



# City of West University Place

*A Neighborhood City*

## **CITY COUNCIL**

Susan Sample, Mayor  
Mardi Turner, Mayor Pro Tem  
Bob Higley, Councilmember  
Kellye Burke, Councilmember  
Kevin Boyle, Councilmember

## **STAFF**

M. Christopher Peifer, City Manager  
Alan Petrov, City Attorney  
Thelma Gilliam, City Secretary

## **City Council Meeting Agenda**

**Notice is hereby given of a workshop and regular City Council meeting** of West University Place to be held on **Monday, January 14, 2019** beginning at **6:00 p.m.** in the **Municipal Building** located at 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items

Note: All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

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### **WORKSHOP (Council Chambers at 6:00 p.m.)**

Call to Order  
Matters related to notice of this meeting

#### **1. Convene into Executive Session (Council Conference Room)**

Notice is hereby given that the City Council will convene into executive session in accordance with the following provisions of Chapter 551 of the Texas Government Code:

**Section 551.071** – Consult with legal counsel to seek or receive legal advice.

**Section 551.072** – Discuss the value, sale, purchase, exchange or transfer of real property with the City.

**Section 551.074** – Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Manager

#### **2. Reconvene Workshop**

Matters related to any action resulting from the executive session discussions.

#### **3. Adjourn Workshop**

### **REGULAR MEETING (Council Chambers at 6:30 p.m.)**

Call to Order  
Matters related to the notice of this meeting  
Pledge of Allegiance

#### **4. Joint Public Hearing with the Zoning and Planning Commission**

Matters related to a Joint Public Hearing with the Zoning and Planning Commission regarding the AT&T rezoning application. *Recommended Action: Hold public hearing. Mr. Dave Beach, Assistant City Manager/Public Works Director and Richard Wilson, Chair of the Zoning and Planning Commission* [see Agenda Memo 4]

**5. Public Comments**

This is an opportunity for citizens to speak to Council relating to agenda and non-agenda items. If the topic the speaker wishes to address is on the agenda, the speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing once the hearing has been closed. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting. Speakers are required to register in advance and must limit their presentations to three minutes each.

**6. Bank Depository Contract**

Matters related to a resolution awarding a contract to JPMorgan Chase Bank to be the City's bank depository. *Recommended Action: Approve resolution awarding the banking service contract to JPMorgan Chase Bank. Mr. Harrison Nicholson, Treasurer* [see Agenda Memo 6]

**7. Consent Agenda**

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

**A. City Council Minutes**

Approve City Council Action Minutes of December 10, 2018, December 18, 2018, December 19, 2018, and December 24, 2018. *Recommended Action: Approve Minutes. Ms. Thelma Gilliam, City Secretary* [see Action Minutes]

**8. City Manager Position**

Matters related to discussion and possible appointment of a city manager. *Recommended Action: Discuss and take any desired action. City Council*

**9. It's Time Texas**

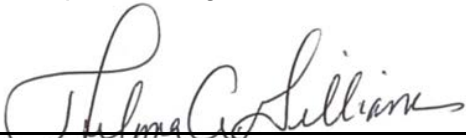
Matters related to the It's Time Texas Community Challenge, an 8-week competition that mobilizes communities and others toward the common goal of transforming the community's health. *Mayor Susan Sample*

**10. 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 City Secretary Thelma Gilliam at 713.662.5813 at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Council Chambers 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.**

I certify that the attached notice and agenda of items to be considered by the West University Place City Council on January 14, 2019 was posted on the Municipal Building bulletin board on January 11, 2019 at approximately 2:00 o'clock p.m.

(SEAL)

  
\_\_\_\_\_  
Thelma A. Gilliam, TRMC, CMC, City Secretary

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	January 14, 2019	<b>AGENDA ITEM:</b>	4
<b>DATE SUBMITTED:</b>	January 14, 2019	<b>DEPARTMENT:</b>	Public Works
<b>PREPARED BY:</b>	Debbie Scarcella, City Planner	<b>PRESENTER:</b>	Dave Beach, Public Works Director; Richard Wilson, ZPC Chair
<b>SUBJECT:</b>	<b>Joint Public Hearing to Consider a Rezoning Application from ATT</b>		
<b>ATTACHMENTS:</b>	<b>Preliminary Report and Ordinance Calling for a Joint Public Hearing</b>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

The application by the property owner, AT&T (Southwestern Bell), is to rezone six abutting lots that have been developed as parking for the main ATT structures fronting on Bellaire Boulevard and Academy. The lots are located along Ruskin Street at the corner of Academy and Ruskin. The applicant is asking to rezone the lots from Single Family (Detached) 3 (SF3) and Planned Development District-Single Family 2 (PDD-SF2) to a newly created Planned Development District-Single Family 3 (PDD-SF3). PDD-SF3 specific regulations are also included with the rezoning request.

