

**ORDINANCE NO. 14-447**

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING APPENDIX "A" OF ITS CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF BUNKER HILL VILLAGE BY ADDING THE COMPREHENSIVE PLAN DESIGNATION TO SECTION 1.03, PURPOSE, THEREOF, ADDING OR AMENDING VARIOUS DEFINITIONS CONTAINED IN SECTION 2.01, GENERAL, THEREOF, AMENDING SECTION 5.04, AREA REGULATIONS, LOT SIZE, IN DISTRICT A TO ACCOUNT FOR PERMEABLE SURFACES, AMENDING SECTION 5.06, AREA REGULATIONS, SIZE OF YARDS IN DISTRICT A MAKING MANDATORY CERTAIN GREEN SPACE AND ALTERING THE REGULATIONS RELATED TO CUL-DE-SAC LOTS, AMENDING SECTION 5.07, GARAGE OR CARPORT, OF DISTRICT A RELATING TO CONFIGURATION OF GARAGES, AMENDING SECTION 5.08, ACCESSORY USE REGULATIONS, OF DISTRICT A TO ALTER THE LIMITATIONS OF THE USE OF ACCESSORY STRUCTURES, AMENDING SECTION 6.04, AREA REGULATIONS, LOT SIZE, IN DISTRICT B TO ACCOUNT FOR PERMEABLE SURFACES, AMENDING SECTION 6.06, AREA REGULATIONS, SIZE OF YARDS, IN DISTRICT B MAKING MANDATORY CERTAIN GREEN SPACE AND ALTERING THE REGULATIONS RELATED TO CUL-DE-SAC LOTS, AMENDING SECTION 6.07, GARAGE OR CARPORT, OF DISTRICT B RELATING TO CONFIGURATION OF GARAGES, AMENDING SECTION 6.08, ACCESSORY USE REGULATIONS, OF DISTRICT B TO ALTER THE USE OF ACCESSORY STRUCTURES, AMENDING SECTION 7.08, SWIMMING POOLS, TO REMOVE THE GREEN SPACE REQUIREMENT BETWEEN A SWIMMING POOL AND A REAR OR SIDE LOT LINE, AMENDING SECTION 8.04 TO REQUIRE THE PLANNING AND ZONING COMMISSION TO MAKE RECOMMENDATIONS TO CITY COUNCIL REGARDING DRAINAGE IN A SPECIFIC USE PERMIT APPLICATION, AMENDING SECTIONS 9.07 AND 9.08 TO ALLOW ACCESSORY OR DRIVEWAY STRUCTURES TO BE RECONSTRUCTED IN THE SAME LOCATION SO LONG AS SUCH STRUCTURES ARE NOT EXPANDED, AMENDING SECTION 10.04 TO REQUIRE THAT BUILDING PERMIT APPLICATIONS BE SUBMITTED IN CONFORMITY WITH CHAPTER 4, DEVELOPMENT, BUILDING AND CONSTRUCTION, AMENDING VARIOUS PROVISIONS OF APPENDIX "A" TO REMOVE REFERENCE TO "DIRECTOR OF PUBLIC WORKS"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF WITH EACH DAY BEING A NEW VIOLATION; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City Council of the City of Bunker Hill Village, Texas charged the Planning and Zoning Commission with conducting a comprehensive review of the City's comprehensive zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has completed its comprehensive review of the City's comprehensive zoning ordinance; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of the citizens of the City of Bunker Hill Village to adopt the amendments to the comprehensive zoning ordinance contained herein;

WHEREAS, with the approval of said ordinance it shall become effective January 1, 2015; now, therefore

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

**Section 1.** The facts and matters set forth in the preamble are hereby found to be true and correct and adopted as if set forth herein.

