

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

July 17, 2017 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENED ON JULY 17, 2017 AT 6:00 P.M. IN THE CIVIC CENTER MEETING ROOM, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

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

Debra Mergel, Chairman	Joyce Berube, Commissioner
Rick Faircloth, Vice Chairman	Barbara Freeman, Commissioner
Joseph Paul, Commissioner	William P. Dillon, Commissioner
Michael O’Neal, Commissioner	

The following City of Jersey Village City Council Members were present:

Mayor, Justin Ray	City Manager, Austin Bless
Council Member, Andrew Mitcham	City Attorney, Leah Hayes
Council Member, Greg Holden	
Council Member, Bobby Warren	
Council Member, Gary Wubbenhorst	

Council Member, Sheri Sheppard, and City Secretary, Lorri Coody, were not present at this meeting.

Staff in attendance: Mark Bitz, Fire Chief; Eric Foerster, Chief of Police; Isabel Kato, Finance Director; Kevin T. Hagerich, Director of Public Works; Kimberly Terrell, Director of Parks and Recreation; Christian Somers, Building Official; and Sonya Smith, sitting in on the Planning and Zoning Meeting for Lorri Coody, City Secretary.

**B. Conduct Joint Public Hearing with City Council on the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to add Health Club as a Permitted Use.**

Mayor Ray called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Ray opened the Joint Public Hearing at 6:08 p.m., stating that the purpose of the meeting was to give those in attendance the right to speak and be heard concerning the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to add Health Club as a Permitted Use.

With no one desiring to speak at the hearing, Mayor Ray and Chairman Mergel closed the joint public hearing at 6:09 p.m.

**C. Conduct Joint Public Hearing with City Council on the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article I. In General, Section 14-5 Definitions by adding a definition for Health Club.**

Mayor Ray called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Ray opened the Joint Public Hearing at 6:09 p.m., stating that the purpose of the meeting was to give those in attendance the right to speak and be heard concerning the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article I. In General, Section 14-5 Definitions by adding a definition for Health Club.

With no one desiring to speak at the hearing, Mayor Ray and Chairman Mergel closed the joint public hearing at 6:10 p.m.

**D. Conduct Joint Public Hearing with City Council on the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to revise Subsection (A)(14) relating to Stores and Shops.**

Mayor Ray called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Ray opened the Joint Public Hearing at 6:10 p.m., stating that the purpose of the meeting was to give those in attendance the right to speak and be heard concerning the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to revise Subsection (A)(14) relating to Stores and Shops.

With no one desiring to speak at the hearing, Mayor Ray and Chairman Mergel closed the joint public hearing at 6:11 p.m.

**E. Conduct Joint Public Hearing with City Council on the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-106 Regulations for District G (Second Business District) to revise Subsection (A)(9) relating to Stores and Shops.**

Mayor Ray called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Ray opened the Joint Public Hearing at 6:11 p.m., stating that the purpose of the meeting was to give those in attendance the right to speak and be heard concerning the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-106 Regulations for District G (Second Business District) to revise Subsection (A)(9) relating to Stores and Shops.

With no one desiring to speak at the hearing, Mayor Ray and Chairman Mergel closed the joint public hearing at 6:12 p.m., and the Planning and Zoning Commission retired from the City Council meeting at 6:13 p.m. to conduct its posted meeting agenda and prepare the final reports in connection with these joint public hearings.

Chairman Mergel reconvened the Planning and Zoning meeting at 6:15 p.m. and called the next item as follows:

**F. Consider approval of the minutes for the meeting held on June 13, 2017.**

Commissioner Freeman moved to approve the minutes for the meeting held on June 13, 2017. Commissioner Paul seconded the motion. The vote follows:

Ayes: Commissioners Berube, Dillon, Faircloth, Freeman, O'Neal, and Paul

Chairman Mergel

Nays: None

The motion carried.

**G. Discuss and take appropriate action regarding the preparation and presentation of the Final Report as it relates to the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to add Health Club as a Permitted Use.**

Chairman Mergel introduced the item. Background information is as follows:

A Joint public hearing was conducted at the July 17, 2017 Council and P&Z Meetings, giving opportunity for public comment on the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to add Health Club as a Permitted Use.

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

After due consideration, prepare and vote on your Final Report concerning the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to add Health Club as a Permitted Use.

The Commission engaged in discussion. Topics discussed included: the additional impact on police and emergency services a Health Club may cause; the difference in definition between a “Health Club” versus a “Health Spa;” and the growing trend of smaller, more specialized health club facilities building closer to residential areas.

With no further discussion on the matter, Commissioner Paul moved to approve a final report recommending that City Council amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to add Health Club as a Permitted Use. Commissioner O’Neal seconded the motion. The vote follows:

Ayes: Commissioners Berube, Dillon, Faircloth, O’Neal, and Paul  
Chairman Mergel

Nays: Commissioner Freeman

The motion carried.

*Upon passage of this motion, the Final Report was signed for presentation to Council. A copy of the Final Report is attached to and made a part of these minutes as Exhibit “A.”*

**H. Discuss and take appropriate action regarding the preparation and presentation of the Final Report as it relates to the proposal to amend the Code of Ordinances of the City of Jersey Village**

**at Chapter 14 Building and Development, Article I. In General, Section 14-5 Definitions by adding a definition for Health Club.**

Chairman Mergel introduced the item. Background information is as follows: A Joint public hearing was conducted at the July 17, 2017 Council and P&Z Meetings, giving opportunity for public comment on the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article I. In General, Section 14-5 Definitions by adding a definition for Health Club.

