

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, April 14, 2026, 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](http://www.springvalleytx.com).

The video link to this meeting is <https://us02web.zoom.us/j/82073882212>

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: 820 7388 2212 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 February 10, 2026.

**3. NEW BUSINESS**

**3.1 CONDUCT A PUBLIC HEARING CONCERNING: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE 9.116 TO ADD DELEGATION OF AUTHORITY RELATING TO THE REVIEW AND APPROVAL OF PLATS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.**

1. Presentation
2. Those In Favor
3. Those Opposed
4. Adjourn Public Hearing

**3.2 CONSIDERATION AND POSSIBLE ACTION CONCERNING:** AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE 9.116 TO ADD DELEGATION OF AUTHORITY RELATING TO THE REVIEW AND APPROVAL OF PLATS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

**3.3 CONDUCT A PUBLIC HEARING CONCERNING:** AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, PROVIDING FOR THE AMENDMENT OF SECTION 11:01.05. PERMITTED LOCATIONS TO PROVIDE EXCEPTIONS PROVISIONS TO SECTION 11 FENCES, OF CHAPTER 12, PLANNING AND ZONING; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY, WITH EACH DAY CONSTITUTING A NEW VIOLATION.

1. Presentation
2. Those In Favor
3. Those Opposed
4. Adjourn Public Hearing

**3.4 CONSIDERATION AND POSSIBLE ACTION CONCERNING:** AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, PROVIDING FOR THE AMENDMENT OF SECTION 11:01.05. PERMITTED LOCATIONS TO PROVIDE EXCEPTIONS PROVISIONS TO SECTION 11 FENCES, OF CHAPTER 12, PLANNING AND ZONING; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY, WITH EACH DAY CONSTITUTING A NEW VIOLATION.

**3.5 CONSIDERATION AND POSSIBLE ACTION CONCERNING:** AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS PROVIDING FOR THE REPEAL AND REPLACEMENT OF ARTICLE 3.1000, URBAN FOREST PRESERVATION AND PROTECTION, CHAPTER 3, BUILDINGS & CONSTRUCTION, OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A TREE FUND; AND PROVIDING FOR A PENALTY PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

#### **4. ADJOURNMENT**

I certify that a copy of the April 14, 2026, agenda of items to be considered was posted on or before the 8th day of April 2026, 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, February 10, 2026

**1. The Planning & Zoning Commission meeting was called to order by Chairman Trey Hoffman at 6:48 p.m. in the Council Chambers of City Hall, 1025 Campbell Road, Houston, Texas.**

Planning & Zoning Members present at City Hall:

- Trey Hoffman, Chairman
- Brad Jones, member
- Nathan Carroll, member
- Lucian Bukowski, alternate member
- Jarrad Bourger, secretary

*A quorum was present.*

City Officials present:

- Jasmin Torres, City Secretary
- John McDonald, City Administrator
- Jose Gomez, Development Services Manager
- Joseph Hays, City Attorney

**2. Approval of meeting minutes for the regular Planning and Zoning meeting on December 9, 2025**

Lucian Bukowski made the motion to approve the minutes. Nathan Carroll seconded the motion. The motion carried unanimously.

**3. OLD BUSINESS**

**3.1 DISCUSSION CONCERNING: PROPOSED 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.**

The commission continued review of an updated draft ordinance. The commission agreed to standardize all tree measurements to circumference only, removing all diameter references throughout the document. This was seen as simpler and less

prone to homeowner disputes. No final resolution was reached on all sections. The ordinance will be brought back in votable form at the next meeting.

**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.

The commission discussed whether artificial turf should be classified as impervious cover. Key concerns raised included long-term permeability and maintenance challenges, the fact that drainage systems route water to the street rather than absorbing it into the ground, and fire and chemical risks associated with plastic-based turf materials. The consensus position was to keep the current policy as-is, treating artificial turf as impervious cover.

## 5. ADJOURNMENT

Brad Jones made a motion to adjourn. Nathan Carroll seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:59 p.m.

Signed: \_\_\_\_\_

Trey Hoffman, Chairman

Attest: \_\_\_\_\_

Jarrad Bourger, Secretary



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

<b>MEETING DATE:</b>	April 14, 2026
<b>SUBMITTING STAFF:</b>	Jose Gomez, Development Services Manager
<b>SUBJECT:</b>	<p><b>CONDUCT A PUBLIC HEARING CONCERNING: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE 9.116 TO ADD DELEGATION OF AUTHORITY RELATING TO THE REVIEW AND APPROVAL OF PLATS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.</b></p> <ol style="list-style-type: none"> <li>1. Presentation</li> <li>2. Those In Favor</li> <li>3. Those Opposed</li> <li>4. Adjourn Public Hearing</li> </ol>

<b>BACKGROUND:</b>	<p>Staff has reviewed Chapter 9 – Subdivisions and recommends the following amendments to ensure compliance with the Texas Local Government Code, particularly Section 212.0065 – Delegation of Approval Responsibility and Section 212.009 – Approval Procedure: Initial Approval.</p> <ol style="list-style-type: none"> <li>1. Delegation of Authority for Plat Approval Currently, under the code of ordinances, section 9.117 Replats requires any replat that does not require a variance or an exception to be reviewed and approved by both the Planning and Zoning Commission and the City Council—these two approval processes conflict with the time constraints established in the Local Government Code.</li> </ol> <p>To ensure compliance and streamline the plat approval process, staff recommend the following changes:</p>
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- Replats that do not require a variance or exceptions may be reviewed and approved administratively by City staff.
- Delegated City staff the authority to approve the types of plats, replats, for which such delegation is authorized by V.T.C.A., Local Government Code, § 212.0065
  - City staff shall not be authorized to approve any plat or replant that:
    - Increases the number of subdivided lots
    - Creates irregularly shaped lots
    - Reduces or adversely affects any front yard, side yard, street area, public easement or other public property
    - Requires a variance or other discretionary approval by the commission
    - Requires a public hearing
    - Is not clearly within the scope of said V.T.C.A., Local Government Code § 212.0065
    - Does not clearly comply with this chapter, Chapter 9 of this Code, and other applicable regulations.
- The Planning and Zoning Commission shall be delegated final authority to approve plats.

These changes align with Section 212.0065 of the Local Government Code, which allows governing bodies to delegate plat approval authority under certain conditions.

## 2. Public Hearing Requirements

Staff recommends clarifying the requirements for public hearings related to replats:

- When a proposed replat or plat requires public notification, only one public hearing shall be necessary.
- If a replat does not require a variance or exception, no public hearing shall be required.

## 3. Compliance with Section 212.009 – Plat Approval Deadlines

Currently, Section 9.116 – Procedure; Review and Approval of Plats allows for 30 days of review by the Planning and Zoning Commission and an additional 30 days for the City Council, totaling 60 days.

Under Section 212.009 of the Local Government Code, the governing body or its delegated authority must act on a plat within 30 days of the date the plat is filed. If no action is taken within this period, the plat is automatically approved.

To comply with Local Government Code, Chapter 9 must be amended to ensure that all plat decisions—whether by staff, Planning and Zoning—are completed within the 30-day timeframe, by giving delegation authority to staff and delegating the final authority to approve preliminary and final plats to the Planning and Zoning Commission.

#### 4. Definition Updates and Terminology Changes

To support the changes above, the following updates are recommended:

- Section 9.102 – Definitions: Add a new definition for “Administrative Official”, to clarify the role and authority of staff responsible for basic plat approvals.
- Replace all references to “Director of Community Development” with “Administrative Official” for consistency and alignment with updated responsibilities in sections 9.114 and 9.117.

Attached is a copy of the proposed ordinance for review.

