrete, provided, however, no concrete paving shall be placed over existing sanitary sewer and water lines in the reserved twenty (20) foot strip.

(6) If light is provided, it shall be of the type which will illuminate the parking lot only.

(7) Signs for the purpose of identifying the property shall not exceed six (6) square feet in area and shall be restricted to locations at entrances and exits and if illuminated shall be a constant light source and not to be intermittent or flashing light."

SECTION 2. This Ordinance shall be in full force and effect immediately from and after its passage and approval by the Mayor.

PASSED AND APPROVED this 26th day of January, 1970.

Commissioners Voting Aye: All

Commissioners Voting No: None

Homer L. Ramsey
Mayor

ATTEST:

Lee Lockard
Assistant City Secretary

PUBLIC HEARING
CITY COMMISSION AND ZONING AND PLANNING COMMISSION
JANUARY 13, 1970

The City Commission of the City of West University Plce and the Zoning and Planning Commission of the City of West University Place convened at 7:30 p.m., at the City Hall, for the purpose of holding a Public Hearing called for this date, with the following members present: Mayor Homer L. Ramsey, presiding; Commissioners Neighbors, Proctor, Scott and Wallin; Zoning and Planning members, David Hannah, Chairman, presiding; members Bricker, Hilton, Hines and Lott. The City Attorney and City Manager were also present.

Mayor Ramsey stated that this public hearing was being held jointly and simutaneously by the City Commission and Zoning and Planning Commission for the purpose of giving consideration to rezoning from Single Family Dwelling to vehicle parking by employees of the Southwestern Bell Telephone Company and vehicles owned by the company, the following property:

Lots 1,2, 3 and 4, Block25
Collegeview 1st Addition
City of West University Place

Motion by Commissioner Wallin, seconded by Commissioner Scott, that the public hearing called by the City Commission be opened.

Voting AyeL All Voting No: None

Motion by Mr. Hilton, seconded by Mr. Hines, that the pbulic hearing called by the Zoning and Planning Commission be opened.

Voting Aye: All Voting No: None

Mayor Ramsey requested that Zoning and Planning Commission Chairman David Hannah explain the action taken by that Commission on the original application filed by the Southwestern Bell Telephone Company.

Chairman Hannah stated that on November 13, 1969 an application for rezoning of the property in question was received by the Zoning and Planning Commission for parking from the Southwestern Bell Telephone Company. In an official meeting of the Zoning and Planning Commission on November 13, 1969 a decision was made to consider the application. A recessed meeting of the Zoning and Planning Commission was held on November 18, 1969 and a Public Hearing called for 8:00 p.m., Thursday, December 11, 1969.

On November 19, 1969 the Zoning and Planning Commission filed its preliminary report with the City Commission notice of the public hearing was mailed to all property owners within a 200' radius of the property on November 19, 1969 and proper legal notice was published in the regular legal section of the Houston Post on November 22, 1969.

On December 11, 1969 the Zoning and Planning Commission held its public hearing and filed a report of such hearing with the City Commission on December 22, 1969.

Mayor Ramsey requested that City Attorney Charles Cockrell determine that all legal requirements in connection with the public hearing had been fulfilled.

Mr. Cockrell was advised by Assistant City Secretary, Mrs. Lee Lockard, that all notices had been mailed to property owners within a 200' radius, legal notices published in the Houston Post, official newspaper of the city, and all things prerequisite to the holding of a public hearing had been accomplished.

Mr. Cockrell advised those in attendance that if they wished to be heard, either for or against the proposed rezoning, they should rise and take the Oath as administered by Mayor Ramsey.

Mayor Ramsey then administered the Oath to all those desiring to be heard.

Mr. Howard Burney, District Manager of the MOhawk Exchange of the Southwestern Bell Telephone Company, stated the proposed off-street parking for their employees on Lots 1, 2, 3 and 4, Block 25, Collegeview 1st, was to control a long standing problem. He stated they were deeply sympathetic with the residents in the area where Telephone Company employees were parking in front or at the side of their homes causing problems for them, and he felt this was the best possible solution. Mr. Burney stated that the Telephone Company is now in the midst of constructing a third story on their exisiting building and after completion they would regain 42 parking spaces. These spaces, together with those proposed for the parking lot, would provide 100% employee parking.

Mr. Dusty Rhodes, 3606 Georgetown, Mrs. Jackie Patterson 3616 Amherst, Mr. Arthur Goldman, 4032 Ruskin, Mr. W. T. Durow, 4007 Ruskin, Mrs. W. B. Bennett, 4118 Riley and Mrs. Sue Myers, 2619 Robinhood, spoke in opposition to the proposed rezoning, stating that they thought this would be "spot zoning:; that it infringed into a residential area; that it was the first step in breaking the strong zoning laws enjoyed by residents for many years and that consideration should be given to the purchase of property on Bellaire Boulevard that has previously been zoned for this purpose.

Mr. Cockrell advised that this was not considered "spot Zoning" because it is contiguous to the Company's existing operation; that you cannot keep a utility company out of an area and that each application for rezoning is considered on its own merits.

Mr. and Mrs. H. J. Hicks, 4027 Ruskin, stated that they would not intentionally do anything to jeopardize zoning in the City of West University Place in any way, but would like to see action toward implementation of the recommendations contained in the Caudill, Rowlett and Scott report and consideration given to rezoning all of Bloacks 24 and 25.

Letters from Mrs. Sally Nicholson, 4029 Riley, Mr. W. P. Schuller, 4039 Riley, and Mrs. Beda Miles, 4019 Riley were presented stating that they were in favor of the rezoning and thought that a very bad parking situation would be alleviated.

Mr. I. W. Perry, 4037 Riley, Mr. J. A. Morin, 4019 Ruskin, Mrs. W. T. Durham, Mrs. Bill Rogde, 4101 Case, Mr. W. L. Partridge, 4040 Ruskin and Mr. Bill Ebanks, 4029 Case, spoke in behalf of the rezoning, stating that this was the best possible solution to a long standing parking problem faced by residents of the area; it would be a definite safety factor for employees of the Telephone Company and area residents; that no entrances or exits should be permitted on Ruskin Street; and that early consideration should be given to the possibility of rezoning the balance of Block 25.

CC1115

In answer to questions regarding the "No Parking: signs now located in the area and the possibility that creation of the parking lot would not prevent employees of the Telephone Company from still parking on the streets, the City Manager stated that all of the signs would be removed as soon as employees were using the lot, and that convenience and safety factors would insure use by employees.

Mr. Cockrell stated that inasmuch as there were no further questions or statements the public hearing could be closed, and that the City Commission and Zoning and Planning Commission, if they felt they had sufficient information, could take necessary action at this time or postpone action for further study.

Motion by Commissioner Neighbors, seconded by Commissioner Proctor, that the Public Hearing called by the City Commission be closed.

Voting Aye: All Voting No: None

Mr. Hilton stated that he would like Mr. Burney to affirm that the parking lot construction, if permitted, would be used as a parking lot for employees of the Telephone Company during normal working hours and that no houses for "checking in and out: would be constructed. Mr. Burney stated that this was correct.

Motion by Mr. Bricker, seconded by Mr. Lott, that the Public Hearing called by the Zoning and Planning Commission be closed.

Voting Aye: All Voting No: None

Mr. Hines stated that the plans for the parking lot would have latitude insofar as location of entrances and exits and that consideration should be given at an early date to the possibility of extending the re-zoning to cover all of Block 25.

Motion by Mr. Hilton, seconded by Mr. Lott, that the Zoning and Planning Commission recommend to the City Commission that the city's zoning ordinance be amended to provide that Lots 1, 2, 3 and 4, Block 25, Collegeview 1st Addition be rezoned for use for parking automobiles owned by employees of the Southwestern Bell Telephone Company.

Voting Aye: All Voting No: None

Motion by Commissioner Proctor, seconded by Commissioner Scott, that the recommendation of the Zoning and Planning Commission be adopted and the City Attorney be instructed to prepare an ordinance to amend the Zoning Ordinance to rezone Lots 1, 2, 3, and 4, Block 25, Collegeview 1st Addition for use for parking automobiles owned by employees of the Southwestern Bell Telephone Company.

Voting Aye: All Voting No: None

Upon motion duly made, seconded and carried, by the City Commission and the Zoning and Planning Commission, the meeting was adjourned at 9:08 p.m.

Homer V. Ramsey
Mayor

ATTEST:

Lee Lockard
Assistant City Secretary

REGULAR MEETING
CITY COMMISSION
JANUARY 26, 1970

The City Commission of the City of West University Place convened in regular session at the City Hall on Monday, January 26, 1970, 7:30 p.m., with the following members present: Mayor Pro-Tem Neighbors, presiding; Commissioners Proctor, Scott and Wallin. The City Manager was also present. Mayor Ramsey and City Attorney Cockrell were ill.

The Invocation was pronounced by Commissioner Wallin.

Mr. Neighbors welcomed a number of visitors and expressed appreciation for their interest in the affairs of the city.

Minutes of the Joint Public Hearing by the City Commission and Zoning and Planning Commission held on January 13, 1970 for consideration of an application filed by Southwestern Bell Telephone Company, were presented for consideration.

Motion by Commissioner Proctor; seconded by Commissioner Wallin, the minutes of the joint public hearing for the purpose of giving consideration to rezoning from S ingle Family Dwelling to vehicle parking by employees of the Southwestern Bell Telephone Company and vehicles owned by the company Lots 1, 2, 3 and 4, Block 25, Collegeview 1st Addition, be approved as submitted.

Voting Aye: All Voting No: None

In accordance with action of the City Commission the following recommendation for purchase of truck and automotive equipment was submitted for consideration:

Honorable Mayor and Members of the City Commission
City of West University Place

Gentlemen:

Bids received on January 12th for ten (10) vehicles consisting of four passenger cars, one station wagon, two pickups, two 25,000 gvw trucks and one stake body truck, were referred to me for tabulation and recommendation.

A tabulation of bids received is attached.

Due to the urgency of obtaining early delivery and replacement for the three patrol cars, a tabulation was submitted at the January 12th meeting, from which tabulation it appeared that MacRobert Chevrolet Company submitted the low bids on Units 1,2 and 4; and that Jack Roach Ford had submitted the low bid on Unit 3. Action was then taken by the City Commission to award bids on Units 1, 2, 3 and 4 to the low bidder.

Unit 5 - Station Wagon - Inspection Department

The tabulation received by the City Commission on January 12th indicated that MacRobert Chevrolet was the low bidder. However, in conferring with their representative, Mr. John Kennedy, it was discovered that freight in the amount of $123.75 had been omitted and that his company was not willing to waive the freight charge. After adding the additional freight of $123.75 MacRobert Chevrolet is still low with a bid of $2,271.75 as the second bidder

CC1115

PUBLIC HEARING
CITY COMMISSION AND ZONING AND PLANNING COMMISSION
APRIL 22, 1975

The City Commission of the City of West University Place and the Zoning and Planning Commission of the City of West University Place convened at 7:30 p.m. at the City Hall, for the purpose of holding a Public Hearing called for this date, with the following members present: Mayor Wallin, presiding; Commissioners Binig, Dunn, Stanley and Thompson; Zoning and Planning Commission members, E. G. Hines, Chairman, presiding; members Dahlin, Bartholomew and Weatherby. The City Attorney and City Manager were also present. Zoning and Planning Commission member W. P. Lipscomb was absent.

Mayor Wallin stated that this public hearing was being held jointly and simultaneously by the City Commission and Zoning and Planning Commission for the purpose of giving consideration to the recommendation of the Zoning and Planning Commission to rezone the following described property for townhouses and/or clusterhouses:

Lots 6, 7, 8, 9 and East 10 ft. of 10,
Block 1, Kent Place Addition, 3600
block of Bellaire Boulevard

Motion by Commissioner Stanley, seconded by Commissioner Thompson, that the public hearing to consider the proposition recommended by the Zoning and Planning Commission to rezone certain properties contained in legal notice published in the Southwestern Argus on January 22, 1975, be opened

Voting Aye: All Voting No: None

Motion by Commissioner Weatherby, seconded by Commissioner Bartholomew, that the Public Hearing to consider the proposition recommended by the Zoning and Planning Commission to rezone certain properties as contained in the Final Report of the Zoning and Planning Commission dated March 24, 1975, be opened.

Voting Aye: All Voting No: None

Mayor Wallin ascertained from the secretary that notice of public hearing was published in the Southwestern Argus on Wednesday, April 2, 1975, and notice to individual property owners within a 220' radius of the property being considered were mailed on April 2, 1975, thereby fulfilling legal requirements for the Public Hearing.

Mayor Wallin requested Mr. E. G. Hines, Chairman, Zoning and Planning Commission, to review the activity sequence of such Commission during consideration of the recommended change.

Mr. Hines stated that the applications filed by Messrs. R. B. and E. A. Mayor and Mrs. Paul S. Watts were received by the Zoning and Planning Commission on January 14, 1975; Preliminary Report was filed with the City Commission on January 17, 1975; notice was published in the Southwestern Argus on January 22, 1975 and notice to all property owners within a 200' radius of the property on January 22, 1975. The Public Hearing by the Zoning and Planning Commission was held on February 11, 1975 and the Final Report filed with the City Comission on March 24, 1975.

In response to Mayor Wallin's question regarding fulfillment of all legal requirments for the Public Hearing, City Attorney Charles Cockrell advised that Ordinance Number 1035 calling a joint public hearing was passed and approved by the City Commission on March 24, 1975, and that the secretary had testified that the required legal notice had been published and notice had been mailed to all property owners.

Mayor Wallin announced that in order to expedite the public hearing, the following regulations for procedure would be followed:

a. Those addressing the Commissions to give their name, address and street address of the property they own in West University.

b. The applicant and others who may support the application would be given an opportunity to present any relevant information in connection with the application.

   Members of both Commissions may elict such additional information as they feel proper, by questioning the applicants.

   Questions may then be directed to the applicants from the floor.

c. Those wishing to present pertinent information in opposition to the application may do so.

   Again, questions may be asked by members of both Commissions, followed by questions from the floor.

Mayor Wallin administered the Oath to Mr. Richard Mayor, 226 Pine Hollow, Houston, one of the applicants for rezoning of the property being considered.

Mr. Mayor stated that it was his belief that the reasons for the request for rezoning were amply set out in the report and recommendation of the Zoning and Planning Commission. Mr. Mayor then reviewed for the Mayor and City Commission the recommendation of the Zoning and Planning Commission of March 11, 1974, wherein the property being considered for rezoning for the construction of townhouses and/or clusterhouses, was recommended as a visual park site, and this tract of land was the only vacant property deleted from the recommendation of the Zoning and Planning Commission for construction of townhouses and/or clusterhouses.

Mr. Mayor advised the Commissions that he was aware of the city's ability to acquire the property for a park site by means of condemnation, but to do so would be the acquisition of property without due process of law and his right to equal protection under the law. Mr. Mayor then requested that the City Commission follow the recommendation of the Zoning and Planning Commission and grant the application.

Members of the Commissions and those in attendance at the Public Hearing had no questions for Mr. Mayor.

Motion by Mr. Weatherby, seconded by Mr. Bartholomew, that the public hearing be closed.

Voting Aye: All Voting No: None

BBJ943

Motion by Commissioner Binig, seconded by Commissioner Dunn, that public hearing be closed.

Voting Aye: All Voting No: None

Motion by Commissioner Stanley, seconded by Commissioner Thompson, that the Final Report and recommendation of the Zoning and Planning Commission, to rezone Lots 6, 7, 8, 9 and east 10' of 10, Block 1, Kent Place Addition, 3600 block of Bellaire Boulevard for the construction of townhouses and/or clusterhouses be accepted.

Motion amended by Commissioner Thompson, accepted by Commissioner Stanley, to instruct the City Attorney to prepare the necessary ordinance for the rezoning.

Voting on the amendement.

Voting Aye: All Voting No: None

Voting on the motion.

Voting Aye: All Voting No: None

Mayor Wallin recessed the meeting for five minutes prior to calling the second public hearing to order.

Mayor Wallin announced that a joint public hearing was being held by the City Commission and Zoning and Planning Commission and would be opened to consider the Final Report and recommendation of the Zoning and Planning Commission to rezone the following described property for vehicular parking:

Lots 5, 6, 7, 8, 9 and 10, Block 25
Collegeview 1st Addition
4000 block of Ruskin

Motion by Commissioner Thompson, seconded by Commissioner Binig, that the public hearing to consider the proposition recommended by the Zoning and Planning Commission to rezone certain properties for vehicular parking, be opened.

Voting Aye: All Voting No: None

Motion by Mr. Weatherby, seconded by Mr. Dahlin, that the public hearing to consider the rezoning of certain properties for vehicular parking, be opened.

Voting Aye: All Voting No: None

Mayor Wallin ascertained from the secretary that notice of public hearing was published in the Southwestern Argus on April 2,1975, and notice to individual property owners within a 200' radius of the property being considered were mailed on April 2, 1975, thereby fulfilling legal requirements for the public hearing.

Mayor Wallin requested Mr. E. G. Hines, Chairman, to review the activity sequence of the Zoning and Planning Commission during consideration of the recommended change.

Mr. Hines stated that an application had been filed by Southwestern Bell Telephone Company to rezone Lots 5 and 6, Block 25, Collegeview 1st Addition and the Zoning and Planning Commission had added Lots 7, 8, 9 and 10, Block 25, Collegeview 1st Addition, as part of the property to be rezoned for vehicular parking. The application by Southwestern Bell Telephone Company was received on December 10, 1974, and further considered by the Zoning and Planning Commission on January 14, 1975. A Preliminary Report was filed with the City Commission on January 17, 1975; notice of Public Hearing was published in the Southwestern Argus on January 22, 1975; and notice of public hearing was mailed to all property owners on January 22, 1975. A public hearing was held by the Zoning and Planning Commission on February 11, 1975, and Final Report filed with the City Commission on March 24, 1975.

BBJ943

In response to Mayor Wallin's question regarding fulfillment of all legal requirements for the Public Hearing, City Attorney Charles Cockrell advised that Ordinance Number 1035 calling a joint public hearing was passed and approved by the City Commission on March 24, 1975, and that the secretary had testified that the required legal notice had been published and notice had been mailed to all property owners.

Mayor Wallin again reviewed the procedure to be followed in holding the public hearing.

Mayor Wallin administered the Oath to Mr. Bill Knight, Mrs. Miriam Israel, Mr. Wm. Patridge and Mr. Arthur Goldman.

Mr. Knight, District Manager, Southwestern Bell Telephone Company, whose home address is 6214 Rutherglen, advised the Commission that adequate parking spaces for employees of Southwestern Bell had been a long standing problem for the company, the city, Police Department and residents of the area.