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

After due consideration, prepare and vote on your Final Report concerning the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article I. In General, Section 14-5 Definitions by adding a definition for Health Club.

With no further discussion on the matter, Commissioner O’Neal moved to approve a final report recommending that City Council amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article I. In General, Section 14-5 Definitions by adding a definition for Health Club. Commissioner Berube seconded the motion. The vote follows:

Ayes: Commissioners Berube, Dillon, Faircloth, O’Neal, and Paul  
Chairman Mergel

Nays: Commissioner Freeman

The motion carried.

*Upon passage of this motion, the Final Report was signed for presentation to Council. A copy of the Final Report is attached to and made a part of these minutes as Exhibit “B.”*

**I. Discuss and take appropriate action regarding the preparation and presentation of the Final Report as it relates to the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to revise Subsection (A)(14) relating to Stores and Shops.**

Chairman Mergel introduced the item. Background information is as follows: A Joint public hearing was conducted at the July 17, 2017 Council and P&Z Meetings, giving opportunity for public comment on the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to revise Subsection (A)(14) relating to Stores and Shops.

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

After due consideration, prepare and vote on your Final Report concerning the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to revise Subsection (A)(14) relating to Stores and Shops.

The Commission engaged in a brief discussion regarding the wording change to include “retail sales and personal service shops” and how it would affect the types of businesses allowed in this particular district.

With no further discussion on the matter, Commissioner Berube moved to approve a final report recommending that City Council amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to revise Subsection (A)(14) relating to Stores and Shops. Commissioner Paul seconded the motion. The vote follows:

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

Nays: None

The motion carried.

*Upon passage of this motion, the Final Report was signed for presentation to Council. A copy of the Final Report is attached to and made a part of these minutes as Exhibit “C.”*

**J. Discuss and take appropriate action regarding the preparation and presentation of the Final Report as it relates to the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-106 Regulations for District G (Second Business District) to revise Subsection (A)(9) relating to Stores and Shops.**

Chairman Mergel introduced the item. Background information is as follows: A Joint public hearing was conducted at the July 17, 2017 Council and P&Z Meetings, giving opportunity for public comment on the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-106 Regulations for District G (Second Business District) to revise Subsection (A)(9) relating to Stores and Shops.

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

After due consideration, prepare and vote on your Final Report concerning the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-106 Regulations for District G (Second Business District) to revise Subsection (A)(9) relating to Stores and Shops.

With no further discussion on the matter, Commissioner O’Neal moved to approve a final report recommending that City Council amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-106 Regulations for District G (Second Business District) to revise Subsection (A)(9) relating to Stores and Shops. Commissioner Paul seconded the motion. The vote follows:

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

Nays: None

The motion carried.

*Upon passage of this motion, the Final Report was signed for presentation to Council. A copy of the Final Report is attached to and made a part of these minutes as Exhibit "D."*

**K. Adjourn**

There being no further business on the Agenda the meeting adjourned at 6:55 p.m.

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Lorri Coody, City Secretary

**Exhibit A**  
**Planning and Zoning Minutes**  
**July 17, 2017**



## **CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION FINAL REPORT - HEALTH CLUB AS PERMITTED USE IN DISTRICT F**

The Planning and Zoning Commission has previously met on June 13, 2017 and in its preliminary report recommended that Council amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to add Health Club as a Permitted Use.

The preliminary report was submitted to the Jersey Village City Council at its June 19, 2017 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for July 17, 2017.

On July 17, 2017, 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 July 17, 2017 at 6:00 p.m., recommends that Council grant the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to add Health Club as a Permitted Use.

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

Respectfully submitted, this 17th day of July 2017.

s/Debra Mergel, Chairman

**ATTEST:**

s/Lorri Coody, City Secretary





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

**ORDINANCE NO. 2017-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 IV. ZONING DISTRICTS, DIVISION 2 USE BASED ZONING DISTRICTS, SECTION 14-105 REGULATIONS FOR DISTRICT F (FIRST BUSINESS DISTRICT) TO ADD HEALTH CLUB AS A PERMITTED USE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AS PROVIDE BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Jersey Village herein determines it necessary in order to promote health and general welfare in business areas to identify types of land use appropriate in such business areas; and

**WHEREAS**, as part of this determination it is desirable and necessary to regulate such land use by adding “health club” as a permitted use in District F; 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 that such requested amendment to the zoning ordinance is in accordance with the comprehensive plan and is appropriate to grant; **NOW THEREFORE**,

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

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

**Section 2.** Chapter 14, “Building and Development,” Article IV. *Zoning Districts*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended to add subsection (a)(24) “*health club*” as a permitted use in section 14-105 Regulations for District F (first business district), by adding the language underlined to read and provide as follows:

**“Chapter 14 – BUILDING AND DEVELOPMENT**

....

**Sec. 14-105.-Regulations for district F (first business district).**

....

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

- (1) Townhouses and patio homes.
- (2) Banks.
- (3) Barber and beauty shops.
- (4) Professional offices and business offices.
- (5) Educational institutions.
- (6) Hospitals, clinics and nursing care centers.
- (7) Churches and other places of worship.
- (8) Hotels and motels.
- (9) Public parks and playgrounds, public recreational facilities and community buildings.
- (10) Municipal and governmental buildings, police stations and fire stations.
- (11) Parking lots.
- (12) Gasoline filling stations, provided that all storage tanks for gasoline shall be below the surface of the ground.
- (13) Restaurants, cafes and cafeterias.
- (14) Stores and shops for retail trade.
- (15) Theaters.
- (16) Water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells.
- (17) Garages, public.
- (18) Accessory uses customarily incident to any of the above uses, provided that such use is not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind.
- (19) Golf courses, country clubs, miniature golf courses, and driving ranges.
- (20) Electric power lines and electric substations, including accessory uses customarily incidental thereto; provided that any such accessory use shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibrations, 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 in the subpart.
- (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.

(24) Health club.”

**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 19<sup>th</sup> day of June, 2017.

**ATTEST:**

\_\_\_\_\_  
Justin Ray, Mayor

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Lorri Coody, City Secretary

**Exhibit B**

**Planning and Zoning Minutes**

**July 17, 2017**



## **CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION FINAL REPORT - HEALTH CLUB DEFINITION**

The Planning and Zoning Commission has previously met on June 13, 2017 and in its preliminary report recommended that Council amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article I. In General, Section 14-5 Definitions by adding a definition for Health Club.

The preliminary report was submitted to the Jersey Village City Council at its June 19, 2017 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for July 17, 2017.

On July 17, 2017, 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 July 17, 2017 at 6:00 p.m., recommends that Council grant the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article I. In General, Section 14-5 Definitions by adding a definition for Health Club.

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

Respectfully submitted, this 17th day of July 2017.

s/Debra Mergel, Chairman

**ATTEST:**

s/Lorri Coody, City Secretary



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

**ORDINANCE NO. 2017-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 ADDING HEALTH CLUB; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Jersey Village herein determines it necessary in order to promote health and general welfare in business areas to identify types of land use appropriate in such business areas; and

**WHEREAS**, as part of this determination it is desirable and necessary to regulate such land use by adding a definition for “health club”; 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 that such requested amendment to the zoning ordinance is in accordance with the comprehensive plan and is appropriate to grant; **NOW THEREFORE**,

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

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

**Section 2.** Chapter 14, “Building and Development,” Article I. *IN GENERAL*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended to add a definition for “*health club*” to section 14-5 Definitions, by adding the language underlined to read as set out in the attached Exhibit “A.”

**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 19<sup>th</sup> day of June, 2017.

**ATTEST:**

\_\_\_\_\_  
Justin Ray, Mayor

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

DRAFT

## EXHIBIT "A"

"Sec. 14-5. - Definitions.

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

*Accessory building* means a building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

*Accessory use of a building* means a subordinate use or building customarily incident to and located on the lots occupied by the main use or building.

*Advertising* means to seek the attraction, or to direct the attention, of the public to any goods, services, merchandise, purpose or cause.

*Agriculture* means any land or building used for pasturage, floriculture, dairying, horticulture, forestry and livestock or poultry husbandry.

*Alley* means a legally established private access easement affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

*Alluvial fan flooding* means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

*Alter* means to change, rearrange, enlarge, extend or reduce any structure or part thereof on the same site.

*Alterations* means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to in this chapter as "altered" or "reconstructed."

*Apartment* means a dwelling unit in a multiple-family dwelling.

*Apex* means a point on an alluvial fan or similar landform below which the low path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*Appeal* means, for the purpose of flood hazard regulation, a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

*Area of shallow flooding* means a designated AO, AH or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

*As-built documents* means documents prepared by a registered professional engineer and confirming that the public improvements are constructed as shown.

*Auto body shop* means any shop or garage, other than a private garage, where bodywork and painting are performed.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Basement*, for purposes of flood hazard regulations, means any area of the building having its floor subgrade (below ground level) on all sides.

*Berm* means a manmade, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

*Billboard* means an off-premises sign.

*Block* means a tract or parcel of land designated as such on a subdivision plat surrounded by streets or other physical obstructions.

*Blockface* means the properties abutting on one side of a street between the two nearest intersecting streets or other physical features, such as a watercourse or unsubdivided land, that defines the end of the block.

*Boundary sewer line* means a sewer line installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

*Boundary water line* means a water line, installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

*Buffer* means the area, space or physical means which is established to protect or insulate one land use or one building from another. Generally, buffering will be the use of landscaping (other than mere grass on a flat terrain) or the use of landscaping along with berms, walls or decorative fences that at least partially and periodically obstruct the view from the street and adjacent property in a continuous manner, of vehicular use areas, parking lots and their parked cars, and detention ponds.

*Buffer yard* means a strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

*Build* means to convert, enlarge, reconstruct or alter a building or structure.

*Building* . See definition in the building code article of this chapter.

*Building area* means ground floor area computed by using the outside dimensions, excluding the floor area of garages, open or screened porches, basements or semifurnished storage rooms not used for residential purposes.

*Building height* means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is

located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

*Building line* means a line parallel to the front lot line. A minimum building line is the same as the minimum required front setback line.

*Building, principal* means a building in which is conducted the main or principal use of the lot on which such building is located.

*Business frontage* means the linear measurement from outer wall to outer wall of the side of the building which faces or fronts a street and which generally contains the primary entrance to the building.

