

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE PLANNING AND ZONING COMMISSION HELD ON APRIL 19, 2021 AT 7:00 P.M. PURSUANT TO SECTION 418.016 OF THE TEXAS GOVERNMENT CODE**

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, the public was not allowed to be physically present at this meeting of the City of Jersey Village, Texas, Planning and Zoning Commission but the meeting was available to members of the public and allowed for two-way communications for those desiring to participate via telephone with the following toll-free number: **346-248-7799 along with Webinar ID: 865 8674 7906.**

**A. The meeting was called to order in at 7:00 p.m. and the roll of appointed officers was taken. Commissioners present were:**

Rick Faircloth, Chairman	Ty Camp, Commissioner
Joseph Paul, Vice Chairman	Barbara Freeman, Commissioner
Jennifer McCrea, Commissioner	

Commissioners Courtney Standlee and Debra Mergel were not present at this meeting.

The following members of the City of Jersey Village City Council were present:

Mayor, Andrew Mitcham	City Manager, Austin Bleess
Council Member, Drew Wasson	City Secretary, Lorri Coody
Council Member, Greg Holden	City Attorney, Justin Pruitt
Council Member, Bobby Warren	
Council Member, James Singleton	
Council Member, Gary Wubbenhorst	

Staff in attendance: Kirk Riggs, Chief of Police; Mark Bitz, Fire Chief; Isabel Kato, Finance Director; Robert Basford, Director of Parks and Recreation; Harry Ward, Director of Public Works and Bob Blevins, IT Director.

Also in attendance Danielle Cordova, Administrative Secretary and Maria Thorne, Administrative Assistant.

**B. Conduct a Joint Public Hearing with the Jersey Village City Council for the purpose of receiving oral comments from any interested person(s) concerning the proposals to: (1) to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”) and (2) to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.**

Mayor Mitcham called the item and Chairman Rick Faircloth announced a quorum for the Planning and Zoning Commission. Mayor Mitcham opened the Joint Public Hearing at 7:04 p.m., for the purpose of receiving oral comments from any interested person(s) concerning the proposals to: (1) to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”) and (2) to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

**Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 461-1430:** Mr. Maloy spoke regarding the proposed height of trees that encroach over sidewalks and other right-of-ways that are to be impacted by the revised ordinance. He inquired whether homeowners will be responsible for the maintaining the height of the trees in these areas. City Manager Bleess confirmed his understanding of the text change and clarified that the revised ordinance raises the clearance space between streets and sidewalks.

Mr. Maloy also spoke to City Council about questions concerning the golf course. City Attorney Pruitt told Mr. Maloy that he will need to make these type comments during Citizens’ Comments as this item is a Joint Public Hearing with the Planning and Zoning Commission.

With no one else signing up to speak at the hearing, Mayor Mitcham and Chairman Faircloth closed the joint public hearing at 7:08 p.m. and the Planning and Zoning Commission retired from the City Council meeting at 7:08 p.m. to conduct its posted meeting agenda and prepare final reports in connection with this joint public hearing.

*Public Works Director, Harry Ward, left the Council Chamber to attend the Planning and Zoning Commission Meeting at 7:08 p.m. via videoconference.*

*Chairman Faircloth reconvened the Planning and Zoning Commission Meeting at 7:13 p.m. via videoconference. He returned to the regular order of items on the agenda and called the next item as follows:*

**C. CITIZENS’ COMMENTS - Any person who desires to address the Planning and Zoning Commission regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Commissioners are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Planning and Zoning Commission.**

There were no Citizens’ Comments.

**D. Consider approval of the minutes for the meeting held on March 1, 2021.**

Commissioner Paul moved to approve the minutes for the meeting held on March 1, 2021. Commissioner McCrea seconded the motion. The vote follows:

Ayes: Commissioners Paul, McCrea, Camp, and Freeman  
Chairman Faircloth

Nays: None

The motion carried.

- E. Discuss and take appropriate action regarding the preparation and presentation of Final Report to City Council concerning the proposal to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).**

Harry Ward, Director of Public Works, introduced the item. Background information is as follows:

A Joint public hearing was conducted on April 19, 2021 with the City Council and the Planning and Zoning Commission, giving opportunity for public comment on the proposal to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

The Commission engaged in brief discussion regarding the directives of Council, previous discussions of the referenced issues, and comments made by the public during the public hearing.

With no further discussion on the matter, Commissioner Camp moved to approve the final report recommending amendments to Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”). Commissioner Paul seconded the motion. The vote follows:

Ayes: Commissioners Paul, McCrea, Camp, and Freeman  
Chairman Faircloth

Nays: None

The motion carried.

*A copy of the Commission’s Final Report is attached to and made a part of these minutes as Exhibit “A.”*

- F. Discuss and take appropriate action regarding the preparation and presentation of a Final Report to City Council concerning the proposal to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.**

Harry Ward, Director of Public Works, introduced the item. Background information is as follows:

A Joint public hearing was conducted on April 19, 2021 with the City Council and the Planning and Zoning Commission, giving opportunity for public comment on the proposal to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

The Commission engaged in brief discussion regarding the directives of Council, previous discussions of the referenced issues, and comments made by the public during the public hearing.

With no further discussion on the matter, Commissioner McCrea moved to approve the final report recommending amendments to Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way. Commissioner Freeman seconded the motion. The vote follows:

Ayes: Commissioners Paul, McCrea, Camp, and Freeman  
Chairman Faircloth

Nays: None

The motion carried.

*A copy of the Commission’s Final Report is attached to and made a part of these minutes as Exhibit “B.”*

## **G. Adjourn**

There being no further business on the Agenda the meeting was adjourned at 7:23 p.m.



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Lorri Coody, City Secretary

**EXHIBIT A**  
**TO THE PLANNING AND ZONING**  
**APRIL 19, 2021 MEETING MINUTES**

**PLANNING & ZONING COMMISSION'S**  
**FINAL REPORT – ZONING CHANGE – DISTRICT A TO DISTRICT F**



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION  
FINAL REPORT – ZONING CHANGE – DISTRICT A TO DISTRICT F**

The Planning and Zoning Commission has previously met on March 1, 2021 and in its preliminary report recommended that Council amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

The preliminary report was submitted to the Jersey Village City Council at its March 15, 2021 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for April 19, 2021.

On April 19, 2021, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public hearing, 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 April 19, 2021, recommends that Council amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

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

Respectfully submitted, this 19th day of April 2021.

s/Rick Faircloth, Chairman

**ATTEST:**

s/Lorri Coody, City Secretary



**EXHIBIT A**  
**PROPOSED ORDINANCE**

**ORDINANCE NO. 2021-XX**

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP AS SET OUT IN SECTION 14-82 SO THAT THE AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY 3.9 ACRES OF LAND ADJACENT TO THE SOUTHEAST CITY LIMITS NEAR JONES ROAD AND FM 529, IN THE CITY OF JERSEY VILLAGE, TEXAS, SHALL BE CHANGED FROM ZONING DISTRICT A (“SINGLE FAMILY DWELLING DISTRICT”) TO ZONING DISTRICT F (“FIRST BUSINESS DISTRICT”); CONTAINING OTHER FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Jersey Village, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance; and

**WHEREAS**, the Planning & Zoning Commission has issued its report and has recommended amendment to the Zoning Ordinance by authorizing revision of the Official Zoning Map as set out in Section 14-82 relating to the change of the zoning designation for that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, from District A (“Single Family Dwelling District”) to District F (“First Business District”); and

**WHEREAS**, the Planning & Zoning Commission and City Council have conducted, in the time and manner required by law, a joint public hearing on such amendment to the zoning ordinance and find that the adoption of this ordinance is in the best interest of the citizens of Jersey Village; **NOW THEREFORE**,

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

**Section 1.** The City Council hereby finds and determines that the statements set forth in the preamble of this Ordinance are true and correct and are incorporated herein for all purposes.

**Section 2.** The area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas and more specifically outlined in Exhibits A and A1 attached hereto and made a part hereof, is rezoned from District A (“Single Family Dwelling District”) to District F (“First Business District”).

**Section 3.** The Official Zoning District Map of the City shall be revised and amended to show the change in zoning classification of the property with the appropriate references thereon to the number and effective date of this ordinance.

**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 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 4.** **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 5.** **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 6.** **Effective Date.** This ordinance shall be in full force and effect from and after its passage.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

\_\_\_\_\_  
Andrew Mitcham, Mayor

\_\_\_\_\_  
Lorri Coody, City Secretary

**EXHIBIT A – Depiction & Description of the Property**  
**2.935 ACRE TRACT**

Being a tract of land containing 2.935 acres (127,863 square feet) located in the J.M. Dement Survey, Abstract Number (No.) 228 in Harris County, Texas; Said 2.935 acre tract being a portion of Lot 50 of Fairview Gardens Addition, a subdivision plat of record in Vol. 10, Page (Pg.) 46 of the Harris County Map Records (H.C.M.R.) and being all of Tract 1, a called 0.4587 acre tract recorded in the name of Sezka Limited partnership, in Harris County Clerk's File (H.C.C.F.) No. 20150047903 and Tract 2, a called 2.482 acre tract recorded in the name of Sezka Limited Partnership, in H.C.C.F. No. 20130561114, said 2.935 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the monumented northerly Right-of-Way (R.O.W.) line of F.M. 529 (R.O.W. varies as per H.C.C.F No.'s W201062 & S621781), called South 87 degrees 18 minutes 12 seconds West:

**BEGINNING** at a 5/8-inch iron rod with a cap stamped "R.P.L.S. #4925" found at the southeasterly end of a R.O.W. transition line from the northerly R.O.W. line of said F.M. 529 to the easterly R.O.W. line of Jones Road (R.O.W. varies as per H.C.C.F. No.'s 20070245178 & 20070503186), marking the most southerly corner of said Tract 2, and the herein described tract;

THENCE, along the said R.O.W. transition line, North 47 degrees 37 minutes 24 seconds West, a distance of 41.84 feet to a 5/8-inch iron rod with a cap stamped "Miller Survey Group" (MSG) set at the northwesterly end of said R.O.W. transition line, marking the most westerly southwest corner of said Tract 2, and the herein described tract;

THENCE, along the line common to the westerly line of said Tract 2, and the easterly R.O.W. line of said Jones Road, North 02 degrees 29 minutes 25 seconds West, a distance of 65.88 feet to a 5/8-inch iron rod with a cap stamped "MSG" set marking the beginning of a curve to the left;

THENCE, continuing with the west line of said Tract 2 and the easterly R.O.W. line of said Jones Road, 416.79 feet along the arc of said curve to the left, having a radius of 2,050 feet, a central angle of 11 degrees 38 minutes 56 seconds and a chord that bears North 08 degrees 18 minutes 53 seconds West, a distance of 416.07 feet to a 5/8-inch iron rod with a cap stamped "MSG" set for a point of tangency;

THENCE, along the line common to the westerly line of said Tract 2, and the easterly R.O.W. line of said Jones Road North 14 degrees 08 minutes 21 seconds West, a distance of 121.41 feet to a 5/8-inch iron rod with a cap stamped "MSG" set at the northwest corner of said Tract 2 and the herein described tract in the south line of the residue of a called 0.1492 acre tract recorded in the name of the City of Houston, Tract KY1-116, waterline easement in H.C.C.F. No. X502453;

THENCE, along the line common to the northerly line of said Tract 2, and the south line of said City of Houston tract, North 87 degrees 23 minutes 41 seconds East, a distance of 318.77 feet to a 5/8-inch iron rod with a cap stamped "MSG" set at the northeast corner of said Tract 2, also being in the west line of a portion of Lot 51 of Fairview Gardens Addition, a subdivision plat of record in Vol. 10, Pg. 46 of the H.C.M.R., recorded in the name of Larry W. Krueger and Sue B. Krueger, dba Saxon Company, in H.C.C.F. No. V069503 and being the northeast corner of the herein described tract, from which a 1/2-inch iron rod found bears North 02 degrees 21 minutes 54 seconds West, a distance of 20.00 feet;

THENCE, along the line common to the easterly line of said Tract 2, and the westerly line of said Lot 51 South 02 degrees 21 minutes 54 seconds East, a distance of 212.94 feet to a 5/8-inch iron rod with a cap stamped "MSG" set at the most northerly southeast corner of said Tract 2, on the line common to said Lot

51, being the northeast corner of a called 1.00 acre tract, recorded in the name of Ronald B. Doan, Jr., in H.C.C.F. No. N592090, and the most northerly southeast corner of the herein described tract;

THENCE, along the line common to said Tract 2 and the northerly line of a said 1.00 acre tract South 87 degrees 38 minutes 06 seconds West, a distance of 100.85 feet to a 3/4-inch pinched-top pipe found at an interior corner of said Tract 2, being the northwest corner of a said 1.00 acre tract, and marking the interior corner of the herein described tract;

THENCE, along the line common to the easterly line of said Tract 2 and the westerly line of a said 1.00 acre tract South 02 degrees 21 minutes 54 seconds East, a distance of 415.71 feet to a 5/8-inch iron rod with a cap stamped "MSG" set at the southeast corner of said Tract 2, being the southwest corner of a said 1.00 acre tract, the southeast corner of said Tract 1, and the herein described tract;

THENCE, along the line common to the southerly line of said Tract 1, the southerly line of said Tract 2, and the northerly R.O.W. line of said F.M. 529 South 87 degrees 18 minutes 12 seconds West, a distance of 120.16 feet to the **POINT OF BEGINNING** and containing 2.935 acres (127,863 square feet) of land.

This description was prepared in conjunction with and accompanies an ALTA/NSPS Land Title Survey prepared by Miller Survey Group.

**EXHIBIT A-1 – Depiction & Description of the Property**  
**0.962 ACRE TRACT**

Being a tract of land containing 0.962 acre (41,897 square feet) located in the J.M. Dement Survey, Abstract Number (No.) 228 in Harris County, Texas; Said 0.962 acre tract being a portion of Lot 50 of Fairview Gardens Addition, a subdivision plat of record in Vol. 10, Page (Pg.) 46 of the Harris County Map Records (H.C.M.R.) and being a called 1.00 acre tract recorded in the name of Ronald B. Doan, in H.C.C.F. No. N592090, said 0.962 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the monumented northerly Right-of-Way (R.O.W.) line of F.M. 529 (R.O.W. varies as per H.C.C.F. No.'s W201062 & S621781), called South 87 degrees 18 minutes 12 seconds West:

**COMMENCING** at a 5/8-inch iron rod with a cap stamped “R.P.L.S. #4925” found at the southeasterly end of a R.O.W. transition line from the northerly R.O.W. line of said F.M. 529 to the easterly R.O.W. line of Jones Road (R.O.W. varies as per H.C.C.F. No.'s 20070245178 & 20070503186), marking the most southerly corner of a called 2.482 acre tract recorded in the name of Sezka Limited Partnership, in H.C.C.F. 20130561114;

THENCE, along the line common to the north R.O.W. line of F.M. 529, the southerly line of said 2.482 acre tract, and the southerly line of a called 0.4587 acre tract recorded in the name of Sezka Limited Partnership, in H.C.C.F. No. 20150047903, North 87 degrees 18 minutes 12 seconds East, a distance of 120.16 feet to a 5/8-inch iron rod with a cap stamped “Miller Survey Group” (MSG) set at the southeast corner of said 0.4587 acre tract, said 1.00 acre tract and marking the **POINT OF BEGINNING** of the herein described tract;

THENCE, along the line common to the easterly line of said 0.4587 acre tract and the westerly line of said 1.00 acre tract, North 02 degrees 21 minutes 54 seconds West, a distance of 415.71 feet to a 3/4-inch pinched-top pipe found marking an interior corner of said 2.482 acre tract, and the northwest corner of the herein described tract;

THENCE, along the line common to the south line of said 2.482 acre tract and the north line of said 1.00 acre tract, North 87 degrees 38 minutes 06 seconds East, a distance of 100.85 feet to a 5/8-inch iron rod with a cap stamped “MSG” set at the most northerly southeast corner of said 2.482 acre tract, on the west line of a portion of Lot 51 of Fairview Gardens, a subdivision plat of record in Vol. 10, Pg. 46 of the H.C.M.R., recorded in the name of Larry W. Krueger and Sue B. Krueger, dba Saxon Company, in H.C.C.F. No. V069503, the northeast corner of said 1.00 acre tract, and the herein described tract;

THENCE, along the line common to the easterly line of said 1.00 acre tract, and the westerly line of said portion of Lot 51, South 02 degrees 21 minutes 54 seconds East, a distance of 415.13 feet to a 5/8-inch iron rod with a cap stamped “MSG” set at the southwest corner of said portion of Lot 51, the southeast corner of said 1.00 acre tract and the herein described tract;

THENCE, along the line common to the southerly line of said 1.00 acre tract, and the northerly R.O.W. line of said F.M. 529 South 87 degrees 18 minutes 12 seconds West, a distance of 100.86 feet to the **POINT OF BEGINNING** and containing 0.962 acre (41,897 square feet) of land.

This description was prepared in conjunction with and accompanies an ALTA/NSPS Land Title Survey prepared by Miller Survey Group.

**EXHIBIT B**  
**TO THE PLANNING AND ZONING**  
**APRIL 19, 2021 MEETING MINUTES**

**PLANNING & ZONING COMMISSION'S**  
**FINAL REPORT – TREE ORDINANCE – Section 14-310(6)(e)**



## **CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION FINAL REPORT – TREE ORDINANCE – Section 14-310(6)(e)**

The Planning and Zoning Commission has previously met on March 1, 2021 and in its preliminary report recommended that Council amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

The preliminary report was submitted to the Jersey Village City Council at its March 15, 2021 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for April 19, 2021.

On April 19, 2021, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public hearing, 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 April 19, 2021, recommends that Council amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

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

Respectfully submitted, this 19th day of April 2021.

s/Rick Faircloth, Chairman

**ATTEST:**

s/Lorri Coody, City Secretary



**EXHIBIT A**  
**PROPOSED ORDINANCE**



**ORDINANCE NO. 2021-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 XII., "LANDSCAPING, BUFFERYARD, PARK AND OPEN SPACE STANDARDS," SECTION 14-310, "GENERAL STANDARDS," AT SUBSECTION 6(E) IN ORDER TO INCREASE THE REQUIREMENTS FOR PRUNING TREES OVERHANGING INTO THE STREET OR RIGHT-OF-WAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Jersey Village, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance; and

**WHEREAS**, the Planning & Zoning Commission has issued its report and has recommended amendments to Chapter 14, "Building and Development," Article XII., "Landscaping, Bufferyard, Park and Open Space Standards," Section 14-310, "General Standards," at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way; and

**WHEREAS**, the Planning & Zoning Commission and City Council have conducted, in the time and manner required by law, a joint public hearing on such amendments; and

**WHEREAS**, the City Council of the City of Jersey Village now deems that such requested amendment to the zoning ordinance is in accordance with the comprehensive plan and is appropriate to grant; **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.** The Jersey Village Code of Ordinances at Chapter 14, "Building and Development," Article XII., "Landscaping, Bufferyard, Park and Open Space Standards," Section 14-310, "General Standards," Subsection 6(e), is hereby amended to read as follows by deleting the language shown below in struck through (~~deleted~~) and by adding thereto the language shown below as underscored and boldfaced (**added**):

**"Chapter 14 – BUILDING AND DEVELOPMENT**

....

**Sec. 14-310. General standards.**

....

6(e) The owner of a tree overhanging a street or right-of-way within the city shall prune the branches so that the branches will not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of ~~13~~ **fifteen (15)** feet above street surface ~~of [or]~~ **and eight ten (10)** feet above the sidewalk surface. The owner shall be responsible for removing all dead, diseased, or dangerous trees, or broken or decayed limbs, including tree stumps, which constitute a menace to the safety of the public. Tree pruning shall be done in accordance with accepted arboricultural standards.”

**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.

**Section 5.** The amendment to the Code of Ordinances, City of Jersey Village, Texas provided for in this Ordinance shall be in full force and effect on January 1, 2022.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**ATTEST:**

\_\_\_\_\_  
Andrew Mitcham, Mayor

\_\_\_\_\_  
Lorri Coody, City Secretary

