



CITY OF BUNKER HILL VILLAGE

THE PLANNING AND ZONING COMMISSION OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, WILL MEET ON TUESDAY, SEPTEMBER 24, 2024, AT 11:30 A.M. IN THE CITY HALL COUNCIL CHAMBERS AT 11977 MEMORIAL DRIVE FOR THE PURPOSE OF DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:

NOTICE OF MEETING BY TELEPHONE AND VIDEO CONFERENCE:

In accordance with Texas Government Code, Sec. 551.127, on a regular, non-emergency basis, Board members may attend and participate in a meeting remotely by video conference. Should such attendance transpire, a quorum of the Planning and Zoning Commission will be physically present at the location noted above on this agenda.

This meeting agenda, and the agenda packet, are posted online at

www.bunkerhilltx.gov

Join Zoom Meeting

<https://us06web.zoom.us/j/81277011599?pwd=4iMjRfoolcSBmePzDLBfGTrHN6j34J.1>

Meeting ID: 812 7701 1599

Passcode: 478916

Dial by your location: +1 346 248 7799 US (Houston)

The public will be permitted to offer public comments by video conference as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

- I. CALL TO ORDER**
- II. PUBLIC COMMENTS**
- III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE AUGUST 27, 2024 MEETING MINUTES**
- IV. CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A FINAL PLAT FOR 11718 WOOD LANE**
- V. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING THE DISTANCE OF A GENERATOR PAD FROM A STRUCTURE AND CONSIDER ENCROACHMENT INTO SETBACK/ RESTRICTED GREENSPACE REQUIREMENTS**
- VI. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING APPENDIX A, SECTION 5.08 (B) (ACCESSORY USE REGULATIONS)**
- VII. ADJOURN**

I, Gerardo Barrera, City Administrator/ Acting City Secretary, for the City of Bunker Hill Village, certify that the above notice of meeting was posted in a place convenient to the general public in compliance with Chapter 551, Texas Government Code, by Friday, September 20, 2024, by 12:00 p.m.

(SEAL)



Gerardo Barrera, City Administrator/ Acting City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to public meetings. Please contact the office of the City Secretary at 713-467-9762 for further information.

**MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION
TUESDAY, AUGUST 27, 2024**

I. CALL TO ORDER

Vice-Chair Gillette called the Planning and Zoning Commission Meeting to order at 11:32 a.m. based on a quorum of members present:

Present

Bill Going, Chair (left before meeting started at 11:32 a.m.)

John Gillette, Vice-Chair (presided over meeting)

Jack Christiansen, Commissioner

Billy Murphy, Commissioner (left at 1:06 p.m.)

Catherine Wile, Commissioner

Paul Reinbolt, Commissioner

Staff in Attendance

Gerardo Barrera, City Administrator

Elvin Hernandez, Director of Public Works

Loren Smith, City Attorney

Mallory Pack, Management Analyst

Absent

Monica Muschalik, Commissioner

Keith Brown, City Council Liaison

II. PUBLIC COMMENTS

There were no public comments.

III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE MAY 28, 2024, MEETING MINUTES

A motion was made by Commissioner Murphy and seconded by Commissioner Wile to approve the May 28, 2024, meeting minutes.

The motion carried 5 - 0

IV. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING THE DISTANCE OF A GENERATOR PAD FROM A STRUCTURE AND CONSIDER ENCROACHMENT INTO SETBACK/ RESTRICTED GREENSPACE REQUIREMENTS – *Elvin Hernandez, Director of Public Works*

Generator installation must comply with Article IV, Section 4-76 (11) of the City's Code of Ordinances. At the July 24, 2024, City Council Special Meeting, the property owner at 4 Blalock Woods submitted an appeal request against subsections (d) and (f) of the ordinance.

Appeal of Section 4-76 (11)(D)

Section 4-76 (11)(D) of the City’s Code of Ordinances requires a minimum clearance of 24” inches between the generator foundation and any other structures. The property owner requested to install a generator with a 12” inch clearance between the generator foundation and the main structure.

Appeal of Section 4-76 (11)(F)

Section 4-76 (11)(F) of the City’s Code of Ordinances prohibits the placement of a generator in any restricted area or required green space. The property owner requested to install a generator that encroaches 7” inches into the 5’ foot greenspace.

Sec. 4-76. International Residential Code for One- and Two-Family Dwellings.

(11) Standby and emergency generators shall be installed in accordance with the National Electrical Code, 2020 and the following restrictions:

- a. All wiring shall meet all requirements outlined in this code.
- b. Maximum sound level at anytime shall be 70db or less measured at the property line.
- c. Generator shall be positioned so that no structure, roof or overhang is over any portion of the generator enclosure.
- d. Minimum clearance between generator foundation and other structures shall be twenty-four (24) inches or greater as determined by manufacturers' specifications. At no time shall the clearance be less than twenty-four (24) inches.
- e. No portion of the generator or wiring may be located in an easement or right-of-way.
- f. Generator may not be located in any restricted area or required green space.
- g. Generator may not be located within the required front yard of a lot.
- h. A generator cannot be visible from view from a public or private street.
- i. A load analysis, generator specifications and one-line electrical diagram must be posted with the permit on the project site.