**ATTACHMENTS:** PLAT ORDINANCE NUMBER 2025 - 2.16 Redline, PLAT ORDINANCE NUMBER 2025 - 2.16.26 Clean

<b>FUNDING:</b>					
Amount Available	Account No.	Additional Appropriation Required	Project No.	Amount Budgeted	Account Description

**RECOMMENDATION:** No action during the public hearing.



**ORDINANCE NUMBER 2025-XX**

**AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE 9.116 TO ADD DELEGATION OF AUTHORITY RELATING TO THE REVIEW AND APPROVAL OF PLATS AND SECTION 9.117 REPEATS TO PROVIDE PUBLIC NOTIFICATION REQUIREMENTS FOR REPLATS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Legislature has enacted legislation requiring that subdivision Plats be reviewed and approved within statutory time frames; and

**WHEREAS**, additional provisions of the Subdivision Regulations be changed or updated; and

WHEREAS, Section 212.0065 of the Texas Local Government Code, the governing body of a municipality may delegate to one or more officers or employees the ability to approve, approve with conditions, or disapprove a plat; and

WHEREAS, Section 212.009, Tex. Local Gov't Code, has set a statutory timeline of thirty (30) days to approve, approve with conditions, or disapprove a plat from the date it is filed;

**WHEREAS**, the City Council of the City of Spring Valley Village, Texas (the "City") hereby finds and determines that is in the best interest of the health, safety, and welfare of the citizens of the City to amend the Subdivision Ordinance to reflect said legislative changes and to provide for the delegation of authority; and

**WHEREAS**, the Planning and Zoning Commission has reviewed these proposed amendments as required by law and has recommended approval thereof;

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

- ~~1. Delegation of authority under Section 212.0065 of the Texas Local Government Code, allowing the Administrative Official to approve certain types of plats.~~
- ~~2. Revision of plat approval timelines to thirty (30) days in accordance with Section 212.009 of the Texas Local Government Code, consolidating the previous review periods for City Council Administrative Official and Planning & Zoning Commission.~~
- ~~3. Designation of the Planning & Zoning Commission as the primary authority for review and approval of plats.~~

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

**Section 2.** Article 9.100, Subdivision Regulations, of Chapter 9, Subdivisions, of the Code of Ordinances of the City of Spring Valley Village, Texas, is ~~hereby amended by revising~~ deleted in its entirety and replaced with Section 9.116, entitled *Procedure; Review and Approval of Plats*, to provide for the delegation of authority and Section 9.117 Replats to provide public notice requirements for replats, in accordance with the amendments attached hereto as “Exhibit A” and incorporated herein by reference for all purposes.

**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 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.** Except as expressly provided for by this amendment in this Ordinance, the provision of Chapter 9, Subdivisions, of the City’s Code of Ordinances shall remain in full force and effect.

**Section 45.** 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 \_\_\_\_\_, 20\_\_\_\_.

**FOR THE CITY**

\_\_\_\_\_  
**MARCUS VAJDOS, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JASMIN TORRES, CITY SECRETARY**

## § 9.116 - Procedure; Review and Approval of Plats

### (A) (A) Administrative, ~~Commission~~ Commission, and Council Review

- (1) Upon receipt of a plat application, the Administrative Official shall review the application and determine whether it qualifies for administrative approval under Texas Local Government Code § 212.0065 and the provisions of the City's Code of Ordinances.
- (2) The Administrative Official is authorized to approve, approve with conditions, or disapprove the following types of plats, subject to the exceptions in subsection (3):
  - a. Amending plats;
  - b. Minor plats; and
  - c. Replats not requiring a public hearing under state law.
- (3) The Administrative Official is not authorized to approve any plat, replat, or amending plat that:
  - a. Increases the number of subdivided lots;
  - b. Creates irregularly shaped lots;
  - c. Reduces or adversely affects any yard, street area, public easement, or other public property;
  - d. Requires variance or other discretionary approval by the Planning and Zoning Commission;
  - e. Does not clearly comply with this chapter, Chapter ~~24~~ 9 of this Code, and other applicable regulations.
- (4) The Administrative Official may, at his or her discretion, refer any plat application to the Planning and Zoning Commission for consideration.
- (5) Any plat not eligible for approval by the Administrative Official, or any plat referred ~~or~~ appealed, shall be submitted to the Planning and Zoning Commission. The Commission shall approve, conditionally approve, or disapprove the plat ~~Within~~ within thirty (30) days of ~~the date the plat application was filed with the City, unless the applicant provides a written waiver of the statutory deadline.~~ receipt of the plat by the city ~~City~~, ~~the commission shall submit a recommendation to the city~~ City council to approve, conditionally approve or disapprove the plat ~~within that time.~~ Any plat appealed from the decision of the Administrative Official shall be submitted to the Planning and Zoning Commission. The Commission shall approve, conditionally approve, or disapprove the plat within fifteen (15) days after the date the response from the Administrative Official as appealed.
- ~~— Only plats required by state law to be considered by the City Council, or those specifically referred by the Commission, shall be forwarded to the City Council. The City Council Within 30 days of the commission's action, city~~ City council shall approve, conditionally approve, or disapprove the plat within thirty (30) days of the date the plat application was filed with the City, unless the applicant provides a written waiver of the statutory deadline.
- (6) A plat is considered approved by the Administrative Official or, Ceommission, ~~or city~~ City council ~~Council~~ unless it is disapproved within ~~that~~ the statutory thirty (30) day period and in accordance with this section. No changes, erasures, modifications, or revisions shall be made in any plat or to any required instrument after approval has been ~~given by the city~~ City council ~~and~~ endorsed on the plat in writing, unless such change, modification, or revision is first submitted to and approved by the ~~city~~ City.

### (B) (B) Resubmittals

If a plat is disapproved or approved with conditions, it may be resubmitted to the ~~city~~ City ~~City~~ for reconsideration without a fee. The ~~city~~ City ~~City~~ shall provide the applicant a written statement of the

conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. The applicant may submit a response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. Within fifteen (15) days, the ~~city~~City shall determine whether to approve or disapprove the previously conditionally approved or disapproved plat and shall approve the plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

#### ~~(C)~~(G) Filing Requirements

Upon approval of the plat, the developer shall submit two (2) prints and two (2) mylar copies of the approved plat, all other instruments that may be required to be recorded, a certificate or letter from a title or guarantee company or attorney, and tax certificates indicating that all taxes have been paid for prior and current years to the ~~city~~City. All mylar copies shall bear original signatures.

#### ~~(D)~~(D) Recordation

The plat shall be filed at the office of the county clerk when:

- (1) The developer constructs all the required improvements and the ~~city~~City approves such improvements; or
- (2) The developer files assurances approved by the ~~city~~City that guarantee construction of the required improvements.

#### (E) Return of Recorded Plat

When the plat shall have been recorded in the office of the county clerk, the original plat shall be returned to the ~~city~~City ~~secretary~~Secretary. The subdivider shall thereupon furnish to the ~~city~~City ~~secretary~~Secretary two (2) prints—one (1) paper and one (1) mylar copy—of such recorded plat at the expense of the subdivider. The original plat shall then be returned to the subdivider, or to the registered engineer or registered public surveyor who prepared it, as the subdivider shall direct.

#### (F) Expiration of Approval

Where a plat has not been filed for record and no public improvements have been completed or substantially completed within twelve (12) months of the approval or conditional approval of the subdivision plat, the plat shall be reviewed by the commission to determine the developer's intent to proceed. If the commission finds that the developer does not intend to proceed with the development, the commission shall transmit to ~~city~~City ~~council~~Planning and Zoning a request to withdraw approval of the plat. Upon receiving the recommendation of the commission, the ~~city~~City ~~council~~ Planning and Zoning may withdraw approval of the plat or extend approval for up to one (1) additional year.

~~(Ordinance 22-14 adopted 8-23-22)~~

### § 9.117 Replats

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

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

(2) If twenty (20) percent or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, then the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of the Commission ~~city council~~ is required to approve the replat.

(3) A public hearing and public notice shall be required for a replat only when required by Section 212.0156 of the Texas Local Government Code, including but not limited to replats that require a variance or exception from the City's subdivision regulations.

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

(1) For replats involving residential uses, signs shall be obtained from the city secretary's office. If the replat is for commercial use, sign requirements can be obtained from the director of community development.

(2) Sign placement.

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

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

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

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

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

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

(3) Proof of posting.

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

- (ii) The applicant is responsible for maintaining the sign(s) on the property throughout the review process.
- (iii) A minimum of seven (7) calendar days prior to the public hearing, the applicant shall file an affidavit, on a form provided by the city, with the director of community development verifying that the sign(s) was posted as required by this section.
- (4) Sign maintenance. The applicant shall be responsible for maintaining all signs on the subject property throughout the replat process. The city is not responsible for monitoring the required replat signs. Should the city discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the city shall contact the applicant to investigate and, if needed, correct the situation. An affidavit from the applicant certifying that the applicant has corrected the sign(s) shall indicate that the intent of the posting requirement was met. Failure to maintain the sign during the process shall not result in the postponement of the replat consideration so long as the applicant attempted to replace damages or missing signs upon notification.
- (5) Removal of signs.
  - (i) The applicant shall be responsible for removing the sign(s) from the property within seven (7) calendar days of the final action on the application by the ~~city council~~ commission.
  - (ii) Failure to remove signs within such timeframe will result in the issuance of a citation per sign and per day until removed.

