

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

September 7, 2022 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION MET ON SEPTEMBER 7, 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 6:02 p.m. and the roll of appointed officers was taken.

Commissioners present were:

Rick Faircloth, Chairman

Charles A. Butler, III, Commissioner

Eric Henao, Commissioner

Ty Camp, Commissioner

Debra Mergel, Commissioner

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

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

Commissioners Courtney Standlee and Ashley Brown were not present at this meeting.

Evan Duvall, Building Official Representative, was not present when the meeting was called to order, but joined the meeting in progress at 6:14 p.m.

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.

Ernest K. Hewett, 15917 Lakeview Drive, Jersey Village, Texas 713-252-3957 – Mr. Hewett spoke to the Commission about his concern over short term rentals in Jersey Village such as Airbnb rentals. He stated that he knows of two homes currently being rented in Jersey Village for these purposes. He gave the reasons for his concerns such as large parties, extra traffic, and noise. He gave information on other cities in the area who have banned these types of rentals. He wanted to know if these type rentals are regulated in Jersey Village, and he wondered if these rentals are paying HOT taxes. He wanted to know if these rentals are being monitored and if so, who is monitoring them. He cited some laws from back in 1954 that state that no home in Jersey Village shall be used except for residential purposes. He would like the Commission to address his concern.

George Haubernreich, 15914 Lakeview Drive, Jersey Village, Texas 281-216-4435 – Mr. Haubernreich spoke to the Commission about short term rentals as well. He does not support these type rentals. He pointed out that other cities in the area are passing regulations to prevent these short term rental properties. He pointed out that our City Attorney can help in devising regulations for our City as he has learned that they have helped other cities. He feels that Jersey Village is a great community. It is a residential community not a vacation destination. He feels that it will be a serious mistake if our City ends up having too many of these type rentals.

Chairman Faircloth stated that he has had informal discussions with the City Attorney and the Building Official concerning short term rentals. He stated that he learned that the ordinances passed in other area city in the area only provide some protection. He went on to say that regulation of short term rentals does not necessarily fall into the residential ordinance category. City Manager Bless then explained

that any changes concerning short term rentals will need to be handled in Chapter 18 that deals with businesses. He went on to say that he is working with the City Attorney to bring such a change to Chapter 18 to the City Council for consideration, as Chapter 18 fall outside the prevue of the Planning and Zoning Commission.

Mr. Bless pointed out that the Commission could consider removing kitchenettes from residential changes being considered, as this perhaps could help curtail these type rentals.

Judy Bruner, 15310 Philippine, Jersey Village, Texas 713-443-9496 – Ms. Bruner also spoke to the Commission about short term rentals. She lives next door to one of these rentals. She stated that this home is often rented out and the renters have big parties. One night there were 30 cars on the street. She explained several problems that she has encountered as a result of this short-term rental. She is concerned about these type rentals coming into the City. She stated that she has visited with the Chief of Police about this issue and has filed a complaint concerning fire work activity. She is concerned about these rentals and would like the issue to be addressed by the City as soon as possible.

Evan Duvall, Building Official Representative joined the meeting in progress at 6:14 p.m.

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

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

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

Nays: None

The motion carried.

D. Discuss and take appropriate action concerning the repeal and replacement of Chapter 14 “Building and Development”, Article I “General”, Section 14-88 “Regulations that apply to all districts”, in order to allow for updates to residential development standards in accordance with the City’s Comprehensive Plan and, if appropriate, prepare for presentation to Council on September 12, 2022, a Preliminary Report with the Commission’s recommendations.

Building Representative Evan Duvall introduced the item. Background information is as follows:

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.”

To that end, this Commission, during its July 11 and August 15 meetings, has been reviewing Chapter 14, Section 14-88 for needed updates.

Today’s meeting is to review a proposed Ordinance that will repeal and replace Chapter 14 at Section 14-88 with the changes that have been discussed over the past two meetings.

Mr. Duvall explained that the proposed Ordinance addresses all the changes that have previously been discussed by the Commission.

The Commission then discussed the setback changes that were brought up in the public comments made during the previous meeting concerning a 25-foot setback requirement when some homes in the City are built with a 50-foot setback. There was concern for maintaining the character of the neighborhood in allowing new homes to be setback only 25 feet when most are set back 50 feet.

Mr. Duvall stated that he was aware of this issue and is working on language that will be added for consideration during the Commission's preparation of the final report as further research is needed before he can present the additional language.