**Section 2.** Section 1.03 of the Appendix "A" of the Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 1.03 to read as follows:

**"1.03. Purpose.**

The comprehensive zoning ordinance contained in this Appendix "A" shall serve as the City's Comprehensive Plan. The zoning regulations and districts herein established have been made accordingly, for the purpose of promoting the health, safety, and general welfare of the City of Bunker Hill Village, Texas, and its inhabitants. Such regulations and districts have been designed to lessen congestion of the streets, to secure safety from fire, panic, and other dangers; to facilitate adequate provisions for transportation, particularly in times of natural disaster when timely evacuation of the city is critical for the protection of lives; to provide adequate light and air; to prevent the overcrowding of land; to avoid

undue concentration of population; and to facilitate adequate provisions of water, sewage, drainage, schools, parks, and other public requirements. They have been made with reasonable consideration of the character of the districts and their suitability for a particular use, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Bunker Hill Village.”

**Section 3.** Section 2.01, General, of Article II, Definitions, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 2.01 to read as follows:

**“2.01. General.**

The following definitions shall apply in the interpretation and enforcement of this ordinance. Words and terms not defined herein shall be construed in accordance with the ordinances of the city or their customary usage and meaning. When necessary for a reasonable construction of this ordinance, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one (1) tense or form shall include other tenses or derivative forms. The word "building" shall include the meaning of the word "structure." The words "shall," "will," and "must" are mandatory, and the word "may" is directory.

- A. *Accessory building and accessory use.* A building or use which is clearly subordinate and customarily incidental to and serves the principal or main building or use; is subordinate in area, extent, and purpose to the principal or main building or use served; contributes to the comfort, convenience or necessity of the occupant of the principal or main building or use; and is located on the same lot as the principal or main building or use. Notwithstanding the foregoing or any other provision contained in this appendix "A" to the contrary, no building, or any part thereof, constructed, altered, improved or used for the purpose of human habitation shall be deemed an accessory building hereunder. For the purposes hereof, a building or part thereof shall be deemed habitable if it is constructed, altered or improved so as to be suitable for, or used for, sleeping purposes.
- B. *Basement* shall mean one or more floors of a building that are either completely or partially below the ground floor and are allowed only if the design is signed and sealed by a professional engineer.
- C. *Building* shall mean any structure designed or built for the support, shelter, protection, housing, or enclosure of persons, animals, or property of any kind.

- D. *Building area.* The maximum portion of a lot over which buildings and structures may be constructed.
- E. *Building height.* The vertical distance from the average finished grade of the lot at the edge of the slab to the highest point of the building, excluding the chimney or chimneys.
- F. *Building line.* A line parallel or approximately parallel to and is equal distance from the property line of which no building or structure shall be erected or constructed within. On a radial lot, the building line may be the arc created by the connection of parallel points or lines. The purpose of the building line is to establish the building area of the lot to provide for quality of life features and create consistency within subdivisions.
- G. *City.* The City of Bunker Hill Village, Texas.
- H. *City council.* The governing body of the City of Bunker Hill Village, Texas.
- I. *Dwelling, single-family.* A detached residential dwelling unit, other than a mobile home or trailer or any structure converted from a mobile home or trailer, designed for and occupied by one (1) family only.
- J. *Dwelling unit.* A residential unit providing complete, independent, living facilities for one (1) family including provisions for living, sleeping, cooking, eating, and sanitation.
- K. *Family.* One (1) or more persons, of which not more than two (2) are unrelated by blood, marriage, or adoption, living together as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, hotel, motel, club, fraternity or sorority house, apartment house, or duplex.
- L. *Garage or carport.* An accessory building or part of a main building used or designed for private storage only of motor vehicles used by the occupants of the building to which it is an accessory or of which it is a part.
- M. *Green Space* shall mean an area of land reserved strictly for landscaping purposes only on which no structure can be built.
- N. *Impermeable* shall mean a surface structure which does not allow liquids to pass through.
- O. *Lot.* A parcel of land occupied or intended for occupancy by a use permitted by this ordinance and being of sufficient size to meet the

minimum applicable requirements for use, coverage, area, width, depth, and parking and to provide such yards and other open spaces as are required herein. A lot shall have the minimum required frontage on a public street or on an existing private street.

P. *Lot measurements:*

1. *Lot area.* The net area of the lot, expressed in square feet. Lot area shall not include any portion of a public street or alley.
2. *Lot depth.* The distance measured from the mid-point of the front lot line to the midpoint of the rear lot line or, in the event of a radial lot, the lot depth shall be measured taking the average of the side lot lines and maximum radial depth.
3. *Lot width.* The average horizontal distance between the side lot lines.

