

DRAFT

ORDINANCE NO. 23 _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING SECTION 5.04, AREA REGULATIONS, SIZE OF LOT, OF ARTICLE V, DISTRICT A REGULATIONS, AND SECTION 6.04, AREA REGULATIONS, SIZE OF LOT, OF ARTICLE VI, DISTRICT B REGULATIONS, OF APPENDIX A, ZONING, TO ADD THAT SYNTHETIC TURF SHALL BE CONSIDERED A PERMEABLE SURFACE AND SHALL BE PROHIBITED IN THE FRONT YARD; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION

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WHEREAS, the City Council of the City of Bunker Hill Village, Texas desires to regulate the installation of synthetic turf as set forth in this Ordinance; and

WHEREAS, the City Council of the City finds that the regulations contained herein are in the best interest of the health, safety and welfare of the public; and

WHEREAS, the Zoning Commission of the City, following notice and hearing as required by law, has recommended that the City Council adopt the amendments to the zoning regulations contained herein as shown in the final report of said Commission; and

WHEREAS, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Zoning Commission that such amendments be approved; now, therefore:

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Section 5.04, area regulations, size of lot, Article V, District A Regulations, of Appendix A, Zoning, of the Code of ordinances is hereby amended to add 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. Artificial turf shall be considered a permeable surface so long as it is inspected by the City at the time of installation and meets the criteria established by the City or that of the manufacturer. Artificial turf shall not be permitted in the required front yard. Artificial turf shall be shade of grass green.

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 amending Section 6.04, area regulations, size of lot, Article V, District B Regulations, of Appendix A, Zoning, to add the language underscored below, 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. Artificial turf shall be considered a permeable surface so long as it is inspected by the City at the time of installation and meets the criteria established by the City or that of the manufacturer. Artificial turf shall not be permitted in the required front yard. Artificial turf shall be shade of grass green.

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 4. Any person, corporation, or entity who or which shall intentionally, knowingly, recklessly, or with criminal negligence 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 \$2,000.00. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 4. 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 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, whether there be one or more parts.

PASSED, APPROVED AND ORDAINED, this the day of .

Robert P. Lord, Mayor

ATTEST:

Gerardo Barrera, Acting City Secretary