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 Southwestern Bell (SWBT) vehicles and the vehicles in use by SWBT employees. There were restrictions associated with the special exception as to plantings, fencing, lighting, etc. Additional lots (Five through Ten) were included in a second special exception in 1975. 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 District.

The proposed PDD-SF3 District has the same restrictions and requirements as the SF3 District. Both only allow residential use, have the same setbacks and height and area restrictions, curb cut and driveway restrictions, etc. The proposed language authorizes the use of the parking area when ATT or a similar telecommunications company is occupying the abutting site. This authorization is by right and does not require additional approvals. The regulations allow for loading and unloading of the vehicles, inventory and supply of the vehicles and other activities that are normally taken by employees. The proposed language would prohibit signage and commercial style lighting and limit hours of operation. They require an opaque fence, landscaping and gates. If the property is not occupied by ATT or a similar telecommunications company, the use of the property reverts to single-family (detached) use.

The Zoning and Planning Commission will possibly hold a meeting immediately after the public hearing and on January 17 at 6:15 pm to consider the comments from the public hearing and possibly consider a final report.

**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

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 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 District.

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: Wilson, McEnany, Cutrer, Johnston and Brantley voted "aye;" Tsai and Jensen voted "no;" none absent.

Respectfully submitted:

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

By: Richard D. Wilson  
For the Commission



Attachment 1

**West University Place Zoning Ordinance – Proposed PDD-SF3**

<b>Table 5-1</b>		<i>General Rule:</i> This table prescribes the minimum dimensions for building sites, by District. ("DU" means "dwelling unit.") <i>Exceptions/Special Rules:</i> (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) <i>See Notes 1 and 2</i>	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) <i>See Note 3.</i>	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.
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*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.



	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**

<b>Table 7-2</b>		<p><i>General Rule:</i> 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.) <i>Exceptions/Special Rules:</i> (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.</p>								
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. <i>See Note 5 .</i>			10 ft. <i>See Note 7.</i>				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. <i>See Note 2.</i>			5 ft. <i>See Notes 4.1 and 4.2. See Note 7.</i>				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. <i>See Notes 2, 6 .</i>			10 ft. <i>See Note 7 .</i>				10 ft. (Bissonnet)	<i>See Note 8.</i>
Rear yard	Distance from rear property line.	20 ft. <i>See Note 1.</i>			20 ft. <i>See Note 1.</i>	10 ft. <i>See Note 1.</i>	20 ft. <i>See Note 1.</i>		5 ft. (west property line)	<i>See Note 8.</i>

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.
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*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**

<b>Table 7-3</b>		<p><i>General Rule:</i> 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.)  <i>Exceptions/Special Rules:</i> (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.</p>								
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. <i>See Note 6.</i>	60%. <i>See Note 1.</i>			N/A					N/A
	Entire building site, minimum percentage.	40%			25%					N/A
Pervious area	Front yard, minimum percentage	50%			50% <i>See Note 2.</i>					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. <i>See Notes 3 and 5.</i>								

	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. <i>See Note 4.</i>
	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**

<b>Table 7-4a</b>		<i>General Rule:</i> 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.) <i>Exceptions/Special Rules:</i> (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. <i>See Article 10.</i>	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. <i>See definitions in Article 2.</i> )					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**

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

Accessory buildings <i>See Article 10 regarding garage space.</i>	Maximum number per building site	N/A	3		N/A
	Height, maximum	25 ft.			35 ft. <i>See Note 2.</i>
Principal buildings	Stories, maximum	2 and one-half	3		N/A
	Height, maximum, in feet	35, 25 in rear yard. <i>See Note 1</i>	35. <i>See Notes 1 and 7.</i>		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	<i>See Note 11.</i>	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**

<b>Table 7-5a</b>		<p><i>General Rule:</i> Every building site, vehicular area and related structure must conform to the applicable regulations shown, by District, in this table. ("N&amp;A" means the rule does not apply.) <i>Exceptions/ Special Rules :</i> (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.</p>								
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 <i>Other regulations apply; see, e.g. Article 10</i>	Number, location, size, design	Depends on land use, layout, etc. <i>See this Table, Table 7-4a, and Article 10 (including maneuvering areas, design requirements, "same site" rule, yards, street areas, loading spaces, etc.).</i>								
	Grouping or sharing.	Not allowed, except in a QMDS platted parking reserve serving two or more DU's. <i>But see Note 2.</i>								
	Use of parking areas	Parking spaces for non-SFD uses may only be used for motor vehicle parking. <i>See Note 3.</i>								
	Maneuvering areas	<i>See Article 10.</i>								
Emergency accessway	Minimum width <i>See Note 1.</i>	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 <i>Other regulations</i>	Minimum width <i>See Note 1.</i>	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								

<p><i>apply; see, e.g. Article 10.</i></p>	<p>width (in front yard or street area) <i>See Note 1.</i></p>	<p>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).</p>	
	<p>Maximum length</p>	<p>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.</p>	
	<p>Route, location</p>	<p><i>See Note 6</i></p>	<p>N&amp;A</p>
	<p>Spacing</p>	<p>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.</p>	
<p>Pavement</p>	<p>Required type <i>See Note 4.</i></p>	<p>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. <i>Exceptions: (i) See Table 7-3 (pervious pavement) and Note 4, below. (ii) See Article 10 regarding "overhang."</i></p>	
<p>Markings; wheel stops.</p>	<p>Required type</p>	<p>For non-SFD uses: Parking spaces must be clearly marked on the pavement, and wheel stops are required. <i>See Note 12.</i></p>	
<p>Curb cuts <i>Other regulations apply; see, e.g. Article 10 and Chapter 70 of the Code of Ordinances.</i></p>	<p>Number</p>	<p>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. <i>See Note 5.</i></p>	
	<p>Max. width per 50-ft. segment of street line</p>	<p>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. <i>See Note 1.</i></p>	

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

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

*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 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 hearing 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 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 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 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. A full copy of the proposal is located at [www.westutx.gov](http://www.westutx.gov).

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 MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	January 14, 2019	<b>AGENDA ITEM:</b>	6
<b>DATE SUBMITTED:</b>	January 2, 2019	<b>DEPARTMENT:</b>	Finance
<b>PREPARED BY:</b>	Marie Kalka, Finance Director	<b>PRESENTER:</b>	Harrison Nicholson, Treasurer
<b>SUBJECT:</b>	<b>Award Bank Depository Contract</b>		
<b>ATTACHMENTS:</b>	<b>Resolution</b>		
<b>EXPENDITURE REQUIRED:</b>	Estimated \$1,200 per month		
<b>AMOUNT BUDGETED:</b>	Average \$1,200 per month		
<b>ACCOUNT NO.:</b>	101-2010-74090		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

On November 21, 2018, the City published a Notice of a Request for Proposal (RFP) for Bank Depository Services in the West U Examiner. Additionally, an RFP packet was mailed to six of the seven banks that are located within the West University Place city limits. One bank located within our limits did not return my calls so they did not receive a packet from the City. Two banks, JPMorgan Chase Bank, and Texas Gulf Bank, submitted proposals for review and consideration.

Both proposals demonstrated the ability to provide banking services at our requested and current service level. One of these two banks demonstrated the experience and success in providing banking services to municipalities in Texas. The estimated monthly cost for the JPMorgan Chase Bank proposal was nearly half that of Texas Gulf Bank.

Based on the RFP criteria and the current experience we have with JPMorgan Chase Bank, staff recommends that the City Council adopt a resolution awarding the banking services contract to J.P. Morgan Bank. The contract term shall be for three years beginning February 4, 2019, ending January 31, 2022, with a provision for one two-year extension under the same contract terms and conditions.

**RECOMMENDATION**

Approve Resolution awarding the banking service contract to JPMorgan Bank.

RESOLUTION NO. XX-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, APPROVING JPMORGAN CHASE BANK NA AS THE CITY'S DEPOSITORY; AND CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

Section 1: On execution of all required contracts, JPMorgan Chase Bank NA is appointed to act as the City's depository bank.

Section 2: The City Manager is authorized to finalize and execute all contracts required to appoint JPMorgan Chase NA to act as the City's Depository Bank.

Section 3: All resolutions and parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4: If any word, phrase, clause, sentence, paragraph, section or other part of this resolution 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 resolution and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this resolution to any other person or circumstances shall not be affected thereby.

Section 5: The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this resolution was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each 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 6: This resolution shall take effect immediately upon its adoption and signature.

