



**Planning & Zoning
Commission Meeting
January 12, 2021
7:00 p.m.**

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

Patrick Johnson
John Lisenby
Maryellen McGlothlin
Jim Autenreith, Alternate



AGENDA

City of Spring Valley Village
Planning & Zoning Commission Meeting
Council Chambers at City Hall
1025 Campbell Road, Spring Valley Village, Texas
Tuesday, January 12, 2021 at 7:00 P.M.

SUPPLEMENTAL NOTICE OF MEETING BY TELEPHONE CONFERENCE

In accordance with order of the Office of the Governor issued March 16, 2020, the Planning & Zoning Commission of Spring Valley Village will conduct the meeting scheduled at 7:00 p.m. on Tuesday, January 12, 2021 in the City Hall Council Chambers, located at 1025 Campbell Road, in part by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting agenda and agenda packet are posted online at www.springvalleytx.com.

The video link to this meeting is <https://us02web.zoom.us/j/84601549797>

The public toll-free dial-in numbers to participate in the telephonic meeting are 1-346-248-7799 (Houston), 1-253-215-8782 (US), and 1-301-715-8592 (US); enter the Meeting ID: 846 0154 9797 and #.

The public will be permitted to offer public comments as provided by the agenda and as permitted by the presiding officer during the meeting.

An audio recording of the meeting will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.

1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT

2. APPROVAL OF MEETING MINUTES: Regular Meeting on December 8, 2020

3. CONDUCT A PUBLIC HEARING CONCERNING: Ordinance Number 2021-XX – AN ORDINANCE AMENDING EXHIBIT “A” OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY

VILLAGE, TEXAS, EXHIBIT "A" BEING THE CITY'S ZONING ORDINANCE BY AMENDING SECTION 3, DEFINITIONS, TO AMEND THE DEFINITIONS 03: A-02 - ACCESSORY USE, 03: A-03 – RESIDENTIAL ACCESSORY BUILDING, 03: G-03, GARAGE ATTACHED, AND TO ADD DEFINITIONS 03: P-05 - PRIMARY STRUCTURE, AND 03: P-06 – PRIMARY USE; AMENDING SECTION 05:02.01, GARAGES AND CARPORTS, OF 05:02, LIMITATIONS AND RESTRICTIONS, OF SECTION FIVE: BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A" OF EXHIBIT "A" TO CHANGE THE TERM DWELLING TO PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

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

4. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 2021-XX – AN ORDINANCE AMENDING EXHIBIT "A" OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT "A" BEING THE CITY'S ZONING ORDINANCE BY AMENDING SECTION 3, DEFINITIONS, TO AMEND THE DEFINITIONS 03: A-02 - ACCESSORY USE, 03: A-03 – RESIDENTIAL ACCESSORY BUILDING, 03: G-03, GARAGE ATTACHED, AND TO ADD DEFINITIONS 03: P-05 - PRIMARY STRUCTURE, AND 03: P-06 – PRIMARY USE; AMENDING SECTION 05:02.01, GARAGES AND CARPORTS, OF 05:02, LIMITATIONS AND RESTRICTIONS, OF SECTION FIVE: BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A" OF EXHIBIT "A" TO CHANGE THE TERM DWELLING TO PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

5. **DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** The Activities of the City Council During the December 15, 2020 Meeting Regarding Planning & Zoning Commission Matters.

6. 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 7th day of January, 2021 at 10:00 a.m. pursuant to the Open Meetings Act, Chapter 551, Texas Government Code.

Attest: 
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 8, 2020

- 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 at City Hall:

Trey Hoffman, Chair
Charlie Calderwood
Maryellen McGlothlin
John Lisenby

Planning & Zoning Members present via Zoom:

Louise Richman
Anne-Marie McMichael
Patrick Johnson, arrived 7:06 p.m.
Jim Autenreith, Alternate

A quorum was present.

City Officials present:

Julie Robinson, City Administrator - via phone/Zoom
Zach Meadows, Director of Community Development
Matt Hitt, Assistant to City Administrator
Loren Smith, City Attorney, via Zoom
David Dominy, City Councilmember, via Zoom

- 2. Approval of meeting minutes for regular meeting October 13, 2020**

Ms. McGlothlin made the motion to approve the minutes. Mr. Calderwood seconded the motion. The motion carried 7 to 0.

