



EST. 1955

SPRING VALLEY

V I L L A G E

Board of Adjustment Meeting

January 22, 2018

7:00 p.m.



SPRING VALLEY
V I L L A G E

AGENDA

**City of Spring Valley Village
Board of Adjustment Meeting
Council Chambers of City Hall
1025 Campbell Road, Houston, Texas 77055
MONDAY, JANUARY 22, 2018 AT 7:00 P.M.**

1. **CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT**
2. **CONDUCT A PUBLIC HEARING CONCERNING:** Variance Request from Chapter 12 Planning and Zoning, Exhibit "A", Section 05 Building and Use Restrictions in Dwelling District "A", .02 Limitations and Restrictions, .03 Size and Area Requirements, .09 Building Line Setbacks, .02 Front Building Line Setbacks, .02 Front Building Line Setbacks Adjoining a Major Thoroughfare (*For a lot adjoining a major thoroughfare the minimum front building line setback shall be forty feet (40')*), to Reduce the Minimum Front Building Line Setback of Forty (40) Feet for the Property Located at 8818 Westview Drive to Twenty-Five (25) Feet.
 - A. Presentation of Variance Request by Applicant
 - B. Those In Favor
 - C. Those Opposed
 - D. Adjourn Public Hearing
3. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Variance Request from Chapter 12 Planning and Zoning, Exhibit "A", Section 05 Building and Use Restrictions in Dwelling District "A", .02 Limitations and Restrictions, .03 Size and Area Requirements, .09 Building Line Setbacks, .02 Front Building Line Setbacks, .02 Front Building Line Setbacks Adjoining a Major Thoroughfare (*For a lot adjoining a major thoroughfare the minimum front building line setback shall be forty feet (40')*), to Reduce the Minimum Front Building Line Setback of Forty (40) Feet for the Property Located at 8818 Westview Drive to Twenty-Five (25) Feet.
4. **ADJOURNMENT**

I certify that a copy of the January 22, 2018 Board of Adjustment agenda was posted this day, the 17th day of January, 2018 at 3:30 p.m. pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code.

Attest:


Roxanne Benitez, TRMC, CPM, CCC II
City Secretary

In compliance with the Americans with Disabilities Act, this facility is wheelchair accessible and accessible parking spaces are available. To better serve attendees, requests for accommodations or interpretive services should be made 48 hours prior to this meeting. Please contact the City Secretary's office at 713-465-8308, Fax 713-461-7969, or Email secretary@springvalleytx.com for further information.

**Spring Valley Village
Board of Adjustment
Agenda Item Data Sheet**

MEETING DATE: January 22, 2018

TOPIC: **CONDUCT A PUBLIC HEARING CONCERNING:** Variance Request from Chapter 12 Planning and Zoning, Exhibit "A", Section 05 Building and Use Restrictions in Dwelling District "A", .02 Limitations and Restrictions, .03 Size and Area Requirements, .09 Building Line Setbacks, .02 Front Building Line Setbacks, .02 Front Building Line Setbacks Adjoining a Major Thoroughfare (*For a lot adjoining a major thoroughfare the minimum front building line setback shall be forty feet (40')*), to Reduce the Minimum Front Building Line Setback of Forty (40) Feet for the Property Located at 8818 Westview Drive to Twenty-Five (25) Feet.

BACKGROUND: Brice and Denise Wilborn wish to demolish their existing home located at 8818 Westview Drive and construct a new one-story home on the lot with a 25 foot setback. Therefore, they are requesting a variance to the current 40 foot front building line setback as required by Section 05.02.03.09.02.02 of Exhibit "A" to Chapter 12, Zoning, of the Code of Ordinances.

RECOMMENDATION: Not applicable during the public hearing.

ATTACHMENTS:

- Variance Application Packet Submitted by Brice and Denise Wilborn for 8818 Westview Drive

FUNDING ISSUES:

Not applicable – no dollars are being spent or received.

Full amount already budgeted in Acct/Project# _____

Not budgeted, if approved, the following will be included in the next Budget Amendment:

\$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____

\$_____ from unassigned fund balance will be used and added to Acct/Project# _____

\$_____ will be added to Revenue Acct# __-____ and \$_____ added to Expenditure Acct/Project# _____

FINANCE VERIFICATION OF FUNDING:

Julie M. Robinson

SUBMITTING STAFF MEMBER: Julie M. Robinson, City Administrator	CITY ADMINISTRATOR APPROVAL:
--	---

ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	READING PASSED	OTHER
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RECEIVED
DEC 06 2017
(Signature)

**CITY OF SPRING VALLEY VILLAGE
APPLICATION FOR VARIANCE/SPECIAL EXCEPTION/APPEAL
TO BOARD OF ADJUSTMENT**

ZONING DISTRICT: RESIDENTIAL X COMMERCIAL _____
ACTION REQUESTED: VARIANCE X SPECIAL EXCEPTION _____ APPEAL _____

OWNER'S NAME: William Brice Wilborn and Denise Livings Wilborn
MAILING ADDRESS: 8818 Westview Drive Houston, Texas 77055-4705
PHONE NUMBER: (H) 713-468-1735 (C) 713-725-1897 (W) 713-658-2184
EMAIL ADDRESS: (H) wbdljd3w@swbell.net (W) bwilborn@pagethink.com

APPLICANT'S NAME (if different from Owner): SAME
MAILING ADDRESS: _____
PHONE NUMBER: _____
EMAIL ADDRESS: _____

PROPERTY ADDRESS: 8818 Westview Drive Houston, Texas 77055-4705

LEGAL DESCRIPTION OF PROPERTY: _____
PROJECT DESCRIPTION: Demolition of existing 1973 single-story single-family residence and detached carport structure and construction of new single-story single-family residence on same lot Cedarwood Lot 51, Block 6, Section 3

Request for variance concerns construction of new single-family residential structure at existing 25-foot building line on major thoroughfare in lieu of constructing to 40-foot building line.

SECTION OF CODE FOR WHICH VARIANCE IS REQUESTED:
Code of Ordinances, Chapter 12, Exhibit "A", Section 05.02.03.09.02.02, Front Building Line Setbacks Adjoining a Major Thoroughfare

- ATTACHMENTS:
- 1) \$350.00 FEE
 - 2) STAKED SURVEY - PLOT PLAN SHOWING ALL EXISTING STRUCTURES WITH DIMENSIONS AND DISTANCES FROM PROPERTY LINES
 - 3) BASIS FOR APPEAL AND HOW HARDSHIP CRITERIA HAVE BEEN MET
 - 4) PROOF OF OWNERSHIP
 - 5) ARCHITECTURAL SCALE DRAWING
 - 6) DEED RESTRICTIONS, IF APPLICABLE
 - 7) ADDITIONAL INFORMATION FOR CONSIDERATION BY BOARD OF ADJUSTMENTS

I, THE APPLICANT NAMED IN THIS APPLICATION, HAVE READ THE CONTENTS AND VERIFY THAT ALL STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND CORRECT.

APPLICANT'S SIGNATURE: *Denise Livings Wilborn*

DATE: 2017.12.04



1" = 30'

LEGEND

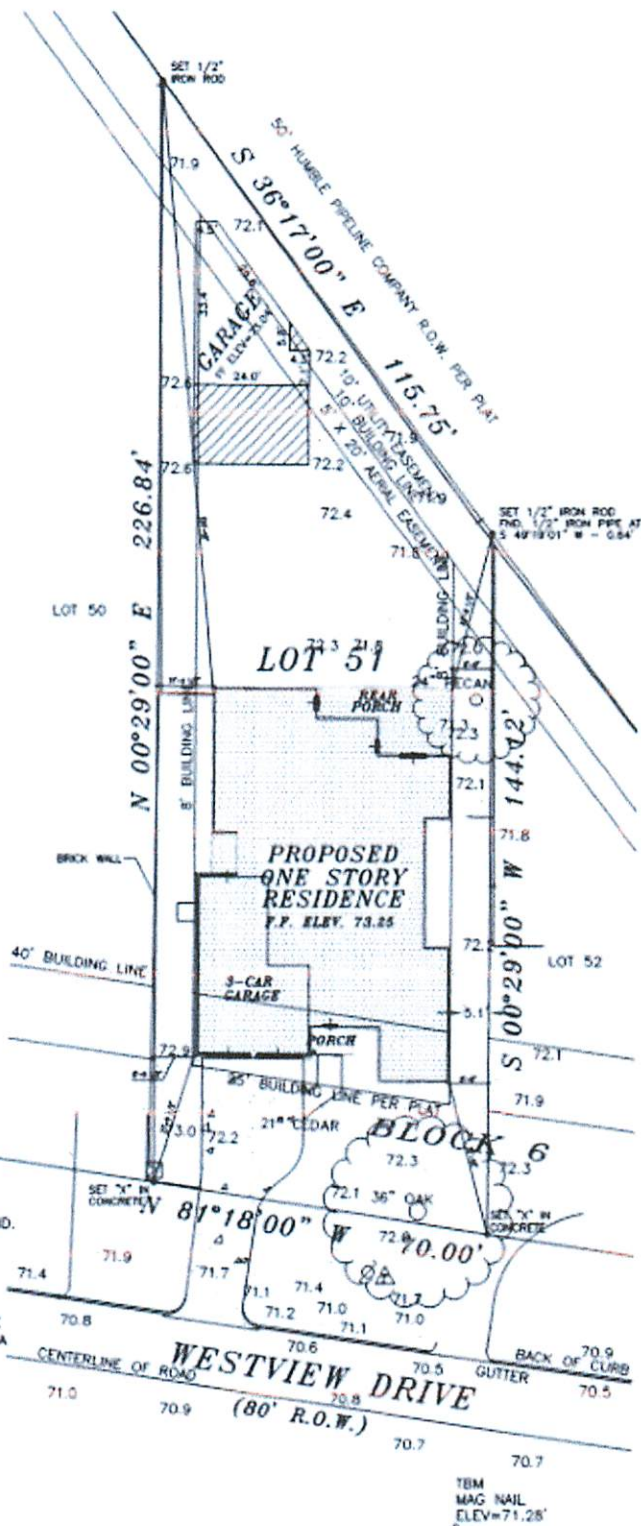
- X = ELEVATION SHOT
- ◻ = WATER METER
- △ = TELEPHONE PEDESTAL
- = UTILITY POLE
- = WOOD FENCE
- = CHAIN LINK FENCE
- ▨ = COVERED
- ▤ = CONCRETE
- ▥ = ASPHALT

FLATWORK SQ.FT.	
DRIVEWAY:	902 SQ.FT.
4' WALK:	62 SQ.FT.
4' BREEZEWAY:	N/A SQ.FT.
TOTAL FLATWORK:	964 SQ.FT.

INCLUDES FLAT WORK OUT OF PROPERTY

NOTES:

1. ALL SET 1/2" IRON RODS ARE CAPPED, MARKED H & H LAND.
2. 40' FRONT, 8' SIDE, 10' REAR (ONE STORY) & 25' REAR (TWO STORY) BUILDING LINES PER CITY OF SPRING VALLEY ORDINANCES.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR AND/OR WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY BE SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS, ENCUMBRANCES AND AGREEMENTS OF RECORDED.
4. PROJECT BENCHMARK - HARRIS COUNTY BM 210218, ELEVATION = 71.55, NAVD88, 2001 ADJUSTMENT.



© Buckley Homes LP 2017
 The measurements, dimensions, and other specifications shown on this document are taken for information only. The actual specifications of the building materials used, the dimensions of the building, and the construction of the building shall be in accordance with the applicable building codes.

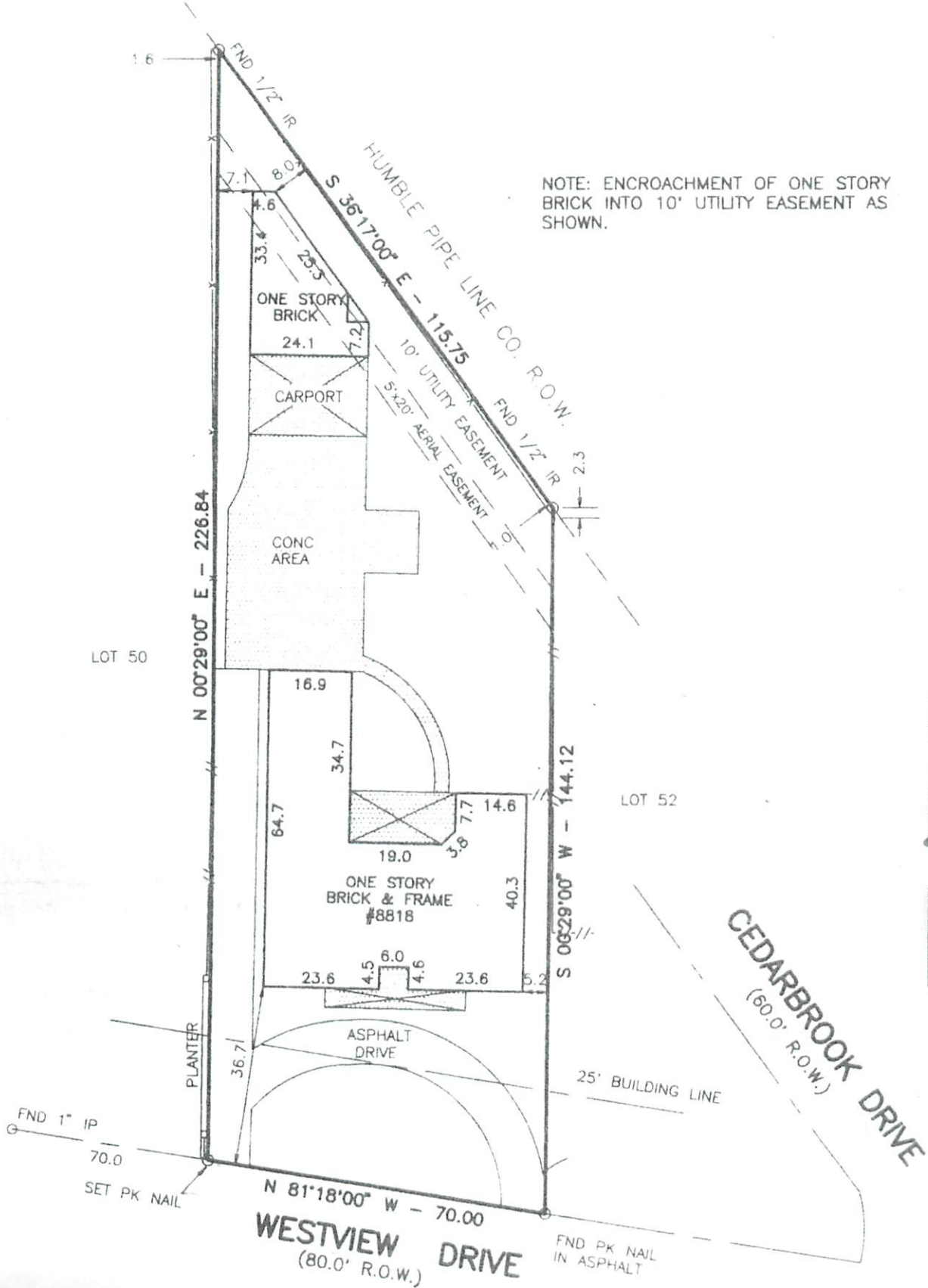
David Weekley Homes
 Scale: 1" = 30'
 Date: SEPT. 2017 Rev: 10.18.2017

Lot: 51
 Bk: 6
 Sect: 3

Proj. No.: 1241
 Job No.: 0824
WILBORN RESIDENCE
8818 WESTVIEW DRIVE
SPRING VALLEY, TX. 77055

SOUTH
3839-A
PLT_PLAN-1
 CENTENNIAL
 HOUSTON

BY GRAPHIC PLOTTING ONLY THIS PROPERTY IS NOT _____ IN THE 100 YEAR FLOOD PLAIN
 ACCORDING TO N.F.I.P. MAP 48201C0645 J REV. 11/6/96 ZONE "X"
 NO FIELD SURVEY WAS PERFORMED TO DETERMINE THIS ZONE AND THE EXACT DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION STUDY
 WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION



NOTE: ENCROACHMENT OF ONE STORY BRICK INTO 10' UTILITY EASEMENT AS SHOWN.

I hereby certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of survey and that this professional service conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey. Surveyor has not abstracted the subject property. This survey was performed in connection with the transaction described in:

GF No. 249059 of CHICAGO TITLE INSURANCE COMPANY
 Lot 51 Block 6 of CEDARWOOD, SECTION 3
 recorded in Vol. 42 Page 60 of the MAP records of HARRIS County, Texas
 Witness my hand this 8th day of NOV. 19 99
 Purchaser William Brice Wilborn and Denise Livings Wilborn
 Address 8818 WESTVIEW DRIVE, HOUSTON, TEXAS 77055
 Job No. 99K15 Bearing Reference PLAT Scale 1" = 30'

D N V LAND SURVEYING CO., INC.
 P.O. BOX 22682, HOUSTON, TEXAS 77227
 TEL. 713-681-9096 FAX 713-680-3037

REGISTERED
 G. KAMINSKI
 2282
 PROFESSIONAL LAND SURVEYOR
 State of Texas
 Emil G. Kaminski, Registered professional Land Surveyor No. 2262

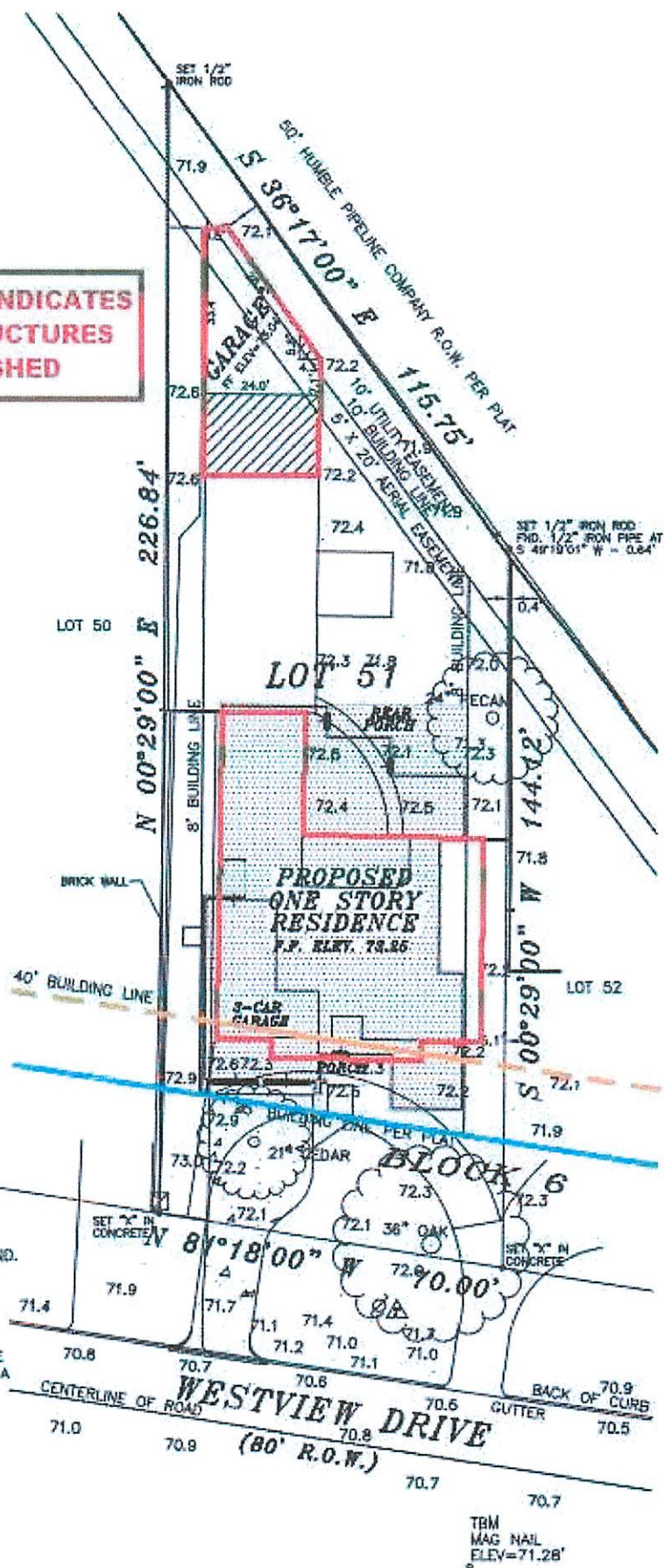


RED OUTLINE INDICATES EXISTING STRUCTURES TO BE DEMOLISHED

1" = 30'

LEGEND

- X - ELEVATION SHOT
- ◻ - WATER METER
- ⊕ - TELEPHONE PEDESTAL
- ⊙ - UTILITY POLE
- - WOOD FENCE
- - CHAIN LINK FENCE
- ▨ - COVERED
- ▩ - CONCRETE
- ◻ - ASPHALT



- NOTES:**
- ALL SET 1/2" IRON RODS ARE CAPPED, MARKED H & H LAND.
 - 40' FRONT, 8' SIDE, 10' REAR (ONE STORY) & 25' REAR (TWO STORY) BUILDING LINES PER CITY OF SPRING VALLEY ORDINANCES.
 - THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR AND/OR WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY BE SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS, ENCUMBRANCES AND AGREEMENTS OF RECORDED.
 - PROJECT BENCHMARK - HARRIS COUNTY BM 210218, ELEVATION = 71.55, NAVD88, 2001 ADJUSTMENT.

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 The measurements, dimensions, and other specifications shown on this document are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as a representation of what the completed structure will look like.

David Weekley Homes
 g>m. Scale: 1" = 30'
 Date: SEPT. 2017 Rev.

Lot: 51
 Proj. No.: 1241
 Blk: 6
 Job No.: 0824
 Sect: 3
WILBORN RESIDENCE
8818 WESTVIEW DRIVE
SPRING VALLEY, TX. 77055

SOUTH 3839-A PLT PLAN-1
CENTENNIAL HOUSTON

TBM
 MAG NAIL
 ELEV=71.28'

Basis for Appeal

Brice Wilborn
8818 Westview Drive
Houston, TX 77055-4705

Phone (713) 725-1897 (C)
(713) 468-1735 (H)
(713) 658 2184 (O)

December 4, 2017

City of Spring Valley Village Board of Adjustment
City Hall Council Chambers
1025 Campbell Road
Houston, Texas 77055

Dear Mr. / Madame Chairperson :

We are writing to seek a hearing regarding request for building-line variance concerning construction of a new single-story single-family residence to replace the current single-story single-family residence on our lot and in which we (my wife and I) currently reside.

The requested variance concerns utilization of the building line set prior to the Code of Ordinances 1991 amendment, Ordinance 231, in which building lines of residential structures facing major thoroughfares within the city limits of the City of Spring Valley Village were amended by addition of fifteen (15) feet to then-existing platted limits.

Our current residence at 8818 Westview was constructed under the 25-foot building-line requirement, with immediately-adjacent residences positioned at that line. Our house was located on the lot such that the portion of the house closest to the street is actually located on a line approximately 36.7 feet from the right-of-way and not at the 25-foot distance of our neighbors at 8814 and 8822 Westview. We are not aware as to why this particular distance was chosen for locating the house, other than assuming some consideration may have been given for particular parking/driveway needs.

Based on the language of Ordinance 231, the original 25-foot building line for buildings facing streets defined as "major thoroughfares" (which includes Westview Drive) was increased to forty (40) feet. We have sought from the City public records which we believe would provide explanation of reasoning used to adopt the language of Ordinance 231. Having, to this point, had no success in finding such documentation, we are left with only conjecture as to what might have been certain circumstances precipitating establishment of Ordinance 231, subsequently codified as part of Code Chapter 12, Exhibit "A"

We believe that Ordinance 231 was, in part, enacted with the expectation that Westview Drive would eventually be required to be widened to a 4-lane thoroughfare to accommodate increased East-West traffic flow through the City, acting under certain circumstances as a thru-traffic alternative to the major East-West thoroughfares of Long Point Road and the frontage roads serving Interstate 10.

We believe, however, that in the 26-year interim since the codification of Ordinance 231, other actions have taken place that may have lessened the need for Westview's widening or even effectively rendered such widening unnecessary. Those actions include the repaving and improvement of Long Point Road and the widening of Interstate 10, with the addition of I-10 frontage-road lanes providing significant additional East-West traffic flow, contributing to a reduced need for enhanced thru-traffic flow along Westview.

We believe that one aspect of Ordinance 231- now known in part as Section 05.02.03.09.02.02 Front Building Line Setbacks Adjoining a Major Thoroughfare - was included to ensure sufficient separation between major-thoroughfare rights-of-way and residences fronting them by the addition of setback increases to facilitate expected widening of those thoroughfares. Within the "interim" period mentioned previously, Westview Drive has also been substantially improved, with new concrete paving and improved storm-sewer service. The pavement upgrades did not, however, incorporate widening to allow additional lanes in any of those areas designated to incorporate 40-foot setbacks for new residential construction.

Dwellings on both North and South sides of Westview, in the immediate vicinity of our house, now have Ordinance-231-mandated new-construction side-lot setbacks that will *never* exceed 25 feet. These 25-foot setbacks affect all properties along the portion of Westview from the intersection with Bracher/Voss to within the boundary of our lot at 8818 Westview. This includes the Westview-facing property at 8814, immediately East of our lot, which must maintain a 25-foot setback by reason of having a mean lot depth substantially less than 140 feet.

In addition to these older properties immediately West of Bracher/Voss, the recently-constructed enclave of homes at Windsor Court, backing up to Westview just East of Campbell, effectively serves as a second "bottleneck" preventing any reasonable construction of a 4-lane thru street between Bingle and Campbell. Imposing the 40-foot setback in the area between these two bottlenecks, if originally intended for the purpose of facilitating construction of a widened Westview, would now appear to serve no rational benefit.

Additionally, imposition of the twenty-five-foot building lines for new construction on those lots with side yards facing Westview Drive could serve to limit sales of those properties by virtue of having created lots considered "too small" to afford sufficient area in which to construct residences affording yard access and vehicular/pedestrian clearances currently enjoyed by homeowners whose lots still possess the City-mandated seventy-foot widths.

Because of these constrictions forming an apparent barrier to providing full four-lane paving along the length of Westview Drive (passing through The City of Spring Valley Village), we believe that adherence to the forty-foot new-construction building line between Bracher/Voss and Campbell Road may no longer be a viable need.

We hereby request a variance to utilize the previous twenty-five-foot building line for new residential construction in lieu of the current forty-foot building line requirement, allowing our new house to maintain an appropriate "aesthetic" alignment with the house located at 8814 Westview.