With no further discussion on the matter, Commissioner Mergel moved to preliminarily recommend that City Council repeal and replace of Chapter 14 "Building and Development", Article I "General", Section 14-88 "Regulations that apply to all districts", in order to allow for updates to residential development standards in accordance with the City's Comprehensive Plan and, that the Commission prepare for presentation to Council on September 12, 2022, a Preliminary Report with the Commission's recommendations. Commissioner Camp seconded the motion. The vote follows:

Ayes: Committee Members Camp, Henao, Mergel and Butler
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 amendments to Chapter 14 "Building and Development", by amending Section 14-5 "Definitions" to include a definition for home occupation; by adding Section 14-100 "Residential Permitted Use Table" to Chapter 14 "Building and Development"; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 "Building and Development" to allow for updates to residential development standards; by removing Section 104-103.1 in its entirety; and, if appropriate, prepare for presentation to Council on September 12, 2022, a Preliminary Report with the Commission's recommendations.**

Building Representative Evan Duvall introduced the item. Background information is as follows:

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."

To that end, this Commission, during its July 11 and August 15 meetings, has been reviewing Chapter 14, Sections 14-101 through 14-104 for needed updates.

Today's meeting is to review a proposed Ordinance that will include the changes that have been discussed over the past two meetings. The proposed Ordinance adds a definition to Section 14-5 for

“home occupations”, adds a new Section 14-100 “Residential Permitted Use Table”; repeals and replaces Sections 14-101 “Regulations for District A”; 14-102 “Regulations for District B”; 14-103 “Regulations for District C”; and Section 14-104 “Regulations for District M”; and removes Section 14-103.1 “Regulations for District C-2 (townhouse district)” in its entirety.

Mr. Duvall explained that the proposed ordinance represents all of the changes that have been discussed by the Commission during previous meetings.

With limited discussion on the matter, Commissioner Butler moved to preliminary recommend that City Council amend Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14 “Building and Development”; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; by removing Section 104-103.1 in its entirety, and that the Commission prepare for presentation to Council on September 12, 2022, a Preliminary Report with the Commission’s recommendations. Commissioner Camp seconded the motion. The vote follows:

Ayes: Committee Members Camp, Henao, Mergel and Butler
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 B.

F. Discuss and take appropriate action concerning a review of the Planning and Zoning Commission’s subcommittee membership appointed to participate in meetings conducted by BBG and Staff to review existing development codes, and if necessary, address any needed changes.

City Secretary, Lorri Coody, introduced the item. Background information is as follows:

Back in February 2022, the Commission appointed a subcommittee to work with BBG consultants to review existing development codes in order to recommend updates that conform to the goals of the City’s 2016 Comprehensive Plan. The responsibilities of the subcommittee are as follows:

1. Advise and make recommendations to the Planning and Zoning Commission on City code changes needed to implement the goals outlined in the City’s Comprehensive Plan.
2. Attend code review meetings with Staff and BBG. Meetings maybe held in person or virtually, which ever method best accomplishes maximum attendance.
3. Any other duties requested by the Planning and Zoning Commission that are consistent with the purposes of forming the Subcommittee.

This item is to discuss the subcommittee’s membership and make any needed adjustments.

The Commission engaged in discussion about the subcommittee. Commissioner Camp, who currently serves on the subcommittee, reported that his term of office on the Commission expires September 30, 2022 and he has informed the Council that he does not desire reappointment. He

went on to explain that his work commitments are making it hard for him to serve on the Commission. Commissioner Butler, the other member of the subcommittee, stated that he too has had trouble attending the meetings because of travel and work.

Mr. Duvall explained that we still have to address changes for commercial regulations, sign regulations, and administration regulations.

Commissioners Debra Mergel and Eric Henao expressed desire to serve on the subcommittee.

With no further discussion on the matter, Commissioner Butler moved to appoint Commissioners Mergel and Henao to serve on the subcommittee to work with BBG consultants to review existing development codes in order to recommend updates that conform to the goals of the City's 2016 Comprehensive Plan. Commissioner Camp seconded the motion. The vote follows:

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

Nays: None

The motion carried.

G. Adjourn

There being no further business on the agenda the meeting was adjourned at 6:44 p.m.



Lorri Coody, City Secretary

EXHIBIT A

Planning and Zoning Commission Minutes

September 7, 2022

**Preliminary Report
Repeal and Replace Chapter 14, Section 14-88**



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT
REPEAL AND REPLACE CHAPTER 14, SECTION 14-88**

The Planning and Zoning Commission has met on July 11, August 15, and September 07, 2022, in order to review the Jersey Village Code of Ordinances as they relate to the repeal and replacement of Chapter 14 “Building and Development”, Article I “General”, Section 14-88 “Regulations that apply to all districts”, in order to allow for updates to residential development standards in accordance with the City’s Comprehensive Plan.

After review and discussion, the Commissioners preliminarily proposed that the Code of Ordinances of the City of Jersey Village, Texas, be amended by repealing and replacing Chapter 14 “Building and Development”, Article I “General”, Section 14-88 “Regulations that apply to all districts”, in order to allow for updates to residential development standards.

