

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

June 13, 2017 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON JUNE 13, 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
Rick Faircloth, Vice Chairman
Joseph Paul, Committee Member

Joyce Berube, Committee Member
Barbara Freeman, Committee Member
William P. Dillon, Committee Member

Andrew Mitcham, Council Liaison, was not present at this meeting.

Michael O’Neal, Committee Member, was not present at this meeting.

Staff in attendance: Lorri Coody, City Secretary; Paula Alexander, City Attorney; Kevin T. Hagerich, Director of Public Works; and Christian Somers, Building Official.

B. Consider approval of the minutes for the meeting held on April 5, 2017.

Commissioner Freeman moved to approve the minutes for the meeting held on April 5, 2017. Commissioner Paul seconded the motion. The vote follows:

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

Nays: None

The motion carried.

C. Discuss and take appropriate action concerning amendments to 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; and, if appropriate, the preparation and presentation of the Preliminary Report to Council on June 19, 2017.

Christian Somers, Building Official, introduced the item. He told the Commission that this item is to make amendments to the Code of Ordinances in order to add Health Club as a permitted use in District F. This request is being made in keeping with the directives of the 2016 Comprehensive Plan and to provide residents with other amenities that health clubs may offer. He explained, that with the help of the City Attorney, a good definition has been developed that is very specific.

At this point in the meeting, Chairman Mergel felt it necessary to call Item D to be discussed in conjunction with Item C as follows:

D. Discuss and take appropriate action concerning amendments to 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; and, if appropriate, the preparation and presentation of the Preliminary Report to Council on June 19, 2017.

After calling the item, Building Official Somers read the proposed definition for “Health Club” and discussion continued concerning adding Health Club as a permitted use in District F along with the proposed definition for “health club.” Some Commissioners wondered how the definition would be interpreted for a martial arts studio or a cross-fit facility. Building Official Somers explained that under the proposed definition, these type businesses would be allowed.

The Commission then discussed the differences between a “health club” and a “health spa.” Some Commissioners felt that these are two (2) different types of businesses while others were concerned that making this amendment would also be permitting “health spas” because some “health clubs” permit hot tubs and physical therapy as well as other types of activities like massage therapy. Accordingly, there was concern that by permitting an amendment for “health clubs” a sort of umbrella may be created under which “health spas,” that include massage type services, would be permitted.

City Attorney Alexander was of the opinion that “health spas” fall into a different category, and stated that any services offered by a “health club” coming into the City as this permitted use would have to meet the terms of the definition being proposed. She went on to say that a health spa is more for personal care and not physical activities which is clearly defined in the proposed definition. Building Official Somers added that the primary use of a business will govern how and if it fits within the definition of “health club.” The Commission discussed both types of businesses and how the proposed definition would apply.

There was also discussion about changing the term “health club” to “fitness club.” The pros and cons of changing the term was discussed, but the consensus of the Commission favored the term “health club.”

With no further discussion on the matter of adding Health Club as a permitted use in District F, Commissioner Faircloth moved that the Commission preliminarily recommend 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; and call for a joint public hearing on July 17, 2017. Commissioner Berube seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, Paul, and Dillon
Chairman Mergel

Nays: Commissioner Freeman

The motion carried.

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

With no further discussion on the matter of adding the proposed definition for “health club,” Commissioner Berube moved that the Commission preliminarily recommend 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; and call for a joint public hearing on July 17, 2017. Commissioner Paul seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, Paul, and Dillon
Chairman Mergel

Nays: Commissioner Freeman

The motion carried.

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

Chairman Mergel called Item E and Item F together as follows:

- E. Discuss and take appropriate action concerning amendments 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; and, if appropriate, the preparation and presentation of the Preliminary Report to Council on June 19, 2017.**
- F. Discuss and take appropriate action concerning amendments 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; and, if appropriate, the preparation and presentation of the Preliminary Report to Council on June 19, 2017.**

Building Official Somers introduced the items. He explained that the City's Code of Ordinances does not provide/allow for personal services such as dry cleaning business and a shoe repair business. This change will permit/allow businesses that offer these type personal services. In discussing the items, some Commissioners felt that "personal services" needs to be defined and there is no proposed definition. Building Official Somers is of the opinion that a definition is not needed since he uses the standard industrial classification to determine the meaning of "personal services." He went on to explain that the City's Code currently permits/provides for retail sales but it does not permit personal service type businesses such as an alteration service or a tailor. There was concern among some Commissioners that there is no definition and a definition is needed. They cited that the current code provides a definition for all terms that are not self-explanatory like hospital, bank, theater, etc. Additionally, some Commissioners felt that "personal service" should be added as its own permitted use as opposed to revising the "stores and shops" use to include "personal service." City Attorney Alexander is of the opinion that a definition would be helpful. The Commission discussed the pros and cons of having a definition to support this change. Some felt that the definition could include like uses which would help explain the types of personal services permitted.

