



EST. 1955

**SPRING VALLEY**

V I L L A G E

**Planning & Zoning  
Commission Meeting  
March 10, 2020  
7:00 p.m.**





# Minutes

Planning & Zoning Commission Meeting Minutes  
City of Spring Valley Village  
Tuesday, December 3, 2019

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

Planning & Zoning Members present:

Trey Hoffman, Chair  
Charlie Calderwood  
Amy Winstead  
Louise Richman  
John Lisenby, Alternate

A quorum was present.

City Officials present:

Marcus Vajdos, City Council Member  
Julie Robinson, City Administrator  
Loren Smith, City Attorney

- 2. Approval of meeting minutes for regular meeting September 10, 2019**

Mr. Calderwood made the motion to approve the minutes. Ms. Winstead seconded the motion. The motion carried 5 to 0.

- 3. Conduct a public hearing concerning:** A preliminary and final re-plat of Wyngayle Oaks partial re-plat No. 2, a plot containing 0.6684 acres of land, situated in Dwelling District 'A', City of Spring Valley Village, Harris County, Texas bearing the addresses of 8942 Croes Drive and 1303 Fries Road.
  - a. Presentation of preliminary and final re-plat by applicant
  - b. Those in favor
  - c. Those opposed
  - d. Adjourn public hearing

Mr. Hoffman opened the public hearing at 7:02 p.m. and briefly explained the item. Lot #3 is getting bigger. In August of 2018, the first re-plat was approved with lot #3 (8942 Croes) having 13,737 square feet and lot #6 (1303 Fries) having 15,739 square feet. Oscar G. Espinoza y Sanchez of Windrose was present to represent the owners. Mr. Hoffman closed the public hearing at 7:05 p.m.

- 4. Consideration and possible action concerning:** A preliminary and final re-plat of Wyngayle Oaks partial re-plat No. 2, a plot containing 0.6684 acres of land, situated in Dwelling District 'A', City of Spring Valley Village, Harris County, Texas bearing the addresses of 8942 Croes Drive and 1303 Fries Road.

Mr. Calderwood said that the pool would not fit into the current lot due to utility easement of ten feet. Ms. Winstead said that there was no aerial easement conflict. Ms. Robinson had several

comments/questions. The two square footages on the drawings do not add up and need to be corrected. And nowhere in the application does it show a shift in 15 feet. Mr. Vajdos asked if there was any conflict on the setbacks. Mr. Calderwood asked where the utility easement was on lot #6. Mr. Hoffman said the easement goes further back. Tony Collins, lot #6 owner said that the gas easement runs to Fries Road. Mr. Hoffman said that Mr. Collins will not be adversely affected. Mr. Calderwood made a motion to approve provided the square footage is corrected/clarified by the City Administer and that lot #6 has no adverse effects. Mr. Lisenby seconded the motion. The motion carried 5 to 0.

**5. Briefing and discussion concerning; status of application for PADD amendment for Bingle West PADD.**

Ms. Robinson updated the P&Z Commission on the status of the application. There were deficiencies in the application and the deadline to address those is passing. There is lack of access from Bingle to the Dillard tract. Mr. Hoffman said that the problem is in the developer's hands. Mr. Calderwood talked about the Chinese church, their oddly shaped lot, and their access. He said the church is zoned as residential. Harris County lease is for open land purposes at \$1 per year. Mr. Vajdos talked about the PADD and noted that there has been much discussion about the Dillard property. Ms. Robinson said the issue is access and only Harris County can give access. Ms. Richman noted these issues came about due to the IH-10 widening. Mr. Hoffman asked, how can Harris County deny access? Mr. Smith said these are prescriptive rights and one has to go to court to get right of access and this has not been done. The County owns only the road right of way. A question is who owns underlying property past about 1916. Value is \$3 million. Mr. Hoffman said that this deal is pretty much dead. Mr. Smith said it takes about six months to get prescriptive rights from the courts.

**6. Discussion and direction concerning:** the activities of the City Council during the November 19, 2019 meeting regarding Planning & Zoning Matters.

Mr. Smith said that there was nothing to report as the Planning & Zoning Commission did not meet during November 2019.

**7. Adjournment**

Mr. Calderwood made a motion to adjourn. Ms. Winstead seconded the motion. The motion carried 5-0. The meeting was adjourned at 7:43 p.m.

