



CITY OF BUNKER HILL VILLAGE

THE PLANNING AND ZONING COMMISSION OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, WILL MEET ON TUESDAY, OCTOBER 22, 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:

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.

Join Zoom Meeting:

<https://us06web.zoom.us/j/88914667202?pwd=pQamWEtMAYBDbcQWSAIM6naSTc8PiG.1>

Meeting ID: 889 1466 7202

Passcode: 765185

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. **DIRECTOR OF PUBLIC WORKS REPORT**
 - A. Update on Activities
- IV. **CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE SEPTEMBER 24, 2024 MEETING MINUTES**
- V. **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

Open Public Hearing

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

Close Public Hearing

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

VI. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING APPENDIX A, SECTION 7.12 OF THE CITY’S CODE OF ORDINANCES TO ALLOW FOWL IN THE CITY – *Elvin Hernandez, Director of Public Works*

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, October 18, 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, SEPTEMBER 24, 2024**

I. CALL TO ORDER

Chair Bill Going 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

John Gillette, Vice-Chair

Jack Christiansen, Commissioner (arrived at 11:37 a.m.)

Billy Murphy, Commissioner

Catherine Wile, Commissioner

Staff in Attendance

Gerardo Barrera, City Administrator

Elvin Hernandez, Director of Public Works

Loren Smith, City Attorney

Keith Brown, City Council Liaison

Mallory Pack, Management Analyst

Absent

Paul Reinbolt, Commissioner

Monica Muschalik, Commissioner

II. PUBLIC COMMENTS

There were no public comments.

III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE AUGUST 27, 2024, MEETING MINUTES

A motion was made by Commissioner Gillette and seconded by Commissioner Going to approve the August 27, 2024, meeting minutes.

The motion carried 4-0

IV. CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A FINAL PLAT FOR 11718 WOOD LANE –

Gerardo Barrera, City Administrator

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 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 reviewed the plat and found that it meets all requirements of the City's Code of Ordinances. Mario Colina, Probsfeldt representative was available to answer any questions.

A motion was made by Commissioner Gillette and seconded by Commissioner Wile to recommend approval of a final plat for 11718 Wood Lane to the City Council.

The motion carried 4-0

V. 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.

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 presented the following amendments at the September 2024 meeting:

- 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.
- Generator may encroach into a greenspace (excluding utility easements) provided it meets the following condition first:
 - Generator is placed no more than 18 inches from a structure.
- A manufacturer/ representative must be present to verify proper generator function or other components/ installations as needed by city representatives.

The Commission expressed concerns that the proposed amendment regarding a manufacturer/ company representative to be present during generator startup may be overly burdensome, discussing whether it is reasonable to expect them to attend, and the feasibility of coordinating scheduling between a manufacturer/ company representative and City inspectors. Public Works Director Hernandez clarified that the requirement would apply only to final inspections, specifically when the generator is commissioned for the first time. It was recommended to remove this condition. The commission recommended exploring the possibility of attaining a waiver from the generator installer confirming commissioning.

Staff will work the City Attorney to draft a “redline” document that reflects this feedback for Commission review and possible action at a later meeting date.

No action was taken on this item.

VI. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING APPENDIX A, SECTION 5.08 (B) AND (ACCESSORY USE REGULATIONS) – *Elvin Hernandez, Director of Public Works*

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 recommend 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.

City Attorney Smith stated to also add the language “Appendix A, Section 6.08 (B)” to the agenda to include District B, as the provisions are the same for both District A and District B.

The Commission discussed the following:

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

The Commission directed staff to review requirements (if applicable) of the other Villages and to examine and develop proposed revisions to the ordinance that reflect Commission discussion. The item will be brought back for Commission discussion and feedback at a later meeting date.

No action was taken on this item.

VII. ADJOURN

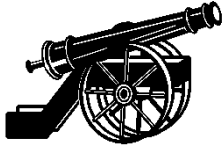
Chair Going adjourned the meeting at 12:16 p.m.

