



AGENDA MEMO
3/2/2021 Agenda

TO: Honorable Mayor and City Council

FROM: Patrick Baugh, Community Development Director

SUBJECT: Consider a request from Staff to recognize the continuation of the open Public Hearing to add minor clarifications and correct the various scrivener's errors and omissions in the recently adopted version of the Zoning Ordinance.

UPDATE: On October 6, 2020, City Council opened the Public Hearing on this agenda item and acted to approve the recommended amendments except the one regulating the residential dwelling foundation elevation. The Public Hearing was continued to a date when the elevation issue was resolved. It is believed this resolution is provided with this amendment for your consideration.

The regulation establishing the foundation elevation was proposed to revert back to the previous regulatory guidelines. When the updated Zoning Ordinance was adopted in 2018, it included new language that established the dwelling foundation elevation to be no higher than 18 inches above the ground elevation at the front setback line. This was thought by the Zoning Ordinance Revision Committee to be a good balance of protecting new structures from storm water intrusion while restricting the creation of a monumental structure dwarfing the existing adjacent houses.

Unfortunately, staff immediately began hearing from local Builders that the height restriction was unnecessarily causing the foundations to be too low and subject to storm water drainage complications. Staff discussed the particular issues with the builders and the solution was found to be easily effected through a reversion to the prior ordinance language.

The proposed language of this amending Ordinance is to recognize the previous language to establish the GRADE BEAM at the average elevation of the immediately adjacent houses' GRADE BEAM ELEVATION. Further, as recommended by the Builders, it allows the Finished Floor Elevation to be achieved with a structural floor system that adds no more than 16" above the GRADE BEAM ELEVATION height.

Additionally, the language that provides exceptions to the GRADE BEAM ELEVATION, based upon grades relative to storm water drainage flow, is copied from the Building Code and duplicated in this section of the Zoning Ordinance for maximum clarity. The proposed change is provided in the following comparison:

FROM:

Sec. 11.3.13. Other Height Measurements

“B. First Floor Elevation

The elevation of the front door threshold shall establish the finished floor elevation and be no more than 18 inches above the average elevation of the minimum front setback line. The height of the finished floor elevation, whether on a slab or a pier and beam foundation, shall be no higher than the average of the finished floor elevations of the houses located on either side of the subject lot.”

TO:

Sec. 11.3.13 Other Height Measurements is amended to change subsection B to read:

“B. First Floor Elevation

The elevation the finished floor shall be established when supported by a structural floor system that is no more than 16 inches above the established grade beam elevation.

Grade Beam Elevation.

1. The height of the exterior grade beam, on either a slab or pier and beam foundation, shall be no higher than the average of the heights of the grade beams of the residences located on adjacent properties.
2. In cases where the average height as described in (1) above will not allow for positive drainage of the subject site because of existing topography, the Building Official may allow no more than twelve inches (12”) to be added to the height of the exterior grade beam so as to achieve positive drainage, consistent with the drainage requirements set out under the adopted Building Code. A Texas Registered Professional Engineer shall prepare a sealed plan that establishes the grading, drainage, grade beam height, and finished floor required to be in compliance with the drainage requirements of the adopted Building Code to be presented to the Building Official for consideration.”

The remainder of this memorandum, save the Recommendation, is unchanged from the October agenda item.

BACKGROUND:

City Council adopted an updated and refreshed Zoning Ordinance on November 6, 2018. The goal of that effort was to simplify the regulations from the September 2005 Ordinances so they may be more easily understood and met, without changing the overall requirements for development in University Park. With that adoption, staff agreed to monitor implementation and application of the regulations to gauge the success in attaining the simplified understanding goals. The aggregation of comments has been completed and are being presented to refine some ambiguities, eliminate conflicts and correct some scrivener’s errors. The following compendium of changes are considered complete and currently necessary. Future amendments may also be identified and brought forward as needed due to the ‘living document’ nature of this Ordinance.

The ordinance includes the necessary amendments identified at this time. The number of amendments total twenty-one, with eight of those in the Use Table 5-1. Most amendments are errors or omissions that occurred between the final draft and the published document.

NOTIFICATION:

A public notice was published in the Daily Commercial Record on September 16, 2020.

RECOMMENDATION:

Staff concurs with the Planning and Zoning Commission and recommends that the City Council approve the amendment to the Zoning Ordinance regulating residential foundation elevations by adoption of the attached Ordinance.

ATTACHMENTS:

Ordinance