Signed:

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

Attest:

\_\_\_\_\_  
Louise Richman, Secretary

## Agenda Item #3

Presentation by Vincent Giammalva  
Regarding Property Located at  
9200 Katy Freeway

# PRELIMINARY SITE PLAN

GF NO. 2799418-01371 TEXAS AMERICAN TITLE  
 ADDRESS: 9200 OLD KATY ROAD  
 HOUSTON, TEXAS 77055  
 BORROWER: TY MANN

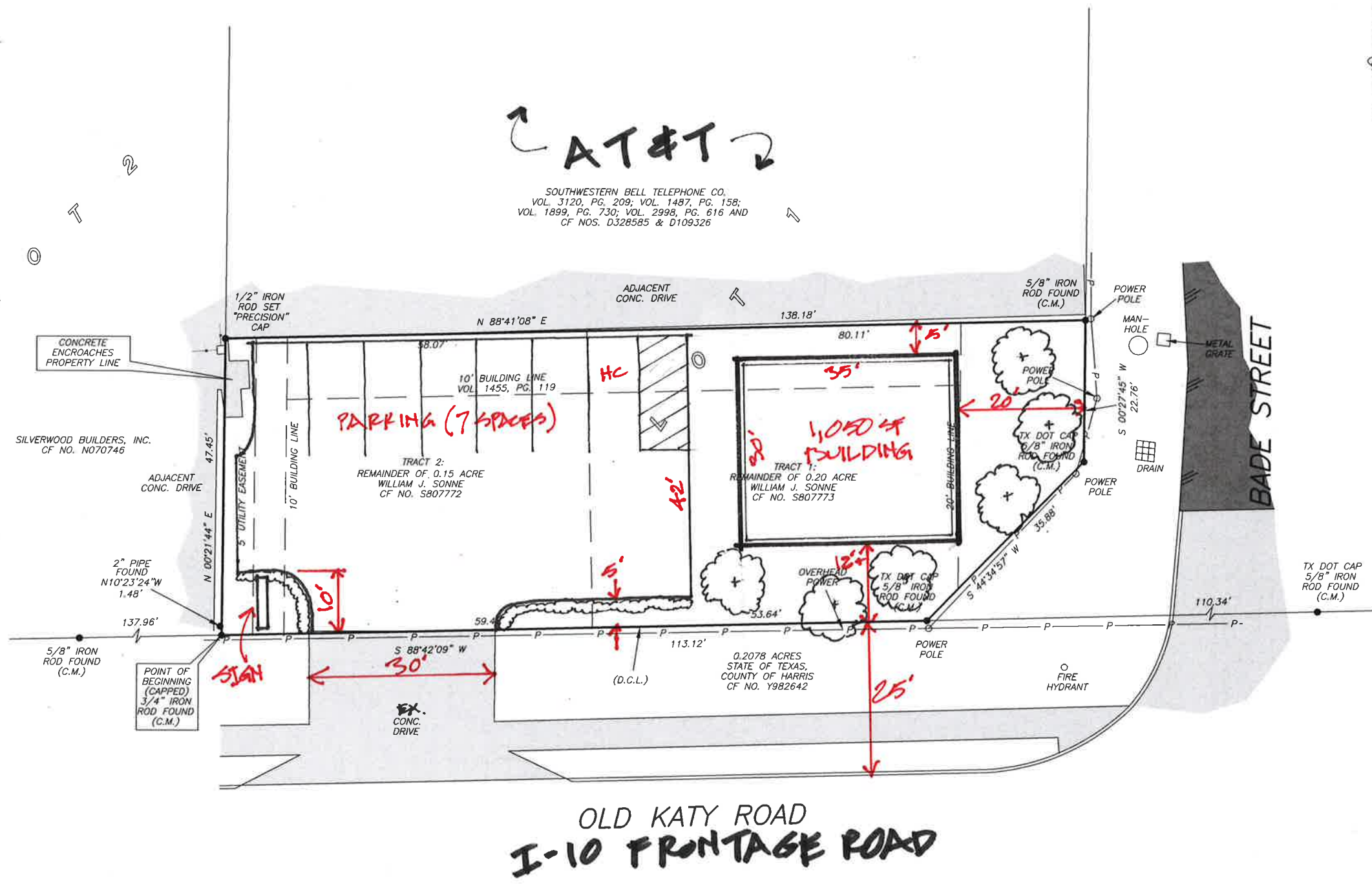
**0.1441 ACRES**  
**A PORTION OF LOT 1**  
**WEST PARK SUBDIVISION**

IN THE T.A. HOSKINS SURVEY, A-342  
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED  
 IN VOLUME 23, PAGE 10 OF THE MAP RECORDS  
 OF HARRIS COUNTY, TEXAS  
 (SEE ATTACHED METES AND BOUNDS DESCRIPTION)

SCALE: 1" = 20'

AT&T

SOUTHWESTERN BELL TELEPHONE CO.  
 VOL. 3120, PG. 209; VOL. 1487, PG. 158;  
 VOL. 1899, PG. 730; VOL. 2998, PG. 616 AND  
 CF NOS. D328585 & D109326



NOTE: PUBLIC UTILITY SERVICE EASEMENT SET AS PER  
 CF NOS. H590084 AND J183306.  
 NOTE: MAY BE SUBJECT TO DEED RESTRICTIONS AND/OR  
 ADDITIONAL GOVERNMENTAL BUILDING REQUIREMENTS.



THIS PROPERTY DOES NOT LIE WITHIN THE  
 100 YEAR FLOOD PLAIN AS PER FIRM  
 PANEL NO. 48201C 0645 L  
 MAP REVISION: 06/18/2007  
 ZONE X  
 BASED ONLY ON VISUAL EXAMINATION OF MAPS.  
 INACCURACIES OF FEMA MAPS PREVENT EXACT  
 DETERMINATION WITHOUT DETAILED FIELD STUDY.

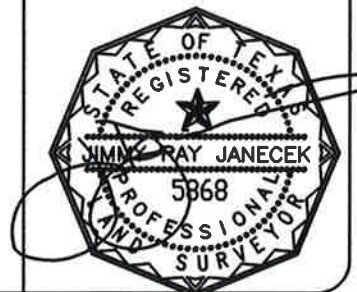
A SUBSURFACE INVESTIGATION  
 WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE  
 RECORD BEARING: CF NO. Y982642

DRAWN BY: JB

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE  
 ON THE GROUND, THAT THIS PLAT CORRECTLY  
 REPRESENTS THE FACTS FOUND AT THE  
 TIME OF SURVEY AND THAT THERE ARE NO  
 ENCROACHMENTS APPARENT ON THE GROUND,  
 EXCEPT AS SHOWN HEREON. THIS SURVEY IS  
 CERTIFIED FOR THIS TRANSACTION ONLY AND  
 ABSTRACTING PROVIDED IN THE ABOVE  
 REFERENCED TITLE COMMITMENT WAS RELIED  
 UPON IN PREPARATION OF THIS SURVEY.

JIMMY RAY JANECEK  
 PROFESSIONAL LAND SURVEYOR  
 NO. 5868  
 JOB NO. 18-01469  
 FEBRUARY 20, 2018



OLD KATY ROAD  
 I-10 FRONTAGE ROAD



TEXAS AMERICAN TITLE  
 JULIANA DAVILA  
 713-621-5808



**PRECISION**  
 surveyors

1-800-LANDSURVEY  
 www.precisionurveyors.com  
 281-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555  
 950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217  
 FIRM NO. 10063700



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

**MEETING DATE:** March 10, 2020

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

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**

**BACKGROUND:** House Bill 2439, enacted by the Texas Legislature on May 23, 2019 and signed into law by the Governor on June, 14, 2019, requires that a municipality may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that prohibits or limits the installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building, if the building product or material is approved for use by a national model code.

The proposed zoning text amendment would delete Section 05:03, Building Materials and Architectural Standards, of Exhibit "A", of Chapter 12, Planning and Zoning, of the Code of Ordinances in order to comply with House Bill 2439.

**RECOMMENDATION:** Not applicable

**ATTACHMENTS:**

- Ordinance No. 2020-XX
- House Bill 2439 Bill Text
- Copy of Public Hearing Notice

**FUNDING ISSUES:**

Not applicable – no dollars are being spent or received.