~~(Ordinance 22-14 adopted 8-23-22)~~

## ORDINANCE NUMBER 2025-XX

**AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE 9.116 TO ADD DELEGATION OF AUTHORITY RELATING TO THE REVIEW AND APPROVAL OF PLATS AND SECTION 9.117 REPEATS TO PROVIDE PUBLIC NOTIFICATION REQUIREMENTS FOR REPLATS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Legislature has enacted legislation requiring that subdivision Plats be reviewed and approved within statutory time frames; and

**WHEREAS**, additional provisions of the Subdivision Regulations be changed or updated; and

**WHEREAS**, Section 212.0065 of the Texas Local Government Code, the governing body of a municipality may delegate to one or more officers or employees the ability to approve, approve with conditions, or disapprove a plat; and

**WHEREAS**, Section 212.009, Tex. Local Gov't Code, has set a statutory timeline of thirty (30) days to approve, approve with conditions, or disapprove a plat from the date it is filed;

**WHEREAS**, the City Council of the City of Spring Valley Village, Texas (the "City") hereby finds and determines that is in the best interest of the health, safety, and welfare of the citizens of the City to amend the Subdivision Ordinance to reflect said legislative changes and to provide for the delegation of authority; and

**WHEREAS**, the Planning and Zoning Commission has reviewed these proposed amendments as required by law and has recommended approval thereof;

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

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

**Section 2.** Article 9.100, Subdivision Regulations, of Chapter 9, Subdivisions, of the Code of Ordinances of the City of Spring Valley Village, Texas, is deleted in its entirety and replaced with Section 9.116, entitled *Procedure; Review and Approval of Plats*, to provide for the delegation of authority and Section 9.117 Replats to provide public notice requirements for replats, in accordance with the amendments attached hereto as "*Exhibit A*" and incorporated herein by reference for all purposes.

**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 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.** Except as expressly provided for by this amendment in this Ordinance, the provision of Chapter 9, Subdivisions, of the City's Code of Ordinances shall remain in full force and effect.

**Section 5.** 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 \_\_\_\_\_, 20\_\_\_\_.

**FOR THE CITY**

\_\_\_\_\_  
**MARCUS VAJDOS, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JASMIN TORRES, CITY SECRETARY**

## **§ 9.116 - Procedure; Review and Approval of Plats**

### **(A) Administrative, Commission, Review**

- (1) Upon receipt of a plat application, the Administrative Official shall review the application and determine whether it qualifies for administrative approval under Texas Local Government Code § 212.0065 and the provisions of the City's Code of Ordinances.
- (2) The Administrative Official is authorized to approve, approve with conditions, or disapprove the following types of plats, subject to the exceptions in subsection (3):
  - a. Amending plats;
  - b. Minor plats; and
  - c. Replats not requiring a public hearing under state law.
- (3) The Administrative Official is not authorized to approve any plat, replat, or amending plat that:
  - a. Increases the number of subdivided lots;
  - b. Creates irregularly shaped lots;
  - c. Reduces or adversely affects any yard, street area, public easement, or other public property;
  - d. Requires variance or other discretionary approval by the Planning and Zoning Commission;
  - e. Does not clearly comply with this chapter, Chapter 9 of this Code, and other applicable regulations.
- (4) The Administrative Official may, at his or her discretion, refer any plat application to the Planning and Zoning Commission for consideration.
- (5) Any plat not eligible for approval by the Administrative Official, or any plat referred, shall be submitted to the Planning and Zoning Commission. The Commission shall approve, conditionally approve, or disapprove the plat within thirty (30) days of the date the plat application was filed with the City, unless the applicant provides a written waiver of the statutory deadline within that time. Any plat appealed from the decision of the Administrative Official shall be submitted to the Planning and Zoning Commission. The Commission shall approve, conditionally approve, or disapprove the plat within fifteen (15) days after the date the response from the Administrative Official as appealed.
- (6) A plat is considered approved by the Administrative Official or Commission, unless it is disapproved within the statutory thirty (30) day period and in accordance with this section. No changes, erasures, modifications, or revisions shall be made in any plat or to any required instrument after approval has been endorsed on the plat in writing, unless such change, modification, or revision is first submitted to and approved by the City.

### **(B) Resubmittals**

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

### **(C) Filing Requirements**

Upon approval of the plat, the developer shall submit two (2) prints and two (2) mylar copies of the approved plat, all other instruments that may be required to be recorded, a certificate or letter from a title or guarantee company or attorney, and tax certificates indicating that all taxes have been paid for prior and current years to the City. All mylar copies shall bear original signatures.

(D) Recordation

The plat shall be filed at the office of the county clerk when:

(1) The developer constructs all the required improvements and the City approves such improvements; or

(2) The developer files assurances approved by the City that guarantee construction of the required improvements.

(E) Return of Recorded Plat

When the plat shall have been recorded in the office of the county clerk, the original plat shall be returned to the City Secretary. The subdivider shall thereupon furnish to the City Secretary two (2) prints—one (1) paper and one (1) mylar copy—of such recorded plat at the expense of the subdivider. The original plat shall then be returned to the subdivider, or to the registered engineer or registered public surveyor who prepared it, as the subdivider shall direct.

(F) Expiration of Approval

Where a plat has not been filed for record and no public improvements have been completed or substantially completed within twelve (12) months of the approval or conditional approval of the subdivision plat, the plat shall be reviewed by the commission to determine the developer's intent to proceed. If the commission finds that the developer does not intend to proceed with the development, the commission shall transmit to Planning and Zoning a request to withdraw approval of the plat. Upon receiving the recommendation of the commission, the Planning and Zoning may withdraw approval of the plat or extend approval for up to one (1) additional year.

§ 9.117 Replats

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

(B) The following requirements must be met for all replats:

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

(2) If twenty (20) percent or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, then the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of the Commission is required to approve the replat.

(3) A public hearing and public notice shall be required for a replat only when required by Section 212.015 of the Texas Local Government Code, including but not limited to replats that require a variance or exception from the City's subdivision regulations.

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

(1) For replats involving residential uses, signs shall be obtained from the city secretary's office. If the replat is for commercial use, sign requirements can be obtained from the director of community development.

(2) Sign placement.

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

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

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

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

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

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

(3) Proof of posting.

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

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

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

(4) Sign maintenance. The applicant shall be responsible for maintaining all signs on the subject property throughout the replat process. The city is not responsible for monitoring the required replat signs. Should the city discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the city shall contact the applicant to investigate and, if needed,

correct the situation. An affidavit from the applicant certifying that the applicant has corrected the sign(s) shall indicate that the intent of the posting requirement was met. Failure to maintain the sign during the process shall not result in the postponement of the replat consideration so long as the applicant attempted to replace damages or missing signs upon notification.

(5) Removal of signs.

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

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



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

<b>MEETING DATE:</b>	April 14, 2026
<b>SUBMITTING STAFF:</b>	Jose Gomez, Development Services Manager
<b>SUBJECT:</b>	<p><b>CONSIDERATION AND POSSIBLE ACTION</b></p> <p><b>CONCERNING:</b> AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE 9.116 TO ADD DELEGATION OF AUTHORITY RELATING TO THE REVIEW AND APPROVAL OF PLATS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.</p>

<b>BACKGROUND:</b>	<p>Staff has reviewed Chapter 9 – Subdivisions and recommends the following amendments to ensure compliance with the Texas Local Government Code, particularly Section 212.0065 – Delegation of Approval Responsibility and Section 212.009 – Approval Procedure: Initial Approval.</p> <p>1. Delegation of Authority for Plat Approval Currently, under the code of ordinances, section 9.117 Replats requires any replat that does not require a variance or an exception to be reviewed and approved by both the Planning and Zoning Commission and the City Council— these two approval processes conflict with the time constraints established in the Local Government Code.</p> <p>To ensure compliance and streamline the plat approval process, staff recommend the following changes:</p> <ul style="list-style-type: none"> <li>• Replats that do not require a variance or exceptions may be reviewed and approved administratively by City staff.</li> </ul>
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- Delegated City staff the authority to approve the types of plats, replats, for which such delegation is authorized by V.T.C.A., Local Government Code, § 212.0065
  - City staff shall not be authorized to approve any plat or replant that:
    - Increases the number of subdivided lots
    - Creates irregularly shaped lots
    - Reduces or adversely affects any front yard, side yard, street area, public easement or other public property
    - Requires a variance or other discretionary approval by the commission
    - Requires a public hearing
    - Is not clearly within the scope of said V.T.C.A., Local Government Code § 212.0065
    - Does not clearly comply with this chapter, Chapter 9 of this Code, and other applicable regulations.
- The Planning and Zoning Commission shall be delegated final authority to approve plats.

