



## CITY OF BUNKER HILL VILLAGE

THE PLANNING AND ZONING COMMISSION OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, WILL MEET ON TUESDAY, JANUARY 23, 2024, AT 11:30 A.M. IN THE CITY HALL COUNCIL CHAMBERS AT 11977 MEMORIAL DRIVE FOR THE PURPOSE OF DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:

### NOTICE OF MEETING BY TELEPHONE AND VIDEO CONFERENCE:

In accordance with Texas Government Code, Sec. 551.127, on a regular, non-emergency basis, Board members may attend and participate in a meeting remotely by video conference. Should such attendance transpire, a quorum of the Planning and Zoning Commission will be physically present at the location noted above on this agenda.

This meeting agenda, and the agenda packet, are posted online at

[www.bunkerhilltx.gov](http://www.bunkerhilltx.gov)

**The public will be able to observe and participate in the meeting as follows:**

#### **Join Zoom Meeting**

<https://us06web.zoom.us/j/81330843393?pwd=yXuuCehwnzDTiKcoOrufj2ZkTRRXAS.1>

**Meeting ID:** 813 3084 3393

**Passcode:** 439382

#### **Dial by your location**

+1 346 248 7799 US (Houston)

The public will be permitted to offer public comments by video conference as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

**I. CALL TO ORDER**

**II. PUBLIC COMMENTS**

**III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE NOVEMBER 28, 2023, MEETING MINUTES**

**IV. CONSIDERATION AND POSSIBLE ACTION ON AMENDING THE CITY'S SUBDIVISION ORDINANCE**

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING CHAPTER 14, SUBDIVISION, OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 14-1, DEFINITIONS, SECTION 14-2, GENERAL PROVISIONS, SECTION 14-3, SPECIAL PROVISIONS, SECTION 14-5, FINAL PLAT, SECTION 14-6, FEES, SECTION 14-11, APPROVAL OF FINAL PLAT; REMOVING SECTION 14-4, PRELIMINARY PLAT AND ACCOMPANYING DATA, TO REMOVE REFERENCES TO THE PRELIMINARY PLAT PROCESS; PROVIDING FOR A PENALTY IN AN AMOUNT OF \$2,000.00 FOR EACH VIOLATION HEREOF WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY

**V. REVIEW, DISCUSSION, AND DIRECTION ON AMENDING THE CITY'S ZONING ORDINANCE**

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX "A", ZONING, OF ITS CODE OF ORDINANCES BY AMENDING SECTION 2.01, GENERAL, OF ARTICLE II, DEFINITIONS, TO AMEND THE DEFINITION OF PERMEABLE; BY AMENDING SECTION 5.04, AREA REGULATIONS, SIZE OF LOT, OF ARTICLE V, DISTRICT A REGULATIONS, AND SECTION 6.04, AREA REGULATIONS, SIZE OF LOT, OF ARTICLE VI, DISTRICT B REGULATIONS, OF APPENDIX A, ZONING, TO ADD THAT SYNTHETIC TURF SHALL BE CONSIDERED A PERMEABLE SURFACE AND SHALL BE PROHIBITED IN THE FRONT YARD; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION

**VI. REVIEW, DISCUSSION, AND DIRECTION ON AMENDING THE CITY'S TREE ORDINANCE**

**VII. ADJOURN**

**I, Gerardo Barrera, City Administrator, for the City of Bunker Hill Village certify that the above notice of meeting was posted in a place convenient to the general public in compliance with Chapter 551, Texas Government Code, by Friday, January 19, 2024 by 12:00 p.m.**

(SEAL)



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**Gerardo Barrera, City Administrator/ Acting City Secretary**

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to public meetings. Please contact the office of the City Secretary at 713-467-9762 for further information.

**MINUTES OF A PUBLIC MEETING  
OF THE CITY OF BUNKER HILL VILLAGE  
PLANNING AND ZONING COMMISSION  
TUESDAY, NOVEMBER 28, 2023, AT 11:30 A.M.**

**I. CALL TO ORDER**

Chair Bill Going called the Planning and Zoning Commission Meeting to order at 11:39 a.m. based on a quorum of members present:

Present

Bill Going, Chair  
John Gillette, Vice-Chair  
Catherine Wile, Commissioner  
Monica Muschalik, Commissioner  
Jack Christiansen, Commissioner *via Zoom*  
Billy Murphy, Commissioner  
Paul Reinbolt, Commissioner

Also in Attendance

Gerardo Barrera, City Administrator  
Elvin Hernandez, Director of Public Works  
Loren Smith, City Attorney  
Jennifer Namie, Assistant to the City Secretary  
Philip Boedeker, Olson & Olson

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE OCTOBER 24, 2023, MEETING MINUTES**

**A motion was made by Commissioner Muschalik and seconded by Commissioner Wile to approve the minutes for the October 24, 2023 meeting.**

**The motion carried 6 - 0**

*Chair Going was not present during the vote.*

**IV. CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A FINAL PLAT FOR 11730 WOOD LANE**

A preliminary plat for this property was presented at the April 2023 meeting. The Commission recommended that the platting process move forward to the submission of a final plat.

During the plan review of a new home at 11730 Wood Lane, it was discovered that no final plat was ever recorded with Harris County. The property does not qualify for a short-term

final plat as the property is on a private street and not within an existing public street circulation.

Staff recommended the Planning and Zoning Commission recommend approval of the final plat to the City Council.

**A motion was made by Commissioner Wile and seconded by Commissioner Reinbolt to approve a final plat for 11730 Wood Lane.**

**The motion carried 7 - 0**

**V. PRESENTATION, PUBLIC HEARING AND CONSIDERATION AND ACTION ON AN APPLICATION FOR A SPECIFIC USE PERMIT:**

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED BELOW:

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES OF THE CITY, SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING AN AMENDMENT TO THE SPECIFIC USE PERMIT FOR MEMORIAL DRIVE PRESBYTERIAN CHURCH LOCATED AT 11612 MEMORIAL DRIVE TO INSTALL NEW PICKLE BALL COURTS (2) WITH COVERED STRUCTURE AND SITE AMENITIES; PROVIDING FOR REPEAL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Memorial Drive Presbyterian Church (MDPC), located at 11612 Memorial Drive, operates under a specific use permit (SUP). The SUP outlines a detailed site plan and specific conditions.

At the April 2023 Meeting, MDPC presented an application for an amendment to the existing SUP for Commission review, discussion, and direction for the following:

1. Replacement of existing signs (3 total)
2. New pickleball courts (2 total) with covered structure and site amenities

The Commission discussed the items presented and provided directions including separating the two requests. In discussions with the Commission and staff, MDPC representatives expressed that the pickleball courts were the highest priority and will pursue replacing the existing signage at a later time. As a result, the application and ordinance reflect the pickleball courts, structure, and amenities only.

A public hearing on the proposed pickleball courts was held at the June 2023 meeting. MDPC presented the proposed location of the courts and pavilion. No action was taken. The applicants were instructed to complete a formal sound study prior to any final decision from the Commission.

At the October 2023 meeting, MDPC presented the results of the sound study. The Commission directed MDPC to conduct additional acoustical testing and submit a full report for the November meeting and public hearing.

*Chair Going opened the public hearing at 11:57 a.m.*

**RECEIVE COMMENTS FROM THE PUBLIC, EITHER ORAL OR WRITTEN, REGARDING THE FOLLOWING:**

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES OF THE CITY, SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING AN AMENDMENT TO THE SPECIFIC USE PERMIT FOR MEMORIAL DRIVE PRESBYTERIAN CHURCH LOCATED AT 11612 MEMORIAL DRIVE TO INSTALL NEW PICKLE BALL COURTS (2) WITH COVERED STRUCTURE AND SITE AMENITIES; PROVIDING FOR REPEAL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

The following people spoke at the public hearing:

Mary Johnson, 225 Bylane, spoke against the pickleball courts citing issues with the proposed times, will create more traffic and parking issues that will devalue property.

Joe Blades, 1 Branch Circle, shared Mrs. Johnson’s position against the courts. He said that if the pickleball courts were to be approved, the fence should be replaced.

*Chair Going closed the public hearing at 12:04 p.m.*

**CONSIDERATION AND POSSIBLE ACTION REGARDING THE FOLLOWING:**

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES OF THE CITY, SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING AN AMENDMENT TO THE SPECIFIC USE PERMIT FOR MEMORIAL DRIVE PRESBYTERIAN CHURCH LOCATED AT 11612 MEMORIAL DRIVE TO INSTALL NEW PICKLE BALL COURTS (2) WITH COVERED STRUCTURE AND SITE AMENITIES; PROVIDING FOR REPEAL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

**A motion was made by Commissioner Murphy and seconded by Commissioner Gillette to recommend approval to the City Council of an amendment to the Specific Use Permit for Memorial Drive Presbyterian Church to install new pickleball courts with a covered structure and site amenities.**

**The motion carried 6 - 1**

**VI. PRESENTATION, PUBLIC HEARING AND CONSIDERATION AND ACTION ON AMENDING THE CITY’S ZONING ORDINANCE:**

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING APPENDIX “A” OF ITS CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, TO ADD A NEW SECTION 7.17, SCREENING OF UTILITY EQUIPMENT, OF ARTICLE VII, SUPPLEMENTARY DISTRICT REGULATIONS, TO ADD REGULATIONS REQUIRING SCREENING OF ALL UTILITY EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION

At the September 2023 meeting, staff recommended a general screening requirement for all ground utility equipment, similar to the existing screening requirement for generators. The Commission discussed the following:

- Replace “ground equipment” language with “utility equipment”
- Set a defined requirement for addition or remodel projects
- An electrical panel that is moved less than three feet from current location does not have to be screened

Based on this direction, staff and the City Attorney worked to update the proposed ordinance to reflect this feedback.

*Chair Going opened the public hearing at 12:38 p.m.*

**RECEIVE COMMENTS FROM THE PUBLIC, EITHER ORAL OR WRITTEN, REGARDING THE FOLLOWING:**

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING APPENDIX “A” OF ITS CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, TO ADD A NEW SECTION 7.17, SCREENING OF UTILITY EQUIPMENT, OF ARTICLE VII, SUPPLEMENTARY DISTRICT REGULATIONS, TO ADD REGULATIONS REQUIRING SCREENING OF ALL UTILITY EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION

There were no public comments.

*Chair Going closed the public hearing at 12:39 p.m.*

**CONSIDERATION AND POSSIBLE ACTION REGARDING THE FOLLOWING:**

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING APPENDIX “A” OF ITS CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, TO ADD A NEW SECTION 7.17, SCREENING OF UTILITY EQUIPMENT, OF ARTICLE VII, SUPPLEMENTARY DISTRICT REGULATIONS, TO ADD REGULATIONS REQUIRING SCREENING OF ALL UTILITY EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION

**A motion was made by Vice-Chair Gillette and seconded by Commissioner Muschalik to recommend approval of the ordinance to the City Council as written.**

**The motion carried 7 - 0**

**VII. CITY ADMINISTRATOR’S REPORT**

A. Drainage Committee Review on Synthetic Turf – City Administrator Barrera provided a brief report stating the City’s drainage engineer (RPS) would be presenting several options at the next Drainage Committee meeting scheduled January 9, 2024.

**VIII. ADJOURN**

**A motion was made by Vice-Chair Gillette and seconded by Commissioner Wile to adjourn the meeting at 12:55 p.m.**

**The motion carried 7 - 0**

Approved and accepted on January 23, 2024.

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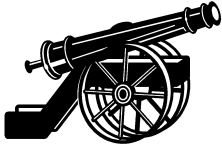
William Going, Chair

**ATTEST:**

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Gerardo Barrera, City Administrator/ Acting City Secretary





**AGENDA REQUEST**  
**City of Bunker Hill Village**  
**Planning and Zoning Commission**

**Agenda Date:** January 23, 2024  
**Agenda Item:** IV  
**Subject:** Removal of Preliminary Plat Process  
**Exhibits:** Proposed Ordinance  
**Presenter(s):** Gerardo Barrera, City Administrator  
Loren Smith, City Attorney

**Executive Summary**

As a result of legislature effective September 1, 2023, the City is required to amend the subdivision ordinance to remove the preliminary plat process.

This item is placed on the agenda at the recommendation of the City Attorney.

**Recommended Action**

Staff recommends the Planning and Zoning Commission recommend approval of the ordinance amending the City's subdivision ordinance to the City Council.

**ORDINANCE NO. 24-XXX**

**AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING CHAPTER 14, SUBDIVISION, OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 14-1, DEFINITIONS, SECTION 14-2, GENERAL PROVISIONS, SECTION 14-3, SPECIAL PROVISIONS, SECTION 14-5, FINAL PLAT, SECTION 14-6, FEES, SECTION 14-11, APPROVAL OF FINAL PLAT; REMOVING SECTION 14-4, PRELIMINARY PLAT AND ACCOMPANYING DATA, TO REMOVE REFERENCES TO THE PRELIMINARY PLAT PROCESS; PROVIDING FOR A PENALTY IN AN AMOUNT OF \$2,000.00 FOR EACH VIOLATION HEREOF WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**WHEREAS**, the Texas Legislature adopted legislation providing that subdivision plats are required to be approved within a specific time frame; and

**WHEREAS**, other matters in the City's Subdivision Regulations need to be changed or updated; and

**WHEREAS**, the City Council hereby finds it to be in the best interest of the health, safety and welfare of its citizens that the City's Subdivision Ordinance be amended to address the changes by the Texas Legislature contained herein; and

**WHEREAS**, the City's Planning and Zoning Commission has reviewed these proposed changes as required by law and recommends approval.

**NOW, THEREFORE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:**

**SECTION 1.** The facts and matters contained in the preamble of this ordinance are hereby found to be true and correct.

**SECTION 2.** Section 14-1, Definitions, of Chapter 14, Subdivisions, of the City's Code of Ordinances is hereby amended by removing language struckthrough below to read as follows:

**"Sec. 14-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices or as set out in the zoning ordinance of the city.

*Block* shall mean an identified tract or parcel of land established within a subdivision surrounded by a street or a combination of streets and other physical features and which may be further subdivided into individual lots or reserves.

*Building official* shall mean the person authorized by the city as the city's building official, or his duly authorized representative.

*Commission* shall mean the planning and zoning commission of the city.

*Comprehensive plan* shall mean the city's comprehensive zoning ordinance.

*Easement* shall mean an area intended for restricted use on private property upon which a person or public or private entity has the right to remove and keep removed all or part of buildings, fences, trees, shrubs and other improvements or growths which in any way endanger or interfere with the construction, maintenance or operation of any of their respective utilities, drainage, access or other authorized systems or facilities located within any such easement. Any such person or public or private entity owning an easement shall at all times have the right of unobstructed ingress and egress to and from and upon the easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of their respective systems or facilities without the necessity at any time of procuring the permission of anyone.

*Final plat* means a complete and exact subdivision plan prepared in conformity with the provisions of this chapter and in a manner suitable for recording with the county clerk.

*Lot* shall mean a physically undivided tract or parcel of land having frontage on a public street or approved private street and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on a duly approved subdivision plat that has been properly recorded.

*Natural channel* means a discernible natural water drainage channel of discrete width as opposed to general puddling over a substantially uniform surface.

~~*Preliminary plat* means the map, drawing, or chart on which a subdivider's plan of subdivision is initially presented to the planning and zoning commission.~~

*Radial lot* shall mean a lot having a front property line that includes the shape of a curve or is positioned at the end of a dead end street (having no cul-de-sac bulb), and having side property lines that intersect each other when projected beyond the rear or front line of the lot.

*Secretary of the planning and zoning commission* shall mean the city secretary of the city.

*Street, private* shall mean a roadway owned and maintained by a private individual or individuals, organization, or company rather than by the city or other government entity and provides vehicular access to adjacent private land.

*Subdivider or developer* means any owner of land, or his authorized agent or representative, proposing to divide or dividing the same or any part thereof in a manner constituting a subdivision of land under the provisions of this chapter.

*Subdivision* means a division of any tract of land situated within the corporate limits of the city, in two (2) or more parts for the purpose of laying out any subdivision of any tract of land, or for laying out suburban lots or building lots, or any lots, and which may or may not include streets, alleys, or other portions intended for public use or the use by purchasers or owners of lots fronting thereon or adjacent thereto. "Subdivision" includes resubdivision, meaning any change in the division of an existing subdivision or any change of lot size therein, or the relocation of any street, alley, or other portions intended for public use or the use by purchasers or owners of lots fronting thereon or adjacent thereto.

*Title report/city planning letter* shall mean a certificate prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state describing all encumbrances of record that affect the property, together with all deeds recorded from and after the effective date of the ordinance from which this chapter is derived. Such certificate shall include all property included within the platted area, and such certificate shall not have been executed more than thirty (30) days prior to submission of such certificate to the commission."