INTRODUCED, READ and PASSED, by the affirmative vote of the City Council of the City of West University Place this the 14<sup>th</sup> day of January, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Thelma Gilliam, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan Petrov, City Attorney



# The City of West University Place

*A Neighborhood City*

## CITY COUNCIL

Susan Sample, Mayor  
Mardi Turner, Mayor Pro Tem  
Bob Higley, Councilmember  
Kellye Burke, Councilmember  
Kevin Boyle, Councilmember

## STAFF

M. Chris Peifer, City Manager  
Alan Petrov, City Attorney  
Thelma Gilliam, City Secretary

## **DRAFT**

### **CITY COUNCIL ACTION MINUTES**

The City Council of the City of West University Place, Texas, met in regular session on **Monday, December 10, 2018**, in the Municipal Building, 3800 University, West University Place, Texas beginning at approximately **6:30 p.m.**

**Call to Order.** Mayor Sample called the meeting to order at approximately 6:35 p.m. in the Council Chambers. Council and Staff in attendance were: Councilmembers Burke, Higley, and Turner, City Manager Peifer, City Attorney Petrov, City Secretary Gilliam, and Human Resources Director Urban

#### 1. **Public Comments**

This was an opportunity for citizens to speak to Council relating to agenda and non-agenda items.

Alida Drewes, 6112 Fordham, spoke on various issues.

#### 2. **Charter Review Committee**

Matters related to a presentation and recommendations by the Charter Review Committee. *Recommended Action: Discuss and take any desired action. Ms. Katherine Brem, Chair of the Charter Review Committee and Mr. Alan Petrov, City Attorney*

No Action Taken.

#### 3. **Parks Master Plan Update**

Matters related to an update of the Park Redevelopment Program in the Parks Master Plan. *Recommended Action: Discuss and take any desired action. Ms. Susan White, Parks and Recreation Director*

Mayor Pro Tem Turner moved to approve the updated Park Redevelopment Program recommendation in the Parks and Open Space Master Plan. Councilmember Higley seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley

**Noes:** None

**Absent:** Boyle

#### 4. **Employee Benefits**

Matters related to the results of the proposals received for employee benefits. *Recommendation Action: Discuss and take any desired action. Mr. James Urban, Human Resources Director and Mr. Julian Fontana, HUB/IPS Advisors*

No Action Taken.

**5. Updates on City Marketing and Communication Plans**

Matters related to the City’s plans relating to marketing and communications. *Recommended Action: Hear updates from the Communications Director and take any desired action. Ms. Patti Jett, Communications Director*

No Action Taken.

**6. Smart City Virtual Gate Project Update**

Matters related to City’s virtual gate project. *Recommended Action: Discuss and take any desired action. Mr. Gary McFarland, IT Director and Mr. Ken Walker, Police Chief*

No Action Taken.

**7. Consent Agenda**

All Consent Agenda items listed were considered to be routine by the City Council and was enacted by one motion.

**A. City Council Minutes**

Approve City Council Action Minutes of December 3, 2018. *Recommended Action: Approve Minutes. Ms. Thelma Gilliam, City Secretary*

Councilmember Higley moved to approve the Consent Agenda as presented. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley  
**Noes:** None  
**Absent:** Boyle

**8. Adjourn**

With no other matters before Council, Councilmember Higley moved to adjourn the meeting at approximately 8:58 p.m. Councilmember Turner seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley  
**Noes:** None  
**Absent:** Boyle

Prepared by: Thelma A. Gilliam, City Secretary

Council Approved: \_\_\_\_\_



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## **STAFF**

M. Chris Peifer, City Manager  
Alan Petrov, City Attorney  
Thelma Gilliam, City Secretary

**DRAFT**

## **CITY COUNCIL ACTION MINUTES**

The City Council of the City of West University Place, Texas, met in in a special meeting on **Tuesday, December 18, 2018**, in the Municipal Building, 3800 University, West University Place.

The special meeting convened at approximately 12:00 noon in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Turner, Councilmembers Burke, Higley, and Boyle, City Secretary Gilliam, and Human Resources Director Urban

The three final candidates considered for the city manager's position and Mike Tanner with SGR Consultants were also present.

### **1. Convene into Executive Session (Council Conference Room)**

Notice is hereby given that the City Council will convene into executive session in accordance with the following provisions of Chapter 551 of the Texas Government Code:

Council recessed the special meeting and convened into executive session per Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the city manager's position.

At approximately 12:45 p.m., Council recessed the executive session and each councilmember met one-on-one with each candidate.

At approximately 3:45 p.m., Council reconvened the executive session to meet with one of the candidates who would not be available for Wednesday's session.

### **2. Reconvene Workshop**

Matters related to any action resulting from the executive session.

Approximately 4:30 p.m., Mayor Sample reconvened the workshop. No Action Taken.

### **3. Adjourn Workshop**

Mayor Sample adjourned the workshop at approximately 4:31 p.m.

Prepared by: Thelma A. Gilliam, TRMC, City Secretary

Council Approved: \_\_\_\_\_



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Kevin Boyle, Councilmember

## STAFF

M. Chris Peifer, City Manager  
Alan Petrov, City Attorney  
Thelma Gilliam, City Secretary

**DRAFT**

## CITY COUNCIL ACTION MINUTES

The City Council of the City of West University Place, Texas, met in in a special meeting on **Wednesday-Thursday, December 19-20, 2018**, in the Municipal Building, 3800 University, West University Place.

The special meeting convened at approximately 8:34 a.m. on December 19, 2018, in the Bill Watson Conference Room. Council and Staff in attendance were: Mayor Pro Tem Turner, Councilmembers Burke, Higley, and Boyle, City Secretary Gilliam, and Human Resources Director Urban.

### 1. **Convene into Executive Session (Council Conference Room)**

Notice is hereby given that the City Council will convene into executive session in accordance with the following provisions of Chapter 551 of the Texas Government Code:

Council recessed the special meeting and convened into executive session per Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the city manager's position.

### 2. **Break at 10:25 a.m.**

Mayor Sample recessed the executive session so that members of Council could attend to personal matters.

### 3. **Reconvene Executive Session at 11:45 a.m. per Section 551.074 of the TGC**

Matters related to reconvening the executive session to further discuss selection of a candidate.

At approximately 11:45 p.m., Mayor Sample reconvened the executive session.

### 4. **Reconvene Special Meeting**

Mayor Sample adjourned the executive session and reconvened the special meeting at approximately 3:19 p.m. No Action Taken.

Mayor Sample recessed the special meeting until 10:00 a.m., Thursday, December 20, 2018.

On Thursday, December 20, 2018, Mayor Sample reconvened the special meeting at 10:00 a.m.

Mayor Pro Tem Turner moved to recess the special meeting and convene into executive session. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Boyle, Burke, Higley  
**Noes:** None

**Absent:** None

At approximately 10:52 a.m., Council closed the executive session and reconvened the special meeting. No Action Taken.

**5. Adjourn**

Mayor Sample adjourned the meeting on December 20, 2018, at approximately 10:52 a.m.

Prepared by: Thelma A. Gilliam, TRMC, City Secretary

Council Approved: \_\_\_\_\_



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## **STAFF**

M. Chris Peifer, City Manager  
Alan Petrov, City Attorney  
Thelma Gilliam, City Secretary

**DRAFT**

## **CITY COUNCIL ACTION MINUTES**

The City Council of the City of West University Place, Texas, met in special meeting on **Monday, December 24, 2018**, in the Municipal Building, located at 3800 University, West University Place.

Mayor Sample called the meeting to order at approximately 9:05 a.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Turner, Councilmembers Burke, Higley, and Boyle, City Manager Peifer, City Secretary Gilliam, and Human Resources Director Urban.

Caroline Larsson, with Girl Scout Troop 146153, led the Pledge of Allegiance.

### **1. Convene into Executive Session (Council Conference Room)**

Notice is hereby given that the City Council will convene into executive session in accordance with the following provisions of Chapter 551 of the Texas Government Code:

At approximately 9:07 a.m., Councilmember Higley moved to recess the special meeting and convene into executive session (in the Council Conference Room) per Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the city manager's position. Councilmember Burke seconded the motion.

**MOTION PASSED.**

**Ayes:** Sample, Turner, Boyle, Burke, Higley  
**Noes:** None  
**Absent:** None

### **2. Reconvene Special Meeting**

Matters related to reconvening the executive session to further discuss selection of a candidate.

At approximately 10:04 a.m., Mayor Sample closed the executive session and reconvened the special meeting.

No Action Taken.

### **3. Adjourn**

Mayor Sample adjourned the special meeting at approximately 10:05 a.m.

Prepared by: Thelma A. Gilliam, TRMC, City Secretary  
Council Approved: \_\_\_\_\_