Q. *Lot types:*

1. *Corner lot.* A lot abutting two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has the least dimension, unless otherwise specified by the Zoning Official.
2. *Interior lot.* A lot other than a corner lot with only one (1) street frontage and which does not have a side lot line or lines which abut a street.
3. *Double frontage lot.* A lot other than a corner lot which abuts more than one (1) street.

R. *Nonconforming use.* A lot, building, structure, yard, or use existing legally at the time of passage of this ordinance, or any amendment thereto, which, by reason of design or use, does not conform to the regulations of the district in which it is situated. A nonconforming use may relate to land, building, structure, or use, or any part thereof.

S. *Permeable* shall mean a surface structure which allows liquids to pass through. For the purposes hereof, permeable surfaces, such as pavers, shall be constructed in accordance with the City's specifications for permeable surfaces. Notwithstanding the foregoing, the actual water surface area of swimming pools shall be calculated as permeable area.

T. *Recreational and utility vehicles.* Any motor vehicle, as that term is defined in Vernon's Ann. Civ. St. art. 6701a, § 2(b), as amended, which is

designed for or used as a camper, motor home, travel trailer, or other similar purpose; any trailer, as that term is defined in Vernon's Ann. Civ. St. art. 6701d, § 5(a), as amended, which is designated for or used as a tent trailer, utility trailer, house trailer, vacation or camping trailer, or other similar purpose; any boat or boat trailer; or any livestock trailer.

- U. *Setback.* The distance between the wall of a building, excluding steps, walkways, driveways, and those porches which are both unroofed and unenclosed, and the pertinent lot line or street line, whichever is closer. Setbacks and/or required yards on property abutting a private street shall be measured from the line demarking the edge of the easement of ingress and egress shown on the survey which is nearest the applicable lot.
- V. *Sign.* Any structure, device, or inscription which is located upon, attached to, or printed or represented on any land or on the outside of any building or structure, or on any awning, canopy, marquee, or similar appendage, or permanently affixed to the glass of a window or door so that it can be seen from the outside of the building or structure, and which displays or includes any numeral, letter, work, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, profession, enterprise, industry, activity, or any combination thereof. Where the word "sign" is used herein without modification, the same shall be understood to embrace all regulated signs and replicas.
- W. *Street.* A public thoroughfare, or a private thoroughfare lawfully existing on the effective date of this ordinance, which affords the principal means of access to abutting property.
- X. *Street frontage.* The length of a lot line which is adjacent to a street.
- Y. *Street line.* A right-of-way line of a street.
- Z. *Structure* shall mean anything constructed or erected which requires location on the ground or is attached to something having a location on the ground including, but not limited to signs, fences, walls, poles, and buildings, whether of a temporary or permanent nature.
- AA. *Yard.* An open space at grade between a building and the adjoining lot lines, or street lines, whichever are closer, unoccupied and unobstructed by a portion of a building or structure from the ground upward, other than as specifically permitted by this ordinance. In measuring a yard for the purpose of determining the depth of a front yard, the depth of a side yard,

and the depth of a rear yard, the minimum horizontal distance between the pertinent lot line or street line, whichever is closer, and the edge of the main building, inclusive of all roof overhangs, eaves, or any other protrusions beyond the walls thereof, shall be used.

- BB. *Yard, front.* A yard extending across the front of a lot between the side lot lines and being the horizontal distance between the front lot line or front street line, whichever is closer, and the front of the main building. The front lot line shall be the lot line abutting the street which provides access to the lot or, in the case of a corner lot, the lot line abutting the street toward which the front of the main building faces.
- CC. *Yard, rear.* A yard extending across the rear of a lot between the side lot lines the minimum horizontal distance between the rear lot line or lines and the rear of the main building. On all lots the rear yard shall be to the rear of the front yard.
- DD. *Yard, side.* A yard extending from the required front yard to the required rear yard and being the horizontal distance between each side lot line or side street line, whichever is closer, and the nearest side of the main building.
- EE. *Zoning Official* shall mean the administrative official designated by city council and charged with enforcement of this Zoning Ordinance.”

