

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE
PLANNING AND ZONING COMMISSION**

October 20, 2014 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENED ON OCTOBER 20, 2014 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order at 7:06 p.m. and the roll of appointed officers was taken. Commissioners present were:

Chairman, Debra Mergel
George Ohler, Commissioner
Joyce Berube, Commissioner

Barbara Freeman, Commissioner
Michael O’Neal, Commissioner
Ratan K. Jha, Commissioner

Commissioner Rick Faircloth was not present at this meeting.

Council Liaison, Justin Ray, was not present at this meeting.

Staff in attendance: Courtney Rutherford, Assistant City Secretary; Christian Somers, Building Official; and Deborah Capaccioli-Paul, Engineering Technician.

The following items were called out of order:

D. Conduct Joint Public Hearing with City Council on the proposal to amend the zoning ordinance at Chapter 14, Article IV, Section 14-104(a) by adding subsection (3) to include “Home Occupations” as they are permitted in District A.

Mayor Erskine called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Erskine opened the Joint Public Hearing at 7:13 p.m., stating that the purpose of the meeting was to give those in attendance the right to speak and be heard concerning the proposal to amend the zoning ordinance at Chapter 14, Article IV, Section 14-104(a) by adding a subsection (3) to include “home occupations” as they are permitted in District A.

After opening the joint public hearing, Mayor Erskine called upon Christian Somers, the City Building Official, to summarize the subject of the public hearing. Mr. Somers explained that the City’s current zoning ordinance allows for home occupations in zoning District A (single-family dwelling district) and zoning District C (townhouse/patio home district). However, it does not allow for home occupations in zoning District M (multi family dwelling district). City staff has recently been approached by a resident that lives in District M that wishes to work out of his place of residence. Mr. Somers then explained the restriction that would apply should the amendment be granted.

With no one desiring to speak at the hearing, Mayor Erskine and Chairman Mergel closed the joint public hearing at 7:17 p.m.

E. Conduct a Joint Public Hearing with City Council on the proposal to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a) by adding a new subsection (23) to include “grocery store” as a permitted use regulation in District F.

Mayor Erskine called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Erskine opened the Joint Public Hearing at 7:18 p.m., stating that the purpose of the meeting was to give those in attendance the right to speak and be heard concerning the proposal to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a) by adding a new subsection (23) to include “grocery store” as a permitted use regulation in District F.

After opening the joint public hearing, Mayor Erskine called upon Christian Somers, the City Building Official, to summarize the subject of the public hearing. Mr. Somers explained that in reviewing the City’s current zoning ordinance Staff learned that there is no provision for grocery stores in zoning District F. Currently, the only place a grocery store is allowed is in zoning District H, which is an industrial district. He went on to explain that while District F provides for “retail sales,” Staff recommends that “grocery store” be specifically listed as a permitted use in District F in order to clarify the permitted use.

With no one desiring to speak at the hearing, Mayor Erskine and Chairman Mergel closed the joint public hearing at 7:20 p.m.

F. Conduct a Joint Public Hearing with City Council on the proposal to amend Chapter 14 Building and Development, Article I. in General, Section 14-5 Definitions, concerning amendments to the definitions of “family” and “single-family dwelling” to provide for groups protected by the Fair Housing Act and Texas Community Homes for Disabled Persons Location Act.

Mayor Erskine called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Erskine opened the Joint Public Hearing at 7:21 p.m., stating that the purpose of the meeting was to give those in attendance the right to speak and be heard concerning the proposal to amend Chapter 14 Building and Development, Article I. in General, Section 14-5 Definitions, concerning amendments to the definitions of “family” and “single-family dwelling” to provide for groups protected by the Fair Housing Act and Texas Community Homes for Disabled Persons Location Act.

After opening the joint public hearing, Mayor Erskine called upon Christian Somers, the City Building Official, to summarize the subject of the public hearing. Mr. Somers explained that City Staff has identified two community homes within the Jersey Village City limits. While they are allowed by state law to operate in single family districts, City Staff feels the need to adopt a definition that would mirror the State’s definition. Accordingly, the proposed amendments to the definitions of “family” and “single family dwelling” mirror the State’s definition.

With no one else desiring to speak at the hearing, Mayor Erskine and Chairman Mergel closed the joint public hearing at 7:22 p.m.

The Planning and Zoning Commission retired from the City Council meeting at 7:22 p.m. to conduct its posted meeting agenda and prepare the final reports in connection with these joint public hearings.

