City of West University Place
Harris County, Texas

Ordinance No. 2075

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS REGARDING THE MAXIMUM HEIGHT OF EXISTING STRUCTURES THAT MUST BE ELEVATED TO COMPLY WITH FLOODPLAIN REGULATIONS AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT.

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 All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.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:_____ **Signed**: _____
City Secretary Mayor

Recommended:

_____
City Manager

Approved as to legal form:

_____
City Attorney

Exhibit A

Zoning & Planning Commission
City of West University Place, Texas
3800 University Boulevard
West University Place,
Texas 77005

May 16, 2019

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 of the City of West University Place, Texas ("City") relating to MAXIMUM HEIGHTS OF STRUCTURES ELEVATED TO COMPLY WITH FLOODPLAIN REGULATIONS.

To the Honorable Mayor
& Members of City Council:

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

Scope of Proposal. The proposal would give some flexibility for those existing residential structures which have been flooded and are located in the 100-year floodplain and are being elevated to comply with floodplain regulations. The overall maximum height of the structure could exceed the existing height by the same measurement the foundation of the structure is elevated. The maximum height for any structure is limited to thirty-nine feet.

Public Hearing. A joint public hearing between members of the City Council and the Zoning and Planning Commission was held on April 22, 2019. There were no comments received in favor of or against the proposal. The Zoning and Planning Commission met immediately after the public hearing and recommended a clarification change to the last sentence of the proposal. The clarification reinforces the limit to the overall amount of the elevation allowed and clarifies that the maximum height in the rear yard is 27’for elevated structures.

Recommendation. Based on the review given this proposal so far, 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 City Council adopt the proposal.

The Vote. The vote on approval of this report was as follows: 7 voted "aye", 0 "noes".

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

Richard J. Wilson

Presiding Officer

Attachment #1

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

<table>
<tr><td colspan="2">Table 7-4b: Buildings</td><td colspan="8">General Rule: Every structure must conform to the applicable regulations shown, by District, in this table.("N/A" means the rule does not apply.) Exceptions/Special Rules: (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts.</td></tr>
<tr><td>Item</td><td>Regulation</td><td>SF-1</td><td>SF-2</td><td>SF-3</td><td>TH</td><td>GR-1</td><td>GR-2</td><td>C</td><td>TCC</td></tr>
<tr><td>Dwelling units</td><td>Maximum number per building site</td><td colspan="3">One, plus one accessory quarters (AQ)</td><td>17.5 per acre. See Note 9</td><td>Two</td><td>24 per acre.</td><td>See Uses table and Art. 9</td><td>N/A</td></tr>
<tr><td>Framed area, all buildings on a building site</td><td>Maximum area as a percentage of building site area</td><td colspan="3">80%</td><td colspan="3">100% See Note 4.</td><td colspan="2">N/A</td></tr>
<tr><td rowspan="4">Principal buildings See Article 10 regarding garage space.</td><td>Stories, maximum</td><td colspan="3">Two and one-half.</td><td>Three.</td><td colspan="2">See Note 6.</td><td>N/A</td><td>Two</td></tr>
<tr><td>Height, maximum</td><td colspan="5">35 feet; 25 feet in rear yard. See Note 1 and Note 14.</td><td>35 ft. See Note 2.</td><td>35 ft. See Notes 12 and 13.</td></tr>
<tr><td>Minimum gross floor area</td><td colspan="3">1,400 square feet, if used for residential purposes</td><td>1,200 sq. ft., each DU.</td><td colspan="2">750 sq. ft, each DU</td><td colspan="2">1,400 sq. ft.</td></tr>
<tr><td>Width, minimum</td><td colspan="3">N/A</td><td>16 ft., each DU.</td><td colspan="2">N/A But see QMDS Schedule.</td><td colspan="2">N/A</td></tr>
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Table 7-4b, cont.		*General Rule:* Every structure must conform to the applicable regulations shown, by District, in this table.("N/A" means the rule does not apply.) Exceptions/Special Rules: (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts.							
Item	Regulation	PDD-SF1	PDD-SF2	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Dwelling units	Maximum number per building site	One, plus one AQ		17.5 per acre. *See Note 9.*					One plus one AQ
	Maximum area as a percentage of building site area	80%		100%. *See Note 4.*	100% for all dwelling types other than TH; 125% for TH. *See Note 4.*	100%. *See Note 4.*			N/A
Principal buildings	Stories, maximum	2 and one-half		3					N/A
	Height, maximum, in feet .	35, 25 in rear yard. *See Note 1* and 14.		35. *See Notes 1, 7 and 14.*					35
	Minimum gross floor area, square feet	1,400 each DU		1,200 each DU				1,600 each DU	1,300

Note 14. Height of Flood Loss Structures. The roof height of existing flood loss structures that are being raised to meet floodplain regulations may exceed the existing roof height by an amount equal to the distance the structure is elevated. In no case may the maximum roof height exceed 39' and 27' in the rear yard setback.