



EST. 1955

**SPRING VALLEY**

V I L L A G E

**Planning & Zoning  
Commission Meeting  
November 15, 2023  
7:00 p.m.**



## AGENDA

City of Spring Valley Village  
Planning & Zoning Commission Special Meeting  
Council Chambers at City Hall  
1025 Campbell Road, Spring Valley Village, Texas  
Wednesday, November 15, 2023, at 7:00 P.M.

The meeting agenda and agenda packet are posted online at [www.springvalleytx.com](http://www.springvalleytx.com).

The video link to this meeting is <https://us02web.zoom.us/j/88062796283>

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: 880 6279 6283 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. INTRODUCTION OF NEW REGULAR AND ALTERNATE PLANNING & ZONING COMMISSION MEMBERS**
- 3. APPROVAL OF MEETING MINUTES:** Special Meeting on May 16, 2023
- 4. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Application From Cameron & Susan Kreager For A Variance From The City's Subdivision Regulations, Specifically Section 9.104(A)(3), Standards for Residential Subdivisions, Minimum Lot Depth, Of The Code Of Ordinances For Tract 14B, West ½ Lot 14 Holm Subdivision, Harris County, Texas, Bearing The Address Of 1322 Fries Road.
- 5. CONDUCT A PUBLIC HEARING CONCERNING:** Ordinance No. 2023-XX: AN ORDINANCE AMENDING EXHIBIT "A" OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT "A" BEING THE CITY'S ZONING ORDINANCE BY AMENDING SECTION 05:01.01, ONE FAMILY DWELLING TO ADD REGULATIONS REGARDING LEASING; PROVIDING FOR SEVERABILITY;

PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

A. Presentation of Zoning Text Amendment

B. Those in Favor

C. Those Opposed

D. Adjourn Public Hearing

**6. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2023-XX: AN ORDINANCE AMENDING EXHIBIT “A” OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT “A” BEING THE CITY’S ZONING ORDINANCE BY AMENDING SECTION 05:01.01, ONE FAMILY DWELLING TO ADD REGULATIONS REGARDING LEASING; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

**7. CONDUCT A PUBLIC HEARING CONCERNING:** Ordinance No. 2023-XX: AN ORDINANCE AMENDING EXHIBIT “A” OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT “A” BEING THE CITY’S ZONING ORDINANCE BY DELETING APPENDIX ONE, BOARD OF ADJUSTMENTS, AND AMENDING SECTION 01:03.02, BOARD OF ADJUSTMENT, OF SECTION ONE, PURPOSE AND ADMINISTRATION, TO INCORPORATE THE PROVISIONS FROM APPENDIX ONE AND ADD NEW GROUNDS TO DETERMINE THE GRANTING OF VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

A. Presentation of Zoning Text Amendment

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D. Adjourn Public Hearing

**8. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2023-XX: AN ORDINANCE AMENDING EXHIBIT “A” OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT “A” BEING THE CITY’S ZONING

ORDINANCE BY DELETING APPENDIX ONE, BOARD OF ADJUSTMENTS, AND AMENDING SECTION 01:03.02, BOARD OF ADJUSTMENT, OF SECTION ONE, PURPOSE AND ADMINISTRATION, TO INCORPORATE THE PROVISIONS FROM APPENDIX ONE AND ADD NEW GROUNDS TO DETERMINE THE GRANTING OF VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

## 9. 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 9th day of November 2023 at 5:00 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](mailto:jtorres@springvalleytx.com) for further information.

# Minutes

Planning & Zoning Commission Meeting Minutes  
City of Spring Valley Village  
Tuesday, May 16, 2023

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

Planning & Zoning Members present at City Hall:

Trey Hoffman, Chair  
Anne-Marie McMichael  
John Lisenby  
Maryellen McGlothlin  
Louise Richman (arrived at 7:37 p.m.)  
Jim Autenreith  
Jerry Kent

A quorum was present.

City Officials present:

Zach Meadows, Acting City Administer / Director of Community Development  
Carianne Riley, Assistant  
Tommy Ramsey, City Attorney

- 2. Approval of meeting minutes for regular meeting December 6, 2022**

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

- 3. Conduct a public hearing concerning:** an Ordinance of the City of Spring Valley Village, Texas, amending Exhibit A of Chapter 12, Planning and Zoning, of the Code of Ordinances of the City, Exhibit A being the zoning ordinance of the City, by amending Ordinance 2018-28 providing for a Planned Area Development (“PAD”) of approximately 2.5511 acres of land at the northwest intersection of I-10 and Campbell Road within the Freeway Planned Area Development District by permitting the construction of an additional monument sign; providing for severability; providing a savings clause and an effective date and providing a penalty in an amount not to exceed \$2,000.00 per day with each day of violation of any provision hereof.
  - a. Presentation of PAD amendment
  - b. Those in favor
  - c. Those opposed
  - d. Adjourn public hearing

Mr. Hoffman opened the public hearing at 7:04 p.m. There were no speakers. Mr. Hoffman adjourned the public hearing at 7:07 p.m.

- 4. Consideration and possible action concerning:** an Ordinances of the City of Spring Valley Village, Texas, amending Exhibit A of Chapter 12, Planning and Zoning, of the Code of Ordinances of the

City, Exhibit A being the zoning ordinance of the City, by amending Ordinance 2018-28 providing for a Planned Area Development (“PAD”) of approximately 2.5511 acres of land at the northwest intersection of I-10 and Campbell Road within the Freeway Planned Area Development District by permitting the construction of an additional monument sign; providing for severability; providing a savings clause and an effective date and providing a penalty in an amount not to exceed \$2,000.00 per day with each day of violation of any provision hereof.

There are traffic concerns from patients trying to enter the Kelsey-Seybold property. Kelsey-Seybold considers that an additional sign showing the garage parking location near its entrance of the frontage road of I-10 will help to alleviate those concerns.

Mr. Kent is in favor of the sign.

Mr. Lisenby said the clinic has a Campbell Road address on Google and Waze so patients make a U-turn on Campbell to get to the garage. Proposes an illuminated sign and make it larger. He proposes to require an address change to 9100 Katy Freeway. Kelsey-Seybold employees must use the Katy Freeway address.

Ms. McGlothlin said to move the sign further east.

Ms. McMichael said to illuminate the sign, change the address and have two signs.

Mr. Autenreith asked what size and color the sign should be.

Mr. Hoffman said to make a list of the requirements.

#### List of Requirements

- Sign should be located in a position to exit the parking garage safely.
- Sign to be illuminated.
- Sign to be same size as current monument sign. Include Katy Freeway address. Work with 911 to get the correct address.
- If the address change does not update app then Kelsey-Seybold needs to get correct geo-point on Google and Waze.
- Kelsey-Seybold needs to update its website on parking / traffic changes and provide copies to the City.

Ms. McMichael made the motion to approve the ordinance with the list of requirements. Mr. Kent seconded the motion. The motion carried 7 to 0.

#### **5. Discussion and possible direction concerning:** amendments to Subsection 11.01, Fences, of Section 11, Supplemental District Regulations. of Chapter 12, Planning & Zoning, of Code of Ordinances of the City of Spring Valley Village

Mr. Meadows introduced this item. P&Z member Mr. Johnson is a key to this as a resident of Green Valley. The Joshua subdivision backs up to Green Valley and one of the residences has a backyard gate through which there is additional pedestrian traffic to their parked cars on Green Valley. Staff is looking for direction regarding potential changes to the fencing ordinances. There is no ordinance that prohibits the backyard gate. There could be safety issues if there is a pool. The gate does not have to be locked though there is required fencing around pools. Ms. McMichael has a back gate to Beutel. There have not been parties though balls do get in her yard. There are a lot of weeds on the Green Valley right of way. It is allowed to landscape on the City right of way. Mr. Meadows has tried to talk to this Joshua resident. Mr. Hoffman pointed out that there are a lot of cul-de-sacs in Spring Valley. Mr. Lisenby said there could be a fence agreement among “good neighbors.” Ms. Richman asked who would “police” this. Mr. Ramsey

said using a permit procedure would be okay. Mr. Lisenby brought up additional suggestions such a backyard fence with a side gate. Ms. McMichael said something is needed to protect the right of way. It is a public safety issue. If there are existing conditions, allow a 90 day right to cure or grandfather. Do not allow back gates to the right of way. Mr. Meadows will propose verbiage and bring that back to the Commission.

Mr. Lisenby asked for a moment before the adjournment. Mr. Lisenby is now on City Council, and this is his last Planning and Zoning meeting. David Dominy will still be the P&Z liaison. Mr. Hoffman and Ms. McMichael said that Mr. Lisenby served with excellence, and they will miss his expertise.

- 6. Adjournment:** Ms. McGlothlin made a motion to adjourn. Mr. Lisenby seconded the motion. The motion carried 7 to 0. The meeting was adjourned at 8:12 p.m.

Signed: \_\_\_\_\_  
W. K. (Trey) Hoffman, Chairman

Attest: \_\_\_\_\_  
Louise Richman, Secretary

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

**MEETING DATE:** November 14, 2023

**TOPIC:** **CONSIDERATION AND POSSIBLE ACTION CONCERNING:**  
Application From Cameron & Susan Kreager For A Variance From The City's Subdivision Regulations, Specifically Section 9.104(A)(3), Standards for Residential Subdivisions, Minimum Lot Depth, Of The Code Of Ordinances For Tract 14B, West ½ Lot 14 Holm Subdivision, Harris County, Texas, Bearing The Address Of 1322 Fries Road.

**BACKGROUND:** Cameron & Susan Kreager ("Property Owners") recently purchased the property at 1322 Fries Road ("Property") with the intention of re-platting the property into two separate lots. The Property is a total of 0.5004 acres (21,796 square feet), and the requested replat would create two lots with the following dimensions:

Tract 1 – Approximately 0.2533 acres / 11,032 square feet  
Tract 2 – Approximately 0.2471 acres / 10,764 square feet

Although the proposed lots meet the base requirement of a minimum of 10,000 square feet and each lot is a minimum of 70 feet wide at the street, the second lot (Tract 2) doesn't meet the requirement for Lot Depth found in Section 9.104 of the Subdivision Ordinance.

Section 9.104 (A)(3) provides as follows:

(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 back 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.

According to the Application submitted by Mr. and Mrs. Kreager ("Applicant") Tract 2 is under the requirements set forth in Section 9.104 (A)(3). The two tracts lots have the following lot depth measurements:

Tract 1 – Approximately one hundred forty (140) feet deep  
Tract 2 – Approximately seventy-eight and eight tenths (78.80) feet deep

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As such, the Applicant is requesting that the proposed Tract 2 be granted a variance to the Subdivision Ordinance related to the minimum lot depth requirements. The Property Owner's variance justification narrative is provided with the Subdivision Variance Application provided with this agenda item.

