EST. 1955

SPRING VALLEY

VILLAGE

Planning & Zoning Commission Meeting

March 10, 2020

7:00 p.m.

W.K. (Trey) Hoffman, Chairman
Anne-Marie McMichael, Vice-Chair
Louise Richman, Secretary
Charles Calderwood

Patrick Johnson
John Lisenby, Alternate
Maryellen McGlothlin
Amy Winstead

EST. 1955
SPRING VALLEY
VILLAGE

AGENDA

City of Spring Valley Village
Planning & Zoning Commission Meeting
Council Chambers at City Hall
1025 Campbell Road, Spring Valley Village, Texas
Tuesday, March 10, 2020 at 7:00 P.M.

1. **CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT**

2. **APPROVAL OF MEETING MINUTES:** Regular Meeting on December 3, 2019

3. **PRESENTATION BY:** Vincent Giammalva Regarding Property Located at 9200 Katy Freeway.

4. **CONDUCT A PUBLIC HEARING CONCERNING:** Ordinance No. 2020-XX – REVISIONS TO BUILDING MATERIALS. AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

    A. Presentation of Proposed Ordinance by City Attorney
    B. Those In Favor
    C. Those Opposed
    D. Adjourn Public Hearing

5. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2020-XX – REVISIONS TO BUILDING MATERIALS. AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND

ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

6. **DISCUSSION AND DIRECTION CONCERNING:** The Activities of the City Council During the February 25, 2020 Meeting Regarding Planning & Zoning Commission Matters.

7. **ADJOURNMENT**

Note: *Per Chairman Hoffman, if a quorum is not made at the Planning & Zoning Commission meeting, the members present will meet as a sub-committee strictly to discuss the agenda items.*

Posted this the 5th day of March, 2020 at 11:00 a.m. pursuant to the Open Meetings Act, Chapter 551, Texas Government Code.

Attest: Roxanne Benitez
Roxanne Benitez, TRMC, CPM, CMCC
City Secretary

In compliance with the Americans with Disabilities Act, the City of Spring Valley Village will provide reasonable accommodations for persons attending public meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made no less than 48 hours prior to this meeting. Please contact the City Secretary's office at 713-465-8308 or email secretary@springvalleytx.com for further information.

Minutes

Planning & Zoning Commission Meeting Minutes
City of Spring Valley Village
Tuesday, December 3, 2019

1. The Planning & Zoning Commission meeting was called to order by Chair Trey Hoffman at 7:00 p.m. in the Council Chambers of City Hall, 1025 Campbell Road, Houston, Texas.

Planning & Zoning Members present:
Trey Hoffman, Chair
Charlie Calderwood
Amy Winstead
Louise Richman
John Lisenby, Alternate

A quorum was present.

City Officials present:
Marcus Vajdos, City Council Member
Julie Robinson, City Administrator
Loren Smith, City Attorney

2. Approval of meeting minutes for regular meeting September10, 2019

Mr. Calderwood made the motion to approve the minutes. Ms. Winstead seconded the motion. The motion carried 5 to 0.

3. Conduct a public hearing concerning: A preliminary and final re-plat of Wyngayle Oaks partial re-plat No. 2, a plot containing 0.6684 acres of land, situated in Dwelling District 'A', City of Spring Valley Village, Harris County, Texas bearing the addresses of 8942 Croes Drive and 1303 Fries Road.

a. Presentation of preliminary and final re-plat by applicant
b. Those in favor
c. Those opposed
d. Adjourn public hearing

Mr. Hoffman opened the public hearing at 7:02 p.m. and briefly explained the item. Lot #3 is getting bigger. In August of 2018, the first re-plat was approved with lot #3 (8942 Croes) having 13,737 square feet and lot #6 (1303 Fries) having 15,739 square feet. Oscar G. Espinoza y Sanchez of Windrose was present to represent the owners. Mr. Hoffman closed the public hearing at 7:05 p.m.

4. Consideration and possible action concerning: A preliminary and final re-plat of Wyngayle Oaks partial re-plat No. 2, a plot containing 0.6684 acres of land, situated in Dwelling District 'A', City of Spring Valley Village, Harris County, Texas bearing the addresses of 8942 Croes Drive and 1303 Fries Road.

Mr. Calderwood said that the pool would not fit into the current lot due to utility easement of ten feet. Ms. Winstead said that there was no aerial easement conflict. Ms. Robinson had several

comments/questions. The two square footages on the drawings do not add up and need to be corrected. And nowhere in the application does it show a shift in 15 feet. Mr. Vajdos asked if there was any conflict on the setbacks. Mr. Calderwood asked where the utility easement was on lot #6. Mr. Hoffman said the easement goes further back. Tony Collins, lot #6 owner said that the gas easement runs to Fries Road. Mr. Hoffman said that Mr. Collins will not be adversely affected. Mr. Calderwood made a motion to approve provided the square footage is corrected/clarified by the City Administer and that lot #6 has no adverse effects. Mr. Lisenby seconded the motion. The motion carried 5 to 0.

5. Briefing and discussion concerning; status of application for PADD amendment for Bingle West PADD.

Ms. Robinson updated the P&Z Commission on the status of the application. There were deficiencies in the application and the deadline to address those is passing. There is lack of access from Bingle to the Dillard tract. Mr. Hoffman said that the problem is in the developer's hands. Mr. Calderwood talked about the Chinese church, their oddly shaped lot, and their access. He said the church is zoned as residential. Harris County lease is for open land purposes at $1 per year. Mr. Vajdos talked about the PADD and noted that there has been much discussion about the Dillard property. Ms. Robinson said the issue is access and only Harris County can give access. Ms. Richman noted these issues came about due to the IH-10 widening. Mr. Hoffman asked, how can Harris County deny access? Mr. Smith said these are prescriptive rights and one has to go to court to get right of access and this has not been done. The County owns only the road right of way. A question is who owns underlying property past about 1916. Value is $3 million. Mr. Hoffman said that this deal is pretty much dead. Mr. Smith said it takes about six months to get prescriptive rights from the courts.

6. Discussion and direction concerning: the activities of the City Council during the November 19, 2019 meeting regarding Planning & Zoning Matters.

Mr. Smith said that there was nothing to report as the Planning & Zoning Commission did not meet during November 2019.

7. Adjournment

Mr. Calderwood made a motion to adjourn. Ms. Winstead seconded the motion. The motion carried 5-0. The meeting was adjourned at 7:43 p.m.