These preliminary changes to the City’s comprehensive zoning ordinance are 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 7th day of September 2022.

s/Rick Faircloth, Chairman



ATTEST:

s/Lorri Coody, City Secretary

Exhibit A

Proposed Ordinance

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”, BY REPEALING AND REPLACING SECTION 14-88 “REGULATIONS THAT APPLY TO ALL DISTRICTS”, TO ALLOW FOR UPDATES TO RESIDENTIAL DEVELOPMENT STANDARDS; 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 (the “Council”) of the City of Jersey Village, Texas (the “City”), determines it in the best interest of the health, safety, and welfare of the citizens of the City’s to amend the City’s Code of Ordinances related to Zoning Regulations (the “Code”); and

WHEREAS, the Planning & Zoning Commission (the “Commissions”) has issued its report and has recommended amendments to the Code to add and amend portions of Chapter 14 of the Code to allow for updated development standards related to residential development; and

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

WHEREAS, the Council now deems that such requested amendment to the Code is in accordance with the City’s Comprehensive Plan and is appropriate to grant; and, **NOW THEREFORE**,

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

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

SECTION 2. THAT That Section 14-88 of the Code of Ordinances, City of Jersey Village, Texas are hereby amended by repealing and replacing the existing language with language to read as follows:

Sec. 14-88. - Regulations that apply to all districts.

(a) *General regulations.*

(1) No use of private or public property, whether it be residential, business, commercial or industrial, shall be permitted if that use is so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by vibration, noise, view or the emission of odor, dust, smoke, or pollution of any other kind.

(2) No use of public street right-of-way or public sidewalk or adjacent property, either private or public, shall be permitted if that use inhibits or hinders the movement of normal traffic on that street or sidewalk.

(3) City maintenance personnel must be allowed free access to utility easement and street rights-of-way so they can perform maintenance and repair of utility systems.

a. No buildings or structures of any type or size, other than fences, shall be permitted on utility easements.

b. If fences are located on utility easements, city maintenance personnel may remove such fences at any time for the purpose of gaining access to utility systems, and no liability will be incurred for damages to, repair of or replacement of such fences.

(4) Any building which has been damaged by fire or other causes to the extent of more than fifty percent (50%) of its value shall be rebuilt in conformity with this article, as though it were a new building, or removed. This shall not apply to damaged structures outside the 100-year (one percent probability) floodplain, in regard to slab height, where the footprint of a structure is not modified and the slab is intact. The building shall be secured from entrance by any unauthorized persons within twenty-four (24) hours after all embers are extinguished. A building permit is required before removal, repair or reconstruction commences which shall be started within sixty (60) days of the date the damage occurs and shall be completed within a reasonable time, but not later than one hundred fifty (150) days after the damage occurs. Before occupancy will be permitted a certificate of occupancy shall be required.

(5) Whenever any street is abandoned, the boundaries of any districts that lie along one side of each street are automatically extended to the centerline of such street.

(6) Vehicles held for sale, lease, or rental in any business or industrial district shall not be parked or stored on unpaved surfaces.

(7) No platted lot shall be reduced in size and no lot area shall be reduced or diminished so that the lot size or the yards shall be smaller than prescribed by this chapter. These regulations shall not apply in District D.

(8) No individual water well or piping for such system shall be connected in any way to any public water supply system.

(9) No oil, gas, or other mineral exploration, production, or drilling operations for minerals of any kind shall be conducted on any lot or parcel of land within the city except in zoning district H (industrial district).

(10) Add-on construction. After a certificate of occupancy has been issued for a building in accordance with section 14-7(b), no add-on type of construction such as patio covers, carports, balconies, stoops, porches, or any structural alteration of the building shall be made unless a new building permit is first obtained from the development officer in accordance with Chapter 14. The plans must be submitted to and approved by the development officer. Requests for a building permit to allow add-on type construction or structural alteration of a building shall indicate that the proposed construction will be in harmony with the style of the original building.

(11) No permit for the erection, alteration, reconstruction, conversion, or use of any building shall be issued by the development officer unless the plan required by Chapter 14 provides for a sidewalk to be constructed on all street sides of such building. This subsection shall apply to all districts of the city, except for Block 42.

(12) Buffering. Buffer yards will be required on the perimeter, or parts thereof, of a nonresidential development adjoining or surrounding residential developments in conjunction with the screening requirements provided below. Buffer yards shall be provided to protect the adjacent residential properties from environmental impact of the nonresidential facility such as visual blight, parking or roadway illumination, headlights, noise, blowing paper and dust and service areas. Buffer yards shall be provided according to the standards provided in Example 14-7. See also sections 14-310 and 14-311 for landscaping standards. These regulations shall not apply in District D.

(13) Screening.

a. For development of nonresidential lots directly abutting and adjacent to residential zoning districts, an obscuring wall shall be required. The required wall shall be located inside the nonresidential lot lines abutting and adjacent to the residential zoning districts; provided, however, where a masonry wall has been constructed in a residential subdivision abutting nonresidential lots prior to development of the nonresidential lots, the masonry wall in the residential lots shall serve as the required screen and shall meet all requirements required of screens on nonresidential lots. Where a masonry wall of at least six (6) in height exists in the residential lots abutting a nonresidential development, the nonresidential developer shall provide a buffer yard one and one-half (1½) times the width required elsewhere in this Code with two (2) times the landscaping requirements in lieu of a second masonry wall.

b. All walls shall be constructed of a solid unpierced masonry material with the surface facing the residential lots constructed of a common or face brick, decorative block or similar material that is compatible with the principal buildings in the adjacent residential areas. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four (4) inches wider than the wall to be erected.

c. No opening shall be permitted for access through the wall unless a solid gate equally the height of the wall is provided. Such gate shall remain closed at all times except when in actual use.

d. The quality and type of materials used structurally for the walls shall conform with those specified in the building code which apply to foundation footing and supporting materials used in residential construction within the city.

e. Any person causing an excavation to be made on property adjacent to an existing wall shall protect the excavation in such a manner so that the soil of the adjacent property will

not cave in or settle causing damage to the existing wall.

f. Walls shall be maintained to remain harmonious with the surrounding property by being repaired, rebuilt, or replaced at intervals necessary to preserve the health, safety, and welfare of the public. Notification of necessary maintenance will be by certified mail from the development officer to the current property owner who is responsible for the maintenance of the walls constructed.

g. If such freestanding walls are not repaired, rebuilt, or replaced within sixty (60) days after receipt of such notification by certified mail that certain maintenance is deemed necessary for the health, safety, and welfare of the public, such penalties for violation shall be enforced as established in this article and other legal recourse.

h. The use of barbed wire, razor wire, or any other similar material is not allowed. These regulations shall not apply in District D.

(14) Lighting of off-street parking areas or for external illumination of any building and grounds shall be arranged so that the source of light is concealed or shielded from public view and from adjacent residential properties and does not interfere with traffic. These regulations shall not apply in District D.

(15) Temporary buildings shall be permitted only in connection with construction on the premises on which located, which buildings shall be removed upon completion or abandonment of the construction; real estate sales offices during development of residential subdivision in which they are located and limited to sales of property in such subdivisions; and educational, municipal, or church functions operated for the benefit of the public. It shall be unlawful for any person to erect, construct, enlarge, place, locate, or relocate any temporary building on premises within the city, or cause the same to be done, without first obtaining a building permit therefor in accordance with section 14-114. It shall be unlawful for any person to use or occupy a temporary building without first obtaining a certificate of occupancy therefor in accordance with section 14-7(b). A certificate of occupancy shall be limited to the duration of the intended use not to exceed one (1) year; provided, however, that the certificate of occupancy may be extended as follows:

a. Where the temporary building is used for the contractors' offices, equipment storage, model homes and real estate sales offices for residential projects, the certificate of occupancy may be extended at one (1) year intervals until the project is ninety percent (90%) constructed; and

b. Where the temporary building is for a use other than described in subsection (16)a of this section, the certificate of occupancy may be extended for one (1) additional one (1) year period.

A temporary building shall be in compliance with the terms of the building code and all other applicable laws and ordinances. A temporary building shall not be used in any manner constituting a nuisance or interfering with the quiet enjoyment of the neighborhood. These

regulations shall not apply in District D.

(16) Maintenance, fabrication, and repair of equipment or machinery and manufacturing, processing, and assembly of materials, products, and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.

(17) Garbage and refuse containers in commercial and industrial zoning districts shall be screened from public view, from adjacent buildings and from adjacent property, public or private. Screens shall be permanent and opaque and of wood, metal, or masonry material, shall be at least as high as the screened object and shall not be less than six (6) feet high. These regulations shall not apply in District D.

(18) Fencing standards. Where chain link fencing is constructed within the city, the fencing material should be a minimum of four (4) feet in height and a maximum of six (6) feet in height. All fencing four (4) feet in height shall be a minimum of eleven (11) gauge galvanized material and all fencing higher than four (4) feet shall be a minimum of nine (9) gauge galvanized material. Barbed wire and razor wire may be used in commercial and industrial districts in combination with the above approved fencing material and shall be installed on top of the fence with the total height above ground not to exceed seven (7) feet. These regulations shall not apply in District D.

(19) A nonresidential building may not be erected on a lot abutting a subdivision containing residential structures closer to the subdivision than fifty (50) feet for a one (1) story building, one hundred (100) feet for a two (2) story building, or one hundred fifty (150) feet for a three (3) or more-story building. These regulations shall not apply in District D.