**Section 4.** Section 5.04, Area Regulations, Size of Lot, of Article V, District A Regulations, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 5.04 to read as follows:

**“§ 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 at 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.”

**Section 5.** Section 5.06, Area Regulations, Size of Yards, of Article V, District A Regulations, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 5.06 to read as follows:

**“§ 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 (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 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 (5’) 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 (5) 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."

**Section 6.** Section 5.07, Garage or Carport, of Article V, District A Regulations, of Appendix "A" is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 5.07 to read as follows:

**“§ 5.07. Garage or carport.**

Every single-family dwelling must have a roofed garage or carport with a floor space of at least four hundred (400) square feet and configured to accommodate at least two standard sized, four-wheeled, automobiles parked side by side. If a garage or carport is attached to the dwelling, it shall be considered a part thereof and subject to the minimum yard and setback requirements of the main building; otherwise, such garage or carport shall be deemed an accessory building or structure and subject to the regulations and minimum setback requirements applicable thereto.”

**Section 7.** Section 5.08, Accessory Use Regulations, of Article V, District A Regulations, of Appendix "A" is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 5.08 to read as follows:

**“§ 5.08. Accessory use regulations.**

The following regulations shall apply to all accessory buildings, structures, and uses:

- A. *Limitations on use.* An accessory building, structure, or use shall not be rented, shall not be used for commercial, or manufacturing purposes, and shall not contain any kitchen, living, or sleeping facilities. The foregoing notwithstanding, an accessory building or use subordinate to a main building may contain kitchen or living facilities for use in conjunction with recreational activities only.
- B. *Distance requirements from main building.* No wall of an accessory building or use shall be located less than six (6) feet from an outside wall of the main building. An accessory building or use may be connected to the main building by a covered walkway; provided, however, such covered walkway shall not be more than six (6) feet in width.
- C. *Restrictions on location.* Except as specifically permitted in this section or elsewhere in this ordinance, an accessory building, structure, or use shall not be erected, constructed, installed, placed, or maintained in any required yard. On an interior lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line and at least ten (10) feet from each side lot line. On a corner lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line; at least ten (10) feet from the interior side yard line (the side yard line farthest removed from the side street); and at least twenty (20) feet or a distance at least equal to the required depth of that yard of the contiguous lot which abuts such side street, whichever is greater, from the interior side lot line (the side lot line which abuts the side street).
- D. *Placement of windows and doors.* Windows and doors shall not be allowed on the side(s) of Accessory Structures which have less than the required main structure setback. Windows and doors on Accessory Structures can only face internally to the lot.”

**Section 8.** Section 6.04, Area Regulations, Size of Lot, of Article VI, District B Regulations, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 6.04 to read as follows:

**“§ 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 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 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 ~~at~~ 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. “

**Section 9.** Section 6.06, Area Regulations, Size of Yards, of Article VI, District B Regulations, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 6.06 to read as follows:

**“§ 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 arc 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 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 (1) 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 (2.5) 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."

**Section 10.** Section 6.07, Garage or Carport, of Article VI, District B Regulations, of Appendix "A" is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 6.07 to read as follows:

**"§ 6.07. Garage or carport.**

Every single-family dwelling must have a roofed garage or carport with a floor space of at least four hundred (400) square feet and configured to accommodate at least two standard sized, four-wheeled, automobiles parked side by side. If a garage or carport is attached to the dwelling, it shall be considered a part thereof and subject to the minimum yard and setback requirements of the main building; otherwise, such garage or carport shall be deemed an accessory building or structure and subject to the regulations and minimum setback requirements applicable thereto."

**Section 11.** Section 6.08, Accessory Use Regulations, of Article VI, District B Regulations, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 6.08 to read as follows:

**“§ 6.08. Accessory use regulations.**

The following regulations shall apply to all accessory buildings, structures, and uses:

- A. *Limitations on use.* An accessory building, structure, or use shall not be rented, shall not be used for commercial, or manufacturing purposes, and shall not contain any kitchen, living, or sleeping facilities. The foregoing notwithstanding, an accessory building or use subordinate to a main building may contain kitchen or living facilities for use in conjunction with recreational activities only.
- B. *Distance requirements from main building.* No wall of an accessory building or use shall be located less than six (6) feet from an outside wall of the main building. An accessory building or use may be connected to the main building by a covered walkway; provided, however, such covered walkway shall not be more than six (6) feet in width.
- C. *Restrictions on location.* Except as specifically permitted in this section or elsewhere in this ordinance, an accessory building, structure, or use shall not be erected, constructed, installed, placed, or maintained in any required yard. On an interior lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least five (5) feet from the rear lot line and at least five (5) feet from each side lot line. On a corner lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least five (5) feet from the rear lot line; at least five (5) feet from the interior side yard line (the side yard line farthest removed from the side street); and at least fifteen (15) feet or a distance at least equal to the required depth of that yard of the contiguous lot which abuts such side street, whichever is greater, from the interior side lot line (the side lot line which abuts the side street).
- D. *Placement of windows and doors.* Windows and doors shall not be allowed on the side(s) of Accessory Structures which have less than the required main structure setback. Windows and doors on Accessory Structures can only face internally to the lot.”

**Section 12.** Section 7.08, Swimming Pools, of Article VII, Supplementary District Regulations, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 7.08 to read as follows:

**“§ 7.08. Swimming pools.**

To qualify as an accessory structure or use, a swimming pool must comply with all yard and setback requirements of the main building unless such swimming pool is located in the rear one-third of the lot, in which event the following shall apply: If located in the rear one-third of an interior lot, a swimming pool must be set back at least ten (10) feet from the rear lot line and at least ten (10) feet from each side lot line. If located in the rear one-third of a corner lot, a swimming pool must be set back at least ten (10) feet from the rear lot line, at least ten (10) feet from the interior side lot line (the side lot line farthest removed from the side street), and at least twenty (20) feet or a distance at least equal to the required depth of that yard of the contiguous lot which abuts such side street, whichever is greater, from the exterior side lot line (the side lot line which abuts the side street). All of the foregoing measurements shall be taken from the nearest water's edge of such swimming pool.”

**Section 13.** Section 7.11, Signs, Subsection C., Contractor and Architect Signs, of Article VII, Supplementary District Regulations, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 7.11 C. to read as follows:

“C. *Contractor and architect signs.* One (1) unilluminated sign identifying contractors and architects performing work on the lot or parcel of land on which the sign is located. Such a sign shall not exceed three (3) square feet in total area, shall be at least ten (10) feet from the nearest street right-of-way line, and shall not extend more than five (5) feet above the natural ground level in the immediate vicinity. Such a sign shall be removed upon substantial completion of the building or project for beneficial use, as determined by the city's Zoning Official; provided, however, in no event shall such a sign be maintained on such lot or tract of land for more than two (2) years.”

**Section 14.** Section 8.03, Procedure, of Article VIII, Specific Use Permits, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 8.03 to read as follows:

**“§ 8.03. Procedure.**

A specific use permit is an amendment to the district regulations of this ordinance and permits the permanent establishment of a specific use within a zoning district. The following conditions and procedures shall attend an application for a specific use permit:

- A. *Amendment required.* The Zoning Official shall not issue a certificate of zoning compliance for such specific uses as may be hereafter created, changed, converted, or enlarged, in whole or in part, until and unless a specific use permit has been obtained in accordance with the amendment procedures set forth in article XIII of this ordinance.
- B. *Application requirements.* Application for a specific use permit shall be made by the property owner or his or its certified agent or representative to the planning and zoning commission on forms prescribed for that purpose by the city council. Such application shall be accompanied by a site plan as set forth in Chapter 4 of this code of ordinances. Specific use permits, revocable, conditional, or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the terms hereof. Granting a specific use permit does not exempt the applicant from complying with the requirements of the building code and all other ordinances of the city.
- C. *Considerations.* In considering any application for a specific use permit, the planning and zoning commission shall give due regard to the nature and condition of all adjacent land, uses, and structures. Such commission may recommend disapproval of an application for a specific use permit or approval subject to such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to the regulations of the district in which the particular use is located, as it may deem necessary for the protection of adjacent properties and the public interest.”