Mr. Knight stated they now have sixty (60) parking spaces on their existing lot, twenty-five (25) spaces in front of the building, twenty (20) spaces on the west side of Academy and that the new lot construction will provide an additional thirty-five (35) spaces. Mr. Knight further stated that a survey of employees indicated there were 185 of whom drove automobiles to work. The proposed parking lot would be re-vamped to include the existing lot, with new lighting, re-striped and have a curb cut onto Ruskin Street.

Mr. Knight advised the Commission that all recommendations by the Fire Chief and Police Chief had been considered in the preparation of plans for the parking lot in hopes that many of the problems encountered in the past might be eliminated.

Mrs. Miriam Israel, 5511 Cheltenham, stated that she owned the property at 4003 Ruskin, and that she was in favor of the recommendation, however, she felt some changes should be made in the construction of the proposed parking

lot, inasmuch as she thought permitting traffic from the lot onto Ruskin would be dangerous since it was a narrow street, and it was her belief that all traffic should be onto Academy.

Mrs. Israel stated that she agreed with Commissioner Thompson in that the construction of the new parking lot would not be an answer to the problem of adequate parking for Southwestern Bell employees and that a personal survey indicated employees were parking on Ruskin, Cason and Fairhaven.

Mrs. Israel further stated that she had not been permitted to construct a carport at her home because of the location of a utility easement, however, it appeared that Southwestern Bell had paved over the same was her feeling that this should be investigated prior to the proposed new construction.

In response to a question by the City Commission, Mr. Knight stated that in response to a request of the Chief of Police, the parking lot would be constructed in a horseshoe shape with 45 cars exiting onto Ruskin and 45 exiting onto Academy during peak hours.

Mr. Arthur Goldman, 4032 Ruskin, stated that the existing parking lot was virtually empty between four and five o'clock each afternoon and it was his belief that an additional 35 cars exiting onto Academy would be no problem and that a curb cut on Ruskin would not be necessary.

Mr. Goldman stated that he was heartily in favor of the rezoning of Lots 5 and 6 for vehicular parking use by Southwestern Bell, but was very opposed to rezoning of Lots 7, 8, 9 and 10, inasmuch as two of the lots were owned by Corrigan Interests and speculation was a proposed use as a loading dock.

Mr. W. L. Partridge, 4040 Ruskin, stated that he was very much in favor of rezoning the property for use by Southwestern Bell.

In response to a question regarding possible purchase by Southwestern Bell of Lot 7, Mr. Knight stated that it was entirely an economical situation inasmuch as owners of Lot 7 wanted too much money for the lot.

In response to questions regarding the city's ability to include certain use restrictions into an Ordinance rezoning the property, City Attorney Charles Cockrell stated that such provisions could be encorporated into the ordinance and it would be enforceable based on the ordinance, and such restrictions could limit the character and size of a fence across the rear easement.

Motion by Mr. Dahlin, seconded by Mr. Bartholomew, that the public hearing be closed.

Voting Aye: All Voting No: None

Motion by Commissioner Dunn, seconded by Commissioner Stanley, that the public hearing be closed.

Voting Aye: All Voting No: None

Following a general discussion with regard to further consideration to the application, the following action was taken:

Motion by Commissioner Stanley, seconded by Commissioner Binig, that the meeting of the City Commission be recessed until 7:00 p.m., Monday, May 5, 1975.

Voting Aye: All Voting No: None

BBJ943

8

RECESSED MEETING OF CITY COMMISSION
MAY 5, 1975

The City Commission convened in recessed session at the City Hall on Monday, May 5, 1975, 7:30 p.m., with the following members present: Mayor Wallin, presiding; Commissioners Binig, Dunn, Stanley and Thompson. The City Attorney and City Manager were also present.

Mayor Wallin advised that this was a continuation of a meeting of the City Commission on April 22, 1975, at which time a public hearing was held to consider a recommendation and final report of the Zoning and Planning Commission to rezone Lots 5, 6, 7, 8, 9 and 10, Block 25, Collegeview 1st Addition for vehicular parking.

The Commission was advised that a motion did not have to be on the floor in order to discuss the recommendation.

City Attorney Charles Cockrell advised the Commission that the recommendation could be accepted as contained in the Final Report of the Zoning and Planning Commission; amended if desired by the City Commission; or additions and changes made.

The fact that only Southwestern Bell Telephone Company had filed a formal application requesting that Lots 5 and 6 owned by them be rezoned for parking purposes was discussed by the Commission.

Plans for the construction of the parking lot planned by Southwestern Bell Telephone Company were reviewed by the Commission with considerable discussion regarding the proposed curb cuts onto Ruskin Street. Some members of the Commission were opposed to the curb cuts inasmuch as there was a possibility of adding additional traffic onto a residential street.

Discussion concerning rumors that owners of Lots 7 and 8 proposed to use such property for a loading dock concluded that the provisions of an ordinance could preclude such usage.

Motion by Commissioner Binig, seconded by Commissioner Thompson, that the Final Report including all of the nine (9) points of the Zoning and Planning Commission dated March 24, 1975, recommending that Lots 5, 6, 7, 8, 9 and 10, Block 25, Collegeview 1st Addition be rezoned for the purpose of parking non-commercial passenger vehicles be accepted.

Voting Aye: Binig, Thompson, Wallin

Voting No: Dunn, Stanley

With no further business to come before the Commission at this time, upon motion duly made, seconded and carried, the meeting adjourned at 8:00 p.m.

Paul W. Wallin Jr
MAYOR

ATTEST:

Lee Lockard
Assistant City Secretary

Exhibit "F"

City of West University Place

APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS ("CITY")

Address of site: 4086 Bellaire Boulevard, 6707 Academy St. and "0" Ruskin Street, City of West University Place, Texas 77005

Legal description of the site: Lots 1-6, Block 25 of Collegeview Section 1

Applicant: Southwestern Bell Telephone Company d/b/a AT&T Southwest, AT&T DataComm, AT&T Texas

Address:

Contact: Reid Wilson ***Phone:*** 713-222-9000 ***Fax:*** 713-229-8824 ***Email:*** rwilson@wcglaw.com

Decision or Action Requested ***(check one or more and provide requested data):***

(X) **Appeal.** Hear and decide an appeal from an order, requirement, decision or determination made by the Administrative Official.

- Is the official's action in writing? ( ) Yes; ( )copy is attached. ( )No, but the action appealed is as follows:

  See attached

- When was the action taken? Note: Appeals must be filed within a reasonable time. Please explain any delay below: See attached
- Exact zoning ordinance section(s) involved:
- Grounds for appeal: See attached

( ) **Special Exception.**

- Exact zoning ordinance section that authorizes the special exception: Section 12-106
- Exact wording of special exception requested:

( ) **Variance.**

- Exact zoning ordinance section from which a variance is requested:
- Exact wording of variance requested:

Other Data. Are there drawings or other data? ( )No ( )Yes*(list items here and attach them)*

Attached. The applicant has read the State and City regulations attached.

Signature of applicant: _____ Date: _____

Reid C. Wilson, on behalf of Applicant

For Staff Use only Date filed: 7/6/16 **Date heard:** 7-28-16 **Docket#:** 16-010

Form ZBA-102

On June 24th, in Docket No. 2016-005, the Board of Adjustment decided to reverse the decision of the Administrative Official dated April 7, 2016 that "...the activities of loading/unloading and stocking AT&T service vehicles and the temporary inventorying of supplies are allowed use in the [AT&T] Parking Area."

This decision has not yet been reduced to writing or filed with the secretary for the Board.

Applicant is the owner of the land subject to the decision, but was not the applicant in the appeal, rather, was designated as a party in the matter.

There is new evidence to be submitted to the Board, which was not presented to the Board at the meeting where the public hearing was held concerning the appeal, which evidence is relevant to the decision and is substantial new evidence, material to the Board's decision.

Members of the Board sought information at the hearing on the following issues for which new and substantial evidence will be provided:

1. The allegation that the 6707 Academy building is a "warehouse"- Particularly, members of the Board sought to have information about the layout of that building, the % of area utilized for storage, ownership of trucks serving the supply area, frequency of those trucks and operation of the supply area. The new evidence will show that this building is not a warehouse, a small percentage of the area is used for storage (and all is on the 1st fl), the basement and 2nd floor are empty and unused, the storage is in a caged area which is part of the meeting area for AT&T UVERSE service technicians, the only supplies stored are for AT&T UVERSE service vehicles, the delivery vehicles are primarily owned by AT&T, and the delivery vehicles come primarily from AT&T owned warehouses . Note: Use of the building's loading dock by AT&T owned delivery vehicles is *permitted* by the Board's January ruling. Johnnie Nicholson of AT&T UVERSE, the supervisor of the AT&T UVERSE service tech crews at 6707 Academy is available to provide testimony on these issues. A floor plan for the building showing the storage area, pictures of the supply area, and pictures of the vacant floors will be provided to the Board.

2. The use of the parking lot for inventorying of supplies in AT&T UVERSE service vehicles as shown in the picture entered into evidence by Mr. Cole- Particularly, members of the Board desired information about the nature and frequency of the inventorying use and whether the picture constituted an accurate representation. The picture reflects routine, but infrequent activity of inventorying and "cleaning out" service vehicles. This activity is not daily or weekly. Mr. Nicholson is available on this issue.

3. The allegations that AT&T UVERSE vehicles enter and exit the AT&T Parking Area throughout the day.- Actually, techs leave in the morning (usually around 8-9 am) and return at the end of the day after making all service runs (usually 5-7pm). It is not routine for a tech to return to the parking lot and then leave again. The majorities of vehicles enter and exit prior to 7pm. Mr. Nicholson is available on this issue.

4. Intention of the City Commission in adopted Ord. 932 and 1039.- John Neighbors, the Mayor Pro-Tem who chaired the 1970 public hearing on Ord. 932 and the City Commission meeting where Ord. 932 passed, is available to provide testimony to the Board.

5. Concern that Ord. 932 and Ord. 1039, as written, evidences an intent by the City Commission that parking use must satisfy all of the listed paragraphs, ie. *including* residential use.- Mr. Neighbors is available on this issue.

The forgoing is meaningful evidence relevant to issues before the Board or raised by the Board. It was not anticipated by AT&T that factual information of this type was necessary to produce at the hearing. This evidence is readily available. Failure to consider this information will lead to an erroneous ruling.

AT&T respectfully requests that the Board defer the signature of the order until after considering this request for rehearing, hear evidence from Misters Neighbors and Nicholson, and if the request of rehearing is approved, to conduct additional proceedings at its following meeting.

Specifically, AT&T respectfully requests that the decision of the Board not be filed in the Board's office until the Board hears the request for rehearing, such that the period for judicial review under Tex. Loc. Gov't Code Sec. 211.012 does not commence until that time.

EXHIBIT "G"

Testimony of John Neighbors
July 28, 2016 Zoning Board of Adjustment Hearing

Audio Part 2: 1:53:04

John: Thank you, young people.

I am John Neighbors. When I lived in West U I lived at 2809 Wroxton for 58 years and I currently live at 4718 Hallmark Drive. Mr. Wilson asked me to go back in memory to the period that you all are discussing in early 1970 regarding parking at Southwestern Bell. I don't have a full memory of all that happened so I took the liberty of reviewing three documents which carried the date of January 13 from the city commission and the zoning board adjustment, and a regular meeting of the city council in January 26, 1970 which I presided as Mayor Pro-tem, and Ordinance No. 932, and they all are pretty consistent as to what I remember the intention of the city council was at that time.

This issue was actually an off shoot of the previous issue discussed tonight regarding the cul-de-sac on Ruskin, so the two actually tie together. A design to reflect back on this intention of this ordinance to rezoned the property for parking was for the employees of Southwestern Bell as well as vehicles owned by Southwestern Bell and that was the end of the discussion. There were quite long hearings as I remember, there were a lot of people that were concerned about the parking, but the final decision of city council, that it made sense not only to allow the parking, which was requested by Southwestern Bell, but also that the ancillary activities in connection with the vehicles of Southwestern Bell was an appropriate activity. That's essentially what I wanted to bring to your attention tonight. I would be happy to answer any questions.

Question: So that was one of the things that we talked about in our previous sessions was how that it has changed over the years, and it seemed like what we were interpreting as a board, and I am speaking for myself, and may be extending to the others, was that we thought that over the years it had expanded dramatically, that it had moved from being primarily an office facility with some other service, but it seems to have transitioned to be primarily a service facility with these service vehicles that has changed the use of that, and based on that, we had much discussion on that topic, so your comments here are helpful. Any recollection you have of kind of the mix of what that facility was used for primarily as an office or service or both?

John: Well it was a much smaller building of course then and a lot fewer employees. I would say essentially other than the changes in the technology involved, it would have been pretty much the same type of activity; service trucks, with employees using the trucks to go out and do the service work that was required. That I don't think changed other than the technology and maybe a few more trucks, that I can't answer, as to whether the owner of trucks involved was the same or less, that I can't talk about.

Question: So the ancillary activities then may have included bringing materials to trucks, from the trucks, associated with the…

John: Anything that related to staffing the trucks and that sort of thing is pretty much consistent. I don't remember anything outside of that range.

Thank you, that was helpful.

Exhibit "H"

The City of West University Place

A Neighborhood City

Zoning Board of Adjustment
City of West University Place, Texas ("City")

Docket No: 2016-005

DECISION REGARDING AN APPEAL
FROM A DECISION OF THE ADMINISTRATIVE OFFICIAL

Address of building site: 4068 Bellaire Boulevard, 6707 Academy and "0" Ruskin Street

Legal description of the building site: Lot 1-6, Block 25 of Collegeview, Section 1, in Harris County, Texas.

Applicant: Robert Grossman

Decision Appealed From: Determination of the Administrative Official regarding whether the activities of loading/unloading and stocking of AT&T service vehicles with daily work supplies and the temporary inventorying of such supplies in the designated parking area (which is on the north portion of the building site, adjoining Ruskin) are allowed uses. Applicant requested a reversal and revision of the determination.

Notice, Hearing, Determinations, Vote:

(X) Notice of hearing was given by: Mail and on-site posting, in accordance with Article 11 of the Zoning Ordinance, by Debbie Scarcella, City Planner of the City.

(X) Hearing was held on June 23, 2016.

(X) Findings and determinations (if any) have been made, as follows: N/A

(X) The vote was: 4 in favor, 1 against this decision

Decision of the Zoning Board of Adjustment (subject to all applicable appeals):
Under and subject to the City's Zoning Ordinance and applicable law, the Zoning Board of Adjustment hereby takes the following action with regard to the administrative decision referenced above:

(x) reverses, in (x) whole or ( ) part
( ) Affirms, in (x) whole or ( ) part
( ) modifies,
( ) other action (*describe*) _____,

And, accordingly, the Board makes the correct order, requirement, decision or determination, as follows:

The activities of loading/unloading and stocking AT&T service vehicles and the temporary inventorying of vehicle supplies are not allowed used in the Parking Area.

Other Provisions:

THIS DECISION APPLIES ONLY TO THE SPECIFIC ITEMS DEFINED ABOVE. IT DOES NOT APPLY TO ANY OTHER ASPECT, USE OR PART OF THE SITE OR STRUCTURE IN QUESTION, NOR DOES IT APPLY TO ANY OTHER ACTIVITY, SITE OR STRUCTURE. TO OBTAIN A RULING FOR ANY OTHER ITEM REQUIRES SEPARATE APPLICATION, NOTICE, HEARING, PROOF AND BOARD FINDINGS. NOTHING IN THIS DECISION IMPLIES THAT ANY SUCH FINDINGS WOULD OR WOULD NOT BE MADE BY THE BOARD.
THIS DECISION REMAINS IN EFFECT FOR AN INDEFINITE PERIOD, UNLESS A TEMPORARY OR FIXED PERIOD IS INDICATED ABOVE. THIS DECISION REMAINS SUBJECT TO THE REGULATORY JURISDICTION OF THE CITY. IT MAY BE AMENDED OR REVOKED. THIS DECISION GRANTS NO PROPERTY RIGHT OR VESTED RIGHT OF ANY KIND.

Effective Date & Appeals: Subject to any applicable appeals, this decision takes effect on the date it is filed in the Board's office (c/o Secretary of the Zoning Board of Adjustment, 3826 Amherst, West University Place, Texas 77005), unless otherwise indicated above. Any re-hearing of this decision is governed by the rules of the Zoning Board of Adjustment. Any appeals of this decision are subject to and governed by applicable ordinances and laws, including: the Zoning Ordinance and Chapter 211, Tex. Local Government Code. Under Chapter 211, petitions for judicial review must be presented within 10 days after the date this decision is filed in the Board's office.

ZONING BOARD OF ADJUSTMENT,
CITY OF WEST UNIVERSITY PLACE, TEXAS

By: _____
Presiding Officer, Zoning Board of Adjustment

STATE OF TEXAS
COUNTY OF HARRIS
This instrument was acknowledged before me on 7/13/16 (date) by Sandy Hellums (name) as Presiding Officer of the Zoning Board of Adjustment of the City of West University Place, Texas.

ELENA CAVAZOS NOTARY PUBLIC STATE OF TEXAS ID# 2701400 EXPIRES 8-29-2018

(SEAL)
My commission expires: 8/29/18

_____
Notary Public

The City of West University Place

A Neighborhood City

This instrument was filed in the Board's office on July 26th, 2016, *and, if a mailing list is attached, copies were mailed to the persons on the list on* (N/A.

D Scarcella

By:

Name: Debbie Scarcella
Title: City Planner

3800 University Boulevard | West University Place, TX 77005 | www.westutx.gov

TOP WORK PLACES

Exhibit "I-1"

West University Place Zoning Ordinance – Proposed PDD-SF3

Table 5-1		*General Rule:* This table prescribes the minimum dimensions for building sites, by District. ("DU" means "dwelling unit.") *Exceptions/Special Rules:* (1) See PDD Schedules for planned development districts. (2) See special notes in table. (3) The Z&PC may establish different dimensions by approving a plan, plat or replat (see Article 5).									
Item	Measurement	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7		PDD-C1
Old building sites (before October 24, 1987) *See Notes 1 and 2*	Width, minimum	50 ft.			N/A						50 ft.
	Depth, minimum	100 ft.			N/A						N/A
	Area, minimum	5,000 sq. ft.			2,000 sq. ft. per DU						5,000 sq. ft.
New building sites (on or after October 24, 1987) *See Note 3.*	Width, minimum	75 ft.			N/A						50 ft.
	Depth, minimum	110 ft.			N/A						N/A

	Area, minimum	8,250 sq. ft.	2,000 sq. ft. per DU		5,000 sq. ft.