Additional Related Information

Staff has included a copy of the Thomas Court Subdivision which is the platted subdivision of the properties fronting Inverness Park Way. The property owners' on Inverness Park Way have been maintaining the strip of land adjacent to the subject property. Upon conducting research of the property, this land is shown to have been prescribed as part of the Right-of-Way of Inverness Park Way, however there was a one-foot (1") strip reserve that was platted within the same area.

This reserve as outlined in the associated Thomas Court Subdivision Plat is described as follows:

"One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets when such streets abut adjacent property, the condition of this dedication being that when the adjacent property (the subject property) or re-subdivided in a recorded subdivision plat, the one-foot reserve shall thereupon become vested in the public for street Right-of-Way purposes."

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*Section 9.118 of the Subdivision Ordinance states the following:*

(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.

**City of Spring Valley Village  
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(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.

**RECOMMENDATION:** None

**ATTACHMENTS:**

- Subdivision Variance Application and Supporting Documents (including narrative by applicant and exhibit showing new proposed lots)
- Section 9.104 – Standards of Residential Subdivisions of the Code of Ordinances
- Thomas Court Subdivision Plat
- Affidavits of Sign Posting and Maintenance for the Property

**SUBMITTING STAFF MEMBER:**

Zachary Meadows, Director of Community Development

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**SPRING VALLEY**  
VILLAGE

Community Development  
City of Spring Valley Village

**SUBDIVISION VARIANCE APPLICATION**

**PROPERTY INFORMATION**

Property Address: 1322 FRUITS RD

Legal Description: WEST 2766 FT. OF LOT 14 OF HOLM SUBDIVISION TRACTS 1 OF LOT 14

Zoning District:

Requested Variance and Description:  
REPLAT INTO 2 LOTS:  
1. 11,032 SF  
2. 10,764 SF

**OWNER INFORMATION**

Name: CAMERON & SUSAN KNEAGER Phone#: 281.413.5064

Address: 7019 LAUNCH RIDGE

City: HOUSTON State: TX Zip Code: 77050

**APPLICANT/AGENT INFORMATION**

Name: CAMERON KNEAGER Phone#: 281.413.5064

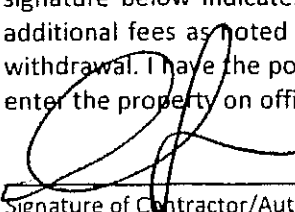
Address: 7019 LAUNCH RIDGE

City: HOUSTON State: TX Zip Code: 77050

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

**PROPERTY OWNER/AGENT AUTHORIZATION**

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

 CAMERON KNEAGER 10.9.23

Signature of Contractor/Authorized Agent Printed Name Application Date

**FOR OFFICE USE ONLY**

Subdivision Variance Number: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

P&Z Meeting Date: \_\_\_\_\_ P&Z Recommendation:  Approval  Denial

Council Meeting Date: \_\_\_\_\_ Council Decision:  Approved  Denied

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

10-10-2023

To the Board of Planning and Zoning

We are requesting your approval to proceed with replating the property at 1322 Fries, a 21,909 square foot lot, into 2 new properties. The original lot at 1322 Fries would now be replated to the size of 78.8 'x 140'. This new lot will meet all city ordinances with regard to lot size , depth, width and setbacks. Therefore, we are not seeking a variance for this lot.

The newly created lot, address to be determined at a later date, will meet city ordinances with regards to lot size, width and set backs but does not meet the depth requirement of 120'. The depth of this lot will be 78.8'. However, as you can see from the proposed survey it is a buildable lot meeting all other setbacks, lot square footage and width requirements and still have more than the required area for a new home.

Since the new lot will face Inverness Cir., there isn't an issue with access. If we were to try to comply with the depth requirement, the access would have to come from Fries and would require a dedicated easement from the existing 1322 lot to gain access. There isn't sufficient width to do this and still have a viable lot for the original site. Therefore, the only way to replat the site is with the new lot facing Inverness Cir.

Replating this site will in no way be detrimental to any of the existing neighbors from the rear or on Inverness and will benefit Spring Valley for a best use of this site. Currently the site has a large rear section that is not being used to its fullest economic benefit. Presently 1322 Fries is valued by HCAD at \$663,814.00. By sub dividing this lot, placing new construction homes on both lots, the new HCAD value should be in excess of \$3,000,000.00. Spring Valley would gain another valuable revenue source and another family. Inverness Ct. would gain another resident and the addition of this lot would fill out a void at the end of the cul de sac making for a more finished street scene.

In summary I think this replat is in the best interest both aesthetically and economically for the City of Spring Valley and the residents of Inverness Ct.

Cameron and Susan Kreager

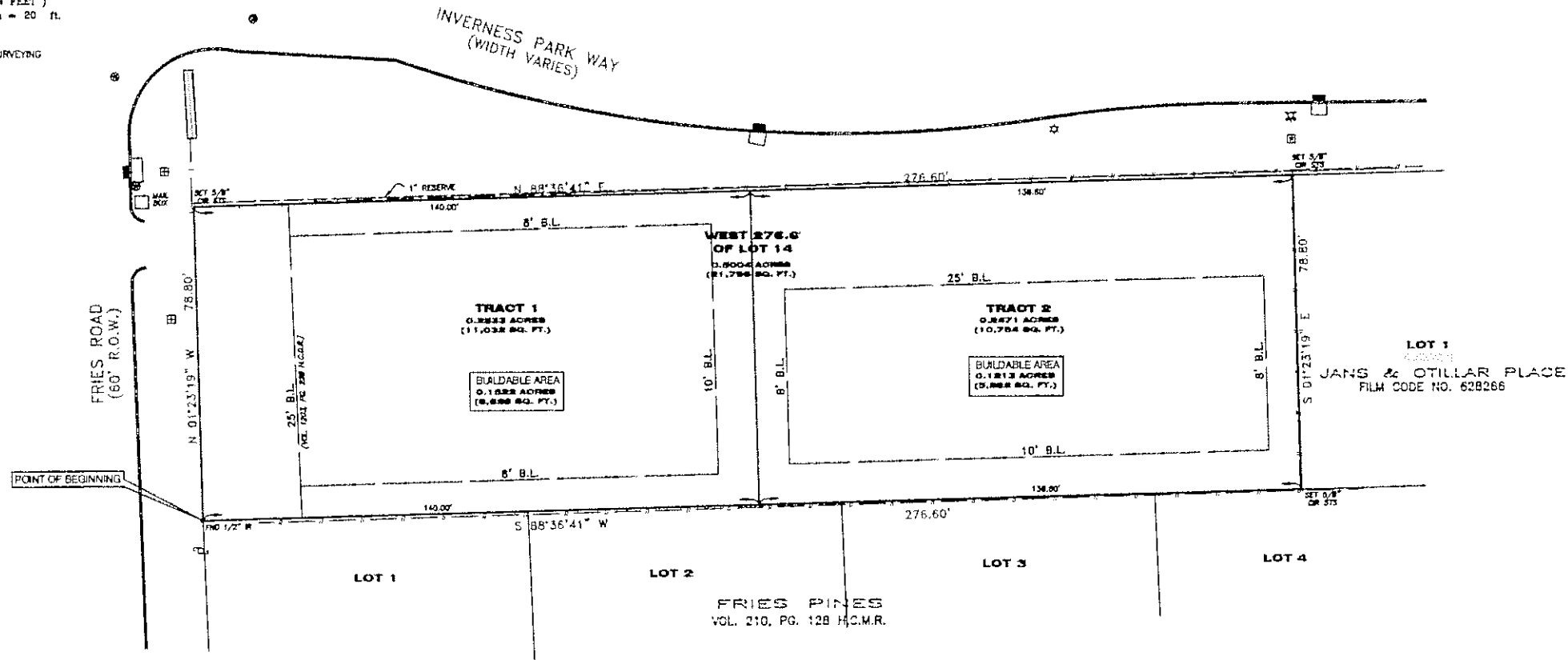
GRAPHIC SCALE



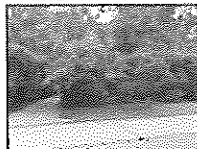
( IN FEET )  
1 inch = 20 ft.

LEGEND

- - CAPPED IRON ROD
- ⊠ - STAMPED SOUTH TEXAS SURVEYING
- - CHAIN LINK FENCE
- ▨ - COVERED CONCRETE
- - WOOD FENCE
- - WROUGHT IRON FENCE
- ⊕ - FIRE HYDRANT
- ⊕ - CURB INLET
- ⊕ - LIGHT POLE
- ⊕ - POWER POLE
- ⊕ - SANITARY MANHOLE
- ⊕ - WATER METER
- ⊕ - WATER VALVE



SITE PHOTOGRAPH



PROPERTY LIES WITHIN FLOOD ZONE \_\_\_\_\_ ACCORDING TO F.L.E.M. MAP NO. \_\_\_\_\_  
 48261C 2845L DATE 8-18-2007 BY GRAPHING PLOTTING ONLY, WE  
 DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.  
 BEFORE ANY DEVELOPMENT PLANNING, DESIGN, OR CONSTRUCTION IS STARTED, THE COMMUNITY, CITY AND COUNTY  
 IN WHICH SUBJECT TRACT EXISTS SHOULD BE CONTACTED, SAID ENTITIES MAY IMPOSE LARGER FLOOD PLAIN AND  
 FLOODWAY AREAS THAN SHOWN BY F.L.E.M. MAPS THAT WILL AFFECT DEVELOPMENT.

EXHIBIT DRAWING

TRACTS 1 AND 2 THE WEST 276.6 FEET OF LOT 14 KNOWN AS  
 1322 FRIES ROAD, HOLM SUBDIVISION AS RECORDED IN 14, PAGE 1  
 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS

ADDRESS: 1322 FRIES ROAD AT INVERNESS PARKWAY  
 CITY: HOUSTON, TEXAS 77065

JOB NO.: 1324-23A SCALE: 1" = 20' DATE: 9-12-23 SHEET 1 OF 1

**SOUTH TEXAS SURVEYING ASSOCIATES, INC.**  
 11281 Richmond Ave. Suite J-101 Houston, Texas 77062  
 (281) 556-8918 FAX (281) 556-9331  
 Firm Number: 10046400



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- (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.

