



City of Piney Point Village

7676 WOODWAY DR., SUITE 300
HOUSTON, TX 77063-1523

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THE CITY OF PINEY POINT VILLAGE SPECIAL COUNCIL MEETING MONDAY, MARCH 08, 2021

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE WILL HOLD A SPECIAL MEETING ON MONDAY, MARCH 8, 2021 AT 6:30 P.M. AT CITY HALL, 7676 WOODWAY, SUITE 300, HOUSTON, TEXAS TO DISCUSS THE AGENDA ITEMS LISTED BELOW.

DECLARATION OF QUORUM AND CALL TO ORDER

PLEDGE OF ALLEGIANCE

CITIZENS WISHING TO ADDRESS COUNCIL - *At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, if a member of the public comments or inquiries about a subject that is not specifically identified on the agenda, a member of Council or a Staff Member may only respond by giving a statement of specific factual information or by reciting existing policy. The City Council may not deliberate or vote on the matter.*

Piney Point Village is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/8848416839?pwd=WGNPWi82bXdSdUlmSmhGd2l2Z3QwZz09>

Meeting ID: 884 841 6839

Passcode: 147258

1. **Public Hearing - Certificate of Occupancy:** Matters relating to the discussion and public hearing of an ordinance amending division 6 of Article II of Chapter 74, Code of Ordinances of the City of Piney Point Village, Section 176, for certificates of occupancy or completion, temporary certificates of occupancy and related fiscal security.
2. **Public Hearing – Establishing regulations for side and rear yards:** Matters relating to the discussion and public hearing of an ordinance amending Article IV of Chapter 74, Code of Ordinances of the City of Piney Point Village, Section 244, Regulations for establishing regulations for the size of front and side yards on specific streets.
3. **Public Hearing – Continuance of Nonconforming Buildings and Structures:** Matters relating to the discussion and public hearing of an ordinance amending Article III of Chapter 74, Code of Ordinance of the City of Piney Point Village, Section 212, Nonconforming buildings, and structures.

4. Discuss and take possible action on an ordinance amending division 6 of Article II of Chapter 74, Code of Ordinances of the City of Piney Point Village, Section 176, for certificates of occupancy or completion, temporary certificates of occupancy and related fiscal security.
5. Discuss and take possible action on an ordinance amending Article IV of Chapter 74, Code of Ordinances of the City of Piney Point Village, Section 244, Regulations for establishing regulations for the size of front and side yards on specific streets.
6. Discuss and take possible action on an ordinance amending Article II of Chapter 74, Code of Ordinances of the City of Piney Point Village, Section 212, Nonconforming buildings, and structures.
7. **EXECUTIVE SESSION:** The City Council will adjourn into closed executive session pursuant to Section 551.071 of the Texas Government Code (CONSULTATION WITH ATTORNEY), and pursuant to Section 551.074 of the Texas Government Code (PERSONNEL), specifically to deliberate the appointment, evaluation, reassignment, duties, discipline, or dismissal of the City Administrator.
8. Consider and take possible action on the items discussed in Executive Session.
9. Adjourn

CERTIFICATION

I certify that a copy of the March 08, 2021 agenda of items to be considered by the Piney Point Village City Council was posted in a place convenient to the public in Compliance with Chapter 551, of the Texas Government Code on March 05, 2021.



Karen Farris
City Secretary

In compliance with the Americans with Disabilities act, the City of Piney Point Village will provide for reasonable accommodations for persons attending City Council meetings. This facility is wheelchair accessible and accessible parking spaces are available. To better serve you, your requests should be received 48 hours prior to the meetings. Please contact Karen Farris, City Secretary, at 713-230-8702. The City Council reserves the right to adjourn into a Closed Executive Session at any time under the Texas Government Code, Section 551.071, to consult with an attorney.

AGENDA ITEM SUBJECT: Ordinance amending Article IV of Chapter 74, Code of Ordinances of the City of Piney Point Village, Section 176, for certificates of occupancy or completion, temporary certificates of occupancy and related fiscal security.