Note 1. *4,500 Square Foot Exception* . A structure may be located on an old building site with at least 40 feet of width and at least 4,500 square feet of total area, if the building site: (i) was improved with a principal building in existence on the 1987 effective date or for any period of twenty consecutive years prior to the 1987 effective date, under circumstances where there was no additional land used for the building site, and (ii) was created by subdivision plat and not made smaller thereafter except to provide public right of way or to accommodate physical encroachments, or as specifically allowed by Article 5.

Note 2. *4,300 Square Foot Exception.* A structure may be located on an old building site with at least 40 feet of width and at least 4,300 square feet of total area, if the building site: (i) was created by subdivision plat approved by the city council or the Z&PC, (ii) has not been made smaller thereafter for any reason.

Note 3. *Certain Re-Subdivisions After October 24, 1987* . A subdivided lot in a SF-1, SF-3 or GR-1 District may be further subdivided to produce a building site with less than seventy-five (75) feet of width or less than one hundred ten (110) feet of depth if all applicable procedures under state law and the City's ordinances, rules and regulations are followed and one of the following three sets of circumstances is present: (A) All portions of the subdivided lots are added to adjoining subdivided lots. (B) The number of lots is not increased, and all resulting lots have: (i) a depth greater than or equal to the depth of the shallowest lot before the re-subdivision, and (ii) a width greater than or equal to the width of the narrowest lot before the re-subdivision; provided that no resulting lot is irregularly shaped (unless it was so shaped before the re-subdivision). (C) A portion of the subdivided lot is needed for City use or utility or service use.

TABLE 7-1

Table 7-1		*General Rule:* Within each District: uses marked "A" are allowed, uses marked "SE" are allowed only to the extent authorized by a special exception (see Note 3), and uses marked "X" are prohibited. *Exceptions/Special Rules:* (1) See PDD Schedules for planned development districts. (2) See special rules noted in table. The ZBA is authorized to issue all special exceptions mentioned in this Table.								
Use Category	Specific Use	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-CI
Residential	Single-family (detached)	A *See Notes 1 and 7*								A
	Single-family (attached)	X *See Note 8*			A *See Note 1*		A *See Notes 1 and 7*	A *See Note 1*		X
	Other residential	X	X	X	X	X	X	X	X	X
Public and Semi-Public	Park, playground, or community center (public), school (public), place of worship	A *See Notes 1 and 3*								A *See Notes 3 and 4*
	Private green space	*See Notes 1 and 2*								
	School (other) *See Note 9*	X	X	X	X	X	X	X	X	X *See Note 3*

	Utility or service use. *See Art. 8* .	A *See Note 1*								
	PWSF use.	A or SE *See PWSF Schedule. See Note 1*								
Commercial *See Article 8 regarding certain sexually oriented businesses.*	Light commercial	X	*See Note 5*	See Notes 12 & 13	X	X	X	X	X	*See Notes 6 and 11*
	Medium commercial	X	*See Note 5*		X	X	X	X	X	X
All other uses		X	X	X	X	X	X	X	X	X

Note 1. *High-density occupancies in SF District* . High-density occupancies are allowed in SF Districts only to the extent authorized by a special exception. The ZBA may issue such a special exception if it finds and determines that the occupancy is a use that is (i) accessory to a lawful primary use and (ii) reasonably compatible with nearby sites and their uses (in addition to any other findings and determinations required for a special exception). *Note* : A previously-issued special exception that authorized a use with a high-density occupancy is sufficient to comply with this note.

Note 2. *Private Green Space.* Vineyards, gardens, landscaping, private playgrounds and other similar uses that are predominantly pervious, vegetated and non-commercial are allowed in all districts. Unless otherwise authorized by a special exception, the only structures allowed are fences, playground equipment and landscaping structures (e.g., low, retaining walls, borders, etc.). The ZBA may issue a special exception to authorize other structures. The special exception shall include a site plan specifying and limiting allowable structures. If so ordered by the ZBA, the site plan controls over any other ordinance to the contrary. However, the site plan may not specify yards (or "setbacks") different from those otherwise required, unless the ZBA finds that the different yards are: (i) necessary for efficient use of the available space and (ii) compatible with nearby sites and their uses. The special exception may allow accessory structures without a principal building.

Note 3. *Accessory Uses and Structures.* In the indicated districts, the ZBA may issue a special exception to authorize additional uses and structures, if the ZBA finds and determines that each additional use and structure is: (i) accessory to a lawful primary use and (ii) compatible with nearby sites and their uses. The special exception may include a site plan identifying and limiting such uses and structures.

Note 4. *Park, Playground, Etc.* In the C District, a park, playground or community center may be privately or publicly owned.

Note 5. Parking Use in PDD-SF2. The ZBA may issue a special exception to authorize parking of motor vehicles in connection with nearby commercial activities, upon approval by the ZBA of the types of vehicles, design of parking facilities (including landscaping, paving, lighting, fences or walls, signs, etc.) and curb cuts, all of which may be included as site-specific conditions of the special exception.

Note 6. Light Office Use in PDD-C1. The only commercial use allowed in PDD-C1 is light office use, meaning offices for conducting real estate, insurance and other similar businesses and the offices of the architectural, clerical, engineering, legal, dental, medical and other established and recognized professions, in which only such personnel are employed as are customarily required for the practice of such business or profession.

Note 7. Garden-style use in PDD-TH4 . "Garden-style" single family detached use is allowed in PDD-TH4 if authorized by a site plan meeting the requirements of Ordinance No. 1560, adopted October 12, 1998, which is continued in effect for the original site plan and for amendments and replacements of that plan. Such a site plan, after approval by ordinance in accordance with Article 14, controls over any provision elsewhere in this ordinance.

Note 8. Attached dwellings in PDD-SF3. Any existing attached dwellings which complied with the former Schedule PDD-TH3 (Browning Townhouse PDD) at the time of their construction have PNC status, under and subject to Article 12 of this ordinance. The minimum width for interior side yards for such dwelling units is zero where there is an existing common wall (or existing continuously-abutting separate walls) along the property line, in either case with a four-hour fire rating or better. The minimum number of parking spaces is two per dwelling unit, and additional guest parking is not required, notwithstanding other provisions of this ordinance or any special exception issued under this ordinance.

Note 9. School (other) . A special exception may authorize this use on sites wholly within the C District or partially within the C District and partially within another district.

Note 10. Uses in TCC. The only uses allowed in TCC are retail, light office use, and food service use. TCC does not allow for residential use of any kind, bars or club uses, entertainment venues, sexually oriented businesses, auto-intensive uses, gambling establishments, surgical or emergency clinics, or any medium commercial uses.

Note 11. Hours of operation. In the C, TCC and PDD-C1 districts, hours of operation for commercial uses shall not unreasonably impact the residential character of adjoining residential districts. All operations, including deliveries and other outdoor activity, shall comply with the City's noise regulations; see Chapter 54 of the Code of Ordinances. All commercial garbage and trash collection activities shall comply with Chapter 38 of the Code of Ordinances.

Note 12. Parking Lot Use in PDD-SF3. PDD-SF3 may be used for (i) parking, loading and unloading and sorting/inventory of contents of vehicles, trucks and vans (2 axels maximum) owned by AT&T and/or its employees only, as part of the telecommunications business only, limited to 7am-7pm Monday-Saturday except related to services to medical facilities, due to customer medical emergencies or catastrophic events (storms, terrorist events, etc.), or parking only, which may occur at other times, (ii) vehicles temporarily required for repairs/construction relating to the adjacent building under common ownership, limited to the term of a valid City building permit, (iii) no use (non-use is not abandonment), and (iv) any use permitted by a current special exception. Washing, refueling and mechanical services are prohibited, but minor emergency repairs (flat tire, dead battery, out of fuel, etc.) are permitted. Transporting personal items (including food) to and from vehicles and adjacent building under common ownership, and transporting trash, litter and materials to and from vehicles and waste storage areas is permitted. Resting and phone calls are permitted within vehicles. Structures are prohibited, unless permitted by a current special exception. The parking lot shall comply with City Code, including light and noise restrictions applicable to residential areas. The existing solid walls and gates, and the landscaping outside the walls must be maintained in good

condition. Monthly landscaping services are required. No exterior signage is permitted, except as required by law. Parking lot use on any lot in PDD-SF3 shall terminate upon: (i) independent sale of the lot, (ii) sale of all of AT&T's facility on Bellaire/Academy to an entity not in the telecommunications business. Merger of AT&T into another entity in the telecommunication business will not terminate the parking lot use.

Note 13. Access/Parking Limits in PDD-SF3 during Parking Lot Use. The following limitations apply to Parking Lot use: (i) access is prohibited from the parking lot to Ruskin St., (ii) parking/driving of vehicles owned by AT&T and/or its employees is prohibited on Ruskin St. and Cason St., except for residents/invited guests, and temporarily while providing telecommunication services to residents on those streets, and (iii) access to/from the parking lot shall be from Bellaire Blvd. via Academy St. to the parking lot except temporarily while providing telecommunication services to residents on those streets.

TABLE 7-2

Table 7-2		*General Rule:* No part of any structure may be located within a part of a building site included within a yard defined, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) Structures may be located in yards to the extent allowed by the Projections Schedule. (2) See special rules noted in table. (3) See PDD Schedules for Planned Development Districts. (4) See additional setbacks in the PWSF Schedule.								
Item	Measurement	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-CI
Front yard	Distance from front street line.	20 feet if the building site depth is 110 feet or less; 25 feet if the building site depth is more than 110 feet but not more than 125 feet; 30 feet if the building site depth is more than 125 feet. *See Note 5* .			10 ft. See Note 7.				20 ft. (Mercer Street)	5 ft. (Bellaire Blvd.)
Interior side yard	Distance from side property line (each side).	Greater of 10% of building site width or 5 feet. *See Note 2.*			5 ft. *See Notes 4.1 and 4.2. See Note 7.*				20 ft. (south property line)	N/A
Street side yard	Distance from side street line.	Greater of 10% of building site width or 5 ft. *See Notes 2, 6* .			10 ft. *See Note 7* .				10 ft. (Bissonnet)	*See Note 8.*
Rear yard	Distance from rear property line.	20 ft. *See Note 1.*			20 ft. *See Note 1.*	10 ft. *See Note 1.*	20 ft. *See Note 1.*		5 ft. (west property line)	*See Note 8.*

SF Buffer-yard	Distance from nearest part of an SF District	N/A	20 ft. *See Note 7.*	10 ft. *See Note 7.*	20 ft. *See Note 7.*	N/A	*See Note 8.*

Note 1. Through Lots or Building Sites or *Rear Through Lots or Building Sites.* If a lot or building site extends all the way through a block so that the front and rear both abut a street area, there is no rear yard. The site is a "through" or "rear through" lot or building site, and is considered to have two front yards, one at each street frontage. Front yard (setbacks) shall be as provided in Table 7-2. Exception: If the site is "flag" shaped or irregular, the "flag" portion shall have the same setback as the adjoining building sites fronting that street.

Note 2. Narrow Site "3/7" Exception. Alternate side yard areas apply to a building site meeting all four of the following criteria: (A) The building site is less than 55 feet wide. (B) The use is single-family (detached) use. (C) Outside the rear yard, no main wall surface of any building is closer than 10 feet to any main wall surface of a "prior building" on another building site (unless there are "prior buildings" on both sides, each within seven feet of the property line, in which case the minimum separation from a "prior building" is eight feet). A "prior building" is a building in existence, under construction or covered by a current building permit when a building permit is issued for the subsequent building. (D) The owner has designated alternate side setback areas in a form approved by the administrative official and in accordance with all of the following criteria: (1) Minimum setback, interior: 3 feet. (2) Minimum setback, street side: 5 feet. (3) Minimum setbacks, both sides combined: greater of 10 feet or 20% of the building site width. (4) On each side, the setback is uniform in width along its entire length. See Table 7-5a regarding "alternating driveway" rule.

Note 3. Rotated Corners. For rotated corner building sites (SF-1 District only), the minimum side street yard width is: (i) 10 feet if the building site width is 65 feet or less, (ii) 10 feet plus the distance by which the width of the building site exceed 65 feet, if the building site width is more than 65 feet but less than 75 feet, (iii) 20 feet if the building site width is 75 feet or more but less than 100 feet, or (iv) for building sites 100 feet wide or more, the side street yard width is determined by the same rules as the front yard depth, except that the "depth" of the building site is measured from the side street line.

Note 4.1. Common Walls. In the TH, GR-2, C, and all PDD-TH districts, the ZBA may issue a special exception for a zero-width side yard, but only upon application by both property owners and only if the special exception is conditioned upon the construction and maintenance of a common wall or continuously abutting separate walls (in either case with a four-hour fire rating or better) along the property line. See, also, Note 7, below, for QMDS.

Note 4.2. Common Walls in New Townhouse Construction. In all PDD-TH districts, where new townhouses are concurrently constructed on two or more abutting building sites along a block face, zero-width side yards are allowed by right wherever a common wall or continuously abutting separate walls will be constructed and maintained (in either case with a four-hour fire rating or better) along the property line. On each building site that contains the end townhouse in a row of attached townhouses on abutting sites, the interior side yard requirement, or the street side yard requirement for a corner site, shall apply along the side property line where a common wall or continuously abutting separate walls will not be constructed. See, also, Note 7, below, for QMDS.

Note 5. Major Thoroughfares. The ZBA may issue a special exception for a front yard less than 30 feet deep abutting a major thoroughfare, if the front yard prescribed is at least 10 feet deep, and

if the special exception requires the greatest practicable amount of pervious area in the front yard.

Note 6. Special Exception. The ZBA may prescribe a different street side yard by special exception relating to frontage. See Article 8.

Note 7. Yards In QMDS. In a QMDS, yards are only required around the perimeter of the subdivision and are designated by the subdivision plat. See definition of QMDS. Standard projections into QMDS yards are allowed per the Projections Schedule. In addition:

(a) Front yard (GR-1 or GR-2 Only): A principal building with an internal access garage may project as close as 10 feet to the street area if, in the projecting part: (a) there is a first-floor porch or with at least 80 sq. ft. of floor space (open or screened) and no dimension smaller than seven feet; (b) above the porch or court, no more than half the usable floor space is enclosed (coverings and other floor space, including open or screened porches, are allowed above all the porch or court); (c) the cornice height does not exceed 27 feet; (d) there are no more than 2.5 stories; and (e) there is no garage space.

(b) Front yard: Bay windows, canopies and balconies at least 18 inches above grade may project up to 24 inches beyond the principal building. Steps and handrails may project up to 30 inches beyond the principal building.

(c) Rear Yard and SF Bufferyard. Buildings up to 10 feet high (measured from finished grade to top of roof plate) may project, but not closer than 10 feet to the property line.

Note 8. Yards in PDD-C1. In PDD-C1, the yards and street lines are as follows, notwithstanding other provisions of this ordinance: (i) The rear yard is the area within 20 feet of the rear property line (the line farthest from Bellaire Blvd.) of any building site, and for this purpose, the said rear property line shall be not in excess of 120 feet from the north right-of-way line of Bellaire Blvd. Exception: The rear yard upon Lot 2, Block 35, Colonial Terrace Addition (also known as the south 140 feet of Tract 9, Cambridge Place) is the area within 40 feet of the rear property line of said lot, said rear property line being located 140 north of the north right-of-way line of Bellaire Blvd. (ii) The street side yard is the area within ten feet of any side street line where the street area is 50 feet or less in width, or within five feet of any side street line where the street area is more than 50, but less than 70, feet wide. (iii) The front yard is the area within five feet of the front street line (which is the common boundary with Bellaire Boulevard). Any area outside of a building line established by ordinance or by recorded plat is considered part of the corresponding yard.

Note 9. Yards in TCC. In TCC, the front street line is designated as the common boundary of the building site and the Edloe Street street area. For building sites with a side street along Rice Boulevard, the side yard shall be zero feet. For building sites with a side street line along University Boulevard, the side yard shall be five feet. The rear yard may be reduced by any future reduction in the width of the utility easement along the Poor Farm Ditch.

TABLE 7-3

Table 7-3		*General Rule:* Every building site must have the minimum open and pervious areas shown, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) See PDD Schedules for planned development districts. (2) See special rules noted in table. (3) See the Projections Schedule for details about calculating open and pervious areas.								
Item	Measurement	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Open area	Front yard, minimum percentage.	60%.			N/A					N/A
	Rear yard, minimum percentage. *See Note 6.*	60%. *See Note 1.*			N/A					N/A
	Entire building site, minimum percentage.	40%			25%					N/A
Pervious area	Front yard, minimum percentage	50%			50% *See Note 2.*					N/A
	Entire building site, minimum percentage	24%			15%					N/A
	Landscaping strips	Required, except for SFD uses on building sites with 5,000 sq. ft. or more. *See Notes 3 and 5.*								

	Qualified trees	For SFD uses on building sites with 5,000 sq. ft. or more, there must be at least one qualified tree in the front yard or in the adjacent street area. For all other uses, each qualified tree required by this ordinance or Chapter 82 of the Code of Ordinance must be located within a contiguous and reasonably compact pervious area containing at least 25 sq. ft. However, additional or better pervious area may be required to comply with Chapter 82.
	Pervious pavement	In a QMDS only, pervious pavement is allowed to be used for all vehicular areas, and part of it may count as pervious area. *See Note 4.*
	Parking areas, interior	Each parking area containing 21 or more parking spaces must contain interior pervious areas in "island" or "peninsula" configurations aggregating in area at least two square feet for each parking space.

Note 1. Rear Yard Adjacent to Non-SF . The ZBA may issue a special exception to reduce the requirement for open area in a rear yard in a SF District to not less than 40%, if the rear yard abuts a non-SF District.

Note 2. Pervious Area in QMDS . Front yard minimum pervious area requirement in a QMDS is 40%., or 30% for a front yard in a QMDS "low-impact motor court."

Note 3. Landscaping Strips . Vegetated pervious areas required as follows: (a) minimum five feet wide adjacent to each street area (or 3.5 ft. if located in front of a fence or wall at least 3.5 feet high), and (b) minimum 18 inches wide to separate each paved vehicular area from a fence or subdivision or replat boundary. Exception: Strips are not required along alleys or where they must be crossed by sidewalks or driveways. Strips along street areas must have live, evergreen shrubs (maximum spacing is 3.5 ft.) and live qualified trees under Chapter 82 of the Code of Ordinances (maximum spacing is 20 ft.). The administrative official may approve different spacing for shrubs or trees, upon a showing that (i) the spacing is allowed by standard urban forestry criteria for the particular species and location and (ii) the spacing will comply with Chapter 82. The ZBA may issue a special exception to allow a landscaping strip to be located in whole or in part within a street area, if the ZBA finds that the particular landscaping will, in all probability, be allowed to remain intact for at least 50 years and that it can be maintained and will function as well as a strip located completely on private property.

