

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

March 21, 2011 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON MARCH 21, 2011, AT 7:00 P.M. IN THE CIVIC CENTER MEETING ROOM, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

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

Debra Mergel, Chairman

Barbara Freeman, Commissioner

Harry Beckwith, III, Commissioner

Michael O’Neal, Commissioner

Justin Ray, Commissioner

Tom Eustace, Commissioner

Rick Faircloth, Commissioner

The following City of Jersey Village City Council members and staff were present for the Joint Public Hearing portion of this agenda:

Mayor, Russell Hamley

Mayor Pro tem, Joyce Berube

Council Member, Rod Erskine

Council Member, Curtis Haverty

Council Member Mark Maloy

Council Member Jill Klein

City Manager, Mike Castro

City Secretary, Lorri Coody

Martha Williams, City Attorney

Mark Bitz, Fire Chief

Eric Foerster, Chief of Police

Isabel Kato, Director of Finance

Danny Segundo, Director of Public Works

Michael Brown, Director of Parks

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

After taking the roll of appointed officers, Mayor Hamley called the meeting’s agenda beginning with the following item:

**JOINT PUBLIC HEARING**

**Conduct Joint Public Hearing with City Council on amendments to the City’s comprehensive zoning ordinance as it relates to qualifying the requirement for slab heights outside the one percent probability floodplain, building veneer finish standards, and internal consistency of ordinances, including building codes.**

Mayor Hamley and Chairman Mergel opened the joint public hearing at 7:02 p.m.

Mayor Hamley called those individuals signing up to speak on these matters as follows:

**Ron Moore, 15418 Jersey Drive, Jersey Village, Texas (713) 817-5227** – Mr. Moore told Council that he owns the property at the North end of Senate and Tahoe and the elevations have changed. If he wants to build on this property, he must now build 6 feet above ground level. He is opposed to the new ordinance. He stated that currently the city has an ordinance that addresses his ability to bring in dirt so as not to flood his neighbors and also for appearance purposes. He told Council that he wants to see flexibility in the City Ordinances.

**John Singletary, 8614 Senate, Jersey Village, Texas (832) 725-1788** – Mr. Singletary spoke to Council about elevated slabs and enhanced drainage. He stated that he believes the slab elevation changes are needed to address future development issues and he supports the changes that are being proposed by the slab elevation ordinance. He reminded Council that he has personal experience with this issue.

**Jim Pulliam, 15713 Tenbury, Jersey Village, Texas (713) 983-0932** – Mr. Pulliam chose to speak to council during the Citizen Comment section of the agenda and did not speak during the Joint Public Hearing.

With no one else signing up to speak, Mayor Hamley and Chairman Mergel closed the public hearing at 7:05 p.m., and the Planning and Zoning Commission retired from the City Council meeting to conduct its posted meeting agenda at 7:05 p.m.

Chairman Mergel opened the Planning and Zoning Commission's posted meeting agenda at 7:10 p.m. with the following Commissioners present:

Debra Mergel, Chairman	Justin Ray, Commissioner
Barbara Freeman, Commissioner	Tom Eustace, Commissioner
Harry Beckwith, III, Commissioner	Rick Faircloth, Commissioner
Michael O'Neal, Commissioner	

**Consider approval of the minutes for the meeting held on March 14, 2011.**

Commissioner Freeman moved to approve the minutes for the meeting held on March 14, 2011. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Ray, Faircloth, O'Neal, and Eustace  
Debra Mergel, Chairman

Nays: None

The motion carried.

**Discuss and take appropriate action regarding the preparation and presentation of the Final Report for presentation to Council on proposed amendments to the City's comprehensive zoning ordinance related to qualifying the requirements for slab heights outside the one percent probability floodplain, building veneer finish standards, and internal consistency of ordinances, including building codes.**

Chairman Mergel introduced the item. Commissioner Beckwith was concerned for residents in situations similar to Mr. Ron Moore, the property owner who spoke during the Joint Public Hearing portion of this agenda. The Building Official, Christian Somers-Kuenzel stated that the majority of the elevation cost is for the pier and beams which is sub-grade.

There was brief discussion among the Commission and staff. They stated that this change is shadowing the code already in place in Harris County and the City of Houston. This change is necessary in order for the residents of Jersey Village to remain eligible for flood insurance and future FEMA monies if available.

Commissioner Ray moved to approve the final report as written and present to City Council. Commissioner Freeman seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Ray, Faircloth, O’Neal, and Eustace  
Debra Mergel, Chairman

Nays: None

The motion carried.

A true and correct copy of the Final Report as submitted to Council is attached to and included in these minutes as Exhibit “A.”

**Adjourn**

With no further items to discuss Commissioner Beckwith moved to adjourn the meeting. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Ray, Faircloth, O’Neal, and Eustace  
Debra Mergel, Chairman

Nays: None

The motion carried.

Chairman Mergel adjourned the meeting at 7:31 p.m.

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Courtney Rutherford, Assistant City Secretary



## **CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION FINAL REPORT FOR SLAB ELEVATION ZONING AMENDMENTS**

The Planning and Zoning Commission has previously met on February 15, 2011 and in its preliminary report recommended amendments to the City's zoning ordinance related to qualifying the requirements for slab heights outside the one percent probability floodplain, building veneer finish standards, and internal consistency of ordinances, including building codes.

The preliminary report was submitted to the Jersey Village City Council at its February 21, 2011 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for March 21, 2011.

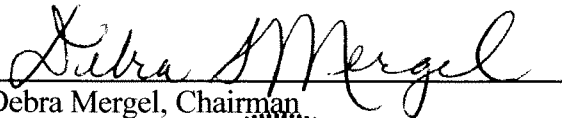
On March 21, 2011, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public meeting, which gave the public an opportunity to make comments concerning the proposed amendment.

The Planning and Zoning Commission after duly considering all the information before it including that gathered at the Joint Public Hearing with City Council on March 21, 2011 at 7:00 p.m., the Planning and Zoning Commission recommends that:

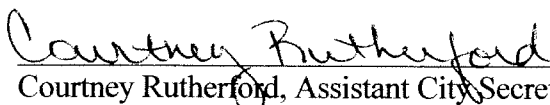
**The City's comprehensive zoning ordinance be amended at Chapter 14, Article IV to qualify the requirements for slab heights outside the one percent probability floodplain, to set building veneer finish standards, and to establish internal consistency of ordinances, including building codes.**

The amendments to the City's zoning ordinance are more specifically detailed in the attached document marked as Exhibit "A."

Respectfully submitted, this 21<sup>st</sup> day of March 2011.

  
Debra Mergel, Chairman

**ATTEST:**

  
Courtney Rutherford, Assistant City Secretary



## **Chapter 14, Article IV – Zoning Districts**

### **Division 1 – Generally**

Sec. 14-81. - Establishment of districts.

Sec. 14-82. - Zoning district map.

Sec. 14-83. - Interpretation of district boundaries.

Sec. 14-84. - Amendments to district boundaries.

Sec. 14-84.1. - Specific use permits.

Sec. 14-85. - Designation of newly annexed areas.

Sec. 14-86. - Permit required.

Sec. 14-87. - Penalty for violation of article.

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

Secs. 14-89—14-100. - Reserved.

#### **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 50 percent 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 (1% probability) floodplain, in regards 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 24 hours after all embers are extinguished. A building permit is required before removal, repair or reconstruction commences which shall be started within 60 days of the date the damage occurs and shall be completed within a reasonable time, but not later than 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) a.** 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 (motorized or propelled by any other means) shall not be parked or stored in front or side yards in zoning districts A, C, or C-2, except for temporary periods of time not exceeding seven days within a 30-day period. A recreational vehicle shall not be parked or stored in a rear yard in zoning districts A, C, or C-2 unless such vehicle is screened from public view by a solid wood or opaque fence. Nothing in this ordinance is intended to preclude the construction of a properly permitted building that will enclose and screen recreational vehicles.
  - b.** A recreational vehicle or watercraft less than eight feet in height lawfully parked or stored on a lot in zoning districts A, C, or C-2 on May 1, 2009 may continue to be parked or stored

at such location until January 1, 2010. A recreational vehicle or watercraft greater than eight feet in height lawfully parked or stored on a lot in zoning districts A, C, or C-2 on May 1, 2009 may continue to be parked or stored at such location until July 1, 2019. The owner of the recreational vehicle or watercraft must be the owner of the lot on which it is parked or stored; the recreational vehicle or watercraft must continue to be registered by the state; and a recreational vehicle must have a valid motor vehicle inspection certificate. The owner of a lot upon which a recreational vehicle or watercraft greater than eight feet in height was lawfully parked or stored on May 1, 2009 shall register such recreational vehicle or watercraft with the city secretary not later than July 15, 2009. Registration shall be under oath on a form furnished by the city secretary and shall be accompanied by photographs showing the recreational vehicle or watercraft, its location on the lot and its license plate or registration information. The owner may replace a recreational vehicle or watercraft registered under this section with another recreational vehicle or watercraft. The owner shall be issued a certificate with a brief description of the nonconformity which shall thereafter be considered evidence of the lawful continuation of the parking or storage of such recreational vehicle or watercraft.

