

ORDINANCE NO. 2009-08

AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, SAID CHAPTER 12 BEING THE ZONING ORDINANCE OF THE CITY, BY ADDING A NEW SECTION 05:02:18 REGULATING PORTABLE STORAGE CONTAINERS IN DWELLING DISTRICT "A"; LIMITING THE USE OF PORTABLE STORAGE CONTAINERS; REQUIRING THE PERMITTING OF PORTABLE STORAGE CONTAINERS; ESTABLISHING FEES RELATED TO PORTABLE STORAGE CONTAINERS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

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WHEREAS the City Council, after public hearing and consideration of the report of the City's Planning and Zoning Commission, desires to amend its Zoning Ordinance to regulate the use of portable storage containers in Dwelling District "A";

Now therefore,

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

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

Section 2. The Code of Ordinances of the City of Spring Valley Village, Texas, is hereby amended by the addition of a new Section 05:02.18 that shall read as follows:

"05:02.18 Regulation of Portable Storage Containers.

.01 **Definitions.** Portable storage container is any box-like container transported by truck or trailer to a desired location for drop off with a storage capacity of more than 216 cubic feet that would normally be stored at an offsite location. A commonly accepted name for these storage containers is PODS, an acronym for portable on-demand storage.

.02 Regulation of portable storage containers; permit required.

.01 The maximum allowable size for a portable storage container in a residential district is 160 square feet with an overall length not to exceed 20 feet.

.02 Not more than one portable storage container shall be allowed in the front yard of any lot on which a single-family dwelling has been constructed.

.03 Any portable storage container must be placed on a concrete or asphalt surface of the dwelling, but no closer than 10 feet from the front property line. Any portable storage container must also comply with the side and rear lot set back line requirements.

.04 A portable storage container may be utilized onsite for a period not to exceed 30 days in any 360 day period.

.05 A valid permit from the city is required.

.03 Placement on city streets prohibited; placard required. Portable storage containers shall not be allowed to be placed or unloaded on any city street or right-of-way under any circumstances.

.04 Exceptions; permits.

.01 Extension of time. The building official may grant a permit for the placement of a portable storage container in a residential district for more than 30 days, provided the property owner has demonstrated that extenuating circumstances exist to justify the extension. Extenuating circumstances shall include, but are not limited to, natural disasters, fire or acts of God.

.02 Validity. Permits under this section shall be valid for the period specified on the permit from the date of issuance to the specific name and approved location only.

.03 Fee requirements. All initial applications for permits and requests for renewal/extension of permits shall be accompanied by the appropriate fee set by ordinance of City Council."

Section 3. Article 3 of Appendix A. Fee Schedule, of the Code of Ordinances of the City of Spring Valley Village, Texas, is amended by adding the following provision:

“3.015 Portable Storage Containers, Permits.

Issuance.....	\$50.00
Initial inspection	\$50.00
Each reinspection, if any	\$50.00”

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.

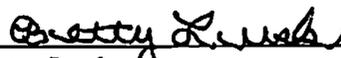
Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 28th day of July, 2009.



Michael Andrews
Mayor

ATTEST:



Betty Lusk
City Secretary