Per Chapter 4, Section 4-76 (2) of the City’s Code of Ordinances, appeals of the Building Official’s decisions related to the Building Ordinance are directed to the Board of Appeals, which is composed of the City Council.

Council voted 0-4 to grant the appeal request, noting potential safety concerns related to fire hazards and ventilation. To consider potential amendments to the ordinance, Council directed staff to consult with the Fire Marshal to determine safety standards for the distance between a generator and a structure and encroachment into setback and greenspace requirements.

During the August 5, 2024, City Council Special Meeting, Council directed this item to the Planning and Zoning Commission for further review based on the following feedback:

- Consider amending the minimum clearance between the generator foundation and other structures to 18” inches, in line with manufacturer specifications and the Fire Marshal & NFPA standards.

- Explore the possibility of allowing the generator to encroach at least 1’ foot into the restricted greenspace. This would apply only to generator pads and not to any other accessory structures.

Staff reported an increase in issued generator permits following the Derecho storm (May 2024) and Hurricane Beryl (July 2024). Commissioner Murphy stated that he supported the Commission taking any steps necessary to reduce the burden of generator installation, making it easier for residents to install them. The City understands emergency generators are becoming a necessity. The Commission agreed that residents should have the ability to install emergency generators.

The Commission discussed the item and agreed with amending minimum clearance between the generator foundation and other structures from 24” inches to 18” inches, in line with manufacturer specifications and the Fire Marshal & NFPA standards.

The Commission recommended a minimum clearance of 18” inches between the generator foundation and other structures must be met before allowing encroachment up to 1’ foot into the restricted greenspace. If placement and encroachment cannot be met, the request may be submitted to the Zoning Board of Adjustment (ZBOA) for further review and be evaluated on a case-by-case basis, rather than being submitted to City Council for review.

The Commission directed staff to develop proposed revisions to the ordinance that reflect Commission discussion. Staff will work with City Attorney to draft a “redline” document for Commission review. The item will be brought back for a public hearing at a later meeting date.

No action was taken on this item.

V. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING THE CITY’S SUBDIVISION ORDINANCE TO ALLOW A LOT TO BE SUBDIVIDED THAT FRONTS A PRIVATE STREET (PUBLIC AND PRIVATE STREET DESIGNATION) – *Elvin Hernandez, Director of Public Works*

At the July 24, 2024, City Council Special Meeting, the property owner at 11821 Chapelwood Ln. presented a request to subdivide the property into either three one-acre lots or two lots.

The property was originally three separate lots before being platted into one single lot in 2009. The subdivision ordinance was revised in 2014, and no longer allows lots facing private streets to be subdivided.

Per the current ordinance, the only way to subdivide the lot is to make both Chapelwood Ln. and Fallen Timbers into public streets. This would be at the expense and full responsibility of the property owner, and would require final acceptance of the streets, drainage, etc. from the City. There is no variance process to allow the subdividing of the lot otherwise, and one would need to be established to explore alternative options.

During the meeting, Councilmember Brown provided background on the ordinance, stating that the reasoning for preventing lots facing private streets from being subdivided was a “vindictive” act when it was created and passed in the subdivision ordinance.

No action was taken on this item at the meeting. Council directed this item be referred to the Planning and Zoning Commission for further review and discussion of potential amendments to Chapter 14 of the City’s Subdivision Ordinance.

Commission discussion included:

The Commission inquired about potential disadvantages to the City regarding private streets, and staff confirmed there were none. The Commission discussed the item, including potential changes to the property line (related to roadway/ lot requirements) and whether there could be negative impacts to neighboring properties. The Commission was in favor of amending the subdivision ordinance to allow a lot to be subdivided that fronts a private street.

The Commission directed staff to revise the 2014 subdivision ordinance to allow lots that front a private street to be subdivided and meet all other subdivision requirements. Staff will work with City Attorney to draft a “redline” document for Commission review. The item will be brought back for a public hearing at a later meeting date.

No action was taken on this item.

VI. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING CHAPTER 4, ARTICLE IV AND APPENDIX A, SECTIONS 9.06, 9.07, AND 9.08 OF THE CITY’S CODE OF ORDINANCES (THE 50% IMPROVEMENT RULE) – *Elvin Hernandez, Director of Public Works*

During the June 18, 2024, City Council meeting, staff provided an update on recent appeal requests approved by the Zoning Board of Adjustments (ZBOA) concerning remodel projects exceeding the 50% improvement threshold. At the ZBOA meeting on April 25, 2024, the Board recommended reviewing the ordinance to create an exception for small wall openings, such as those required for installing piping and duct work. They noted that the entire room should not be included in the overall square footage calculation. In response, Council directed staff to review the ordinance for potential amendments.

City staff has since conducted a thorough review of historical projects and examined where and how the “50%” threshold is referenced in the ordinance, including its context and intent. In collaboration with the City’s contracted structural engineers, staff has drafted amendments designed to allow projects to progress while avoiding any unintended consequences and ensuring the integrity of the reconstruction ordinance.

Commission feedback included:

Revisions to Sections 9.07 and 9.08 are housekeeping measures to reflect legislative changes (can no longer be based on the value of the house).

- Agreed with on the intent to amend the 50% threshold to create an exception for small wall openings to allow/ encourage upgraded piping and duct work without having to include the entire square footage, which could otherwise exceed the 50% improvement of the project.
- Reclassify ceiling and wall board changes as cosmetic (similar to painting and floor replacement in Chapter 9) and will not require a permit or inspection.
- All plumbing, mechanical, and electrical will still require a permits and inspections.

The Commission directed staff to develop proposed revisions to the ordinance that reflect Commission discussion. Staff will work with City Attorney to draft a “redline” document for Commission review. The item will be brought back for a public hearing at a later meeting date.

No action was taken on this item.

VII. ADJOURN

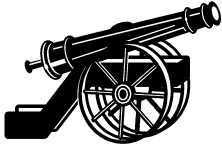
Vice-Chair Gillette adjourned the meeting at 1:18 p.m.

Approved and accepted on September 24, 2024

John Gillette, Vice-Chair

ATTEST:

Gerardo Barrera, City Administrator/ Acting City Secretary



**City of Bunker Hill Village
Planning and Zoning Commission
Agenda Request**

Agenda Date: September 24, 2024
Agenda Item: IV
Subject: 11718 Wood Ln. Final Plat
Exhibits: Final Plat
Presenter(s): Gerardo Barrera, City Administrator

Executive Summary

During the plan review of a new home at 11718 Wood Lane, it was discovered that a final plat had not been recorded with Harris County. Representatives of the property owner have submitted the plat for approval by the Planning and Zoning Commission and ultimately, City Council. The property is located on a private street and not within an existing public street circulation.

Staff has reviewed the plat and found that it meets all requirements of the City's Code of Ordinances.

Recommended Action

Staff recommends the Planning and Zoning Commission recommend approval of the final plat to the City Council.

THE STATE OF TEXAS
COUNTY OF HARRIS

We, **CHARLES M. SMITH, JR. AND CHRISTI B. SMITH**, owners hereinafter referred to as Owners (whether one or more) of the 1.2125 acres tract described in the above and foregoing map of **C & C SMITH MANOR**, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said maps or plat, and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane sixteen feet (16') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, Owners do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of single family residential dwelling units thereon and shall be restricted for same under the terms and conditions of such restrictions filed separately.

FURTHER, Owners do hereby dedicate to the public a strip of land five feet (5') wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Bunker Hill Village, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, the owners hereby certify that this plat does not attempt to alter, amend, or remove any covenants or restrictions; we further certify that no portion of the area covered by the previous plat was limited by deed restrictions to residential use for not more than one (1) residential unit per lot.

WITNESS our hand in the City of Bunker Hill Village, Texas, this _____ day of _____, 2024.

By: _____ By: _____
CHARLES M. SMITH, JR. **CHRISTI B. SMITH**

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared **CHARLES M. SMITH, JR. AND CHRISTI B. SMITH**, Owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRINT NAME: _____
MY COMMISSION EXPIRES: _____

STATE OF TEXAS
COUNTY OF HARRIS

This is to certify that the Planning and Zoning Commission of the City of Bunker Hill Village, Texas, has approved this plat and subdivision of **C & C SMITH MANOR** in conformance with the laws of the State of Texas and the ordinances of the City of Bunker Hill Village as shown hereon and authorized the recording of this plat this _____ day of _____, 2024

BILL GOING **GERARDO BARRERA**
Chair Acting City Secretary

This is to certify that the City Council of the City of Bunker Hill Village, Texas has approved this plat and subdivision of **C & C SMITH MANOR** as shown hereon. In testimony whereof, witness this official signature of the mayor of the City of Bunker Hill Village, Texas, this _____ day of _____, 2024.

ROBERT P. LORD, Mayor **GERARDO BARRERA**, Acting City Secretary
City of Bunker Hill Village, Texas

I, **MATHEW J. PROBSTFELD**, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of permanent nature) pipes or rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three (3) feet.