Note 4. Pervious Pavement . In a QMDS, the area of the holes or gaps (if actually pervious) counts toward pervious area requirements (but no more than 30% out of any area with pervious pavement may count).

Note 5. Visual Buffer Zone. In TCC, along the east edge of each property a landscaped buffer zone shall be established consisting of trees, shrubs, and other durable vegetation adequate to minimize the transmittal of light and provide a visual buffer between a use in TCC and adjacent SF district properties. Evergreen shrubs shall be planted to form a continuous hedge with no gaps. Shrubs shall be hardy species that will withstand freezing temperatures. The plants shall be at least 18 inches in height as measured from the surrounding soil line and shall have a maximum 18 inch width at the widest portion when planted. Shrubs shall be capable of growth to not less than 48 inches in height when measured from the surrounding soil line and shall form a continuous hedge within three annual growing seasons. Shrubs shall be maintained at a

height that does not interfere with overhead utility lines. Trees planted in the buffer zone shall not interfere with overhead utility lines.

Note 6. Old Stock Housing. The ZBA may issue a special exception to reduce the open area requirement in the rear yard, if the ZBA determines: (i) the reduction is reasonably necessary to preserve or protect old stock housing as it then exists or as it may be proposed to be remodeled or expanded (up to a total gross floor area, for all buildings on the site, that does not exceed the greater of 3,400 square feet or 200% of the gross floor area of all the buildings on the site when the principal building was built, before 1980); and (ii) there will be no substantial adverse impact upon nearby properties.

TABLE 7-4a

Table 7-4a		*General Rule:* Every building site, garage space and related structure must conform to the applicable regulations shown, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts. (3) See Note 1 regarding special exceptions.								
Item	Regulation	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Garage space, in general	Garage parking spaces. *See Article 10.*	Minimum 2.0 (1.0 per DU for old stock housing); each must be enclosed or semi-enclosed and adjoin a driveway. Maximum 1.0 per 2,225 of building site area, not to exceed 4.0.			Minimum 2.0 per DU; must be enclosed.					N/A
	Minimum garage parking space dimensions	10 feet wide, 20 feet deep (for each required garage parking space).			10 feet wide, 20 feet deep (for each required garage parking space).					N/A
Garage doors or openings	Maneuvering area	See Article 10								N/A
	Door or opening facing front street line.	Prohibited unless: (i) the garage door is set back ten feet or more from the front yard, and (ii) there is only open area above the driveway for at least seven feet inward from the front yard, and (iii) any structure above the driveway (and within ten feet of the front yard) must be cantilevered or suspended			(May affect eligibility as QMDS. *See definitions in Article 2.*)					N/A

		from the building (no special posts or vertical supports being allowed).		
	Door or opening facing side street line	Prohibited unless: (i) the garage door is set back ten feet or more from the side street line, and (ii) there is only open area above the driveway for 10 at least seven feet inward from the side street line, and (iii) any structure above the driveway (and within ten feet of the side street line) must be cantilevered or suspended from the building (no special posts or vertical supports being allowed).	(May affect eligibility as QMDS. *See definitions in Article 2.*)	N/A
Garage accessory buildings	Limit on non-garage space	Max. 600 sq. ft. GFA in any accessory building containing garage space.	N/A	N/A

Note 1. Special Exceptions . The ZBA may issue a special exception for a parking area, garage or driveway in another location or with a different design than prescribed by this table, if it finds that: (i) the other location or design will not unreasonably interfere with available light and air and will not significantly alter access for fire-fighting and similar needs; (ii) the other location or design will prevent the destruction of a qualified tree; (iii) in the case of the remodeling of a principal building, the location requested is the same location as an existing parking area, garage or driveway; or (iv) the location or design requested is necessary for safety considerations.

TABLE 7-4b

Table 7-4b		*General Rule:* Every structure must conform to the applicable regulations shown, by District, in this table.("N/A" means the rule does not apply.) Exceptions/Special Rules: (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts.								
Item	Regulation	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Dwelling units	Maximum number per building site	One, plus one AQ			17.5 per acre. *See Note 9.*					One plus one AQ
Framed area, all buildings on a building site	Maximum area as a percentage of building site area	80%			100%. *See Note 4.*	100% for all dwelling types other than TH; 125% for TH. *See Note 4.*	100%. *See Note 4.*			N/A
Length or width, any building	Maximum horizontal dimension	N/A			130 feet. *See Note 3.*					N/A
Exterior materials, any building.	Type	N/A			Must be of equal grade and quality, all sides. *See Section 8-104.*					
Separation of DU's	Fire-rated wall	N/A			A four-hour firewall, or its equivalent, must separate adjoining dwelling units. *See Notes 3 and 5. See also Note 10 (PDD-TH7 only)*					
SF privacy protection	*See Note 8.*	N/A			Applies. *See Note 8. See also Note 10 (PDD-TH7 only)*					N/A

Accessory buildings *See Article 10 regarding garage space.*	Maximum number per building site	N/A	3		N/A
	Height, maximum	25 ft.			35 ft. *See Note 2.*
Principal buildings	Stories, maximum	2 and one-half	3		N/A
	Height, maximum, in feet	35, 25 in rear yard. *See Note 1*	35. *See Notes 1 and 7.*		35
	Minimum gross floor area, square feet	1,400 each DU	1,200 each DU	1,600 each DU	1,300
	Width, feet (min,), outside to outside	N/A	16, each DU		N/A
Height and screening of rooftop mechanical equipment	*See Note 11.*	N/A			Applies

Note 1. Antennas and Chimneys. Roof-mounted radio or television antennas on a principal building in a residential district may project up to four feet above the roof. The maximum height of chimneys attached to a principal building is the greater of 35 feet or four feet above the roof.

Note 2. Height In C District. In the C District, no part of any structure (except a fence) may be higher than the horizontal distance from that part to the nearest part of an SF District.

Note 3. Building Detail, TH, PDD-TH and GR Districts. To separate buildings, there must be open area at least five feet wide maintained so that firefighters with hoses could pass through.

Note 4. Framed Area In QMDS. Allowed square footage for a given building site is calculated by multiplying the allowable percentage by (a) the building site's area plus (b) an allocated part of any common use areas in the same QMDS (e.g., access easements, private streets, alleys,

reserves, etc. that are not part of a building site). The allocated part is proportional to the building site's area divided by the area of all building sites in the same QMDS.

Note 5. Building Code. Separation requirements are in addition to other requirements of building codes and other ordinances. See Code of Ordinances.

Note 6. Height in GR-1, GR-2. Principal buildings in GR-1 or GR-2 Districts may be three stories high, but subject to the lower height limits prescribed for projecting spaces. *See* Table 7-2, Note 7.

Note 7. Certain Projecting Buildings . Special height rules apply to buildings projecting into yards. See Tables 7-2 and 7-6.

Note 8. SF privacy protection . On a building site where this applies, there may not be a direct sight line from any "third-floor viewpoint" to any point in an "SF privacy zone." A "third-floor viewpoint" is any viewpoint on a "third-floor area" at eye level (six feet) or lower. A "third-floor area" is any floored area (indoors or outdoors) where the floor is 18 feet or higher. The "SF privacy zone" includes every point: (i) within 100 feet of the third floor viewpoint in question, (ii) on a building site in an SF District, and (iii) below 20 feet in height. See Figure SFP.

Note 9. Calculation of DU's Per Acre . In a QMDS only, the total number of DU's is divided by the total acreage of the QMDS to calculate the number of DU's per acre.

Note 10. Spacing of Dwelling Units in PDD-TH7 . Except where dwelling units are separated by common walls, the minimum distance between dwelling units shall be as follows: (i) No part of any dwelling unit may be closer than five feet to another dwelling unit. (ii) No window may be closer than 50 feet to a facing window to living space in another dwelling unit. (iii) Neither eaves nor balconies may be closer than 40 feet to a facing window to living space in another dwelling unit. (iv) Neither windows to living space nor balconies may be closer than 20 feet to any facing wall of another dwelling unit.

Note 11. Rooftop Mechanical Equipment. In the C, TCC and PDD-C1 districts, any rooftop mechanical equipment, whether new or replacement equipment, shall be accommodated within the maximum building height limit and shall be fully screened from off-site and street area views through design and materials consistent with the overall design and colors of the principal building. This may include use of sloped roofs, a low parapet wall or other architectural elements that conceal flat roof areas where mechanical equipment is mounted, provided that all such building features comply with and do not project above the maximum building height limit.

Note 12. Building Placement and Maximum Height in TCC. In TCC, the following height restriction shall apply: (i) Principal buildings shall be located in the front 60 feet of the building site and shall be limited to 2 stories and 35 feet in height, including any rooftop mechanical equipment. (ii) Accessory structures shall be located in the rear 70 feet of the building site and shall be limited to 35 feet in height, including any rooftop mechanical equipment. (iii) Any rooftop mechanical equipment, whether new or replacement, shall be fully screened from off-site and street area views through design and materials consistent with the overall design and colors of the principal building. This may include use of sloped roofs, a low parapet wall or other architectural elements that conceal flat roof areas where mechanical equipment is mounted, provided that all such building features comply with and do not project above the maximum building height limit.

Note 13. Street Level Orientation in TCC. In TCC, the first floor of all buildings shall be at grade level. Elevated structures with open areas or parking below the second floor are not permitted.

Table 7-5a

Table 7-5a		*General Rule:* Every building site, vehicular area and related structure must conform to the applicable regulations shown, by District, in this table. ("N&A" means the rule does not apply.) *Exceptions/ Special Rules* : (1) *See* special rules noted in table. (3) *See* Article 9 regarding Planned Development Districts. (3) *See* Note 7 regarding special exceptions. (4) *See* Article 10.								
Item	Regulation	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Off-street parking spaces and parking areas *Other regulations apply; see, e.g. Article 10*	Number, location, size, design	Depends on land use, layout, etc. *See this Table, Table 7-4a, and Article 10 (including maneuvering areas, design requirements, "same site" rule, yards, street areas, loading spaces, etc.).*								
	Grouping or sharing.	Not allowed, except in a QMDS platted parking reserve serving two or more DU's. *But see Note 2.*								
	Use of parking areas	Parking spaces for non-SFD uses may only be used for motor vehicle parking. *See Note 3.*								
	Maneuvering areas	*See Article 10.*								
Emergency accessway	Minimum width *See Note 1.*	20 ft, via public or private street, to each principal building and each DU (or to an adjacent open area accessible to firefighters and equipment). Other regulations also apply, e.g, fire code.								
Driveways and private streets *Other regulations*	Minimum width *See Note 1.*	For SFD use: nine ft. For non-SFD residential use: 10 feet, or 17 feet if two-way and serving three or more DU's.								
	Maximum	For SFD use: (i) Driveway serving any single-bay garage: 12 feet. (ii) Driveway								

apply; see, e.g. Article 10.	width (in front yard or street area) *See Note 1.*	in a front yard serving rear garage or side-facing garage: 12 feet. (iii) Driveway in side street area of a corner site serving a side-facing garage with three or more bays: 30 feet; (iv) Any other driveway: 20 feet. For other residential uses: 24 ft. (or 35 feet if connecting to a major thoroughfare). For all other uses: 30 feet (or 35 feet if connecting to a major thoroughfare).	
	Maximum length	For non-SFD uses: 160 feet, driving distance to the nearest street area, measured along centerline from farthest end point. A longer driveway is allowed if there is an approved turnaround or second means of egress, or if the driveway is platted as part of the common area in a QMDS.	
	Route, location	*See Note 6*	N&A
	Spacing	For non-SFD uses: There must be at least 40 feet between the "inside" apron edges (at their narrowest points) of driveways serving the same building site.	
Pavement	Required type *See Note 4.*	For SFD use: Hard-surfaced or pervious pavement required for each required driveway and parking space; twin "ribbons" of pavement are permitted. For all other uses: Reinforced concrete, with curbs and drains required for all vehicular areas. *Exceptions: (i) See* Table 7-3 (pervious pavement) and Note 4, below. (ii) See Article 10 regarding "overhang."	
Markings; wheel stops.	Required type	For non-SFD uses: Parking spaces must be clearly marked on the pavement, and wheel stops are required. *See Note 12.*	
Curb cuts *Other regulations apply; see, e.g. Article 10 and Chapter 70 of the Code of Ordinances.*	Number	For SFD use: Maximum one per designated building site abutting the street. For non-SFD uses: Maximum one per 50-ft. segment of street line. *See Note 5.*	
	Max. width per 50-ft. segment of street line	Four feet (for aprons) plus the maximum driveway width allowed. Each curb cut must be confined to the part of the street area that directly abuts the building site(s) served. *See Note 1.*	

Visibility triangles	Forbidden structures, plants and other things	See Chapter 82 of the Code of Ordinances.

Note 1. Width measurement methods . Minimum driveway width refers to unobstructed vehicular access path and, for non-SFD use, pavement. Maximum driveway width refers to maximum width of pavement in a front yard or street area, excluding complying curb cut aprons. Maximum curb cut width refers to the width of the driveway plus aprons, measured at the edge of the roadway.

Note 2. Grouped or shared parking . Article 10 also provides for a special exception, in certain circumstances.

Note 3. Parking exclusivity (non-SFD uses) . Required parking spaces must be kept open, readily accessible and used for parking only, with no sales, dead storage, display, repair work, dismantling or servicing of any kind. Required guest parking spaces must be kept open and reserved for that use only.

Note 4. Pavement . The ZBA may issue a special exception to allow other materials if it finds that they will provide equal or better durability.

Note 5. Curb cuts. The ZBA may issue a special exception for additional curb cuts. Exception: The Administrative Official may authorize additional curb cuts for a corner site when in compliance with the requirements for two curb cuts for circular driveways specifically allowed by Chapter 70 of the Code of Ordinances. These additional curb cuts are not prohibited and do not require a special exception.

Note 6. Route; Alternating Driveways . Each driveway must connect garage space to the street by the most direct route. On narrow sites where alternate side yard areas apply (see "Yards" table), the following special restrictions also apply: (A) there must be a driveway located as nearly as practicable to one side of the site; (B) the side is determined in accordance with the established driveway pattern for the block face in question, if there is such a pattern; and (C) if there is no such pattern, and if there is an adjacent driveway on one adjoining building site but not the other, the driveway must be on the side farthest from the adjoining driveway. Exceptions: (i) this paragraph does not prohibit circular driveways specifically permitted under another ordinance of the City, and (ii) a driveway may be curved or moved away from the most direct route to the extent reasonably necessary to avoid destroying or seriously injuring a tree.

Note 7. Special Exceptions . The ZBA may issue a special exception for a parking area, garage or driveway (or other maneuvering area) in another location or with a different design than prescribed by this ordinance, if it finds that: (i) the other location or design will not unreasonably interfere with available light and air and will not significantly alter access for fire-fighting and similar needs; (ii) the other location or design will prevent the destruction of a qualified tree; (iii) in the case of the remodeling of a principal building, the location requested is the same location as an existing parking area, garage or driveway; or (iv) the location or design requested is necessary for safety considerations.

Note 8. Curb Cuts in PDD-TH1 . (i) If a building site abuts both Bellaire Boulevard and another street, then all vehicular access shall be from the other street, and no more than two curb cuts shall be allowed. However, in the case of the development of Lots 6, 7, 8, 9 and the east ten feet of Lot 10, Block 1, Kent Place Addition, if Lot 6 is included in the same building site or in a joint development with the other lots, vehicular access shall be limited to one curb cut on Mercer

Street. (ii) If a building site abuts only Bellaire Boulevard, vehicular access shall be limited to two curb cuts.

Note 9. Curb Cuts in PDD-TH5 . (i) If a building site abuts both Academy and Bissonnet, no curb cuts on Bissonnet and no more than two curb cuts on Academy are permitted. (ii) If a building site abuts only Bissonnet, there may be no more than two curb cuts.

Note 10. Driveways in PDD-TH7. Cul-de-sac driveways in PDD-TH7 may not exceed 50 feet in length, or 200 feet if a terminus is provided with dimensions adequate for turning.

Note 11. Curb Cuts in PDD-TH2. (i) If a building site abuts both Kirby Drive and another street, there may be one curb cut on Kirby Drive and on each other abutting street. (ii) If a building site abuts only Kirby Drive, vehicular access shall be limited to two curb cuts.

Note 12. Curbs as Wheel Stops. Curbs may be used as wheel stops. Area outside a curb-wheel stop counts toward minimum parking space dimensions if actually usable as "overhang" and not needed for maneuvering area.

TABLE 7-5b

Table 7-5b		*General Rule:* Every structure must conform to the applicable regulations shown, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) See special rules noted in table. (3) See Article 9 regarding Planned Development Districts.								
Item	Regulation	PDD-SF-1	PDD-SF-2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Swimming pools	Maximum number per building site	One. *See Note 1.*			*See Note 2.*					
Tennis courts	Maximum number per building site	One (may only be a private tennis court). *See Note 1.*								
All structures *See, also, Article 8.*	Height, maximum	25 feet. *But see "Buildings" table for certain building height limits.*								35 ft. *See Note 3.*

Note 1. *Tennis Courts., Swimming Pools in SF Districts* . Each tennis court in a SF District must: (i) be a private accessory structure for a single building site, (ii) be used for residential purposes only, (iii) be open to the sky, but enclosed and screened to a height of at least eight feet on all sides, and (iv) never be lighted for play. Each swimming pool in an SF District must be a private accessory structure for a single building site and used for residential purposes only.

Note 2. *Swimming Pools, Tennis Courts In TH Districts* . The ZBA may issue a special exception for a tennis court or a swimming pool if the ZBA finds that the proposed facility will not create a drainage or noise problem and will not cause a significant increase in traffic on nearby streets. Tennis courts and swimming pools must comply with the tennis court and swimming pool regulations in the SF Districts, but may serve commonly-platted or restricted sites. See Note 1.

Note 3. *Height in C District* . In the C District, no part of any structure (except a fence) may be higher than the horizontal distance from that part to the nearest part of an SF District.

Note 4. *Utility Poles* . An ordinary utility pole owned by a franchisee of the City may be up to 43 feet high, if the administrative official certifies that the additional height is necessary to separate wires of different voltages and capacities from each other and from the ground, applying standard technical codes and utility safety guidelines.

Exhibit "I-2"

~~Excerpts from~~**West University Place Zoning Ordinance – Proposed PDD-SF~~2~~3**

Table 5-~~1, cont.~~ 1

General Rule: This table prescribes the minimum dimensions for building sites, by District. ("DU" means "dwelling unit.") *Exceptions/Special Rules:* (1) See PDD Schedules for planned development districts. (2) See special notes in table. (3) The Z&PC may establish different dimensions by approving a plan, plat or replat (see Article 5).

