

NOTICE OF JOINT PUBLIC MEETING
PLANNING COMMISSION
FREEPORT CITY COUNCIL
TUESDAY, JANUARY 21ST, 2014, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS

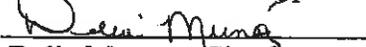
AGENDA
FORMAL SESSION

1. Call to order.
2. Consideration of approving the November 26th, 2013 minutes.
3. **Joint Public Hearing:** The City Council and the Planning Commission of said City will conduct a joint public hearing to consider a propose amendment to the Comprehensive Zoning Ordinance of said City, codified as Chapter 155 of the Code of Ordinance of said City, to add condominium to section 155.032 (R-2A District) to add provisions for condominiums and Section 155.02 of said chapter.
4. Make a recommendation to the City Council to consider a propose amendment to the Comprehensive Zoning Ordinance of said City, codified as Chapter 155 of the Code of Ordinance of said City, to add "condominium" to section 155.032 (R-2A District) to add provisions for condominiums and Section 155.02 of said chapter.
5. Consideration of approving and signing a replat request for Jasen and Julia Gast, Lots 64 & 65, Bridge Harbor Subdivision, F. J. Calvit League, Abstract 51, Freeport Texas, known as 65 Marlin Lane, Freeport Texas.
6. Adjourn

Items not necessary discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

In compliance with the Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, January 15th 2014 at or before 5:00 p.m.



Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Planning Commission of the City of Freeport, Texas met on Tuesday, November 26, 2013 at 6:00 P.M. at the Freeport Police Department Municipal Courtroom, 430 North Brazosport Boulevard, Texas for the purpose of considering the following agenda items:

Planning Commission:	Edward T. Garcia Reuben Cuellar Jesse Aguilar Tobey Davenport Eddie Virgil
Staff:	Delia Munoz, City Secretary Pat Taylor – Asst. City Attorney
Visitors:	Councilwoman Michelle Kent Simon Virgil

Open meeting.

Mr. Edward Garcia called the meeting to order at 6:00 p.m.

Invocation.

Mr. Tobey Davenport opened the meeting with a prayer.

Approval of the minutes for September 3, September 16, October 1, & October 7, 2013.

On a motion by Ms. Eddie Virgil, seconded by Mr. Jesse Aguilar, with all present voting “aye”, the Planning Commission unanimously approved the minutes for September 3, September 16, October 1, & October 7, 2013.

Discuss and consider recommending amending Section 155.032 (R-2A District) to add “and condominium” and Section 155.002 to add a definition of condominium.

On a motion by Mr. Tobey Davenport, seconded by Mr. Jesse Aguilar, with all present voting “aye”, the Planning Commission unanimously approved amending Section 155.032 (R-2A District) to add “and condominium” and Section 155.002 to add a definition of condominium.

Discuss and consider recommending erecting no parking signs on Zapata Street.

Mr. Edward Garcia stated that he had a constituent complain that an accident almost occurred down Zapata Street. Mr. Tobey Davenport stated that the street is not able to handle the load of commercial and very narrow for some one that is walking.

On a motion by Mr. Reuben Cuellar, seconded by Mr. Tobey Davenport, with all present voting "aye", the Planning Commission unanimously recommends erecting no parking signs on Zapata Street.

Discuss and consider recommending setting December 16, 2013 for a Joint Public Hearing with City Council to make a recommendation to amend Section 155.032 (R-2A District) to add " and condominium" and Section 155.002 to add a definition of condominium.

On a motion by Ms. Eddie Virgil, seconded by Mr. Jesse Aguilar, with all present voting "aye", the Planning Commission unanimously approved setting December 16, 2013 for a Joint Public Hearing with City Council to make a recommendation to amend Section 155.032 (R-2A District) to add " and condominium" and Section 155.002 to add a definition of condominium.

Adjourn

On a motion by Ms. Eddie Virgil, seconded by Mr. Jesse Aguilar, the Planning Commission voted to adjourn at 6:10 p.m.

Chairman Edward Garcia

Delia Munoz -City Secretary

TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATION, AND FIRMS, THEIR AGENTS AND ATTORNEYS, AND TO ALL PERSONS, FIRMS, AND CORPORATIONS OWNING AND INTEREST IN ANY LAND LOCATED WITHIN A R-2A ZONING DISTRICT, AND TO ALL INHABITANTS AND LAND OWNERS OF AND IN THE CITY OF FREEPORT, BRAZORIA, TEXAS.