MATHEW J. PROBSTFELD
Registered Professional Land Surveyor
State of Texas no. 4985

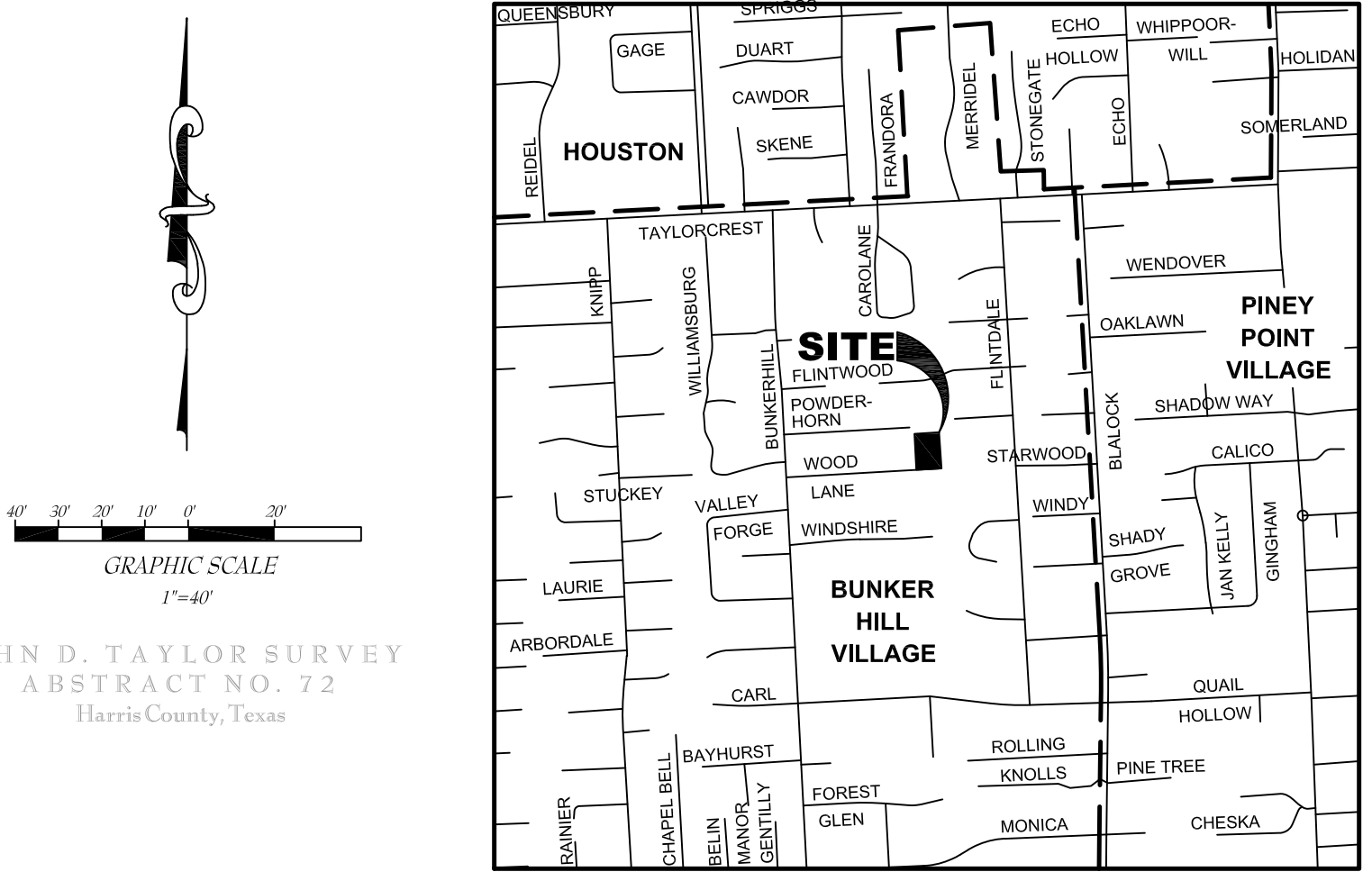
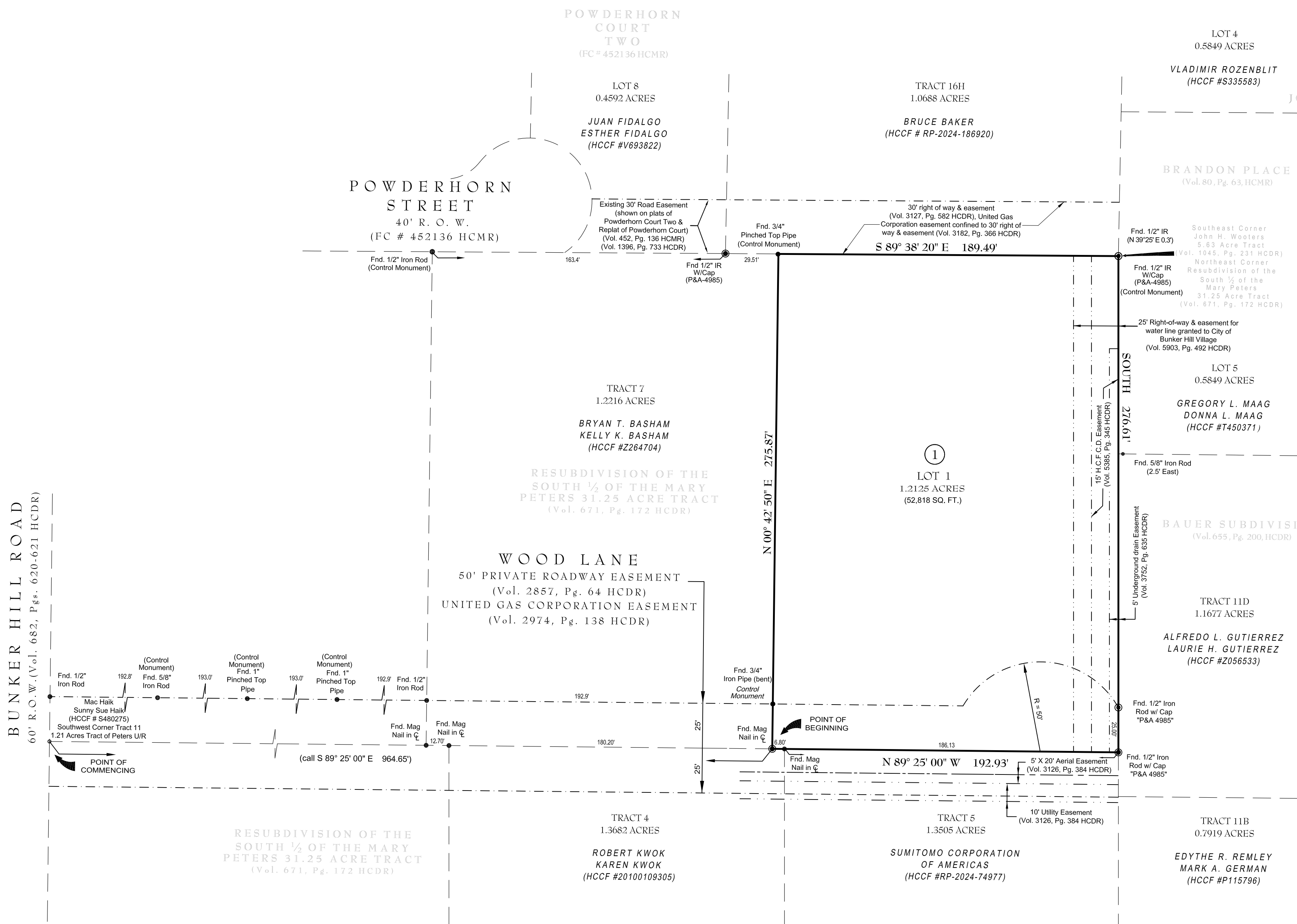