These changes align with Section 212.0065 of the Local Government Code, which allows governing bodies to delegate plat approval authority under certain conditions.

## 2. Public Hearing Requirements

Staff recommends clarifying the requirements for public hearings related to replats:

- When a proposed replat or plat requires public notification, only one public hearing shall be necessary.
- If a replat does not require a variance or exception, no public hearing shall be required.

## 3. Compliance with Section 212.009 – Plat Approval Deadlines

Currently, Section 9.116 – Procedure; Review and Approval of Plats allows for 30 days of review by the Planning and Zoning Commission and an additional 30 days for the City Council, totaling 60 days.

Under Section 212.009 of the Local Government Code, the governing body or its delegated authority must act on a plat within 30 days of the date the plat is filed. If no action is taken within this period, the plat is automatically approved.

To comply with Local Government Code, Chapter 9 must be amended to ensure that all plat decisions—whether by staff, Planning and Zoning—are completed within the 30-day timeframe, by giving delegation authority to staff and delegating the final authority to approve preliminary and final plats to the Planning and Zoning Commission.

#### 4. Definition Updates and Terminology Changes

To support the changes above, the following updates are recommended:

- Section 9.102 – Definitions: Add a new definition for “Administrative Official”, to clarify the role and authority of staff responsible for basic plat approvals.
- Replace all references to “Director of Community Development” with “Administrative Official” for consistency and alignment with updated responsibilities in sections 9.114 and 9.117.

Attached is a copy of the proposed ordinance for review.

**ATTACHMENTS:** PLAT ORDINANCE NUMBER 2025 - 2.16 Redline, PLAT ORDINANCE NUMBER 2025 - 2.16.26 Clean

<b>FUNDING:</b>					
Amount Available	Account No.	Additional Appropriation Required	Project No.	Amount Budgeted	Account Description

**RECOMMENDATION:** Staff recommends approval to ensure compliance with Local Government Code time requirements.

**ORDINANCE NUMBER 2025-XX**

**AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE 9.116 TO ADD DELEGATION OF AUTHORITY RELATING TO THE REVIEW AND APPROVAL OF PLATS AND SECTION 9.117 REPEATS TO PROVIDE PUBLIC NOTIFICATION REQUIREMENTS FOR REPLATS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Legislature has enacted legislation requiring that subdivision Plats be reviewed and approved within statutory time frames; and

**WHEREAS**, additional provisions of the Subdivision Regulations be changed or updated; and

WHEREAS, Section 212.0065 of the Texas Local Government Code, the governing body of a municipality may delegate to one or more officers or employees the ability to approve, approve with conditions, or disapprove a plat; and

WHEREAS, Section 212.009, Tex. Local Gov't Code, has set a statutory timeline of thirty (30) days to approve, approve with conditions, or disapprove a plat from the date it is filed;

**WHEREAS**, the City Council of the City of Spring Valley Village, Texas (the "City") hereby finds and determines that is in the best interest of the health, safety, and welfare of the citizens of the City to amend the Subdivision Ordinance to reflect said legislative changes and to provide for the delegation of authority; and

**WHEREAS**, the Planning and Zoning Commission has reviewed these proposed amendments as required by law and has recommended approval thereof;

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

- ~~1. Delegation of authority under Section 212.0065 of the Texas Local Government Code, allowing the Administrative Official to approve certain types of plats.~~
- ~~2. Revision of plat approval timelines to thirty (30) days in accordance with Section 212.009 of the Texas Local Government Code, consolidating the previous review periods for City Council Administrative Official and Planning & Zoning Commission.~~
- ~~3. Designation of the Planning & Zoning Commission as the primary authority for review and approval of plats.~~

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

**Section 2.** Article 9.100, Subdivision Regulations, of Chapter 9, Subdivisions, of the Code of Ordinances of the City of Spring Valley Village, Texas, is ~~hereby amended by revising~~ deleted in its entirety and replaced with Section 9.116, entitled *Procedure; Review and Approval of Plats*, to provide for the delegation of authority and Section 9.117 Replats to provide public notice requirements for replats, in accordance with the amendments attached hereto as “Exhibit A” and incorporated herein by reference for all purposes.

**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 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.** Except as expressly provided for by this amendment in this Ordinance, the provision of Chapter 9, Subdivisions, of the City’s Code of Ordinances shall remain in full force and effect.

**Section 45.** 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 \_\_\_\_\_, 20\_\_\_\_.

**FOR THE CITY**

\_\_\_\_\_  
**MARCUS VAJDOS, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JASMIN TORRES, CITY SECRETARY**

## § 9.116 - Procedure; Review and Approval of Plats

### (A) (A) Administrative, ~~Commission~~ Commission, and Council Review

- (1) Upon receipt of a plat application, the Administrative Official shall review the application and determine whether it qualifies for administrative approval under Texas Local Government Code § 212.0065 and the provisions of the City's Code of Ordinances.
- (2) The Administrative Official is authorized to approve, approve with conditions, or disapprove the following types of plats, subject to the exceptions in subsection (3):
  - a. Amending plats;
  - b. Minor plats; and
  - c. Replats not requiring a public hearing under state law.
- (3) The Administrative Official is not authorized to approve any plat, replat, or amending plat that:
  - a. Increases the number of subdivided lots;
  - b. Creates irregularly shaped lots;
  - c. Reduces or adversely affects any yard, street area, public easement, or other public property;
  - d. Requires variance or other discretionary approval by the Planning and Zoning Commission;
  - e. Does not clearly comply with this chapter, Chapter ~~24~~ 9 of this Code, and other applicable regulations.
- (4) The Administrative Official may, at his or her discretion, refer any plat application to the Planning and Zoning Commission for consideration.
- (5) Any plat not eligible for approval by the Administrative Official, or any plat referred ~~or appealed~~, shall be submitted to the Planning and Zoning Commission. The Commission shall approve, conditionally approve, or disapprove the plat ~~Within~~ within thirty (30) days of the date the plat application was filed with the City, unless the applicant provides a written waiver of the statutory deadline. ~~receipt of the plat by the city~~ City, the commission shall submit a recommendation to the ~~city~~ City council to approve, conditionally approve or disapprove the plat within that time. Any plat appealed from the decision of the Administrative Official shall be submitted to the Planning and Zoning Commission. The Commission shall approve, conditionally approve, or disapprove the plat within fifteen (15) days after the date the response from the Administrative Official as appealed.
- ~~— Only plats required by state law to be considered by the City Council, or those specifically referred by the Commission, shall be forwarded to the City Council. The City Council Within 30 days of the commission's action, ~~city~~ City council shall approve, conditionally approve, or disapprove the plat within thirty (30) days of the date the plat application was filed with the City, unless the applicant provides a written waiver of the statutory deadline.~~
- (6) A plat is considered approved by the Administrative Official or, ~~Ceommission,~~ or ~~city~~ City Council unless it is disapproved within that the statutory thirty (30) day period and in accordance with this section. No changes, erasures, modifications, or revisions shall be made in any plat or to any required instrument after approval has been ~~given by the city~~ City council and endorsed on the plat in writing, unless such change, modification, or revision is first submitted to and approved by the ~~city~~ City.

### (B) (B) Resubmittals

If a plat is disapproved or approved with conditions, it may be resubmitted to the ~~city~~ City for reconsideration without a fee. The ~~city~~ City shall provide the applicant a written statement of the

conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. The applicant may submit a response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. Within fifteen (15) days, the ~~city~~City shall determine whether to approve or disapprove the previously conditionally approved or disapproved plat and shall approve the plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

#### ~~(C)~~(G) Filing Requirements

Upon approval of the plat, the developer shall submit two (2) prints and two (2) mylar copies of the approved plat, all other instruments that may be required to be recorded, a certificate or letter from a title or guarantee company or attorney, and tax certificates indicating that all taxes have been paid for prior and current years to the ~~city~~City. All mylar copies shall bear original signatures.