Full amount already budgeted in Acct/Project# \_\_\_\_\_

Not budgeted, if approved, the following will be included in the next Budget Amendment:

\$\_\_\_\_\_ from Acct/Project# \_\_\_\_\_ will be transferred to Acct/Project# \_\_\_\_\_

\$\_\_\_\_\_ from unassigned fund balance will be used and added to Acct/Project# \_\_\_\_\_

\$\_\_\_\_\_ will be added to Revenue Acct# \_\_\_-\_\_\_ and

**ACTIONS TAKEN**

<p><b>APPROVAL</b></p> <p><input type="checkbox"/> YES   <input type="checkbox"/> NO</p>	<p><b>READING PASSED</b></p>	<p><b>OTHER</b></p>
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**City of Spring Valley Village  
 Planning and Zoning Commission  
 Agenda Item Data Sheet**

\$ \_\_\_\_\_ added to Expenditure Acct/Project# \_\_\_\_\_

**FINANCE VERIFICATION OF FUNDING:**

*[Handwritten signature]*

**SUBMITTING STAFF MEMBER:**

Zachary Meadows, Director of  
 Community Development

**CITY ADMINISTRATOR APPROVAL:**

*[Handwritten signature]*

**ACTIONS TAKEN**

<b>APPROVAL</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>READING PASSED</b>	<b>OTHER</b>
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**DIVIDER PAGE**

**ORDINANCE NO. 2020-XX**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, House Bill 2439, enacted by the Texas Legislature on May 23, 2019 and signed into law by the Governor on June, 14, 2019, requires that a municipality may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that prohibits or limits the installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building, if the building product or material is approved for use by a national model code; and

**WHEREAS**, the City Council finds it necessary to delete Section 05:03, Building Materials and Architectural Standards, of Exhibit "A", of Chapter 12, Planning and Zoning, of the Code of Ordinances in order to comply with House Bill 2439 as set out herein;

**NOW, THEREFORE:**

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

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

**Section 2.** Section 05:03, Building Materials and Architectural Standards, of Exhibit "A", of Chapter 12 Planning and Zoning, of the City's Code of Ordinances is hereby deleted in its entirety.

**Section 3.** All provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 4.** 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.** All rights and remedies of the City of Spring Valley Village are expressly saved as to any and all violations of the provisions of any Ordinances affecting and which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**Section 6.** 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 7.** This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with section 52.011 of the Texas Local Government Code.

DULY PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Tom Ramsey, Mayor  
City of Spring Valley Village, Texas

ATTEST:

\_\_\_\_\_  
Roxanne Benitez, City Secretary  
City of Spring Valley Village, Texas

**DIVIDER PAGE**

AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

.(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

.(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

.(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

.(2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

.(b) A governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with Subsection (a).

.(c) This section does not apply to:

.(1) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

.(2) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Insurance Code;

.(3) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that:

.(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or

.(B) applies to outdoor lighting within five miles

of the boundary of a military base in which an active training program is conducted;

.(4) an ordinance or order that:

.(A) regulates outdoor lighting; and

.(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

.(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

.(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

.(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

.(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019;

.(7) a building located in an area designated as a historic district on the National Register of Historic Places;

.(8) a building designated as a Recorded Texas Historic Landmark;

.(9) a building designated as a State Archeological Landmark or State Antiquities Landmark;

.(10) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

.(11) a building located in a World Heritage Buffer Zone; and

.(12) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section 442.014.

(d) A municipality that is not a municipality described by Subsection (c)(5)(A) or (B) may adopt or enforce a regulation described by Subsection (a) that applies to a building located in a place or area designated on or after April 1, 2019, by the municipality for its historical, cultural, or architectural importance and significance, if the municipality has the voluntary consent from the building owner.

(e) A rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with this section is void.

Sec. 3000.003. INJUNCTION. (a) The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of Section 3000.002.

(b) The court may grant appropriate relief.

(c) The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this section.

(d) Sovereign and governmental immunity to suit is waived and abolished only to the extent necessary to enforce this chapter.

Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i), Occupations Code, or Section 775.045(a)(1), Health and Safety Code.