**Section 15.** Section 8.04, Planning and Zoning Commission Report, of Article VIII, Specific Use Permits, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 8.04 to read as follows:

**“§ 8.04. Planning and zoning commission report.**

Before any specific use is permitted in the applicable zoning district, a report from the planning and zoning commission must be directed to the city



council accompanied by the commission's recommendation for approval or denial. The report shall include, but need not be limited to, the following:

- A. *Ingress and egress.* Ingress and egress to the property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in the event of fire or other catastrophe.
- B. *Off-street parking.* Off-street parking and loading areas where required, with particular attention to the items set forth in subsection A of this section, and the economic, noise, glare, and other effects of the specific use on adjoining properties and other properties generally in the district and city.
- C. *Service areas.* Refuse and service areas, with particular reference to the items set forth in subsections A and B of this section.
- D. *Utilities.* Utilities include water and wastewater, with reference to location, availability, and compatibility.
- E. *Drainage.* Drainage plans proposed to meet requirements of the City's Drainage Ordinance and Criteria Manual.
- F. *Screening and buffering.* Screening and buffering, either or both, with reference to type, dimensions, and character.
- G. *Signs and lighting.* Sign location and size, proposed exterior lighting with reference to glare and traffic safety and compatibility and harmony with adjacent property and other properties generally in the district and city.
- H. *Trees, Yards and open spaces.* Landscaping and required yards, open spaces, and building setback lines.
- I. *Compatibility.* General compatibility with adjacent properties and other properties in the district and city.
- J. *Conformity.* The conformity of the proposed use with the requirements and intent of this ordinance and the comprehensive plan of the city."

**Section 16.** Section 8.05, City Council Action, of Article VIII, Specific Use Permits, of Appendix "A" is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 8.05 to read as follows:

**“§ 8.05. City council action.**

The city council may accept or reject the recommendation of the planning and zoning commission and in conjunction therewith may grant or deny the application for a specific use permit. Every specific use permit granted by the city council shall be considered an amendment to this ordinance, as applicable to such property. In granting such permit, the city council may impose conditions which must be complied with by the grantee thereof before a certificate of zoning compliance may be issued by the Zoning Official for the use of the buildings and structures on such property pursuant to said specific use permit. Such conditions shall not be construed as conditions precedent to the granting of the specific use permit, but shall be construed as conditions precedent to the granting of a certificate of zoning compliance. Following the passage of a specific use permit ordinance by the city council, the Zoning Official may issue a building permit for the pertinent property as provided in article X hereof, and shall insure that development of such property is undertaken and completed in accordance with such specific use and building permits.”

**Section 17.** Section 9.05, Nonconforming Lots, of Article IX, Nonconforming Uses, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 9.05 to read as follows:

**“§ 9.05. Nonconforming lots.**

See sections 5.05 and 6.05 of this ordinance.”

**Section 18.** Section 9.07, Nonconforming Lots, of Article IX, Nonconforming Uses, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 9.07 to read as follows:

**“§ 9.07. Nonconforming buildings and structures.**

A building or structure lawfully existing on the effective date of this ordinance which is made nonconforming by the provisions of this ordinance for the reason that it could not be built under the terms hereof because of restrictions set forth herein relating to building area, lot coverage, height, yards, setback requirements, its location on the lot, or other requirements pertaining to buildings and structures, it may be continued as long as it remains otherwise lawful, subject to the following limitations and conditions:

- A. *Enlargement or alteration.* No such nonconforming building or structure shall be enlarged or altered in a manner which increases its nonconformity; however, such building or structure may be altered to decrease its nonconformity.
- B. *Destruction.* In the event such nonconforming building or structure or the nonconforming portion thereof should be destroyed by any force or means to the extent that the cost of repair exceeds fifty (50) percent of the value of the structure at the time of such destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. For purposes of this subsection, the value of the structure shall be the average cost per square foot of all new construction within the city for the last three (3) years based on certified values from the Harris County Appraisal District, as set forth in the City of Bunker Hill Village Fee Schedule as adopted by city council..
- C. *Moved or relocated.* Should any such nonconforming building or structure be relocated or moved any distance whatever for any reason, it shall thereafter be made to conform to the regulations of the district in which it is relocated or to which it is moved.