*Business purposes* means the erection or use of any property, building, structure, permanent or temporary, for the primary purpose of conducting in such building or structure or on such property a lawful commercial enterprise in compliance with all ordinances and regulations of the city governing such activity. The term "business purpose" shall not include any property, building or structure erected or used for the primary purpose of securing a permit to erect a sign.

*Cabana or dressing room* means a small structure for use as a bathhouse adjacent to a swimming pool.

*Car wash facility* means a facility of the tunnel unit type for washing and cleaning of passenger vehicles which allows washing of multiple vehicles in a tandem arrangement while moving through the structure, to include detail areas, vacuum areas and a lobby.

*Carport* means a permanent structure that is attached to a residence or private garage, that covers a driveway, and that consists of a roof and one or more sides.

*Certificate of compliance* means a certificate issued by the city to a party intending to initiate any work or change any use of property in the city.

*Child-care center* means a facility licensed by the State of Texas to provide care at a location other than the permit holder's home, for seven or more children under 14 years of age, for less than 24 hours per day, but at least two hours a day, three or more days per week (40 TAC § 745.37(2)(D)).

*Child day-care operations* means any facility used for the following child day-care operations licensed under state law (40 TAC Ch. 745): "child-care center" and "school-age program" operations.

*Church* means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

*Clinic* means the office of one or more licensed doctors who may or may not be associated in the practice of their profession.

*Club* means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

*Commercial building* means any building other than a single-family residence.

*Commercial message* means a message placed or caused to be placed before the public by a person directly involved in the manufacture or sale of the products, property, accommodations, services, attractions or activities or possible substitutes for those things which are the subject of the message; and that refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions or activities that are offered or exist for sale or for hire; or that attracts attention to a business or to products, property, accommodations, services, attractions or activities that are offered or exist for sale or for hire.

*Condominium* . See *Unified development*.

*Courts* means an open space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court has one side open to a street or alley, yard or other permanent open space.

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Curbline* means an imaginary line drawn along the edge of the pavement on either side of a public street.

*Density* means the average number of dwelling units per acre for the entire development, including streets.

*Developer* means any person who improves or subdivides a tract of land or improves or takes any action preparatory to the erection, improvement or movement of any building or structure on a tract of land.

*Development*, for purposes of flood hazard regulations, means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*District* means an area of land for which there are uniform zoning regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

*Double-faced sign* means a single sign with two parallel sign faces back-to-back.

*Dwelling, multiple-family* means a building used or designed as a residence for three or more families living together independently of each other.

*Dwelling, single-family* means a detached building, designed for or occupied exclusively by one family.

*Dwelling, two-family* means a detached building, designed for or occupied by two families living independently of each other.

*Dwelling unit* means one or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

*Easement, utility* means a right held by the city to make use of the land of another for a limited purpose, such as right of passage.

*Electrical sign* means a sign containing electrical wiring or utilizing electric current, but not a sign illuminated by an exterior light source.

*Elevated building* means a nonbasement building built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in zones V1-390, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X and D, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE or V, the term "elevated building" also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.

*Erected* means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

*Excavation* means any breaking of ground, except common household gardening, general farming and ground care.

*Existing construction* means, for the purpose of flood hazard regulation and for the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."

*Existing manufactured home park or subdivision*, for purposes of flood hazard regulations, means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision*, for purposes of flood hazard regulations, means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*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.

*Filling* means the depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

*Filling stations* means any building or premises used for the dispensing, sale or offering for sale or retail of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

*Firewall* means a wall made of fireproof material to prevent the spread of a fire from one part of a building to another.

*Flag lot* means a lot which has minimum frontage on a public street, which is reached via a private drive or lane whose width some distance back from the street right-of-way, meets all ordinance requirements.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to a community.

*Flood insurance study* means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodplain or floodprone area* means any land area susceptible to being inundated by water from any source (see definition of *Flooding* ).

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The

term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway (regulatory floodway)* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Freestanding structure* means any building for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind and surrounded by yards or open space and not containing permanent provisions for living, sleeping or cooking.

*Functionally dependent use* means, for the purpose of flood hazard regulation, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Garage, front load* , means a private garage where the vehicle access doors to the garage face toward and are generally visible from a public view.

*Garage, J-swing* means a garage upon which the entry point from the street is located in front of the house and the garage door is perpendicular to the front of the house. A J-swing garage must have at least two windows, each 12 square feet or greater, oriented toward the front or the lot.

*Garage, private* means a garage intended for private use by the resident family with a ground floor capacity for not more than four automobiles or trucks of which not more than one vehicle shall be used for commercial purposes.

*Garage, private, detached* means a private garage constructed as a freestanding structure.

*Garage, public* means a building, or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

*Garage, sideloaded* means a private garage where the vehicle access doors to the garage are perpendicular to the front lot line and, therefore, are generally not visible from a public way, unless the lot is a corner lot and the garage loads to a side street.

*Grade* means a ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

*Grand opening* means the commencement of operation by a business in a new location or the assumption of ownership of an existing business by a new owner or group of owners.

*Ground sign* means a sign which is a pole sign, a monument sign or a nonconforming billboard which exists on the effective date of the ordinance. See Figure 14-19.



*Habitable floor* means, for the purpose of flood hazard regulation, any floor usable for the following purposes which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a habitable floor.

*Half-street* means a vehicular accessway created if only a portion of the required right-of-way width or pavement width is dedicated and/or constructed.