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- (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

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**DIVIDER PAGE**

**AFFIDAVIT OF SIGN POSTING**

(Re)Zoning Case No. \_\_\_\_\_

Date of Planning and Zoning Commission Meeting: 11.15.2023

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

1322 FRIES RD,

Posting of said signs was accomplished on 10.16<sup>th</sup> 2023 as provided for in Section 01:04:03 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village. Said signs have been posted in a manner which provides an unobstructed view and which allows clear reading from the public right(s)-of-way along FRIES RD AND INVERNESS WAY

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

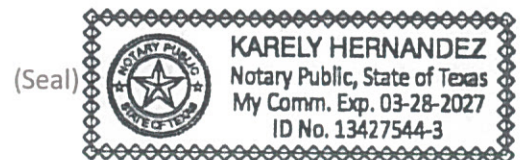
Executed this date: 10.17.2023

Printed Name of Applicant or Authorized Representative for Zoning Case No. CAMERON KUEGON

Signature of Applicant or Authorized Representative for Zoning Case No. \_\_\_\_\_

Sworn and subscribed before me on this date: 10/17/2023

Notary Public [Signature]



**PLEASE NOTE: Failure to post the notification sign(s) on the property by the close of business (4:30 pm) seven (7) days prior Planning and Zoning Commission public hearing shall result in the postponement of consideration by the Commission.**

**STAFF USE ONLY:**

Date/Time submitted: 10/17/2023 Verified by: Z. Meadows



**AFFIDAVIT OF SIGN MAINTENANCE**

(Re)Zoning Case No. \_\_\_\_\_

Date of Council Meeting: 11.15.23

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

\_\_\_\_\_  
1322 FRES RD

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

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

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

Executed this date: 10.17.23

Printed Name of Applicant or Authorized Representative for Zoning Case No. CAMERON KRAIGER

Signature of Applicant or Authorized Representative for Zoning Case No. \_\_\_\_\_

Sworn and subscribed before me on this date: 10/17/2023

Notary Public [Signature]



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

**FOR STAFF USE ONLY:**

Date/Time submitted: 10/17/2023 Verified by: Z. Meadows

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

**MEETING DATE:** November 14, 2023

**TOPIC:** **CONDUCT A PUBLIC HEARING CONCERNING:** Ordinance No. 2023-XX: AN ORDINANCE AMENDING EXHIBIT "A" OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT "A" BEING THE CITY'S ZONING ORDINANCE BY AMENDING SECTION 05:01.01, ONE FAMILY DWELLING TO ADD REGULATIONS REGARDING LEASING; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

**BACKGROUND:** Staff is looking to adopt changes to Section 05:01.01 of the Zoning Ordinance to add language as it relates to leasing.

Section 05:01.01 would read as follows:

"One Family Dwelling:

One Family Dwelling, whether owner occupied or leased or rented, provided that:

a. The lease or rental of a single-family dwelling for any term of less than 30 consecutive days is prohibited, except as provided below; and

b. The above prohibition shall not apply to a leaseback agreement between a seller and a purchaser or to the extension of an existing lease."

**RECOMMENDATION:** Not applicable

**ATTACHMENTS:** • Proposed Ordinance

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

**ORDINANCE NO. 2023-XX**

**AN ORDINANCE AMENDING EXHIBIT “A” OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT “A” BEING THE CITY’S ZONING ORDINANCE BY AMENDING SECTION 05:01.01, ONE FAMILY DWELLING TO ADD REGULATIONS REGARDING LEASING; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.**

\* \* \* \* \*

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

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

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

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City’s Zoning Ordinance as provided herein; now, therefore,

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

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

**Section 2.** Section 05:01.01, One Family Dwelling, of the City’s Zoning Ordinance is hereby amended by adding the language underscored below:

“05:01.01 – One Family Dwelling:

One Family Dwelling, whether owner occupied or leased or rented, provided that:

a. The lease or rental of a single-family dwelling for any term of less than 30 consecutive days is prohibited, except as provided below; and

b. The above prohibition shall not apply to a leaseback agreement between a seller and a purchaser or to the extension of an existing lease.”

**Section 3.** 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 4.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

**PASSED, APPROVED, AND ORDAINED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Marcus Vajdos, Mayor  
City of Spring Valley Village, Texas

ATTEST:

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

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

**MEETING DATE:** November 15, 2023

<b>TOPIC:</b>	<b>COSIDERATION AND POSSIBLE ACTION CONCERNING:</b> AN ORDINANCE AMENDING EXHIBIT "A" OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT "A" BEING THE CITY'S ZONING ORDINANCE BY AMENDING SECTION 05:01.01, ONE FAMILY DWELLING TO ADD REGULATIONS REGARDING LEASING; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
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<b>BACKGROUND:</b>	<p>In the previous agenda item, the Planning and Zoning Commission held a public hearing concerning amendments to Section 05:01.01, One Family Dwelling, Of Exhibit A, Zoning Regulations, Of Chapter 12, Planning And Zoning.</p> <p>If approved by City Council, this Ordinance would implement the proposed amendments to Section 05:01.01, One Family Dwelling, of the City's Code of Ordinances.</p>
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<b>RECOMMENDATION:</b>	Staff recommends approval of the Ordinance
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<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Ordinance No. 2023-XX</li></ul>
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<b>SUBMITTING STAFF MEMBER:</b>	Zachary Meadows, Director of Community Development
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**ORDINANCE NO. 2023-XX**

**AN ORDINANCE AMENDING EXHIBIT “A” OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT “A” BEING THE CITY’S ZONING ORDINANCE BY AMENDING SECTION 05:01.01, ONE FAMILY DWELLING TO ADD REGULATIONS REGARDING LEASING; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.**

\* \* \* \* \*

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

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

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

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City’s Zoning Ordinance as provided herein; now, therefore,

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

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

**Section 2.** Section 05:01.01, One Family Dwelling, of the City’s Zoning Ordinance is hereby amended by adding the language underscored below:

“05:01.01 – One Family Dwelling:

One Family Dwelling, whether owner occupied or leased or rented, provided that:

a. The lease or rental of a single-family dwelling for any term of less than 30 consecutive days is prohibited, except as provided below; and

b. The above prohibition shall not apply to a leaseback agreement between a seller and a purchaser or to the extension of an existing lease.”

**Section 3.** 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 4.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

**PASSED, APPROVED, AND ORDAINED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Marcus Vajdos, Mayor  
City of Spring Valley Village, Texas

ATTEST:

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

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

**MEETING DATE:** November 15, 2023

**TOPIC:** **CONDUCT A PUBLIC HEARING CONCERNING:** AN ORDINANCE AMENDING EXHIBIT "A" OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT "A" BEING THE CITY'S ZONING ORDINANCE BY DELETING APPENDIX ONE, BOARD OF ADJUSTMENTS, AND AMENDING SECTION 01:03.02, BOARD OF ADJUSTMENT, OF SECTION ONE, PURPOSE AND ADMINISTRATION, TO INCORPORATE THE PROVISIONS FROM APPENDIX ONE AND ADD NEW GROUNDS TO DETERMINE THE GRANTING OF VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

**BACKGROUND:** Staff is looking to cleanup sections of the Zoning Ordinance related to Board of Adjustments. Currently in the Zoning Ordinance there is two separate sections (Appendix One & Section 01:03.02) outlining requirements or regulations as it relates to the Board of Adjustments. The proposed language cleanup would combine these two sections.

In addition to the combining of the two independent sections, additional language needs to be added to Section 01:03.02.04, Variances, to mirror changes made to the statute in regards to Board of Adjustments. This can be found on Page 4 of the Clean Copy Ordinance, attached for reference.

**RECOMMENDATION:** Not applicable

**ATTACHMENTS:**

- Redlined Copy of Proposed Language – Zoning Board of Adjustments
- Clean Copy of Proposed Language – Zoning Board of Adjustments

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

## CHAPTER 12 – PLANNING & ZONING

### SECTION ONE – PURPOSE AND ADMINISTRATION

#### SUBSECTION 01:03.02 – BOARD OF ADJUSTMENTS

##### § 01:03.02 Board of Adjustment.

The Board of Adjustment shall have the authority to grant variances, special exceptions, and hear and decide appeals from any decisions, determination or interpretation by the Office of the Building Official with respect to the provisions of this Comprehensive Zoning Ordinance. The Board shall also have the powers granted by and shall be controlled by the provisions of Chapter 211, Texas Local Government Code. The Board of Adjustment shall adopt rules or procedures in accordance with the provisions of the Revised Civil Statutes of the State of Texas. ~~The particular provisions governing appointment and membership on the Board of Adjustment, operating procedures, and elaboration of its express powers are set forth in Appendix One of this Ordinance and incorporated herein for all purposes.~~

##### § 01:03.02.01 Establishment of the Board.

~~The Mayor shall appoint, subject to approval by the City Council, a Board of Adjustment. Such Board of Adjustment shall consist of five (5) members, each to be appointed for a term of two (2) years. Three (3) members of the Board shall serve terms beginning on odd-numbered years, and two (2) members shall serve terms beginning on even-numbered years. Members may be removed for cause by the appointing authorities upon written charges and after a public hearing. Any vacancy in the office shall be filled for the unexpired term of the member whose term vacant by appointment by the Mayor subject to approval by the City Council.~~

~~The Mayor shall also appoint, subject to approval by the City Council, four (4) alternate members of the Board of Adjustment who shall serve for the same period as the regular members, and shall be subject to removal as the regular members. Two (2) alternate members of the Board shall serve terms beginning on odd-numbered years, and two (2) alternate members of the Board shall serve terms beginning on even-numbered years. Any vacancies in the office of alternate members shall be filled for the unexpired term of the member whose term becomes vacant by appointment by the Mayor subject to approval by the City Council. The alternate members shall serve in the absence of one or more regular members when requested to do so by the Mayor and/or Chairman of the Board of Adjustment.~~

##### § 01:03.02.02 Procedures of the Board.

~~The Board of Adjustment shall elect a chairman and ~~vice-chairman and secretary~~ from its membership and shall have the power to employ such qualified persons as may be necessary for the proper conduct and undertakings of the Board and to pay for their services and such other necessary expenses, provided that the cost of such expenses and services shall not exceed any amount appropriated by the City Council for the use of the Board. The following rules shall govern the procedures of the Board of Adjustment in addition to those requirements set forth in Articles 1011a through 1011j, Revised Civil Statutes of Texas.~~

- ~~(1) Meetings of the Board of Adjustment shall be held at the call of its chair-man, and at such other times as the Board of Adjustment may determine;~~

**Commented [ZM1]:** I have combined Appendix One – The Board of Adjustments with Section 01:03.02 – The Board of Adjustments to make the following changes. I believe under variance we need to add a section regarding the items that a variance can be granted upon. (i.e. adding the new language)

- (2) The chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses;
- (3) All cases to be heard by the Board shall always be heard by a minimum number of five (5) regular or alternate members;
- (4) All meetings of the Board of Adjustment shall be open to the public;
- (5) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be of public record;
- (6) The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative officer, or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under this Ordinance, or to effect any variation from the terms of this Ordinance;
- (7) All meetings shall be attended by the City Attorney (or representative thereof) unless previously excused by and at the sole discretion of the Mayor.