With no further discussion on Item E, Commissioner Berube moved that the Commission preliminarily recommend that City Council amend the Code of Ordinances 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; and call for a joint public hearing on July 17, 2017. Commissioner Faircloth seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, Paul, and Dillon

Nays: Chairman Mergel

The motion carried.

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

With no further discussion on Item F, Commissioner Faircloth moved that the Commission preliminarily recommend that City Council amend the Code of Ordinances 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; and call for a joint public hearing on July 17, 2017. Commissioner Paul seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, Paul, and Dillon

Nays: Chairman Mergel

The motion carried.

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

G. Discuss and take appropriate action concerning amendments to the Jersey Village Code of Ordinances at Chapter 18, "Businesses," Article V. Hotel Code, Section 18-182 "Definitions," and Section 18-189 "Premises Requirements" in order to provide for the Regulation of Hotels, and, if appropriate, the preparation and presentation of the Commission's recommendations to City Council on June 19, 2017.

Christian Somers, Building Official, introduced the item. He explained the proposed changes and called the Commission's attention to Section 18-189(n), which contains the most substantial changes concerning access/security. He read the proposed changes to the Commission.

The Commission engaged in discussion about how a Bread and Breakfast business might fit under the proposed changes. There was also discussion about the definition of "hotel."

With limited discussion on this item, Commissioner Freeman moved that the Commissioners recommend that the City's Code of Ordinances be amended at Chapter 18, "Businesses," Article V. Hotel Code, Section 18-182 "Definitions," and Section 18-189 "Premises Requirements" in order to provide for the Regulation of Hotels. Commissioner Paul seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, Paul, and Dillon
Chairman Mergel

Nays: None

The motion carried.

Upon passage of this motion, the Recommendation was prepared and signed for presentation to Council. A copy of the Recommendation is attached to and made a part of these minutes as Exhibit "E."

H. Adjourn

There being no further business on the Agenda the meeting adjourned at 7:02 p.m.

s/Lorri Coody, City Secretary



Exhibit A

Planning and Zoning Minutes

June 13, 2017 Meeting



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

The Planning and Zoning Commission has met in order to consider amendments to the Code of Ordinances of the City of Jersey Village, in order to add Health Club as a Permitted Use in Zoning District F (First Business District); and

After review and discussion, the Commissioners preliminarily propose that amendments be made to 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.

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 13th day of June 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.

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 19th day of June, 2017.

ATTEST:

Justin Ray, Mayor

Lorri Coody, City Secretary

Exhibit B

Planning and Zoning Minutes

June 13, 2017 Meeting



CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION PRELIMINARY REPORT – DEFINITION FOR HEALTH CLUB

The Planning and Zoning Commission has met in order to consider amendments to 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; and

After review and discussion, the Commissioners preliminarily propose that Chapter 14 Building and Development, Article I. In General, Section 14-5 Definitions be amended by adding a definition for Health Club.

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 13th day of June 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.

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 19th 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

June 13, 2017 Meeting



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

The Planning and Zoning Commission has met in order to consider amendments to the Code of Ordinances of the City of Jersey Village, revising use regulations pertaining to stores and shops in order to provide for retail sales and personal service shops in Zoning District F (First Business District); and

After review and discussion, the Commissioners preliminarily propose that amendments be made to 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.

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 13th day of June 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.

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 19th day of June, 2017.

ATTEST:

Justin Ray, Mayor

Lorri Coody, City Secretary

Exhibit D

Planning and Zoning Minutes

June 13, 2017 Meeting



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

The Planning and Zoning Commission has met in order to consider amendments to the Code of Ordinances of the City of Jersey Village, revising use regulations pertaining to stores and shops in order to provide for retail sales and personal service shops in Zoning District G (Second Business District); and

After review and discussion, the Commissioners preliminarily propose that amendments be made to 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.

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 13th day of June 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.

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 19th day of June, 2017.

ATTEST:

Justin Ray, Mayor

Lorri Coody, City Secretary

DRAFT

Exhibit E

Planning and Zoning Minutes

June 13, 2017 Meeting



**CITY OF JERSEY VILLAGE
PLANNING & ZONING COMMISSION
RECOMMENDATIONS CONCERNING
AMENDMENTS TO THE CODE OF ORDINANCES AT CHAPTER 18**

The Planning and Zoning Commission has met in order to consider amendments to the Jersey Village Code of Ordinances in order to provide for the Regulation of Hotels; and

After review and discussion, the Commissioners recommend that the City's Code of Ordinances be amended at Chapter 18, "Businesses," Article V. Hotel Code, Section 18-182 "Definitions," and Section 18-189 "Premises Requirements" in order to provide for the Regulation of Hotels as is more specifically detailed in the proposed ordinance attached as Exhibit "A."

Signed and approved this the 13th day of June, 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, TEXAS, BY AMENDING CHAPTER 18, "BUSINESSES," ARTICLE V. HOTEL CODE, SECTION 18-182 "DEFINITIONS", AND SECTION 18-189 "PREMISES REQUIREMENTS", TO PROVIDE FOR REGULATION OF HOTELS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

WHEREAS, the City Council of the City of Jersey Village has adopted Chapter 18, Article V, Hotel Code, to ensure the continued availability of transient lodging within the City of Jersey Village, the maintenance of clean hotels, and to protect health, safety and welfare; and

WHEREAS, the City Council finds that the following regulations are essential to the public interest, safety, health, and welfare;

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and incorporated for all purposes.

Section 2. Article V. *Hotel Code*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended at Section 18-182 by adding the language underlined and by deleting the language struck through, as set out in the attached Exhibit "A."

Section 3. Article V. *Hotel Code*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended at Section 18-189 by adding the language underlined and by deleting the language struck through, as set out in the attached Exhibit "B."

Section 4. Any person who shall willfully, intentionally, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in accordance with Section 1-8 of The City Code. Each day of violation shall constitute a separate offense.

Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 19th day of June, 2017.

ATTEST:

Justin Ray, Mayor

Lorri Coody, City Secretary

DRAFT

EXHIBIT "A"

Sec. 18-182. - Definitions.

For the purpose of this chapter, the following terms, words, and derivations shall have the meaning given, unless the context clearly indicates or requires a different meaning:

Calls for service (CFS) include but are not limited to any and all calls to emergency services, (police, fire, medical, code enforcement, and development services) that result in a city employee being dispatched or directed to the hotel. This shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be attributed or traced to the hotel premises. Calls for service include any self-initiated activity or investigation based on the observation(s) of an emergency services representative that results in a written report. Multiple calls regarding the same event shall be treated as a single call for service for purposes of calculating the CFS room ratio. Calls from employees of the hotel are excluded from being used to determine the calls for service room ratio. Calls for service include but are not limited to:

- (1) Commission of crimes that are drug related or drug related arrests;
- (2) Commission of crimes that are prostitution related or prostitution related arrests;
- (3) Commission of crimes that are a breach of the peace;
- (4) All fire alarms at a hotel;
- (5) Immediate public safety and health issues at a hotel; or
- (6) Noncompliance with federal law, state law or city codes and ordinances.

Calls for service room ratio is defined as the number of calls for service divided by the total number of guest rooms in a hotel during the time-period as set forth in section 18.184(A) herein.

Clean condition means free from:

- (1) Chemical contamination;
- (2) Microbial contamination;
- (3) Insect or rodent contamination;
- (4) Displaying or undergoing spoilage, putrefaction; or
- (5) Trash, debris, dirt or refuse.

Provided, however, such condition shall not be attributable to the hotel unless it exists in a room within two days after it was cleaned according to the schedule maintained by the hotel.

Code conviction limit is determined by the relationship between the number of convictions of city code violations in a court of law compared to the number of guest rooms in a hotel. The code conviction limit for hotels with less than 60 guest rooms is defined as more than five convictions of city code violations in a court of law within a period of 12 consecutive calendar months. The code conviction limit for hotels with 60 or more guest rooms or more is defined as the number of convictions of city code violations in a court of law equal to ten percent of the total number of guest rooms rounded to the next highest integer in a hotel within a period of 12 consecutive calendar months.

Commissioned security officers are officers who have successfully undertaken and passed a state and national criminal history check and passed the 30-hour training class provided by the private security bureau of the state department of public safety.

Designated city official or DCO means the city manager or designee.

Drug related includes but is not limited to the manufacture, cultivation, importation into the state, transportation, possession, possession for sale, sale, furnishing, administering, or giving away or providing a place to use or fortification of a place involving any illegal or controlled drug, narcotic or drug paraphernalia.

Extended Stay Hotel Unit means, for the purposes of this article, a hotel room with accommodations for sleeping along with on-premise kitchen and bathroom facilities. The term includes hotel units utilized for occupant stays of more than 30 consecutive days and shall be subject to Section 18-188 regulations relating to occupancy limits and Chapter 14 regulations for building and development.

Hotel means, within the context of this article, ~~any hotel, motel, lodging house or inn in the city having three or more rooms where transient guests are fed or lodged for pay~~ a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast.

Hotel room or room means the portion of the hotel which may be used by a guest as a temporary residence, including single rooms and suites.

Law means any federal, state statute, or city ordinance, court decision or regulation.

Let or let for occupancy means to permit, provide or offer possession or occupancy of a dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to recorded or unrecorded agreement or contract for the sale of land.

Manager shall mean any person who manages the business operations of any hotel on behalf of the owner and/or management company, whose duties may include the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, handling guest affairs or overseeing security.

Operator means any person who is the proprietor of any hotel whether in the capacity of the owner, lessee, receiver, sublessee, franchisee, mortgagee in possession, hotel management company, or agent of any of the aforementioned, who offers or accepts payment for rooms, guestrooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the dwelling units.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person means an individual, corporation, business trust, estate trust, partnership or any other group acting as a unit.

Property Standards Board means the city council, or board appointed by the city council to hear cases pertaining to this article.

Prostitution related includes but is not limited to those that involve prostitution or prostitution related crimes such as pimping or pandering in violation of city and/or state codes.

DRAFT

EXHIBIT “B”

Sec. 18-189. - Premises requirements.

- (a) Each property owner, operator, or manager shall cause to be maintained a complete register for each person to whom any room at a hotel is let. The register shall contain the following information:
 - (1) Correct name and permanent address, designating street and number, city, state and country;
 - (2) Actual dates of occupancy indicating check-in time, checkout time and room number;
 - (3) Correct license or registration number, state of registration and make of any vehicle or conveyance;
 - (4) Number of individuals staying in the room;
 - (5) Amount of the bill and method of payment; and
 - (6) Register records shall be maintained for a period of two years for each person who lets any room at a hotel.
- (b) Tier 2 property owners, operators, or managers shall require any person to whom any room at a hotel is let to provide evidence of his or her identity and address of residence, and, in addition thereto, the full and true name and address of each member of his party.
- (c) No tier 2 property owner, operator, or manager shall allow or permit any hourly charge for any room within said establishment.
- (d) No tier 2 property owner, operator, or property manager shall allow or permit any room or rooms within the hotel to be rented more than twice in any 24-hour period commencing at 12:01 a.m.
- (e) No property owner, operator, or manager shall knowingly let, allow or permit any room on the premises to be used for any illegal purpose including but not limited to:
 - (1) Prostitution;
 - (2) Gambling;
 - (3) Drug use, sale or manufacture of drugs;
 - (4) Sale of alcoholic beverages.
- (f) A property owner, operator and/or manager providing false information to city authorities regarding the identity of and hours of occupancy by any occupant shall be prima facie evidence of premises being used for illegal purposes including but not limited to:
 - (1) Prostitution;
 - (2) Gambling;
 - (3) Drug use, sale or manufacture of drugs;
 - (4) Sale of alcoholic beverages.
- (g) Room rates shall be posted in a prominent location in all guest rooms. Guests shall not be charged in excess of posted rates. A range of rates is acceptable in the posting.

- (h) For guest complaints the telephone number and address for the DCO shall be posted in a prominent location in all guest rooms and public reception area.
- (i) A representative of the property owner, operator or manager shall be present and accessible to the DCO in person, on a 24-hour basis.
- (j) Tier 2 hotels are required to have 24-hour on-site security provided by commissioned security officers.
- (k) All commissioned security officers while working for a Tier 2 hotel must be in uniform and must be registered with the private security bureau of the state department of public safety.
- (l) Commissioned security officers working for a tier 2 hotel must have a class B security contractor license issued from the private security bureau of the state department of public safety.
- (m) Tier 2 hotels are required to videotape the premises and keep and maintain recordings for at least 30 days.
- (n) Access and Security. ~~A guest room shall be accessible only from an internal hallway and the internal hallway shall be accessible only from a central lobby area contained within the hotel/motel.~~ A hotel must meet the following requirements:
 1. Guest rooms must be accessible only through interior corridors of the hotel building or group of buildings;
 2. Primary hotel building entrances to lobby and registration areas, and/or meeting rooms and ballrooms, may provide access for ingress and egress of hotel guests and/or invitees
 3. Secondary hotel building entrances through exterior doors must be secured and accessible only to guests and employees;
 4. Hotel management must be on-site 24 hours each day; and
 5. Security cameras. A hotel/motel shall install and maintain, in proper operating order, security cameras in each interior hallway and lobby, in the parking lots, and at each exterior door. The cameras shall be placed so as to provide visibility to the front and rear exteriors of the building and to the swimming pool area, if any. Monitors shall be provided for security and other hotel/motel personnel so that on-site activities may be viewed at all times. The security cameras shall be equipped with recording devices capable under normal lighting and operating conditions of producing reasonable photographic images of the persons in the specified areas. Video recordings from security cameras shall be operating 24 hours a day and shall be kept a minimum of thirty (30) days.

~~This requirement~~ Subsections 1 - 5 applies to shall apply to hotels and motels permitted for new construction after ~~February~~ June 20, 2017.