#### ~~(D)~~(D) Recordation

The plat shall be filed at the office of the county clerk when:

- (1) The developer constructs all the required improvements and the ~~city~~City approves such improvements; or
- (2) The developer files assurances approved by the ~~city~~City that guarantee construction of the required improvements.

#### (E) Return of Recorded Plat

When the plat shall have been recorded in the office of the county clerk, the original plat shall be returned to the ~~city~~City ~~secretary~~Secretary. The subdivider shall thereupon furnish to the ~~city~~City ~~secretary~~Secretary two (2) prints—one (1) paper and one (1) mylar copy—of such recorded plat at the expense of the subdivider. The original plat shall then be returned to the subdivider, or to the registered engineer or registered public surveyor who prepared it, as the subdivider shall direct.

#### (F) Expiration of Approval

Where a plat has not been filed for record and no public improvements have been completed or substantially completed within twelve (12) months of the approval or conditional approval of the subdivision plat, the plat shall be reviewed by the commission to determine the developer's intent to proceed. If the commission finds that the developer does not intend to proceed with the development, the commission shall transmit to ~~city~~City ~~council~~Planning and Zoning a request to withdraw approval of the plat. Upon receiving the recommendation of the commission, the ~~city~~City ~~council~~ Planning and Zoning may withdraw approval of the plat or extend approval for up to one (1) additional year.

~~(Ordinance 22-14 adopted 8-23-22)~~

### § 9.117 Replats

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

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

(2) If twenty (20) percent or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, then the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of the Commission ~~city council~~ is required to approve the replat.

(3) A public hearing and public notice shall be required for a replat only when required by Section 212.0156 of the Texas Local Government Code, including but not limited to replats that require a variance or exception from the City's subdivision regulations.

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

(1) For replats involving residential uses, signs shall be obtained from the city secretary's office. If the replat is for commercial use, sign requirements can be obtained from the director of community development.

(2) Sign placement.

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

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

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

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

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

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

(3) Proof of posting.

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

- (ii) The applicant is responsible for maintaining the sign(s) on the property throughout the review process.
- (iii) A minimum of seven (7) calendar days prior to the public hearing, the applicant shall file an affidavit, on a form provided by the city, with the director of community development verifying that the sign(s) was posted as required by this section.
- (4) Sign maintenance. The applicant shall be responsible for maintaining all signs on the subject property throughout the replat process. The city is not responsible for monitoring the required replat signs. Should the city discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the city shall contact the applicant to investigate and, if needed, correct the situation. An affidavit from the applicant certifying that the applicant has corrected the sign(s) shall indicate that the intent of the posting requirement was met. Failure to maintain the sign during the process shall not result in the postponement of the replat consideration so long as the applicant attempted to replace damages or missing signs upon notification.
- (5) Removal of signs.
  - (i) The applicant shall be responsible for removing the sign(s) from the property within seven (7) calendar days of the final action on the application by the ~~city council~~ commission.
  - (ii) Failure to remove signs within such timeframe will result in the issuance of a citation per sign and per day until removed.

~~(Ordinance 22-14 adopted 8-23-22)~~

**ORDINANCE NUMBER 2025-XX**

**AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING CHAPTER 9, SUBDIVISIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE 9.116 TO ADD DELEGATION OF AUTHORITY RELATING TO THE REVIEW AND APPROVAL OF PLATS AND SECTION 9.117 REPEATS TO PROVIDE PUBLIC NOTIFICATION REQUIREMENTS FOR REPLATS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Legislature has enacted legislation requiring that subdivision Plats be reviewed and approved within statutory time frames; and

**WHEREAS**, additional provisions of the Subdivision Regulations be changed or updated; and

**WHEREAS**, Section 212.0065 of the Texas Local Government Code, the governing body of a municipality may delegate to one or more officers or employees the ability to approve, approve with conditions, or disapprove a plat; and

**WHEREAS**, Section 212.009, Tex. Local Gov't Code, has set a statutory timeline of thirty (30) days to approve, approve with conditions, or disapprove a plat from the date it is filed;

**WHEREAS**, the City Council of the City of Spring Valley Village, Texas (the "City") hereby finds and determines that is in the best interest of the health, safety, and welfare of the citizens of the City to amend the Subdivision Ordinance to reflect said legislative changes and to provide for the delegation of authority; and

**WHEREAS**, the Planning and Zoning Commission has reviewed these proposed amendments as required by law and has recommended approval thereof;

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

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

**Section 2.** Article 9.100, Subdivision Regulations, of Chapter 9, Subdivisions, of the Code of Ordinances of the City of Spring Valley Village, Texas, is deleted in its entirety and replaced with Section 9.116, entitled *Procedure; Review and Approval of Plats*, to provide for the delegation of authority and Section 9.117 Replats to provide public notice requirements for replats, in accordance with the amendments attached hereto as "*Exhibit A*" and incorporated herein by reference for all purposes.

**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 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.** Except as expressly provided for by this amendment in this Ordinance, the provision of Chapter 9, Subdivisions, of the City’s Code of Ordinances shall remain in full force and effect.

**Section 5.** 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 \_\_\_\_\_, 20\_\_\_\_.

**FOR THE CITY**

\_\_\_\_\_  
**MARCUS VAJDOS, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JASMIN TORRES, CITY SECRETARY**

## **§ 9.116 - Procedure; Review and Approval of Plats**

### **(A) Administrative, Commission, Review**

- (1) Upon receipt of a plat application, the Administrative Official shall review the application and determine whether it qualifies for administrative approval under Texas Local Government Code § 212.0065 and the provisions of the City's Code of Ordinances.
- (2) The Administrative Official is authorized to approve, approve with conditions, or disapprove the following types of plats, subject to the exceptions in subsection (3):
  - a. Amending plats;
  - b. Minor plats; and
  - c. Replats not requiring a public hearing under state law.
- (3) The Administrative Official is not authorized to approve any plat, replat, or amending plat that:
  - a. Increases the number of subdivided lots;
  - b. Creates irregularly shaped lots;
  - c. Reduces or adversely affects any yard, street area, public easement, or other public property;
  - d. Requires variance or other discretionary approval by the Planning and Zoning Commission;
  - e. Does not clearly comply with this chapter, Chapter 9 of this Code, and other applicable regulations.
- (4) The Administrative Official may, at his or her discretion, refer any plat application to the Planning and Zoning Commission for consideration.
- (5) Any plat not eligible for approval by the Administrative Official, or any plat referred, shall be submitted to the Planning and Zoning Commission. The Commission shall approve, conditionally approve, or disapprove the plat within thirty (30) days of the date the plat application was filed with the City, unless the applicant provides a written waiver of the statutory deadline within that time. Any plat appealed from the decision of the Administrative Official shall be submitted to the Planning and Zoning Commission. The Commission shall approve, conditionally approve, or disapprove the plat within fifteen (15) days after the date the response from the Administrative Official as appealed.
- (6) A plat is considered approved by the Administrative Official or Commission, unless it is disapproved within the statutory thirty (30) day period and in accordance with this section. No changes, erasures, modifications, or revisions shall be made in any plat or to any required instrument after approval has been endorsed on the plat in writing, unless such change, modification, or revision is first submitted to and approved by the City.

### **(B) Resubmittals**

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

### **(C) Filing Requirements**

Upon approval of the plat, the developer shall submit two (2) prints and two (2) mylar copies of the approved plat, all other instruments that may be required to be recorded, a certificate or letter from a title or guarantee company or attorney, and tax certificates indicating that all taxes have been paid for prior and current years to the City. All mylar copies shall bear original signatures.

(D) Recordation

The plat shall be filed at the office of the county clerk when:

(1) The developer constructs all the required improvements and the City approves such improvements; or

(2) The developer files assurances approved by the City that guarantee construction of the required improvements.

(E) Return of Recorded Plat

When the plat shall have been recorded in the office of the county clerk, the original plat shall be returned to the City Secretary. The subdivider shall thereupon furnish to the City Secretary two (2) prints—one (1) paper and one (1) mylar copy—of such recorded plat at the expense of the subdivider. The original plat shall then be returned to the subdivider, or to the registered engineer or registered public surveyor who prepared it, as the subdivider shall direct.

(F) Expiration of Approval

Where a plat has not been filed for record and no public improvements have been completed or substantially completed within twelve (12) months of the approval or conditional approval of the subdivision plat, the plat shall be reviewed by the commission to determine the developer's intent to proceed. If the commission finds that the developer does not intend to proceed with the development, the commission shall transmit to Planning and Zoning a request to withdraw approval of the plat. Upon receiving the recommendation of the commission, the Planning and Zoning may withdraw approval of the plat or extend approval for up to one (1) additional year.