Respectfully submitted,



Brice Wilborn
8818 Westview

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
081031000051

Tax Year: 2017



Owner and Property Information							
Owner Name & Mailing Address: WILBORN WILLIAM BRICE & DENISE L 8818 WESTVIEW DR HOUSTON TX 77055-4705				Legal Description: LT 51 BLK 6 CEDARWOOD SEC 3			
				Property Address: 8818 WESTVIEW DR HOUSTON TX 77055			
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhood	Neighborhood Group	Map Facet	Key Map®
A1 -- Real, Residential, Single-Family	1001 -- Residential Improved	12,985 SF	2,301 SF	7813.04	25201	5058B	450Z

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	03/31/2017	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2016 Rate	2017 Rate
Residential Homestead	025	SPRING BRANCH ISD	148,603	Certified: 08/11/2017	1.394500	1.394500
	040	HARRIS COUNTY	123,603	Certified: 08/11/2017	0.416560	0.418010
	041	HARRIS CO FLOOD CNTRL	123,603	Certified: 08/11/2017	0.028290	0.028310
	042	PORT OF HOUSTON AUTHY	123,603	Certified: 08/11/2017	0.013340	0.012560
	043	HARRIS CO HOSP DIST	123,603	Certified: 08/11/2017	0.171790	0.171100
	044	HARRIS CO EDUC DEPT	123,603	Certified: 08/11/2017	0.005200	0.005195
	080	CITY OF SPRING VALLEY	123,603	Certified: 08/11/2017	0.433500	0.433500

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway.](#)

Valuations

Value as of January 1, 2016			Value as of January 1, 2017		
	Market	Appraised		Market	Appraised
Land	539,103		Land	539,103	
Improvement	116,672		Improvement	119,708	
Total	655,775	561,833	Total	658,811	618,016

Land

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	1001 -- Res Improved Table Value	SF1	SF	10,000	1.00	1.00	0.90	Economic	0.90	52.50	47.25	472,500.00
2	1001 -- Res Improved Table Value	SF3	SF	2,985	1.00	0.50	0.85	Economic & Shape/Size	0.43	52.50	22.31	66,603.00

Building

Building	Year Built	Remodeled	Type	Style	Quality	Impr Sq Ft	Building Details
1	1973	1999	Residential Single Family	Residential 1 Family	Good	2,301 *	Displayed

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

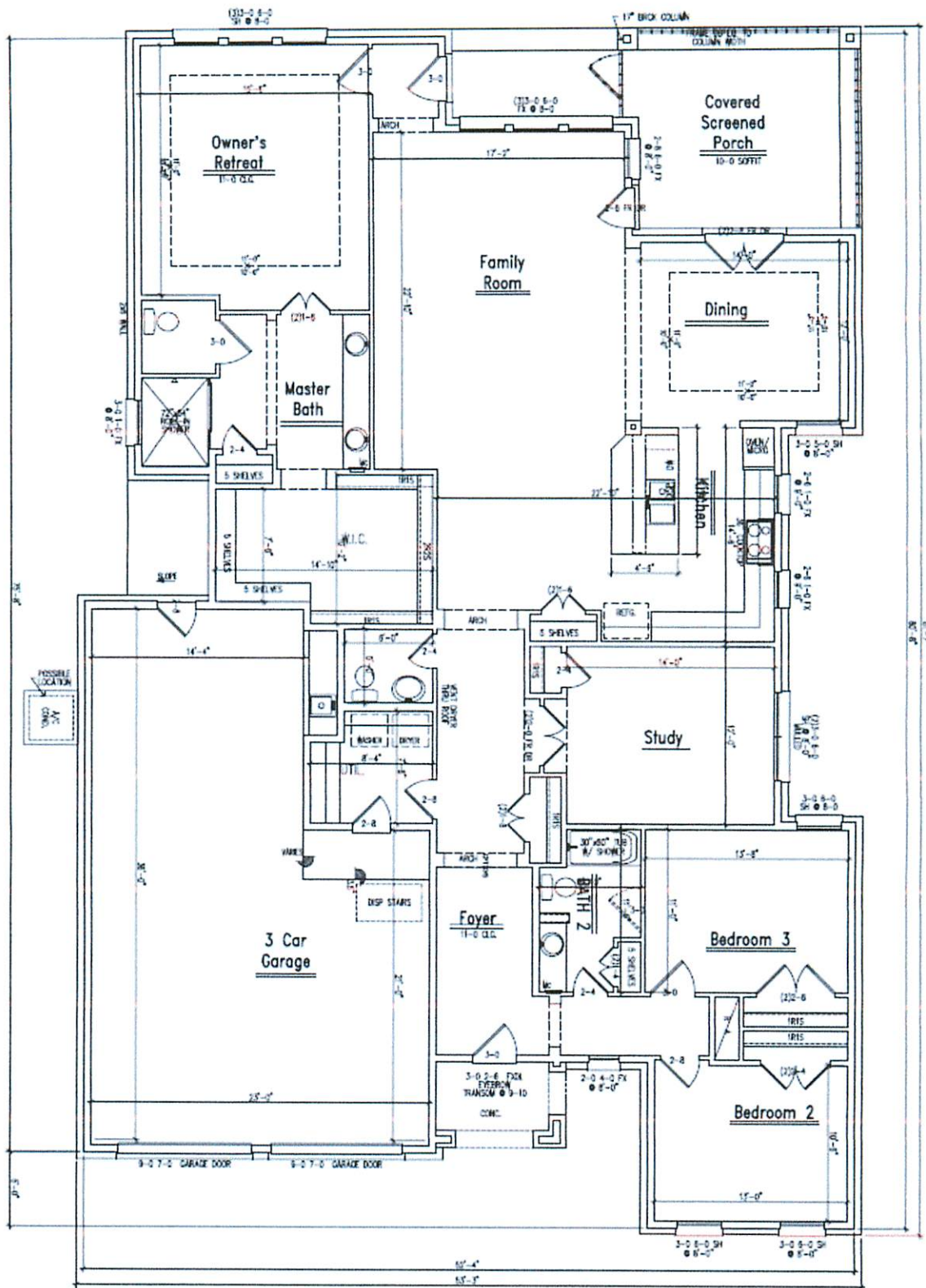
Building Details (1)

Building Data	
Element	Detail
Cost and Design	Partial
Cond / Desir / Util	Average
Foundation Type	Slab
Grade Adjustment	B-
Heating / AC	Central Heat/AC
Physical Condition	Average
Exterior Wall	Brick / Veneer
Element	Units
Room: Total	8
Room: Full Bath	2
Room: Bedroom	4

Building Areas	
Description	Area
BASE AREA PRI	2,301
OPEN FRAME PORCH PRI	220
OPEN FRAME PORCH PRI	144

Extra Features

Line	Description	Quality	Condition	Units	Year Built
1	Carport - Residential	Average	Average	384.00	1975
2	Frame Utility Shed	Good	Good	545.00	1975
3	Foundation Repaired	Average	Average	2,301.00	1973



WILBORN RESIDENCE

TOTAL LIVING	2694 SQFT
PLAN SQUARE FOOTAGE	
HOUSE SLAB	2694 SQFT
FRONT PORCH	52 SQFT
REAR PORCH	279 SQFT
SIDE PATIO	42 SQFT
TOTAL HOUSE SLAB	3859 SQFT
ATTACHED GARAGE/STOR	792 SQFT

FLOOR PLAN

NOTE: ALL 1ST FLR. CEILING HEIGHTS
10'-0" UNLESS NOTED OTHERWISE

ADVANCED FRAMING: 2X6 WALLS AT EXTERIOR
PERIMETER WALLS AND ALL INSULATED WALLS
UNLESS NOTED OTHERWISE

SOUTH
3839-A
PLN-1
CENTENNIAL
HOUSTON

WILBORN RESIDENCE
8818 WESTVIEW DRIVE
SPRING VALLEY, TX. 77055

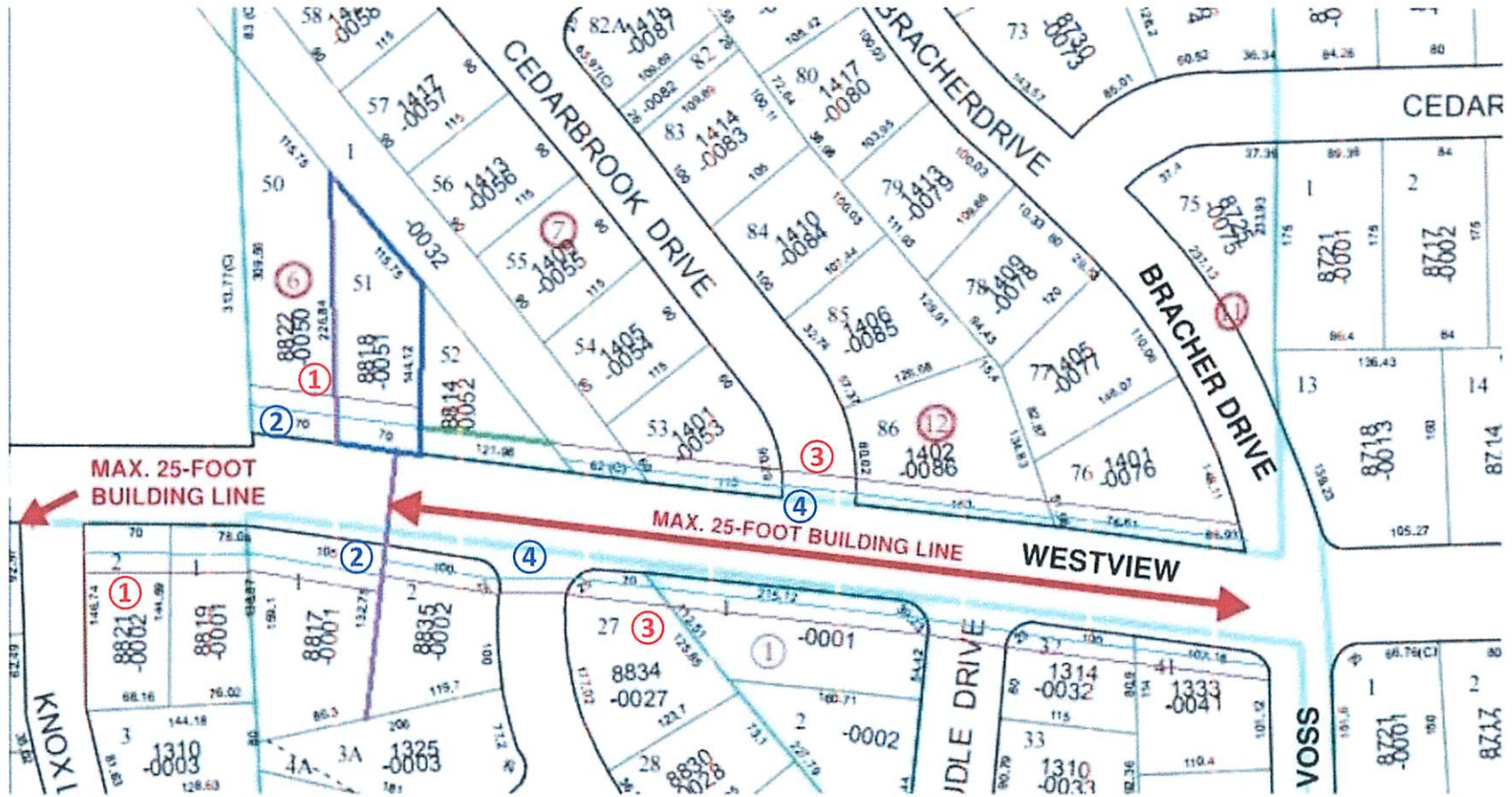
Proj. No.: 1241
Job No.: 0824
Lot: 51
Blk: 6
Sect: 3

David Weekley Homes
g>m.
Date: SEPT. 2017
Scale: 1/8" = 1'-0"
Rev: 10.18.2017

© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as a representation of what the completed structure will look like.

KEY

- ① Ordinance 231 40-foot setback
- ② Original-plat 25-foot setback
- ③ Ordinance 231 25-foot setback
- ④ Original-plat 10-foot setback



**Spring Valley Village Board of Adjustment
Agenda Item Data Sheet**

MEETING DATE: January 22, 2018

TOPIC: **CONSIDERATION AND POSSIBLE ACTION CONCERNING:**

Variance Request from Chapter 12 Planning and Zoning, Exhibit "A", Section 05 Building and Use Restrictions in Dwelling District "A", .02 Limitations and Restrictions, .03 Size and Area Requirements, .09 Building Line Setbacks, .02 Front Building Line Setbacks, .02 Front Building Line Setbacks Adjoining a Major Thoroughfare (*For a lot adjoining a major thoroughfare the minimum front building line setback shall be forty feet (40')*), to Reduce the Minimum Front Building Line Setback of Forty (40) Feet for the Property Located at 8818 Westview Drive to Twenty-Five (25) Feet.

BACKGROUND: In the previous agenda item, the Board of Adjustment held a public hearing concerning a variance request to the front building line setback for the property located at 8818 Westview Drive. Applicants Brice and Denise Wilborn wish to demolish their current residence and construct a new one on their lot with a 25-foot front setback line.

Background

On October 20 2017, Mr. Wilborn emailed City Administrator Julie Robinson with inquiries concerning when the 40 foot front building line setback regulation was adopted and what circumstances occurred that resulted in the regulation. A copy of Mr. Wilborn's email is provided with this agenda item. Mr. Wilborn advised in that email that "[w]e're in the process of investigating teardown/rebuild of our current residence and have questions regarding the relocation of the Westview residential building line limit from 25 feet to 40 feet." Ms. Robinson and City Secretary Roxanne Benitez thoroughly researched Mr. Wilborn's questions and the history of the regulations, and Ms. Robinson provided a response to Mr. Wilborn on October 25, 2017, a copy of which is provided with this agenda item. As a follow up to the email correspondence, Ms. Robinson and Building Official Oscar Arevalo met with Mr. Wilborn on November 1, 2017, to discuss the setback regulation as well as other questions that Mr. Wilborn had concerning the construction of a new home on his property. During the November 1 meeting, Mr. Wilborn requested that additional research be conducted to see if any legislative intent for the setback regulation could be identified. Ms. Robinson and Ms. Benitez thoroughly researched the City's records and ultimately could not find any legislative intent specifically related

ACTIONS TAKEN

<p>APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>READING PASSED</p>	<p>OTHER</p>
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**Spring Valley Village Board of Adjustment
Agenda Item Data Sheet**

to the front building line setback regulation. A copy of Ms. Robinson’s email to Mr. Wilborn dated November 10, 2017 is provided with this agenda item.

City’s Regulations

Pursuant to Section 9.402, Major Thoroughfares Identified, of Chapter 9, Subdivisions, of the Code of Ordinances, Westview Drive was established as a major thoroughfare by Ordinance Number 227, adopted by the City Council on May 28, 1991. Just two months later, on July 23, 1991, Ordinance Number 231 was adopted by the City Council establishing various zoning regulations, including a 40 foot front building line setback for properties adjoining a major thoroughfare. Such 40 foot front building line setback was codified as Section 05.02.03.09.02.02 of Exhibit “A” to Chapter 12, Zoning, of the Code of Ordinances. Consequently, the 40 foot front building line setback for properties adjoining Westview has been in place since 1991, and such properties (including the current home located on the property that is the subject of this variance request) have been required to comply with this requirement since adoption of the regulation.

Criteria for Evaluation of Variance Request.

Variances should be granted only in limited instances. Section 211.009 of the Texas Local Government Code provides that a Board of Adjustment may “authorize in specific cases a variance from the terms of the zoning ordinance if:

1. The variance is not contrary to the public interest; and
2. Due to special conditions, a literal enforcement of the ordinance would result in an unnecessary hardship; and
3. So that the spirit of the ordinance is observed and substantial justice is done.

The “special conditions” and “unnecessary hardship” phrases have been the subject of numerous appellate court decisions.

- **Hardship Test:** Does the enforcement of the ordinance destroy **any reasonable use** of his property? (*Reiter v. City of Keene*, 601 S.W.2d 547 (Tex. App. – Waco 1980, writ dismissed)).
- In other words: “Is the environment such that the lot is not

ACTIONS TAKEN

<p>APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>READING PASSED</p>	<p>OTHER</p>
---	------------------------------	---------------------

**Spring Valley Village Board of Adjustment
Agenda Item Data Sheet**

reasonably adapted to a conforming use?" (*Board of Adjustment v. Stovall*, 218 S.W.2d 286 (Tex. Civ. App. – Fort Worth 1949, no writ)).

Moreover, a hardship must be more than financial.

- “Unnecessary Hardship” language expressly limits ZBOA’s power to grant a variance:
 - “The Code expressly provides that the unique circumstances existing on the property so as to justify granting a variance must be something other than a financial hardship. A variance is not authorized merely to accommodate the highest and best use of the property, but where the zoning ordinance does not permit any reasonable use of such lot.” (*Board of Adjustment of the City of San Antonio v. Willie*, 511 S.W. 2d 591 (Tex. Civ. App. – San Antonio 1974, writ ref’d n.r.e.))
- Financial hardship is not a special condition envisioned by the statute. (*Battles v. Board of Adjustment and Appeals of the City of Irving*, 71 S.W.2d 297 (Tex. App. – Dallas 1986, no writ)).

RECOMMENDATION: Staff recommends denial of the requested variance due to lack of hardship as provided by Section 211.009 of the Texas Local Government Code.

- ATTACHMENTS:**
- Email from Brice Wilborn Dated October 20, 2017
 - Email from Julie Robinson to Mr. Wilborn Dated October 25, 2017
 - Email from Julie Robinson to Mr. Wilborn Dated November 10, 2017

- FUNDING ISSUES:**
- Not applicable – no dollars are being spent or received.
 - Full amount already budgeted in Acct/Project# _____
 - Not budgeted, if approved, the following will be included in the next Budget Amendment:
 - \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____
 - \$_____ from unassigned fund balance will be used and added to Acct/Project# _____
 - \$_____ will be added to Revenue Acct# ___-___ and \$_____ added to Expenditure Acct/Project# _____

ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	READING PASSED	OTHER
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**Spring Valley Village Board of Adjustment
Agenda Item Data Sheet**

FINANCE VERIFICATION OF FUNDING:

Julie Robinson

SUBMITTING STAFF MEMBER:

Julie M. Robinson, City Administrator

CITY ADMINISTRATOR APPROVAL:

Julie Robinson

ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	READING PASSED	OTHER
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DIVIDER PAGE

Julie Robinson

From: Brice Wilborn <bwilborn@pagethink.com>
Sent: Friday, October 20, 2017 6:57 PM
To: Julie Robinson
Cc: Denise Wilborn; b wilborn
Subject: Spring Valley Village Resident Question

Follow Up Flag: Follow up
Due By: Tuesday, October 24, 2017 9:00 AM
Flag Status: Completed

Dear Ms. Robinson,

My name is Brice Wilborn, and my wife Denise and I have resided at 8818 Westview in the City of Spring Valley Village since 1999.

We're in the process of investigating teardown/rebuild of our current residence and have questions regarding the relocation of the Westview residential building line limit from 25 feet to 40 feet.

Specifically, I'd like to know the date when this change was made and what circumstance(s) acted as the "driver" for this change.

I realize that this may possibly have been enacted under Mr. Flores' tenure as Inspector, and that Mr. Arevalo has only been on the job for approx. 10 months, so I'm not exactly sure that Mr. Arevalo would have the history regarding when/why this adjustment was made.

If possible, please let me know how I can obtain meeting minutes from the Council meetings wherein this change was discussed and, ultimately, adopted.

I'd also like to know the limit(s) of extents to modification/renovation of an existing single-family residence that constitute "New" construction (i.e. how much of my home can I modify and still not fall under "new"-construction considerations that would dictate maintaining the 40-foot building line setback).

Thank you for your time and attention concerning both of these matters.

Respectfully,
(William) Brice Wilborn
8818 Westview

DIVIDER PAGE

Julie Robinson

From: Julie Robinson
Sent: Wednesday, October 25, 2017 4:24 PM
To: Brice Wilborn
Cc: Denise Wilborn; b wilborn; Julie Robinson
Subject: RE: Spring Valley Village Resident Question
Attachments: Section 05.02.03.09.pdf

Mr. Wilborn:

I have had a chance to review the regulations, and here is what I found. The City of Spring Valley Village determined which streets in the City were Major Thoroughfares by Ordinance No. 227 (Book 1) adopted on May 28, 1991, and Westview Drive was one of the streets established as a Major Thoroughfare in the Ordinance. Ordinance No. 227 was codified in the City's Code of Ordinances in Section 9.402, Major Thoroughfares Identified. You can find that Section by clicking on this link https://library.municode.com/tx/spring_valley_village/codes/code_of_ordinances?nodeId=CH9S U_ART9.400CLSTTH_S9.402MATHID.

The front building line setback for properties adjoining a Major Thoroughfare was established when the City adopted zoning regulations by Ordinance No. 231 (Book 1) adopted on July 23, 1991. This particular provision was codified in Exhibit "A" to Chapter 12, Planning & Zoning, of the City's Code of Ordinances as Section 05.02.03.09.02.02. Unfortunately you cannot easily link to the zoning regulations, so a copy of Section 05.02.03.09.02 is attached with Subsection 05.02.03.09.02.02 highlighted. So this front building line setback has been in place since 1991.

Before you make a decision on whether to submit to the Board of Adjustment for a variance to the setback, I would like an opportunity to sit down with you to discuss the setback issue as well as the criteria that will be considered by the Board if a variance application is filed. Please let me know if you would be willing to meet to discuss this issue.

I look forward to hearing from you.

Julie M. Robinson, ICMA-CM
City Administrator
City of Spring Valley Village
1025 Campbell Road
Houston, Texas 77055
Direct Phone: 713-465-5306
Cell Phone: 713-438-3003



From: Brice Wilborn [mailto:bwilborn@pagethink.com]
Sent: Monday, October 23, 2017 10:51 AM
To: Julie Robinson <jrobinson@springvalleytx.com>
Cc: Denise Wilborn <dwilborn55@gmail.com>; b wilborn <wbdljd3w@swbell.net>
Subject: RE: Spring Valley Village Resident Question

Understood. I should have clarified that the intent is to address the Board in formal session and not as individual members outside of official Board function.

I will be more than willing to submit an application per Rules of the Board. Is a form available on the City's website, or can a form be obtained at City Hall?

Brice Wilborn
8818 Westview

From: Julie Robinson [mailto:jrobinson@springvalleytx.com]
Sent: Monday, October 23, 2017 10:42 AM
To: Brice Wilborn <bwilborn@pagethink.com>
Cc: Denise Wilborn <dwilborn55@gmail.com>; b wilborn <wbdljd3w@swbell.net>; Julie Robinson <jrobinson@springvalleytx.com>
Subject: RE: Spring Valley Village Resident Question

Happy to help, Mr. Wilborn. In terms of the variance process, you must submit an application for a variance, and it will be scheduled for a Board of Adjustment meeting. Since the Board of Adjustment is a quasi-judicial Board under State law, any discussion with the Board members would take place during the meeting - not individually outside of a meeting.

Let me get the answers to your previous questions, and then we can discuss how to move forward.

Julie M. Robinson, ICMA-CM
City Administrator
City of Spring Valley Village
1025 Campbell Road
Houston, Texas 77055
Direct Phone: 713-465-5306
Cell Phone: 713-438-3003



From: Brice Wilborn [mailto:bwilborn@pagethink.com]
Sent: Monday, October 23, 2017 10:36 AM
To: Julie Robinson <jrobinson@springvalleytx.com>
Cc: Denise Wilborn <dwilborn55@gmail.com>; b wilborn <wbdljd3w@swbell.net>
Subject: RE: Spring Valley Village Resident Question

Thank you, Julie, for your rapid response.
I greatly appreciate your expenditure of time and attention devoted to these matters.

I would also like to know what procedure is required for contacting the 5-member Board of Adjustment in order to present an appeal for a possible variance.

Again, thank you.

Respectfully,
(William) Brice Wilborn
8818 Westview

From: Julie Robinson [<mailto:jrobinson@springvalleytx.com>]
Sent: Monday, October 23, 2017 10:20 AM
To: Brice Wilborn <bwilborn@pagethink.com>
Cc: Denise Wilborn <dwilborn55@gmail.com>; b wilborn <wbdljd3w@swbell.net>; Julie Robinson <jrobinson@springvalleytx.com>
Subject: RE: Spring Valley Village Resident Question

Good morning, Mr. Wilborn. I will do some research on your questions and get back with you this week.

Julie M. Robinson, ICMA-CM
City Administrator
City of Spring Valley Village
1025 Campbell Road
Houston, Texas 77055
Direct Phone: 713-465-5306
Cell Phone: 713-438-3003



From: Brice Wilborn [<mailto:bwilborn@pagethink.com>]
Sent: Friday, October 20, 2017 6:57 PM
To: Julie Robinson <jrobinson@springvalleytx.com>
Cc: Denise Wilborn <dwilborn55@gmail.com>; b wilborn <wbdljd3w@swbell.net>
Subject: Spring Valley Village Resident Question

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I'd also like to know the limit(s) of extents to modification/renovation of an existing single-family residence that constitute "New" construction (i.e. how much of my home can I modify and still not fall under "new"-construction considerations that would dictate maintaining the 40-foot building line setback).

Thank you for your time and attention concerning both of these matters.

Respectfully,
(William) Brice Wilborn
8818 Westview

- Email secured by Check Point for Page Southerland Page, Inc.

- Email secured by Check Point for Page Southerland Page, Inc.

05:02.03

Size and Area Requirements: In construing this Ordinance, all measurements shall be made to the property lines inclusive of any portion of easements within the property lines, so as that the area contained in any easement within the property lines shall be considered a part of the Lot in question for the purposes of determining building lines.

.01 Minimum Lot Area: All residential Lots shall have a minimum Lot area of ten thousand (10,000) square feet with a minimum of nine thousand (9,000) square feet exclusive of easements.

.02 Maximum height. No building or structure more than thirty-six feet (36') in height shall be erected in Dwelling District "A". (See also Building or Structure Height to setback ratio (3:5 below).)

.03 Maximum stories. No building or structure more than two stories shall be erected in Dwelling District "A".

.04 Reserved. (Ordinance 2006-05 adopted 3-28-06)

.05 Reserved. (Ordinance 2006-05 adopted 3-28-06)

.06 Minimum Floor Area Per Dwelling Unit. Each dwelling unit shall have a minimum ground floor, as that term is defined in this subsection, of fourteen hundred (1,400) square feet in area, exclusive of porches, garage, and laundry rooms. The ground floor of a dwelling unit is the living space area most proximate to the foundation slab or other support foundation, upon which such structure is located. (Ordinance 194)

.07 Maximum Foundation Height. The foundation slab or other support foundation of a structure shall not exceed a height of four feet (4') above the average surrounding finished grade of the ground upon which such structure is located. (Ordinance 194)

.08 Maximum Lot Coverage. The maximum coverage of any lot with any constructed surface shall not exceed sixty percent (60%) of the lot area located behind the required front building line, and shall not exceed fifty percent (50%) of the lot area located in front of the required front building line. "Constructed surface" shall include for computation of lot coverage buildings, garages, accessory buildings, patios, sidewalks, driveways, any area surfaced for automobiles, and other constructed surface areas, but shall exclude stepping stones, air conditioner supports, landscape border stones, wooden decks, and similar materials or structures. Provided, further, that the water surface area of a swimming pool shall not be counted as constructed surface in the computation of the maximum coverage of any lot, and that pavers (a.k.a. paver stones, brick pavers, or concrete pavers, however named) shall be counted as constructed surface in the computation of the maximum coverage of any lot.

(Ordinance 2004-01 adopted 1-20-04)

.09

Building line setbacks: (Ordinance 231)

.09.01

General: The following restrictions shall apply to all construction of or addition to new or pre-existing buildings, dwellings, garages, and accessory use buildings.

.09.02

Front building line setbacks:

.09.02.01

Adjoining a local or collector street. For a lot fronting a local or collector street having a right-of-way width of sixty feet (60'), the minimum front building line setback shall be twenty-five feet (25'). For a lot fronting a local or collector street having a right-of-way width of fifty feet (50'), the minimum front building line setback shall be thirty feet (30'). (Ordinance 2007-05 adopted 3-20-07)

.09.02.02

Adjoining a Major Thoroughfare. For a lot adjoining a major thoroughfare the minimum front building line setback shall be forty feet (40').

.09.02.03

Adjoining a Cul-de-sac turnaround. For a lot fronting the turnaround portion of a cul-de-sac, the minimum front building line setback shall be twenty feet (20'). (Ordinance 2007-05 adopted 3-20-07)

.09.02.04

Setback Adjustment. If a lot fronts a right-of-way of less width than the minimum required in the City's Subdivision Development Ordinance or the City's Street and Thoroughfare plan, there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.

.09.02.05

Pre-existing lot. If the pre-existing lot depth is less than the minimum depth required by the City Subdivision Development Ordinance, the front building line setback shall not be less than the setback shown on the pre-existing recorded plat, but in no event less than twenty-five feet (25').

DIVIDER PAGE

Julie Robinson

From: Julie Robinson
Sent: Friday, November 10, 2017 4:19 PM
To: Brice Wilborn
Cc: Julie Robinson; Oscar Arevalo
Subject: Follow Up to Our Meeting on November 1
Attachments: Ordinance No. 231.pdf; 04-01-1991 Workshop Minutes.pdf; 05-28-1991 CC Minutes Page 6 only.pdf; 07-23-1991 CC Minutes.pdf

Mr. Wilborn:

During our meeting on November 1, 2017, you requested information on the thought process and/or discussion that would have occurred related to the building setbacks on Westview Drive that were adopted by the City back in 1991. We have researched that information and, as I expected, were unable to find any legislative intent related to the building setbacks reflected in either Ordinance Number 231 (which established the building setback) or the Minutes of the City Council and/or Planning & Zoning Commission meetings that occurred around the time that the regulations were put in place. Attached is a copy of each of the following documents:

- (1) Ordinance Number 231 adopted on July 23, 1991
- (2) Minutes from the April 1, 1991 Joint Meeting of the City Council and Planning & Zoning Commission
- (3) Page 6 of the Minutes of the May 28, 1991 City Council Meeting
- (4) Minutes of the July 23, 1991 City Council Meeting (See Page 5)

These are the only documents we found that had any mention of the regulations that were included in Ordinance No. 231.

Hope you have a good weekend!

Julie M. Robinson, ICMA-CM
City Administrator
City of Spring Valley Village
1025 Campbell Road
Houston, Texas 77055
Direct Phone: 713-465-5306
Cell Phone: 713-438-3003



ORDINANCE NO. 231 in Book 1

AN ORDINANCE AMENDING THE CITY OF SPRING VALLEY ORDINANCE NO. 115, BOOK 1, THE COMPREHENSIVE ZONING ORDINANCE, PASSED AND APPROVED DECEMBER 15, 1981; PROVIDING THAT THE ZONING ORDINANCE BE REPRINTED AND RENUMBERED; CHANGING THE DESIGNATION OF BUILDING INSPECTOR TO BUILDING OFFICIAL; PROVIDING WHEN CONSTRUCTION PERMITS ARE REQUIRED AND THE APPROVAL PROCESS; DELETING CERTAIN REFERENCES TO BUILDING PERMITS; CONTAINING DEFINITIONS OF ATTIC, SETBACK LINE, CARPORT, FAMILY, GARAGES, HEIGHTS OF BUILDINGS OR STRUCTURES, HABITABLE ROOM, STREET OR THOROUGHFARE, DWELLING, POOL, SETBACK, STORY, AND STRUCTURE; AMENDING THE RESIDENTIAL GARAGE AND CARPORT REGULATIONS; DELETING REGULATIONS BASED UPON INHARMONIOUS AND APPEARANCE CRITERIA; DELETING CERTAIN PROVISIONS DEALING WITH THE CONFIGURATION OF LOTS; REGULATING MAXIMUM RESIDENTIAL BUILDING HEIGHT, NUMBER OF STORIES, AND MAXIMUM LOT COVERAGE; ESTABLISHING RESIDENTIAL FRONT, SIDE, AND REAR SETBACKS; ESTABLISHING A BUILDING HEIGHT TO SETBACK RATIO FOR LOTS ADJOINING OTHER LOTS; REGULATING RESIDENTIAL DRIVEWAYS, WINDOWS, SECOND STORY DECKS, SLAB ELEVATION REQUIREMENTS, AND POOL REQUIREMENTS; REQUIRING A PROTECTIVE BARRIER AROUND POOLS TO DETER ACCESS BY CHILDREN, AND REQUIRING THAT EXISTING POOLS BE BROUGHT INTO COMPLIANCE BY APRIL 30, 1992; DELETING SPECIFICATIONS FROM THE DWELLING DISTRICT "A", OFFICE DISTRICT "B", AND COMMERCIAL DISTRICT "C", FENCE REQUIREMENTS; AMENDING THE RESIDENTIAL FOR SALE, FOR LEASE, FOR RENT, AND RESIDENTIAL DEVELOPMENT SIGN PROVISIONS; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; PROVIDING A MAXIMUM PENALTY OF \$2,000 PER OFFENSE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY, TEXAS:

Section 1. City of Spring Valley, Texas, Ordinance 115, Book 1, the Comprehensive Zoning Ordinance, passed and approved December 15, 1981, as amended, is amended specifically as set out in this Ordinance. Further, the Comprehensive Zoning Ordinance

shall be reprinted as soon as practicable to reflect earlier amendments as well as the amendments set out in this Ordinance.

Section 2. That the Comprehensive Zoning Ordinance numbering system is hereby modified, as set forth below:

As the Comprehensive Zoning Ordinance is reprinted the alpha-numeric numbering system shall be replaced by an appropriate numeric system corresponding to the present system, as illustrated by the following example:

<u>Old Numbering System</u>	<u>(Example Only)</u>		<u>New Numbering System</u>
Section One	1.0		100
Subsection A	1.01		101
Subsection B	1.02	<or>	102
Subsection B.1	1.02.01		102.1
Subsection B.1.a	1.02.01.01		102.1.1
Subsection B.1.b	1.02.01.02		102.1.2
Subsection B.1.c	1.02.01.03		102.1.3
Subsection C	1.03		103
etc.	etc.		etc.

Further, where appropriate, lists or other arrangements shall be alphabetized.

Section 3. That the Comprehensive Zoning Ordinance Section ONE.B., "Administration," is deleted in its entirety and a new subsection "B" is added in its place which provides as follows:

B. Administration. The provisions of this Ordinance shall be administered by the City of Spring Valley, and, more particularly, through the Office of the Building Official. The Building Official's Office shall be responsible for investigating and evaluating existing structures and building permit applications

for compliance with the provisions of the Zoning Ordinance. In performing this duty the Building Official may associate such administrators and/or municipal employees from other City departments and, with prior approval, outside consultants as are necessary to review and evaluate construction permit applications and/or existing structures for compliance with the provisions of this Zoning Ordinance.

Provided, further, that the term Building Inspector shall mean Building Official throughout the Zoning Ordinance, as appropriate, and, as the Zoning Ordinance is reprinted, the term Building Official shall be used.

Section 4. That Section ONE.B.1. of the Comprehensive Zoning Ordinance is deleted in its entirety, and a new subsection "1" is substituted in its place to provide as follows:

1. Construction Permits - When Required. Unless otherwise excepted herein, a permit shall be required for any construction of, erection of, structural alteration of, reroofing of, or addition to any building, structure (excluding customary yard structures such as, for example, plug-in yard lights, bird houses, statues, mailboxes, and landscaping materials), storm sewer facility, water well, foundation repair, utilities improvement, or other fixture, including related appurtenances and utilities, regardless of whether or not such construction, erection, alteration, or

addition is for the purpose of subdivision of land for sale, lease, or other similar conveyance or partial conveyance; such requirement for permits shall likewise apply to, but not be limited to, the moving or demolition of a building and the construction or erection of fences, pools, spas, saunas, whirlpools, jacuzzis, hot tubs, recreational structures more than nine (9) feet in height, sidewalks, decks, gazebos, patios, driveways, and streets. Additionally, the following special provisions apply to certain types of construction.

Section 5. That Section ONE.B.1.b. of the Comprehensive Zoning Ordinance relating to construction (building) permits for swimming pools is deleted in its entirety.

Section 6. That Section ONE.B.1.c. of the Comprehensive Zoning Ordinance relating to construction (building) permits for fences is deleted in its entirety.

Section 7. That Section ONE.B.2. of the Comprehensive Zoning Ordinance relating to building permit applications is deleted in its entirety.

Section 8. That the Comprehensive Zoning Ordinance Section ONE.B.3., "Building Permit Fee," is deleted in its entirety.

Section 9. That Section ONE.B.4, "Approval," of the Zoning Ordinance is deleted in its entirety and a new subsection "4" is added in its place which provides as follows:

- 4.(a) Approval. Construction permit applications shall be reviewed by the office of the Building Official for compliance with the Zoning Ordinance and other applicable City Ordinances. If the building, structure, structural alteration, or addition for which the construction permit is sought complies with the provisions of the Zoning Ordinance and other applicable Ordinances, then the office of the Building Official shall issue the permit; provided, further, the signatures of a designated representative of the Planning and Zoning Commission and the Mayor shall also be required for construction permits for any (i) building, (ii) dwelling, or any (iii) addition to a building or dwelling. No construction permit shall be issued for any building, dwelling, or structure in any subdivision or other planned development of land unless and until such subdivision or other development of land shall have been approved by the City Council of the City of Spring Valley, Texas as required by the regulations of the City Subdivision Development Ordinance and as required by State law.
- (b) Fees. The applicable construction, utility, or building permit fees, including an application plan check deposit, shall be paid to the City in

accordance with the City's Fee Schedule, as established by the City Council from time to time.

Section 10. That the Comprehensive Zoning Ordinance Section ONE.B.5.,6.,7.,8.,9.,10., and 11.; "Issuance," "Permits - Non-Transferable," and "Lost Permits," "Records," "Compliance," "Changes," and "Enforcement," are deleted in their entirety.

Section 11. That the Comprehensive Zoning Ordinance Section THREE, "Definitions," is amended by adding a new subsection "A-5" which provides as follows:

A-5. Attic. That non-habitable portion of a dwelling or building which is included between the upper surface of the topmost floor and the ceiling or roof above.

Section 12. That the Comprehensive Zoning Ordinance Section THREE.B., "Cul-de-Sac," definition is deleted in its entirety.

Section 13. That the Comprehensive Zoning Ordinance Section THREE, "Definitions," is amended by adding thereto a new subsection "B-1" which provides as follows:

B-1. Building line or building setback line: The words "building line" or "building setback line" mean a line parallel to a property line at a required setback distance which signifies that between such "building line" and parallel property line no portion of any building shall be constructed.

Section 14. That the Comprehensive Zoning Ordinance Section THREE, "Definitions." is amended by adding a new subsection "B-2" which provides as follows:

B-2. Carport. The portion of a dwelling, open on two or more sides, which is a component part of and a continuation of a dwelling, designed for the storage of the occupants' vehicles, and also utilized for storage by the occupants of the dwelling. A carport is not included within the definition of detached garage. See also "Garage, private."

Section 15. That the Comprehensive Zoning Ordinance Section THREE.D., "Family" is deleted in its entirety and a new subsection "D" is added in its place which provides as follows:

D. Family: One or more persons occupying a one-family dwelling and living there as a single housekeeping unit, as distinguished from a group of persons occupying a boarding house, lodging house, a club, fraternity or sorority house, a motel or hotel, an apartment, duplex, or a multi-family dwelling.

Section 16. That the Comprehensive Zoning Ordinance Section THREE.F-1, "Garage or Carport (Attached and Detached)," is deleted in its entirety, and new subsections "F-1", "F-2", and "F-3" are added in its place which provide as follows:

F-1. Garage, private. A building or portion of a building principally designed for the storage of vehicles, and also utilized for storage by the occupants of the dwelling. See also "Carport."

F-2. Garage, attached. A garage which has at least 10 feet of continuous, uninterrupted wall in common with the dwelling to which it is accessory, excluding extended

hallways or breezeways from consideration as a means of attachment.

F-3. Garage, detached. A garage which is not an attached garage; provided, further, a detached garage shall not mean or include a carport.

Section 17. That the Comprehensive Zoning Ordinance Section THREE.H., "Height," is deleted in its entirety, and a new subsection "H" is added in its place which provides as follows:

H. Height of Building or Structure. The height of a building or structure is the vertical distance above a reference datum (established below) measured to the highest point of: the coping of a flat roof; the deck line of a mansard roof; the highest ridge of a gabled, pitched, or hipped roof; or the highest point of the structure. The reference datum shall be selected by either of the following, whichever yields a greater height of building or structure:

1. The elevation of the highest adjoining public sidewalk or natural ground surface within a 5-foot horizontal distance of the exterior wall of the building or structure when such sidewalk or natural ground surface is not more than 10 feet above lowest natural grade of the lot.
2. An elevation 10 feet higher than the lowest grade when the natural ground surface described in Item 1 above is more than 10 feet above the lowest natural grade of the lot.

The height of a stepped or terraced building or structure is the maximum height of any segment of the building.

Section 18. That the Comprehensive Zoning Ordinance Section THREE, "Definitions," is amended by adding a new subsection "H-1" which provides as follows:

H-1. Habitable or Habitable room. Habitable room shall mean any room meeting the requirements of the City Building Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

Section 19. That the Comprehensive Zoning Ordinance Section THREE.J., "Main Thoroughfares," is deleted in its entirety and a new subsection "J" is added in its place which provides as follows:

J. Street or Thoroughfare. For the purpose of this Comprehensive Zoning Ordinance the words "street" or "major thoroughfare" shall be defined and classified by the City "Street And Thoroughfare Ordinance," as it may be amended.

Section 20. That the Comprehensive Zoning Ordinance Section THREE.L., "One-Family Dwelling," is deleted in its entirety, and a new subsection "L" is added in its place which provides as follows:

L. Dwelling. A dwelling is any building which is used, intended, or designed for living purposes, and contains complete independent living facilities, including

permanent provisions for living, sleeping, eating, cooking, and sanitation for one family.

Section 21. That the Comprehensive Zoning Ordinance Section THREE., "Definitions," is amended by adding a new subsection "M-1" which provides as follows:

P.2 Pool. Any constructed or prefabricated swimming pool, spa, hot tub, or spa pool.

Section 22. That the Comprehensive Zoning Ordinance Section THREE.N., "Radial Lot," is deleted in its entirety.

Section 23. That the Comprehensive Zoning Ordinance Section THREE.O, "Setback (or set-back)" is deleted in its entirety, and a new subsection "O" is added in its place which provides as follows:

O. Setback or (set-back): The required distance between the outermost portion of any building or structure and the property line. This definition shall apply to the word or words "set-back" used either as a noun or a verb.

Section 24. That the Comprehensive Zoning Ordinance Section THREE.Q., "Story," is deleted in its entirety and a new subsection "Q" is added in its place which provides as follows:

Q. Story, Residential. A residential story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that habitable portion of a building included between the

upper surface of the topmost floor and ceiling or roof above.

Section 25. That the Comprehensive Zoning Ordinance THREE.R.1, "Structure," is deleted in its entirety and a new subsection "R-1" is added in its place which provides as follows:

R.1. Structure. Structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Section 26. That the Comprehensive Zoning Ordinance Section FIVE.B.1., "Garages and Carports," is deleted in its entirety and a new subsection "1" is added in its place which provides as follows:

1. Garages and Carports:

a. Required. Each dwelling in Dwelling District "A" shall have an attached or detached garage or a permitted carport. A garage or permitted carport shall have a minimum floor space of four hundred square feet (400 s.f.).

b. Detached. A detached garage: (i) shall not exceed one story, and (ii) above the ground floor the detached garage shall neither have nor have provisions for sanitation, bath, or kitchen facilities.

c. Second story. Access to the second story of an attached garage or permitted carport shall be

enclosed and through the dwelling to which it is accessory.

d. Entrance or Exit. No vehicle door(s) or vehicle entrance or exit of a garage or permitted carport constructed forward of the slab or structure of a dwelling shall face the street of address: said door(s) or entrance or exit shall be located on a side of the garage or permitted carport which in plan view shall be at a 90 degree angle or greater to the street of address.

Section 27. That Section FIVE.B.2., Dwelling District "A", Section SIX.C.7, Office Building District "B", and Section B.4, Commercial District "C", dealing with "Inharmonious" and "Appearance" are deleted in their entirety.

Section 28. That a new Section FIVE.B.2, "Attics" is added to the Comprehensive Zoning Ordinance to replace the deleted Section FIVE.B.2, which provides as follows:

2. Attics:

a. Electrical. An attic shall have no more than one (1) electrical outlet.

b. Access. Any walk through access door or opening from a dwelling to an attic shall be of one-hour fire rated construction and shall have both a self closing device and a self latching device.

Section 29. That the Comprehensive Zoning Ordinance Section FIVE.B.3.b., "Lot Shapes" is deleted in its entirety.

Section 30. That the Comprehensive Zoning Ordinance Section FIVE.B.3.c.(1), (2), (3), and d. "Minimum Lot Width," "Cul-de-Sac Lots," "Radial Lots," "Corner Lots," and "Minimum Lot Depths" are deleted in their entirety

Section 31. That the Comprehensive Zoning Ordinance Section FIVE.B.3.e., "Maximum Building Height" is deleted in its entirety and new subsections "e", "e-1", "e-2", and "e-3" are added in its place which provide as follows:

- e. Maximum height. No building or structure more than thirty-six feet (36') in height shall be erected in Dwelling District "A". (See also Building or Structure Height to setback ratio [3:5] below).
- e.1. Maximum stories. No building or structure more than two stories shall be erected in Dwelling District "A".
- e.2. Height to setback ratio for a lot side property line which adjoins a rear property line of another lot. The vertical height limit of that portion of a building or structure located along or adjoining the minimum side building line setback shall be ten feet (10') in height. An additional building or structure height of three vertical feet (3') will be allowed (not to exceed the maximum height allowed) for each additional five horizontal feet (5') of distance [a 3:5 ratio] beyond the minimum side building line.
- e.3. Height to setback ratio for a lot rear setback. For a lot adjoining another lot, the vertical height limit of that portion of a building or structure located along

or adjoining a minimum rear building line setback shall be ten feet (10') in height. An additional building or structure height of three vertical feet (3') will be allowed (not to exceed the maximum height allowed) for each additional five horizontal feet (5') of distance [a 3:5 ratio] beyond the minimum rear building line.

Section 32. That the Comprehensive Zoning Ordinance Section FIVE.B.3.g., "Maximum Building Coverage," is deleted in its entirety and a new subsection "g" is added in its place which provides as follows:

- g. Maximum lot coverage. The maximum coverage of any lot with any non-permeable constructed surface shall not exceed sixty percent (60%) of the lot area located behind the required front building line, and shall not exceed fifty percent (50%) of the lot area located in front of the required front building line. "Non-permeable constructed surface" shall include for computation of lot coverage, by way of example only, buildings, garages, accessory buildings, pools, patios, sidewalks, driveways, any paved surface for automobiles, and other non-permeable constructed surface areas, but shall exclude, by way of example only, stepping stones, air conditioner supports, landscape border stones, wooden decks, and similar materials and structures."

Section 33. That Section FIVE.B.3.h.(1), (2), (a), (b), (c), (3), (4), (5), (a), (i)-(iv), (b), 3.i,(1), (a), (b), (c), (d), (2), (a), (b), (c), and 3.j., governing "Setbacks for Pre-existing Structures," "Setbacks for New Construction," and "Setbacks for Garages and Carports," are deleted in their entirety and a new subsection "3.h" is added in its place which provides as follows:

h. Building line setbacks:

(1) General: The following restrictions shall apply to all construction of or addition to new or pre-existing buildings, dwellings, garages, and accessory use buildings.

(2) Front building line setbacks:

(a) Adjoining a Local or collector street. For a lot adjoining a local or collector street right-of-way of sixty feet (60') the minimum front building line setback shall be thirty feet (30'). For a lot adjoining a local or collector street right-of-way of fifty feet (50') the minimum front building line setback shall be thirty-five feet (35').

(b) Adjoining a Major-thoroughfare. For a lot adjoining a major-thoroughfare the minimum front building line setback shall be forty feet (40').

(c) Adjoining a Cul-de-sac turnaround. For a lot adjoining a sixty foot (60') radius cul-de-sac turnaround the minimum front building line setback

shall be twenty-five feet (25'). For a lot adjoining a fifty foot (50') radius cul-de-sac turnaround the minimum front building line setback shall be thirty-five feet (35').

(d) Setback Adjustment. If a lot fronts a right-of-way of less width than the minimum required in the City's Subdivision Development Ordinance or the City's Street and Thoroughfare Plan, there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.

(e) Pre-existing lot. If the pre-existing lot depth is less than the minimum depth required by the City Subdivision Development Ordinance, the front building line setback shall not be less than the setback shown on the pre-existing recorded plat, but in no event less than twenty-five feet (25').

(3) Side building line setback.

(a) Adjoining another lot; Building or Structure height to setback ratio. Adjoining a lot side property line the minimum side building line setback shall be eight feet (8'). Adjoining a lot rear property line the minimum side building line setback shall be ten feet (10'). In no event shall the side building line setback be less than eight feet (8').

(b) Adjoining a local or collector street. Adjoining a local or collector street right-of-way the minimum side building line setback shall be fifteen feet (15').

(c) Adjoining a major-thoroughfare. Adjoining a major-thoroughfare the minimum side building line setback shall be twenty-five feet (25').

(d) Setback adjustment. If a side lot line adjoins a right-of-way of less width than the minimum required by the City's Subdivision Development Ordinance or the City's Street and Thoroughfare Plan, there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.

(4) Rear building line setback.

(a) Rear setback; Building or Structure height to setback ratio. Not less than ten feet (10').

(b) Adjoining a local or collector street. Adjoining a local or collector street right-of-way the minimum required rear building setback shall be fifteen feet (15').

(c) Adjoining a major-thoroughfare. Adjoining a major-thoroughfare the minimum required rear building line setback shall be twenty-five feet (25').

(d) Setback adjustment. If a lot backs up to a right-of-way of less width than the minimum as required in the City's Street and Thoroughfare Plan there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.

(e) Pre-existing lot. If the pre-existing lot depth is less than the minimum depth required by the City Subdivision Development Ordinance, the rear building line setback shall not be less than the setback shown on the pre-existing recorded plat, but in no event less than ten feet (10').

Section 34. That the Comprehensive Zoning Ordinance Section FIVE.B.3. be amended by adding a new subsection "3.k" which provides as follows:

"3.k. Driveway Width, Transition, and Separation. The maximum driveway width at the line of intersection with the street pavement shall not exceed the product of the number of garage parking spaces multiplied by twelve feet (12'), plus the corner radii at each intersection. If more than one curb cut (that is street transition) is constructed on the same lot, such curb cuts shall be separated (nearest edge to nearest edge) by a minimum distance of at least twenty feet (20').

Section 35. That the Comprehensive Zoning Ordinance Section FIVE.B.4. be deleted in its entirety and a new subsection "4" added in its place which provides as follows:

4. Windows - second story and attic restrictions:

(a) Second story windows. Any second story window (i) which is lower than eight feet (8') from the floor line below it and (ii) which faces into and is twenty feet (20') or closer to the property line of the lot on which the dwelling is located shall be translucent. A window shall be considered to "face into" an area if any line drawn in plan view perpendicular to the window will extend into that area.

(b) Attic windows. All attic windows shall be translucent, including skylights, dormer windows, or any other type of window.

(c) Translucent requirement. "Translucent" means a window that will let light pass through, but diffuses it so that objects cannot be visually distinguished from either side of such windows. The translucent characteristics of the window shall be permanent and professionally applied or designed into the window, such as etching, frosting, or an irregular surface; for example, sun screens, reflective coatings, spray painting, or streaking of any type does not qualify, as these treatments can be modified and removed.

(d) Second story decks. A second story deck, any portion of which in plan view is within forty feet

(40') of any adjoining property line, shall have built into the deck a solid screen or visual barrier constructed up to a height of six feet (6') from deck level on the side or sides of the deck which are closer than the referenced forty feet (40').

Section 36. That the Comprehensive Zoning Ordinance Section FIVE.B.5., "Slab Elevation Requirements," is deleted in its entirety and a new subsection "5" is added in its place which provides as follows:

5. Slab Elevation Requirements. The slab elevation for all newly constructed one or two-story dwellings or additions to dwellings shall be a minimum of twelve (12) inches above: (1) the 100 yr. flood plain (2) the nearest sanitary sewer manhole within two-hundred feet (200'), or (3) the crown of the street fronting the property upon which the new dwelling or addition is to be built, whichever is the highest elevation. All additions to an existing slab shall also comply with this requirement. The "crown of the street" provision shall not apply to lots fronting on streets without curb and gutters, and in lieu of that provision such slab minimum height is twelve (12) inches above the natural ground surface. All other provisions are applicable as stated above.

Section 37. That the Comprehensive Zoning Ordinance Section FIVE.B.7., "Swimming Pool Requirements," is deleted in

its entirety and a new subsection "7" is added in its place which provides as follows:

7. Pool Requirements: No pool shall be installed or maintained unless all provisions of this Section FIVE.B.7. are met:

a. Location. A pool shall be installed in the rear or side yard of the premises.

b. Setbacks Required: A pool shall be set back a minimum of ten feet (10') from the rear lot line and eight feet (8') from the side lot line.

c. Decking: Uncovered decking no more than two feet (2') above natural grade may be constructed around a pool. Uncovered decking no more than eight (8) inches above natural grade or the ground finished floor of the dwelling, whichever is higher, may extend into the area between a side or rear property line and a required setback line.

d. Barrier required. A pool and any adjoining decking shall be located within a maintained protective barrier to deter access by children. The protective barrier shall consist of a minimum six foot (6) high fence, a specially designed barrier, or a dwelling or building wall.

In addition to the application of this barrier requirement to any new pool constructed, from and after April 30, 1992, this barrier requirement shall apply to all pre-existing pools.

business or professional use, shall be created or used upon any tract of land situated in Commercial District "C" and directly adjoining any portion of Dwelling District "A" until and unless a solid wall, made with masonry or wood material and being not less than eight feet (8') in height at all points shall have been erected along the entire property line between the lot of land upon which such building or structure is to be erected and such Dwelling District "A". Such wall shall be properly maintained by the commercial property owner(s) at all times. A building permit shall be required for such construction and accompanied by a fee as set forth in the City Fee Schedule.

Section 40. That the Comprehensive Zoning Ordinance Section TEN.4.01 and 4.06, "For Sale, For Lease, For Rent Sign," and "Sign for a Residential Development" are deleted in their entirety and new subsections "4.01" and "4.06" are added in their place which provide:

4.01 For Sale, For Lease, For Rent Sign: One single or double faced temporary sign not exceeding four square feet (4') per face in area shall be allowed for each lot or one-family dwelling unit in order to advertise the lot or dwelling located on the lot on which the sign is placed, while such lot or dwelling is actually offered for sale, lease, or rent. No sign permit shall be required for such signs. No such sign shall be placed within any open ditch, or closer than ten (10) feet from the pavement edge of any street. Such signs shall not exceed

- e. Access secure. Every access through the protective barrier enclosing such pool, except access through the dwelling or other building on the premises, shall be secured with a self-closing gate with a self-latching device mounted a minimum of five feet (5') above the ground, or other surface below such gate.

Section 38. That the Comprehensive Zoning Ordinance Section SIX.D.2. and 3., "Fences," (Office District "B") are deleted in their entirety and new subsections "2" and "3" are added in their place which provide as follows:

2. A free-standing masonry wall or fence shall be of solid masonry brick or structural grade hollow masonry units.
3. A free-standing wooden wall or fence shall be constructed with a support structure of rot-proof treated or preserved materials. The wall or fence facing shall, as the minimum, be constructed with rot-resistant materials. No wooden fence or wall having horizontal boards or planks or in a basket weave pattern shall be permitted.

Section 39. That the Comprehensive Zoning Ordinance Section SEVEN.B.3. "Fence Requirement," (Commercial District "C") is deleted in its entirety and a new subsection "3" is added in its place which provides as follows:

3. Fence Requirement: No building or structure, designed or arranged to be used for any commercial, trade,

four feet (4') in height above the surrounding finished grade level, including the height of the supporting structures.

4.06 Sign for a Residential Development: A sign permit shall be required. One temporary single or double faced sign which shall not exceed sixteen square feet (16') per face in area for each major street entrance to an approved and recorded residential development of two (2) or more one-family dwellings may be displayed in order to provide information concerning lot or dwellings sales for the development while such lots or dwellings are actually offered for sale. Such sign shall be removed one (1) year from the date of its erection; provided, however, such sign may remain in place for up to an additional (1) year upon filing an application with the Sign Administrator, as provided in Paragraph 9.0 of this Section Ten, upon forms provided by the City Secretary, which shall state that sales in the development are not completed and which shall provide detail regarding such sales. No residential development sign shall be placed within any open ditch, or closer than ten feet (10') from the pavement edge of any street. Such sign shall not exceed four feet (4') in height above the surrounding finished grade level, including the height of the supporting structure.

Section 41. That the Comprehensive Zoning Ordinance Section TEN - "SIGNS" is amended by changing throughout all Zoning Districts the regulations which provide that various temporary signs shall not be placed within any public street right-of-way and shall be placed a minimum stated distance from the pavement line of any street, to now provide uniformly as

follows: "No (type of sign) shall be placed within any open ditch, or closer than ten feet (10') from the pavement edge of any street."

Section 42. That the Comprehensive Zoning Ordinance Section ELEVEN.A.B. and C., "Fences," are deleted and new subsections "A" "B" and "C" are added in their place which provide as follows:

A. Fence or Wall defined. The term "fence or wall," as used herein, shall be construed to mean any enclosing barrier exceeding twenty-four (24) inches in height constructed of ornamental metal, wire mesh, chain link, masonry, or wood, excluding those fences as set forth below in paragraph D., Prohibited Fences.

B. Height - Residential: The following height limitations shall apply to fences in Dwelling District "A":

1. Metal fences may not exceed six feet (6') in height.
2. Wood or masonry fences may not exceed eight feet (8') in height.

C. Height - Commercial: In Office Building District "B" and Commercial District "C" the minimum fence height shall be eight feet (8'). Further requirements for these fences are set forth in Section SIX for Office Building District "B" and in Section SEVEN for Commercial District "C".

Section 43. That the Comprehensive Zoning Ordinance, Section TWELVE, dealing with "Streets" is deleted in its entirety.

Section 44. That the Comprehensive Zoning Ordinance Exhibits "A" and "B", "Fence Specifications Nos. 1 and 2," are deleted in their entirety.

Section 45. That the Comprehensive Zoning Ordinance Attachments "A" and "B", "Cul-de-Sac Lots and Other Radial Lots," are deleted in their entirety.


Section 46. Penalty. Any person, firm, partnership, association, corporation, company, entity, or organization of any kind who or which intentionally, knowingly, recklessly, or with criminal negligence violates any of the provisions of this Ordinance or the Comprehensive Zoning Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed \$2,000. Each day during which such violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this Ordinance shall occur, and any agent, contractor, builder, architect, person, association, organization, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense, and, upon conviction thereof, shall be punished as above provided.

Section 47. 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 of provision hereof other than the part declared to

be invalid or unconstitutional, and the City Council of the City of Spring Valley, 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."

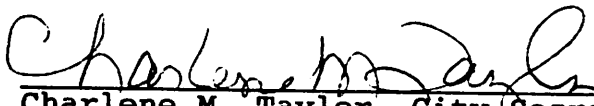
Section 48. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED on the 23rd day of July, 1991.



William R. Denison, Mayor

ATTEST:



Charlene M. Taylor, City Secretary

NOTICE OF JOINT WORKSHOP
CITY OF SPRING VALLEY
CITY COUNCIL
AND
PLANNING AND ZONING COMMISSION
APRIL 1, 1991
7:30 P.M.

Notice is hereby given that the City Council of the City of Spring Valley and the Planning and Zoning Commission will conduct a Workshop Monday, April 1, 1991, at 7:30 p.m., at City Hall City Council Chambers, 1025 Campbell Road, City of Spring Valley.

The purpose of the Workshop is to review and discuss a proposed preliminary report by the Planning and Zoning Commission for amendments to the Spring Valley Comprehensive Zoning Ordinance including but not limited to the following preliminary zoning amendment recommendations:

AGENDA

1. Calling the Roll and Marking Absentees
2. Workshop

Review and discussion regarding possible recommendations for amendments to the Spring Valley Comprehensive Zoning Ordinance including, but not limited to, the following

Dwelling District "A"

- A. Residential lot coverage
- B. Pools (spas, hot tubs)
- C. "Inharmonious" buildings and structures
- D. Residential Maximum Building Height and number of stories
- E. Garages and Carports - Limitations and Restrictions
- F. Construction/Building Permits
- G. Plans/Surveys/Fees/Approvals
- H. Building and Structure Height
- I. Streets
- J. Definitions (various)
- K. Lot dimensions/Maximum Lot Coverage
- L. Setbacks/Building Lines
- M. Curb Cuts
- N. Window Regulations
- O. Boats, trailers, motor homes, etc., parking regulations

Office District "B"

Joint Workshop
April 1, 1991

A. Fences/Walls separating Districts "B" and "A"
Commercial District "C"

A. Fences/Walls separating District "C" and "A"
Section Ten - Signs

A. For Sale, Rent, Lease, signs on homes/lots
B. Signs for Residential Developments/Homes under
construction

Section Eleven - Fences

A. Commercial Fence design

Section Twelve - Streets

A. Move street regulations and thoroughfare plan to a
separate "Major Thoroughfare Plan".

Other

A. Delete Exhibits "A" and "B" re: fence design
B. Upgrade Zoning Map - PAD and Specific Use Permits
C. Delete or modify Attachments "A" and "B"

Signed: William R. Denison
Mayor Pro Tem

Signed: Walter Bullitt, Chairman
Planning and Zoning Commission

Attest: Charlene M. Taylor
City Secretary
March 19, 1991

place a public hearing is required by law. Mr. Dell'Osso stated all the items being transferred from the Zoning to the Subdivision Ordinance are items that never belonged in the city Comprehensive Zoning Ordinance; only those items applying to the subdivision of property are being moved into the Subdivision Ordinance and Zoning will continue to apply to all property within the city.

There being no further discussion, Mayor Denison closed the public hearing and reconvened the Council Meeting.

B. Consideration and if determined appropriate adopt the above described Ordinance amending the City Subdivision Ordinance.

Mr. McDonnell moved Council adopt the Ordinance as presented. Mrs. Burk seconded; and, the motion carried unanimously.

Consideration, and if determined appropriate, adopt the following Street and Thoroughfare Ordinance

An Ordinance of the City of Spring Valley, Texas entitled the "Street and Thoroughfare Ordinance" providing for the reclassification of street; providing definitions; identifying major thoroughfares; prohibiting certain through streets; containing recitations; providing a penalty in an amount not to exceed \$500. per offense; providing for the repeal of inconsistent or conflicting Ordinances or parts of Ordinances; and providing for severability

Mr. Dell'Osso reviewed the Ordinance for Council's consideration noting an addition in Section 2 for a definition of "cul-de-sac street" and that this Ordinance does contain changes for clarification of definitions of streets.

Mayor Denison requested Section 2.1, the word "minor" be changed to "local" and Section 2.3 be changed to include a reference to the County to read "over long distances, and those whose function is to serve, etc."

Mr. McDonnell moved Council adopt the Ordinance subject to those changes recommended by Mayor Denison and Mr. Dell'Osso in Section 2, Definitions. Mrs. Burk seconded; and, the motion carried unanimously.

Consideration, and if appropriate, adopt the following Ordinance amending the City Building Code

An Ordinance of the City of Spring Valley, Texas amending the City Building Code, Ordinance No. 114, Book 1, adopted September 22, 1981, by adding to that Ordinance provisions relating to building permits, fees, application deposits, issuance, compliance, changes, and enforcement; requiring that wood shapes or shingles, if used, be fire retardant; providing

CITY OF SPRING VALLEY
REGULAR COUNCIL MEETING
JULY 23, 1991
7:30 P.M.

PRESENT: Mayor William R. Denison
Councilman Robert H. Ferguson
Councilman Richard D. Saulmon
Councilwoman Janice C. Burk
Councilman D. Wayne McDonnell
Councilman Raymond G. Thompson
George R. Parker, City Administrator
Mario Dell'Osso, Attorney for the City
John C. Cook, Chief of Police
Alex Herrera, Captain of Police
Jack Murphy, City Engineer
Charlene M. Taylor, City Secretary

PLANNING AND ZONING MEMBERS

Walter C. Bullitt, Chairman
Ginger Geist, Secretary
Joy Purfurst
Gayle McDonald
Nancy Ellison
Robert Hughes
William Taylor
Tony Rubick

GUESTS: 27

Calling the Roll and Marking Absentees

Mayor Denison called the Regular Council Meeting of July 23, 1991 to order and announced all members of Council present.

Joint Public Hearing

A joint public hearing will be held before the City Council and the Planning and Zoning Commission of the City of Spring Valley, Texas, on the 23rd day of July, 1991, at 7:30 p.m., in the City of Spring Valley City Hall, City Council Chambers at 1025 Campbell Road, Spring Valley, Texas, to hear any person desiring to be heard on, or in connection with, and for the purpose of considering proposed amendments to City of Spring Valley Ordinance No. 115, Book 1, The Comprehensive Zoning Ordinance, passed and approved December 15, 1981, providing that the Zoning Ordinance be reprinted and renumbered; changing the designation of Building Inspector to Building Official; providing when construction permits are required and the approval process; deleting certain references to the building

Regular Council Meeting
July 23, 1991

permits; containing definitions of attic, setback line, carport, family, garages, heights of buildings or structures, habitable room, street or thoroughfare, dwelling, pool, setback, story, and structure; amending the residential garage and carport regulations; deleting regulations based upon inharmonious and appearance criteria; deleting certain provisions dealing with the configuration of lots; regulating maximum residential building height, number of stories, and maximum lot coverage; establishing residential front, side, and rear setbacks; establishing a building height to setback ratio for lots adjoining other lots; regulating residential driveways, windows, second story decks, slab elevation requirements, and pool requirements; requiring a protective barrier around pools to deter access by children, and requiring that existing pools be brought into compliance by April 30, 1992; deleting specifications from the Dwelling District "A", Office District "B", and Commercial District "C", fence requirements; amending the residential for sale, for lease, for rent, and residential development sign provisions; providing for severability and the repeal of conflicting Ordinances or parts of Ordinances; providing other matters relating to the subject; and, providing a maximum penalty of \$2,000. per offense

Mayor Denison convened the Joint Public Hearing and announced a quorum present among the City Council and members of the Planning and Zoning Commission.

Mr. Dell'Osso reviewed the proposed amendments to the City's Comprehensive Zoning Ordinance

Mayor Denison stated the primary purpose of the amendments within the Ordinance for consideration tonight is to provide for the removal of those items which actually belong within the Subdivision Ordinance, Building Code and the Street and Thoroughfare Ordinance as well as providing for the renumbering of items, the clarification of definitions and calling for the reprinting of original 1981 with a number of amendments passed during the past several years. Mayor Denison stated it is hoped that the revised Comprehensive Zoning Ordinance will be easier for all to work with and to understand.

Mr. Walter Bullitt, Chairman, Planning and Zoning Commission, announced the Ordinance presented is the recommendation from the Commission for Council's consideration and called for member participation.

Mrs. Geist stated Section 4., page 4, "recreational structures" reads "less than nine feet," and should read ", recreational structures more than nine (9) feet in height,."

The Commission concurred.

Regular Council Meeting
July 23, 1991

Mr. John Kocurek, 1432 Bingle, asked what is considered to be a slab and its elevation.

Mr. Murphy responded by stating the general reference to slab elevation is that measurement between the top of the slab and the finished slab.

Mr. Kocurek asked if that is a piece of concrete or something on top of the the peer and beam.

Mr. Murphy stated the measurement is from what is called the first floor elevation. Mr. Murphy reviewed the definition for foundation and first floor elevation as well as the different types of foundations and its purpose. Mr. Murphy stated the definition's primary purpose within the Zoning Ordinance is a reference point for measurements by defining the finished floor and the Building Code provides for the requirements for the type of foundation.

Mayor Denison stated the Ordinance establishes a maximum height for the first finished floor of a structure in order to prevent structures such as a stilted house.

Ms. Beth Garrett, Suburbia Reporter, asked what items within the Ordinance would most affect residents.

Mr. Bullitt responded those items that relate to new construction within an older subdivision such as side windows and requiring that all existing pools be brought into compliance with the zoning ordinance by April 30, 1992; and, all new construction would be affected by a new lot surface coverage of 60 percent, non permeable, and establishing a building height to setback ratio for lots adjoining other lots.

There being no further comments for citizens, Mayor Denison called for Council's participation.

Mrs. Burk stated Council and the Zoning Commission has addressed this Ordinance numerous times over the past many months and is ready and pleased to be able to take action on the proposed amendments tonight.

Mr. Murphy stated on pages 16 and 17, dealing with height ratios, should be moved to page 13, Section 31, to become e.2 and e.3. in order to be consistent with "Maximum Height" regulations and definitions.

The Commission and Council concurred.

Mr. Murphy stated that page 10, Section 24, Q., defining Story, should read "Story, Residential". A Residential Story..."

The Commission and Council concurred.

Regular Council Meeting
July 23, 1991

Mr. Murphy stated that page 15 (2) (d) and page 16, (3) (b) Setback adjustment., following the words "minimum required by the City's", insert "Subdivision Development Ordinance or the City's".

Mr. Thompson stated if a vote is taken tonight on this Ordinance, the Council will once again be voting for a "marked up" document and not the final copy.

Mr. Thompson expressed his concern that Council will be voting on a document that will have to go back into a word processor for changes and the possibility exists what Council thinks they have approved and what the final documents reads following changes from word processing could be two or more different understandings depending on the number of drafts within the word processor.

Mr. Thompson expressed his displeasure in again having to vote on a document other than the final copy.

Mayor Denison called for final comments from the Planning and Zoning Commission and members of City Council.

There being no further comments, Mayor Denison closed the Joint Public Hearing and requested that the Planning and Zoning Commission conduct a meeting and make its final recommendation to Council.

Following discussion, Mr. Robert Hughes moved the Planning and Zoning Commission recommend the presented Ordinance subject to those changes as discussed this evening as its final report for adoption by Council. Mr. William Taylor seconded; and, the motion carried unanimously.

Mayor Denison expressed his thanks and gratitude to the Planning and Zoning Commission for all its hard work in preparing the amendments for consideration.

Mr. Dell'Osso reviewed the final recommendation of the Planning and Zoning Commission as follows:

- 1) page 4, to read "more than nine (9) feet in height;"
- 2) page 10, Section 24, Q. Story - add "Residential." definition to begin "A Residential Story..."
- 3) page 13, Section 31. add e.2 and e.3 - addition of language on page 16 and page 17, referring to "Ratio" and "setback to building height" with cross reference on page 16 and 17 to read "see also Maximum Height of Buildings";
- 4) page 15, Section 33, (2) (d) Setback Adjustment. and page 16, (3) (d) Setback Adjustment. - ...minimum required in the

City's- add "Subdivision Development Ordinance or the City ..."; and,

5) page 17, Section 33, (4) (a) - Rear setback; Building or Structure height to setback ratio

Mr. Dell'Osso stated that with the concurrence of Council and the Planning and Zoning Commission the word "Residential" was added to the definition of "Story"; clarified the "Recreation Structures to read more than nine feet in height; reversed the ratio language and placed it under maximum height and added Subdivision Development Ordinance or City's Street and Thoroughfare Plan of the City.

Consideration, and if determined appropriate, take action regarding the following Ordinance amending the Spring Valley Comprehensive Zoning Ordinance

An Ordinance of the City of Spring Valley, Texas, amending Ordinance No. 115, Book 1, The Comprehensive Zoning Ordinance, passed and approved December 15, 1981, providing that the Zoning Ordinance be reprinted and renumbered; changing the designation of Building Inspector to Building Official; providing when construction permits are required and the approval process; deleting certain references to the building permits; containing definitions of attic, setback line, carport, family, garages, heights of buildings or structures, habitable room, street or thoroughfare, dwelling, pool, setback, story, and structure; amending the residential garage and carport regulations; deleting regulations based upon inharmonious and appearance criteria; deleting certain provisions dealing with the configuration of lots; regulating maximum residential building height, number of stories, and maximum lot coverage; establishing residential front, side, and rear setbacks; establishing a building height to setback ratio for lots adjoining other lots; regulating residential driveways, windows, second story decks, slab elevation requirements, and pool requirements; requiring a protective barrier around pools to deter access by children, and requiring that existing pools be brought into compliance by April 30, 1992; deleting specifications from the Dwelling District "A", Office District "B", and Commercial District "C", fence requirements; amending the residential for sale, for lease, for rent, and residential development sign provisions; providing for severability and the repeal of conflicting Ordinances or parts of Ordinances; providing other matters relating to the subject; and, providing a maximum penalty of \$2,000. per offense

Mr. Ferguson moved Council adopt the Ordinance as amended. Mrs. Burk seconded; and, the motion carried unanimously.

Mr. McDonnell expressed his disappointment in having to vote on a document that is not in its final form.

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Consideration, and if determined appropriate, take action regarding request for funds by the Planning and Zoning Commission

Request by the Planning and Zoning Commission at its July 15, 1991 meeting for funds in an amount not to exceed \$500. for professional services from Mr. Tom Northrup, Land Planner, regarding an update for land planning and uses as it pertains to the Planned Area Development Zone

Mr. Bullitt, Chairman, Planning and Zoning Commission stated the Commission is requesting the meeting with Mr. Northrup due to a request for rezoning within the Planned Area Development District. Mr. Bullitt stated that the Commission felt it would be of considerable importance to the City as well as vital information to the Commission if a more recent updated report could be obtained regarding the PAD property.

Following discussion, Mr. McDonnell moved Council authorize an expenditure up to \$500.00 for consultation with between the Planning and Zoning Commission and Mr. Tom Northrup. Mr. Saulmon seconded the motion. Messrs. McDonnell, Saulmon, Ferguson and Thompson voted in favor of the motion. Mrs. Burk voted against the motion.

Mayor Denison announced the motion to authorize the \$500.00 expenditure passed by majority vote.

Receipt of Petitions and Citizens Forum

Mr. A. H. Groschke, 8402 Burkhardt Road, informed Council he has received a letter of violation from the city's Building Official regarding the parking of his son's tractor trailer and requested that Council consider providing an exception to allow the parking of the vehicle on his property due to the circumstances that the tractor trailer is not visible from the street and only on the property during evening hours.

Following discussion, it was the consensus of Council that Mr. Groschke and his son address his particular situation before the Planning and Zoning Commission to determine if a possible favorable recommendation to change the Zoning Ordinance would be forthcoming.

Mr. Groschke requested a time extension until a meeting with the Commission could be arranged to discuss the situation and to obtain the recommendation of the Planning and Zoning Commission.

It was the consensus of Council that Mr. Groschke be afforded a time extension before the filing of a complaint until the end of August, 1991.

Mr. Robert Hughes asked why Council could provide relief for a resident to care for wild animals and not provide relief for this situation.

Mr. Dell'Osso stated that the case in which relief was granted to the care of small wild animals on a temporary basis was handled by amending a police power Ordinance governing animal control and the situation being discussed this evening is a zoning violation. Mr. Dell'Osso stated that in order to allow for the parking of tractor trailers within the city the Spring Valley Comprehensive Zoning Ordinance would have to be amended which would come through a recommendation by the Planning and Zoning Commission, followed by Joint Public Hearings and action taken by City Council.

Consideration, and if determined appropriate, take action on the following Ordinances

A. An Ordinance of the City of Spring Valley, Texas, adopting Drug Free Workplace Policy; providing for the detection and deterrence of the illegal use of controlled substances, drugs, and the use of alcoholic beverages in the city work environment

Mr. Dell'Osso stated that the last draft of this Ordinance dated July 9, 1991, was discussed at the City Council Workshop held on July 16, 1991. Mr. Dell'Osso reviewed the attached recommended changes resulting from the workshop. Mr. Dell'Osso noted that it was the consensus of Council to consider the Ordinance with the Section requiring Drug Testing.

Mayor Denison requested a five-minute recess in order to allow Council to read the document and compare recommended changes.

Mr. Thompson voiced his objection to being asked to vote on a major issue without having seen or read the final document. Mr. Thompson asked if the spelling errors have been corrected; "his/her" has been changed to "their"; and, "over the counter" changed to "non-prescription."

Mr. Dell'Osso responded yes.

Mr. Thompson reviewed his notes from the workshop and asked Mr. Dell'Osso if the items are in the document before Council this evening.

Mr. Dell'Osso responded yes.

Following discussion, Mr. McDonnell moved Council adopt the Ordinance presented this evening subject to comparison by staff of the document changes resulting from the Workshop and the Ordinance being considered this evening. Mr. Ferguson seconded; and the motion carried unanimously.

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Mr. McDonnell and Mr. Saulmon expressed their objection to receiving information and documents at the meeting in which they are asked to take action.

B. An Ordinance of the City of Spring Valley, Texas, amending Ordinance No. 184, Book 1, adopted February 23, 1988, by deleting specific definitions in Section 1, Subsections (a), abandoned motor vehicles, and Subsection (D), junked vehicle, of Article II, abandoned and junked motor vehicles, and replacing them with new Subsections (A) and (D); providing for repeal of all Ordinances or parts of Ordinances inconsistent or in conflict herewith; and providing for severability

Mr. Dell'Osso reviewed the Ordinance noting that the definitions are being updated to comply with State Statues.

Following review and discussion, Mr. McDonnell moved to adopt the Ordinance as presented. Mrs. Burk seconded; and, the motion carried unanimously.

Consideration, and if determined appropriate, take action regarding selection of physician as the City's Health Authority

Select a physician as the City's Health Authority (or Health Officer) legally qualified to practice medicine, to administer local and state laws relating to public health, disease prevention and suppression, health related ordinances, nuisance abatement, and general sanitation, in the City. The position of Health Officer is established by the Texas Health and Safety Code, Section 121.021. The City may consider an Interlocal contract (The City of Spring Valley currently has an Interlocal contract with the City of Houston for food/restaurant health inspections) with another public agency to provide the services of a Health Officer.

Mr. Dell'Osso reported the Texas Legislature enacted a law that states that if a city is going to enforce Ordinance violations regarding health and sanitary matters the city is required to have a Health Authority which has to be a licensed physician.

Mr. Parker reported that in the past the city relied on the County Health Department. Mr. Parker stated the County Officer would agree with the city's position; however, would not go to court to testify.

Following discussion, Mrs. Burk moved Council authorize the establishment of and selection of City's Health Officer and that Mr. Parker be authorized to pursue the appointment of a qualified physician for same. Mr. McDonnell seconded; and, the motion carried unanimously.

Mr. Thompson suggested Mr. Parker contact our sister cities as to whom they are using as a Health Officer and perhaps the six

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Memorial Villages could use the same physician as its Health Officer.

Consent Agenda

A. Treasurer's Report

B. General Fund and Utility Fund Bills

Mr. Ferguson moved Council approve the Consent Agenda as submitted. Mr. Saulmon seconded; and, the motion carried unanimously.

Receipt of Reports - Possible Action or Approval

A. Mayor's Report: Mayor Denison reported Mr. Dell'Osso has been authorized to take the necessary legal action against those property owners in the city who have been in violation of the Zoning Ordinance and Ordinance Number 184, Book 1, as amended, in particular, the situation at the corner of Fries Road and the Service Road and the situation on Bace Street. Mayor Denison stated the city has been trying to work with these owners for a number of years with no positive results. Mayor Denison stated Mr. Dell'Osso is preparing the complaints at this time.

Mayor Denison reported the City of Spring Valley is hosting the monthly Mayors' Luncheon this week and Mr. Dietert, District Engineer, Texas Department of Highway and Transportation, has accepted his invitation to attend to discuss the proposed plans to expand IH-10. Mayor Denison stated that Mrs. P.J. Lionetti, the city's representative on the Metro Board of Directors, will also be in attendance.

Mayor Denison stated that he and Mrs. P.J. Lionetti have been meeting several times during the past week and it appears that the Appropriations Committee at Metro has allocated approximately \$20,000,000. for 248 special projects. Mayor Denison stated that the city's "Adkins Road" project was number 48 and Mrs. Lionetti was able to push the repair and resurfacing of Adkins Road from Old Katy to the Drainage Bridge to project number 12. Mayor Denison stated that Ms. Lionetti feels that the allocated monies would cover the cost of the first 10 projects and if any of the top 10 projects are not approved by the Metro Board, the city's Adkins Road Project will prevail. Mayor Denison reported that he will be informed of the decisions of the Board by next week.

Mrs. Burk asked the status of the Campbell Road and Westview Drive projects.

Mr. Parker reported that he is at this time reviewing the draft contract between the city and Metro for the Campbell and Westview projects.

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Mayor Denison reported that the city's letter voicing our concerns regarding the proposed Village Fire Department Budget was heard by our sister cities. Mayor Denison stated that it is his understanding the the budget will most likely go back to the Fire Board of Commissioners for reconsideration.

B. City Administrator's Report: Mr. Parker reported that he is working on the contract for the Campbell and Westview projects with Mr. Fred Childs, Senior Project Manager for Metro.

1. Consideration, and if determined appropriate, take action regarding the scope and plan for the city's comprehensive traffic study and determine approximate cost for project

Mr. Parker reviewed the attached proposed scope and plan for the traffic study prepared by Mr. Murphy. Mr. Parker reported the estimated cost for the traffic study, based on the proposed scope, is approximately \$19,000.

Mayor Denison called for a five minute recess.

Mayor Denison reconvened the Council Meeting.

Mayor Denison asked that Council review the proposed scope of the traffic study to determine if the items addressed meets the criteria needed for the traffic study.

Mrs. Burk stated the prepared scope certainly is more comprehensive and along the lines of her understanding of what Council wanted to accomplish.

Mayor Denison asked Mr. McDonnell if the scope presented this evening satisfactorily address his recommendations.

Mr. McDonnell stated that it appears the scope does address most of his recommendations.

Mr. McDonnell offered to visit with Mr. Parker and Mr. Murphy within the next few days to review all the recommendations in order to understand and determine exactly what the city will be getting and accomplishing by this proposal.

Mayor Denison concurred and requested that a meeting be scheduled to include Mr. McDonnell, Mr. Parker, Mr. Murphy and himself.

Mr. Thompson asked if a recommendation will be ready for both the scope of the study and the Engineering firm that will be conducting the study by the next Council Meeting.

Mr. Parker responded that is the plan as he understands it.

A discussion ensued regarding the possibility of a budget workshop and establishing an interim city budget within the

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next several weeks should the Appraisal District not provide values to the city in a timely manner.

Mrs. Burk asked if property owners have responded to the attached letters regarding violations.

Mr. Parker responded, no, and that citations and summons to Municipal Court are being prepared by Mr. Dell'Osso.

Mayor Denison informed Council that Mayor Stubblefield, City of Bunker Hill, has arranged with Sheriff Kevenhagen a tour of the new County jail facility on August 21st and has invited Council, Court and Administrative personnel.

C. Chief of Police's Report: Chief Cook reviewed the attached Police Department monthly activity report noting that there are 277 registered alarm systems within the city and the department handled 43 alarm calls this month.

Chief Cook reported residential burglaries are down due to increased neighborhood patrol. Chief Cook stated that there are two motorcycles on the street daily targeting the residential areas only.

Chief Cook reported that the burglars stealing vehicles and/or items from automobiles are back working in our area.

Chief Cook reported the Department has solved the burglary of the church at Old Katy Road and Campbell Road and some of the property was returned to the church.

Mr. Thompson asked Chief Cook if the department knew the contents of the tanker truck that overturned just out of the city limits on Bingle Road.

Chief Cook responded, no, but he will check it out.

D. Village Fire Department Representative's Report: Mr. McDonnell reviewed the attached monthly Village Fire Department activity report.

Mr. McDonnell reported the Village Fire Commissioners will conduct a meeting Thursday to reconsider the 1992 budget. Mr. McDonnell stated a majority of our sister cities are not in favor of financing the purchase of capital equipment and most likely the Board will recommend an expenditure of approximately \$225,000. for capital equipment expenditures which is a \$200,000. reduction in the budget.

Consideration, and if determined appropriate, take action regarding proposed Village Fire Department Budget for fiscal year 1992

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Mayor Denison withdrew consideration of the Village Fire Department from the agenda.

E. Council Members' Reports

Parks Committee: Mr. Thompson reported the Committee is actively working on the city-wide garage sale to raise funds for the Fall Carnival and the plans for the Fall Carnival are progressing..

Mr. Thompson stated the new concrete trash can should be installed at the City Hall park site within the next couple week, the benches for the gazebo are in the process of being designed and the brass plaque to replace the existing plastic sign has been ordered.

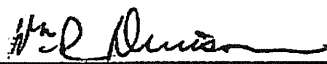
Mr. Thompson expressed his appreciation to Mr. Parker and Mr. Murphy for notifications to those residents in violation of the Zoning Ordinance and asked that the appointment of the Health Officer be a priority item in order to pursue those violations that have existed for a long period of time.

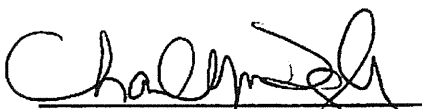
Council Comments

None forthcoming.

Adjournment

There being no further business, Mayor Denison adjourned the Regular Council Meeting of July 23, 1991.

Signed: 
William R. Denison
Mayor

Attest: 
Charlene M. Taylor
City Secretary
~~July 18, 1991~~
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