**SECTION 3.** Section 14-2, General Provisions, of Chapter 14, Subdivisions, of the City's Code of Ordinances is hereby amended by removing language struckthrough below to read as follows:

**"Sec. 14-2. General Provisions.**

- (a) *Authority.* This chapter and the rules and regulations set forth herein governing plats and the subdivision of land are adopted pursuant to the authority granted in ~~V.T.C.A.~~ Texas Local Government Code § 212.002.
- (b) *Purpose.* The purpose of this chapter and the rules and regulations set forth herein is twofold:
  - (1) To promote the health, safety, morals, and general welfare of the city and its inhabitants; and
  - (2) To promote the safe, orderly, and healthful development of the city.
- (c) *Applicability.* This chapter shall apply to all subdivisions of land within the corporate limits of the city.
- (d) *Review by building official.* Prior to the time the plat of a proposed subdivision is considered by the planning and zoning commission and the city council, it shall be reviewed by the building official for compliance with the code and he shall make such recommendations regarding same to such bodies as he deems necessary or appropriate.
- (e) *Dual plat approval required.* The final plat of a subdivision must be approved for recommendation to the city council by the planning and zoning commission and approved by the city council in the sequence and in the manner herein prescribed."

**SECTION 4.** Section 14-3, Special Provisions, of Chapter 14, Subdivisions, of the City's Code of Ordinances is hereby amended by removing language struckthrough and adding thereto the language underscored below to read as follows:

**“Sec. 14-3. Special provisions.**

- (a) *Plat approval required.* It shall be unlawful for any person to subdivide any tract, lot or parcel of land within the corporate limits of the city unless and until ~~a preliminary plat and~~ a final plat of such subdivision ~~have~~ has been approved in accordance with the provisions of this chapter. Unless and until ~~a preliminary plat and~~ a final plat of a subdivision ~~have~~ has been approved in the manner provided for herein by the planning and zoning commission and the city council, such final plat has been duly recorded in the office of the county clerk, and the subdivider has complied with the provisions of section 14-8, it shall be unlawful:
- (1) For any person to construct or cause to be constructed any street, sidewalk, utility facility, building, structure, or other improvement on any lot, tract, or parcel of land within such subdivision; and
  - (2) For any officer or employee of the city to issue any permit for the construction or repair of any such improvements, or any aspect thereof, or to serve or connect any such lot, tract, or parcel of land, or any parts thereof, with any public utilities, including water and sanitary sewer, owned, distributed, or controlled by the city.
- (b) *Improvements required.* All of the public improvements required under the provisions of this chapter and those which in the judgment of the planning and zoning commission are necessary for the adequate provision of streets, drainage, utilities, and municipal services and facilities to the subdivision shall be constructed at the sole expense of the subdivider.
- (c) *Limitations on city participation.* The city shall not repair, maintain, install or provide any streets, other public improvements or public utility services within a subdivision for which a final plat has not been duly approved and filed of record in the manner required by the provisions hereof, or in which the standards contained or referred to herein have not been complied with in full.
- (d) *Exceptions.* The provisions of this chapter shall not be construed to prohibit the issuance of permits for construction on any lot upon which a residential building exists and was in existence prior to June 8, 1982, the last recorded conveyance of which was prior to June 8, 1982, and was by a metes and bounds description; or for any lot in a subdivision the plat of which was validly recorded in the office of the county clerk, in accordance with applicable law prior to June 8, 1982; or for any lot in an unrecorded subdivision which was owned as a separate parcel of land prior to April 29, 1955, the date of adoption of the city's first zoning ordinance.”

**SECTION 5.** Section 14-1, Preliminary Plat and Accompanying Data, of Chapter 14, Subdivisions, of the City’s Code of Ordinances is hereby removed by removing language struckthrough below as follows:

**“Sec. 14.4. Preliminary plat and accompany data.**

- (a) ~~— *Preliminary conference.* Prior to the official filing of a preliminary plat, the subdivider or his duly authorized representative shall consult with the city staff and receive its comments and advice regarding procedures, specifications, and standards required by the city for subdivision plat approval. Refer to section 4-4 development, building and construction, mandatory pre-development meetings. If requested in writing, the planning and zoning commission will place, for discussion purposes only, an item on its agenda regarding the proposed subdivision in order to assist a subdivider on matters affecting a proposed subdivision.~~
- (b) ~~— *Preparation and filing of preliminary plat.* The subdivider shall cause to be prepared a preliminary plat meeting the requirements hereof and file at least three (3) copies of the same with the city secretary at least fifteen (15) days prior to the date formal application for the preliminary plat approval is made to the planning and zoning commission.~~
- (c) ~~— *Formal application.* Formal application for preliminary plat approval shall be made by the subdivider in writing to the commission at an official meeting of the commission.~~
- (d) ~~— *Form and content.* The preliminary plat shall show the following:~~
  - (1) ~~— Names and addresses of the subdivider and record owner of the parcel to be subdivided.~~
  - (2) ~~— The name of the person who prepared the plat.~~
  - (3) ~~— Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to any other subdivision in the Cities of Bunker Hill Village, Hedwig Village, Hilshire Village, Hunters Creek Village, Piney Point Village, and Spring Valley, Texas.~~
  - (4) ~~— The legal description, by metes and bounds, of the property proposed to be subdivided, including the name of the county, survey and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street right-of-way intersection.~~
  - (5) ~~— The computed acreage of the subdivision and total number of lots, blocks and reserves.~~
  - (6) ~~— Date of preparation, scale of plat, and north arrow. The scale shall be one inch equals one hundred (100) feet minimum, unless otherwise approved.~~
  - (7) ~~— A number or letter to identify each lot or site.~~

