

ORDINANCE NO. 17-486

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING SECTION 5.04, AREA REGULATIONS, SIZE OF LOT, OF ARTICLE V, DISTRICT A REGULATIONS, OF APPENDIX A, ZONING, TO ADD AN EXCEPTION TO THE LOT COVERAGE REQUIREMENTS IN THE EVENT OF A RECONSTRUCTION OF AN EXISTING STRUCTURE WHEN THERE IS NO CHANGE TO THE FOOTPRINT OR EXTERIOR STRUCTURAL COMPONENTS OF THE STRUCTURE; AMENDING SECTION 5.06, AREA REGULATIONS, SIZE OF YARDS, OF ARTICLE V, DISTRICT A REGULATIONS, OF APPENDIX A, ZONING, TO ADD AN EXCEPTION ALLOWING RECONSTRUCTION OF AN EXISTING STRUCTURE IN THE EVENT THAT THERE IS NO CHANGE TO THE EXISTING FOOTPRINT OR EXTERIOR STRUCTURAL COMPONENTS OF THE STRUCTURE; AMENDING SECTION 6.04, AREA REGULATIONS, SIZE OF LOT, OF ARTICLE VI, DISTRICT B REGULATIONS, OF APPENDIX A, ZONING, TO ADD AN EXCEPTION TO THE LOT COVERAGE REQUIREMENTS IN THE EVENT OF A RECONSTRUCTION OF AN EXISTING STRUCTURE WHEN THERE IS NO CHANGE TO THE FOOTPRINT OR EXTERIOR STRUCTURAL COMPONENTS OF THE STRUCTURE; AMENDING SECTION 6.06, AREA REGULATIONS, SIZE OF YARDS, OF ARTICLE VI, DISTRICT B REGULATIONS, OF APPENDIX A, ZONING TO ADD AN EXCEPTION ALLOWING RECONSTRUCTION OF AN EXISTING STRUCTURE IN THE EVENT THAT THERE IS CHANGE TO THE EXISTING FOOTPRINT OR EXTERIOR STRUCTURAL COMPONENTS OF THE STRUCTURE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION OF ANY PART OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A NEW VIOLATION, AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the zoning regulations for the City of Bunker Hill Village, Texas currently require full compliance with all zoning ordinance provisions in the event of the reconstruction of an existing structure that exceeds fifty percent (50%) of the value of the structure;

WHEREAS, the City Council of the City of Bunker Hill Village, Texas desires to amend the zoning regulations for both District A and District B to allow exceptions to the yard size and

lot coverage regulations if a reconstruction on a structure does change the footprint or structural components of the structure; and

WHEREAS, the City Council finds it in the best interest of the health, safety and welfare of its citizens to adopt the amendments to the zoning regulations contained herein; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

Section 1. The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by adding the language underscored below to Section 5.04, Area Regulations, Size of Lot, of Article V, District A Regulations, of Appendix A, Zoning, the revised Section 5.04 to read as follows:

“Section 5.04. - Area regulations, size of lot.

The following area regulations shall apply to all lots and building areas.

- A. *Lot area.* No building shall be erected, constructed, or placed on a lot having less than twenty thousand (20,000) square feet in area.
- B. *Impermeable building area calculation.* The impermeable building area shall not exceed forty-five (45) percent of the area of the lot. For the purposes hereof, impermeable building area shall include portions of a lot which are covered with buildings or structures including, but not limited to, building foundations, driveways, sidewalks, walkways, sundecks, patios, or tennis courts, and other impervious surfaces. Notwithstanding the foregoing, the actual water surface area of swimming pools shall be considered a permeable surface.
- C. *Maximum lot coverage calculation.* The maximum lot coverage calculation shall not exceed fifty-five percent (55) of the area of the lot. This shall include both impermeable and permeable surfaces.

- D. *Lot depth.* The average depth of a lot shall be at least one hundred forty (140) feet.
- E. *Lot width, standard lot.* The width of a standard lot at the front property line, the width of that portion of the front property which must abut the front street line, and the average width of the lot shall be at least one hundred ten (110) feet each.
- F. *Lot width, cul-de-sac lot.* A cul-de-sac lot shall abut a portion of the front street line which forms the bulb or arc of the cul-de-sac. The lot frontage along the front property line shall be at least forty (40) feet measured along the property line; and the width of the lot at the front setback line shall be at least one hundred ten (110) feet measured on a straight line tangent to the front setback line.
- G. In the event of a reconstruction of an existing structure (50% or more) as an "In Kind/Same Kind" as defined in the City's subdivision ordinance, meaning that there is no modification to the existing footprint or exterior structural components, the foregoing regulations relating to lot coverage shall not prohibit the reconstruction of a single-family dwelling, provided that the construction is in compliance with all other provisions of the City's zoning ordinance."

Section 3. The Code of Ordinances is further amended by adding the language underscored below to Section 5.06, Area Regulations, Size of Yards, of Article V, District A Regulations, of Appendix A, Zoning, the new Section 5.06 to read as follows:

"Section 5.06. - Area regulations, size of yards.

The following regulations shall apply to all yards:

- A. *Front yard, standard lot.* On a standard lot there shall be a front yard with a depth of at least fifty (50) feet. Alongside lot lines within a required front yard, a five-foot-wide green space shall be maintained.
- B. *Front yard, cul-de-sac lot.* A cul-de-sac lot shall abut a portion of the front street line which forms the bulb or arc of the cul-de-sac. Such lot shall have a front yard depth of at least forty feet (40), and shall complement adjacent homes creating a consistent neighborhood look as approved by the zoning official. Alongside lot lines within a required front yard, a five-foot-wide green space shall be maintained.

- C. *Side yards.* There shall be two (2) side yards on each lot. Each side yard shall have a depth of at least twenty (20) feet. Alongside lot lines within a required front yard a five-foot wide green space shall be maintained.
- D. *Rear yard.* Each lot shall have a rear yard with a depth of at least twenty-five (25) feet. In addition to this requirement, if a two-story main building is hereafter erected, constructed, or placed on a lot or if a second story is hereafter added to an existing one-story main building, the second story of such building shall be set back from the rear lot line of the lot on which it is situated a distance of at least forty (40) feet. As used herein, the term "second story" shall be deemed to include all portions of the building above the point where the top of the floor of the second story intersects or, if extended on a horizontal plane, would intersect the wall or roof of such building. Along rear lot lines a five-foot-wide green space shall be maintained.
- E. *Overhang and encroachments into yard space prohibited, with exceptions.* No balcony, cornice, eave, roof overhang, or protrusion of any kind or character from the walls or roof of a building or structure, other than uncovered and unenclosed driveways, walkways, steps, and porches, shall extend into or beyond any required yard or building line a distance of more than thirty (30) inches.
- F. In the event of a reconstruction of an existing structure (50% or more) as an "In Kind/Same Kind" as defined by the City's subdivision ordinance, meaning there is no modification to the existing footprint or exterior structural components of the structure, the foregoing regulations relating to the size of yards shall not prohibit the reconstruction of a single-family residence provided that the reconstruction is in compliance with all other provisions of the City's zoning ordinance."

Section 4. The Code of Ordinances is further amended by adding the language underscored below to Section 6.04, Area Regulations, Size of Lot, of Article VI, District B Regulations, of Appendix A, Zoning, the new Section 6.04 to read as follows:

"Section 6.04. - Area regulations, size of lot.

The following area regulations shall apply to all lots and building areas.

- A. *Lot area.* No building shall be erected, constructed, or placed on a lot having less than ten thousand (10,000) square feet in area.
- B. *Impermeable building area calculation.* The impermeable building area shall not exceed forty-five (45) percent of the area of the lot. For the purposes

hereof, impermeable building area shall include portions of a lot which are covered with buildings or structures including, but not limited to, building foundations, driveways, sidewalks, walkways, sundecks, patios, or tennis courts, and other impervious surfaces. Notwithstanding the foregoing, the actual water surface area of swimming pools shall be considered a permeable surface.

- C. *Maximum lot coverage calculation.* The maximum lot coverage calculation shall not exceed fifty-five (55) percent of the area of the lot. This shall include both impermeable and permeable surfaces.
- D. *Lot depth.* The average depth of a lot shall be at least one hundred ten (110) feet.
- E. *Lot width, standard lot.* The width of a standard lot at the front property line, the width of that portion of the front property which must abut the front street line, and the average width of the lot shall be at least eighty (80) feet each.
- F. *Lot width, cul-de-sac lot.* A cul-de-sac lot shall abut a portion of the front street line which forms the bulb or arc of the cul-de-sac. The lot frontage along the front property line shall be at least forty (40) feet measured along the property line; and the width of the lot at the front setback line shall be at least eighty (80) feet measured on a straight line tangent to the front setback line.
- G. In the event of a reconstruction of an existing structure (50% or more) as an "In Kind/Same Kind" as defined in the City's subdivision ordinance, meaning that there is no modification to the existing footprint or exterior structural components, the foregoing regulations relating to lot coverage shall not prohibit the reconstruction of a single-family dwelling, provided that the construction is in compliance with all other provisions of the City's zoning ordinance."

