

**City of West University Place
Harris County, Texas**

Ordinance No. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS REGARDING A PROPOSAL TO AMEND THE ZONING ORDINANCE AND CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS BY CHANGING THE ZONING DISTRICT FOR CERTAIN TRACTS OF LAND LOCATED NORTH OF UNIVERSITY BOULEVARD, EAST OF EDLOE STREET, SOUTH OF RICE BOULEVARD AND WEST OF POOR FARM DITCH FROM COMMERCIAL DISTRICT ("C") TO TOWN CENTER COMMERCIAL DISTRICT (TCC) ; AMENDING THE LIMIT OF THE EXISTING COMMERCIAL DISTRICT AT BISSONNET STREET AND KIRBY DRIVE BY EXTENDING THE SOUTHERN BOUNDARY TO THE RIGHT OF WAY LINE OF PLUMB STREET; MODIFYING THE ZONING REGULATIONS BY ADDING PROVISIONS REGARDING THE TCC, COMMERCIAL AND PDD-TH2 ZONING DISTRICTS; AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECTS.

WHEREAS, the City Council and the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") have held a joint public hearing on a proposal to amend the Zoning Ordinance of the City, as last re-formatted and re-adopted by Ordinance No. 1672, adopted March 12, 2001, and as subsequently amended ("Zoning Ordinance");

WHEREAS, the Z&PC has made a final report to the City Council with respect to such proposal, which report is attached as Exhibit A and made a part of this ordinance; and

WHEREAS, the City Council has considered the report of the Z&PC as well as the City's Comprehensive Plan, and City Council formally approves and adopts the report of the Z&PC; and

WHEREAS, all notices, hearings and procedures relating to amending the Zoning Ordinance, as may be required by law, the City Charter or the Zoning Ordinance, have been duly given, held and followed, and the City Council has jurisdiction to amend the Zoning Ordinance as provided herein;

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

Section 1. The City Council officially finds, determines, declares and adopts all of the matters set out in the preamble of this ordinance, and the Zoning Ordinance is hereby amended as recommended by the Z&PC, according to the Z&PC's final report in Exhibit A, which is attached and made a part of this ordinance for all purposes.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3. 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, neither the remainder of this ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. 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 ordinance 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. The City Council officially finds, determines and declares that sufficient notices of the joint public hearing were given, and the City Council ratifies, approves and confirms such notices, including the contents and the method in which they were given.

Section 5. This ordinance shall become effective on the tenth day following its publication, as provided in the City Charter.

CONSIDERED, PASSED, AND APPROVED on first reading on _____, 20__.

CONSIDERED, PASSED, AND APPROVED on second reading, **AND SIGNED**, on _____, 20__.

Attest: _____
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

February 12, 2015

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

Subject: Final report on a proposal to amend the Zoning Ordinance and Code of Ordinances, including the Zoning District Map by changing the zoning district of 2.35 acres of land located north of University Boulevard, east of Edloe Street, south of Rice Boulevard and west of Poor Farm Ditch, more fully described as Tracts 15-H, 15-O, 15-K, 15-S, 15-P, 15-G and 17 of Abstract 61 of the A C Reynolds Survey and Reserves A and B of the Matthews Market Replat, of Harris County, Texas from Commercial District ("C") to Town Center Commercial District ("TCC"); and modifying the limits of the existing commercial district at Bissonnet Street and Kirby Drive by extending the southern boundary to the right of way line of Plumb Street; and, modifying the zoning regulations by adding provisions regarding the TCC, Commercial and PDD-TH2 zoning districts.

To the Honorable Mayor
& Members of City Council:

The Zoning & Planning Commission of the City submits this, its final 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 and creating a new zoning district designation, and modifying the zoning district limits for the tracts of land located as stated above. This proposal is materially based on the recommendations of a report presented to the Zoning and Planning Commission dated December 19, 2014 by the consulting firm of Kendig Keast Collaborative.

