

City of Hunters Creek Village

#1 HUNTERS CREEK PLACE
HUNTERS CREEK VILLAGE, TEXAS 77024
(713) 465-2150



PLANNING AND ZONING COMMISSION MEETING AGENDA

The Planning and Zoning Commission of the City of Hunters Creek Village will hold their regular scheduled meeting on **MONDAY, JANUARY 5, 2015 at 7:00 p.m.** in City Hall, #1 Hunters Creek Place, to consider the following items.

Call the meeting to order and the roll of appointed officers will be taken.

1. Discussion and possible action to consider approval of the minutes of the December 1, 2014, meetings.
2. Discussion and possible action to consider proposed amendments to Section 44-2 (Definitions) and Section 44-160 (Area Regulations in the Residential District) of the Zoning Ordinance to adopt limitations on the amount of hardscape that can be constructed in the front yard of a home.
 - a. Adopt a preliminary report on amending the zoning chapter of the Code of Ordinances as described.
 - b. Conduct a public hearing for the purpose of receiving testimony for and against any proposed amendments; and
 - c. Adopt a final report and recommendation to City Council on proposed amendments.
3. Discussion and possible action to consider proposed amendments to the zoning regulations of Section 44-161 (Automobile Shelters), Section 44-162 (Accessory Structures) and any other section of the Code of Ordinances as needed to address concerns regarding the height and mass of structures that the zoning ordinance permits to be located within 5 feet of a rear or side lot line.
4. Discussion and possible action to consider the proposal from City Council to direct the Planning and Zoning Commission to consider proposed changes to the zoning regulations governing adjoining non-conforming residential lots that are, or have been under common ownership, where one of the lots cannot be separately developed under the existing zoning regulations.
5. Discussion and possible action to consider any future agenda items.

Adjourn Open Meeting.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of a Meeting was posted on the bulletin board at City Hall, #1 Hunters Creek Place, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: December 31, 2014 at 4:30 p.m. and remained so posted continuously for at least 72 hours before said meeting was convened.

_____/s/
CRYSTAL SEAGLER
CITY SECRETARY



**CITY OF HUNTERS CREEK VILLAGE, TEXAS
MINUTES OF THE PLANNING & ZONING COMMISSION
DECEMBER 1, 2014**

The Planning and Zoning Commission of the City of Hunters Creek Village, Texas, convened a regular meeting on December 1, 2014 at 7:00 p.m. in the City Hall at #1 Hunters Creek Place, Hunters Creek Village, Texas.

The meeting was called to order at 7:00 p.m. by Chairman Bill Dalton. In attendance were Commissioners David Childers, Todd Mueller, Stuart Marks (alternate) and Mary Smith. Also in attendance were: Crystal Seagler, City Secretary; Tom Fullen, City Administrator; and John Hightower, City Attorney.

1. Discussion and possible action to consider approval of the minutes of the April 7, 2014, June 2, 2014 and November 3, 2014 meeting.

A motion was made by Commissioner Smith and a second by Commissioner Mueller to approve the minutes for April 7, 2014, June 2, 2014 and November 3, 2014 meetings. The motion carried unanimously.

2. Discussion and recommendations on the following proposed zoning amendments:

- a. Amending the zoning chapter of the Code of Ordinances to adopt limitations on the amount of hardscape that can be constructed in the Front Yard.

Commissioner Smith presented the Hardscape Regulation proposal to the Planning and Zoning Commission. A motion was made by Commissioner Smith and a second by Commissioner Marks to direct City Attorney John Hightower to prepare a revised draft to: a) incorporate a more detailed definition of hardscape/paving; b) to add a similar limitation for side yards that abut a street; and c) to broaden the authority to Board of Adjustments to grant special exceptions in appropriate circumstances and to provide the draft to Commissioners Smith Childers for review and recommendation to the Commission at its next meeting. The motion carried unanimously.

3. Discussion and possible action to consider any future agenda items.

No action taken.

Adjourn Open Meeting

With no further business coming before the Commission, a motion was made by Commissioner Smith with a second by Commissioner Mueller to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Crystal Seagler
City Secretary

These minutes were approved on the _____ day of _____, 2014.

City of Hunters Creek Village Planning & Zoning Commission
Preliminary Report on Proposed Limitations on Front Yard Coverage

The City of Hunters Creek Village Planning & Zoning Commission (the “Commission”) has been reviewing the issues associated with the ongoing conflict between the desires of individual homeowners and builders to build larger homes and associated structures and the desires of the community at large to preserve the area’s existing green space and natural beauty.

One of the issues that concern the members of the Commission is the lack of any significant limitation on the amount of paving that can be installed in the front yard of residential lots. Under the current zoning ordinance, a builder could cover almost all of the front yard of a lot with driveways, parking spaces, and walkways, leaving only a small area of green space for the minimum required number of trees. The current trend of building larger homes with three-car garages, circular driveways, and additional off-street parking spaces increases the likelihood that builders will take advantage of the opportunity to cover most of the front yard with some form of paving.

In order to address this issue, the Commission has prepared draft language for a proposed amendment to the City’s zoning ordinance to provide: a) a 50% maximum limitation on the amount of the front yard that may be covered with paving; b) a prohibition on paving any portion of the unimproved right-of-way adjacent to a lot, other than for driveway aprons and walkways; and c) a special exception process for lots with unusual shapes.

The proposed language, as it would read if the amendment was adopted, is as follows:

44-2. Definitions.

(b) *Definitions.*

...

Hardscape area means the surface area of a Lot, or designated portion of a Lot, that is occupied by any of the following: 1) driveways; 2) sidewalks or walkways; 3) parking areas; 4) decks or patios; 5) outdoor carpet or artificial turf; and 6) any other form of paved surface, including surfaces formed from concrete, crushed stone, or gravel.

44-160. Area regulations.

....

(4) *Coverage limitations for public right-of-way and yards abutting streets.*

- a. The City places great value on the natural beauty of its residential areas and desires to place reasonable limitations on the amount of a Lot that can be covered with concrete paving and similar materials.
- b. The hardscape area of a Front Yard may not exceed 50% of the total surface area of the Front yard.
- c. The hardscape area of a Side Yard that abuts a public street may not exceed 50% of the total surface area of the Side yard.
- d. Where a Lot has both a Front Yard and a Side Yard abutting a private street the calculation of the amount of hardscape coverage that is allowed shall be made separately for each.
- e. The only improvements that may be constructed on the unimproved right-of-way adjacent to a Lot are driveway aprons and walkways. Driveway aprons shall be no wider than is necessary to provide reasonable access to driveways constructed on the Lot.
- f. The Board of Adjustment may grant a special exception to the coverage limitations in (4) b. or c., above, for a particular Lot where the Board finds that it is not possible to provide reasonable vehicular and pedestrian access to the Lot without exceeding the maximum coverage requirements because of the existence of one or more of the following conditions:
 - 1) The Lot is substantially smaller than 22,500 square feet in area;
 - 2) The Lot is irregularly shaped;
 - 3) The right-of-ways of the street or streets abutting the Lot are unusually narrow.

The Board may impose such conditions on the granting of a special exception as may be necessary to mitigate any adverse effects that might arise from the granting of the exception.

The Commission will hold a public hearing on this report and the proposed amendment before submitting a final report and recommendation to the City Council for its consideration. All members of the public are invited to attend the hearing and provide input to the Commission on the proposed amendment.

The Commission directs the City Secretary to provide notice to the public of the date, time and place of the Commission's public hearing on this report by:

- a) Posting and maintaining notice on the City's website beginning at least 15 days before the hearing date and continuing thru the date of the hearing;
- b) Sending an email notice at least 7 days before the date of the hearing to those City residents for which the City has an email address;
- c) Publishing a copy of this report in the Memorial Examiner one time at least 15 calendar days before the date of the hearing.

Bill Dalton
Chairman
Planning & Zoning Commission
City of Hunters Creek Village

- dential integrity or safety of adjacent or area neighborhoods; or
 - ii. The proposed facility would create visual blight; or
 - iii. The proposed facility would create noise or light pollution; or
 - iv. The proposed facility would create a nuisance to adjacent or area properties.
- 2. Further, in order to obtain a specific use permit for a personal wireless service facility, the applicant must establish that:
 - i. The applicant cannot provide service to the city from other available locations or existing facilities; and
 - ii. The proposed facility would utilize state of the art technology to achieve its objectives; and
 - iii. The proposed facility would comply with all safety standards promulgated by the Federal Communications Commission or other agency having jurisdiction thereover.

b. Private recreation club.
 (Ord. No. 340, § 6-1, 5-20-1980; Ord. No. 431, § 1, 1-26-1988; Ord. No. 573, 5-16-2000; Ord. No. 717, § 1, 3-25-2008; Ord. No. 729, § 1, 11-18-2008)

Sec. 44-158. Special exceptions to use regulations.

