



## CITY OF BUNKER HILL VILLAGE

THE PLANNING AND ZONING COMMISSION OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, WILL MEET ON TUESDAY, MAY 28, 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/82071753919?pwd=kw2d5odarVrOHD7tA6NCbD8jzIg4bw.1>

**Meeting ID:** 820 7175 3919

**Passcode:** 047323

**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 APRIL 23, 2024, MEETING MINUTES**
- IV. **REVIEW, DISCUSSION, AND DIRECTION ON AMENDING THE CITY’S TREE ORDINANCE**
- V. **ADJOURN**

**I, Gerardo Barrera, City Administrator/ Acting City Secretary, 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, May 24, 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, APRIL 23, 2024**

**I. CALL TO ORDER**

Chair Bill Going called the Planning and Zoning Commission Meeting to order at 11:32 a.m. based on a quorum of members present:

Present

Bill Going, Chair  
John Gillette, Vice-Chair  
Jack Christiansen, Commissioner  
Billy Murphy, Commissioner (arrived at 11:41 a.m.)  
Monica Muschalik, Commissioner  
Catherine Wile, Commissioner

Staff in Attendance

Gerardo Barrera, City Administrator  
Elvin Hernandez, Director of Public Works  
Loren Smith, City Attorney  
Jennifer Namie, Assistant to the City Secretary  
Keith Brown, City Council Liaison  
Mallory Pack, Management Analyst

Absent

Paul Reinbolt, Commissioner

**II. PUBLIC COMMENTS**

Douglas Conklin, 11611 Blalock Ln, asked about the lighting plans for the proposed signs at Memorial Drive Presbyterian Church.

While the Board cannot answer questions during the Public Comment period, Mr. Conklin was advised to stay to hear the presentation in which his question would likely be answered.

**III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE MARCH 26, 2024, MEETING MINUTES**

**A motion was made by Commissioner Gillette and seconded by Commissioner Wile to approve the March 26, 2024, meeting minutes.**

**The motion carried 5 - 0**

**IV. CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A FINAL PLAT FOR 421 BLALOCK ROAD**

The City received a plat application for the subdividing of a single lot for the development of two single-family residential lots at 421 Blalock Road. No final plat has been recorded with Harris County.

At the October 2023 Zoning Board of Adjustment meeting, the Board granted a variance to the property owner on the condition that any home or homes constructed on the property face and obtain street access from Blalock Road.

Representatives of the property owner submitted the plat for approval by the Planning and Zoning Commission and ultimately, City Council. The final plat has satisfied all requirements of the City's ordinances.

The Commission requested a condition be added before approving the plat to ensure the final plat document includes the correct language referencing "Article V (5)" of Appendix A of the City's Zoning Ordinance.

**A motion was made by Commissioner Murphy and seconded by Commissioner Wile to recommend approval of a final plat for 421 Blalock to the City Council on the condition that the language on the plat be revised to "Article V (5) of Appendix A of the City's Zoning Ordinance."**

**The motion carried 5 - 1**

**V. PRESENTATION, PUBLIC HEARING, AND CONSIDERATION AND POSSIBLE ACTION ON AN APPLICATION FOR AN AMENDMENT TO THE SPECIFIC USE PERMIT FOR MEMORIAL DRIVE PRESBYTERIAN CHURCH LOCATED AT 11612 MEMORIAL DRIVE**

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 TO ALLOW REPLACEMENT SIGNS, PROVIDE FOR HOURS OF OPERATION, BRIGHTNESS STANDARDS AND OTHER RELATED MATTERS; 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 on MDPC property.

At the April 2023 Planning and Zoning Commission Meeting, MDPC presented an application for an amendment to the 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 and recommended separating the two requests. In discussions with the Commission and staff, MDPC representatives expressed that the pickleball courts were the highest priority and would pursue replacing the signage at a later time.

At the November 2023 meeting, the Commission held a public hearing on the proposed pickleball courts and voted 6-1 to recommend approval to the City Council of amending the SUP for MDPC to install new pickleball courts with a covered structure and site amenities as presented. Council voted 3-1 to formally approve the amendment at the February 2024 meeting.

At the February 2024 Commission meeting, MDPC presented the second request to replace existing signs with electronic signs in three (3) locations along Memorial Dr. and Blalock Rd. The presentation illustrated the proposed electronic signage, including LED screen sizes, locations, and height. Commission discussion included the following:

- The number of lumens permitted for electronic signs
- Permissible hours for sign illumination
- Frequency of/ timing intervals for changing the displayed message on the screen

The City has granted SUPs in the past for electronic signs at Frostwood Elementary School, Bunker Hill Elementary School, and Memorial Drive Lutheran Church. The SUPs incorporate conditions related to color and hours of operation that the sign can be illuminated.

The Commission directed the applicants to complete a formal light study prior to any final decision. No action was taken.

MDPC presented the results of the light study and an updated site plan during the March 2024 meeting. MDPC stated that the intent is to avoid flashing and or/ scrolling text to ensure that the entire message can be displayed at once.

The Commission directed staff and the City Attorney to draft a proposed ordinance with the following provisions to hold a formal public hearing at the April 2024 meeting:

- The LED screens not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
- The LED screens be standardized to 0.3 ambient light
- The screen size may not exceed 50 square feet

*Chair Going opened the Public Hearing at 12:05 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 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 TO ALLOW REPLACEMENT SIGNS, PROVIDE FOR HOURS OF OPERATION, BRIGHTNESS STANDARDS AND OTHER RELATED MATTERS; 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:

**There were no public comments.**

*Chair Going closed the Public Hearing at 12:05 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 TO ALLOW REPLACEMENT SIGNS, PROVIDE FOR HOURS OF OPERATION, BRIGHTNESS STANDARDS AND OTHER RELATED MATTERS; 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 Gillette and seconded by Commissioner Christiansen to open discussion regarding an amendment to the Specific Use Permit.**

City Council Liaison Keith Brown commented that City Council might have concerns regarding the hours the screens can be illuminated when the proposed ordinance is presented for formal action at the City Council meeting.

**A motion was made by Commissioner Wile and seconded by Commissioner Murphy to recommend approval of amending the Specific Use Permit for Memorial Drive Presbyterian Church to install electronic signage to the City Council.**

**The motion carried 6 - 0**

**VI. ADJOURN**

**A motion was made by Commissioner Gillette and seconded by Commissioner Muschalik to adjourn the meeting at 12:17 p.m.**

**The motion carried 6 – 0**

Approved and accepted on May 28, 2024.

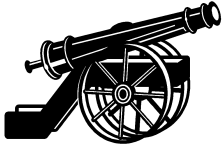
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William Going, Chair

ATTEST:

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Gerardo Barrera, City Administrator/ Acting City Secretary



**City of Bunker Hill Village  
Planning and Zoning Commission  
Agenda Request**

<b>Agenda Date:</b>	May 28, 2024
<b>Agenda Item:</b>	IV
<b>Subject:</b>	Tree Ordinance Review
<b>Exhibits:</b>	Tree Ordinance Redlined with Recommendations Secs. 4-181 – 4-191
<b>Presenter(s):</b>	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.

During the January 2024 meeting, in response to feedback received from the Planning and Zoning Commission, residents, and building developers, staff presented a preliminary review of the City's tree ordinance to identify areas that may benefit from updates and eliminate any ambiguity in the language. Staff recommended addressing and clarifying discrepancies in section 4-183 – minimum tree requirement and section 4-185 – tree preservation, removal and replacement to ensure the code is clear, concise, and effective.

The Commission discussed the following:

- 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.
- Revise procedure for minimum tree count and tree placement (ex. Off-Site Tree Fund) to ensure best canopy coverage.
- Suspension or revocation of contractor to build in City.

Staff and the City Forester have identified additional sections for review and developed proposed revisions to Chapter 4, Article VI of the Code of Ordinances that reflect Commission discussion:

- Section 4-182 Definitions
- Section 4-183 Minimum tree requirements
- Sec. 4-185. Tree preservation, removal, and replacement
- Sec. 4-186. New construction, reconstruction, and expansion/additions
- Sec. 4-188. Approved tree planting list



- Sec. 4-189. Tree requirement list
- Sec. 4-190. Enforcement and penalties and fines

The City Forester will be available to address any comments and questions from the Commission.

### **Recommended Action**

This is a discussion item only. 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.

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## Sec. 4-181. Purpose.

It is the purpose of this ordinance to preserve and enhance the desirability of our city by requiring careful site planning; the protection of trees during new construction and remodeling; careful tree removal including removal of sick or dead trees; tree replacement; prohibiting indiscriminate cutting or clearing of trees; and encouraging the increase of our canopy cover while preserving the owners' rights to utilize and enjoy their property. The city has continued to emphasize the importance of our tree canopy since the first tree ordinance was adopted on February 20, 1996.

(Ord. No. 14-444, § 7, 10-21-14)

## Sec. 4-182. Definitions

*Caliper* shall mean the measurement used for all trees to be planted: measured at six (6) inches from the base of the tree.

*DBH* shall mean the measurement used for planted trees, "Diameter at Breast Height," measured four (4) feet, six (6) inches from the ground level. **CLARITY: FOR EXISTING TREES**

*Healthy tree* shall mean a living, thriving tree, as defined above and confirmed with the city's arborist or forester.

*Multiple-trunk tree* shall mean a tree with two (2) or more trunks visibly connected above the ground with a height greater than fifteen (15) feet (measurement of multi-trunk trees will be as follows; the diameter of the largest trunk added to one-half percent (0.50%) of total diameter of remaining trunks with total no less than eight (8) inches DBH). **PROPOSED CHANGE: 10" DBH (TEXAS HOUSE BILL – 7, PASSED 2017)**

*Protected tree* shall mean a tree which species is included on the city's approved planting tree list with a diameter over fifteen (15) inches DBH.

*Qualified tree* shall mean tree which species is included on the city's approved planting tree list with a diameter between ten (10) and fifteen (15) inches DBH.

*Replacement tree* shall mean a tree, which is a minimum of three (3) inches in caliper (measured at six (6) inches from the base of the tree) and at least twelve (12) feet in height of a species included on the city's approved planting tree list

*Tree* shall mean a self-supporting woody plant with a single trunk, un-branched for several feet above the ground, supporting a definitely formed crown, with a minimum five-inch diameter DBH and having a height of at least twelve (12) feet.

*Tree diameter* shall mean the measurement used to determine the size of a tree; the tree diameter is measure in two (2) ways as either DBH or caliper.

*Tree ratio* shall mean the expected minimum number of trees or tree trunks on a lot.

*Tree site plan* shall mean a plan indicating: 1) existing and proposed improvements/structure; 2) location of new tree plantings; 3) indicate all trees and/or multiple trees that are to be removed.

*Tree survey* shall mean a plan indicating the following: 1) location of all existing trees and multiple trunk trees on a lot; 2) the diameter of each tree; 3) tree type; 4) the tree site plan should note all protected tree(s) and qualified tree(s); **5) A tree survey completed by a certified arborist and/ or forester is required for new construction.**

(Ord. No. 14-444, § 7, 10-21-14; Ord. No. 15-458, § 3, 11-17-15; Ord. No. 20-517 , § 2, 1-21-20)

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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.

**CONSIDER CHANGING TO 1 TREE PER 2,000 SQ. FT. CONSIDER DRAINAGE REQUIREMENTS, SETBACK REQUIREMENTS, ETC.**

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

**Sec. 4-184. Tree permit requirements.**

A tree permit is required for the removal of any and all trees greater than five (5) inches in diameter, for any reason.

Exceptions for when a tree permit is not required:

- (a) Any utility installation or maintenance by a public utility or their authorized contractor on utility easements or public right-of-way;
- (b) Removal of all or part of a tree(s) that has disrupted public utility service, roadway, or is imminent danger of causing harm to people or property;
- (c) Removal of any tree under five (5) inches in diameter;
- (d) Any tree, which has fallen; or
- (e) If the city becomes aware that the removal of any tree is in violation of any state or federal law or regulation, a permit for the removal of that tree will not be issued.

Removal of trees due to infestation, dead, or storm damaged trees is not an exception and does require a tree permit.

A tree permit for new construction, reconstruction, and expansion/additions is issued as part of the construction permit.

(Ord. No. 14-444, § 7, 10-21-14; Ord. No. 20-517 , § 4, 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*

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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) <b>ADD (healthy or diseased)</b>	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 <b>ADD (healthy or diseased)</b>	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. **DIVIDE THIS PARAGRAPH INTO TWO (2) TO EXPLAIN CONSTRUCTION VS. NON-CONSTRUCTION**

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.

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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)

### **Sec. 4-186. New construction, reconstruction, and expansion/additions.**

- (1) *Pre-development planning.* A pre-development meeting is required for all new construction and remodeling/expansion/additions as noted in article I, section 4-4. New construction and remodeling/expansion/additions add to the building footprint of the site and will be required to meet the minimum tree requirements as defined per the zoning district.
- (2) *Tree survey.* A tree survey completed by a certified arborist and/ or forester is required for new construction and remodeling/expansion/additions.

The tree survey needs to indicate the following:

- a. Existing trees and multiple trunk trees by location, species, and size;
  - b. Condition of all existing and multiple trunk trees; and
  - c. Calculation showing the minimum tree requirement and how the tree requirement will be met in coordination with the improvements.
- (3) *Tree site plan.* A tree site plan which depicts all proposed improvements and all trees preserved or planned to meet the minimum tree requirement is required for new construction and remodeling/expansion/additions. This site plan shall contain a statement that the applicant is not aware that the removal of any of the trees shown on the tree site plan to be removed would impact any endangered species as defined by the Endangered Species Act, as amended.

Upon approval of the tree site plan and construction plans, a construction permit will be issued and includes the permitting of all trees to be removed or planted.

Any plantings within a CenterPoint Energy Utility Easement must meet CenterPoint Energy's "Right Tree-Right Place" Program.

- (4) *One-year inspection.* The city will complete a one-year inspection within eleven (11) to fifteen (15) months after a final certificate of occupancy permit has been issued. A one-year review of the minimum tree requirement will be conducted to ensure the required healthy tree count for new construction or remodeling. The inspection will include the following:
  - (a) City will evaluate and count all trees to meet minimum tree requirement per zoning district;
  - (b) The city will inspect trees on adjacent/neighborhood property that were within ten (10) feet of the construction and requested tree protection;
  - (c) All stakes that were necessary for installation shall be removed; and

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- (d) Should the lot no longer meet the minimum tree requirement as shown on the approved site plan; the owner will have fourteen (14) days to ensure the minimum tree requirement is met and to avoid any fees and penalties.

(Ord. No. 14-444, § 7, 10-21-14; Ord. No. 20-517 , § 6, 1-21-20)

**Sec. 4-187. Tree protection.**

Tree protection as follows is required during new construction and remodeling/expansion/additions:

- (1) All healthy trees within ten (10) feet of construction will be protected. Protection will be placed no closer than two (2) feet from the trunk.
- (2) Tree protection will consist of metal fencing, at least forty-eight (48) inches high, with posts no more than six (6) feet apart and be placed at the drip line of the canopy of each tree to be preserved. An opening shall be left in each fence enclosure of not more than eighteen (18) inches to allow access for maintenance of grass and vegetation.
- (3) All healthy trees that are within ten (10) feet of the construction and are on an adjacent/neighboring lot will be protected at the request of the adjacent/neighboring property owner; a waiver form will need to be signed and provided by the applicant verifying that adjacent/neighboring property owner(s) do not request tree protection.
- (4) No tree within ten (10) feet (including those trees which count towards the minimum tree requirements or a tree adjacent/neighboring the construction) shall be impacted by cutting over forty (40) percent of its root zone.
- (5) Trees within the ten-foot impact area will be required to have a root prune—clean cut and a vapor barrier installed if the construction consists of a below grade structure such as a slab. A city inspection is required before pouring concrete.
- (6) All trees outside of the ten-foot construction area, must also be protected; however, the fencing may not be placed within two (2) feet of the trunk.
- (7) Trees must be numbered and taped relating to each tree depicted on the tree survey. Orange tape will indicate removal of the tree on the property; green tape will indicate trees to remain on the property.
- (8) The required construction fencing can be utilized to serve as tree protection for perimeter and adjacent/neighboring trees with approval through the permitting process.

(Ord. No. 14-444, § 7, 10-21-14)

**Sec. 4-188. ~~Approved tree planting list.~~ Trees approved to replace trees that are removed.**

**PLEASE SEE PROPOSED TREE LIST CHANGES PER CITY FORESTER**

The following trees are acceptable trees that can be planted and will count towards the minimum tree requirement per zoning district.

~~Large Trees~~ **REMOVE SMALL, MED. LARGE. VARIOUS TREES ON LIST WOULD NOT BE CATEGORIZED AS "LARGE"**

**REMOVE SMALL, MED. LARGE**

**CONSIDER GENERALIZING/ BROADENING CATEGORIES**

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Acacia	Ironwood
Green Ash	Japanese Magnolia
White Ash	Red Drummond Maple
Bald Cypress	Trident Maple
Montezuma Cypress	Any Oak
American Elm <b>BROADEN "ELM" CATEGORY</b>	Pecan
Cedar Elm	Loblolly Pine
Eastern Red Cedar	Yellow Poplar
Lacebark Elm <b>BROADEN "ELM" CATEGORY</b>	Sycamore
Winged Elm <b>BROADEN "ELM" CATEGORY</b>	Sweetgum
Ginko	Walnut
Any Hickory	Tulip Tree Black Walnut

~~Medium Trees~~ **REMOVE SMALL, MED. LARGE**

**CONSIDER GENERALIZING/ BROADENING CATEGORIES**

Anacua	Savannah Holly (single stem)
River Birch	Cherry Laurel
Fringe Tree	Chinese Pistache
American Holly	Mexican Plum
Burford Holly	Eastern Redbud
East Palatka Holly (single item)	Japanese Yew

(Ord. No. 14-444, § 7, 10-21-14)

**Sec. 4-189. Tree requirement list. ADD CLARITY: "TREES EXISTING ON THE LOT PRE-CONSTRUCTION"**

**PLEASE SEE THE PROPOSED TREE LIST CHANGES PER CITY FORESTER**

The following trees are acceptable trees that will count towards the minimum tree requirement per zoning district. In order to count toward the minimum tree requirement, trees must be a minimum of three (3) inches in diameter and twelve (12) feet in height.

~~Large Trees~~ **REMOVE SMALL, MED. LARGE**

**CONSIDER GENERALIZING/ BROADENING CATEGORIES**

Acacia	Lacebark Elm	Any Oak
Arizona Ash	Winged Elm	Pecan
Green Ash	Ginko	Loblolly Pine
White Ash	Hackberry	Slash Pine
Camphor	Any Hickory	Yellow Poplar
Catalpa	Yaupon Holly	Chinese Tallow
Eastern Red Cedar	Ironwood	Sweetgum
Bald Cypress	Any Magnolia	Sycamore
Montezuma Cypress	Japanese Magnolia	Walnut

American Elm	Red Drummond Maple	<del>Tulip Tree Black Walnut</del>
Cedar Elm	Trident Maple	Willow
Chinese Elm		

*Medium Trees*

Anacua	Savannah Holly (single stem)
Crape Myrtles (multi-stem or single with eight (8) inches total diameter)	Cherry Laurel
River Birch	Bradford Pear
Fringe Tree	Chinese Pistache
American Holly	Mexican Plum Eastern Redbud
Burford Holly	Japanese Yew
East Palatka Holly (single stem)	
Running Bamboo is not allowed to be planted in the City of Bunker Hill Village.	

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

**Sec. 4-190. Enforcement and penalties and fines.**

- (1) The city building official can charge a fee in an amount equal to twice the applicable permit fee for not getting a tree permit, failure to submit a tree survey and tree site plan, or failure to follow any aspect of the tree ordinance; and
- (2) The building official may deem it necessary to issue a temporary occupancy permit, after completion of new construction, remodels, additions, an increase of the existing concrete footprint, driveways, pools, outdoor patio and/or kitchen or any change to the building plat. This temporary permit cannot exceed three (3) months without fines and/or penalties.

**3. Add additional penalty for clear cutting without permit**

(Ord. No. 14-444, § 7, 10-21-14)

**Sec. 4-191. Appeals/reviews.**

- (1) Any property owner, whose property does not comply with the tree ordinance and wants to appeal their situation, can file a written request to the city secretary for city council to review.
- (2) City council may make a decision as deemed necessary and appropriate regarding any variance to tree ordinance.

(Ord. No. 14-444, § 7, 10-21-14)

**Secs. 4-192—4-200. Reserved.**