A joint public hearing will be held on Tuesday, the 21st day of January 2014, at 6:00 o'clock p.m., central standard time, at the Police Department Municipal Courtroom of the City of Freeport, Texas located at 430 North Brazosport Boulevard, within the corporate limits of said city, in Brazoria County, Texas, at which time and place the City Council and the Planning Commission of said City will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance of said city, codified as Chapter 155 of the Code of Ordinances of said City, to add condominium to Section 155.032 (R-2A District) and adding a definition of condominium to Section 155.002 of said chapter.

By Order of the City Council of the City of Freeport, Texas made on the 18th day of November, 2013.

**Delia Munoz
City Secretary
City of Freeport, Texas**

§ 155.032 R-2A DISTRICT, SINGLE FAMILY RESIDENTIAL, TOWNHOUSE.

This district consists mainly of highly restricted high density residential zone composed of single-family townhouse dwellings. This zone requires that each townhouse be located on an individual lot, with no lot containing less than 2,000 square feet. The minimum living area per unit will be not less than 1,000 square feet. There shall be at least 4 connected units in each townhouse project. Each townhouse group shall have not less than 4 adjoining townhouse units.

(A) *Minimum requirements for lot area and setback for townhouse group.*

Lot area: 2000 SF/unit

Min. units: 4

Max. units: 10

Setbacks:

Front: 5'

Rear: 10'

Side: see specs below

(B) Setbacks:

(1) Each townhouse or townhouse group shall be set back from the front street at least 5 feet for the building line.

(2) Each townhouse or townhouse group shall be set back from a side street at least 10 feet for the building line.

(3) Each townhouse having a garage opening onto a street shall be set back at least 10 feet from the property line adjoining the street right-of-way onto which such garage opens.

(4) Each townhouse or group of townhouses which do not provide a dedicated alley to the rear thereof shall be set back at least 10 feet from the rear lot line.

(C) *Permitted uses and parking requirements.* Any use permitted in the R-1 and R-2 Districts. Single-family dwellings. 2.5 off-street parking spaces shall be provided for each townhouse. At least one space shall be covered and shall be located on the individual's townhouse lot. No parking shall be allowed in the front 5 feet of a townhouse lot or common area, nor in the 10 feet adjacent to a side street. One-way driveways shall be at least 9 feet in width, and two-way driveways shall be at least 18 feet in width.

(D) *Permitted accessory use.* Mechanical buildings, maintenance and tool shop and recreational building. Accessory buildings shall be the same design and appearance as townhouses and subject to the same maximum height restrictions.

(E) *Height and coverage regulations.* No building or accessory structure shall exceed 2.5 stories or 35 feet in height.

(F) *Yards.* Within a townhouse project there shall be at least 20 feet of separation or combined side yard between each townhouse group, subject to rear setback requirements.

Property Code § 81.002. Definition

(1) "Apartment" means an enclosed space, regardless of whether it is designed for residential or other use, that consists of one or more rooms in a building and that has a direct exit to a thoroughfare or to a common space that leads to a thoroughfare.

(2) "Building" includes each principal structure on or to be erected on real property dedicated in a declaration to a condominium regime.

(3) "Condominium" means a form of real property ownership that combines separate ownership of individual apartments or units with common ownership of other elements.

(6) "General common elements" means the property that is part of a condominium regime other than property that is part of or belongs to an apartment in the regime, including:

(A) land on which the building is erected;

(B) foundations, bearing walls and columns, roofs, halls, lobbies, stairways, and entrance, exit, and communication ways;

(C) basements, flat roofs, yards, and gardens, except as otherwise provided;

(D) premises for the lodging of janitors or persons in charge of the building, except as otherwise provided;

(E) compartments or installation of central services such as power, light, gas, water, refrigeration, central heat and air, reservoirs, water tanks and pumps, and swimming pools; and

(F) elevators and elevator shafts, garbage incinerators, and all other devices and installations generally existing for common use.

(7) "Limited common elements" means a portion of the common elements allocated by unanimous agreement of a council of owners for the use of one or more but less than all of the apartments, such as special corridors, stairways and elevators, sanitary services common to the apartments of a particular floor, and similar areas or facilities.

(11) "Property" means real property, whether leased or owned, the improvements on the property, and the incorporeal rights that are appurtenant to the property.

§ 82.003. Definitions

(a) In this chapter:

(5) “Common elements” means all portions of a condominium other than the units and includes both general and limited common elements.

(8) “Condominium” means a form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of those portions. Real property is a condominium only if one or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners.