Chairman Mergel reconvened the Planning and Zoning meeting at 7:24 p.m. and called the next item as follows:

B. Election of chairperson and vice-chairperson for one year term

Chairman Mergel opened nominations for the office of Chair for a one year term beginning October 1, 2014 and ending September 30, 2015. Commissioner O’Neal moved to nominate Commissioner Debra Mergel to serve in this capacity. The motion was seconded by Commissioner Berube. With no other nominations being made, the vote follows:

Ayes: Commissioners Berube, Freeman, Ohler, O’Neal, and Jha

Nays: None

Abstained: Chairman Mergel

The motion carried.

Chairman Mergel opened nominations for the office of Vice Chair for a one year term beginning October 1, 2014 and ending September 30, 2015. Commissioner Ohler moved to nominate Commissioner Faircloth. The motion was seconded by Commissioner Berube. With no other nominations being made, the vote follows:

Ayes: Commissioners Berube, Freeman, Ohler, O’Neal, and Jha
Chairman Mergel

Nays: None

The motion carried.

C. Consider approval of the minutes for the meetings held on September 11, 2014 and September 15, 2014.

Commissioner Freeman moved to approve the minutes for the meetings held on September 11, 2014 and September 15, 2014. Commissioner Berube seconded the motion. The vote follows:

Ayes: Commissioners Berube, Freeman, Ohler, O’Neal, and Jha
Chairman Mergel

Nays: None

The motion carried.

G. Discuss and take appropriate action concerning amendments to Chapter 14, Article IV, Section 14-104(a) to include “Home Occupations” as a use regulation in District M; and prepare for presentation to Council on October 20, 2014 the Final Report.

Chairman Mergel introduced the item. The Commission reviewed the final report that was provided in the meeting packet.

After limited discussion, Commissioner O’Neal moved to proceed with final report and present to Council as prepared, recommending amendments to the City’s comprehensive zoning ordinance at Chapter 14, Article IV, Section 14-104(a) to include “Home Occupations” as a use regulation in District M. Commissioner Berube seconded the motion. The vote follows:

Ayes: Commissioners Berube, Freeman, Ohler, O’Neal, and Jha
Chairman Mergel

Nays: None

The motion carried.

Upon passage of this motion, the Final Report was signed for presentation to Council. A copy of the Final Report is attached to and made a part of these minutes as Exhibit “A.”

H. Discuss and take appropriate action concerning amendments to Chapter 14, Article IV, Section 14-105(a) to include “Grocery Store” as a use regulation in District F; and prepare for presentation to Council on October 20, 2014 the Final Report.

Chairman Mergel introduced the item. The Commission reviewed the final report that was provided in the meeting packet.

After limited discussion, Commissioner Ohler moved to proceed with final report and present to Council as prepared, recommending amendments to the City’s comprehensive zoning ordinance at Chapter 14, Article IV, Section 14-105(a) to include “Grocery Store” as a use regulation in District F. Commissioner Berube seconded the motion. The vote follows:

Ayes: Commissioners Berube, Freeman, Ohler, O’Neal, and Jha
Chairman Mergel

Nays: None

The motion carried.

Upon passage of this motion, the Final Report was signed for presentation to Council. A copy of the Final Report is attached to and made a part of these minutes as Exhibit “B.”

I. Discuss and take appropriate action concerning amendments to Chapter 14 Building and Development, Article I. in General, Section 14-5 Definitions, to amend the definitions of “family” and “single-family dwelling” to provide for groups protected by the Fair Housing Act and Texas Community Homes for Disabled Persons Location Act; and prepare for presentation to Council on October 20, 2014 the Final Report.

Chairman Mergel introduced the item. The Commission reviewed the final report that was provided in the meeting packet. There was brief discussion among Staff and the Commission regarding the distance of these homes from public schools.

With no further discussion, Commissioner Berube moved to proceed with final report and present to Council as prepared, recommending amendments to Chapter 14 Building and Development, Article I. in General, Section 14-5 Definitions, to amend the definitions of

“family” and “single-family dwelling” to provide for groups protected by the Fair Housing Act and Texas Community Homes for Disabled Persons Location Act. Commissioner Jha seconded the motion. The vote follows:

Ayes: Commissioners Berube, Freeman, Ohler, O’Neal, and Jha
Chairman Mergel

Nays: None

The motion carried.

Upon passage of this motion, the Final Report was signed for presentation to Council. A copy of the Final Report is attached to and made a part of these minutes as Exhibit “C.”

J. Adjourn

With no additional business to conduct the Commission adjourned at 7:35 p.m.

Courtney Rutherford, Assistant City Secretary



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
FINAL REPORT – AMENDING THE DEFINITIONS FOR
“FAMILY” AND “SINGLE-FAMILY DWELLING.”**

The Planning and Zoning Commission has previously met on September 11, 2014 and in its preliminary report recommended to amend the zoning ordinance at Chapter 14 Building and Development, Article I. in General, Section 14-5 Definitions, concerning amendments to the definitions of “family” and “single-family dwelling” to provide for groups protected by the Fair Housing Act and Texas Community Homes for Disabled Persons Location Act.

The preliminary report was submitted to the Jersey Village City Council at its September 15, 2014 meeting. The report was received and the City Council ordered a Joint Public Hearing for October 20, 2014.

On October 20, 2014, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public meeting, which gave the public an opportunity to make comments concerning the proposed amendments.

The Planning and Zoning Commission after duly considering all the information before it including that gathered at the Joint Public Hearing with City Council on October 20, 2014 at 7:00 p.m., the Planning and Zoning Commission recommends that:

City Council amend the Zoning Ordinance at Chapter 14, Building and Development, Article I. in General, Section 14-5 Definitions, by amending the definitions of “family” and “single-family dwelling” to provide for groups protected by the Fair Housing Act and Texas Community Homes for Disabled Persons Location Act.

The amendments to the City’s zoning ordinance are more specifically detailed in the attached proposed ordinance marked as “Exhibit A”.

Respectfully submitted, this 20th day of October 2014.

s/Debra Mergel, Chairman

ATTEST:

s/Courtney Rutherford, Assistant City Secretary



ORDINANCE NO. 2014-XX

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, BY AMENDING CHAPTER 14 BUILDING AND DEVELOPMENT, ARTICLE I. IN GENERAL, SECTION 14-5 DEFINITIONS TO AMEND THE DEFINITIONS OF “FAMILY” AND “SINGLE-FAMILY DWELLING” TO PROVIDE FOR GROUPS PROTECTED BY THE FAIR HOUSING ACT AND TEXAS COMMUNITY HOMES FOR DISABLED PERSONS LOCATION ACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AS PROVIDE BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Jersey Village herein determines it necessary in order to ensure traffic safety, decrease congestion and noise in residential areas to identify types of land use appropriate in such residential areas; and

WHEREAS, as part of this determination it is desirable and necessary to regulate such land use by revising the definitions of family and single-family dwelling, as pertains to an allowed use in residential areas; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Jersey Village have each conducted public hearings, in the time and manner and after the notice required by law and the City Code of Ordinances; and

WHEREAS, the City of Jersey Village Planning and Zoning Commission has issued its final report and the City Council of the City of Jersey Village now deems it appropriate to grant such requested amendment to the zoning ordinance; **NOW THEREFORE**,

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

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

Section 2. Chapter 14, “Building and Development,” Article I. *In General*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by amending the definitions of “family” and “single-family dwelling” in section 14-5 Definitions, to read and provide as follows:

“Chapter 14 – BUILDING AND DEVELOPMENT

....

Sec. 14-5.-Definitions.

....

Family means:

(1) One person, or a group of two or more persons living together and related by blood, marriage or legal adoption, living together as a single housekeeping unit. The person thus constituting a family may also include gratuitous guests and domestic servants.

(2) A group of individuals not related by blood, marriage or legal adoption, but living together as a single housekeeping unit. For controlling of residential density, each such group of four individuals shall constitute of a family.

(3) A group of not more than eight individuals, not related by blood, marriage or legal adoption, which group is comprised of individuals with disabilities protected under the Fair Housing Act, and where the group is not established within one-half mile of an existing like group.

(4) A group of not more than six persons with disabilities and two supervisors residing in a qualified community home, as defined by the Texas Community Homes for Disabled Persons Location Act.

...

Single-family dwelling means a building containing only one dwelling unit and/or occupied by only one family or group of individuals included within the definition of family.

...”

Section 3. Any person who shall willfully, intentionally, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined in accordance with Section 1-8 of The City Code. Each day of violation shall constitute a separate offense.

Section 4. 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 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 ___ day of _____, 2014.

ATTEST:

Rod Erskine, Mayor

Lorri Coody, City Secretary



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
FINAL REPORT RECOMMENDING APPROVAL OF
AMENDMENTS TO INCLUDE GROCERY STORE AS A USE
REGULATION IN ZONING DISTRICT F**

The Planning and Zoning Commission has previously met on September 11, 2014 and in its preliminary report recommended to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a) by adding a subsection (23) to include “grocery store” as a use regulation in Zoning District F.