- ~~(8) Proposed public easements for drainage, streets, and utilities.~~
  - ~~(9) A vicinity map, preferably in the upper right corner of the plat, to show the subdivision in relation to well known streets, railroads, and watercourses in all directions for a distance of at least one mile.~~
  - ~~(10) The proposed layout of the subdivision, showing streets, blocks, lots, alleys, easements, and other features within the plat boundary with principal dimensions.~~
  - ~~(11) The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as "unrestricted reserve." "Restricted reserves" shall be indicated on the plat and shall be designated as single-family residential, utility, church, park or recreational, or school;~~
  - ~~(12) The adjacent areas outside the plat boundaries shall be identified indicating the name of adjacent subdivisions (including recording information), the names of the recorded owners of adjacent parcels of land, churches, schools, parks, bayous and drainage ways, acreage and all existing streets, easements, pipelines and other restricted uses;~~
  - ~~(13) The names of all existing and proposed streets located within the plat boundaries or immediately adjacent thereto.~~
- ~~(e) *Processing of preliminary plat.*~~
- ~~(1) The planning and zoning commission will review the preliminary plat to ensure that it is in conformity with all rules, regulations, and ordinances of the city including, but not limited to, this chapter, the city's zoning ordinance, zoning districts, master plan, comprehensive plan, major thoroughfare plan, construction standards, land uses plan, drainage plan, and flood damage prevention ordinance.~~
  - ~~(2) Within forty five (45) days after the preliminary plat is formally filed, the commission shall conditionally approve or disapprove such plat or conditionally approve it with modifications. The commission shall within ten (10) days notify the applicant in writing of the action taken and if the action is one of disapproval, shall also state in writing the reason for such action and requirements to bring such plat into compliance with such ordinance or ordinances, giving specific sections and references to sections of ordinances or the comprehensive plan of the city for the subdivider's reference.~~
  - ~~(3) Conditional approval of a preliminary plat by the commission shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the approval of the layout of streets, water, sewer, and other required improvements and utilities and to the preparation of the final or record plat.~~

- (4) ~~Conditional approval of the preliminary plat shall only be effective for six (6) months, unless reviewed by the commission in the light of new or significant information which would necessitate a revision of the preliminary plat. If, prior to approval of the final plat, the commission determines that changes are necessary in such preliminary plat, it shall inform the subdivider in writing of the necessary changes in such preliminary plat to bring it into conformity with such ordinances.~~
- (5) ~~Conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.~~
- (6) ~~Final approval for preliminary plats are not required to be approved by the city council.”~~

**SECTION 6.** Section 14-5, Final Plat, of Chapter 14, Subdivisions, of the City’s Code of Ordinances is hereby amended by removal of language struckthrough and adding thereto the language underscored below to read as follows:

**“Sec. 14-5. Final Plat.**

(a) Mandatory Pre-Development Meeting. In accordance with Section 4-4, Mandatory Pre-development Meeting, of Chapter 4, Development, Building and Construction, a mandatory pre-development meeting is required for all new construction, reconstruction, and/or expansion/addition projects. Prior to the official filing of a final plat, the subdivider or his duly authorized representative shall consult with the city staff and receive its comments and advice regarding procedures, specifications, and standards required by the city for subdivision plat approval. If requested in writing, the planning and zoning commission will place, for discussion purposes only, an item on its agenda regarding the proposed subdivision in order to assist a subdivider on matters affecting a proposed subdivision.

(a b) *Form; content.*

- (1) The final plat and accompanying data shall conform to ~~the preliminary plat and other required data as conditionally approved by the planning and zoning commission~~ all required data, incorporating any and all changes, modifications, alterations, corrections, and conditions as set out in the mandatory pre-development meeting, incorporating any and all changes, modifications, alterations, corrections, and conditions as set out in subsequent commission meetings, letters of preliminary approval from the commission and must show easements for all utilities and drainage.
- (2) The plat shall be drawn to a scale of one inch equals one hundred (100) feet minimum, unless otherwise approved by the commission. The final plat shall be drawn on Mylar twenty-four (24) inches by thirty-six (36) inches.



- (3) The final plat shall be submitted in such reasonable number as is required by the commission ~~and shall contain all of the features required for preliminary plats.~~
- (4) All final plats shall incorporate all of the provisions and requirements below ~~relating to preliminary plats~~ and, where appropriate, reflect any conditions and requirements of final approval previously imposed by the commission; ~~together with the following additional requirements:~~
- a. The final plat shall be drawn with black lines and image and shall be suitable for the reproduction of direct positive prints and reproductions; The applicant will provide an eleven (11) by seventeen (17) print or an electronic version of the completed and signed plat.
  - b. All engineering and surveying data shall be shown on the final plat sufficient to locate all of the features of the plat on the ground. This data shall include, but not be limited to, full dimensions along all boundaries of the plat, street and alley rights-of-way, easements and drainage ways, gullies, creeks and bayous, together with the location of the high bank of such drainage ways and water courses, lots, blocks, reserves, out tracts or any other tracts designated separately within the plat boundaries, fee strips or any other physical features necessary to be accurately located by surveying methods. Such information shall include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof;
  - c. The name of the current record owner and address. If the record owner is a company or corporation, the name of the responsible individual such as the president or vice president;
  - d. The name and seal of the registered professional land surveyor and/or registered professional engineer responsible for preparing the plat;
  - e. The date of submittal, and the date of submittal of each subsequent revision;
  - f. All streets and alleys within the plat or immediately adjacent thereto with street names, widths measured at right angles or radially (where curved), complete curve data (R, L, P.C., P.R.C. and P.T.) length and bearing all tangents between curves;
  - g. Easements shall be shown for drainage, streets, and utilities, and shall be defined by dimension. All principal lines shall have the bearing given and deviation from the norm indicated. The plat must provide a note stating that all existing pipelines or pipeline

easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision;

- h. All field surveys shall be accurate to, and performed in accordance with, the appropriate provisions of the current edition of the manual of practice standards for surveying in Texas, as periodically published by the Texas Society of Professional Surveyors. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings in degrees, minutes and seconds. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of radius and not be degree of curve;
- i. The intended use of all lots within the subdivision shall be identified on the plat.
- j. All dedication statements and certificates.
- k. Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to any other subdivision in the Cities of Bunker Hill Village, Hedwig Village, Hilshire Village, Hunters Creek Village, Piney Point Village, and Spring Valley Village, Texas.
- l. The legal description, by metes and bounds, of the property proposed to be subdivided, including the name of the county, survey and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street right-of-way intersection.
- m. The computed acreage of the subdivision and total number of lots, blocks and reserves.
- n. Date of preparation, scale of plat, and north arrow.
- o. A number or letter to identify each lot or site.
- p. The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as “unrestricted reserve.” “Restricted reserves” shall be identified on the plat and shall be designated as single-family residential, utility, church, park or recreational, or school.
- q. The adjacent areas outside the plat boundaries shall be identified indicating the name of adjacent subdivisions (including recording information), the names of the recorded owners of adjacent parcels of land, churches, schools, parks, bayous and drainage ways, acreage and all existing streets, easements, pipelines and other restricted uses.

- (5) When filed with the commission, the final plat shall be accompanied with a full set of engineering drawings, construction plans and profile sheets, and specifications for all public improvements:
- a. *Streets, alleys, sidewalks, hike and bike paths, cross walkways and monuments, traffic control.* Two (2) copies of the proposed construction plans and profiles of all streets, alleys, sidewalks, hike and bike paths, cross walkways, monuments, and traffic control.
  - b. *Sanitary sewers.* Two (2) copies of the proposed construction plans showing the proposed locations and dimensions of sanitary sewer lines and plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines.
  - c. *Water lines.* Two (2) copies of the proposed construction plans showing contours and the location and the size of water lines and fire hydrants and plans and profiles of all proposed water lines and fire hydrants, showing size, depths, and grades of the lines.
  - d. *Storm drainage.* Two (2) copies of the proposed construction plans indicating one-foot contours. All street widths and grades and all drainage easements shall be indicated on the plans, and all points in the streets at changes of grade or where the water enters another street or storm sewer or drainage ditch together with calculations showing the anticipated stormwater flow from such subdivision.
- (6) All plans and engineering calculations shall bear the seal and signature of a registered professional engineer.
- (7) The final plat shall also include the following:
- a. A dedication to the city for the use and benefit of the public forever of all streets, alleys, easements, culverts, bridges, and other public ways delineated on such plat, ~~which shall be the same as those shown on the preliminary plat,~~ signed and acknowledged before a notary public by the owner or owners and the lien holder, if any, of the land and a complete and accurate description of the land subdivided. The dedication and acknowledgement shall be in the current form required by the county clerk for recording of the plat in the plat or map records of the county.
  - b. A statement prepared for the signature of the chairman and secretary of the planning and zoning commission and the mayor and city secretary of the city stating that the final plat has been approved, respectively, by such commission and by the city council.
  - c. The certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy.

- d. A certification by the engineer or surveyor responsible for the preparation of the final plat and supporting data, attesting to its accuracy.
- (8) The developer shall obtain a letter of no objection from each public and private utility (electric, gas, phone, cable, water, etc.) which will provide service to the subdivision, stating that utility easements are adequate to accommodate all public and private utilities, and such letters shall accompany the proposed final plat.
- (9) Title report/ city planning letter. A current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the state or an attorney licensed as such in the state shall be provided certifying that, within thirty (30) days prior to the date the final plat is dated and filed with the commission, a search of the appropriate records was performed covering the land proposed to be platted, and providing the following information concerning the title to the land:
- a. The date of the examination of the records;
  - b. A legal description of the property lying within the proposed subdivision, including a metes and bounds description of the boundaries of such land;
  - c. The name of the record owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title;
  - d. The names of all lien holders, together with the recording information and date of the instruments by which such lien holders acquired their interests;
  - e. A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question, together with certified copies of the instruments whereby the owner of such easements or fee strips acquired their title, and the recording information for each such instrument; and
  - f. A tax certificate from each city, county, school, utility or other governmental entity in which the land being platted is located showing that no delinquent taxes are due such entity for the property being platted.
- (c) *Processing of final plat.*
- ~~(1) As soon as practical after the subdivider is notified of the approval of the preliminary plat, he or his engineer shall submit to the commission the final plat of the subdivision or portion thereof to be considered at an official meeting of the commission.~~

- ~~(1 2)~~ No final plat will be considered approved unless a preliminary plat has been submitted and conditionally approved the requirement for a mandatory pre-development meeting has been met and the city's building official has reviewed the proposed subdivision for compliance with the code.
- ~~(3)~~ A final plat of an approved preliminary plat or a portion thereof shall be submitted to the commission within six (6) months of the date of approval of the preliminary plat, by the commission, otherwise the preliminary plat approval of the commission shall become null and void, unless an extension of time is applied for and granted by the commission.
- ~~(2)~~ The subdivider shall cause to be prepared a final plat meeting the requirements hereof and file at least three (3) copies of the same with the city secretary at least fifteen (15) days prior to the date formal application for the final plat approval is made to the planning and zoning commission.
- ~~(3)~~ The planning and zoning commission will review the final plat to ensure that it is in conformity with all rules, regulations, and ordinances of the city including, but not limited to, this chapter, the city's zoning ordinance, zoning districts, master plan, comprehensive plan, major thoroughfare plan, construction standards, land uses plan, drainage plan, and flood damage prevention ordinance.
- ~~(4)~~ The final plat must be acted upon by the planning and zoning commission within thirty (30) days of filing for the purpose of complying with the time limit prescribed by V.T.C.A., Local Government Code § 212.009. Upon approval of a recommendation to the city council on the final plat by the planning and zoning commission, whether such approval results from action or inaction, the commission shall immediately forward such plat to the city council for its consideration. Such final plat must be acted upon by the city council within thirty (30) days of the approval of same by the planning and zoning commission for the purpose of complying with those time limits prescribed by V.T.C.A., Local Government Code § 212.009. A plat shall be considered approved by the city council unless it is disapproved within such thirty-day period.
- ~~(5)~~ Upon conditional approval or disapproval by the planning and zoning commission, the planning and zoning commission shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition that is directly related to the requirements under this and other applicable chapters of the city's code of ordinances. The applicant may submit to the planning and zoning commission a written response that satisfies each condition

for the conditional approval or remedies each reason for disapproval provided. There is no deadline for this response from the applicant. If the applicant provides a written response, the planning and zoning commission will approve or disapprove within fifteen (15) days of the receipt of written response.

- (6) Upon approval of a recommendation to the city council on the final plat by the planning and zoning commission, whether such approval results from action or inaction, the commission shall immediately forward such plat to the city council for its consideration. Such final plat must be acted upon by the city council within thirty (30) days of the approval of same by the planning and zoning commission for the purpose of complying with those time limits prescribed by Local Government Code § 212.009. A plat shall be considered approved by the city council unless it is disapproved within such thirty-day period.”

**SECTION 7.** Section 14-6, Fees, of Chapter 14, Subdivision, of the City’s Code of Ordinances is hereby amended by removal of language struckthrough below to read as follows:

**“Sec. 14-6. Fees.**

An applicant for approval of a ~~preliminary or~~ final subdivision plat shall pay all applicable fees as established from time to time by city council.

No action of the commission and/or the city council, with respect to the approval of a subdivision plat, shall be valid unless the required fees are paid in advance, and no refunds shall be made, notwithstanding the approval or denial of a subdivision plat by the commission and/or the city council.”

**SECTION 8.** Section 14-11, Approval of final plat, of Chapter 14, Subdivision, of the City’s Code of Ordinances is hereby amended by removal of language struckthrough and adding thereto the language underscored below to read as follows:

**“Sec. 14-11. ~~Approval of final plat~~ Withdrawal of final plat approval.**

~~The approval of a final plat of a subdivision by the planning and zoning commission and the council shall be invalid unless the approved plat of such subdivision is recorded in the office of the county clerk within thirty (30) days after the date of its final approval by the city. Where a plat has not been filed for record in the office of the county clerk and no public improvements have been completed or substantially completed within 12 months of the approval of the Final Plat, the Plat shall be reviewed by the Commission to determine the developer’s intent to proceed. If the Commission finds that the developer does not intend to proceed with the development, the Commission shall transmit to City Council a request to withdraw approval of the Plat. Upon receiving the recommendation of the Commission, the City Council may withdraw approval of the Plat or extend approval for up to one additional year.”~~

**SECTION 9.** Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon

conviction, shall be subject to a fine in the amount not to exceed \$2,000.00 for any violation hereof, with each day being a separate violation.

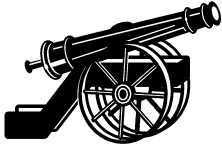
**SECTION 10.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall 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 Bunker Hill Village, 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.

**PASSED, APPROVED, AND ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Robert Lord, Mayor

ATTEST:

\_\_\_\_\_  
Gerardo Barrera, City Administrator / Acting City Secretary



**AGENDA REQUEST**  
**City of Bunker Hill Village**  
**Planning and Zoning Commission**

**Agenda Date:** January 23, 2024  
**Agenda Item:** V  
**Subject:** Artificial Turf  
**Exhibits:** N/A  
**Presenter(s):** Gerardo Barrera, City Administrator

**Executive Summary**

At the June 2023 City Council meeting, staff presented a synthetic turf ordinance as recommended by the Planning and Zoning Commission. Council noted concerns with lot coverage limitations and the definition of permeability; the motion to adopt the ordinance failed 3-2. Council directed staff to bring the ordinance back to the Commission and Drainage Committee for additional review, discussion, and recommendations based on the following feedback:

- Define turf installation requirements
- If turf satisfies installation requirements and is fully permeable, turf should be considered landscaping and not counted towards 55% of lot coverage. However, if turf is impermeable, then turf should be included in the 45% lot coverage calculation.

At the August 2023 meeting, the Drainage Committee discussed the following:

- Turf is already defined as permeable if installed per City and manufacturer specifications (with a minimum infiltration rate of 10”in. p/hr). Any changes may need to update the definition in the Drainage Criteria Manual.

Based on the feedback from the August meeting, the Commission focused on three points of interest:

1. Definition
  - Synthetic turf is defined as permeable in the Drainage Criteria Manual.
  - Lot coverage restrictions (if applicable)
  - Drainage calculation of turf versus natural grass
2. Optics
  - Restricted in the front yard and side rear yard
  - Cannot be visible from public or private street
  - No color restrictions in back yard



- Not allowed in designated green space in rear yards. Turf placed in utility easements or over city utilities will not be replaced if removed during needed repair. Restoration will be the responsibility of the property owner.

### 3. Permeable

- Standard for installation is based on manufacturer specifications
- Restrict impermeable base material
- Ensure proper drainage

After discussions with the City’s Drainage Engineer, staff presented the following “tiered” approach at the October 2023 meeting:

**Tier 1** – No additional requirements needed for an area covering 1,000 square feet (s.f.).

- The City currently allows up to 200 s.f. of impervious surface without any detention requirements. Using the 0.75 acre feet/ac detention rate, this calculates 150 cubic feet of “free” detention. Using this calculation for turf, the calculated volume that would be provided on a standard 4” base (rock+gravel layers) x 40% void ratio, this calculates to approximately 133.33 cubic feet for an area of 1,000 s.f.

**Tier 2** – Over 1,000 s.f up to 55% lot coverage

- Same requirement that currently exists.

**Tier 3** – Over 1,000 s.f. and over 55% lot coverage

- This would require a design of a drainage system draining into an on-site detention system. For coverage over 55% lot coverage detention must be calculated at 0.75 ac-ft/ac. Volume will be included in the rock and gravel layers therefore the designer must provide specifications of volume calculations. If the volume under the base layer is insufficient, additional detention must be provided.

The Commission was not in favor of the tiered approach and recommended changing the 1,000 s.f. calculation to a percentage to more accurately account for variations in lot sizes. Additionally, the Commission recommended the manufacturer and city standard for installation remain a requirement.

On January 9, 2024, staff met with the Drainage Committee and presented information based on recent new developments within the City with proposed calculations that illustrated design coverage percentage and the percentage of the remaining that could be utilized for turf. This assumed 55% max lot coverage. The intent of the exercise was to show the amount of turf in square footage and also show the amount of cubic feet needed for additional detention. After discussion, the Drainage Committee recommended the following:

1. No changes to the current Drainage Criteria Manual
2. Maximum lot coverage to remain at 55% and maintain “no net new” water run-off

## Recommended Action

Staff is requesting additional feedback and direction.



