

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

September 11, 2014 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON SEPTEMBER 11, 2014 AT 6:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order at 6:10 p.m. and the roll of appointed officers was taken. Commissioners present were:

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

Barbara Freeman, Commissioner
Michael O’Neal, Commissioner

Commissioners Ratan K. Jha and Rick Faircloth were not present at this meeting.

Council Liaison, Justin Ray, was present at this meeting.

Staff in attendance: Mike Castro, City Manager; Lorri Coody, City Secretary; Danny Segundo, Director of Public Works; Christian Somers, Building Official; and Deborah Capaccioli-Paul, Engineering Technician.

B. Consider approval of the minutes for the meetings held on May 12, 2014 and July 10, 2014.

Commissioner Ohler moved to approve the minutes for the meetings held on May 12, 2014 and July 10, 2014. Commissioner Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

C. Discuss and take appropriate action concerning amendments to Chapter 14, Article IV, Section 14-104(a) to include “Home Occupations” as a use regulation in District M; and, if appropriate, the preparation and presentation of the Preliminary Report to Council on September 15, 2014.

Christian Somers, the City’s Building Official, introduced the item. Background information is as follows:

The City’s current zoning ordinance allows for home occupations in zoning districts A (single-family dwelling district) and zoning district C (townhouse/patio home district). However, it does not allow for home occupations in zoning district M (multi family dwelling district). City staff has recently been approached by a resident that lives in district M that wishes to work out of his place of residence.

In receiving the background information, the Commission engaged in discussion about lease restrictions on such activity by the apartment management and any liability for the City should it be permitted. Mr. Somers explained that according to the resident inquiring about

having home occupations included as a use in Zoning District M, the apartment management will allow the activity if it is permitted by the City.

Since the provision to allow home occupations in District M will include the restrictions/limitations as those for District A, the Commission reviewed Section 14-101a(5) in detail. In understanding the limitations, the Commission discussed if having home occupations in District M with these limitations makes sense. The Commission wanted to insure that the limitations protected those living in a multi-family facility from “unwanted businesses” that would cause safety concerns and/or become a nuisance to residents.

Mr. Somers reported that there have not been any negative experiences with home occupations in District A. In response, the Commission engaged in discussion about the types of home occupations that have or are being operated in District A. Mr. Somers explained that should one “google” businesses in Jersey Village there are some 150 to 175 results returned within the residential areas of the City.

The Commission then discussed the type of business that the resident wants to operate should the Ordinance be amended. Mr. Somers explained that it is an internet firearms business.

Some Commissioners felt that since home occupations are allowed in Districts A and C, they should also be permitted in District M with the same restrictions/limitations. In keeping this line of thought, discussion was had about problems that may arise due to the close proximity of residents in multi-family units with home businesses. Some felt there may be more complaints that will need to be addressed by City Staff.

With no further discussion on the matter, Commissioner Berube moved to prepare and present a Preliminary Report supporting amendments to Chapter 14, Article IV, Section 14-104(a) in order to include “Home Occupations” as a use regulation in District M as permitted in District A. Commissioner Freeman seconded the motion. The vote follows:

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

Nays: None

The motion carried.

D. Discuss and take appropriate action concerning amendments to Chapter 14, Article IV, Section 14-105(a) to include “Grocery Store” as a use regulation in District F; and, if appropriate, the preparation and presentation of the Preliminary Report to Council on September 15, 2014.

Christian Somers, City Building Official, introduced the item. Background information is as follows:

Upon review by City Staff, the city’s current zoning ordinance does not provide for grocery stores in Zoning District F. Currently, the only place a grocery store is allowed is in Zoning District H (industrial district).

The Commission engaged in discussion concerning amendments to allow grocery stores in the City’s Zoning District F. It was noted that the Code of Ordinance already provides for

“retail sales.” Mr. Somers explained that while he believes that “grocery stores” would be considered allowable under “retail sales,” he is concerned about developers misunderstanding since Zone H specifically delineates “grocery stores.” Accordingly, it may be prudent to also list it in F if the Commission desires.

With limited discussion on this matter, Commissioner O’Neal moved to prepare and present a Preliminary Report supporting amendments to Chapter 14, Article IV, Section 14-105(a) to include “Grocery Store” as a use regulation in District F. Commissioner Ohler seconded the motion. The vote follows:

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

Nays: None

The motion carried.

E. Discuss and take appropriate action concerning amendments to Chapter 14 Building and Development, Article I. in General, Section 14-5 Definitions, to amend the definitions of “family” and “single-family dwelling” to provide for groups protected by the Fair Housing Act and Texas Community Homes for Disabled Persons Location Act; and if appropriate, the preparation and presentation of the of the Preliminary Report to Council on September 15, 2014.

Christian Somers, City Building Official, introduced the item. Background information is as follows:

The City of Jersey Village’s ordinances do not address the issue of community homes or group homes where individuals live while rehabilitating from illness or substance addiction. There is no definition for community home in our ordinances.

Staff has identified two community homes within the Jersey Village city limits. While they are allowed by state law to operate in single family districts, Staff feels the need to adopt definitions that would mirror the state as follows:

Family means:

...

(3) A group of not more than eight individuals, not related by blood, marriage or legal adoption, which group is comprised of individuals with disabilities protected under the Fair Housing Act.

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

...

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

...”

In receiving the background information, the Commission engaged in discussion about state and federal mandates that protect persons with disabilities. City Attorney, Bobby Gervais, explained the application of federal and state laws for these type homes. He recommends that subsections 3 and 4 should be updated as indicated.

The Commission engaged in discussion about the State's ½ mile radius requirement for locating group homes and how this requirement applies when it is not part of the Federal requirement. The City Attorney explained the ½ mile radius limitations. He also answered questions about these homes being located too close to schools, stating that the only location requirement is the ½ mile radius provision found in state law.

Discussion was had about state regulations. Staff explained that these regulations are enforced by the state through home visits and licensing. The Commission asked if Staff has received any negative complaints about the two homes currently located in Jersey Village. Staff had none to report.

The Commission was interested in including further restrictions in the amended definitions. Also, discussion was had about the effects of taking no action to amend the definitions.

City Attorney Gervais explained that in taking no action, State law would apply and the City would have no provisions by which to deny these type facilities. Further discussion was had about the two homes already located in the City. The Commission wondered what further restrictions could be added to the definitions.

City Attorney Gervais cautioned the Commission about adding too many restrictions as it could prove problematic when taken into consideration with the provisions of the state and federal regulations. City Attorney Gervais stated that the ½ mile radius requirement could be added to subsection 3 as follows:

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

It was the consensus of the Commission that amendments to the definitions would provide the City with a frame work to enforce the provisions for group homes in Jersey Village.

With no further discussion on the matter, Commission O’Neal moved to approve the amendments to the definitions of “family” and “single family dwelling” as recommended by Staff with the exception that the ½ mile radius provision be added to subsection 3. Commissioner Berube seconded the motion. The vote follows:

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

Abstain: Commissioner Ohler

Nays: None

The motion carried.

F. Adjourn

With no additional business to conduct, Commissioner Freeman moved to adjourn the meeting. Commissioner Ohler seconded the motion. The vote follows:

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

Nays: None

The motion carried and the Commission adjourned at 7:09 p.m.

Lorri Coody, City Secretary



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

The Planning and Zoning Commission has met in order to review the zoning ordinances as they relate to amending the zoning ordinance at Chapter 14, Article IV, Section 14-104(a) by adding a subsection (3) to include “home occupations” as they are permitted in District A.

After review and discussion, the Commissioners preliminarily proposed that Chapter 14, Article IV, Section 14-104(a) be amended by adding a subsection (3) to include a use regulation of “home occupations” as follows:

- “(a) *Use regulations.* No building or land shall be used and no building shall be hereafter erected, moved or altered in district M except for one or more of the following uses:
- (1) Multi-family dwellings.
 - (2) Assessory buildings and uses customarily incident to any permitted use when located on the same lot and not involving the conduct of a business not directly associated with the primary use of the lot.
- (3) Home occupations as permitted in district A.**”

This preliminary change to the City’s comprehensive zoning ordinance is more specifically detailed in the proposed ordinance attached as Exhibit “A.”

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

Respectfully submitted, this 11th day of September 2014.

s/Debra Mergel, Chairman

ATTEST:

s/Lorri Coody, City Secretary



ORDINANCE NO. 2014-xx

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

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

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

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

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

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

Section 2. **Severability.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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

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

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

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

ATTEST:

Rod Erskine, Mayor

Lorri Coody, City Secretary



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

The Planning and Zoning Commission has met in order to review the zoning ordinances as they relate to amending the zoning ordinance at Chapter 14, Article IV, Section 14-105(a) by adding a new subsection (23) to include “grocery store” as a permitted use regulation in District F.

After review and discussion, the Commissioners preliminarily proposed that Chapter 14, Article IV, Section 14-105(a) be amended by adding a new subsection (23) to include a use regulation of “grocery store” as follows:

“(a) *Use regulations.*

...

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

This preliminary change to the City’s comprehensive zoning ordinance is more specifically detailed in the proposed ordinance attached as Exhibit “A.”

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

Respectfully submitted, this 11th day of September 2014.

s/Debra Mergel, Chairman

ATTEST:

s/Lorri Coody, City Secretary



ORDINANCE NO. 2014-xx

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

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

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

"(a) *Use regulations.*

...

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

Section 2. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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

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

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

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

ATTEST:

Rod Erskine, Mayor

Lorri Coody, City Secretary



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

The Planning and Zoning Commission has met in order to review the zoning ordinances concerning amendments to Chapter 14 Building and Development, Article I. in General, Section 14-5 Definitions, concerning amendments to the definitions of “family” and “single-family dwelling” to provide for groups protected by the Fair Housing Act and Texas Community Homes for Disabled Persons Location Act.

After review and discussion, the Commissioners preliminarily proposed that the definitions of “family” and “single-family dwelling” be amended to provide for groups protected by the Fair Housing Act and Texas Community Homes for Disabled Persons Location Act as follows:

Family means:

- (1) One person, or a group of two or more persons living together and related by blood, marriage or legal adoption, living together as a single housekeeping unit. The person thus constituting a family may also include gratuitous guests and domestic servants.
- (2) A group of individuals not related by blood, marriage or legal adoption, but living together as a single housekeeping unit. For controlling of residential density, each such group of four individuals shall constitute of a family.
- (3) A group of not more than eight individuals, not related by blood, marriage or legal adoption, which group is comprised of individuals with disabilities protected under the Fair Housing Act, and where the group is not established within one-half mile of an existing like group.
- (4) A group of not more than six persons with disabilities and two supervisors residing in a qualified community home, as defined by the Texas Community Homes for Disabled Persons Location Act.

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

This preliminary change to the City’s comprehensive zoning ordinance is more specifically detailed in the proposed ordinance attached as Exhibit “A.” The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

Respectfully submitted, this 11th day of September 2014.

ATTEST:

s/Debra Mergel, Chairman

s/Lorri Coody, City Secretary



ORDINANCE NO. 2014-XX

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

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

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

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

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

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

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

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

“Chapter 14 – BUILDING AND DEVELOPMENT

....

Sec. 14-5.-Definitions.

....

Family means:

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

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

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

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

...

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

...”

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

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

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

ATTEST:

Rod Erskine, Mayor

Lorri Coody, City Secretary