The preliminary report was submitted to the Jersey Village City Council at its September 15, 2014 meeting. The report was received and the City Council ordered a Joint Public Hearing for October 20, 2014.

On October 20, 2014, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public meeting, which gave the public an opportunity to make comments concerning the proposed amendment.

The Planning and Zoning Commission after duly considering all the information before it including that gathered at the Joint Public Hearing with City Council on October 20, 2014 at 7:00 p.m., the Planning and Zoning Commission recommends that:

City council amend the Zoning Ordinance at Chapter 14, Article IV, Section 14-105(a) by adding a subsection (23) to include “grocery store” as a use regulation in Zoning District F.

The amendments to the City’s zoning ordinance are more specifically detailed in the attached proposed ordinance marked as “Exhibit A”.

Respectfully submitted, this 20th day of October 2014.

s/Debra Mergel, Chairman

ATTEST:

s/Courtney Rutherford, Assistant City Secretary



ORDINANCE NO. 2014-xx

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 14, ARTICLE IV, SECTION 14-105(a) BY ADDING A SUBSECTION (23) TO INCLUDE “GROCERY STORE” AS A USE REGULATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS THAT:

Section 1. The Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by adding a new subsection (23) to Section 14-105(a), so that Section 14-105(a) shall read as follows:

“(a) *Use regulations.*

- (21) The following uses are permitted in district F with a specific use permit:
 - a. Telephone switching facilities;
 - b. Child day-care operations (licensed child-care centers and school-age program centers);
 - c. Car wash facilities.
- (22) Model homes as permitted in district A.
- (23) Grocery Store”**

Section 2. **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 than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, 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, or whether there be one or more parts.

Section 3. **Repeal.** All other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

Section 4. **Penalty.** Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine as provided in Section 1-8.

Section 5. **Effective Date.** This ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2014.

ATTEST:

Rod Erskine, Mayor

Lorri Coody, City Secretary



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
FINAL REPORT RECOMMENDING APPROVAL OF
AMENDMENTS TO INCLUDE HOME OCCUPATIONS AS A USE
REGULATION IN ZONING DISTRICT M**

The Planning and Zoning Commission has previously met on September 11, 2014 and in its preliminary report recommended to amend the zoning ordinance at Chapter 14, Article IV, Section 14-104(a) by adding subsection (3) to include “home occupations” as a use regulation in Zoning District M.

The preliminary report was submitted to the Jersey Village City Council at its September 15, 2014 meeting. The report was received and the City Council ordered a Joint Public Hearing for October 20, 2014.

On October 20, 2014, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public meeting, which gave the public an opportunity to make comments concerning the proposed amendment.

The Planning and Zoning Commission after duly considering all the information before it including that gathered at the Joint Public Hearing with City Council on October 20, 2014 at 7:00 p.m., the Planning and Zoning Commission recommends that:

City Council amend the Zoning Ordinance at Chapter 14, Article IV, Section 14-104(a) by adding a subsection (3) to include “home occupations” as a use regulation in Zoning District M.

The amendments to the City’s zoning ordinance are more specifically detailed in the attached proposed ordinance marked as “Exhibit A”.

Respectfully submitted, this 20th day of October 2014.

s/Debra Mergel, Chairman

ATTEST:

s/Courtney Rutherford, Assistant City Secretary



ORDINANCE NO. 2014-xx

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 14, ARTICLE IV, SECTION 14-104(A) BY ADDING A SUBSECTION (3) TO INCLUDE “HOME OCCUPATIONS” AS A USE REGULATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS THAT:

Section 1. The Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by adding a new subsection (3) to Section 14-104(a), so that Section 14-104(a) shall read as follows:

“(a) *Use regulations.* No building or land shall be used and no building shall be hereafter erected, moved or altered in district M except for one or more of the following uses:

- (1) Multi-family dwellings.
- (2) Assessory buildings and uses customarily incident to any permitted use when located on the same lot and not involving the conduct of a business not directly associated with the primary use of the lot.

(3) Home occupations as permitted in district A.”

Section 2. **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 than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, 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, or whether there be one or more parts.

Section 3. **Repeal.** All other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

Section 4. **Penalty.** Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine as provided in Section 1-8.

Section 5. **Effective Date.** This ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2014.

ATTEST:

Rod Erskine, Mayor

Lorri Coody, City Secretary