After a public notice and hearing and appropriate safeguards and conditions, the board of adjustment may permit, as special exceptions, uses in district R which do not comply with subsection 44-157, by the following:

- (1) Public schools.
- (2) Utility substations and pump stations designed to serve some portion of the city.

- (3) Churches; provided, however, a church shall only be permitted on a tract of land of five acres or more and shall have adequate parking to provide one parking space on church property for each two members or for each two additional members or guests.

(Ord. No. 340, § 6-2, 5-20-1980)

Sec. 44-159. Height regulations.

District R requirements for the maximum height of a building located on a lot less than 40,000 square feet in size shall not exceed 35 feet. The maximum height of a building located on a lot 40,000 square feet or greater in size shall not exceed 38 feet, provided that the required side yards and required rear yard are each increased by an additional five feet. The top of slab may be up to 24 inches higher than required by all other applicable codes and may be added without affecting the maximum allowed height. For any elevation amount exceeding the 24 inches allowance above, the allowed height of the building shall be diminished by an equal amount. The building height limitation provided in this section shall not apply to church steeples. Aerial antennas shall not exceed a height of 45 feet as measured from the top of slab.

(Ord. No. 340, § 6-3, 5-20-1980; Ord. No. 657, § 2, 2-21-2006)

Sec. 44-160. Area regulations.

The following area regulations shall apply in district R:

- (1) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot having less than 22,500 square feet.
 - b. *Lot width.* The width of the lot shall be not less than 75 feet at the front building line, nor shall its average width be less than 75 feet.
 - c. *Lot depth.* The average depth of the lot shall not be less than 120 feet.
 - d. *Exceptions.* Where a lot having less area, width or depth than herein required existed in separate owner-

ship of record on March 25, 1955, the regulations relating to the size of the lot in this section shall not prohibit the erection of a single-family dwelling thereon.

(2) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a depth of not less than 50 feet.

Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets. For computation of front yard depth, the building shall not be less than 70 feet minimum from the building to the center of the street, whether public or private, and not less than 50 feet from the edge of the street easement or right-of-way; provided, however, that a front yard on a turn circle shall have a front yard depth not less than 35 feet from the street right-of-way line and not less than 70 feet from the center of a turn circle. Where lots are located at the corner of two streets the required front yard shall be provided on one of the two streets. Once a front yard has been established for a particular lot, it may not be changed unless the Planning & Zoning Commission approves a replat of the lot that establishes a front building line reflecting the desired change. For purpose of this section a front yard is established if:

- i) a front building line is designated on a subdivision plat; or
 - ii) a residence has been constructed on the lot.
- b. *Side yard.* There shall be two side yards on each lot, having a combined width of not less than 35 feet; neither of such side yards shall be less than 15 feet in width. A side yard adjacent to a side street shall not be less than 20 feet in width.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet.

(3) *Size of building.*

- a. *Building area.* The building area, exclusive of outdoor swimming pools, shall not exceed 25 percent of the lot area. Tennis courts, paddle ball and game courts are included in the computation of building area.
- b. *Dwelling area.* Each single-family dwelling must be so designed and constructed that it shall have a minimum space of enclosed living area of 2,000 square feet, exclusive of porches and automobile shelters. At least 1,500 square feet of such enclosed living area shall be contained on the ground floor. Living area shall be computed from the exterior wall surface.

(Ord. No. 340, § 6-4, 5-20-1980; Ord. No. 666, § 1, 4-18-2006; Ord. No. 824, § 1, 4-22-2014)

Sec. 44-161. Automobile shelters.

The following shall apply to automobile shelters in district R:

- (1) *Minimum size.* Every single-family dwelling must have at least a 200 square foot garage; or a 200 square foot carport and a 100 square foot completely enclosed storage room with an outside door. Subject to the following exceptions, all automobile shelters must meet the setback requirements of the dwelling; and the opening of the automobile shelter shall face the rear of the lot, provided, however,
 - a. An automobile shelter, if not attached to the dwelling, may be located not closer than five feet from the rear lot line and not closer than five feet distance from the side lot line unless such line abuts a street, in which event the automobile shelter shall be located at least 20 feet from such side street line.
 - b. An automobile shelter opening may face toward the front street provided such opening is at least 50 feet to the rear of the front line of the dwelling.