§ 9.117 Replats

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

(B) The following requirements must be met for all replats:

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

(2) If twenty (20) percent or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, then the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of the Commission is required to approve the replat.

(3) A public hearing and public notice shall be required for a replat only when required by Section 212.015 of the Texas Local Government Code, including but not limited to replats that require a variance or exception from the City's subdivision regulations.

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

(1) For replats involving residential uses, signs shall be obtained from the city secretary's office. If the replat is for commercial use, sign requirements can be obtained from the director of community development.

(2) Sign placement.

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

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

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

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

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

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

(3) Proof of posting.

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

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

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

(4) Sign maintenance. The applicant shall be responsible for maintaining all signs on the subject property throughout the replat process. The city is not responsible for monitoring the required replat signs. Should the city discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the city shall contact the applicant to investigate and, if needed,

correct the situation. An affidavit from the applicant certifying that the applicant has corrected the sign(s) shall indicate that the intent of the posting requirement was met. Failure to maintain the sign during the process shall not result in the postponement of the replat consideration so long as the applicant attempted to replace damages or missing signs upon notification.

(5) Removal of signs.

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

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



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

<b>MEETING DATE:</b>	April 14, 2026
<b>SUBMITTING STAFF:</b>	Jose Gomez, Development Services Manager
<b>SUBJECT:</b>	<p><b>CONDUCT A PUBLIC HEARING CONCERNING: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, PROVIDING FOR THE AMENDMENT OF SECTION 11:01.05. PERMITTED LOCATIONS TO PROVIDE EXCEPTIONS PROVISIONS TO SECTION 11 FENCES, OF CHAPTER 12, PLANNING AND ZONING; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY, WITH EACH DAY CONSTITUTING A NEW VIOLATION.</b></p> <ol style="list-style-type: none"> <li>1. Presentation</li> <li>2. Those In Favor</li> <li>3. Those Opposed</li> <li>4. Adjourn Public Hearing</li> </ol>

<b>BACKGROUND:</b>	<p>On February 20, 2026, homeowner Zack Emmanouil of 9022 Lupton Ct. contacted City staff to request an amendment to Chapter 12 Planning and zoning, Section 11 (Fences) to allow an exception for corner lots to extend side fences beyond the established building line. The request is based on concerns related to safety and increasing traffic conditions.</p> <p>Currently, Chapter 12 Planning and zoning, Section 11 Fences prohibits fences from extending past the building line, requiring them to terminate at the side of the primary structure. However, the requested configuration is permitted under Section 9.104, Standards for Residential Subdivisions, Subsection (D) Residential Subdivision Fences (1).</p> <p>Staff is presenting this item for consideration regarding a potential amendment to align Chapter 12 regulations with the allowances provided in Section 9.104.</p>
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<b>ATTACHMENTS:</b>	CH 12 SEC 11 AMENDMENT REQ, Public Hearing Notice - April 14, 9022 Lupton Court Amen. Req
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<b>FUNDING:</b>					
Amount Available	Account No.	Additional Appropriation Required	Project No.	Amount Budgeted	Account Description

<b>RECOMMENDATION:</b> No action during the public hearing.
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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS,  
PROVIDING FOR THE AMENDMENT OF SECTION 11:01.05.  
PERMITTED LOCATIONS TO PROVIDE EXCEPTIONS PROVISIONS  
TO SECTION 11 FENCES, OF CHAPTER 12, PLANNING AND ZONING;  
PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN  
AMOUNT NOT TO EXCEED \$2,000.00 PER DAY, WITH EACH DAY  
CONSTITUTING A NEW VIOLATION.**

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

**Section 2.** The City's Zoning Ordinance is hereby amended by adding (2)c, in Section Eleven, of Chapter 12, Planning and Zoning, the language underlined below:

**11:01.05 Permitted Locations:**

The overall intent of this section is to allow property owners to fence or wall their properties from and including the front building line to and around the back yard. Fences may be constructed along rear and side property lines and terminate with front lot fences into the side of primary structure. Side lot fences may extend up to a point as close to the front property setback line as the front foundation line of either the associated or neighboring primary structure. For sake of clarification, minor extensions of a primary structure, such as porches, steps or other appendages, are not included in establishing the front foundation line. Front lot fences of a property may not extend beyond its front building foundation line or extend across the front of the primary structure. Additionally, if a lot has no structure, then a front lot fence with a maximum height of six feet (6') may be constructed parallel to a line as close to the front property setback line as the front foundation of the neighboring primary structure on either side. No fence, even if allowed by exception, shall be located in the sight triangle as defined by Section 12:02 of Code of Ordinances.

Exceptions. The following exceptions to the permitted locations of fences shall apply:

- (1) A front lot fence may be located in front of a portion of the primary structure so long as the portion of the primary structure in question is located a distance equal to fifty-percent (50%) or more of the overall depth of the structure measured from the front foundation line and the length of the fence located in front of the primary structure is no more than twenty-five percent (25%) of the length of the front of the primary structure.
- (2) A fence shall be permitted along or behind the front building line, regardless of where the primary structure is located on the lot if:
  - a. The fence is used for the purpose of enclosing a driveway; and
  - b. The portion of the fence that faces the front building line is twenty-four feet (24') or less in length.
  - c. The side fence is located on a corner lot and does not impact the site view of a sight triangle.

**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 \_\_\_\_\_, 20\_\_.

**FOR THE CITY**

\_\_\_\_\_  
**MARCUS VAJDOS, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JASMIN TORRES, CITY SECRETARY**

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### **11:01.05 PERMITTED LOCATIONS:**

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    - a. The fence is used for the purpose of enclosing a driveway; and
    - b. The portion of the fence that faces the front building line is twenty-four feet (24') or less in length.
    - c. The side fence is located on a corner lot and does not impact the site view of a sight triangle.

**PUBLIC NOTICE  
CITY OF SPRING VALLEY VILLAGE, TEXAS  
NOTICE OF PUBLIC HEARING**

**Notice Is Hereby Given To Hear Comments And Testimony Concerning The Following:**

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, PROVIDING FOR THE AMENDMENT OF SECTION 11:01.05. PERMITTED LOCATIONS TO PROVIDE EXCEPTIONS PROVISIONS TO SECTION 11 FENCES, OF CHAPTER 12, PLANNING AND ZONING; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY, WITH EACH DAY CONSTITUTING A NEW VIOLATION.

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

**Date:** Tuesday, April 14, 2026  
**Time:** 6:30 p.m.  
**Location:** Council Chambers  
Spring Valley Village City Hall  
1025 Campbell Road  
Houston, TX 77055

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

**Date:** Tuesday, April 28, 2026  
**Time:** 6:00 p.m.  
**Location:** Council Chambers  
Spring Valley Village City Hall  
1025 Campbell Road  
Houston, TX 77055

**For additional information regarding these public hearings, please contact the Community Development Manager, Jose Gomez, at (713) 465-8308.**

**To Whom It May Concern,**

I am writing to formally request an amendment regarding the fence placement at my property located at:

**9022 Lupton Court**  
Houston, TX 77055

This property is a corner lot, situated near the intersection of Lupton Court and Campbell Road. The total fence line along the side frontage measures 122 linear feet. I was previously approved for 98 linear feet, and I am respectfully requesting approval for the remaining 24 linear feet so that I may replace the existing wood fence and complete the full length with a consistent brick fence.

My request is primarily based on safety concerns. I have small children, and I am increasingly concerned about the noticeable rise in traffic volume and vehicle speeds along Campbell Road. As a corner lot, our property is more exposed than interior lots, and completing the full 122 feet with a solid brick fence would provide a continuous and secure barrier to help protect my family.

I want to clearly state that this additional 24 feet will not interfere with or obstruct the required site visibility triangle. All traffic visibility and intersection safety requirements will remain fully compliant.

Additionally, while this request is specific to my property and my family's safety concerns, I respectfully ask that the City consider that other residents within our municipality may be facing similar exposure and traffic-related safety issues. In circumstances where compliance with visibility requirements is maintained, allowing homeowners the opportunity to replace aging wood fences with more secure and durable brick fencing could enhance neighborhood safety, consistency, and long-term property value throughout the community.

I respectfully ask for your consideration in approving this amendment so that I may complete the fence line in a safe, uniform, and permanent manner.