#### **§ 01:03.02.03 Special Exceptions.**

Authority. The Board of Adjustment shall have the authority to grant special exceptions, in accordance with the provisions of this Ordinance and the procedures and standards hereinafter set forth in the following instances:

- (1) To permit the location in any zoning district of a state or municipal building, public utility building or athletic field;
- (2) To permit the reconstruction of a building occupied by a non-conforming use, or permit the extension of a non-conforming use of a building upon the lot or tract of land occupied by such building for such use at the Effective Date of this Ordinance;
- (3) To grant in undeveloped sections of the municipality temporary and conditional permits for not more than a two (2) year period for any such building or use;
- (4) To permit in any zoning district such Special Exception as shall be deemed necessary to secure appropriate development of a Lot, where adjacent to such Lot on two (2) or more sides there are buildings or uses which do not conform to the provisions of this Ordinance;
- (5) To permit in any zoning district the use or partial use of a Lot immediately adjacent and contiguous to a non-conforming use and under fee simple ownership of the owner of said non-conforming use, as recorded in the real property records of the County Clerk of Harris County, Texas, on or before the effective date of this Ordinance, when following accessory uses in support of the non-conforming use:
  - (a) parking;
  - (b) access;
  - (c) landscaping;

(d) buffering

when such use would not permit a substantial extension of the non-conforming use, such as construction of a building or other structure, and when such use is found necessary to alleviate existing undesirable conditions, such as traffic congestion, noise, visual congestion, or other similar conditions caused by the non-conforming use which adversely impact other property owners or the City generally. This paragraph (01:03.02.03(5)) shall not apply nor shall uses permitted herein be permitted, for a Lot that does not share a common property line with the non-conforming use or for a Lot separated from the non-conforming use by a public or private street. No more than one Lot for each non-conforming use shall be subject to the grant of special exceptions under this provision.

(6) Where other provisions of this Comprehensive Zoning Ordinance "B" specifically provide for the grant of a special exception prior to the use of property for a particular purpose or the construction of particular structure.

—Initiation. The owner

The owner or other persons having a contractual interest in the property which is the subject of the proposed Special Exception may initiate a request for a Special Exception under the provisions of this Section ~~Division A1-01-03.~~

Application. An application for a Special Exception shall be filed with the Board of Adjustment and shall be accompanied by a fee in the amount as set out in the Fee Schedule, established by City Council, payable to the City of Spring Valley Village, Texas, in United States currency to defray, notification, costs and other administrative expenses including the handling of any application or appeal.

Such payment made to the City Secretary shall be paid to the general fund of the City of Spring Valley Village, Texas. Any person making an application for a Special Exception shall be entitled to have the fee returned if written notice of the withdrawal of the application is given to the City Secretary prior to the provision of notice in accordance with the City's zoning ordinance.

Action of the board. The Board shall give public notice of the requested Special Exception and hold a public hearing on a Special Exception as soon as practicable, but not later than ninety (90) days after a complete application for a Special Exception is filed, pursuant to the procedures of the Board. Upon the hearing, any party may appear in person or by agent or by attorney.

The Chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. Minutes of its proceedings, showing the vote of each member on each questions or, if absent or failing to vote, indicating such facts, shall be kept and filed in the Office of the City Secretary and shall be the public record. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to decide in favor of the applicants.

Standards for Issuance. The Board of Adjustment shall consider as a minimum the following issues before granting any special exception:

==

(1) ~~.01~~—That the public convenience and necessity will be substantially served.

==

(2) .02 — That the appropriate use of neighboring property will not be unreasonably and permanently impaired.

==

(3) .03 — That other property owners or residents will not experience unreasonable hardship.

==

(4) .04 — That granting the special exception will be consistent with the general intent of this Comprehensive Zoning Ordinance.

==

(5) .05 — That granting the special exception is consistent with the betterment of the health, safety, and welfare of the citizens of the City of Spring Valley, Texas. **cases, the applicant seeking a special exception shall bear the burden of proof in satisfying these issues.**

Conditions Attached to Special Exceptions. The Board may attach conditions to the grant of a Special Exception, including provisions for landscaping, lighting, hours of operation, parking or other reasonable conditions, which will minimize the impact of the exception on the surrounding neighborhood. The Board may also make provision as to the duration of a Special Exception.

#### **§ 01:03.02.04 Variances.**

Authority. The Board of Adjustment shall have authority to grant Variances from the requirements of this Comprehensive Zoning Ordinance in accordance with the procedures of this Section.

Purpose. Variances from the terms of this Ordinance as will not be contrary to the public interest will be authorized where, owing to unique or extraordinary condition, a literal enforcement of the provisions of this Comprehensive Zoning Ordinance will result in unnecessary hardship to a property owner or one having a contractual interest in property and so that the spirit of the Ordinance shall be observed and substantial justice done.

Initiation. An owner or person having a contractual interest in the property to be affected by the Variance may seek a Variance under the provisions of this Section.

Standards. The Board of Adjustment will grant Variances from the provisions of this Comprehensive Zoning Ordinance where such modifications of the height, yard, area width, lot depth, screening wall, coverage and parking regulations are necessary to secure an appropriate development of a parcel of land which differs from other parcels within the district by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.

In exercising its authority, the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

(1) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;

(2) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;

(3) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

(4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(5) The municipality considers the structure to be a nonconforming structure.

*Application.* An application for a Variance shall be filed with the Board of Adjustment and shall be accompanied by an application fee established by City Council as set out in the Fee Schedule to defray, notification, costs and other administrative expenses incurred in the handling of the application. Such payment made to the City Secretary shall be paid into the general fund of the City of Spring Valley Village, Texas. Such fee shall be refunded to the applicant if the applicant gives written notice of withdrawal of application to the City Secretary prior to the provision of notice in accordance with the City's zoning ordinance.

*Action of the Board.* The Board shall give public notice of the requested Variance and hold a public hearing on the Variance. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to decide in favor of the applicant for Variance. Upon the hearing, any party may appear in person or by agent or by attorney.

#### **§ 01:03.02.05 Appeals.**

*Authority.* The Board of Adjustment shall have the authority to hear and decide appeals from any decision, determination or interpretation by any administrative official with respect to the provisions of this Comprehensive Zoning Ordinance, subject to the standards and procedures hereinafter set forth.

*Initiation.* An appeal may be initiated by any person aggrieved by, or any officer, department or board of the municipality affected by, any orders, decision, determination or interpretation made with respect to provisions of this Ordinance by any administrative official.

*Procedure.* Appeals shall be taken from the decisions of administrative officials within a reasonable time, not to exceed ninety (90) days, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a written notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which an action appealed from was taken.

*Application.* An Application for an appeal from any order, requirement, decision or determination made by any administrative official of the City of Spring Valley in enforcement of this Comprehensive Zoning Ordinance shall be accompanied by a fee as set out in the Fee Schedule to defray publication, costs and other administrative expenses incurred in the handling of the appeal. The payment made to the City Secretary shall be paid into the general fund of the City of Spring Valley, Texas. An applicant for an appeal may be entitled to a refund of the fee if written notice of withdrawal of the application is given the City Secretary prior to the authorization of any publication of any notice pertaining to the hearing of the appeal in the official newspaper used by the City of Spring Valley.

*Action of the Board.* The Board of Adjustment shall fix a reasonable time, not to exceed ninety (90) days, from the date of the application, within which to set the public hearing of the appeal, give public notice thereof, as well as give notice to the Parties in interest, make its determination within a reasonable time thereafter. Upon the hearing, any party may appear in person or by agent or by attorney.

#### **§ 01:03.02.06 Notice Requirements. ~~(Ordinance 128)~~**

~~01~~—In exercising its powers, the Board of Adjustment shall give public notice of the hearing on the applications for special exceptions, variances or ~~appeals~~special exceptions. Public notice of hearings held before the Board of Adjustments, unless otherwise required by law, shall be provided as follows:

~~01.01~~ Mailing. Not less than fifteen (15) calendar days prior to the date of the public hearing, the Board of Adjustment shall mail written notice of the public hearing to each owner, as indicated by the most recent approved municipal tax roll, of real property lying within two hundred feet (200') of any point of the lot or tract of land or portion thereof, upon which a variance or special exception to the provisions of this Ordinance is sought, and to all other owners or persons as shall be determined by the Board of Adjustment. The mailed notice shall be given by U.S. mail, and shall be in letter form stating: (1) the time and place of the hearing; (2) a general description of the proposal; and (3) the legal description and general street location of the property subject to the public hearing; and (4) a statement explaining that the public may be heard at the public hearing. This provision for notice by mailing shall be deemed to have been substantially complied with when such written notice shall have been placed by the Board of Adjustment in the United States mail. Failure to receive mailed notice shall not invalidate any action taken on the application.

~~01.02~~ Posting of signs. Notice of required public hearings on applications for a variance or special exception (zoning change) 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 zoning change signage and for maintaining the required signage throughout the zoning change process.

Sign design for non-residential property. The following standards shall apply to non-residential property:

—• Signs shall be four feet (4') feet by four feet (4').

(1) •

—Signs shall be constructed in accordance with the City's design standards and verbiage for zoning signs which shall be provided to the applicant.

(2) •

—Two (2) sided ten millimeter (10 mm) Coroplast sign or other material of equivalent strength and durability.

(3) •

—Lettering on both sides of the sign.

(4) •

—Metal or wood posts shall be used.

(5) •

—Must include the City of Spring Valley Village official logo with a minimum size of one foot (1').

(6) •

(7) Capital letters on the sign shall be no smaller than three (3) inches tall using the bold Arial font style.

Sign design for residential property. Signs for residential properties shall be obtained from the City Secretary's Office.

Sign Placement

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

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

(a)

— 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.

(b)

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

(c)

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

(d)

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

Proof of Posting

(1) — On non-residential property, 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. On residential property, the applicant shall erect the sign(s) on the property that is the subject of the application a minimum of seven (7) 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 zoning change consideration by the Board. 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.

(2)

— 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.

(3)

(4) The provisions of this section shall not apply to any application initiated by the Board or the City Council.

Sign Maintenance

— The applicant shall be responsible for maintaining all signs on the subject property throughout the ~~zoning change whole~~ process. The City of Spring Valley Village is not responsible for monitoring the required ~~zoning change~~ signs. Should the City of Spring Valley Village discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the City of Spring Valley Village 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 ~~zoning change~~ consideration so long as the applicant attempted to replace damages or missing signs upon notification.

Removal of Signs

(1) — 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 Board.

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

— ~~(Ordinance 2007-10 adopted 4-24-2007; Ordinance 2019-15 adopted 6-25-19)~~

— ~~APPENDIX ONE: THE BOARD OF ADJUSTMENT~~

— ~~A1:A Board Members:~~

— ~~The Mayor shall appoint, subject to approval by the City Council, a Board of Adjustment. Such Board of Adjustment shall consist of five (5) members, each to be appointed for a term of two (2) years. Three (3) members of the Board shall serve terms beginning on odd numbered years, and two (2) members shall serve terms beginning on even numbered years. Members may be removed for cause by the appointing authorities upon written charges and after a public hearing. Any vacancy in the office shall be filled for the unexpired term of the member whose term vacant by appointment by the Mayor subject to approval by the City Council. (Ordinance 2017-14 adopted 7-18-17)~~

— ~~A1:B Alternates:~~

— ~~The Mayor shall also appoint, subject to approval by the City Council, four (4) alternate members of the Board of Adjustment who shall serve for the same period as the regular members, and shall be subject to removal as the regular members. Two (2) alternate members of the Board shall serve terms beginning on odd numbered years, and two (2) alternate members of the Board shall serve terms beginning on even numbered years. Any vacancies in the office of alternate members shall be filled for the unexpired term of the member whose term becomes vacant by appointment by the Mayor subject to approval by the City Council. The alternate members shall serve in the absence of one or more regular members when requested to do so by the Mayor and/or Chairman of the Board of Adjustment. (Ordinance 2017-14 adopted 7-18-17)~~

— ~~A1:C Procedures: The Board of Adjustment shall elect a chairman, vice chairman and secretary from its membership and shall have the power to employ such qualified persons as may be necessary for the proper conduct and undertakings of the Board and to pay for their services and such other necessary expenses, provided that the cost of such expenses and services shall not exceed any amount appropriated~~

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~~by the City Council for the use of the Board. The following rules shall govern the procedures of the Board of Adjustment in addition to those requirements set forth in Articles 1011a through 1011j, Revised Civil Statutes of Texas.~~

~~A1:C.01~~

~~Meetings of the Board of Adjustment shall be held at the call of its chair man, and at such other times as the Board of Adjustment may determine;~~

~~A1:C.02~~

~~The chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses;~~

~~A1:C.03~~

~~All cases to be heard by the Board shall always be heard by a minimum number of five (5) regular or alternate members;~~

~~A1:C.04~~

~~All meetings of the Board of Adjustment shall be open to the public;~~

~~A1:C.05~~

~~The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be of public record;~~

~~A1:C.06~~

~~The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative officer, or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under this Ordinance, or to effect any variation from the terms of this Ordinance;~~

~~A1:C.07~~

~~All meetings shall be attended by the City Attorney (or representative thereof) unless previously excused by and at the sole discretion of the Mayor.~~

~~A1:01 DIVISION ONE SPECIAL EXCEPTIONS~~

~~A1:01.01 Authority:~~

~~The Board of Adjustment shall have the authority to grant special exceptions, in accordance with the provisions of this Ordinance and the procedures and standards hereinafter set forth in the following instances:~~

~~.01 To permit the location in any zoning district of a state or municipal building, public utility building or athletic field;~~

~~.02 To permit the reconstruction of a building occupied by a non conforming use, or permit the extension of a non conforming use of a building upon the lot or tract of land occupied by such building for such use at the Effective Date of this Ordinance;~~

~~.03 To grant in undeveloped sections of the municipality temporary and conditional permits for not more than a two (2) year period for any such building or use;~~

- ~~—.04 — To permit in any zoning district such Special Exception as shall be deemed necessary to secure appropriate development of a Lot, where adjacent to such Lot on two (2) or more sides there are buildings or uses which do not conform to the provisions of this Ordinance;~~
- ~~—.05 — To permit in any zoning district the use or partial use of a Lot immediately adjacent and contiguous to a non-conforming use and under fee simple ownership of the owner of said non-conforming use, as recorded in the real property records of the County Clerk of Harris County, Texas, on or before the effective date of this Ordinance, when following accessory uses in support of the non-conforming use:~~
  - ~~—.05.01 parking;~~
  - ~~—.05.02 access;~~
  - ~~—.05.03 landscaping;~~
  - ~~—.05.04 buffering;~~
- ~~— when such use would not permit a substantial extension of the non-conforming use, such as construction of a building or other structure, and when such use is found necessary to alleviate existing undesirable conditions, such as traffic congestion, noise, visual congestion, or other similar conditions caused by the non-conforming use which adversely impact other property owners or the City generally. This paragraph A1:.01.01-.05 shall not apply nor shall uses permitted herein be permitted, for a Lot that does not share a common property line with the non-conforming use or for a Lot separated from the non-conforming use by a public or private street. No more than one Lot for each non-conforming use shall be subject to the grant of special exceptions under this provision. (Ordinance 128)~~
- ~~—.06 — Where other provisions of this Comprehensive Zoning Ordinance "B" specifically provide for the grant of a special exception prior to the use of property for a particular purpose or the construction of particular structure. (Ordinance 128)~~
- ~~— A1:01.02 Initiation:~~
  - ~~— The owner or other persons having a contractual interest in the property which is the subject of the proposed Special Exception may initiate a request for a Special Exception under the provisions of this Division A1:01.02.~~
  - ~~— A1:01.03 Application:~~
    - ~~— An application for a Special Exception shall be filed with the Board of Adjustment and shall be accompanied by a fee in the amount as set out in the Fee Schedule, established by City Council, payable to the City of Spring Valley Village, Texas, in United States currency to defray, notification, costs and other administrative expenses including the handling of any application or appeal.~~
    - ~~— Such payment made to the City Secretary shall be paid to the general fund of the City of Spring Valley Village, Texas. Any person making an application for a Special Exception shall be entitled to have the fee returned if written notice of the withdrawal of the application is given the City Secretary prior to the provision of notice in accordance with the City's zoning ordinance.~~
  - ~~— (Ordinance 2008-04 adopted 3-25-08)~~
  - ~~— A1:01.04 Action of Board:~~
    - ~~— The Board shall give public notice of the requested Special Exception and hold a public hearing on a Special Exception as soon as practicable, but not later than ninety (90) days after a complete application for a Special Exception is filed, pursuant to the procedures of the Board. Upon the hearing, any party may appear in person or by agent or by attorney.~~
    - ~~— The Chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. Minutes of~~

~~its proceedings, showing the vote of each member on each questions or, if absent or failing to vote, indicating such facts, shall be kept and filed in the Office of the City Secretary and shall be the public record. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to decide in favor of the applicants.~~

~~A1:01.05 Standards for Issuance:~~

~~The Board of Adjustment shall consider as a minimum the following issues before granting any special exception:~~

~~.01 That the public convenience and necessity will be substantially served.~~

~~.02 That the appropriate use of neighboring property will not be unreasonably and permanently impaired.~~

~~.03 That other property owners or residents will not experience unreasonable hardship.~~

~~.04 That granting the special exception will be consistent with the general intent of this Comprehensive Zoning Ordinance.~~

~~.05 That granting the special exception is consistent with the betterment of the health, safety, and welfare of the citizens of the City of Spring Valley, Texas; cases, the applicant seeking a special exception shall bear the burden of proof in satisfying these issues. (Ordinance 129)~~

~~A1:01.06 Conditions Attached to Special Exceptions:~~

~~The Board may attach conditions to the grant of a Special Exception, including provisions for landscaping, lighting, hours of operation, parking or other reasonable conditions which will minimize the impact of the exception on the surrounding neighborhood. The Board may also make provision as to the duration of a Special Exception. (Ordinance 129)~~

~~A1:02 DIVISION TWO VARIANCES~~

~~A1:02.01 Authority:~~

~~The Board of Adjustment shall have authority to grant Variances from the requirements of this Comprehensive Zoning Ordinance in accordance with the procedures of this Section.~~

~~A1:02.02 Purpose:~~

~~Variances from the terms of this Ordinance as will not be contrary to the public interest will be authorized where, owing to unique or extraordinary condition, a literal enforcement of the provisions of this Comprehensive Zoning Ordinance will result in unnecessary hardship to a property owner or one having a contractual interest in property and so that the spirit of the Ordinance shall be observed and substantial justice done.~~

~~A1:02.03 Initiation:~~

~~An owner or person having a contractual interest in the property to be affected by the Variance may seek a Variance under the provisions of this Division.~~

~~A1:02.04 Standards:~~

~~The Board of Adjustment will grant Variances from the provisions of this Comprehensive Zoning Ordinance where such modifications of the height, yard, area width, lot depth, screening wall, coverage and parking regulations are necessary to secure an appropriate development of a parcel of land which differs from other parcels within the district by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.~~

~~A1:02.05 Application:~~

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~~— An application for a Variance shall be filed with the Board of Adjustment and shall be accompanied by an application fee established by City Council as set out in the Fee Schedule to defray, notification, costs and other administrative expenses incurred in the handling of the application. Such payment made to the City Secretary shall be paid into the general fund of the City of Spring Valley Village, Texas.~~

~~— Such fee shall be refunded to the applicant if the applicant gives written notice of withdrawal of application to the City Secretary prior to the provision of notice in accordance with the City's zoning ordinance.~~

~~— (Ordinance 2008-04 adopted 3-25-08)~~

~~— A1:02.06 Action of the Board:~~

~~— The Board shall give public notice of the requested Variance and hold a public hearing on the Variance. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to decide in favor of the applicant for Variance. Upon the hearing any party may appear in person or by agent or by attorney.~~

~~— A1:03 DIVISION THREE APPEALS~~

~~— A1:03.01 Authority:~~

~~— The Board of Adjustment shall have the authority to hear and decide appeals from any decision, determination or interpretation by any administrative official with respect to the provisions of this Comprehensive Zoning Ordinance, subject to the standards and procedures hereinafter set forth.~~

~~— A1:03.02 Initiation:~~

~~— An appeal may be initiated by any person aggrieved by, or any officer, department or board of the municipality affected by, any orders, decision, determination or interpretation made with respect to provisions of this Ordinance by any administrative official.~~

~~— A1:03.03 Procedures:~~

~~— Appeals shall be taken from the decisions of administrative officials within a reasonable time, not to exceed ninety (90) days, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a written notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which an action appealed from was taken.~~

~~— Application for an appeal from any order, requirement, decision or determination made by any administrative official of the City of Spring Valley in enforcement of this Comprehensive Zoning Ordinance shall be accompanied by a fee as set out in the Fee Schedule to defray publication, costs and other administrative expenses incurred in the handling of the appeal. The payment made to the City Secretary shall be paid into the general fund of the City of Spring Valley, Texas. An applicant for an appeal may be entitled to a refund of the fee if written notice of withdrawal of the application is given the City Secretary prior to the authorization of any publication of any notice pertaining to the hearing of the appeal in the official newspaper used by the City of Spring Valley.~~

~~— A1:03.04 Action of the Board:~~

~~— The Board of Adjustment shall fix a reasonable time, not to exceed ninety (90) days, from the date of the application, within which to set the public hearing of the appeal, give public notice thereof, as well as give notice to the Parties in interest, make its determination within a reasonable time thereafter. Upon the hearing, any party may appear in person or by agent or by attorney.~~

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**DIVIDER PAGE**

## **CHAPTER 12 – PLANNING & ZONING**

### **SECTION ONE – PURPOSE AND ADMINISTRATION**

#### **SUBSECTION 01:03.02 – BOARD OF ADJUSTMENTS**

##### **§ 01:03.02 Board of Adjustment.**

The Board of Adjustment shall have the authority to grant variances, special exceptions, and hear and decide appeals from any decisions, determination or interpretation by the Office of the Building Official with respect to the provisions of this Comprehensive Zoning Ordinance. The Board shall also have the powers granted by and shall be controlled by the provisions of Chapter 211, Texas Local Government Code. The Board of Adjustment shall adopt rules or procedures in accordance with the provisions of the Revised Civil Statutes of the State of Texas.

##### **§ 01:03.02.01 Establishment of the Board.**

The Mayor shall appoint, subject to approval by the City Council, a Board of Adjustment. Such Board of Adjustment shall consist of five (5) members, each to be appointed for a term of two (2) years. Three (3) members of the Board shall serve terms beginning on odd-numbered years, and two (2) members shall serve terms beginning on even-numbered years. Members may be removed for cause by the appointing authorities upon written charges and after a public hearing. Any vacancy in the office shall be filled for the unexpired term of the member whose term vacant by appointment by the Mayor subject to approval by the City Council.

The Mayor shall also appoint, subject to approval by the City Council, four (4) alternate members of the Board of Adjustment who shall serve for the same period as the regular members, and shall be subject to removal as the regular members. Two (2) alternate members of the Board shall serve terms beginning on odd-numbered years, and two (2) alternate members of the Board shall serve terms beginning on even-numbered years. Any vacancies in the office of alternate members shall be filled for the unexpired term of the member whose term becomes vacant by appointment by the Mayor subject to approval by the City Council. The alternate members shall serve in the absence of one or more regular members when requested to do so by the Mayor and/or Chairman of the Board of Adjustment.

##### **§ 01:03.02.02 Procedures of the Board.**

The Board of Adjustment shall elect a chairman and vice-chairman from its membership and shall have the power to employ such qualified persons as may be necessary for the proper conduct and undertakings of the Board and to pay for their services and such other necessary expenses, provided that the cost of such expenses and services shall not exceed any amount appropriated by the City Council for the use of the Board. The following rules shall govern the procedures of the Board of Adjustment in addition to those requirements set forth in Articles 1011a through 1011j. Revised Civil Statues of Texas.

- (1) Meetings of the Board of Adjustment shall be held at the call of its chair-man, and at such other times as the Board of Adjustment may determine;
- (2) The chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses;

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- (3) All cases to be heard by the Board shall always be heard by a minimum number of five (5) regular or alternate members;
  - (4) All meetings of the Board of Adjustment shall be open to the public;
  - (5) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be of public record;
  - (6) The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative officer, or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under this Ordinance, or to effect any variation from the terms of this Ordinance;
  - (7) All meetings shall be attended by the City Attorney (or representative thereof) unless previously excused by and at the sole discretion of the Mayor.

**§ 01:03.02.03 Special Exceptions.**

*Authority.* The Board of Adjustment shall have the authority to grant special exceptions, in accordance with the provisions of this Ordinance and the procedures and standards hereinafter set forth in the following instances:

- (1) To permit the location in any zoning district of a state or municipal building, public utility building or athletic field;
- (2) To permit the reconstruction of a building occupied by a non-conforming use, or permit the extension of a non-conforming use of a building upon the lot or tract of land occupied by such building for such use at the Effective Date of this Ordinance;
- (3) To grant in undeveloped sections of the municipality temporary and conditional permits for not more than a two (2) year period for any such building or use;
- (4) To permit in any zoning district such Special Exception as shall be deemed necessary to secure appropriate development of a Lot, where adjacent to such Lot on two (2) or more sides there are buildings or uses which do not conform to the provisions of this Ordinance;
- (5) To permit in any zoning district the use or partial use of a Lot immediately adjacent and contiguous to a non-conforming use and under fee simple ownership of the owner of said non-conforming use, as recorded in the real property records of the County Clerk of Harris County, Texas, on or before the effective date of this Ordinance, when following accessory uses in support of the non-conforming use:
  - (a) parking;
  - (b) access;
  - (c) landscaping;
  - (d) buffering

when such use would not permit a substantial extension of the non-conforming use, such as construction of a building or other structure, and when such use is found necessary to alleviate

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existing undesirable conditions, such as traffic congestion, noise, visual congestion, or other similar conditions caused by the non-conforming use which adversely impact other property owners or the City generally. This paragraph (01:03.02.03(5)) shall not apply nor shall uses permitted herein be permitted, for a Lot that does not share a common property line with the non-conforming use or for a Lot separated from the non-conforming use by a public or private street. No more than one Lot for each non-conforming use shall be subject to the grant of special exceptions under this provision.

- (6) Where other provisions of this Comprehensive Zoning Ordinance "B" specifically provide for the grant of a special exception prior to the use of property for a particular purpose or the construction of particular structure.

Initiation. The owner or other persons having a contractual interest in the property which is the subject of the proposed Special Exception may initiate a request for a Special Exception under the provisions of this Section.

Application. An application for a Special Exception shall be filed with the Board of Adjustment and shall be accompanied by a fee in the amount as set out in the Fee Schedule, established by City Council, payable to the City of Spring Valley Village, Texas, in United States currency to defray, notification, costs and other administrative expenses including the handling of any application or appeal.

Such payment made to the City Secretary shall be paid to the general fund of the City of Spring Valley Village, Texas. Any person making an application for a Special Exception shall be entitled to have the fee returned if written notice of the withdrawal of the application is given to the City Secretary prior to the provision of notice in accordance with the City's zoning ordinance.

Action of the board. The Board shall give public notice of the requested Special Exception and hold a public hearing on a Special Exception as soon as practicable, but not later than ninety (90) days after a complete application for a Special Exception is filed, pursuant to the procedures of the Board. Upon the hearing, any party may appear in person or by agent or by attorney.

The Chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. Minutes of its proceedings, showing the vote of each member on each questions or, if absent or failing to vote, indicating such facts, shall be kept and filed in the Office of the City Secretary and shall be the public record. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to decide in favor of the applicants.

Standards for Issuance. The Board of Adjustment shall consider as a minimum the following issues before granting any special exception:

- (1) That the public convenience and necessity will be substantially served.
- (2) That the appropriate use of neighboring property will not be unreasonably and permanently impaired.
- (3) That other property owners or residents will not experience unreasonable hardship.
- (4) That granting the special exception will be consistent with the general intent of this Comprehensive Zoning Ordinance.

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- (5) That granting the special exception is consistent with the betterment of the health, safety, and welfare of the citizens of the City of Spring Valley, Texas. The applicant seeking a special exception shall bear the burden of proof in satisfying these issues.

Conditions Attached to Special Exceptions. The Board may attach conditions to the grant of a Special Exception, including provisions for landscaping, lighting, hours of operation, parking or other reasonable conditions, which will minimize the impact of the exception on the surrounding neighborhood. The Board may also make provision as to the duration of a Special Exception.

#### **§ 01:03.02.04 Variances.**

Authority. The Board of Adjustment shall have authority to grant Variances from the requirements of this Comprehensive Zoning Ordinance in accordance with the procedures of this Section.

Purpose. Variances from the terms of this Ordinance as will not be contrary to the public interest will be authorized where, owing to unique or extraordinary condition, a literal enforcement of the provisions of this Comprehensive Zoning Ordinance will result in unnecessary hardship to a property owner or one having a contractual interest in property and so that the spirit of the Ordinance shall be observed and substantial justice done.

Initiation. An owner or person having a contractual interest in the property to be affected by the Variance may seek a Variance under the provisions of this Section.

Standards. The Board of Adjustment will grant Variances from the provisions of this Comprehensive Zoning Ordinance where such modifications of the height, yard, area width, lot depth, screening wall, coverage and parking regulations are necessary to secure an appropriate development of a parcel of land which differs from other parcels within the district by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.

In exercising its authority, the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (1) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
- (2) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- (3) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (5) The municipality considers the structure to be a nonconforming structure.

Application. An application for a Variance shall be filed with the Board of Adjustment and shall be accompanied by an application fee established by City Council as set out in the Fee Schedule to defray, notification, costs and other administrative expenses incurred in the handling of the application. Such payment made to the City Secretary shall be paid into the general fund of the City of Spring Valley Village, Texas. Such fee shall be refunded to the applicant if the applicant gives written notice of withdrawal of

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application to the City Secretary prior to the provision of notice in accordance with the City's zoning ordinance.

Action of the Board. The Board shall give public notice of the requested Variance and hold a public hearing on the Variance. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to decide in favor of the applicant for Variance. Upon the hearing, any party may appear in person or by agent or by attorney.

#### **§ 01:03.02.05 Appeals.**

Authority. The Board of Adjustment shall have the authority to hear and decide appeals from any decision, determination or interpretation by any administrative official with respect to the provisions of this Comprehensive Zoning Ordinance, subject to the standards and procedures hereinafter set forth.

Initiation. An appeal may be initiated by any person aggrieved by, or any officer, department or board of the municipality affected by, any orders, decision, determination or interpretation made with respect to provisions of this Ordinance by any administrative official.

Procedure. Appeals shall be taken from the decisions of administrative officials within a reasonable time, not to exceed ninety (90) days, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a written notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which an action appealed from was taken.

Application. An Application for an appeal from any order, requirement, decision or determination made by any administrative official of the City of Spring Valley in enforcement of this Comprehensive Zoning Ordinance shall be accompanied by a fee as set out in the Fee Schedule to defray publication, costs and other administrative expenses incurred in the handling of the appeal. The payment made to the City Secretary shall be paid into the general fund of the City of Spring Valley, Texas. An applicant for an appeal may be entitled to a refund of the fee if written notice of withdrawal of the application is given the City Secretary prior to the authorization of any publication of any notice pertaining to the hearing of the appeal in the official newspaper used by the City of Spring Valley.

Action of the Board. The Board of Adjustment shall fix a reasonable time, not to exceed ninety (90) days, from the date of the application, within which to set the public hearing of the appeal, give public notice thereof, as well as give notice to the Parties in interest, make its determination within a reasonable time thereafter. Upon the hearing, any party may appear in person or by agent or by attorney.