- (7) a. 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 zoning districts A, C, or C-2 except during the act of loading or unloading and except in connection with the provision of services to the property at which it is parked.

b. Truck tractors shall not be stored or parked in zoning districts A, B, C, C-2 and M except during the act of loading or unloading.
- (8) No vehicle shall be parked or stored on an unpaved surface in a front or side yard in zoning districts A, B, C, C-2 or M.
- (9) Vehicles held for sale, lease or rental in any business or industrial district shall not be parked or stored on unpaved surfaces.
- (10) 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.
- (11) No individual water well or piping for such system shall be connected in any way to any public water supply system.
- (12) 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).
- (13) 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 section 14-114. 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.
- (14) No permit for the erection, alteration, reconstruction, conversion or use of any building shall be issued by the development officer unless the plan provided for in section 14-114 provides for a sidewalk to be constructed on all street sides of such building. This subsection shall apply to all districts of the city, with the exception of Block 42.
- ~~(15) All residences constructed on residential building plots shall be constructed on a concrete slab or on continuous concrete grade beams. Deleted~~
- (16) Reserved.
- ~~(17) The slabs of all buildings shall be at least eight inches above grade, and the slab also shall be a minimum of 12 inches above the top of the curbline. Streets and lots shall be graded so that all lots can be made to drain from the back of the lot toward the curbline. The lot grade from back to front shall be at least one percent except where rear lot elevations have been established at a lower elevation by previously developed lots to the rear, such lots having a common rear property line with the lot under consideration. When that condition makes general one percent grading impossible, a grading plan must be approved by the city engineer prior to issuance of a building permit. However, all lots which are adjacent and~~

~~contiguous to a bayou shall be permitted to drain into the bayou. This section shall not apply to slabs heretofore constructed. For additional drainage criteria, see article IX of this chapter. Deleted.~~

- (18) Buffering. Bufferyards 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. Bufferyards 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. Bufferyards shall be provided according to the standards provided in Example 14-7. See also sections 14-310 and 14-311 for landscaping standards.
- (19) Screening.
- a. For development of nonresidential lots directly abutting and adjacent to residential lots, an obscuring wall shall be required. The required wall shall be located inside the nonresidential lot lines abutting and adjacent to the residential lots; 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 feet in height exists in the residential lots abutting a nonresidential development, the nonresidential developer shall provide a buffer yard one and one-half times the width required elsewhere in this Code with two 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 principle 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 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 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.
- (20) Lighting of off-street parking areas and/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.
- (21) 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 therefore 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 therefore 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 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-year intervals until the project is 90 percent constructed; and

**b.** Where the temporary building is for a use other than described in subsection (21)a of this section, the certificate of occupancy may be extended for one additional one-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.

- (22) 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.
- (23) 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 feet high.
- (24) Building permits are not required for "other free standing structures" as listed in subsection 14-101(6)b. provided that such structures shall have a building area of less than 25 square feet and provided that no utilities are installed.
- (25) Fencing standards. Where chain link fencing is constructed within the city, the fencing material should be a minimum of four feet in height and a maximum of six feet in height. All fencing four feet in height shall be a minimum of 11 gauge galvanized material and all fencing higher than four feet shall be a minimum of nine gauge galvanized material. The use of barbed wired, razor wire or similar material shall not be allowed in residential zoning districts. 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 feet.
- (26) A nonresidential building may not be erected on a lot abutting a subdivision containing residential structures closer to the subdivision than 50 feet for a one-story building, 100 feet for a two-story building, or 150 feet for a three or more-story building.
- (27) No sleeping quarters other than those within a permanent residential structure, hotel or motel shall be used for longer than seven days within a 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 120 days. Any extension to such permit will require approval of the building official and director of public works.
- (28) Any finished floor that is elevated more than 12" above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than 8" 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	—
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.

*(Ord. No. 95-04, § 1(302), 2-20-95; Ord. No. 96-08, § 2, 6-17-96; Ord. No. 97-04, §§ 1, 2, 4-21-97; Ord. No. 99-05, §§ 2—4, 2-15-99; Ord. No. 99-31, §§ 2—5, 11-15-99; Ord. No. 00-26, § 1, 8-21-00; Ord. No. 01-30, §§ 3, 7, 10-15-01; Ord. No. 02-16, § 1, 7-15-02; Ord. No. 03-17, §§ 1, 2, 4-21-03; Ord. No. 04-06, § 1, 3-15-04; Ord. No. 04-08, § 2, 5-17-04; Ord. No. 04-25, § 1, 12-20-04; Ord. No. 2006-5, § 1, 3-20-06; Ord. No. 2006-8, § 1, 2-20-06; Ord. No. 2008-22, § 1, 7-21-08; Ord. No. 2009-22, §§ 1, 2, 5-18-09)*