Thank you for your time and consideration.

Sincerely,  
Zack Emmanouil



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

<b>MEETING DATE:</b>	April 14, 2026
<b>SUBMITTING STAFF:</b>	Jose Gomez, Development Services Manager
<b>SUBJECT:</b>	<p><b>CONSIDERATION AND POSSIBLE ACTION CONCERNING:</b> AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, PROVIDING FOR THE AMENDMENT OF SECTION 11:01.05. PERMITTED LOCATIONS TO PROVIDE EXCEPTIONS PROVISIONS TO SECTION 11 FENCES, OF CHAPTER 12, PLANNING AND ZONING; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY, WITH EACH DAY CONSTITUTING A NEW VIOLATION.</p>

<b>BACKGROUND:</b>	<p>On February 20, 2026, homeowner Zack Emmanouil of 9022 Lupton Ct. contacted City staff to request an amendment to Chapter 12 Planning and zoning, Section 11 (Fences) to allow an exception for corner lots to extend side fences beyond the established building line. The request is based on concerns related to safety and increasing traffic conditions.</p> <p>Currently, Chapter 12, Section 11 prohibits fences from extending past the building line, requiring them to terminate at the side of the primary structure. However, the requested configuration is permitted under Section 9.104, Standards for Residential Subdivisions, Subsection (D) Residential Subdivision Fences (1).</p> <p>Staff is presenting this item for consideration regarding a potential amendment to align Chapter 12 regulations with the allowances provided in Section 9.104.</p>
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<b>ATTACHMENTS:</b>	CH 12 SEC 11 AMENDMENT REQ, Public Hearing Notice - April 14, 9022 Lupton Court Amen. Req
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<b>FUNDING:</b>					
Amount Available	Account No.	Additional Appropriation	Project No.	Amount Budgeted	Account Description

Required

**RECOMMENDATION:** Staff recommends approval, as currently this type of configuration is allowed in Chapter 9, Section 9.104 standards for residential subdivisions (D)(1)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, PROVIDING FOR THE AMENDMENT OF SECTION 11:01.05. PERMITTED LOCATIONS TO PROVIDE EXCEPTIONS PROVISIONS TO SECTION 11 FENCES, OF CHAPTER 12, PLANNING AND ZONING; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY, WITH EACH DAY CONSTITUTING A NEW VIOLATION.**

**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;

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**Section 2.** The City's Zoning Ordinance is hereby amended by adding (2)c, in Section Eleven, of Chapter 12, Planning and Zoning, the language underlined below:

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Exceptions. The following exceptions to the permitted locations of fences shall apply:

- (1) A front lot fence may be located in front of a portion of the primary structure so long as the portion of the primary structure in question is located a distance equal to fifty-percent (50%) or more of the overall depth of the structure measured from the front foundation line and the length of the fence located in front of the primary structure is no more than twenty-five percent (25%) of the length of the front of the primary structure.
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**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 \_\_\_\_\_, 20\_\_.

**FOR THE CITY**

\_\_\_\_\_  
**MARCUS VAJDOS, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JASMIN TORRES, CITY SECRETARY**

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My request is primarily based on safety concerns. I have small children, and I am increasingly concerned about the noticeable rise in traffic volume and vehicle speeds along Campbell Road. As a corner lot, our property is more exposed than interior lots, and completing the full 122 feet with a solid brick fence would provide a continuous and secure barrier to help protect my family.

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

<b>MEETING DATE:</b>	April 14, 2026
<b>SUBMITTING STAFF:</b>	Jose Gomez, Development Services Manager
<b>SUBJECT:</b>	<b>CONSIDERATION AND POSSIBLE ACTION CONCERNING: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS PROVIDING FOR THE REPEAL AND REPLACEMENT OF ARTICLE 3.1000, URBAN FOREST PRESERVATION AND PROTECTION, CHAPTER 3, BUILDINGS &amp; CONSTRUCTION, OF THE CITY’S CODE OF ORDINANCES; PROVIDING FOR A TREE FUND; AND PROVIDING FOR A PENALTY PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.</b>

<b>BACKGROUND:</b>	<p>On February 10, 2026, the Commission continued its discussion of the proposed amendments to Chapter 3, Building and Construction, Article 3.1000, Urban Forest Preservation and Protection.</p> <ul style="list-style-type: none"> <li>• The Commission reviewed and considered the amendments provided by the City Staff and City Attorney.</li> <li>• Following further deliberation, the Commission recommended several additional revisions, including the following:             <ol style="list-style-type: none"> <li>1. Provided further clarification of the fee structure associated with the removal of trees classified as <b>protected, qualified, and heritage</b>, including proposed caliper-inch range sizes to be incorporated into the updated definitions.</li> <li>2. Provided further clarification of the <b>Tree Fund</b> to allow for the planting of replacement trees at alternative locations when on-site planting is determined to be unfeasible.</li> </ol> </li> </ul> <p>Attached is a proposed draft ordinance that includes:</p> <ul style="list-style-type: none"> <li>• Updated definitions,</li> <li>• Tree values reviewed,</li> <li>• Nonconforming classification for developed lots not meeting minimum tree requirements,</li> <li>• Creation of a Tree Fund, and</li> <li>• Updated the tree list to identify Heritage Tree species.</li> </ul>
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**ATTACHMENTS:** 3.1000, URBAN FOREST PRESERVATION AND PROTECTION, CHAPTER 3 4.2026

**FUNDING:**

Amount Available	Account No.	Additional Appropriation Required	Project No.	Amount Budgeted	Account Description
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**RECOMMENDATION:** Staff recommends approval at the commission's discretion.

CITY OF SPRING VALLEY VILLAGE  
HARRIS COUNTY, TEXAS

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS PROVIDING FOR THE REPEAL AND REPLACEMENT OF ARTICLE 3.1000, URBAN FOREST PRESERVATION AND PROTECTION, CHAPTER 3, BUILDINGS & CONSTRUCTION, OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A TREE FUND; AND PROVIDING FOR A PENALTY PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.**

**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 regulations of the City in the manner provided for herein; and

**WHEREAS**, the Planning and Zoning Commission and the City Council has conducted a review of the provisions and made the recommendations that Article 3.1 of the City's Code of Ordinances be updated as provided; 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 Code of 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 to this Ordinance are hereby found to be true and correct.

**Section 2.** The City's Code of Ordinance is hereby amended by repealing and replacing the entirety of Article 3.10000, Urban Forest Preservation and Protection, as set out in attached **Exhibit "A"**.

**Section 3.** Savings. All rights and remedies of the City of Spring Valley Village, Texas, are expressly saved as to any and all violations of any ordinance of the City that have accrued at the time of the effective date of this Ordinance. Any violation of an ordinance existing prior to the effective date of this ordinance shall be governed and shall continue to be punishable under the provisions of such ordinance as if the same had not been repealed, and any pending enforcement actions or prosecutions may proceed under such prior ordinance.

**Section 4.** Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it

would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 5.** 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. This is in addition to the replacement requirement per caliper inch or fees-in-lieu as established in the Ordinance.

**PASSED, APPROVED, AND ORDAINED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**FOR THE CITY**

\_\_\_\_\_  
**MARCUS VAJDOS, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JASMIN TORRES, CITY SECRETARY**

CHAPTER 3 - BUILDING & CONSTRUCTION  
ARTICLE 3.1000 URBAN FOREST PRESERVATION AND PROTECTION

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## ARTICLE 3.1000 URBAN FOREST PRESERVATION AND PROTECTION

### § 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.

### § 3.1001 Definitions

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

Approved Tree List shall mean that list of tree species captured by Exhibit A and B to this Article. This also includes the term approved tree.

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

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.

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.

Defined Tree shall mean any Heritage, Qualified, or Protected Tree as defined in this Article.

Heritage Tree shall mean a certain species of tree on the Approved Tree List of more than thirty-six (36) inches in diameter or greater, as measured 4.5 feet from the ground.

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.

Protected Tree shall mean a tree of greater than thirty (30) inches in diameter, as measured 4.5 feet from the ground and is one of the species on the Approved Tree List.

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Qualified Tree shall mean a tree which is included on the Approved Tree List and has a diameter between twenty inches (20") and thirty inches (30").

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.

- (A) Exceptions. A tree survey is not required as a part of the application for a building permit in the following circumstances only:
- (1) 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.
  - (2) 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.
- (B) 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.
- (1) The actual location (i.e. trunk location and species) 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.
  - (2) 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.