FINAL REPORT

City of Hunters Creek Village Planning & Zoning Commission on Proposed Limitations on Front Yard Coverage

The Planning and Zoning Commission submits this final report and recommendation on a proposal to amend Sections 44-2 and 44-160 of the City of Hunters Creek Village Code of Ordinances for Front Yard Coverage requirements to preserve the area's existing green space and natural beauty by limiting the amount of hardscaping in yards.

The Final Report and Recommendation is as set forth herein.

RECOMMENDATION:

It is requested that the City Council receive and accept this final report and recommendation from the City's Planning & Zoning Commission as follows:

To amend Sections 44-2 and 44-160 of the City of Hunters Creek Village Code of Ordinances to regulate and limit the amount of hardscaping in the following manner:

44-2. Definitions.

(b) Definitions.

...

Hardscape area means the surface area of a Lot, or designated portion of a Lot, that is occupied by any of the following: 1) driveways; 2) sidewalks or walkways; 3) parking areas; 4) decks or patios; 5) outdoor carpet or artificial turf; and 6) any other form of paved surface, including surfaces formed from concrete, crushed stone, or gravel.

44-160. Area regulations.

....

- (4) *Coverage limitations for public right-of-way and yards abutting streets.*
- a. The City places great value on the natural beauty of its residential areas and desires to place reasonable limitations on the amount of a Lot that can be covered with concrete paving and similar materials.
 - b. The hardscape area of a Front Yard may not exceed 50% of the total surface area of the Front yard.

- c. The hardscape area of a Side Yard that abuts a public street may not exceed 50% of the total surface area of the Side yard.
- d. Where a Lot has both a Front Yard and a Side Yard abutting a private street the calculation of the amount of hardscape coverage that is allowed shall be made separately for each.
- e. The only improvements that may be constructed on the unimproved right-of-way adjacent to a Lot are driveway aprons and walkways. Driveway aprons shall be no wider than is necessary to provide reasonable access to driveways constructed on the Lot.
- f. The Board of Adjustment may grant a special exception to the coverage limitations in (4) b. or c., above for a particular Lot where the Board finds that it is not possible to provide reasonable vehicular and pedestrian access to the Lot without exceeding the maximum coverage requirements because of the existence of one or more of the following conditions:
 - 1) The Lot is substantially smaller than 22,500 square feet in area;
 - 2) The Lot is irregularly shaped;
 - 3) The right-of-ways of the street or streets abutting the Lot are unusually narrow.

The Board may impose such conditions on the granting of a special exception as may be necessary to mitigate any adverse effects that might arise from the granting of the exception.

The Commission has held required public hearings on this and recommends that City Council call for a public hearing on this matter in accordance with applicable law and considers adopting these amendments as a part of the attached draft ordinance.

Bill Dalton
Chairman
Planning & Zoning Commission
City of Hunters Creek Village

***** DRAFT*****

Ordinance No. _____

AN ORDINANCE AMENDING THE ZONING CHAPTER OF THE CODE OF ORDINANCES OF THE CITY OF HUNTERS CREEK VILLAGE TO ADOPT HARDSCAPE REQUIREMENTS BY AMENDING SECTION 44-2(B) DEFINITIONS - ADDING A DEFINITION FOR HARDSCAPE AREA; BY ADDING A NEW SUBSECTION (4) OF SECTION 44-160 SETTING FORTH HARDSCAPING REQUIREMENTS INCLUDING THOSE WITH NONCONFORMING LOTS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000.00; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION.

* * * * *

WHEREAS, the City of Hunters Creek Village Planning and Zoning Commission was requested to address and did address the use of hardscaping and the need to regulate same to preserve the natural beauty of the City; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Hunters Creek Village have each conducted, in the time and manner and after the notice required by law and the City Zoning Chapter of the Code of Ordinances, public hearings on certain proposed amendments to the City Zoning Chapter of the Code of Ordinances; and

WHEREAS, all persons appearing at such public hearings who desired to speak on such proposed amendments were afforded that opportunity and their comments were duly noted and considered; and

WHEREAS, after its public hearing, the City of Hunters Creek Village Planning and Zoning Commission made its recommendation and final report to the City Council of the City of Hunters Creek Village; and

WHEREAS, the City Council of the City of Hunters Creek Village now deems it appropriate to approve the proposed amendments; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTERS CREEK VILLAGE, TEXAS:

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby declared true and correct.