I, **TENESHIA HUDSPETH**, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2024, at _____ o'clock _____ M., and duly recorded on _____, 2024, at _____ o'clock _____ M., and at Film Code Number No. _____ of the Map Records of Harris County for said county.

WITNESS my hand and seal of office, at Houston, this _____ day of _____, 2024.

By: _____
TENESHIA HUDSPETH
Clerk of the County Court
Harris County, Texas

By: _____
Deputy



VICINITY MAP
KEY MAP 490F

GENERAL NOTES & LEGEND

- 1. H.C.M.R. denotes HARRIS COUNTY MAP RECORDS.
- 2. H.C.D.R. denotes HARRIS COUNTY DEED RECORDS.
- 3. H.C.C.F. No. denotes HARRIS COUNTY CLERK'S FILE NUMBER.
- 4. UTIL. ESMT. OR U.E. denotes UTILITY EASEMENT.
- 5. BLDG. LINE OR B.L. denotes BUILDING LINE.
- 6. W.L.E. denotes WATER LINE EASEMENT.
- 7. S.S.E. denotes SANITARY SEWER EASEMENT.
- 8. O.P.R.O.R.P. denotes OFFICIAL PUBLIC RECORDS OF REAL PROPERTY.
- 9. A.E. denotes AERIAL EASEMENT.
- 10. (1) denotes BLOCK NUMBER.
- 11. Subject Tract **DOES NOT LIE** within the designated 100 year flood plan as shown on FEMA Flood Insurance Rate Map **48201C 0645 L, Dated 6/18/2007. (ZONE X)** (Shown by graphic plotting only)
- 12. Information shown on this plat was based on City Planning Letter issued by Abstract Services of Houston, GF# 7910-24-3973 with an effective date of August 14, 2024.
- 13. Lot subject to any and all zoning ordinances or proposed zoning ordinances of the City of Bunker Hill Village, Texas. Front, side and rear yards for main residence as set forth under Appendix A, Article V of the Code of Ordinances.
- 14. Right of way and easement for a water line granted to the City of Bunker Hill Village, said easement being parallel to the East boundary line of the above 5' underground drainage easement, recorded in Volume 4086, Page 310 (B205560) of the Deed Records of Harris County, Texas. Subject to Partial Release recorded in Volume 4424, Page 502 (B360356) and Restriction of Right of Way and Easement recorded in Volume 5903, Page 492 (C079066) of the Deed Records of Harris County, Texas.

FINAL PLAT OF
C & C SMITH MANOR

A SUBDIVISION BEING OUT AND PART OF 1.2125 ACRES BEING KNOWN AS TRACT 6, IN THE RESUBDIVISION OF THE SOUTH ONE-HALF OF THE MARY PETERS 31.25 ACRE TRACT, AS DESCRIBED IN VOLUME 671, PAGE 172 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS

BEING A PLAT OF 1.2125 ACRES, (52,818 SQUARE FEET) LOCATED IN THE JOHN D. TAYLOR SURVEY, ABSTRACT 72, CITY OF BUNKER HILL VILLAGE HARRIS COUNTY, TEXAS

1 LOT 1 BLOCK NO RESERVE

REASON FOR PLATTING:
TO CREATE ONE SINGLE FAMILY RESIDENTIAL LOT OUT OF TRACT IN UNRECORDED SUBDIVISION

OWNER:
CHARLES M. SMITH, JR. AND CHRISTI B. SMITH
11718 WOOD LANE
HOUSTON, TX 77004

CITY OF BUNKER HILL VILLAGE, TEXAS
SEPTEMBER 16, 2024



A tract or parcel of land containing 1.2125 acres (52,818 square feet) being known as Tract 6, in the Resubdivision of the South one-half of the Mary Peters 31.25 acre tract, as described in Volume 671, Page 172 of the Deed Records of Harris County, Texas, said 1.2125 acre tract being located in the John D. Taylor Survey, Abstract 72, City of Bunker Hill Village, Harris County, Texas, said 1.2125 acre tract being that same certain tract of land (called 1.22 acres), conveyed by Michael R. McGrath to Charles M. Smith, Jr., and Christi B. Smith as recorded under Harris County Clerk's File No. RP-2024-195793, said 1.2125 acre tract being more particularly described by metes and bounds as follows with bearings based on the monumented North right of way line of Wood Lane:

COMMENCING at a point for corner being the intersection of the East right of way line of Bunker Hill Road, (60 feet in width as recorded in Volume 682, Pages 620-621 of the Map Records of Harris County, Texas), and the centerline of Wood Lane, (a 50 foot roadway easement as recorded in Volume 2857, Page 64 of the Deed Records of Harris County, Texas), said point for corner being the Southwest corner of that certain 1.21 acre tract of land called Tract 11 of Peters unrecorded, conveyed to Mac Haik and Sunny Sue Haik as recorded under Harris County Clerk's File No. S480275;

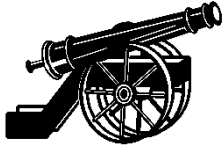
THENCE South 89 degrees 25 minutes 00 seconds East, along the said centerline of Wood Lane, a distance of 964.65 feet to a found mag nail in asphalt marking the Southeast corner of Tract 7, conveyed to Bryan T. Basham and Kelly K. Basham as recorded under Harris County Clerk's File No. Z264704, said found mag nail in asphalt lying in the North line of Tract 4, conveyed to Robert Kwok and Karen Kwok as recorded under Harris County Clerk's File No. 20100109305, said found mag nail in asphalt marking the Southwest corner of Tract 6, said found mag nail in asphalt also marking the **POINT OF BEGINNING** and the Southwest corner of the herein described tract;

THENCE North 00 degrees 42 minutes 50 seconds East, (call North), along the common lot line of said Tract 7 and Tract 6, passing at 25.00 feet a found 3/4 inch iron pipe (bent) lying in the North right of way line of Wood Lane, continuing for a total distance of 275.87 feet, (call 276.10 feet), to a found 3/4 inch pinched top pipe lying in the South line of that certain 1.0688 acre tract of land being known as Tract 16H, conveyed to Bruce Baker as recorded under Harris County Clerk's File No. RP-2024-186920, said found 3/4 inch pinched top pipe marking the Northeast corner of said Basham Tract 7, same being the Northwest corner of said Tract 6, said found 3/4 inch pinched top pipe also marking the Northwest corner of the herein described tract;

THENCE South 89 degrees 38 minutes 20 seconds East, (call South 89 degrees 34 minutes 00 seconds East), along the South line of said Baker Tract 16H, and with the North line of said Tract 6, a distance of 189.49 feet, (call 192.93 feet), to a found 1/2 inch iron rod with cap (P&A-4985) lying in the West line of that certain tract of land conveyed to Gregory L. Maag and Donna L. Maag as recorded under Harris County Clerk's File No. 1450371, and being known as Lot 5 of Brandon Place, an addition in Harris County, Texas, according to the map or plat thereof as recorded in Volume 80, Page 63 of the Map Records of Harris County, Texas, a found 1/2 inch iron rod bears North 39 degrees 25 minutes East, a distance of 0.30 feet, said found 1/2 inch iron rod with cap marking the Southeast corner of said Baker Tract 16H, and also marking the Northeast corner of the said Resubdivision of the South 1/2 of the Mary Peters 31.25 acre tract, said found 1/2 inch iron rod with cap marking the Northeast corner of said Tract 6, and also the Northeast corner of the herein described tract;

