

NOTICE OF PUBLIC HEARING  
CITY OF HUNTERS CREEK VILLAGE, TEXAS

Notice is hereby given that a Public Hearing will be held before the Hunters Creek Village City Council on Tuesday, April 22, 2014, at 6:00 p.m., in City Hall at #1 Hunters Creek Place, Hunters Creek Village, Texas, for the purpose of receiving testimony for or against the following proposed amendments to the City's Zoning Ordinance:

1. A proposed amendment relating to Section 44-160(2) Size of Front Yard. To provide a procedure for designating the front yard on lots that are located on the corner of two streets, specifically, to include in Section 44-160(2):

“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.”

2. A proposed amendment relating to Section 44-160(1)(a) Size of Lot. To clarify the requirements for calculating the minimum size of lots, specifically to revise Section 160(1)(a):

“a. *Lot area.* No building shall be constructed on any lot that is less than 22,500 square feet in area. The area of the lot, expressed in square feet, shall not include any portion of the public right-of-way or any private road easement.”

Written comments may be submitted during normal business hours in the office of the City Secretary at #1 Hunters Creek Place, Hunters Creek Village, Texas 77024 or at the public hearing. For more information, you may contact (713)465-2150 during normal business hours.

Deborah L. Loesch, TRMC  
City Administrator/City Secretary

## **FINAL REPORT AND RECOMMENDATION**

The Planning and Zoning Commission having met in regular session on July 1, 2013, considered a proposal to amend Section 44-160(2) a. Front Yard of the Zoning Chapter of the Code of Ordinances regarding regulations in Residential District R relating to the size of the front yard. A public hearing was held before the Commission on August 13, 2013, to receive testimony for and against the proposed amendment.

The Commission presents the following final report and recommendation to amend Section 44-160(2) a. Size of yard, Front Yard as follows adding new requirements:

(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 front- age 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.

The Commission recommends that City Council call for a public hearing on these matters and consider adoption of the amendment as a part of the attached draft ordinance.

Planning and Zoning Commission  
City of Hunters Creek Village, Texas  
Adopted: August 13, 2013

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING SECTION 44-160(2)a OF THE ZONING CHAPTER OF THE CODE OF ORDINANCES OF THE CITY OF HUNTERS CREEK VILLAGE, TEXAS, WHICH REGULATES THE SIZE OF YARDS IN THE RESIDENTIAL DISTRICT, TO ESTABLISH A PROCEDURE FOR DESIGNATING THE FRONT YARD FOR LOTS THAT ARE LOCATED ON THE CORNER OF TWO STREETS; PROVIDING A PENALTY; MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION.

\* \* \* \* \*

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

**Section 1.** Section 44-160(2)a of the Code of Ordinances of the City of Hunters Creek Village is amended to read as follows:

- “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.”

**Section 2.** Any violation of any provision of this Ordinance shall be punishable as an offense as provided in Section 1-8 of the Code of Ordinances of the City of Hunters Creek Village.

**Section 3.** In the event any clause, phrase, provision, sentence, or part of this Ordinance, or its application 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 declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 4.** 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 \_\_\_\_\_, 2014.

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Bonnie McMillan  
Mayor

ATTEST:

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Deborah L. Loesch, TRMC  
City Administrator/City Secretary

## FINAL REPORT AND RECOMMENDATION

The Planning and Zoning Commission, having met in regular session on July 1, 2013, considered a proposed amendment to Section 44-160(1) a. of the zoning chapter of the Code of Ordinances to clarify the requirements in the calculation of the minimum size of lots allowed. A public hearing was held before the Commission on August 13, 2013, to receive testimony for and against the proposed amendment.

The Commission presents the following final report and recommendation to amend Section 44-160(1) a. of the Code of Ordinances, as follows:

Section 44-160(1). Size of Lot.

- (a) *Lot area.* No building shall be constructed on any lot less than 22,500 square feet. The net area of the lot, expressed in square feet, shall be exclusive of any portion of the public or private right-of-way or roadway.

The Commission recommends that City Council call for a public hearing on these matters and consider adoption of the amendment as a part of the attached draft ordinance.

Planning and Zoning Commission  
City of Hunters Creek Village, Texas  
Adopted: August 13, 2013

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING SECTION 44-160(1)a OF THE ZONING CHAPTER OF THE CODE OF ORDINANCES OF THE CITY OF HUNTERS CREEK VILLAGE, TEXAS, WHICH REGULATES THE SIZE OF LOTS IN THE RESIDENTIAL DISTRICT, TO MAKE IT CLEAR THAT THE LOT AREA SHALL NOT INCLUDE ANY PORTION OF THE PUBLIC RIGHT-OF-WAY OR ANY PRIVATE ROAD EASEMENT; PROVIDING A PENALTY; MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION.

\* \* \* \* \*

**WHEREAS**, the City Council finds and declares that the City’s Zoning Ordinance has always provided that a residential lot, for purpose of applying the zoning regulations, does not include any area that is within the public right-of-way or a private street easement;

**WHEREAS**, allegations were made in an unsuccessful lawsuit against the City that the Zoning Ordinance is not clear on this subject; and

**WHEREAS**, the City Council desires to avoid future disagreements on the subject;

**NOW THEREFORE,**

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

**Section 1.** Section 44-160(1)a of the Code of Ordinances of the City of Hunters Creek Village is amended to read as follows:

“a. *Lot area.* No building shall be constructed on any lot that is less than 22,500 square feet in area. The area of the lot, expressed in square feet, shall not include any portion of the public right-of-way or any private road easement.”

**Section 2.** Any violation of any provision of this Ordinance shall be punishable as an offense as provided in Section 1-8 of the Code of Ordinances of the City of Hunters Creek Village.

**Section 3.** In the event any clause, phrase, provision, sentence, or part of this Ordinance, or its application 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 declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 4.** 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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Bonnie McMillan  
Mayor

ATTEST:

\_\_\_\_\_  
Deborah L. Loesch, TRMC  
City Administrator/City Secretary