This section shall not apply to the reconstruction of accessory or driveway structures whereby the reconstruction consists of the same, or less, land use, location, and size as the improvements previously in place. Reconstruction of the main structure requires all nonconforming aspects of the lot to be resolved.”

**Section 19.** Section 9.08, Repairs, Modifications, and Maintenance, of Article IX, Nonconforming Uses, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 9.08 to read as follows:

**“§ 9.08. Repairs, modifications, and maintenance.**

- A. On any nonconforming building or structure, work may be done on ordinary maintenance and repair.
- B. On any nonconforming building or structure, the modification or replacement of nonbearing walls, fixtures, wiring, plumbing, and similar items shall be allowed after the owner thereof or his duly authorized representative has obtained any and all necessary permits to perform such work, only under the following conditions:

1. The cubic content of such building or structure existing at the time it became nonconforming shall not be increased; and
2. The modification of an existing structure involves structural modifications, including wall or ceiling board replacement, in rooms constituting no more than fifty (50) percent of the climate controlled square footage of the structure; provided, however, that this subsection shall not apply to situations where the wall board replacement is for the lowest forty-eight (48) inches of the first floor of the structure within sixty (60) days of a verifiable water damage event; and
3. The cost of repair or modification does not exceed fifty (50) percent of the value of the structure prior to the repair or modification. For purposes of this subsection, the value of the structure shall be the average cost per square foot of all new construction within the city for the last three (3) years based on certified values from the Harris County Appraisal District, as set forth in the City of Bunker Hill Village Fee Schedule as adopted by city council.

This section shall not apply to the reconstruction of accessory or driveway structures whereby the reconstruction consists of the same, or less, land use, location, and size as the improvements previously in place. Reconstruction of the main structure requires all nonconforming aspects of the lot to be resolved.”

**Section 20.** Section 10.01, Administrative Official, of Article X, Administration, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 10.01 to read as follows:

**“§ 10.01. Administrative official.**

The provisions of this ordinance shall be administered and enforced by the Zoning Official of the city. Such Zoning Official or his duly authorized representative shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings, structures, or premises necessary to carry out such director's duties in the enforcement of this ordinance.”

**Section 21.** Section 10.02, Authority to Order Work Stopped, of Article X, Administration, of Appendix “A” is hereby amended by deleting the language struck through

below and adding the language underscored below with the new Section 10.02 to read as follows:

**“§ 10.02. Authority to order work stopped.**

Whenever any construction work is being done contrary to the provisions of this ordinance, the Zoning Official may order the work stopped by notice in writing served on the owner, resident, or contractor doing such work or causing it to be done, and any such person shall forthwith stop such work until he is authorized to proceed therewith by the Zoning Official.”

**Section 22.** Section 10.03, Building Permit Required, of Article X, Administration, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 10.03 to read as follows:

**“§ 10.03. Building permit required.**

No building or other structure shall be erected, constructed, remodeled, enlarged, structurally altered, added to, or moved in the city without a permit therefore approved and issued by the Building Official for and on behalf of the city. No such building permit shall be issued by the Building Official except in conformity with the provisions of this ordinance unless he receives a written order from the board of adjustment in the form of an administrative review, variance, or special exception as provided for herein.”

**Section 23.** Section 10.04, Application for Building Permit, of Article X, Administration, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 10.04 to read as follows:

**“§ 10.04. Application for building permit.**

An application for a building permit shall be submitted in conformity with the requirements of Chapter 4 of the City of Bunker Hill Village Code of Ordinances, Development, Building and Construction.”