Reviewing the non-single family (detached) zoning district provisions has been a long term goal of City Council. The city engaged Kendig Keast Collaborative (KKC) in February of 2014 to take the lead in this task. The consulting firm, led by Gary Mitchell of KKC, reviewed the city's current ordinances, zoning map, and procedures. A team consisting of staff members, Zoning and Planning Commissioners, and a steering committee held several meetings, including a "driving tour" through the areas included in the study. A series of meetings with four separate focus groups were held to obtain community feedback regarding issues that were considered important while completing the review. A preliminary draft was presented to the steering committee and Zoning and Planning Commission and a revised draft presented to the public during two "town hall" meetings in September of 2014. The final draft was presented, including comments obtained from the public, on October 29, 2014. A well attended joint public hearing was held with City Council on February 9, 2015. The focus of comments was the parking ratio requirements and PNC status of the existing structures in the event of a catastrophic loss. The ZPC discussed and considered the comments at their regular meeting on February 12, 2015 and offer the following as recommended changes to the zoning regulations:

Town Center Commercial district (TCC) - An important motivator for the recommended changes is the fact that all buildings in the proposed TCC district currently enjoy some form of Prior Non-Conforming (PNC) status that can only be maintained if no improvements are made or through application for zoning relief. In the event of catastrophic loss the buildings would lose PNC status, and current code, most specifically the parking requirements, would allow only 50% of the existing floor space to be reconstructed. This could lead to an economically blighted area.

The proposed base district change with accompanying regulations maintains light commercial uses and is applicable to the development of new principal buildings and their accessory structures. The proposal amends the zoning ordinance regarding the following:

1. Establishes a purpose statement, definition and boundaries for the Town Center Commercial District ("TCC").
2. Establishes the allowable uses in the TCC.
3. Establishes regulations for front, side and rear yard (setbacks), open and pervious areas, pedestrian orientation, maximum height of all structures, minimum parking requirements, visual buffering and exterior finishes of structures.
4. Requires the first floor of all structures to be at grade level.

5. Includes an option to obtain a Special Exception from the Zoning Board of Adjustment to rebuild a structure with substantially the same square footage existing prior to a catastrophic event. The ZBA could consider requiring minimum parking, setback, sidewalk, etc. requirements as conditions of the Special Exception.

PDD-TH2 district - Since the PDD-TH2 zoning designation was assigned to this property along Kirby Drive, there has been very little development or redevelopment of properties. Two of the properties at the northwest intersection of Plumb Street and Kirby Drive are and have been used as commercial building sites. The purpose of these modifications is to recognize the existing uses of property and to ease some of the restrictions on single family (attached) development, while retaining the intent and purpose of the ordinance by not changing the height and parking regulations. The proposal amends this district as follows:

1. Shifts the southern boundary of the Commercial (C) district south to Plumb Street.
2. Adds a footnote to clarify that the interior side yard requirement does not apply where a row of new attached single family buildings will be built on abutting lots.
3. Reduces the minimum required rear yard and SF buffer yard, from 20' to 10', given the shallow depth of the properties.
4. Increases the maximum framed area for single family (attached) structures from 100% to 125%
5. Reduces the minimum required size of garage parking spaces from 12' wide by 25' deep to 10' wide by 20' deep.

Commercial Use Standards - The purpose was to strengthen some of the general provisions in all commercial areas.

1. Adds a provision for linking hours of operation and commercial deliveries and other outdoor activities with noise and garbage collection regulations.
2. Adds to the C and PDD-C1 districts the same height and screening provisions for new or replacement rooftop mechanical units.
3. Adds a provision to regulate the location of outdoor seating, assembly or other customer service areas when the use abuts a single family district.
4. Clarifies the definition of "Commercial Uses, Light" and adds a new definition for "Office Use, Light" to reflect the way this term is used in the ordinance.
5. Adjusts some use terminology and minimum parking requirements in the off-street parking table for clarification and to match other places similar terms are used.
6. Increases the minimum required depth of parking spaces and/or maneuvering space for new projects and major development.

7. Adds an exception to townhouses in the TH and PDD-TH districts to allow residents to use the area immediately outside their garages for additional external parking.
8. Expands on current language prohibiting above-grade parking within the City and prohibits under building parking within the TCC district.

Recommendation. Based on the review given this proposal, the Commission: (i) finds that the proposal, if adopted, would be in the public interest and consistent with the Comprehensive Plan, (ii) finds that the proposal reasonably addresses circumstances which have arisen since the last comprehensive revision of the zoning ordinance, (iii) makes its final recommendation favorable to the proposal, and (iv) recommends that the City Council adopt the proposal.

The Vote. The vote on approval of this report was as follows: Wilson, Parikh, Snyder, Clark, McEnany voted "aye"; there were 0 "noes"; Griffith and Jay absent.

Respectfully submitted:

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

By: *Richard J. Wilson*
For the Commission