- 3. Conduct a public hearing concerning:** Ordinance Number 2020-XX – an ordinance of the City Council of the City of Spring Valley Village, Texas, amending Exhibit A of Chapter 12, Planning and Zoning, of the Code of Ordinances of the City, Exhibit A being the Zoning Ordinance of the City, by amending Ordinance 2018-28 amending a Planned Area Development (“PAD”) of approximately 2.5511 acres of land at the northwest intersection of I-10 and Campbell Road within the Freeway Planned Area Development District requiring fully-executed leases for at least 50% of the total building square footage for the development approved by Ordinance No. 2018-28, and provide proof to the City of such leases, no later than December 31, 2021, providing for severability; providing a savings clause and an effective date; and providing a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof.
 - a. Presentation of requested PAD amendment by City
 - b. Those in favor
 - c. Those opposed
 - d. Adjourn public hearing

Mr. Hoffman opened the public hearing at 7:03 p.m.

Mr. Meadows presented the item. Ms. Robinson and Mr. Meadows met with the new developer of this property. Cullen Kappler, CBK Interests has invested large amounts of money in this property. It is a great piece of property. He needs to have 50% fully-executed leases for the lenders. The building design will be about the same as the one approved before. He is reaching out to national brokers to get medical type of occupancy. Mr. Hoffman noted that across the freeway, there was a successful restaurant on the ground floor of that medical building. Is there any chance of that for this building? Mr. Hoffman asked if there were any speakers. There were none.

Mr. Hoffman closed the public hearing at 7:09 p.m.

4. **Consideration and possible action concerning:** Ordinance Number 2020-XX – an ordinance of the City Council of the City of Spring Valley Village, Texas, amending Exhibit A of Chapter 12, Planning and Zoning, of the Code of Ordinances of the City, Exhibit A being the Zoning Ordinance of the City, by amending Ordinance 2018-28 amending a Planned Area Development (“PAD”) of approximately 2.5511 acres of land at the northwest intersection of I-10 and Campbell Road within the Freeway Planned Area Development District requiring fully-executed leases for at least 50% of the total building square footage for the development approved by Ordinance No. 2018-28, and provide proof to the City of such leases, no later than December 31, 2021, providing for severability; providing a savings clause and an effective date; and providing a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof.

Members of the P&Z Commission asked questions. Ms. Richman asked how long construction would take. It will take 14 to 16 months. Ms. McMichael asked when they would start construction. The answer is, as soon as possible with at least 50% fully-executed leases. Ms. McMichael noted that the goal is to build the building not occupancy. The closing is December 17, 2020. Mr. Smith said an addition could be added that ties construction to the leases. Ms. Robinson said that the occupancy is tied to the leases in order to get a loan, 50% fully-executed leases are needed; lessors at 50% triggers the loan and the loan triggers the construction. Ms. McMichael has issues with that, tying leases to construction deadlines. Mr. Kappler said that it depends on the credit of the lessors. Councilman Dominy said that it needs to have a hard termination rather than an evergreen date. Ms. Robinson said that it is not an evergreen date, because it was proposed the ordinance would become void either 18 months after the execution date of the leases that met the deadline or 18 months after December 31, 2021. Mr. Smith said at 50%, it takes two months to get a construction loan and one year to get all permits. Mr. Kappler said the same architect is being used so that should speed up the processes. Ms. McMichael wants 18 months in total. A year to get to 50% fully-executed leases is a long time. Mr. Calderwood echoes what Ms. McMichael said. Mr. Calderwood said this project has been one excuse after another and the City bought that. He voted against it due to a lack of a traffic study. He said we were told it was a “hurry up” project and we bought it. He would vote against it. This makes us the laughing stock of the Villages. Ms. McGlothlin agrees with Mr. Calderwood and Ms. McMichael. A traffic study is needed. Ms. McMichael said your timeline is not the City’s problem. She will not demand a traffic study. She is not in favor of tying the dates to the leases. Ms. Robinson would like it to be a deadline to break ground. Ms. McMichael said it is an advantage to have an approved project. Mr. Hoffman said that impacts the project. Mr. Lisenby said there is traffic access directly to the feeder road. Mr. Calderwood said there would be 400 cars added to the traffic. Mr. Lisenby and Ms. McGlothlin said that doctors will be coming and going, not just arriving in the morning and leaving in the evening. Mr. Kappler would like one big tenant for the building. Ms. Robinson said there is a one way

entrance off of Campbell. Mr. Calderwood said the City has the ability to order that at rush hour there would be police officers helping to direct traffic. Ms. McGlothlin said that students at Memorial High School add to the traffic congestion. Mr. Lisenby said that traffic depends on the client mix. He wants a quality development. Mr. Calderwood asked why we wouldn't do a traffic study. Mr. Hoffman said that having a PAD approval helps; a 50% occupancy may or may not get you the financing. Ms. McMichael would be willing to give 18 months but not willing to go beyond. Mr. Dominy said 18 months is reasonable and it is a challenging market. M. Lisenby said that COVID 19 has had an effect. He said he would approve the existing ordinance with a change to June 30, 2021. Ms. McMichael made the motion. Mr. Calderwood said if it does not close, then it goes away. Mr. Lisenby amended the motion that if buyout occurs, then the date is June 30, 2021. Ms. McMichael seconded the amended motion. The motion carried 7 to 0.

5. **Conduct a public hearing concerning:** Ordinance Number 2020-XX – an ordinance of the City Council of the City of Spring Valley Village, Texas, amending Exhibit A of Chapter 12, Planning and Zoning, of the Code of Ordinances of the City, Exhibit A being the Zoning Ordinance of the City, by amending Ordinance 2014-12 providing for a Planned Area Development (“PAD”) of approximately 2.38 acres of land at the northwest intersection of I-10 and Campbell Road within the Freeway Planned Area Development District by permitting outdoor patio dining between the hours of 6:00 a.m. and 12:00 a.m.: providing for severability; providing a savings clause and an effective date; and providing a penalty of an amount not exceed \$2,000 for each day of violation of any provision hereof.
- a. Presentation of requested PAD amendment by City
 - b. Those in favor
 - c. Those opposed
 - d. Adjourn public hearing

It was noted that this is a staff driven ordinance. Mr. Smith mentioned that there is a new tenant. Mr. Dominy said this is a prescriptive use of outdoor dining.

Mr. Hoffman opened the public hearing at 7:50 p.m. Mr. Hoffman closed the public hearing at 7:53 p.m.

6. **Consideration and possible action concerning:** Ordinance Number 2020-XX – an ordinance of the City Council of the City of Spring Valley Village, Texas, amending Exhibit A of Chapter 12, Planning and Zoning, of the Code of Ordinances of the City, Exhibit A being the Zoning Ordinance of the City, by amending Ordinance 2014-12 providing for a Planned Area Development (“PAD”) of approximately 2.38 acres of land at the northwest intersection of I-10 and Campbell Road within the Freeway Planned Area Development District by permitting outdoor patio dining between the hours of 6:00 a.m. and 12:00 a.m.: providing for severability; providing a savings clause and an effective date and providing a penalty of an amount not exceed \$2,000 for each day of violation of any provision hereof.

Mr. Lisenby asked where did the 6 a.m. - 12 a.m. hours come from? Mr. Smith was not entirely sure. Mr. Meadows said these hours were consistent with other PAD's. Mr. Calderwood said those hours were not approved with the Ersa Grae. Mr. Hoffman said that others close at 10 p.m. or 11 p.m. Mr. Meadows said the current hours for Jonathan Rub are 10 a.m. to 11 p.m. Ms. McMichael is a huge fan of restaurants and Jonathan Rub. She is fine with 10 a.m. to 11 p.m. Mr. Calderwood noted the hours (M-Th: 11 a.m. - 10 p.m.; F-S: 11 a.m. – 11 p.m.; S: 10 a.m. – 9 p.m.) of the Federal Grill across the freeway. He asked what their plans for awning are. Mr. Meadows said Jonathan Rub would keep the footprint of Peli/Peli but would like to add a bar. Mr. Hoffman said we cannot micro manage the hours with the understanding that the noise ordinance overlays. Need to be consistent with the other PAD's.

Mr. Smith said the hours for outdoors dining is 6 a.m. to 2 a.m. Mr. Autenreith agrees. Mr. Hoffman said there is no reason to be concerned. Mr. Lisenby said we need to have the long view and need to be consistent with the 6 a.m. to 12 a.m. COVID 19 needs outdoor dining. Mr. Johnson agrees with the 6 a.m. to 12 a.m. Mr. Johnson made the motion. Mr. Lisenby seconded the motion. The motion was approved 7 to 0.