Section 2. As required by law, the City Council of the City of Hunters Creek Village conducted a public hearing on the amendments to the City Zoning Chapter of the Code of Ordinances as set forth herein and declared the public hearing closed prior to the final adoption of this Ordinance.

Section 3. That Subsection (b) of Section 44-2 of Article I of Chapter 44 of the Code of Ordinances of the City of Hunters Creek Village is amended by adding the following definition:

“Chapter 44 – Zoning

ARTICLE I. – IN GENERAL

.....

Section 44-2 Definitions.

.....

(b) *Definitions.*

.....

Hardscape area means the surface area of a Lot, or designated portion of a Lot, that is occupied by any of the following: 1) driveways; 2) sidewalks or walkways; 3) parking areas; 4) decks or patios; 5) outdoor carpet or artificial turf; and 6) any other form of paved surface, including surfaces formed from concrete, crushed stone, or gravel.”

Section 4. That a new subsection (4) of Section 44-160 of Division 2 of Article III of Chapter 44 of the Code of Ordinances of the City of Hunters Creek Village is hereby added to read in its entirety as follows:

“Chapter 44 – Zoning

.....

ARTICLE III – DISTRICT REGULATIONS

.....

Division 2. – District R Single-Family Residential District

.....

Section 44-160. – Area regulations.

.
(4) *Coverage limitations for public right-of-way and yards abutting streets.*

- a. The City places great value on the natural beauty of its residential areas and desires to place reasonable limitations on the amount of a Lot that can be covered with concrete paving and similar materials.
- b. The hardscape area of a Front Yard may not exceed 50% of the total surface area of the Front yard.
- c. The hardscape area of a Side Yard that abuts a public street may not exceed 50% of the total surface area of the Side yard.
- d. Where a Lot has both a Front Yard and a Side Yard abutting a private street the calculation of the amount of hardscape coverage that is allowed shall be made separately for each.
- e. The only improvements that may be constructed on the unimproved right-of-way adjacent to a Lot are driveway aprons and walkways. Driveway aprons shall be no wider than is necessary to provide reasonable access to driveways constructed on the Lot.
- f. The Board of Adjustment may grant a special exception to the coverage limitations in (4) b. or c., above for a particular Lot where the Board finds that it is not possible to provide reasonable vehicular and pedestrian access to the Lot without exceeding the maximum coverage requirements because of the existence of one or more of the following conditions:
 - 4) The Lot is substantially smaller than 22,500 square feet in area;
 - 5) The Lot is irregularly shaped;
 - 6) The right-of-ways of the street or streets abutting the Lot are unusually narrow.

The Board may impose such conditions on the granting of a special exception as may be necessary to mitigate any adverse effects that might arise from the granting of the exception.”

Section 5. Penalty. Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Two Thousand Dollars (\$2,000.00). Each day during

which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or premises where any violation of this Ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 6. Conflict. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 7. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Hunters Creek Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 8. Publication. The City Secretary shall cause a caption of this Ordinance that summarizes its purpose and the penalty for violations to be published in the City's official newspaper. This Ordinance shall become effective when the publication requirement is satisfied.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2015.

Bonnie McMillan
Mayor

ATTEST:

Crystal Seagler
City Secretary

PASSED, APPROVED and ADOPTED this ____ day of _____, 2015.

ship of record on March 25, 1955, the regulations relating to the size of the lot in this section shall not prohibit the erection of a single-family dwelling thereon.

(2) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a depth of not less than 50 feet.

Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets. For computation of front yard depth, the building shall not be less than 70 feet minimum from the building to the center of the street, whether public or private, and not less than 50 feet from the edge of the street easement or right-of-way; provided, however, that a front yard on a turn circle shall have a front yard depth not less than 35 feet from the street right-of-way line and not less than 70 feet from the center of a turn circle. Where lots are located at the corner of two streets the required front yard shall be provided on one of the two streets. Once a front yard has been established for a particular lot, it may not be changed unless the Planning & Zoning Commission approves a replat of the lot that establishes a front building line reflecting the desired change. For purpose of this section a front yard is established if:

- i) a front building line is designated on a subdivision plat; or
 - ii) a residence has been constructed on the lot.
- b. *Side yard.* There shall be two side yards on each lot, having a combined width of not less than 35 feet; neither of such side yards shall be less than 15 feet in width. A side yard adjacent to a side street shall not be less than 20 feet in width.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet.

(3) *Size of building.*

- a. *Building area.* The building area, exclusive of outdoor swimming pools, shall not exceed 25 percent of the lot area. Tennis courts, paddle ball and game courts are included in the computation of building area.
- b. *Dwelling area.* Each single-family dwelling must be so designed and constructed that it shall have a minimum space of enclosed living area of 2,000 square feet, exclusive of porches and automobile shelters. At least 1,500 square feet of such enclosed living area shall be contained on the ground floor. Living area shall be computed from the exterior wall surface.

(Ord. No. 340, § 6-4, 5-20-1980; Ord. No. 666, § 1, 4-18-2006; Ord. No. 824, § 1, 4-22-2014)

Sec. 44-161. Automobile shelters.

The following shall apply to automobile shelters in district R:

- (1) *Minimum size.* Every single-family dwelling must have at least a 200 square foot garage; or a 200 square foot carport and a 100 square foot completely enclosed storage room with an outside door. Subject to the following exceptions, all automobile shelters must meet the setback requirements of the dwelling; and the opening of the automobile shelter shall face the rear of the lot, provided, however,
 - a. An automobile shelter, if not attached to the dwelling, may be located not closer than five feet from the rear lot line and not closer than five feet distance from the side lot line unless such line abuts a street, in which event the automobile shelter shall be located at least 20 feet from such side street line.
 - b. An automobile shelter opening may face toward the front street provided such opening is at least 50 feet to the rear of the front line of the dwelling.

- c. An automobile shelter opening may face toward the side line of the lot, provided that:
 - 1. Such opening will not face a street;
 - 2. The front edge of such opening will not be forward of the front line of the residence;
 - 3. Such opening will be at least 28 feet from the side lot line.
- d. An automobile shelter may face toward a side street if it is set back from the side lot line that abuts the side street, by at least the same minimum distance that would have been required for an automobile shelter on the same lot that faced the front street. For example, if the front line of a dwelling is set back thirty feet from the front lot line, the minimum setback for a garage opening that faces the front street or a side street would be 80 feet from the applicable lot line (30 + 50). Similarly, if the front line of a dwelling is set back fifty feet from the front lot line, the minimum setback for a garage opening that faces the front street or a side street would be 100 feet from the applicable lot line (50 + 50).

- (2) *Driveways.* No driveway shall have entry onto Memorial Drive or Voss Road if the lot or tract upon which the driveway is located has access or is contiguous to another street within the city.

(Ord. No. 340, § 6-5, 5-20-1980; Ord. No. 659, § 1, 12-20-2005; Ord. No. 764, § 1, 1-25-2011; Ord. No. 828, § 1, 5-27-2014)

Sec. 44-162. Accessory structures.

The following shall apply to accessory structures, except as specifically permitted by this chapter:

- (1) No accessory structure shall be erected in front of the front line of the residence.

- (2) No separate accessory structure or automobile shelter shall be erected within five feet of any property line or other building.
- (3) Any servants' quarters or structure containing living space must comply with building line setbacks of the main structure.
- (4) No accessory structure may exceed one story in height, except as provided below. A detached garage may include habitable space, not including kitchen facilities, above the first floor, if the detached garage complies with the same yard, setback, and other location requirements as the main residence.

(Ord. No. 340, § 6-6, 5-20-1980; Ord. No. 768, § 1, 5-22-2012)

Sec. 44-163. Fences and walls.

The following fence and wall requirements apply to district R:

- (1) *Perimeter fences generally.* Fences shall be generally permitted on the perimeter of the property involved subject to the limitations in subsections (2) through (13) of this section.
- (2) *Fences in front of front building line.* No fences shall be permitted in front of the front building line of the property involved unless the front yard is contiguous to Voss Road or Memorial Drive.
- (3) *Height limitations generally.* No fence shall exceed seven feet from the top of the natural grade of the property except along Voss Road or Memorial Drive or as specifically provided below.
 - a. *Columns and finials.* Except as otherwise provided, columns, finials, and other similar decorative elements shall not be included in the measurement of the height of a fence or wall for purpose of applying the limitation on maximum height, provided that:
 - 1. The total height of each individual column, finial or other dec-