*Health club, also includes the terms athletic club, gym, fitness studio, and fitness center,* means a place of business which provides a place for a variety of physical exercises including facilities or studios for personal training, physical fitness training, weight and aerobic training, free weights, spinning/cycling, circuit training, yoga, Pilates, racquetball/squash courts, group fitness classes, boxing, wrestling, martial arts training, basketball courts, swimming pools and swimming lessons.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

*Integrated business development* means commercial development such as a strip center, mall, multitenant office building, commercial center or industrial complex in which two or more separate businesses occupy a single structure or multiple structures which share on-site parking facilities and common driveways.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of levees or associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Logo sign* means a sign operated and maintained by the state department of highways and public transportation within the public right-of-way along a country toll road which bears the name and trademark design of a business.

*Lot* means an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement.

*Lot depth* means the distance on a horizontal plane between the midpoint of the front lot line and the midpoint of the rear lot line.

*Lot lines* means the lines bounding a lot as follows:

- (1) *Lot line, front* means, for interior lots, a line separating the lot from the street; for corner lots, a line separating the narrowest street frontage of the lot from the street, except in those cases where the deed restrictions specify another line as the front lot line. In all cases the front lot line of a nonresidential lot shall be that side adjacent to the highest volume street.
- (2) *Lot line, rear* means a lot line opposite and most distant from the front lot line.
- (3) *Lot line, side* means any lot line not a front line or rear lot line.

*Lot of record* means a lot which is part of a platted subdivision, the plat of which is recorded in the office of the county clerk; a parcel or lot the deed for which was recorded in the office of the county clerk prior to March 1, 1982, and which has not been partitioned in any manner since that time.

*Lot width* means the distance on a horizontal plane between the midpoint of the side lot lines.

*Lowest floor* means, for the purpose of flood hazard regulation, the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, however, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

*Manufactured home* means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailer, travel trailers and other similar vehicles placed on a site for greater than 190 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

*Manufactured home park or subdivision*, for purposes of flood hazard regulations, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Marquee* means a roof-like structure of a permanent nature projecting from the wall of a building.

*Marquee sign* means a sign on a marquee. See Figure 14-19.

*Masonry* means that form of construction composed of stone, brick, concrete, hollow clay tile, decorative concrete block or tile, glass block or other similar building units or materials or a combination of these materials laid up unit by unit and set in mortar. For the purposes of this definition, true stucco is considered masonry.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum of 1929 or other data, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*Mobile home* means a movable or portable dwelling structure which is constructed to be towed on its own chassis, is capable of being connected to public utilities, and is designed for year round living as a single-family dwelling unit without the necessity of a permanent foundation. The term "mobile home" shall not include pickup campers, travel trailers, motor homes, converted buses, tent trailers or other transportable structures designed for temporary use (see also *Manufactured home* ).

*Mobile (manufactured) home park* means a parcel of land under single ownership on which two or more mobile (manufactured) homes are occupied as residences. Any mobile (manufactured) home facility where two or more units are intended for long-term residential use (beyond 90 days) is considered a mobile (manufactured) home park for purposes of applying development standards.

*Model home* means a single-family residential structure used temporarily as an office for the sale of single-family residential structures in the same platted subdivision.

*Monument sign* means a ground sign supported by a solid base which is equal to but not more than 15 percent larger than the sign face base which contains no commercial message and is not attached to any building. See Figure 14-19.

*Motor vehicle sales* means the use of a site for sale or rental of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. This use includes new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.

*Multifaced sign* means a single sign with two or more faces which are not parallel or back to back.

*Nameplate* means a sign which denotes only the name of the person occupying the premises.

*New construction* means, for the purpose of determining flood hazard insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commences on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision*, for purposes of flood hazard regulations, means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Noncommercial message* means a message that is not a commercial message.

*Noncommercial sign* means a sign directing attention to a purpose or cause not created or existing for the generation of profit or for the remuneration of individuals including, but not limited to, religious, charitable, civic or educational purposes or causes.

*Nonconforming building (nonconforming structure)* means a building or structure (or portion thereof) lawfully existing at the time of adoption of the ordinance from which this chapter derives, or subsequent amendment thereto, that does not conform to the provisions of this chapter relative to height, bulk, area, placement or yards for the district in which it is located.

*Nonconforming use* means the use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this chapter or subsequent amendment thereto, that does not conform to the regulations of the district in which it is situated.

*Off-premises sign* means a sign which identifies a use, facility or service which is not located on the premises where such sign is displayed; identifies a product which is not produced, sold or manufactured on the premises where such sign is displayed; or advertises or otherwise directs attention to a product, service, activity, person, institution, facility or business which may or may not be identified by a brand name and which occurs or is primarily conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is displayed.

*On-premises sign* means a sign which identifies the name of the owner or occupant of the premises on which the sign is located; identifies a use, facility or service located on the premises where such sign is displayed; identifies a product which produced, sold or manufactured on the premises where the sign is located; or advertises or otherwise directs attention to a product, service, activity, person, institution, facility or business which may or may not be identified by a brand name and which occurs or is primarily conducted, sold, manufactured, produced or offered on the premises where the sign is located.

*Owner* means any owner, authorized agent or contractor who constructs, enlarges, alters, repairs, moves or changes the occupancy of a building or structure.

*Pavement width* means the portion of the surface of the street available for vehicular traffic; if curbed, it is that portion of the street between the back of the curb and back of the curb.