Section 5. The Code of Ordinances is further amended by adding the language underscored below to Section 6.06, Area Regulations, Size of Yards, of Article VI, District B Regulations, of Appendix A, Zoning, the new Section 6.06 to read as follows:

"Section 6.06. - Area regulations, size of yards.

The following regulations shall apply to all yards:

- A. *Front yard, standard lot.* On a standard lot there shall be a front yard with a depth of at least twenty-five (25) feet. Alongside lot lines within a required

front yard, a two and one-half foot (2.5) wide green space shall be maintained.

B. *Front yard, cul-de-sac lot.* A cul-de-sac lot shall abut a portion of the front street line which forms the bulb or are of the cul-de-sac. Such lot shall have a front yard depth of at least twenty feet (20), and shall complement adjacent homes creating a consistent neighborhood look as approved by the zoning official. Alongside lot lines within a required front yard, a two and one-half foot (2.5) wide green space shall be maintained.

C. *Side yards.*

1. There shall be two (2) side yards on each lot. Each side yard shall have a depth of at least ten (10) feet.
2. Alongside lot lines within a required front yard, a two and one-half foot (2.5) wide green space shall be maintained. Notwithstanding the foregoing, a vehicle driveway may be reconstructed within a required front yard green belt if the reconstructed driveway is located no nearer than:
 - (i) One foot from the side lot line; or
 - (ii) The distance between the preexisting driveway and the side lot line before reconstruction, whichever encroaches into the required greenbelt the least.
3. In addition to the requirement of subsection (1), if a two-story main building is hereafter erected, constructed, or placed on a lot, or if a second story is hereafter added to an existing one-story main building, the second story of such building, if situated on an interior lot, shall be set back from each side lot line a distance of at least fifteen (15) feet; if situated on a corner lot, the second story of such building shall be set back from the interior side lot line (the side farthest removed from the side street) a distance of fifteen (15) feet; and on the exterior side yard a distance at least equal to the required set back of the first story of such building. As used herein, the term "second story" shall be deemed to include all portions of the building above the point where the top of the floor of the second story intersects or, if extended on a horizontal plane, would intersect the wall or roof of such building. Alongside lot lines, within a required front yard, a two and one-half-foot wide green space shall be maintained.

4. Notwithstanding the foregoing, the expansion of a main building into a required side yard shall be permitted if the expansion is located no nearer than:

(i) Five feet (5) from the side lot line; or

(ii) The distance between the main building and the side lot line before the expansion, whichever encroaches into the required greenbelt the least.

D. *Rear yard.* Each lot shall have a rear yard with a depth of at least ten (10) feet. In addition to this requirement, if a two-story main building is hereafter erected, constructed, or placed on a lot or if a second story is hereafter added to an existing one-story main building, the second story of such building shall be set back from the rear lot line of the lot on which it is situated a distance of at least twenty-five (25) feet. As used herein, the term "second story" shall be deemed to include all portions of the building above the point where the top of the floor of the second story intersects or, if extended on a horizontal plane, would intersect the wall or roof of such building. Along rear lot lines a two and one-half foot (2.5) wide green space shall be maintained.


E. *Overhang and encroachments into yard space prohibited, with exceptions.* No balcony, cornice, eave, roof overhang, or protrusion of any kind or character from the walls or roof of a building or structure, other than uncovered and unenclosed driveways, walkways, steps, and porches, shall extend into or beyond any required yard or building line a distance of more than thirty (30) inches.

F. In the event of a reconstruction of an existing structure (50% or more) as an "In Kind/Same Kind" as defined by the City's subdivision ordinance, meaning there is no modification to the existing footprint or exterior structural components of the structure, the foregoing regulations relating to the size of yards shall not prohibit the reconstruction of a single-family residence provided that the reconstruction is in compliance with all other provisions of the City's zoning ordinance."

Section 6. Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

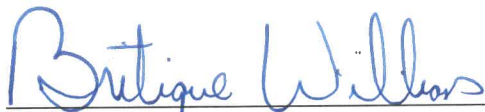
Section 7. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bunker Hill Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on this 14th day of November, 2017.



Jay Williams, Mayor

ATTEST:



Britique Williams, City Secretary