

**STATE OF TEXAS
COUNTY OF WALLER
CITY OF HEMPSTEAD**

BE IT REMEMBERED that on the 19th day of April, A.D., 2021 at 6:00 P.M. the City Council met in Regular Session at the City Hall in said City, there being present, to-wit:

Dave Shelburne, Mayor

Katherine Ragston, Mayor Pro-Tem

Erica Gillum, Councilmember

Lonnie Garfield, Councilmember

Raul Villarreal, Councilmember

Ben Tibbs, Councilmember

Charles Williams, City Attorney

Barbara Haffelfinger, City Secretary

Others present at the meeting included Sabrina Alvarez, Rooster Smith, Kollye Kilpatrick, Lynn Prudente, Cheryl Hardwick, Mary Ann Drawl, and Annette Baker.

Via Telephone:

LinMarie Garsee

Mayor Shelburne called the meeting to order at 6:00 P.M. and Councilmember Tibbs gave the invocation.

The Pledge of Allegiance was given.

Under Public Comments Cheryl Hardwick expressed thanks to Councilmember Erica Gillum for making application for a grant for possible improvements at the City Gazebo and Park. Also, under Public Comments, Annette Baker expressed concern that two people have been buried in family spaces at the Oakwood Cemetery that have been purchased by her family. Mayor Shelburne asked Ms. Baker to come into City Hall to speak about this matter at a later date.

Mayor Pro-Tem Ragston made a motion to approve the minutes of the March 15, 2021 and April 5, 2021 meetings. The motion was seconded by Councilmember Villarreal and carried unanimously.

Barbara Bezub was not present to be administered the Oath of Office for Planning and Zoning Board Member.

An Ordinance was introduced by Councilmember Garfield. The motion was seconded by Councilmember Villarreal and carried the following vote, to-wit:

AYES: Mayor Pro-Tem Katherine Ragston, Councilmember Erica Gillum,
Councilmember Lonnie Garfield, Councilmember Raul Villarreal,
Councilmember Ben Tibbs

NOES: None

ABSENT: None

**ORDINANCE
NO. 21-103**

AN ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS AMENDING ARTICLE 3 “ZONING DISTRICTS” OF THE CITY OF HEMPSTEAD ZONING ORDINANCE; CREATING A NEW SECTION 3.08A OF THE CITY OF HEMPSTEAD, TEXAS CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Planning and Zoning Commission has conducted a Public Hearing on April 5, 2021 at 5:30 P.M. on a proposed text change to Section 3.08.04 A “HCA – Highway Commercial District A”; and

WHEREAS, the City Council of the City conducted a Public Hearing on the proposed text changed April 19, 2021 at 6:00 P.M. on the proposed text change to Section 3.08.04 (A) “HC – Highway Commercial District A”; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Zoning Ordinance of the City of Hempstead, is hereby amended by creating a new Section 3.08.04A “HCA – Highway Commercial District A” to read as set forth below:

ARTICLE 3

Zoning Districts

3.08A HC Highway Commercial A

Section 3.08A HCA - Highway Commercial A

- 3.08A.01 Description: The HCA - Highway Commercial A District is designed to accommodate buildings, offices and retail activities associated with development North of U.S. Highway 290 a major arterial highway located in Hempstead. The front yard setback, site access, and site design requirements associated with this district are intended to reduce the impact of the heavy vehicular traffic so often present in this district. Screening and buffering standards are incorporated to reduce the negative impact of the HCA District land uses on abutting residential neighborhoods. The regulatory provisions of this district are aimed at achieving the goals and objectives of the City of Hempstead including the elimination of height restrictions on buildings North of U.S. Highway 290.
- 3.08A.02 Uses Permitted by Right: Please see section 3.13 - Zoning District Matrix, at the end of this section of the Ordinance.
- 3.08A.03 Specific Uses: Please see Section 3.13 - Zoning District Matrix, at the end of this section of the Ordinance.
- 3.08A.04 Area Regulations: For comprehensive review of area regulations pertaining to all zoning districts, please see Section 3.12 - Lot Standards Matrix, at the end of this section of the Ordinance.
- A. Lot Area: All lots located in the HCA - Highway Commercial District A shall have not less than twelve thousand and five hundred (12,500) square feet of area.
 - B. Lot Width: Each lot in a HCA - Highway Commercial District A shall be no less than one hundred (100) feet in width.
 - C. Lot Depth: Each lot in a HCA - Highway Commercial District A shall have not less than one hundred and twenty five (125) feet of depth.
 - D. Front Yard: Each lot in a HCA - Highway Commercial District A shall have a front yard of not less than twenty five (25) feet.
 - E. Rear Yard: Each lot in a HCA - Highway Commercial District A shall have a rear yard of not less than twenty five feet.
 - F. Side Yard: Each lot in a HCA - Highway Commercial District A shall have side yards of not less than fifteen (15) feet.
 - G. Lot Coverage: Structures on a HCA - Highway Commercial District A lot shall not cover more than sixty five percent (65%) of the lot area.
 - H. Height: Structures on a HCA - Highway Commercial District A lots do not have a height limitation.
- 3.08A.05 Buffering and Screening: Any property developed in this zoning district which adjoins or abuts any residential property shall provide a fifteen foot (15') wide buffer yard along the entire perimeter of such residential property. Any property developed in this zoning district which adjoins or abuts any residential property shall be screened along the entire perimeter of such lot or zoning district by a solid,

opaque fence or dense landscaping, created and maintained in accordance with specifications which shall be provided by the Hempstead Zoning Officer.

Section 3. In the event any section, paragraph, subdivision, 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 Hempstead, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any 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 4. Any person who shall violate any provision of this Ordinance 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 5. This Ordinance and the rules, provisions, requirements and matters established and adopted hereby shall take effect and be in full force and effect immediately upon passage and adoption.

PASSED, APPROVED, AND ADOPTED this 5th day of April, 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

Councilmember Tibbs made a motion to approve the Planning and Zoning Commission Annual Report for September 1, 2019 through August 31, 2020. The motion was seconded by Councilmember Gillum and carried unanimously.

Sales Tax for the month of April 2021 was negative at -0.16%.

Councilmember Villarreal made a motion to approve payment of the current bills. The motion was seconded by Councilmember Garfield and carried unanimously.

City Council did not adjourn into Executive Session this date.

There being no further business, Councilmember Garfield made a motion to adjourn the meeting at 6:11 P.M. The motion was seconded by Councilmember Villarreal and carried unanimously.

PASSED AND APPROVED this the 17th day of May, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary