

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



Nathan Carroll
Brad Jones
Jerry Kent
Lucian Bukowski, Alternate

Notice is Hereby Given of a Regular Meeting of the Planning and Zoning Commission of Spring Valley, Texas, 1025 Campbell Road, Spring Valley Village, Texas, in the Council Chambers, December 9, 2025, beginning at 6:30 PM. For the Purpose of Considering and Acting upon the Following Items of Business:

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

The video link to this meeting is <https://us02web.zoom.us/j/82781430465>

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: 827 8143 0465 and #.

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

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

1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT

2. APPROVAL OF MEETING MINUTES

2.1 Minutes for Regular Called Planning and Zoning Meeting on October 14, 2025

3. OLD BUSINESS

3.1 **DISCUSSION CONCERNING:** POSSIBLE AMENDMENTS TO THE CITY OF SPRING VALLEY VILLAGE CODE OF ORDINANCES; CHAPTER 3 BUILDING AND CONSTRUCTION; ARTICLE 3.1000, BUILDING AND CONSTRUCTION, URBAN FOREST PRESERVATION AND PROTECTION.

3.2 **DISCUSSION CONCERNING:** Possible Amendments to the City of Spring Valley Village Code of Ordinances; Chapter 12, Planning and Zoning:

Section 05:02.03.08 maximum lot coverage regarding clarification on artificial turf and allowable use.

4. ADJOURNMENT

I certify that a copy of the December 9, 2025, agenda of items to be considered was posted on or before the 3rd day of December 2025, at 6:30 p.m. pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code.

Attest:



Jasmin Torres
City Secretary



In compliance with the Americans with Disabilities Act, this facility is wheelchair accessible and accessible parking spaces are available. To better serve attendees, requests for accommodations or interpretive services should be made 48 hours prior to this meeting. Please contact the City Secretary's office at 713-465-8308, Fax 713-461-7969, or [Email Jasmin Torres](mailto:Jasmin.Torres@springvalleyvillage.com) for further information.

Planning & Zoning Commission Meeting Minutes
City of Spring Valley Village
Tuesday, October 14, 2025

1. The Planning & Zoning Commission meeting was called to order by Chairman Trey Hoffman at 6:33 p.m. in the Council Chambers of City Hall, 1025 Campbell Road, Houston, Texas.

Planning & Zoning Members present at City Hall:

- Trey Hoffman, Chairman
- Anne-Marie McMichael, Vice-Chair
- Brad Jones
- Jerry Kent
- Jim Autenreith (arrived at 6:57 p.m.)

A quorum was present.

City Officials present:

- Jasmin Torres, City Secretary
- Philip J. Boedeker, City Attorney
- Jose Gomez, Development Services Manager
- John McDonald, City Administrator

2. Approval of meeting minutes for the regular Planning and Zoning meeting on August 12, 2025

Anne-Marie McMichael made the motion to approve the minutes. Brad Jones seconded the motion. The motion carried 4-0.

3. OLD BUSINESS

3.1 DISCUSSION CONCERNING: POSSIBLE AMENDMENTS TO THE CITY OF SPRING VALLEY VILLAGE CODE OF ORDINANCES; CHAPTER 3 BUILDING AND CONSTRUCTION; ARTICLE 3.1000, BUILDING AND CONSTRUCTION, URBAN FOREST PRESERVATION AND PROTECTION.

Chairman Hoffman recommended moving this agenda item to follow completion of New Business; there was no objection. The Commission resumed discussion after the conclusion of Item 4.3. The Commission discussed defining and protecting “heritage trees,” tree-removal permit requirements, and potential revisions to replacement standards. Members also reviewed practices from neighboring and comparable cities for guidance on defining protected trees and establishing penalties for noncompliance. No action was taken. Jose Gomez requested supporting materials from the Commission to prepare for further discussion at a future meeting.

4. NEW BUSINESS

4.1 CONSIDERATION AND POSSIBLE ACTION CONCERNING: A FINAL REPLAT OF SPRING OAKS SECTION 3 PARTIAL REPLAT NO 2 A SUBDIVISION OF 0.2449 ACRES (10,666 SQUARE FEET) OF LAND BEING A REPLAT OF LOT 227, BLOCK 14 OF SPRING OAKS SECTION 3 VOL. 41 PG. 10 HARRIS COUNTY MAP RECORDS IN THE A. H. OSBORN SURVEY ABSTRACT NO. 610 HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 1318 MODISTE ST. Page 1 of 255

The Commission noted that City Council had already approved the preliminary replat and that no changes had been made since the prior review. Commissioners confirmed the packet pages and prior content matched the submittal. Anne-Marie McMichael moved to approve the final replat, and Jerry Kent seconded. The motion carried, 4–0.

4.2 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, BY AMENDING AND RESTATING THE DOLPHIN'S COVE PLANNED AREA DEVELOPMENT (DOLPHIN'S COVE PAD) CREATED PURSUANT TO ORDINANCE NO 2018-30 CONTAINING APPROXIMATELY 2.639 ACRES OF LAND EAST OF VOSS ROAD AND NORTH OF INTERSTATE HIGHWAY 10 BY SUBSTITUTING THE DOLPHIN'S COVE PADD PROPERTY DESCRIPTION WITH A NEW PROPERTY DESCRIPTION; PERMITTING 4 SINGLE-FAMILY RESIDENCES SUBJECT TO THE PROVISIONS CONTAINED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE. 1. Presentation 2. Those In Favor 3. Those Opposed 4. Adjourn Public Hearing

Chairman Hoffman opened the public hearing at 6:39 p.m. Jose Gomez summarized the amendment request. Tony Padua from Dorado Homes presented plans to redevelop the

tract for residential use. He discussed history of why the tract had not been implemented to date.

Public Comments:

Ashley Simon 8715 Green Valley Dr. Houston, TX 77055

Justin Chapman 1409 Bracher St. Houston, TX 77055

John Chung 8722 Green Valley Dr. Houston, TX 77055

Layne Polocheck 1102 Joshua Ln. Houston, TX 77055

Alice Campbell 1041 Voss Rd. Houston, TX 77055

Daniel Koenig 1106 Joshua Ln. Houston, TX 77055

Chairman Hoffman closed the public hearing at 7:13 p.m.

4.3 CONSIDERATION AND POSSIBLE ACTION 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, BY AMENDING AND RESTATING THE DOLPHIN'S COVE PLANNED AREA DEVELOPMENT (DOLPHIN'S COVE PAD) CREATED PURSUANT TO ORDINANCE NO 2018-30 CONTAINING APPROXIMATELY 2.639 ACRES OF LAND EAST OF VOSS ROAD AND NORTH OF INTERSTATE HIGHWAY 10 BY SUBSTITUTING THE DOLPHIN'S COVE PADD PROPERTY DESCRIPTION WITH A NEW PROPERTY DESCRIPTION; PERMITTING 4 SINGLE-FAMILY RESIDENCES SUBJECT TO THE PROVISIONS CONTAINED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE.

Chairman Hoffman provided a site history and noted that this proposed project is inline with updated residential city regulations. John McDonald provided answers to select questions raised during the public hearing. The commission asked Tony Padua from Dorado Homes to address questions from the commission regarding the project.

Anne-Marie McMichael made a motion to approve item 4.3 with amendments (Section 2(C)(1); street width to 28 ft; Section E(3); fencing details as provided, Jerry Kent seconded the motion.

The motion carried 3-2.

4.4 DISCUSSION CONCERNING: PROPOSED AMENDMENTS TO ARTICLE 9.100 - SUBDIVISION REGULATIONS

Jose Gomez presented proposed amendments to align the City's subdivision regulations with recent updates to the Texas Local Government Code. No action was taken. City staff will prepare draft ordinance language incorporating the Commission's feedback for consideration at a future meeting.

5. ADJOURNMENT

Brad Jones made a motion to adjourn. Jerry Kent seconded the motion. The motion carried 5-0. The meeting was adjourned at 9:12 p.m.

Signed: _____

Trey Hoffman, Chairman

Attest: _____

Jarrad Bourger, Secretary



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

MEETING DATE:	December 9, 2025
SUBMITTING STAFF:	Jose Gomez, Development Services Manager
SUBJECT:	DISCUSSION CONCERNING: POSSIBLE AMENDMENTS TO THE CITY OF SPRING VALLEY VILLAGE CODE OF ORDINANCES; CHAPTER 3 BUILDING AND CONSTRUCTION; ARTICLE 3.1000, BUILDING AND CONSTRUCTION, URBAN FOREST PRESERVATION AND PROTECTION.

BACKGROUND:	<p>At the request of the Planning and Zoning Commissioner, <i>Chapter 3, Building and Construction, Article 3.1000, Urban Forest Preservation and Protection</i>, has been put on the December 9th, 2025, agenda for further discussion.</p> <p>Commissioner Bradley K. Jones provided a proposed revision to Article 3.1000. The proposed revision has been attached for commission review.</p>
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ATTACHMENTS: BKJ Redlines - ARTICLE_3.1000__URBAN_FOREST_PRESERVATION_AND_PROTECTION
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FUNDING:					
Amount Available	Account No.	Additional Appropriation Required	Project No.	Amount Budgeted	Account Description

RECOMMENDATION: No action is required at this time. This is a discussion item.

ARTICLE 3.1000 URBAN FOREST PRESERVATION AND PROTECTION¹

§ 3.1000 Purpose; Findings

- (a) The purpose of this article is to preserve and enhance the urban forest of the city.
- (b) The city council has determined that the urban forest is of great value in the maintenance of public health and welfare. The urban forest can aid in the conservation of vital energy resources and natural resources and in the preservation of the city's heritage and quality of life. Trees are a valuable amenity to the urban environment, restoring oxygen to the atmosphere, reducing glare, reducing noise levels, providing an ecological habitat for songbirds and other animal and plant species, providing for more effective transitions between different land uses and breaking the monotony of urbanized development, pre-development, or construction. The urban forest of the city should be preserved and enhanced, to the maximum extent feasible, consistent with the property rights of its citizens.

(Ordinance 2017-06 adopted 2-28-17)

§ 3.1001 Definitions

As used in this article, the following terms shall have the meaning given below.

Building Permit shall mean any building or construction permit issued by the City of Spring Valley, Texas, for the construction, erection, or exterior alteration of any residential or commercial building, structure, or improvement.

Certified Forester shall mean a forester certified by the Society of American Foresters.

Arborist shall mean an arborist approved by the American Society of Consulting Arborists

Circumference or Diameter of a Tree shall mean circumference or diameter measured at a point on the tree four and one-half feet (4½') above the surrounding ground level. The equivalent tree circumference or diameter may be used for measurement purposes. Tree diameter in inches \times 3.14 = tree circumference in inches. (For example: ten inches (10") diameter \times 3.14 = 31.4 circumference).

To measure a tree which forks at or below four and one-half feet (4½'), only the circumference or diameter of the larger trunk will be measured.

Critical Root Zone shall mean, for any given tree, the area within a circle centered on the trunk location. The circle's diameter is one-half (½) the sum of the broadest and narrowest dripline diameters.

Landscape or Tree Professional. As defined by certification either by a state agency or by a recognized trade association or alternatively by ten (10) or more years of proven continuous experience in the planting, care, and maintenance of trees.

¹Editor's note(s)—Ord. No. 2017-06, § 2, adopted February 28, 2017, amended article 3.1000 in its entirety to read as herein set out. Former article 3.1000, §§ 3.1000—3.1011, exh. A, pertained to tree survey required as part of building permit application. See Ordinance Disposition Table for complete derivation.

Lion Tailing shall mean a pruning method where all the interior branches are removed, leaving only tufts of leaves and small branches at the ends of the large limbs. It damages the health and structural stability of the tree.

Heritage Tree shall mean a tree of more than twenty-four (24) inches in diameter, as measured 4.5 feet from the ground.

Protected Tree shall mean a tree of between nineteen (19) and twenty-four (24) inches in diameter, as measured 4.5 feet from the ground and is one of the following species:

Ash, Texas
Cypress, Bald
Elm, American
Elm, Cedar
Madrone, Bigtooth
All Oaks
Pecan
Walnut, Arizona
Walnut, Eastern Black

This list of eligible heritage tree species may be supplemented, but not reduced, as prescribed by rule.

Right-of-Way Area shall mean an area in the right-of-way of a street.

Structure shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

Subject Site shall mean (1) the building site, or other site, upon which construction activity is to occur, and (2) the right-of-way area for that site.

Topping shall mean the practice of removing the top of a central stem, or leader, on a tree and the upper main branches. It damages the health and structural stability of the tree.

Tree shall mean a long-lived, branching, woody plant, usually with one (1) main stem, which may attain a height of fifty feet (50') or more.

Tree Fund shall mean the fund created pursuant to section 3.1008 of this article.

Tree Survey shall mean an on-the-ground survey containing the location of trees, their circumferences, types (species), crown areas (dripline) and other data to accurately describe existing and proposed trees.

Understory Tree shall mean a long-lived, branching, woody plant, which usually obtains a height less than thirty feet (30').

(Ordinance 2017-06 adopted 2-28-17)

§ 3.1002 Tree Survey Required; Exception; Tree Protection Plan Required

Prior to the issuance of any building permit, a tree survey shall be submitted concurrent with, and shall be approved as a part of, the application for a building permit.

- (1) Exceptions. A tree survey is not required as a part of the application for a building permit in the following circumstances only:

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- (A) For a minor or small construction project for which the applicant certifies as true by signature that "No tree ten inches (10") or larger in diameter (thirty-one and four-tenths inches (31.4") or larger in circumference) will be removed or destroyed in connection with the construction of the improvements covered by this building permit application;" and provided, however, the tree protection plan required by this article in the following section shall be required.
 - (B) For a non-residential planned area development ("PAD") in the city's PAD zoning district which as approved by city council includes tree and landscaping plans (an "approved, non-residential PAD"); provided, however, the tree protection plan required by this article in the following section shall be required.
- (2) Components of the Tree Survey. The tree survey shall be accurate and shall be prepared by a person with expertise to prepare such a document: for example, an architect, engineer, landscape or tree professional, or surveyor. The tree survey shall include and contain as a minimum the following information.
- (A) The actual location (i.e. trunk location) of each tree on the subject lot or tract which is ten inches (10") in diameter (thirty-one and four-tenths inches (31.4") in circumference) or larger, identifying those which are to be removed or destroyed as a result of the building permit being requested.
 - (B) Outlines of existing and proposed buildings or structure, including driveways, parking areas or other paved surfaces, pools, spas, fences, irrigation systems, utilities, drainage, and other improvements and structural features to be constructed.
 - (C) The tree survey shall be accompanied by a tree protection plan, as set out in the following section.
 - (D) The tree survey shall contain a scale, north arrow, name, address, and profession or occupation of the person who prepared it, and the name of the site owner and/or homebuilder/developer. The tree survey shall also identify the development and provide a description of the subject property and its location. The tree survey shall also depict (a) every qualified tree in the subject site, and (b) every qualified tree located elsewhere which has thirty percent (30%) or more of its critical root zone in the subject site.

(Ordinance 2017-06 adopted 2-28-17)

§ 3.1003 Tree Protection Plan

The tree survey shall be accompanied by a "tree protection plan" which shall be prepared by a landscape or tree professional.

The tree protection plan shall indicate how all trees ten inches (10") in diameter (thirty-one and four-tenths inches (31.4") in circumference) or larger, which are identified by the tree survey, shall be protected, according to the following minimum requirements.

- (1) Basic Tree Protection. During construction each tree or group of trees ten inches (10") in diameter (thirty-one and four-tenths inches (31.4") in circumference) or larger shall be completely enclosed within six feet (6') or higher chain link fence, with lateral supports spaced no more than eight feet (8') apart, located outside the drip line of all trees. Each such fence shall have a sign affixed to it as shown on exhibit "C" attached hereto. Such sign shall be weatherproof and affixed securely to the fence such that the sign can be read from the street. The minimum drip line for this purpose is one foot (1') of radial distance from the base of the tree for every inch of tree diameter unless construction of improvements is to occur within this drip line area. In that event, the tree protection fence shall

enclose the balance of the drip line or construction area, the area upon which construction activities will take place, must be protected with a wooden grid constructed of two inches (2") by six inches (6") lumber fastened both horizontally and vertically by wood screws on eighteen inches (18") centers on top of a four-inch (4") to six-inch (6") layer of organic mulch.

- (2) Tree Protection from Concrete Construction. During construction of concrete improvements to be constructed within the drip line of a tree, in addition to the basic tree protection required by the preceding subsection, the following additional minimum protection measures must be implemented.
 - (A) Plans for feeding, watering, pruning of limbs or roots, and drainage must be prepared and submitted. The plan must be approved by a landscape or tree professional who is retained by the applicant.
 - (B) Forced feeding and watering to assist in tree survival must be done on a schedule recommended in the Tree Protection Plan.
 - (C) A plastic vapor barrier must be installed beneath all concrete construction within the drip line of a tree.
 - (D) Recommended or necessary pruning of limbs or roots must be performed according to the tree protection plan. Pruning of limbs or roots must be accomplished at least two (2) weeks prior to the construction in the drip line, if more than twenty percent (20%) of the construction is within the drip line; unless a landscape or tree professional approved by the city approves of provisions for an alternative plan to protect the tree or trees. No roots larger than one inch (1") in diameter shall be cut.
- (3) It shall be unlawful to pour or dispose of waste concrete, lime, paint, paint thinner, chemicals or other soil contaminants, or place any building or construction materials or topsoil.
- (4) Drainage Affecting Trees. In the event construction causes or results in standing water or wet soil conditions which are harmful to the species of trees present, drainage must be provided for in the tree protection plan to prevent suffocation and/or root rot of the tree.
- (5) Physical Damage to be Prevented. In connection with construction activities, no person shall damage any tree trunk or limb with any equipment, or by nailing or bolting into the tree, or by attachment of guy wires or cables. In the event that an existing tree is damaged more than twenty-five percent (25%), the damaged tree shall be replaced with an approved tree not less than three inches (3") in diameter (9.42" in circumference).
- (6) Fill Placed Within a Tree Drip Line. No fill dirt, soil, or sand, is permitted in excess of two inches (2") under any tree drip line except within the footprint or area of the building or structure constructed.

(Ordinance 2017-06 adopted 2-28-17)

§ 3.1004 Tree Trimming Permit Required; Minimum Tree Requirement for Each Lot

- (1) A tree permit shall be required for the trimming of any and all trees greater than ten inches (10").
 - (a) Exceptions:
 - (i) Any tree which is dead or in an advanced stage of disease may be removed without a permit; and
 - (ii) Any tree which poses a threat to life or property may be removed without a permit.
- (2) All application fees assessed under this Section shall be paid into the Tree Fund.
- (3) Permits issued under this section shall be effective for 30 days from the date of issuance and shall apply only to the lot or parcel of land for which it is issued.

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(Supp. No. 59)

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- (4) Pruning in excess of 25 percent of the canopy of trees under 19 inches in diameter is discouraged. Pruning in excess of 25 percent of the canopy of Protected and Heritage Trees is prohibited at all times.
 - (5) Pruning or cutting of oaks is permitted from July through January. Pruning apparatus should be disinfected between trees.
 - (6) Regardless of the time of year that the wound occurs, black tree wound dressing must be applied immediately to all wounds of any size on susceptible oaks, including the cut surface of healthy oak stumps, pruning cuts, construction damage, or any spot where the bark has been removed to expose the wood beneath, to discourage potential insect/disease contamination. Failure to seal any wound immediately upon creation is an unlawful violation of this article. This includes trunks of any oak trees fully removed where the trunk portion is left behind. A \$500.00 fee will be charged for each tree placed at risk should a responsible party be caught not immediately applying black tree wound dressing to live cuts and other wounds.
 - (7) The permit shall be posted in a place where it can be seen from the nearest street while the work is in process.
 - (8) Residents are encouraged to seek professional services from a licensed arborist for all tree-trimming and/or removals for all trees, but a certified arborist is required for the trimming of all trees designated as Heritage and all Protected Oak trees.
 - (9) It is the responsibility of the property owner to secure the proper permits.
 - (10) The practices of Lion Tailing and Topping, as defined in section 91.04 of this article, are prohibited for all Protected and Heritage Trees. Use of these practices by a resident or developer or conducted by hired help under the supervision and employment of the resident or developer may result in fines up to \$250.00 per Protected Tree and \$500.00 for each Heritage Trees harmed with these prohibited practices.
 - (11) There will be a separate permit process (3.1010) for tree removal for all existing and new development within the City limits to establish the species of a tree and if it is a Protected or Heritage or nuisance tree. See section 3.1009 of this chapter for more information on Protected and Heritage Trees, section 91.10 for nuisance trees, and section 91.11 for diseases and infestations other than Oak Wilt.
 - (12) The following trees may require a permit but do not require mitigation to meet the objectives of invasive species management efforts of the City.

Chinaberry (*Melia azedararach*)

Chinese parasol tree (*Firmiana simplex*)

Chinese pistache (*Pistache chinensis*)

Chinese tallow (*Sapium sebiferum*)

Golden Rain Tree (*Koelreuteria paniculata*)

Ligustrum, wax leaf (*Ligustrum japonicum*)

Ligustrum, Japanese (*Ligustrum lucidum*)

Lilac chaste (*Vitex agnus-castus*)

Mimosa, non-native (*Albizzia julibrissin*)

Mulberry, paper (*Broussonetia papyrifera*)

Mulberry, white (*Morus alba*)

Nandina (*Nandina domestica*)

Photinia, Chinese (*Photinia, spp.*)

Privet, common (*Ligustrum sinense*, *Ligustrum vulgare*)

Pyracantha (*Pyracantha spp.*)

Russian olive (*Elaeagnus angustiflora*)

Siberian Elm (*Ulmus pumila*)

Tamarisk, salt cedar (*Tamarix spp.*)

Tree of Heaven (*Ailanthus altissima*)

- (13) As a result of a storm or fire, a person may, without a permit, trim, prune or remove a storm damaged tree that is an imminent hazard to life or property if the tree is removed within seven days of being damaged by the event.
- (A) Photos of the damaged tree and a written explanation showing the imminent hazard will be provided to the City within 15 days of the event.
 - (B) If imminent hazard is not shown to have existed, the City may impose fines or fees for the removal of said damaged tree without having first obtained a permit.
 - (C) The City Manager or their designee may extend these deadlines for widespread and extensive storm damage.
 - (D) This exception is extended to cover Protected and Heritage Trees should a storm damage them significantly and they pose a serious immediate hazard to persons or property. No fee will be assessed nor replacements required for Protected and Heritage trees that have been damaged in a natural event for which full removal is suggested or required. If the tree is designated as Protected or Heritage and was removed, and it is determined that full removal was not necessary by City officials and a certified arborist, then the appropriate replacement costs will be imposed.
- (14) All lots between nine thousand square feet (9,000) and fifteen thousand square feet (15,000) that are not radial or cul-de-sac lots shall be required to have five (5) approved trees, each with a minimum of three inches (3") in diameter (9.42" in circumference), with two (2) of such trees located in the front yard. Any lot which is less than nine thousand square feet (9,000) and is not a radial or cul-de-sac lot shall be required to have four (4) approved trees, each with a minimum of three inches (3") in diameter (9.42" in circumference), with two (2) of such trees located in the front yard. Any cul-de-sac or radial lot shall be required to have four (4) approved trees, each with a minimum of three inches (3") in diameter (9.42" in circumference), with one (1) of such trees located in the front yard. All lots larger than fifteen thousand square feet (15,000) that are not radial or cul-de-sac lots shall be required to have six (6) approved trees, each with a minimum of three inches (3") in diameter (9.42" in circumference), with two (2) of such trees located in the front yard. All trees shall be planted a minimum of ten feet (10') from other trees. In the event that, in the written opinion of a landscape or tree professional, the topography or natural condition of the site, or the location of permitted structures and other improvements to the site, it is not reasonably possible to plant and maintain an otherwise required tree, an understory tree from the approved understory tree list attached hereto and made a part hereof as exhibit "B" may be planted in its place.
- (15) It is the intent of this ordinance to promote the retention of Heritage trees and Protected trees. Accordingly, an owner and/or homebuilder/developer shall be given credit for retaining qualified trees and protected trees as follows:
- (a) Each qualified tree shall count as two (2) trees for purposes of determining the number of trees required on a lot; and
 - (b) Each protected tree shall count as three (3) trees for purposes of determining the number of trees required on a lot.

(16) Each qualified tree or protected tree for which the owner and/or homebuilder/developer is given credit pursuant to this subsection shall remain healthy and living for a period of three (3) years following construction. Should such qualified tree or protected tree not survive for that period, the minimum tree requirements shall be recalculated without the provided tree credits and the owner and/or homebuilder/developer shall comply with the requirements of this section without consideration of the credit(s) for the qualified tree(s) or protected tree(s).

(Ordinance 2017-06 adopted 2-28-17)

§ 3.1005 Timing

Each tree planting required by this article shall be completed within thirty (30) days or, if the season or weather are such that a successful planting is unlikely, no later than the following January after the completion of the improvements, as reflected in the building permit application. In the case of postponed plantings, later than thirty (30) days, tree deposits equivalent to five hundred dollars (\$500.00) per tree shall be made to city to assure performance.

(Ordinance 2017-06 adopted 2-28-17)

§ 3.1006 Destruction or Damage to Trees on Public Property

Nothing in this article shall prevent the City of Spring Valley or any public utility from performing necessary maintenance and repair activities which may affect trees located on or over public property or utility easements.

(Ordinance 2017-06 adopted 2-28-17)

§ 3.1007 Penalty

(1) Any person, firm, partnership, association, corporation, company, or organization of any kind who or which intentionally, knowingly, recklessly, or with criminal negligence violates any of the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall, in addition to any other fines allowed under this article, be fined in accordance with the general penalty provision found in Section 1.106 of this code. Each day during which such violation shall exist or occur shall constitute a separate offense.

(2) The owner or owners of any property or of premises where any violation of this article shall occur, and any agent, contractor, builder, architect, person, association, organization, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense, and, upon conviction thereof, shall be punished as above provided.

(3) All penalties and fines assessed under this article shall be paid into the Tree Fund.

(4) Compliance. Violators of this section will be required to come into compliance within 60 days, unless a variance has been approved by the City. Compliance with this article may be grounds for withholding of other related pending permits for the project by the City.

(5) Enforcement. The City shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to a stop work order, suit for injunctive relief, and/or prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance. Any violation of this article may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

(6) Civil remedies. Nothing in this article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:

(A) Injunctive relief. Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;

(B) Civil penalty. A civil penalty up to \$500.00 a day to be deposited in the City Tree Fund, when it is shown that the defendant was notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article, and other available relief; and

(C) Stop work order. In the event work is not being performed in accordance with this article, the City shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

(Ordinance 2017-06 adopted 2-28-17)

§ 3.1008 TREE FUND

(1) A fund is hereby created in which any/all permit fees, penalties, and cash-in-lieu paid to the City pursuant to the mandates of this article shall be deposited.

(2) The fund will be administered by the City Council who may designate this responsibility to the Tree Board and may be drawn upon to implement landscaping improvements on City parks, City-controlled public right-of-way greenspaces, and other public land.

(3) The assets of the fund shall only be expended to purchase and plant new trees, plants, or landscaping in public parks, parkways, medians, and rights-of-way of public streets and upon the grounds of other public property of the City. Planting costs payable from the fund include the installation of related irrigation equipment and other measures necessary to protect and subsequent maintenance following planting. An amount not to exceed 20 percent of the fund balance at the beginning of each fiscal year may be expended to promote public awareness of the objectives of this article, including Earth Day, or Arbor Day programs for the distribution of sapling trees to the general public.

(4) The assets of the fund can be expended to hire or contract with a Certified Forester, landscape architect, or Arborist to help with enforcement, inspections and reviews as well as to promote public awareness of the objectives of this article and may be used for necessary expenses, equipment, or contractual obligations related to the enforcement of this article.

§ 3.1009 PROTECTED AND HERITAGE TREES

(1) Protected Trees.

(A) Trees designated as Protected Trees under this article are considered to be highly desirable, and private landowners and developers are encouraged to preserve these trees through proper care and maintenance.

(B) An Arborist is recommended but not required for trimming on protected trees except all Oak species. Protected size trees of the Oak species will require an Arborist for trimming. Trimming in excess of 25 percent of the canopy of a Protected Tree is prohibited at all times.

(C) If removal of a protected tree is desired, then the landowner or responsible party of existing lots and/or new development must request a permit for removal and they must provide replacement tree at a ratio of 1:1, or cash-in-lieu may be paid to the City Tree Fund in the amount equal to the cost of nursery stock required to replace the diameter amounts lost and the cost of installation on a per unit basis, not to

exceed \$100.00 per diameter inch lost or 20 percent of the current value of the property, not including any structures built upon the lot, as assessed in the most current county appraisals.

(D) Homeowners may offset costs by 100 percent with a tree replacement, non-resident developers may offset costs by 50 percent with a tree replacement but are subject to pay the remaining fee, and commercial developers allowed 40 percent offset with planting and then are subject to pay the remaining fees.

(2) Heritage Trees

(A) Trees designated as Heritage Trees under this article are hereby prohibited from removal.

(B) An Arborist is required for all trimming on Heritage Trees. Trimming in excess of 25 percent of the canopy of a Heritage Tree is prohibited at all times.

(C) Property owners, residents, and developers who wish to remove a Heritage Tree must request a variance and must show proof that there is substantial reason to remove a Heritage Tree. Placement of a desired structure is not considered to be reason enough to remove a Heritage Tree.

(D) If a removal variance is granted, a replacement must be provided at a ratio of 1:1, or cash-in-lieu may be paid to the City Tree Fund in the amount equal to the cost of nursery stock required to replace the diameter amounts lost and the cost of installation on a per unit basis, not to exceed \$100.00 per diameter inch lost or 20 percent of the current value of the property, not including any structures built upon the lot, as assessed in the most current county appraisals.

(E) Homeowners may offset costs by 100 percent with a tree replacement, non-resident developers may offset costs by 50 percent with a tree replacement but are subject to pay the remaining fee, and commercial developers allowed 40 percent offset with planting and then are subject to pay the remaining fees.

(3) Prohibited and Harmful Trimming Practices on Protected and Heritage Trees such as Lion Tailing and Topping, as defined in section 3.1001 of this article, may result in fines up to \$500.00 per Protected Tree and \$1,000.00 for each Heritage Trees harmed with these prohibited practices.

(4) Diagnosed Oak Wilt in Protected and Heritage Trees may result in their removal. If Oak Wilt is detected and it is substantial enough to warrant removal or has caused significant structure damage or death of large portions of the tree, as diagnosed by an Arborist, these trees are exempt from replacement requirements and removal fees imposed by the City. Residents are still encouraged to replace trees and the City offers financial assistance for replacement of trees lost due to Oak Wilt in section 3.1011.

§ 3.1010 - TREE REMOVAL.

(1) All tree removals must go through a permit process separate from the tree trimming process. This is to determine the species, Protected Tree or Heritage Tree status, or if there is a public hazard or nuisance.

(2) Removal of Protected Trees should be avoided. In the case of bug infestation or disease, besides Oak Wilt, treatments should be pursued before removal if possible. Protected trees should be replaced following the procedures outlined in section 3.1009(A).

(3) Removal of Heritage Trees is prohibited. A variance must be requested, significant proof is needed for approval to remove beyond placement of a desired structure alone, and the replacement procedures outlined in section 3.1009(B) apply.

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- (4) Removal of trees listed in section 3.1004 (11) is permitted and no replacement procedure is required. The permit in this case is simply to establish the tree type.
 - (5) Residents are highly encouraged to use a licensed and insured tree care professional for all removals as they can pose a serious risk to life and property.
 - (6) All fees assessed under this section shall be paid into the Tree Fund.

§ 3.1011 - OAK WILT.

- (1) Reporting. Any person who discovers or suspects the presence of Oak Wilt infestation or an Oak Wilt infected tree shall report that information to the City Manager/Administrator within ten business days.
- (2) Inspections and Notice to Owner:
 - (A) The City is authorized and empowered to send a representative from City staff, the Tree Board, Texas A&M Forest Service, or an Arborist to enter upon any lot or parcel of land in the City at any reasonable hour for the purpose of inspecting any oak tree(s) or dead oak wood situated thereon.
 - (B) Every reasonable effort shall be made to contact the owner, resident, or other persons who may have charge or control of the lot or parcel in advance to notify them of the inspection and to request entry.
 - (C) If there is a living structure on premise, or it is established by observation that the parcel or lot is occupied at the time of the inspection, the aforementioned personnel shall first present credentials, alert the occupant of their intention to enter the property for inspection purposes, and request entry.
 - (D) Owners and occupants shall provide reasonable cooperation for the entry and inspection of their property for the purpose of dealing with this public nuisance. While permission from the resident, owner, or occupant is necessary for entry, if such entry is refused and the City has probable cause to believe that there exists on the premises a public nuisance such as Oak Wilt, the City shall go before the Municipal Court Judge to seek and obtain a search warrant. The purpose of this warrant is to determine the presence of Oak Wilt and to obtain samples.
- (3) Confirmation of Oak Wilt and Notice to Owner:
 - (A) If, on laboratory analysis of specimens removed from any red oak tree, it is determined that such tree is infected with Oak Wilt, or if it is determined that any dead or substantially dead red oak tree, is infected with Oak Wilt then it must be fully removed and all wood taken from the property and disposed of properly. Tools used should be cleaned immediately and shall not be used on other trees until they have been properly sanitized.
 - (B) If, on laboratory analysis of specimens removed from any species of oak tree other than red oak, it is determined that such tree is infected with Oak Wilt, and it is determined that the tree should be removed by an Arborist because abatement measures to contain the Oak Wilt and/or prolong the tree's lifespan are determined to be insufficient or cost prohibitive for the owner, or it is determined the structural damage to the tree is significant enough to make it a public health hazard then it must be fully removed and all wood taken from the property and disposed of properly.
 - (C) It is determined that any such tree, dead or alive, infected with Oak Wilt should be removed, the City may serve or cause to be served a written notice upon the owner of record and upon all lienholders of the lot or parcel of land on which the tree or dead oak wood is located, requiring such owner to comply with the provisions of this article.
 - (D) Diagnosis will be obtained via laboratory verification by the Texas A&M Forest Service or through a field survey by trained personnel.

(E) Service of notice provided for in this article shall be by certified mail to the owner's address as listed on the Harris County Appraisal District's tax roll. Notice to a lienholder or its agent may be made by personal service or by certified mail. Certified mail returned as "unclaimed" or "refused" shall be deemed delivered.

(F) If, on laboratory analysis of specimens removed from any species of oak tree other than red oak, it is determined that such tree is infected with Oak Wilt, and it is determined that the tree could benefit from abatement and treatment efforts and that these efforts could effectively contain the Oak Wilt and prolong the tree's life as diagnosed by an Arborist with a specialization in Oak Wilt, then the owner may take these preventive measures at their own expense.

(4) Abatement or Removal Required:

(A) Upon receipt of written notice by the City as described herein it shall be unlawful for any owner of any lot or parcel of land within the jurisdiction of the City to permit or maintain on any such lot or parcel any dead oak wood or oak tree which is a public nuisance as defined in this article, and it shall be the duty of the owner of such to promptly remove and destroy such oak tree by cutting the tree off at ground level and removing all dead oak wood and woody debris as directed by the City.

(B) Should the property owner fail to abate the public nuisance within 60 days following the receipt of notification, the City shall have the right to cause the removal and destruction of the diseased trees. The full cost of such removal and destruction shall be assessed to the property owner. Should the property owner fail to pay the City within 30 days from the date of invoicing the City may, at its discretion, file a lien against the property in the amount of all costs incurred by the City, plus interest. The assessment of expenses and lien shall follow the procedures established in Tex. Health and Safety Code Ch. 342.

(C) Oaks known or suspected to have died of Oak Wilt may not be retained for firewood under any circumstances due to the elevated risk of fungal mat formation and insect transmission.

(D) It shall be unlawful for any person to sell firewood within the City that was taken from oak trees known or suspected to be infected by the Oak Wilt fungus.

(E) Pruning or cutting of oak trees shall be prohibited in the spring months of February through June when fungal spore formation and beetle activity are highest unless such activities are completely unavoidable to protect the safety of people and property or the health of the tree. A permit from the City must be secured prior to pruning or cutting in this situation.

(F) Pruning or cutting of oaks is permitted from July through January. Pruning apparatus should be disinfected between trees.

(G) Regardless of the time of year that the wound occurs, black tree wound dressing must be applied immediately to all wounds of any size on susceptible oaks, including the cut surface of healthy oak stumps, pruning cuts, construction damage, or any spot where the bark has been removed to expose the wood beneath, to discourage potential insect/disease contamination. Failure to seal any wound immediately upon creation is an unlawful violation of this article. This includes trunks of any diseased oak trees fully removed where the trunk portion is left behind. Residents are encouraged to fully remove the stump of diseased oak trees as they can still spread Oak Wilt.

(H) If any owner, resident, or responsible party including the City fails to address Oak Wilt once confirmed by laboratory specimen and it can be reasonably proven that the Oak Wilt has since spread to other nearby properties as a result of this negligence, as determined by an Arborist specializing in Oak Wilt, the property owner or responsible party of the Oak Wilt center may be liable for the damages to surrounding properties and subject to no less than half of the fees associated with removal, containment, abatement, and/or replacement of the trees on property surrounding the Oak Wilt Center.

(a) These are not fees due to the City for permitting purposes, as there are none in the case of Oak Wilt. These are the fees incurred by other surrounding private land holders adjacent to the Oak Wilt center for the purpose of hiring professionals to contain, remove, and replace the diseased trees.

(b) For liability purposes, reasonable proof must exist that the owner was notified of confirmed Oak Wilt and that no action was taken to contain and/or remove the diseased trees. If action was taken, and Oak Wilt still spread as diagnosed by an Arborist specializing in Oak Wilt, then the property owner for which the Oak Wilt center was located is not liable for any spreading that may occur after reasonable efforts have been made to contain and/or remove the Oak Wilt from the property.

(5) City Sponsored Replacement Program and Oak Wilt Abatement and Prevention Efforts:

(A) The City shall appropriate funds as deemed appropriate by the City Council for Oak Wilt suppression on private and public lands within the City limits.

(B) The City has no obligation to pay for preventive measures on any private property. However, to encourage participation by property owners, the City may enter into written agreements with certain property owners to pay for all or part of the costs of preventive measures.

(C) The City may enter into an agreement with the property owner(s) for cost-sharing of trenching or removal of dead oaks.

(D) The City may enter into an agreement with the property owner(s) for cost-sharing of replacement trees for Protected and Heritage trees lost to Oak Wilt. Residents are encouraged, but not required, to replace trees lost by Oak Wilt.

(a) The City will offer to cover 50 percent of the cost of the replacement tree, or up to \$600.00 in matching funds, to replace any protected or heritage tree that has died or must be removed due to Oak Wilt as diagnosed by an Arborist and confirmed by the City.

(b) Trees smaller in diameter and younger in age than a designated protected or heritage tree but afflicted by Oak Wilt as diagnosed by an Arborist and confirmed by the City, will be grouped into sets of five to determine a funding match from the City; for every five smaller trees a resident may receive \$600.00 and for every three smaller trees a resident may receive half value at \$300.00 in matching funds.

(c) The resident will be reimbursed upon the confirmed planting of the replacement tree. Trees must be planted in the fall, not during a drought, and the resident must provide an exact match of funds from the City to purchase a tree of advanced age and suitable durability to survive transplantation.

(d) The City will not cover costs to plant the tree and no portion of the match funds may be used for planting services. The match funds shall be solely used for the purchase of the tree.

(e) Trees selected for planting may not be susceptible to Oak Wilt and residents should reference the Texas A&M Forrest Service guidelines for appropriate trees to plant to in this area that Oak Wilt cannot infect.

(f) Residents that show proof the replacement tree planted has survived after three years will receive an additional \$100.00 per tree. This must be documented via photos and the tree must still be alive and thriving at the time the City sends out a representative to confirm in person.

(6) Fungicide treatment for non-symptomatic or slightly symptomatic trees or removal of infected or dead trees shall be the responsibility of the landowner.

(7) If an owner of any private land, regardless of zoning or development status, fails to remove, trench, and treat confirmed Oak Wilt then the City may remove the trees at the owner or responsible person(s) expense and may impose additional fines as described in this article.

**Exhibit A
Approved Tree List**

Species	Common Name	Botanical Name
Ash	Green Ash	Fraxinus pennsylvanica
	White Ash	Fraxinus Americana
Birch	River Birch	Betula nigra
Cedar	Eastern Red Cedar	Juniperus virginiana
Cypress	Bald Cypress	Taxodium distichum
	Montezuma Cypress	Taxodium mucranutum
Elm	American Elm	Ulmus Americana
	Cedar Elm	Ulmus crassifolia
	Lacebark Elm	Ulmus parvifolia
	Winged Elm	Ulmus alata
Hickory	Hickory species	Carya varieties
Magnolia	Southern Magnolia	Magnolia grandiflora
Maple	Drummond Red maple	Acer rubrum var. drummondii
	Trident Maple	Acer buergerianum
Oak	Bur Oak	Quercus macrocarpa
	Chiquapin Oak	Quercus muehlenbergii
	Durrand Oak	Quercus durrandii
	Laurel Oak	Quercus laurifolia
	Live oak	Quercus virginiana
	Mexican White Oak	Quercus polymorpha
	Nuttall Oak	Quercus nuttallii
	Overcup Oak	Quercus lyrata
	Post Oak	Quercus stellata
	Shumard Oak	Quercus shumardii
	Swamp Chestnut Oak	Quercus michauxii
	Water Oak	Quercus nigra
White Oak	Quercus alba	
Pine Tree	Loblolly Pine	Pinus taeda
	Longleaf Pine	Pinus palustris
Pistache	Chinese Pistache	Pistacia chinensis
Sweet Gum	American Sweet Gum	Liquidambar styraciflua
Sycamore	American Sycamore	Platanus occidentalis
	Mexican Sycamore	Platanus mexicana
Walnut	Black Walnut	Juglans nigra
Others	Anacua	Ehertia anacua
	Basswood	Tilia Americana
	Black Tupelo	Nyssa aquatic
	Gum Bumelia	Bumelia lanuginosa
	Red Bay	Persea borbonia

(Ordinance 2017-06 adopted 2-28-17; Ordinance 2020-16 adopted 4-28-20)

**Exhibit B
Approved Understory Tree List**

Fringe Tree	Chinese Fringe Tree	Chionanthus retusus
	Fringe Tree	Chionanthus spp
Hawthorn	Parsley Hawthorn	Crateagus marshallii
Holly	American Holly (tree form)	Ilex opaca
	Dahoon Holly	Ilex cassine
	East Palatka Holly	Ilex x attenuata "East Palatka"
	Possumhaw Holly	Ilex decidua
	Savannah Holly	Ilex x attenuata "Savannah"
Laurel	Cherry Laurel	Prunus caroliniana
	Mexican Plum	Prunus Mexicana
	Texas Mountain Laurel	Sophora secundiflora
Magnolia	Little Gem Magnolia	Magnolia grandiflora 'Little Gem'
	Saucer Magnolia	Magnolia x soulangiana
	Sweet Bay	Magnolia virginiana
Maple	Chalk Maple	Acer leucoderme
Pistache	Texas Pistache	Pistacia texana
Redbud	Redbud	Cercis canadensis
Viburnum	Rusty Black-Haw	Viburnum rufidulum
Others	Hophornbeam	Carpinus caroliniana
	Flameleaf Sumac	Rhus spp
	Mexican Buckeye	Ungradia speciosa

(Ordinance 2017-06 adopted 2-28-17; Ordinance 2020-16 adopted 4-28-20)

EXHIBIT C

TREE PROTECTION FENCING

Required by Code of Ordinances
City of Spring Valley Village

DO NOT REMOVE!

FINE: \$100 OR MORE, JOB MAY BE SHUTDOWN, FOR PERMISSION FOR TEMPORARY REMOVAL CALL (713) 465-8308. TO REPORT VIOLATIONS, CALL (713) 465-8308.

CERCAS PARA PROTECCION de ARBOLES

Requerido por Código de Ordenanzas

POR FAVOR NO RETIRE EL LETRERO

MULTA DE: \$100 O MÁS, TRABAJO PUEDE SER TERMINADO, PARA PERMISO PARA REMOCION TEMPORAL LLAME: (713) 465-8308. PARA DENUNCIAR UNA INFRACCION LLAME: (713) 465-8308.

(Ordinance 2017-06 adopted 2-28-17)



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

MEETING DATE:	December 9, 2025
SUBMITTING STAFF:	Jose Gomez, Development Services Manager
SUBJECT:	DISCUSSION CONCERNING: Possible Amendments to the City of Spring Valley Village Code of Ordinances; Chapter 12, Planning and Zoning: Section 05:02.03.08 maximum lot coverage regarding clarification on artificial turf and allowable use.

BACKGROUND:	At the request of the Planning and Zoning Commissioner, <i>Chapter 12, Section 05:02.03.08</i> , has been put on the December 9th, 2025, agenda for further discussion.
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ATTACHMENTS:	05_02.03__Size_and_Area_Requirements_(2)
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FUNDING:					
Amount Available	Account No.	Additional Appropriation Required	Project No.	Amount Budgeted	Account Description

RECOMMENDATION:	This is a discussion item. No action is required by the Commission at this time.
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05:02.03 Size and Area Requirements:

In construing this Ordinance, all measurements shall be made to the property lines inclusive of any portion of easements within the property lines, so as that the area contained in any easement within the property lines shall be considered a part of the Lot in question for the purposes of determining building lines.

- .01 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 easements.
- .02 Maximum height. No building or structure more than thirty-six feet (36') in height shall be erected in Dwelling District "A". (See also Building or Structure Height to setback ratio (3:5 below).)
- .03 Maximum stories. No building or structure more than two stories shall be erected in Dwelling District "A".
- .04 Reserved. (Ordinance 2006-05 adopted 3-28-06)
- .05 Reserved. (Ordinance 2006-05 adopted 3-28-06)
- .06 Minimum Floor Area Per Dwelling Unit. Each dwelling unit shall have a minimum ground floor, as that term is defined in this subsection, of fourteen hundred (1,400) square feet in area, exclusive of porches, garage, and laundry rooms. The ground floor of a dwelling unit is the living space area most proximate to the foundation slab or other support foundation, upon which such structure is located. (Ordinance 194)
- .07 Maximum Foundation Height. The foundation slab or other support foundation of a structure shall not exceed a height of four feet (4') above the average surrounding finished grade of the ground upon which such structure is located. (Ordinance 194)
- .08 Maximum Lot Coverage. The maximum coverage of any lot with any constructed surface shall not exceed sixty percent (60%) of the lot area located behind the required front building line, and shall not exceed fifty percent (50%) of the lot area located in front of the required front building line. "Constructed surface" shall include for computation of lot coverage buildings, garages, accessory buildings, patios, sidewalks, driveways, any area surfaced for automobiles, and other constructed surface areas, but shall exclude stepping stones, air conditioner supports, landscape border stones, wooden decks, and similar materials or structures. Provided, further, that the water surface area of a swimming pool shall not be counted as constructed surface in the computation of the maximum coverage of any lot, and that pavers (a.k.a. paver stones, brick pavers, or concrete pavers, however named) shall be counted as constructed surface in the computation of the maximum coverage of any lot. (Ordinance 2004-01 adopted 1-20-04)
- .09 Building line setbacks: (Ordinance 231)
 - .09.01 General: The following restrictions shall apply to all construction of or addition to new or pre-existing buildings, dwellings, garages, and accessory use buildings.
 - .09.02 Front building line setbacks:
 - .09.02.01 Adjoining a local or collector street. For a lot fronting a local or collector street having a right-of-way width of sixty feet (60'), the minimum front building line setback shall be twenty-five feet (25'). For a lot fronting a local or collector street having a right-of-way width of fifty feet (50'), the minimum front building line setback shall be thirty feet (30'). (Ordinance 2007-05 adopted 3-20-07)
 - .09.02.02 Adjoining a Major Thoroughfare. For a lot adjoining a major thoroughfare, other than Westview Drive, the front building setback line shall be twenty-five feet (25'). All garages facing a major thoroughfare must be setback a minimum of thirty-eight feet (38'), measured from the inside edge of any public sidewalk nearest the associated front property line.

Lots Adjoining Westview Drive. Except as provided herein, for a lot adjoining and facing Westview Drive the front building setback line shall be twenty-five feet (25'); provided, however, for a lot adjoining and facing Westview Drive on the north side of Westview Drive between Bracher Street and Bingle Road, the front building setback line shall be forty feet (40'). All garages must be setback a minimum of thirty-eight feet (38') from the inside edge of any public sidewalk nearest the associated front property line, subject to the provisions of Section 05:02.01.04. (Ordinance 2018-27 adopted 10-23-18; Ordinance 2019-12 adopted 5-21-19; Ordinance 2019-14 adopted 6-25-19)

- .09.02.03 Adjoining a Cul-de-sac turnaround. For a lot fronting the turnaround portion of a cul-de-sac, the minimum front building line setback shall be twenty feet (20'). (Ordinance 2007-05 adopted 3-20-07)
- .09.02.04 Setback Adjustment. If a lot fronts a right-of-way of less width than the minimum required in the City's Subdivision Development Ordinance or the City's Street and Thoroughfare plan, there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.
- .09.02.05 Pre-existing lot. If the pre-existing lot depth is less than the minimum depth required by the City Subdivision Development Ordinance, the front building line setback shall not be less than the setback shown on the pre-existing recorded plat, but in no event less than twenty-five feet (25').
- .09.03 Side building line setback.
 - 09.03.01 Adjoining another lot. For adjoining side property lines, the side building setback shall be not less than eight feet (8'). Where a side property line adjoins the rear property line of adjacent property, the side yard setback for the second story shall be not less than fifteen feet (15'). (Ordinance 2006-05 adopted 3-28-06)
 - .09.03.02 Adjoining a local or collector street. Adjoining a local or collector street right-of-way the minimum side building line setback shall be fifteen feet (15').
 - .09.03.03 Adjoining a major-thoroughfare. Adjoining a major-thoroughfare the minimum side building line setback shall be twenty-five feet (25').
 - .09.03.04 Setback adjustment. If a side lot line adjoins a right-of-way of less width than the minimum required by the City's Subdivision Development Ordinance or the City's Street and thoroughfare plan, there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.
 - .09.03.05 Removed by Ordinance 2025-04 adopted 1-28-25.
- .09.04. Rear building line setback.
 - 09.04.01 Rear setback. For adjoining rear property lines, the rear building setback shall be not less than ten feet (10') for the first story, and not less than twenty five feet (25') for the second story. Where a rear property line adjoins the side property line of adjacent property, the rear yard setback shall be not less than ten feet (10'). (Ordinance 2006-05 adopted 3-28-06)
 - .09.04.02 Adjoining a local or collector street. Adjoining a local or collector street right-of-way the minimum required rear building setback shall be fifteen feet (15').
 - .09.04.03 Adjoining a major-thoroughfare. Adjoining a major-thoroughfare the minimum required rear building line setback shall be twenty-five feet (25').
 - .09.04.04 Setback adjustment. If a lot backs up to a right-of-way of less width than the minimum as required in the City's Street and Thoroughfare Plan there shall be added to the setback

additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.

- .09.04.05 Pre-existing lot. If the pre-existing lot depth is less than the minimum depth required by the City Subdivision Development Ordinance, the rear building line setback shall not be less than the setback shown on the pre-existing recorded plat, but in no event less than ten feet (10').

.10 Driveway Width, Transition, and Separation.

- .10.01 Except as provided by subsection 10.04 below, the maximum driveway width at the line of intersection with the street pavement shall not exceed twenty-four feet (24'), plus the corner radii at each intersection and the maximum width of the driveway located within the right-of-way shall not exceed twenty-four feet (24').
- .10.02 Residential access ways, or curb cuts, shall meet or exceed the minimum standards set by the City. (See, e.g., Article 3.1200—Regulations for the Cutting of Streets).
- .10.03 No curb cut shall be located within twenty-four feet (24') of a street intersection.
- .10.04 Lots that are adjacent to Campbell Road or Bingle Road and a minor street shall have vehicular driveways connecting with the minor street only.
- .10.05 Where the driveway provides direct access to a garage containing more than two (2) parking spaces and the garage fronts a side-street, then the corresponding curb cut shall not exceed thirty-six feet (36').
- .10.06 Only one (1) curb cut is permitted per residence; provided, however, a second curb cut is permitted when connected to a circular driveway. Except as provided by subsection 10.04, the total width of all curb cuts per residence shall not exceed twenty-four feet (24') plus the corner radii at each intersection.
- .10.07 If more than one (1) curb cut (that is street transition) is constructed on the same lot, such curb cuts shall be separated (nearest edge to nearest edge as measured along the street curb) by a minimum distance of at least twenty feet (20'). The driveways corresponding to the two (2) curb cuts must interconnect as a circular driveway, and at least one (1) curb cut must correspond to a driveway to the dwelling unit's garage or alternative enclosed vehicle parking space.
- .10.08 A parking pad is permitted only if it is contiguous to the driveway, it is a paved surface, and it is located entirely outside the City right-of-way.
- .10.09 It shall be unlawful for any person to cause or permit the placement or construction of a vehicular driveway, or any portion thereof, which violates the provisions of this section.

(Ordinance 2013-03 adopted 2-26-13; Ordinance 2019-12 § 3 adopted 5-21-19)