Approved and accepted on October 22, 2024

William Going, Chair

ATTEST:

Gerardo Barrera, City Administrator/ Acting City Secretary



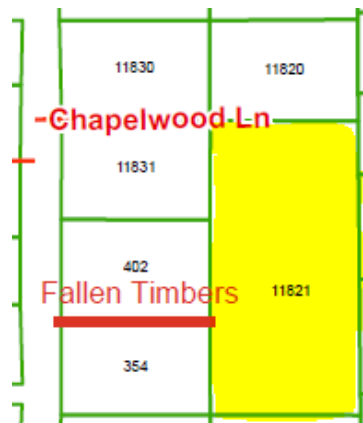
**City of Bunker Hill Village
Planning and Zoning Commission
Agenda Request**

Agenda Date: October 22, 2024
Agenda Item: V
Subject: Subdivision Ordinance – Public and Private Street Designation
Exhibits: “Redline” Ordinance Draft
Presenter(s): Elvin Hernandez, Director of Public Works

Executive Summary

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 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 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.

Staff and the City Attorney have drafted a proposed ordinance that reflects this feedback.

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

Recommended Action

Staff recommends the Planning and Zoning Commission hold a public hearing with possible action on a recommendation to the City Council for approval of the proposed subdivision ordinance.

Sec. 14-7. Standards and specifications.

(a) *Lots.*

- (1) *Lot configuration.* Each lot formed by subdivision shall have a configuration limited to five (5) property lines, and any creek forming a boundary of a lot shall be considered as one property line of such lot for this purpose. Radial lots on a dead end street may have up to six (6) property lines.
- (2) *Radial lots.* Radial lots shall have a minimum right-of-way frontage of forty (40) feet. These lots shall also have a minimum width and depth consistent with the city's zoning ordinance. The width shall be measured at the front building line. The lot depth shall be measured taking the average of the side lot lines and the maximum radial depth. The side lot lines of residential lots shall be radial to the street or curve of the front lot line of such lot. At the minimum setback, the main building orientation shall be consistent with the setback of the adjacent lot(s) and complement adjacent homes creating a consistent neighborhood look.
- (3) *Lot dimensions.* The dimensions of each lot formed by subdivision shall equal or exceed those dimensions required by the city's zoning ordinance, as heretofore or hereafter amended, for lots in the particular zoning district in which the lot is located. All lots, regardless if radial or parallel to the street, must have the minimum lot width at the front setback line.

(b) *Streets.*

- (1) *Street layout.* In any subdivision, the subdivider shall provide streets in conformity with the requirements of this chapter and any other ordinance of the city. Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, and location of each shall conform to the comprehensive plan of the city and shall be considered in relation to existing and planned streets, topographical conditions, public safety and convenience, and in its appropriate relationship to the proposed uses of land to be served by such streets. A street layout shall be devised for the most advantageous development of the entire neighborhood.
- (2) *Relation to adjoining street system.* Where necessary, as may be determined by the planning and zoning commission, existing or proposed streets in areas adjoining the proposed subdivision shall be continued.
- (3) *Minimum street frontage.* As used herein, zoning district A and zoning district B refer to those zoning districts established by and described in the city's zoning ordinance, as heretofore or hereafter amended.
- (4) *Certain requirements regarding culs-de-sac.* In a new subdivision, each cul-de-sac shall be platted to the following:
 - a. A right-of-way radius of forty (40) feet, measured from the center point of such cul-de-sac to the exterior edge of the right of way;
 - b. Culs-de-sac must serve three (3) or more lots; and
 - c. Length must be a minimum of two hundred and fifty (250) feet measured from the nearest edge of the right-of-way of the intersecting street to the center of the cul-de-sac.
- (5) *Rights-of-way and pavement widths.* Except for culs-de-sac, street rights-of-way shall be a minimum of fifty (50) feet in width; provided, however, the commission and city council may, upon written application, in their discretion, authorize a street right-of-way of not less than forty (40) feet in width if such right-of-way (i) is adjacent to an easement dedicated to the public for utility and drainage purposes, (ii) when combined with such adjacent public easement, would have a width of not less than fifty (50) feet, and (iii) is so located that logically it would not be extended to connect with another

existing or proposed street. Cul-de-sac rights-of-way shall have a minimum radius, measured from the center of the cul-de-sac to the front lot lines, of forty (40) feet. Except as hereinafter provided, pavement widths shall be a minimum of twenty-eight (28) feet for curbed and guttered streets, and twenty-four (24) feet for noncurbed and guttered streets. Pavement widths for curbed and guttered streets shall be measured from back of curb to back of curb. Pavement widths for noncurbed and guttered streets shall be measured from edge of pavement to edge of pavement. Cul-de-sac pavement widths shall have a radius of thirty-five (35) feet, measured from the center point of such cul-de-sac to the exterior edge of the pavement. The center point of the pavement on a cul-de-sac shall be the same as the center point of the cul-de-sac right-of-way. No island or islands shall be constructed in a cul-de-sac. The applicant cannot dedicate right-of-way and "NOT Pave" the cul-de-sac bulb. All streets shall be designed, constructed, and installed in accordance with the most recently adopted Harris County's "Standard Engineering Design Specifications for Construction and Maintenance of Roads and Bridges."

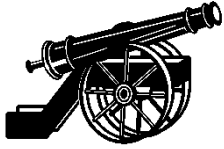
- (6) *Street signs.* Street signs shall be installed by the city at all intersections within or abutting the subdivision.
- (7) *Exceptions for subdivisions where lots are adjacent to existing ~~public streets~~ public or private streets.* Notwithstanding any other provision of this chapter to the contrary, a subdivision of land may be approved without compliance with the above minimum street requirements if each lot within the proposed subdivision is adjacent to an existing public ~~or private street~~, and the adjacent ~~public~~ street complies with the following minimum requirements:
 - a. For dead-end streets under five hundred (500) feet in length:
 1. No cul-de-sac shall be required;
 2. Pavement width shall be not less than twenty (20) feet; and
 3. The developer/subdivider shall dedicate, for public use, either:
 - i. Roadway right of way of not less than forty (40) feet in width; or
 - ii. A street easement of not less than thirty (30) feet in width, plus a ten-foot wide drainage and utility easement adjacent to such street easement.
 - b. For dead end streets between five hundred (500) feet and eight hundred (800) feet in length:
 1. A thirty-five-foot radius paved cul-de-sac, with no island, shall be provided at the end of such street;
 2. The developer/subdivider shall dedicate for public use, and improve for public street purposes, either:
 - i. A roadway right-of-way of not less than fifty (50) feet in width, with a curb and gutter concrete pavement having a surface width of twenty-eight (28) feet; or
 - ii. A street easement of not less than thirty-five (35) feet in width, with an asphalt pavement having a surface width of twenty-two (22) feet, plus a ten-foot wide drainage and utility easement adjacent to such street easement.
 - c. For dead end streets over eight hundred (800) feet and through streets:
 1. For a dead end street, a thirty-five (35) foot radius paved cul-de-sac, with no island, shall be provided at the end of such street;
 2. The developer/subdivider shall dedicate for public use, and improve for public street purposes, either:

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- i. A roadway right-of-way of not less than fifty (50) feet in width, with a curb and gutter concrete pavement having a surface width of twenty-eight (28) feet; or
 - ii. A street easement of not less than forty (40) feet in width, with an asphalt pavement having a surface width of twenty-four (24) feet, plus a ten-foot wide drainage and utility easement adjacent to such street easement.
 - (c) *Water supply and distribution.* All subdivisions shall be provided with water supply, water distribution systems, and fire hydrants designed, constructed and installed as approved by the City of Bunker Hill Village in accordance with the City of Houston Department of Public Works and Engineering, Infrastructure Design Manual.
 - (d) *Sanitary sewers.* All subdivisions shall be provided with a sanitary sewer system designed, constructed and installed as approved by the City of Bunker Hill Village in accordance with the City of Houston Department of Public Works and Engineering, Infrastructure Design Manual
 - (e) *Monuments.* Concrete monuments, or an approved equal, six (6) inches in diameter and twenty-four (24) inches long, shall be placed at all major corners unless otherwise approved in writing by the building official. A copper pin, or approved equal, one-quarter-inch in diameter shall be embedded at least three (3) inches in the monument at the exact intersection point. Any such monument shall be set at such an elevation that it will not be disturbed during construction, and the top of the monument shall be approximately flush with the ground after contemplated improvements are completed.
 - (f) *Drainage.*
 - (1) *Natural drainageway.* Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, the subdivider must dedicate a public easement or right-of-way conforming substantially to the outer limits of such watercourse, drainageway, natural channel or stream, plus such additional width to accommodate projected future runoff as determined by the planning and zoning commission and the city council.
 - (2) *Drainage facilities.* Drainage facilities sufficient to drain all lots in the subdivision shall be installed by the subdivider in accordance with the City of Bunker Hill Village Drainage Ordinance and Criteria Manual. Such drainage facilities shall be designed, constructed, and installed as approved by the City of Bunker Hill Village in accordance with the City of Houston Department of Public Works and Engineering, Infrastructure Design Manual.
 - (3) *Lot drainage.* All surface water runoff must conform to the City of Bunker Hill Village Drainage Ordinance and Criteria Manual.
 - (g) *Hike and bike trails.* Easements for hike and bike trails will be provided as required by the commission and the council.

(Ord. No. 253, § 7, 6-8-82; Ord. No. 354, § 1, 12-11-90; Ord. No. 93-138, § 1, 7-20-93; Ord. No. 97-199, § 1, 8-19-97; Ord. No. 97-205, § 1, 10-14-97; Ord. No. 06-345, § 1, 4-18-06; Ord. No. 14-446, § 8, 10-21-14)

Cross reference(s)—Streets and sidewalks, Ch. 13; utilities, Ch. 16; zoning, App. A.

State law reference(s)—Standards for approval of plats, V.T.C.A., Local Government Code § 212.010.



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

Agenda Date: October 22, 2024
Agenda Item: VI
Subject: Hoofed Animals and Fowl
Exhibits: Proposed Amendments
Presenter(s): Elvin Hernandez, Director of Public Works

Executive Summary

During the public comment period at the February 2024 City Council meeting, a resident requested that Council revise the existing ordinance to allow chickens in the City. After discussion, Council directed staff to review the ordinance and refer it to the Planning and Zoning Commission for further review and discussion to amend Appendix A, Article VII, § 7.12 to allow chickens in the City.

Staff recommends the Planning and Zoning Commission review the ordinance and provide feedback and direction to amend the City's ordinance regarding chickens.

Recommended Action

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

Ordinance:

§ 7.12. Hoofed animals and fowl.

No hoofed animals or fowl shall be domiciled in the city.

(Ord. No. 92-130, § 12, 12-15-92)

Proposed amendments

Section 1. Definitions

For the purposes of this ordinance, the following definitions shall apply:

- **Fowl:** Domesticated birds, including but not limited to chickens, ducks, geese, and turkeys.
- **Property:** Any residentially zoned property within the city limits of Bunker Hill Village.

Section 2. Permitted Number of Fowl

Residents of Bunker Hill Village are permitted to keep up to four (4) fowl on any property, subject to the following conditions and restrictions:

1. **Maximum Number:** No more than four (4) fowl shall be kept on any property.
2. **Prohibited Species:** Roosters and other loud species are prohibited.

Section 3. Conditions for Keeping Fowl

The keeping of fowl shall be subject to the following conditions:

1. **Enclosure Requirements:** Fowl must be kept in a well-maintained coop or enclosure that provides adequate space, ventilation, and protection from weather and predators. The coop or enclosure must:
 - Be located at least XX feet from any neighboring residential dwelling.
 - Be kept in a sanitary condition, free from offensive odors, and cleaned regularly.
2. **Setback Requirements:** The coop or enclosure shall not be placed within 5 feet (REQUIRED GREEN SPACE) of any property line or street.
3. **Noise and Nuisance Control:** The keeping of fowl shall not create excessive noise, odor, or other nuisances that disturb the peace and enjoyment of neighboring properties.
4. **Visibility:** No fowl shall be visible from public roads or right of way. No fowl shall be kept in the front yard of any lot.
5. **Health and Safety:** The keeping of fowl must comply with all applicable health, safety, and sanitation regulations of the City of Bunker Hill Village and Harris County Health Department.
6. If the applicant does not the property they wish to keep chickens on, they must submit written, notarized authorization from the property owner allow backyard chickens on the property.

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7. The City's ordinances do not supersede any home owner association rules, deed restrictions or other applicable restrictions that prohibit the keeping of chickens on any property. It is the permit applicant's responsibility to ensure no such restrictions are in place before they apply for a permit.

Section 4. Running at large is prohibited.

The running at large of livestock, domestic fowl or exotic animals within the city limits is hereby declared to be a nuisance and shall be unlawful.

Section 5. Violations and Penalties.

Any person who violates the provisions of this ordinance shall be subject to a fine of up to \$2,000.00 for each day the violation continues. The City reserves the right to revoke permission to keep fowl if the property owner is found in violation of these conditions on more than two (2) occasions.