Signed: _____

W. K. (Trey) Hoffman, Chairman

Attest: _____

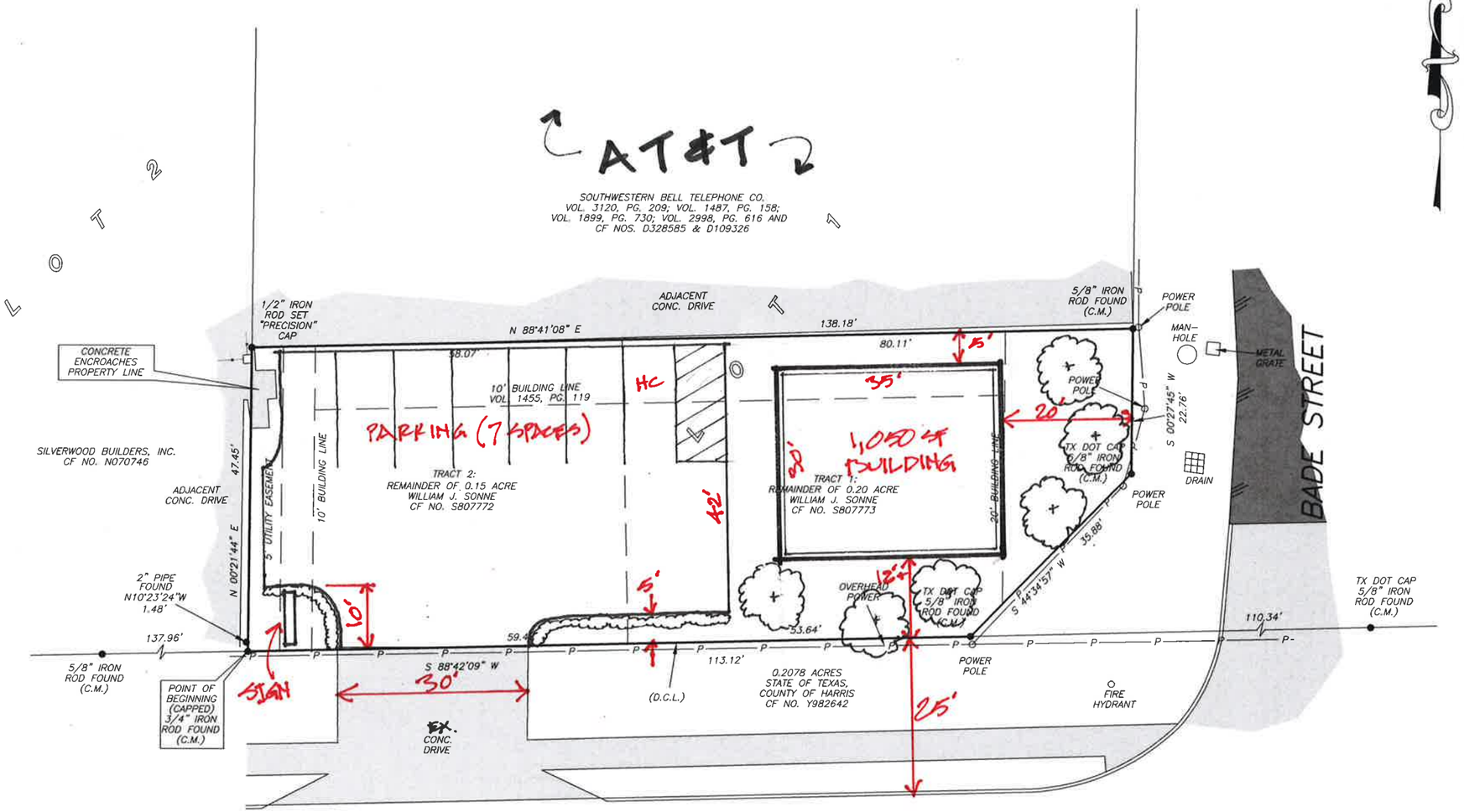
Louise Richman, Secretary

Agenda Item #3

Presentation by Vincent Giammalva
Regarding Property Located at

9200 Katy Freeway

PRELIMINARY SITE PLAN



SCALE: 1" = 20'

GF NO. 2799418-01371 TEXAS AMERICAN TITLE
ADDRESS: 9200 OLD KATY ROAD
HOUSTON, TEXAS 77055
BORROWER: TY MANN

0.1441 ACRES
A PORTION OF LOT 1
WEST PARK SUBDIVISION

IN THE T.A. HOSKINS SURVEY, A-342
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 23, PAGE 10 OF THE MAP RECORDS
OF HARRIS COUNTY, TEXAS
(SEE ATTACHED METES AND BOUNDS DESCRIPTION)

NOTE: PUBLIC UTILITY SERVICE EASEMENT SET AS PER CF NOS. H590084 AND J183306.

NOTE: MAY BE SUBJECT TO DEED RESTRICTIONS AND/OR ADDITIONAL GOVERNMENTAL BUILDING REQUIREMENTS.

THIS PROPERTY DOES NOT LIE WITHIN THE
100 YEAR FLOOD PLAIN AS PER FIRM
PANEL NO. 48201C 0645 L
MAP REVISION: 06/18/2007
ZONE X
BASED ONLY ON VISUAL EXAMINATION OF MAPS.
INACCURACIES OF FEMA MAPS PREVENT EXACT
DETERMINATION WITHOUT DETAILED FIELD STUDY.

A SUBSURFACE INVESTIGATION
WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
RECORD BEARING: CF NO. Y982642

DRAWN BY: JB

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 THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY AND ABSTRACTING PROVIDED IN THE ABOVE REFERENCED TITLE COMMITMENT WAS RELIED UPON IN PREPARATION OF THIS SURVEY.