(20) No sleeping quarters other than those within a permanent residential structure, hotel, or motel shall be used for longer than seven (7) days within a thirty (30) day period; provided that a recreational vehicle or portable building may be used for temporary housing and sleeping quarters by a person whose residence is uninhabitable as a result of flood, fire, or environmental conditions if parked on a paved surface on a private property and with appropriate sewer and electrical connections. No person shall occupy a recreational vehicle or portable building for temporary housing and sleeping quarters without first receiving a permit for such use from the building official. The building official shall issue a permit if the conditions set forth herein are met. The permit shall be valid for the period of time necessary to restore the residence to habitability, as determined by the building official, but not to exceed one hundred twenty (120) days. Any extension to such permit will require approval of the building official and director of public works. These regulations shall not apply in District D.

(21) Any finished floor that is elevated more than twelve (12) inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight (8) 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.

(b) *Building setbacks.* Unless otherwise specifically provided elsewhere in this article, all buildings and structures located in a district within the city shall conform to the following setbacks

(as measured from the property line):

Lot Line	Setback(In Feet)	Modifier
Front	25	—
Rear	25	(1) Excluding fencing
Side street	10	(1) 25 feet where one or more lots have frontage on the street.
Side	7½	(2) Zero feet for townhouses and one side of patio homes.

SECTION 3. THAT in the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 4. THAT all other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

SECTION 5. THAT any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine as provided in Section 1-8.

SECTION 6. THAT this Ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2022.

FOR THE CITY:

BOBBY WARREN, MAYOR

ATTEST:

Lorri Coody, City Secretary

EXHIBIT A

Planning and Zoning Commission Minutes

September 7, 2022

Preliminary Report

**Adding a Definition for “Home Occupations,”
Adding a new Section 14-100, Repealing and
Replacing Sections 14-101 through 14-104,
and Removing Section 103.1**



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT
ADDING A DEFINITION FOR “HOME OCCUPATIONS,” ADDING A
NEW SECTION 14-100, REPEALING AND REPLACING SECTIONS
14-101 THROUGH 14-104, AND REMOVING SECTION 103.1**

The Planning and Zoning Commission has met on July 11, August 15, and September 07, 2022, in order to review the Jersey Village Code of Ordinances as they relate to amendments to Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14 “Building and Development”; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; and by removing Section 104-103.1 in its entirety and, if appropriate, prepare for presentation to Council on September 12, 2022, a Preliminary Report with the Commission’s recommendations.

After review and discussion, the Commissioners preliminarily proposed that the Code of Ordinances of the City of Jersey Village, Texas, be amended by adding a definition to Section 14-5 for “home occupations,” by adding a new Section 14-100 “Residential permitted use table”, by repealing and replacing Sections 14-101 through 14-104 in order to allow for updates to residential development standards, and by removing Section 14-103.1 in its entirety.

These preliminary changes to the City’s comprehensive zoning ordinance are 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 7th day of September 2022.

s/Rick Faircloth, Chairman



ATTEST:

s/Lorri Coody, City Secretary

Exhibit A

Proposed Ordinance

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”, BY AMENDING SECTION 14-5 “DEFINITIONS” TO INCLUDE A DEFINITION FOR HOME OCCUPATION; ADDING SECTION 14-100 “RESIDENTIAL PERMITTED USE TABLE” TO CHAPTER 14 “BUILDING AND DEVELOPMENT”; REPEALING AND REPLACING SECTIONS 14-101 THROUGH 14-104 OF CHAPTER 14 “BUILDING AND DEVELOPMENT” TO ALLOW FOR UPDATES TO RESIDENTIAL DEVELOPMENT STANDARDS; PROVIDING THAT SECTION 104-103.1 IS REMOVED IN ITS ENTIRETY; 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 (the “Council”) of the City of Jersey Village, Texas (the “City”), determines it in the best interest of the health, safety, and welfare of the citizens of the City’s to amend the City’s Code of Ordinances related to Zoning Regulations (the “Code”); and

WHEREAS, the Planning & Zoning Commission (the “Commissions”) has issued its report and has recommended amendments to the Code to add and amend portions of Chapter 14 of the Code to allow for updated development standards related to residential development; and

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

WHEREAS, the Council now deems that such requested amendment to the Code is in accordance with the City’s Comprehensive Plan and is appropriate to grant; and, **NOW THEREFORE**,

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

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

SECTION 2. THAT, Section 14-5 “Definitions” of Chapter 14 “Building and Development” of the Code of Ordinances, City of Jersey Village, Texas is hereby amended to read as follows (with such amended language to be included in the appropriate alphabetical order within the existing portion of Section 14-5):

“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.”

SECTION 3. THAT the Code of Ordinances, City of Jersey Village, Texas is hereby amended by adding a section, to be numbered Section 14-100, which section reads as follows:

“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 See Note 6	PC See Note 6			
Electric power lines and Electric substations	PC See Note 2	PC See Note 2			
Golf courses and country clubs	P	P			
Greenhouse	A	A			
Home occupations	PC See Note 1	PC See Note 1	PC See Note 1	PC See Note 1	PC See Note 1
Model homes	PC See Note 3	PC See Note 3	PC 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 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 See Note 5	PC 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.