Sec. 3000.005. SEVERABILITY. If any provision of a rule, charter provision, ordinance, order, building code, or other regulation described by Section 3000.002(a) is held invalid under this chapter, the invalidity does not affect other provisions or applications of the rule, charter provision, ordinance, order, building code, or other regulation that can be given effect without the invalid provision or application, and to this end the



provisions of the rule, charter provision, ordinance, order, building code, or other regulation are severable.

SECTION 2. This Act takes effect September 1, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2439 was passed by the House on April 30, 2019, by the following vote: Yeas 124, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2439 on May 23, 2019, by the following vote: Yeas 133, Nays 9, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 2439 was passed by the Senate, with amendments, on May 19, 2019, by the following vote: Yeas 26, Nays 5.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

**DIVIDER PAGE**

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

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

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

**Date:** Tuesday, March 10, 2020  
**Time:** 7:00 p.m.  
**Location:** Council Chambers  
Spring Valley Village City Hall  
1025 Campbell Road  
Houston, TX 77055

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

**Date:** Tuesday, March 24, 2020  
**Time:** 6:00 p.m.  
**Location:** Council Chambers  
Spring Valley Village City Hall  
1025 Campbell Road  
Houston, TX 77055

**For additional information regarding these public hearings, please contact the Director of Community Development, Zachary Meadows at (713) 465-8308.**

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

**MEETING DATE:** March 10, 2020

**TOPIC:** **ORDINANCE NO. 2020-XX**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT "A" OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**

**BACKGROUND:** In the previous agenda item, the Planning and Zoning Commission held a public hearing concerning the deletion of Section 05:03, Building Materials and Architectural Standards, of Exhibit "A", of Chapter 12, Planning And Zoning, of the Code of Ordinances.

If approved, this ordinance would implement the proposed revisions to Chapter 12, Planning and Zoning, of the City's Code of Ordinances.

**RECOMMENDATION:** Staff recommends approval of the Ordinance.

**ATTACHMENTS:** • Ordinance No. 2020-XX

**FUNDING ISSUES:**

Not applicable – no dollars are being spent or received.

Full amount already budgeted in Acct/Project# \_\_\_\_\_

Not budgeted, if approved, the following will be included in the next Budget Amendment:

\$\_\_\_\_\_ from Acct/Project# \_\_\_\_\_ will be transferred to Acct/Project# \_\_\_\_\_

\$\_\_\_\_\_ from unassigned fund balance will be used and added to Acct/Project# \_\_\_\_\_

\$\_\_\_\_\_ will be added to Revenue Acct# \_\_\_-\_\_\_ and \$\_\_\_\_\_ added to Expenditure Acct/Project# \_\_\_\_\_

**FINANCE VERIFICATION OF FUNDING:**

*QuikReply*

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

**CITY ADMINISTRATOR APPROVAL:**

*[Signature]*

<b>ACTIONS TAKEN</b>		
<b>APPROVAL</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>READING PASSED</b>	<b>OTHER</b>

**ORDINANCE NO. 2020-XX**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS BY DELETING SECTION 05:03, BUILDING MATERIALS AND ARCHITECTURAL STANDARDS, OF EXHIBIT “A” OF CHAPTER 12 PLANNING AND ZONING, OF THE CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, House Bill 2439, enacted by the Texas Legislature on May 23, 2019 and signed into law by the Governor on June, 14, 2019, requires that a municipality may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that prohibits or limits the installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building, if the building product or material is approved for use by a national model code; and

**WHEREAS**, the City Council finds it necessary to delete Section 05:03, Building Materials and Architectural Standards, of Exhibit “A”, of Chapter 12, Planning and Zoning, of the Code of Ordinances in order to comply with House Bill 2439 as set out herein;

**NOW, THEREFORE:**

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

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

**Section 2.** Section 05:03, Building Materials and Architectural Standards, of Exhibit “A”, of Chapter 12 Planning and Zoning, of the City’s Code of Ordinances is hereby deleted in its entirety.

**Section 3.** All provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 4.** 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.** All rights and remedies of the City of Spring Valley Village are expressly saved as to any and all violations of the provisions of any Ordinances affecting and which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**Section 6.** 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 7.** This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with section 52.011 of the Texas Local Government Code.

DULY PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Tom Ramsey, Mayor  
City of Spring Valley Village, Texas

ATTEST:

\_\_\_\_\_  
Roxanne Benitez, City Secretary  
City of Spring Valley Village, Texas