- 7. Discussion and possible direction concerning:** The activities of the City Council during the November 17, 2020 meeting regarding Planning & Zoning Commission matters.

Mr. Meadows said that Mr. Hoffman and Mr. Lisenby attended the City Council meeting. City Council approved the Bade Street Reserve Planned Area development.

8. Adjournment

Mr. Calderwood made a motion to adjourn. Ms. McGlothlin seconded the motion. The motion carried 7 to 0. The meeting was adjourned at 8:10 p.m. Councilmember Dominy thanked the P&Z members for their excellent work.

Signed: _____
W. K. (Trey) Hoffman, Chairman

Attest: _____
Louise Richman, Secretary

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

MEETING DATE: January 12, 2021

TOPIC: **CONDUCT A PUBLIC HEARING CONCERNING:**

AN ORDINANCE AMENDING EXHIBIT "A" OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT "A" BEING THE CITY'S ZONING ORDINANCE BY AMENDING SECTION 3, DEFINITIONS, TO AMEND THE DEFINITIONS 03: A-02 - ACCESSORY USE, 03: A-03 - RESIDENTIAL ACCESSORY BUILDING, 03: G-03, GARAGE ATTACHED, AND TO ADD DEFINITIONS 03: P-05 - PRIMARY STRUCTURE, AND 03: P-06 - PRIMARY USE; AMENDING SECTION 05:02.01, GARAGES AND CARPORTS, OF 05:02, LIMITATIONS AND RESTRICTIONS, OF SECTION FIVE: BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A" OF EXHIBIT "A" TO CHANGE THE TERM DWELLING TO PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

BACKGROUND:

During the October 13, 2020 meeting, the Planning and Zoning Commission discussed the current language in the zoning regulations related to permitted locations of fences and walls in front yards and the need for definitions for accessory and primary structures to clarify and memorialize the intent behind the original language.

City Attorney Loren Smith and I have developed the following proposed revisions to the zoning regulations to address the clarifications:

- Definition for "Accessory Use" has been revised to remove the word "principal" and the phrase "principal building or a" and would read as follows: *"A use which serves and is subordinate and incidental to a primary use."*
- Definition for "Residential Accessory Building" has been revised to remove the phrases "main or principal residential building," and would read as follows: *"A detached subordinate building, not including a carport or garage, that does not contain any kitchen facilities, which building is not used for business, commercial, or industrial purposes, which building is not rented, the use of which building is clearly an Accessory Use, as defined above, to that of the primary structure and to the use of*

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

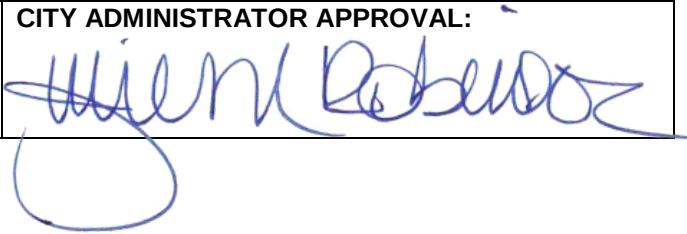
the Lot for residential purposes, provided that such Accessory Building is located on the same Lot or tract as the primary structure, and provided further that no portion of the structure comprising the Accessory Building may be connected to any portion of the primary structure.”

As the Commission considers this definition, it is important to consider revising it even further to allow for a possible accessory structure that would serve as a home office for residents who are now or may be permanently working remotely. As a result of the Pandemic, there are many companies that have decided to either reduce or completely abandon the use of their brick-and-mortar offices and continue to have their employees work remotely from home. This is the new reality, and companies like Tuff Shed are providing an option for residents to have a nice home office that is separate from their home. One of the commercials that has been running on television can be found by clicking on this link: <https://www.ispot.tv/ad/tkdf/tuff-shed-home-office> .