Note 1: 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.

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.

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:

- (1) the expiration of 30 days after building permits have been issued for 90 percent of the lots in the subdivision;
- (2) the expiration of 30 days after building permits have been issued for all lots owned by the builder in the subdivision; or
- (3) the expiration of 180 days after issuance of the latest building permit to the builder for a lot in the subdivision.

Note 4: Single-family townhouse style dwelling units in a unified development: No “flats” or apartment style building shall be constructed in the district.

Note 5: A dwelling unit meeting all of the following criteria:

- (1) 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
- (2) 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.

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.

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

SECTION 4. THAT Sections 14-101 through 14-104 of the Code of Ordinances, City of Jersey Village, Texas are hereby amended by repealing and replacing the existing language with language to read as follows:

“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.

Setbacks (feet) for Single-Family Residential and Related Structures	
Single-Family Residential	
Front	25'
Rear	25'
Side	7.5'
Side Street ¹	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	

(1) 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	
Non-Residential Buildings	
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 two and one half (2½) stories in height, except for Blocks 26, 38, 41, 42 and 47, which shall not exceed one and one half (1½) stories.

a. The maximum height of a two and one half (2½) story home shall be thirty-five (35) feet from the finished floor.

b. The maximum height of a one and one half (1½) story home shall be twenty-five (25) feet from the finished floor.

2) Calculating the maximum height of a single-family property. 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 (3) feet above the 100-year floodplain.

b. **AE (100-year floodplain):** A maximum finished floor of two (2) feet above the 100-year floodplain.

c. **X-Shaded (500-year floodplain):** A maximum finished floor of one (1) foot above the 500-year floodplain elevation.

d. **X-Unshaded:** A maximum finished floor of two (2) feet above the crown of the street or sidewalk, whichever is greater.

3) Any finished floor that is elevated more than twelve (12) inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight (8) 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 one thousand seven hundred fifty (1,750) square feet for single-floor residences, or one thousand two hundred (1,200) square feet on the ground floor for multistory residences.

2) Nonresidential buildings shall contain not less than one thousand (1,000) square feet of ground floor area, except for churches or other places of worship which shall contain not less than four thousand (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. 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 (6) 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 chapter 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 (1) ton in capacity, and self-propelled, self-powered, or pull-type equipment that weighs at least three thousand (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 one thousand (1,000) square feet.

3) The maximum square footage of freestanding structures shall be fifty percent (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 sixty percent (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 twenty-five (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 (4) car capacity or one thousand (1,000) square feet of ground floor area.

3) Detached private garages and other freestanding structures exceeding one (1) 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 twenty (20) feet to the side street line.

5) Garages with a breezeway width measuring less than eight (8) feet 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 twenty percent (20%) the total area of any other lot for a single-family detached dwelling on the same block face.

2) Residential lots shall have a minimum of fifty percent (50%) 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 seventy-five percent (75%) 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 (1) or more lots have frontage on the street, wrought iron style fencing may be installed to within two (2) 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 (8) feet in height, except for chain-link fencing, with chain-link fencing being a maximum of six (6) feet in height;

b. Be topped with barbed or razor wire;

c. Be electrified; or,

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 (6) feet in height, and shall be a minimum of eleven (11) gauge galvanized material.
- ii. All chain-link fencing higher than four (4) feet shall be a minimum of nine (9) gauge galvanized material.

b. Redwood.

c. Cedar.

d. Wrought iron.

e. 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 (6) feet in height.

(k) Minimum Landscaped areas.

1) Specific standards.

a. Residential lots shall have landscaped areas which in the aggregate include not less than fifty percent (50%) of the area contained within the building setbacks.

b. A minimum of two (2) trees (either existing or planted) measuring one (1) inch or greater in diameter four (4) feet above the ground at time of planting or measurement (if existing) are required within the front or side street setback areas.

c. Landscaping shall be in harmony with the surrounding area adequate to minimize visual monotony and barrenness.

2) See Chapter 14, Article XII. – Landscaping, Buffer yard, 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.

Setbacks (feet) for Single-Family Residential and Related Structures

Single-Family Residential	
Front	25'
Rear	25'
Side	7.5'
Side Street ¹	10'
Attached Garages	
Garage	25' from front of home closest to the building line.
Detached Private Garages & Accessory 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 & Accessory 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	
⁽¹⁾ Where one or more lots have frontage on a street, all other lots in that block with frontages on the same street shall have a setback requirement of 25 feet.	