Item	Measurement	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7		PDD-C1
Old building sites (before October 24, 1987) *See Notes 1 and 2*	Width, minimum	50 ft.			N/A						50 ft.
	Depth, minimum	100 ft.			N/A						N/A
	Area, minimum	5,000 sq. ft.			2,000 sq. ft. per DU						5,000 sq. ft.
New building sites (on or after October 24, 1987) *See Note 3.*	Width, minimum	75 ft.			N/A						50 ft.
	Depth, minimum	110 ft.			N/A						N/A

Area, minimum	8,250 sq. ft.	2,000 sq. ft. per DU		5,000 sq. ft.

Note 1. 4,500 Square Foot Exception . A structure may be located on an old building site with at least 40 feet of width and at least 4,500 square feet of total area, if the building site: (i) was improved with a principal building in existence on the 1987 effective date or for any period of twenty consecutive years prior to the 1987 effective date, under circumstances where there was no additional land used for the building site, and (ii) was created by subdivision plat and not made smaller thereafter except to provide public right of way or to accommodate physical encroachments, or as specifically allowed by Article 5.

Note 2. 4,300 Square Foot Exception. A structure may be located on an old building site with at least 40 feet of width and at least 4,300 square feet of total area, if the building site: (i) was created by subdivision plat approved by the city council or the Z&PC, (ii) has not been made smaller thereafter for any reason.

Note 3. Certain Re-Subdivisions After October 24, 1987 . A subdivided lot in a SF-1, SF-3 or GR-1 District may be further subdivided to produce a building site with less than seventy-five (75) feet of width or less than one hundred ten (110) feet of depth if all applicable procedures under state law and the City's ordinances, rules and regulations are followed and one of the following three sets of circumstances is present: (A) All portions of the subdivided lots are added to adjoining subdivided lots. (B) The number of lots is not increased, and all resulting lots have: (i) a depth greater than or equal to the depth of the shallowest lot before the re-subdivision, and (ii) a width greater than or equal to the width of the narrowest lot before the re-subdivision; provided that no resulting lot is irregularly shaped (unless it was so shaped before the re-subdivision). (C) A portion of the subdivided lot is needed for City use or utility or service use.

TABLE 7-1

Table 7-~~1, cont.~~ 1

General Rule: Within each District: uses marked "A" are allowed, uses marked "SE" are allowed only to the extent authorized by a special exception (see Note 3), and uses marked "X" are prohibited. *Exceptions/Special Rules:* (1) See PDD Schedules for planned development districts. (2) See special rules noted in table. The ZBA is authorized to issue all special exceptions mentioned in this Table.

Use Category	Specific Use	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-CI
Residential	Single-family (detached)	A *See Notes 1 and 7*								A
	Single-family (attached)		X *See Note 8*		A *See Note 1*		A *See Notes 1 and 7*	A *See Note 1*		X
	Other residential	X	X	X	X	X	X	X	X	X
Public and Semi-Public	Park, playground, or community center (public), school (public), place of worship	A *See Notes 1 and 3*								A *See Notes 3 and 4*
	Private green space	*See Notes 1 and 2*								
	School (other) *See Note 9*	X	X	X	X	X	X	X	X	X *See Note 3*

	Utility or service use. *See Art. 8* .	A *See Note 1*								
	PWSF use.	A or SE *See PWSF Schedule. See Note 1*								
Commercial *See Article 8 regarding certain sexually oriented businesses.*	Light commercial	X	*See Note 5*	See Notes 12 & 13	X	X	X	X	X	*See Notes 6 and 11*
	Medium commercial	X	*See Note 5*		X	X	X	X	X	X
All other uses		X	X	X	X	X	X	X	X	X

Note 1. High-density occupancies in SF District . High-density occupancies are allowed in SF Districts only to the extent authorized by a special exception. The ZBA may issue such a special exception if it finds and determines that the occupancy is a use that is (i) accessory to a lawful primary use and (ii) reasonably compatible with nearby sites and their uses (in addition to any other findings and determinations required for a special exception). *Note* : A previously-issued special exception that authorized a use with a high-density occupancy is sufficient to comply with this note.

Note 2. Private Green Space. Vineyards, gardens, landscaping, private playgrounds and other similar uses that are predominantly pervious, vegetated and non-commercial are allowed in all districts. Unless otherwise authorized by a special exception, the only structures allowed are fences, playground equipment and landscaping structures (e.g., low, retaining walls, borders, etc.). The ZBA may issue a special exception to authorize other structures. The special exception shall include a site plan specifying and limiting allowable structures. If so ordered by the ZBA, the site plan controls over any other ordinance to the contrary. However, the site plan may not specify yards (or "setbacks") different from those otherwise required, unless the ZBA finds that the different yards are: (i) necessary for efficient use of the available space and (ii) compatible with nearby sites and their uses. The special exception may allow accessory structures without a principal building.

Note 3. Accessory Uses and Structures. In the indicated districts, the ZBA may issue a special exception to authorize additional uses and structures, if the ZBA finds and determines that each additional use and structure is: (i) accessory to a lawful primary use and (ii) compatible with nearby sites and their uses. The special exception may include a site plan identifying and limiting such uses and structures.

Note 4. Park, Playground, Etc. In the C District, a park, playground or community center may be privately or publicly owned.

Note 5. Parking Use in PDD-SF2. The ZBA may issue a special exception to authorize parking of motor vehicles in connection with nearby commercial activities, upon approval by the ZBA of the types of vehicles, design of parking facilities (including landscaping, paving, lighting, fences or walls, signs, etc.) and curb cuts, all of which may be included as site-specific conditions of the special exception.

Note 6. Light Office Use in PDD-C1. The only commercial use allowed in PDD-C1 is light office use, meaning offices for conducting real estate, insurance and other similar businesses and the offices of the architectural, clerical, engineering, legal, dental, medical and other established and recognized professions, in which only such personnel are employed as are customarily required for the practice of such business or profession.

Note 7. Garden-style use in PDD-TH4 . "Garden-style" single family detached use is allowed in PDD-TH4 if authorized by a site plan meeting the requirements of Ordinance No. 1560, adopted October 12, 1998, which is continued in effect for the original site plan and for amendments and replacements of that plan. Such a site plan, after approval by ordinance in accordance with Article 14, controls over any provision elsewhere in this ordinance.

Note 8. Attached dwellings in PDD-SF3. Any existing attached dwellings which complied with the former Schedule PDD-TH3 (Browning Townhouse PDD) at the time of their construction have PNC status, under and subject to Article 12 of this ordinance. The minimum width for interior side yards for such dwelling units is zero where there is an existing common wall (or existing continuously-abutting separate walls) along the property line, in either case with a four-hour fire rating or better. The minimum number of parking spaces is two per dwelling unit, and additional guest parking is not required, notwithstanding other provisions of this ordinance or any special exception issued under this ordinance.

Note 9. School (other) . A special exception may authorize this use on sites wholly within the C District or partially within the C District and partially within another district.

Note 10. Uses in TCC. The only uses allowed in TCC are retail, light office use, and food service use. TCC does not allow for residential use of any kind, bars or club uses, entertainment venues, sexually oriented businesses, auto-intensive uses, gambling establishments, surgical or emergency clinics, or any medium commercial uses.

Note 11. Hours of operation. In the C, TCC and PDD-C1 districts, hours of operation for commercial uses shall not unreasonably impact the residential character of adjoining residential districts. All operations, including deliveries and other outdoor activity, shall comply with the City's noise regulations; see Chapter 54 of the Code of Ordinances. All commercial garbage and trash collection activities shall comply with Chapter 38 of the Code of Ordinances.

Note 12. Parking Lot Use in PDD-SF3. PDD-SF3 may be used for (i) parking, loading and unloading and sorting/inventory of contents of vehicles, trucks and vans (2 axels maximum) owned by AT&T and/or its employees only, as part of the telecommunications business only, limited to 7am-7pm Monday-Saturday except related to services to medical facilities, due to customer medical emergencies or catastrophic events (storms, terrorist events, etc.), or parking only, which may occur at other times, (ii) vehicles temporarily required for repairs/construction relating to the adjacent building under common ownership, limited to the term of a valid City building permit, (iii) no use (non-use is not abandonment), and (iv) any use permitted by a current special exception. Washing, refueling and mechanical services are prohibited, but minor emergency repairs (flat tire, dead battery, out of fuel, etc.) are permitted. Transporting personal items (including food) to and from vehicles and adjacent building under common ownership, and transporting trash, litter and materials to and from vehicles and waste storage areas is permitted. Resting and phone calls are permitted within vehicles. Structures are prohibited, unless permitted by a current special exception. The parking lot shall comply with City Code, including light and noise restrictions applicable to residential areas. The existing solid walls and gates, and the landscaping outside the walls must be maintained in good

condition. Monthly landscaping services are required. No exterior signage is permitted, except as required by law. Parking lot use on any lot in PDD-SF3 shall terminate upon: (i) independent sale of the lot, (ii) sale of all of AT&T's facility on Bellaire/Academy to an entity not in the telecommunications business. Merger of AT&T into another entity in the telecommunication business will not terminate the parking lot use.

Note 13. Access/Parking Limits in PDD-SF3 during Parking Lot Use. The following limitations apply to Parking Lot use: (i) access is prohibited from the parking lot to Ruskin St., (ii) parking/driving of vehicles owned by AT&T and/or its employees is prohibited on Ruskin St. and Cason St., except for residents/invited guests, and temporarily while providing telecommunication services to residents on those streets, and (iii) access to/from the parking lot shall be from Bellaire Blvd. via Academy St. to the parking lot except temporarily while providing telecommunication services to residents on those streets.

TABLE 7-2

Table 7-~~2, cont.~~ 2	*General Rule:* No part of any structure may be located within a part of a building site included within a yard defined, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) Structures may be located in yards to the extent allowed by the Projections Schedule. (2) See special rules noted in table. (3) See PDD Schedules for Planned Development Districts. (4) See additional setbacks in the PWSF Schedule.								
Item	Measurement	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-CI
Front yard	Distance from front street line.	20 feet if the building site depth is 110 feet or less; 25 feet if the building site depth is more than 110 feet but not more than 125 feet; 30 feet if the building site depth is more than 125 feet. *See Note 5* .			10 ft. See Note 7.				20 ft. (Mercer Street)	5 ft. (Bellaire Blvd.)
Interior side yard	Distance from side property line (each side).	Greater of 10% of building site width or 5 feet. *See Note 2.*			5 ft. *See Notes 4.1 and 4.2. See Note 7.*				20 ft. (south property line)	N/A
Street side yard	Distance from side street line.	Greater of 10% of building site width or 5 ft. *See Notes 2, 6* .			10 ft. *See Note 7* .				10 ft. (Bissonnet)	*See Note 8.*
Rear yard	Distance from rear property line.	20 ft. *See Note 1.*			20 ft. *See Note 1.*	10 ft. *See Note 1.*	20 ft. *See Note 1.*		5 ft. (west property line)	*See Note 8.*
SF ~~Bufferya~~	Distance from	N/A			20 ft. *See*	10 ft. *See*	20 ft. *See Note*		N/A	*See*

~~rd~~Buffer-yard	nearest part of an SF District	*Note 7.*	*Note 7.*	*7.*	*Note 8.*

Note 1. Through Lots or Building Sites or *Rear Through Lots or Building Sites.* If a lot or building site extends all the way through a block so that the front and rear both abut a street area, there is no rear yard. The site is a "through" or "rear through" lot or building site, and is considered to have two front yards, one at each street frontage. Front yard (setbacks) shall be as provided in Table 7-2. Exception: If the site is "flag" shaped or irregular, the "flag" portion shall have the same setback as the adjoining building sites fronting that street.

Note 2. Narrow Site "3/7" Exception. Alternate side yard areas apply to a building site meeting all four of the following criteria: (A) The building site is less than 55 feet wide. (B) The use is single-family (detached) use. (C) Outside the rear yard, no main wall surface of any building is closer than 10 feet to any main wall surface of a "prior building" on another building site (unless there are "prior buildings" on both sides, each within seven feet of the property line, in which case the minimum separation from a "prior building" is eight feet). A "prior building" is a building in existence, under construction or covered by a current building permit when a building permit is issued for the subsequent building. (D) The owner has designated alternate side setback areas in a form approved by the administrative official and in accordance with all of the following criteria: (1) Minimum setback, interior: 3 feet. (2) Minimum setback, street side: 5 feet. (3) Minimum setbacks, both sides combined: greater of 10 feet or 20% of the building site width. (4) On each side, the setback is uniform in width along its entire length. See Table 7-5a regarding "alternating driveway" rule.

Note 3. Rotated Corners. For rotated corner building sites (SF-1 District only), the minimum side street yard width is: (i) 10 feet if the building site width is 65 feet or less, (ii) 10 feet plus the distance by which the width of the building site exceed 65 feet, if the building site width is more than 65 feet but less than 75 feet, (iii) 20 feet if the building site width is 75 feet or more but less than 100 feet, or (iv) for building sites 100 feet wide or more, the side street yard width is determined by the same rules as the front yard depth, except that the "depth" of the building site is measured from the side street line.

Note 4.1. Common Walls. In the TH, GR-2, C, and all PDD-TH districts, the ZBA may issue a special exception for a zero-width side yard, but only upon application by both property owners and only if the special exception is conditioned upon the construction and maintenance of a common wall or continuously abutting separate walls (in either case with a four-hour fire rating or better) along the property line. See, also, Note 7, below, for QMDS.

Note 4.2. Common Walls in New Townhouse Construction. In all PDD-TH districts, where new townhouses are concurrently constructed on two or more abutting building sites along a block face, zero-width side yards are allowed by right wherever a common wall or continuously abutting separate walls will be constructed and maintained (in either case with a four-hour fire rating or better) along the property line. On each building site that contains the end townhouse in a row of attached townhouses on abutting sites, the interior side yard requirement, or the street side yard requirement for a corner site, shall apply along the side property line where a common wall or continuously abutting separate walls will not be constructed. See, also, Note 7, below, for QMDS.

Note 5. Major Thoroughfares. The ZBA may issue a special exception for a front yard less than 30 feet deep abutting a major thoroughfare, if the front yard prescribed is at least 10 feet deep, and if the special exception requires the greatest practicable amount of pervious area in the front yard.

Note 6. Special Exception. The ZBA may prescribe a different street side yard by special exception relating to frontage. See Article 8.

Note 7. Yards In QMDS. In a QMDS, yards are only required around the perimeter of the subdivision and are designated by the subdivision plat. See definition of QMDS. Standard projections into QMDS yards are allowed per the Projections Schedule. In addition:

(a) Front yard (GR-1 or GR-2 Only): A principal building with an internal access garage may project as close as 10 feet to the street area if, in the projecting part: (a) there is a first-floor porch or with at least 80 sq. ft. of floor space (open or screened) and no dimension smaller than seven feet; (b) above the porch or court, no more than half the usable floor space is enclosed (coverings and other floor space, including open or screened porches, are allowed above all the porch or court); (c) the cornice height does not exceed 27 feet; (d) there are no more than 2.5 stories; and (e) there is no garage space.

(b) Front yard: Bay windows, canopies and balconies at least 18 inches above grade may project up to 24 inches beyond the principal building. Steps and handrails may project up to 30 inches beyond the principal building.

(c) Rear Yard and SF Bufferyard. Buildings up to 10 feet high (measured from finished grade to top of roof plate) may project, but not closer than 10 feet to the property line.

Note 8. Yards in PDD-C1. In PDD-C1, the yards and street lines are as follows, notwithstanding other provisions of this ordinance: (i) The rear yard is the area within 20 feet of the rear property line (the line farthest from Bellaire Blvd.) of any building site, and for this purpose, the said rear property line shall be not in excess of 120 feet from the north right-of-way line of Bellaire Blvd. Exception: The rear yard upon Lot 2, Block 35, Colonial Terrace Addition (also known as the south 140 feet of Tract 9, Cambridge Place) is the area within 40 feet of the rear property line of said lot, said rear property line being located 140 north of the north right-of-way line of Bellaire Blvd. (ii) The street side yard is the area within ten feet of any side street line where the street area is 50 feet or less in width, or within five feet of any side street line where the street area is more than 50, but less than 70, feet wide. (iii) The front yard is the area within five feet of the front street line (which is the common boundary with Bellaire Boulevard). Any area outside of a building line established by ordinance or by recorded plat is considered part of the corresponding yard.

Note 9. Yards in TCC. In TCC, the front street line is designated as the common boundary of the building site and the Edloe Street street area. For building sites with a side street along Rice Boulevard, the side yard shall be zero feet. For building sites with a side street line along University Boulevard, the side yard shall be five feet. The rear yard may be reduced by any future reduction in the width of the utility easement along the Poor Farm Ditch.

TABLE 7-3

Table 7-~~3, cont.~~ 3

General Rule: Every building site must have the minimum open and pervious areas shown, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) See PDD Schedules for planned development districts. (2) See special rules noted in table. (3) See the Projections Schedule for details about calculating open and pervious areas.

Item	Measurement	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Open area	Front yard, minimum percentage.	60%.				N/A				N/A
	Rear yard, minimum percentage. *See Note 6.*	60%. *See Note 1.*				N/A				N/A
	Entire building site, minimum percentage.	40%				25%				N/A
Pervious area	Front yard, minimum percentage	50%				50% *See Note 2.*				N/A
	Entire building site, minimum percentage	24%				15%				N/A
	Landscaping strips	Required, except for SFD uses on building sites with 5,000 sq. ft. or more. *See Notes 3 and 5.*								
	Qualified trees	For SFD uses on building sites with 5,000 sq. ft. or more, there must be at least one qualified tree in the front yard or in the adjacent street area. For all other uses, each qualified tree required by this ordinance or Chapter 82 of the Code of Ordinance must be located within a contiguous and reasonably								

	compact pervious area containing at least 25 sq. ft. However, additional or better pervious area may be required to comply with Chapter 82.
Pervious pavement	In a QMDS only, pervious pavement is allowed to be used for all vehicular areas, and part of it may count as pervious area. *See Note 4.*
Parking areas, interior	Each parking area containing 21 or more parking spaces must contain interior pervious areas in "island" or "peninsula" configurations aggregating in area at least two square feet for each parking space.

Note 1. Rear Yard Adjacent to Non-SF . The ZBA may issue a special exception to reduce the requirement for open area in a rear yard in a SF District to not less than 40%, if the rear yard abuts a non-SF District.

Note 2. Pervious Area in QMDS . Front yard minimum pervious area requirement in a QMDS is 40%., or 30% for a front yard in a QMDS "low-impact motor court."

