EST. 1955

SPRING VALLEY

VILLAGE

Planning & Zoning Commission Meeting

August 9, 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

EST. 1955
SPRING VALLEY
VILLAGE

AGENDA

City of Spring Valley Village
Planning & Zoning Commission Meeting
Council Chambers at City Hall
1025 Campbell Road, Spring Valley Village, Texas
Tuesday, August 9, 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/82833303448

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: 828 3330 3448 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 July 12, 2022

3. **CONDUCT A PUBLIC HEARING CONCERNING:** Ordinance No. 2022-XX: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, BY DELETING ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS PLACE; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

   A. Presentation of Ordinance Changes

   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, AMENDING CHAPTER 9, SUBDIVISIONS, BY DELETING ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS PLACE; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

5. **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 29th day of July 2022 at 2:00 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.

Planning & Zoning Commission Meeting Minutes
City of Spring Valley Village
Tuesday, July 12, 2022

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

   Planning & Zoning Members present at City Hall:
   Anne-Marie McMichael, Vice Chair
   John Lisenby
   Maryellen McGlothlin
   Jim Autenreith (arrived at 7:06 p.m.)
   Louise Richman

   A quorum was present.

   City Officials present:
   Zach Meadows, Director of Community Development
   Loren Smith, City Attorney
   Carianne Livengood, Assistant

2. **Approval of meeting minutes for regular meeting October 12, 2021**

   Mr. Lisenby made the motion to approve the minutes. Ms. McGlothlin seconded the motion. The motion carried 4 to 0.

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 the use of the property for exam preparation and tutoring services; providing for severability; providing a penalty in an amount not to exceed $2000.00 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

   Ms. McMichael opened the public hearing at 7:02 p.m.

   Ms. Renee Kaiser spoke on behalf of the applicant, Linh Davis. The property owner is Dr. Suhyun An, DC, MSN, NP-C. Mr. Meadows noted that there is not a second floor and they cannot do a second floor as that requires another SUP. Ms. McMichael asked for speakers. A comment was that there was no objection to the application.

   Ms. McMichael closed the public hearing at 7:05 p.m.

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 the use of the property for exam preparation and tutoring services; providing for severability; providing a penalty in an amount not to exceed $2000.00 per day with each day constituting a new violation; and providing a severability clause and an effective date.

Discussion and questions from the Planning & Zoning Members followed.

- Ms. McMichael asked what the hours of operation were. They are 3:30 p.m. to 7:30 p.m. At this point, no tutoring will be done on the weekends though there may be a half day on Saturday in the future. Tutoring is not a taxable activity.
- Ms. McGlothlin asked about summer hours. Will need to confirm that with the owner.
- Parking concerns were expressed. This is mainly a "drop-off" type of operation.
- Ms. Richman asked how many employees there were. The plans are to have up to four full time employees.
- Ms. McMichael commented there are two restaurants in the area, but they tend to be pick-up only so probably all their allotted parking spaces will not be used. Ms. McMichael said it would be good to encourage staff to park on the side lines and to leave the front spaces for clients/customers.
- Mr. Autenreith asked about the buildout as it shows an open concept plan.
- Mr. Lisenby agrees with all that has been said.

Mr. Lisenby made the motion with the addition of having employees park at the end. Ms. McGlothlin seconded the motion. The motion carried 5 to 0.

5. **Discussion and direction concerning:** Amendments to Chapter 9, Subdivisions, of the Code of Ordinances of the City of Spring Valley Village.

Mr. Meadows opened the discussion of this item with a brief explanation. House Bill 3167 made significant changes to subdivision regulations for all cities in Texas. One of the changes is to remove any reference to "preliminary plats." The regulations refer to how long a city can "sit on" a plat before it would go to being approved automatically. Mr. Smith said there were three choices with plat approvals: approve: approve with conditions; disapprove. It also deals with the timing of plat approvals. The City is trying to arrange the time for getting the information to Planning & Zoning. It will be strongly encouraged to have complete submittals. There is a maximum of 60 days. Mr. Meadows said that the "radial lot" definition has changed; it is simpler but the side setbacks, etc. still stand. The City is working on cleaning up these items. Planning & Zoning expressed its appreciation for bringing this item forward for a preview.

6. **Adjournment**

Ms. McGlothlin made the motion to adjourn. Mr. Autenreith seconded the motion. The motion carried 5 to 0. The meeting was adjourned at 7:28 p.m.

Signed:_____
Trey Hoffman, Chairman

Attest: _____
Louise Richman, Secretary

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

MEETING DATE: August 9, 2022

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

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, BY DELETING ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS PLACE; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

BACKGROUND:

As presented during the July 12, 2022 Planning & Zoning Commission, 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.

Following review of these changes, City Attorney Loren Smith and I have been working through all the necessary changes to the subdivision regulations currently adopted in Chapter 9, Subdivisions, 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.

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.

RECOMMENDATION:	Not applicable
ATTACHMENTS:	• Proposed Ordinance Number 2022-XX (Clean Version) • Redlined Version of Chapter 9, Subdivisions, of the City's Code of Ordinances • Copy of Public Hearing Notice

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

DIVIDER PAGE

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, BY DELETING ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS PLACE; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature adopted legislation providing that subdivision plats are required to be approved within a specific time frame; and

WHEREAS, other matters in the City's Subdivision Regulations need to be changed or updated; and

WHEREAS, the City Council hereby finds it to be in the best interest of the health, safety, and welfare of its citizens that the City's Subdivision Ordinance be amended to address the changes by the Texas Legislature contained herein; and

WHEREAS, the City's Planning and Zoning Commission has reviewed these proposed changes as required by law and recommends their approval.

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 to this Ordinance are hereby found to be true and correct.

Section 2. Article 9.100, Subdivision Regulations, of Chapter 9, Subdivisions, of the Code of Ordinances of the City of Spring Valley Village, Texas is hereby amended by deleting Article 9.100 in its entirety, and adopting a new Article 9.100, Subdivision Regulations, to read as follows:

"§ 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:

(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.

(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.

(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 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.

(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).

(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.

(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.

(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:

(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) 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

(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."

Section 3. Section 9.119, Delivery to Planning Commission or City Council, Section 9.120, Filing Fees, Section 9.121 Replats, Section 9.122 Exceptions to Plat Requirements, Section 9.123, Modification, Change, Enlargement and Repeal of Other Ordinances, and Section 9.124, Exceptions to Plat Requirements are all hereby deleted in their entirety.

Section 4. All provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a

court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein.

Section 7. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $2,000. Each day of violation shall constitute a separate offense.

Section 8. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY ORDAINED, PASSED AND APPROVED on 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

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~~p~~lat 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~~p~~lat; each revision of the P~~p~~lat 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~~p~~lat 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 ~~c~~City.

(E)~~(e)~~ Each P~~p~~lat 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 ~~c~~City shall from time to time prescribe, as being necessary and proper to comply and evidence compliance with the provisions of this ~~c~~Chapter, other applicable ordinances of the ~~c~~City, applicable statutes and other laws of the State of Texas, and/or findings of the ~~c~~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~~c~~ity shall find to be necessary and proper, and shall require, to comply with, or evidence compliance with, the provisions of this C~~c~~hapter, of other applicable ordinances of the C~~c~~ity, of all applicable laws and statutes of the State of Texas, and/or of applicable findings of the ~~c~~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 ~~c~~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 ~~c~~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.

(~~7~~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.

(~~8~~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)~~(j)~~ No plat or subdivision of land in the ~~c~~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 ~~c~~City's ~~c~~Comprehensive Z~~z~~oning ~~o~~Ordinance.

(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 ~~c~~Chapter 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 ~~c~~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 ~~c~~City's ~~c~~Comprehensive ~~z~~Zoning O~~o~~rdinance.

(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 ~~c~~Chapter for plats or

subdivisions of land for any type of use, and with the standards of the ~~c~~City's ~~z~~Zoning ~~o~~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 ~~ci~~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~~c~~ity 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~~c~~ity 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 ~~c~~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 ~~c~~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 ~~c~~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 ~~c~~City shall determine that such street offset or offsets will not in any way be contrary to the provisions this ~~c~~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)~~(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 ~~c~~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)~~(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 ~~c~~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 ~~c~~City shall determine that such variation will not be, in any way, contrary to or violative of the provisions of subsection (~~a~~A).

(2) In those cases in which the ~~c~~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)~~(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 ~~c~~City or of any other municipality within five (5) miles of the corporate limits of the ~~c~~City.

(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 ~~c~~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 ~~c~~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 ~~c~~City shall determine that such temporary cul-de-sac otherwise complies with all applicable standards and provisions set forth in this ~~c~~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.

(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)~~(i)~~ In those cases which the ~~c~~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 ~~c~~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 ~~c~~Chapter, shall be provided by the two (2) dedicated strips of land.

(J)~~(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)~~(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)~~(l)~~ No plat or subdivision of land for any use shall be approved, unless and until the ~~c~~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)~~(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 c~~City approval of such standards, in connection with such ~~p~~Plat or ~~r~~Re-~~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 ~~l~~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 ~~c~~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 ~~c~~City.

(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 ~~c~~City, will not meet the requirements of this ~~c~~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 ~~c~~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 ~~c~~City shall determine should be installed therein.

(B)~~(b)~~ The ~~c~~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 ~~c~~City finds that fire hydrants should be required in the proposed plat or subdivision of land, the ~~c~~City 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 ~~c~~City shall be installed at no cost to the ~~c~~City, and the same shall become the property of the ~~c~~City upon installation.

(D)~~(d)~~ The final ~~p~~Plat of the proposed plat or subdivision of land, submitted to the ~~c~~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 ~~c~~City 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 ~~c~~City 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 ~~p~~Plat of such proposed plat or subdivision of land by a registered engineer or registered public surveyor. Such ~~p~~Plat 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 p~~Plat shall have been prepared as hereinbefore provided, the applicant for approval of the same shall make application for ~~preliminary~~ approval of the said ~~p~~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 ~~preliminary p~~Plat shall be delivered to the C~~c~~ity S~~s~~ecretary, 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 ~~c~~City, in the amount of filing fees hereinafter provided for the filing of a ~~preliminary p~~Plat, shall be delivered to the ~~c~~City ~~s~~Secretary.

(3) Satisfactory evidence shall be furnished to the ~~c~~City, either on the face of the above-mentioned ~~preliminary p~~Plat or otherwise, that the ~~preliminary p~~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.

(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 ~~c~~City 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 ~~c~~City with a letter of transmittal in triplicate, from the applicant for approval of the proposed plat or subdivision of land to the ~~c~~City; 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)~~ § 9.1132~~0~~ 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 ~~p~~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 ~~c~~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~~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~~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 ~~P~~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)~~

§ 9.1172~~1~~ Replats

(A)~~(a)~~ Any person wishing to revise a subdivision ~~p~~Plat which has been previously filed for record must make application to the ~~c~~Commission and the ~~c~~City ~~c~~Council 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 ~~c~~City ~~s~~Secretary shall give notice of the application to be published in the official newspaper of the ~~c~~City at least fifteen (15) days prior to the meeting of the ~~c~~City ~~c~~Council at which the application shall be considered. Such notice must include a statement of the time and place at which the ~~c~~City ~~c~~Council will meet to consider the R~~r~~eplat 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~~r~~eplat 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 ~~c~~City ~~c~~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 ~~c~~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 (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 ~~building official~~ 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 ~~r~~Replat consideration by the ~~c~~Commission and City~~ity~~ ~~c~~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 ~~c~~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 ~~r~~Replat process. The ~~c~~City is not responsible for monitoring the required ~~r~~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 ~~c~~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 ~~r~~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 ~~c~~City ~~c~~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.

~~(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 and 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

(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 ~~c~~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 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.~~

~~§ 9.121 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

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, AMENDING CHAPTER 9, SUBDIVISIONS, BY DELETING ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE 9.100, SUBDIVISION REGULATIONS, IN ITS PLACE; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

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

Date: Tuesday, August 9, 2022
Time: 7:00 p.m.
Location: Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

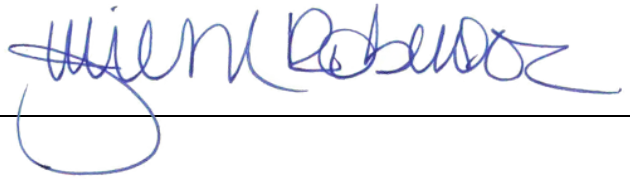
The **City Council** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Tuesday, August 23, 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.

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

MEETING DATE:	August 9, 2022
TOPIC:	**ORDINANCE NO. 2022-XX** **AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, BY DELETING ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS PLACE; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.**
BACKGROUND:	In the previous agenda item, the Planning and Zoning Commission held a public hearing concerning amendments to Chapter 9, Subdivisions, of the City's Code of Ordinances by deleting Article 9.100, Subdivision Regulations and adopting a new Article 9.100, Subdivision Regulations. If approved, this Ordinance would implement the proposed amendments to Chapter 9, Subdivisions, of the City's Code of Ordinances.
RECOMMENDATION:	Staff recommends approval of the Ordinance.
ATTACHMENTS:	• Ordinance No. 2022-XX

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

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, BY DELETING ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE 9.100, SUBDIVISION REGULATIONS IN ITS PLACE; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature adopted legislation providing that subdivision plats are required to be approved within a specific time frame; and

WHEREAS, other matters in the City's Subdivision Regulations need to be changed or updated; and

WHEREAS, the City Council hereby finds it to be in the best interest of the health, safety, and welfare of its citizens that the City's Subdivision Ordinance be amended to address the changes by the Texas Legislature contained herein; and

WHEREAS, the City's Planning and Zoning Commission has reviewed these proposed changes as required by law and recommends their approval.

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 to this Ordinance are hereby found to be true and correct.

Section 2. Article 9.100, Subdivision Regulations, of Chapter 9, Subdivisions, of the Code of Ordinances of the City of Spring Valley Village, Texas is hereby amended by deleting Article 9.100 in its entirety, and adopting a new Article 9.100, Subdivision Regulations, to read as follows:

"§ 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:

(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.

(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.

(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 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.

(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).

(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.

(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.

(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:

(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) 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

(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."

Section 3. Section 9.119, Delivery to Planning Commission or City Council, Section 9.120, Filing Fees, Section 9.121 Replats, Section 9.122 Exceptions to Plat Requirements, Section 9.123, Modification, Change, Enlargement and Repeal of Other Ordinances, and Section 9.124, Exceptions to Plat Requirements are all hereby deleted in their entirety.

Section 4. All provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a

court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein.

Section 7. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $2,000. Each day of violation shall constitute a separate offense.

Section 8. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY ORDAINED, PASSED AND APPROVED on 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