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- (3) The tree survey shall be accompanied by a tree protection plan, as set out in the following section.
  - (4) 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 Defined Tree in the subject site, and (b) every Defined Tree located elsewhere which has thirty percent (30%) or more of its critical root zone in the subject site.

### **§ 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.

- (A) 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.
- (B) 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.
  - (1) 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.
  - (2) Forced feeding and watering to assist in tree survival must be done on a schedule recommended in the Tree Protection Plan.
  - (3) A plastic vapor barrier must be installed beneath all concrete construction within the drip line of a tree.
  - (4) 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.
- (C) 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.

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- (D) 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.
  - (E) 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).
  - (F) 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.

### **§3.1004 Tree Removal Permit Required**

- (A) All tree removals must go through a permit process. This is to determine the species, Defined Tree status, or if there is a public hazard or nuisance.
- (B) Removal of a Qualified Tree is highly discouraged. Qualified Trees shall be replaced following the procedures outlined in Section 3.1009.
- (C) Removal of Protected Trees shall be avoided. In the case of bug infestation or disease, treatments should be pursued before removal if possible. Protected trees shall be replaced following the procedures outlined in Section 3.1009.
- (D) Removal of a Heritage Tree is highly discouraged. Heritage Trees shall be replaced following the procedures outlined in Section 3.1009.
- (E) Exceptions.
  - (1) As a result of 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 fourteen (14) 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 as established by this Article for the removal of said damaged tree without having first obtained a permit, as outlined in 3.1009.
    - c. The City Administrator or their designee may extend these deadlines for widespread and extensive storm damage.
    - d. This exception is extended to cover Defined Trees should a storm damage them significantly and it poses a serious immediate hazard to person or property. No fee will be assessed nor replacement required for Defined Trees that have been damaged in a natural event for which full removal is suggested or required. If the tree is designated as a Defined Tree and was removed, and it is determined that full removal was not necessary by City Official and a certified arborist, then the appropriate replacement costs will be imposed.
    - e. Any tree that is dead or in an advanced stage of disease may be removed without a permit.

### **§3.1005 Minimum Tree Requirement for Each Lot**

- (A) Minimum Tree Requirements for Each Lot:

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- (1) 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 at least five (5) trees from the Approved Tree List, each with a minimum of three inches (3") in diameter (9.42" in circumference), with at least two (2) of such trees located in the front yard.
  - (2) 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 at least four (4) approved trees, each with a minimum of three inches (3") in diameter (9.42" in circumference), with at least two (2) of such trees located in the front yard.
  - (3) Any cul-de-sac or radial lot shall be required to have at least four (4) approved trees, each with a minimum of three inches (3") in diameter (9.42" in circumference), with at least one (1) of such trees located in the front yard.
  - (4) All lots larger than fifteen thousand square feet (15,000) that are not radial or cul-de-sac lots shall be required to have at least six (6) approved trees, each with a minimum of three inches (3") in diameter (9.42" in circumference), with at least 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, as a subset of the Approved Tree List, attached hereto and made a part hereof as exhibit "B" may be planted in its place. All trees described in this Section shall be required to remain healthy and living for three (3) years following counting or require immediate replanting to comply with the minimum trees required above.

- (B) It is the intent of this ordinance to promote the retention of Defined Trees. Accordingly, an owner, homebuilder, or developer shall be given credit for retaining Defined Trees as follows:
  - (1) Each Qualified Tree shall count as two (2) trees for purposes of determining the number of trees required on a lot; and
  - (2) Each Protected Tree shall count as three (3) trees for purposes of determining the number of trees required on a lot; and
  - (3) Each Heritage Tree shall count as four (4) trees for purposes of determining the number of trees required on a lot.
- (C) Each Defined Tree for which the owner, homebuilder, or developer is given credit pursuant to this subsection shall remain healthy and living for a period of three (3) years following construction. Should such Defined Tree not survive for that period, the minimum tree requirements shall be recalculated without the provided tree credits and the owner, homebuilder, or developer shall comply with the requirements of this section without consideration of the credit(s) for the qualified tree(s) or protected tree(s).
- (D) If a lot is determined to have below the minimum required trees, that lot shall be considered nonconforming for purposes of this ordinance. At such time a building permit is pulled for said nonconforming lot that involves a new build or a remodel that expands the square footage of either the primary or ancillary structure, that lot must return to conformity with this Section.

### **§ 3.1006 Timing**

Each tree planting required by this article shall be completed within thirty (30) days of the issuance of the Certificate of Occupancy 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

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application. In the case of postponed plantings, later than thirty (30) days, tree deposits equivalent to one thousand five hundred dollars (\$1,500.00) per tree shall be made to city to assure performance. Upon planting of the required trees as detailed in this Article, the deposit shall be returned to the party that planted the trees. If the required trees are never planted in conformity to this Section, the tree deposits shall be used under the purposes of the Tree Fund to restore the property into conformity with this Article.

### **§ 3.1007 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.

### **§ 3.1008 TREE FUND**

- (A) A fund is hereby created in which any/all permit fees, penalties, and fees-in-lieu paid to the City pursuant to the mandates of this article shall be deposited.
- (B) The assets of the fund shall only be expended to purchase, plant, and maintain 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, as approved by city staff. 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 fifty percent (50%) 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 trees to the general public.
- (C) The assets of the fund may be expended to hire or contract with a Certified Forester, landscape architect, tree professional, or Arborist to help with enforcement, inspections, and plan reviews, or 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 ADDITIONAL REGULATION RELATED TO DEFINED TREES**

- (A) Qualified Trees.
  - (1) Trees designated as Qualified 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.
  - (2) A tree professional recommended but not required for trimming on Qualified Trees except all Oak species. Qualified Trees of the oak species will require an Arborist for trimming.
  - (3) If removal of a Qualified 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 per caliper inch, or fees-in-lieu may be paid to the City Tree Fund in the cost of \$450.00 per diameter inch lost.
- (B) Protected Trees.
  - (1) 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.
  - (2) A landscape or tree professional is required for trimming on Protected Trees except all Oak species. Protected size trees of the Oak species will require an Arborist for trimming.

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- (3) 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 per caliper inch, or fees-in-lieu may be paid to the City Tree Fund in the cost of \$450.00 per diameter inch lost.

(C) Heritage Trees

- (1) Trees designated as Heritage Trees under this article are considered to be extremely desirable to the City and its residents and are to be trimmed or removed only under the highest scrutiny.
- (2) A tree professional is required for all trimming on Heritage Trees.
- (3) Property owners, residents, and developers who wish to remove a Heritage Tree must, through the Permit Process, show that there is no other reasonable alternative.
- (4) If a removal is granted, a replacement must be provided at a ratio of 1:1 per caliper inch, or fees-in-lieu may be paid to the City Tree Fund in the cost of \$500.00 per diameter inch lost.

### **§ 3.1010 Penalty**

- (A) 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.
- (B) 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.
- (C) All penalties and fines assessed under this article shall be paid into the Tree Fund.
- (D) 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.
- (E) 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.
- (F) 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:
  - (1) 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;
  - (2) 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
  - (3) 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.

**Exhibit A  
Approved Tree List**

Species	Common Name	Botanical Name	Heritage Designated
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	Heritage
	Cedar Elm	Ulmus crassifolia	
	Lacebark Elm	Ulmus parvifolia	
	Winged Elm	Ulmus alata	
Hickory	Hickory species	Carya varieties	
Magnolia	Southern Magnolia	Magnolia grandiflora	Heritage
Maple	Drummond Red maple	Acer rubrum var. drummondii	Heritage
	Trident Maple	Acer buergerianum	
Oak	Bur Oak	Quercus macrocarpa	Heritage
	Chiquapin Oak	Quercus muehlenbergii	
	Durrand Oak	Quercus durrandii	
	Laurel Oak	Quercus laurifolia	
	Live oak	Quercus virginiana	Heritage
	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	Heritage
	Mexican Sycamore	Platanus mexicana	
Walnut	Black Walnut	Juglans nigra	Heritage
Others	Anacua	Ehertia anacua	
	Basswood	Tilia Americana	
	Black Tupelo	Nyssa aquatic	
	Gum Bumelia	Bumelia lanuginosa	
	Red Bay	Persea borbonia	

**Exhibit B  
Approved Understory Tree List**

Fringe Tree	Chinese Fringe Tree	Chionanthus retusus
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	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

**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.**