Note 3. Landscaping Strips . Vegetated pervious areas required as follows: (a) minimum five feet wide adjacent to each street area (or 3.5 ft. if located in front of a fence or wall at least 3.5 feet high), and (b) minimum 18 inches wide to separate each paved vehicular area from a fence or subdivision or replat boundary. Exception: Strips are not required along alleys or where they must be crossed by sidewalks or driveways. Strips along street areas must have live, evergreen shrubs (maximum spacing is 3.5 ft.) and live qualified trees under Chapter 82 of the Code of Ordinances (maximum spacing is 20 ft.). The administrative official may approve different spacing for shrubs or trees, upon a showing that (i) the spacing is allowed by standard urban forestry criteria for the particular species and location and (ii) the spacing will comply with Chapter 82. The ZBA may issue a special exception to allow a landscaping strip to be located in whole or in part within a street area, if the ZBA finds that the particular landscaping will, in all probability, be allowed to remain intact for at least 50 years and that it can be maintained and will function as well as a strip located completely on private property.

Note 4. Pervious Pavement . In a QMDS, the area of the holes or gaps (if actually pervious) counts toward pervious area requirements (but no more than 30% out of any area with pervious pavement may count).

Note 5. Visual Buffer Zone. In TCC, along the east edge of each property a landscaped buffer zone shall be established consisting of trees, shrubs, and other durable vegetation adequate to minimize the transmittal of light and provide a visual buffer between a use in TCC and adjacent SF district properties. Evergreen shrubs shall be planted to form a continuous hedge with no gaps. Shrubs shall be hardy species that will withstand freezing temperatures. The plants shall be at least 18 inches in height as measured from the surrounding soil line and shall have a maximum 18 inch width at the widest portion when planted. Shrubs shall be capable of growth to not less than 48 inches in height when measured from the surrounding soil line and shall form a continuous hedge within three annual growing seasons. Shrubs shall be maintained at a height that does not interfere with overhead utility lines. Trees planted in the buffer zone shall not interfere with overhead utility lines.

Note 6. Old Stock Housing. The ZBA may issue a special exception to reduce the open area requirement in the rear yard, if the ZBA determines: (i) the reduction is reasonably necessary to preserve or protect old stock housing as it then exists or as it may be proposed to be remodeled or expanded (up to a total gross floor area, for all buildings on the site, that does not exceed the

greater of 3,400 square feet or 200% of the gross floor area of all the buildings on the site when the principal building was built, before 1980); and (ii) there will be no substantial adverse impact upon nearby properties.

TABLE 7-4a

Table 7-4a~~, cont.~~

General Rule: Every building site, garage space and related structure must conform to the applicable regulations shown, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts. (3) See Note 1 regarding special exceptions.

Item	Regulation	PDD-SF1	PDD-SF2	PDD-~~TH1~~ SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1	
Garage space, in general	Garage parking spaces. *See Article 10.*	Minimum 2.0 (1.0 per DU for old stock housing); each must be enclosed or semi-enclosed and adjoin a driveway. Maximum 1.0 per 2,225 of building site area, not to exceed 4.0.			Minimum 2.0 per DU; must be enclosed.					Minimum 2.0 per DU; must be enclosed.	N/A
	Minimum garage parking space dimensions	10 feet wide, 20 feet deep (for each required garage parking space).			10 feet wide, 20 feet deep (for each required garage parking space).					10 feet wide, 20 feet deep (for each required garage parking space).	N/A
Garage doors or openings	Maneuvering area	See Article 10								N/A	

Door or opening facing front street line.	Prohibited unless: (i) the garage door is set back ten feet or more from the front yard, and (ii) there is only open area above the driveway for at least seven feet inward from the front yard, and (iii) any structure above the driveway (and within ten feet of the front yard) must be cantilevered or suspended from the building (no special posts or vertical supports being allowed).	(May affect eligibility as QMDS. *See definitions in Article 2.*)	N/A
Door or opening facing side street line	Prohibited unless: (i) the garage door is set back ten feet or more from the side street line, and (ii) there is only open area above the driveway for 10 at least seven feet inward from the side street line, and (iii) any structure above the driveway (and within ten feet of the side street line) must be cantilevered or suspended from the building (no special posts or vertical supports being allowed).	(May affect eligibility as QMDS. *See definitions in Article 2.*)	N/A

Garage accessory buildings	Limit on non-garage space	Max. 600 sq. ft. GFA in any accessory building containing garage space.	N/A	N/A

Note 1. Special Exceptions . The ZBA may issue a special exception for a parking area, garage or driveway in another location or with a different design than prescribed by this table, if it finds that: (i) the other location or design will not unreasonably interfere with available light and air and will not significantly alter access for fire-fighting and similar needs; (ii) the other location or design will prevent the destruction of a qualified tree; (iii) in the case of the remodeling of a principal building, the location requested is the same location as an existing parking area, garage or driveway; or (iv) the location or design requested is necessary for safety considerations.

TABLE 7-4b

Table 7-4b~~, cont.~~		*General Rule:* Every structure must conform to the applicable regulations shown, by District, in this table.("N/A" means the rule does not apply.) Exceptions/Special Rules: (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts.								
Item	Regulation	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Dwelling units	Maximum number per building site	One, plus one AQ			17.5 per acre. *See Note 9.*					One plus one AQ
Framed area, all buildings on a building site	Maximum area as a percentage of building site area	80%			100%. *See Note 4.*	100% for all dwelling types other than TH; 125% for TH. *See Note 4.*	100%. *See Note 4.*			N/A
Length or width, any building	Maximum horizontal dimension	N/A			130 feet. *See Note 3.*					N/A
Exterior materials, any building.	Type	N/A			Must be of equal grade and quality, all sides. *See Section 8-104.*					
Separation of DU's	Fire-rated wall	N/A			A four-hour firewall, or its equivalent, must separate adjoining dwelling units. *See Notes 3 and 5. See also Note 10 (PDD-TH7 only)*					
SF privacy protection	*See Note 8.*	N/A			Applies. *See Note 8. See also Note 10 (PDD-TH7 only)*					N/A

Accessory buildings *See Article 10 regarding garage space.*	Maximum number per building site	N/A	3		N/A
	Height, maximum		25 ft.		35 ft. *See Note 2.*
	Stories, maximum	2 and one-half	3		N/A
Principal buildings	Height, maximum, in feet	35, 25 in rear yard. *See Note 1*	35. *See Notes 1 and 7.*		35
	Minimum gross floor area, square feet	1,400 each DU	1,200 each DU	1,600 each DU	1,300
	Width, feet (min,), outside to outside	N/A	16, each DU		N/A
Height and screening of rooftop mechanical equipment	*See Note 11.*		N/A		Applies

Note 1. Antennas and Chimneys. Roof-mounted radio or television antennas on a principal building in a residential district may project up to four feet above the roof. The maximum height of chimneys attached to a principal building is the greater of 35 feet or four feet above the roof.

Note 2. Height In C District. In the C District, no part of any structure (except a fence) may be higher than the horizontal distance from that part to the nearest part of an SF District.

Note 3. Building Detail, TH, PDD-TH and GR Districts. To separate buildings, there must be open area at least five feet wide maintained so that firefighters with hoses could pass through.

Note 4. Framed Area In QMDS. Allowed square footage for a given building site is calculated by multiplying the allowable percentage by (a) the building site's area plus (b) an allocated part of any common use areas in the same QMDS (e.g., access easements, private streets, alleys, reserves, etc. that are not part of a building site). The allocated part is proportional to the building site's area divided by the area of all building sites in the same QMDS.

Note 5. Building Code. Separation requirements are in addition to other requirements of building codes and other ordinances. See Code of Ordinances.

Note 6. Height in GR-1, GR-2. Principal buildings in GR-1 or GR-2 Districts may be three stories high, but subject to the lower height limits prescribed for projecting spaces. *See* Table 7-2, Note 7.

Note 7. Certain Projecting Buildings . Special height rules apply to buildings projecting into yards. See Tables 7-2 and 7-6.

Note 8. SF privacy protection . On a building site where this applies, there may not be a direct sight line from any "third-floor viewpoint" to any point in an "SF privacy zone." A "third-floor viewpoint" is any viewpoint on a "third-floor area" at eye level (six feet) or lower. A "third-floor area" is any floored area (indoors or outdoors) where the floor is 18 feet or higher. The "SF privacy zone" includes every point: (i) within 100 feet of the third floor viewpoint in question, (ii) on a building site in an SF District, and (iii) below 20 feet in height. See Figure SFP.

Note 9. Calculation of DU's Per Acre . In a QMDS only, the total number of DU's is divided by the total acreage of the QMDS to calculate the number of DU's per acre.

Note 10. Spacing of Dwelling Units in PDD-TH7 . Except where dwelling units are separated by common walls, the minimum distance between dwelling units shall be as follows: (i) No part of any dwelling unit may be closer than five feet to another dwelling unit. (ii) No window may be closer than 50 feet to a facing window to living space in another dwelling unit. (iii) Neither eaves nor balconies may be closer than 40 feet to a facing window to living space in another dwelling unit. (iv) Neither windows to living space nor balconies may be closer than 20 feet to any facing wall of another dwelling unit.

Note 11. Rooftop Mechanical Equipment. In the C, TCC and PDD-C1 districts, any rooftop mechanical equipment, whether new or replacement equipment, shall be accommodated within the maximum building height limit and shall be fully screened from off-site and street area views through design and materials consistent with the overall design and colors of the principal building. This may include use of sloped roofs, a low parapet wall or other architectural elements that conceal flat roof areas where mechanical equipment is mounted, provided that all such building features comply with and do not project above the maximum building height limit.

Note 12. Building Placement and Maximum Height in TCC. In TCC, the following height restriction shall apply: (i) Principal buildings shall be located in the front 60 feet of the building site and shall be limited to 2 stories and 35 feet in height, including any rooftop mechanical equipment. (ii) Accessory structures shall be located in the rear 70 feet of the building site and shall be limited to 35 feet in height, including any rooftop mechanical equipment. (iii) Any rooftop mechanical equipment, whether new or replacement, shall be fully screened from off-site and street area views through design and materials consistent with the overall design and colors of the principal building. This may include use of sloped roofs, a low parapet wall or other architectural elements that conceal flat roof areas where mechanical equipment is mounted, provided that all such building features comply with and do not project above the maximum building height limit.

Note 13. Street Level Orientation in TCC. In TCC, the first floor of all buildings shall be at grade level. Elevated structures with open areas or parking below the second floor are not permitted.

~~TABLE~~Table 7-5a

Table 7-5a~~, cont.~~		*General Rule:* Every building site, vehicular area and related structure must conform to the applicable regulations shown, by District, in this table. ("N&A" means the rule does not apply.) *Exceptions/ Special Rules* : (1) *See* special rules noted in table. (3) *See* Article 9 regarding Planned Development Districts. (3) *See* Note 7 regarding special exceptions. (4) *See* Article 10.								
Item	Regulation	PDD-SF1	PDD-SF2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Off-street parking spaces and parking areas *Other regulations apply; see, e.g. Article 10*	Number, location, size, design	Depends on land use, layout, etc. *See this Table, Table 7-4a, and Article 10 (including maneuvering areas, design requirements, "same site" rule, yards, street areas, loading spaces, etc.).*								
	Grouping or sharing.	Not allowed, except in a QMDS platted parking reserve serving two or more DU's. *But see Note 2.*								
	Use of parking areas	Parking spaces for non-SFD uses may only be used for motor vehicle parking. *See Note 3.*								
	Maneuvering areas	*See Article 10.*								
Emergency accessway	Minimum width *See Note 1.*	20 ft, via public or private street, to each principal building and each DU (or to an adjacent open area accessible to firefighters and equipment). Other regulations also apply, e.g, fire code.								
Driveways and private streets *Other regulations*	Minimum width *See Note 1.*	For SFD use: nine ft. For non-SFD residential use: 10 feet, or 17 feet if two-way and serving three or more DU's.								
	Maximum width (in	For SFD use: (i) Driveway serving any single-bay garage: 12 feet. (ii) Driveway in a front yard serving rear garage or side-facing garage: 12 feet. (iii)								

apply; see, e.g. Article 10.	front yard or street area) *See Note 1.*	Driveway in side street area of a corner site serving a side-facing garage with three or more bays: 30 feet; (iv) Any other driveway: 20 feet. For other residential uses: 24 ft. (or 35 feet if connecting to a major thoroughfare). For all other uses: 30 feet (or 35 feet if connecting to a major thoroughfare).
	Maximum length	For non-SFD uses: 160 feet, driving distance to the nearest street area, measured along centerline from farthest end point. A longer driveway is allowed if there is an approved turnaround or second means of egress, or if the driveway is platted as part of the common area in a QMDS.
	Route, location	*See Note 6* N&A
	Spacing	For non-SFD uses: There must be at least 40 feet between the "inside" apron edges (at their narrowest points) of driveways serving the same building site.
Pavement	Required type *See Note 4.*	For SFD use: Hard-surfaced or pervious pavement required for each required driveway and parking space; twin "ribbons" of pavement are permitted. For all other uses: Reinforced concrete, with curbs and drains required for all vehicular areas. *Exceptions: (i) See* Table 7-3 (pervious pavement) and Note 4, below. (ii) See Article 10 regarding "overhang."
Markings; wheel stops.	Required type	For non-SFD uses: Parking spaces must be clearly marked on the pavement, and wheel stops are required. *See Note 12.*
Curb cuts *Other regulations apply; see, e.g. Article 10 and Chapter 70 of the Code of Ordinances.*	Number	For SFD use: Maximum one per designated building site abutting the street. For non-SFD uses: Maximum one per 50-ft. segment of street line. *See Note 5.*
	Max. width per 50-ft. segment of street line	Four feet (for aprons) plus the maximum driveway width allowed. Each curb cut must be confined to the part of the street area that directly abuts the building site(s) served. *See Note 1.*
Visibility triangles	Forbidden structures, plants and	See Chapter 82 of the Code of Ordinances.

other things

Note 1. Width measurement methods . Minimum driveway width refers to unobstructed vehicular access path and, for non-SFD use, pavement. Maximum driveway width refers to maximum width of pavement in a front yard or street area, excluding complying curb cut aprons. Maximum curb cut width refers to the width of the driveway plus aprons, measured at the edge of the roadway.

Note 2. Grouped or shared parking . Article 10 also provides for a special exception, in certain circumstances.

Note 3. Parking exclusivity (non-SFD uses) . Required parking spaces must be kept open, readily accessible and used for parking only, with no sales, dead storage, display, repair work, dismantling or servicing of any kind. Required guest parking spaces must be kept open and reserved for that use only.

Note 4. Pavement . The ZBA may issue a special exception to allow other materials if it finds that they will provide equal or better durability.

Note 5. Curb cuts. The ZBA may issue a special exception for additional curb cuts. Exception: The Administrative Official may authorize additional curb cuts for a corner site when in compliance with the requirements for two curb cuts for circular driveways specifically allowed by Chapter 70 of the Code of Ordinances. These additional curb cuts are not prohibited and do not require a special exception.

Note 6. Route; Alternating Driveways . Each driveway must connect garage space to the street by the most direct route. On narrow sites where alternate side yard areas apply (see "Yards" table), the following special restrictions also apply: (A) there must be a driveway located as nearly as practicable to one side of the site; (B) the side is determined in accordance with the established driveway pattern for the block face in question, if there is such a pattern; and (C) if there is no such pattern, and if there is an adjacent driveway on one adjoining building site but not the other, the driveway must be on the side farthest from the adjoining driveway. Exceptions: (i) this paragraph does not prohibit circular driveways specifically permitted under another ordinance of the City, and (ii) a driveway may be curved or moved away from the most direct route to the extent reasonably necessary to avoid destroying or seriously injuring a tree.

Note 7. Special Exceptions . The ZBA may issue a special exception for a parking area, garage or driveway (or other maneuvering area) in another location or with a different design than prescribed by this ordinance, if it finds that: (i) the other location or design will not unreasonably interfere with available light and air and will not significantly alter access for fire-fighting and similar needs; (ii) the other location or design will prevent the destruction of a qualified tree; (iii) in the case of the remodeling of a principal building, the location requested is the same location as an existing parking area, garage or driveway; or (iv) the location or design requested is necessary for safety considerations.

Note 8. Curb Cuts in PDD-TH1 . (i) If a building site abuts both Bellaire Boulevard and another street, then all vehicular access shall be from the other street, and no more than two curb cuts shall be allowed. However, in the case of the development of Lots 6, 7, 8, 9 and the east ten feet of Lot 10, Block 1, Kent Place Addition, if Lot 6 is included in the same building site or in a joint development with the other lots, vehicular access shall be limited to one curb cut on Mercer Street. (ii) If a building site abuts only Bellaire Boulevard, vehicular access shall be limited to two curb cuts.

Note 9. Curb Cuts in PDD-TH5 . (i) If a building site abuts both Academy and Bissonnet, no curb cuts on Bissonnet and no more than two curb cuts on Academy are permitted. (ii) If a building site abuts only Bissonnet, there may be no more than two curb cuts.

Note 10. Driveways in PDD-TH7. Cul-de-sac driveways in PDD-TH7 may not exceed 50 feet in length, or 200 feet if a terminus is provided with dimensions adequate for turning.

Note 11. Curb Cuts in PDD-TH2. (i) If a building site abuts both Kirby Drive and another street, there may be one curb cut on Kirby Drive and on each other abutting street. (ii) If a building site abuts only Kirby Drive, vehicular access shall be limited to two curb cuts.

Note 12. Curbs as Wheel Stops. Curbs may be used as wheel stops. Area outside a curb-wheel stop counts toward minimum parking space dimensions if actually usable as "overhang" and not needed for maneuvering area.

TABLE 7-5b

Table 7-5b~~, cont.~~	*General Rule:* Every structure must conform to the applicable regulations shown, by District, in this table. ("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) See special rules noted in table. (3) See Article 9 regarding Planned Development Districts.								
Item	Regulation	PDD-SF-1	PDD-SF-2	PDD-SF3	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Swimming pools	Maximum number per building site	One. *See Note 1.*					*See Note 2.*			
Tennis courts	Maximum number per building site	One (may only be a private tennis court). *See Note 1.*								
All structures *See, also, Article 8.*	Height, maximum	25 feet. *But see "Buildings" table for certain building height limits.*								35 ft. *See Note 3.*

Note 1. Tennis Courts., Swimming Pools in SF Districts . Each tennis court in a SF District must: (i) be a private accessory structure for a single building site, (ii) be used for residential purposes only, (iii) be open to the sky, but enclosed and screened to a height of at least eight feet on all sides, and (iv) never be lighted for play. Each swimming pool in an SF District must be a private accessory structure for a single building site and used for residential purposes only.

Note 2. Swimming Pools, Tennis Courts In TH Districts . The ZBA may issue a special exception for a tennis court or a swimming pool if the ZBA finds that the proposed facility will not create a drainage or noise problem and will not cause a significant increase in traffic on nearby streets. Tennis courts and swimming pools must comply with the tennis court and swimming pool regulations in the SF Districts, but may serve commonly-platted or restricted sites. See Note 1.