JIMMY RAY JANECEK
PROFESSIONAL LAND SURVEYOR
NO. 5868
JOB NO. 18-01469
FEBRUARY 20, 2018

STATE OF TEXAS
REGISTERED
JIMMY RAY JANECEK
5868
PROFESSIONAL
LAND SURVEYOR

TEXAS AMERICAN TITLE
JULIANA DAVILA
713-621-5808

PRECISION surveyors
1-800-LANDSURVEY
www.precisionsurveyors.com
281-496-1586 FAX 281-496-1867 950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079
210-829-4941 FAX 210-829-1555 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
FIRM NO. 10063700

City of Spring Valley Village
Planning and Zoning Commission
Agenda Item Data Sheet

MEETING DATE:	March 10, 2020
TOPIC:	**CONDUCT A PUBLIC HEARING CONCERNING:** **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**
BACKGROUND:	House Bill 2439, enacted by the Texas Legislature on May 23, 2019 and signed into law by the Governor on June, 14, 2019, requires that a municipality may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that prohibits or limits the installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building, if the building product or material is approved for use by a national model code. The proposed zoning text amendment would delete Section 05:03, Building Materials and Architectural Standards, of Exhibit "A", of Chapter 12, Planning and Zoning, of the Code of Ordinances in order to comply with House Bill 2439.
RECOMMENDATION:	Not applicable
ATTACHMENTS:	• Ordinance No. 2020-XX • House Bill 2439 Bill Text • Copy of Public Hearing Notice
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

ACTIONS TAKEN

APPROVAL	READING PASSED	OTHER
❑YES ❑NO		

$_____ added to Expenditure Acct/Project# _____	
FINANCE VERIFICATION OF FUNDING:	
SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	**CITY ADMINISTRATOR APPROVAL:**

ACTIONS TAKEN

APPROVAL	READING PASSED	OTHER
❑YES ❑NO		

DIVIDER PAGE

ORDINANCE NO. 2020-XX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, House Bill 2439, enacted by the Texas Legislature on May 23, 2019 and signed into law by the Governor on June, 14, 2019, requires that a municipality may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that prohibits or limits the installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building, if the building product or material is approved for use by a national model code; and

WHEREAS, the City Council finds it necessary to delete Section 05:03, Building Materials and Architectural Standards, of Exhibit "A", of Chapter 12, Planning and Zoning, of the Code of Ordinances in order to comply with House Bill 2439 as set out herein;

NOW, THEREFORE:

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

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

Section 2. Section 05:03, Building Materials and Architectural Standards, of Exhibit "A", of Chapter 12 Planning and Zoning, of the City's Code of Ordinances is hereby deleted in its entirety.

Section 3. All provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. All rights and remedies of the City of Spring Valley Village are expressly saved as to any and all violations of the provisions of any Ordinances affecting and which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $2,000. Each day of violation shall constitute a separate offense.

Section 7. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with section 52.011 of the Texas Local Government Code.

DULY PASSED AND APPROVED on this _____ day of _____, 2020.

_____
Tom Ramsey, Mayor
City of Spring Valley Village, Texas

ATTEST:

_____
Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

DIVIDER PAGE

AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

(2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

(b) A governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with Subsection (a).

(c) This section does not apply to:

(1) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

(2) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Insurance Code;

(3) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that:

(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or

(B) applies to outdoor lighting within five miles

of the boundary of a military base in which an active training program is conducted;

(4) an ordinance or order that:

(A) regulates outdoor lighting; and

(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019;

(7) a building located in an area designated as a historic district on the National Register of Historic Places;

(8) a building designated as a Recorded Texas Historic Landmark;

(9) a building designated as a State Archeological Landmark or State Antiquities Landmark;

(10) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

(11) a building located in a World Heritage Buffer Zone; and

(12) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section 442.014.

(d) A municipality that is not a municipality described by Subsection (c)(5)(A) or (B) may adopt or enforce a regulation described by Subsection (a) that applies to a building located in a place or area designated on or after April 1, 2019, by the municipality for its historical, cultural, or architectural importance and significance, if the municipality has the voluntary consent from the building owner.

