



**Planning & Zoning
Commission Meeting
July 12, 2022
7:00 p.m.**

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

Patrick Johnson
John Lisenby
Maryellen McGlothlin
Jerry Kent, Alternate



AGENDA

City of Spring Valley Village
Planning & Zoning Commission Meeting
Council Chambers at City Hall
1025 Campbell Road, Spring Valley Village, Texas
Tuesday, July 12, 2022, at 7:00 P.M.

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/81791318904>

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: 817 9131 8904 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 October 12, 2021
- 3. CONDUCT A PUBLIC HEARING CONCERNING:** Ordinance No. 2022-XX: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS GRANTING A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 1010 CAMPBELL ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF SPRING VALLEY VILLAGE FOR USE OF THE PROPERTY FOR EXAM PREPARATION AND TUTORING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.
 - A. Presentation of Specific Use Permit by Applicant
 - B. Those In Favor
 - C. Those Opposed
 - D. Adjourn Public Hearing

4. CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance No. 2022-XX: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS GRANTING A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 1010 CAMPBELL ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF SPRING VALLEY VILLAGE FOR USE OF THE PROPERTY FOR EXAM PREPARATION AND TUTORING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

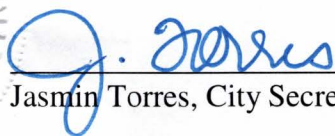
5. DISCUSSION AND DIRECTION CONCERNING: Amendments To Chapter 9, Subdivisions, Of The Code Of Ordinances Of The City Of Spring Valley Village.

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 July 2022 at 12:00 p.m. pursuant to the Open Meetings Act, Chapter 551, Texas Government Code.

Attest:



Jasmin Torres, 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 jtorres@springvalleytx.com for further information.

Minutes

Planning & Zoning Commission Meeting Minutes
City of Spring Valley Village
Tuesday, October 12, 2021

- 1. The Planning & Zoning Commission meeting was called to order by Chair Trey Hoffman at 7:01 p.m. in the Council Chambers of City Hall, 1025 Campbell Road, Houston, Texas.**

Planning & Zoning Members present at City Hall:

Trey Hoffman, Chair
John Lisenby
Maryellen McGlothlin
Anne-Marie McMichael
Louise Richman
Jerry Kent, Alternate

A quorum was present.

City Officials present:

Zach Meadows, Director of Community Development
Jasmin Torres, Community Development Coordinator
Loren Smith, City Attorney

- 2. Approval of meeting minutes for regular meeting July 13, 2021**

Mr. Lisenby made the motion to approve the minutes. Ms. McGlothlin seconded the motion. The motion carried 6 to 0.

- 3. Conduct a public hearing concerning:** A preliminary and final re-plat of Martin Estates. A plot containing 0.621 acres of land, situated in Dwelling District 'A,' City of Spring Valley Village, Harris County, Texas bearing the address of 8415 Burkhart and 8421 Burkhart Road.
 - a. Presentation of preliminary and final plat by applicant
 - b. Those in favor
 - c. Those opposed
 - d. Adjourn public hearing

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

Ms. Karen Rogers, M2L Associates, Inc., 8955 Katy Freeway, Suite 300, Houston, TX is representing the applicants. Mr. Meadows spoke about the item. Mr. Martin is building a new home at 8415 Burkhart Road with a side-loading garage and found that the turn radius into the garage is quite difficult to maneuver. Mr. Martin approached his neighbor, Mr. Weaver to ask if he would be willing to sell a small portion of his lot to accommodate additional width and allow for an easier turn into the new garage. Mr. Weaver agreed to the purchase.

Mr. Hoffman asked for speakers.

Patrick McDaniel, 8489 Burkhart – lives next door to the Weaver's and asked about the "weave."

Mr. Hoffman closed the public hearing at 7:07 p.m.

4. **Consideration and possible action concerning:** A preliminary and final re-plat of Martin Estates. A plot containing 0.621 acres of land, situated in Dwelling District 'A,' City of Spring Valley Village, Harris County, Texas bearing the address of 8415 Burkhart and 8421 Burkhart Road.

Mr. Hoffman asked about the jog. Ms. Rogers said it was to maintain the distances. Mr. Smith said the lots were designed to be rectangular. Ms. McMichael asked why not make it "even." The Martin house is close to being completed.

Mr. Hoffman said that during the plan review he caught that two cars could not fit into the garage; it was too tight. Mr. Meadows said that it would be a tight turn.

Mr. Lisenby said that the resident had created the problem for himself. The line has to be straight. Mr. Smith noted that it has to be practical. Mr. Lisenby said the line needs to be straight to meet the ordinance with ingress, egress and the easement.

Mr. Kent asked if the property line could be paved over. Mr. Smith said that it could be but one could not build on that pavement.

Ms. McMichael said that if it is made to be at 5.64 feet, an addition of 4.37 feet to the proposed 1.27 feet would be a straight line. Ms. McMichael asked if there were a fence between the properties. Ms. Rogers said there was. Mr. Smith said the item could be approved contingently with the increase in feet.

Ms. McMichael made the motion to approve with the contingency. Mr. Kent seconded the motion. The motion carried 6 to 0.

5. **Conduct a public hearing concerning:** A preliminary and final re-plat of Bonnie Oaks Section 2, partial re-plat No. 3, a plot containing 0.3485 acres of land, situated in Dwelling District 'A,' City of Spring Valley Village, Harris County, Texas bearing the address of 1122 Traweek Drive.

- 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 7:26 p.m.

Mr. Meadows introduced and explained the item saying it was a combining of two lots into one lot.

Mr. Will Neuhaus, 8925 Bace, asked if the side setbacks would change. Mr. Meadows said, no change.

Mr. Hoffman closed the public hearing at 7:29 p.m.

6. **Consideration and possible action concerning:** A preliminary and final re-plat of Bonnie Oaks Section 2, partial re-plat No. 3, a plot containing 0.3485 acres of land, situated in Dwelling District 'A,' City of Spring Valley Village, Harris County, Texas bearing the address of 1122 Traweek Drive.

Mr. Meadows said that the set back cannot change. They are combining two lots into one lot and they cannot build a second home.

Ms. McMichael said it looks like one lot.

Mr. Lisenby said this is just a cleanup.

Mr. Lisenby made a motion to approve the item. Ms. McMichael seconded the motion. The motion carried 6 to 0.

- 7. Conduct a public hearing concerning:** Ordinance Number 2021-XX – an Ordinance amending the Code of Ordinances of the City of Spring Valley Village, Texas to amend Subsection 02.19, Solar Panels, of Section 5, Building and Use restrictions in Dwelling District ‘A,’ of Exhibit A, zoning regulations, of Chapter 12, Planning and Zoning, to alter the regulations of both roof mounted and ground mounted solar panels to comply with the provisions of Senate Bill 398 regarding municipal regulation solar panels, providing for incorporation of preamble; proving a penalty in an amount not to exceed \$2,000.00 per day with each day constituting a new violation, and providing a repealer clause, a savings clause, a severability clause, and an effective date.

- a. Presentation of proposed ordinance by city staff
- b. Those in Favor
- c. Those opposed
- d. Adjourn public hearing

Mr. Hoffman opened the public hearing at 7:34 p.m.

Mr. Meadows said that the state told cities that they cannot regulate against state laws. This was a cleanup to the city’s ordinance to match the state property code language. The biggest change is that one can now see the solar panels from the street.

There being no speakers, Mr. Hoffman closed the public hearing at 7:36 p.m.

- 8. Consideration and possible action concerning:** Ordinance Number 2021-XX – an Ordinance amending the Code of Ordinances of at the City of Spring Valley Village, Texas to amend Subsection 02.19, Solar Panels, of Section 5, Building and Use restrictions in Dwelling District ‘A,’ of Exhibit A, zoning regulations, of Chapter 12, Planning and Zoning, to alter the regulations of both roof mounted and ground mounted solar panels to comply with the provisions of Senate Bill 398 regarding municipal regulation solar panels, providing for incorporation of preamble; proving a penalty in an amount not to exceed \$2,000.00 per day with each day constituting a new violation, and providing a repealer clause, a savings clause, a severability clause, and an effective date.

Mr. Lisenby asked if there if there were any solar panel applicants in the queue. Mr. Meadows replied that there were none. He mentioned that not allowing front yard fences has saved the city with having solar panels there.

Mr. Kent made a motion to approve the item. Ms. McGlothlin seconded the motion. The motion carried 6 to 0.

- 9. Discussion and direction concerning:** Changes to the open meeting requirements related to participation by Planning & Zoning members via videoconference or teleconference as of September 1, 2021.

Mr. Smith informed the members of the three items with respect to the changes: Planning & Zoning Commission must comply with state law, there has to be a quorum physically at City Hall and the video and audio must be on full time during the meeting. Mr. Smith said that there be standard language on the agenda regarding these items.

- 10. Discussion and possible direction concerning:** The activities of the City Council during the September 28, 2021, meeting regarding Planning & Zoning Commission matters.

Mr. Smith reported that there were no Planning and Zoning matters on the agenda. Mr. Meadows said that City Council approved the sports and recreation request at 1010 Bade at its July 27, 2021, meeting.

- 11. Adjournment**

Ms. McGlothlin made a motion to adjourn. Mr. Kent seconded the motion. The motion carried 6 to 0. The meeting was adjourned at 7:43 p.m.

Signed: _____
Anne-Marie McMichael, Vice-Chairman

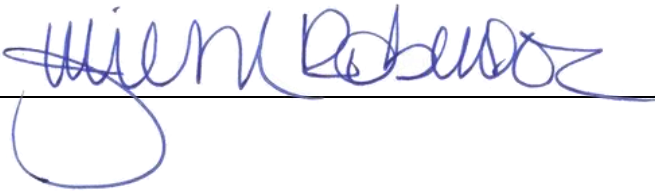
Attest: _____
Louise Richman, Secretary

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

MEETING DATE: July 12, 2022

TOPIC:	CONDUCT A PUBLIC HEARING CONCERNING: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS GRANTING A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 1010 CAMPBELL ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF SPRING VALLEY VILLAGE FOR USE OF THE PROPERTY FOR EXAM PREPARTION AND TUTORING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.
BACKGROUND:	Linh Davis of Kumon Learning Center (“Applicant”) has submitted a Specific Use Permit application for 1010 Campbell Road (“Property”), for the use of the Property as a Kumon Learning Center. Previously, the Property housed the Memorial Design Studio, which has moved down to a larger suite on the same property. The Property is located in the Freeway Planned Area Development District but not within a separate PAD ordinance. The proposed use for Kumon Learning Center falls under NAICS Sector No. 61 – Educational Services, specifically as NAICS No. 611691 – Exam Preparation and Tutoring. According to Section 06P:08.05, Permitted Use List, of the City of Spring Valley Village Comprehensive Zoning Ordinance, NAICS Sector No. 61 – Educational Services is only allowed as O₂ or Business Office on the second floor or above of a building. According to the NAICS, Exam Preparation and Tutoring comprises establishments, such as academic tutoring services, learning centers offering remedial courses, and College board preparation services. Section 11:02.01, Minimum Standards, of the City of Spring Valley Village Comprehensive Zoning Ordinance, provides the minimum parking space requirements for various uses. According to this Section and based on the square footage of the space at 1010 Campbell Road (1,6380 sq.ft.), the required parking for the proposed use is approximately 9 parking spaces. The Property has 57 parking spaces to share amongst all tenants on the Property; currently there are six businesses in addition to this current vacant space. The breakdown of the minimum parking spaces required per lease space has been provided as an attachment with this item.
RECOMMENDATION:	Not Applicable
ATTACHMENTS:	• Specific Use Permit Application Submittal • Permitted Use Table for Freeway Planned Area District • Section 11:02 – Off Street Parking Requirements of the Comprehensive Zoning Ordinance • Property Survey Showing Parking Spaces and a Parking Space Breakdown by Existing Uses for the Property of 1012 Campbell

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

Road • Proposed Ordinance 2022-XX • Copy of Published Notice of Public Hearing • Copy of Notice of Public Hearing Letters and Mailing Labels for Property Owners Within 200 Feet of Property • Sign Posting and Maintenance Affidavits	
SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	CITY ADMINISTRATOR APPROVAL: 



SPRING VALLEY
VILLAGE

Community Development
City of Spring Valley Village

SPECIFIC USE PERMIT APPLICATION

PROPERTY INFORMATION

Property Address: 1010 Campbell Road

Legal Description: LTS 6 7 & 8 BLK 2 BONNIE OAKS

Present District Zoning:

Requested Specific Use Permit and Description:

Open a Kumon Learning Center that would help children: foster a love of learning, progress at their own pace, and develop good study habits and self-learning abilities

OWNER INFORMATION

Name: Dr. Suhyun An, DC, MSN, NP-C

Phone#: 713-468-3155

Address: 12335 Kingside Lane, #426, Houston, Texas 77024

Email: dran@campbellmedicalclinic.com

APPLICANT/AGENT INFORMATION

Name: Linh Davis

Phone#: 832.764.1737

Address: 1858 Candlelight Place Drive, Houston, TX 77018

Email: linhdavis1@gmail.com

****If applicant is different than property owner a *Notarized Letter of Authorization* must be attached to the application**

PROPERTY OWNER/AGENT AUTHORIZATION

Property Owner Consent/Agent Authorization: By my signature, I hereby affirm that I am the property owner of record, or if the applicant is an organization or business entity, that authorization has been granted to represent the owner, organization or business in this application. I certify that the preceding information is complete and accurate, and it is understood that I agree to the application being requested for this property. Additionally, my signature below indicates my awareness of the fee required at the time of the application submittal and any additional fees as noted in the City's fee schedule. This fee is non-refundable even in the event of application withdrawal. I have the power to authorize and hereby grant permission for City of Spring Valley Village officials to enter the property on official business as part of the application process.

DocuSigned by:

Dr. Suhyun An

Dr. Suhyun An, DC, MSN, NP-C

05/05/2022

Signature of Contractor/Authorized Agent

Printed Name

Application Date

FOR OFFICE USE ONLY

Specific Use Permit Number: _____

Date Submitted: 5/5/22 3:50pm

P&Z Meeting Date: _____

P&Z Recommendation: ☐ Approved ☐ Denied

Council Meeting Date: _____

Council Decision: ☐ Approved ☐ Denied

NOTE: Only complete applications shall be accepted and payment must be received at time of submission.

Special Purpose Letter:

To whom it may concern:

Our intention is to open a Spring Valley Village Kumon location at 1010 Campbell Rd. To those that are not aware, Kumon specializes in Math and Reading work to help children either get ahead or catch up, and is a well-known and successful brand. Our motivations for opening the location are many:

1. **Familiarity:** Our own four year old child is a Kumon student and has shown great advancement using the program. He currently reads at a Kindergarten level and his math is closer to 2nd grade level.
2. **Opportunity:** Due to our familiarity with the program, we are firm believers. We also feel the NW Houston area is underserved from a Kumon perspective. Additionally, the pandemic has left many children behind in their studies. We feel this is a very opportune time to build this location to better-serve those Spring Valley Village children that need the assistance.
3. **Location:** Currently, there is not an easily accessible Kumon location in the Spring Valley Village area. Additionally, we live just east of Spring Valley Village, making it easier to access (especially for our own child's needs). The Campbell location is also desirable to us, as it has easy freeway access and is adjacent to a park, church, restaurants, and medical facilities, things that will help as we position the location as proper "learning" environment.

Spring Valley Village can also benefit from the well-known Kumon brand. By helping to advance students learning abilities, they can better serve the community. Better students and better grades translate to better school rankings, which in turn contribute to stronger housing markets. We firmly believe that this will be a beneficial relationship to the students and the community.

Thank you,

Linh Davis

DIVIDER PAGE

The uses listed below are permitted in the FPADD and the BPADD (excluding interior Pads 1, 2, and 5), except as otherwise limited herein. Ground floor or first floor only—Up to forty (40) percent of the ground floor of any building(s) within a PAD may be used for any use otherwise permitted above the ground floor (e.g., O₂ or P₂). The symbol "P₁" in the right column means the use is permitted on the ground floor. The symbol "P₂" in the right column means the use is permitted above the ground floor. The symbol "O" means the use is permitted only for business office purposes. For instance, a manufacturing establishment would not be authorized to use a tract for manufacturing purposes, but the corporate offices for the manufacturing business would be authorized above the ground floor if indicated by the symbol "O₂."

Use Description	NAICS Sector No.	
Agriculture, Forestry, Fishing and Hunting	11	O ₂
Mining, Quarrying, and Oil and Gas Extraction	21	O ₂
Utilities	22	O ₂
Construction	23	O ₂
Manufacturing	31-33	O ₂
Wholesale Trade	42	O ₂
Retail Trade	44-45	O ₂
Furniture and Home Furnishings Stores	442	P ₁ , P ₂
Electronics and Appliance Stores	443	P ₁ , P ₂
Building Material and Garden Equipment and Supplies Dealers	444	P ₁ , P ₂
Supermarkets and Other Grocery (except Convenience) Stores	445110	P ₁ , P ₂
Specialty Food Stores	4452	P ₁ , P ₂
Beer, Wine, and Liquor Stores	445310; provided that (1) such stores contain at least 15,000 square feet enclosed space; and (2) such stores retail other specialized lines of food {NAICS Sector 4452}	P ₁ , P ₂
Health and Personal Care Stores	446	P ₁ , P ₂
Clothing and Clothing Accessories Stores	448	P ₁ , P ₂
Sporting Goods, Hobby, Musical Instrument, and Book Stores	451; but excluding 4511023 {Gun Shops} and 451212 {News Dealers and Newsstands}	P ₁ , P ₂
General Merchandise Stores	452; but excluding 452112 {Discount Department Stores} and 452990 {All Other General Merchandise Stores}	P ₁ , P ₂
Transportation and Warehousing	48-49	O ₂
Information	51; but excluding 5121 {Motion Picture and Video Industries}	O ₂
Finance and Insurance	52; but excluding 522390 {Other Activities Related to Credit Intermediation}	P ₂
Real Estate and Rental and Leasing	53	O ₂
Rental and Leasing Services	532; but excluding 5321 {Automotive Equipment Rental and Leasing} and 5323 {General Rental Centers}	P ₂

Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	533	P ₂
Professional, Scientific, and Technical Services	54; but excluding 541380 {Testing Laboratories}, 541711 {Research and Development in Biotechnology}, 5419 {Other Professional, Scientific, and Technical Services}, and 54712 {Research and Development in Physical, Engineering, and Life Sciences}	P ₂
Management of Companies and Enterprises	55	P ₂
Administrative and Support Services	56; but excluding 561210 {Facilities Support Services}, 561320 {Temporary Help Services}, 561491 {Repossession Services}, 561612 {Security Guards and Patrol Services}, 561520 {Tour Operators}, 561710 {Exterminating and Pest Control Services}, 5419 {Other Professional, Scientific, and Technical Services}, and 562 {Waste Management and Remediation Services}	P ₂
Educational Services	61	O₂
Health Care and Social Assistance	62; but excluding 62141 {Family Planning Centers}, 62142 {Outpatient Mental Health and Substance Abuse Centers}, 62221 {Psychiatric and Substance Abuse Hospitals}, 623 {Nursing and Residential Care Facilities}, 624 {Social Assistance}	P ₂
Arts, Entertainment, and Recreation	71; but excluding 711212 {Racetracks}, 713290 {Gambling Industries}, and 713990 {All Other Amusement and Recreation Industries}	O ₂
Accommodation and Food Services	72	O ₂
Full-Service Restaurants	722511	P ₁ , P ₂
Limited-Services Restaurants	722513	P ₁ , P ₂
Snack and Nonalcoholic Beverage Bars	722515	P ₁ , P ₂
Other Services (except Public Administration)	81; but excluding 81299 {All Other Personal Services}	O ₂
Repair and Maintenance	811; but excluding 8111 {Automotive Repair and Maintenance} and 8113 {Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance}	P ₂
Barber Shops	812111	P ₂
Beauty Salons	812112	P ₂
Nail Salons	812113	P ₂
Diet and Weight Reducing Centers	812191	P ₂
Funeral Homes and Funeral Services	812210	P ₂
Drycleaning and Laundry Services (except Coin-Operated)	812320; except limited to drop stations only	P ₂
Parking Lots and Garages	812930 provided that such use is customarily incidental and accessory to the principal use of the land or to a building or structure on located on the same land as the accessory use	P ₁ , P ₂
Business Associations	813910	P ₂

Professional Organizations	813920	P ₂
Private Households	814110	P ₁ , P ₂
Public Administration	92	P ₂

(Ordinance 2005-18 adopted 8-4-05; Ordinance 2012-26 adopted 11-14-12)

DIVIDER PAGE

11:02 - OFF STREET PARKING:

11:02.01 - MINIMUM STANDARDS:

Off Street Parking for all districts shall be provided in accordance with the minimum standards set forth in the Parking Table below:

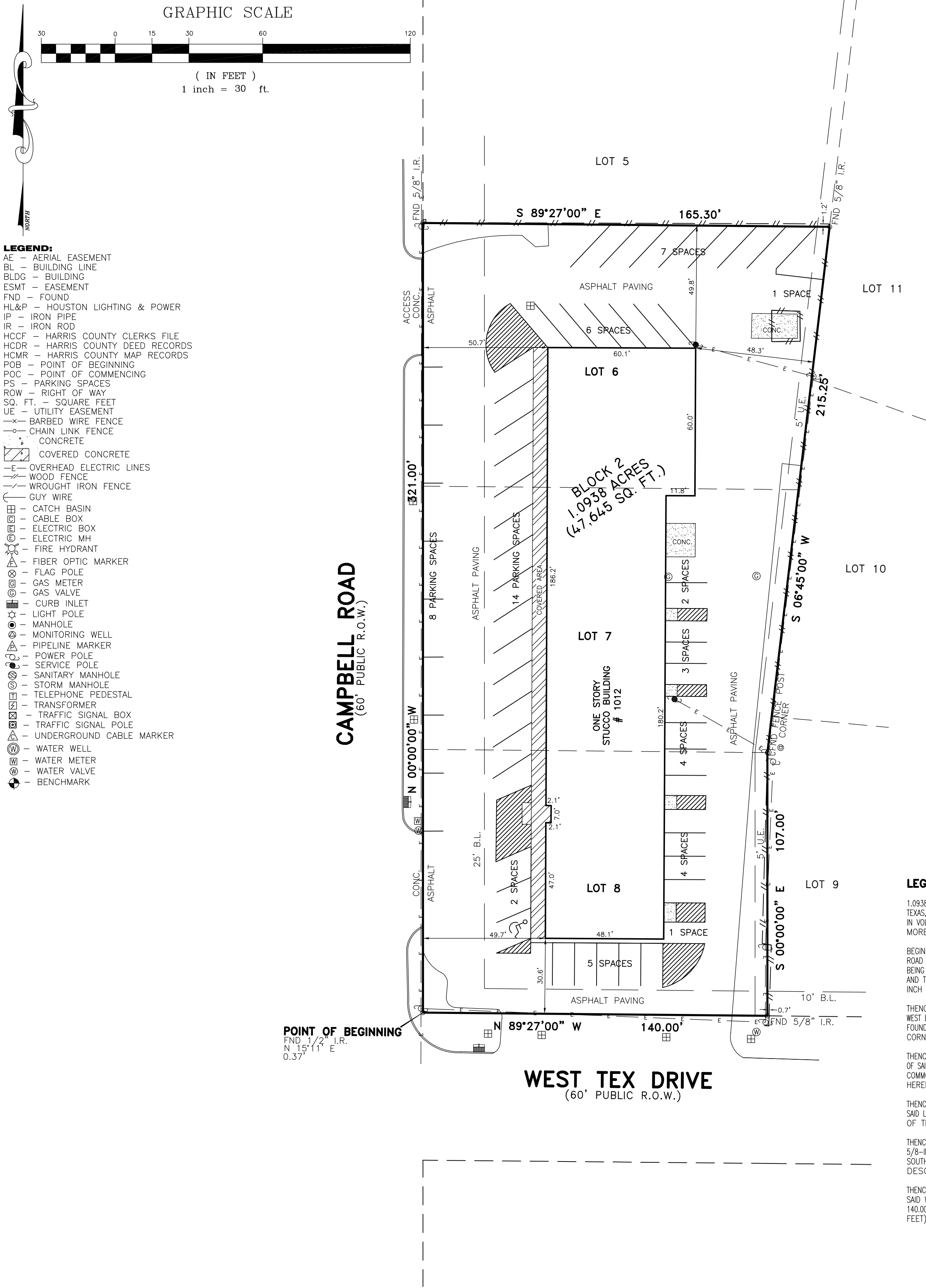
OFF STREET PARKING			
CATEGORY	SPRING VALLEY USE	TYPE OF IMPROVEMENT	SPRING VALLEY PARKING REQUIREMENT
Residential	Single Family	Single Family Residential	2.0/dwelling unit
	Townhouse	Townhouse	2.0/dwelling unit
	Condominium	Condominium	2.0/dwelling unit
	Multi-family dwelling; apartment	Multi-family: Efficiency	1.5 spaces/dwelling unit
		1 bedroom	1.5 spaces/dwelling unit
		2 bedrooms	2.0 spaces/dwelling unit
		3 bedrooms or more	2.5 spaces/dwelling unit
Office	Physician; dentist; mental health specialist; etc.	Medical or dental	5.0/1,000 SF Gross Building Area
	All other offices		4.0/1,000 SF Gross Building Area
Commercial	Hotel; motel	Hotel, Motel (restaurant, meeting rooms separate)	1.0/lodging room
	Restaurant; cafe; cafeteria; full-service restaurant	Restaurants (includes hotel and motel restaurants)	8.0/1,000 SF Gross Building Area
	Retail trade; retail uses	Retail trade, retail uses	3.5/1,000 SF Gross Building Area
	Commercial uses not listed herein		5.0/1,000 SF Gross Building Area
Educational	Pre-school; day care; child care	Day care center, pre-school, child care	1.0/7 children
	Elementary school; high school	Lower and middle school	1.0/15 students
	High school	Upper and high school	1.0/3 students
	College; university	College and university	1.0/(1 students + 1 faculty)
Cultural, entertainment, and recreational	Arts; entertainment; recreation	Auditorium, theater, stadium, church	1.0/3 seats
Municipality		Parks, governmental buildings, etc.	To be determined by use

11:02.02 - PARKING SPACE DIMENSIONS.

A parking space shall be paved and shall have contain a minimum of one hundred seventy-one (171) square feet of space, shall be roughly rectangular in dimension, and shall be placed to provide convenient ingress and egress by vehicles.

(Ordinance 2008-11 adopted 5-27-08)

DIVIDER PAGE



LEGAL DESCRIPTION

1.0938 ACRES OF LAND LOCATED IN THE A.H. OSBOURNE SURVEY, A-610, HARRIS COUNTY, TEXAS, AND BEING LOTS 6, 7 AND 8, BLOCK 2, BONNIE OAKS SUBDIVISION AS RECORDED IN VOLUME 35, PAGE 32, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A POINT MARKING THE INTERSECTION OF THE EAST LINE OF CAMPBELL ROAD (60 FEET WIDE) WITH THE NORTH LINE OF WEST TEX DRIVE (60 FEET WIDE) AND BEING THE SOUTHWEST CORNER OF LOT 8, BLOCK 2, OF SAID BONNIE OAKS SUBDIVISION AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS NORTH 15 DEGREES 11 MINUTES EAST, 0.37 FEET;

THENCE NORTH ALONG THE EAST LINE OF SAID CAMPBELL ROAD, SAME BEING THE WEST LINE OF SAID LOTS 6, 7, AND 8, A DISTANCE OF 321.00 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE COMMON WEST CORNER OF LOTS 5 AND 6, AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 89 DEGREES 27 MINUTES 00 SECONDS EAST, ALONG THE COMMON LINE OF SAID LOTS 5 AND 6, A DISTANCE OF 165.30 FEET TO A 5/8-INCH IRON ROD SET FOR THE COMMON EAST CORNER OF SAID LOTS 5 AND 6 FOR TE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 06 DEGREES 45 MINUTES 00 SECONDS WEST, ALONG THE EAST LINE OF SAID LOTS 6 AND 7, A DISTANCE OF 215.25 FEET TO A FENCE POST FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 8, A DISTANCE OF 107.00 FEET TO A 5/8-INCH IRON ROD FOUND IN THE NORTH LINE OF SAID WEST TEX DRIVE AND BEING THE SOUTHEAST CORNER OF SAID LOT 8 AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 89 DEGREES 27 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF SAID WEST TEX DRIVE, SAME BEING THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.0938 ACRES (47,645 SQUARE FEET) OF LAND, MORE OR LESS.

SURVEY OF

1.0938 ACRES OF LAND LOCATED IN THE A.H. OSBOURNE SURVEY, A-610, HARRIS COUNTY, TEXAS, AND BEING LOTS 6, 7 AND 8, BLOCK 2, BONNIE OAKS SUBDIVISION AS RECORDED IN VOLUME 35, PAGE 32, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

SURVEYOR'S CERTIFICATION

PROPERTY SUBJECT TO SUBDIVISION COVENANTS, CONDITIONS AND RESTRICTIONS.
I hereby certify that this survey was made on the ground and that this plot correctly represents the facts found at the time of survey showing any improvements, from legal descriptions supplied by client. There are no encroachments apparent on the ground, except as shown. This survey is only certified for boundary and this transaction only. Surveyor did not abstract property. Easements, building lines, etc. shown are as identified by:

GF _____ N/A _____ of _____ N/A _____

Fred W. Lawton, Registered Professional Land Surveyor No. 2321



NOTES:
1. ALL BEARINGS AND STREET RIGHT OF WAYS ARE BASED ON RECORDED PLAT.
2. SURVEYOR DID NOT ABSTRACT PROPERTY. SURVEY BASED ON LEGAL DESCRIPTIONS SUPPLIED BY THE CLIENT.
3. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
4. THE WORD CERTIFY IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF.
5. SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY.
6. THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND THAT NO LICENSE HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION.
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. CERTAIN EASEMENTS AND/OR BUILDING LINES MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. THIS SURVEY WAS DONE WITHOUT BENEFIT OF DEED. OWNER SHOULD OBTAIN A TITLE COMMITMENT BEFORE DESIGN OR CONSTRUCTION COMMENCES.

PROPERTY LIES WITHIN FLOOD ZONE X-SHADED, ACCORDING TO F.I.R.M. MAP NO. 48201C 0645L, DATE 6-18-2007, BY GRAPHING PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
BEFORE ANY DEVELOPMENT PLANNING, DESIGN, OR CONSTRUCTION IS STARTED, THE COMMUNITY, CITY AND COUNTY IN WHICH SUBJECT TRACT EXISTS SHOULD BE CONTACTED. SAID ENTITIES MAY IMPOSE LARGER FLOOD PLAIN AND FLOODWAY AREAS THAN SHOWN BY F.I.R.M. MAPS THAT WILL AFFECT DEVELOPMENT.

ADDRESS: 1012 CAMPBELL ROAD, HOUSTON, TEXAS 77055
PURCHASER:

SOUTH TEXAS SURVEYING ASSOCIATES, INC.
11281 Richmond Ave. Bldg J, Suite 101, Houston, Texas 77082
281-556-6918 FAX: 281-556-9331

COPYRIGHT 2012

K:\COMRES 2012\862-12.DWG

DRAWN BY: KT

DATE: 6-13-12

CHECKED BY:

SCALE: 1"=30'

JOB NO.: 862-12

SHEET 1 OF 1

JOB NO: 862-12

1012 Campbell Road Parking Space Breakdown

Unit	Use Type	Unit SqFt	Calculation	Required Parking Spaces (Rounded)
1010	Vacant (Proposed Commercial Use)	1,638	5.0/1,000 SqFt	9 Parking Spaces
1012	Medical Clinic	4,074	5.0/1,000 SqFt	21 Parking Spaces
1018	Commercial Use	720	5.0/1,000 SqFt	4 Parking Spaces
1020	Restaurant	1,488	8.0/1,000 SqFt	12 Parking Spaces
1022	Commercial Use	720	5.0/1,000 SqFt	4 Parking Spaces
1024	Restaurant	1,200	8.0/1,000 SqFt	10 Parking Spaces
1028	Retail Trade	2,800	3.5/1,000 SqFt	10 Parking Spaces

Current Parking Availability: 57 Parking Spaces

Current Parking Required: 61 Parking Spaces

Required with Proposed Use: 70 Parking Spaces

DIVIDER PAGE

ORDINANCE NUMBER 2022-XX

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS GRANTING A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 1010 CAMPBELL ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF SPRING VALLEY VILLAGE FOR USE OF THE PROPERTY FOR EXAM PREPARATION AND TUTORING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, Dr. Suhyn An (the “Owner”) is the Owner of the property located at 1010 Campbell Road (the “Property”), and situated within the corporate limits of the City of Spring Valley Village, Texas (the “City”); and

WHEREAS, the Property is under contract to be leased to Linh Davis who proposes to use the Property as a Kumon Learning Center for exam preparation and tutoring services; and

WHEREAS, the Property is located in the Freeway Planned Area Development District; and

WHEREAS, the Property is not part of a PAD ordinance, and the only change requested by the proposed leasee is the use of the Property; and

WHEREAS, the Owner of the Property, through its duly authorized representative, has presented an application dated May 5, 2022 (the “Application”) to the City for issuance of a Specific Use Permit to allow use of the Property for Exam Preparation and Tutoring Services; and

WHEREAS, the Planning and Zoning Commission of the City, following notice and hearing as required by law, has recommended that the City Council grant the specific use permit as shown in the final report of said Commission; and

WHEREAS, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Planning and Zoning Commission that such specific use permit should be granted; and

WHEREAS, the City Council finds that the issuance of a specific use permit should be granted, subject to certain conditions and terms contained 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. A Specific Use Permit is hereby granted for use of the Property for the purpose of Exam Preparation and Tutoring Services, subject to the terms and conditions set forth below.

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of this Specific Use Permit as herein provided.

Section 4. The Specific Use Permit to authorize use of the Property for Exam Preparation and Tutoring Services purposes is hereby granted subject to the following additional limitations, restrictions, and conditions:

A. **Abandonment.** Should the permitted use be abandoned in any manner, or discontinued in use for ninety (90) days or more, or continued other than in strict conformity with the conditions of this permit, or should a change in the character

of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of the public health, safety or welfare, the Specific Use Permit may be terminated by action of the City Council following hearing and recommendation of the City Planning and Zoning Commission.

B. Amendments. Any change, addition, modification, alteration and/or amendment of any aspect of this Specific Use Permit, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

Section 5. Any person, corporation or entity who or which 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 in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 6. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. This Ordinance shall become effective immediately upon its passage in accordance with State law.

DULY PASSED, APPROVED, AND ORDAINED this the _____ day of _____, 2022.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Jasmin Torres, City Secretary
City of Spring Valley Village, Texas

APPROVED AS TO FORM AND CONTENT:

Loren B. Smith, City Attorney
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 OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 1010 CAMPBELL ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF SPRING VALLEY VILLAGE FOR USE OF THE PROPERTY FOR EXAM PREPARATION AND TUTORING SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A SEVERABILITY 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, July 12, 2022

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, July 26, 2022

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.

DIVIDER PAGE



EST. 1955

SPRING VALLEY VILLAGE

June 20, 2022

Dear Property Owner:

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

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 1010 CAMPBELL STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF SPRING VALLEY VILLAGE FOR USE OF THE PROPERTY FOR EXAM PREPARATION AND TUTORING SPORTS; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A SEVERABILITY 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, July 12, 2022

Time: 7:00 p.m.

Location: Council Chambers of Spring Valley Village City Hall, 1025 Campbell Road

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, July 26, 2022

Time: 6:00 p.m.

Location: Council Chambers of Spring Valley Village City Hall, 1025 Campbell Road

This notice is being sent to you as current property records indicate that you own property in close proximity to 1010 Campbell Street. All interested parties are invited to attend both public hearings and will have the opportunity to be heard. For further information, please contact me at (832) 910-8577 or zmeadows@springvalleytx.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zachary Meadows", with a long horizontal flourish extending to the right.

Zachary Meadows
Director of Community Development

Inker Street Landing LLC
1101 Lone Star Dr
Houston, Texas 77055

Current Owner / Resident
1105 Lone Star Dr.
Houston, Texas 77055

Jonathan & Shelby Lindenberger
3 Pecan Trail Ln
Houston, Texas 77055

Brian Cano & Maricarmen Trujillo
1109 Lone Star Dr.
Houston, Texas 77055

Jaedong Lee
3 Cardwell Ct.
Houston, Texas 77055

Dudley & Linda Babin
1019 Lone Star Dr.
Houston, Texas 77055

Campbell Project Partners LLC
9090 Katy Freeway
Houston, Texas 77055

Larry E. & Rachel H. Stinson
1015 Lone Star Dr.
Houston, TX 77055

Grace Community Church
1021 Campbell Rd.
Houston, Texas 77055

Larry P. & Tena R. Frith
1 Cardwell Ct.
Houston, TX 77055

Tamara R. Guerrola
1023 Lone Star Dr.
Houston, Texas 77055

Stream Wellington MOB LLC
1001 Katy Fwy.
Houston, Texas 77055

Bisher Khalaf
1 Pecan Trail Ln.
Houston, Texas 77055

Nhan & Kenny Pham
5 Cardwell Ct.
Houston, Texas 77055

Curren Owner / Resident
1012 Campbell Rd.
Houston, Texas 77055

DIVIDER PAGE

COMMERCIAL ZONING CHANGE NOTIFICATION SIGN CRITERIA

A zoning sign is a sign erected on property for which a zoning case has been filed with the City, including, but not limited to, zoning changes, Specific Use Permits, Variances, or Special Exceptions. **The number of signs and the placement of signs shall be determined by the Building Official at the time of submittal.** It is the responsibility of the owner/project representative to contact the Building Department to verify the number and location of signs needed.

Property owners/applicants may use any sign company to meet zoning change sign criteria. To order zoning signs, the applicant should contact a sign company concerning sign creation and installation in the Building Official designated location(s).

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (713) 465-8308.

ADHERE TO THE FOLLOWING INSTRUCTIONS:

SIGNS DESIGN

- The sign shall be constructed in accordance with the City's design standards for zoning signs.
- Signs shall be a minimum of four (4) feet by four (4) feet.
- Must be two (2) sided ten (10) millimeter Coroplast sign or other material of equivalent strength and durability.
- Lettering shall be on both sides of the sign.
- Metal or wood posts shall be used.
- Must include the City of Spring Valley Village official logo with a minimum size of one (1) foot.
- Capital letters on that sign shall be no smaller than three (3) inches tall using the Bold Arial font style.
- The signs shall comply with the layout and dimensions on the attached Zoning Sign Design Diagram.

PLACEMENT

- One (1) sign shall be erected by the applicant adjacent to each street frontage on the property that is the subject of the application and for each two hundred feet (200') of frontage along a street with a maximum of three (3) signs required per street frontage.
- Signs shall be placed in a location on private property and clearly visible from all streets adjacent to the property included in the application.
- Where land does not have frontage on a public street, signs shall be posted on the nearest

public street with a notation indicating the location of the land subject to the application.

- Signs shall be no greater than twenty (20) feet from the property line and shall be a minimum of two (2) feet off the ground, unless otherwise directed by the Building Official or his/her designee.
- Signs shall be placed perpendicular to the roadway to ensure they are readable from both sides.
- Signs shall be located so that the lettering is visible and may be clearly read from the street.

PROOF OF POSTING

- **The applicant shall erect the sign(s) on the property that is the subject of the application a minimum of fourteen (14) calendar days immediately preceding the date of the public hearing before the Planning & Zoning Commission ("Commission").**
- The applicant is responsible for maintaining the sign(s) on the property throughout the entire review process.
- A minimum of seven (7) calendar days prior to the public hearing before the Commission, the applicant shall file an affidavit, on a form provided by the City, with the Building Official verifying that the sign(s) was posted as required.

REMOVAL OF SIGNS

- **The applicant shall be responsible for removing the sign(s) from the property within seven (7) calendar days of the final action on the application by the City of Spring Valley Village.**

Preparer's Name: Linh Davis Preparer's Signature: [Signature]

NOTE: Violations of the sign ordinance will result in fines to the property owner and will delay the requested zoning case. Failure to remove zoning signs per the sign ordinance will result in a citation of \$500 per sign/per day until removed.

AFFIDAVIT OF SIGN POSTING

(Re)Zoning Case No. _____

Date of Planning and Zoning Commission Meeting: July 12, 2022

In accordance with the requirements of Section 01:04:03 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village, Texas, I Linh Davis hereby certify that I have posted or caused to be posted Zoning Change Notification sign(s) on the property subject to zoning change, located at 1010 Campbell Drive, Houston, TX 77055

Said sign(s) meet the specifications of Section 01:04:03 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village. Posting of said signs was accomplished on 6/28/2022 as provided for in Section 01:04:03 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village. Said signs have been posted in a manner which provides an unobstructed view and which allows clear reading from the public right(s)-of-way along Campbell Road

I further certify that this affidavit was filed with the Building Department of the City of Spring Valley Village within the time provisions of Section 01:04:03 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village.

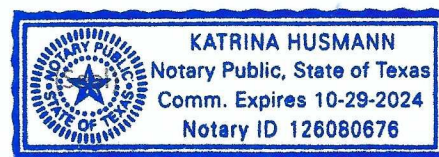
Executed this date: 6/28/2022

Printed Name of Applicant or Authorized Representative for Zoning Case No. Linh Davis

Signature of Applicant or Authorized Representative for Zoning Case No. Linh Davis

Sworn and subscribed before me on this date: 6/28/2022

Notary Public Katrina Husmann



PLEASE NOTE: Failure to post the notification sign(s) on the property by the close of business (4:30 pm) fourteen (14) days prior Planning and Zoning Commission public hearing shall result in the postponement of consideration by the Commission.

STAFF USE ONLY:

Date/Time submitted: _____ Verified by: _____

AFFIDAVIT OF ZONING CHANGE NOTIFICATION SIGN MAINTENANCE

(Re)Zoning Case No. _____

Date of City Council Meeting: _____

In accordance with the requirements of Section 01:04:03 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village, Texas, I Linh Davis hereby certify that Zoning Change Notification sign(s) have been maintained on the property subject to zoning change, located at 1010 Campbell Drive, Houston, TX 77055

Said sign(s) have been maintained in a manner consistent with the requirements contained in Section 01:04:03 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village.

I further certify that this affidavit was filed with the Building Department of the City on date 6/28/2022 within the time provisions of Section 01:04:03 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village.

I understand that I am required to remove said signs within seven (7) calendar days of any final action on the application taken by the City of Spring Valley Village regarding the zoning change.

Executed this date: 6/28/2022

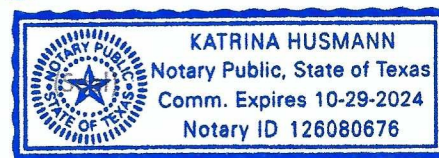
Printed Name of Applicant or Authorized Representative for Zoning Case No. Linh Davis

Signature of Applicant or Authorized Representative for Zoning Case No. Linh Davis

Sworn and subscribed before me on this date: 6/28/2022

Notary Public

Katrina Husmann



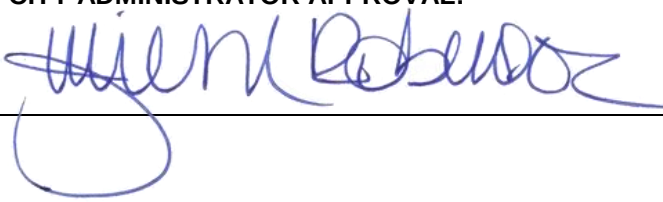
PLEASE NOTE: Failure to maintain the signs prior to City Council public hearing may result in postponement of consideration if the applicant has not attempted to replace damaged or missing signs upon notification by Staff.

FOR STAFF USE ONLY:

Date/Time submitted: _____ Verified by: _____

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

MEETING DATE: July 12, 2022

TOPIC:	ORDINANCE NO. 2022-XX AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS GRANTING A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 1010 CAMPBELL ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF SPRING VALLEY VILLAGE FOR USE OF THE PROPERTY FOR EXAM PREPARATION AND TUTORING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.
BACKGROUND:	In the previous agenda item, the Planning and Zoning Commission conducted a public hearing on an application requesting a Specific Use Permit for 1010 Campbell Road for the use of the Property for a Kumon Learning Center that falls within the NAICS Code Category of Exam Preparation and Tutoring Services. If approved, this Ordinance would recommend approval of granting the requested Specific Use Permit.
RECOMMENDATION:	Staff Recommends Approval of the Requested Specific Use Permit Contingent Upon Sufficient Parking Being Available on the Property.
ATTACHMENTS:	• Proposed Ordinance No. 2022-XX
SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	CITY ADMINISTRATOR APPROVAL: 

ORDINANCE NUMBER 2022-XX

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS GRANTING A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 1010 CAMPBELL ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF SPRING VALLEY VILLAGE FOR USE OF THE PROPERTY FOR EXAM PREPARATION AND TUTORING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, Dr. Suhyn An (the “Owner”) is the Owner of the property located at 1010 Campbell Road (the “Property”), and situated within the corporate limits of the City of Spring Valley Village, Texas (the “City”); and

WHEREAS, the Property is under contract to be leased to Linh Davis who proposes to use the Property as a Kumon Learning Center for exam preparation and tutoring services; and

WHEREAS, the Property is located in the Freeway Planned Area Development District; and

WHEREAS, the Property is not part of a PAD ordinance, and the only change requested by the proposed leasee is the use of the Property; and

WHEREAS, the Owner of the Property, through its duly authorized representative, has presented an application dated May 5, 2022 (the “Application”) to the City for issuance of a Specific Use Permit to allow use of the Property for Exam Preparation and Tutoring Services; and

WHEREAS, the Planning and Zoning Commission of the City, following notice and hearing as required by law, has recommended that the City Council grant the specific use permit as shown in the final report of said Commission; and

WHEREAS, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Planning and Zoning Commission that such specific use permit should be granted; and

WHEREAS, the City Council finds that the issuance of a specific use permit should be granted, subject to certain conditions and terms contained 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. A Specific Use Permit is hereby granted for use of the Property for the purpose of Exam Preparation and Tutoring Services, subject to the terms and conditions set forth below.

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of this Specific Use Permit as herein provided.

Section 4. The Specific Use Permit to authorize use of the Property for Exam Preparation and Tutoring Services purposes is hereby granted subject to the following additional limitations, restrictions, and conditions:

A. **Abandonment.** Should the permitted use be abandoned in any manner, or discontinued in use for ninety (90) days or more, or continued other than in strict conformity with the conditions of this permit, or should a change in the character

of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of the public health, safety or welfare, the Specific Use Permit may be terminated by action of the City Council following hearing and recommendation of the City Planning and Zoning Commission.

B. Amendments. Any change, addition, modification, alteration and/or amendment of any aspect of this Specific Use Permit, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

Section 5. Any person, corporation or entity who or which 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 in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 6. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. This Ordinance shall become effective immediately upon its passage in accordance with State law.

DULY PASSED, APPROVED, AND ORDAINED this the _____ day of _____, 2022.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Jasmin Torres, City Secretary
City of Spring Valley Village, Texas

APPROVED AS TO FORM AND CONTENT:

Loren B. Smith, City Attorney
City of Spring Valley Village, Texas

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

MEETING DATE: July 12, 2022

TOPIC:	DISCUSSION AND DIRECTION CONCERNING: AMENDMENTS TO CHAPTER 9, SUBDIVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE.
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BACKGROUND:	House Bill 3167, enacted by the Texas Legislature May 20, 2019 and signed into law by the Governor on June 14, 2019, made significant changes to subdivision regulations for all cities in Texas.
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Following review of these changes, City Attorney Loren Smith and City staff have been working through all the necessary changes to the subdivision regulations currently adopted in Chapter 9, of the City of Spring Valley Village Code of Ordinances. Amongst several grammatical non-substantive changes, the following other changes have been made in order to come into compliance with new State law. Due to the extent of the revisions, a redlined version of Chapter 9 is provided with this agenda item so you can see the actual changes:

CHANGES TO COMPLY WITH STATE LAW

Section 9.114 Procedure: Planning and Zoning Commission and Final Plats

- A new Section 9.114 titled Exceptions to Plat Requirements was added.

Section 9.116 Procedure: Filing and Recordation of Final Plats

- A new Section 9.116 titled Procedure: Review and Approval of Plats was added.

This section outlines the newly adopted “shot clock” changes, which requires new timelines for Plats to be discussed and approved, approved with conditions, or disapproved. These changes will be discussed further at the meeting.

Sections (9.119 through 9.124) were deleted in their entirety as either they have been moved to another section or are no longer applicable based on the changes adopted because of the “shot clock” rule.

NON-SUBSTANTIVE CHANGES

Section 9.103 Location of Subdivisions:

- Title of Section 9.103 has been changed from Location of Subdivisions to Form of Plat, generally.
- The first sentence of paragraph one has been moved to another section of the ordinance (section 9.104).
- Subsection D(12) and D(14) the reference to building lines was removed, as the City requires all building lines are removed from submitted Plats.
- Subsection H was removed in its entirety based on the removal of all references to Preliminary Plat.
- The remainder of the section was split and placed under a new section, Section 9.104 – Standards for Residential Subdivisions.

Section 9.104 Standards for Residential Subdivisions

- This section was added in the changes to the Ordinance.
- The first sentence was moved from Section 9.103.
- Subsection A(2) was removed.
- Subsection A(3) was revised by removing a reference to properties that faces or backs on any portion Bingle Road being two (2) lanes. Bingle Road no longer has any portions within the City of Spring Valley Village that are only two (2) lanes and as such is no longer needed as a reference.
- Subsection A(4) was amended to read “All residential lots shall have a minimum lot area of ten thousand (10,000) square feet.” Instead of only those that are served by approved sanitary sewer systems of the City.
- Subsection A(5) was deleted because all lots in Spring Valley Village are serviced by City sanitary sewer system, as stated in Subsection A(4).
- Subsection D was amended to read “Residential subdivision fences shall comply as herein provided.”

Section 9.107 Standards for Street Lighting

- References to Houston Lighting & Power Company (“HL&P”) were amended to replace it with the Current known name of CenterPoint Energy.

Section 9.110 Pipe Line Easements

- References to building lines were removed, as the City requires all building lines be removed from submitted Plats.

9.112 Procedure; Preliminary Plat Presented to the Commission

- Title of Section 9.112 has been changed from Procedure; Preliminary Plat Presented to the Commission to Procedure; Filling of Plats.
- Removed all references to preliminary plat, as preliminary plats are no longer referenced in State statute.
- Subsection B language was added to have applications for plat approval being submitted at a minimum of twenty (20) days before a meeting of the Planning & Zoning Commission, to ensure enough review time and to fit within window of new “shot clock”.
- Subsection B(1) added language for obtaining an electronic copy of all plat approval application submittals.
- Subsection B(4) and B(5) were added, as these are required documents for recordation of Plats. These items were already being requested by staff with submittals, however by adding this language, the requirement is now added to the Ordinance and formalized.
- Subsection B(7) was reformatted and some items were expanded for clarification.
- Subsection C was added to require all improvements being made by a developer in relation to approved plats will be performed and maintained to City standards, and the Bond would need to be on file until the City releases the Bond upon sufficient construction and proper maintenance period.

Section 9.113 Procedure: Planning and Zoning Commission Action on Preliminary Plat

- Title of Section 9.113 has been changed from Procedure: Planning and Zoning Commission Action on Preliminary Plat to Filing Fees.
- Former Section 9.120 Filing Fees has been moved to this Section.

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

Section 9.115 Procedure: Review and Approval of Final Plats by City Council

- A new Section 9.115 titled Delivery to Planning Commission or City Council was added.

Section 9.117 Abandonment of Application for Plat Approval

- Title of Section 9.117 has been changed from Abandonment of Application for Plat Approval to Replats.
- Former Section 9.121 Replats has been moved to this Section.

PROPOSED CHANGES TO ADDRESS ISSUES THAT HAVE COME UP

Section 9.102 Definitions:

- Definition of *Radial Lot* has been revised by deleting everything after the word "curve" and now reads "Radial Lot means a lot having a front property line that is in the shape of the curve."

Section 9.118 Variances

- Subsection C was added to ensure all the same notice requirements as provided in section 9.117 are followed for subdivision variances as well. Previously no notice was required to be given for subdivision variances.

Staff is presenting this item for discussion before bringing back an Ordinance to the Planning & Zoning Commission for a recommendation and then submitted to the City Council for consideration.

RECOMMENDATION: Not applicable

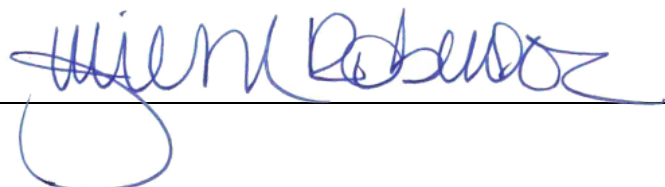
ATTACHMENTS:

- Redlined Copy of Chapter 9, Subdivisions
- Clean Copy of Chapter 9, Subdivisions

SUBMITTING STAFF MEMBER:

Zachary Meadows, Director of
Community Development

CITY ADMINISTRATOR APPROVAL:



DIVIDER PAGE

CHAPTER 9 - SUBDIVISIONS

ARTICLE 9.100 SUBDIVISION REGULATIONS

§ 9.101 Purposes

The regulations and rules herein established are adopted and promulgated for the purposes of promoting the health, safety, morals and general welfare of the community, and the safe, orderly, and healthful development of the community.

§ 9.102 Definitions

In construing this chapter, the following definitions of words and phrases shall control:

Applicant means any person, firm, organization, or corporation, making any application for a plat or replat under the provisions of this chapter.

Block means a group of adjoining lots, forming a unit of such adjoining lots in one (1) body, usually enclosed on at least two (2) adjoining sides by streets.

Building line means a line on a lot or reserve, parallel to a property line of such lot or reserve, indicating the closest point to such property line that a building may be constructed.

Commercial use means that use of property and/or the improvements thereon, which would be permitted upon land situated in a commercial district "C", under the zoning ordinance of the City.

Commission means the Planning and Zoning Commission of the City.

Corner lot means a lot of land situated at the intersection of two (2) streets and bound on two (2) sides by such intersecting streets.

Cul-de-sac means a street, or portion of a street, that has an outlet into an intersection of the same with another street at one (1) end of such street or portion of a street, and that has no such outlet at the other end thereof.

Double front lot means a lot so designed that a building situated upon such lot may front on either of two (2) adjoining streets, which intersect with each other at one (1) corner of such lot.

Industrial use means that use of property and/or the improvements thereon that would be permitted upon land situated in an industrial district "B", under the zoning ordinance of the City.

Interior lot means a lot that is not situated in a corner formed by the intersection of two (2) streets.

Main thoroughfares mean Westview Drive, Campbell Road, Bingle Road, Katy Highway (also known as U. S. Highway 90 or as Interstate Highway 10), and no other streets or roads in the City.

Lot means a tract or parcel of land that is one (1) of the units (other than a reserve) into that a larger tract or parcel of land is subdivided by a plat or subdivision of land, such unit being divided to be used as the location of one (1) building, and its accessory buildings.

Offset means, as applied to a street, a street that intersects one (1) side of another street at one (1) point, and that intersects the other side of such other street, from the opposite direction, at a point that is not directly opposite the first point of intersection.

Permanent cul-de-sac means a cul-de-sac that is not designed to be changed at a later date into a through street, and that the commission finds probably will not be later made a through street.

Plat, when not used as a part of the phrase "plat or subdivision of land," shall be construed to mean the instrument containing a drawing of proposed plat or subdivision of land and other material required by this chapter.

Plat or subdivision of land means a tract of land divided into lots, streets, and/or easements under a definite plan as set forth on a map.

Property line means one (1) of the exterior boundary lines of a lot or reserve of land.

Radial lot means a lot having a front property line that is in the shape of a curve, ~~and having side property lines that either intersect other beyond the rear line of the lot, if they were extended past the rear line of the lot.~~

Reserve, when used as an uncapitalized common noun, means any strip of land set aside for future use as street or easement, or as part of a street or easement; used as a capitalized proper noun, the word "Reserve" means any tract of land within a plat or subdivision of land that is not divided into lots, that is designated as a Reserve, and that is held unsubdivided for future subdivisions into lots or for some unspecified other future use.

Residential use means that use of property and/or the improvements thereon that would be permitted upon land situated in a dwelling district "A" under the zoning ordinance of the City.

Subdivider means a person who subdivides a tract of land into a plat or subdivision of land.

Through street means a street or portion of street, having an outlet, at each end of the same, into an intersecting street.

Turn-around means a circular portion of a cul-de-sac, situated at that end of such cul-de-sac that has no outlet into another cul-de-sac, and that is designed to allow vehicles to turn around.

Utility means water service, sewage service, gas service, electrical power service, and other similar service furnished to property owners.

Watercourse means any storm or artificial drainage channel, carrying a flow of water at all times or periodically.

Words in this Chapter used in the present tense shall include the future, words used in the singular shall include the plural number, words used in the plural number shall include the singular, and the word "shall" is mandatory and not directory.

§ 9.103 Form of Plat, generally. ~~Location of Subdivisions~~

~~Every subdivision shall conform to the goals and objectives contained in the city's comprehensive plan and the city's zoning ordinances.~~ Each proposed plat or subdivision of land shall be drawn on a ~~p~~Plat that shall conform to standards as follows:

(A) ~~(a)~~ — The original ~~p~~Plat of a proposed plat or subdivision of land shall be prepared by, or under the supervision of, a registered engineer or a registered public surveyor.

(B) ~~(b)~~ — The ~~P~~plat shall contain a title, a scale drawing of the proposed plat or subdivision of land, a key map of the area, in which the proposed plat or subdivision of land is located, and dedications and certifications.

~~(C)(c)~~ — The title of the ~~P~~plat of a proposed plat or subdivision of land shall furnish the following information:

- (1) The name of the proposed plat or subdivision of land, which name shall not be the same as that of any other recorded plat or subdivision of land in Harris County, Texas, except that the name of a proposed plat or subdivision of land may be the same as that of an adjacent recorded plat or subdivision of land, if the proposed name also includes other words indicating that the proposed plat or subdivision of land is a new or additional section of the older, recorded plat or subdivision of land.
- (2) A legally sufficient description of the tract or tracts of land upon which such proposed plat or subdivision of land is located.
- (3) A statement of the total number of acres of land in the tract upon which such proposed plat or subdivision of land is located.
- (4) A statement of the total number of lots and the total number of blocks in the proposed plat or subdivision of land.
- (5) The name of each owner of the tract of land upon which such proposed plat or subdivision of land is located; if any such owner is a corporation, the name of a responsible officer, such as the president or vice president, of such corporation shall be stated.
- (6) The name of the registered engineer or registered public surveyor in charge of preparation of the ~~P~~plat.
- (7) A statement of the scale of the drawing of the proposed plat or subdivision of land.
- (8) The date of the preparation of the ~~P~~plat; each revision of the ~~P~~plat shall bear a new date.

~~(D)(d)~~ — The scale drawing of a proposed plat or subdivision of land on the plat thereof shall conform to standards as follows:

- (1) The scale drawing of a proposed plat or subdivision of land shall be drawn on a scale of one (1) inch on the drawing equal to one hundred (100) feet.
- (2) The exterior boundaries of the proposed plat or subdivision of land shall be shown by very heavy lines, and the length and directional bearing of each such exterior boundary line shall be clearly shown.
- (3) All lines inside the exterior boundaries of the proposed plat or subdivision of land shall be unbroken lines.
- (4) All lines outside the exterior boundaries of the proposed plat or subdivision of land shall be broken lines.
- (5) The ~~P~~plat shall show the exact location of the tract of land upon which the proposed plat or subdivision of land is located, by showing the exact relation of such tract of land to one (1) corner of each survey in which all or any part of such tract of land is located.
- (6) All water courses and ravines within the exterior boundaries of the proposed plat or subdivision of land shall be clearly shown, together with the high bank and width of existing or proposed drainage easements.
- (7) The ~~P~~plat shall clearly indicate the names and locations of all subdivisions, streets, railroad rights-of-way, easements, pipe lines, and water courses adjoining the proposed plat or

subdivision of land; if any tract of land adjoining the proposed plat or subdivision of land shall consist of unsubdivided acreage, that fact shall be clearly shown.

- (8) If any part of a proposed plat or subdivision of land shall be designated as a site for a school, church, park, sewerage plant, water plant or any other special use, each such site and the proposed special use thereof shall be clearly shown.
- (9) All areas of land that are temporary easements or dedications shall be indicated by cross-hatch lines, and the fact that such easements or dedications are temporary shall be indicated by appropriate notes on the plat.
- (10) Names of all streets in a proposed plat or subdivision of land shall be clearly shown.
- (11) Engineering data concerning the streets in the proposed plat or subdivision of land shall be shown as follows:
 - (i) Complete curve data concerning all curves in streets shall be shown either on the center line of the street or on each side of the street.
 - (ii) Length and directional bearings of all tangents of curves of streets shall be shown.
 - (iii) Dimensions of streets shall be shown as to widths, and from all angle points and points of curve therein to an adjacent side line of a lot.
 - (iv) Where any proposed street shall intersect with or extent to meet an existing street, directional bearing and dimensions shall be shown on street center lines, in such manner as to clearly show the relationship between each such proposed street and each such existing street.
- (12) Engineering data concerning the lots in the proposed plat or subdivisions of land shall show complete directional bearings and dimensions of front, side and rear lot lines thereof, and the location of all ~~building lines and~~ easements thereon.
- (13) Engineering data concerning water courses and drainage easements shall be shown as follows:
 - (i) Distances shall be shown from the drainage easement line at a watercourse, or from the high bank of stream, along the side lines of adjoining lots, to the front lines of such lots.
 - (ii) Traverse lines shall be shown along the edge of all drainage easements, in convenient locations; wherever practical, such traverse lines shall be shown along any adjoining utility easements that parallel the drainage easement.
- (14) All reserves in any proposed plat or subdivision of land shall be labeled alphabetically, as "A", "B", "C", and so continuing alphabetically until all such reserves shall have been labeled. Reserves shall not be numbered. ~~Minimum building lines, as hereinbefore provided in this chapter, shall be established and shown as to each reserve.~~
- (15) All blocks in a proposed plat or subdivision of land shall be numbered consecutively within such plat or subdivision of land. All lots shall be numbered consecutively within each block. Lot numbering may be cumulative throughout the plat or subdivision of land, if the numbering continues from block to adjoining block in a uniform manner and shall have been approved by the eCity.

~~(E)(e)~~ — Each ~~P~~plat of a proposed plat or subdivision of land shall contain a key map, which key map shall show the relation of the proposed plat or subdivision of land to all well-known streets, railroads, highways and water courses within one (1) mile of such plat or subdivision of land. Such key map shall be drawn on a scale of one (1) inch on the key map equal to one (1) mile.

~~(F)(f)~~ — The ~~p~~Plat of each proposed plat or subdivision of land shall show dedications, grants, and certifications, as follows:

- (1) The ~~p~~Plat shall contain a clear statement of dedication of the plat or subdivision of land shown thereon, and of the streets, alleys, parks and easements thereon, together with a warranty of title to the tract of land upon which such tract or parcel of land is located. Such statement shall be duly and lawfully executed and acknowledged by each owner of the aforesaid tract of land. The owners and holders of any lien or liens upon such tract of land shall execute and acknowledge a confirmation and ratification of the subdivision and dedication of the plat or subdivision of land, and a subordination of the lien or liens owned and held by such lienholder or lienholders to such subdivision and dedication.
- (2) The ~~p~~Plat shall contain a certification by the registered engineer or registered public surveyor who shall have prepared such ~~p~~Plat that he has prepared the same from a survey on the ground; that he or she has properly marked all block corners, lot corners, angle points and points of curve in plat or subdivision of land with galvanized iron pipes as stakes, such pipes being one (1) inch in diameter and three (3) feet or more in length; and that the ~~p~~Plat correctly represents the survey made by him or her.
- (3) All dedications, statements, ratifications, confirmations, subordinations, and certifications shall be in such form as the ~~e~~City shall from time to time prescribe, as being necessary and proper to comply and evidence compliance with the provisions of this ~~e~~Chapter, other applicable ordinances of the ~~e~~City, applicable statutes and other laws of the State of Texas, and/or findings of the ~~e~~City.

~~(G)(g)~~ — Each ~~p~~Plat of a plat or subdivision of land shall also show and contain all drawings, information, data, dedications, statements, agreements, certifications and other material of any nature, which the ~~C~~city shall find to be necessary and proper, and shall require, to comply with, or evidence compliance with, the provisions of this ~~C~~chapter, of other applicable ordinances of the ~~C~~city, of all applicable laws and statutes of the State of Texas, and/or of applicable findings of the ~~e~~City.

~~(h) — All engineering data shown on any preliminary plat may be approximate, but all such engineering data shall be exact on the final plat.~~ **§ 9.104- Standards for Residential Subdivisions**

Every subdivision shall conform to the goals and objectives contained in the city's comprehensive plan and the ~~e~~City's zoning ordinances.

~~(A) (i) — No plat or subdivision of land for residential use in the city shall be approved unless the same shall conform to the following standards:~~

~~(1) — No plat or subdivision of land for residential use in the ~~e~~City shall be approved, unless each lot of land in such residential subdivision is designed to have dimensions, areas and shapes as follows:~~

~~(1)i.~~ 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 all easements. "Easement" shall include any Harris County Flood Control District easement, as well as all other easements affecting the lot.

~~(2)ii.~~ Minimum lot width. Each residential lot shall have a minimum width of seventy (70) feet, unless otherwise noted below:

~~(i)(A)~~ Cul-de-sac lots. All cul-de-sac lots must be radial or perpendicular to the street right-of-way line unless otherwise noted. Cul-de-sac lots on the radial portions of the cul-de-sac shall have a minimum right-of-way frontage of 47.12 feet. Those cul-de-sac lots on the radial portion of the cul-de-sac, if any, shall have a minimum width of seventy-five (75) feet at the middle of the lot, measured from the mid-point of the shortest side lot line and perpendicular to a line that bisects the area of the lot. Where applicable, the dimension from the street right-of-way to the center point of the curved portion of the cul-de-sac, if any, shall be such that, when the radius of the cul-de-sac is subtracted, the remainder is a minimum of seventy (70) feet.

~~(ii) (B)~~ Radial lots. Radial lots that are not cul-de-sac lots shall have a minimum right-of-way frontage of seventy (70) feet. These lots shall also have a minimum width of seventy (70) feet, measured from the midpoint of the longest side lot line and perpendicular to a line that bisects the area of the lot.

~~(iii) (C)~~ Corner lots. Corner residential lots that have a width of less than eight (8) feet shall be at least five (5) feet wider in width than the average width of interior lots in the block of which such corner lot is a part. Corner residential lots that are adjacent to a major thoroughfare, shall be at least fifteen (15) feet wider in width than the average width of interior lots in the block of which such corner lot is a part.

~~(2) — Reserved.~~

(3) Minimum lot depth. Each residential lot shall have a minimum depth of one hundred twenty (120) feet except as herein provided. Each residential lot that faces or backs on a major thoroughfare shall have a mean depth of at least one hundred forty (140) feet, ~~unless the major thoroughfare is Bingle Road where it is two (2) lanes, in which case the mean depth shall be at least one hundred fifty (150) feet.~~ Each residential lot that faces or backs on any drainage easement shall have a depth at any point of not less than seventy (70) feet between the front building line thereof and the drainage easement line thereon. All cul-de-sac lots shall have a minimum depth of one hundred (100) feet measured along the side lot lines. The depth of all other radial lots will be measured along the line, which bisects the area of the lot.

(4) ~~If residential lots are served by sanitary sewer systems approved by the city, such~~ All residential lots shall have a minimum lot area of ten thousand (10,000) square feet.

~~(5) — If residential lots are not served by a sanitary sewer system which is approved by the city, each of such residential lots shall have a minimum lot area of fifteen thousand (15,000) square feet.~~

~~(6)~~ (5) No residential lot shall be a double front lot, except where the same backs on a major thoroughfare.

(76) No residential lot shall be designed in such manner that there is driveway access from the rear or the side of such lot to a major thoroughfare.

(87) Residential lots shall be so designed that the same are rectangular in shape, unless the city shall find that such rectangular shape of any lot is impractical. Unless found by the city to be impractical, the side lot lines of each residential lot shall be perpendicular to the front street line of such lot, where such street line is straight, and side lot lines of residential lots shall be radial to the street front line of such lot, where such street lot line is a curved street line.

(B)(j) — No plat or subdivision of land in the eCity shall be approved, unless the lots or parcels of land in such plat or subdivision conform to the building line and setback regulations set out in the eCity's eComprehensive Zoning eOrdinance.

(C)(k) — No plat or subdivision of land for residential use shall be approved, unless the same shall comply with all other standards established in this eChapter for plats or subdivisions for any type of use.

(D)(l) — Residential subdivision fences shall comply as herein provided.

(1) A fence may be constructed around the perimeter of a subdivision containing six (6) or more lots, provided the fence is at least six (6) feet in height and does not exceed eight (8) feet in height, measured above the average surrounding grade of ground level, and such fence is of masonry (excluding stucco or cinder block) or of iron picket construction. Subdivision perimeter fences which extend to the entry street or streets to the subdivision shall not be placed or constructed closer than ten (10) feet from any entry street right-of-way line.

(2) No plats or subdivision containing six (6) or more lots shall be approved when the rear property line of any of such lots adjoin a public street unless a masonry (excluding stucco or cinder block) or iron picket fence is constructed, of consistent material and color, along the rear property line of such lots adjoining the public street, and such fence shall be at least six (6) feet in height and shall not exceed eight (8) feet in height, above the average surrounding grade or ground level, and shall not be placed or constructed closer than ten (10) feet from any entry street right-of-way line.

(3) No plat or subdivision of land on which a subdivision perimeter fence is to be constructed shall be approved unless the plat thereof clearly provides that the subdivision perimeter fence shall be owned by the developer and his or her successors, including but not limited to, any homeowners or civic association, or in common by the homeowners of the subdivision. Additionally, the following statement must appear on the face of the plat: "The City of Spring Valley Village, Texas, does not maintain subdivision fences."

§ 9.105 Standards for Commercial and Industrial Subdivisions

(A)(a) No plat or subdivision of land in the eCity shall be approved unless the lots or parcels of land in such plat or subdivision conform to the building line and setback regulations set out in the eCity's eComprehensive zZoning QOrdinance.

(B)(b) No plat or subdivision of land for commercial or industrial use shall be approved, unless the same shall comply with all other standards established in this eChapter for plats or

subdivisions of land for any type of use, and with the standards of the ~~e~~City's ~~z~~Zoning ~~e~~Ordinance.

§ 9.106 Standards for Streets in Plats or Subdivisions of Land for Any Type of Use

No plat or subdivision of land for any type of use shall be approved, unless the streets in such plat or subdivision of land shall comply with the following standards:

~~(A)(a)~~ The street pattern of each plat or subdivision of land shall be so designed that it will provide adequate circulation of traffic within the plat or subdivision of land, and so that it will discourage excessive through traffic on any streets other than major thoroughfares.

~~(B)(b)~~ No plat or subdivision of land for any type of use shall be approved, unless the widths of rights-of-ways for streets therein shall be as follows:

- (1) Each street, which is designed to have curbs and gutters, shall have a right-of-way that is not less than sixty (60) feet in width, except in those instances in which the ~~e~~City shall grant approval of a plat or subdivision of land with street right-of-way therein which is less than sixty (60) feet in width, as an exception as hereinafter provided.
- (2) As an exception, the ~~C~~eity may approve a plat or subdivision of land, in which one (1) or more streets, or portions of streets, therein have a right-of-way less than sixty (60) feet in width, but not less than fifty (50) feet in width, if the ~~C~~eity shall determine that each such street or portion of a street with a right-of-way that is less than sixty (60) feet in width conforms to standards as follows:
 - (i) Such street or portion of a street shall be designed to have curbs and gutters.
 - (ii) Such street or portion of a street shall be a permanent cul-de-sac, and shall have a total length of not more than five hundred (500) feet.
 - (iii) Such street or portion of a street will not, because of the reduced width of its right-of-way, in any way interfere with promotion of the health, safety, morals or general welfare of the community, or safe, orderly and healthful development of the community.
- (3) Each street, which is not designed to have curbs and gutters, shall have a right-of-way that is not less than eighty (80) feet in width, unless the ~~e~~City grants approval of a plat or subdivision of land, as an exception, with street right-of-way or rights-of-way of lesser width as hereinafter provided.
- (4) As an exception, the ~~e~~City may grant approval of a plat or subdivision of land, in which one (1) or more streets, or portions of streets, therein, which are not designed to have curbs and gutters, have a right-of-way or rights-of-way less than eighty (80) feet in width, but not less than sixty (60) feet in width, if the ~~e~~City shall determine that each such street, or portion of street, conforms to standards as follows:
 - (i) Such street or portion of street shall be a permanent cul-de-sac and shall have a total length of not more than five hundred (500) feet.
 - (ii) Such street or portion of street will not, because of the reduced width of its right-of-way, in any way interfere with promotion of the health, safety, morals or general welfare of the community, or the safe, orderly and healthful development of the community.

~~(C)(c)~~ No plat or subdivision of land shall be approved unless each curve in a street therein (except in the sides of a turn-around at the dead-end of a cul-de-sac) has a radius of three hundred (300) feet or more, measured from the center line of such street or streets.

~~(D)(d)~~ No plat or subdivision of land for any type of use shall be approved, in which any street therein is offset, unless the eCity shall determine that such street offset or offsets will not in any way be contrary to the provisions this eChapter, and unless each such street offset shall be an offset of not less than one hundred twenty-five (125) feet, measured from the center line of such street to the center line of any offsetting continuation thereof.

~~(E)(e)~~ No block facing upon any street other than a major thoroughfare shall be more than one thousand two hundred (1,200) feet in length, such length to be measured along the property line between such block and the street adjoining that side of the lot of which the length is being determined; for the purpose of construing and enforcing this provision of this eChapter. The length of each block in a plat or subdivision of land shall be measured along the longest side line of such block.

~~(F)(f)~~ No plat or subdivision of land for any type of use shall be approved, unless all intersections of streets therein shall conform to standards as follows:

- (1) Each street intersecting another street shall intersect such other street at an angle of ninety (90) degrees, except that the eCity may grant, as exceptions, a variation of not more than twenty (20) degrees from the requirement of a ninety degree (90) angle of intersecting streets, in those cases in which the eCity shall determine that such variation will not be, in any way, contrary to or violative of the provisions of subsection ~~(aA)~~.
- (2) In those cases in which the eCity shall grant exceptions as to angle of intersection of intersecting streets as hereinbefore provided, each corner of a block that is formed by an acute angle of a street intersection shall be so designed that the property line of such block, at such acute angle corner, shall be a converse curve having a radius of twenty-five (25) feet.

~~(G)(g)~~ The names of all streets in any plat or subdivision of land shall be the same as that of those streets, outside of such plat or subdivision of land, of which they shall be continuations, or of which they would be continuations, if streets outside of such plat or subdivision of land were extended in an approximately straight line to a side of such plat or subdivision of land; except in those cases hereinbefore provided, no name of a street shall be a duplication of the name of any other street in the eCity or of any other municipality within five (5) miles of the corporate limits of the eCity.

~~(H)(h)~~ No plat or subdivision of land shall be approved, unless each street therein, which is a cul-de-sac, shall conform to standards as follows:

- (1) If a cul-de-sac shall terminate in a dead end with a permanent turn-around, such cul-de-sac shall not be more than five hundred (500) feet in length, measured from the dead-end of such cul-de-sac to the nearest intersection of such cul-de-sac with another street.
- (2) In those cases in which a street is so designed that all or any portion of such street is a temporary cul-de-sac, the eCity may grant approval, as an exception, of a cul-de-sac that is more than four hundred (400) feet in length, but not more than one thousand two hundred (1,200) feet in length, if such cul-de-sac conforms to standards as follows:

-
- (i) The cul-de-sac in question terminates in a dead-end at one of the exterior boundaries of the proposed plat or subdivision of land.
 - (ii) The eCity shall determine that it is probable that such street will thereafter be extended beyond the dead-end of such cul-de-sac.
 - (iii) The right-of-way of such temporary cul-de-sac shall not be of less width than would be required for such street if it were a through street, and right-of-way of the same width shall be permanently dedicated through the temporary turn-around at the temporary dead-end to the adjoining boundary of the plat or subdivision; all portions of temporary turn-arounds at the dead-ends of temporary cul-de-sacs, except those portions thereof permanently dedicated as street right-of-way through such turn-around, shall be dedicated as temporary easements which shall terminate upon, and only upon, extension of the street in question beyond the temporary dead-end of the same.
 - (iv) The eCity shall determine that such temporary cul-de-sac otherwise complies with all applicable standards and provisions set forth in this eChapter.
- (3) No plat or subdivision of land for residential use shall be approved, unless each cul-de-sac, designed to have curbs and gutters, shall have a turn-around (at the dead-end of such cul-de-sac), the radius of such turn-around being not less than fifty (50) feet.
 - (4) No plat or subdivision of land for industrial or commercial use shall be approved, unless each cul-de-sac, designed to have curbs and gutters, shall have a turn-around (at the dead-end of such cul-de-sac), the radius of such turn-around being not less than sixty (60) feet.
 - (5) No plat or subdivision of land for residential use shall be approved, unless each cul-de-sac, which is not designed to have curbs and gutters, shall have a turn-around (at the dead-end of such cul-de-sac), the radius of such turn-around being not less than sixty (60) feet.
 - (6) No plat or subdivision of land for industrial or commercial use shall be approved, unless each cul-de-sac, which is not designed to have curbs and gutters, shall have a turn-around (at the dead-end of such cul-de-sac), the radius of such turn-around being not less than seventy (70) feet.

~~(1)(f)~~ In those cases which the eCity shall determine that provision shall be made for the location of a street, along any exterior boundary line of a proposed plat or subdivision of land, such plat or subdivision of land shall not be approved, unless the same shall provide the dedication of a strip of land out of such plat or subdivision of land and along the exterior boundary line in question; such strip of land shall be of such width, not greater than thirty (30) feet, as the eCity shall find to be proper and necessary to accomplish the purpose of this chapter, and shall be dedicated as an easement for all utility purposes, including storm and sanitary sewers, and the proposed plat or subdivision of land shall provide further that such strip of land shall automatically become dedicated for street purposes, when and insofar as there shall be a subsequent dedication of an adjoining strip of land of such width that right-of-way, of lawful width for a street under the provisions of this eChapter, shall be provided by the two (2) dedicated strips of land.

~~(J)(i)~~ In any case in which a right-of-way of any street in a plat or subdivision of land ends at, or runs along, an exterior boundary line between such plat or subdivision of land and an adjoining tract of land which has not then been platted or subdivided, a provisional reserve of a one-foot strip of land shall be made and indicated on such plat or subdivision of land at such exterior boundary line; such proposed plat or subdivision of land shall provide that such one-foot reserve shall become automatically dedicated for street purposes, when adjacent property is subdivided in a recorded plat or subdivision of land.

~~(K)(4)~~ In each case in which any proposed plat or subdivision of land shall provide for the temporary dedication of any strip of land as a temporary easement for street purposes until a sufficient number of feet or land shall have been acquired on the opposite side of such street for a street of lawful right-of-way width, such proposed plat or subdivision of land shall clearly indicate that such dedication is temporary, and that the strip of land in the temporary easement will revert to the adjoining lot owners upon and to the extent of the acquisition of a sufficient number of feet of land on the opposite side of the street in question for a street with right-of-way of lawful width.

~~(L)(4)~~ No plat or subdivision of land for any use shall be approved, unless and until the eCity shall have determined that each street therein is designed to be paved, and that such paving shall be of such width and constructed in such manner and of such materials that the same will promote the safe, orderly, healthful development of the community by provision of adequate streets.

~~(M)(m)~~ Each provision of this section, when applicable, shall control not only streets within the plat or subdivision of land, but shall control every intersection, joinder and connection of any nature, of the streets in or partially in such plat or subdivision of land with any street at any exterior boundary of such plat or subdivision of land.

§ 9.107 Standards for Street Lighting

~~(A) (a)~~ Street lights for new development. In all subdivisions of land for residential, commercial, and office building uses, the developer shall be required to install throughout the development, at the developer's cost, street lighting that meets ~~Houston Lighting & Power Company ("HL&P")~~ CenterPoint Energy or its successor's standards for type, installation, placement, spacing, and lighting, subject to ~~planning and zoning eCity~~ approval of such standards, in connection with such ~~p~~Plat or ~~R~~e-~~p~~Plat. The installation of the ~~street lights~~streetlights shall be completed on or before the beginning of the one (1) year maintenance period for the streets. When a development adjoins only one (1) side of an existing street without ~~street lights~~streetlights, the developer is only required to install ~~street lights~~streetlights along the side being developed.

~~(B)(b)~~ Payment of operating charges. The monthly operating charges for installed street-lights shall be paid by the developer, or this obligation may be assigned to a homeowners' or property owners' association after prior notice to and consent of the eCity, until the end of the one (1) year street maintenance period, after which time the standard monthly charge shall be paid for by the eCity.

~~(C)(c)~~ Ornamental lighting. Ornamental lighting or other ~~lighting which~~lighting, which is not standard ~~CenterPoint~~HL&P Energy lighting or equivalent and approved by the eCity, will not meet the requirements of this eChapter.

§ 9.108 Drainage Easements

No plat or subdivision of land on which a portion of the plat boundary is adjacent to Spring Branch or Briar Branch shall be approved, unless, before submission to the ~~e~~City, the county flood control engineer of Harris County, Texas, shall have determined and approved the location and width of all drainage easements adjacent to streams or other drainage arteries located in such plat or subdivision of land; such determination and approval of drainage easements shall be clearly indicated on the face of the plat or subdivision of land, and such plat or subdivision of land shall also clearly dedicate such easements as drainage easements upon which no fence, structure, building, planting or other obstructions to the operation and maintenance of drainage facility shall be constructed, made or placed by any person.

§ 9.109 Utility Easement

No plat or subdivision of land shall be approved unless each grant of a utility easement indicated thereon shall have been accepted by each and every person, persons, firm, firms, company and/or companies to which such utility easement is granted, and unless such utility easement conforms to standards as follows:

~~(A)(a)~~ Each grant and/or dedication of any utility easement upon the surface of any land in a plat or subdivision of land shall be accompanied by the grant and/or dedication of an unobstructed aerial easement, of the same width as such surface utility easement, extending directly upward from such surface utility easement to a plane twenty (20) feet directly above such surface utility easement, such aerial easement to be for utility poles and overhead lines.

~~(B)(b)~~ Wherever any center line of any utility easement shall form an angle, an easement shall be granted and/or dedicated along that side line of a lot or lots that is nearest the point of such angle, for placement of push or pull guys for utility poles and overhead lines; if said lines of lots are equidistant on each side of the utility easement, the guy easement shall be located on that side line upon which a pull easement would be located; each such guy easement shall be three (3) feet in width, centered on the side lot line, and shall be thirty-five (35) feet in length, measured from the nearest side line of the utility easement in which such angle shall exist.

~~(C)(c)~~ Underground placement. In each proposed subdivision consisting of six (6) lots or more, electrical lines, cable television lines, telephone lines, and other telecommunications or utility lines shall be placed underground within a utility easement along the perimeter of the subdivision and shall, to the extent feasible, be routed along the rear perimeter of the subdivision.

§ 9.110 Pipe Line Easements

No plat or subdivision of land shall be approved, unless and until exact location of each pipe line easement thereon shall be accurately defined, by either the instrument granting such easement, or recorded agreement duly executed and acknowledged by each owner and holder of such easement; the exact location of each such pipe line easement shall be shown clearly on each plat or subdivision of land upon which the same exists; ~~building lines on lots shall be set forth on each plat or subdivision of land upon which the same exists; building lines on lots shall be set forth on each plat or subdivision of land to provide that n~~No building or structure ~~will~~shall be constructed or erected on any portion of any pipe line easement or within ten (10) feet of the center line of any such pipe line easement.

§ 9.111 Fire Protection Facilities

- (A)(a) No plat or subdivision of land shall be approved, unless the same shall make provision for the installation in such plat or subdivision of land of such fire hydrants as the eCity shall determine should be installed therein.
- (B)(b) The eCity shall determine the matters concerning fire protection as follows:
- (1) Whether installation of any fire hydrants should be required in the proposed plat or subdivision of land, based upon the necessity therefor and the availability of a public water supply for such fire hydrants.
 - (2) If the eCity finds that fire hydrants should be required in the proposed plat or subdivision of land, the eCity shall determine:
 - (i) The type of fire ~~hydrants which~~hydrants, which shall be installed.
 - (ii) The number of such fire ~~hydrants which~~hydrants, which shall be installed.
 - (iii) The location at which such fire hydrants shall be installed in the proposed plat or subdivision of land.
- (C)(c) All such fire hydrants as shall be required by the eCity shall be installed at no cost to the eCity, and the same shall become the property of the eCity upon installation.
- (D)(d) The final pPlat of the proposed plat or subdivision of land, submitted to the eCity for final approval, shall show:
- (1) The location of each fire hydrant required to be installed.
 - (2) A description of the type of fire hydrants to be installed.
 - (3) That such fire hydrants shall be the property of the eCity upon installation.

§ 9.112 Procedure; Filing of Plats~~Preliminary Plat Presented to the Commission~~

Any person who shall desire to plat or subdivide land in the eCity shall secure approval of such plat or subdivision of land in the following manner:

- (A)(a) The applicant for approval of any plat or subdivision of land shall first secure the preparation of a pPlat of such proposed plat or subdivision of land by a registered engineer or registered public surveyor. Such pPlat shall be prepared in the form and shall contain the information required ~~by the provisions of this chapter~~under §9.103 and any other applicable provision of this Chapter. ~~Such plat shall be known as a preliminary plat.~~
- (B)(b) When the aforesaid ~~preliminary pPlat~~ shall have been prepared as hereinbefore provided, the applicant for approval of the same shall make application for ~~preliminary~~ approval of the said pPlat at least twenty (20) days before a regularly scheduled meeting of the Planning and Zoning Commission and in the following manner:
- (1) Fifteen (15) prints of the ~~preliminary pPlat~~ shall be delivered to the ~~Ceity~~ Ssecretary, along with an electronic copy of the Plat being sent to the City Secretary and the City's Director of Community Development.
 - (2) A check, payable to the order of the eCity, in the amount of filing fees hereinafter provided for the filing of a ~~preliminary pPlat~~, shall be delivered to the eCity ~~s~~Secretary.

(3) Satisfactory evidence shall be furnished to the eCity, either on the face of the above-mentioned preliminary pPlat or otherwise, that the preliminary pPlat has been examined by the county flood control engineer of Harris County, Texas, and that such officer has approved the same as to drainage easement requirements.

(4) A certificate of each tax collector of a political subdivision in which the property is located must accompany the Plat application, showing all taxes owing to the State, County, School District, City, and any other political subdivision have been paid in full.

(5) A certificate from an abstractor, or written opinion from the attorney of the developer, must be attached, showing ownership of property and liens against the same.

(64) If such proposed plat or subdivision of land is for residential use, and if there is any lot or lots in such plat or subdivision of land with a lot area of less than fifteen thousand (15,000) square feet, satisfactory evidence shall be furnished to the eCity that adequate sanitary sewer system service will be furnished to each lot in the proposed plat or subdivision of land.

(75) The above and foregoing material shall be furnished to the eCity with a letter of transmittal in triplicate, from the applicant for approval of the proposed plat or subdivision of land to the eCity; each such letter of transmittal shall clearly state: ~~the type and specifications of street paving to be constructed by the subdivider, the source and type of water supply and sewerage facilities, the type and design of storm sewers and other drainage facilities of the proposed plat or subdivision of land, and shall set forth the names and addresses of the owner of the land to be subdivided, or of his or her agent, and of the registered engineer or public surveyor who is designing the plat or subdivision of land~~

(i) A statement of the type and dimensions of, materials to be used in, and specifications for all paving of street in the proposed plat or subdivision of land;

(ii) The source and type of water supply and sewerage facilities;

(iii) The type and design of storm sewers and other drainage facilities of the proposed plat and subdivision of land;

(iv) A statement that all streets, water, sanitary sewerage, storm sewer, drainage and other facilities will be promptly constructed, installed and made in the plat or subdivision of land, at no cost to the City, in accordance with the plans and specifications;

(v) The agreement of the owner or owners of the tract of land to be platted or subdivided to maintain, for a period of one (1) year, from the date of final approval of such plat or subdivision of land, all paving of streets therein; and

(vi) The names and addresses of the owner of the land to be subdivided, or of his or her agent, and of the registered engineer or public surveyor who is designing the plat or subdivision of land.

(C) Bonds—Performance and Maintenance.

(1) No plat or subdivision of land shall be authorized by the City to be recorded, nor shall any building permit, or any water, sewer, plumbing, or electrical permit be issued by the City to the developer, subdivider and/or owner or any other person with respect to any

property in any subdivision until the developer, subdivider, and/or owner files with the City Secretary a corporate surety bond executed by a surety company licensed to do business in the State of Texas and acceptable to the City, in favor of the City, and being in an amount equal to one hundred (100) percent of the cost of installation of all required improvements, as determined by the City Engineer computed on a private commercial rate basis, guaranteeing the proper installation thereof at no cost to the City, within the time stated in the bond, which time shall be fixed by the City Engineer, and providing that said bond will otherwise remain in full force and effect, and until released by the City.

- (2) In addition, the developer, subdivider, and/or owner shall file with the City Secretary a maintenance bond, executed by a surety company licensed to do business in the State of Texas and acceptable to the City, in favor of the City, in an amount equal to one hundred (100) percent of the cost of installation of such improvements, warranting that said improvements will render satisfactory operation for a one-year period, at no cost to the City, which period shall commence when the City Engineer confirms the completion of such improvements, and providing that said bond will otherwise remain in full force and effect, and until released by the City.-

~~(Ordinance 2008-23 adopted 11-25-08)~~ § 9.113-20 Filing Fees

- (A) ~~(a)~~— Filing fees shall be charged for the filing of each application for preliminary approval of a ~~proposed plat or subdivision of land, and for each application for final approval of a proposed~~ plat or subdivision of land as provided for in the ~~City's Master Fee Schedule~~ fee schedule found in the appendix of this Code.
- (B) ~~(b)~~ All filing fees herein provided shall be paid into the general fund of the ~~e~~City.
- (C) ~~(c)~~ No filing fee paid under the foregoing provisions shall be refundable unless the person paying such filing fee shall withdraw the application for which it is paid before such application shall have been considered by the ~~C~~ommission, and, if such application shall be withdrawn before consideration of the same shall be refunded to the applicant; in no event shall any such filing fee be refunded, if the ~~C~~ommission shall have met and considered the application for which such filing fee is paid.
- (D) ~~(d)~~ Except in those cases in which a preliminary approval shall have expired by reason of failure to make application for final approval within the time herebefore provided, only one (1) filing fee for an application for preliminary approval and one (1) filing fee for application for final approval shall be charged as to each proposed plat or subdivision of land, and the original payment of filing fee for any application shall be deemed to cover all resubmissions of such application after the making of any changes or corrections therein. If any preliminary approval shall expire by reason of time as hereinbefore provided, any application thereafter made for another preliminary approval of the same proposed plat or subdivision of land shall be deemed a new application for preliminary approval and a filing fee shall be charged therefor as hereinbefore provided.

§ 9.114 Exceptions to Plat Requirements

- (A) The Plat preparation requirements contained herein shall not be applicable in those cases where the land is being divided into parts greater than five (5) acres and each part has access and no public improvements are being dedicated.

(B) A division of land shall not be required to be platted if all lots created by the division of land:

- (1) Are existing lots shown by a map, plat or deed recorded in the official records of Harris County;
- (2) Are located entirely within an area zoned for residential use;
- (3) Are located within the same subdivision;
- (4) Abut a public street and have received city water and sewer services within the preceding twelve (12) months;
- (5) Comply with the minimum area and size requirements of the City;
- (6) The division of land involves no more than two (2) adjoining lots; and
- (7) The division of land does not create a nonconformity.

(C) A division of land under subsection (B) must be approved by the Director of Community Development and the Planning and Zoning Commission Chairman.

(D) The Director of Community Development is authorized to require, if necessary to determine compliance with subsection (B) above, a professional survey prepared by a licensed surveyor.

§ 9.115 Delivery to Planning Commission or City Council

Wherever in this Chapter it shall be provided that any Plat, application or other thing shall be delivered to the Commission or City Council, such provision for delivery shall be deemed to have been made when such Plat, application or other thing shall have been addressed to the Commission or the City Council, as appropriate, and delivered to the City Secretary.

§ 9.116~~3~~ Procedure: ~~Planning and Zoning Commission Action on Preliminary Review and~~ Approval of -Plats

(A) Within thirty (30) days of receipt of the plat by the City, the Commission shall submit a recommendation to the City Council to approve, conditionally approve or disapprove the Plat. Within 30 days of the commission's action, City Council shall approve, conditionally approve or disapprove the Plat. A Plat is approved by the Commission or City Council unless it is disapproved within that period and in accordance with this section. No changes, erasures, modifications or revisions shall be made in any Plat or to any required instrument after approval has been given by the City Council and endorsed on the Plat in writing, unless such change, modification or revision is first submitted to and approved by the City.

(B) If a Plat is disapproved or approved with conditions, it may be resubmitted to the City for reconsideration without a fee. The City shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. The applicant may submit a response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. Within fifteen (15) days, the City shall determine whether to approve or disapprove the previously conditionally approved or disapproved Plat and shall approve the Plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

- (C) Upon approval of the Plat, the developer shall submit two prints and two mylar copies of the approved plat, all other instruments that may be required to be recorded, a certificate or letter from a title or guarantee company or attorney and tax certificates indicating that all taxes have been paid for prior and current years to the City. All mylar copies shall bear original signatures.
- (D) The Plat shall be filed at the office of the County Clerk when:
- (1) The developer constructs all the required improvements and the City approves such improvements; or
 - (2) The developer files assurances approved by the City that guarantee construction of the required improvements.
- (E) When the Plat shall have been recorded in the office of the County Clerk of Harris County, Texas, the original Plat shall be returned to the City Secretary. The subdivider shall thereupon furnish to the City Secretary two prints – one (1) paper and one (1) mylar copy – of such recorded plat at the expense of the subdivider. The original Plat shall then be returned to the subdivider, or to the registered engineer or registered public surveyor who prepared it, as the subdivider shall direct.
- (F) Where a Plat has not been filed for record and no public improvements have been completed or substantially completed within twelve (12) months of the approval or conditional approval of the subdivision Plat, the Plat shall be reviewed by the Commission to determine the developer's intent to proceed. If the Commission finds that the developer does not intend to proceed with the development, the Commission shall transmit to City Council a request to withdraw approval of the Plat. Upon receiving the recommendation of the Commission, the City Council may withdraw approval of the Plat or extend approval for up to one (1) additional year.
- ~~(a) — The commission shall examine the preliminary plat and the material furnished therewith as hereinbefore provided, to determine whether the same comply with the provisions of this chapter and of other applicable ordinances of the city and of applicable statutes of the State of Texas, and whether the same complies with those findings which the commission shall be required by law to make.~~
- ~~(b) If the commission finds that a proposed preliminary plat complies with all applicable laws and findings of the commission, the commission shall approve the proposed plat. If the commission finds that a proposed plat substantially complies with all applicable laws and findings of the commission, the commission shall approve the proposed preliminary plat subject to the making of those changes or corrections in the proposed plat so that it comply with all applicable laws and the findings of the commission.~~
- ~~(c) If the commission finds that a proposed preliminary plat substantially fails to comply with the applicable laws and/or findings of the commission, the commission shall deny the proposed plat, specifying the manner in which the proposed plat fails to comply with applicable laws and/or findings of the commission. If the commission denies approval of a proposed plat, the applicant may make such changes in such proposed plat as necessary to make it in compliance with all applicable laws and findings of the commission, and to submit the same to the commission for reconsideration.~~
- ~~(d) When the commission grants preliminary approval for a proposed plat, as hereinbefore provided, the applicant shall cause a final plat of the proposed plat or subdivision of land to be made, in exactly the form approved by the commission.~~
- ~~{Ordinance 2008-23 adopted 11-25-08}~~

§ 9.11721 Replats

- (A)(a) Any person wishing to revise a subdivision plat which has been previously filed for record must make application to the eCommission and the eCity eCouncil in the same manner as an

original ~~p~~Plat. The proposed ~~r~~Replat shall meet all the requirements for a subdivision that may be pertinent.

(B)(b) ~~The following requirements must be met for all Replats:~~In the event the proposed replat involves property previously developed or zoned as single family or duplex residential use, the following shall be required:

(1) After application for a ~~r~~Replat affecting single family or duplex property has been filed, the ~~e~~City ~~s~~Secretary shall give notice of the application to be published in the official newspaper of the ~~e~~City at least fifteen (15) days prior to the meeting of the ~~e~~City ~~e~~Council at which the application shall be considered. Such notice must include a statement of the time and place at which the ~~e~~City ~~e~~Council will meet to consider the ~~R~~replat and to hear protests thereto at a public hearing. Additionally, written notice must be sent to all owners of property located within two hundred (200) feet of the property upon which the ~~R~~replat is requested. Such notice may be served by depositing said notice, properly addressed and postage paid, at the local post office.

(2) If twenty (20) percent or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, then the affirmative vote of at least three-fourths (¾) of the ~~e~~City ~~e~~Council is required to approve the ~~r~~Replat.

(C)(c) ~~Posting of signs. Notice of required public hearings on applications for a ~~r~~Replat shall also be provided by way of a sign posted on the property that is the subject of the application in accordance with the requirements set forth herein. The applicant shall be responsible for posting the required ~~r~~Replat signage and for maintaining the required signage throughout the ~~r~~Replat process.~~

(1) ~~For Replats involving residential uses, S~~signs shall be obtained from the ~~e~~City ~~s~~Secretary's office. ~~If the Replat is for commercial use, sign requirements can be obtained from the Director of Community Development.~~

(2) Sign placement.

(i) ~~One~~ One (1) sign shall be erected by the applicant adjacent to each street frontage on the property that is the subject of the application and for each two hundred (200) feet of frontage along a street, with a maximum of three (3) signs required per street frontage.

(ii) ~~Signs~~ Signs shall be placed in a location on private property and clearly visible from all streets adjacent to the property included in the application.

(iii) ~~Where land does not have frontage on a public street, signs shall be posted on the nearest public street with a notation indicating the location of the land subject to the application.~~

(iv) ~~Signs~~ Signs shall be no greater than twenty (20) feet from the property line and shall be a minimum of two (2) feet off the ground, unless otherwise directed by the ~~Director of Community Development building official or his/her designee.~~

(v) ~~Signs~~ Signs shall be placed perpendicular to the roadway to enable reading from both sides.

(vi) ~~—~~ Signs shall be located so that the lettering is visible and may be clearly read from the street.

(3) Proof of posting.

(i) ~~—~~ The applicant shall erect the sign(s) on the property that is the subject of the application a minimum of fourteen (14) calendar days immediately preceding the date of the public hearing. Failure to post the sign(s) for the time periods specified shall result in the postponement of the ~~Replat~~ consideration by the ~~Commission and City~~ ~~City~~ ~~Council~~. The applicant shall be subject to an additional fee to republish and/or re-notify due to such postponement.

(ii) ~~—~~ The applicant is responsible for maintaining the sign(s) on the property throughout the review process.

(iii) ~~—~~ A minimum of seven (7) calendar days prior to the public hearing, the applicant shall file an affidavit, on a form provided by the ~~City~~, with the ~~Director of Community Development~~ ~~building official~~ verifying that the sign(s) was posted as required by this section.

(4) Sign maintenance.

~~—~~ The applicant shall be responsible for maintaining all signs on the subject property throughout the ~~Replat~~ process. The ~~City~~ is not responsible for monitoring the required ~~Replat~~ signs. Should the ~~City~~ discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the ~~City~~ shall contact the applicant to investigate and, if needed, correct the situation. An affidavit from the applicant certifying that the applicant has corrected the sign(s) shall indicate that the intent of the posting requirement was met. Failure to maintain the sign during the process shall not result in the postponement of the ~~Replat~~ consideration so long as the applicant attempted to replace damages or missing signs upon notification.

(5) Removal of signs.

(i) ~~—~~ The applicant shall be responsible for removing the sign(s) from the property within seven (7) calendar days of the final action on the application by the ~~City~~ ~~Council~~.

(ii) ~~—~~ Failure to remove signs within such timeframe will result in the issuance of a citation per sign and per day until removed.

§ 9.114 Procedure: Planning and Zoning Commission and Final Plats

~~Upon receiving an application for approval of a proposed final plat, made as hereinbefore provided, the commission shall meet and consider as soon thereafter as practical the final plat to determine whether the final plat complies with the applicable ordinances of the city and of applicable statutes of the State of Texas. If the commission finds that a proposed final plat complies with all applicable laws and findings of the commission, the commission shall approve the proposed final plat and forward it to the city council for its consideration. Otherwise, the commission shall deny approval of the proposed final plat.~~

~~(Ordinance 2008-23 adopted 11-25-08)~~

§ 9.115 Procedure: Review and Approval of Final Plats by the City Council

- (a) ~~All applications and/or requests by owners and/or developers of land within the city limits of the city for a final plat or final replat must be approved by the city council. The council shall not, however, approve any subdivision until all of the provisions and/or requirements of the city's applicable ordinances and state law have been met.~~
- (b) ~~Upon approval by a majority vote of the council, such approval shall be endorsed, on the original map or plats of such proposed subdivision, showing the date of approval, signed by the mayor and attested to by the city secretary.~~

~~(Ordinance 2008-23 adopted 11-25-08)~~

§ 9.116 Procedure: Filing and Recordation of Final Plats

- (a) ~~When a final plat shall have been prepared as hereinbefore provided, the applicant for approval shall deliver to the city secretary:~~
 - (1) ~~The original final plat, together with six (6) prints of the same;~~
 - (2) ~~A copy of the final plat in electronic format specified by the city's building official; and~~
 - (3) ~~A check, payable to the order of the city, in the amount of filing and recording fees for the filing of a final plat.~~
- (b) ~~Bonds—Performance and Maintenance.~~
 - (1) ~~No final plat or subdivision of land shall be authorized by the city to be recorded, nor shall any building permit, or any water, sewer, plumbing, or electrical permit be issued by the city to the developer, subdivider and/or owner or any other person with respect to any property in any subdivision until the developer, subdivider, and/or owner files with the city secretary a corporate surety bond executed by a surety company licensed to do business in the State of Texas and acceptable to the city, in favor of the city, and being in an amount equal to one hundred (100) percent of the cost of installation of all required improvements, as determined by the city engineer computed on a private commercial rate basis, guaranteeing the proper installation thereof at no cost to the city, within the time stated in the bond, which time shall be fixed by the city engineer, and providing that said bond will otherwise remain in full force and effect, and until released by the city.~~
 - (2) ~~In addition, the developer, subdivider, and/or owner shall file with the city secretary a maintenance bond, executed by a surety company licensed to do business in the State of Texas and acceptable to the city, in favor of the city, in an amount equal to one hundred (100) percent of the cost of installation of such improvements, warranting that said improvements will render satisfactory operation for a one-year period, at no cost to the city, which period shall commence when the city engineer confirms the completion of such improvements, and providing that said bond will otherwise remain in full force and effect, and until released by the city.~~
- (c) ~~The above and foregoing material shall be furnished to the city secretary with a letter of transmittal in triplicate from the applicant for final approval and filing of the proposed final plat or replat for the subdivision of land; such letter shall be signed by each and every owner of the tract of land to be platted, replated, or subdivided, and shall clearly and definitely set forth the following:~~
 - (1) ~~A statement of the type and dimensions of, materials to be used in, and specifications for all paving of streets in the proposed plat or subdivision of land.~~

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- (2) ~~A statement that all streets, water, sanitary sewerage, storm sewer, drainage and other facilities will be promptly constructed, installed and made in the plat or subdivision of land, at no cost to the city, in accordance with the plans and specifications therefor as set forth in applicant's applications for preliminary approval and final approval of said plat or subdivision of land, and as approved by the commission.~~
- (3) ~~The agreement of the owner or owners of the tract of land to be platted or subdivided to maintain, for a period of one (1) year, from the date of final approval of such plat or subdivision of land, all paving of streets therein.~~
- (d) ~~When such final plat has been made, the original final plat shall be executed, acknowledged and/or attested by each and every person required by this chapter or any other law to execute, acknowledge and/or attest such final plat.~~
- (e) ~~When the final plat shall have been recorded in the office of the county clerk of Harris County, Texas, the original final plat shall be returned to the city secretary. The subdivider shall thereupon furnish to the city secretary six (6) prints of such recorded final plat at the expense of the subdivider. The original final plat shall then be returned to the subdivider, or to the registered engineer or registered public surveyor who prepared it, as the subdivider shall direct.~~
- ~~(Ordinance 2008-23 adopted 11-25-08)~~

§ 9.117 Abandonment of Application for Plat Approval

- (a) ~~If the city returns a preliminary or final plat to an applicant with notice that the approval of the same has been denied as hereinbefore provided, the applicant shall be entitled, at any time within six (6) months after the date of such denial, to revise the plat, so that the same will thereafter comply with all applicable laws and/or findings of the city, and to resubmit the same to the commission or the city council, as appropriate, for final approval. Such resubmission shall be made in the manner hereinbefore provided for the original application for final approval, and such resubmission shall be considered and disposed of by the commission or the city council in the manner hereinbefore provided for the consideration of original applications for approval of plats.~~
- (b) ~~If no application for final approval of a proposed plat or subdivision of land shall have been made within six (6) months after the date of granting or preliminary approval of the same, such preliminary approval shall thereupon expire, except that, if the person to whom such preliminary approval is granted shall apply in writing to the commission before the end of such six-month period, requesting an extension of such period and stating the reasons for such request, the commission may grant an extension of not more than six (6) additional months in which application may be filed for final approval of such plat or subdivision of land.~~

~~(Ordinance 2008-23 adopted 11-25-08)~~

§ 9.118 Variances

- (A)~~(a)~~ The rules and regulations provided herein and incorporated herein are the minimum standards and requirements of the ~~c~~City. A variance from any such rule or regulation may be granted by the ~~c~~City ~~c~~Council, after consideration and recommendation by the ~~p~~Planning and ~~z~~Zoning ~~c~~Commission, and upon a good and sufficient showing by the developer and/or owner that:
- (1) There are special circumstances or conditions affecting the property in question;
 - (2) That enforcement of the provisions of this ~~c~~Chapter will deprive the applicant of a substantial property right; and

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- (3) That if a variance is granted it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

~~(B)(b)~~ Each and every variance request shall be decided solely and entirely on its own merits, and the disposition of any prior or pending request for a variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interest, standing alone, shall not be considered as a basis for the granting of a variance. No request for a variance will be considered unless submitted in writing to the ~~e~~City ~~s~~Secretary.

(C) All variance request shall follow the same notice requirements as provided in §9.117.

~~§ 9.119 Delivery to Planning Commission or City Council~~

~~Wherever in this chapter it shall be provided that any plat, application or other thing shall be delivered to the commission or city council, such provision for delivery shall be deemed to have been made when such plat, application or other thing shall have been addressed to the commission or the city council, as appropriate, and delivered to the city secretary.~~

~~§ 9.120 Filing Fees~~

- ~~(a) Filing fees shall be charged for the filing of each application for preliminary approval of a proposed plat or subdivision of land, and for each application for final approval of a proposed plat or subdivision of land as provided for in the fee schedule found in the appendix of this Code.~~
- ~~(b) All filing fees herein provided shall be paid into the general fund of the city.~~
- ~~(c) No filing fee paid under the foregoing provisions shall be refundable unless the person paying such filing fee shall withdraw the application for which it is paid before such application shall have been considered by the commission, and, if such application shall be withdrawn before consideration of the same shall be refunded to the applicant; in no event shall any such filing fee be refunded, if the commission shall have met and considered the application for which such filing fee is paid.~~
- ~~(d) Except in those cases in which a preliminary approval shall have expired by reason of failure to make application for final approval within the time heretofore provided, only one (1) filing fee for an application for preliminary approval and one (1) filing fee for application for final approval shall be charged as to each proposed plat or subdivision of land, and the original payment of filing fee for any application shall be deemed to cover all resubmissions of such application after the making of any changes or corrections therein. If any preliminary approval shall expire by reason of time as heretofore provided, any application thereafter made for another preliminary approval of the same proposed plat or subdivision of land shall be deemed a new application for preliminary approval and a filing fee shall be charged therefor as heretofore provided.~~

~~§ 9.121 Replats~~

- ~~(a) Any person wishing to revise a subdivision plat which has been previously filed for record must make application to the commission and the city council in the same manner as an original plat. The proposed replat shall meet all the requirements for a subdivision that may be pertinent.~~

~~(b) In the event the proposed replat involves property previously developed or zoned as single family or duplex residential use, the following shall be required:~~

~~(1) After application for a replat affecting single family or duplex property has been filed, the city secretary shall give notice of the application to be published in the official newspaper of the city at least fifteen (15) days prior to the meeting of the city council at which the application shall be considered. Such notice must include a statement of the time and place at which the city council will meet to consider the replat and to hear protests thereto at a public hearing. Additionally, written notice must be sent to all owners of property located within two hundred (200) feet of the property upon which the replat is requested. Such notice may be served by depositing said notice, properly addressed and postage paid, at the local post office.~~

~~(2) If twenty (20) percent or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, then the affirmative vote of at least three fourths (¾) of the city council is required to approve the replat.~~

~~(c) Posting of signs. Notice of required public hearings on applications for a replat shall also be provided by way of a sign posted on the property that is the subject of the application in accordance with the requirements set forth herein. The applicant shall be responsible for posting the required replat signage and for maintaining the required signage throughout the replat process.~~

~~(1) Signs shall be obtained from the city secretary's office.~~

~~(2) Sign placement:~~

~~• One (1) sign shall be erected by the applicant adjacent to each street frontage on the property that is the subject of the application and for each two hundred (200) feet of frontage along a street, with a maximum of three (3) signs required per street frontage.~~

~~• Signs shall be placed in a location on private property and clearly visible from all streets adjacent to the property included in the application.~~

~~• Where land does not have frontage on a public street, signs shall be posted on the nearest public street with a notation indicating the location of the land subject to the application.~~

~~• Signs shall be no greater than twenty (20) feet from the property line and shall be a minimum of two (2) feet off the ground, unless otherwise directed by the building official or his/her designee.~~

~~• Signs shall be placed perpendicular to the roadway to enable reading from both sides.~~

~~• Signs shall be located so that the lettering is visible and may be clearly read from the street.~~

~~(3) Proof of posting:~~

~~• The applicant shall erect the sign(s) on the property that is the subject of the application a minimum of fourteen (14) calendar days immediately preceding the date of the public hearing. Failure to post the sign(s) for the time periods specified shall result in the postponement of the replat consideration by the city council. The applicant shall be subject to an additional fee to republish and/or re-notify due to such postponement.~~

~~• The applicant is responsible for maintaining the sign(s) on the property throughout the review process.~~

~~• A minimum of seven (7) calendar days prior to the public hearing, the applicant shall file an affidavit, on a form provided by the city, with the building official verifying that the sign(s) was posted as required by this section.~~

~~(4) Sign maintenance:~~

~~• The applicant shall be responsible for maintaining all signs on the subject property throughout the replat process. The city is not responsible for monitoring the required replat signs. Should the~~

~~discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the city shall contact the applicant to investigate and, if needed, correct the situation. An affidavit from the applicant certifying that the applicant has corrected the sign(s) shall indicate that the intent of the posting requirement was met. Failure to maintain the sign during the process shall not result in the postponement of the replat consideration so long as the applicant attempted to replace damages or missing signs upon notification.~~

~~(5) Removal of signs:~~

- ~~• The applicant shall be responsible for removing the sign(s) from the property within seven (7) calendar days of the final action on the application by the city council.~~
- ~~• Failure to remove signs within such timeframe will result in the issuance of a citation per sign and per day until removed.~~

§ 9.122 Exception to Plat Requirements

The plat preparation requirements contained herein shall not be applicable in those cases where the land being divided into parts is greater than five (5) acres and each part has access and no public improvements are being dedicated.

§ 9.123 Modification, Change, Enlargement, and Repeal of Other Ordinances

This chapter shall be deemed to be solely a chapter governing the dedication of plats and subdivision of land, and nothing herein contained shall be deemed to modify, change, enlarge or repeal the provisions of any other ordinance of the city concerning buildings, building lines, zoning or any other matter.

§ 9.124 Exceptions to Plat Requirements

A. (1) A division of land shall not be required to be platted if all lots created by the division of land:

- ~~(a) Are existing lots shown by a map, plat or deed recorded in the official records of Harris County;~~
- ~~(b) Are located entirely within an area zoned for residential use;~~
- ~~(c) Are located within the same subdivision;~~
- ~~(d) Abut a public street and have received city water and sewer services within the preceding twelve (12) months; and~~
- ~~(e) Comply with the minimum area and size requirements of the city; and~~

~~(2) The division of land involves no more than two (2) adjoining lots; and~~

~~(3) The division of land does not create a nonconformity.~~

B. A division of land under this section must be approved by the building official and the planning and zoning commission chairman.

C. The building official is authorized to require, if necessary to determine compliance with subdivision A. above, a professional survey prepared by a licensed surveyor.

DIVIDER PAGE

CHAPTER 9 - SUBDIVISIONS

ARTICLE 9.100 SUBDIVISION REGULATIONS

§ 9.101 Purposes

The regulations and rules herein established are adopted and promulgated for the purposes of promoting the health, safety, morals and general welfare of the community, and the safe, orderly, and healthful development of the community.

§ 9.102 Definitions

In construing this chapter, the following definitions of words and phrases shall control:

Applicant means any person, firm, organization, or corporation, making any application for a plat or replat under the provisions of this chapter.

Block means a group of adjoining lots, forming a unit of such adjoining lots in one (1) body, usually enclosed on at least two (2) adjoining sides by streets.

Building line means a line on a lot or reserve, parallel to a property line of such lot or reserve, indicating the closest point to such property line that a building may be constructed.

Commercial use means that use of property and/or the improvements thereon, which would be permitted upon land situated in a commercial district "C", under the zoning ordinance of the City.

Commission means the Planning and Zoning Commission of the City.

Corner lot means a lot of land situated at the intersection of two (2) streets and bound on two (2) sides by such intersecting streets.

Cul-de-sac means a street, or portion of a street, that has an outlet into an intersection of the same with another street at one (1) end of such street or portion of a street, and that has no such outlet at the other end thereof.

Double front lot means a lot so designed that a building situated upon such lot may front on either of two (2) adjoining streets, which intersect with each other at one (1) corner of such lot.

Industrial use means that use of property and/or the improvements thereon that would be permitted upon land situated in an industrial district "B", under the zoning ordinance of the City.

Interior lot means a lot that is not situated in a corner formed by the intersection of two (2) streets.

Main thoroughfares mean Westview Drive, Campbell Road, Bingle Road, Katy Highway (also known as U. S. Highway 90 or as Interstate Highway 10), and no other streets or roads in the City.

Lot means a tract or parcel of land that is one (1) of the units (other than a reserve) into that a larger tract or parcel of land is subdivided by a plat or subdivision of land, such unit being divided to be used as the location of one (1) building, and its accessory buildings.

Offset means, as applied to a street, a street that intersects one (1) side of another street at one (1) point, and that intersects the other side of such other street, from the opposite direction, at a point that is not directly opposite the first point of intersection.

Permanent cul-de-sac means a cul-de-sac that is not designed to be changed at a later date into a through street, and that the commission finds probably will not be later made a through street.

Plat, when not used as a part of the phrase "plat or subdivision of land," shall be construed to mean the instrument containing a drawing of proposed plat or subdivision of land and other material required by this chapter.

Plat or subdivision of land means a tract of land divided into lots, streets, and/or easements under a definite plan as set forth on a map.

Property line means one (1) of the exterior boundary lines of a lot or reserve of land.

Radial lot means a lot having a front property line that is in the shape of a curve.

Reserve, when used as an uncapitalized common noun, means any strip of land set aside for future use as street or easement, or as part of a street or easement; used as a capitalized proper noun, the word "Reserve" means any tract of land within a plat or subdivision of land that is not divided into lots, that is designated as a Reserve, and that is held unsubdivided for future subdivisions into lots or for some unspecified other future use.

Residential use means that use of property and/or the improvements thereon that would be permitted upon land situated in a dwelling district "A" under the zoning ordinance of the City.

Subdivider means a person who subdivides a tract of land into a plat or subdivision of land.

Through street means a street or portion of street, having an outlet, at each end of the same, into an intersecting street.

Turn-around means a circular portion of a cul-de-sac, situated at that end of such cul-de-sac that has no outlet into another cul-de-sac, and that is designed to allow vehicles to turn around.

Utility means water service, sewage service, gas service, electrical power service, and other similar service furnished to property owners.

Watercourse means any storm or artificial drainage channel, carrying a flow of water at all times or periodically.

Words in this Chapter used in the present tense shall include the future, words used in the singular shall include the plural number, words used in the plural number shall include the singular, and the word "shall" is mandatory and not directory.

§ 9.103 Form of Plat, generally.

Each proposed plat or subdivision of land shall be drawn on a Plat that shall conform to standards as follows:

- (A) The original Plat of a proposed plat or subdivision of land shall be prepared by, or under the supervision of, a registered engineer or a registered public surveyor.
- (B) The Plat shall contain a title, a scale drawing of the proposed plat or subdivision of land, a key map of the area, in which the proposed plat or subdivision of land is located, and dedications and certifications.
- (C) The title of the Plat of a proposed plat or subdivision of land shall furnish the following information:

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- (1) The name of the proposed plat or subdivision of land, which name shall not be the same as that of any other recorded plat or subdivision of land in Harris County, Texas, except that the name of a proposed plat or subdivision of land may be the same as that of an adjacent recorded plat or subdivision of land, if the proposed name also includes other words indicating that the proposed plat or subdivision of land is a new or additional section of the older, recorded plat or subdivision of land.
 - (2) A legally sufficient description of the tract or tracts of land upon which such proposed plat or subdivision of land is located.
 - (3) A statement of the total number of acres of land in the tract upon which such proposed plat or subdivision of land is located.
 - (4) A statement of the total number of lots and the total number of blocks in the proposed plat or subdivision of land.
 - (5) The name of each owner of the tract of land upon which such proposed plat or subdivision of land is located; if any such owner is a corporation, the name of a responsible officer, such as the president or vice president, of such corporation shall be stated.
 - (6) The name of the registered engineer or registered public surveyor in charge of preparation of the Plat.
 - (7) A statement of the scale of the drawing of the proposed plat or subdivision of land.
 - (8) The date of the preparation of the Plat; each revision of the Plat shall bear a new date.
- (D) The scale drawing of a proposed plat or subdivision of land on the plat thereof shall conform to standards as follows:
- (1) The scale drawing of a proposed plat or subdivision of land shall be drawn on a scale of one (1) inch on the drawing equal to one hundred (100) feet.
 - (2) The exterior boundaries of the proposed plat or subdivision of land shall be shown by very heavy lines, and the length and directional bearing of each such exterior boundary line shall be clearly shown.
 - (3) All lines inside the exterior boundaries of the proposed plat or subdivision of land shall be unbroken lines.
 - (4) All lines outside the exterior boundaries of the proposed plat or subdivision of land shall be broken lines.
 - (5) The Plat shall show the exact location of the tract of land upon which the proposed plat or subdivision of land is located, by showing the exact relation of such tract of land to one (1) corner of each survey in which all or any part of such tract of land is located.
 - (6) All water courses and ravines within the exterior boundaries of the proposed plat or subdivision of land shall be clearly shown, together with the high bank and width of existing or proposed drainage easements.
 - (7) The Plat shall clearly indicate the names and locations of all subdivisions, streets, railroad rights-of-way, easements, pipe lines, and water courses adjoining the proposed plat or subdivision of land; if any tract of land adjoining the proposed plat or subdivision of land shall consist of unsubdivided acreage, that fact shall be clearly shown.

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- (8) If any part of a proposed plat or subdivision of land shall be designated as a site for a school, church, park, sewerage plant, water plant or any other special use, each such site and the proposed special use thereof shall be clearly shown.
 - (9) All areas of land that are temporary easements or dedications shall be indicated by cross-hatch lines, and the fact that such easements or dedications are temporary shall be indicated by appropriate notes on the plat.
 - (10) Names of all streets in a proposed plat or subdivision of land shall be clearly shown.
 - (11) Engineering data concerning the streets in the proposed plat or subdivision of land shall be shown as follows:
 - (i) Complete curve data concerning all curves in streets shall be shown either on the center line of the street or on each side of the street.
 - (ii) Length and directional bearings of all tangents of curves of streets shall be shown.
 - (iii) Dimensions of streets shall be shown as to widths, and from all angle points and points of curve therein to an adjacent side line of a lot.
 - (iv) Where any proposed street shall intersect with or extent to meet an existing street, directional bearing and dimensions shall be shown on street center lines, in such manner as to clearly show the relationship between each such proposed street and each such existing street.
 - (12) Engineering data concerning the lots in the proposed plat or subdivisions of land shall show complete directional bearings and dimensions of front, side and rear lot lines thereof, and the location of all easements thereon.
 - (13) Engineering data concerning water courses and drainage easements shall be shown as follows:
 - (i) Distances shall be shown from the drainage easement line at a watercourse, or from the high bank of stream, along the side lines of adjoining lots, to the front lines of such lots.
 - (ii) Traverse lines shall be shown along the edge of all drainage easements, in convenient locations; wherever practical, such traverse lines shall be shown along any adjoining utility easements that parallel the drainage easement.
 - (14) All reserves in any proposed plat or subdivision of land shall be labeled alphabetically, as "A", "B", "C", and so continuing alphabetically until all such reserves shall have been labeled. Reserves shall not be numbered.
 - (15) All blocks in a proposed plat or subdivision of land shall be numbered consecutively within such plat or subdivision of land. All lots shall be numbered consecutively within each block. Lot numbering may be cumulative throughout the plat or subdivision of land, if the numbering continues from block to adjoining block in a uniform manner and shall have been approved by the City.
- (E) Each Plat of a proposed plat or subdivision of land shall contain a key map, which key map shall show the relation of the proposed plat or subdivision of land to all well-known streets, railroads, highways and water courses within one (1) mile of such plat or subdivision of land. Such key map shall be drawn on a scale of one (1) inch on the key map equal to one (1) mile.

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- (F) The Plat of each proposed plat or subdivision of land shall show dedications, grants, and certifications, as follows:
- (1) The Plat shall contain a clear statement of dedication of the plat or subdivision of land shown thereon, and of the streets, alleys, parks and easements thereon, together with a warranty of title to the tract of land upon which such tract or parcel of land is located. Such statement shall be duly and lawfully executed and acknowledged by each owner of the aforesaid tract of land. The owners and holders of any lien or liens upon such tract of land shall execute and acknowledge a confirmation and ratification of the subdivision and dedication of the plat or subdivision of land, and a subordination of the lien or liens owned and held by such lienholder or lienholders to such subdivision and dedication.
 - (2) The Plat shall contain a certification by the registered engineer or registered public surveyor who shall have prepared such Plat that he has prepared the same from a survey on the ground; that he or she has properly marked all block corners, lot corners, angle points and points of curve in plat or subdivision of land with galvanized iron pipes as stakes, such pipes being one (1) inch in diameter and three (3) feet or more in length; and that the Plat correctly represents the survey made by him or her.
 - (3) All dedications, statements, ratifications, confirmations, subordinations, and certifications shall be in such form as the City shall from time to time prescribe, as being necessary and proper to comply and evidence compliance with the provisions of this Chapter, other applicable ordinances of the City, applicable statutes and other laws of the State of Texas, and/or findings of the City.
- (G) Each Plat of a plat or subdivision of land shall also show and contain all drawings, information, data, dedications, statements, agreements, certifications and other material of any nature, which the City shall find to be necessary and proper, and shall require, to comply with, or evidence compliance with, the provisions of this Chapter, of other applicable ordinances of the City, of all applicable laws and statutes of the State of Texas, and/or of applicable findings of the City.

§ 9.104 Standards for Residential Subdivisions

Every subdivision shall conform to the goals and objectives contained in the city's comprehensive plan and the City's zoning ordinances.

- (A) No plat or subdivision of land for residential use in the City shall be approved, unless each lot of land in such residential subdivision is designed to have dimensions, areas and shapes as follows:
- (1) 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 all easements. "Easement" shall include any Harris County Flood Control District easement, as well as all other easements affecting the lot.
 - (2) Minimum lot width. Each residential lot shall have a minimum width of seventy (70) feet, unless otherwise noted below:
 - (i) Cul-de-sac lots. All cul-de-sac lots must be radial or perpendicular to the street right-of-way line unless otherwise noted. Cul-de-sac lots on the radial portions of the cul-de-sac shall have a minimum right-of-way frontage of 47.12 feet. Those cul-de-sac lots on the radial portion of the cul-de-sac, if any, shall have a minimum width of seventy-five (75) feet at the middle of the lot, measured from the mid-point of the

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- shortest side lot line and perpendicular to a line that bisects the area of the lot. Where applicable, the dimension from the street right-of-way to the center point of the curved portion of the cul-de-sac, if any, shall be such that, when the radius of the cul-de-sac is subtracted, the remainder is a minimum of seventy (70) feet.
- (ii) Radial lots. Radial lots that are not cul-de-sac lots shall have a minimum right-of-way frontage of seventy (70) feet. These lots shall also have a minimum width of seventy (70) feet, measured from the midpoint of the longest side lot line and perpendicular to a line that bisects the area of the lot.
 - (iii) Corner lots. Corner residential lots that have a width of less than eight (8) feet shall be at least five (5) feet wider in width than the average width of interior lots in the block of which such corner lot is a part. Corner residential lots that are adjacent to a major thoroughfare, shall be at least fifteen (15) feet wider in width than the average width of interior lots in the block of which such corner lot is a part.
- (3) Minimum lot depth. Each residential lot shall have a minimum depth of one hundred twenty (120) feet except as herein provided. Each residential lot that faces or backs on a major thoroughfare shall have a mean depth of at least one hundred forty (140) feet. Each residential lot that faces or backs on any drainage easement shall have a depth at any point of not less than seventy (70) feet between the front building line thereof and the drainage easement line thereon. All cul-de-sac lots shall have a minimum depth of one hundred (100) feet measured along the side lot lines. The depth of all other radial lots will be measured along the line, which bisects the area of the lot.
 - (4) All residential lots shall have a minimum lot area of ten thousand (10,000) square feet.
 - (5) No residential lot shall be a double front lot, except where the same backs on a major thoroughfare.
 - (6) No residential lot shall be designed in such manner that there is driveway access from the rear or the side of such lot to a major thoroughfare.
 - (7) Residential lots shall be so designed that the same are rectangular in shape, unless the city shall find that such rectangular shape of any lot is impractical. Unless found by the city to be impractical, the side lot lines of each residential lot shall be perpendicular to the front street line of such lot, where such street line is straight, and side lot lines of residential lots shall be radial to the street front line of such lot, where such street lot line is a curved street line.
- (B) No plat or subdivision of land in the City shall be approved, unless the lots or parcels of land in such plat or subdivision conform to the building line and setback regulations set out in the City's Comprehensive Zoning Ordinance.
 - (C) No plat or subdivision of land for residential use shall be approved, unless the same shall comply with all other standards established in this Chapter for plats or subdivisions for any type of use.
 - (D) Residential subdivision fences shall comply as herein provided.
 - (1) A fence may be constructed around the perimeter of a subdivision containing six (6) or more lots, provided the fence is at least six (6) feet in height and does not exceed eight (8) feet in height, measured above the average surrounding grade of ground level, and such fence is of masonry (excluding stucco or cinder block) or of iron picket construction.

Subdivision perimeter fences which extend to the entry street or streets to the subdivision shall not be placed or constructed closer than ten (10) feet from any entry street right-of-way line.

- (2) No plats or subdivision containing six (6) or more lots shall be approved when the rear property line of any of such lots adjoin a public street unless a masonry (excluding stucco or cinder block) or iron picket fence is constructed, of consistent material and color, along the rear property line of such lots adjoining the public street, and such fence shall be at least six (6) feet in height and shall not exceed eight (8) feet in height, above the average surrounding grade or ground level, and shall not be placed or constructed closer than ten (10) feet from any entry street right-of-way line.
- (3) No plat or subdivision of land on which a subdivision perimeter fence is to be constructed shall be approved unless the plat thereof clearly provides that the subdivision perimeter fence shall be owned by the developer and his or her successors, including but not limited to, any homeowners or civic association, or in common by the homeowners of the subdivision. Additionally, the following statement must appear on the face of the plat: "The City of Spring Valley Village, Texas, does not maintain subdivision fences."

§ 9.105 Standards for Commercial and Industrial Subdivisions

- (A) No plat or subdivision of land in the City shall be approved unless the lots or parcels of land in such plat or subdivision conform to the building line and setback regulations set out in the City's Comprehensive Zoning Ordinance.
- (B) No plat or subdivision of land for commercial or industrial use shall be approved, unless the same shall comply with all other standards established in this Chapter for plats or subdivisions of land for any type of use, and with the standards of the City's Zoning Ordinance.

§ 9.106 Standards for Streets in Plats or Subdivisions of Land for Any Type of Use

No plat or subdivision of land for any type of use shall be approved, unless the streets in such plat or subdivision of land shall comply with the following standards:

- (A) The street pattern of each plat or subdivision of land shall be so designed that it will provide adequate circulation of traffic within the plat or subdivision of land, and so that it will discourage excessive through traffic on any streets other than major thoroughfares.
- (B) No plat or subdivision of land for any type of use shall be approved, unless the widths of rights-of-ways for streets therein shall be as follows:
 - (1) Each street, which is designed to have curbs and gutters, shall have a right-of-way that is not less than sixty (60) feet in width, except in those instances in which the City shall grant approval of a plat or subdivision of land with street right-of-way therein which is less than sixty (60) feet in width, as an exception as hereinafter provided.
 - (2) As an exception, the City may approve a plat or subdivision of land, in which one (1) or more streets, or portions of streets, therein have a right-of-way less than sixty (60) feet in width, but not less than fifty (50) feet in width, if the City shall determine that each such street or portion of a street with a right-of-way that is less than sixty (60) feet in width conforms to standards as follows:
 - (i) Such street or portion of a street shall be designed to have curbs and gutters.

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- (ii) Such street or portion of a street shall be a permanent cul-de-sac, and shall have a total length of not more than five hundred (500) feet.
 - (iii) Such street or portion of a street will not, because of the reduced width of its right-of-way, in any way interfere with promotion of the health, safety, morals or general welfare of the community, or safe, orderly and healthful development of the community.
 - (3) Each street, which is not designed to have curbs and gutters, shall have a right-of-way that is not less than eighty (80) feet in width, unless the City grants approval of a plat or subdivision of land, as an exception, with street right-of-way or rights-of-way of lesser width as hereinafter provided.
 - (4) As an exception, the City may grant approval of a plat or subdivision of land, in which one (1) or more streets, or portions of streets, therein, which are not designed to have curbs and gutters, have a right-of-way or rights-of-way less than eighty (80) feet in width, but not less than sixty (60) feet in width, if the City shall determine that each such street, or portion of street, conforms to standards as follows:
 - (i) Such street or portion of street shall be a permanent cul-de-sac and shall have a total length of not more than five hundred (500) feet.
 - (ii) Such street or portion of street will not, because of the reduced width of its right-of-way, in any way interfere with promotion of the health, safety, morals or general welfare of the community, or the safe, orderly and healthful development of the community.
 - (C) No plat or subdivision of land shall be approved unless each curve in a street therein (except in the sides of a turn-around at the dead-end of a cul-de-sac) has a radius of three hundred (300) feet or more, measured from the center line of such street or streets.
 - (D) No plat or subdivision of land for any type of use shall be approved, in which any street therein is offset, unless the City shall determine that such street offset or offsets will not in any way be contrary to the provisions this Chapter, and unless each such street offset shall be an offset of not less than one hundred twenty-five (125) feet, measured from the center line of such street to the center line of any offsetting continuation thereof.
 - (E) No block facing upon any street other than a major thoroughfare shall be more than one thousand two hundred (1,200) feet in length, such length to be measured along the property line between such block and the street adjoining that side of the lot of which the length is being determined; for the purpose of construing and enforcing this provision of this Chapter. The length of each block in a plat or subdivision of land shall be measured along the longest side line of such block.
 - (F) No plat or subdivision of land for any type of use shall be approved, unless all intersections of streets therein shall conform to standards as follows:
 - (1) Each street intersecting another street shall intersect such other street at an angle of ninety (90) degrees, except that the City may grant, as exceptions, a variation of not more than twenty (20) degrees from the requirement of a ninety degree (90) angle of intersecting streets, in those cases in which the City shall determine that such variation will not be, in any way, contrary to or violative of the provisions of subsection (A).

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- (2) In those cases in which the City shall grant exceptions as to angle of intersection of intersecting streets as hereinbefore provided, each corner of a block that is formed by an acute angle of a street intersection shall be so designed that the property line of such block, at such acute angle corner, shall be a converse curve having a radius of twenty-five (25) feet.
- (G) The names of all streets in any plat or subdivision of land shall be the same as that of those streets, outside of such plat or subdivision of land, of which they shall be continuations, or of which they would be continuations, if streets outside of such plat or subdivision of land were extended in an approximately straight line to a side of such plat or subdivision of land; except in those cases hereinbefore provided, no name of a street shall be a duplication of the name of any other street in the City or of any other municipality within five (5) miles of the corporate limits of the City.
- (H) No plat or subdivision of land shall be approved, unless each street therein, which is a cul-de-sac, shall conform to standards as follows:
- (1) If a cul-de-sac shall terminate in a dead end with a permanent turn-around, such cul-de-sac shall not be more than five hundred (500) feet in length, measured from the dead-end of such cul-de-sac to the nearest intersection of such cul-de-sac with another street.
 - (2) In those cases in which a street is so designed that all or any portion of such street is a temporary cul-de-sac, the City may grant approval, as an exception, of a cul-de-sac that is more than four hundred (400) feet in length, but not more than one thousand two hundred (1,200) feet in length, if such cul-de-sac conforms to standards as follows:
 - (i) The cul-de-sac in question terminates in a dead-end at one of the exterior boundaries of the proposed plat or subdivision of land.
 - (ii) The City shall determine that it is probable that such street will thereafter be extended beyond the dead-end of such cul-de-sac.
 - (iii) The right-of-way of such temporary cul-de-sac shall not be of less width than would be required for such street if it were a through street, and right-of-way of the same width shall be permanently dedicated through the temporary turn-around at the temporary dead-end to the adjoining boundary of the plat or subdivision; all portions of temporary turn-arounds at the dead-ends of temporary cul-de-sacs, except those portions thereof permanently dedicated as street right-of-way through such turn-around, shall be dedicated as temporary easements which shall terminate upon, and only upon, extension of the street in question beyond the temporary dead-end of the same.
 - (iv) The City shall determine that such temporary cul-de-sac otherwise complies with all applicable standards and provisions set forth in this Chapter.
 - (3) No plat or subdivision of land for residential use shall be approved, unless each cul-de-sac, designed to have curbs and gutters, shall have a turn-around (at the dead-end of such cul-de-sac), the radius of such turn-around being not less than fifty (50) feet.
 - (4) No plat or subdivision of land for industrial or commercial use shall be approved, unless each cul-de-sac, designed to have curbs and gutters, shall have a turn-around (at the dead-end of such cul-de-sac), the radius of such turn-around being not less than sixty (60) feet.

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- (5) No plat or subdivision of land for residential use shall be approved, unless each cul-de-sac, which is not designed to have curbs and gutters, shall have a turn-around (at the dead-end of such cul-de-sac), the radius of such turn-around being not less than sixty (60) feet.
- (6) No plat or subdivision of land for industrial or commercial use shall be approved, unless each cul-de-sac, which is not designed to have curbs and gutters, shall have a turn-around (at the dead-end of such cul-de-sac), the radius of such turn-around being not less than seventy (70) feet.
- (I) In those cases which the City shall determine that provision shall be made for the location of a street, along any exterior boundary line of a proposed plat or subdivision of land, such plat or subdivision of land shall not be approved, unless the same shall provide the dedication of a strip of land out of such plat or subdivision of land and along the exterior boundary line in question; such strip of land shall be of such width, not greater than thirty (30) feet, as the City shall find to be proper and necessary to accomplish the purpose of this chapter, and shall be dedicated as an easement for all utility purposes, including storm and sanitary sewers, and the proposed plat or subdivision of land shall provide further that such strip of land shall automatically become dedicated for street purposes, when and insofar as there shall be a subsequent dedication of an adjoining strip of land of such width that right-of-way, of lawful width for a street under the provisions of this Chapter, shall be provided by the two (2) dedicated strips of land.
- (J) In any case in which a right-of-way of any street in a plat or subdivision of land ends at, or runs along, an exterior boundary line between such plat or subdivision of land and an adjoining tract of land which has not then been platted or subdivided, a provisional reserve of a one-foot strip of land shall be made and indicated on such plat or subdivision of land at such exterior boundary line; such proposed plat or subdivision of land shall provide that such one-foot reserve shall become automatically dedicated for street purposes, when adjacent property is subdivided in a recorded plat or subdivision of land.
- (K) In each case in which any proposed plat or subdivision of land shall provide for the temporary dedication of any strip of land as a temporary easement for street purposes until a sufficient number of feet or land shall have been acquired on the opposite side of such street for a street of lawful right-of-way width, such proposed plat or subdivision of land shall clearly indicate that such dedication is temporary, and that the strip of land in the temporary easement will revert to the adjoining lot owners upon and to the extent of the acquisition of a sufficient number of feet of land on the opposite side of the street in question for a street with right-of-way of lawful width.
- (L) No plat or subdivision of land for any use shall be approved, unless and until the City shall have determined that each street therein is designed to be paved, and that such paving shall be of such width and constructed in such manner and of such materials that the same will promote the safe, orderly, healthful development of the community by provision of adequate streets.
- (M) Each provision of this section, when applicable, shall control not only streets within the plat or subdivision of land, but shall control every intersection, joinder and connection of any nature, of the streets in or partially in such plat or subdivision of land with any street at any exterior boundary of such plat or subdivision of land.

§ 9.107 Standards for Street Lighting

- (A) Street lights for new development. In all subdivisions of land for residential, commercial, and office building uses, the developer shall be required to install throughout the development, at the developer's cost, street lighting that meets CenterPoint Energy or its successor's standards for type, installation, placement, spacing, and lighting, subject to City approval of such standards, in connection with such Plat or Re-Plat. The installation of the streetlights shall be completed on or before the beginning of the one (1) year maintenance period for the streets. When a development adjoins only one (1) side of an existing street without streetlights, the developer is only required to install streetlights along the side being developed.
- (B) Payment of operating charges. The monthly operating charges for installed streetlights shall be paid by the developer, or this obligation may be assigned to a homeowners' or property owners' association after prior notice to and consent of the City, until the end of the one (1) year street maintenance period, after which time the standard monthly charge shall be paid for by the City.
- (C) Ornamental lighting. Ornamental lighting or other lighting, which is not standard CenterPoint Energy lighting or equivalent and approved by the City, will not meet the requirements of this Chapter.

§ 9.108 Drainage Easements

No plat or subdivision of land on which a portion of the plat boundary is adjacent to Spring Branch or Briar Branch shall be approved, unless, before submission to the City, the county flood control engineer of Harris County, Texas, shall have determined and approved the location and width of all drainage easements adjacent to streams or other drainage arteries located in such plat or subdivision of land; such determination and approval of drainage easements shall be clearly indicated on the face of the plat or subdivision of land, and such plat or subdivision of land shall also clearly dedicate such easements as drainage easements upon which no fence, structure, building, planting or other obstructions to the operation and maintenance of drainage facility shall be constructed, made or placed by any person.

§ 9.109 Utility Easement

No plat or subdivision of land shall be approved unless each grant of a utility easement indicated thereon shall have been accepted by each and every person, persons, firm, firms, company and/or companies to which such utility easement is granted, and unless such utility easement conforms to standards as follows:

- (A) Each grant and/or dedication of any utility easement upon the surface of any land in a plat or subdivision of land shall be accompanied by the grant and/or dedication of an unobstructed aerial easement, of the same width as such surface utility easement, extending directly upward from such surface utility easement to a plane twenty (20) feet directly above such surface utility easement, such aerial easement to be for utility poles and overhead lines.
- (B) Wherever any center line of any utility easement shall form an angle, an easement shall be granted and/or dedicated along that side line of a lot or lots that is nearest the point of such angle, for placement of push or pull guys for utility poles and overhead lines; if said lines of lots are equidistant on each side of the utility easement, the guy easement shall be located on that side line upon which a pull easement would be located; each such guy easement shall be three (3) feet in width, centered on the side lot line, and shall be thirty-five (35) feet in length, measured from the nearest side line of the utility easement in which such angle shall exist.

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- (C) Underground placement. In each proposed subdivision consisting of six (6) lots or more, electrical lines, cable television lines, telephone lines, and other telecommunications or utility lines shall be placed underground within a utility easement along the perimeter of the subdivision and shall, to the extent feasible, be routed along the rear perimeter of the subdivision.

§ 9.110 Pipe Line Easements

No plat or subdivision of land shall be approved, unless and until exact location of each pipe line easement thereon shall be accurately defined, by either the instrument granting such easement, or recorded agreement duly executed and acknowledged by each owner and holder of such easement; the exact location of each such pipe line easement shall be shown clearly on each plat or subdivision of land upon which the same exists; No building or structure shall be constructed or erected on any portion of any pipe line easement or within ten (10) feet of the center line of any such pipe line easement.

§ 9.111 Fire Protection Facilities

- (A) No plat or subdivision of land shall be approved, unless the same shall make provision for the installation in such plat or subdivision of land of such fire hydrants as the City shall determine should be installed therein.
- (B) The City shall determine the matters concerning fire protection as follows:
- (1) Whether installation of any fire hydrants should be required in the proposed plat or subdivision of land, based upon the necessity therefor and the availability of a public water supply for such fire hydrants.
 - (2) If the City finds that fire hydrants should be required in the proposed plat or subdivision of land, the City shall determine:
 - (i) The type of fire hydrants, which shall be installed.
 - (ii) The number of such fire hydrants, which shall be installed.
 - (iii) The location at which such fire hydrants shall be installed in the proposed plat or subdivision of land.
- (C) All such fire hydrants as shall be required by the City shall be installed at no cost to the City, and the same shall become the property of the City upon installation.
- (D) The final Plat of the proposed plat or subdivision of land, submitted to the City for final approval, shall show:
- (1) The location of each fire hydrant required to be installed.
 - (2) A description of the type of fire hydrants to be installed.
 - (3) That such fire hydrants shall be the property of the City upon installation.

§ 9.112 Procedure; Filing of Plats

Any person who shall desire to plat or subdivide land in the City shall secure approval of such plat or subdivision of land in the following manner:

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- (A) The applicant for approval of any plat or subdivision of land shall first secure the preparation of a Plat of such proposed plat or subdivision of land by a registered engineer or registered public surveyor. Such Plat shall be prepared in the form and shall contain the information required under §9.103 and any other applicable provision of this Chapter.
- (B) When the aforesaid Plat shall have been prepared as hereinbefore provided, the applicant for approval of the same shall make application for approval of the said Plat at least twenty (20) days before a regularly scheduled meeting of the Planning and Zoning Commission and in the following manner:
- (1) Fifteen (15) prints of the Plat shall be delivered to the City Secretary, along with an electronic copy of the Plat being sent to the City Secretary and the City's Director of Community Development.
 - (2) A check, payable to the order of the City, in the amount of filing fees hereinafter provided for the filing of a Plat, shall be delivered to the City Secretary.
 - (3) Satisfactory evidence shall be furnished to the City, either on the face of the above-mentioned Plat or otherwise, that the Plat has been examined by the county flood control engineer of Harris County, Texas, and that such officer has approved the same as to drainage easement requirements.
 - (4) A certificate of each tax collector of a political subdivision in which the property is located must accompany the Plat application, showing all taxes owing to the State, County, School District, City, and any other political subdivision have been paid in full.
 - (5) A certificate from an abstractor, or written opinion from the attorney of the developer, must be attached, showing ownership of property and liens against the same.
 - (6) If such proposed plat or subdivision of land is for residential use, and if there is any lot or lots in such plat or subdivision of land with a lot area of less than fifteen thousand (15,000) square feet, satisfactory evidence shall be furnished to the City that adequate sanitary sewer system service will be furnished to each lot in the proposed plat or subdivision of land.
 - (7) The above and foregoing material shall be furnished to the City with a letter of transmittal in triplicate, from the applicant for approval of the proposed plat or subdivision of land to the City; each such letter of transmittal shall clearly state:
 - (i) A statement of the type and dimensions of, materials to be used in, and specifications for all paving of street in the proposed plat or subdivision of land;
 - (ii) The source and type of water supply and sewerage facilities;
 - (iii) The type and design of storm sewers and other drainage facilities of the proposed plat and subdivision of land;
 - (iv) A statement that all streets, water, sanitary sewerage, storm sewer, drainage and other facilities will be promptly constructed, installed and made in the plat or subdivision of land, at no cost to the City, in accordance with the plans and specifications;
 - (v) The agreement of the owner or owners of the tract of land to be platted or subdivided to maintain, for a period of one (1) year, from the date of final approval of such plat or subdivision of land, all paving of streets therein; and

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- (vi) The names and addresses of the owner of the land to be subdivided, or of his or her agent, and of the registered engineer or public surveyor who is designing the plat or subdivision of land.

(C) Bonds—Performance and Maintenance.

- (1) No plat or subdivision of land shall be authorized by the City to be recorded, nor shall any building permit, or any water, sewer, plumbing, or electrical permit be issued by the City to the developer, subdivider and/or owner or any other person with respect to any property in any subdivision until the developer, subdivider, and/or owner files with the City Secretary a corporate surety bond executed by a surety company licensed to do business in the State of Texas and acceptable to the City, in favor of the City, and being in an amount equal to one hundred (100) percent of the cost of installation of all required improvements, as determined by the City Engineer computed on a private commercial rate basis, guaranteeing the proper installation thereof at no cost to the City, within the time stated in the bond, which time shall be fixed by the City Engineer, and providing that said bond will otherwise remain in full force and effect, and until released by the City.
- (2) In addition, the developer, subdivider, and/or owner shall file with the City Secretary a maintenance bond, executed by a surety company licensed to do business in the State of Texas and acceptable to the City, in favor of the City, in an amount equal to one hundred (100) percent of the cost of installation of such improvements, warranting that said improvements will render satisfactory operation for a one-year period, at no cost to the City, which period shall commence when the City Engineer confirms the completion of such improvements, and providing that said bond will otherwise remain in full force and effect, and until released by the City.

§ 9.113 Filing Fees

- (A) Filing fees shall be charged for the filing of each application for approval of a proposed plat or subdivision of land as provided for in the City's Master Fee Schedule found in the appendix of this Code.
- (B) All filing fees herein provided shall be paid into the general fund of the City.
- (C) No filing fee paid under the foregoing provisions shall be refundable unless the person paying such filing fee shall withdraw the application for which it is paid before such application shall have been considered by the Commission, and, if such application shall be withdrawn before consideration of the same shall be refunded to the applicant; in no event shall any such filing fee be refunded, if the Commission shall have met and considered the application for which such filing fee is paid.
- (D) Except in those cases in which a preliminary approval shall have expired by reason of failure to make application for final approval within the time herebefore provided, only one (1) filing fee for an application for preliminary approval and one (1) filing fee for application for final approval shall be charged as to each proposed plat or subdivision of land, and the original payment of filing fee for any application shall be deemed to cover all resubmissions of such application after the making of any changes or corrections therein. If any preliminary approval shall expire by reason of time as hereinbefore provided, any application thereafter made for another preliminary approval of the same proposed plat or subdivision of land shall be deemed a new

application for preliminary approval and a filing fee shall be charged therefor as hereinbefore provided.

§ 9.114 Exceptions to Plat Requirements

- (A) The Plat preparation requirements contained herein shall not be applicable in those cases where the land is being divided into parts greater than five (5) acres and each part has access and no public improvements are being dedicated.
- (B) A division of land shall not be required to be platted if all lots created by the division of land:
 - (1) Are existing lots shown by a map, plat or deed recorded in the official records of Harris County;
 - (2) Are located entirely within an area zoned for residential use;
 - (3) Are located within the same subdivision;
 - (4) Abut a public street and have received city water and sewer services within the preceding twelve (12) months;
 - (5) Comply with the minimum area and size requirements of the City;
 - (6) The division of land involves no more than two (2) adjoining lots; and
 - (7) The division of land does not create a nonconformity.
- (C) A division of land under subsection (B) must be approved by the Director of Community Development and the Planning and Zoning Commission Chairman.
- (D) The Director of Community Development is authorized to require, if necessary to determine compliance with subsection (B) above, a professional survey prepared by a licensed surveyor.

§ 9.115 Delivery to Planning Commission or City Council

Wherever in this Chapter it shall be provided that any Plat, application or other thing shall be delivered to the Commission or City Council, such provision for delivery shall be deemed to have been made when such Plat, application or other thing shall have been addressed to the Commission or the City Council, as appropriate, and delivered to the City Secretary.

§ 9.116 Procedure: Review and Approval of Plats

- (A) Within thirty (30) days of receipt of the plat by the City, the Commission shall submit a recommendation to the City Council to approve, conditionally approve or disapprove the Plat. Within 30 days of the commission's action, City Council shall approve, conditionally approve or disapprove the Plat. A Plat is approved by the Commission or City Council unless it is disapproved within that period and in accordance with this section. No changes, erasures, modifications or revisions shall be made in any Plat or to any required instrument after approval has been given by the City Council and endorsed on the Plat in writing, unless such change, modification or revision is first submitted to and approved by the City.
- (B) If a Plat is disapproved or approved with conditions, it may be resubmitted to the City for reconsideration without a fee. The City shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. The applicant may

submit a response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. Within fifteen (15) days, the City shall determine whether to approve or disapprove the previously conditionally approved or disapproved Plat and shall approve the Plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

- (C) Upon approval of the Plat, the developer shall submit two prints and two mylar copies of the approved plat, all other instruments that may be required to be recorded, a certificate or letter from a title or guarantee company or attorney and tax certificates indicating that all taxes have been paid for prior and current years to the City. All mylar copies shall bear original signatures.
- (D) The Plat shall be filed at the office of the County Clerk when:
 - (1) The developer constructs all the required improvements and the City approves such improvements; or
 - (2) The developer files assurances approved by the City that guarantee construction of the required improvements.
- (E) When the Plat shall have been recorded in the office of the County Clerk of Harris County, Texas, the original Plat shall be returned to the City Secretary. The subdivider shall thereupon furnish to the City Secretary two prints – one (1) paper and one (1) mylar copy – of such recorded plat at the expense of the subdivider. The original Plat shall then be returned to the subdivider, or to the registered engineer or registered public surveyor who prepared it, as the subdivider shall direct.
- (F) Where a Plat has not been filed for record and no public improvements have been completed or substantially completed within twelve (12) months of the approval or conditional approval of the subdivision Plat, the Plat shall be reviewed by the Commission to determine the developer's intent to proceed. If the Commission finds that the developer does not intend to proceed with the development, the Commission shall transmit to City Council a request to withdraw approval of the Plat. Upon receiving the recommendation of the Commission, the City Council may withdraw approval of the Plat or extend approval for up to one (1) additional year.

§ 9.117 Replats

- (A) Any person wishing to revise a subdivision Plat which has been previously filed for record must make application to the Commission and the City Council in the same manner as an original Plat. The proposed Replat shall meet all the requirements for a subdivision that may be pertinent.
- (B) The following requirements must be met for all Replats:
 - (1) After application for a Replat has been filed, the City Secretary shall give notice of the application to be published in the official newspaper of the City at least fifteen (15) days prior to the meeting of the City Council at which the application shall be considered. Such notice must include a statement of the time and place at which the City Council will meet to consider the Replat and to hear protests thereto at a public hearing. Additionally, written notice must be sent to all owners of property located within two hundred (200) feet of the property upon which the Replat is requested. Such notice may be served by depositing said notice, properly addressed and postage paid, at the local post office.
 - (2) If twenty (20) percent or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, then the

affirmative vote of at least three-fourths (¾) of the City Council is required to approve the Replat.

- (C) Posting of signs. Notice of required public hearings on applications for a Replat shall also be provided by way of a sign posted on the property that is the subject of the application in accordance with the requirements set forth herein. The applicant shall be responsible for posting the required Replat signage and for maintaining the required signage throughout the Replat process.

- (1) For Replats involving residential uses, signs shall be obtained from the City Secretary's office. If the Replat is for commercial use, sign requirements can be obtained from the Director of Community Development.

(2) Sign placement.

- (i) One (1) sign shall be erected by the applicant adjacent to each street frontage on the property that is the subject of the application and for each two hundred (200) feet of frontage along a street, with a maximum of three (3) signs required per street frontage.
- (ii) Signs shall be placed in a location on private property and clearly visible from all streets adjacent to the property included in the application.
- (iii) Where land does not have frontage on a public street, signs shall be posted on the nearest public street with a notation indicating the location of the land subject to the application.
- (iv) Signs shall be no greater than twenty (20) feet from the property line and shall be a minimum of two (2) feet off the ground, unless otherwise directed by the Director of Community Development or his/her designee.
- (v) Signs shall be placed perpendicular to the roadway to enable reading from both sides.
- (vi) Signs shall be located so that the lettering is visible and may be clearly read from the street.

(3) Proof of posting.

- (i) The applicant shall erect the sign(s) on the property that is the subject of the application a minimum of fourteen (14) calendar days immediately preceding the date of the public hearing. Failure to post the sign(s) for the time periods specified shall result in the postponement of the Replat consideration by the Commission and City Council. The applicant shall be subject to an additional fee to republish and/or re-notify due to such postponement.
- (ii) The applicant is responsible for maintaining the sign(s) on the property throughout the review process.
- (iii) A minimum of seven (7) calendar days prior to the public hearing, the applicant shall file an affidavit, on a form provided by the City, with the Director of Community Development verifying that the sign(s) was posted as required by this section.

- (4) Sign maintenance. The applicant shall be responsible for maintaining all signs on the subject property throughout the Replat process. The City is not responsible for monitoring

the required Replat signs. Should the City discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the City shall contact the applicant to investigate and, if needed, correct the situation. An affidavit from the applicant certifying that the applicant has corrected the sign(s) shall indicate that the intent of the posting requirement was met. Failure to maintain the sign during the process shall not result in the postponement of the Replat consideration so long as the applicant attempted to replace damages or missing signs upon notification.

(5) Removal of signs.

- (i) The applicant shall be responsible for removing the sign(s) from the property within seven (7) calendar days of the final action on the application by the City Council.
- (ii) Failure to remove signs within such timeframe will result in the issuance of a citation per sign and per day until removed.

§ 9.118 Variances

- (A) The rules and regulations provided herein and incorporated herein are the minimum standards and requirements of the City. A variance from any such rule or regulation may be granted by the City Council, after consideration and recommendation by the Planning and Zoning Commission, and upon a good and sufficient showing by the developer and/or owner that:
 - (1) There are special circumstances or conditions affecting the property in question;
 - (2) That enforcement of the provisions of this Chapter will deprive the applicant of a substantial property right; and
 - (3) That if a variance is granted it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.
- (B) Each and every variance request shall be decided solely and entirely on its own merits, and the disposition of any prior or pending request for a variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interest, standing alone, shall not be considered as a basis for the granting of a variance. No request for a variance will be considered unless submitted in writing to the City Secretary.
- (C) All variance request shall follow the same notice requirements as provided in §9.117.