- Definition for Garage, Attached has been revised to remove the word “dwelling” and replace it with “primary structure,” and would read as follows: *“A garage which has at least 10 feet of continuous, uninterrupted wall in common with the primary structure to which it is accessory, excluding extended hallways or breezeways from consideration as a means of attachment.”*
- Add definition for “Primary Structure,” to read as follows: *“Primary structure shall mean the structure on a lot occupied by the primary use. For purposes of a primary structure on a residential lot, all portions of the primary structure shall be heated and cooled and shall be able to be accessed from another portion of the primary structure without going outside the primary structure.”*
- Add definition for “Primary Use,” which reads as follows: *“Primary use shall mean the principal or predominant use of any lot or building.”*

The current zoning regulations reference “principal structure” and “principal use,” however, there has not been a definition for either term. There have only been assumed definitions of these terms which lends itself to different interpretations. The addition of a definition for “Primary Structure” and replacement of references to

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

“dwelling” with “primary structure” and addition of a definition for “Primary Use” will provide clear direction for the public and City staff with regard to applicability of the zoning regulations to such a structure and use. • Section 05:02.01, Garages and Carports, has been revised to remove references to “dwelling” and “main dwelling” and replace each of these references with “primary structure.”	
RECOMMENDATION: Not Applicable in the Public Hearing	
ATTACHMENTS: • Proposed Ordinance No. 2020-XX • Copy of Published Notice of Public Hearing	
SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	CITY ADMINISTRATOR APPROVAL: 

ORDINANCE NUMBER 2021-XX

AN ORDINANCE AMENDING EXHIBIT “A” OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT “A” BEING THE CITY’S ZONING ORDINANCE BY AMENDING SECTION 3, DEFINITIONS, TO AMEND THE DEFINITIONS 03: A-02 - ACCESSORY USE, 03: A-03 – RESIDENTIAL ACCESSORY BUILDING, 03: G-03, GARAGE ATTACHED, AND TO ADD DEFINITIONS 03: P-05 - PRIMARY STRUCTURE, AND 03: P-06 – PRIMARY USE; AMENDING SECTION 05:02.01, GARAGES AND CARPORTS, OF 05:02, LIMITATIONS AND RESTRICTIONS, OF SECTION FIVE: BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT “A” OF EXHIBIT “A” TO CHANGE THE TERM DWELLING TO PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, the City Council of the City of Spring Valley Village, Texas finds it to be in the best interest of the health, safety and welfare of the citizens to amend the zoning regulations of the City in the manner provided for herein; and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on the proposed amendments to the City’s Zoning Ordinance; and

WHEREAS, the City Council has considered the report of the Commission; and

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City’s Zoning Ordinance as provided 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 3, Definitions, of the City's Zoning Ordinance is hereby amended by deleting the language struckthrough below and adding the language underscored below:

“

03:A-02 - Accessory Use:

A use which serves and is subordinate and incidental to a ~~principal building or a principal~~ primary use.

03:A-03-Residential Accessory Building:

A detached subordinate building, not including a carport or garage, that does not contain any kitchen facilities, which building is not used for business, commercial, or industrial purposes, which building is not rented, the use of which building is clearly an Accessory Use, as defined above, to that of the ~~main or principal residential building~~ primary structure and to the use of the Lot for residential purposes, provided that such Accessory Building is located on the same Lot or tract as the ~~principal or main residential building~~ primary structure, and provided further that no portion of the structure comprising the Accessory Building may be connected to any portion of the primary structure ~~comprising any part of the main or principal residential building~~.

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03:G-03 – Garage, attached:

A garage which has at least 10 feet of continuous, uninterrupted wall in common with the ~~dwelling~~ primary structure to which it is accessory, excluding extended hallways or breezeways from consideration as a means of attachment.

03:P-05 – Primary Structure:

Primary structure shall mean the structure on a lot occupied by the primary use. For purposes of a primary structure on a residential lot, all portions of the primary structure shall be heated and cooled and shall be able to be accessed from another portion of the primary structure without going outside the primary structure.

03:P-06 – Primary Use:

Primary use shall mean the principal or predominant use of any lot or building.

..... “

Section 3. Section 05:02.01, Garages and Carports, of 05:02, Limitations and Restrictions, of Section Five, Building and Use Restrictions in Dwelling District “A” of the City’s Zoning Ordinance is hereby amended by deleting therefrom the language struckthrough below and adding the language underscored below:

“05:02.01

Garages and Carports: (Ordinance 231)

.01 Required. Each ~~dwelling~~ primary structure in Dwelling District "A" shall have an attached or detached garage. A garage shall have a minimum floor space of four hundred (400) square feet and shall be constructed and configured in such a manner that the garage is capable of storing a minimum of two (2) standard-sized four-wheeled vehicles side by side. Carports are prohibited.

.02 Detached. A detached garage shall not exceed one story.

.03 Second story. Access to the second story of an attached garage shall be enclosed and through the ~~dwelling~~ primary structure to which it is accessory.

.04 Entrance or Exit. No vehicle door(s) or vehicle entrance or exit of a garage constructed forward of the front wall line of the ~~main-dwelling~~ primary structure shall face the street address: said door(s) or entrance or exit shall be located on a side of the garage that, in plain view, shall be at a 90-degree angle or greater to the street of address. No vehicle door(s) or vehicle entrance or exit of a garage shall face the street address unless the door, entrance or exit is set back five (5) feet or more from the front wall line of the ~~main-dwelling~~ primary structure. No roof overhang or other extension of the garage roof attached to a garage at the vehicle door(s) or vehicle entrance shall extend more than ten (10) feet, and no extension or support structure for an extension shall be located past the front wall line unless it complies with section 05:02.01.06.

.05 Other Front Facing Garage Rules. A front facing garage may not be more than fifty (50) percent of the width of the ~~dwelling~~ primary structure.

.06 Certain Porte-Cocheres Permitted. A porte-cochere is a permanent roofed structure attached to a dwelling to accommodate the passage of a vehicle into an inner courtyard or driveway, or through a circle driveway in front of the ~~dwelling~~ primary structure, open on at least two (2) sides,

and shall not to be used for the routine storage of one or more vehicles. A porte-cochere is permitted subject to the following requirements:

1. Porte-cocheres shall comply with the same required setbacks as those applicable to the ~~main dwelling~~ primary structure. In addition, no porte-cochere shall be located forward of the front wall line of the ~~main dwelling~~ primary structure, except where such porte-cochere extends over a circle driveway in front of the ~~dwelling~~ primary structure.
2. The maximum total square footage of the porte-cochere shall be less than four hundred (400) square feet.
3. The roof pitch of the porte-cochere shall be proportional to the roof pitch of the ~~main dwelling~~ primary structure. A porte-cochere shall be architecturally-integrated with the ~~main dwelling~~ primary structure and shall be constructed of brick, stone, and other non-metal materials or a combination thereof in proportions similar to those of the ~~main dwelling~~ primary structure and garage.
4. A porte-cochere shall be located at an entrance to the ~~main dwelling~~ primary structure. For purposes of this section, an entrance to the garage shall not be considered an entrance to the ~~main dwelling~~ primary structure."

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. The repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality

under any section or provisions of any ordinances at the time of passage of this ordinance.

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.

DULY PASSED, APPROVED, AND ORDAINED this the _____ day of _____, 2021.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

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

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:

AN ORDINANCE AMENDING EXHIBIT "A" OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT "A" BEING THE CITY'S ZONING ORDINANCE BY AMENDING SECTION 3, DEFINITIONS, TO AMEND THE DEFINITIONS 03: A-02 - ACCESSORY USE, 03: A-03 – RESIDENTIAL ACCESSORY BUILDING, 03: G-03, GARAGE ATTACHED, AND TO ADD DEFINITIONS 03: P-05 - PRIMARY STRUCTURE, AND 03: P-06 – PRIMARY USE; AMENDING SECTION 05:02.01, GARAGES AND CARPORTS, OF 05:02, LIMITATIONS AND RESTRICTIONS, OF SECTION FIVE: BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A" OF EXHIBIT "A" TO CHANGE THE TERM DWELLING TO PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

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, January 12, 2021

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, January 26, 2021

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.

Subject Line: Public Hearing and Consideration of Proposed Changes to Several Zoning Definitions and Terminology in the Garages and Carports Zoning Regulations by Planning & Zoning Commission – January 12, 2021 at 7:00 pm

Body:

The Planning & Zoning Commission will hold a public hearing and consider an ordinance changing several zoning definitions and terminology in the garages and Carports zoning regulations at the January 12, 2021 meeting. The Commission will be discussing the amendment of definitions for Accessory Use, Residential Accessory Building, and Garage, Attached, and the addition of definitions for Primary Structure and Primary Use. In addition to the changes to these zoning definitions, the Commission will also be discussing the replacement of the term “dwelling” from the Garages and Carports zoning regulations with the term “primary structure”. Until the Commission meets, we will not know the Commission’s decision concerning the proposed zoning text amendments or what the recommendation concerning the amendments will be to the City Council. If the Commission makes a recommendation, then the City Council will also hold a public hearing and consider the proposed zoning text amendments on January 26, 2021.

Residents are invited to attend the Planning and Zoning Commission meeting by Zoom or in person to hear the discussion and provide feedback to the Commission related to this issue. The packet for the meeting, including the Zoom meeting information, will be posted by the close of business on Thursday, January 7, 2021, to the City’s website in the Agenda Center, which you can find at <https://springvalleytx.com/AgendaCenter> and scrolling down to the Planning and Zoning Commission section. You will also be able to download the packet to review the information that is included related to this item.

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

MEETING DATE: January 12, 2021

TOPIC:	CONSIDERATION AND POSSIBLE ACTION CONCERNING: ORDINANCE NUMBER 2021-XX – AN ORDINANCE AMENDING EXHIBIT “A” OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT “A” BEING THE CITY’S ZONING ORDINANCE BY AMENDING SECTION 3, DEFINITIONS, TO AMEND THE DEFINITIONS 03: A-02 - ACCESSORY USE, 03: A-03 – RESIDENTIAL ACCESSORY BUILDING, 03: G-03, GARAGE ATTACHED, AND TO ADD DEFINITIONS 03: P-05 - PRIMARY STRUCTURE, AND 03: P-06 – PRIMARY USE; AMENDING SECTION 05:02.01, GARAGES AND CARPORTS, OF 05:02, LIMITATIONS AND RESTRICTIONS, OF SECTION FIVE: BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT “A” OF EXHIBIT “A” TO CHANGE THE TERM DWELLING TO PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
BACKGROUND:	In the previous agenda item, the Planning and Zoning Commission conducted a public hearing on an ordinance amending Exhibit “A” of Chapter 12, Planning & Zoning, to adopt new definitions for Primary Structure and Primary Use, amend the definitions for Accessory Use and Residential Accessory Building, and amend Section 05:02.01, Garages and Carports, changing the references of Dwelling to Primary Structure. If approved, this Ordinance would implement the proposed revisions to the zoning regulations.
RECOMMENDATION:	Staff recommends approval of the Ordinance.
ATTACHMENTS:	• Proposed Ordinance No. 2020-XX
SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	CITY ADMINISTRATOR APPROVAL: 

ORDINANCE NUMBER 2020-XX

AN ORDINANCE AMENDING EXHIBIT “A” OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT “A” BEING THE CITY’S ZONING ORDINANCE BY AMENDING SECTION 3, DEFINITIONS, TO AMEND THE DEFINITIONS 03: A-02 - ACCESSORY USE, 03: A-03 – RESIDENTIAL ACCESSORY BUILDING, 03: G-03, GARAGE ATTACHED, AND TO ADD DEFINITIONS 03: P-05 - PRIMARY STRUCTURE, AND 03: P-06 – PRIMARY USE; AMENDING SECTION 05:02.01, GARAGES AND CARPORTS, OF 05:02, LIMITATIONS AND RESTRICTIONS, OF SECTION FIVE: BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT “A” OF EXHIBIT “A” TO CHANGE THE TERM DWELLING TO PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, the City Council of the City of Spring Valley Village, Texas finds it to be in the best interest of the health, safety and welfare of the citizens to amend the zoning regulations of the City in the manner provided for herein; and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on the proposed amendments to the City’s Zoning Ordinance; and

WHEREAS, the City Council has considered the report of the Commission; and

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City’s Zoning Ordinance as provided 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 3, Definitions, of the City's Zoning Ordinance is hereby amended by deleting the language struckthrough below and adding the language underscored below:

“

03:A-02 - Accessory Use:

A use which serves and is subordinate and incidental to a ~~principal building or a principal~~ primary use.

03:A-03-Residential Accessory Building:

A detached subordinate building, not including a carport or garage, that does not contain any kitchen facilities, which building is not used for business, commercial, or industrial purposes, which building is not rented, the use of which building is clearly an Accessory Use, as defined above, to that of the ~~main or principal residential building~~ primary structure and to the use of the Lot for residential purposes, provided that such Accessory Building is located on the same Lot or tract as the ~~principal or main residential building~~ primary structure, and provided further that no portion of the structure comprising the Accessory Building may be connected to any portion of the primary structure ~~comprising any part of the main or principal residential building~~.

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03:G-03 – Garage, attached:

A garage which has at least 10 feet of continuous, uninterrupted wall in common with the ~~dwelling~~ primary structure to which it is accessory, excluding extended hallways or breezeways from consideration as a means of attachment.

03:P-05 – Primary Structure:

Primary structure shall mean the structure on a lot occupied by the primary use. For purposes of a primary structure on a residential lot, all portions of the primary structure shall be heated and cooled and shall be able to be accessed from another portion of the primary structure without going outside the primary structure.

03:P-06 – Primary Use:

Primary use shall mean the principal or predominant use of any lot or building.

..... “

Section 3. Section 05:02.01, Garages and Carports, of 05:02, Limitations and Restrictions, of Section Five, Building and Use Restrictions in Dwelling District “A” of the City’s Zoning Ordinance is hereby amended by deleting therefrom the language struckthrough below and adding the language underscored below:

“05:02.01

Garages and Carports: (Ordinance 231)

.01 Required. Each ~~dwelling~~ primary structure in Dwelling District "A" shall have an attached or detached garage. A garage shall have a minimum floor space of four hundred (400) square feet and shall be constructed and configured in such a manner that the garage is capable of storing a minimum of two (2) standard-sized four-wheeled vehicles side by side. Carports are prohibited.

.02 Detached. A detached garage shall not exceed one story.

.03 Second story. Access to the second story of an attached garage shall be enclosed and through the ~~dwelling~~ primary structure to which it is accessory.

.04 Entrance or Exit. No vehicle door(s) or vehicle entrance or exit of a garage constructed forward of the front wall line of the ~~main-dwelling~~ primary structure shall face the street address: said door(s) or entrance or exit shall be located on a side of the garage that, in plain view, shall be at a 90-degree angle or greater to the street of address. No vehicle door(s) or vehicle entrance or exit of a garage shall face the street address unless the door, entrance or exit is set back five (5) feet or more from the front wall line of the ~~main-dwelling~~ primary structure. No roof overhang or other extension of the garage roof attached to a garage at the vehicle door(s) or vehicle entrance shall extend more than ten (10) feet, and no extension or support structure for an extension shall be located past the front wall line unless it complies with section 05:02.01.06.

.05 Other Front Facing Garage Rules. A front facing garage may not be more than fifty (50) percent of the width of the ~~dwelling~~ primary structure.

.06 Certain Porte-Cocheres Permitted. A porte-cochere is a permanent roofed structure attached to a dwelling to accommodate the passage of a vehicle into an inner courtyard or driveway, or through a circle driveway in front of the ~~dwelling~~ primary structure, open on at least two (2) sides,

and shall not to be used for the routine storage of one or more vehicles. A porte-cochere is permitted subject to the following requirements:

1. Porte-cocheres shall comply with the same required setbacks as those applicable to the ~~main dwelling~~ primary structure. In addition, no porte-cochere shall be located forward of the front wall line of the ~~main dwelling~~ primary structure, except where such porte-cochere extends over a circle driveway in front of the ~~dwelling~~ primary structure.
2. The maximum total square footage of the porte-cochere shall be less than four hundred (400) square feet.
3. The roof pitch of the porte-cochere shall be proportional to the roof pitch of the ~~main dwelling~~ primary structure. A porte-cochere shall be architecturally-integrated with the ~~main dwelling~~ primary structure and shall be constructed of brick, stone, and other non-metal materials or a combination thereof in proportions similar to those of the ~~main dwelling~~ primary structure and garage.
4. A porte-cochere shall be located at an entrance to the ~~main dwelling~~ primary structure. For purposes of this section, an entrance to the garage shall not be considered an entrance to the ~~main dwelling~~ primary structure."

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. The repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality

under any section or provisions of any ordinances at the time of passage of this ordinance.

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.

DULY PASSED, APPROVED, AND ORDAINED this the _____ day of _____, 2021.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

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