(e) A rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with this section is void.

Sec. 3000.003. INJUNCTION. (a) The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of Section 3000.002.

(b) The court may grant appropriate relief.

(c) The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this section.

(d) Sovereign and governmental immunity to suit is waived and abolished only to the extent necessary to enforce this chapter.

Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i), Occupations Code, or Section 775.045(a)(1), Health and Safety Code.

Sec. 3000.005. SEVERABILITY. If any provision of a rule, charter provision, ordinance, order, building code, or other regulation described by Section 3000.002(a) is held invalid under this chapter, the invalidity does not affect other provisions or applications of the rule, charter provision, ordinance, order, building code, or other regulation that can be given effect without the invalid provision or application, and to this end the

provisions of the rule, charter provision, ordinance, order, building code, or other regulation are severable.

SECTION 2. This Act takes effect September 1, 2019.

_____ _____
President of the Senate Speaker of the House

I certify that H.B. No. 2439 was passed by the House on April 30, 2019, by the following vote: Yeas 124, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2439 on May 23, 2019, by the following vote: Yeas 133, Nays 9, 1 present, not voting.

_____
Chief Clerk of the House

I certify that H.B. No. 2439 was passed by the Senate, with amendments, on May 19, 2019, by the following vote: Yeas 26, Nays 5.

_____
Secretary of the Senate

APPROVED: _____
Date

_____
Governor

DIVIDER PAGE

PUBLIC NOTICE
CITY OF SPRING VALLEY VILLAGE, TEXAS
NOTICE OF PUBLIC HEARING

Notice Is Hereby Given To Hear Comments And Testimony Concerning The Following Proposed Ordinance:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

The **Planning and Zoning Commission** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Tuesday, March 10, 2020
Time: 7:00 p.m.
Location: Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

The **City Council** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Tuesday, March 24, 2020
Time: 6:00 p.m.
Location: Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

For additional information regarding these public hearings, please contact the Director of Community Development, Zachary Meadows at (713) 465-8308.

City of Spring Valley Village
Planning and Zoning Commission
Agenda Item Data Sheet

MEETING DATE:	March 10, 2020
TOPIC:	**ORDINANCE NO. 2020-XX** **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**
BACKGROUND:	In the previous agenda item, the Planning and Zoning Commission held a public hearing concerning the deletion of Section 05:03, Building Materials and Architectural Standards, of Exhibit "A", of Chapter 12, Planning And Zoning, of the Code of Ordinances. If approved, this ordinance would implement the proposed revisions to Chapter 12, Planning and Zoning, of the City's Code of Ordinances.
RECOMMENDATION:	Staff recommends approval of the Ordinance.
ATTACHMENTS:	• Ordinance No. 2020-XX
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:	

SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	**CITY ADMINISTRATOR APPROVAL:**

ACTIONS TAKEN

APPROVAL	READING PASSED	OTHER
❑YES ❑NO		

ORDINANCE NO. 2020-XX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, House Bill 2439, enacted by the Texas Legislature on May 23, 2019 and signed into law by the Governor on June, 14, 2019, requires that a municipality may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that prohibits or limits the installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building, if the building product or material is approved for use by a national model code; and

WHEREAS, the City Council finds it necessary to delete Section 05:03, Building Materials and Architectural Standards, of Exhibit "A", of Chapter 12, Planning and Zoning, of the Code of Ordinances in order to comply with House Bill 2439 as set out herein;

NOW, THEREFORE:

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

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

Section 2. Section 05:03, Building Materials and Architectural Standards, of Exhibit "A", of Chapter 12 Planning and Zoning, of the City's Code of Ordinances is hereby deleted in its entirety.

Section 3. All provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. All rights and remedies of the City of Spring Valley Village are expressly saved as to any and all violations of the provisions of any Ordinances affecting and which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $2,000. Each day of violation shall constitute a separate offense.

Section 7. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with section 52.011 of the Texas Local Government Code.

DULY PASSED AND APPROVED on this _____ day of _____, 2020.

_____
Tom Ramsey, Mayor
City of Spring Valley Village, Texas

ATTEST:

_____
Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas