



CITY OF BUNKER HILL VILLAGE

THE PLANNING AND ZONING COMMISSION OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, WILL MEET ON MONDAY, FEBRUARY 24, 2025, 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:

This meeting agenda, and the agenda packet, are posted online at www.bunkerhilltx.gov

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.

Zoom Meeting:

<https://us06web.zoom.us/j/85481193077?pwd=WESunC1Nxu3dH7lel7Yiv7JaAGFy61.1>

Meeting ID: 854 8119 3077

Passcode: 979656

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 JANUARY 27, 2025, MEETING MINUTES**
- IV. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING PROPERTY MINIMUM LEASE LENGTH – *Elvin Hernandez, Public Works Director***
- V. 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, Public Works Director***
- VI. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING APPENDIX A, SECTION 5.08 (B) AND SECTION 6.08 (B) (ACCESSORY USE REGULATIONS) OF THE CITY’S CODE OF ORDINANCES – *Elvin Hernandez, Public Works Director***
- 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 Thursday, February 20, 2025, 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
JANUARY 27, 2025**

I. CALL TO ORDER

Chair Bill Going called the Planning and Zoning Commission Meeting to order at 11:44 a.m. based on a quorum of members present:

Present

Bill Going, Chair

John Gillette, Vice-Chair

Billy Murphy, Commissioner (*left the meeting at 12:46 p.m.*)

Paul Reinbolt, Commissioner

Staff in Attendance

Gerardo Barrera, City Administrator

Elvin Hernandez, Public Works Director

Loren Smith, City Attorney

Mallory Pack, Management Analyst

Keith Brown, City Council Liaison

Absent

Monica Muschalik, Commissioner

Catherine Wile, Commissioner

Jack Christiansen, Commissioner

II. PUBLIC COMMENTS

There were no public comments.

III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE NOVEMBER 26, 2024, MEETING MINUTES

A motion was made by Commissioner Murphy and seconded by Commissioner Gillette to approve the November 26, 2024, meeting minutes.

The motion carried 4-0

IV. PRESENTATION, PUBLIC HEARING, CONSIDERATION AND POSSIBLE ACTION REGARDING AMENDING THE CITY'S SUBDIVISION ORDINANCE

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED BELOW:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING SECTION 14-7 (B) (7), STANDARDS AND SPECIFICATIONS, OF CHAPTER 14, SUBDIVISIONS, TO ALLOW THE SUBDIVISION OF LOTS WHERE THE RESULTING LOT IS ADJACENT TO EITHER A PUBLIC OR PRIVATE STREET; 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

Chair Going opened the Public Hearing at 11:48 a.m.

RECEIVE COMMENTS FROM THE PUBLIC, EITHER ORAL OR WRITTEN, REGARDING THE FOLLOWING:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING SECTION 14-7 (B) (7), STANDARDS AND SPECIFICATIONS, OF CHAPTER 14, SUBDIVISIONS, TO ALLOW THE SUBDIVISION OF LOTS WHERE THE RESULTING LOT IS ADJACENT TO EITHER A PUBLIC OR PRIVATE STREET; 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

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 Council meeting, Councilmember Brown provided background on the ordinance, stating that the reasoning for preventing lots facing private streets from being subdivided was to “strongly encourage” property owners to allow the streets to turn from private to public.

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

At the August 2024 P&Z meeting, the Commission inquired about potential disadvantages to the City regarding private streets, including negative impacts to neighboring properties, and staff confirmed there were none. The Commission was in favor of amending the subdivision ordinance to allow a lot to be subdivided that fronts a private street and directed staff to revise the ordinance.

During the October 2024 meeting, the Commission held a formal public hearing and voted unanimously to amend the subdivision ordinance and send it to the City Council for final approval. The ordinance was subsequently approved by Council at the November 2024 City Council meeting.

Following further review, staff has identified additional areas where improvements and clarifications can enhance the ordinance. The proposed revisions provide further guidance while preserving current functionality that ensures proper ingress and egress.

A public hearing is required to be held before the P&Z.

There were no public comments during the Public Hearing.

Chair Going closed the Public Hearing at 11:49 a.m.

The Commission inquired about unintended consequences. Commissioner Reinbolt asked whether the amendment could inadvertently impact public streets with lots that might be subdivided in the future. Director Hernandez clarified the amendment applies only to private streets, as public streets are city property. He further explained the intent is to separate the subdividing of a lot from private street construction. Any future issues that arise would be addressed on a case-by-case basis. The City Attorney will include draft language in the final version of the ordinance.

CONSIDERATION AND POSSIBLE ACTION REGARDING THE FOLLOWING:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING SECTION 14-7 (B) (7), STANDARDS AND SPECIFICATIONS, OF CHAPTER 14, SUBDIVISIONS, TO ALLOW THE SUBDIVISION OF LOTS WHERE THE RESULTING LOT IS ADJACENT TO EITHER A PUBLIC OR PRIVATE STREET; 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

A motion was made by Commissioner Murphy and seconded by Commissioner Gillette to recommend approval of the ordinance to the City Council, subject to grammatical corrections.

The motion carried 4-0

V. 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, Public Works Director

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 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. At the August 2024 meeting, staff, in collaboration with the City’s contracted structural engineers, presented proposed amendments designed to allow projects to progress while avoiding any unintended consequences and ensuring the integrity of the reconstruction ordinance.

During the August 27, 2024, meeting, the Commission was in favor of amending 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. Additionally, the Commission recommended to reclassify ceiling and wall board changes as cosmetic (similar to painting and floor replacement) and not require a permit or inspection.

At the November 26, 2024, meeting, staff presented a redline version of Chapter 4, Sec. 4-3-Definitions (A) that revised the definition of “reconstruction” and adds a new section (B) that includes certain utilities (i.e. re-piping, re-wiring, duct work) that would be considered part of a remodel rather than be classified as reconstruction, which would trigger the 50% threshold requirement.

The Commission was in favor of amending the ordinance to enable property owners to modernize potential outdated utilities or replace sheet rock/ wall board without meeting the City’s current reconstruction requirements. Additionally, the Commission discussed including language to ensure installation methods comply with applicable codes.

At the January 27, 2025, meeting, staff presented proposed revisions to the ordinance that incorporated Commission feedback from the November 26, 2024 meeting. Commission discussion included the following:

- Consider establishing/ implementing policy to ensure consistent interpretation of the ordinance across different city administrations.
- Incorporate language specifying that the “smaller room” should be included in the square footage calculation (i.e., if a small closet is removed without impacting structural integrity, only the closet should count and not the entire room square footage).
- Keep language that states properties are allowed to remodel only once every two (2) years.
- City Council Liaison Keith Brown inquired if this would reduce the number of required inspections and subsequently decrease revenue for the City. Director Hernandez clarified inspections would still be required as this work requires a permit.
- Remove “auxiliary items” language

Director Hernandez noted that these exceptions will lead to fewer reconstruction projects, but an increase in remodel projects is expected. The 24 month requirement for any additional remodel projects will remain unchanged.

Staff will incorporate Commission feedback and discussion into the next revised redline version of the proposed changes for further review.

No action was taken on this item.

VI. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING APPENDIX A, SECTION 5.08 (B) AND SECTION 6.08 (B) (ACCESSORY USE REGULATIONS) OF THE CITY’S CODE OF ORDINANCES – *Elvin Hernandez, Public Works Director*

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.

During the September 24, 2024 meeting, in response to feedback received from residents and building developers, staff presented a preliminary review of the City’s accessory use regulations ordinance to identify areas that may benefit from updates and eliminate any ambiguity in the language. Staff recommended 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.

The Commission discussed the following during the September meeting:

- Clarify/ specify length and width measurements (6’ feet)
- Structure (breezeway) should not be enclosed
- Consider impervious and pervious coverage requirements

During the November 26, 2024 meeting, staff presented proposed revisions to the ordinance that reflect Commission discussion. Public Works Director Elvin Hernandez stated that the updates aim to clarify requirements for covered walkways, restrict the distance an accessory structure/ building can be from the main structure, and provide flexibility with respect to the existing setback requirements.

The Commission was in favor of amending the ordinance, provided the structure is within the existing setback requirements, and the structure is at least 6' ft. minimum from the main structure.

At the January 27, 2025, meeting, the Commission discussed the criteria for determining whether a structure is considered “open” or “closed” and whether the use of screens is allowed. Director Hernandez explained the goal is to allow a walkway connecting a main building and an accessory structure, with the ability to increase the size from the current 6 ft. regulation. However, the space cannot be habitable or climate-controlled. The Commission agreed the space should be limited to recreational uses. Director Hernandez emphasized that the primary use of the space should be transient, serving as a passageway between structures.

Staff will incorporate Commission feedback and discussion into the next revised redline version of the proposed changes for further review.

No action was taken on this item.

VII. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING PROPERTY MINIMUM LEASE LENGTH – *Elvin Hernandez, Public Works Director*

In response to feedback received from residents and recent events within the City, staff is reviewing the requirements regarding lease lengths, which are currently not regulated by ordinance. The goal is to ensure property leases are safe and compatible with the surrounding environment, address violations, and maintain the integrity of the City.

During the November 26, 2024 meeting, City Administrator Barrera addressed an event where a house was used for a private commercial event that quickly grew into a large event, resulting in rideshares causing congestion in the area and concerns about noise and security. City Attorney Smith stated that minimum lease length cannot be restricted but can be regulated. The Commission proposed that 30-day leases be required to include the City’s noise ordinance in the lease agreement, and discussed the advantages and disadvantages of how this could be enforced. Although the commercial event was the catalyst of this discussion, a minimum lease length ordinance alone will not solve the issue of restricting commercial events or corporate leases. This would need to be enforced through other ordinances or potentially drafting a new ordinance for commercial and corporate leases

The intent is to protect community interests while establishing clear, enforceable guidelines that uphold the quality of life for all residents. Staff has reviewed how other municipalities have implemented similar regulations to address concerns effectively. This includes evaluating enforcement mechanisms, potential impacts on property owners and tenants, and ensuring any proposed changes align with the City’s long-term goals.

At the January 27, 2025, meeting, staff presented proposed recommendations to the ordinance. The Commission recommended removing the provision that properties cannot be leased or

rented for periods exceeding six (6) months. The Commission also discussed the possibility of requiring a permit or City approval for leased properties to host commercial-like events. City Administrator Barrera explained the challenges of enforcing such a permit.

City Attorney Smith stated that enforcement and regulation of short-term rentals are in a state of flux, as it is currently tied up in state legislation and ongoing court cases. There is no guarantee it can be enforced. The Commission recommended that it was better to have some regulations in place rather than none and agreed the ordinance could be revisited as state laws and judicial rulings evolve.

Staff will incorporate Commission feedback and discussion into the next revised redline version of the proposed changes for further review.

Commissioner Murphy left the meeting at 12:46 p.m.

No action was taken on this item.

VIII. ADJOURN

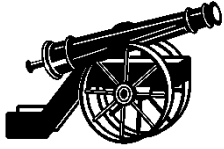
Chair Going adjourned the meeting at 12:49 p.m.

Approved and accepted on February 24, 2025.

William Going, Chair

ATTEST:

Gerardo Barrera, City Administrator/ Acting City Secretary



City of Bunker Hill Village
Planning and Zoning Commission
Agenda Request

Agenda Date: February 24, 2025
Agenda Item: IV
Subject: Property Minimum Lease Length
Exhibits: Proposed Ordinance
Presenter(s): Elvin Hernandez, Public Works Director

Executive Summary

In response to feedback received from residents and recent events within the City, staff is reviewing the requirements regarding lease lengths, which are currently not regulated by ordinance. The goal is to ensure property leases are safe and compatible with the surrounding environment, address violations, and maintain the integrity of the City.

During the November 26, 2024 meeting, staff addressed an event where a house was used for a private commercial event that quickly grew into a large event, resulting in rideshares causing congestion in the area and concerns about noise and security. City Attorney Smith stated that minimum lease length cannot be restricted but can be regulated. The Commission proposed that 30-day leases be required to include the City’s noise ordinance in the lease agreement, and discussed the advantages and disadvantages of how this could be enforced. Although the commercial event was the catalyst of this discussion, a minimum lease length ordinance alone will not solve the issue of restricting commercial events or corporate leases. This would need to be enforced through other ordinances or potentially drafting a new ordinance for commercial and corporate leases

The intent is to protect community interests while establishing clear, enforceable guidelines that uphold the quality of life for all residents. Staff has reviewed how other municipalities have implemented similar regulations to address concerns effectively. This includes evaluating enforcement mechanisms, potential impacts on property owners and tenants, and ensuring any proposed changes align with the City’s long-term goals.

At the January 27, 2025, meeting, staff presented proposed recommendations to the ordinance. The Commission recommended removing the provision that properties cannot be leased or rented for periods exceeding six (6) months. The possibility of requiring a permit or City approval for leased properties to host commercial-like events was also discussed. City Administrator Barrera explained the challenges of enforcing such a permit. The Commission recommended that it was better to have some regulations in place rather than none and agreed the ordinance could be revisited as necessary.

Staff and the City Attorney have drafted a proposed ordinance for Commission discussion and feedback.

Recommended Action

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

ORDINANCE NO. 25-XXX

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING ARTICLE V, DISTRICT A REGULATIONS, AND ARTICLE VI, DISTRICT B REGULATIONS OF APPENDIX A, ZONING, OF THE CITY’S CODE OF ORDINANCES BY AMENDING SECTION 5.02 AND 6.02 TO ADD REGULATIONS REGARDING LEASING; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, the City Council of the City of Bunker Hill Village, Texas finds it to be in the best interest of the health, safety, and welfare of the citizens to amend the zoning regulations of the City in the manner provided for herein; and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on the proposed amendments to the City’s Zoning Ordinance; and

WHEREAS, the City Council has considered the report of the Commission; and

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City’s Zoning Ordinance as provided herein;

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 5.02, Permitted Uses, of Article V, District A Regulations, is amended by adding the below underlined:

“§5.02 – Permitted uses.

No building, structure, or land shall be used and no building or structure shall be erected, constructed, reconstructed, converted, enlarged, or structurally altered except for one (1) or more of the following purposes:

- A. Single-family dwellings, whether owner occupied or leased or rented, provide that:
 - 1. The lease or rental of a single-family dwelling for any term of less than thirty (30) consecutive days is prohibited, except as provided below; and
 - 2. The above prohibition shall not apply to a leaseback agreement between a seller and a purchaser or to the extension of an existing lease.
- B. Public schools, public libraries, and municipal buildings and structures and public parks and public playgrounds owned in whole or in part by the city.

- C. Accessory buildings and uses.
- D. Specific uses as permitted by article VIII hereof.”

Section 3. Section 6.02, Permitted Uses, of Article VI, District B Regulations, is amended by adding the below underlined:

“§6.02 – Permitted uses.

No building, structure, or land shall be used and no building or structure shall be erected, constructed, reconstructed, converted, enlarged, or structurally altered except for one (1) or more of the following purposes:

- A. Single-family dwellings, whether owner occupied or leased or rented, provide that:
 - 1. The lease or rental of a single-family dwelling for any term of less than thirty (30) consecutive days is prohibited, except as provided below; and
 - 2. The above prohibition shall not apply to a leaseback agreement between a seller and a purchaser or to the extension of an existing lease.
- B. Public schools, public libraries, and municipal buildings and structures and public parks and public playgrounds owned in whole or in part by the city.
- C. Accessory buildings and uses.
- D. Specific uses as permitted by article VIII hereof.”

Section 4. 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 circumstances 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 and every part of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

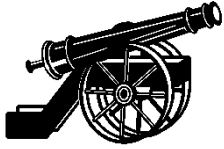
Section 5. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

PASSED, APPROVED, and ORDAINED this _____ day of _____, 2025.

Robert P. Lord, Mayor

ATTEST:

Gerardo Barrera, City Administrator/ Acting City Secretary



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

Agenda Date:	February 24, 2025
Agenda Item:	V
Subject:	50% Improvement Rule
Exhibits:	Redline Proposed Revisions
Presenter(s):	Elvin Hernandez, Public Works Director

Executive Summary

At 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 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. At the August 2024 meeting, staff, in collaboration with the City’s contracted structural engineers, presented proposed amendments designed to allow projects to progress while avoiding any unintended consequences and ensuring the integrity of the reconstruction ordinance.

During the August 27, 2024, meeting, the Commission was in favor of amending 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. Additionally, the Commission recommended to reclassify ceiling and wall board changes as cosmetic (similar to painting and floor replacement) and not require a permit or inspection.

At the November 26, 2024, meeting, staff presented a redline version of Chapter 4, Sec. 4-3-Definitions (A) that revised the definition of “reconstruction” and adds a new section (B) that includes certain utilities (i.e. re-piping, re-wiring, duct work) that would be considered part of a remodel rather than be classified as reconstruction, which would trigger the 50% threshold requirement.

The Commission was in favor of amending the ordinance to enable property owners to modernize potential outdated utilities or replace sheet rock/ wall board without meeting the City’s current reconstruction requirements. Additionally, the Commission discussed including language to ensure installation methods comply with applicable codes.

At the January 27, 2025, meeting, the Commission recommended incorporating language specifying that the “smaller room” be included in the square footage calculation (i.e., if a small closet is removed without impacting structural integrity, only the closet should count and not the entire room square footage). The 24-month requirement for any additional remodel projects continues to remain unchanged.

Staff has developed proposed revisions to the ordinance that reflect Commission feedback. These revisions are presented for further review and discussion before being scheduled for a public hearing at a later date.

Recommended Action

Staff recommends the Planning and Zoning Commission review the ordinance and provide feedback and direction.

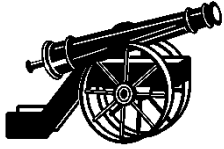
CoBHV current ord.

Reconstruction shall mean the reconstruction of fifty (50) percent or more, either value or living area, (of which a building permit is required) of an existing structure within the existing footprint. This includes structural (wall board or ceiling board is removed), and/or if plumbing or electrical utilities are impacted. The reconstruction shall be cumulative of all remodeling or modification work to the structure within any consecutive twenty-four (24) month period. 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.

Potential revisions:

Red=Director suggestions.

- A. Reconstruction shall mean the reconstruction of fifty (50) percent or more, ~~either value or living area, (of which a building permit is required) of an existing structure within the existing footprint. This includes structural (wall board or ceiling board is removed), and/or if plumbing or electrical utilities are impacted.~~ **includes any combination of structural changes, such as repairs, modifications, or alterations to any physical framework of a building or structure. When structural changes affect two adjoining rooms, only the square footage of the smaller room will be included in the calculation.** ~~and/or if plumbing or electrical utilities are impacted.~~ The reconstruction shall be cumulative of all remodeling or modification work to the structure within any consecutive twenty-four (24) month period. ~~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.~~
- B. **EXCEPTION:** Remodel or alteration areas which are limited to purely cosmetic modifications, such as but not limited to installing cabinets or appliances, painting walls, removal of wall or ceiling board, or replacing flooring, are specifically excluded from reconstruction calculations. Such areas are not counted when determining whether a project will be considered as reconstruction but rather the square footage will be accounted for as part of a remodel project. The following non-cosmetic improvements shall also be excluded from the reconstruction determination:
 - i. Re-piping for safety and or danger to personnel or property with a signed certified letter from licensed master plumber or plumbing company.
 - ii. Re-wiring (interior) for safety and or danger to personnel or property with signed certified letter from licensed master electrician or electrical company.
 - iii. Mechanical (i.e. Air conditioner) changes for safety and or danger to personnel or property with signed certified letter from licensed professional or registered company.



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

Agenda Date: February 24, 2025
Agenda Item: VI
Subject: Accessory Use Regulations
Exhibits: Redline Proposed Revisions
Presenter(s): Elvin Hernandez, Public Works Director

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.

During the September 24, 2024 meeting, in response to feedback received from residents and building developers, staff presented a preliminary review of the City’s accessory use regulations ordinance to identify areas that may benefit from updates and eliminate any ambiguity in the language. Staff recommended 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.

The Commission discussed the following during the September meeting:

- Clarify/ specify length and width measurements (6' feet)
- Structure (breezeway) should not be enclosed
- Consider impervious and pervious coverage requirements

During the November 26, 2024 meeting, staff presented proposed revisions to the ordinance that reflect Commission discussion. Public Works Director Elvin Hernandez stated that the updates aim to clarify requirements for covered walkways, restrict the distance an accessory structure/ building can be from the main structure, and provide flexibility with respect to the existing setback requirements.

The Commission was in favor of amending the ordinance, provided the structure is within the existing setback requirements, and the structure is at least 6' ft. minimum from the main structure.

At the January 27, 2025, meeting, the Commission discussed the criteria for determining whether a structure is considered "open" or "closed" and whether the use of screens is allowed. Director Hernandez explained the goal is to allow a walkway connecting a main building and an accessory structure, with the ability to increase the size from the current 6 ft. regulation. However, the space cannot be habitable or climate-controlled. The Commission agreed the space should be limited to recreational uses.

Staff has developed proposed revisions to the ordinance that reflect Commission feedback. These revisions are presented for further review and discussion before being scheduled for a public hearing at a later date.

Recommended Action

Staff recommends the Planning and Zoning Commission review the ordinance and provide feedback and direction.

§ 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 a covered walkway shall ~~not be more than six (6) feet in width~~ **adhere to the following requirements:**
- 1. No wall or foundation of an accessory building or use shall be located closer than six (6) feet from the exterior wall of the main residential building.**
 - 2. A covered walkway may extend the full length and width of the connection between the accessory structure and the main building, provided it is supported by structural plans approved and stamped by a Professional Engineer.**
 - 3. A clear distinction must be maintained between an accessory structure, a walkway connecting two structures, and an addition project.**
 - 4. A covered walkway will be subject to the requirements applicable to both the main building and the accessory structure, with the stricter requirements taking precedence.**
 - 5. To prevent inclusion in the main structure's square footage, a covered walkway must remain open on at least two sides. If enclosed, it will be classified as an addition and counted toward the main structure's square footage. Screens, half walls, or partial fences may be allowed, provided that at least 50% of the total square footage remains open to the elements and the space is not climate controlled.**
- Note of Importance:** The primary purpose of the referenced walkway is to provide a covered passage between the two buildings, offering protection from the elements. If the intent is to enclose the walkway, make it habitable, climatize, or use it for purposes beyond a simple passageway or recreation area, it will be reclassified as an addition to the home or the accessory structure and shall be subject to the appropriate setbacks.
- 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.

(Ord. No. 14-447, § 7, 10-21-14)