MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION
ON
THURSDAY, SEPTEMBER 18, 2014 AT 7:30 A.M.

I. CALL TO ORDER

Chairman Purifoy called the meeting to order at 5:00 p.m.

Present:

William Purifoy, Chairman
Eric Herleth
Gerald Teel (arrived at 5:01 p.m.)
Robert G. Croyle, Vice Chairman
Andrew Newton
Catherine Wile

Absent:

Jean Krivan

Others Present:

Karen Glynn, City Administrator
Steve Smith, Dir of Public Wrks/Bld Official
Robert Lord of 26 Greyton Lane
Kelly Johnson, City Secr./Dir of Finance

II. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF THE JUNE 26, 2014 MINUTES.

Motion was made by Bob Croyle and seconded by Andy Newton to approve the minutes of June 26, 2014 as submitted. The motion carried 6-0.

III. PUBLIC HEARING

A PUBLIC HEARING WILL BE HELD REGARDING AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING CHAPTERS 4, 7, 10, 13, 14 AND APPENDIX "A" OF THE CODE OF ORDINANCES OF THE CITY TO REFLECT A COMPREHENSIVE REVIEW OF THE CITY'S DEVELOPMENT RELATED STANDARDS INCLUDING BUT NOT LIMITED TO AMENDMENTS TO THE DEVELOPMENT PROCESS; ORGANIZING AND CLARIFYING REQUIREMENTS FOR HOMES BEING REMODELED OR RECONSTRUCTED AND THE ONGOING MAINTENANCE; ADDRESSING PROTECTION, REMOVAL AND PLANTING OF TREES; ESTABLISHING DRAINAGE REQUIREMENTS; AND AMENDING APPENDIX "A," THE CITY'S COMPREHENSIVE ZONING ORDINANCE, TO ALTER THE DEFINITIONS OF *ACCESSORY BUILDING AND ACCESSORY USE*, *BUILDING HEIGHT*, *BUILDING LINE*, AND *LOT DEPTH*; ADDING DEFINITIONS OF *BUILDING*, *STRUCTURE*, *GREEN SPACE*, *IMPERMEABLE*, *PERMEABLE*, AND *BASEMENT*; TO AMEND THE REGULATIONS RELATED *TO LOT COVERAGE, CUL-DE-SAC STREETS, GREEN SPACE, GARAGES OR CARPORTS, ACCESSORY BUILDINGS AND USES, SWIMMING POOLS, AND NONCONFORMING BUILDINGS AND STRUCTURES.* REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY. THE FOLLOWING CHAPTERS ARE OUTLINED BELOW:

Chapter 4 DEVELOPMENT, BUILDING AND CONSTRUCTION
Chapter 7 FLOOD DAMAGE PREVENTION

Chapter 10 OFFENSES AND MISCELLANEOUS PROVISIONS
Chapter 13 STREETS AND SIDEWALKS
Chapter 14 SUBDIVISION
Appendix A ZONING

IV. ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED ABOVE

The Chairman opened the public hearing at 5:04 p.m.

No Comments

V. CLOSE THE PUBLIC HEARING

The Chairman closed the public hearing at 5:06 p.m.

VI. DISCUSSION AND POSSIBLE ACTION REGARDING A WRITTEN RECOMMENDATION TO THE CITY COUNCIL ON AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 4, BUILDING AND CONSTRUCTION BY AMENDING THE TITLE OF CHAPTER 4 TO BE DEVELOPMENT, BUILDING AND CONSTRUCTION, BY DELETING ARTICLE I, IN GENERAL, IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE A NEW ARTICLE I, IN GENERAL, BY DELETING FROM ARTICLE III, SUBSTANDARD BUILDINGS AND STRUCTURES, SECTION 4-51 IN ITS ENTIRETY, BY DELETING FROM ARTICLE IV, CONSTRUCTION CODES, SECTION 4-77, NOTIFICATION OF PERMIT APPLICATIONS; PROCESS AND MAKING SAME PART OF ARTICLE I, IN GENERAL, BY DELETING CHAPTER 7, FLOOD DAMAGE PREVENTION, IN ITS ENTIRETY, AND MAKING IT PART OF ARTICLE V, DRAINAGE AND FLOOD DAMAGE PREVENTION, OF CHAPTER 4, BUILDING AND CONSTRUCTION, BY ADDING DRAINAGE REGULATIONS TO ARTICLE V, DRAINAGE AND FLOOD DAMAGE PREVENTION, BY DELETING ARTICLE VII, PRESERVATION OF TREES, OF CHAPTER 10, OFFENSES AND MISCELLANEOUS PROVISIONS, IN ITS ENTIRETY AND ADDING A NEW ARTICLE VI, TREE PRESERVATION, TO CHAPTER 4, BUILDING AND CONSTRUCTION, BY DELETING ARTICLE II, OUTDOOR LIGHTING, OF CHAPTER 10, OFFENSES AND MISCELLANEOUS PROVISIONS, IN ITS ENTIRETY AND ADDING A NEW ARTICLE VII, OUTDOOR LIGHTING, TO CHAPTER 4, BUILDING AND CONSTRUCTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF THESE PROVISIONS, WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING FOR SEVERABILITY.

Karen Glynn, City Administrator, presented the following changes/updates:

Reference Key:

Blue - Existing

Red - New

Yellow - Moved Existing to a New Chapter

Green - Moved Existing to a New Chapter

Blue - Moved Existing to a New Chapter

Existing	*New (with Recommended Changes and Placement)*
Chapter 4 **BUILDING AND CONSTRUCTION** ARTICLE I. - IN GENERAL Sec. 4-1. Proof of insurance required. Secs. 4-2—4-20. Reserved. ARTICLE II. - RESERVED ARTICLE III. - SUBSTANDARD BUILDINGS OR STRUCTURES ARTICLE IV. - CONSTRUCTION CODES	**Chapter 4 DEVELOPMENT,** **BUILDING AND CONSTRUCTION** ARTICLE I. - IN GENERAL Sec. 4-1. Proof of insurance required. - existing Sec. 4-2 **Application and filing** ***new*** **Sec. 4-3 Definitions** ***new*** **Sec 4-4 Mandatory Pre-Development Meeting** ***new*** Sec 4-5 Hours of Construction - Established Hours *existing under Chapter 10 Nuisances definitions - new to Chapter 4* **Sec 4-6 Construction Fencing** ***new*** **Sec 4-7 Underground Utilities** ***new*** **Sec 4-8 Site Plans** ***new*** Sec 4-9 Notification of Permit Applications - *existing* **Sec 4-10 Work Site Conditions; Clean-Up** ***new*** Sec 11-20. Reserved. ARTICLE II. - RESERVED ARTICLE III. - SUBSTANDARD BUILDINGS OR STRUCTURES existing ARTICLE IV. - CONSTRUCTION CODES *existing* ARTICLE V. ~~Chapter 7~~ Drainage and (new) FLOOD DAMAGE PREVENTION *existing* **Drainage Ordinance (new)** ARTICLE VI TREE PRESERVATION - significantly revised ARTICLE VII - OUTDOOR LIGHTING *existing*

Existing	*New (with Recommended Changes and Placement)*
Chapter 7 **FLOOD DAMAGE PREVENTION (add Drainage Ordinance and move entire Chapter to Chapter 4)** ARTICLE I. - IN GENERAL ARTICLE II. - STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE; METHODS ARTICLE III. - ADMINISTRATION ARTICLE IV. - FLOOD HAZARD REDUCTION	**Chapter 7 - RESERVED**

Existing	*New (with Recommended Changes and Placement)*
Chapter 10 OFFENSES AND MISCELLANEOUS PROVISIONS ARTICLE I. - IN GENERAL ARTICLE II. - OUTDOOR LIGHTING (move to Chpt 4) ARTICLE III. - CONDITION OF PREMISES ARTICLE IV. - MISCELLANEOUS NUISANCES ARTICLE V. - DRAINAGE DITCHES; STORM SEWERS (move to Chpt 13 Streets) ARTICLE VI. - PRESERVATION OF TREES [illegible] and move to Chpt 4) ARTICLE VII. - REGULATION OF SEX OFFENDER RESIDENCY	**Chapter 10 OFFENSES AND MISCELLANEOUS PROVISIONS** ARTICLE I. - IN GENERAL ARTICLE II. - RESERVED ARTICLE III. - CONDITION OF PREMISES ARTICLE IV. - MISCELLANEOUS NUISANCES ARTICLE V. - RESERVED ARTICLE VI. - RESERVED ARTICLE VII. - REGULATION OF SEX OFFENDER RESIDENCY

Attached under Exhibit "A" is the proposed Chapter 4.

Motion was made by Bob Croyle and seconded by Gerald Teel to recommend approval to City Council the ordinance and changes as presented. The motion carried 6-0.

VII. DISCUSSION AND POSSIBLE ACTION REGARDING A WRITTEN RECOMMENDATION TO THE CITY COUNCIL ON AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY DELETING ARTICLE V, DRAINAGE DITCHES; STORM SEWERS, FROM CHAPTER 10, OFFENSES AND

MISCELLANEOUS PROVISIONS, AND ADDING A NEW ARTICLE VI, DRAINAGE DITCHES; STORM SEWERS, TO CHAPTER 13, STREETS AND SIDEWALKS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR ANY VIOLATION HEREOF IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING FOR SEVERABILITY.

Reference Key:

Blue - Existing

Red - New

Yellow - Moved Existing to a New Chapter

Green - Moved Existing to a New Chapter

Blue - Moved Existing to a New Chapter

Existing	*New (with Recommended Changes and Placement)*
Chapter 10 OFFENSES AND MISCELLANEOUS PROVISIONS	**Chapter 10 OFFENSES AND MISCELLANEOUS PROVISIONS**
ARTICLE I. - IN GENERAL	ARTICLE I. - IN GENERAL
ARTICLE II. - OUTDOOR LIGHTING (move to Chpt 4)	ARTICLE II. - RESERVED
ARTICLE III. - CONDITION OF PREMISES	ARTICLE III. - CONDITION OF PREMISES
ARTICLE IV. - MISCELLANEOUS NUISANCES	ARTICLE IV. - MISCELLANEOUS NUISANCES
ARTICLE V. - DRAINAGE DITCHES; STORM SEWERS (move to Chpt 13 Streets)	ARTICLE V. - RESERVED
ARTICLE VI. - PRESERVATION OF TREES (significantly revised and move to Chpt 4)	ARTICLE VI. - RESERVED
ARTICLE VII. - REGULATION OF SEX OFFENDER RESIDENCY	ARTICLE VII. - REGULATION OF SEX OFFENDER RESIDENCY
Chapter 13 STREETS AND SIDEWALKS	**Chapter 13 STREETS AND SIDEWALKS**
ARTICLE I. - IN GENERAL	ARTICLE I. - IN GENERAL
ARTICLE II. - EXCAVATION PERMIT	ARTICLE II. - EXCAVATION PERMIT
ARTICLE III. - SIGNS ACROSS STREETS	ARTICLE III. - SIGNS ACROSS STREETS
ARTICLE IV. - VEGETATION ALONG PRIVATE STREETS	ARTICLE IV. - VEGETATION ALONG PRIVATE STREETS

ARTICLE V. - USE OF CITY RIGHTS-OF-WAY BY PROVIDERS OF TELECOMMUNICATIONS SERVICES	ARTICLE V. - USE OF CITY RIGHTS-OF-WAY BY PROVIDERS OF TELECOMMUNICATIONS SERVICES ARTICLE VI - DRAINAGE DITCHES, STORM SEWERS

Attached under Exhibit "B" is the proposed Chapter 13.

Motion was made by Andy Newton and seconded by Catherine Wile to recommend approval to City Council the ordinance as presented. The motion carried 6-0.

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING A WRITTEN RECOMMENDATION TO THE CITY COUNCIL ON AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING CHAPTER 14, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES TO ADD TO SECTION 14-1 CERTAIN DEFINITIONS, AMENDING SECTION 14-4 REGARDING THE REQUIREMENTS FOR PRELIMINARY PLATS, AMENDING SECTION 14-5 REGARDING THE REQUIREMENTS FOR FINAL PLATS, ADDING A NEW SECTION 14-5.1 ESTABLISHING PROCEDURES AND REGULATIONS FOR A SHORT FORM FINAL PLATS, ADDING A NEW SECTION 14-5.2 ESTABLISHING PROCEDURES AND REGULATIONS REGARDING AMENDING PLATS, AMENDING SECTION 14-7, STANDARDS AND SPECIFICATIONS, REGARDING RADIAL LOTS, LOT DIMENSIONS AND OTHER MATTERS, AMENDING SECTION 14-8 REGARDING PUBLIC IMPROVEMENTS, AND AMENDING VARIOUS PROVISIONS REGARDING THE BUILDING OFFICIAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION HEREOF WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION, AND PROVIDING FOR SEVERABILITY.

Reference Key:

Blue - Existing

Red - New

Yellow - Moved Existing to a New Chapter

Green - Moved Existing to a New Chapter

Blue - Moved Existing to a New Chapter

Existing	*New (with Recommended Changes and Placement)*
Chapter 14 SUBDIVISIONS	**Chapter 14 SUBDIVISIONS with revisions Per Ordinance**
Sec. 14-1. Definitions.	Sec. 14-1. Definitions.
Sec. 14-2. General provisions.	Sec. 14-2. General provisions.
Sec. 14-3. Special provisions.	Sec. 14-3. Special provisions.
Sec. 14-4. Preliminary plat and accompanying data.	Sec. 14-4. Preliminary plat and accompanying data.
Sec. 14-5. Final plat.	Sec. 14-5. Final plat.
Sec. 14-6. Fees.	Sec. 14-6. Fees.
Sec. 14-7. Standards and specifications.	Sec. 14-7. Standards and specifications.
Sec. 14-8. Construction of public improvements.	Sec. 14-8. Construction of public improvements.
Sec. 14-9. Certification of completion of public improvements.	Sec. 14-9. Certification of completion of public improvements.
Sec. 14-10. Liability of city to furnish improvements.	Sec. 14-10. Liability of city to furnish improvements.
Sec. 14-11. Approval of final plat.	Sec. 14-11. Approval of final plat.
Sec. 14-12. Recorded plat.	Sec. 14-12. Recorded plat.
Sec. 14-13. Penalty.	Sec. 14-13. Penalty.

Attached under Exhibit "C" is the proposed Chapter 14.

Motion was made by Gerald Teel and seconded by Bob Croyle to recommend approval to City Council the ordinance as presented. The motion carried 6-0.

IX. DISCUSSION AND POSSIBLE ACTION REGARDING A WRITTEN RECOMMENDATION TO THE CITY COUNCIL ON AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

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 FOR THE CITY OF BUNKER HILL VILLAGE BY ADDING THE COMPREHENSIVE PLAN DESIGNATION TO SECTION 1.03, PURPOSE, THEREOF, ADDING OR AMENDING VARIOUS DEFINITIONS CONTAINED IN SECTION 2.01, GENERAL, THEREOF, AMENDING SECTION 5.04, AREA REGULATIONS, LOT SIZE, IN DISTRICT A TO ACCOUNT FOR PERMEABLE SURFACES, AMENDING SECTION 5.06, AREA REGULATIONS, SIZE OF YARDS IN DISTRICT A MAKING MANDATORY CERTAIN GREEN SPACE AND ALTERING THE REGULATIONS RELATED TO CUL-DE-SAC LOTS, AMENDING SECTION 5.07, GARAGE OR CARPORT, OF DISTRICT A RELATING TO CONFIGURATION OF GARAGES, AMENDING SECTION 5.08, ACCESSORY USE REGULATIONS, OF DISTRICT A TO ALTER THE LIMITATIONS OF THE USE OF ACCESSORY

STRUCTURES, AMENDING SECTION 6.04, AREA REGULATIONS, LOT SIZE, IN DISTRICT B TO ACCOUNT FOR PERMEABLE SURFACES, AMENDING SECTION 6.06, AREA REGULATIONS, SIZE OF YARDS, IN DISTRICT B MAKING MANDATORY CERTAIN GREEN SPACE AND ALTERING THE REGULATIONS RELATED TO CUL-DE-SAC LOTS, AMENDING SECTION 6.07, GARAGE OR CARPORT, OF DISTRICT B RELATING TO CONFIGURATION OF GARAGES, AMENDING SECTION 6.08, ACCESSORY USE REGULATIONS, OF DISTRICT B TO ALTER THE USE OF ACCESSORY STRUCTURES, AMENDING SECTION 7.08, SWIMMING POOLS, TO REMOVE THE GREEN SPACE REQUIREMENT BETWEEN A SWIMMING POOL AND A REAR OR SIDE LOT LINE, AMENDING SECTION 8.04 TO REQUIRE THE PLANNING AND ZONING COMMISSION TO MAKE RECOMMENDATIONS TO CITY COUNCIL REGARDING DRAINAGE IN A SPECIFIC USE PERMIT APPLICATION, AMENDING SECTIONS 9.07 AND 9.08 TO ALLOW ACCESSORY OR DRIVEWAY STRUCTURES TO BE RECONSTRUCTED IN THE SAME LOCATION SO LONG AS SUCH STRUCTURES ARE NOT EXPANDED, AMENDING SECTION 10.04 TO REQUIRE THAT BUILDING PERMIT APPLICATIONS BE SUBMITTED IN CONFORMITY WITH CHAPTER 4, DEVELOPMENT, BUILDING AND CONSTRUCTION, AMENDING VARIOUS PROVISIONS OF APPENDIX "A" TO REMOVE REFERENCE TO "DIRECTOR OF PUBLIC WORKS"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF WITH EACH DAY BEING A NEW VIOLATION; AND PROVIDING FOR SEVERABILITY.

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Appendix A - ZONING	**Appendix A - ZONING with revisions Per Ordinance**
ARTICLE I. - ENACTMENT	ARTICLE I. - ENACTMENT
ARTICLE II. - DEFINITIONS	ARTICLE II. - DEFINITIONS
ARTICLE III. - ESTABLISHMENT OF DISTRICTS AND BOUNDARIES	ARTICLE III. - ESTABLISHMENT OF DISTRICTS AND BOUNDARIES
ARTICLE IV. - COMPLIANCE WITH REGULATIONS	ARTICLE IV. - COMPLIANCE WITH REGULATIONS
ARTICLE V. - DISTRICT A REGULATIONS	ARTICLE V. - DISTRICT A REGULATIONS
ARTICLE VI. - DISTRICT B REGULATIONS	ARTICLE VI. - DISTRICT B REGULATIONS
ARTICLE VII. - SUPPLEMENTARY DISTRICT REGULATIONS	ARTICLE VII. - SUPPLEMENTARY DISTRICT REGULATIONS

ARTICLE VIII. - SPECIFIC USE PERMITS ARTICLE IX. - NONCONFORMING USES ARTICLE X. - ADMINISTRATION ARTICLE XI. - BOARD OF ADJUSTMENT ARTICLE XII. - SCHEDULE OF FEES, CHARGES, AND EXPENSES ARTICLE XIII. - AMENDMENTS ARTICLE XIV. - VIOLATIONS AND PENALTIES ARTICLE XV. - LEGISLATIVE INTENT	ARTICLE VIII. - SPECIFIC USE PERMITS ARTICLE IX. - NONCONFORMING USES ARTICLE X. - ADMINISTRATION ARTICLE XI. - BOARD OF ADJUSTMENT ARTICLE XII. - SCHEDULE OF FEES, CHARGES, AND EXPENSES ARTICLE XIII. - AMENDMENTS ARTICLE XIV. - VIOLATIONS AND PENALTIES ARTICLE XV. - LEGISLATIVE INTENT

Attached under Exhibit "D" is the proposed Appendix A.

Motion was made by Bob Croyle and seconded by Eric Herleth to recommend approval to City Council the ordinance as presented. The motion carried 6-0.

X. ADJOURN

Motion was made by Catherine Wile and seconded by Bob Croyle to adjourn the meeting at 5:32 p.m.

Approved and accepted on March 24, 2015

William Purifoy, Chairman

Attest:

Kelly Johnson, City Secretary

EXHIBIT "A"

ORDINANCE NO. 14-

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 4, BUILDING AND CONSTRUCTION BY AMENDING THE TITLE OF CHAPTER 4 TO BE DEVELOPMENT, BUILDING AND CONSTRUCTION, BY DELETING ARTICLE I, IN GENERAL, IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE A NEW ARTICLE I, IN GENERAL, BY DELETING FROM ARTICLE III, SUBSTANDARD BUILDINGS AND STRUCTURES, SECTION 4-51 IN ITS ENTIRETY, BY DELETING FROM ARTICLE IV, CONSTRUCTION CODES, SECTION 4-77, NOTIFICATION OF PERMIT APPLICATIONS; PROCESS AND MAKING SAME PART OF ARTICLE I, IN GENERAL, BY DELETING CHAPTER 7, FLOOD DAMAGE PREVENTION, IN ITS ENTIRETY, AND MAKING IT PART OF ARTICLE V, DRAINAGE AND FLOOD DAMAGE PREVENTION, OF CHAPTER 4, BUILDING AND CONSTRUCTION, BY ADDING DRAINAGE REGULATIONS TO ARTICLE V, DRAINAGE AND FLOOD DAMAGE PREVENTION, BY DELETING ARTICLE VII, PRESERVATION OF TREES, OF CHAPTER 10, OFFENSES AND MISCELLANEOUS PROVISIONS, IN ITS ENTIRETY AND ADDING A NEW ARTICLE VI, TREE PRESERVATION, TO CHAPTER 4, BUILDING AND CONSTRUCTION, BY DELETING ARTICLE II, OUTDOOR LIGHTING, OF CHAPTER 10, OFFENSES AND MISCELLANEOUS PROVISIONS, IN ITS ENTIRETY AND ADDING A NEW ARTICLE VII, OUTDOOR LIGHTING, TO CHAPTER 4, BUILDING AND CONSTRUCTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF THESE PROVISIONS, WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City of Bunker Hill Village, Texas (the "City") is a residential community founded with a purpose of maintaining the atmosphere of a small, country, wooded community of families while preserving owners' rights to utilize and enjoy their property; and

WHEREAS, the City continues to seek to maintain the character of the community upon which it was founded; and

WHEREAS, the City has conducted a review of all regulations relating to development, building and construction; and

WHEREAS, the City desires to place all such regulations into one chapter for the ease of property owners and developers; and

WHEREAS, the City desires to protect the public health, safety and welfare our residents and property owners by ensuring that stormwater drainage is contained and/or drains properly/freely so as not to cause damage to persons and properties; and

WHEREAS, over the last ten (10) years, the City has invested over $20,000,000 in drainage infrastructure with the desire to address drainage concerns and maintain the capacity achieved as a result of this investment; and

WHEREAS, as development and redevelopment occurs, the increase in storm water runoff will exceed the added capacity achieved with our current systems; and

WHEREAS, this ordinance is recommended to implement a stormwater drainage management program for the benefit of all within the City;

WHEREAS, the purpose of this Ordinance is to promote site planning which furthers the preservation of mature trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the removal of trees when necessary; and

WHEREAS, the City Council finds that the preservation of pine and hardwood trees within the City is necessary to maintain such rural community character; and

WHEREAS, increasing population density within the surrounding urbanized area and the proliferation of roadways and attendant traffic has increased the levels of noise, airborne pollution and heat; and

WHEREAS, trees act as a buffer to reduce noise pollution, provide shade, cool the air, and otherwise temper the effects of summer heat, restore oxygen to the atmosphere, reduce glare and break the monotony of urbanized development, and provide an ecological habitat for songbirds and other animals and plant species; and

WHEREAS, the urban forest of the City should be preserved and enhanced to the fullest extent possible for the protection and benefit of future generations, and to maintain and enhance property values of the properties located within the City; and

WHEREAS, the City Council hereby finds and determines that unnecessary damage and destruction of trees within the City adversely affects public health, safety, and general welfare; 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 are hereby found to be true and correct and are adopted as if set forth herein.

Section 2. The Code of Ordinances of the City of Bunker Hill Village, Texas is hereby amended by adding the word "Development" to the title of Chapter 4 thereof, with the new title reading "Chapter 4 – Development, Building and Construction.

Section 3. The Code of Ordinances of the City of Bunker Hill Village, Texas is further amended by deleting Article I, In General, of Chapter 4, Building and Construction, in its entirety and substituting a new Article I, In General, to read as follows: (Note: Section 4-1 was in the original Article I with no changes to the text; Sections 4-5 and 4-10 were existing in other locations in the Code and are being moved to Article I of Chapter 4 with no changes to the text).

"ARTICLE I. IN GENERAL

Sec. 4-1. Proof of insurance required.

(a) All contractors requiring permits under chapter 4 shall file with the city, and maintain for the entire period during which work pursuant to such permit is being performed, commercial general liability insurance in an amount of not less than five hundred thousand dollars ($500,000.00).

(b) If an insurance policy required hereunder expires or is revoked before work for which the permit was issued is complete, the building official shall cancel that permit and issue a stop work order.

(c) All such policies of insurance shall be written by a company authorized to do business under the rules of the state board of insurance. Compliance with the above requirement shall be evidenced by the filing of a certificate of insurance with the city secretary. Each certificate shall include an endorsement thereon that the city shall be notified at least ten (10) days prior to the cancellation or expiration of any such certificate.

Sec. 4-2. Applications and Filing.

(a) Any person requesting that the City take any action relating to the development of land and construction of improvements that requires City approval, must, whenever required by a provision of this Code, submit a complete application along with the applicable fee to the City on forms provided by the City for that purpose.

(b) Any application required to be submitted under this Development Code will not be deemed filed for purposes of processing or considering the application until the Building Official certifies on the application submitted that all information required by the application and these regulations have been properly submitted and all fees paid. The Building Official may waive the requirement to submit information otherwise required if the Building Official determines the information is not material or relevant to the decision to be made on the application.

(c) An application must be submitted by the owner of the premises or person having the legal authority to act for the owner of the premises to which the application relates. The Building Official may require an applicant to submit evidence of ownership or the authority to act for the owner of the premises.

(d) The Building Official may promulgate in writing reasonable regulations and deadlines relating to the submission of applications for consideration by the person, board, or commission charged with making a recommendation or decision on the application.

Sec. 4-3. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance. Words and terms not defined herein shall be construed in accordance with the ordinances of the city or their customary usage and meaning. When necessary for a reasonable construction of this ordinance, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one (1) tense or form shall include other tenses or derivative forms. The word "building" shall include the meaning of the word "structure." The words "shall," "will," and "must" are mandatory, and the word "may" is directory.

(a) *Building* shall mean any structure designed or built for support, enclosure, shelter or protection of persons, animals or property of any kind.

(b) *Building area* the maximum portion of a lot, defined by building setbacks, over which buildings and structures may be constructed.

(c) *District A* shall mean one of the City's two (2) residential zoning districts and consists mainly of large and medium lots with single-family dwellings and open spaces designed and desirable for large lot single-family dwellings as defined in Appendix A of this Code of Ordinances.

(d) *District B* shall mean one of the City's two (2) residential zoning districts and consists mainly of small, medium and large lots, with single-family dwellings as defined in Appendix A of this Code of Ordinances.

(e) *Expansion/Addition* shall mean any construction which expands or enlarges the footprint greater than 200 sf (impermeable slab) of the existing surface area by a change/addition such as an room, pool, garage, driveway, patio, outdoor kitchen, etc. Should an expansion/addition be combined with a remodel/maintenance improvements or a reconstruction project, the stricter requirements will be enforced.

(f) *Footprint* shall mean the surface area on a lot used by the building structure, defined by the perimeter of the building plan in addition to garages, pools, patios and driveways.

(g) *In Kind/Same Kind* shall mean a reconstruction of accessory or driveway structures whereby the new project consists of the same land use, location, and size or less as previously in place, such as the reconstruction of a garage or swimming pool.

(h) *Lot* shall mean a parcel of land as defined in Section 2.01 of Appendix A of this Code.

(i) *New Construction* shall mean the construction of a new home or main structure, beginning with a vacant lot; the vacant lot can be a result of removing or tearing down existing structure(s).

(j) *Reconstruction* shall mean the reconstruction of 50% or more, either value or living area, (of which a building permit is required) of an existing structure within the existing footprint. This includes structural (wall board or ceiling board is removed), and/or if plumbing or electrical utilities are impacted. The reconstruction shall be cumulative of all remodeling or modification work to the structure within any consecutive twenty-four (24) month period. For purposes of this subsection, the value of the structure shall be the average cost per square foot of all new construction within the city for the last three (3) years based on certified values from the Harris County Appraisal District, as set forth in the City of Bunker Hill Village Fee Schedule as adopted by city council.

(k) *Remodel/Maintenance Improvements* shall mean (i) the repair, upkeep, reconstruction or remodeling of a house/structure, building, or slab which does not change, influence or impact the structural integrity or existing utilities for the building or (ii) the alteration of less than 50% (of which a building permit is required) of an existing house/structure, building, or slab within the existing building footprint with no net impact to lot coverage or impervious cover calculations.

(l) *Structure* shall mean anything constructed or erected which requires location on the ground or is attached to something having a location on the ground including, but not limited to, signs, fences, walls, poles and buildings, whether of a temporary or permanent nature.

These definitions shall define the requirements for various provisions including but not limited to the following:

Event	Zoning	Building	Drainage	Trees
New Construction	Yes	Yes	Yes	Yes
Reconstruction	Yes	Yes	Yes	Yes
Expansion/Addition ➢ 200 sf, < 50% over 24 months (>50% is deemed "Reconstruction")	Yes	No to Existing, Yes to new, No to Sprinklers	Yes	Yes * See provision for tenured ownership of home
< 200 sf	Yes	Yes	No	No
Re-Model/ Maintenance	No	No	No	No
Non - Main Structure - In Kind/Same Kind	Plan review and a permit is required, "In Kind/Same Kind" considered as a maintenance project.			

Section 4-4. Mandatory Pre-Development Meeting.

A mandatory pre-development meeting is required for all new construction, reconstruction, and/or expansion/addition projects. The pre-development meeting is intended to expedite the review process and ease the construction process. Property owners and their builders, contractors and/or consultants shall attend this meeting. The meeting will provide an opportunity for discussion regarding the development process and requirements in the City of Bunker Hill Village including zoning, setbacks, coverage calculations, trees, drainage, and other ordinances that impact the planning and development of the property. A signature of acceptance of the pre-development packet and the meeting attendance will be required of the owner. No approvals will be provided at this meeting.

Section 4-5. Hours of Construction.

Hours for construction, which include but are not limited to the erection, including excavation, demolition, alteration or repair work on any building or other structure, repairs for site work, and/or landscaping, maintenance, or repairs, are allowed between the hours of 7:00 a.m. and 6:00 p.m. on weekdays that are not Recognized Holidays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays that are not Recognized Holidays, except in cases of extreme and urgent necessity in the interest of public safety with the approval of the Building Official. No construction shall be done on Sundays.

Recognized Holidays shall include New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Eve and Christmas Day.

The provisions of this subsection shall not apply to work being performed directly by the owner of the property on which the work is being performed.

Section 4-6. Construction Fencing.

Each permittee for any pre-development activity or major development must provide and maintain construction fencing in accordance with this section during all times when the permit is in effect and for so long thereafter as the site is affected by construction activity. The construction fencing must fully enclose the entire site to screen construction activity from public view. It may enclose the sidewalk area, but only to the extent reasonably necessary to reduce the risk of hazards to sidewalk users. The construction fencing must be at least 5.5 feet high and must be the color green. No separate fence permit is required for such a temporary fence erected in connection with pre-development activity or a major development for which a main building permit is in effect.

Section 4-7. Underground Utilities.

All utility service lines for electricity, telephone, gas, cable television and any other such service for individual lots shall be underground unless federal or state law or regulations require otherwise.

Section 4-8. Street Lights.

Street lighting. Street lighting is allowed for new development and shall conform to the latest edition of the Illuminating Engineering Society Handbook. Street light fixtures must conform to a standard as provided by the City's electrical provider. Decorative fixtures are allowed if provided by the City's electrical provider.

Section 4-9. Surveys; Site Plans.

(a) *Basic survey.* For each development project for which a permit is required, the applicant must submit a boundary survey showing all existing and proposed structures. The building official may waive this requirement if substantially equivalent information is available from other sources.

(b) *Forms survey.* For each major development project and each new foundation of a building, the applicant must submit an additional survey showing the actual location of all foundation forms or guides as set upon the ground. The survey must show them with respect to the boundaries of the building site. It shall be unlawful to proceed with such pouring or affixing before the building official makes a note on such survey to the effect that the proposed foundation appears to comply with applicable regulations, e.g., yard and site regulations.

(c) *Drainage, elevation (surveys and drawings).* The applicant must provide additional surveys or drawings and/or analysis for drainage as are required by ARTICLE V. FLOOD DAMAGE PREVENTION of this Chapter.

(d) *Standards.* All surveys, drawings and site plans (including their form, scope, media and certifications) must meet standards prescribed by the Building Official. Submission of site plans must be 11 x 17 size or sent/filed electronically.

(e) *Site plans.*

(1) *Intent.* The intent of this subsection is to aid persons who must comply with applicable regulations — not only during construction but also thereafter — by assembling, coordinating, and recording important surveys, drawings and compliance data.

(2) A site plan is required for projects involving new construction, reconstruction, and/or expansion/addition projects.

(3) *Content*. Each site plan must clearly depict the following, as applicable:

a. Basic survey;
b. Forms survey (after it becomes available);
c. Drainage and topographic survey;
d. Standard base elevation survey;
e. Easements and plat restrictions;
f. Buildings and other major structures;
g. Open areas, impervious areas, landscaping and areas for required trees and pervious areas;
h. Yards or "setbacks"; buildable area;
i. Fences;
j. Mechanical equipment;
k. Garage openings, pavement, parking areas, driveways, emergency access ways, fire zones, sidewalks, loading areas, curb cuts, waste storage areas and special screens;
l. Drainage facilities in accordance with ARTICLE V. - FLOOD DAMAGE PREVENTION of this Chapter; or
m. Other features and facilities required to comply with applicable regulations .

(4) *Preparation and processing ("as designed" site plans).*

a. A preliminary version of the site plan (showing "as designed" conditions) must be filed with the building official before issuance of the initial permit for the project.
b. The building official shall approve the "as designed" plan, unless the building official notices some noncompliance with this section or other applicable regulations.
c. No permit may be issued until the "as designed" site plan is approved.

(f) *Compliance required.* It shall be unlawful for any person to erect, construct, alter, use, own, possess or control any structure or grade-raising project without:

(1) Providing the surveys and site plans required by this section; and

(2) Otherwise complying with this section.

Section 4-10. Notification of permit applications; process.

(a) *Definitions.* For the purposes of this section, the following words or terms shall have the meanings ascribed thereto, unless the context clearly indicates otherwise:

Recorded restriction shall mean a restriction that is contained or incorporated by reference in any properly recorded plan, plat, replat or other instrument affecting a subdivision.

Restriction shall mean a limitation that:

(1) Affects the use to which real property may be put;

(2) Fixes the distance that a building must be set back from property lines, street lines, or lot lines; or

(3) Affects the size of a lot or the size, type or number of buildings that may be built on a lot.

(b) *Affidavit required.* No building permit shall be issued for the construction of a new building, or for any addition to an existing building that would extend such building beyond the footprint of the building prior to the proposed addition, on a lot subject to a recorded restriction, unless the permit applicant has submitted an affidavit certifying that notice of the permit application has been delivered to the owner, as shown on the current tax roll, of each lot within the subdivision that is subject to the recorded restriction. Provided however, if the instrument(s) establishing the recorded restriction provides for creation of a committee or association with authority to enforce the recorded restriction, and there is a committee or association duly organized and operational in accordance with such instrument, certification that notice has been served on an authorized agent or officer of the committee or association may be given in lieu of notice to all individual property owners within the subdivision other than owners of property adjacent to the lot subject to the permit. If the permit application is for construction on a lot that is not subject to a recorded restriction, the applicant shall certify such fact by affidavit. The city administrator is authorized to promulgate affidavit forms for use in the implementation of this section.

(c) *Form of notice; method of delivery.* Any notice required in paragraph (b) above shall include a general description of the proposed construction, the name of the subdivision, and the lot and block number and street address of the lot subject to the permit. Such notice, as outlined below, shall be delivered by depositing the same, properly addressed and postage prepaid, in the United States mail, registered or certified, return receipt requested.

(d) *Waiting period; stop work orders.* The building official shall not issue a building permit for construction on a lot subject to a recorded restriction until the expiration of five (5) business days following the receipt of an executed affidavit that fully complies with paragraph (b) above.

Section 4-11. Work site conditions; clean-up.

(a) *Permittee's duties.* Each permittee shall perform all the following duties while the permit is in effect and for so long thereafter as the work area is affected by construction activity:

(1) Immediately pickup and properly dispose of all material scraps, trash, rubble and debris that may be present at the work site or which may have been blown or transported from the site to nearby public or private property (if access is allowed to such private property for pickup activity);

(2) Maintain on the work site a "dumpster", a penned enclosure or other receptacle sufficient to contain all scraps, trash and debris generated by the construction activity;

(3) Immediately stack, restack or otherwise secure all building materials, equipment and tools that may be present on or near the work site and not in actual use;

(4) Immediately cover all excavations and holes, mark and barricade any hazards and secure pouring of concrete or similar activities authorized by the permit; all windows, doors and other openings; and

(5) Immediately remove all mud, clay and debris that may have been deposited on any roadway or sidewalk in connection with, or as a result of, the work.

(b) *Defense.* It is an affirmative defense to prosecution under this section that any failure to comply continues no longer than is reasonably necessary for the performance of the work.

Section 4-12. Construction Related Parking.

For any address for which an active building or maintenance permit has been issued, all vehicles shall be required to be parked on the lot for which the permit has been issued. For private streets, parking may not be in the access easement.

Vehicles parked temporarily for a period of 30 minutes or less are not required to meet this requirement. Blocking of a street so that less than 15 feet of width for access is not allowed under any circumstance.

Sections 4-13-4-20 Reserved."

Section 4. The Code of Ordinances of the City of Bunker Hill Village, Texas is further amended by deleting from Article III, Substandard Buildings or Structures, of Chapter 4, Building and Construction, Section 4-51, Definitions, in its entirety. (Note: these definitions were moved up to Article I).

Section 5. The Code of Ordinances of the City of Bunker Hill Village, Texas is further amended by deleting from Article IV, Construction Codes, of Chapter 4, Building and Construction, Section 4-77, Notification of Permit Applications; Process, in its entirety. (Note: this section was moved up to Article I).

Section 6. The Code of Ordinances of the City of Bunker Hill Village, Texas is further amended by deleting Chapter 7, Flood Damage Prevention, in its entirety and adding a new Article V, Drainage and Flood Damage Prevention, to Chapter 4, Building and Construction, with the new Article V to read as follows: (Note: the provisions from Chapter 7, Flood Damage Prevention are being moved to this location in Chapter 4 with no changes to text other than internal section references. The new drainage regulations, however, are being added here as Section 4-82 and select definitions in Section 4-81).

"**Article V. Drainage and Flood Damage Prevention.**

Division 1. In General

Section 4-81. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Appeal shall mean a request for a review of the building official's interpretation of any provision of this chapter or a request for a variance.

Area of shallow flooding shall mean a designated AO, AH, or VO zone on the flood insurance rate map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard shall mean the land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A may be refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base flood shall mean the flood having a one (1) percent chance of being equalled or exceeded in any given year.

Critical feature shall mean an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Detention shall mean the temporary storage of storm water. A detention feature temporarily detains stormwater with an outlet that restricts the outflow.

Development shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Elevated building shall mean a nonbasement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zone V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water, and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zone V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing construction shall mean, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Flood or *flooding* shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) shall mean the official map on which the federal emergency management agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the city.

Flood insurance study shall mean the official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

Floodplain or *flood-prone area* shall mean any land area susceptible to being inundated by water from any source (see definition of flooding).

Flood protection system shall mean those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. The specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway (regulatory floodway) shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent use shall mean a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Habitable floor shall mean any floor usable for the living purposes which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor".

Highest adjacent grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Levee shall mean a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system shall mean a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home shall mean a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Mean sea level shall mean, for purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction shall mean, for floodplain management purposes, structures for which the "start of construction" commenced on or after December 7, 1987.

Private Street 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.

Site Plan shall mean a drawing that shows the plans for developing the land. The document needs to be to scale and will reflect the location and size of each building to be built, or that currently exists, as well as parking, landscaping, and ancillary uses such as pools, patios, or workshop.

Slab Elevation shall mean the bottom floor elevation. For a home with a slab floor, this is the slab elevation. For a raised home, it is the lowest elevation of the crawlspace floor or basement floor or floor elevation surrounded by an enclosure.

Start of construction includes substantial improvement and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" shall mean either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Storm Sewer shall mean a storm drain that is a closed-conduit that receives runoff from inlets and conveys the runoff to some point where it is then discharged into a channel, water body or other system.

Stormwater shall mean water that originates during precipitation events; Stormwater that does not soak into the ground becomes surface runoff, which either flows directly into surface waterways or is channeled into storm sewers, which eventually discharge to surface waters. Stormwater is of concern related to the volume and timing of runoff water (flooding).

Structure shall mean a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial improvement shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects

the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Variance is a grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter.

Violation shall mean the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation shall mean the height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Section 4-82. Stormwater Drainage Management Program And The Lands To Which Ordinance Applies.

This ordinance shall apply to all areas within the jurisdiction of Bunker Hill Village, Texas.

(1) Purpose and Applicability.

It is the purpose of this article to preserve and enhance the desirability of our City by requiring careful planning of our City's redevelopment. This includes the management of our drainage facilities and stormwater while ensuring the owners' rights to utilize and develop their property.

The City currently consists of two Residential Zoning Districts: District A and District B. In addition, the City includes two elementary schools, several churches, and a private recreation center all of which are permitted within the Residential Districts by way of a Specific Use Permit. This Ordinance will apply to all development both Residential and Non- Residential as defined below.

The City's Stormwater Drainage System consists of enclosed storm sewers, roadside ditches, swales, inlets, detention facilities, open channels and management of overland (sheet) flow as singular components and/or as part of a combined system. During extreme rainfall events, individual lots/yards provide

for overflow and ponding. This Ordinance, the City's Drainage Criteria Manual and the City's Development Code strives to take a pro-active approach to prevent structural flooding as a result of rainfall events.

(2) Drainage Requirements.

All stormwater drainage calculations shall be in accordance with the City's Drainage Criteria Manual.

Residential - Individual Lot

Stormwater runoff conveyed to the City's drainage system shall be restricted to existing conditions; For new construction, reconstruction and expansion, Property Owner(s) is responsible for detaining ***the difference*** of stormwater runoff calculated between the existing and proposed improvements. The City will designate the receiving point for the development.

Lots fronting a Private Street

Stormwater runnoff conveyed from individual lots on private streets shall be restricted to existing conditions for the existing stormwater conveyed to the City's drainage system at the receiving point in addition to the stormwater draining from the lot. Property owners along the private street may work together to develop a coordinated/collective drainage system maintaining the existing conditions at the City's designated receiving point.

Non- Residential

Property Owner(s) is responsible for detaining **100%** of stormwater runoff calculated from the proposed reconstruction and/or new development.

(1) If the proposed improvements are less than 50% of the value or area of the entire property/site, the stormwater calculated shall be based on the impacted area only.

(2) If the proposed improvements are greater than 50% of the value or area of the entire site, the stormwater calculated shall be based on the entire site including associated ancillary facilities such as parking.

The impact, as a result of redevelopment, shall be evaluated and required as part of the Specific Use Permit Process. Although, 100% of detention will be required, the onsite/private system will continue to be tied to the City's system at existing or designated connect points.

Replat or New Subdivision - Residential and Non-Residential

Residential and Non-Residential Maintenance Improvements

Maintenance Improvements do not trigger the need for drainage requirements

if there is no change in the surface footprint of the site/lot

and therefore, no negative impact to the City's drainage system.

The Property Owner(s) is responsible for detaining **100% of stormwater runoff** from existing and new development including any proposed public streets.

Although, 100% of detention will be required, the onsite/private system will continue to be tied to the City's system at existing or designated connect points.

When feasible, a Regional Detention System should be developed to accommodate the new development. With approval, through the City's subdivision process, detention may be included in the public right-of-way.

Lots that are created as a part of a Regional Detention System and meet the drainage calculations and assumptions for the System are exempt from individual lot requirements.

(3) Pre-Development Meeting.

A Pre-Development Meeting is required for all New Construction, Reconstruction, Expansion/Additions. New Construction, Reconstruction, Expansion/Additions add to the building footprint of the site and will be required to meet this Stormwater Drainage Ordinance. The Pre-Development Meeting provides an opportunity to understand the ordinance prior to submittal of any plans for review and permitting. See Sec 4-4.

(4) Requirements for Submittal of Information for Proposed Improvements and Calculation of Stormwater Runoff.

Submittal information will be in conformance with the City's Drainage Criteria Manual and include but not be limited to the following:

(a) A site plan identifying existing conditions: the building footprint and other footprints for all impervious and pervious cover; trees identified by location and size; and drainage systems and conditions including existing contours;

(b) A site plan identifying structures and site conditions to be removed (depending on magnitude of project, this may be shown on the site plan for existing conditions or proposed conditions);

(c) A site plan identifying all impervious and pervious improvements proposed;

(d) A proposed tree plan (can be an overlay) showing the number, size and location of trees with the proposed improvements; and

(e) A drainage plan which includes the City's drainage calculation sheet and site plan showing the proposed drainage system by size and slab elevation to accommodate the drainage calculated in accordance with this ordinance and the criteria manual. The slab elevation of all habitable structures shall be established by the property owner's engineer or architect. The elevation shall be based on the latest FEMA datum and datum adjustments.

All stormwater runoff will be calculated as outlined in the City of Bunker Hill Drainage Criteria Manual.

Section 4-83. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the federal emergency management agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Bunker Hill Village, Texas", dated June 2, 1980, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file, and may be examined, at the office of the city secretary.

Section 4-84. Establishment of development permit.

A development permit shall be required to ensure conformance with the provisions of this chapter. It shall be unlawful for any person to cause or allow any development to or on any tract of land owned or occupied by such person without having first obtained a development permit therefor in accordance with this chapter.

Section 4-85. Compliance.

No structure or land shall be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

Section 4-86. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another provision conflict or overlap, whichever imposes the more stringent restrictions shall prevail. This chapter shall not be construed to permit any use of land not permitted by the zoning ordinance of the city.

Section 4-87. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the city council; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 4-88. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Greater floods can and will occur, and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Sections 4-89—4-125. Reserved.

Division 2. Statutory authorization; Findings of fact; Purpose; Methods.

Section 4-126. Statutory authorization.

Pursuant to V.T.C.A., Water Code § 16.311 et seq., municipalities have been delegated the responsibility to adopt rules and regulations necessary to minimize flood related damages. The imposition of such regulations are necessary to entitle such municipalities to qualify its citizenry for participation in the national flood insurance program. The city council hereby determines that the findings of fact in section 4-127 are true and correct, and that all regulatory and

administrative provisions provided herein are necessary to promote and protect the health, safety, and general welfare of the citizens of the city.

Section 4-127. Findings of fact.

(a) The flood hazard areas of the city are subject to periodic inundation which threatens loss of life and property and results in health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) The flood losses are caused by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Section 4-128. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health.

(2) Minimize expenditure of public money for costly flood control projects.

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) Minimize prolonged business interruptions.

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.

(6) Insure that potential buyers are notified that property is in a flood area.

Section 4-129. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(4) Control filling, grading, dredging and other development which may increase flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sections 4-130—4-145. Reserved.

Division 3. Administration.

Section 4-146. Building official as administrative officer.

The building official is hereby appointed to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management.

Section 4-147. Duties, responsibilities of building official.

The duties and responsibilities of the building official shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

(2) Review permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this chapter.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building official shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the state water commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency.

(7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with section 4-83, the building official shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of article IV.

(9) When a regulatory floodway has not been designated, the building official must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

Section 4-148. Permit procedures.

(a) Application for a development permit shall be presented to the building official on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and

the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures.

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 4-167(2).

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintain a record of all such information in accordance with section 4-147(1).

(b) Approval or denial of a development permit by the building official shall be based on all of the provisions of this chapter and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage.

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(3) The danger that materials may be swept onto other lands to the injury of others.

(4) The compatibility of the proposed use with existing and anticipated development.

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets, bridges and public utilities and facilities such as sewer, gas, electrical and water systems.

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(8) The necessity to the facility of a waterfront location, where applicable.

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(10) The relationship of the proposed use to the comprehensive plan for that area.

(11) The impact on flood levels of adjacent and neighboring properties.

(c) The building official may issue a development permit without an applicant submitting all or any part of the information required in subsection (a) above, if the application is for a development located wholly outside an area of special flood hazard, and such official determines that there exists sufficient available data relating to the information being waived.

Section 4-149. Variance procedures.

(a) The board of adjustment, as established by city's comprehensive zoning ordinance, shall hear and render judgment on requests for variances from the requirements of this chapter.

(b) The board of adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the building official in the enforcement or administration of this chapter.

(c) Any person aggrieved by the decision of the board of adjustment may appeal such decision in the courts of competent jurisdiction.

(d) The building official shall maintain a record of all actions involving an appeal and shall report variances to the federal emergency management agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the national register of historic places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this chapter.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 4-148(b) have been fully

considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this chapter, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) The following shall be prerequisites for the granting of variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(j) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria outlined in subsections (a) through (i) above are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sections 4-150—4-165. Reserved.

Division 4. Flood Hazard Reduction.

Section 4-166. General standards.

In all areas of special flood hazards the following standards apply for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 4-167. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 4-83, section 4-147(8), or section 4-168(d), the following provisions are required:

(1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the building official that the standard of this subsection as proposed in section 4-148(a)(1) is satisfied.

(2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the building official.

(3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes:*

a. Require that all manufactured homes to be placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. All manufactured homes shall be in compliance with subsection (1) above.

c. Require that all manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of subsection (4).

Section 4-168. Standards for subdivision proposals.

(a) All subdivisions shall be consistent with sections 4-127, 4-128 and 4-129.

(b) All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet development permit requirements of section 4-84; section 4-148; and the provisions of this article.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development which is greater than five (5) acres, if not otherwise provided pursuant to section 4-83 or section 4-147(8).

(d) All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Section 4-169. Standards for areas of shallow flooding (AO/AH Zones).

Located within the areas of special flood hazard established in section 4-83 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the building official that the standards of this section, as proposed in section 4-148(a)(1), are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

Section 4-170. Floodways.

Located within areas of special flood hazard established in section 4-83, areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

Section 4-171. Standards applicable to all residential construction.

Generally. Compliance with the provisions of this section shall be a condition for the issuance of development permits for construction of buildings or structures used for residential purposes or for the material alteration of the grade of any lot or tract of land located within the city. For the purposes hereof, "material alteration of the grade" shall mean any alteration of the grade which would or could reasonably result in the diversion or alteration of the course of flow of stormwater runoff to a direction other than directly toward and into the

outfall drainage facility designed to receive stormwaters from such lot or tract of land, without traversing upon or across the land of any person other than the person who owns the lot or tract upon which the alteration is to occur.

(1) Erosion and stormwater runoff controls and remedial actions shall be taken incident to all residential construction in accordance with the "Flood Prevention Plan for Residential Construction" as set forth in Appendix A, not included herein, and for all things made a part hereof. All such proposed control and remedial action shall be evidenced by the filing of the application as provided in such Appendix A.

(2) Each lot or tract of land shall be served by an underground storm sewer system, designed and constructed to provide interior drainage for such lot or tract, and capable of receiving and transporting stormwaters for a minimum of a ten-year frequency storm. Inlets into such system shall be placed around the lot or tract, with consideration given for all permeable surfaces to be covered, so as to provide adequate collection of stormwaters necessary to prevent ponding or overflow onto adjacent properties. Such interior storm sewer system shall be designed and constructed to transport such stormwaters directly to the outfall facility designed to receive stormwaters from such lot or tract. No such storm sewer system shall use underground pipe of less than six (6) inches in diameter. Provided further, no slab for the foundation of any building or structure shall be poured, nor shall any material alteration of the grade of any lot or tract be commenced prior to the installation, inspection and approval of the interior storm sewer system required hereby.

(3) No concrete slab floor elevation shall be less than twelve (12) inches above the top of the nearest sanitary sewer manhole, nor less than twelve (12) inches above either: 1) the crown of the street nearest thereto, if the street has curbs and gutters, or 2) the top of the nearest drainage inlet, if the street does not have curbs and gutters, whichever, in the discretion of the building official, better serves to further the purposes of this chapter. The standards prescribed in this subsection (3) shall be applied:

a. For all new residential construction within the city; and

b. When the cost of the rebuilding, repair, or modification of the structure exceeds fifty (50) percent of the value of the structure. For purposes of this subsection, the value of the structure shall be the average cost per square foot of all new construction within the city for the last three years based on certified values from the county appraisal district; and

c. When the repair or modification of an existing structure involves structural modifications, including wall or ceiling board

replacement, in rooms constituting more than fifty (50) percent of the climate controlled square footage of the structure.

The requirements of this subsection (3) shall not apply: (1) to situations where the wall board replacement is for the lowest forty-eight (48) inches of the first floor of the structure within sixty (60) days of a verifiable water damage event, or (2) except in the case of new construction, when the property owner executes and returns to the city the nonconforming slab certificate in the manner and form prescribed by the building official.

Sections 4-172-4-180. Reserved."

Section 7. The Code of Ordinances of the City of Bunker Hill Village, Texas is further amended by deleting Article VII, Preservation of Trees, of Chapter 10, Offenses and Miscellaneous Provisions, in its entirety and adding a new Article VI, Tree Preservation, to Chapter 4, Building and Construction, with the new Article VI to read as follows: (Note: the tree ordinance is being moved to Chapter 4 with significant changes to the text).

"**Article VI. Tree Preservation.**

Section 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.

Section 4-182. Definitions

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 3 inch diameter DBH and having a height of at least 12 feet.

Multiple-Trunk Tree shall mean a tree with two or more trunks visibly connected above the ground with a height greater than 15 feet (measurement of multi-trunk trees will be as follows; the diameter of the largest truck added to .50% of total diameter of remaining trunks with total no less than 8 inches DBH).

Qualified Tree shall mean tree which species is included on the City's approved planting tree list with a diameter between 15 and 20 inches DBH.

Protected Tree shall mean a tree which species is included on the City's approved planting tree list with a diameter over 20 inches DBH.

Healthy Tree shall mean a living, thriving tree, as defined above and confirmed with the City's Arborist or Forrester.

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

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

DBH shall mean the measurement used for planted trees, "Diameter at Breast Height", measured 4 feet, 6 inches from the ground level.

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

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).

Section 4-183. Minimum Tree Requirement

The minimum number of trees on each lot shall be one (1) tree for each one thousand (1,000) sq. ft of lot area. 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 25% of the minimum number of trees shall be in the front yard of the property.

Section 4-184. Tree Permit Requirements

A tree permit is required for the removal of any and all trees greater than 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 5" in diameter; or

d) Any tree, which has fallen.

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.

Section 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
Per 20,000 - 30,000 sq. f t.	1 per 1,000 SF	12

> 30,001 sq. f t	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 & 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" or greater caliper
Over 5 Healthy Qualified Trees (10-15 inch diameter)	Must be replaced regardless of meeting minimum tree requirement; Can count toward minimum tree requirement	1 Tree per every 5 removed Must be 5" caliper and least 15' feet tall
Healthy Protected Tree > 15 inch diameter	Must be replaced regardless of meeting minimum tree requirement; Can count toward minimum tree requirement	2 Trees per every 1 removed Must be 5" caliper and least 15' feet tall

These requirements apply to all situations including planning for new construction and remodeling/expansion/additions as well as proposed tree removal by existing property owners.

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.

Section 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 1, 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 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.

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 11-15 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:

(1) City will evaluate and count all trees to meet minimum tree requirement per Zoning District;

(2) The City will inspect trees on adjacent/neighboring property that were within 10 feet of the construction and requested tree protection;

(3) All stakes that were necessary for installation shall be removed; and

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

Section 4-187. Tree Protection.

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

(1) All healthy trees within 10 feet of construction will be protected. Protection will be placed no closer than two feet (2') from the trunk.

(2) Tree Protection will consist of metal fencing, at least 48" high, with posts no more than 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 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 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 40% of its root zone.

(5) Trees within the 10 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 10 foot construction area, must also be protected; however, the fencing may not be placed within 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.

Section 4-188. Approved Tree Planting List.

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

Large Trees

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

Medium Trees

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

Section 4-189. Tree Requirement List.

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 3" in Diameter and 12" in height.

Large Trees

Acacia
Arizona Ash
Green Ash
White Ash
Camphor
Catalpa
Eastern Red Cedar
Bald Cypress
Montezuma Cypress
American Elm
Cedar Elm
Chinese Elm
Lacebark Elm
Winged Elm
Ginko
Hackberry
Any Hickory
Youpon Holly
Ironwood
Any Magnolia
Japanese Magnolia
Red Drummond Maple
Trident Maple
Any Oak
Pecan
Loblolly Pine
Slash Pine
Yellow Poplar
Chinese Tallow
Sweetgum
Sycamore
Walnut
Tulip Tree Black Walnut
Willow

Medium Trees

Anacua
Crape Myrtles (multi-stem or single with 8" total diameter)
River Birch
Fringe Tree
American Holly
Burford Holly
East Palatka Holly (single stem)
Savannah Holly (single stem)
Cherry Laurel
Bradford Pear
Chinese Pistache
Mexican Plum Eastern Redbud
Japanese Yew

Bamboo is not allowed to be planted in the City of Bunker Hill Village.

Section 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 3 months without fines and/or penalties.

Section 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."

Sections 4-192-200. Reserved."

Section 8. The Code of Ordinances of the City of Bunker Hill Village, Texas is further amended by deleting Article II, Outdoor Lighting, of Chapter 10, Offenses and Miscellaneous, in its entirety and adding a new Article VII, Outdoor Lighting, to Chapter 4, Building and Construction, with the new Article VII to read as follows: (Note: these regulations currently exist in Article II of Chapter 10 and are being moved to Chapter 4 with no changes to text).

"**Article VII. Outdoor Lighting.**

Section 4-201. Not to disturb others.

It shall be unlawful for any person to cause or permit to be energized on property under his possession or control any outdoor lighting including, but not limited to, spotlights, floodlights or similar illuminating devices which project a glare or brightness, directly or indirectly, upon any lot, tract, or parcel of land, other than that upon which such outdoor lighting is situated, which shall annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, within the limits of the city.

Section 4-202. Indirect illumination.

All outdoor lighting in the city consisting of spotlights, floodlights, or similar illuminating devices shall be installed, hooded, regulated and maintained by the owner or person in control thereof in such a manner that the direct beam of any such light shall be cast downward so that it will not glare upon any lot, tract, or parcel of land other than that upon which it is situated and so that it will not cause or permit any illumination from indirect lighting in excess of 0.5 footcandle in, on, or over the ground at or beyond the boundary of the lot, parcel, or tract.

Section 4-203. Location at game courts.

Notwithstanding any other provision of this article, it shall be unlawful for any person to construct or install any outdoor lighting designed or used for the illumination of a tennis court, paddle ball court or other type game court unless all of the area occupied by such court is at least twenty-five (25) feet from all boundary lines of the property upon which such court is situated.

Section 4-204. Inspection, fee.

(a) Upon completion of any outside lighting installation for which a permit has been issued in accordance with the building code of the city, the

electrician shall call for a compliance inspection to be made during nighttime hours, with an accurate light meter. The inspection shall be made with the city administrator and the electrician responsible for the installation present. An accurate light meter, used for the inspection, shall be furnished by the electrician.

(b) The outside lighting permit fee, which shall include the cost of one (1) inspection, and fees for additional inspections or re-inspections, shall be in such amounts as may be established from time to time by city council.

Section 4-205. Hours of operation at game courts.

All outdoor lighting designed or used for the purpose of illuminating tennis courts, paddle ball courts, or other type game courts shall be extinguished not later than 10:00 p.m. and shall not be turned on again until after 8:00 a.m. of the following day.

Section 4-206. Exemption.

The provisions of this article shall not apply to lights operated by or under the direction of the city.

Sections 4-207—4-220. Reserved."

Section 9. Repeal. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 10. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2000. Each day of violation shall constitute a separate offense.

Section 11. Severability. 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 such part thus declared to be

invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2014.

_____
Jay Williams
Mayor

ATTEST:

_____
Kelly Johnson
City Secretary

EXHIBIT "B"

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY DELETING ARTICLE V, DRAINAGE DITCHES; STORM SEWERS, FROM CHAPTER 10, OFFENSES AND MISCELLANEOUS PROVISIONS, AND ADDING A NEW ARTICLE VI, DRAINAGE DITCHES; STORM SEWERS, TO CHAPTER 13, STREETS AND SIDEWALKS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR ANY VIOLATION HEREOF IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING FOR SEVERABILITY.

* * * * *

Section 1. The Code of Ordinances of the City of Bunker Hill Village, Texas is hereby amended by deleting Article V, Drainage Ditches; Storm Sewers, from Chapter 10, Offenses and Miscellaneous Provisions; and adding a new Article VI, Drainage Ditches; Storm Sewers; to Chapter 13, Streets and Sidewalks, the new Article VI to read as follows: (Note: the following provisions are being moved from Article V of Chapter 10 to Chapter 13 with no changes to text).

"**Article VI. Drainage Ditches; Storm Sewers.**

Section 13-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building material means all materials of every kind and character used in the construction, repair, maintenance or alteration of a residential or allied structure. By way of illustration, but not limitation, building materials shall include dirt, brick, brickbats, stone, tile, cement, sand, gravel, mortar, wood, shingles, electrical wire, pipe, shell, iron ore, conduits and flooring materials.

Ditch means any cut or depression, the bottom of which is below the level of the immediate surrounding area, which cut or depression has for its primary

purpose the drainage of surface water, providing that such cut or depression is within the right-of-way or easement of any road within this city, or is controlled and/or maintained by the county flood control district or by this city.

Road means any thoroughfare designed for the use of motor vehicular traffic, providing such road is open to use by the general public.

Shoulder means the unpaved or unsurfaced area between the edge of the paved or surfaced road proper and the nearest edge of a drainage ditch or right-of-way or easement, whichever is applicable.

Structure and *residential structure* means all buildings of any kind or character. By way of illustration, but not limitation, such words will include homes, garages, workshops, car- ports, tool sheds, servants' quarters, stables and outbuildings normal and incidental to any structure designed to be used as a place of residence.

Trash means grass cuttings, weeds, plants or clippings or cuttings therefrom, leaves, tree limbs, pine tree needles, metal or plastic cans, glass or plastic bottles, garbage, including waste food matter of every kind and character, wastepaper, magazines, newspaper and all other material generally classifiable as waste or refuse from an occupied residence or yard.

Section 13-122. Unlawful acts.

(a) It shall be unlawful to burn or cause to be burned any trash or building material in any ditch or any road or upon the shoulder of any road within this city.

(b) It shall be unlawful to dump or deposit or cause to be dumped or deposited any trash or building material into any ditch, or any road or upon any road or shoulder of any road within this city.

(c) It shall be unlawful to throw or cause to be thrown any trash or building material into any ditch, or any road or upon any road or shoulder of any road within this city.

(d) It shall be unlawful to place, or cause to be placed, any dirt or fill material in any open drainage ditch within this city, to install, build, lay, maintain, operate, construct or erect any storm sewer, pipe or conduit of any kind or character in any open drainage ditch within this city, except as hereinafter provided.

Section 13-123. Storm sewers.

(a) Any person owning developed property in this city may construct, lay and maintain a storm sewer in any open drainage ditch that is parallel and adjacent to his property, providing such person meets the following conditions:

(1) Application for such construction must be made in writing and directed to the city administrator. The application must include:

a. Applicant's name and address.

b. A statement that applicant will bear all costs of construction and maintenance of the contemplated storm sewer.

c. A complete set of detailed plans and specifications of the contemplated storm sewer.

(2) Upon receipt of the application and allied data, the city will cause same to be reviewed by the city administrator, who will determine whether such plans and specifications meet the following minimum standards:

a. Minimum inside diameter of pipe will be not less than twelve (12) inches, and greater if, in the discretion of the city council, a larger diameter is required in order to afford proper drainage.

b. All storm sewers shall be equipped with grate type cast iron inlets, mounted on appropriate risers, directly over the proposed sewer. These inlets shall be placed at intervals of not to exceed fifty (50) feet. The cross sectional area of the riser pipes shall not be less than the cross sectional area of proposed storm sewer.

c. The storm sewers shall be backfilled and graded in such a manner so that a shallow swale remains directly over the storm sewer and not less than four (4) inches below the elevation of the near edge of the road surfacing, to provide for proper runoff from the crown of the street surface. All grate inlets must be set flush with the grade of the swale.

d. No storm sewers will be permitted when it becomes necessary to depress the bottom of the proposed sewer below the existing ditch bottom in order to maintain sufficient depth to provide for inlet risers and to set inlet

grates four (4) inches below the elevation of the near edge of the street surfacing.

(3) In the event the application and the allied data are in conformity with the above requirements, the city administrator may, at its discretion, issue a permit for the desired construction. However, no construction may be commenced until the city administrator is satisfied the contractor engaged to construct the storm sewer is, qualified, capable and responsible.

(b) The city shall have the right to deny a permit for the construction of any storm sewer in any open public drainage ditch within this city if, in its discretion, such storm sewer would create an obstruction, present, or future, to proper surface drainage within this city, even though the application is accompanied by plans that do meet the minimum requirements herein set out.

Sections 13-124 – 13-130. Reserved."

Section 2. Repeal. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2000. Each day of violation shall constitute a separate offense.

Section 4. Severability. 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 such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2014.

_____
Jay Williams
Mayor

ATTEST:

_____
Kelly Johnson
City Secretary

EXHIBIT "C"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING CHAPTER 14, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES TO ADD TO SECTION 14-1 CERTAIN DEFINITIONS, AMENDING SECTION 14-4 REGARDING THE REQUIREMENTS FOR PRELIMINARY PLATS, AMENDING SECTION 14-5 REGARDING THE REQUIREMENTS FOR FINAL PLATS, ADDING A NEW SECTION 14-5.1 ESTABLISHING PROCEDURES AND REGULATIONS FOR A SHORT FORM FINAL PLATS, ADDING A NEW SECTION 14-5.2 ESTABLISHING PROCEDURES AND REGULATIONS REGARDING AMENDING PLATS, AMENDING SECTION 14-7, STANDARDS AND SPECIFICATIONS, REGARDING RADIAL LOTS, LOT DIMENSIONS AND OTHER MATTERS, AMENDING SECTION 14-8 REGARDING PUBLIC IMPROVEMENTS, AND AMENDING VARIOUS PROVISIONS REGARDING THE BUILDING OFFICIAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION HEREOF WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION, AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, , the City Council of the City of Bunker Hill Village, Texas charged the Planning and Zoning Commission with conducting a comprehensive review of the City's subdivision ordinance; and

WHEREAS, the Planning and Zoning Commission has completed its comprehensive review of the City's subdivision ordinance; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of the citizens of the City of Bunker Hill Village to adopt the amendments to the comprehensive zoning ordinance contained herein; now, therefore

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

Section 1. The City Council of the City of Bunker Hill Village, Texas hereby finds the facts and matters in the preamble to be true and correct and incorporates them herein as if set forth herein at length.

Section 2. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-1 the language struckthrough below and adding to Section 14-1 the language underscored below, with the new Section 14-1 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 30 days prior to submission of such certificate to the commission."

Section 3. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-2 the language struckthrough below and adding to Section 14-2 the language underscored below, with the new Section 14-2 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 by V.T.C.A., 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 ~~director of public works~~ 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 ~~director of public works~~ 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 ~~approved by both~~ by the planning and zoning commission and approved by the city council in the sequence and in the manner herein prescribed."

Section 4. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-4 the language struckthrough below and adding to Section 14-4 the language underscored below, with the new Section 14-4 to read as follows:

"Sec. 14-4. Preliminary plat and accompanying data.

(a) *Preliminary conference.* Prior to the official filing of a preliminary plat, the subdivider or his duly authorized representative ~~should~~ 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 Chapter 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.

(~~2~~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.

(~~3~~4) ~~Description, by metes and bounds, of the subdivision~~. 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.

(4~~5~~) ~~Subdivision boundary lines indicated by heavy lines, lot lines,~~ T~~t~~he computed acreage of the subdivision ~~the computed square footage of each lot in such subdivision~~ and total number of lots, blocks and reserves.

(~~5~~6) Date of preparation, scale of plat, and north arrow. The scale shall be one (1) inch equals one hundred (100) feet minimum, unless otherwise approved.

(~~6~~7) A number or letter to identify each lot or site.

(~~7~~) ~~All building setback lines on all lots in the subdivision. The front of each lot shall be clearly designated.~~

(8) Proposed public easements for drainage, streets, and utilities.

(9) A ~~location inset~~ 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 (1) 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 insure 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 5. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-5 the language struckthrough below and adding to Section 14-5 the language underscored below, with the new Section 14-5 to read as follows:

"Sec. 14-5. Final plat.

(a) *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, incorporating any and all changes, modifications, alterations, corrections, and conditions as set out in the 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 (1) inch equals one hundred (100) feet minimum, unless otherwise approved by the commission. The final plat shall be drawn on mylar ~~tracing linen in India ink (or it may be a photographic reproduction on linen which is of equal or greater durability), and shall be one (1) of the following sizes: eighteen (18) inches by twenty-four (24) inches, eighteen (18) inches by thirty-six (36) inches, eighteen (18) inches by forty-eight (48) inches, or 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 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 11x17 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 drainageways, gullies, creeks and bayous, together with the location of the high bank of such drainage ways and water courses, lots, blocks, reserves, outtracts 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 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 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.

~~In addition to the above-stated requirements for the preliminary plat, the final plat, together with a full set of engineering drawings and specifications, shall provide the following information:~~

~~a. The exact location, dimensions, name, and description of all streets, alleys, reservations, easements, or other rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance, and length of all curves where appropriate.~~

~~b. The exact location, dimension, name, and description of all proposed public streets, alleys, drainage structures, parks, other public areas, reservations, easements or other public rights of way, blocks, lots and other sites within the subdivision with accurate dimensions, bearing or deflection angles with radii, area and central angles, degree of curvature, tangent distance and length of all curves where appropriate.~~

~~c. The designated street address and proposed access for each lot.~~

~~d. Names of contiguous subdivisions an indication of unsubdivided land, and an indication of whether or not contiguous properties are platted.~~

~~e. Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, and block numbers and similar data shall be referred.~~

~~f. The location, dimensions, description, and flow line of existing watercourses and drainage structures within the subdivision or on contiguous tracts.~~

~~g. Topographic information which shall include contours at such intervals as are satisfactory to the commission.~~

~~h. A location inset, 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 (1) mile.~~

(5) When filed with the commission, the final plat shall be accompanied ~~by drawings showing the following site improvement data~~ 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 ~~plat showing~~ plans and profiles of all streets, alleys, sidewalks, hike and bike paths, cross walkways, ~~and~~ monuments, and traffic control.

b. *Sanitary sewers.* Two (2) copies of the proposed ~~plat,~~construction plans showing the proposed locations and dimensions of sanitary sewer lines ~~shall be provided together with two (2) copies of~~ 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 ~~plat~~ showing contours and the location and the size of water lines and fire hydrants ~~shall be provided together with two (2) copies of~~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 ~~plat~~ indicating one-foot contours ~~shall be furnished~~. All street widths and grades and all drainage easements shall be indicated on the ~~plat~~plans, ~~runoff figures (based on a precipitation rate of one (1) inch per hour) shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers,~~ 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 lienholder, 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 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 lienholders, together with the recording information and date of the instruments by which such lienholders 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.

(b) *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.

(2) No final plat will be considered unless a preliminary plat has been submitted and conditionally approved.

(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.

(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."

Section 6. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by adding a new Section 14-5.1, with the new Section 14-5.1 to read as follows:

"**Sec. 14-5.1. Short form final plats.**

(a) Approval of platting under the short form procedure eliminates the necessity for a preliminary plat and follows the approval process for a final plat. Application fees for short form platting shall be paid at the time of application.

(b) A short form platting procedure may be requested if the final plat is authorized by the administrative officer and meets the following requirements:

1. No more than four (4) lots, tracts or reserves are included.

2. The area to be platted lies within an existing public street circulation system already approved by the city council;

3. The proposed development meets all the requirements of the existing zoning district;

4. The plat does not propose to vacate public street rights-of-way or easements;

5. The plat does not propose creation or extension of public rights-of-way.

6. The proposed development does not require any significant drainage improvements.

7. The proposed development is consistent with the thoroughfare plan and creates no significant traffic congestion on the existing public street system.

8. The proposed development creates no variance requests.

(c) This procedure shall not be available if there is evidence of previous repeated use by the owner of the short form procedure in a manner to circumvent the intent of this chapter or the requirements for larger scale development.

(d) The short form plat shall meet all of the requirements for a final plat."

Section 7. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by adding a new Section 14-5.2, with the new Section 14-5.2 to read as follows:

"**Sec. 14-5.2. Amending plat.**

Amending Plats only are applicable to Residential Land Uses. Amending plat procedure shall be in accordance with the current Texas Local Government Code.

(a) An amending plat shall meet all of the informational requirements set forth for a final plat.

(b) The city administrator or an employee designated by the city administrator may approve, and the mayor shall sign, an amending plat that complies with this section. The city or designated employee may, for any reason, elect to present the amending plat to the planning commission or the city council, or both, for approval or disapproval, as in the case of other plats. The city administrator or designated employee may not disapprove an amending plat. If the city administrator or designed employee refuses to approve the plat, he shall refer it to the planning commission or city council, or both, as in the case of other plats, within the time period applicable to other plats. The amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, may be approved if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

1. Correct an error in a course or distance shown on the preceding plat;

2. Add a course or distance that was omitted on the preceding plat;

3. Correct an error in a real property description shown on the preceding plat;

4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats. Such errors may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

7. To correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for amending the plat, neither lot is abolished, the amendment does not attempt to remove recorded covenants or restrictions, the amendment does not have a materially adverse effect on the property rights of the owners in the plat;

8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or

9. Relocate one or more lot lines between one or more adjacent lots if:

   a. The owners of all those lots join in the application for amending the plat;

   b. The amendment does not attempt to remove recorded covenants or restrictions;

   c. The amendment does not increase the number of lots.

10. To replat one or more lots fronting on an existing street if:the owners of all those lots join in the application for amending the plat; the amendment does not attempt to remove recorded covenants or restrictions; the amendment does not increase the number of lots; and the amendments does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(c) Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

(d) When an amending plat is prepared, the surveyor shall be required to survey only those lots which are affected by the changes. The surveyor shall sign the replat stating the lots which have changed in addition to any other corrections which have been made.

(e) The property owners for the lots which are changed shall be the only additional signatures necessary to the original signatures."

Section 8. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-7 the language struckthrough below and adding to Section 14-7 the language underscored below, with the new Section 14-7 to read as follows:

"Sec. 14-7. Standards and specifications.

(a) *Lots.*

(1) *Lot configuration.* Each lot formed by subdivision shall have a configuration limited to five (5) property lines, and any creek forming a boundary of a lot shall be considered as one (1) property line of such lot for this purpose. Radial lots on a dead end street may have up to six (6) property lines.

(2) *Radial lots.* Radial lots shall have a minimum right-of-way frontage of forty (40) feet. These lots shall also have a minimum width and depth consistent with the City's Zoning Ordinance. The width shall be measured at the front building line. The lot depth shall be measured taking the average of the side lot lines and the maximum radial depth. The side lot lines of residential lots shall be radial to the street or curve of the front lot line of such lot. At the minimum setback, the main building orientation shall be consistent with the setback of the adjacent lot(s) and complement adjacent homes creating a consistent neighborhood look.

(3) *Lot dimensions.* The dimensions of each lot formed by subdivision shall equal or exceed those dimensions required by the city's zoning ordinance, as heretofore or hereafter amended, for lots in the particular zoning district in which the lot is located. All lots, regardless if radial or parallel to the street, must have the minimum lot width at the front setback line.

(b) *Streets.*

(1) *Street layout.* In any subdivision, the subdivider shall provide streets in conformity with the requirements of this chapter and any other ordinance of the city. Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, and location of each shall conform to the comprehensive plan of the city and shall be considered in relation to existing and planned streets, topographical conditions, public safety and convenience, and in its appropriate relationship to the proposed uses of land to be served by such streets. A street layout shall be devised for the most advantageous development of the entire neighborhood.

(2) *Relation to adjoining street system.* Where necessary, as may be determined by the planning and zoning commission, existing or proposed streets in areas adjoining the proposed subdivision shall be continued.

(3) *Minimum street frontage.* As used herein, zoning district A and zoning district B refer to those zoning districts established by and described in the city's zoning ordinance, as heretofore or hereafter amended.

~~a. *Zoning district A.* In zoning district A, each lot in a new subdivision must have direct frontage of at least one hundred ten (110) feet on a new or existing dedicated public street, unless the entire frontage of such lot is on the arc of a cul-de-sac which is part of such a street, in which event the minimum direct street frontage requirement for such lot shall be forty (40) feet.~~

~~b. *Zoning district B.* In zoning district B, each lot in a new subdivision must have a direct frontage of at least eighty (80) feet on a new or existing dedicated public street, unless the entire frontage of such lot is on the arc of a cul de sac which is part of such a street, in which event the minimum direct street frontage requirement for such lot shall be forty (40).~~

(4) *Certain requirements regarding cul-de-sacs.* In a new subdivision, each cul-de-sac shall be platted to the following:

a. ~~have a~~ A right-of-way radius of ~~thirty-five (35)~~ forty (40) feet, measured from the center point of such cul-de-sac to the exterior edge of the ~~pavement~~ right of way;

b. Cul-de-sacs must serve 3 or more lots; and

c. Length must be a minimum of 250 feet measured from the nearest edge of the right-of-way of the intersecting street to the center of the cul-de-sac.

~~The minimum length of a cul de sac street shall be one hundred thirty-five (135) feet, measured from the center point of the cul de sac to the nearest intersecting street right-of-way. No island or islands shall be permitted in a cul-de-sac. Each lot on a cul-de-sac portion of a street shall have straight side property lines extending from the front line (street right-of-way line) of the lot to at least the front building line on such lot.~~

(5) *Rights-of-way and pavement widths.* Except for cul-de-sacs, street rights-of-way shall be a minimum of fifty (50) feet in width; provided, however, the commission and city council may, upon written application, in their discretion, authorize a street right-of-way of not less than forty (40) feet in width if such right-of-way (i) is adjacent to an easement dedicated to the public for utility and drainage purposes, (ii) when combined with such adjacent public easement, would have a width of not less than fifty (50) feet, and (iii) is so located that logically it would not be extended to connect with another existing or proposed street. Cul-de-sac rights-of-way shall have a minimum radius, measured from the center of the cul-de-sac to the front lot lines, of ~~thirty-five (35)~~ forty (40) feet. Except as hereinafter provided, pavement widths shall be a minimum of twenty-eight (28) feet for curbed and guttered streets, and twenty-four (24) feet for noncurbed and

guttered streets. ~~If a street is less than two hundred fifty (250) feet in length, has access only from one (1) other street, and terminates at the other end with a cul-de-sac, its pavement width shall be a minimum of twenty (20) feet. The length of such a street shall be determined by measurement along the center line of such street from its point of intersection with the nearest right-of-way line of the street providing access thereto to the outer right-of-way line of the cul-de-sac.~~ Pavement widths for curbed and guttered streets shall be measured from back of curb to back of curb. Pavement widths for noncurbed and guttered streets shall be measured from edge of pavement to edge of pavement. Cul-de-sac pavement widths shall have a radius of thirty-five (35) feet, measured from the center point of such cul-de-sac to the exterior edge of the pavement. The center point of the pavement on a cul-de-sac shall be the same as the center point of the cul-de-sac right-of-way. No island or islands shall be constructed in a cul-de-sac. The applicant cannot dedicate right-of-way and "NOT Pave" the cul-de-sac bulb. All streets shall be designed, constructed, and installed in accordance with ~~"City of Bunker Hill Village Minimum Construction Standards for Public Works."~~the most recently adopted Harris County's "Standard Engineering Design Specifications for Construction and Maintenance of Roads and Bridges."

(6) *Street signs.* Street signs shall be installed by the ~~subdivider~~ City at all intersections within or abutting the subdivision. ~~Such signs shall be of a type approved by the city and shall be installed in accordance with standards of the Manual for Uniform Traffic Control Devices adopted and approved by the state department of public safety.~~

(7) *Exceptions for subdivisions where lots are adjacent to existing public streets.* Notwithstanding any other provision of this chapter to the contrary, a subdivision of land may be approved without compliance with the above minimum street requirements if each lot within the proposed subdivision is adjacent to an existing public street, and the adjacent public street complies with the following minimum requirements:

a. For dead-end streets under five hundred (500) feet in length:

1. No cul-de-sac shall be required;

2. Pavement width shall be not less than twenty (20) feet; and

3. The developer/subdivider shall dedicate, for public use, either:

i. Roadway right of way of not less than forty (40) feet in width; or

ii. A street easement of not less than thirty (30) feet in width, plus a ten-foot wide drainage and utility easement adjacent to such street easement.

b. For dead end streets between five hundred (500) feet and eight hundred (800) feet in length:

1. A thirty five -foot radius paved cul-de-sac, with no island, shall be provided at the end of such street;

2. The developer/subdivider shall dedicate for public use, and improve for public street purposes, either:

i. A roadway right-of-way of not less than 50 feet in width, with a curb and gutter concrete pavement having a surface width of 28 feet; or

ii. A street easement of not less than thirty-five (35) feet in width, with an asphalt pavement having a surface width of twenty-two (22) feet, plus a ten-foot wide drainage and utility easement adjacent to such street easement.

c.

For dead end streets over eight hundred (800) feet and through streets:

1. For a dead end street, a thirty-five (35) foot radius paved cul-de-sac, with no island, shall be provided at the end of such street;

2. The developer/subdivider shall dedicate for public use, and improve for public street purposes, either:

i. A roadway right-of-way of not less than fifty (50) feet in width, with a curb and gutter concrete pavement having a surface width of twenty-eight (28) feet; or

ii. A street easement of not less than forty (40) feet in width, with an asphalt pavement having a surface width of twenty-four (24) feet, plus a ten-foot wide drainage and utility easement adjacent to such street easement.

(c) *Water supply and distribution.* All subdivisions shall be provided with ~~approved~~ water supply, water distribution systems, and fire hydrants designed, constructed and installed as approved by the City of Bunker Hill Village in accordance with the ~~City of Bunker Hill Village Minimum Construction Standards for Public Improvements~~ City Of Houston Department Of Public Works And Engineering, Infrastructure Design Manual.

(d) *Sanitary sewers.* All subdivisions shall be provided with ~~an approved~~ a sanitary sewer system designed, constructed and installed as approved by the City of Bunker Hill Village in accordance with the City Of Houston Department Of Public Works And Engineering, Infrastructure Design Manual. ~~in accordance with the City of Bunker Hill Village Minimum Construction Standards for Public Improvements.~~

(e) *Monuments.* Concrete monuments, or an approved equal, six (6) inches in diameter and twenty-four (24) inches long, shall be placed at all major corners unless otherwise approved in writing by the ~~director of public works~~Building Official. A copper pin, or approved equal, one-quarter-inch in diameter shall be embedded at least three (3) inches in the monument at the exact intersection point. Any such monument shall be set at such an elevation that it will not be disturbed during construction, and the top of the monument shall be approximately flush with the ground after contemplated improvements are completed.

(f) *Drainage.*

(1) *Natural drainageway.* Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, the subdivider must dedicate a public easement or right-of-way conforming substantially to the outer limits of such watercourse, drainageway, natural channel or stream, plus such additional width to accommodate projected future runoff as determined by the planning and zoning commission and the city council.

(2) *Drainage facilities.* Drainage facilities sufficient to drain all lots in the subdivision shall be installed by the subdivider in accordance wtih the City of Bunker Hill Village Drainage Ordinance and Criteria Manual. ~~The sufficiency of such drainage facilities shall be determined by the planning and zoning commission and the city council.~~ Such drainage facilities shall be designed, constructed, and installed as approved by the City of Bunker Hill Village in accordance with the City Of Houston Department Of Public Works And Engineering, Infrastructure Design Manual. ~~City of Bunker Hill Village Minimum Construction Standards for Public Improvements~~.

(3) *Lot drainage.* All surface water runoff ~~from a lot shall drain into a contiguous street unless an alternate method of drainage is approved by the~~

~~planning and zoning commission and the city council.~~ must conform to the City of Bunker Hill Village Drainage Ordinance and Criteria Manual.

(g) *Hike and bike trails.* Easements for hike and bike trails will be provided as required by the commission and the council."

Section 9. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-8 the language struckthrough below and adding to Section 14-8 the language underscored below, with the new Section 14-8 to read as follows:

"Sec. 14-8. Construction of public improvements.

(a) *Construction plans.* Construction plans and profile sheets for all public improvements shall be submitted with the application for final plat approval. The approval of the final plat shall be contingent upon approval of such construction plans by the ~~director of public works~~Building Official~~and the planning and zoning commission~~. Construction plans and profile sheets shall be prepared and submitted in accordance with the provisions of the City of Bunker Hill Village. ~~Minimum Construction Standards for Public Improvements~~.

(b) *Inspection of construction.* The ~~director of public works~~Building Official or his duly authorized representative shall fully inspect any and all phases of the construction of public improvements for the subdivision. The subdivider or his contractor shall maintain daily contact with the ~~director of public works~~Building Official during the period of construction of such improvements. No sanitary sewer, water or stormwater pipe shall be covered without the prior approval of the ~~director of public works~~Building Official or his representative. No flexible base material, subgrade material or stabilization shall be applied to a street subgrade without such prior approval. No concrete may be poured or applied to the base of any such street without such prior approval by the ~~director of public works~~Building Official. The ~~director of public works~~Building Official may at any time cause any construction, installation or maintenance of such improvements to cease when, in his judgment, the requirements of this chapter or the standards and specifications set forth herein or adopted hereby have been violated, and he may require such reconstruction or other work as may be necessary to correct any such violation.

(c) *Guarantee of performance.* No building, plumbing or electrical permit will be issued by the city to the owner or any other person with respect to any lot or property in a new subdivision, nor will any such lot or property be connected to or served by the city's water or sanitary sewer facilities, until and unless the final plat of such subdivision has been duly approved and recorded in the manner provided

for herein and the developer of such subdivision has complied with one (1) of the following requirements:

(1) *Completion and acceptance of improvements.* The developer has complied with all provisions of this chapter and the final plat regarding installations of all required improvements and the same have been approved and accepted by the city.

(2) *Performance bond.* The developer has filed a corporate surety bond issued by a company authorized to do business in the state with the city secretary in a sum equal to the cost of construction and installation of such improvements in the designated areas of the subdivision guaranteeing the construction and installation of such improvements within the time stated in such bond, which time shall be fixed by the ~~director of public works~~Building Official. The estimated costs of constructing and installing such improvements shall be determined by the ~~director of public works~~Building Official utilizing a private commercial rate basis.

(3) *Escrow deposit.* An escrow deposit in an amount sufficient to pay the cost of constructing and installing such improvements in such subdivision, as determined by the ~~director of public works~~Building Official utilizing a private commercial rate basis, has been made with the city secretary accompanied by an agreement executed by the developer authorizing the city to make such improvements at prevailing private commercial rates or to have the same made by a private contractor and to pay for the same out of the escrow deposit in the event the developer fails or refuses to install the required improvements within the time and in the manner stated in such agreement; however, in no event shall the city be obligated to make or cause to be made such improvements, either with such escrowed funds or its own funds. If and when such public improvements have been timely completed and have been approved and accepted by the city, the city will refund to the developer the principal amount of such escrow deposit. Any interest earned thereon will be retained by the city as compensation for its administration and other costs incurred in the handling of such escrow deposit.

(d) *Maintenance of dedicated improvements.* Disapproval of a plat shall be deemed a refusal by the city to accept the offered dedications shown thereon. Final approval of the plat shall not impose any duty upon the city concerning the construction or maintenance of public improvements of any dedicated areas shown thereon until the city council, after inspection and written recommendation by the ~~director of public works~~Building Official, has accepted such improvements by motion or resolution. The subdivider shall maintain such improvements for a period of one (1) year following the completion thereof and their acceptance by the city. Provided further, such one (1) year of required maintenance shall not begin until the subdivider files with the city a maintenance bond, executed by a

corporate surety company authorized to do business in the state and acceptable to the city, in an amount equal to one hundred (100) percent of the cost of construction and installation of such improvements, warranting that such improvements will render satisfactory operation for such one-year period.

(e) *Improvements constructed at expense of subdivider.* The subdivider shall construct at his expense all public improvements including, but not limited to, streets, alleys, culverts, bridges, drainage facilities, water lines, sanitary sewer lines, ~~street~~ traffic signs, fire hydrants, and hike and bike paths, within the subdivided property, all in accordance with the specifications and requirements of the city. Upon completion of such improvements and their acceptance by the city, the same shall become the property of the city unless otherwise provided herein."

Section 10. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-9 the language struckthrough below and adding to Section 14-9 the language underscored below, with the new Section 14-9 to read as follows:

"Sec. 14-9. Certification of completion of public improvements.

When the construction and installation of all public improvements in the subdivision have been completed in accordance with the approved final plat, plans and specifications, and requirements of the city and all cleanup work has been accomplished, the subdivider's engineer shall certify such fact in writing to the ~~director of public works~~Building Official and shall attach to such certification three (3) full size "as built" prints of the plat (prepared in accordance with the requirements of section 14-5(b)(2)), one (1) black line print at a scale of one hundred (100) feet per inch, or larger if requested in writing by the ~~director of public works~~Building Official, and one (1) 105-millimeter micromaster."

Section 11. Repeal. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 12. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2000. Each day of violation shall constitute a separate offense.

Section 13. Severability. 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 such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2014.

_____
Jay Williams
Mayor

ATTEST:

_____
Kelly Johnson
City Secretary

EXHIBIT "D"

ORDINANCE NO. _____

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 FOR THE CITY OF BUNKER HILL VILLAGE BY ADDING THE COMPREHENSIVE PLAN DESIGNATION TO SECTION 1.03, PURPOSE, THEREOF, ADDING OR AMENDING VARIOUS DEFINITIONS CONTAINED IN SECTION 2.01, GENERAL, THEREOF, AMENDING SECTION 5.04, AREA REGULATIONS, LOT SIZE, IN DISTRICT A TO ACCOUNT FOR PERMEABLE SURFACES, AMENDING SECTION 5.06, AREA REGULATIONS, SIZE OF YARDS IN DISTRICT A MAKING MANDATORY CERTAIN GREEN SPACE AND ALTERING THE REGULATIONS RELATED TO CUL-DE-SAC LOTS, AMENDING SECTION 5.07, GARAGE OR CARPORT, OF DISTRICT A RELATING TO CONFIGURATION OF GARAGES, AMENDING SECTION 5.08, ACCESSORY USE REGULATIONS, OF DISTRICT A TO ALTER THE LIMITATIONS OF THE USE OF ACCESSORY STRUCTURES, AMENDING SECTION 6.04, AREA REGULATIONS, LOT SIZE, IN DISTRICT B TO ACCOUNT FOR PERMEABLE SURFACES, AMENDING SECTION 6.06, AREA REGULATIONS, SIZE OF YARDS, IN DISTRICT B MAKING MANDATORY CERTAIN GREEN SPACE AND ALTERING THE REGULATIONS RELATED TO CUL-DE-SAC LOTS, AMENDING SECTION 6.07, GARAGE OR CARPORT, OF DISTRICT B RELATING TO CONFIGURATION OF GARAGES, AMENDING SECTION 6.08, ACCESSORY USE REGULATIONS, OF DISTRICT B TO ALTER THE USE OF ACCESSORY STRUCTURES, AMENDING SECTION 7.08, SWIMMING POOLS, TO REMOVE THE GREEN SPACE REQUIREMENT BETWEEN A SWIMMING POOL AND A REAR OR SIDE LOT LINE, AMENDING SECTION 8.04 TO REQUIRE THE PLANNING AND ZONING COMMISSION TO MAKE RECOMMENDATIONS TO CITY COUNCIL REGARDING DRAINAGE IN A SPECIFIC USE PERMIT APPLICATION, AMENDING SECTIONS 9.07 AND 9.08 TO ALLOW ACCESSORY OR DRIVEWAY STRUCTURES TO BE RECONSTRUCTED IN THE SAME LOCATION SO LONG AS SUCH STRUCTURES ARE NOT EXPANDED, AMENDING SECTION 10.04 TO REQUIRE THAT BUILDING PERMIT APPLICATIONS BE SUBMITTED IN CONFORMITY WITH CHAPTER 4, DEVELOPMENT, BUILDING AND CONSTRUCTION, AMENDING VARIOUS PROVISIONS OF APPENDIX "A" TO REMOVE REFERENCE TO "DIRECTOR OF PUBLIC WORKS"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF WITH EACH DAY BEING A NEW VIOLATION; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Bunker Hill Village, Texas charged the Planning and Zoning Commission with conducting a comprehensive review of the City's comprehensive zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has completed its comprehensive review of the City's comprehensive zoning ordinance; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of the citizens of the City of Bunker Hill Village to adopt the amendments to the comprehensive zoning ordinance contained herein; now, therefore

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

Section 1. The facts and matters set forth in the preamble are hereby found to be true and correct and adopted as if set forth herein.

Section 2. Section 1.03 of the Appendix "A" of the Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 1.03 to read as follows:

"1.03. Purpose.

The comprehensive zoning ordinance contained in this Appendix "A" shall serve as the City's Comprehensive Plan. The zoning regulations and districts herein established have been made ~~in~~ accord~~ance with a comprehensive plan~~ly, for the purpose of promoting the health, safety, and general welfare of the City of Bunker Hill Village, Texas, and its inhabitants. Such regulations and districts have been designed to lessen congestion of the streets, to secure safety from fire, panic, and other dangers; to facilitate adequate provisions for transportation, particularly in times of natural disaster when timely evacuation of the city is critical for the protection of lives; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions of water, sewage, drainage, schools, parks, and other public requirements. They have been made with reasonable consideration of the character of the districts and their suitability for a particular use, and with a view

of conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Bunker Hill Village."

Section 3. Section 2.01, General, of Article II, Definitions, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 2.01 to read as follows:

"2.01. General.

The following definitions shall apply in the interpretation and enforcement of this ordinance. Words and terms not defined herein shall be construed in accordance with the ordinances of the city or their customary usage and meaning. When necessary for a reasonable construction of this ordinance, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one (1) tense or form shall include other tenses or derivative forms. The word "building" shall include the meaning of the word "structure." The words "shall," "will," and "must" are mandatory, and the word "may" is directory.

A. *Accessory building* and *accessory use.* A building or use which is clearly subordinate and customarily incidental to and serves the principal or main building or use; is subordinate in area, extent, and purpose to the principal or main building or use served: contributes to the comfort, convenience or necessity of the occupant of the principal or main building or use; and is located on the same lot as the principal or main building or use. Notwithstanding the foregoing or any other provision contained in this appendix "A" to the contrary, no building, or any part thereof, constructed, altered, improved or used for the purpose of human habitation shall be deemed an accessory building hereunder. For the purposes hereof, a building or part thereof shall be deemed habitable if it is constructed, altered or improved so as to be suitable for, or used for, sleeping ~~or any other living~~ purposes. ~~Provided further, any building, or part thereof, equipped with heating, air conditioning, or any other form of climate control shall be deemed suitable for habitation.~~

B. *Basement* shall mean one or more floors of a building that are either completely or partially below the ground floor and are allowed only if the design is signed and sealed by a professional engineer.

~~B~~C. *Building* shall mean any structure designed or built for the support, shelter, protection, housing, or enclosure of persons, animals, ~~chattels,~~ or property of any kind.

~~C~~D. *Building area.* The maximum portion of a lot over which buildings and structures may be constructed.

~~D~~E. *Building height.* The vertical distance from the average finished grade of the ~~building~~ lot at the edge of the slab to the highest point of the building, excluding the chimney or chimneys.

~~E~~F. *Building line.* A line parallel or approximately parallel to and is equal distance from the property line ~~and beyond or outward of which~~ of which no building or structure shall be erected or constructed within. On a radial lot, the building line may be the arc created by the connection of parallel points or lines. The purpose of the building line is to establish the building area of the lot to provide for quality of life features and create consistency within subdivisions.

~~F~~G. *City.* The City of Bunker Hill Village, Texas.

~~G~~H. *City council.* The governing body of the City of Bunker Hill Village, Texas.

~~H~~I. *Dwelling, single-family.* A detached residential dwelling unit, other than a mobile home or trailer or any structure converted from a mobile home or trailer, designed for and occupied by one (1) family only.

~~I~~J. *Dwelling unit.* A residential unit providing complete, independent, living facilities for one (1) family including provisions for living, sleeping, cooking, eating, and sanitation.

~~J~~K. *Family.* One (1) or more persons, of which not more than two (2) are unrelated by blood, marriage, or adoption, living together as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, hotel, motel, club, fraternity or sorority house, apartment house, or duplex.

~~K~~L. *Garage or carport.* An accessory building or part of a main building used or designed for private storage only of motor vehicles used by the occupants of the building to which it is an accessory or of which it is a part.

M. *Green Space* shall mean an area of land reserved strictly for landscaping purposes only on which no structure can be built.

N. *Impermeable* shall mean a surface structure which does not allow liquids to pass through.

~~L~~O. *Lot.* A parcel of land occupied or intended for occupancy by a use permitted by this ordinance and being of sufficient size to meet the minimum applicable requirements for use, coverage, area, width, depth,

and parking and to provide such yards and other open spaces as are required herein. A lot shall have the minimum required frontage on a public street or on an existing ~~approved~~ private street.

~~M~~P. *Lot measurements*:

1. *Lot area.* The net area of the lot, expressed in square feet. Lot area shall not include any portion of a public street or alley.

2. *Lot depth.* The distance measured from the mid-point of the front lot line to the midpoint of the rear lot line or, in the event of a radial lot, the lot depth shall be measured taking the average of the side lot lines and maximum radial depth. ~~a lot has two (2) rear lot lines, to a point on one (1) of such two (2) rear lot lines, measured from the point of intersection of a side lot line with one (1) of the rear lot lines, which is a distance along the rear lot lines equal to one half of the sum of the lengths of the two (2) rear lot lines.~~

3. *Lot width.* The average horizontal distance between the side lot lines.

~~N~~Q. *Lot types:*

1. *Corner lot.* A lot abutting two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has the least dimension, unless otherwise specified by the Zoning Official ~~director of public works.~~

2. *Interior lot.* A lot other than a corner lot with only one (1) street frontage and which does not have a side lot line or lines which abut a street.

3. *Double frontage lot.* A lot other than a corner lot which abuts more than one (1) street.

~~O~~P. *Nonconforming use.* A lot, building, structure, yard, or use existing legally at the time of passage of this ordinance, or any amendment thereto, which, by reason of design or use, does not conform to the regulations of the district in which it is situated. A nonconforming use may relate to land, building, structure, or use, or any part thereof.

R. *Permeable* shall mean a surface structure which allows liquids to pass through. For the purposes hereof, permeable surfaces, such as pavers, shall be constructed in accordance with the City's specifications for permeable surfaces. Notwithstanding the foregoing, the actual water surface area of swimming pools shall be calculated as permeable area.

~~P~~S. *Recreational and utility vehicles.* Any motor vehicle, as that term is defined in Vernon's Ann. Civ. St. art. 6701a, § 2(b), as amended, which is designed for or used as a camper, motor home, travel trailer, or other similar purpose; any trailer, as that term is defined in Vernon's Ann. Civ. St. art. 6701d, § 5(a), as amended, which is designated for or used as a tent trailer, utility trailer, house trailer, vacation or camping trailer, or other similar purpose; any boat or boat trailer; or any livestock trailer.

~~Q~~T. *Setback.* The distance between the wall of a building, excluding steps, walkways, driveways, and those porches which are both unroofed and unenclosed, and the pertinent lot line or street line, whichever is closer. Setbacks and/or required yards on property abutting a private street shall be measured from the line demarking the edge of the easement of ingress and egress shown on the survey which is nearest the applicable lot.

~~R~~U. *Sign.* Any structure, device, or inscription which is located upon, attached to, or printed or represented on any land or on the outside of any building or structure, or on any awning, canopy, marquee, or similar appendage, or permanently affixed to the glass of a window or door so that it can be seen from the outside of the building or structure, and which displays or includes any numeral, letter, work, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, profession, enterprise, industry, activity, or any combination thereof. Where the word "sign" is used herein without modification, the same shall be understood to embrace all regulated signs and replicas.

V. *Street.* A public thoroughfare, or a private thoroughfare lawfully existing on the effective date of this ordinance, which affords the principal means of access to abutting property.

~~T~~W. *Street frontage.* The length of a lot line which is adjacent to a street.

~~U~~X. *Street line.* A right-of-way line of a street.

~~V~~Y. ~~*Structure.* Anything constructed or erected which requires location on the ground or is attached to something having a location on the ground.~~ *Structure* shall mean anything constructed or erected which requires location on the ground or is attached to something having a location on the ground including, but not limited to signs, fences, walls, poles, and buildings, whether of a temporary or permanent nature.

~~W~~Z. *Yard.* An open space at grade between a building and the adjoining lot lines, or street lines, whichever are closer, unoccupied and unobstructed by a portion of a building or structure from the ground upward, other than as specifically permitted by this ordinance. In measuring a yard for the purpose of determining the depth of a front yard, the depth of a side yard, and the depth of a rear yard, the minimum horizontal distance between the pertinent lot line or street line, whichever is closer, and the edge of the main building, inclusive of all roof overhangs, eaves, or any other protrusions beyond the walls thereof, shall be used.

~~X~~AA. *Yard, front.* A yard extending across the front of a lot between the side lot lines and being the horizontal distance between the front lot line or front street line, whichever is closer, and the front of the main building. The front lot line shall be the lot line abutting the street which provides access to the lot or, in the case of a corner lot, the lot line abutting the street toward which the front of the main building faces.

~~Y~~BB. *Yard, rear.* A yard extending across the rear of a lot between the side lot lines the minimum horizontal distance between the rear lot line or lines and the rear of the main building. On all lots the rear yard shall be to the rear of the front yard.

~~Z~~CC. *Yard, side.* A yard extending from the required front yard to the required rear yard and being the horizontal distance between each side lot line or side street line, whichever is closer, and the nearest side of the main building.

DD. *Zoning Official* shall mean the administrative official designated by city council and charged with enforcement of this Zoning Ordinance."

Section 4. Section 5.04, Area Regulations, Size of Lot, of Article V, District A Regulations, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 5.04 to read as follows:

"§ 5.04. Area regulations, size of lot.

The following area regulations shall apply to all lots and building areas.

A. *Lot area.* No building shall be erected, constructed, or placed on a lot having less than twenty thousand (20,000) square feet in area.

B. *Impermeable ~~Building~~ building area calculation.* The impermeable building area shall not exceed forty-five (45) percent of the area of the lot. For the purposes hereof, impermeable building area shall include

portions of a lot which are covered with buildings or structures ~~which render the underlying ground impermeable~~, including, but not limited to, building foundations, driveways, sidewalks, walkways, sundecks, patios, or tennis courts, and other impervious surfaces. Notwithstanding the foregoing, the actual water surface area of swimming pools ~~shall not be deemed as within a building area~~ shall be considered a permeable surface.

C. *Maximum Lot Coverage Calculation.* The maximum lot coverage calculation shall not exceed fifty-five percent (55%) of the area of the lot. This shall include both impermeable and permeable surfaces.

~~C~~D. *Lot depth.* The average depth of a lot shall be at least one hundred forty (140) feet.

~~D~~E. *Lot width, standard lot.* The width of a standard lot at the front property line, the width of that portion of the front property which must abut the front street line, and the average width of the lot shall be at least one hundred ten (110) feet each.

~~E~~F. *Lot width, cul-de-sac lot.* ~~To qualify as a cul-de-sac lot, the entire front property line of the lot must abut that portion of the front street line which forms the arc of the cul-de-sac. In that event~~ A cul-de-sac lot shall abut a portion of the front street line which forms the bulb or arc of the cul-de-sac. ~~the~~ The lot ~~width~~ frontage along ~~at~~ the front property line shall be at least forty (40) feet ~~on the arc of the front~~ measured along the property line; and the width of the lot at the front setback line shall be at least one hundred ten (110) feet measured on a straight line tangent to the front setback line. ~~If the entire front property line of a lot does not abut that portion of a front street line which forms the arc of a cul-de-sac, such lot shall be considered a standard lot and be subject to the width requirements set forth herein for a standard lot.~~"

Section 5. Section 5.06, Area Regulations, Size of Yards, of Article V, District A Regulations, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 5.06 to read as follows:

"**§ 5.06. Area regulations, size of yards..**

The following regulations shall apply to all yards:

A. *Front yard, standard lot.* On a standard lot there shall be a front yard with a depth of at least fifty (50) feet. Along side lot lines within a

required front yard, a five foot (5') wide green space shall be maintained.

~~B.~~ *Front yard, cul-de-sac lot.* ~~If the entire front property line of a cul-de-sac lot abuts that portion of the front street line which forms the arc of a cul-de-sac, such lot shall have a front yard with a depth of at least forty (40) feet.~~ A cul-de-sac lot shall abut a portion of the front street line which forms the bulb or arc of the cul-de-sac. Such lot shall have a front yard depth of at least forty feet (40'), and shall complement adjacent homes creating a consistent neighborhood look as approved by the Zoning Official. Along side lot lines within a required front yard, a five foot (5') wide green space shall be maintained.

C. *Side yards.* There shall be two (2) side yards on each lot. Each side yard shall have a depth of at least twenty (20) feet. Along side lot lines within a required front yard a five-foot wide green space shall be maintained.

D. *Rear yard.* Each lot shall have a rear yard with a depth of at least twenty-five (25) feet. In addition to this requirement, if a two-story main building is hereafter erected, constructed, or placed on a lot or if a second story is hereafter added to an existing one-story main building, the second story of such building shall be set back from the rear lot line of the lot on which it is situated a distance of at least forty (40) feet. As used herein, the term "second story" shall be deemed to include all portions of the building above the point where the top of the floor of the second story intersects or, if extended on a horizontal plane, would intersect the wall or roof of such building. Along rear lot lines a five (5) foot wide green space shall be maintained.

E. *Overhang and encroachments into yard space prohibited, with exceptions.* No balcony, cornice, eave, roof overhang, or protrusion of any kind or character from the walls or roof of a building or structure, other than uncovered and unenclosed driveways, walkways, steps, and porches, shall extend into or beyond any required yard or building line a distance of more than thirty (30) inches."

Section 6. Section 5.07, Garage or Carport, of Article V, District A Regulations, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 5.07 to read as follows:

"**§ 5.07. Garage or carport.**

Every single-family dwelling must have a roofed garage or carport with a floor space of at least four hundred (400) square feet and configured to accommodate at least two standard sized, four-wheeled, automobiles parked side by side. If a garage or carport is attached to the dwelling, it shall be considered a part thereof and subject to the minimum yard and setback requirements of the main building; otherwise, such garage or carport shall be deemed an accessory building or structure and subject to the regulations and minimum setback requirements applicable thereto."

Section 7. Section 5.08, Accessory Use Regulations, of Article V, District A Regulations, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 5.08 to read as follows:

"**§ 5.08. Accessory use regulations.**

The following regulations shall apply to all accessory buildings, structures, and uses:

A. *Limitations on use.* An accessory building, structure, or use shall not be rented, shall not be used for ~~business~~, commercial, or manufacturing purposes, and shall not contain any kitchen, living, or sleeping facilities. The foregoing notwithstanding, an accessory building or use subordinate to a main ~~church~~ building may contain kitchen or living facilities for use in conjunction with ~~church-related~~ recreational activities only~~; neither such accessory building or use shall be rented or used for business, commercial, or manufacturing purposes~~.

B. *Distance requirements from main building.* No wall of an accessory building or use shall be located less than six (6) feet from an outside wall of the main building. An accessory building or use may be connected to the main building by a covered walkway; provided, however, such covered walkway shall not be more than six (6) feet in width.

C. *Restrictions on location.* Except as specifically permitted in this section or elsewhere in this ordinance, an accessory building, structure, or use shall not be erected, constructed, installed, placed, or maintained in any required yard. On an interior lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line and at least ten (10) feet

from each side lot line. On a corner lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line; at least ten (10) feet from the interior side yard line (the side yard line farthest removed from the side street); and at least twenty (20) feet or a distance at least equal to the required depth of that yard of the contiguous lot which abuts such side street, whichever is greater, from the interior side lot line (the side lot line which abuts the side street).

D. *Placement of windows and doors.* Windows and doors shall not be allowed on the side(s) of Accessory Structures which have less than the required main structure setback. Windows and doors on Accessory Structures can only face internally to the lot."

Section 8. Section 6.04, Area Regulations, Size of Lot, of Article VI, District B Regulations, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 6.04 to read as follows:

"§ 6.04. Area regulations, size of lot.

The following area regulations shall apply to all lots and building areas.

A. *Lot area.* No building shall be erected, constructed, or placed on a lot having less than ten thousand (10,000) square feet in area.

B. *Impermeable ~~Building~~ building area calculation.* The impermeable building area shall not exceed forty-five (45) percent of the area of the lot. For the purposes hereof, impermeable building area shall include portions of a lot which are covered with buildings or structures ~~which render the underlying ground impermeable~~, including, but not limited to, building foundations, driveways, sidewalks, walkways, sundecks, patios, or tennis courts, and other impervious surfaces. Notwithstanding the foregoing, the actual water surface area of swimming pools ~~shall not be deemed as within a building area~~ shall be considered a permeable surface.

C. *Maximum Lot Coverage Calculation.* The maximum lot coverage calculation shall not exceed fifty-five percent (55%) of the area of the lot. This shall include both impermeable and permeable surfaces.

~~C~~D. *Lot depth.* The average depth of a lot shall be at least one hundred ten (110) feet.

~~D~~E. *Lot width, standard lot.* The width of a standard lot at the front property line, the width of that portion of the front property which must abut the front street line, and the average width of the lot shall be at least eighty (80) feet each.

~~E~~F. *Lot width, cul-de-sac lot.* ~~To qualify as a cul-de-sac lot, the entire front property line of the lot must abut that portion of the front street line which forms the arc of the cul-de-sac. In that event~~ A cul-de-sac lot shall abut a portion of the front street line which forms the bulb or arc of the cul-de-sac. ~~the~~ The lot ~~width~~ frontage along ~~at~~ the front property line shall be at least forty (40) feet ~~on the arc of the front~~ measured along the property line; and the width of the lot at the front setback line shall be at least eighty (80) feet measured on a straight line tangent to the front setback line. ~~If the entire front property line of a lot does not abut that portion of a front street line which forms the arc of a cul-de-sac, such lot shall be considered a standard lot and be subject to the width requirements set forth herein for a standard lot.~~"

Section 9. Section 6.06, Area Regulations, Size of Yards, of Article VI, District B Regulations, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 6.06 to read as follows:

"§ 6.06. Area regulations, size of yards.

The following regulations shall apply to all yards:

A. *Front yard, standard lot.* On a standard lot there shall be a front yard with a depth of at least twenty-five (25) feet. Along side lot lines within a required front yard, a two and one-half foot (2.5') wide green space shall be maintained.

B. *Front yard, cul-de-sac lot.* ~~If the entire front property line of a cul-de-sac lot abuts that portion of the front street line which forms the arc of a cul-de-sac, such lot shall have a front yard with a depth of at least twenty (20) feet.~~ A cul-de-sac lot shall abut a portion of the front street line which forms the bulb or arc of the cul-de-sac. Such lot shall have a front yard depth of at least twenty feet (20'), and shall complement adjacent homes creating a consistent neighborhood look as approved by the Zoning Official. Along side lot lines within a required front yard, a two and one-half foot (2.5') wide green space shall be maintained.

C. *Side yards.*

(1) There shall be two (2) side yards on each lot. Each side yard shall have a depth of at least ten (10) feet.

(2) Along side lot lines within a required front yard, a two and one-half foot wide green space shall be maintained. Notwithstanding the foregoing, a vehicle driveway may be reconstructed within a required front yard green belt if the reconstructed driveway is located no nearer than:

(i) one (1) foot from the side lot line; or

(ii) the distance between the preexisting driveway and the side lot line before reconstruction, whichever encroaches into the required greenbelt the least.

(3) In addition to the requirement of subsection (1), if a two-story main building is hereafter erected, constructed, or placed on a lot, or if a second story is hereafter added to an existing one story main building, the second story of such building, if situated on an interior lot, shall be set back from each side lot line a distance of at least fifteen (15) feet; if situated on a corner lot, the second story of such building shall be set back from the interior side lot line (the side farthest removed from the side street) a distance of fifteen (15) feet; and on the exterior side yard a distance at least equal to the required set back of the first story of such building. As used herein, the term "second story" shall be deemed to include all portions of the building above the point where the top of the floor of the second story intersects or, if extended on a horizontal plane, would intersect the wall or roof of such building. Along side lot lines, within a required front yard, a two and one-half-foot wide green space shall be maintained.

(4) Notwithstanding the foregoing, the expansion of a main building into a required side yard shall be permitted if the expansion is located no nearer than:

(i) five feet (5') from the side lot line; or

(ii) the distance between the main building and the side lot line before the expansion, whichever encroaches into the required greenbelt the least.

D. Rear yard. Each lot shall have a rear yard with a depth of at least ten (10) feet. In addition to this requirement, if a two-story main building is hereafter erected, constructed, or placed on a lot or if a second story is hereafter added to an existing one-story main building, the second story of such building shall be set back from the rear lot line of the lot on which it is situated a distance of at least twenty-five (25) feet. As used herein, the term "second story" shall be deemed to include all portions of the building above the point where the top of the floor of the second story intersects or, if extended on a horizontal plane, would intersect the wall or roof of such building. Along rear lot lines a two and one-half (2.5) foot wide green space shall be maintained.

E. Overhang and encroachments into yard space prohibited, with exceptions. No balcony, cornice, eave, roof overhang, or protrusion of any kind or character from the walls or roof of a building or structure, other than uncovered and unenclosed driveways, walkways, steps, and porches, shall extend into or beyond any required yard or building line a distance of more than thirty (30) inches."

Section 10. Section 6.07, Garage or Carport, of Article VI, District B Regulations, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 6.07 to read as follows:

"§ 6.07. Garage or carport.

Every single-family dwelling must have a roofed garage or carport with a floor space of at least four hundred (400) square feet and configured to accommodate at least two standard sized, four-wheeled, automobiles parked side by side. If a garage or carport is attached to the dwelling, it shall be considered a part thereof and subject to the minimum yard and setback requirements of the main building; otherwise, such garage or carport shall be deemed an accessory building or structure and subject to the regulations and minimum setback requirements applicable thereto."

Section 11. Section 6.08, Accessory Use Regulations, of Article VI, District B Regulations, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 6.08 to read as follows:

"§ 6.08. Accessory use regulations.

The following regulations shall apply to all accessory buildings, structures, and uses:

A. *Limitations on use.* An accessory building, structure, or use shall not be rented, shall not be used for ~~business~~, commercial, or manufacturing purposes, and shall not contain any kitchen, living, or sleeping facilities. The foregoing notwithstanding, an accessory building or use subordinate to a main ~~church~~ building may contain kitchen or living facilities for use in conjunction with ~~church-related~~ recreational activities only~~; neither such accessory building or use shall be rented or used for business, commercial, or manufacturing purposes~~.

B. *Distance requirements from main building.* No wall of an accessory building or use shall be located less than six (6) feet from an outside wall of the main building. An accessory building or use may be connected to the main building by a covered walkway; provided, however, such covered walkway shall not be more than six (6) feet in width.

C. *Restrictions on location.* Except as specifically permitted in this section or elsewhere in this ordinance, an accessory building, structure, or use shall not be erected, constructed, installed, placed, or maintained in any required yard. On an interior lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least five (5) feet from the rear lot line and at least five (5) feet from each side lot line. On a corner lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least five (5) feet from the rear lot line; at least five (5) feet from the interior side yard line (the side yard line farthest removed from the side street); and at least fifteen (15) feet or a distance at least equal to the required depth of that yard of the contiguous lot which abuts such side street, whichever is greater, from the interior side lot line (the side lot line which abuts the side street).

D. *Placement of windows and doors.* Windows and doors shall not be allowed on the side(s) of Accessory Structures which have less than the required main structure setback. Windows and doors on Accessory Structures can only face internally to the lot."

Section 12. Section 7.08, Swimming Pools, of Article VII, Supplementary District Regulations, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 7.08 to read as follows:

"**§ 7.08. Swimming pools.**

To qualify as an accessory structure or use, a swimming pool must comply with all yard and setback requirements of the main building unless such swimming pool is located in the rear one-third of the lot, in which event the following shall apply: If located in the rear one-third of an interior lot, a swimming pool must be set back at least ten (10) feet from the rear lot line and at least ten (10) feet from each side lot line. If located in the rear one-third of a corner lot, a swimming pool must be set back at least ten (10) feet from the rear lot line, at least ten (10) feet from the interior side lot line (the side lot line farthest removed from the side street), and at least twenty (20) feet or a distance at least equal to the required depth of that yard of the contiguous lot which abuts such side street, whichever is greater, from the exterior side lot line (the side lot line which abuts the side street). All of the foregoing measurements shall be taken from the nearest water's edge of such swimming pool. ~~Further, in all instances there must be a green space measuring at least five (5) feet in width between a swimming pool and the rear and side lot lines of the lot upon which such swimming pool is located.~~"

Section 13. Section 7.11, Signs, Subsection C., Contractor and Architect Signs, of Article VII, Supplementary District Regulations, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 7.11 C. to read as follows:

"C. *Contractor and architect signs.* One (1) unilluminated sign identifying contractors and architects performing work on the lot or parcel of land on which the sign is located. Such a sign shall not exceed three (3) square feet in total area, shall be at least ten (10) feet from the nearest street right-of-way line, and shall not extend more than five (5) feet above the natural ground level in the immediate vicinity. Such a sign shall be removed upon substantial completion of the building or project for beneficial use, as determined by the city's ~~director of public works~~Zoning Official; provided, however, in no event shall such a sign be maintained on such lot or tract of land for more than two (2) years."

Section 14. Section 8.03, Procedure, of Article VIII, Specific Use Permits, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 8.03 to read as follows:

"**§ 8.03. Procedure.**

A specific use permit is an amendment to the district regulations of this ordinance and permits the permanent establishment of a specific use within a zoning district. The following conditions and procedures shall attend an application for a specific use permit:

A. *Amendment required.* The ~~director of public works~~ Zoning Official shall not issue a certificate of zoning compliance for such specific uses as may be hereafter created, changed, converted, or enlarged, in whole or in part, until and unless a specific use permit has been obtained in accordance with the amendment procedures set forth in article XIII of this ordinance.

B. *Application requirements.* Application for a specific use permit shall be made by the property owner or his or its certified agent or representative to the planning and zoning commission on forms prescribed for that purpose by the city council. Such application shall be accompanied by a ~~plot~~ site plan as set forth in ~~section 10.04~~ Chapter 4 of this code of ordinances. Specific use permits, revocable, conditional, or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the terms hereof. Granting a specific use permit does not exempt the applicant from complying with the requirements of the building code and all other ordinances of the city.

C. *Considerations.* In considering any application for a specific use permit, the planning and zoning commission shall give due regard to the nature and condition of all adjacent land, uses, and structures. Such commission may recommend disapproval of an application for a specific use permit or approval subject to such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to the regulations of the district in which the particular use is located, as it may deem necessary for the protection of adjacent properties and the public interest."

Section 15. Section 8.04, Planning and Zoning Commission Report, of Article VIII, Specific Use Permits, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 8.04 to read as follows:

"**§ 8.04. Planning and zoning commission report.**

Before any specific use is permitted in the applicable zoning district, a report from the planning and zoning commission must be directed to the city

council accompanied by the commission's recommendation for approval or denial. The report shall include, but need not be limited to, the following:

A. *Ingress and egress.* Ingress and egress to the property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in the event of fire or other catastrophe.

B. *Off-street parking.* Off-street parking and loading areas where required, with particular attention to the items set forth in subsection A of this section, and the economic, noise, glare, and other ~~affects~~ ~~[~~effects~~]~~ of the specific use on adjoining properties and other properties generally in the district and city.

C. *Service areas.* Refuse and service areas, with particular reference to the items set forth in subsections A and B of this section.

D. *Utilities.* Utilities include water and wastewater with reference to location, availability, and compatibility.

E. *Drainage.* Drainage plans proposed to meet requirements of the City's Drainage Ordinance and Criteria Manual.

~~E~~F. *Screening and buffering.* Screening and buffering, either or both, with reference to type, dimensions, and character.

~~F~~G. *Signs and lighting.* Sign location and size, proposed exterior lighting with reference to glare and traffic safety and compatibility and harmony with adjacent property and other properties generally in the district and city.

~~G~~H *Trees, Yards and open spaces.* Landscaping and required yards, open spaces, and building setback lines.

~~H~~I. *Compatibility.* General compatibility with adjacent properties and other properties in the district and city.

~~I~~J. *Conformity.* The conformity of the proposed use with the requirements and intent of this ordinance and the comprehensive plan of the city."

Section 16. Section 8.05, City Council Action, of Article VIII, Specific Use Permits, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 8.05 to read as follows:

"§ 8.05. City council action.

The city council may accept or reject the recommendation of the planning and zoning commission and in conjunction therewith may grant or deny the application for a specific use permit. Every specific use permit granted by the city council shall be considered an amendment to this ordinance, as applicable to such property. In granting such permit, the city council may impose conditions which must be complied with by the grantee thereof before a certificate of zoning compliance may be issued by the ~~director of public works~~ Zoning Official for the use of the buildings and structures on such property pursuant to said specific use permit. Such conditions shall not be construed as conditions precedent to the granting of the specific use permit, but shall be construed as conditions precedent to the granting of a certificate of zoning compliance. Following the passage of a specific use permit ordinance by the city council, the ~~director of public works~~ Zoning Official may issue a building permit for the pertinent property as provided in article X hereof, and shall insure that development of such property is undertaken and completed in accordance with such specific use and building permits."

Section 17. Section 9.05, Nonconforming Lots, of Article IX, Nonconforming Uses, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 9.05 to read as follows:

"§ 9.05. Nonconforming lots.

See sections 5.05 and 6.05 of this ordinance."

Section 18. Section 9.07, Nonconforming Lots, of Article IX, Nonconforming Uses, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 9.07 to read as follows:

"§ 9.07. Nonconforming buildings and structures.

A building or structure lawfully existing on the effective date of this ordinance which is made nonconforming by the provisions of this ordinance for the reason that it could not be built under the terms hereof because of restrictions set forth herein relating to building area, lot coverage, height, yards, setback requirements, its location on the lot, or other requirements pertaining to buildings and structures, it may be continued as long as it remains otherwise lawful, subject to the following limitations and conditions:

A. *Enlargement or alteration.* No such nonconforming building or structure shall be enlarged or altered in a manner which increases its nonconformity; however, such building or structure may be altered to decrease its nonconformity.

B. *Destruction.* In the event such nonconforming building or structure or the nonconforming portion thereof should be destroyed by any force or means to the extent that the cost of repair exceeds fifty (50) percent of the value of the structure at the time of such destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. For purposes of this subsection, the value of the structure shall be the average cost per square foot of all new construction within the city for the last three (3) years based on certified values from the Harris County Appraisal District, as set forth in the City of Bunker Hill Village Fee Schedule as adopted by city council..

C. *Moved or relocated.* Should any such nonconforming building or structure be relocated or moved any distance whatever for any reason, it shall thereafter be made to conform to the regulations of the district in which it is relocated or to which it is moved.

This section shall not apply to the reconstruction of accessory or driveway structures whereby the reconstruction consists of the same, or less, land use, location, and size as the improvements previously in place. Reconstruction of the main structure requires all nonconforming aspects of the lot to be resolved."

Section 19. Section 9.08, Repairs, Modifications, and Maintenance, of Article IX, Nonconforming Uses, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 9.08 to read as follows:

"§ 9.08. Repairs, modifications, and maintenance.

A. On any nonconforming building or structure, work may be done on ordinary maintenance and repair.

B. On any nonconforming building or structure, the modification or replacement of nonbearing walls, fixtures, wiring, plumbing, and similar items shall be allowed after the owner thereof or his duly authorized representative has obtained any and all necessary permits to perform such work, only under the following conditions:

1. The cubic content of such building or structure existing at the time it became nonconforming shall not be increased; and

2. The modification of an existing structure involves structural modifications, including wall or ceiling board replacement, in rooms constituting no more than fifty (50) percent of the climate controlled square footage of the structure; provided, however, that this subsection shall not apply to situations where the wall board replacement is for the lowest forty-eight (48) inches of the first floor of the structure within sixty (60) days of a verifiable water damage event; and

3. The cost of repair or modification does not exceed fifty (50) percent of the value of the structure prior to the repair or modification. For purposes of this subsection, the value of the structure shall be the average cost per square foot of all new construction within the city for the last three (3) years based on certified values from the Harris County Appraisal District, as set forth in the City of Bunker Hill Village Fee Schedule as adopted by city council.

This section shall not apply to the reconstruction of accessory or driveway structures whereby the reconstruction consists of the same, or less, land use, location, and size as the improvements previously in place. Reconstruction of the main structure requires all nonconforming aspects of the lot to be resolved."

Section 20. Section 10.01, Administrative Official, of Article X, Administration, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 10.01 to read as follows:

"§ 10.01. Administrative official.

The provisions of this ordinance shall be administered and enforced by the ~~director of public works~~ Zoning Official of the city. Such ~~director~~ Zoning Official or his duly authorized representative shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings, structures, or premises necessary to carry out such director's duties in the enforcement of this ordinance."

Section 21. Section 10.02, Authority to Order Work Stopped, of Article X, Administration, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 10.02 to read as follows:

"§ 10.02. Authority to order work stopped.

Whenever any construction work is being done contrary to the provisions of this ordinance, the ~~director of public works~~ Zoning Official may order the work stopped by notice in writing served on the owner, resident, or contractor doing such work or causing it to be done, and any such person shall forthwith stop such work until he is authorized to proceed therewith by the ~~director of public works~~Zoning Official."

Section 22. Section 10.03, Building Permit Required, of Article X, Administration, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 10.03 to read as follows:

"§ 10.03. Building permit required.

No building or other structure shall be erected, constructed, remodeled, enlarged, structurally altered, added to, or moved in the city without a permit therefor approved and issued by the ~~director of public works~~ Building Official for and on behalf of the city. No such building permit shall be issued by the ~~director of public works~~ Building Official except in conformity with the provisions of this ordinance unless he receives a written order from the board of adjustment in the form of an administrative review, variance, or special exception as provided for herein."

Section 23. Section 10.04, Application for Building Permit, of Article X, Administration, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 10.04 to read as follows:

"§ 10.04. Application for building permit.

An application for a building permit shall be submitted in conformity with the requirements of Chapter 4 of the City of Bunker Hill Village Code of Ordinances, Development, Building and Construction. ~~accompanied by three (3) copies of an accurate plot plan of the lot upon which such improvements are to be built or made, together with such other plans as may be necessary to show compliance with this and all other ordinances of the city. All dimensions shown on such plot plan relating to the location and size of the lot shall be based on an actual survey by a public surveyor registered by the State of Texas, and the lot shall be staked out on the ground before construction is started. Such plot plan shall be drawn to scale and shall show thereon the following:~~

~~A. *Location of lot.* The street address of the lot, the name of the subdivision in which it is located, its lot and block number, or such other information as will readily identify and definitely locate such lot.~~

~~B. *Size of lot.* The actual shape and dimensions of the lot.~~

~~C. *Location of building.* The exact size and location on the lot of each existing building and structure, main or accessory.~~

~~D. *Building lines.* The lines within which each proposed building and structure shall be erected or built.~~

~~E. *Use of buildings.* The existing and intended use of each building, existing or proposed, on the lot.~~

F. ~~*Other information.* Such other information regarding the lot and neighboring lots as may be necessary to determine compliance with and to provide for the enforcement of this ordinance.~~"

Section 24. Section 10.05, Disposition of Plans, of Article X, Administration, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 10.05 to read as follows:

"**§ 10.05. Disposition of plans.**

One (1) copy of all plans submitted in conjunction with an application for a building permit shall be returned to the applicant by the ~~director of public works~~ Building Official after such ~~director~~ Building Official has marked such copy either "Permit Approved" or "Permit Disapproved," indicated thereon the date on which such action was taken, and attested the same by signing his name thereunder."

Section 25. Section 10.08, Certificate of Zoning Compliance, of Article X, Administration, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 10.08 to read as follows:

"§ 10.08. Certificate of zoning compliance.

It shall be unlawful for any person to use or occupy or to permit the use or occupancy of any building or land, either or both, in whole or in part, for which a certificate of zoning compliance is required by this ordinance until and unless a certificate of zoning compliance pertaining to such building or land has been issued by the ~~director of public works~~ Zoning Official. A certificate of zoning compliance shall be required for each of the following:

A. *Building, construction or alteration.* A building hereafter erected, constructed, converted, enlarged, or structurally altered in whole or in part.

B. *Building, change in use.* A change in the use of an existing building to a use of a different classification or character.

C. *Vacant land, occupancy.* The occupancy and use of vacant land.

D. *Land, change in use.* A change in the use of land to a use of a different classification or character.

E. *Other.* Any change in use of a conforming use or of a nonconforming use."

Section 26. Section 10.09, Procedure for Obtaining Certificate of Zoning Compliance, of Article X, Administration, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 10.09 to read as follows:

"§ 10.09. Procedure for obtaining a certificate of zoning compliance.

The following procedure shall be followed with respect to the application for and the issuance of a certificate of zoning compliance:

A. *For a new or altered building.* Written application for a certificate of zoning compliance relating to a new building or for an existing building which is to be structurally altered shall be made at the same time as the application for the building permit for such building or alteration is filed with the ~~director of public works~~ Building Official. After the erection or alteration of such building has been completed, the applicant shall certify such fact to the ~~director of public works~~ Zoning Official and request that he issue a certificate of zoning compliance. Such certification and request shall be in writing. Within ten (10) days after receipt of such certification and request, the ~~director of public works~~ Zoning Official shall inspect such building and if he finds the same to be in conformity with the provisions of this and other

pertinent ordinances of the city, he shall forthwith issue such certificate of zoning compliance.

B. *For vacant land or change in use.* Written application for a certificate of zoning compliance for the use of vacant land, or for a change in the use of land or a building, either or both, or for a change in a conforming or a nonconforming use shall be made to the ~~director of public works~~ Zoning Official. If the proposed use is permitted in the district in which such land or building is located and otherwise conforms with the provisions of this ordinance, the ~~director of public works~~ Zoning Official shall issue such certificate of zoning compliance within ten (10) days of the receipt by him of the request therefor."

Section 27. Section 12.01, Establishment of Schedule of Fees, of Article XII, Schedule of Fees, Charges, and Expenses, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 12.01 to read as follows:

"§ 12.01. Establishment of schedule of fees.

The city council shall establish a schedule of fees, charges, and expenses, and a procedure for their collection, for building permits, certificates of zoning compliance, specific use permits, changes in district classification, appeals, and other matters pertaining to this ordinance. Such schedule of fees shall be maintained in the office of the city secretary and the office of the ~~director of public works~~ Zoning Official, and may be amended, supplemented, or altered only by the city council. Until all applicable fees, charges, and expenses are paid in full, no action shall be taken on any such application or appeal."

Section 28. Section 13.02, Submission to Planning and Zoning Commission, of Article XIII, Amendments, of Appendix "A" is hereby amended by deleting the language struckthrough below and adding the language underscored below with the new Section 13.02 to read as follows:

"§ 13.02. Submission to planning and zoning commission.

Before taking action on any proposed amendment, supplement, or other change to this ordinance, including Specific Use Permits, the city council shall submit the proposed revision to the planning and zoning commission for its recommendation and report."

Section 29. Repeal. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 30. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2000. Each day of violation shall constitute a separate offense.

Section 31. Severability. 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 such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2014.

_____
Jay Williams
Mayor

ATTEST:

_____
Kelly Johnson
City Secretary