#### **§ 01:03.02.06 Notice Requirements.**

In exercising its powers, the Board of Adjustment shall give public notice of the hearing on the applications for special exceptions, variances or appeals. Public notice of hearings held before the Board of Adjustments, unless otherwise required by law, shall be provided as follows:

Mailing. Not less than fifteen (15) calendar days prior to the date of the public hearing, the Board of Adjustment shall mail written notice of the public hearing to each owner, as indicated by the most recent approved municipal tax roll, of real property lying within two hundred feet (200') of any point of the lot or tract of land or portion thereof, upon which a variance or special exception to the provisions of this Ordinance is sought, and to all other owners or persons as shall be determined by the Board of Adjustment. The mailed notice shall be given by U.S. mail, and shall be in letter form stating: (1) the time and place of the hearing; (2) a general description of the proposal; and (3) the legal description and general street location of the property subject to the public hearing; and (4) and a statement explaining that the

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public may be heard at the public hearing. This provision for notice by mailing shall be deemed to have been substantially complied with when such written notice shall have been placed by the Board of Adjustment in the United States mail. Failure to receive mailed notice shall not invalidate any action taken on the application.

Posting of signs. Notice of required public hearings on applications for a variance or special exception (zoning change) 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 zoning change signage and for maintaining the required signage throughout the zoning change process.

Sign design for non-residential property. The following standards shall apply to non-residential property:

- (1) Signs shall be four feet (4') feet by four feet (4').
- (2) Signs shall be constructed in accordance with the City's design standards and verbiage for zoning signs which shall be provided to the applicant.
- (3) Two (2) sided ten millimeter (10 mm) Coroplast sign or other material of equivalent strength and durability.
- (4) Lettering on both sides of the sign.
- (5) Metal or wood posts shall be used.
- (6) Must include the City of Spring Valley Village official logo with a minimum size of one foot (1').
- (7) Capital letters on the sign shall be no smaller than three (3) inches tall using the bold Arial font style.

Sign design for residential property. Signs for residential properties shall be obtained from the City Secretary's Office.

Sign Placement

- (1) One sign shall be erected by the applicant adjacent to each street frontage on the property that is the subject of the application and for each two hundred feet (200') of frontage along a street, with a maximum of three (3) signs required per street frontage.
  - (a) Signs shall be placed in a location on private property and clearly visible from all streets adjacent to the property included in the application.
  - (b) 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.
  - (c) Signs shall be no greater than twenty feet (20') from the property line and shall be a minimum of two feet (2') off the ground, unless otherwise directed by the Building Official or his/her designee.
  - (d) Signs shall be placed perpendicular to the roadway to enable reading from both sides.
  - (e) Signs shall be located so that the lettering is visible and may be clearly read from the street.

Proof of Posting

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- (1) On non-residential property, 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. On residential property, the applicant shall erect the sign(s) on the property that is the subject of the application a minimum of seven (7) 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 zoning change consideration by the Board. The applicant shall be subject to an additional fee to republish and/or re-notify due to such postponement.
  - (2) The applicant is responsible for maintaining the sign(s) on the property throughout the review process.
  - (3) 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) The provisions of this section shall not apply to any application initiated by the Board or the City Council.

#### Sign Maintenance

The applicant shall be responsible for maintaining all signs on the subject property throughout the whole process. The City of Spring Valley Village is not responsible for monitoring the required signs. Should the City of Spring Valley Village discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the City of Spring Valley Village 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 consideration so long as the applicant attempted to replace damages or missing signs upon notification.

#### Removal of Signs

- (1) 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 Board.
- (2) Failure to remove zoning signs within such timeframe will result in the issuance of a citation per sign and per day until removed.

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

**MEETING DATE:** October 10, 2023

<b>TOPIC:</b>	<b>CONSIDERATION AND POSSIBLE ACTION CONCERNING:</b> AN ORDINANCE AMENDING EXHIBIT "A" OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT "A" BEING THE CITY'S ZONING ORDINANCE BY DELETING APPENDIX ONE, BOARD OF ADJUSTMENTS, AND AMENDING SECTION 01:03.02, BOARD OF ADJUSTMENT, OF SECTION ONE, PURPOSE AND ADMINISTRATION, TO INCORPORATE THE PROVISIONS FROM APPENDIX ONE AND ADD NEW GROUNDS TO DETERMINE THE GRANTING OF VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
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<b>BACKGROUND:</b>	In the previous agenda item, the Planning and Zoning Commission held a public hearing concerning amendments to Exhibit "A" of Chapter 12, Planning & Zoning, of the Code of Ordinances by deleting Appendix One, Board of Adjustments, and amending Section 01:03.02, Board of Adjustments, of Section One, Purpose and Administration.  If approved by City Council, this Ordinance would implement the proposed amendments outlined above and in the attached Ordinance.
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<b>RECOMMENDATION:</b>	Staff recommends approval of the Ordinance
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<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Ordinance No. 2023-XX</li></ul>
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<b>SUBMITTING STAFF MEMBER:</b>	Zachary Meadows, Director of Community Development
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**ORDINANCE NO. 2023-XX**

**AN ORDINANCE AMENDING EXHIBIT “A” OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, EXHIBIT “A” BEING THE CITY’S ZONING ORDINANCE BY DELETING APPENDIX ONE, BOARD OF ADJUSTMENTS, AND AMENDING SECTION 01:03.02, BOARD OF ADJUSTMENT, OF SECTION ONE, PURPOSE AND ADMINISTRATION, TO INCORPORATE THE PROVISIONS FROM APPENDIX ONE AND ADD NEW GROUNDS TO DETERMINE THE GRANTING OF VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.**

\* \* \* \* \*

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

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

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

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City’s Zoning Ordinance as provided herein; now, therefore,

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

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

**Section 2.** The City's Zoning Ordinance is hereby amended by deleting Appendix One, Board of Adjustment.

**Section 3.** The City's Zoning Ordinance is hereby amended by deleting from Section 01:03.02, Board of Adjustment, of Section 01:03.02, Board of Adjustments, of Section One, Purpose and Administration, of Chapter 12, Planning and Zoning, the language struckthrough below:

**“01:03.02 Board of Adjustment.**

The Board of Adjustment shall have the authority to grant variances, special exceptions, and hear and decide appeals from any decisions, determination or interpretation by the Office of the Building Official with respect to the provisions of this Comprehensive Zoning Ordinance. The Board shall also have the powers granted by and shall be controlled by the provisions of Chapter 211, Texas Local Government Code. The Board of Adjustment shall adopt rules or procedures in accordance with the provisions of the Revised Civil Statutes of the State of Texas. ~~The particular provisions governing appointment and membership on the Board of Adjustment, operating procedures, and elaboration of its express powers are set forth in Appendix One of this Ordinance and incorporated herein for all purposes.”~~

**Section 4.** The City's Zoning Ordinance is hereby amended by adding Section 01:03:02.01, Establishment of the Board, to Section 01:03.02, Board of Adjustments, of Section One, Purpose and Administration, to read as follows:

**“01:03.02.01 Establishment of the Board.**

The Mayor shall appoint, subject to approval by the City Council, a Board of Adjustment. Such Board of Adjustment shall consist of five (5) members, each to be appointed for a term of two (2) years. Three (3) members of the Board shall serve terms beginning on odd-numbered years, and two (2) members shall serve terms beginning on even-numbered years. Members may be removed for cause by the appointing authorities upon written charges and after a public hearing. Any vacancy in the office shall be filled for the unexpired term of the member whose term vacant by appointment by the Mayor subject to approval by the City Council.

The Mayor shall also appoint, subject to approval by the City Council, four (4) alternate members of the Board of Adjustment who shall serve for the same period as the regular members, and shall be subject to removal as the regular members. Two (2) alternate members of the Board shall serve terms beginning on odd-numbered years, and two (2) alternate members of the Board shall serve terms beginning on even numbered years. Any vacancies in the office of alternate members shall be filled for the unexpired term of the member whose term becomes vacant by appointment by the Mayor subject to approval by the City Council. The alternate members shall serve in the absence of one or more regular members when requested to do so by the Mayor and/or Chairman of the Board of Adjustment.”

**Section 5.** The City’s Zoning Ordinance is hereby amended by adding 01:03.02.02, Procedures of the Board, to Section 01:03.02, Board of Adjustments, of Section One, Purpose and Administration, to read as follows:

**“Section 01:03.02.02, Procedures of the Board.**

The Board of Adjustment shall elect a chairman and vice-chairman from its membership and shall have the power to employ such qualified persons as may be necessary for the proper conduct and undertakings of the Board and to pay for their services and such other necessary expenses, provided that the cost of such expenses and services shall not exceed any amount appropriated by the City Council for the use of the Board. The following rules shall govern the procedures of the Board of Adjustment in addition to those requirements set forth in Articles 1011a through 1011j. Revised Civil Statutes of Texas.

- (1) Meetings of the Board of Adjustment shall be held at the call of its chairman, and at such other times as the Board of Adjustment may determine;
- (2) The chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses;
- (3) All cases to be heard by the Board shall always be heard by a minimum number of five (5) regular or alternate members;

- (4) All meetings of the Board of Adjustment shall be open to the public;
- (5) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be of public record;
- (6) The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative officer, or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under this Ordinance, or to effect any variation from the terms of this Ordinance;
- (7) All meetings shall be attended by the City Attorney (or representative thereof) unless previously excused by and at the sole discretion of the Mayor.”

**Section 6.** The City’s Zoning Ordinance is hereby amended by adding Section 01:03.02.03, Special Exceptions, to Section 01:03.02, Board of Adjustments, of Section One, Purpose and Administration to read as follows:

**“01:03.02.03 Special Exceptions.**

**Authority.** The Board of Adjustment shall have the authority to grant special exceptions, in accordance with the provisions of this Ordinance and the procedures and standards hereinafter set forth in the following instances:

- (1) To permit the location in any zoning district of a state or municipal building, public utility building or athletic field;
- (2) To permit the reconstruction of a building occupied by a non-conforming use, or permit the extension of a non-conforming use of a building upon the lot or tract of land occupied by such building for such use at the Effective Date of this Ordinance;

- (3) To grant in undeveloped sections of the municipality temporary and conditional permits for not more than a two (2) year period for any such building or use;
- (4) To permit in any zoning district such Special Exception as shall be deemed necessary to secure appropriate development of a Lot, where adjacent to such Lot on two (2) or more sides there are buildings or uses which do not conform to the provisions of this Ordinance;
- (5) To permit in any zoning district the use or partial use of a Lot immediately adjacent and contiguous to a non-conforming use and under fee simple ownership of the owner of said nonconforming use, as recorded in the real property records of the County Clerk of Harris County, Texas, on or before the effective date of this Ordinance, when following accessory uses in support of the non-conforming use:
  - (a) parking;
  - (b) access;
  - (c) landscaping;
  - (d) buffering

when such use would not permit a substantial extension of the non-conforming use, such as construction of a building or other structure, and when such use is found necessary to alleviate existing undesirable conditions, such as traffic congestion, noise, visual congestion, or other similar conditions caused by the non-conforming use which adversely impact other property owners or the City generally. This paragraph (01:03.02.03(5)) shall not apply nor shall uses permitted herein be permitted, for a Lot that does not share a common property line with the non-conforming use or for a Lot separated from the non-conforming use by a public or private street. No more than one Lot for each non-conforming use shall be subject to the grant of special exceptions under this provision.

- (6) Where other provisions of this Comprehensive Zoning Ordinance "B" specifically provide for the grant of a special exception prior to the use of property for a particular purpose or the construction of particular structure.

Initiation. The owner or other persons having a contractual interest in the property which is the subject of the proposed Special Exception may initiate a request for a Special Exception under the provisions of this Section.

Application. An application for a Special Exception shall be filed with the Board of Adjustment and shall be accompanied by a fee in the amount as set out in the Fee Schedule, established by City Council, payable to the City of Spring Valley Village, Texas, in United States currency to defray, notification, costs and other administrative expenses including the handling of any application or appeal.

Such payment made to the City Secretary shall be paid to the general fund of the City of Spring Valley Village, Texas. Any person making an application for a Special Exception shall be entitled to have the fee returned if written notice of the withdrawal of the application is given to the City Secretary prior to the provision of notice in accordance with the City's zoning ordinance.

Action of the Board. The Board shall give public notice of the requested Special Exception and hold a public hearing on a Special Exception as soon as practicable, but not later than ninety (90) days after a complete application for a Special Exception is filed, pursuant to the procedures of the Board. Upon the hearing, any party may appear in person or by agent or by attorney.

The Chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. Minutes of its proceedings, showing the vote of each member on each question or, if absent or failing to vote, indicating such facts, shall be kept and filed in the Office of the City Secretary and shall be the public record. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to decide in favor of the applicants.

Standards for Issuance. The Board of Adjustment shall consider as a minimum the following issues before granting any special exception:

- (1) That the public convenience and necessity will be substantially served
- (2) That the appropriate use of neighboring property will not be unreasonably and permanently impaired.
- (3) That other property owners or residents will not experience unreasonable hardship.

- (4) That granting the special exception will be consistent with the general intent of this Comprehensive Zoning Ordinance.
- (5) That granting the special exception is consistent with the betterment of the health, safety, and welfare of the citizens of the City of Spring Valley, Texas.

The applicant seeking a special exception shall bear the burden of proof in satisfying these issues.

*Conditions Attached to Special Exceptions.* The Board may attach conditions to the grant of a Special Exception, including provisions for landscaping, lighting, hours of operation, parking or other reasonable conditions, which will minimize the impact of the exception on the surrounding neighborhood. The Board may also make provision as to the duration of a Special Exception.”

**Section 7.** The City’s Zoning Ordinance is hereby amended by adding Section 01:03.02.04, Variances, to Section 01:03.02, Board of Adjustments, of Section One, Purpose and Administration, to read as follows:

**“§ 01:03.02.04 Variances.**

*Authority.* The Board of Adjustment shall have authority to grant Variances from the requirements of this Comprehensive Zoning Ordinance in accordance with the procedures of this Section.

*Purpose.* Variances from the terms of this Ordinance as will not be contrary to the public interest will be authorized where, owing to unique or extraordinary condition, a literal enforcement of the provisions of this Comprehensive Zoning Ordinance will result in unnecessary hardship to a property owner or one having a contractual interest in property and so that the spirit of the Ordinance shall be observed and substantial justice done.

*Initiation.* An owner or person having a contractual interest in the property to be affected by the Variance may seek a Variance under the provisions of this Section.

*Standards.* The Board of Adjustment will grant Variances from the provisions of this Comprehensive Zoning Ordinance where such modifications of the height, yard, area width, lot depth, screening wall, coverage and parking regulations are necessary to secure an appropriate development of a parcel of land which differs from other parcels within the

district by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.

In exercising its authority, the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (1) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
- (2) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- (3) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (5) The municipality considers the structure to be a nonconforming structure.

Application. An application for a Variance shall be filed with the Board of Adjustment and shall be accompanied by an application fee established by City Council as set out in the Fee Schedule to defray, notification, costs and other administrative expenses incurred in the handling of the application. Such payment made to the City Secretary shall be paid into the general fund of the City of Spring Valley Village, Texas. Such fee shall be refunded to the applicant if the applicant gives written notice of withdrawal of application to the City Secretary prior to the provision of notice in accordance with the City's zoning ordinance.

Action of the Board. The Board shall give public notice of the requested Variance and hold a public hearing on the Variance. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to decide in favor of the applicant for Variance. Upon the hearing, any party may appear in person or by agent or by attorney.”

**Section 8.** The City's Zoning Ordinance is hereby amended by adding Section 01:03.02.05, Appeals, to Section 01:03.02, Board of Adjustments, of Section One, Purpose and Administration to read as follows:

**“§ 01:03.02.05 Appeals.**

*Authority.* The Board of Adjustment shall have the authority to hear and decide appeals from any decision, determination or interpretation by any administrative official with respect to the provisions of this Comprehensive Zoning Ordinance, subject to the standards and procedures hereinafter set forth.

*Initiation.* An appeal may be initiated by any person aggrieved by, or any officer, department or board of the municipality affected by, any orders, decision, determination or interpretation made with respect to provisions of this Ordinance by any administrative official.

*Procedure.* Appeals shall be taken from the decisions of administrative officials within a reasonable time, not to exceed ninety (90) days, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a written notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which an action appealed from was taken.

*Application.* An Application for an appeal from any order, requirement, decision or determination made by any administrative official of the City of Spring Valley in enforcement of this Comprehensive Zoning Ordinance shall be accompanied by a fee as set out in the Fee Schedule to defray publication, costs and other administrative expenses incurred in the handling of the appeal. The payment made to the City Secretary shall be paid into the general fund of the City of Spring Valley, Texas. An applicant for an appeal may be entitled to a refund of the fee if written notice of withdrawal of the application is given the City Secretary prior to the authorization of any publication of any notice pertaining to the hearing of the appeal in the official newspaper used by the City of Spring Valley.

*Action of the Board.* The Board of Adjustment shall fix a reasonable time, not to exceed ninety (90) days, from the date of the application, within which to set the public hearing of the appeal, give public notice thereof, as well as give notice to the Parties in interest, make its

determination within a reasonable time thereafter. Upon the hearing, any party may appear in person or by agent or by attorney.”

**Section 9.** The City’s Zoning Ordinance is hereby amended by adding Section 01:03.02.06, Notice Requirements, to Section 01:03.02, Board of Adjustments, of Section One, Purpose and Administration to read as follows:

**“Section 01:03.02.06 Notice Requirements.**

In exercising its powers, the Board of Adjustment shall give public notice of the hearing on the applications for special exceptions, variances or appeals. Public notice of hearings held before the Board of Adjustments, unless otherwise required by law, shall be provided as follows:

*Mailing.* Not less than fifteen (15) calendar days prior to the date of the public hearing, the Board of Adjustment shall mail written notice of the public hearing to each owner, as indicated by the most recent approved municipal tax roll, of real property lying within two hundred feet (200') of any point of the lot or tract of land or portion thereof, upon which a variance or special exception to the provisions of this Ordinance is sought, and to all other owners or persons as shall be determined by the Board of Adjustment. The mailed notice shall be given by U.S. mail, and shall be in letter form stating: (1) the time and place of the hearing; (2) a general description of the proposal; and (3) the legal description and general street location of the property subject to the public hearing; and (4) a statement explaining that the public may be heard at the public hearing. This provision for notice by mailing shall be deemed to have been substantially complied with when such written notice shall have been placed by the Board of Adjustment in the United States mail. Failure to receive mailed notice shall not invalidate any action taken on the application.

*Posting of signs.* Notice of required public hearings on applications for a variance or special exception (zoning change) 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 zoning change signage and for maintaining the required signage throughout the zoning change process.

*Sign design for non-residential property.* The following standards shall apply to non-residential property:

- (1) Signs shall be four feet (4') feet by four feet (4').

- (2) Signs shall be constructed in accordance with the City's design standards and verbiage for zoning signs which shall be provided to the applicant.
- (3) Two (2) sided ten millimeter (10 mm) Coroplast sign or other material of equivalent strength and durability.
- (4) Lettering on both sides of the sign.
- (5) Metal or wood posts shall be used.
- (6) Must include the City of Spring Valley Village official logo with a minimum size of one foot (1').
- (7) Capital letters on the sign shall be no smaller than three (3) inches tall using the bold Arial font style.

Sign design for residential property. Signs for residential properties shall be obtained from the City Secretary's Office.

#### Sign Placement

- (1) One sign shall be erected by the applicant adjacent to each street frontage on the property that is the subject of the application and for each two hundred feet (200') of frontage along a street, with a maximum of three (3) signs required per street frontage.
  - (a) Signs shall be placed in a location on private property and clearly visible from all streets adjacent to the property included in the application.
  - (b) 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.
  - (c) Signs shall be no greater than twenty feet (20') from the property line and shall be a minimum of two feet (2') off the ground, unless otherwise directed by the Building Official or his/her designee.
  - (d) Signs shall be placed perpendicular to the roadway to enable reading from both sides.
  - (e) Signs shall be located so that the lettering is visible and may be clearly read from the street.

#### Proof of Posting

- (1) On non-residential property, 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. On residential

property, the applicant shall erect the sign(s) on the property that is the subject of the application a minimum of seven (7) 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 zoning change consideration by the Board. The applicant shall be subject to an additional fee to republish and/or re-notify due to such postponement.

- (2) The applicant is responsible for maintaining the sign(s) on the property throughout the review process.
- (3) 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) The provisions of this section shall not apply to any application initiated by the Board or the City Council.

#### Sign Maintenance

The applicant shall be responsible for maintaining all signs on the subject property throughout the whole process. The City of Spring Valley Village is not responsible for monitoring the required signs. Should the City of Spring Valley Village discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the City of Spring Valley Village 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 consideration so long as the applicant attempted to replace damages or missing signs upon notification.

#### Removal of Signs

- (1) 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 Board.

Failure to remove zoning signs within such timeframe will result in the issuance of a citation per sign and per day until removed.”

**Section 10.** 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 11.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

**PASSED, APPROVED, AND ORDAINED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Marcus Vajdos, Mayor  
City of Spring Valley Village, Texas

ATTEST:

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