Note 3. Height in C District . In the C District, no part of any structure (except a fence) may be higher than the horizontal distance from that part to the nearest part of an SF District.

Note 4. Utility Poles . An ordinary utility pole owned by a franchisee of the City may be up to 43 feet high, if the administrative official certifies that the additional height is necessary to separate

wires of different voltages and capacities from each other and from the ground, applying standard technical codes and utility safety guidelines.

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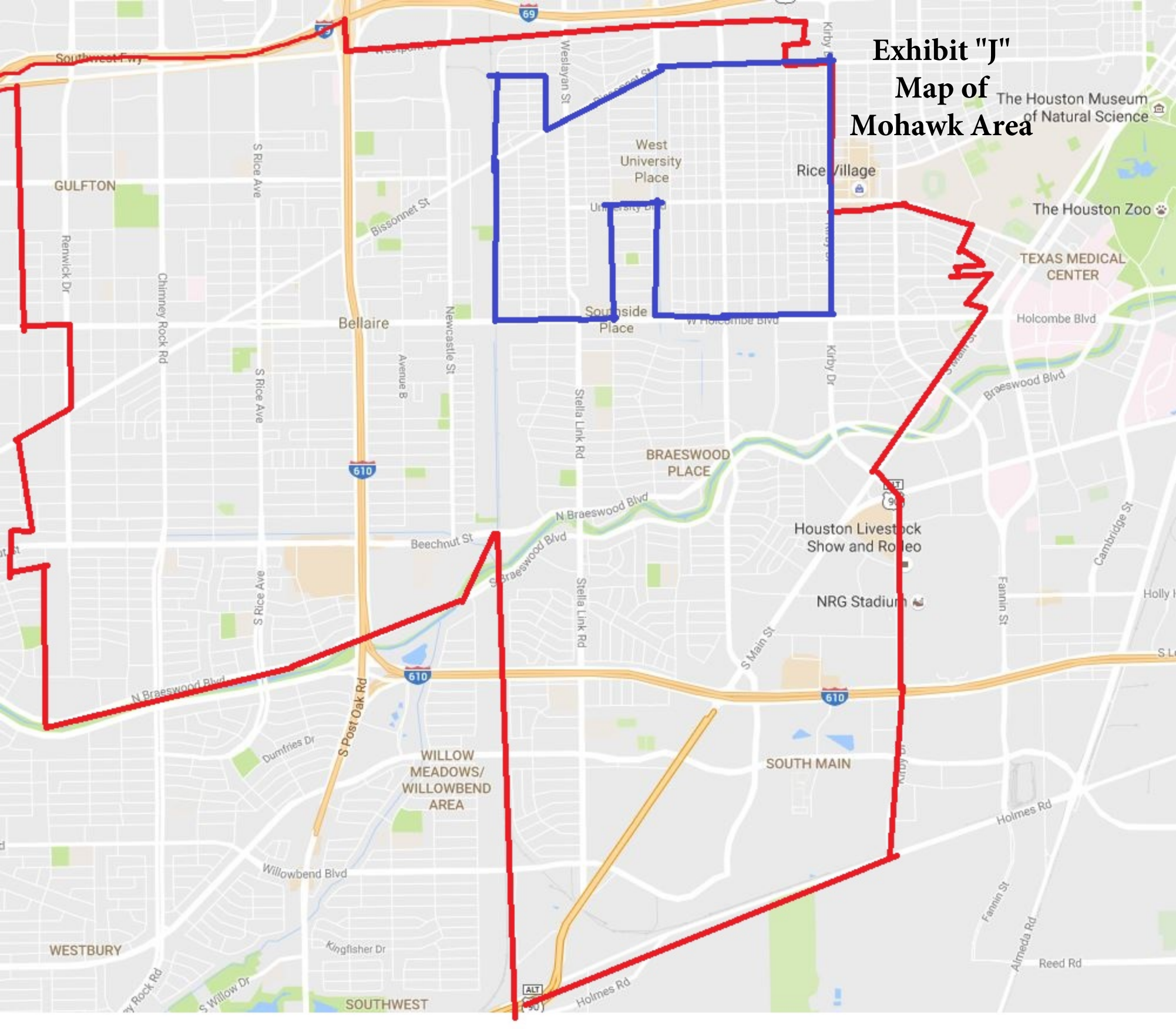
Exhibit "J"
Map of
Mohawk Area



Agenda Item #3

City of West University Place
Harris County, Texas

Ordinance No. ____

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON A PROPOSAL TO AMEND THE ZONING ORDINANCE AND CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS REGARDING FENCE-LIKE HEDGES; PRESCRIBING PROCEDURES AND NOTICES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") has submitted a preliminary report on a proposal to amend the zoning ordinance of the City, as last reformatted and re-adopted by Ordinance No. 2005, adopted March 9, 2015, and as amended thereafter ("Zoning Ordinance"); and

WHEREAS, the preliminary report also proposes amendments to the Code of Ordinances of the City; and

WHEREAS, the Z&PC's preliminary report is attached to this ordinance as Exhibit A and made a part of this ordinance by reference; and

WHEREAS, the City Council desires to call a joint public hearing on such proposal;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE:

Section 1. The City Council hereby calls a joint public hearing before the City Council and Z&PC on the proposal described in Exhibit A. Unless rescheduled, the hearing shall be held in the Council Chamber of the Municipal Building, 3800 University Boulevard, West University Place, Texas 77005 during the City Council meeting set to begin at 6:30 p.m. on _____. The hearing may be recessed and continued to the City Council meeting set to begin at 6:30 p.m. on _____ at the same place, unless rescheduled. The City Manager may reschedule either date and time, or both, to accommodate other pending matters, but the rescheduled date(s) and time(s) may not be later than 30 days past the later of the two dates set by this ordinance.

Section 2. The purpose for the hearing is to provide an opportunity for parties in interest and citizens to be heard in relation to the proposal described in Exhibit A

Section 3. The procedures for adoption of the proposal shall be as follows: (1) notice as required by this ordinance, (2) hearing as called by this ordinance, (3) report by the Z&PC, and (4) vote by the City Council on the question of adoption. The

procedures for enforcing the proposal shall be as set out in the existing Zoning Ordinance. The proposal described in Exhibit A is hereby submitted and re-submitted to the Z&PC for its consideration.

Section 4. The City Secretary shall give notice of such hearing as prescribed by this section. The notice shall be in substantially the form set out in Exhibit B, which is attached and made a part of this ordinance by reference. The notice shall be published in the City's official newspaper (or another newspaper of general circulation in the City) at least once on or before the 16th day preceding the date of the hearing. In addition, the notice shall be mailed to the persons on the mailing list for the *City Currents* newsletter. The notices shall be deposited in the United States mail on or before the ninth day preceding the date of the hearing, properly addressed with postage prepaid. The notices may be included within the newsletter, or with utility bills or may be separate. The City Council specifically approves giving combined notice of two or more hearings in a single notice document, as this would save money and also provide better information about the full scope of possible amendments to all interested persons.

Section 5. The City staff is authorized to make all necessary arrangements for the hearing and to assist the Zoning and Planning Commission and the City Council.

Section 6. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 7. The City Council officially finds, determines and declares that sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended, and that such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 8. Because the proposal to amend the Zoning Ordinance is vitally important and should be considered at the earliest possible date, a state of emergency is declared requiring that this ordinance be read and adopted finally at this meeting. Accordingly, this ordinance shall be adopted finally on first reading and shall become effective immediately upon adoption and signature.

PASSED, APPROVED, ADOPTED AND SIGNED on _____, 20___.

Attest/Seal:_____ **Signed**:

City Secretary Mayor

Recommended:

_____

City Manager

Approved as to legal form:

_____

City Attorney

forms/ORD 54 o calling zoning hearing 7-06

Exhibit A

Zoning & Planning Commission

City of West University Place, Texas
3800 University Boulevard
West University Place, Texas 77005

September 13, 2018

Honorable Mayor &
Members of the City Council
City of West University Place
3808 University Boulevard
Houston, Texas 77005

Subject: Preliminary report on a proposal to amend the Zoning Ordinance and Code of Ordinances of the City of West University Place, Texas ("City") relating to FENCE-LIKE HEDGES.

To the Honorable Mayor
& Members of City Council:

The Zoning & Planning Commission of the City submits this, its preliminary report, on the subject proposal, for the assistance of the Council as well as other interested persons.

Scope of Proposal.

Existing ordinances restrict man made fences in front yards. This proposal restricts "fence-like hedges" or natural fences in front yard areas. A fence-like hedge is vegetation or foliage having the characteristics of a fence and growing higher than 36 inches. A sunset provision for non-complying fence-like hedges is proposed for a three year period to end on October 1, 2021.

The exact wording of the proposal is attached. The Commission believes that this proposal would enhance public safety and help protect visibility and "streetscapes" in the City's neighborhoods.

Preliminary Recommendation. Based on the limited review given this matter so far, and subject to further review following a public hearing, the Commission: (i) finds that the proposal, if adopted, would be in the public interest, (ii)

makes a preliminary recommendation favorable to the proposal, (ii) recommends that the City Council call a joint public hearing to consider this matter. The Commission invites all interested persons to participate in the joint public hearing.

The Vote. The vote on approval of this report was as follows: voted “aye;” “noes;” absent.

Respectfully submitted:

ZONING AND PLANNING COMMISSION OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS

_____

Chair, Zoning and Planning Commission

Amend Fence-like Hedges – Section 7, Table 7-6, Notes 8.1, 8.2, and 8.3.as follows:

Note 8.1 Fences. Fences may project into front and side yards to the extent expressly required or authorized by city ordinance (e.g., provisions in Chapter 18 of the Code of Ordinances; provisions in PDD schedules for front fences). Also in the Code of Ordinances, there are: (i) requirements for emergency portals in fences (Chapter 18) and (ii) restrictions on fences, certain "fence-like hedges" and other things in visibility areas (Chapter 82). In a QMDS low fences (3.5 feet or lower) may be located anywhere, if made of ornamental metal or pickets.

Note 8.2. Fence-like hedges. Fence-like hedges within the front yard (setback) of a building site ~~containing no principal building~~ are prohibited. This provision applies to all adjacent side yard building sites and rear through building sites. Visibility triangles and visibility areas, as defined by this ordinance, are subject to further restrictions as contained in Chapter 82 of the Code of Ordinances.

Add to Section 12-103, Losing PNC Status through passage of time.

Section 12-103. - Losing PNC Status.

(i) *Passage of Time* . The following PNC items lose PNC status upon the expiration of the time periods indicated:

PNC Item	Time Period	Special Conditions
Use of a building site in an SF District for business activities	Ten years from the 1987 effective date	
Presence of more dwelling units than allowed in an SF District.	Ten years from the 1987 effective date	PNC status for space which qualifies as conforming accessory quarters is not necessarily lost.
Use of a building site by more than one family in violation of SF District use regulations	Ten years from the 1987 effective date	
Outdoor lighting in violation of Article 8	Time period ending on August 31, 2004	
Lack of special screens in violation of Article 8 (waste storage or loading)	160 months following the 1987 effective date	

Non-compliance with pervious area requirement in the C District.	Ten years following the 1987 effective date	
Non-conformance with building regulations by a canopy or similar object designed or used to shelter a motor vehicle, a boat or similarly-sized items.	Time period ending on October 1, 2008	
Use of a building site, or any portion thereof, as a school without a special exception as granted by the ZBA.	Time period ending on May 31, 2022	
Non-conformance with regulations for fence-like hedges on building sites .	Time period ending on October 1, 2021	

Exhibit B

NOTICE OF PUBLIC HEARINGS

The Zoning & Planning Commission and the City Council of the City of West University Place, Texas ("City") will hold a joint public hearing in the Council Chamber of the Municipal Building, 3800 University Boulevard, Houston, Texas 77005 during the City Council meeting set to begin at 6:30 PM on _____. The hearing may be recessed and continued to the City Council meeting set to begin at 6:30 p.m. on _____, at the same place. The purpose for the hearing is to provide an opportunity for parties in interest and citizens to be heard in relation to proposals to amend the City's Zoning Ordinance (and Code of Ordinances), as follows:

Scope of Proposal.

Existing ordinances restrict man made fences in front yards. This proposal restricts "fence-like hedges" or natural fences in front yard areas. A fence-like hedge is vegetation or foliage having the characteristics of a fence and growing higher than 36 inches. A sunset provision for non-complying fence-like hedges is proposed for a three year period to end on October 1, 2021.

The exact wording of the proposal is attached. The Commission believes that this proposal would enhance public safety and help protect visibility and "streetscapes" in the City's neighborhoods.

Additional details on the proposals as well as the Zoning Ordinance and Code of Ordinances are all available for public inspection in the Municipal Building, 3800 University Boulevard, Houston, Texas 77005. The proposed changes to the Zoning Ordinance and Code of Ordinances would apply generally within the City, and any person interested in such matters should attend the hearings. The proposals may be adopted only after notice and hearing and would control over anything inconsistent in the current Zoning Ordinance or Code of Ordinances.

Date: _____ /s/City Secretary

Agenda Item #4

City of West University Place
Harris County, Texas

Ordinance No.

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON A PROPOSAL TO AMEND THE ZONING ORDINANCE OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS REGARDING FRONT PORCHES AND BALCONIES; PRESCRIBING PROCEDURES AND NOTICES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") has submitted a preliminary report on a proposal to amend the comprehensive zoning ordinance of the City, as last reformatted and re-adopted by Ordinance No. 2005, adopted May 9, 2015 and as amended thereafter ("Zoning Ordinance"); and

WHEREAS, the Z&PC's preliminary report is attached to this ordinance as Exhibit A and made a part of this ordinance by reference; and

WHEREAS, the City Council desires to call a joint public hearing on such proposal;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE:

Section 1. The City Council hereby calls a joint public hearing before the City Council and Z&PC on the proposal described in Exhibit A. Unless rescheduled, the hearing shall be held in the Council Chamber of the Municipal Building, 3800 University Boulevard, West University Place, Texas 77005 during the City Council meeting set to begin at 6:30 p.m. on _____ . The hearing may be recessed and continued to the City Council meeting set to begin at 6:30 p.m. on _____at the same place, unless rescheduled. The City Manager may reschedule either date and time, or both, to accommodate other pending matters, but the rescheduled date(s) and time(s) may not be later than 30 days past the later of the two dates set by this ordinance.

Section 2. The purpose for the hearing is to provide an opportunity for parties in interest and citizens to be heard in relation to the proposal described in Exhibit A

Section 3. The procedures for adoption of the proposal shall be as follows: (1) notice as required by this ordinance, (2) hearing as called by this ordinance, (3) report by the Z&PC, and (4) vote by the City Council on the question of adoption. The procedures for enforcing the proposal shall be as set out in the existing Zoning Ordinance. The proposal described in Exhibit A is hereby submitted and re-submitted to the Z&PC for its consideration.

Section 4. The City Secretary shall give notice of such hearing as prescribed by this section. The notice shall be in substantially the form set out in Exhibit B, which is attached and made a part of this ordinance by reference. The notice shall be published in the City's official newspaper (or another newspaper of general circulation in the City) at least once on or before the 16th day preceding the date of the hearing. In addition, the notice shall be mailed to the persons on the mailing list for the *City Currents* newsletter. The notices shall be deposited in the United States mail on or before ninth day preceding the date of the hearing, properly addressed with postage prepaid. The notices may be included within the newsletter, or with utility bills or may be separate. The City Council specifically approves giving combined notice of two or more hearings in a single notice document, as this would save money and also provide better information about the full scope of possible amendments to all interested persons.

Section 5. The City staff is authorized to make all necessary arrangements for the hearing and to assist the Zoning and Planning Commission and the City Council.

Section 6. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 7. The City Council officially finds, determines and declares that sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended, and that such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 8. Because the proposal to amend the Zoning Ordinance is vitally important and should be considered at the earliest possible date, a state of emergency is declared requiring that this ordinance be read and adopted finally at this meeting. Accordingly, this ordinance shall be adopted finally on first reading and shall become effective immediately upon adoption and signature.

PASSED, APPROVED, ADOPTED AND SIGNED on **_____ , 20**

Attest/Seal: _____**,** _____ **Signed:** _____

City Secretary Mayor

Recommended: Prepared:

City Manager

Approved as to legal form:

City Attorney

Exhibit A

Zoning & Planning Commission

City of West University Place, Texas
3800 University Boulevard West
University Place, Texas 77005

September 13, 2018

Honorable Mayor &
Members of the City Council
City of West University Place
3808 University Boulevard
Houston, Texas 77005

Subject: Preliminary report on a proposal to amend the zoning ordinance of the City of West University Place, Texas ("City") relating to FRONT PORCHES AND BALCONIES.

To the Honorable Mayor
& Members of City Council:

The Zoning & Planning Commission of the City submits this, its preliminary report, on the subject proposal, for the assistance of the Council as well as other interested persons.

Scope of Proposal. The proposal would establish definitions for “porch” and “balcony”. The proposal would prohibit balconies from the second floor level if located in the front yard and reiterate where a railing is allowed.

One of the principal purposes of the amendment is to help prevent overcrowding in the front yard and help maintain adequate light and air and an open streetscape.

Preliminary Recommendation. Based on the limited review given this matter so far, and subject to further review following public hearing, the Commission: (i) finds that the proposal, if adopted, would be in the public interest, (ii) makes a preliminary recommendation favorable to the proposal, (ii) recommends that the City Council call a joint public hearing to consider this matter. The Commission invites all interested

persons to participate in the joint public hearing.

The Vote. The vote on approval of this report was as follows: voted "aye;" "noes;" absent.

Respectfully submitted:

ZONING AND PLANNING COMMISSION OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS

Chair, Zoning and Planning Commission

Amend Section 2, Certain Terms, by adding the following definitions:

porch is a roofed structure, usually open at the sides, projecting from the face of a building and used to protect the entrance of the structure.

balcony is a platform enclosed by a wall or balustrade on the outside of a building, with access from an upper-floor window or door.

Amend Section 7, Table 7-1, Note 1.2 by adding:

Note 1.2. Porch In Front Yard. On a building site in a residential district with a front yard depth of 20 feet or more, a porch may project up to 120 inches into the front yard if it meets all of the following criteria:

(i) It is neither designed nor usable for motor vehicles;

(ii) The volume of the projecting part of the porch does not exceed 50 cubic feet per foot of front street line (Example: the maximum projecting volume on a 52½-foot wide site would be 50 cubic feet x 52.5, or 2,625 cubic feet).

