

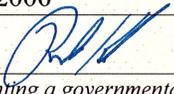
UDC Update Request Application

Part 1. Applicant Information

Name: Rob Killen Organization (if applicable): Kaufman & Killen, Inc.

Address: 100 West Houston Street, Suite 1250

Phone: (210) 227-2000 Email: rob@kk-lawfirm.com

Signature:  Date: 4/30/2015
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

See attached.

PROPOSAL SUMMARY –

Section 35-514 restricts placing all fencing, twelve (12) feet in height or lower, from within twenty (20) feet to a side or rear property line of a single-family use or residential zoning district and/or public or private street. Permitting a Sport Court fence six (6) feet or lower anywhere within the side or rear yard brings the regulations into compliance with the height limitations imposed by Section 35-514(d)(1) on single-family use, multifamily use side and rear yard fencing.

FORMATTED PROPOSAL –

Section 35-514. – Fences.

(b) Fencing Alternatives.

- (1) **Sport Court Fencing.** Fencing, screening and/or back stops for sport courts such as basketball, tennis, batters cages, etc. shall be constructed only in the side or rear yard and if in excess of six (6) feet in height as measured from the surface of the sports court, shall be located no closer than twenty (20) feet to a side or rear property line of an adjacent single-family use or residential zoning district and/or a public or private street. Sports court fencing six (6) feet in height or lower as measured from the surface of the sports court may be constructed anywhere within the side or rear yard. The maximum height for sport court fencing shall be limited to twelve (12) feet in height in accordance with section 6-2 of the building code.

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PROPOSAL SUMMARY –

The proposed amendments for Table 311-1 and Table 311-2 within Section 35-311 removes School – University or College (Private) as a separate permitted use on the residential and nonresidential use matrix and combines University under the School – Private use. Both tables include Public College or University within the same use as all public schools. As the intensity of a Public University is comparable to a Private Universities, Private Universities should not be distinguished from private schools as well.

Furthermore, adopting a separate definition for a private university provides clarity in distinguishing a Private University from a general School or Public School.

FORMATTED PROPOSAL –

Section 35-311. – Use Regulations.

Table 311-1 RESIDENTIAL USE MATRIX

PERMITTED USE	RP	R E	R-20	NP -15	NP -10	NP -8	R-6	RM -6	R-5	RM -5	R-4	RM -4	MF -18	MF -25	MF -33	MF -40	MF -50	ERZ D	LBCS FUNCTION
Recreation Facility, Neighborhood		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6340
School - Private (Includes Church Schools, Private Schools K-12, University)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6100
School - Public Includes All ISD Schools K-12, Open Enrollment Charter Schools, Public College or University	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6100
School – University Or College (Private)	S						P	6130											
Storage (moving pods) (see 35-A101)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Transit Center													P	P	P	P	P	P	4133
Transitional Home												S	S	S	S	S	S	P	
Transit Park & Ride													P	P	P	P	P	S	4133

Submitted by: Rob Killen
 Proposed Amendment to
 Section 35-311 & Appendix A

Transit Transfer Center (Max Size 14'x33' and total footprint no larger than 30'x40')	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4133
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Table 311-2 NONRESIDENTIAL USE MATRIX

	PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
School	School - Private University Or College		S			S	P	P	P			P	6130
School	School - Public University Or College	P	P	P	P	P	P	P	P			P	6130
School	School - Montessori				S	P	P	P				P	6100
School	School - Nursery (Public And Private)		P	P	P	P	P	P				P	6110
School	School - Private Pre- Kindergarten Through 12th Grade and University	P	P	P	P	P	P	P				P	9900
School	School - Public Pre- Kindergarten Through 12th Grade	P	P	P	P	P	P	P				P	9900
School	Vocational Trade (No Outside Storage & Training Area Permitted)						P	P				S	6140
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APPENDIX A – DEFINITIONS AND RULES OF INTERPRETATION

Submitted by: Rob Killen
Proposed Amendment to
Section 35-311 & Appendix A

School, business or commercial trade	UDC-A:78
School, private university	UDC-A:78
School, public	UDC-A:78
School, vocational	UDC-A:79

Section 35-A101. Definitions and Rules of Interpretation

School. An institution or place for instruction or education, such as kindergarten, elementary, middle or junior high school, high school, college or university.

[School, private university. A building or structure, including accessory buildings, grounds, or areas, operated by a university that is accredited by the Southern Association of Colleges and Schools.](#)

School, business or commercial trade. A profit or not for profit entity providing instruction and training in a office, clerical, managerial, sales, information technology, administrative skills or trades such as beauty school, barber college, beautician school.

School, public. A building or structure, including accessory buildings, grounds, or areas, owned and operated by school or university which is part of a school district or system organized pursuant to Article VII of the Texas Constitution, including any public school organized under V.T.C.A. Education Code Titles 2, and any "General academic teaching institution" or "institution of higher education" as defined in V.T.C.A. Education Code § 61.003, and which are used for teaching, research, or the preservation of knowledge.

School, vocational (technical, construction or industrial trades). A profit or not for profit entity providing instruction and training in a skilled trade such as mechanics, carpentry, plumbing, service, construction, industrial or other skill related to assembling, processing, manufacturing, repair, etc.

Submitted by: Rob Killen
Proposed Amendment to
Section 35-311 & Appendix A