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

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
Notes		
<p>Note 1: For townhouse lots, the setbacks established in section 14-88(b) are modified as follows:</p> <p>(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.</p> <p>(ii) Abutting building shall have a common firewall that complies with current city building codes.</p> <p>(iii) A series of abutting buildings shall not have a combined width of greater than 300 feet.</p> <p>(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.</p>		

(c) Building area. For townhouses and patio homes: The building area shall be not less than one thousand four hundred (1,400) square feet.

(d) Height.

1) For single-family detached residences, the maximum height of a two and one-half (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 (2) stories and thirty (30) feet from the finished floor.

3) For other uses: Buildings shall not exceed twenty-five (25) feet in height from the finished floor.

4) Calculating the maximum height of a single-family, townhouse, or patio home property. 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:

a. **Floodway:** A maximum finished floor of three (3) feet above the 100-year floodplain.

b. **AE (100-year floodplain):** A maximum finished floor of two (2) feet above the 100-year floodplain.

c. **X-Shaded (500-year floodplain):** A maximum finished floor of one (1) foot above the 500-year floodplain elevation.

d. **X-Unshaded:** A maximum finished floor of two (2) feet above the crown of the street or sidewalk, whichever is greater.

5) Any finished floor that is elevated more than twelve (12) inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight (8) 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.** 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 fifty percent (50%) of the square footage of the main structure.

3) The maximum lot coverage in the rear yard shall be sixty percent (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 twenty-five (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 (4) car capacity or one thousand (1,000) square feet of ground floor area.

3) Detached private garages and other accessory structures exceeding one (1) 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 twenty (20) feet to the side street line.

(h) Lot size for townhouses. The minimum lot size shall be two thousand (2,000) square feet, with a maximum density not to exceed ten (10) 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 seventy-five percent (75%) 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.

3) Townhouses:

a. At least one (1) wall of the living unit must be wholly coincident with the zero-property 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 (6) 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 (10) foot access easement for maintenance shall be provided on said adjacent lot.

4) Garden/patio homes.

a. The wall that is coincident with or less than five (5) 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 (5) feet to a property line.

d. The minimum building separation between the sides of adjacent dwellings shall be ten (10) feet.

e. Where a roof overhang over an adjacent lot is proposed a five (5) 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.

(j) Other regulations; Fences and hedges.

1) Fences and walls in district B shall not:

a. Exceed eight (8) feet in height, except for chain-link fencing.

b. Chain-link fencing shall be a maximum of six (6) feet in height.

c. Be topped with barbed or razor wire.

d. Be electrified.

e. 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:

a. Chain-link

i. All chain-link fencing to be a minimum of four (4) feet in height, a maximum of six (6) feet in height, and shall be a minimum of eleven (11) gauge galvanized material.

ii. All chain-link fencing higher than four (4) feet shall be a minimum of nine (9) gauge galvanized material.

b. Redwood

c. Cedar

d. Wrought iron

e. 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 twelve (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:

- a. Redwood
- b. Cedar
- c. Wrought iron
- d. Brick or other approved materials of equal quality with metal posts set in eighteen (18) inch diameter concrete at least one-third (1/3) 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.

- a. Residential lots shall have landscaped areas which in the aggregate include not less than fifty percent (50%) of the area contained within the building setbacks.
- b. A minimum of two (2) trees (either existing or planted) measuring one (1) inch or greater in diameter four (4) feet above the ground at time of planting or measurement (if existing) are required within the front or side street setback areas.
- c. Landscaping shall be in harmony with the surrounding area adequate to minimize visual monotony and barrenness.

2) See Chapter 14, Article XII. – Landscaping, Buffer yard, 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
Notes		
<p>Note 1: For townhouse lots, the setbacks established in section 14-88(b) are modified as follows:</p> <p>(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.</p> <p>(ii) Abutting building shall have a common firewall that complies with current city building codes.</p> <p>(iii) A series of abutting buildings shall not have a combined width of greater than 300 feet.</p> <p>(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.</p>		

Setbacks (feet) for District C	
Detached Private Garages & Accessory 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 & Accessory 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	
⁽¹⁾ 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.	

(c) Building area for townhouses and patio homes shall be not less than one thousand four hundred (1,400) square feet.

(d) Height.

1) For single-family detached residences, the maximum height of a two and one half (2½) 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 (2) stories and thirty (30) feet from the finished floor.

3) For other uses: Buildings shall not exceed twenty-five (25) feet in height from the finished floor.

4) Calculating the maximum height of a single-family, townhouse, or patio home property. 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:

a. **Floodway:** A maximum finished floor of three (3) feet above the 100-year floodplain.

b. **AE (100-year floodplain):** A maximum finished floor of two (2) feet above the 100-year floodplain.

c. **X-Shaded (500-year floodplain):** A maximum finished floor of one (1) foot above the 500-year floodplain elevation.

d. **X-Unshaded:** A maximum finished floor of two (2) feet above the crown of the street or sidewalk, whichever is greater.

5) Any finished floor that is elevated more than twelve (12) inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight (8) 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 for townhouses: The minimum lot size shall be two thousand (2,000) square feet, with a maximum density not to exceed ten (10) 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 (3) 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 (6) 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 chapter 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 (1) ton in capacity, and self-propelled, self-powered, or pull-type equipment that weighs at least three thousand (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. Minimum lot size for townhouses shall be two thousand (2,000) square feet, with a maximum density not to exceed ten (10) dwelling units per acre.

(h) Construction/Masonry Standards.

1) Exterior walls shall have at least seventy-five percent (75%) 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 (1) wall of the living unit must be wholly coincident with the zero-property 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 (6) 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 (10) 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 (5) 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 (5) feet to a property line.
- d. The minimum building separation between the sides of adjacent dwellings shall be ten (10) feet.
- e. Where a roof overhang over an adjacent lot is proposed a five (5) 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.

(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 (2) 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:

- a. Exceed eight (8) feet in height, except for chain-link fencing, with chain-link fencing being a maximum of six (6) 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 C shall be constructed of the following materials, such as:

a. Chain-link

- i. All chain-link fencing to be a minimum of four (4) feet in height, a maximum of six (6) feet in height, and shall be a minimum of eleven (11) gauge galvanized material
- ii. All chain-link fencing higher than four (4) feet shall be a minimum of nine (9) gauge galvanized material.

b. Redwood

c. Cedar

d. Wrought iron

e. 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 fifty (50%) percent of the area contained within the building setbacks.

2. A minimum of two (2) trees (either existing or planted) measuring one (1) inch or greater in diameter four (4) 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, Buffer yard, Park and Open Space Standards for additional landscaping requirements.

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	
Multi-Family Residential	
Front	25'
Rear ⁽²⁾	25'
Side	7.5'
Side Street ¹	10'
Notes	
⁽¹⁾ 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.	
⁽²⁾ Excluding fencing	

(c) Building area.

1) Multi-family buildings shall contain not less than two thousand (2,000) square feet nor more than twenty-one thousand (21,000) square feet of ground floor area.

2) Accessory buildings shall contain not less than one hundred (100) square feet nor more than fifteen thousand (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 fifty (50) feet or three (3) stories in height from the finished floor.

2) Calculating the maximum height of a multi-family property. The maximum height of a finished floor for a multi-family dwelling is determined by the following locations:

a. **Floodway:** A maximum finished floor of three (3) feet above the 100-year floodplain.

b. **AE (100-year floodplain):** A maximum finished floor of two (2) feet above the 100-year floodplain.

c. **X-Shaded (500-year floodplain):** A maximum finished floor of one (1) foot above the 500-year floodplain elevation.

d. **X-Unshaded:** A maximum finished floor of two (2) feet above the crown of the street or sidewalk, whichever is greater.

3) Any finished floor that is elevated more than twelve (12) inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight (8) 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. One (1) Bedroom: One and one-half (1½) parking spaces per dwelling unit.

b. Two (2) Bedrooms: Two and one-half (2½) parking spaces per dwelling unit.

c. Three (3) or more bedrooms: Three and one-half (3½) parking spaces per dwelling unit.

d. Rooming house/Boarding House: One (1) parking space per two (2) beds.

e. Congregate housing: One (1) parking space per two (2) beds.

2) For multifamily complexes with ten (10) 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. No lot in this district shall have less than four and one half (4½) acres of total area.

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

(h) Construction/Masonry Standards. The exterior walls on all primary building in district M shall be at least forty percent (40%) 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).

a. Masonry construction may include brick, stucco, or stone material.

b. Use of CMU for exterior wall veneers is prohibited in this district. EIFS is prohibited.

(i) Other regulations.

1) 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 (6) feet in height.

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

3) Perimeter fences in district M shall be a minimum of eight (8) feet in height, shall be permanent and must be of the following types:

- a. Redwood
- b. Cedar
- c. Wrought iron
- d. Brick or masonry

4) Perimeter fences in district M shall not:

- a. Be topped with barbed or razor wire.
- b. Be electrified.
- c. 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)

- a. A minimum of twenty percent (20%) of total area within the property lines shall be devoted to landscaping.
- b. All open unpaved space including, but not limited to, front, side, and rear building setback areas shall be planted and landscaped.
- c. Building front. An average of at least ten (10) feet and a minimum of five (5) feet shall be a green area and walkway between the building and parking areas.

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

SECTION 5. THAT, in accordance with the purposes of this Ordinance, the Code of Ordinances, City of Jersey Village, Texas is hereby amended by removing the existing Section 14-103.1 “Regulations for district C-2 (townhouse district)” in its entirety.

SECTION 6. THAT in the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 7. THAT all other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

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

SECTION 9. THAT this Ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2022.

FOR THE CITY:

BOBBY WARREN, MAYOR

ATTEST:

Lorri Coody, City Secretary