THENCE South, along the East line of said Tract 6, passing at 110.28 feet a point for corner being the Southwest corner of said Lot 5 of Brandon Place from which a found 5/8 inch iron rod bears East, a distance of 2.50 feet, said point for corner also being the Northwest corner of that certain tract of land conveyed to Alfredo L. Gutierrez and Laurie H. Gutierrez as recorded under Harris County Clerk's File No. Z056533 and being known as Tract 11 of Bauer Subdivision, an addition in Harris County, Texas, according to the map or plat thereof as recorded in Volume 655, Page 200 of the Deed Records of Harris County, Texas, passing at 251.61 feet a found 1/2 inch iron rod with cap (P&A-4985) lying in the said North right of way line of Wood Lane, continuing for a total distance of 276.61 feet to a found 1/2 inch iron rod with cap (P&A-4985) lying in the said centerline of Wood Lane and marking the Northeast corner of Tract 5, conveyed to Sumitomo Corporation of Americas as recorded under Harris County Clerk's File No. RP-2024-74977, said found 1/2 inch iron rod with cap marking the Southeast corner of said Tract 6, said found 1/2 inch iron rod with cap also marking the Southeast corner of the herein described tract;

THENCE North 89 degrees 25 minutes 00 seconds West, along the said centerline of Wood Lane, and with the common lot line of said Tract 5 and Tract 6, passing at 186.13 feet a found mag nail in asphalt marking the Northwest corner of said Sumitomo Corporation of Americas Tract 5, same being the Northeast corner of said Kwok Tract 4, continuing for a total distance of 192.93 feet to the **POINT OF BEGINNING** and containing 1.2125 acres, (52,818 square feet), of land.



**City of Bunker Hill Village
Planning and Zoning Commission
Agenda Request**

Agenda Date: September 24, 2024
Agenda Item: V
Subject: Generator Installation
Exhibits: Redlined Proposed Revisions
Presenter(s): Elvin Hernandez, Director of Public Works

Executive Summary

Generator installation must comply with Article IV, Section 4-76 (11) of the City’s Code of Ordinances. At the July 24, 2024, City Council Special Meeting, the property owner at 4 Blalock Woods submitted an appeal request against subsections (d) and (f) of the ordinance.

Appeal of Section 4-76 (11)(D)

Section 4-76 (11)(D) of the City’s Code of Ordinances requires a minimum clearance of 24” inches between the generator foundation and any other structures. The property owner requested to install a generator with a 12” inch clearance between the generator foundation and the main structure.

Appeal of Section 4-76 (11)(F)

Section 4-76 (11)(F) of the City’s Code of Ordinances prohibits the placement of a generator in any restricted area or required green space. The property owner requested to install a generator that encroaches 7” inches into the 5’ foot greenspace.

Sec. 4-76. International Residential Code for One- and Two-Family Dwellings.

(11) Standby and emergency generators shall be installed in accordance with the National Electrical Code, 2020 and the following restrictions:

- a. All wiring shall meet all requirements outlined in this code.
- b. Maximum sound level at anytime shall be 70db or less measured at the property line.
- c. Generator shall be positioned so that no structure, roof or overhang is over any portion of the generator enclosure.
- d. Minimum clearance between generator foundation and other structures shall be twenty-four (24) inches or greater as determined by manufacturers' specifications. At no time shall the clearance be less than twenty-four (24) inches.
- e. No portion of the generator or wiring may be located in an easement or right-of-way.

- f. Generator may not be located in any restricted area or required green space.
- g. Generator may not be located within the required front yard of a lot.
- h. A generator cannot be visible from view from a public or private street.
- i. A load analysis, generator specifications and one-line electrical diagram must be posted with the permit on the project site.

Council voted 0-4 to grant the appeal request, noting potential safety concerns related to fire hazards and ventilation. To consider potential amendments to the ordinance, Council directed staff to consult with the Fire Marshal to determine safety standards for the distance between a generator and a structure and encroachment into setback and greenspace requirements.

During the August 5, 2024, City Council Special Meeting, Council directed this item to the Planning and Zoning Commission for further review based on the following feedback:

- Consider amending the minimum clearance between the generator foundation and other structures to 18” inches, in line with manufacturer specifications and the Fire Marshal & NFPA standards.
- Explore the possibility of allowing the generator to encroach at least 1’ foot into the restricted greenspace. This would apply only to generator pads and not to any other accessory structures.

At the August 2024 Commission meeting, staff reported an increase in generator permits issued following the Derecho storm (May 2024) and Hurricane Beryl (July 2024), recognizing that emergency generators are becoming essential. The Commission agreed that residents should have the ability to easily install emergency generators.

The Commission recommended that a minimum clearance of 18” inches between the generator foundation and other structures must be met before allowing encroachment up to 1’ foot into the restricted greenspace. If placement and encroachment cannot be met, the request may be submitted to the Zoning Board of Adjustment (ZBOA) for further review and case-by-case evaluation, rather than being submitted to City Council for review.

Staff and the City Attorney have developed a redline document that reflects Commission discussion and feedback. The proposed amendments and additions to the ordinance align with common generator installation practices to no detriment to overall safety.

Recommended Action

This is a discussion item only. Staff recommends the Planning and Zoning Commission review the proposed amendments and provide feedback and direction.

Sec. 4-75. National Electrical Code and International Electrical Code.

The National Electrical Code, 2020 Edition, including all appendices, as published by the National Fire Protection Association, Inc., save and except the administrative provisions contained in Annex "H" thereof, and the 2015 International Code Council Electrical Code, as published by the International Code Council, authentic copies of which has been filed with the city secretary, are hereby adopted and made a part of this Code of Ordinances with the following amendments:

- (1) Minimum wire size for lighting and branch circuits is 12 gage in areas of new construction. Number 14 gage wire is not allowed for any purposes in areas of new construction.
- (2) All wiring beyond the electrical service meter must be copper. No aluminum wiring allowed beyond the electric meter.
- (3) All circuits, except those dedicated for specific appliances are required to be protected by GFCI, must be protected with combination breakers for arc and ground fault protection. A testing device shall be provided by the electrician at the final electrical inspection to test the arc and ground fault breakers at the receptacles.
- (4) Hallways and stair landings of at least 3 feet (914 mm) or more in length as measured horizontally along the wall shall have at least one receptacle outlet. The hall length shall be considered the length measured along the centerline of the hall without passing through a doorway. Additional receptacles are required for each additional length of 12 feet (3658 mm).
- (5) Receptacle requirements for kitchen islands. Any kitchen island with a work surface area, inclusive of sinks and appliances, of twelve (12) square feet or more must have a minimum of 4 individual receptacles generally distributed around the island.
- (6) Standby and emergency generators shall be installed in accordance with the National Electrical Code, 2020 and the following restrictions:
 - a. All wiring shall meet all requirements outlined in this code.
 - b. Maximum sound level at anytime shall be 70db or less measured at the property line.
 - c. Generator shall be positioned so that no structure, roof or overhang is over any portion of the generator enclosure.
 - d. ~~Minimum clearance between generator foundation and other structures shall be twenty-four (24) inches or greater as determined by manufacturers' specifications. At no time shall the clearance be less than twenty four (24) inches.~~

Amendment: Minimum clearance between the generator foundation and other structures shall be 18 inches or greater, or as determined by the manufacturer's specifications, whichever is greater. At no time shall the clearance be less than 18 inches.

- e. No portion of the generator or wiring may be located in an easement or right-of-way.
 - f. Generator may not be located in any restricted area or required green space.

Amendment: Exemption: A generator may encroach into a greenspace (excluding utility easements) provided it meets the following condition first:

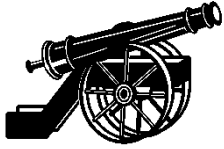
 1. The generator is placed no more than 18 inches from a structure.
 - g. Generator may not be located within the required front yard of a lot.
 - h. A generator cannot be visible from a public or private street.
-

-
- i. A load analysis, generator specifications and one-line electrical diagram must be posted with the permit on the project site.

j. **Amendment:** A manufacturer/representative shall be present to verify proper generator function or other components/installations as needed by city representatives.

- (7) 680.23 Underwater Luminaires. All underwater luminaires shall be low voltage L.E.D.
- (8) Wireless smoke detectors are acceptable without a signal communication wire if they meet all of the following:
 - a. All detection devices must be of the same type and brand;
 - b. All detection devices must communicate inter locally;
 - c. All detention devices must sounds simultaneously with an indication as to what area has triggered the alarm.

(Ord. No. 00-253, § 2, 12-5-00; Ord. No. 05-326, § 5, 3-15-05; Ord. No. 12-418, § 5, 6-19-12; Ord. No. 15-457, § 6, 10-20-15; Ord. No. 19-513, § 6, 11-19-19)



**City of Bunker Hill Village
Planning and Zoning Commission
Agenda Request**

Agenda Date: September 24, 2024
Agenda Item: VI
Subject: Accessory Structure Regulations
Exhibits: N/A
Presenter(s): Elvin Hernandez, Director of Public Works

Executive Summary

The purpose of the City’s zoning ordinance is to preserve and enhance the desirability of the community by regulating the use and development of land within the city.

In response to feedback received from residents and building developers, staff is currently in the preliminary phase of reviewing the City’s accessory use regulations ordinance to identify areas that may benefit from updates and eliminate any ambiguity in the language. Staff recommends addressing and clarifying discrepancies to ensure that the code is clear, concise, and effective.

§ 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.

Recommended Action

This is a discussion item only. Staff recommends the Planning and Zoning Commission review the ordinance and provide feedback and direction.