ORDINANCE NO. _____

AN ORDINANCE AMENDING DIVISION 6 OF ARTICLE II OF CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY DELETING SECTION 74-176 IN ITS ENTIRETY AND ADDING A NEW SECTION 74-176, ESTABLISHING REGULATIONS FOR CERTIFICATES OF OCCUPANCY, TEMPORARY CERTIFICATES OF OCCUPANCY, AND RELATED FISCAL SECURITY; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:

Section 1. That Section 74-176 be deleted in its entirety and a new Section 74-176 be added to Division 6 of Article II of Chapter 74 to provide as follows:

“Article II. – Administration

* * *

Division 6. – Certificate of Occupancy

Sec. 74-176 – Certificates of occupancy or completion, temporary certificates of occupancy and related fiscal security.

Before occupancy, use or change of use, a certificate of occupancy shall be required upon substantial completion for any of the following:

- (1) Occupancy and use of a building erected or structurally altered.
- (2) Change in use of an existing building to a use of a different classification.
- (3) Occupancy and use of vacant land.
- (4) Change in the use of land to a use of a different classification.
- (5) Any change in the use of a conforming use.

(6) A person may file an application with the building official for the installation of gas meters before the issuance of a certificate of occupancy, provided that:

- a. The proposed use or temporary occupancy, if applicable, is not hazardous to life, health, or public safety; and
- b. The applicant posts fiscal security with the building official equal to the estimated cost to perform the installation of the gas meter, but in no event shall exceed \$2,000. A qualified professional must provide the city building official with an estimate of the cost, and the building official's approval of the estimate is required. An applicant must post the security as a cash deposit.

(7) A temporary certificate of occupancy may be obtained if the structure has been completed and the issuance of the final certificate of occupancy is solely dependent upon the successful completion of all exterior improvements, exterior inspections, and the building final, provided that:

- a. A preliminary final walk-through has been completed, and successful passage of such walk-through confirmed, by two of the three following City Officials: the Building Official, the City Administrator, or the Mayor; and
- b. The occupancy of the building is not hazardous to life, health, or public safety; and
- c. The structure has successfully passed all interior inspections, including completion of the interior final; and
- d. The applicant posts fiscal security with the building official in the amount of \$25,000.00. An applicant must post the security as a cash deposit; and
- e. _____ The property owner and builder affirm, in writing, that the property will be able to receive a Certificate of Occupancy within 45 days of the issuance of the Temporary Certificate of Occupancy. Furthermore, the property owner and builder agree that for each day beyond the 45 day time period, the property owner will pay \$2,000 a day

from the fiscal security as liquidated damages for failure to comply with the terms of this Section; provided, however, the property owner and builder may appeal the amount of liquidated damages assessed under this subsection.

f. The applicant may request a maximum of two 30 day extensions if the applicant can establish that extraordinary circumstances exist that will reasonably prevent the property from being ready to receive a Certificate of Occupancy within the initial 45 day Temporary Certificate of Occupancy period or within any subsequently approved 30 day extension period, if applicable. For purposes of this Section, extraordinary circumstances shall be limited to acts of God or other unforeseeable events that prevent the owner or builder from completing necessary work to receive a Certificate of Occupancy. Financial hardship does not qualify as an extraordinary circumstance. Requests for an extension must be in writing and on a form approved by the City. The City Administrator shall consider any such request and approve or deny such request. The City Administrator's determination on any request for extension may be appealed to the City Council. A determination made by the City Council on any such appeal shall be final.

e.g. A property owner and builder have the burden to establish that extraordinary events have occurred that prevented the timely compliance with the 45 day Temporary Certificate of Occupancy period or any subsequent extension thereof. City Council has absolute discretion as it relates to any relief granted under this subsection. A determination made by the City Council on any such appeal shall be final.

- (8) The city shall return any remaining fiscal security, if any, to the applicant if the building official determines that the applicant has obtained a certificate of occupancy; provided, however, if the building official determines that an applicant has breached the obligations secured by the fiscal security, such fiscal security shall be paid to the city as liquidated damages.—~~The applicant is~~

~~liable to the city for any costs incurred by the city that exceed the amount of fiscal security.”~~

Section 2. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 3. 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 Piney Point 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, whether there be one or more parts.

Section 4. All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED on first and final reading this ___th day of _____, 2020.

Mark Kobelan
Mayor

ATTEST:

Karen Farris
City Secretary

AGENDA ITEM SUBJECT: Ordinance amending Article IV of Chapter 74, Code of Ordinances of the City of Piney Point Village, Section 244, Regulations for establishing regulations for the size of front and side yards on specific streets.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY DELETING PARAGRAPHS (1) AND (2) OF SUBSECTION (c) OF SECTION 74-244 IN ITS ENTIRETY AND ADDING ~~A~~ NEW PARAGRAPHS (1) AND (2) OF SUBSECTION (c) OF SECTION 74-244, ESTABLISHING REGULATIONS FOR THE SIZE OF FRONT AND SIDE YARDS IN GENERAL, ~~AND ON SPECIFIC STREETS,~~ AND BASED ON LOT SIZE; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Piney Point Village recognizes that the majority of streets in the City are platted and improved with ~~a fifty (50) foot~~adequate setbacks to comply with the setback regulations established for the City, however, certain lots are smaller and nonconforming and certain identified streets are platted and improved at a lesser front and side yard setbacks; and

WHEREAS, the City Council desires to establish setbacks on those identified nonconforming lots and streets that reflect actual lot configurations and established building locations; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:

Section 1. That Paragraphs (1) and (2) of Subsection (c) of Section 74-244 be deleted in its entirety and ~~a~~ new Paragraphs (1) and (2) of Subsection (c) of Section 74-244 be added to provide as follows:

“Article IV. – DISTRICT REGULATIONS

* * *

Sec. 74-244 – Regulations.

* * *

(c) *Area regulations; size of yards.*

- (1) *Front yard.* There shall be a front yard having a depth of not less than 50 feet; provided, however, front yards for Gingham Drive and Jan Kelly Lane shall have a depth of not less than 40 feet. Front yards for Surrey Oaks Lane, Dana Lane and 501, 502, 505, 510, 517, 518, 525, 526, 533, 534, 541 and 542 Lanecrest Lane shall have a depth of not less than 25 feet. Where all or part of a lot abuts on the turnaround portion of a cul-de-sac street, that portion of such lot fronting upon the turnaround portion of a cul-de-sac shall have a front yard depth of not less than 25 feet.
- (2) *Side yards.* There shall be two side yards on each lot, neither of which shall be less than 15 percent of the lot width at the building line; provided, however, in no event shall a side yard be less than 15 feet or be required to be more than 30 feet. Notwithstanding, Surrey Oaks Lane, Dana Lane and 501, 502, 505, 510, 517, 518, 525, 526, 533, 534, 541 and 542 Lanecrest Lane shall have a side yard setback of 10 feet.”

Section 2. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each

day of violation shall constitute a separate offense.

Section 3. 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 Piney Point 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, whether there be one or more parts.

Section 4. All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED on first and final reading this ___th day of _____, 2020.

Mark Kobelan
Mayor

ATTEST:

Karen Farris
City Secretary

AGENDA ITEM SUBJECT: Ordinance amending division 6 of Article II of Chapter 74, Code of Ordinances of the City of Piney Point Village, Section 212, Nonconforming buildings and structures.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY DELETING SUBSECTION (a) OF SECTION 74-212 IN ITS ENTIRETY AND ADDING A NEW SUBSECTION (a) OF SECTION 74-212, ESTABLISHING REGULATIONS FOR THE CONTINUANCE OF NONCONFORMING BUILDINGS AND STRUCTURES; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:

Section 1. That Subsection (a) of Section 74-212 be deleted in its entirety and a new Subsection (a) of Section 74-212 be added to provide as follows:

“Article III. – NONCONFORMITIES

* * *

Sec. 74-212 – Nonconforming buildings and structures.

(a) *Continuance of nonconforming buildings and structures.* Subject to the limitations herein set forth, any nonconforming building or structure, lawfully existing, may be occupied and maintained in good repair, but may ~~not only~~ be enlarged or extended ~~unless the enlargement or extension complies with all the regulations and ordinances of the city as follows.~~

- 1) The first floor of a nonconforming main building, excluding any portion of an accessory building, structure, or attached garage, may be enlarged or extended into a side or rear yard in

a manner that does not exceed the encroachment created by the nonconforming main building.

4)2) A nonconforming main building that is extended into a yard must otherwise comply with all the regulations and ordinances of the city.”

Section 2. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 3. 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 Piney Point 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, whether there be one or more parts.

Section 4. All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED on first and final reading this ___th day of _____, 2020.

Mark Kobelan

ATTEST:

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Karen Farris
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