*Pawnshop* shall have the meaning set out in V.T.C.A., Finance Code § 371.003.

*Person* means an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee or similar representative of any of them.

*Planned unit development (PUD)* . See *Unified development* .

*Portable sign* means a sign designed or constructed to be easily moved from one location to another, including signs mounted upon, or designed to be mounted upon, a trailer, bench, wheeled carrier or other motorized or nonmotorized mobile structure or vehicle, whether or not its wheels have been removed. For the purpose of this chapter, trailer signs and signs on benches are portable signs.

*Principal use* means the main use to which the premises are devoted and the principal use for which the premises exist.

*Private street* means a vehicular accessway under private ownership and maintenance providing access to building units in the interior of a lot.

*Projecting sign* means a sign which is affixed to a building wall or structure and which extends beyond the building wall or structure more than 12 inches.

*Public improvement* means one or more of the following: water lines and appurtenances, sewer lines and appurtenances, streets and/or drainage facilities.

*Public right-of-way* means any part of a right-of-way, not privately owned or controlled, which the city or other governmental agency is responsible for maintaining.

*Public street* means the entire width between property lines of any road, street, way, alley, bridge or other similar thoroughfare, not privately owned or controlled, which is open to the public for vehicular traffic and which the city or other governmental agency is responsible for maintaining.

*Public utility* means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

*Reader panel* means a permanently constructed changeable copy bulletin board, lighted or unlighted, with detachable precut letters and figures.

*Recreational vehicle* means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Regulatory floodway* . See *Floodway*.

*Reserve* means a tract of land created within a plat that is not divided into lots or proposed for development at the time of platting.

*Residential* means a tract of land designed for or used exclusively to contain a dwelling unit. A primary residential area shall mean a street in which a majority of the total front footage is used for residential purposes.

*Restaurant* means an eating establishment whose primary function is the sale, dispensing or service of food, refreshments and beverages to customers, and which may sell alcoholic beverages as an accompaniment to meals served therein. All food must be prepared and cooked in a commercial kitchen on the premises. This may include such eating establishments as dining rooms, drive-in restaurants, fast food restaurants, cafes, cafeterias, and carryout restaurants, but specifically excludes bars, taverns, saloons, cabarets, or other similar establishments which derive 75 percent or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages.

*Retail shops and retail trade* means a shop or establishment for the sale of goods or merchandise from a fixed location, such as a department store, boutique, or kiosk, in small or individual lots for direct consumption by the purchaser. "Retail shops or retail trade" specifically excludes a pawnshop.

*Right-of-way* means a street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

*Roof sign* means a sign erected or maintained above or on the sloped roof of any building or above the parapet wall or the mansard roof of a flat-roof building.

*Roofline* means the height above finished grade of the upper beam, rafter, ridge or purlin of any building.

*School-age program center* means a facility licensed by the State of Texas providing supervision and recreation, skills instruction, or skills training for at least two hours a day and three days a week to children attending pre-kindergarten through grade six. A school-age program operates before or after the customary school day and may also operate during school holidays, the summer period, or any other time when school is not in session (40 TAC § 745.37(2)(H)).

*Screening* means fences, walls, trees, shrubbery and other landscape elements used to conceal or interfere with the view and reduce noise impact thereof from adjacent properties and public rights-of-way at street level in accordance with the standards set forth in this chapter.

*Service centers* means a one-story building containing a minimum of 25 percent office space. The remaining space shall be used for other business functions governed by use regulations for District J.

*Setback* means the minimum unoccupied distance between the lot line and the principal and accessory buildings, as required in this chapter.

*Setback, front* means the minimum unoccupied distance, extending the full lot width, between the principal and accessory buildings and the front lot line.

*Setback, rear* means the minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.

*Setback, side* means the minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

*Sign* means any structure, part thereof or device of inscription which is located upon, attached to, or painted or represented on any land or on the outside of any building or structure, or on an awning, canopy, marquee or similar appendage, or displayed or shown so as to be seen from the outside of the building or structure, and which displays or includes any numeral letter, work model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction warning or designation of any person, industry or activity, or any combination thereof.

*Sign area* means the total square footage of all sign faces, including that portion of the sign structure or trim which contains any wording, symbols, identifying color or pictures; provided, however, that in the case of a double-faced sign, the sign area shall be the total square footage of one face.

*Sign face* means the sign face area of any sign upon, against or through which the message is displayed or illustrated; provided, however, that the sign face area of a sign on which the words, letters or symbols are independently mounted shall be that of the smallest regular geometric form that will wholly contain all of the message. See Figure 14-19.

*Sign structure* means a structure which supports or is capable of supporting a sign. A sign structure may be a single pole and may or may not be an integral part of a building.

*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.

*Single-occupant detached commercial or industrial building* means a commercial or industrial building which contains a single occupant and which is not a part of an integrated business development or which is located in a reserve that is part of, but is physically separated by a distance of more than 50 feet from any other structure in, an integrated business development.

*Site plan* means a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this chapter.

*Spectacular sign* means a sign that has one or more of the following as elements in its physical structure:

- (1) Automatically changing advertising that changes more often than once every five minutes (not including date, time, temperature);
- (2) Blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating or spot lights, or similar devices;
- (3) Lights or colored elements creating a continuously moving, shimmering or prismatic effect; or
- (4) Rotating or moving parts.

*Start of construction*, for flood hazard regulatory purposes, means permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Story* means that part of a building between the surface of a floor and the ceiling immediately above.

*Story, half* means that which covers a floor area of not more than 50 percent of the floor area and the ceiling immediately above.

*Street* means any public or private street or easement used for access.

*Street, arterial* means roads of regional importance or the main roads of a community. Direct access is primarily limited to significant land uses.

*Street, collector* means that which provides access to nonresidential land uses and connects residential streets to the system's arterial streets.

*Street, expressway* means a road intended to serve interstate or high speed, high volume urban traffic. Access to an expressway is limited to other expressways and major streets.

*Street frontage* means the length of a lot or tract of land which is adjacent to a public or private street.

*Streetline* means the line establishing the outer most boundary of the street right-of-way.

*Street, local* means a street which provides access to adjacent land; characterized by low volume and low speeds.

*Structural alterations* means any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

*Structure* means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground including, but not limited to, buildings of all types, advertising signs and billboards, but excluding (1) fences, boundary and retaining walls in the side or rear yard, and (2) basketball goals, flagpoles, and ornamental yard lights.

*Structure*, for flood hazard regulatory purposes, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

*Subdivision plat* means a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the county records and containing accurate and detailed engineering and survey data, dimensions, dedicatory statements and certificates.

(1) Preliminary plat: see section 14-55(1).

(2) Final plat: see section 14-55(2).

*Substantial damage*, for flood hazard regulatory purposes, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement*, for flood hazard regulatory purposes, means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

*Temporary building* means a building used for a temporary period of time in connection with construction on the premises of which it is located, real estate sales, and educational, municipal or church functions.

*Temporary sign* means a sign constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material. A portable sign shall not be considered a temporary sign.

*Townhouse* means a structure which is one of a series of dwelling units designed and used for only single-family occupancy, ground to sky, with no entrances or exits to or from the adjoining structures, if any.

*Underground shelter* means any structure built primarily below ground level.

*Unified development* means the separate ownership of single units or apartments in a multiple unit structure with common elements. (See Vernon's Ann. Civ. St. art. 1301a).

*Use* means the purpose or activity for which any land or building is designed, arranged or intended, or for which it is so occupied or maintained, and shall include any manner of such activity with respect to the standards of this chapter.

*Utility structure* means any structure built primarily for the storage of tools, such as garden and lawn equipment.

*Variance*, for flood hazard regulatory purposes, is a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter (for floodplain management purposes, see subsection 14-225(f) for full requirements).

*Violation*, for flood hazard regulatory purposes, means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A



structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 14-225 is presumed to be in violation until such time as that documentation is provided.

*Wall line* means the surface that connects the foundation to the roof.

*Wall sign* means a flat sign, either of solid face construction or individual letters, symbols or pictures, erected, installed or printed, which is placed against the exterior wall of any building or structure and which does not extend more than eight inches from the exterior wall and does not extend above the wall line.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or other data, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Watercourse* means a definite channel of a stream in which water flows within a defined bed and banks, originating from a definite source. The water may flow continuously or intermittently, and if the latter, with some degree of regularity, depending on the characteristics of the source.

*Yard, front* means the space enclosed by the front lot line, the side lot lines and a line parallel to the front lot line and even with the main building or any projections thereof, other than steps, or planter box.

*Yard, rear* means the space unoccupied, except for freestanding buildings between the rear of the main building (dwelling) and the rear lot line.

*Yard, side* means the open space between a building and the side lot lines, but not including any part of the front or rear yards.

*Zero property line housing* means housing commonly known as patio homes. It is a detached living unit constructed on a smaller lot in which one side of the unit is placed on the property line without openings. This concept utilizes the entire lot with a living unit that has a private side and rear yard. The front yard of the unit is reduced in size to contain the auto ingress and egress area along with the guest entry area.

*Zoning district map* means the map incorporated into this chapter and made a part of this chapter by reference thereto.”

**Exhibit C**  
**Planning and Zoning Minutes**  
**July 17, 2017**



## **CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION FINAL REPORT - STORES AND SHOPS DISTRICT F**

The Planning and Zoning Commission has previously met on June 13, 2017 and in its preliminary report recommended that Council amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to revise Subsection (A)(14) relating to Stores and Shops.

The preliminary report was submitted to the Jersey Village City Council at its June 19, 2017 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for July 17, 2017.

On July 17, 2017, 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 July 17, 2017 at 6:00 p.m., recommends that Council grant the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-105 Regulations for District F (First Business District) to revise Subsection (A)(14) relating to Stores and Shops.

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

Respectfully submitted, this 17th day of July 2017.

s/Debra Mergel, Chairman

**ATTEST:**

s/Lorri Coody, City Secretary



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

**ORDINANCE NO. 2017-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 IV. ZONING DISTRICTS, DIVISION 2 USE BASED ZONING DISTRICTS, SECTION 14-105 REGULATIONS FOR DISTRICT F (FIRST BUSINESS DISTRICT) TO REVISE SUBSECTION (A)(14) RELATING TO STORES AND SHOPS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Jersey Village herein determines it necessary in order to promote health and general welfare in business areas to identify types of land use appropriate in such business areas; and

**WHEREAS**, as part of this determination it is desirable and necessary to regulate such land use by revising subsection 14-105(a)(14) relating to stores and shops in District F; 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 that such requested amendment to the zoning ordinance is in accordance with the comprehensive plan and is appropriate to grant; **NOW THEREFORE**,

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

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

**Section 2.** Chapter 14, "Building and Development," Article IV. *Zoning Districts*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended to revise subsection (a)(14) in section 14-105 Regulations for District F (first business district), by adding the language underlined and by deleting the language struck through to read and provide as follows:

**"Chapter 14 – BUILDING AND DEVELOPMENT**

....

