



## NOTICE OF A MEETING

(In compliance with Sec. 551.041, Et. Seq., Tex. Gov't. Code)

NOTICE is hereby given that the City of Jersey Village Planning and Zoning Commission will hold a meeting on August 15, 2022 at 6:00 p.m. at the Civic Center, 16327 Lakeview Drive, Jersey Village, Texas 77040. The City of Jersey Village Planning and Zoning Commission reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**A quorum of the City of Jersey Village City Council may be in attendance at this meeting.**

ITEM(S) to be discussed and acted upon by the Commission are listed on the attached agenda.

### AGENDA

- A. Open Meeting. Call the meeting to order and the roll of appointed officers will be taken. *Rick Faircloth, Chairperson*
- B. **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. *Rick Faircloth, Chairperson*
- C. Consider approval of the minutes for the meetings held on July 11, 2022 and July 18, 2022. *Lorri Coody, City Secretary*
- D. Discuss and take appropriate action concerning a review of the City's Code of Ordinances in order to identify code amendments needed to ensure that the codes conform with the goals and objects established by the City's Comprehensive Plan. *Evan Duvall, Building Official Representative*
- E. Recess the meeting to reconvene in the Council Chamber to Join the City Council in conducting a Joint Public Hearing at 7:00 P.M. *Rick Faircloth, Planning and Zoning Commission Chairman*
- F. Conduct a Joint Public Hearing with the City of Jersey Village City Council for the purpose of receiving oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F. *Bobby Warren, Mayor*
- G. Discuss and take appropriate action regarding the preparation and presentation of the Final Report to City Council concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F. *Evan Duvall, Building Official Representative*

**H. Adjourn**

**CERTIFICATION**

I, the undersigned authority, do hereby certify in accordance with the Texas Open Meeting Act, the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at City Hall, 16327 Lakeview, Jersey Village, TX 77040, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: August 10, 2022 at 5:00 p.m. and remained so posted until said meeting was convened.

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

In compliance with the Americans with Disabilities Act, the City of Jersey Village will provide for reasonable accommodations for persons attending City Council meetings. Request for accommodations must be made to the City Secretary by calling 713 466-2102 forty-eight (48) hours prior to the meetings. Agendas are posted on the Internet Website at [www.jerseyvillagetx.com](http://www.jerseyvillagetx.com)

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."



**B. 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.

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

June 11, 2022 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION MET ON JULY 11, 2022, AT 6:00 P.M. IN THE CIVIC CENTER MEETING ROOM, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

**A. The meeting was called to order in at 6:00 p.m. and the roll of appointed officers was taken. Commissioners present were:**

Rick Faircloth, Chairman  
Eric Henao, Commissioner  
Ashley Brown, Commissioner

Charles A. Butler, III, Commissioner  
Ty Camp, Commissioner

Council Liaison, Drew Wasson, was present at this meeting.

Staff in attendance: Austin Bless, City Manager; Lorri Coody, City Secretary; Justin Pruitt, City Attorney; Evan Duvall, Building Official Representative; and Robert Basford, Assistant City Manager.

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

**B. 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 Citizen's Comments.

**C. Consider approval of the minutes for the meeting held on June 15, 2022.**

Commissioner Camp moved to approve the minutes for the meeting held on June 15, 2022. Commissioner Brown seconded the motion. The vote follows:

Ayes: Committee Members Camp, Henao, Butler and Brown  
Chairman Faircloth.

Nays: None

The motion carried.

**D. Discuss and take appropriate action concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F and, if appropriate, prepare for presentation to Council on July 18, 2022, a Preliminary Report in connection with any recommendations.**

Building Representative Evan Duvall introduced the item. He told the Commission that on June 16, 2022 Reese Brown, on behalf of Miramont Interest, LC, filed a request for a specific use permit to allow for the operation of a child day-care facility at 8630 Jones Road.

He stated that he has reviewed the application. In doing so, he made recommendations for signage, setbacks and landscaping to be added to the proposed site plan. Accordingly, the applicant included

these recommended items in their application and plan. Mr. Duvall told the Commission that Staff does not have any objections to this request and added that this type of business is permitted in this District with a Specific Use Permit.

The Commission engaged in discussion about the request. The applicant addressed the Commission. He explained that his company has developed these type day cares all over Houston. They want to purchase the land but cannot close on the deal until they are assured that they can build a day-care.

There were questions about the size of the facility for the lot. Chief Bitz was asked about access in terms of firefighting instances. The Chief stated that he has discussed same with the applicant. He also told the Commission that there will be annual inspections and their State License also will be reviewed annually.

Mr. Duvall told the Commission that the plans presented in the application are fairly detailed. However, the actual plan review is the next step once the Specific Use Permit process is complete. Therefore, tonight's action is to receive the Commission's preliminary report recommending that the day-care can be located on this lot with a specific use permit.

The Commission engaged in discussion about the load that this facility will put on the fire services. Chief Bitz stated that it will not be an issue.

The entrances to the proposed facility were discussed in terms of traffic. The Applicant told the Commission that there is only one entrance. It was noted that the facility has the capability for 187 children. The Applicant went on to explain that the City's Code requires only 27 parking spaces, but they will have 35 spaces. In terms of entering and exiting the day-care, the Applicant told the Commission that all of the businesses along this retail development (CVS, the car wash, and the new day-care) will be connected. The plan for the connectivity was discussed. A map showing how the configuration will work was reviewed. The plan connects Jersey Meadow, Jones Road and the Car Wash.

Fencing was discussed. The applicant stated it will be a six-foot solid white vinyl fence. Therefore, the children will not be able to reach through and no one from the outside will be able to see through the fence.

Every single classroom has a fire escape. There was discussion about the noise from the car wash. The applicant was not concerned about the noise. The security of the children was discussed. The applicant stated that all doors are operated by a key fob. There are cameras and a fire safety system.

The traffic flow was discussed further. The business hours will be 6 am to 6 pm.

Ownership of the property was discussed. After construction is complete there will only be one property owner. The location of the bollards was discussed. The retention pond was discussed. Mr. Duvall explained that the retention system in place was initially master planned for the development. Nonetheless, it will be checked during the plan review.

The masonry fence on the back of the lot was discussed. Mr. Duvall explained that all landscaping will need to meet the City's landscaping requirements and will be checked during the plan review.

With no further discussion on the matter, Commissioner Camp moved to preliminary recommend that City Council grant the request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific

use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F. Commissioner Butler seconded the motion. The vote follows:

Ayes: Committee Members Camp, Henao, Butler and Brown  
Chairman Faircloth

Nays: None

The motion carried.

*A copy of the Commission's Preliminary Report is attached to and made a part of these minutes as Exhibit A.*

**E. Discuss and take appropriate action concerning a review of the City's Code of Ordinances in order to identify code amendments needed to ensure that the codes conform with the goals and objects established by the City's Comprehensive Plan.**

**BACKGROUND INFORMATION:**

On May 18, 2022, City Council agreed to engage BBG to do a Zoning Ordinance update as one of the goals in the Comprehensive Plan is to "Encourage quality Community-orientated Retail and Restaurants", "Encourage quality Community-orientated Entertainment", to update city codes to conform to the Comprehensive Plan, and to "Review existing development codes to identify incompatibility with the vision and desired uses (higher quality restaurants, services, and entertainment), and to protect residential neighborhoods."

Since May, BBG has been working with City Staff and a Planning and Zoning Commission Subcommittee to put together a listing of City Codes to be updated for the Commission's consideration.

Accordingly, this item is to review and discuss the information put together by the Consultants, Staff, and the Planning and Zoning Commission Subcommittee in order to confirm which updates should appear on a future Planning and Zoning Commission agenda to begin the Ordinance amendment process outlined in Section 14-84 of the Code of Ordinances as follows:

- a. Planning and zoning commission preliminary report submitted to city council.
- b. Joint public hearing with the planning and zoning commission and city council.
- c. Planning and zoning commission final report to the city council.
- d. Action.

Building Official, Evan Duvall, introduced the item and gave his presentation concerning proposed updates to the City's Code of Ordinance. The proposed changes will cover several major areas of the Code as follows:

1. New Residential Use Table.
2. New Setback Tables within Residential Zoning District Regulations.
  - a. Typical House with Standard Setbacks
  - b. Typical House with Accessory Structures in Rear Yard
  - c. Typical House with Street-side Setbacks
3. Complete redesign of accessory structure regulations.
 

**Additional Structures** – Freestanding structures in addition to single-family dwelling:

- a) Maximum of 50% square-footage of the main structure.
- b) Maximum of three (3) structures.
- c) 60% rear-yard coverage (flatwork, buildings).
- d) one story maximum (15 feet or equal to the height of the one-story home).

**Attached and detached garages**

- a) Detached garages are permitted to have a maximum height of two (2) stories or the height of the home, whichever is less.
- b) Detached private garages shall not exceed four-car capacity or 1,000 square feet of ground floor area.
- c) Detached private garages and other freestanding structures exceeding one story in height shall not have second story openings facing the nearest side or rear lot line, except as may be required to comply with standards for emergency access and egress.
- d) An attached or detached private garage which loads from a side street shall not be located closer than 20 feet to the side street line.

**Location on Lot**

- a) Detached private garages and other freestanding structures shall not be located on any lot closer than 70 feet to the front lot line, three feet to a side lot line, ten feet to a rear lot line, ten feet to a side street line or ten feet to the single-family dwelling.
  - b) A carport shall not be located closer than three feet to a side lot line, ten feet to a rear lot line or ten feet to a side street line; provided that a carport which load from a side street shall not be located closer than 20 feet to the side street line.
4. Accessory Quarters/Guest Quarters
- a) It is located on the same building site as a principal building containing a dwelling used for single-family (detached) use; Maximum of 600 SF (or if on the 2nd floor of the garage, garage footprint).
  - b) Can an Accessory Quarters have a kitchenette?
5. Building height considering floodplain regulations – District A.
- a) Single-family residences shall not exceed 2 ½ stories in height, except for Blocks 26, 38, 41, 42, and 47, which shall not exceed 1 ½ stories.
    - 1. The maximum height of a 2 ½ story home shall be thirty-five (35) feet from the finished floor.
    - 2. The maximum height of a 1 ½ story home shall be twenty-five (25) feet from the finished floor.
  - b) Calculating the maximum height of a single-family property.
    - 1. The maximum height of a finished floor for a single-family dwelling, structures, or accessory structures are determined by the following locations:
      - a. Floodway: A maximum finished floor of three feet (36 inches) above the 100-year floodplain
      - b. AE (100-year floodplain): A maximum finished floor of two feet above the 100-year floodplain
      - c. X-Shaded (500-year floodplain): A maximum finished floor of one foot above the 500-year floodplain elevation.
      - d. X-Unshaded: A maximum finished floor of two feet above the crown of the street or sidewalk, whichever is greater.
6. Fences and Hedges
- a) No fence in district A shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.
  - b) Fences in district A may not be erected and hedges may not be planted directly on a property line without the express agreement of the property owners on both sides of the property line.

- c) Fences in district A shall not exceed eight feet in height, **shall not be barbed wire**, and shall be of a permanent type, such as chain-link, redwood, cedar, wrought iron, brick or other approved material of equal quality.
- d) Approved Fence Materials
  - 1. Chain-link
  - 2. Redwood
  - 3. Cedar
  - 4. Wrought Iron
  - 5. Brick
  - 6. Other material of equal quality
- 7. Lot Sizing – Combining?
  - a) No lot in this district for a single-family detached dwelling shall have a total area that exceed by more than 20 percent the total area of any other lot for a single-family detached dwelling on the same blockface.
  - b) Residential lots shall have a minimum of 50 percent of the required front yard and required side yards adjacent to a side street devoted to landscaping.
- 8. Nonresidential Buildings – District A
  - a) Nonresidential structures shall not exceed 35 feet in height.
  - b) Nonresidential building shall contain not less than 1,000 square feet of ground floor area.
  - c) The setbacks established in section 14-88(b) may be modified as follows:
    - 1. A nonresidential building shall not be located closer than 25 feet to the front lot line, 25 feet to a side lot line, or 25 feet to a rear lot line.
  - d) Nonresidential structures shall comply with Section 14-283. – Table 14-11 – Off-street parking standards.
- 9. Remove currently unused District C-2 (Townhouse district)

The following discussions took place during the presentation.

There was discussion about corner lots and parking of vehicles over the sidewalks. Some members wanted to know if there are any proposed changes for this type of issue. Mr. Duvall explained that there are provisions for a side street, side loaded garage with a 20 ft setback from the property line.

The information in the residential use table and the setback table has not changed from current ordinances. These tables merely consolidate existing Code requirements, making them easier to use.

These new tables will be handouts and not necessarily included in the Code, but that may change based upon the desires of the Commission. The Commission suggested that the diagram in the presentation alongside of the setback table should be included made apart of the setback table.

Grandfathering was discussed.

For accessory structures, there was discussion about the maximum square footage of freestanding structures being set at 50% of the square footage of the main structure. This change was discussed in detail specifically as it pertains to different sized lots. Some lots in Jersey Village have very large back yards with a smaller home on the lot. Accordingly, the number of accessory structures was discussed. The proposal is to limit these structures to three (3), but it is still part of the 50% requirement. Some members felt that the limit should be set at four (4) structures.

The need to have a definition for an attached and detached garage was discussed. Modifications to garages were discussed. For example, should kitchens be allowed. Also, how large can the addition be and can it be a two-story addition.

There was discussion about having kitchens in the additions. Some members were in favor of the kitchens. The proposal to have a kitchen was discussed in detail. There was a concern that the second dwelling could be turned into an Airbnb. Also, the character of the neighborhood was discussed. Some were concerned with clutter, resulting from building two story garages.

City Attorney Pruitt explained a recent case had before the Board of Adjustment concerning a modification to add a second story to an existing garage. He stated that what changes the addition from an accessory structure to a live able structure is if there is a kitchen. Also, he stated that there was a question about the way square footage is calculated for additions given that our current code limits the addition to 1,000 square feet of ground area.

Height regulations in connection with the flood plain were discussed. Mr. Duvall explained that the measurements start from the finished floor. Setting a maximum of four feet over the flood requirements was discussed.

The 35-foot height regulation was discussed. Mr. Duvall explained that 35 ft is the typical height of a two-story home. There was discussion about the need to keep the 35 ft requirement. Perhaps a maximum height should be set as opposed to calculations based upon where you are located in the flood plain. Some seem to think setting a maximum might be easier to work with and easier to understand. However, after discussion, it was agreed that there is something to be said about keeping the calculation of height connected to FEMA regulations.

The proposed changes for fences and hedges were discussed. Security fences were discussed.

Lot sizing and combining was discussed. Some were okay with changing this and others did not support the change. It was pointed out by Mr. Duvall that currently this option would go before the Board of Adjustment. The Commission discussed whether to leave the Code as is and have applicants make their request to the Board of Adjustment or to consider changing the Code. For now, it was decided not to change combining lot regulations.

Eliminating District C2 was discussed. This District is not located on the current zoning map. After discussion, it was decided not to eliminate this District.

The timeline was discussed.

Kitchenettes were discussed again. Most wanted a kitchenette for accessory structures.

Parking requirements were discussed.

*Commissioner Charles Butler left the meeting at 8:04 p.m.*

## **F. Adjourn**

There being no further business on the agenda the meeting was adjourned at 8:10 p.m.

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Lorri Coody, City Secretary



**EXHIBIT A**

**Planning and Zoning Commission Minutes**

**July 11, 2022**

**Preliminary Report**

**8630 Jones Road - Child Day-Care**

**DRAFT**



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION  
PRELIMINARY REPORT  
TO ALLOW THE OPERATION OF A CHILD DAY-CARE AS A  
SPECIFIC USE IN ZONING DISTRICT F**

The Planning and Zoning Commission has met in order to review the application of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

After review and discussion, the Commissioners preliminarily proposed that Miramont Interests, LC be allowed to operate, as a specific use, a child day-care on the 1.43acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

This preliminary proposal is more specifically detailed in the proposed ordinance attached as Exhibit “A.”

The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

Respectfully submitted, this 11<sup>th</sup> day of July 2022.

s/Rick Faircloth, Chairman

**ATTEST:**

s/Lorri Coody, City Secretary



Exhibit A

Proposed Ordinance

DRAFT

**ORDINANCE NO. 2022-xx**

**AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS (THE “CITY”), AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, BY GRANTING MIRAMONT INTERESTS, LC, A SPECIFIC USE PERMIT (THE “SPECIFIC USE PERMIT”) TO ALLOW THE OPERATION OF A CHILD DAY-CARE ON THE 1.43-ACRE TRACT OF LAND LOCATED AT 8630 JONES ROAD, JERSEY VILLAGE, TX 77065 WITHIN THE CITY LIMITS IN ZONING DISTRICT F; PROVIDING REQUIREMENTS AND CONDITIONS FOR THE SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THIS ORDINANCE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR VIOLATIONS HEREOF; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Olive Tree Development Houston, LLC (the “Owner”) owns a 1.43- acre tract of land (the “Property”) situated within the corporate limits of the City of Jersey Village, Texas (“the City”), with the Property being more particularly described as a 1.43-acre tract of land that is Part of Lot 2, Block 1 of the Gulf Coast Jersey Village R/P, and with a street address of 8630 Jones Road, Jersey Village, Texas, 77065; and

**WHEREAS,** Amer Boukai has signature authority for Olive Tree Development Houston, LLC and has appointed Reese Brown as Agent; and

**WHEREAS,** Reese Brown has signature authority for Miramont Interests, LC who is interested in purchasing the 1.43-acre tract of land from Olive Tree Development Houston, LLC to operate a child day-care; and

**WHEREAS,** the Property presently has a zoning classification of District F pursuant to the comprehensive zoning ordinance of the City; and

**WHEREAS,** Reese Brown, on behalf of Miramont Interests, LC, has made an application to the City for a Specific Use Permit for the purpose of operating a child day-care at the Property as authorized by the City’s comprehensive zoning ordinance (the “Specific Use Permit”); and

**WHEREAS,** the Planning and Zoning Commission (the “Commission”) and the City Council (the “Council”) of the City have, in the time and manner and after the notice required by law, conducted a public hearing on such request for the Specific Use Permit; and

**WHEREAS,** the Council has received the final written recommendation of the Commission; and

**WHEREAS,** the Council wishes to approve such request and, **NOW THEREFORE;**

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

**SECTION 1. THAT** the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all intents and purposes.

**SECTION 2. THAT** the Specific Use Permit for use of the Property as child day-care, subject to the terms and conditions set forth below, is hereby granted to the Owner and shall include any successor in interest of the Property.

**SECTION 3. THAT** the Official Zoning District Map of the City shall be revised and amended to show the Specific Use authorized hereby for the Property as provided herein, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the Specific Use authorized.

**SECTION 4. THAT** the Specific Use Permit granted hereby shall be null and void after the expiration of two (2) years from the date of adoption of this Ordinance unless the Property is being used in accordance with the Specific Use Permit herein granted or unless an extension of time is approved by City Council.

**SECTION 5. THAT** the Specific Use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

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**SECTION 6. THAT** any person who shall 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 two thousand dollars (\$2,000). Each day of violation shall constitute a separate offense.