**AGENDA REQUEST**  
**City of Bunker Hill Village**  
**Planning and Zoning Commission**

**Agenda Date:** January 23, 2024  
**Agenda Item:** VI  
**Subject:** Tree Ordinance Review  
**Exhibits:** Tree Ordinance  
Sec. 4-183  
Sec. 4-185  
**Presenter(s):** Elvin Hernandez, Director of Public Works

**Executive Summary**

The purpose of the City’s tree ordinance is to preserve and enhance the desirability of the city by requiring careful site planning; the protection of trees during construction to contribute to the long-term viability of existing trees; prohibiting indiscriminate cutting or clearing of trees; and encouraging the increase of the urban canopy.

In response to feedback received from the Planning and Zoning Commission, residents, and building developers, staff is currently in the preliminary phase of reviewing the City's tree ordinance to identify areas that may benefit from updates and eliminate any ambiguity in the language. Staff recommends addressing and clarifying discrepancies to ensure that the code is clear, concise, and effective.

In discussions with the City Forester, staff has identified sections for review and potential updates under Chapter 4, Article VI of the Code of Ordinances (but not limited to):

- Sec. 4-183 - Minimum tree requirement
- Sec. 4-185 - Tree preservation, removal and replacement

Staff presented this item at the January 2024 City Council meeting. Council discussion included:

- Incorporate provisions imposing a penalty/ punitive actions (ex. include penalty if a tree was removed that was not approved in the tree survey/ include penalty for failure to follow tree survey as approved) to deter contractors from having to pay low fines for failure to comply with ordinance requirements.
- Require proof from a qualified Urban Forester to remove dead and/or diseased tree(s).

Staff recommends the Planning and Zoning Commission review the ordinance, discuss possible updates and provide any further direction and/or feedback to updating the City’s Tree Ordinance.

## **Recommended Action**

This is a discussion item only. Staff is seeking input from the Planning and Zoning Commission regarding potential updates.

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**Sec. 4-183. Minimum tree requirement**

The minimum number of trees on each lot shall be one (1) tree for each one thousand (1,000) square feet of lot area rounded up to the nearest one thousand (1,000) square feet. Trees located on the public right of way that are adjacent to a lot or parcel shall not be considered as part of the required number. For new construction, a minimum of twenty-five (25) percent of the minimum number of trees shall be in the front yard of the property.

(Ord. No. 14-444, § 7, 10-21-14; Ord. No. 20-517 , § 3, 1-21-20)

**Sec. 4-185. Tree preservation, removal and replacement.**

In order to preserve existing healthy, mature trees, the following table is provided to meet the minimum required tree count per lot.

Tree Classification and Size	Tree Count	Equivalent Tree Count
Qualified tree 10—15 inch diameter	1 Trees	2
Protected tree > 15 inch diameter	1 Trees	3

Should qualified and protected trees be preserved as indicated above, the following tables are provided for determining the minimum required tree and trunk count.

*District A—Requirements*

The following table is provided to determine the tree ratio for District A:

A minimum number of trees/trunks	Tree Count	Minimum Trunk Count
Up to and including 30,000 sq. ft.	1 per 1,000 SF	12
> 30,001 sq. ft.	1 per 1,000 SF	17

*District B—Requirements*

The following table is provided to determine the tree ratio for District B:

A minimum number of trees/trunks	Tree Count	Minimum Trunk Count
Up to 12,999 sq ft	1 per 1,000 SF	5
13,000—14,999 sq. ft	1 per 1,000 SF	8
15,000—19,999 sq ft	1 per 1,000 SF	10
Over 20,000 sq. ft	Same criteria as District A	

The following apply for removal and replacement of specified trees for both Districts:

Tree(s) Proposed for Removal On the Approved Tree Planting List	Required Replacement	Replacement Number and Size Replacement Tree Must be on the Approved Tree Planting List
Any tree (healthy or diseased) 5—10 inch diameter DBH	Must be replaced if the lot tree count does not meet minimum requirement; Does not need to be replaced if tree count is met	1 Tree per every 1 removed must be 3 inches or greater caliper
Over 5 healthy qualified trees (10—15 inch diameter)	Must be replaced regardless of meeting minimum tree requirement; or participate in the offsite tree replacement program	1 Tree per every 5 removed must be 5-inch caliper and least 15 feet tall
Healthy protected tree > 15-inch diameter	Must be replaced regardless of meeting minimum tree requirement; or participate in the offsite tree replacement program	2 Trees per every 1 removed must be 5-inch caliper and least 15 feet tall

These requirements apply to all situations including planning for new construction and exterior remodeling/expansion/additions. Existing property owners requesting a tree removal permit without an active construction permit are required to meet minimum tree count requirements. Replacement trees above the minimum requirements do not apply. Each property owner shall verify that their property is currently in compliance with this article.

Any homeowner in continuous ownership of their home since before February 20, 1996 can remove a tree, remodel or expand without meeting the provisions of this section. However, all new construction and reconstruction must meet these requirements.

Any tree removed must not allow any portion of the tree to extend above six (6) inches of the surrounding soil. Any previously removed tree is required to meet this requirement.

Offsite tree replacement program. If replacement trees are required for a lot as detailed in this article and the minimum required number of trees for the lot both in terms of minimum trunk count and equivalent tree count is met, replacement trees may be purchased from the city to be planted in alternative locations around the city. The cost for each tree purchased is listed in the currently adopted fee schedule for the city. For each tree required, one offsite tree is required to be purchased. A combination of onsite and offsite replacement trees is allowed to meet the required tree count. Location of planting for any offsite tree purchased will be determined by the city.

(Ord. No. 14-444, § 7, 10-21-14; Ord. No. 15-458, § 4, 11-17-15; Ord. No. 20-517, § 5, 1-21-20)