(14) “General common elements” means common elements that are not limited common elements.

(16) “Leasehold condominium” means a condominium in which all or a portion of the real property is subject to a lease the expiration or termination of which will terminate the condominium or reduce its size.

(17) “Limited common element” means a portion of the common elements allocated by the declaration or by operation of Section 82.052 for the exclusive use of one or more but less than all of the units.

(21) “Residential purposes” means recreational or dwelling purposes, or both.

(23) “Unit” means a physical portion of the condominium designated for separate ownership or occupancy, the boundaries of which are described by the declaration.

(24) “Unit owner” means a declarant or other person who owns a unit, or a lessee of a unit in a leasehold condominium whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the condominium, but does not include a person having an interest in a unit solely as security for an obligation.

(b) Unless otherwise provided by the declaration or bylaws, a term defined by Subsection (a) has the same meaning if used in a declaration or bylaws.

§ 82.006. Applicability of Local Ordinances, Regulations, and Building Codes

A zoning, subdivision, building code, or other real property use law, ordinance, or regulation may not prohibit the condominium form of ownership or impose any requirement on a condominium that it would not impose on a physically identical development under a different form of ownership. Otherwise, this chapter does not invalidate or modify any provision of any zoning, subdivision, building code, or other real property use law, ordinance, or regulation.

Relevant Portions
of proposed new
ordinance (if P & Z)
decides to recommend
changes suggested by
State law to clarify
"townhouses" & "condos"

First, Section 155.002 of the Code of Ordinances of the City is hereby amended to add thereto, in its appropriate alphabetical order, the following:

"CONDOMINIUM has the meaning given to it in Section 81.002 of the Property Code if the declaration for the condominium was filed prior to January 1, 1994, and the meaning given to it in 82.003 of the Property Code if the declaration for the condominium was filed on or after January 1, 1994."

Second, Section 155.032 of the Code of Ordinances of the City is hereby amended to read as follows:

"§ 155.032 R-2A DISTRICT, SINGLE FAMILY RESIDENTIAL, TOWNHOUSE OR CONDOMINIUM.

(A) Composition of district

This district consists mainly of highly restricted high density residential zone composed of single-family townhouse dwellings or condominiums.

(B) Townhouses

Each townhouse shall be located on an individual lot, with no lot containing less than 2,000 square feet. The minimum living area per unit will be not less than 1,000 square feet. There shall be at least 4 connected units in each townhouse project. Each townhouse group shall have not less than 4 adjoining townhouse units.

(1) Minimum requirements for lot area and setback for townhouse group.

Lot area: 2000 SF/unit

Min. units: 4

Max. units: 10

Setbacks:

Front: 5'

Rear: 10'

Side: see specs below

(2) Setbacks:

(a) Each townhouse or townhouse group shall be set back from the front street at least 5 feet for the building line.

(b) Each townhouse or townhouse group shall be set back from a side street at least 10 feet for the building line.

(c) Each townhouse having a garage opening onto a street shall be set back at least 10 feet from the property line adjoining the street right-of-way onto which such garage opens.

(d) Each townhouse or group of townhouses which do not provide a dedicated alley to the rear thereof shall be set back at least 10 feet from the rear lot line.

(3) Permitted uses and parking requirements. Any use permitted in the R-1 and R-2 Districts. Single-family dwellings. 2.5 off-street parking spaces shall be provided for each townhouse. At least one space shall be covered and shall be located on the individual's townhouse lot. No parking shall be allowed in the front 5 feet of a townhouse lot or common area, nor in the 10 feet adjacent to a side street. One-way driveways shall be at least 9 feet in width, and two-way driveways shall be at least 18 feet in width.

(4) Permitted accessory use. Mechanical buildings, maintenance and tool shop and recreational building. Accessory buildings shall be the same design and appearance as townhouses and subject to the same maximum height restrictions.

(5) Height and coverage regulations. No building or accessory structure shall exceed 2.5 stories or 35 feet in height.

(6) Yards. Within a townhouse project there shall be at least 20 feet of separation or combined side yard between each townhouse group, subject to rear setback requirements.

(C) Condominium

The provisions of Division (B) of this section shall apply to any condominium located or to be located within the city except (1) a condominium the declaration for which was recorded before January 1, 1994, if the application of Division (B) of this section to such condominium is in conflict with an applicable provision of Chapter 81 of the Property Code or (2) a condominium the declaration for which was recorded on or after January 1, 1994, if the application of Division (B) to such condominium conflicts with an applicable provision of Chapter 82 of the Property Code."