**SECTION 7. THAT** 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 Council 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.

**SECTION 8. THAT** this Ordinance, and the Specific Use Permit granted hereby, shall become effective upon Jersey Village Lifestyle, Ltd. furnishing to the City a copy of an owner's policy of title insurance showing title in the Property in Jersey Village Lifestyle, Ltd.'s name.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

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



\_\_\_\_\_  
**BOBBY WARREN, MAYOR**

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

July 18, 2022 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENED ON JULY 18, 2022 AT 6:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

**A. The meeting was called to order in at 6:31 p.m. and the roll of appointed officers was taken. Commissioners present were:**

|                                 |                            |
|---------------------------------|----------------------------|
| Eric Henao, Vice Chairman       | Debra Mergel, Commissioner |
| Courtney Standlee, Commissioner | Ty Camp, Commissioner      |
| Ashley Brown, Commissioner      |                            |

Chairman, Rick Faircloth and Commissioner Charles A. Butler, III, Commissioner were not present at this meeting.

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

|                                  |                              |
|----------------------------------|------------------------------|
| Mayor, Bobby Warren              | City Manager, Austin Bleess  |
| Council Member, Drew Wasson      | City Secretary, Lorri Coody  |
| Council Member, Sheri Sheppard   | City Attorney, Justin Pruitt |
| Council Member, Michelle Mitcham |                              |
| Council Member, James Singleton  |                              |
| Council Member, Jennifer McCrea  |                              |

Staff in attendance: Robert Basford, Assistant City Manager; Mark Bitz, Fire Chief; Kirk Riggs, Chief of Police; Isabel Kato, Finance Director; Maribel S. Frank, Accounting Manager; Laura Capps, Human Resources Manager; Abram Syphrett, Director of Innovation and Technology; 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 proposal to amend the Jersey Village Code of Ordinances at Chapter 14, Article I, Section 14-5 by adding definitions for certain uses; and by amending Chapter 14, Article IV, Section 14-109.1(a) to include additional uses in Zone J-1.**

Mayor Warren called the item and Vice Chairman Eric Henao announced a quorum for the Planning and Zoning Commission. Mayor Warren opened the Joint Public Hearing at 6:38 p.m., for the purpose of receiving oral comments from any interested person(s) concerning the proposal to amend the Jersey Village Code of Ordinances at Chapter 14, Article I, Section 14-5 by adding definitions for certain uses; and by amending Chapter 14, Article IV, Section 14-109.1(a) to include additional uses in Zone J-1. Mayor Warren called for public comments.

With no one else signing up to speak at the hearing, Mayor Warren and Vice Chairman Henao closed the joint public hearing at 6:39 p.m. and the Planning and Zoning Commission retired from the City Council meeting at 6:39 p.m. to conduct its posted meeting agenda and prepare final reports in connection with this joint public hearing.

*In closing the public hearing, the Planning and Zoning Commission left the Council Chamber and Vice Chairman Henao reconvened the Planning and Zoning Commission Meeting at 6:42 p.m. in the Civic Center Meeting Room. 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 comments.

**D. Discuss and take appropriate action regarding the preparation and presentation of Final Report to City Council concerning the proposal to amend the Jersey Village Code of Ordinances at Chapter 14, Article I, Section 14-5 by adding definitions for certain uses; and by amending Chapter 14, Article IV, Section 14-109.1(a) to include additional uses in Zone J-1.**

Building Official Representative, Evan Duvall, introduced the item, stating the Joint public hearing was conducted on July 18, 2022 for the purpose of receiving oral comments from any interested person(s) concerning the proposal to amend the Jersey Village Code of Ordinances at Chapter 14, Article I, Section 14-5 by adding definitions for certain uses; and by amending Chapter 14, Article IV, Section 14-109.1(a) to include additional uses in Zone J-1. Now, consideration must be given to: (1) the directives of Council; (2) the discussions had concerning this issue at prior P&Z meetings; and (3) the comments made by the public during the public hearing. After due consideration, the Commission must prepare and vote on the Final Report concerning this amendment.

The Commission engaged in discussion regarding the directives of Council, previous discussions of the referenced issue, 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 the Jersey Village Code of Ordinances at Chapter 14, Article I, Section 14-5 by adding definitions for certain uses; and by amending Chapter 14, Article IV, Section 14-109.1(a) to include additional uses in Zone J-1. Commissioner Brown seconded the motion. The vote follows:

Ayes: Commissioners Standlee, Mergel, Camp, and Brown  
Vice Chairman Henao

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.”*

**E. Adjourn**

There being no further business on the Agenda the meeting was adjourned at 6:56 p.m.

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



PLANNING AND ZONING COMMISSION MEETING PACKET FOR THE MEETING TO BE HELD ON AUGUST 15, 2022

**EXHIBIT A**

**Planning and Zoning Commission Minutes**

**July 18, 2022**

**Final Report**

**DISTRICT J1 - DEFINITIONS & USES**

**DRAFT**



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION  
FINAL REPORT  
DISTRICT J1 – DEFINITIONS AND ADDITIONAL USES**

The Planning and Zoning Commission has met on June 15, 2022, and in its preliminary report recommended that City Council amend the Jersey Village Code of Ordinances at Chapter 14, Article I, Section 14-5 by adding definitions for certain uses; and by amending Chapter 14, Article IV, Section 14-109.1(a) to include additional uses in Zone J-1.

The preliminary report was submitted to the Jersey Village City Council at its June 20, 2022, meeting. The report was received, and the City Council ordered a Joint Public Hearing for July 18, 2022.

On July 18, 2022, 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 July 18, 2022, recommends that City Council amend the Jersey Village Code of Ordinances at Chapter 14, Article I, Section 14-5 by adding definitions for certain uses; and by amending Chapter 14, Article IV, Section 14-109.1(a) to include additional uses in Zone J-1.

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 18th day of July 2022.

s/Eric Henao, Vice Chairman

**ATTEST:**

s/Lorri Coody, City Secretary



PLANNING AND ZONING COMMISSION MEETING PACKET FOR THE MEETING TO BE HELD ON AUGUST 15, 2022

Exhibit A

Proposed Ordinance

DRAFT

ORDINANCE NO. 2022-xx

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 14 “BUILDING AND DEVELOPMENT”, ARTICLE I “GENERAL”, SECTION 14-5 “DEFINITIONS” BY ADDING DEFINITIONS FOR CERTAIN USES; BY AMENDING CHAPTER 14, ARTICLE IV, DIVISION 2, SECTION 14-109.1(a) TO INCLUDE ADDITIONAL USES IN ZONE J-1; 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 amendments to Chapter 14, Article I, Section 14-5 Definitions and Chapter 14, Article IV, Section 14-109.1(a) concerning Use Regulations in Zone J-1; 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 amendments to the zoning ordinance are in accordance with the comprehensive plan and are appropriate to grant; **NOW THEREFORE**,

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

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

**Section 2.** Chapter 14, Article I, Section 14-5 “Definitions” of the Code of Ordinances, City of Jersey Village, Texas is hereby amended to read as follows (with added language being shown as underlined in bold and deleted language being shown as struck through, and with such amended language to be included in the appropriate alphabetical order within the existing portion of Section 14-5):

**“Cannabidiol Shop (CBD Shop). A business establishment for which more than fifteen percent (15%) of sales are derived from the retail sale of products related to or derived from CBD oil (cannabidiol) or hemp. This includes, but is not limited to, oils, vitamins, supplements, food, personal care, and garments.”**

**Section 3.** Chapter 14, “Building and Development,” Article IV. *Zoning Districts*, Division 2, Section 14-109.1(a) of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by adding the language underlined and deleting the language struck through to read and provide as follows:

**“Chapter 14 – BUILDING AND DEVELOPMENT**

....

**Sec. 14-109.1(a). Regulations for district J-1 (fourth business district).**

....

“(a) Use regulations. No building or land shall be used and no building shall be erected, moved, or altered in district J-1 except for one or more of the following uses:

(1) All uses permitted in district J; **and**

(2) Pawnshops; **and**

**(3) CBD Shop”**

**Section 4.** 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 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 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 \_\_\_\_\_, 2022.

**ATTEST:**

\_\_\_\_\_  
Bobby Warren, Mayor

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

**PLANNING AND ZONING COMMISSION  
CITY OF JERSEY VILLAGE, TEXAS  
AGENDA REQUEST**

**AGENDA DATE:** August 15, 2022

**AGENDA ITEM:** D

**AGENDA SUBJECT:** Discuss and take appropriate action concerning a review of the City’s Code of Ordinances in order to identify code amendments needed to ensure that the codes conform with the goals and objects established by the City’s Comprehensive Plan.

**Dept./Prepared By:** Lorri Coody, City Secretary **Date Submitted:** August 10, 2022

**EXHIBITS:** Presentation of Proposed Ordinance Edits

**BACKGROUND INFORMATION:**

On May 18, 2022, City Council agreed to engage BBG to do a Zoning Ordinance update as one of the goals in the Comprehensive Plan is to “Encourage quality Community-orientated Retail and Restaurants”, “Encourage quality Community-orientated Entertainment”, to update city codes to conform to the Comprehensive Plan, and to “Review existing development codes to identify incompatibility with the vision and desired uses (higher quality restaurants, services, and entertainment), and to protect residential neighborhoods.”

Since May, BBG has been working with City Staff and a Planning and Zoning Commission Subcommittee to put together a listing of City Codes to be updated for the Commission’s consideration. On July 11, 2022, the Commission met to discuss the proposed amendments and offered their input concerning same.

Since the July 11, 2022 meeting, BBG has made the adjustments discussed. This item is to make a final review of the proposed changes in order to begin the Ordinance amendment process outlined in Section 14-84 of the Code of Ordinances as follows:

- a. Planning and zoning commission preliminary report submitted to city council.
- b. Joint public hearing with the planning and zoning commission and city council.
- c. Planning and zoning commission final report to the city council.
- d. Action.

**RECOMMENDED ACTION:**

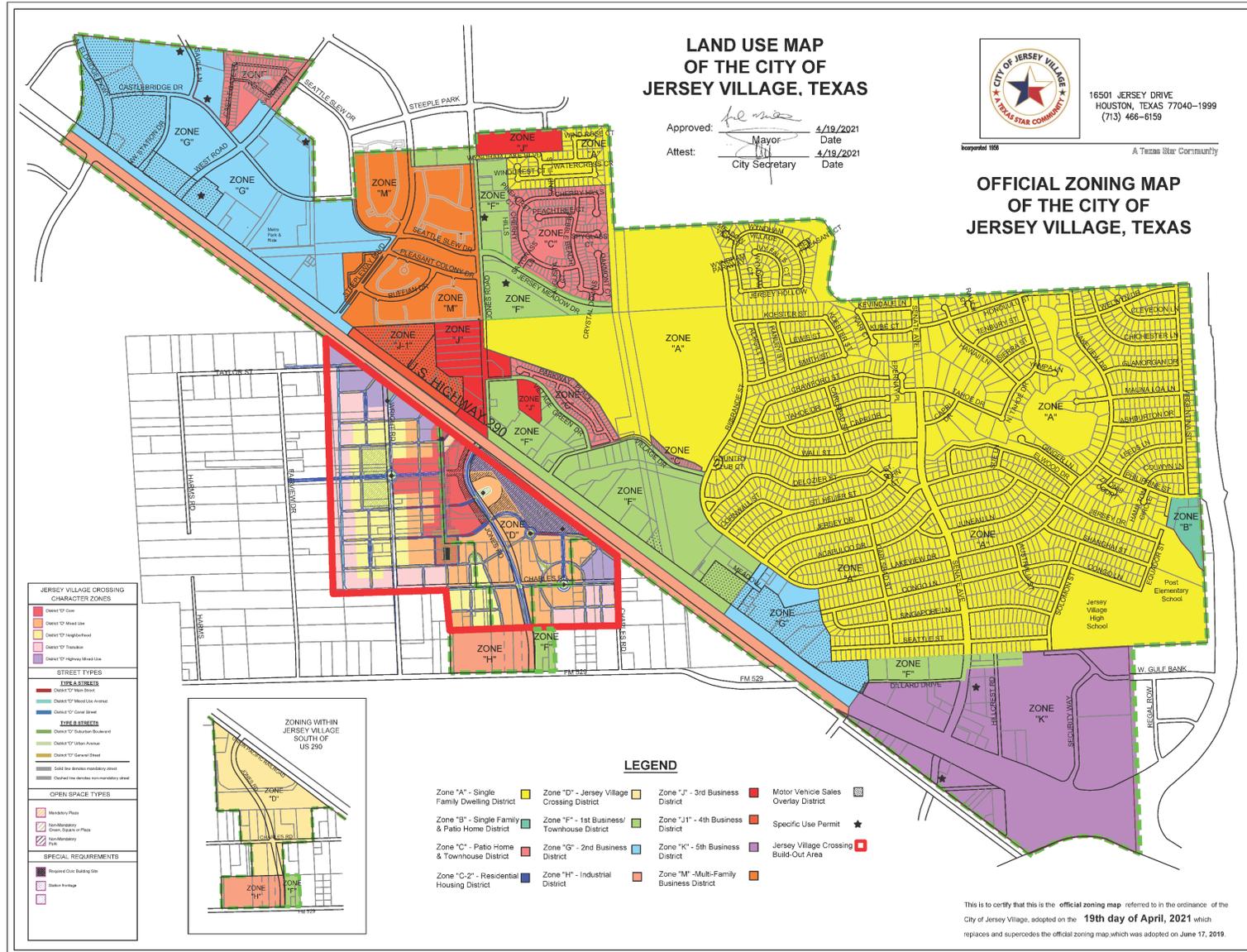
**MOTION:** Discuss and take appropriate action concerning a review of the City’s Code of Ordinances in order to identify code amendments needed to ensure that the codes conform with the goals and objects established by the City’s Comprehensive Plan.

# Jersey Village – Residential Districts



**TX BBG CONSULTING, INC.**

Proposed Ordinance Updates



# General Intent of Proposed Changes

- The general intent for all proposed changes herein is to improve the useability and comprehensibility of the city ordinance for residents, builders, city staff and consultants. To that end, all changes were drafted with the goals of consolidation, organization, and to unify the intent of all ordinances with the explicit wording of the text.

# Summary of Major Modifications

1. **New Residential Use Table.**
2. **Incorporated general regulations from Sec. 14-88. into each residential districts where applicable.**
3. **New Setback Tables within Residential Zoning District Regulations.**
4. **Complete redesign of accessory structure regulations.**
  - a. Maximum of 50% square-footage of the main structure.
  - b. Maximum of three (4) structures.
  - c. 60% rear-yard coverage (flatwork, buildings).
  - d. One story maximum (15 feet or equal to the height of the one-story home).
5. **Accessory Quarters/Guest Quarters**
  - a. Maximum of 600 SF (or if on the 2nd floor of the garage, garage footprint).
6. **Building height considering floodplain regulations.**
7. **Remove currently unused District C-2 (Townhouse district).**

# Sec. 14-101. – Use Regulations for District A (Current)

- a) **Use regulations.** No building or land in district B shall be used, and no building shall be erected, moved or altered except for one or more of the following uses:
- 1) Single-family dwellings.
  - 2) Public parks and playgrounds, public recreational facilities, public schools, community buildings and public museums not operated for profit.
  - 3) Municipal government buildings, police stations, fire stations, and public libraries.
  - 4) Water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells.
  - 5) Home occupations.
    - a. Intent. This section provides standards for the establishment of a home occupation in a neighborhood and regulates the operation of a home occupation so that the average neighbor will be unaware of its existence.
    - b. Definition. Home occupation means an accessory occupational use conducted entirely within a dwelling unit by its inhabitants that is clearly incidental to the use of the structure for residential purposes and that does not change the residential character of the site. A home occupation may include an operation in which members of the immediate family sell or offer for sale articles which they produce on the premises; but home occupation does not include operations that use persons who do not reside on the premises to either (1) sell or offer for sale such articles, or (2) produce such articles. Additionally, animal hospitals, animal kennels, barber shops, beauty shops, clinics, doctor's offices, dress shops, hospitals, insurance offices, millinery shops, real estate offices, tearooms, tourist homes, palm readers, fortune tellers, among others and as examples only, are not home occupations.
    - c. Standards. To operate a home occupation, the following standards shall be met:
      1. The home occupation must be clearly incidental to the use of the dwelling as a residence;
      2. No outdoor sign, display or storage of materials, goods, supplies or equipment shall be allowed;
      3. There shall be no change to the exterior of the building nor any visible evidence or signs that the residence contains a home occupation;
      4. A home occupation shall not generate a nuisance such as traffic, on-street parking, noise, and electrical interference or hazards;
      5. The maximum area devoted to a home occupation shall be 25 percent of the gross floor area of the dwelling unit;
      6. The home occupation shall not use employees who do not reside on the premises.

# Sec. 14-101. – Use Regulations for District A (Current)

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

6) Additional structures. Accessory uses and freestanding structures in addition to the single-family dwelling:

- a. One detached private garage; and
- b. Other freestanding structures:
  1. Utility structure;
  2. Greenhouse;
  3. Hobby structure;
  4. Pet House;
  5. Playhouse;
  6. Gazebo;
  7. Cabana or dressing room; and
  8. Pool cover.

7) Freestanding structures in addition to the single-family dwelling:

- a. One detached private garage; and
- b. Other freestanding structures:
  1. Utility structure;
  2. Greenhouse;
  3. Hobby structure
  4. Pet house
  5. Playhouse;
  6. Gazebo;
  7. Cabana or dressing room; and
  8. Pool cover.

# Sec. 14-101. – Use Regulations for District A (Current)

- a) **Use regulations.** No building or land in district B shall be used, and no building shall be erected, moved or altered except for one or more of the following uses:
- 8) Churches or other places of worship and related schools.
  - 9) Golf courses and country clubs.
  - 10) Electric power lines and electric substations, including accessory uses customarily incidental thereto; provided that any such accessory use shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind. The height and area, construction, and other regulations provided by this section shall not apply to uses allowed by this subsection.
  - 11) Model homes, provided that a builder may have no more than one model home in a subdivision. A model home must have a temporary certificate of occupancy and may be open for business only between the hours of 6:00 a.m. and 9:00 p.m. Use of a structure as a model home shall terminate on the first of the following events to occur: (i) the expiration of 30 days after building permits have been issued for 90 percent of the lots in the subdivision; or (ii) the expiration of 30 days after building permits have been issued for all lots owned by the builder in the subdivision; or (iii) the expiration of 180 days after issuance of the latest building permit to the builder for a lot in the subdivision.

# Use Regulations for Residential Districts (New)

| USE  | District A       | District B       | District C       | District C-2     | District M       |
|--|------------------|------------------|------------------|------------------|------------------|
| Churches or other places of worship and related schools  | P                | P                | -                | -                | -                |
| Electric power lines and Electric substations  | PC<br>See Note 2 | PC<br>See Note 2 | -                | -                | -                |
| Golf courses and country clubs   | P                | P                | -                | -                | -                |
| Greenhouse   | A                | A                | -                | -                | -                |
| Home occupations   | PC<br>See Note 1 |
| Model homes  | PC<br>See Note 3 | PC<br>See Note 3 | PC<br>See Note 3 | -                | -                |
| Multi-family dwellings   | -                | -                | -                | -                | P                |
| Municipal government buildings, police stations, fire stations, and public libraries   | P                | P                | -                | -                | -                |
| Patio homes  | -                | P                | P                | -                | -                |
| Public parks and playgrounds, public recreational facilities, public schools, community buildings and public museums not operated for profit | P                | P                | -                | -                | -                |
| Single-family dwellings  | P                | P                | -                | -                | -                |
| Townhouses   | -                | P                | P                | PC<br>See Note 4 | -                |
| Water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells           | P                | P                | -                | -                | -                |
| Additional Structures. Accessory uses and freestanding structures in addition to a single-family dwelling:                                   |                  |                  |                  |                  |                  |
| Accessory quarters   | PC<br>See Note 5 | PC<br>See Note 5 | -                | -                | -                |
| Detached private garage (1)  | A                | A                | -                | -                | -                |
| Utility structure  | A                | A                | -                | -                | -                |
| Greenhouse   | A                | A                | -                | -                | -                |
| Hobby structure  | A                | A                | -                | -                | -                |
| Pet house  | A                | A                | -                | -                | -                |
| Playhouse  | A                | A                | -                | -                | -                |
| Gazebo   | A                | A                | -                | -                | -                |
| Cabana or dressing room  | A                | A                | -                | -                | -                |
| Pool cover   | A                | A                | -                | -                | -                |

|  |
|--|
| PC Notes.  |
| <p>Note 1: To operate a home occupation, the following standards shall be met:</p> <ol style="list-style-type: none"> <li>1. The home occupation must be clearly incidental to the use of the dwelling as a residence;</li> <li>2. No outdoor sign, display or storage of materials, goods, supplies or equipment shall be allowed;</li> <li>3. There shall be no change to the exterior of the building nor any visible evidence or signs that the residence contains a home occupation;</li> <li>4. A home occupation shall not generate a nuisance such as traffic, on-street parking, noise, and electrical interference or hazard;</li> <li>5. The maximum area devoted to a home occupation shall be 25 percent of the gross floor area of the dwelling unit;</li> <li>6. The home occupation shall not use employees who do not reside on the premises</li> </ol> |
| <p>Note 2: Including accessory uses customarily incidental thereto; provided that any such accessory use shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind. The height and area, construction, and other regulations provided by this section shall not apply to uses allowed by this subsection.</p>   |
| <p>Note 3: Provided that a builder may have no more than one model home in a subdivision. A model home must have a temporary certificate of occupancy and may be open for business only between the hours of 6:00 a.m. and 9:00 p.m. Use of a structure as a model home shall terminate on the first of the following events to occur:</p> <ol style="list-style-type: none"> <li>(i) the expiration of 30 days after building permits have been issued for 90 percent of the lots in the subdivision; or</li> <li>(ii) the expiration of 30 days after building permits have been issued for all lots owned by the builder in the subdivision; or</li> <li>(iii) the expiration of 180 days after issuance of the latest building permit to the builder for a lot in the subdivision.</li> </ol>  |
| <p>Note 4: Single-family townhouse style dwelling units in a unified development:</p> <ol style="list-style-type: none"> <li>1. No "flats" or apartment style building shall be constructed in the district.</li> </ol>  |
| <p>Note 5: A dwelling unit meeting all of the following criteria:</p> <ol style="list-style-type: none"> <li>(i) It is located on the same building site as a principal building containing a dwelling used for single-family (detached) use (can include a kitchen); and</li> <li>(ii) It includes no more than six hundred square feet of gross floor area; unless located on the second story of a garage, then the maximum gross floor area is the footprint of the garage.</li> </ol>   |
| <p>Note 6: Churches or other places of worship which shall contain not less than 4,000 square feet of ground floor area. No church or other place of worship shall be constructed on a lot having less than five acres of total area.</p>  |

|                                    |
|------------------------------------|
| Legend                             |
| P = Permitted Use                  |
| A = Accessory Use                  |
| PC = Permitted Use with Conditions |

# Home Occupations: Definition to be relocated to Sec. 14-5

## Sec. 14-5. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

....  
....  
....

*Historic structure* means any structure that is....

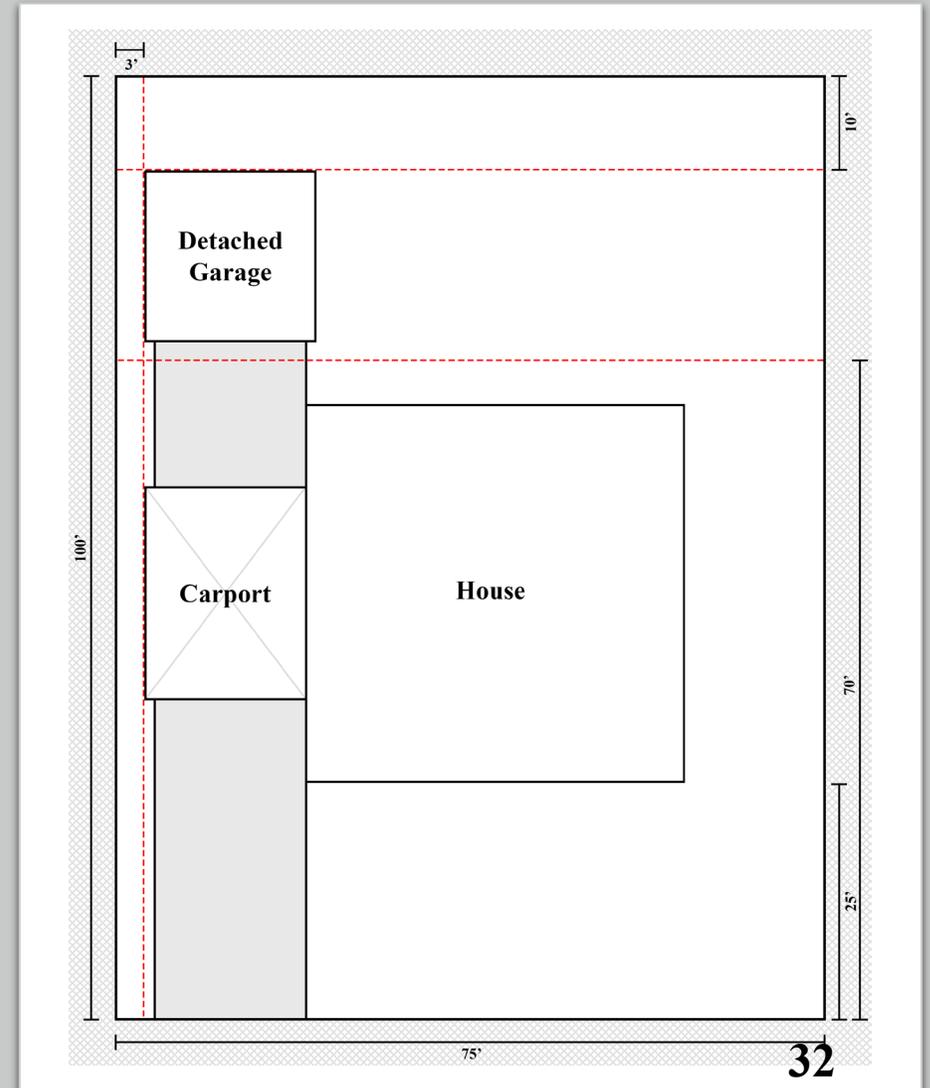
*Home occupations* means an accessory occupational use conducted entirely within a dwelling unit by its inhabitants that is clearly incidental to the use of the structure for residential purposes and that does not change the residential character of the site. A home occupation may include an operation in which members of the immediate family sell or offer for sale articles which they produce on the premises; but home occupation does not include operations that use persons who do not reside on the premises to either (1) sell or offer for sale such articles, or (2) produce such articles. Additionally, animal hospitals, animal kennels, barber shops, beauty shops, clinics, doctor's offices, dress shops, hospitals, insurance offices, millinery shops, real estate offices, tearooms, tourist homes, palm readers, fortune tellers, among others and as examples only, are not home occupations.

*Industrial* means a business, plant or enterprise for production of goods, merchandise or machines.

....  
....  
....

# Setbacks for Detached Garages, Freestanding Structures, and Carports (Current)

- Detached private garages and other freestanding structures shall not be located on any lot closer than 70 feet to the front lot line, three feet to a side lot line, ten feet to a rear lot line, ten feet to a side street line or ten feet to the single-family dwelling.
- A carport shall not be located closer than three feet to a side lot line, ten feet to a rear lot line or ten feet to a side street line; provided that a carport which load from a side street shall not be located closer than 20 feet to the side street line.

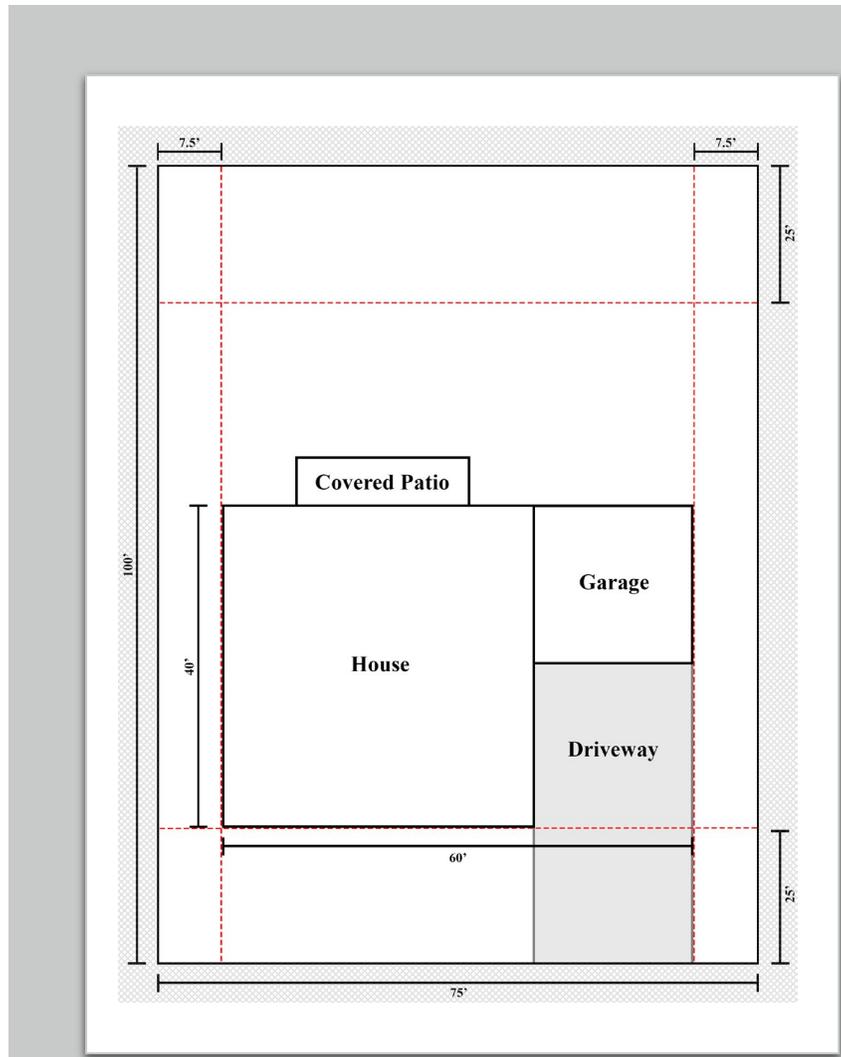


# Setback Tables for Residential Districts (New)

| Setbacks (feet) for Single-Family Residential and Related Structures  |  |
|---|--|
| Single-Family Residential   |  |
| Front   | 25'  |
| Rear  | 25'  |
| Side  | 7.5'   |
| Side Street <sup>1</sup>  | 10'  |
| Attached Garages  |  |
| Garage  | 25' from front of home closest to the building line. |
| Detached Private Garages & Freestanding Structures ( ≥ 70' to front lot line)   |  |
| Rear  | 10' to rear lot line                                 |
| Side  | 3' to side lot line                                  |
| Side Street   | 10' to side street lot line                          |
| To Dwelling   | 10' to single-family dwelling                        |
| Detached Private Garages & Freestanding Structures ( < 70' to front lot line)   |  |
| Front   | 25'  |
| Rear  | 25'  |
| Side  | 7.5'   |
| Side Street   | 10'  |
| Garages & Carports (Front Loaded)   |  |
| Rear  | 10' to rear lot line                                 |
| Side  | 3' to side lot line                                  |
| Side Street   | 10' to rear lot line                                 |
| Garages & Carports (Side Street Loaded)   |  |
| Rear  | 10' to rear lot line                                 |
| Side  | 3' to side lot line                                  |
| Side Street   | 20' to side street line                              |
| Notes   |  |
| <sup>(1)</sup> Where one or more lots have frontage on a street, all other lots in that block with side lot lines on the same street shall have a setback requirement of 25 feet. |  |

| Setbacks (feet) for Townhouses and Patio Homes  |         |   |
|---|---------|---|
| Lot Line  | Setback | Modifier  |
| Front   | 25      | -   |
| Rear  | 25      | Excluding fencing   |
| Side Street   | 10      | 25 feet where one or more lots have frontage on the street. |
| Side  | 7.5     | Zero feet for townhouses and one side of patio homes        |
| Notes   |         |   |
| Note 1: Townhouse lots:<br>(i) Buildings that do not abut a building on an adjacent lot with a common firewall between them shall not be closer than five feet to a side lot line on that side.<br>(ii) Abutting building shall have a common firewall that complies with current city building codes.<br>(iii) A series of abutting buildings shall not have a combined width of greater than 300 feet.<br>(iv) Each group of abutting building shall be separated on the side by an open space of not less than ten feet to the next side lot line. |         |   |

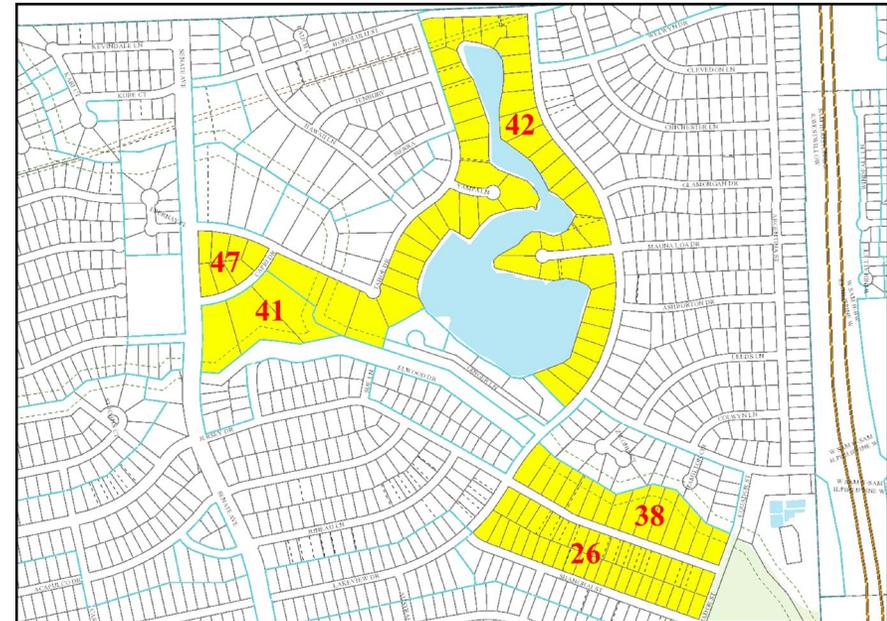
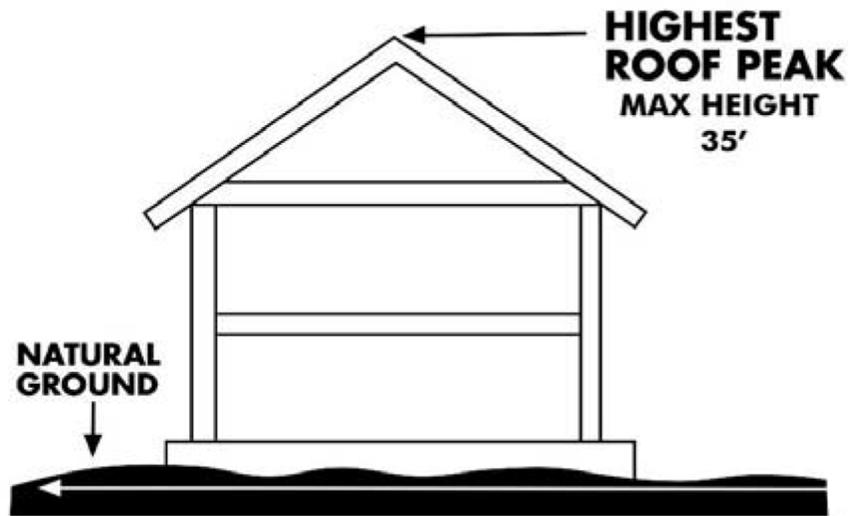
| Setbacks (feet) for Non-Residential Buildings |                       |
|---|-----------------------|
| Non-Residential Buildings                     |                       |
| Front   | 25' to front lot line |
| Side  | 25' to side lot line  |
| Rear  | 25' to rear lot line  |



# Height Regulations for District A (Current)

- A. Single-family residences shall not exceed 2 ½ stories in height, except for Blocks 26, 38, 41, 42 and 47, which shall not exceed 1 ½ stories.

“When a new single-family residence in district A conforms with the limitation on number of stories above, but exceeds 35 feet in height, one foot of additional side setback and one foot of additional rear setback from the minimum required shall be provided for each one foot of additional building height above 35 feet.”



# Height Regulations for District A (New)

## 1) Single-family residences shall not exceed 2 ½ stories in height, except for Blocks 26, 38, 41, 42, and 47, which shall not exceed 1 ½ stories.

- a. The maximum height of a 2 ½ story home shall be thirty-five (35) feet from the finished floor.
- b. The maximum height of a 1 ½ story home shall be twenty-five (25) feet from the finished floor.

## 2) Calculating the maximum height of a single-family property.

- a. The maximum height of a finished floor for a single-family dwelling, structures, or accessory structures are determined by the following locations:

### i. Floodway:

- A maximum finished floor of three feet (36 inches) above the 100-year floodplain

### ii. AE (100-year floodplain):

- A maximum finished floor of two feet above the 100-year floodplain

### iii. X-Shaded (500-year floodplain):

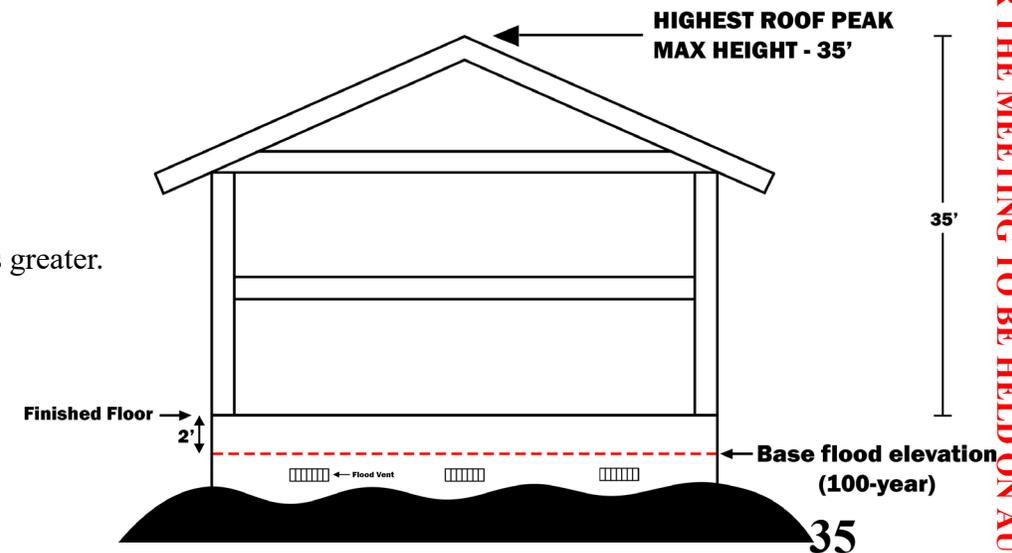
- A maximum finished floor of one foot above the 500-year floodplain elevation.

### iv. X-Unshaded:

- A maximum finished floor of two feet above the crown of the street or sidewalk, whichever is greater.

## 3) Any finished floor that is elevated more than 12 inches above natural grade:

- a. Such floors shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight inches of slab exposed. All crawl spaces resulting from pier-and-beam and stem-wall types of construction must provide dropped veneers with vents sufficient to cover the sub-slab void.



# Building Area and Add-on Construction (New)

## d) Building area and add-on construction.

- 1) Single-family dwellings shall have a building area of at least 1,750 square feet for single-floor residences, or 1,200 square feet on the ground floor for multistory residences.
- 2) Nonresidential buildings shall contain not less than 1,000 square feet of ground floor area, except for churches or other places of worship which shall contain not less than 4,000 square feet of ground floor area.
- 3) Where add-on construction to a single-family detached dwelling in district A involves structural alternation that will increase the square footage of an enclosed living area on the ground floor, such add-on construction shall be permitted only to the side or rear of the existing dwelling, as space on the lot may allow while maintaining conformance with the applicable standards for minimum side and rear building setbacks.
  - a. Where such add-on construction will result in a finished building height that at any point exceeds the height of the front façade of the existing dwelling at any point, the add-on construction shall be permitted only to the rear of the existing dwelling.

# Parking in District A (New)

## e) Parking.

- 1) The number of parking spaces for a single-family residential dwelling shall be a minimum of two (2) parking spaces per dwelling unit.
- 2) The parking of private recreational vehicles (manufactured or home-made) including, but not limited to, motor homes, mini-motor homes, travel trailers, 5th wheel trailers, camping trailers, boat trailers, other trailers used for recreational purposes only, truck campers, all-terrain vehicles and all types of watercraft including boats and jet skis (motorized or propelled by any other means) shall not be parked or stored in front or side yards in zoning district A except for temporary periods of time not exceeding three consecutive days within a single calendar month. A recreational vehicle shall not be parked or stored in a rear yard in zoning district A unless such a vehicle is screened from public view by a six-foot solid wood, opaque, wrought iron, masonry or other equivalent screening fence material approved by the Building Official. When parked or stored, such vehicles shall have no part projecting past the front of the home. Nothing in this ordinance is intended to preclude the construction of a properly permitted building that will enclose and screen recreational vehicles.
- 3) Commercial trailers or semi-trucks are not permitted to be stored within residential districts at any time.
- 4) Trucks and vans, larger than one ton in capacity, and self-propelled, self-powered, or pull-type equipment that weighs at least 3,000 pounds and that are intended to be used for commercial, agricultural, construction, or industrial uses, trailers and towed vehicles shall not be parked or stored in a front, side, or rear yard in district A except during the act of loading or unloading and except in connection with the provision of services to the property at which is parked.
- 5) Truck tractors shall not be stored or parked in district A except during the act of loading or unloading.
- 6) No vehicle shall be parked or stored on an unpaved surface in a front or side yard in zoning district A.

# Accessory Structures (Current)

- Detached private garages and freestanding structures other than those freestanding structures listed in subsection (b)(1)(c) of this section, shall not exceed in height the roof peak of the residence.
- The height of all freestanding structures except residential structures and freestanding garages shall conform to table 14-1 of this article.
- On residential lots the total ground floor area of all freestanding structures within a required rear yard shall not exceed 25 percent of the area of the rear yard.
  - This limitation on rear yard coverage shall increase to 40 percent of the area of the rear yard in cases where a detached private garage that is partially or entirely situated within the rear yard area does not exceed one story or 20 feet in height, whichever is less.
- The maximum size of all freestanding structures except residential structures and freestanding garages shall conform to the standards contained in table 14-1.

**Table 14-1:**

| Structure               | Height (feet) | Maximum Size (square feet) |
|-------------------------|---------------|----------------------------|
| Utility Structure       | 8             | 100                        |
| Greenhouse              | 12            | 200                        |
| Pet house               | 4             | 50                         |
| Hobby Structure         | 12            | 200                        |
| Playhouse               | 12            | 200                        |
| Gazebo                  | 15            | 500                        |
| Cabana or dressing room | 12            | 200                        |
| Pool cover              | 15            | N/A                        |

# Accessory Structures / Attached and Detached Garages (New)

- **Additional Structures. Freestanding structures in addition to a single-family dwelling.**
  1. Freestanding structures shall not exceed one (1) story in height or fifteen (15) feet, whichever is less.
  2. The maximum square footage of any one freestanding structure shall be 1,000 square feet.
  3. The maximum square footage of freestanding structures shall be 50% of the square footage of the main structure. The square footage of a detached garage shall be excluded from this calculation.
  4. The maximum lot coverage in the rear yard shall be 60% (includes all non-pervious coverage such as concrete and pool coping).
  5. The maximum number of accessory freestanding structures in the rear yard shall be four (4).
  6. Building permits are not required for accessory freestanding structures provided that such structures shall have a building area of less than 25 square feet and provided that no utilities are installed.
  
- **Attached and Detached Garages.**
  1. Detached garages are permitted to have a maximum height of two (2) stories or the height of the home, whichever is less.
  2. Detached private garages shall not exceed four-car capacity or 1,000 square feet of ground floor area.
  3. Detached private garages and other freestanding structures exceeding one story in height shall not have second story openings facing the nearest side or rear lot line, except as may be required to comply with standards for emergency access and egress.
  4. An attached or detached private garage which loads from a side street shall not be located closer than 20 feet to the side street line.
  5. Garages with a breezeway width measuring less than 8' shall be considered detached from the primary structure.

# Accessory Quarters / Guest Quarters (New)

- **Accessory Quarters (or “AQ”).** A dwelling unit meeting all the following criteria:
  - i. It is located on the same building site as a principal building containing a dwelling used for single-family (detached) use (can include a kitchen); and
  - ii. It includes no more than six hundred square feet of gross floor area; unless located on the second story of a garage, then the maximum gross floor area is the footprint of the garage.



California accessory dwelling unit law: What's it all about?: Hoam. Hoa Management .com. (2022, March 14). Retrieved May 16, 2022, from <https://www.hoamanagement.com/accessory-dwelling-unit-law-california/>



Elizondo-Adu. Accessory Dwellings. (2016, November 16). Retrieved May 16, 2022, from <https://accessorydwellings.org/2016/11/18/al-shannon-elizondos-adu-a-houston-carriage-house/elizondo-adu/>

# Fences and Hedges (New)

1. **No fence in district A shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.**
2. **Fences and hedges in district A may not be erected or planted directly on a property line without the express agreement of the property owners on both sides of the property line.**
3. **Fences in district A shall not:**
  - a) Exceed eight feet in height, except for chain-link fencing.
    - i. Chain-link fencing shall be a maximum of six feet in height
  - b) Be topped with barbed or razor wire.
  - c) Be electrified.
  - d) Be constructed of (or modified with) any fencing material(s) intended to be injurious or malicious in nature (such as, but not limited to, broken glass or metal spikes) that have the potential to cause bodily harm or injury.
4. **Fences in district A shall be constructed of the following materials, such as:**
  - a) Chain-link
    - i. All chain-link fencing to be a minimum of four feet in height, a maximum of six feet in height, and shall be a minimum of 11-gauge galvanized material.
    - ii. All chain-link fencing higher than four feet shall be a minimum of nine-gauge galvanized material
  - b) Redwood
  - c) Cedar
  - d) Wrought iron
  - e) Brick or other approved material of equal quality.
5. **Refuse containers or similar equipment on nonresidential lots in district A shall be screened from public view, and from adjacent buildings or property, whether public or private. Such screening shall be permanent and opaque and of wood, metal or masonry material and shall be at least as high as the screened object, but in no event shall be less than six feet in height.**

# Sec. 14-102. - Regulations for District B (Current) (Townhouse/Patio Home District)

- a) **Use regulations.** No building or land in district B shall be used, and no building shall be erected, moved or altered except for one or more of the following uses:
  - 1) All uses permitted in district A; and
  - 2) Townhouses and patio homes.
  
- b) **Height and area regulations.** The height of building, the minimum lot size and the minimum dimensions of yards upon any lot or parcel of land in district B shall be as follows:
  - 1) For uses permitted in district A, the height and area regulations provided by subsection 14-101(b) for district A shall apply.
  - 2) For townhouses and patio homes, the height and area regulations provided by subsection 14-103(b).
  
- c) **Construction.** For uses permitted in district A, the construction regulations provided by subsection 14-101(c) for district A shall apply in district B. For townhouses and patio homes, the construction regulations provided by subsection 14-103(c) shall apply in district B.
  
- d) **Other regulations.** For uses permitted in district A, the other regulations provided by subsection 14-101(d) for district A shall apply in district B. Fences and walls shall not exceed eight feet in height and shall be of a permanent type, such as chain-link, redwood, cedar, wrought iron, brick or approved material of equal quality; provided, however, that along the boundary between district B, the eastern business district and the White Oak Bayou Wastewater Treatment Plant Site, fences and walls shall not exceed 12 feet in height and shall be of redwood, cedar, wrought iron, brick or approved material of equal quality with metal posts set in 18-inch diameter concrete at least one-third the fence height in depth. Construction shall be in accordance with the building code with a foundation designed by an engineer registered in the state.

# Sec. 14-103. - Regulations for District C (Current) (Townhouse/Patio Home District)

- a) **Use regulations.** No building or land shall be used, and no building shall be erected, moved or altered except for one or more of the following uses.
- 1) Townhouses.
  - 2) Patio(garden) homes.
  - 3) Accessory uses customarily incident to the above uses, provided that such use be not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind.
  - 4) Home occupations as permitted in district A
  - 5) Model homes as permitted in district A.
- b) **Height and area regulations**
- 1) Height. For townhouses and patio homes the height of buildings shall not exceed two stories and 30 feet. For other uses building shall not exceed 25 feet in height.
  - 2) Building area. For townhouses and patio homes the building shall be not less than 1,400 square feet.
  - 3) Location on lot. For townhouse lots, the setbacks established in section 14-88(b) are modified as follows: Buildings that do not abut a building on an adjacent lot with a common firewall between them shall not be closer than five feet to a side lot line on that side. Abutting buildings shall have a common firewall that complies with current city building codes. A series of abutting buildings shall not have a combined width of greater than 300 feet. Each group of abutting buildings shall be separated on the side by an open space of not less than ten feet to the next side lot line. For patio lots the setbacks established in section 14-88(b) are modified as follows: One side of the living unit may be placed on the property as provided in section 14-108(c). Side street setbacks for townhouses or garden homes shall be a minimum of ten feet.
    - a. For townhouses: The minimum lot size shall be 2,000 square feet, with a maximum density not to exceed ten dwelling units per acre.
    - b. The setbacks established in section 14-88(b) may be modified as follows: A nonresidential building shall not be located closer than 25 feet to the front lot line, 25 feet to a side lot line, or 25 feet to the rear lot line. A residential building may not be located closer than 16 feet to the rear lot line.

# Sec. 14-103. - Regulations for District C (Current) (Townhouse/Patio Home District)

## c) Construction.

- 1) Exterior walls shall have at least 75 percent masonry construction to the top elevation line of the building sides of the first floor.
  - a. Masonry construction may include brick, stucco, or stone material.
  - b. Use of CMU for exterior wall veneers prohibited in this district. EIFS is prohibited.
  
- 2) Townhouses:
  - a. At least one wall of the living unit must be wholly coincident with the zero line.
  - b. Walls coincident with zero property lines must be masonry without openings. If an open court is placed on the zero-property line, a minimum of six feet high masonry wall shall enclose the side of the court coincident with the zero-property line.
  - c. No roof water may be drained to the zero-property line side.
  - d. No water, electrical panels, plumbing elements, fireplace cleanouts, etc. may be placed on the zero-property line wall.
  - e. Where a roof overhang over an adjacent lot is proposed a ten-foot access easement for maintenance shall be provided on said adjacent lot.
  
- 3) Garden/patio homes:
  - a. The wall that is coincident with or less than five feet to a property line must be masonry without openings.
  - b. No roof water may be drained on to the adjacent lot or lots.
  - c. No water, electrical panels, plumbing elements, fireplace cleanouts, etc. may be placed on a wall coincident with or less than five feet to a property line.
  - d. The minimum building separation between the sides of adjacent dwellings shall be ten feet.
  - e. Where a roof overhang over an adjacent lot is proposed a five-foot access easement for maintenance shall be provided on said adjacent lot.
  - f. See also subsection 14-135(b), lot line developments, for subdivision platting standards.

# Sec. 14-103. - Regulations for District C (Current) (Townhouse/Patio Home District)

## d) Other regulations; fences and hedges.

- 1) No fence in district C shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.
- 2) Fences in district C may not be erected and hedges may not be planted directly on a property line without the express agreement of the property owners on both sides of the property line.
- 3) Fences in district C shall not exceed eight feet in height, and shall be of a permanent type, such as chain-link, redwood, cedar, wrought iron, brick or other approved material of equal quality.

# Sec. 14-104. - Regulations for District M (Current) (Multifamily Dwelling District)

- 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) Accessory 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.
- b) **Height and area regulations.** The height of buildings, the area of building, and land area shall be as follows:
- 1) Height. No building shall exceed 50 feet or three stories in height.
  - 2) Building area.
    - 1) Multi-family buildings shall contain not less than 2,000 square feet nor more than 21,000 square feet of ground floor area.
    - 2) Accessory buildings shall contain not less than 100 square feet nor more than 15,000 square feet of ground floor area. Accessory structures shall be constructed of permanent material. Portable buildings of a temporary nature are prohibited.
  - 3) Location on lot. Setbacks shall be as established in subsection 14-88(b).
  - 4) Lot size. No lot in this district shall have less than 4.5 acres of total area.
  - 5) Density. The density of multi-family dwelling units shall not exceed 12 units per acre for the entire district.
  - 6) Open area.
    - 1) A minimum of 20 percent of total area within the property lines shall be devoted to landscaping. All open unpaved space including, but not limited to, front, side and rear building setback areas shall be planted and landscaped.
    - 2) Building fronts. An average of at least ten feet and a minimum of five feet shall be a green area and walkway between the building and parking areas.

# Sec. 14-104. - Regulations for District M (Current) (Multifamily Dwelling District)

- c) **Construction.** The exterior walls on all primary buildings in district M shall be a least 40 percent masonry construction to the top elevation line of the building sides of the first floor. The style and quality of all accessory structures shall conform to the standards of the primary structure(s).
- 1) Masonry construction may include brick, stucco, or stone material.
  - 2) Use of CMU for exterior wall veneers prohibited in this district. EIFS is prohibited.
- d) **Other regulations.**
- 1) Parking requirements. See Table 14-11 (section 14-283) off-street parking standards. All parking shall be ground level.
  - 2) Screening. Refuse containers or like equipment outside of an enclosed space shall be screened from public view, either from adjacent buildings or adjacent property, both private and public. Such screens shall be permanent and opaque and of wood, metal or masonry material and shall be at least as high as the screened object, and in no case shall be less than six feet in height.
  - 3) District size. Any multi-family dwelling district shall contain not less than 100 acres of land.
  - 4) Fences. Perimeter fences shall be a minimum of eight feet in height, and shall be permanent and must be one of the following types: redwood, cedar, wrought iron, brick or masonry.

# Attachments

1. Proposed Reorganized Ordinance for Residential Districts
2. Current Residential Districts Ordinances.

**Sec. 14-100. Residential Permitted Use Table**

| USE  | District A       | District B       | District C       | District C-2     | District M       |
|--|------------------|------------------|------------------|------------------|------------------|
| Churches or other places of worship and related schools  | PC<br>See Note 6 | PC<br>See Note 6 |                  |                  |                  |
| Electric power lines and Electric substations  | PC<br>See Note 2 | PC<br>See Note 2 |                  |                  |                  |
| Golf courses and country clubs   | P                | P                |                  |                  |                  |
| Greenhouse   | A                | A                |                  |                  |                  |
| Home occupations   | PC<br>See Note 1 |
| Model homes  | PC<br>See Note 3 | PC<br>See Note 3 | PC<br>See Note 3 |                  |                  |
| Multi-family dwellings   |                  |                  |                  |                  | P                |
| Municipal government buildings, police stations, fire stations, and public libraries   | P                | P                |                  |                  |                  |
| Patio homes  |                  | P                | P                |                  |                  |
| Public parks and playgrounds, public recreational facilities, public schools, community buildings and public museums not operated for profit | P                | P                |                  |                  |                  |
| Single-family dwellings  | P                | P                |                  |                  |                  |
| Townhouses   |                  | P                | P                | PC<br>See Note 4 |                  |
| Water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells           | P                | P                |                  |                  |                  |
| Additional Structures. Accessory uses and freestanding structures in addition to a single-family dwelling:                                   |                  |                  |                  |                  |                  |
| Accessory quarters   | PC<br>See Note 5 | PC<br>See Note 5 |                  |                  |                  |
| Detached private garage (1)  | A                | A                |                  |                  |                  |
| Utility structure  | A                | A                |                  |                  |                  |
| Greenhouse   | A                | A                |                  |                  |                  |
| Hobby structure  | A                | A                |                  |                  |                  |
| Pet house  | A                | A                |                  |                  |                  |
| Playhouse  | A                | A                |                  |                  |                  |
| Gazebo   | A                | A                |                  |                  |                  |
| Cabana or dressing room  | A                | A                |                  |                  |                  |
| Pool cover   | A                | A                |                  |                  |                  |

|  |
|--|
| PC Notes.  |
| <p><i>Note 1:</i> To operate a home occupation, the following standards shall be met:</p> <ol style="list-style-type: none"> <li>1. The home occupation must be clearly incidental to the use of the dwelling as a residence;</li> <li>2. No outdoor sign, display or storage of materials, goods, supplies or equipment shall be allowed;</li> <li>3. There shall be no change to the exterior of the building nor any visible evidence or signs that the residence contains a home occupation;</li> <li>4. A home occupation shall not generate a nuisance such as traffic, on-street parking, noise, and electrical interference or hazards;</li> <li>5. The maximum area devoted to a home occupation shall be 25 percent of the gross floor area of the dwelling unit;</li> <li>6. The home occupation shall not use employees who do not reside on the premises</li> </ol> |
| <p><i>Note 2:</i> Including accessory uses customarily incidental thereto; provided that any such accessory use shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind. The height and area, construction, and other regulations provided by this section shall not apply to uses allowed by this subsection.</p>  |
| <p><i>Note 3:</i> Provided that a builder may have no more than one model home in a subdivision. A model home must have a temporary certificate of occupancy and may be open for business only between the hours of 6:00 a.m. and 9:00 p.m. Use of a structure as a model home shall terminate on the first of the following events to occur:</p> <ol style="list-style-type: none"> <li>(i) the expiration of 30 days after building permits have been issued for 90 percent of the lots in the subdivision; or</li> <li>(ii) the expiration of 30 days after building permits have been issued for all lots owned by the builder in the subdivision; or</li> <li>(iii) the expiration of 180 days after issuance of the latest building permit to the builder for a lot in the subdivision.</li> </ol>   |
| <p><i>Note 4:</i> Single-family townhouse style dwelling units in a unified development:</p> <ol style="list-style-type: none"> <li>1. No "flats" or apartment style building shall be constructed in the district.</li> </ol>   |
| <p><i>Note 5:</i> A dwelling unit meeting all of the following criteria:</p> <ol style="list-style-type: none"> <li>(i) It is located on the same building site as a principal building containing a dwelling used for single-family (detached) use (can include a kitchen); and</li> <li>(ii) It includes no more than six hundred square feet of gross floor area; unless located on the second story of a garage, then the maximum gross floor area is the footprint of the garage.</li> </ol>  |
| <p><i>Note 6:</i> Churches or other places of worship which shall contain not less than 4,000 square feet of ground floor area. No church or other place of worship shall be constructed on a lot having less than five acres of total area.</p>   |

| Legend                             |
|------------------------------------|
| P = Permitted Use                  |
| A = Accessory Use                  |
| PC = Permitted Use with Conditions |

**Sec. 14-101. Regulations for district A (single-family dwelling district).**

(a) *Use regulations.* No building or land shall be used and no building shall be hereafter erected, moved or altered in district A except for as provided in Sec. 14-100:

(b) *Setbacks.*

| <b>Setbacks (feet) for Single-Family Residential and Related Structures</b>   |  |
|---|--|
| <b>Single-Family Residential</b>  |  |
| Front   | 25'  |
| Rear  | 25'  |
| Side  | 7.5'   |
| Side Street <sup>1</sup>  | 10'  |
| <b>Attached Garages</b>   |  |
| Garage  | 25' from front of home closest to the building line. |
| <b>Detached Private Garages &amp; Freestanding Structures ( ≥ 70' to front lot line)</b>  |  |
| Rear  | 10' to rear lot line                                 |
| Side  | 3' to side lot line                                  |
| Side Street   | 10' to side street lot line                          |
| To Dwelling   | 10' to single-family dwelling                        |
| <b>Detached Private Garages &amp; Freestanding Structures ( &lt; 70' to front lot line)</b>   |  |
| Front   | 25'  |
| Rear  | 25'  |
| Side  | 7.5'   |
| Side Street   | 10'  |
| <b>Garages &amp; Carports (Front Loaded)</b>  |  |
| Rear  | 10' to rear lot line                                 |
| Side  | 3' to side lot line                                  |
| Side Street   | 10' to rear lot line                                 |
| <b>Garages &amp; Carports (Side Street Loaded)</b>  |  |
| Rear  | 10' to rear lot line                                 |
| Side  | 3' to side lot line                                  |
| Side Street   | 20' to side street line                              |
| <b>Notes</b>  |  |
| <sup>(1)</sup> Where one or more lots have frontage on a street, all other lots in that block with side lot lines on the same street shall have a setback requirement of 25 feet. |  |

| Setbacks (feet) for Non-Residential Buildings |                       |
|---|-----------------------|
| <b>Non-Residential Buildings</b>              |                       |
| Front   | 25' to front lot line |
| Side  | 25' to side lot line  |
| Rear  | 25' to rear lot line  |

(c) *Height.*

- 1) Single-family residences shall not exceed 2½ stories in height, except for Blocks 26, 38, 41, 42 and 47, which shall not exceed 1½ stories.
  - a. The maximum height of a 2 ½ story home shall be thirty-five (35) feet from the finished floor.
  - b. The maximum height of a 1 ½ story home shall be twenty-five (25) feet from the finished floor.
- 2) Calculating the maximum height of a single-family property.
  - a. The maximum height of a finished floor for a single-family dwelling, structures, or accessory structures are determined by the following locations:
    - i. **Floodway:** A maximum finished floor of three feet (36 inches) above the 100-year floodplain
    - ii. **AE (100-year floodplain):** A maximum finished floor of two feet above the 100-year floodplain
    - iii. **X-Shaded (500-year floodplain):** A maximum finished floor of one foot above the 500-year floodplain elevation.
    - iv. **X-Unshaded:** A maximum finished floor of two feet above the crown of the street or sidewalk, whichever is greater.
- 3) Any finished floor that is elevated more than 12 inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight inches of slab exposed. All crawl spaces resulting from pier-and-beam and stem-wall types of construction must provide dropped veneers with vents sufficient to cover the sub-slab void.

(d) *Building area and add-on construction.*

- 1) Single-family dwellings shall have a building area of at least 1,750 square feet for single-floor residences, or 1,200 square feet on the ground floor for multistory residences.
- 2) Nonresidential buildings shall contain not less than 1,000 square feet of ground floor area, except for churches or other places of worship which shall contain not less than 4,000 square feet of ground floor area.
- 3) Where add-on construction to a single-family detached dwelling in district A involves structural alternation that will increase the square footage of an enclosed living area on the ground floor, such add-on construction shall be permitted only to the side or rear of the existing dwelling, as space on the lot may allow while maintaining conformance with the applicable standards for minimum side and rear building setbacks.
  - a. Where such add-on construction will result in a finished building height that at any point exceeds the height of the front façade of the existing dwelling at any point, the add-on construction shall be permitted only to the rear of the existing dwelling.

(e) Parking.

- 1) The number of parking spaces for a single-family residential dwelling shall be a minimum of two (2) parking spaces per dwelling unit.
- 2) The parking of private recreational vehicles (manufactured or home-made) including, but not limited to, motor homes, mini-motor homes, travel trailers, 5th wheel trailers, camping trailers, boat trailers, other trailers used for recreational purposes only, truck campers, all-terrain vehicles and all types of watercraft including boats and jet skis (motorized or propelled by any other means) shall not be parked or stored in front or side yards in zoning district A except for temporary periods of time not exceeding three consecutive days within a single calendar month. A recreational vehicle shall not be parked or stored in a rear yard in zoning district A unless such a vehicle is screened from public view by a six-foot solid wood, opaque, wrought iron, masonry or other equivalent screening fence material approved by the Building Official. When parked or stored, such vehicles shall have no part projecting past the front of the home. Nothing in this ordinance is intended to preclude the construction of a properly permitted building that will enclose and screen recreational vehicles.
- 3) Commercial trailers or semi-trucks are not permitted to be stored within residential districts at any time.
- 4) Trucks and vans, larger than one ton in capacity, and self-propelled, self-powered, or pull-type equipment that weighs at least 3,000 pounds and that are intended to be used for commercial, agricultural, construction, or industrial uses, trailers and towed vehicles shall not be parked or stored in a front, side, or rear yard in district A except during the act of loading or unloading and except in connection with the provision of services to the property at which is parked.
- 5) Truck tractors shall not be stored or parked in district A except during the act of loading or unloading.
- 6) No vehicle shall be parked or stored on an unpaved surface in a front or side yard in zoning district A.

(f) *Additional Structures.* Freestanding structures in addition to a single-family dwelling.

- 1) Freestanding structures shall not exceed one (1) story in height, the height of the home, or fifteen (15) feet, whichever is less.
- 2) The maximum square footage of any one freestanding structure shall be 1,000 square feet.
- 3) The maximum square footage of freestanding structures shall be 50% of the square footage of the main structure. The square footage of a detached garage shall be excluded from this calculation.
- 4) The maximum lot coverage in the rear yard shall be 60% (includes all non-pervious coverage such as concrete and pool coping).
- 5) The maximum number of accessory freestanding structures in the rear yard shall be four (4).
- 6) Building permits are not required for accessory freestanding structures provided that such structures shall have a building area of less than 25 square feet and provided that no utilities are installed.

(g) *Attached and Detached Garages.*

- 1) Detached garages are permitted to have a maximum height of two (2) stories or the height of the home, whichever is less.
- 2) Detached private garages shall not exceed four-car capacity or 1,000 square feet of ground floor area.
- 3) Detached private garages and other freestanding structures exceeding one story in height shall not have second story openings facing the nearest side or rear lot line, except as may be required to comply with standards for emergency access and egress.
- 4) An attached or detached private garage which loads from a side street shall not be located closer than 20 feet to the side street line.
- 5) Garages with a breezeway width measuring less than 8' shall be considered detached from the primary structure.

(h) *Lot size.*

- 1) No lot in this district for a single-family detached dwelling shall have a total area that exceeds by more than 20 percent the total area of any other lot for a single-family detached dwelling on the same blockface.
- 2) Residential lots shall have a minimum of 50 percent of the required front yard and required side yards adjacent to a side street devoted to landscaping.

(i) *Masonry Standards.* The exterior walls on all residences in district A shall be a least 75 percent masonry construction to the top elevation line of the building sides of the first floor. Slab on grade home elevations must install masonry skirts to cover the sub-slab void or crawlspace, below exterior walls. The style and quality of all carports, detached private garages and freestanding structures constructed after a certificate of occupancy shall conform to the original structure; provided, however, that only utility structures may have metal facades.

- 1) Masonry construction may include brick, stucco, or stone material. Stucco must be integrally colored or otherwise finished with a coating.
- 2) Use of CMU for exterior wall veneers is prohibited in this district, except that split-face concrete blocks, integrally colored or otherwise finished with a coating, may be utilized for the construction of veneer skirts for slab on grade home elevations. EIFS is prohibited.

(j) *Fences and hedges.*

- 1) No fence in district A shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.
- 2) Fences and hedges in district A may not be erected or planted directly on a property line without the express agreement of the property owners on both sides of the property line.
- 3) Fences in district A shall not:
  - i. Exceed eight feet in height, except for chain-link fencing.
    - i. Chain-link fencing shall be a maximum of six feet in height.
  - ii. Be topped with barbed or razor wire.
  - iii. Be electrified.
  - iv. Be constructed of (or modified with) any fencing material(s) intended to be injurious or malicious in nature (such as, but not limited to, broken glass or metal spikes) that have the potential to cause bodily harm or injury.
- 4) Fences in district A shall be constructed of the following materials, such as:
  - i. Chain-link
    - a. All chain-link fencing to be a minimum of four feet in height, a maximum of six feet in height, and shall be a minimum of 11-gauge galvanized material
    - b. All chain-link fencing higher than four feet shall be a minimum of nine-gauge galvanized material.
  - ii. Redwood
  - iii. Cedar
  - iv. Wrought iron
  - v. Brick or other approved material of equal quality.
- 4) Refuse containers or similar equipment on nonresidential lots in district A shall be screened from public view, and from adjacent buildings or property, whether public or private. Such screening shall be permanent and opaque and of wood, metal or masonry material and shall be at least as high as the screened object, but in no event shall be less than six feet in height.

(k) *Minimum Landscaped areas.*

- 1) *Specific standards.*
  1. Residential lots shall have landscaped areas which in the aggregate include not less than 50 percent of the area contained within the building setbacks.
  2. A minimum of two trees (either existing or planted) measuring one inch or greater in diameter four feet above the ground at time of planting or measurement (if existing) are required within the front or side street setback areas.
  3. Landscaping shall be in harmony with the surrounding area adequate to minimize visual monotony and barrenness.
- 2) See Chapter 14, Article XII. – Landscaping, Bufferyard, Park and Open Space Standards for additional landscaping requirements.

**Sec. 14-102. Regulations for district B (townhouse/patio home district).**

- (a) *Use regulations.* No building or land shall be used and no building shall be hereafter erected, moved or altered in district B except for as provided in Sec. 14-100:
  
- (b) *Setbacks.*

| <b>Setbacks (feet) for Single-Family Residential and Related Structures</b>   |  |
|---|--|
| <b>Single-Family Residential</b>  |  |
| Front   | 25'  |
| Rear  | 25'  |
| Side  | 7.5'   |
| Side Street <sup>1</sup>  | 10'  |
| <b>Attached Garages</b>   |  |
| Garage  | 25' from front of home closest to the building line. |
| <b>Detached Private Garages &amp; Accessory Structures ( ≥ 70' to front lot line)</b>   |  |
| Rear  | 10' to rear lot line                                 |
| Side  | 3' to side lot line                                  |
| Side Street   | 10' to side street lot line                          |
| To Dwelling   | 10' to single-family dwelling                        |
| <b>Detached Private Garages &amp; Accessory Structures ( &lt; 70' to front lot line)</b>  |  |
| Front   | 25'  |
| Rear  | 25'  |
| Side  | 7.5'   |
| Side Street   | 10'  |
| <b>Garages &amp; Carports (Front Loaded)</b>  |  |
| Rear  | 10' to rear lot line                                 |
| Side  | 3' to side lot line                                  |
| Side Street   | 10' to rear lot line                                 |
| <b>Garages &amp; Carports (Side Street Loaded)</b>  |  |
| Rear  | 10' to rear lot line                                 |
| Side  | 3' to side lot line                                  |
| Side Street   | 20' to side street line                              |
| <b>Notes</b>  |  |
| <sup>(1)</sup> Where one or more lots have frontage on a street, all other lots in that block with side lot lines on the same street shall have a setback requirement of 25 feet. |  |

| Setbacks (feet) for Non-Residential Buildings |                       |
|---|-----------------------|
| <b>Non-Residential Buildings</b>              |                       |
| Front   | 25' to front lot line |
| Side  | 25' to side lot line  |
| Rear  | 25' to rear lot line  |

| Setbacks (feet) for Townhouses and Patio Homes   |                |  |
|--|----------------|--|
| Lot Line   | Setback (Feet) | Modifier   |
| Front  | 25             | -  |
| Rear   | 25             | (1) Excluding fencing                                    |
| Side Street  | 10             | -  |
| Side   | 7.5            | (2) Zero feet for townhouses and one side of patio homes |
| <b>Notes</b>   |                |  |
| <p>Note 1: For townhouse lots, the setbacks established in section 14-88(b) are modified as follows:</p> <ul style="list-style-type: none"> <li>(i) Building that do not abut a building on an adjacent lot with a common firewall between them shall not be closer than five feet to a side lot line on that side.</li> <li>(ii) Abutting building shall have a common firewall that complies with current city building codes.</li> <li>(iii) A series of abutting buildings shall not have a combined width of greater than 300 feet.</li> <li>(iv) Each group of abutting building shall be separated on the side by an open space of not less than ten feet to the next side lot line.</li> </ul> |                |  |

(c) *Building area.*

- 1) For townhouses and patio homes: The building area shall be not less than 1,400 square feet.

(d) *Height.*

- 1) For single-family detached residences, the maximum height of a 2 ½ story home shall be thirty-five (35) feet from the finished floor.
- 2) For townhouses and patio homes: The height of buildings shall not exceed two stories and 30 feet from the finished floor.
- 3) For other uses: Buildings shall not exceed 25 feet in height from the finished floor.
- 4) Calculating the maximum height of a single-family, townhouse, or patio home property.
  - a. The maximum height of a finished floor for a single-family dwelling, townhouse, patio home, structures, or accessory structures are determined by the following locations:
    - i. **Floodway:** A maximum finished floor of three feet (36 inches) above the 100-year floodplain
    - ii. **AE (100-year floodplain):** A maximum finished floor of two feet above the 100-year floodplain
    - iii. **X-Shaded (500-year floodplain):** A maximum finished floor of one foot above the 500-year floodplain elevation.
    - iv. **X-Unshaded:** A maximum finished floor of two feet above the crown of the street or sidewalk, whichever is greater.
- 4) Any finished floor that is elevated more than 12 inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight inches of slab exposed. All crawl spaces resulting from pier-and-beam and stem-wall types of construction must provide dropped veneers with vents sufficient to cover the sub-slab void.

(e) *Parking*

- 1) The number of parking spaces for single-family dwellings, townhouses, and patio homes shall be a minimum of two (2) parking spaces per dwelling unit.

(f) *Additional Structures.* Accessory structures in addition to a single-family dwelling.

- 1) Accessory structures shall not exceed one (1) story in height, the height of the home, or fifteen (15) feet, whichever is less.
- 2) The maximum square footage of accessory structures shall be 50% of the square footage of the main structure.
- 3) The maximum lot coverage in the rear yard shall be 60% (includes all non-pervious coverage such as concrete and pool coping).
- 4) The maximum number of accessory structures in the rear yard shall be four (4).
- 5) Building permits are not required for accessory freestanding structures provided that such structures shall have a building area of less than 25 square feet and provided that no utilities are installed.

(g) *Attached and Detached Garages.*

- 1) Detached garages are permitted to have a maximum height of two (2) stories or the height of the home, whichever is less.
- 2) Detached private garages shall not exceed four-car capacity or 1,000 square feet of ground floor area.
- 3) Detached private garages and other accessory structures exceeding one story in height shall not have second story openings facing the nearest side or rear lot line, except as may be required to comply with standards for emergency access and egress.
- 4) An attached or detached private garage which loads from a side street shall not be located closer than 20 feet to the side street line.

(h) *Lot size.*

- 1) For townhouses: The minimum lot size shall be 2,000 square feet, with a maximum density not to exceed ten dwelling units per acre.

(i) *Construction/Masonry Standards.*

- 1) For uses permitted in district A, the construction regulations provided by subsection 14-101(c) for district A shall apply in district B. For townhouses and patio homes, the construction regulations provided by subsection 14-103(c) shall apply in district B.
- 2) Exterior walls shall have at least 75 percent masonry construction to the top elevation line of the building sides of the first floor.
  - i. Masonry construction may include brick, stucco, or stone material.
  - ii. Use of CMU for exterior wall veneers prohibited in this district. EIFS is prohibited.
- 3) Townhouses:
  - i. At least one wall of the living unit must be wholly coincident with the zero line.
  - ii. Walls coincident with zero property lines must be masonry without openings. If an open court is placed on the zero property line, a minimum of six feet high masonry wall shall enclose the side of the court coincident with the zero property line.
  - iii. *No roof water may be drained to the zero property line side.*
  - iv. *No water, electrical panels, plumbing elements, fireplace cleanouts, etc. may be placed on the zero property line wall.*
  - v. *Where a roof overhang over an adjacent lot is proposed a ten-foot access easement for maintenance shall be provided on said adjacent lot.*
- 4) *Garden/patio homes:*
  - i. *The wall that is coincident with or less than five feet to a property line must be masonry without openings.*
  - ii. *No roof water may be drained on to the adjacent lot or lots.*
  - iii. *No water, electrical panels, plumbing elements, fireplace cleanouts, etc. may be placed on a wall coincident with or less than five feet to a property line.*
  - iv. *The minimum building separation between the sides of adjacent dwellings shall be ten feet.*
  - v. *Where a roof overhang over an adjacent lot is proposed a five-foot access easement for maintenance shall be provided on said adjacent lot*
  - vi. *See also subsection 14-135(b), lot line developments, for subdivision platting standards.*

(j) *Other regulations; Fences and hedges.*

- 1) Fences and walls in district B shall not:
  - v. Exceed 8' in height, except for chain-link fencing.
    - i. Chain-link fencing shall be a maximum of six feet in height.
    - i. Be topped with barbed or razor wire.
    - ii. Be electrified.
    - iii. Be constructed of (or modified with) any fencing material(s) intended to be injurious or malicious in nature (such as, but not limited to, broken glass or metal spikes) that have the potential to cause bodily harm or injury.
- 2) Fences in district B shall be constructed of the following materials, such as:
  - i. Chain-link
    - a. All chain-link fencing to be a minimum of four feet in height, a maximum of six feet in height, and shall be a minimum of 11-gauge galvanized material.
    - b. All chain-link fencing higher than four feet shall be a minimum of nine-gauge galvanized material
  - ii. Redwood
  - iii. Cedar
  - iv. Wrought iron
  - v. Brick or other approved material of equal quality.
- 3) Boundary between district B, the eastern business district, and the White Oak Bayou Wastewater Treatment Plant Site. Fences and walls shall not:
  - a. Exceed 12 feet in height,
  - b. Be topped with barbed or razor wire.
  - c. Be electrified.
  - d. Be constructed of (or modified with) any fencing material(s) intended to be injurious or malicious in nature (such as, but not limited to, broken glass or metal spikes) that have the potential to cause bodily harm or injury.
- 4) Boundary between district B, the eastern business district, and the White Oak Bayou Wastewater Treatment Plant Site. Fences and walls shall be constructed of the following materials such as:
  - i. Redwood
  - ii. Cedar
  - iii. Wrought iron
  - iv. Brick or other approved materials of equal quality with metal posts set in 18-inch diameter concrete at least one-third the fence height in depth. Construction shall be in accordance with the building code with a foundation designed by an engineer registered in the state.

(k) *Minimum Landscaped areas.*

1) *Specific standards.*

1. Residential lots shall have landscaped areas which in the aggregate include not less than 50 percent of the area contained within the building setbacks.
  2. A minimum of two trees (either existing or planted) measuring one inch or greater in diameter four feet above the ground at time of planting or measurement (if existing) are required within the front or side street setback areas.
  3. Landscaping shall be in harmony with the surrounding area adequate to minimize visual monotony and barrenness.
- 2) See Chapter 14, Article XII. – Landscaping, Bufferyard, Park and Open Space Standards for additional landscaping requirements.

**Sec. 14-103. Regulations for district C—Townhouse/patio home district.**

- (a) *Use regulations.* No building or land shall be used and no building shall be hereafter erected, moved or altered in district C except for as provided in Sec. 14-100:
- (b) *Setbacks.*

| Setbacks (feet) for Townhouses and Patio Homes   |                |  |
|--|----------------|--|
| Lot Line   | Setback (Feet) | Modifier   |
| Front  | 25             | -  |
| Rear   | 25             | (1) Excluding fencing                                    |
| Side Street  | 10             |  |
| Side   | 7.5            | (2) Zero feet for townhouses and one side of patio homes |
| <b>Notes</b>   |                |  |
| <p>Note 1: For townhouse lots, the setbacks established in section 14-88(b) are modified as follows:</p> <ul style="list-style-type: none"> <li>(i) Building that do not abut a building on an adjacent lot with a common firewall between them shall not be closer than five feet to a side lot line on that side.</li> <li>(ii) Abutting building shall have a common firewall that complies with current city building codes.</li> <li>(iii) A series of abutting buildings shall not have a combined width of greater than 300 feet.</li> <li>(iv) Each group of abutting building shall be separated on the side by an open space of not less than ten feet to the next side lot line.</li> </ul> |                |  |

| Setbacks (feet) for District C   |                               |
|--|-------------------------------|
| <b>Detached Private Garages &amp; Accessory Structures ( ≥ 70' to front lot line)</b>    |                               |
| Rear   | 10' to rear lot line          |
| Side   | 3' to side lot line           |
| Side Street  | 10' to side street lot line   |
| To Dwelling  | 10' to single-family dwelling |
| <b>Detached Private Garages &amp; Accessory Structures ( &lt; 70' to front lot line)</b> |                               |
| Front  | 25'                           |
| Rear   | 25'                           |
| Side   | 7.5'                          |
| Side Street  | 10'                           |
| <b>Garages &amp; Carports (Front Loaded)</b>   |                               |
| Rear   | 10' to rear lot line          |
| Side   | 3' to side lot line           |
| Side Street  | 10' to rear lot line          |
| <b>Garages &amp; Carports (Side Street Loaded)</b>                                       |                               |
| Rear   | 10' to rear lot line          |
| Side   | 3' to side lot line           |
| Side Street  | 20' to side street line       |

| Notes  |
|--|
| <p><sup>(1)</sup> Where one or more lots have frontage on a street, all other lots in that block with side lot lines on the same street shall have a setback requirement of 25 feet.</p> |

(c) *Building area.*

- 1) For townhouses and patio homes: The building area shall be not less than 1,400 square feet.

(d) *Height.*

- 1) For single-family detached residences, the maximum height of a 2 ½ story home shall be thirty-five (35) feet from the finished floor.
- 2) For townhouses and patio homes: The height of buildings shall not exceed two stories and 30 feet from the finished floor.
- 3) For other uses: Buildings shall not exceed 25 feet in height from the finished floor.
- 4) Calculating the maximum height of a single-family, townhouse, or patio home property.
  - a. The maximum height of a finished floor for a single-family dwelling, townhouse, patio home, structures, or accessory structures are determined by the following locations:
    - i. **Floodway:** A maximum finished floor of three feet (36 inches) above the 100-year floodplain
    - ii. **AE (100-year floodplain):** A maximum finished floor of two feet above the 100-year floodplain
    - iii. **X-Shaded (500-year floodplain):** A maximum finished floor of one foot above the 500-year floodplain elevation.
    - iv. **X-Unshaded:** A maximum finished floor of two feet above the crown of the street or sidewalk, whichever is greater.
- 5) Any finished floor that is elevated more than 12 inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight inches of slab exposed. All crawl spaces resulting from pier-and-beam and stem-wall types of construction must provide dropped veneers with vents sufficient to cover the sub-slab void.

(e) *Lot size.*

- 1) For townhouses: The minimum lot size shall be 2,000 square feet, with a maximum density not to exceed ten dwelling units per acre.

(f) Parking

- 1) The number of parking spaces for single-family dwellings, townhouses, and patio homes shall be a minimum of two (2) parking spaces per dwelling unit.
- 2) The parking of private recreational vehicles (manufactured or home-made) including, but not limited to, motor homes, mini-motor homes, travel trailers, 5th wheel trailers, camping trailers, boat trailers, other trailers used for recreational purposes only, truck campers, all-terrain vehicles and all types of watercraft including boats and jet skis (motorized or propelled by any other means) shall not be parked or stored in front or side yards in zoning district C except for temporary periods of time not exceeding three consecutive days within a single calendar month. A recreational vehicle shall not be parked or stored in a rear yard in zoning district C unless such a vehicle is screened from public view by a six-foot solid wood, opaque, wrought iron, masonry or other equivalent screening fence material approved by the Building Official. When parked or stored, such vehicles shall have no part projecting past the front of the home. Nothing in this ordinance is intended to preclude the construction of a properly permitted building that will enclose and screen recreational vehicles.
- 3) Trucks and vans, larger than one ton in capacity, and self-propelled, self-powered, or pull-type equipment that weighs at least 3,000 pounds and that are intended to be used for commercial, agricultural, construction, or industrial uses, trailers and towed vehicles shall not be parked or stored in a front, side, or rear yard in district C except during the act of loading or unloading and except in connection with the provision of services to the property at which is parked
- 4) Truck tractors shall not be stored or parked in zoning district C except during the act of loading or unloading.
- 5) No vehicle shall be parked or stored on an unpaved surface in a front or side yard in zoning district C.
- 6) Commercial trailers or semi-trucks are not permitted to be stored within residential districts at any time.

(g) Lot size.

- 1) For townhouses: The minimum lot size shall be 2,000 square feet, with a maximum density not to exceed ten dwelling units per acre.

(h) *Construction/Masonry Standards.*

- 1) Exterior walls shall have at least 75 percent masonry construction to the top elevation line of the building sides of the first floor.
  - i. Masonry construction may include brick, stucco, or stone material.
  - ii. Use of CMU for exterior wall veneers prohibited in this district. EIFS is prohibited.
- 2) Townhouses:
  - i. At least one wall of the living unit must be wholly coincident with the zero line.
  - ii. Walls coincident with zero property lines must be masonry without openings. If an open court is placed on the zero property line, a minimum of six feet high masonry wall shall enclose the side of the court coincident with the zero property line.
  - iii. *No roof water may be drained to the zero property line side.*
  - iv. *No water, electrical panels, plumbing elements, fireplace cleanouts, etc. may be placed on the zero property line wall.*
  - v. *Where a roof overhang over an adjacent lot is proposed a ten-foot access easement for maintenance shall be provided on said adjacent lot.*
- 3) Garden/patio homes:
  - i. *The wall that is coincident with or less than five feet to a property line must be masonry without openings.*
  - ii. *No roof water may be drained on to the adjacent lot or lots.*
  - iii. *No water, electrical panels, plumbing elements, fireplace cleanouts, etc. may be placed on a wall coincident with or less than five feet to a property line.*
  - iv. *The minimum building separation between the sides of adjacent dwellings shall be ten feet.*
  - v. *Where a roof overhang over an adjacent lot is proposed a five-foot access easement for maintenance shall be provided on said adjacent lot*
  - vi. *See also subsection [14-135\(b\)](#), lot line developments, for subdivision platting standards.*

(i) *Other regulations; Fences and hedges.*

- 1) *No fence in district C shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.*
- 2) *Fences and hedges in district C may not be erected or planted directly on a property line without the express agreement of the property owners on both sides of the property line.*
- 3) Fences in district C shall not:
  - vi. Exceed 8' in height, except for chain-link fencing.
    - i. Chain-link fencing shall be a maximum of six feet in height.
    - i. Be topped with barbed or razor wire.
    - ii. Be electrified.
    - iii. Be constructed of (or modified with) any fencing material(s) intended to be injurious or malicious in nature (such as, but not limited to, broken glass or metal spikes) that have the potential to cause bodily harm or injury.
- 4) Fences in district C shall be constructed of the following materials, such as:
  - i. Chain-link
    - a. All chain-link fencing to be a minimum of four feet in height, a maximum of six feet in height, and shall be a minimum of 11-gauge galvanized material
    - b. All chain-link fencing higher than four feet shall be a minimum of nine-gauge galvanized material.
  - ii. Redwood
  - iii. Cedar
  - iv. Wrought iron
  - v. Brick or other approved material of equal quality.

(j) *Minimum Landscaped areas.*

- 1) *Specific standards.*
  1. Residential lots shall have landscaped areas which in the aggregate include not less than 50 percent of the area contained within the building setbacks.
  2. A minimum of two trees (either existing or planted) measuring one inch or greater in diameter four feet above the ground at time of planting or measurement (if existing) are required within the front or side street setback areas.
  3. Landscaping shall be in harmony with the surrounding area adequate to minimize visual monotony and barrenness.
- 2) See Chapter 14, Article XII. – Landscaping, Bufferyard, Park and Open Space Standards for additional landscaping requirements.

(Ord. No. 99-31, § 9, 11-15-99; Ord. No. 00-28, § 1, 8-21-00; Ord. No. 02-09, § 3, 4-15-02; Ord. No. 03-04, § 2, 1-20-03; Ord. No. 2017-56, § 2, 12-18-17; Ord. No. 2017-59, § 2, 12-18-17)

**Sec. 14-104. Regulations for district M (multifamily dwelling district).**

(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 as provided in Sec. 14-100:

(b) *Setbacks.*

| Setbacks (feet) for Single-Family Residential and Related Structures  |      |
|---|------|
| <b>Multi-Family Residential</b>   |      |
| Front   | 25'  |
| Rear <sup>(2)</sup>   | 25'  |
| Side  | 7.5' |
| Side Street <sup>1</sup>  | 10'  |
| <b>Notes</b>  |      |
| <sup>(1)</sup> Where one or more lots have frontage on a street, all other lots in that block with side lot lines on the same street shall have a setback requirement of 25 feet. |      |
| <sup>(2)</sup> Excluding fencing  |      |

(c) *Building area.*

- 1) Multi-family buildings shall contain not less than 2,000 square feet nor more than 21,000 square feet of ground floor area.
- 2) Accessory buildings shall contain not less than 100 square feet nor more than 15,000 square feet of ground floor area. Accessory structures shall be constructed of permanent material.
- 3) Portable buildings of a temporary nature are prohibited.

(d) *Height.*

- 1) No building shall exceed 50 feet or three stories in height from the finished floor.
- 2) Calculating the maximum height of a multi-family property.
  - a. The maximum height of a finished floor for a multi-family dwelling is determined by the following locations:
    - i. **Floodway:** A maximum finished floor of three feet (36 inches) above the 100-year floodplain
    - ii. **AE (100-year floodplain):** A maximum finished floor of two feet above the 100-year floodplain
    - iii. **X-Shaded (500-year floodplain):** A maximum finished floor of one foot above the 500-year floodplain elevation.
    - iv. **X-Unshaded:** A maximum finished floor of two feet above the crown of the street or sidewalk, whichever is greater.
- 2) Any finished floor that is elevated more than 12 inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight inches of slab

exposed. All crawl spaces resulting from pier-and-beam and stem-wall types of construction must provide dropped veneers with vents sufficient to cover the sub-slab void.

(e) *Parking.*

- 1) The number of parking spaces for a multi-family residential dwelling shall be as follows:
  - a. 1 Bedroom: 1.5 parking spaces per dwelling unit
  - b. 2 Bedrooms: 2.5 parking spaces per dwelling unit
  - c. 3 or more bedrooms: 3.5 parking spaces per dwelling unit
  - d. Rooming house/Boarding House: 1 parking space per 2 beds
  - e. Congregate housing: 1 parking space per 2 beds
- 2) For multifamily complexes with ten or more units, the required number of guest parking spaces will be determined by multiplying the total number of parking spaces otherwise required for such apartment complexes by 0.05.
- 3) All parking shall be ground level.

(f) *Lot size.*

- 1) No lot in this district shall have less than 4.5 acres of total area.

(g) *Density.*

- 1) The density of multi-family dwelling units shall not exceed 12 units per acre for the entire district.

(h) *Construction/Masonry Standards.*

- 1) The exterior walls on all primary building in district M shall be at least 40 percent masonry construction to the top elevation line of the building sides of the first floor. The style and quality of all accessory structures shall conform to the standards of the primary structure(s).
  - i. Masonry construction may include brick, stucco, or stone material.
  - ii. Use of CMU for exterior wall veneers is prohibited in this district. EIFS is prohibited.

(i) *Other regulations*

1) *Screening.*

*i. Refuse containers or like equipment outside of an enclosed space shall be screened from public view, either from adjacent buildings or adjacent property, both private and public. Such screens shall be permanent and opaque and of wood, metal or masonry material and shall be at least as high as the screened object, and in no case shall be less than six feet in height.*

2) *District size.*

*i. Any multi-family dwelling district shall contain not less than 100 acres of land.*

3) Perimeter fences in district M shall be a minimum of eight feet in height, shall be permanent and must be one of the following types:

*i. Redwood*

*ii. Cedar*

*iii. Wrought iron*

*iv. Brick or masonry*

4) Perimeter fences in district M shall not:

*i. Be topped with barbed or razor wire.*

*ii. Be electrified.*

*iii. Be constructed of (or modified with) any fencing material(s) intended to be injurious or malicious in nature (such as, but not limited to, broken glass or metal spikes) that have the potential to cause bodily harm or injury.*

(j) *Minimum Landscaped Areas.*

1) *Open Areas.* The following landscaping requirements shall apply in district M (multi-family dwelling district)

*i. A minimum of 20 percent of total area within the property lines shall be devoted to landscaping.*

*ii. All open unpaved space including, but not limited to, front, side, and rear building setback areas shall be planted and landscaped.*

*iii. Building front. An average of at least ten feet and a minimum of five feet shall be a green area and walkway between the building and parking areas.*

2) See Chapter 14, Article XII. – Landscaping, Bufferyard, Park and Open Space Standards for additional landscaping requirements.

(Ord. No. 95-04, § 1(303.4), 2-20-95; Ord. No. 99-05, § 6, 2-15-99; Ord. No. 2014-33, § 1, 10-20-14; Ord. No. 2017-61, § 2, 12-18-17)

## Sec. 14-101. - Regulations for district A (single-family dwelling district).

- (a) *Use regulations.* No building or land shall be used and no building shall be hereafter erected, moved or altered in district A except for one or more of the following uses:
- (1) Single-family dwellings.
  - (2) Public parks and playgrounds, public recreational facilities, public schools, community buildings and public museums not operated for profit.
  - (3) Municipal government buildings, police stations, fire stations, and public libraries.
  - (4) Water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells.
  - (5) *Home occupations.*
    - a. *Intent.* This section provides standards for the establishment of a home occupation in a neighborhood and regulates the operation of a home occupation so that the average neighbor will be unaware of its existence.
    - b. *Definition.* Home occupation means an accessory occupational use conducted entirely within a dwelling unit by its inhabitants that is clearly incidental to the use of the structure for residential purposes and that does not change the residential character of the site. A home occupation may include an operation in which members of the immediate family sell or offer for sale articles which they produce on the premises; but home occupation does not include operations that use persons who do not reside on the premises to either (1) sell or offer for sale such articles, or (2) produce such articles. Additionally, animal hospitals, animal kennels, barber shops, beauty shops, clinics, doctor's offices, dress shops, hospitals, insurance offices, millinery shops, real estate offices, tearooms, tourist homes, palm readers, fortune tellers, among others and as examples only, are not home occupations.
    - c. *Standards.* To operate a home occupation, the following standards shall be met:
      1. The home occupation must be clearly incidental to the use of the dwelling as a residence;
      2. No outdoor sign, display or storage of materials, goods, supplies or equipment shall be allowed;
      3. There shall be no change to the exterior of the building nor any visible evidence or signs that the residence contains a home occupation;
      4. A home occupation shall not generate a nuisance such as traffic, on-street parking, noise, and electrical interference or hazards;
      5. The maximum area devoted to a home occupation shall be 25 percent of the gross floor area of the dwelling unit;
      6. The home occupation shall not use employees who do not reside on the premises.
  - (6) *Additional structures.* Accessory uses and freestanding structures in addition to the single-family dwelling:
    - a. One detached private garage; and
    - b. Other freestanding structures:
      1. Utility structure;
      2. Greenhouse;

3. Hobby structure;
  4. Pet house;
  5. Playhouse;
  6. Gazebo;
  7. Cabana or dressing room; and
  8. Pool cover.
- (7) Freestanding structures in addition to the single-family dwelling:
- a. One detached private garage; and
  - b. Other freestanding structures:
    1. Utility structure;
    2. Greenhouse;
    3. Hobby structure;
    4. Pet house;
    5. Playhouse;
    6. Gazebo;
    7. Cabana or dressing room; and
    8. Pool cover.
- (8) Churches or other places of worship and related schools.
- (9) Golf courses and country clubs.
- (10) Electric power lines and electric substations, including accessory uses customarily incidental thereto; provided that any such accessory use shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind. The height and area, construction, and other regulations provided by this section shall not apply to uses allowed by this subsection.
- (11) Model homes, provided that a builder may have no more than one model home in a subdivision. A model home must have a temporary certificate of occupancy and may be open for business only between the hours of 6:00 a.m. and 9:00 p.m. Use of a structure as a model home shall terminate on the first of the following events to occur: (i) the expiration of 30 days after building permits have been issued for 90 percent of the lots in the subdivision; or (ii) the expiration of 30 days after building permits have been issued for all lots owned by the builder in the subdivision; or (iii) the expiration of 180 days after issuance of the latest building permit to the builder for a lot in the subdivision.
- (b) *Height and area regulations.* The height of buildings, the minimum area of buildings, the minimum lot size and the minimum dimensions of yards in district A shall be as follows:
- (1) *Height.*
    - a. Single-family residences shall not exceed 2½ stories in height, except for Blocks 26, 38, 41, 42 and 47, which shall not exceed 1½ stories.
      1. When a new single-family residence in district A conforms with the limitation on number of stories

above, but exceeds 35 feet in height, one foot of additional side setback and one foot of additional rear setback from the minimum required shall be provided for each one foot of additional building height above 35 feet.

2. Add-on construction to an existing single-family residence shall not result in building height greater than 35 feet unless:
  - i. The existing residence was constructed farther from the side and rear property lines than the minimum required setbacks, to where the additional setback is sufficient to enable the improved residence to satisfy the requirement of this subsection for additional side and rear setback to offset additional height above 35 feet; or
  - ii. The proposed construction work on the existing residence will change the location of the side and/or rear exterior walls to where the improved residence will satisfy the requirement of this subsection for additional side and rear setback to offset additional height above 35 feet.
- b. Detached private garages and freestanding structures other than those freestanding structures listed in subsection (b)(1)c of this section, shall not exceed in height the roof peak of the residence.
- c. The height of all freestanding structures except residential structures and freestanding garages shall conform to table 14-1 of this article.
- d. Nonresidential structures shall not exceed 35 feet in height.

TABLE 14-1

|    |                         | Height (feet) | Maximum Size (square feet) |
|----|-------------------------|---------------|----------------------------|
| 1. | Utility structure       | 8             | 100                        |
| 2. | Greenhouse              | 12            | 200                        |
| 3. | Pet house               | <u>4</u>      | 50                         |
| 4. | Hobby structure         | 12            | 200                        |
| 5. | Playhouse               | 12            | 200                        |
| 6. | Gazebo                  | 15            | 500                        |
| 7. | Cabana or dressing room | 12            | 200                        |
| 8. | Pool cover              | 15            | not applicable             |

(2) *Building area.*

- a. Single-family dwellings shall have a building area of at least 1,750 square feet for single-floor residences, or 1,200 square feet on the ground floor for multistory residences.
- b. Detached private garages shall not exceed four-car capacity or 1,000 square feet of ground floor area.
- c. On residential lots the total ground floor area of all freestanding structures within a required rear yard shall not exceed 25 percent of the area of the rear yard.
  1. This limitation on rear yard coverage shall increase to 40 percent of the area of the rear yard in cases where a detached private garage that is partially or entirely situated within the rear yard area does not exceed one story or 20 feet in height, whichever is less.
- d. Nonresidential buildings shall contain not less than 1,000 square feet of ground floor area, except for churches or other places of worship which shall contain not less than 4,000 square feet of ground

floor area.

- e. The maximum size of all freestanding structures except residential structures and freestanding garages shall conform to the standards contained in table 14-1.

(3) *Location on lot.*

- a. The setbacks established in section 14-88(b) may be modified as follows: Except as provided by subsections b, c and d hereof, detached private garages and other freestanding structures shall not be located on any lot closer than 70 feet to the front lot line, three feet to a side lot line, ten feet to a rear lot line, ten feet to a side street line or ten feet to the single-family dwelling. Detached private garages and other freestanding structures exceeding one story in height shall not have second story openings facing the nearest side or rear lot line, except as may be required to comply with standards for emergency access and egress.
- b. The setbacks established in section 14-88(b) may be modified as follows: A nonresidential building shall not be located closer than 25 feet to the front lot line, 25 feet to a side lot line, or 25 feet to a rear lot line.
- c. A carport shall not be located closer than three feet to a side lot line, ten feet to a rear lot line or ten feet to a side street line; provided that a carport which loads from a side street shall not be located closer than 20 feet to the side street line.
- d. An attached or detached private garage which loads from a side street shall not be located closer than 20 feet to the side street line.
- e. An attached private garage oriented for front loading shall be set back at least 25 feet from the front building line. If the single-family dwelling is set back farther on the lot than the minimum required front setback, then the attached private garage shall be set back at least 25 feet from the point on the front façade of the dwelling that is closest to the front building line. In no case may the vehicular access doors of an attached private garage be located closer to the front building line than any other point on the front façade of the dwelling, unless the dwelling is on an interior lot within a block and the attached private garage is oriented for side loading.

(4) *Lot size.* No lot in this district shall have less than 10,000 square feet of total area, and no lot shall be less than 70 feet wide at the front building line; provided, however, that no church or other place of worship shall be constructed on a lot having less than five acres of total area.

- a. No lot in this district for a single-family detached dwelling shall have a total area that exceeds by more than 20 percent the total area of any other lot for a single-family detached dwelling on the same blockface.
- b. No lot in this district for a single-family detached dwelling shall have a width that exceeds by more than 20 percent the width of any other lot for a single-family detached dwelling on the same blockface.

(5) *Open areas.*

- a. Residential lots shall have a minimum of 50 percent of the required front yard and required side yards adjacent to a side street devoted to landscaping.
- b. Nonresidential lots shall have a minimum of ten percent of the total lot area devoted to landscaping.

All open unpaved or uncovered space shall be devoted to landscaping.

- (c) *Construction.* The exterior walls on all residences in district A shall be a least 75 percent masonry construction to the top elevation line of the building sides of the first floor. Slab on grade home elevations must install masonry skirts to cover the sub-slab void or crawlspace, below exterior walls. The style and quality of all carports, detached private garages and freestanding structures constructed after a certificate of occupancy shall conform to the original structure; provided, however, that only utility structures may have metal facades.
- (1) Masonry construction may include brick, stucco, or stone material. Stucco must be integrally colored or otherwise finished with a coating.
  - (2) Use of CMU for exterior wall veneers is prohibited in this district, except that split-face concrete blocks, integrally colored or otherwise finished with a coating, may be utilized for the construction of veneer skirts for slab on grade home elevations. EIFS is prohibited.
- (d) *Other regulations; fences and hedges.*
- (1) No fence in district A shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.
  - (2) Fences in district A may not be erected and hedges may not be planted directly on a property line without the express agreement of the property owners on both sides of the property line.
  - (3) Fences in district A shall not exceed eight feet in height, and shall be of a permanent type, such as chainlink, redwood, cedar, wrought iron, brick or other approved material of equal quality.
  - (4) Refuse containers or similar equipment on nonresidential lots in district A shall be screened from public view, and from adjacent buildings or property, whether public or private. Such screening shall be permanent and opaque and of wood, metal or masonry material and shall be at least as high as the screened object, but in no event shall be less than six feet in height.

(Ord. No. 95-04, § 1(303.1), 2-20-95; Ord. No. 98-15, §§ 1, 2, 6-15-98; Ord. No. 99-31, §§ 6, 7, 11-15-99; Ord. No. 01-02, § 1, 1-15-01; Ord. No. 03-04, § 1, 1-20-03; Ord. No. 03-28, § 1, 7-21-03; Ord. No. 2013-46, § 3(Exh. A), 12-16-13; Ord. No. 2017-54, § 2, 12-18-17; Ord. No. 2017-58, § 2, 12-18-17; Ord. No. 2019-26, § 2, 6-17-19; Ord. No. 2019-28, § 2, 5-17-19)

Sec. 14-102. - Regulations for district B (townhouse/patio home district).

- (a) *Use regulations.* No building or land in district B shall be used, and no building shall be erected, moved or altered except for one or more of the following uses:
- (1) All uses permitted in district A; and
  - (2) Townhouses and patio homes.
- (b) *Height and area regulations.* The height of buildings, the minimum area of buildings, the minimum lot size and the minimum dimensions of yards upon any lot or parcel of land in district B shall be as follows:
- (1) For uses permitted in district A, the height and area regulations provided by subsection 14-101(b) for district A shall apply.
  - (2) For townhouses and patio homes, the height and area regulations provided by subsection 14-103(b).
- (c) *Construction.* For uses permitted in district A, the construction regulations provided by subsection 14-101(c)

for district A shall apply in district B. For townhouses and patio homes, the construction regulations provided by subsection 14-103(c) shall apply in district B.

- (d) *Other regulations.* For uses permitted in district A, the other regulations provided by section 14-101(d) for district A shall apply in district B. Fences and walls shall not exceed eight feet in height and shall be of a permanent type, such as chainlink, redwood, cedar, wrought iron, brick or approved material of equal quality; provided, however, that along the boundary between district B, the eastern business district and the White Oak Bayou Wastewater Treatment Plant Site, fences and walls shall not exceed 12 feet in height and shall be of redwood, cedar, wrought iron, brick or approved material of equal quality with metal posts set in 18-inch diameter concrete at least one-third the fence height in depth. Construction shall be in accordance with the building code with a foundation designed by an engineer registered in the state.

(Ord. No. 95-04, § 1(303.2), 2-20-95; Ord. No. 97-04, §§ 8, 9, 4-21-97; Ord. No. 99-31, § 8, 11-15-99)

Sec. 14-103. - Regulations for district C—Townhouse/patio home district.

- (a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered except for one or more of the following uses.
- (1) Townhouses.
  - (2) Patio (garden) homes.
  - (3) Accessory uses customarily incident to the above uses, provided that such use be not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind.
  - (4) Home occupations as permitted in district A.
  - (5) Model homes as permitted in district A.
- (b) *Height and area regulations.*
- (1) *Height.* For townhouses and patio homes the height of buildings shall not exceed two stories and 30 feet. For other uses building shall not exceed 25 feet in height.
  - (2) *Building area.* For townhouses and patio homes the building area shall be not less than 1,400 square feet.
  - (3) *Location on lot.* For townhouse lots, the setbacks established in section 14-88(b) are modified as follows: Buildings that do not abut a building on an adjacent lot with a common firewall between them shall not be closer than five feet to a side lot line on that side. Abutting buildings shall have a common firewall that complies with current city building codes. A series of abutting buildings shall not have a combined width of greater than 300 feet. Each group of abutting buildings shall be separated on the side by an open space of not less than ten feet to the next side lot line. For patio lots the setbacks established in section 14-88(b) are modified as follows: One side of the living unit may be placed on the property as provided in section 14-108(c). Side street setbacks for townhouses or garden homes shall be a minimum of ten feet.
    - a. For townhouses: The minimum lot size shall be 2,000 square feet, with a maximum density not to exceed ten dwelling units per acre.
    - b. The setbacks established in section 14-88(b) may be modified as follows: A nonresidential building shall not be located closer than 25 feet to the front lot line, 25 feet to a side lot line, or 25 feet to the

rear lot line. A residential building may not be located closer than 16 feet to the rear lot line.

(c) *Construction.*

- (1) Exterior walls shall have at least 75 percent masonry construction to the top elevation line of the building sides of the first floor.
  - a. Masonry construction may include brick, stucco, or stone material.
  - b. Use of CMU for exterior wall veneers prohibited in this district. EIFS is prohibited.
- (2) Townhouses:
  - a. At least one wall of the living unit must be wholly coincident with the zero line.
  - b. Walls coincident with zero property lines must be masonry without openings. If an open court is placed on the zero property line, a minimum of six feet high masonry wall shall enclose the side of the court coincident with the zero property line.
  - c. No roof water may be drained to the zero property line side.
  - d. No water, electrical panels, plumbing elements, fireplace cleanouts, etc. may be placed on the zero property line wall.
  - e. Where a roof overhang over an adjacent lot is proposed a ten-foot access easement for maintenance shall be provided on said adjacent lot.
- (3) Garden/patio homes:
  - a. The wall that is coincident with or less than five feet to a property line must be masonry without openings.
  - b. No roof water may be drained on to the adjacent lot or lots.
  - c. No water, electrical panels, plumbing elements, fireplace cleanouts, etc. may be placed on a wall coincident with or less than five feet to a property line.
  - d. The minimum building separation between the sides of adjacent dwellings shall be ten feet.
  - e. Where a roof overhang over an adjacent lot is proposed a five-foot access easement for maintenance shall be provided on said adjacent lot.
  - f. See also subsection 14-135(b), lot line developments, for subdivision platting standards.

(d) *Other regulations; fences and hedges.*

- (1) No fence in district C shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.
- (2) Fences in district C may not be erected and hedges may not be planted directly on a property line without the express agreement of the property owners on both sides of the property line.
- (3) Fences in district C shall not exceed eight feet in height, and shall be of a permanent type, such as chainlink, redwood, cedar, wrought iron, brick or other approved material of equal quality.

(Ord. No. 99-31, § 9, 11-15-99; Ord. No. 00-28, § 1, 8-21-00; Ord. No. 02-09, § 3, 4-15-02; Ord. No. 03-04, § 2, 1-20-03; Ord. No. 2017-56, § 2, 12-18-17; Ord. No. 2017-59, § 2, 12-18-17)

- (a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered except for one or more of the following uses.
- (1) Single-family townhouse style dwelling units in a unified development. No "flats" or apartment style building shall be constructed in the district.
  - (2) Accessory uses customarily incident to the above use, provided that such use be not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind.
  - (3) Home occupations as permitted in district A.
- (b) *Height and area regulations.*
- (1) Height. The height of primary residential dwellings shall not exceed 2½ stories and [or] 35 feet. For other uses buildings shall not exceed 25 feet in height.
  - (2) Building area. The living area shall be not less than 1,400 square feet per dwelling unit.
  - (3) Location on lot. The setbacks established in subsection 14-88(b) are modified as follows: Buildings shall be separated on the side by an open space of not less than ten feet, building face to building face.
  - (4) Density shall not exceed 14 dwelling units per acre.
- (c) *Construction.*
- (1) Exterior walls of the entire structure shall have at least 75 percent masonry construction to the top elevation line of the building sides of the first floor.
    - a. Masonry construction may include brick, stucco, or stone material.
    - b. Use of CMU for exterior wall veneers prohibited in this district. EIFS is prohibited.
  - (2) Abutting buildings or dwelling units shall have common firewalls, or fire-rated walls that comply with city building codes.
- (d) *Additional platting requirements.* The plat for a development in district C-2 shall indicate all structures and their relationship to each other and to adjacent uses and improvements. Common elements such as land and recreational facilities shall be an essential and major element of the plat. In addition to the plat standards contained in article III of this Code, the plat shall show the following additional information:
- (1) The legal description of the land, showing the land involved and the location of each building (existing or proposed), lot, or building site denoted by letter or number, i.e. A, B; 1, 2, etc.
  - (2) The general description and the number of each lot or unit in the development intended for individual ownership expressing its square footage, location and/or any other data necessary for its identification.
  - (3) The general description of any other area to be subject to individual ownership and exclusive control, appropriately lettered or numbered.
  - (4) The description of the general common elements.
  - (5) The description of the limited common elements.
  - (6) The fractional or percentage interest which each unit bears to the entire development.
  - (7) Any further provisions, matters or covenants necessary.
- (e) *Property owners association.* The developer shall establish an appropriate ownership association for the

development. Only one association shall be established for the entire development. The instrument shall be submitted to the city for review prior to submittal of the final plat. In establishing such an association regime, a master deed, lease or declaration declaring such intention and setting forth the organization of such regime shall be filed at the office of the county clerk. The property owners declaration shall address the following items:

- (1) Define what is owned and by whom, including specific location and parameters of the individual unit and the ownership interest of the owners or the association in the common elements.
  - (2) Establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common.
  - (3) Establish an array of protective standards or restrictions designed to place limits and to ensure that a certain level of appearance is maintained.
  - (4) Create an administrative vehicle to manage those elements shared in common and to enforce standards.
  - (5) Provide for the operation and financing of the association.
- (f) *Open space.* The total of all open space in any unified development shall be at least 30 percent of gross acreage; provided, however, that the developer may provide less than 30 percent open space upon obtaining approval from the city by demonstrating that the character of the amenities incorporated in the development warrant such decrease. In no case shall the open space requirement be reduced to less than ten percent of the total land area of the development. In granting a decrease in open space, the city shall consider such factors as the quality of the open space provided and the provision of facilities such as tennis courts, swimming pools, playground equipment and other recreational facilities. Open space shall include all areas not covered by structures, streets or parking. The open space must be restricted for the exclusive use of owners within the development and owned, managed, and maintained under the property owners' association.
- (g) *Other regulations; fences and hedges.*
- (1) No fence in district C-2 shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.
  - (2) Fences in district C-2 may not be erected and hedges may not be planted directly on a property line without the express agreement of the property owners on both sides of the property line.
  - (3) Fences in district C-2 shall not exceed eight feet in height, and shall be of a permanent type, such as chainlink, redwood, cedar, wrought iron, brick or other approved material of equal quality.

(Ord. No. 02-18, § 3, 7-15-02; Ord. No. 04-15, § 1, 8-16-04; Ord. No. 2017-57, § 2, 12-18-17; Ord. No. 2017-60, § 2, 12-18-17)

Sec. 14-104. - Regulations for district M (multifamily dwelling district).

- (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) Assessorly 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.

(b) *Height and area regulations.* The height of buildings, the area of buildings, and land area shall be as follows:

(1) *Height.* No building shall exceed 50 feet or three stories in height.

(2) *Building area.*

a. Multi-family buildings shall contain not less than 2,000 square feet nor more than 21,000 square feet of ground floor area.

b. Assessory buildings shall contain not less than 100 square feet nor more than 15,000 square feet of ground floor area. Assessory structures shall be constructed of permanent material. Portable buildings of a temporary nature are prohibited.

(3) *Location on lot.* Setbacks shall be as established in subsection 14-88(b).

(4) *Lot size.* No lot in this district shall have less than 4.5 acres of total area.

(5) *Density.* The density of multi-family dwelling units shall not exceed 12 units per acre for the entire district.

(6) *Open area.*

a. A minimum of 20 percent of total area within the property lines shall be devoted to landscaping. All open unpaved space including, but not limited to, front, side and rear building setback areas shall be planted and landscaped.

b. Building fronts. An average of at least ten feet and a minimum of five feet shall be a green area and walkway between the building and parking areas.

(c) *Construction.* The exterior walls on all primary buildings in district M shall be a least 40 percent masonry construction to the top elevation line of the building sides of the first floor. The style and quality of all accessory structures shall conform to the standards of the primary structure(s).

(1) Masonry construction may include brick, stucco, or stone material.

(2) Use of CMU for exterior wall veneers prohibited in this district. EIFS is prohibited.

(d) *Other regulations.*

(1) *Parking requirements.* See Table 14-11 (section 14-283) off-street parking standards. All parking shall be ground level.

(2) *Screening.* Refuse containers or like equipment outside of an enclosed space shall be screened from public view, either from adjacent buildings or adjacent property, both private and public. Such screens shall be permanent and opaque and of wood, metal or masonry material and shall be at least as high as the screened object, and in no case shall be less than six feet in height.

(3) *District size.* Any multi-family dwelling district shall contain not less than 100 acres of land.

(4) *Fences.* Perimeter fences shall be a minimum of eight feet in height, and shall be permanent and must be one of the following types: redwood, cedar, wrought iron, brick or masonry.

(Ord. No. 95-04, § 1(303.4), 2-20-95; Ord. No. 99-05, § 6, 2-15-99; Ord. No. 2014-33, § 1, 10-20-14; Ord. No. 2017-61, § 2, 12-18-17)

- E. Recess the meeting to reconvene in the Council Chamber to Join the City Council in conducting a Joint Public Hearing at 7:00 P.M. *Rick Faircloth, Planning and Zoning Commission Chairman*

**PLANNING AND ZONING COMMISSION  
CITY OF JERSEY VILLAGE, TEXAS  
AGENDA REQUEST**

**AGENDA DATE:** August 15, 2022

**AGENDA ITEM:** F

**AGENDA SUBJECT:** Conduct a Joint Public Hearing with the City of Jersey Village City Council for the purpose of receiving oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

**Department/Prepared By:** Lorri Coody, City Secretary **Date Submitted:** July 19, 2022

**EXHIBITS:** EX A – Public Hearing Notice  
EX B – P&Z Preliminary Report  
EX C – PH Script  
EX D – Clerk’s Certificate of Mailing  
EX E – Applicant’s Certificate of Posting

**BACKGROUND INFORMATION:**

The Planning and Zoning Commission met on July 11, 2022, and recommended that City Council grant the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

The preliminary report was submitted to the Council at its July 18, 2022, meeting, and Joint Public Hearings were ordered for August 15, 2022.

A joint public hearing must be conducted by the City Council and the Planning and Zoning Commission in accordance with the requirements of the Code of Ordinances of the City of Jersey Village - Section 14-84.

The purpose of this hearing is to receive oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

**RECOMMENDED ACTION:**

Conduct a Joint Public Hearing with the City of Jersey Village City Council for the purpose of receiving oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

## NOTICE OF JOINT PUBLIC HEARING

NOTICE is hereby given that the City of Jersey Village City Council and the Planning and Zoning Commission of the City of Jersey Village, Texas will conduct a joint public hearing at 7:00 p.m., Monday, August 15, 2022, at the Civic Center Auditorium, 16327 Lakeview, Jersey Village, Texas, for the purpose of receiving oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

A copy of the Planning and Zoning Commission's Preliminary Report concerning the proposed ordinance changes, which are the subject of this public hearing, may be examined online at [https://www.jerseyvillagetx.com/page/pz.ags\\_mins\\_current\\_year](https://www.jerseyvillagetx.com/page/pz.ags_mins_current_year).

The City of Jersey Village public facilities are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact ADA Coordinator at (713) 466-2102 or FAX (713) 466-2177 for further information.

Lorri Coody, City Secretary  
City of Jersey Village





**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION  
PRELIMINARY REPORT  
TO ALLOW THE OPERATION OF A CHILD DAY-CARE AS A  
SPECIFIC USE IN ZONING DISTRICT F**

The Planning and Zoning Commission has met in order to review the application of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

After review and discussion, the Commissioners preliminarily proposed that Miramont Interests, LC be allowed to operate, as a specific use, a child day-care on the 1.43acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

This preliminary proposal is more specifically detailed in the proposed ordinance attached as Exhibit “A.”

The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

Respectfully submitted, this 11<sup>th</sup> day of July 2022.

s/Rick Faircloth, Chairman

**ATTEST:**

s/Lorri Coody, City Secretary



# Exhibit A

## Proposed Ordinance

**ORDINANCE NO. 2022-xx**

**AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS (THE “CITY”), AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, BY GRANTING MIRAMONT INTERESTS, LC, A SPECIFIC USE PERMIT (THE “SPECIFIC USE PERMIT”) TO ALLOW THE OPERATION OF A CHILD DAY-CARE ON THE 1.43-ACRE TRACT OF LAND LOCATED AT 8630 JONES ROAD, JERSEY VILLAGE, TX 77065 WITHIN THE CITY LIMITS IN ZONING DISTRICT F; PROVIDING REQUIREMENTS AND CONDITIONS FOR THE SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THIS ORDINANCE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR VIOLATIONS HEREOF; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Olive Tree Development Houston, LLC (the “Owner”) owns a 1.43- acre tract of land (the “Property”) situated within the corporate limits of the City of Jersey Village, Texas (“the City”), with the Property being more particularly described as a 1.43-acre tract of land that is Part of Lot 2, Block 1 of the Gulf Coast Jersey Village R/P, and with a street address of 8630 Jones Road, Jersey Village, Texas, 77065; and

**WHEREAS,** Amer Boukai has signature authority for Olive Tree Development Houston, LLC and has appointed Reese Brown as Agent; and

**WHEREAS,** Reese Brown has signature authority for Miramont Interests, LC who is interested in purchasing the 1.43-acre tract of land from Olive Tree Development Houston, LLC to operate a child day-care; and

**WHEREAS,** the Property presently has a zoning classification of District F pursuant to the comprehensive zoning ordinance of the City; and

**WHEREAS,** Reese Brown, on behalf of Miramont Interests, LC, has made an application to the City for a Specific Use Permit for the purpose of operating a child day-care at the Property as authorized by the City’s comprehensive zoning ordinance (the “Specific Use Permit”); and

**WHEREAS,** the Planning and Zoning Commission (the “Commission”) and the City Council (the “Council”) of the City have, in the time and manner and after the notice required by law, conducted a public hearing on such request for the Specific Use Permit; and

**WHEREAS,** the Council has received the final written recommendation of the Commission; and

**WHEREAS,** the Council wishes to approve such request and, **NOW THEREFORE;**

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

**SECTION 1. THAT** the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all intents and purposes.

**SECTION 2. THAT** the Specific Use Permit for use of the Property as child day-care, subject to the terms and conditions set forth below, is hereby granted to the Owner and shall include any successor in interest of the Property.

**SECTION 3. THAT** the Official Zoning District Map of the City shall be revised and amended to show the Specific Use authorized hereby for the Property as provided herein, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the Specific Use authorized.

**SECTION 4. THAT** the Specific Use Permit granted hereby shall be null and void after the expiration of two (2) years from the date of adoption of this Ordinance unless the Property is being used in accordance with the Specific Use Permit herein granted or unless an extension of time is approved by City Council.

**SECTION 5. THAT** the Specific Use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

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**SECTION 6. THAT** any person who shall 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 two thousand dollars (\$2,000). Each day of violation shall constitute a separate offense.

**SECTION 7. THAT** 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 Council 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.

**SECTION 8. THAT** this Ordinance, and the Specific Use Permit granted hereby, shall become effective upon Jersey Village Lifestyle, Ltd. furnishing to the City a copy of an owner’s policy of title insurance showing title in the Property in Jersey Village Lifestyle, Ltd.’s name.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

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



\_\_\_\_\_  
**BOBBY WARREN, MAYOR**

**MAYOR OR MAYOR PRO tem**

**Script for Joint Public Hearing on August 15, 2022**

**Announce the Item on the Council Agenda - then:**

**ACKNOWLEDGE P&Z CHAIRMAN / VICE CHAIRMAN  
CONFIRM QUORUM OF P&Z**

**CONFIRM THAT ALL POSTING REQUIREMENTS HAVE BEEN  
MET then say:**

I now call to order this joint public hearing with the Planning and Zoning Commission at \_\_\_\_ p.m. Everyone desiring to speak should complete a public hearing comment card and present the card to the City Secretary. Each speaker will be given 5 minutes to present information concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

**(Call the first person signing up to speak).**

**(After everyone has spoken . . . or if no one desires to speak, finish the meeting with the following)**

There being no one (else) desiring to speak, I now close this joint public hearing on the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

**CITY OF JERSEY VILLAGE  
 CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS  
 CITY COUNCIL & PLANNING AND ZONING COMMISSION  
 JOINT PUBLIC HEARING - AUGUST 15, 2022, at 7:00 P.M.**

Reason for Public Hearing:

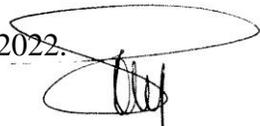
To receive written and oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

| Owner                             | Address                          | City State ZIP                |
|-----------------------------------|----------------------------------|-------------------------------|
| GWR Trails CC Owner LLC           | 2000 West Loop South, Suite 1050 | Houston, TX 77027             |
| Jersey Village Realty LLC         | P.O. Box 487                     | Chester, NJ 07930-0487        |
| E Seattle Plaza LLC               | 9818 Sandtown Circle             | Houston, TX 77064-2635        |
| Jones Road Ishine4 LLC            | 4901 Pine Street                 | Bellaire, TX 77401-5330       |
| Festival Properties Inc.          | 1215 Gessner Road                | Houston, TX 77055-6013        |
| Current Owner                     | 2 Pinehurst Court                | Houston, TX 77064-4064        |
| Stephen & Laurie Reid             | 52 Cherry Hills Drive            | Jersey Village, TX 77064-4072 |
| Karthik Ramakumar                 | 50 Cherry Hills Drive            | Jersey Village, TX 77064-4072 |
| Thangongsack D Nhoisaykham        | 48 Cherry Hills Drive            | Jersey Village, TX 77064-4072 |
| Minh X & Phuong T Quach           | 46Cherry Hills Drive             | Jersey Village, TX 77064-4072 |
| Jee/Lee Family Living Trust       | 44 Cherry Hills Drive            | Jersey Village, TX 77064-4072 |
| Hosein Atharifar                  | 42 Cherry Hills Drive            | Jersey Village, TX 77064-4072 |
| Cindy Bich Nguyen                 | 1217 Victor Street               | Houston, TX 77019-5531        |
| Philip J & Angella Evans          | 38 Cherry Hills Drive            | Jersey Village, TX 77064-4072 |
| Nguyen Hoang Lien Huu Wilson Co   | 36 Cherry Hills Drive            | Jersey Village, TX 77064-4072 |
| Justine H Nguyen Burton Ngo       | 34 Cherry Hills Drive            | Jersey Village, TX 77064-4072 |
| Mary Lou Kiser                    | 32 Cherry Hills Drive            | Jersey Village, TX 77064-4072 |
| Dilip M Amin                      | 33 Cherry Hills Drive            | Jersey Village, TX 77064-4055 |
| Khaled & Brandy Talge             | 41 Cherry Hills Drive            | Jersey Village, TX 77064-4055 |
| Mariana Lanzilli Antonio Palmieri | 45 Cherry Hills Drive            | Jersey Village, TX 77064-4055 |
| Julian & Pearlle Kubeczka         | 15914 Capri Drive                | Jersey Village, TX 77040-1203 |
| Min Song                          | 49 Cherry Hills Drive            | Jersey Village, TX 77064-4055 |
| Ashur & Linda Toma                | 51 Cherry Hills Drive            | Jersey Village, TX 77064-4055 |
| Lorena & Kevin Sullivan           | 4 Pinehurst Court                | Jersey Village, TX 77064-4064 |

I, Loiri Coody, the duly appointed and acting City Secretary of the City of Jersey Village, Harris County, Texas, do hereby certify and attest that as part of my duties, I post official notices for the City of Jersey Village.

As such, on July 20, 2022, and in accordance with the Jersey Village Code of Ordinances Part II, Ch. 14, Art. X, Section 14-10 (b)(2)(a) written notices were mailed to adjacent property owners at least eleven (11) days prior to date of the Public Hearing. The property owners were mailed a written notice to the address listed in the following table:

Witness my hand and seal of the City this 20<sup>th</sup> day of July 2022.

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



PLANNING AND ZONING COMMISSION MEETING PACKET FOR THE MEETING TO BE HELD ON AUGUST 15, 2022

**CITY OF JERSEY VILLAGE  
APPLICANT CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS  
CITY COUNCIL & PLANNING AND ZONING COMMISSION  
JOINT PUBLIC HEARING  
August 15, 2022 at 7:00 P.M.**

Reason for Public Hearing:

To receive written and oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

I, Reese Brown, applicant and/or property owner, do hereby certify that:

On August 1, 2022, at least ten days prior to the date of the hearing, placed on the property at **8630 Jones Road, Jersey Village, Texas** which is the subject of this hearing, signs indicating the type of relief sought or the proposed change in status of the property as well as the date, time and place of the hearing. The signs were placed at not more than 300-foot intervals across the property line fronting on the existing streets and were clearly visible from the streets. Each sign was located no more than ten feet from the property line and was no smaller than 18 inches by 24 inches,

All in accordance with Section 14-10(b)(2)(b) of the Jersey Village Code of Ordinances.

Signed this the 2<sup>nd</sup> day of August, 2022.

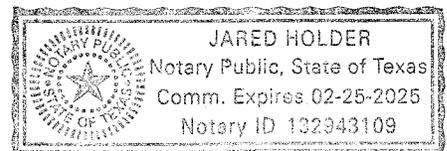
  
\_\_\_\_\_  
Applicant

THE STATE OF TEXAS §  
COUNTY OF ~~HARRIS~~ <sup>34</sup> §  
Montgomery

BEFORE ME, the undersigned authority, this day personally appeared Reese Brown, a person known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

GIVEN UNDER my hand and seal of office this 2 day of August, 2022.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



PLANNING AND ZONING COMMISSION MEETING PACKET FOR THE MEETING TO BE HELD ON AUGUST 15, 2022

**PLANNING AND ZONING COMMISSION  
CITY OF JERSEY VILLAGE, TEXAS  
AGENDA REQUEST**

**AGENDA DATE:** August 15, 2022

**AGENDA ITEM:** G

**AGENDA SUBJECT:** Discuss and take appropriate action regarding the preparation and presentation of the Final Report to City Council concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

**Dept./Prepared By:** Lorri Coody, City Secretary **Date Submitted:** July 25, 2022

**EXHIBITS:** Final Report – SUP Child Day-Care – Draft  
EX A – Proposed Ordinance – SUP Child Day-Care - Draft

**BACKGROUND INFORMATION:**

A Joint public hearing will be conducted at the August 15, 2022 City Council and P&Z Meetings for the purpose of receiving oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

Once the joint public hearing is conducted, consideration must be given to: (1) the directives of Council; (2) the discussions had concerning these issues at prior P&Z meetings; and (3) the comments made by the public during the public hearing.

After due consideration, prepare and vote on your Final Report concerning this amendment.

*A draft final report of the expected findings of the Commission is included for review.*

**RECOMMENDED ACTION:**

Discuss and take appropriate action regarding the preparation and presentation of the Final Report to City Council concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION  
FINAL REPORT  
DISTRICT F – SUP CHILD DAY-CARE**

The Planning and Zoning Commission has met on July 11, 2022, and in its preliminary report recommended that City Council grant the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

The preliminary report was submitted to the Jersey Village City Council at its July 18, 2022, meeting. The report was received, and the City Council ordered a Joint Public Hearing for August 15, 2022.

On August 15, 2022, 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 August 15, 2022, recommends that City Council grant the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

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 15th day of August 2022.

\_\_\_\_\_  
Rick Faircloth, Chairman

**ATTEST:**

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

Exhibit A

Proposed Ordinance

DRAFT

**ORDINANCE NO. 2022-xx**

**AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS (THE “CITY”), AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, BY GRANTING MIRAMONT INTERESTS, LC, A SPECIFIC USE PERMIT (THE “SPECIFIC USE PERMIT”) TO ALLOW THE OPERATION OF A CHILD DAY-CARE ON THE 1.43-ACRE TRACT OF LAND LOCATED AT 8630 JONES ROAD, JERSEY VILLAGE, TX 77065 WITHIN THE CITY LIMITS IN ZONING DISTRICT F; PROVIDING REQUIREMENTS AND CONDITIONS FOR THE SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THIS ORDINANCE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR VIOLATIONS HEREOF; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Olive Tree Development Houston, LLC (the “Owner”) owns a 1.43 acre tract of land (the “Property”) situated within the corporate limits of the City of Jersey Village, Texas (“the City”), with the Property being more particularly described as a 1.43-acre tract of land that is Part of Lot 2, Block 1 of the Gulf Coast Jersey Village R/P, and with a street address of 8630 Jones Road, Jersey Village, Texas, 77065; and

**WHEREAS,** Amer Boukai has signature authority for the Owner and has appointed Reese Brown as Agent; and

**WHEREAS,** Reese Brown has signature authority for Miramont Interests, LC who is interested in purchasing the Property from the Owner to operate a child day-care; and

**WHEREAS,** the Property presently has a zoning classification of District F pursuant to the comprehensive zoning ordinance of the City; and

**WHEREAS,** Reese Brown, on behalf of Miramont Interests, LC, has made an application to the City for a Specific Use Permit for the purpose of operating a child day-care at the Property as authorized by the City’s comprehensive zoning ordinance (the “Specific Use Permit”); and

**WHEREAS,** the Planning and Zoning Commission (the “Commission”) and the City Council (the “Council”) of the City have, in the time and manner and after the notice required by law, conducted a public hearing on such request for the Specific Use Permit; and

**WHEREAS,** the Council has received the final written recommendation of the Commission; and

**WHEREAS,** the Council wishes to approve such request and, **NOW THEREFORE;**

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

**SECTION 1. THAT** the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all intents and purposes.

**SECTION 2. THAT** the Specific Use Permit for use of the Property as child day-care, subject to the terms and conditions set forth below, is hereby granted to the Owner and shall include any successor in interest of the Property.

**SECTION 3. THAT** the Official Zoning District Map of the City shall be revised and amended to show the Specific Use authorized hereby for the Property as provided herein, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the Specific Use authorized.

**SECTION 4. THAT** the Specific Use Permit granted hereby shall be null and void after the expiration of two (2) years from the date of adoption of this Ordinance unless the Property is being used in accordance with the Specific Use Permit herein granted or unless an extension of time is approved by City Council.

**SECTION 5. THAT** the Specific Use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION 6. THAT** any person who shall 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 two thousand dollars (\$2,000). Each day of violation shall constitute a separate offense.

**SECTION 7. THAT** 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 Council 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.

**SECTION 8. THAT** this Ordinance, and the Specific Use Permit granted hereby, shall become effective upon Reese Brown, or designee, furnishing to the City either proof of ownership in the Property by the Owner ,or authority of the Owner to act under the Specific Use Permit.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**FOR THE CITY:**

**ATTEST:**

\_\_\_\_\_  
**BOBBY WARREN, MAYOR**

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