**Section 24.** Section 10.05, Disposition of Plans, of Article X, Administration, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 10.05 to read as follows:

**“§ 10.05. Disposition of plans.**

One (1) copy of all plans submitted in conjunction with an application for a building permit shall be returned to the applicant by the Building Official after such Building Official has marked such copy either "Permit Approved" or "Permit Disapproved," indicated thereon the date on which such action was taken, and attested the same by signing his name thereunder.”

**Section 25.** Section 10.08, Certificate of Zoning Compliance, of Article X, Administration, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 10.08 to read as follows:

**“§ 10.08. Certificate of zoning compliance.**

It shall be unlawful for any person to use or occupy or to permit the use or occupancy of any building or land, either or both, in whole or in part, for which a certificate of zoning compliance is required by this ordinance until and unless a certificate of zoning compliance pertaining to such building or land has been issued by the Zoning Official. A certificate of zoning compliance shall be required for each of the following:

- A. *Building, construction or alteration.* A building hereafter erected, constructed, converted, enlarged, or structurally altered in whole or in part.
- B. *Building, change in use.* A change in the use of an existing building to a use of a different classification or character.
- C. *Vacant land, occupancy.* The occupancy and use of vacant land.
- D. *Land, change in use.* A change in the use of land to a use of a different classification or character.
- E. *Other.* Any change in use of a conforming use or of a nonconforming use.”

**Section 26.** Section 10.09, Procedure for Obtaining Certificate of Zoning Compliance, of Article X, Administration, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 10.09 to read as follows:

**“§ 10.09. Procedure for obtaining a certificate of zoning compliance.**

The following procedure shall be followed with respect to the application for and the issuance of a certificate of zoning compliance:

- A. *For a new or altered building.* Written application for a certificate of zoning compliance relating to a new building or for an existing building which is to be structurally altered shall be made at the same time as the application for the building permit for such building or alteration is filed with the Building Official. After the erection or alteration of such building has been completed, the applicant shall certify such fact to the Zoning Official and request that he issue a certificate of zoning compliance. Such certification and request shall be in writing. Within ten (10) days after receipt of such certification and request, the Zoning Official shall inspect such building and if he finds the same to be in conformity with the provisions of this and other pertinent ordinances of the city, he shall forthwith issue such certificate of zoning compliance.
  
- B. *For vacant land or change in use.* Written application for a certificate of zoning compliance for the use of vacant land, or for a change in the use of land or a building, either or both, or for a change in a conforming or a nonconforming use shall be made to the Zoning Official. If the proposed use is permitted in the district in which such land or building is located and otherwise conforms with the provisions of this ordinance, the Zoning Official shall issue such certificate of zoning compliance within ten (10) days of the receipt by him of the request therefore.”

**Section 27.** Section 12.01, Establishment of Schedule of Fees, of Article XII, Schedule of Fees, Charges, and Expenses, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 12.01 to read as follows:

**“§ 12.01. Establishment of schedule of fees.**

The city council shall establish a schedule of fees, charges, and expenses, and a procedure for their collection, for building permits, certificates of zoning compliance, specific use permits, changes in district classification, appeals, and other matters pertaining to this ordinance. Such schedule of fees shall be maintained in the office of the city secretary and the office of the Zoning Official, and may be amended, supplemented, or altered only by the city council. Until all applicable fees, charges, and expenses are paid in full, no action shall be taken on any such application or appeal.”

**Section 28.** Section 13.02, Submission to Planning and Zoning Commission, of Article XIII, Amendments, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 13.02 to read as follows:

**“§ 13.02. Submission to planning and zoning commission.**

Before taking action on any proposed amendment, supplement, or other change to this ordinance, including Specific Use Permits, the city council shall submit the proposed revision to the planning and zoning commission for its recommendation and report.”

**Section 29.** Repeal. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 30.** Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

**Section 31.** Severability. In the event any section, paragraph, subdivision, 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 shall not affect, impair, or invalidate this Ordinance as a whole or any



part or provision hereof 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, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 21st day of October, 2014.

  
\_\_\_\_\_  
Jay Williams  
Mayor

ATTEST:

  
\_\_\_\_\_  
Kelly Johnson  
City Secretary