(iii) The porch's outside perimeter is open and unobstructed, except for the following features: (a) Ordinary window screens. (b) A solid or partially open safety rail not higher than 3.5 feet above the porch floor, and a partially open decorative railing or balustrade not higher than 3.5 feet above the porch roof/ceiling. Solid half-walls are prohibited above the roof/ceiling of the porch. (c) Supporting vertical columns, if the total width of the outer faces of the columns does not exceed ~~either~~ 50% of the outside perimeter of the porch ~~or 25% of the theoretical outside perimeter of a maximum-sized porch.~~ The width of a column is measured at its thickest point above 3.5 feet above the porch floor. ~~The "maximum-sized porch" is 120 inches deep and extends from one side yard line to the other, but it is limited by the open area requirement for the front yard.~~ The "outside perimeter" of a porch is the portion of the perimeter out in the front yard; it does not include the portion of the perimeter adjacent to a building or lying along the front setback line.

(iv) At no point in the front yard does the porch have a height greater than the depth of the front yard (Example: if the depth of the front yard is 20 feet, the maximum height in the front yard is also 20 feet).

(v) No projecting balcony shall be constructed or placed on top of or above a projecting porch.

Exhibit B

NOTICE OF PUBLIC HEARINGS

The Zoning & Planning Commission and the City Council of the City of West University Place, Texas ("City") will hold joint public hearings in the Council Chamber of the Municipal Building, 3800 University Boulevard, Houston, Texas 77005 during the City Council meeting set to begin at 6:30 PM on_____ . Each hearing may be recessed and continued to the City Council meeting set to begin at 6:30 p.m. on _____ , at the same place. The purpose for the hearings is to provide an opportunity for parties in interest and citizens to be heard in relation to proposal(s) to amend the City's Zoning Ordinance, as follows:

Scope of Proposal. The proposal would establish definitions for “porch” and “balcony”. The proposal would prohibit balconies from the second floor level if located in the front yard and reiterate where a railing is allowed.

One of the principal purposes of the amendment is to help prevent overcrowding in the front yard and help maintain adequate light and air and an open streetscape.

Additional details on the proposal (s) as well as the Zoning Ordinance are all available for public inspection in the Municipal Building, 3800 University Boulevard, Houston, Texas 77005. The proposed changes to the Zoning Ordinance would apply generally within the City, and any person interested in such matters should attend the hearings. The proposal (s) may be adopted only after notice and hearing and would control over anything inconsistent in the current Zoning Ordinance.

Date: _____ /s/ Thelma Gilliam, City Secretary

Agenda Item #5

City of West University Place
Harris County, Texas

Ordinance No.

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON A PROPOSAL TO AMEND THE ZONING ORDINANCE OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS REGARDING MAXIMUM STRUCTURE HEIGHTS; PRESCRIBING PROCEDURES AND NOTICES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") has submitted a preliminary report on a proposal to amend the comprehensive zoning ordinance of the City, as last reformatted and re-adopted by Ordinance No. 2005, adopted May 9, 2015 and as amended thereafter ("Zoning Ordinance"); and

WHEREAS, the Z&PC's preliminary report is attached to this ordinance as Exhibit A and made a part of this ordinance by reference; and

WHEREAS, the City Council desires to call a joint public hearing on such proposal;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE:

Section 1. The City Council hereby calls a joint public hearing before the City Council and Z&PC on the proposal described in Exhibit A. Unless rescheduled, the hearing shall be held in the Council Chamber of the Municipal Building, 3800 University Boulevard, West University Place, Texas 77005 during the City Council meeting set to begin at 6:30 p.m. on _____ . The hearing may be recessed and continued to the City Council meeting set to begin at 6:30 p.m. on _____at the same place, unless rescheduled. The City Manager may reschedule either date and time, or both, to accommodate other pending matters, but the rescheduled date(s) and time(s) may not be later than 30 days past the later of the two dates set by this ordinance.

Section 2. The purpose for the hearing is to provide an opportunity for parties in interest and citizens to be heard in relation to the proposal described in Exhibit A

Section 3. The procedures for adoption of the proposal shall be as follows: (1) notice as required by this ordinance, (2) hearing as called by this ordinance, (3) report by the Z&PC, and (4) vote by the City Council on the question of adoption. The procedures for enforcing the proposal shall be as set out in the existing Zoning Ordinance. The proposal described in Exhibit A is hereby submitted and re-submitted to the Z&PC for its consideration.

Section 4. The City Secretary shall give notice of such hearing as prescribed by this section. The notice shall be in substantially the form set out in Exhibit B, which is attached and made a part of this ordinance by reference. The notice shall be published in the City's official newspaper (or another newspaper of general circulation in the City) at least once on or before the 16th day preceding the date of the hearing. In addition, the notice shall be mailed to the persons on the mailing list for the *City Currents* newsletter. The notices shall be deposited in the United States mail on or before the ninth day preceding the date of the hearing, properly addressed with postage prepaid. The notices may be included within the newsletter, or with utility bills or may be separate. The City Council specifically approves giving combined notice of two or more hearings in a single notice document, as this would save money and also provide better information about the full scope of possible amendments to all interested persons.

Section 5. The City staff is authorized to make all necessary arrangements for the hearing and to assist the Zoning and Planning Commission and the City Council.

Section 6. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 7. The City Council officially finds, determines and declares that sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended, and that such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 8. Because the proposal to amend the Zoning Ordinance is vitally important and should be considered at the earliest possible date, a state of emergency is declared requiring that this ordinance be read and adopted finally at this meeting. Accordingly, this ordinance shall be adopted finally on first reading and shall become effective immediately upon adoption and signature.

PASSED, APPROVED, ADOPTED AND SIGNED on **_____ , 20**

Attest/Seal: _____**,** _____ **Signed:** _____

City Secretary Mayor

Recommended:

_____
City Manager

Approved as to legal form:

_____
City Attorney

Exhibit A

Zoning & Planning Commission

City of West University Place, Texas
3800 University Boulevard West
University Place, Texas 77005

September 13, 2018

Honorable Mayor &
Members of the City Council
City of West University Place
3808 University Boulevard
Houston, Texas 77005

Subject: Preliminary report on a proposal to amend the zoning ordinance of the City of West University Place, Texas ("City") relating to MAXIMUM STRUCTURE HEIGHTS.

To the Honorable Mayor
& Members of City Council:

The Zoning & Planning Commission of the City submits this, its preliminary report, on the subject proposal, for the assistance of the Council as well as other interested persons.

Scope of Proposal. The proposal would give some flexibility for those existing residential structures which have been flooded and are located in the 100-year floodplain and are being elevated to comply with floodplain regulations. The roof structure could be elevated equivalent to the height the foundation structure is being elevated, not to exceed thirty-nine feet.

Preliminary Recommendation. Based on the limited review given this matter so far, and subject to further review following public hearing, the Commission: (i) finds that the proposal, if adopted, would be in the public interest, (ii) makes a preliminary recommendation favorable to the proposal, (ii) recommends that the City Council call a joint public hearing to consider this matter. The Commission invites all interested

persons to participate in the joint public hearing.

The Vote. The vote on approval of this report was as follows: voted "aye;" "noes;" absent.

Respectfully submitted:

ZONING AND PLANNING COMMISSION OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS

Chair, Zoning and Planning Commission

Amend Section 7-4b, Buildings, as follows:

Table 7-4b: Buildings		*General Rule:* Every structure must conform to the applicable regulations shown, by District, in this table.("N/A" means the rule does not apply.) *Exceptions/Special Rules:* (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts.							
Item	Regulation	SF-1	SF-2	SF-3	TH	GR-1	GR-2	C	TCC
Dwelling units	Maximum number per building site	One, plus one accessory quarters (AQ)			17.5 per acre. *See Note 9*	Two	24 per acre.	*See Uses table and Art. 9*	N/A
Framed area, all buildings on a building site	Maximum area as a percentage of building site area	80%			100% *See Note 4.*			N/A	
Length or width, any building	Maximum horizontal dimension	N/A			130 feet. *See Note 3.*			N/A	
Exterior materials, any building.	Type	N/A			Must be of equal grade and quality, all sides. *See Section 8-104.*				
Separation of DUs	Fire-rated wall	N/A			A four-hour fire wall, or its equivalent, must separate adjoining dwelling units. *See Notes 3 and 5.*				N/A
SF privacy protection	*See Note 8.*	N/A			Applies.			N/A	
Accessory buildings *See Article 10 regarding*	Maximum number per building site	Three			N/A				

garage space.	Height, maximum	25 ft.			35 ft. *See Note 2.*	35 ft. *See Notes 12 and 13.*
Principal buildings *See Article 10 regarding garage space.*	Stories, maximum	Two and one-half.	Three.	*See Note 6.*	N/A	Two
	Height, maximum	35 feet; 25 feet in rear yard. *See Note 1 and Note 14.*			35 ft. *See Note 2.*	35 ft. *See Notes 12 and 13.*
	Minimum gross floor area	1,400 square feet, if used for residential purposes	1,200 sq. ft., each DU.	750 sq. ft, each DU	1,400 sq. ft.	
	Width, minimum	N/A	16 ft., each DU.	N/A *But see QMDS Schedule.*	N/A	
Height and screening of rooftop mechanical equipment	*See Note 11*	N/A			Applies -	

Note 1. Antennas and Chimneys. Roof-mounted radio or television antennas on a principal building in a residential district may project up to four feet above the roof. The maximum height of chimneys attached to a principal building is the greater of 35 feet or four feet above the roof.

Note 2. Height In C District. In the C District, no part of any structure (except a fence) may be higher than the horizontal distance from that part to the nearest part of an SF District.

Note 3. Building Detail, TH, PDD-TH and GR Districts. To separate buildings, there must be open area at least five feet wide maintained so that firefighters with hoses could pass through.

Note 4. Framed Area In QMDS. Allowed square footage for a given building site is calculated by multiplying the allowable percentage by (a) the building site's area plus (b) an allocated part of any common use areas in the same QMDS (e.g., access easements, private streets, alleys, reserves, etc. that are not part of a building site). The allocated part is proportional to the building site's area divided by the area of all building sites in the same QMDS.

Note 5. Building Code. Separation requirements are in addition to other requirements of building codes and other ordinances. See Code of Ordinances.

Table 7-4b, cont.		*General Rule:* Every structure must conform to the applicable regulations shown, by District, in this table.("N/A" means the rule does not apply.) Exceptions/Special Rules: (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts.							
Item	Regulation	PDD-SF1	PDD-SF2	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Dwelling units	Maximum number per building site	One, plus one AQ		17.5 per acre. *See Note 9.*					One plus one AQ
Framed area, all buildings on a building site	Maximum area as a percentage of building site area	80%		100%. *See Note 4.*	100% for all dwelling types other than TH; 125% for TH. *See Note 4.*	100%. *See Note 4.*			N/A
Length or width, any building	Maximum horizontal dimension	N/A		130 feet. *See Note 3.*					N/A
Exterior materials, any building.	Type	N/A		Must be of equal grade and quality, all sides. *See Section 8-104.*					
Separation of DU's	Fire-rated wall	N/A		A four-hour firewall, or its equivalent, must separate adjoining dwelling units. *See Notes 3 and 5. See also Note 10 (PDD-TH7 only)*					
SF privacy protection	*See Note 8.*	N/A		Applies. *See Note 8. See also Note 10 (PDD-TH7 only)*					N/A
Accessory buildings *See Article 10 regarding garage space.*	Maximum number per building site	N/A		3					N/A
	Height,	25 ft.							35 ft. *See Note*

	maximum				*2.*
Principal buildings	Stories, maximum	2 and one-half	3		N/A
	Height, maximum, in feet .	35, 25 in rear yard. *See Note 1* and 14.	35. *See Notes 1, 7 and 14.*		35
	Minimum gross floor area, square feet	1,400 each DU	1,200 each DU	1,600 each DU	1,300
	Width, feet (min,), outside to outside	N/A	16, each DU		N/A
Height and screening of rooftop mechanical equipment	*See Note 11.*	N/A			Applies

Note 6. Height in GR-1, GR-2. Principal buildings in GR-1 or GR-2 Districts may be three stories high, but subject to the lower height limits prescribed for projecting spaces. *See* Table 7-2, Note 7.

Note 7. Certain Projecting Buildings . Special height rules apply to buildings projecting into yards. See Tables 7-2 and 7-6.

Note 8. SF privacy protection . On a building site where this applies, there may not be a direct sight line from any "third-floor viewpoint" to any point in an "SF privacy zone." A "third-floor viewpoint" is any viewpoint on a "third-floor area" at eye level (six feet) or lower. A "third-floor area" is any floored area (indoors or outdoors) where the floor is 18 feet or higher. The "SF privacy zone" includes every point: (i) within 100 feet of the third floor viewpoint in question, (ii) on a building site in an SF District, and (iii) below 20 feet in height. See Figure SFP.

Note 9. Calculation of DU's Per Acre . In a QMDS only, the total number of DU's is divided by the total acreage of the QMDS to calculate the number of DU's per acre.

Note 10. Spacing of Dwelling Units in PDD-TH7 . Except where dwelling units are separated by common walls, the minimum distance between dwelling units shall be as follows: (i) No part of

any dwelling unit may be closer than five feet to another dwelling unit. (ii) No window may be closer than 50 feet to a facing window to living space in another dwelling unit. (iii) Neither eaves nor balconies may be closer than 40 feet to a facing window to living space in another dwelling unit. (iv) Neither windows to living space nor balconies may be closer than 20 feet to any facing wall of another dwelling unit.

Note 11. Rooftop Mechanical Equipment. In the C, TCC and PDD-C1 districts, any rooftop mechanical equipment, whether new or replacement equipment, shall be accommodated within the maximum building height limit and shall be fully screened from off-site and street area views through design and materials consistent with the overall design and colors of the principal building. This may include use of sloped roofs, a low parapet wall or other architectural elements that conceal flat roof areas where mechanical equipment is mounted, provided that all such building features comply with and do not project above the maximum building height limit.

Note 12. Building Placement and Maximum Height in TCC. In TCC, the following height restriction shall apply: (i) Principal buildings shall be located in the front 60 feet of the building site and shall be limited to 2 stories and 35 feet in height, including any rooftop mechanical equipment. (ii) Accessory structures shall be located in the rear 70 feet of the building site and shall be limited to 35 feet in height, including any rooftop mechanical equipment. (iii) Any rooftop mechanical equipment, whether new or replacement, shall be fully screened from off-site and street area views through design and materials consistent with the overall design and colors of the principal building. This may include use of sloped roofs, a low parapet wall or other architectural elements that conceal flat roof areas where mechanical equipment is mounted, provided that all such building features comply with and do not project above the maximum building height limit.

Note 13. Street Level Orientation in TCC. In TCC, the first floor of all buildings shall be at grade level. Elevated structures with open areas or parking below the second floor are not permitted.

Note 14. Height of Flood Loss Structures. The height of the roof for existing flood loss structures that are being raised to meet floodplain regulations may exceed thirty-five feet an amount equal to the height elevated, not to exceed four feet.

Exhibit B

NOTICE OF PUBLIC HEARINGS

The Zoning & Planning Commission and the City Council of the City of West University Place, Texas ("City") will hold joint public hearings in the Council Chamber of the Municipal Building, 3800 University Boulevard, Houston, Texas 77005 during the City Council meeting set to begin at 6:30 PM on_____ . Each hearing may be recessed and continued to the City Council meeting set to begin at 6:30 p.m. on _____ , at the same place. The purpose for the hearings is to provide an opportunity for parties in interest and citizens to be heard in relation to proposal(s) to amend the City's Zoning Ordinance, as follows:

Scope of Proposal. The proposal would give some flexibility for those existing residential structures which have been flooded and are located in the 100-year floodplain and are being elevated to comply with floodplain regulations. The roof structure could be elevated equivalent to the height the foundation structure is being elevated, not to exceed thirty-nine feet.

Additional details on the proposal (s) as well as the Zoning Ordinance are all available for public inspection in the Municipal Building, 3800 University Boulevard, Houston, Texas 77005. The proposed changes to the Zoning Ordinance would apply generally within the City, and any person interested in such matters should attend the hearings. The proposal (s) may be adopted only after notice and hearing and would control over anything inconsistent in the current Zoning Ordinance.

Date: _____ /s/ Thelma Gilliam, City Secretary

Agenda Item #6

The City of West University Place
A Neighborhood City

Zoning & Planning Commission

Municipal Building 3800 University Blvd

Meeting Minutes

August 9, 2018

MEMBERS PRESENT:	Richard Wilson, John Cutrer, Mac Jensen, Michael McEnany, Pete Johnston and Mimi Tsai
MEMBERS ABSENT:	Brian Brantley
STAFF PRESENT:	Martye Kendrick and Zach Petrov, Legal Counsel, Debbie Scarcella, City Planner and Josie M. Hayes, Public Works Administrative Coordinator
GUEST:	Reid Wilson, Brennan Reilly, Terence Lynch, Bruce Watkins, Patricia Darnauer, Daniel Neata, Robert Grossman, Amar Patel, Jennifer Black and Melinda Yee

1. **Notices, Rules, Etc.** Richard Wilson; Chairman, called the meeting to order at 6:15 pm, and asked commission members and staff to introduce themselves. Richard Wilson asked staff to confirm that appropriate notices were given. Josie Hayes stated notices were posted per state and local laws.

2. **Rezoning Request for Lots 1-4, Block 25 of Collegeview Section One.** There was discussion regarding the new rezone request by AT&T which would create a new single family Planned Development District (PDD) for the six lots behind the facility located at the corner of Academy St. and Bellaire Blvd. The PDD would allow the parking lot and the loading and unloading of vehicles as long as AT&T owns the property. Several residents spoke in favor and against the proposed rezone. The ZPC asked the City Attorney to supply a legal opinion as to whether or not the proposed new PDD can permissibly allow the requested parking and other associated activities, and whether the proposed new PDD is compliant with the City's Comprehensive Plan.

3. **Building Height.** There was discussion regarding recently adopting regulations requiring structures to be elevated so that they are 2' above base flood elevation in the 100-year floodplain or 2' above standard base level. Staff stated there are several structures that will be eligible to elevate their existing structures to comply with this requirement, but in doing so will violate the height maximum of 35'. The ZPC instructed staff to come back with proposed ordinance language allowing a height encroachment within certain parameters. This will be discussed further at the next meeting.

4. **Minutes.** The commission reviewed the minutes of the meeting held on June 14, 2018. Richard Wilson made a motion to approve the meeting minutes as amended. Second by John Cutrer. **Motion carried.**

[Adjournment]

Michael McEnany made a motion to adjourn. Second by John Cutrer. **Motion carried.** Meeting adjourned at 7:58 p.m.

PASSED THIS _____DAY OF_____, 2018.

_____
Presiding Officer, Richard Wilson

ATTEST: _____
Mrs. Josie M. Hayes, Public Works Administrative Coordinator