

City of Piney Point Village  
Planning & Zoning Commission Meeting  
Minutes from  
May 26, 2016

**Members Present:** Vincent Marino-Chairman, Bill Burney, Diane Wege, and Sue Curtis.

**Members Absent:** Bernard Branca, Charles Peterman, and Lenni Burke.

**City Staff:** Annette Arriaga, Director of Planning, Development, & Permits, Joe Moore with HDR Engineering Company, David Olson with Olson & Olson.

**City Council:** Henry Kollenberg.

**Guests:** Mario Colina w/ Probstfeld & Associates and resident- Julie Goodall.

- 1.) **Call to order:** 7:05 P.M.
- 2.) **Meeting Minutes:** Motion for approval of minutes for the January 28th, 2016 Planning and Zoning Commission meeting was made by Bill Burney and seconded by Diane Wege. Upon vote, such minutes were unanimously approved.
- 3.) **Public Hearing/Final Plat Approval of Amending Plat No. 2 of Lot 1 of Pebbles Place/11401 Quail Hollow Lane:** A public hearing was conducted and no public comments were received by the Commission. Staff recommended approval.
- 4.) **Discussion of Public Hearing/Final Plat Approval of Amending Plat No.2 of Lot 1 of Pebbles Place/11401 Quail Hollow Lane:** Vincent Marino asked if there was a lien on the property and if staff had a copy of the title report. Mario Colina indicated that there were no liens on the property. Vincent Marino entertained a motion to approve the final plat of Pebbles Place subject to the joiner of any lien holders. Motion made first by Vincent Marino and seconded by Bill Burney. Amending Plat of Pebbles Place approved.
- 5.) **Discussion and take possible action of Zoning Ordinances changes as it relates to Chapter 74-1. Definitions; 74-212. Non-conforming buildings; 74-244. Regulations; 74-245. Supplementary District Regulations; 74 -280 Exceptions and Exemptions thru 74-278. Prohibited signs.**

Julie Goodall indicated that she didn't think that the generators should be in the side yards. Just like AC units and pool equipment that are in side yards, people are not screening the equipment and the ordinances aren't being enforced.

Diane Wege indicated that it's not the ordinance but the enforcement of the ordinances. Bill Burney doesn't have a problem with the location of the generators but that they should be screened and the screening needs to be enforced.

The latest suggested version of the ordinance is as follows:

**Discussion of Generators; Chapter 74-244. Regulations.**

(4) *Generator.* ~~If not located in the existing building lines,~~ The generator may only be located:

- a.) On the ground;
- b.) ~~In the rear third of the property; and No less than ten feet from the property line;~~ and

c.) ~~Ten~~ At least five feet from the property line building.

No generator shall be located in front of the main structure. The generator must be screened from the public view by shrubbery and be fueled only by natural gas. Sound shielding and screening is subject to city approval design.

#### **Discussion of value; Chapter 74-212. Nonconforming Buildings.**

**Vincent Marino** gave a brief overview of the above referenced ordinance and how we could determine the replacement cost value without having to do an appraisal. **David Olson** also indicated that it gives the person who is pulling the permit another avenue of providing information so that we are not subjective, and have another option. **Henry Kollenberg** indicated that it encourages people to remodel.

The latest suggested version of the ordinance is as follows:

(b) *Termination of nonconforming structures.* No construction of any building, or remodeling of any existing building where the estimated cost of such remodeling exceeds 50 percent of value on the improvements on the lot, shall be permitted on the lot unless all structures on the lot are made to conform to all of the regulations and ordinances of this city. For purposes of the foregoing, the value of improvements on a lot shall be the greater of (i) ~~\$300,000.00~~ replacement cost as estimated by third party appraisal (or other appropriate evidence of value) or (ii) based on the appraised value of all improvements on the lot for ad valorem tax purposes as determined by the county appraisal district, or its successor, for the year in question, except that if no value has been determined for such year, then it shall be the appraised value for the immediately preceding year. ~~Nothing in this paragraph however, will prohibit an owner from replacing an existing driveway so long as no portion of that driveway is located less than 18 feet from the edge of the traffic line in the intersection, and less than 30 feet from any existing intersection.~~

(c) *Damage or obsolescence of structures.* The right to occupy and maintain any nonconforming structure shall terminate and cease to exist whenever the nonconforming structure becomes obsolete or is totally destroyed, from any cause, or is damaged, in part, from any cause, where the estimated costs of restoring or repairing such damage exceeds 50 percent of the replacement cost of such nonconforming structure. In such cases, the structure may be restored, rebuilt or repaired only if all structures on the lot, including, without limitation, the structure which is obsolete or destroyed, are made to conform to all the regulations and ordinances of the city. For purposes of the foregoing, the value of improvements on a lot shall be the greater of (i) ~~\$300,000.00~~ replacement cost as estimated by third party appraisal (or other appropriate evidence of value) or (ii) based on the appraised value of all improvements on the lot for ad valorem tax purposes as determined by the Harris County Appraisal District, or its successor, for the year in question, except that if no value has been determined for such year, then it shall be the appraised value for the immediately preceding year.