**Sec. 14-105.-Regulations for district F (first business district).**

....

- (a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered in district F except for one or more of the following uses:
- (1) Townhouses and patio homes.
  - (2) Banks.
  - (3) Barber and beauty shops.
  - (4) Professional offices and business offices.
  - (5) Educational institutions.
  - (6) Hospitals, clinics and nursing care centers.
  - (7) Churches and other places of worship.
  - (8) Hotels and motels.
  - (9) Public parks and playgrounds, public recreational facilities and community buildings.
  - (10) Municipal and governmental buildings, police stations and fire stations.
  - (11) Parking lots.
  - (12) Gasoline filling stations, provided that all storage tanks for gasoline shall be below the surface of the ground.
  - (13) Restaurants, cafes and cafeterias.
  - (14) Stores and shops for retail ~~trade~~ sales and personal service shops.
  - (15) Theaters.
  - (16) Water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells.
  - (17) Garages, public.
  - (18) Accessory uses customarily incident to any of the above uses, provided that such use is not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind.
  - (19) Golf courses, country clubs, miniature golf courses, and driving ranges.
  - (20) Electric power lines and electric substations, including accessory uses customarily incidental thereto; provided that any such accessory use shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibrations, 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 in the subpart.
  - (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 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 19<sup>th</sup> day of June, 2017.

**ATTEST:**

\_\_\_\_\_  
Justin Ray, Mayor

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Lorri Coody, City Secretary

**Exhibit D**  
**Planning and Zoning Minutes**  
**July 17, 2017**





## **CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION FINAL REPORT - STORES AND SHOPS DISTRICT G**

The Planning and Zoning Commission has previously met on June 13, 2017 and in its preliminary report recommended that Council amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-106 Regulations for District G (Second Business District) to revise Subsection (A)(9) relating to Stores and Shops.

The preliminary report was submitted to the Jersey Village City Council at its June 19, 2017 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for July 17, 2017.

On July 17, 2017, 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 July 17, 2017 at 6:00 p.m., recommends that Council grant the proposal to amend the Code of Ordinances of the City of Jersey Village at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-106 Regulations for District G (Second Business District) to revise Subsection (A)(9) relating to Stores and Shops.

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

Respectfully submitted, this 17th day of July 2017.

s/Debra Mergel, Chairman

**ATTEST:**

s/Lorri Coody, City Secretary



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

**ORDINANCE NO. 2017-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 IV. ZONING DISTRICTS, DIVISION 2 USE BASED ZONING DISTRICTS, SECTION 14-106 REGULATIONS FOR DISTRICT G (SECOND BUSINESS DISTRICT) TO REVISE SUBSECTION (A)(9) RELATING TO STORES AND SHOPS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Jersey Village herein determines it necessary in order to promote health and general welfare in business areas to identify types of land use appropriate in such business areas; and

**WHEREAS**, as part of this determination it is desirable and necessary to regulate such land use by revising subsection 14-106(a)(9) relating to stores and shops in District G; 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 that such requested amendment to the zoning ordinance is in accordance with the comprehensive plan and is appropriate to grant; **NOW THEREFORE**,

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

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

**Section 2.** Chapter 14, “Building and Development,” Article IV. *Zoning Districts*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended to revise subsection (a)(9) in section 14-106 Regulations for District G (second business district), by adding the language underlined and by deleting the language struck through to read and provide as follows:

**“Chapter 14 – BUILDING AND DEVELOPMENT**

....

Sec. 14-106. - Regulations for district G (second business district).

- (a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered in district G except for one or more of the following uses:
- (1) Banks.
  - (2) Barber and beauty shops.
  - (3) Professional offices and business offices.
  - (4) Educational institutions.
  - (5) Hospitals, clinics and nursing care centers.
  - (6) Churches and other places of worship.
  - (7) Hotels and motels.
  - (8) Restaurants, cafes and cafeterias.
  - (9) Stores and shops for retail ~~trade~~ sales and personal service shops.
  - (10) Theaters.
  - (11) Gasoline filling stations, provided that all storage tanks for gasoline shall be below the surface of the ground.
  - (12) Mini-warehouse storage facilities on lots of eight acres or more.
  - (13) Garages, public.
  - (14) Parking lots.
  - (15) Water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells.
  - (16) Public parks and playgrounds, public recreational facilities and community buildings.
  - (17) Municipal and governmental buildings, police stations and fire stations.
  - (18) Accessory uses customarily incident to any of the above uses, provided that such use is not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind.
  - (19) The following uses are permitted in district G with a specific use permit:
    - a. Telephone switching facilities.
    - b. Multifamily housing for senior citizens.
    - c. Telecommunication towers.
    - d. Auto body shops.
    - e. Child day-care operations (licensed child-care centers and school-age program centers).”

**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 19<sup>th</sup> day of June, 2017.

**ATTEST:**

\_\_\_\_\_  
Justin Ray, Mayor

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Lorri Coody, City Secretary

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