(d) *Existing driveways,* Replacing an existing driveway which was lawfully permitted by the City and existing at the time a building/structure was erected shall be permitted to be replaced and to remain nonconforming until such time as there is construction as defined in Section 74-212 (b) and (c). “

#### **Discussion of 80 percent fence. Chapter 74-1. Definitions.**

**David Olson**, based on the wording of the revised 80 percent fence definition, recommended that “foot” be changed to “feet.” The Commission agreed.

The latest suggested version of the ordinance is as follows:

*80% fence shall mean a fence constructed in such a manner that any portion of the fence that exceeds three feet in height contains at least 80 percent unobstructed, open views, comprised of uniformly spaced 7 foot see thru sections, separated by visually solid columns (maximum of 2 feet feet in width) and supports for such fence are of visually solid construction uniformly spaced, and such fence contains no wire or chain-link portions.”*

#### **Discussion of fences Chapter 74-245. Supplementary district regulations.**

**Vincent Marino** indicated that the ordinance that was passed out that there was a sentence at the end and it needed to be disregarded. **David Olson** agreed. That particular sentence was redundant. **Henry Kollenberg** indicated that the fence ordinance was created so that the city would not look like it was a walled city. The zoning ordinances were designed for the people that live her. That what’s make Piney Point a nice place to live. Henry Kollenberg indicated that he strongly supports the current fence ordinance. **Julie Goodall** stated that we live in a city that is open and lovely we do not want to feel like we live in a compound.

The latest suggested version of the ordinance is as follows:

*( i) Fences and walls in required yards.* No fence or freestanding fence-type wall shall be permitted in any required yard except as specifically authorized below:

*(1) Fences, front yard.* Fences and freestanding fence type walls may be constructed within a required front yard if not exceeding three feet in height; however, a fence not exceeding six feet in height above the natural grade of the lot at the lot line adjacent to such fence may be constructed within a required front yard if the front yard is adjacent to a four-lane, esplanade, curbed and guttered thoroughfare, the fence is set back at least three feet from the adjacent front lot line, and the fence is an 80 percent fence.

*(2) Fences, side and rear yard not adjacent to a street.* Fences and freestanding fence-type walls not exceeding eight feet in height are permitted in or along the edge of any required yard other than a front yard or a side or rear yard adjacent to a street. These ordinances were designed for the people that live here not for

*(3) Fences, side and rear yard adjacent to a street.* Fences may be constructed within a required side or rear yard adjacent to a street if such fence does not exceed six feet in height above the natural grade of the lot at the lot line adjacent to such fence, **and the fence is an 80 percent fence.** Any fence constructed between the main building and an adjacent street, but not within a required yard, shall have the finished exterior side facing the adjacent street, and shall have no posts or rails visible from such adjacent street, irrespective of the distance from the fence and the adjacent lot line or street. **If a fence is located in a rear yard, adjacent to a street, the fence can be up to six feet in height.**

#### **Discussion of Signs Chapter 74-280. - Exceptions and exemptions.**

**David Olson** indicated that the sign issue was brought up because Stillforest Street put up a no outlet sign on their street. The street is private. David Olson was asked to look into this issue and see if was lawfully permitted under our current sign ordinance. City council asked to suggest some language to modify the sign ordinance to allow for some exceptions.

The latest suggested version of the ordinance is as follows:

- (1) Traffic or other municipal signs, legal notices, or danger signs placed or required to be placed by federal, state or local governments, or as otherwise placed by the residents of a private street in private right-of-way for such purposes.”

The Planning and Zoning Commission recommended the above change of the sign ordinance. A public hearing would be scheduled to discuss all of the above proposed ordinances before a formal recommendation would be made to the Piney Point City Council. A public hearing date would be set after looking at the Commission’s schedule.

- 6.) **ADJOURNMENT:** Motion to adjourn at **8:00** P.M. Motion made first by Vincent Marino and seconded by Bill Burney. Motion to adjourn approved.

Date Approved on June 23<sup>rd</sup>, 2016

Chairman Vincent Marino X \_\_\_\_\_

**(Required Signature)**

**Official File Copy**