



NOTICE OF A MEETING

(In compliance with Sec. 551.041, Et. Seq., Tex. Gov't. Code)

Notice is hereby given of a City of Jersey Village Planning and Zoning Commission Meeting to be held on Monday, April 19, 2021, at 7:00 p.m. via videoconferencing. All agenda items are subject to action. The Planning and Zoning Commission reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, the public will not be allowed to be physically present at this meeting of the City of Jersey Village Planning and Zoning Commission, but the meeting will be available to members of the public and allow for two-way communications for those desiring to participate via telephone. To attend the meeting via telephone, please use the following toll-free number:

346-248-7799 along with Webinar ID: 865 8674 7906.

Any person interested in speaking during the public comment item on the agenda must submit his/her request via email to the City Secretary at lcoody@jerseyvillagetx.com. The request must include the speaker's name, address, topic of the comment and the phone number that will be used for teleconferencing. The request must be received no later than 12:00 p.m. on April 19, 2021.

The following will be observed by the public participating in the meeting:

- Callers will be called upon to speak by the Committee Chairperson.
- Once called upon for public comment, speakers should state their name and address before speaking.
- Callers will mute their phone unless called upon to speak (*to eliminate background noise*).
- Callers should use handsets rather than speakerphone whenever possible.

The agenda packet is accessible to the public at the following link: https://www.jerseyvillagetx.com/page/pz.ags_mins_current_year.

For more information or questions concerning the teleconference, please contact the City Secretary at 713-466-2102. The agenda items for this meeting are as follows:

A quorum of the City of Jersey Village City Council may be in attendance at this meeting.

ITEM(S) to be discussed and acted upon by the Committee are listed on the attached agenda.

AGENDA

- A. Open Meeting. Call the meeting to order and the roll of appointed officers will be taken. *Rick Faircloth, Chairperson*
- B. Conduct a Joint Public Hearing with the Jersey Village City Council for the purpose of receiving oral comments from any interested person(s) concerning the proposals to: (1) to

amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”) and (2) to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way. *Andrew Mitcham, Mayor and Rick Faircloth, Chair*

- C. **CITIZENS’ COMMENTS** - Any person who desires to address the Planning and Zoning Commission regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Commissioners are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Planning and Zoning Commission. *Rick Faircloth, Chair*
- D. Consider approval of the minutes for the meeting held on March 1, 2021. *Lorri Coody, City Secretary*
- E. Discuss and take appropriate action regarding the preparation and presentation of Final Report to City Council concerning the proposal to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”). *Harry Ward, Director of Public Works*
- F. Discuss and take appropriate action regarding the preparation and presentation of a Final Report to City Council concerning the proposal to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way. *Harry Ward, Director of Public Works*

G. Adjourn

CERTIFICATION

I, the undersigned authority, do hereby certify in accordance with the Texas Open Meeting Act, the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at City Hall, 16327 Lakeview, Jersey Village, TX 77040, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: April 13, 2021 at 11:30 a.m. and remained so posted until said meeting was convened.

Lorri Coody, City Secretary

In compliance with the Americans with Disabilities Act, the City of Jersey Village will provide for reasonable accommodations for persons attending City Council meetings. Request for accommodations must be made to the City Secretary by calling 713 466-2102 forty-eight (48) hours prior to the meetings. Agendas are posted on the Internet Website at www.jerseyvillagetx.com

PLANNING AND ZONING COMMISSION MEETING PACKET FOR THE MEETING TO BE HELD ON APRIL 19, 2021

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."



**PLANNING AND ZONING COMMISSION
CITY OF JERSEY VILLAGE, TEXAS
AGENDA REQUEST**

AGENDA DATE: April 19, 2021

AGENDA ITEM: B

AGENDA SUBJECT: Conduct a Joint Public Hearing with the Jersey Village City Council for the purpose of receiving oral comments from any interested person(s) concerning the proposals to: (1) to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”) and (2) to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

Department/Prepared By: Lorri Coody, City Secretary **Date Submitted:** March 16, 2021

EXHIBITS: [EX A](#) - Public Hearing Notice with P&Z Preliminary Reports
[EX B](#) - Certification of Mailing – Zoning Change
[EX C](#) - Certification of Posting – Zoning Change
[EX D](#) – PH Script

BACKGROUND INFORMATION:

The Planning and Zoning Commission met on March 1, 2021 and recommended amendments to (1) to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”) and (2) to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

The preliminary reports were submitted to the Council at its March 15, 2021 meeting, and Joint Public Hearings were ordered for April 19, 2021.

A joint public hearing must be conducted by the City Council and the Planning and Zoning Commission in accordance with the requirements of the Code of Ordinances of the City of Jersey Village - Section 14-84.

The purpose of this hearing is to provide an opportunity for the public to give oral or written comments to the proposals (1) to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”) and (2) to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

RECOMMENDED ACTION:

Conduct a Joint Public Hearing with the Jersey Village City Council for the purpose of receiving oral comments from any interested person(s) concerning the proposals to: (1) to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”) and (2) to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

NOTICE OF JOINT PUBLIC HEARING

NOTICE is hereby given that the City of Jersey Village City Council and the Planning and Zoning Commission of the City of Jersey Village, Texas will conduct a joint public hearing at 7:00 p.m., Monday, April 19, 2021 at the Civic Center Auditorium, 16327 Lakeview, Jersey Village, Texas. However, the City may hold the public hearing through video or telephone conference if social distancing restrictions are still in place during the scheduled hearing time.

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, if social distancing restrictions are still in place during the scheduled hearing time, the public may not be allowed to be physically present at this public hearing, but the hearing will be available to members of the public and allow for two-way communications for those desiring to participate via telephone. To attend the public hearing via telephone, please use the following toll-free number:

346-248-7799 along with Webinar ID: 865 8674 7906. If you do not wish to participate via telephone, and social distancing restrictions are still in place prohibiting in person attendance, you can view a live broadcast of the public hearing on YouTube at <https://www.jerseyvillagetx.com/page/city.livestream>.

If social distancing restrictions are still in place during the scheduled hearing time, any person interested in speaking during the public hearing item on the agenda must submit his/her request via email to the City Secretary at lcoody@jerseyvillagetx.com. The request must include the speaker's name, address, and the phone number that will be used for teleconferencing. The request must be received no later than 12:00 p.m. on April 19, 2021.

The purpose of the joint public hearing is to receive oral comments from any interested person(s) concerning the proposals to: (1) to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A ("single-family dwelling district") to Zoning District F ("First Business District") and (2) to amend Chapter 14, "Building and Development," Article XII., "Landscaping, Bufferyard, Park and Open Space Standards," Section 14-310, "General Standards," at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

Copies of each of the Planning and Zoning Commission's Preliminary Reports concerning the proposed ordinance changes, which are the subject of this public hearing, may be examined online at <http://www.jerseyvillagetx.com>.

The City of Jersey Village public facilities are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact ADA Coordinator at (713) 466-2102 or FAX (713) 466-2177 for further information.

Lorri Coody, City Secretary
City of Jersey Village



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT – ZONING CHANGE**

The Planning and Zoning Commission has met in order to review the request of Lasco Development Corporation, filed on behalf of Sezka Limited Partnership and Ronald B. Doan, Jr., requesting a zoning amendment change from District A to District F for that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas.

After review and discussion, the Commissioners preliminarily propose that Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas be amended by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

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 1st day of March 2021.

s/Rick Faircloth, Chairman

ATTEST:

s/Lorri Coody, City Secretary



EXHIBIT A
TO THE
PLANNING AND ZONING
COMMISSION'S
PRELIMINARY REPORT
MARCH 1, 2021

PROPOSED ORDINANCE NO. 2021-XX

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, THE JERSEY VILLAGE DEVELOPMENT CODE, BY AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP AS SET OUT IN SECTION 14-82 SO THAT THE AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY 3.9 ACRES OF LAND ADJACENT TO THE SOUTHEAST CITY LIMITS NEAR JONES ROAD AND FM 529, IN THE CITY OF JERSEY VILLAGE, TEXAS, SHALL BE CHANGED FROM ZONING DISTRICT A (“SINGLE FAMILY DWELLING DISTRICT”) TO ZONING DISTRICT F (“FIRST BUSINESS DISTRICT”); CONTAINING OTHER FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Jersey Village, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission has issued its report and has recommended amendment to the Zoning Ordinance by authorizing revision of the Official Zoning Map as set out in Section 14-82 relating to the change of the zoning designation for that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, from District A (“Single Family Dwelling District”) to District F (“First Business District”); and

WHEREAS, the Planning & Zoning Commission and City Council have conducted, in the time and manner required by law, a joint public hearing on such amendment to the zoning ordinance and find that the adoption of this ordinance is in the best interest of the citizens of Jersey Village; **NOW THEREFORE**,

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

Section 1. The City Council hereby finds and determines that the statements set forth in the preamble of this Ordinance are true and correct and are incorporated herein for all purposes.

Section 2. The area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas and more specifically outlined in Exhibits A and A1 attached hereto and made a part hereof, is rezoned from District A (“Single Family Dwelling District”) to District F (“First Business District”).

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the change in zoning classification of the property with the appropriate references thereon to the number and effective date of this ordinance.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason

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

Section 4. Repeal. All other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

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

Section 6. Effective Date. This ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2021.

ATTEST:

Andrew Mitcham, Mayor

Lorri Coody, City Secretary

EXHIBIT A – Depiction & Description of the Property
2.935 ACRE TRACT

Being a tract of land containing 2.935 acres (127,863 square feet) located in the J.M. Dement Survey, Abstract Number (No.) 228 in Harris County, Texas; Said 2.935 acre tract being a portion of Lot 50 of Fairview Gardens Addition, a subdivision plat of record in Vol. 10, Page (Pg.) 46 of the Harris County Map Records (H.C.M.R.) and being all of Tract 1, a called 0.4587 acre tract recorded in the name of Sezka Limited partnership, in Harris County Clerk’s File (H.C.C.F.) No. 20150047903 and Tract 2, a called 2.482 acre tract recorded in the name of Sezka Limited Partnership, in H.C.C.F. No. 20130561114, said 2.935 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the monumented northerly Right-of-Way (R.O.W.) line of F.M. 529 (R.O.W. varies as per H.C.C.F No.’s W201062 & S621781), called South 87 degrees 18 minutes 12 seconds West:

BEGINNING at a 5/8-inch iron rod with a cap stamped “R.P.L.S. #4925” found at the southeasterly end of a R.O.W. transition line from the northerly R.O.W. line of said F.M. 529 to the easterly R.O.W. line of Jones Road (R.O.W. varies as per H.C.C.F. No.’s 20070245178 & 20070503186), marking the most southerly corner of said Tract 2, and the herein described tract;

THENCE, along the said R.O.W. transition line, North 47 degrees 37 minutes 24 seconds West, a distance of 41.84 feet to a 5/8-inch iron rod with a cap stamped “Miller Survey Group” (MSG) set at the northwesterly end of said R.O.W. transition line, marking the most westerly southwest corner of said Tract 2, and the herein described tract;

THENCE, along the line common to the westerly line of said Tract 2, and the easterly R.O.W. line of said Jones Road, North 02 degrees 29 minutes 25 seconds West, a distance of 65.88 feet to a 5/8-inch iron rod with a cap stamped “MSG” set marking the beginning of a curve to the left;

THENCE, continuing with the west line of said Tract 2 and the easterly R.O.W. line of said Jones Road, 416.79 feet along the arc of said curve to the left, having a radius of 2,050 feet, a central angle of 11 degrees 38 minutes 56 seconds and a chord that bears North 08 degrees 18 minutes 53 seconds West, a distance of 416.07 feet to a 5/8-inch iron rod with a cap stamped “MSG” set for a point of tangency;

THENCE, along the line common to the westerly line of said Tract 2, and the easterly R.O.W. line of said Jones Road North 14 degrees 08 minutes 21 seconds West, a distance of 121.41 feet to a 5/8-inch iron rod with a cap stamped “MSG” set at the northwest corner of said Tract 2 and the herein described tract in the south line of the residue of a called 0.1492 acre tract recorded in the name of the City of Houston, Tract KY1-116, waterline easement in H.C.C.F. No. X502453;

THENCE, along the line common to the northerly line of said Tract 2, and the south line of said City of Houston tract, North 87 degrees 23 minutes 41 seconds East, a distance of 318.77 feet to a 5/8-inch iron rod with a cap stamped “MSG” set at the northeast corner of said Tract 2, also being in the west line of a portion of Lot 51 of Fairview Gardens Addition, a subdivision plat of record in Vol. 10, Pg. 46 of the H.C.M.R., recorded in the name of Larry W. Krueger and Sue B. Krueger, dba Saxon Company, in H.C.C.F. No. V069503 and being the northeast corner of the herein described tract, from which a 1/2-inch iron rod found bears North 02 degrees 21 minutes 54 seconds West, a distance of 20.00 feet;

THENCE, along the line common to the easterly line of said Tract 2, and the westerly line of said Lot 51 South 02 degrees 21 minutes 54 seconds East, a distance of 212.94 feet to a 5/8-inch iron rod with a cap stamped “MSG” set at the most northerly southeast corner of said Tract 2, on the line common to said Lot

PLANNING AND ZONING COMMISSION MEETING PACKET FOR THE MEETING TO BE HELD ON APRIL 19, 2021

51, being the northeast corner of a called 1.00 acre tract, recorded in the name of Ronald B. Doan, Jr., in H.C.C.F. No. N592090, and the most northerly southeast corner of the herein described tract;

THENCE, along the line common to said Tract 2 and the northerly line of a said 1.00 acre tract South 87 degrees 38 minutes 06 seconds West, a distance of 100.85 feet to a 3/4-inch pinched-top pipe found at an interior corner of said Tract 2, being the northwest corner of a said 1.00 acre tract, and marking the interior corner of the herein described tract;

THENCE, along the line common to the easterly line of said Tract 2 and the westerly line of a said 1.00 acre tract South 02 degrees 21 minutes 54 seconds East, a distance of 415.71 feet to a 5/8-inch iron rod with a cap stamped "MSG" set at the southeast corner of said Tract 2, being the southwest corner of a said 1.00 acre tract, the southeast corner of said Tract 1, and the herein described tract;

THENCE, along the line common to the southerly line of said Tract 1, the southerly line of said Tract 2, and the northerly R.O.W. line of said F.M. 529 South 87 degrees 18 minutes 12 seconds West, a distance of 120.16 feet to the **POINT OF BEGINNING** and containing 2.935 acres (127,863 square feet) of land.

This description was prepared in conjunction with and accompanies an ALTA/NSPS Land Title Survey prepared by Miller Survey Group.

EXHIBIT A-1 – Depiction & Description of the Property
0.962 ACRE TRACT

Being a tract of land containing 0.962 acre (41,897 square feet) located in the J.M. Dement Survey, Abstract Number (No.) 228 in Harris County, Texas; Said 0.962 acre tract being a portion of Lot 50 of Fairview Gardens Addition, a subdivision plat of record in Vol. 10, Page (Pg.) 46 of the Harris County Map Records (H.C.M.R.) and being a called 1.00 acre tract recorded in the name of Ronald B. Doan, in H.C.C.F. No. N592090, said 0.962 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the monumented northerly Right-of-Way (R.O.W.) line of F.M. 529 (R.O.W. varies as per H.C.C.F. No.'s W201062 & S621781), called South 87 degrees 18 minutes 12 seconds West:

COMMENCING at a 5/8-inch iron rod with a cap stamped “R.P.L.S. #4925” found at the southeasterly end of a R.O.W. transition line from the northerly R.O.W. line of said F.M. 529 to the easterly R.O.W. line of Jones Road (R.O.W. varies as per H.C.C.F. No.'s 20070245178 & 20070503186), marking the most southerly corner of a called 2.482 acre tract recorded in the name of Sezka Limited Partnership, in H.C.C.F. 20130561114;

THENCE, along the line common to the north R.O.W. line of F.M. 529, the southerly line of said 2.482 acre tract, and the southerly line of a called 0.4587 acre tract recorded in the name of Sezka Limited Partnership, in H.C.C.F. No. 20150047903, North 87 degrees 18 minutes 12 seconds East, a distance of 120.16 feet to a 5/8-inch iron rod with a cap stamped “Miller Survey Group” (MSG) set at the southeast corner of said 0.4587 acre tract, said 1.00 acre tract and marking the **POINT OF BEGINNING** of the herein described tract;

THENCE, along the line common to the easterly line of said 0.4587 acre tract and the westerly line of said 1.00 acre tract, North 02 degrees 21 minutes 54 seconds West, a distance of 415.71 feet to a 3/4-inch pinched-top pipe found marking an interior corner of said 2.482 acre tract, and the northwest corner of the herein described tract;

THENCE, along the line common to the south line of said 2.482 acre tract and the north line of said 1.00 acre tract, North 87 degrees 38 minutes 06 seconds East, a distance of 100.85 feet to a 5/8-inch iron rod with a cap stamped “MSG” set at the most northerly southeast corner of said 2.482 acre tract, on the west line of a portion of Lot 51 of Fairview Gardens, a subdivision plat of record in Vol. 10, Pg. 46 of the H.C.M.R., recorded in the name of Larry W. Krueger and Sue B. Krueger, dba Saxon Company, in H.C.C.F. No. V069503, the northeast corner of said 1.00 acre tract, and the herein described tract;

THENCE, along the line common to the easterly line of said 1.00 acre tract, and the westerly line of said portion of Lot 51, South 02 degrees 21 minutes 54 seconds East, a distance of 415.13 feet to a 5/8-inch iron rod with a cap stamped “MSG” set at the southwest corner of said portion of Lot 51, the southeast corner of said 1.00 acre tract and the herein described tract;

THENCE, along the line common to the southerly line of said 1.00 acre tract, and the northerly R.O.W. line of said F.M. 529 South 87 degrees 18 minutes 12 seconds West, a distance of 100.86 feet to the **POINT OF BEGINNING** and containing 0.962 acre (41,897 square feet) of land.

This description was prepared in conjunction with and accompanies an ALTA/NSPS Land Title Survey prepared by Miller Survey Group.



CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION PRELIMINARY REPORT – TREE PRUNING

The Planning and Zoning Commission has met on November 9, 2020 and January 25, 2021 in order to consider amendments to the City’s Tree Ordinance; and

After review and discussion, the Commissioners preliminarily propose that amendments be made to the Code of Ordinances of the City of Jersey Village, at Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

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 1st day of March 2021.

s/Rick Faircloth, Chairman

ATTEST:

s/Lorri Coody, City Secretary



EXHIBIT A
PROPOSED ORDINANCE

ORDINANCE NO. 2021-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 XII., “LANDSCAPING, BUFFERYARD, PARK AND OPEN SPACE STANDARDS,” SECTION 14-310, “GENERAL STANDARDS,” AT SUBSECTION 6(E) IN ORDER TO INCREASE THE REQUIREMENTS FOR PRUNING TREES OVERHANGING INTO THE STREET OR RIGHT-OF-WAY; 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, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission has issued its report and has recommended amendments to Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way; and

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

WHEREAS, 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. The Jersey Village Code of Ordinances at Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” Subsection 6(e), is hereby amended to read as follows by deleting the language shown below in struck through (~~deleted~~) and by adding thereto the language shown below as underscored and boldfaced (**added**):

“Chapter 14 – BUILDING AND DEVELOPMENT

....

Sec. 14-310. General standards.

....

6(e) The owner of a tree overhanging a street or right-of-way within the city shall prune the branches so that the branches will not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of ~~13~~ **fifteen (15)** feet above street surface ~~of [or]~~ **and eight ten (10)** feet above the sidewalk surface. The owner shall be responsible for removing all dead, diseased, or dangerous trees, or broken or decayed limbs, including tree stumps, which constitute a menace to the safety of the public. Tree pruning shall be done in accordance with accepted arboricultural standards.”

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.

Section 5. The amendment to the Code of Ordinances, City of Jersey Village, Texas provided for in this Ordinance shall be in full force and effect on January 1, 2022.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2021.

ATTEST:

Andrew Mitcham, Mayor

Lorri Coody, City Secretary



**CITY OF JERSEY VILLAGE
 CERTIFICATION OF JOINT PUBLIC HEARING POSTING REQUIREMENTS
 CITY COUNCIL AND P&Z – April 19, 2021 - 7:00 P.M.**

Reason for Joint Public Hearing:

To receiving oral comments from any interested person(s) concerning the proposal to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

I, Lorri Coody, the duly appointed and acting City Secretary of the City of Jersey Village, Harris County, Texas, do hereby certify and attest that as part of my duties, I post official notices for the City of Jersey Village.

As such, on March 16, 2021, and in accordance with the Jersey Village Code of Ordinances Part II, Ch. 14, Art. X, Section 14-10 (b)(2)(a) written notices were mailed to adjacent property owners at least eleven (11) days prior to date of the Public Hearing. The property owners were mailed a written notice to the address listed in the following table:

Owner	Street Address	City, State Zip
Edmonds CO Southwest II	11625 Charles RD	Houston, TX 77041
County of Harris TRACT 3	PO Box 1525	Houston, TX 77251-1525
Edmonds Garfield S J III Trustee	11625 Charles RD	Houston, TX 77041
Southwestern Bell Telephone CO	11433 Charles RD	Houston, TX 77041
County of Harris TRACT 001 (Jones RD)	PO Box 1525	Houston, TX 77251-1525
County of Harris	PO Box 1525	Houston, TX 77251-1525
Saxon Company	11432 FM 529 RD	Houston, TX 77041
Chama River LLC	11430 FM 529 RD	Houston, TX 77041
Edmonds Garfield S J III	11518 FM 529 RD	Houston, TX 77041
Doan Ronald B JR	11506 FM 529 RD	Houston, TX 77041
Sezka Limited Partnership	11510 FM 529 RD	Houston, TX 77041
Sezka Limited Partnership	11514 FM 529 RD	Houston, TX 77041
City of Houston	PO Box 1526	Houston, TX 77251-1526
Weathford US LP	515 Post Oak Blvd, STE 600	Houston, TX 77027-9408
Weathford US LP	11909 FM 529 RD	Houston, TX 77041
Versaland Texas LLC	11349 FM 529 RD	Houston, TX 77041

Witness my hand and seal of the City this 16th day of March, 2021.



 Lorri Coody, City Secretary



PLANNING AND ZONING COMMISSION MEETING PACKET FOR THE MEETING TO BE HELD ON APRIL 19, 2021

**CITY OF JERSEY VILLAGE
CERTIFICATION OF JOINT PUBLIC HEARING POSTING REQUIREMENTS
CITY COUNCIL AND P&Z – April 19, 2021 - 7:00 P.M.**

Reason for Joint Public Hearing:

To receiving oral comments from any interested person(s) concerning the proposal to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

I, Sharon Haydon, applicant do hereby certify that:

On April 5, 2021, at least ten days prior to the date of the hearing, placed on the properties located on the corner of FM 529 and Jones Road and being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas which is the subject of this Joint Public Hearing, signs indicating the type of relief sought or the proposed change in status of the property as well as the date, time and place of the hearing. The signs were placed at not more than 300-foot intervals across the property line fronting on the existing streets and were clearly visible from the streets. Each sign was located no more than ten feet from the property line and was no smaller than 18 inches by 24 inches.

All in accordance with Section 14-10(b)(2)(b) of the Jersey Village Code of Ordinances.

Signed this the 5th day of April, 2021.

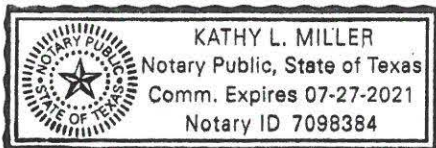
Sharon Haydon
Applicant

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, this day personally appeared Sharon Haydon, a person known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

GIVEN UNDER my hand and seal of office this 5th day of April 2021.

Kathy L. Miller
Notary Public, State of Texas



MAYOR OR MAYOR PRO tem

Script for Joint Public Hearing on April 19, 2021

Announce the Item on the Council Agenda - then:

**ACKNOWLEDGE P&Z CHAIRMAN / VICE CHAIRMAN
CONFIRM QUORUM OF P&Z**

**CONFIRM THAT ALL POSTING REQUIREMENTS HAVE BEEN
MET then say:**

I now call to order this joint public hearing with the Planning and Zoning Commission at ____ p.m. Everyone desiring to speak should complete a public hearing comment card and present the card to the City Secretary. Each speaker will be given 5 minutes to present information concerning the proposals to (1) to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”) and (2) to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

(Call the first person signing up to speak).

(After everyone has spoken . . . or if no one desires to speak, finish the meeting with the following)

There being no one (else) desiring to speak, I now close this joint public hearing on the proposals to (1) to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”) and (2) to amend Chapter 14, “Building and Development,” Article XII., “Landscaping,

Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way at ____ p.m.

- C. **CITIZENS' COMMENTS** - Any person who desires to address the Planning and Zoning Commission regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Commissioners are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Planning and Zoning Commission.

MINUTES OF THE MEETING OF THE JERSEY VILLAGE PLANNING AND ZONING COMMISSION HELD ON MARCH 1, 2021 AT 6:00 P.M. PURSUANT TO SECTION 418.016 OF THE TEXAS GOVERNMENT CODE

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, the public was not allowed to be physically present at this meeting of the City of Jersey Village, Texas, Planning and Zoning Commission but the meeting was available to members of the public and allowed for two-way communications for those desiring to participate via telephone with the following toll-free number: **346-248-7799 along with Webinar ID: 893 8239 4586.**

A. The meeting was called to order in at 6:04 p.m. and the roll of appointed officers was taken. Commissioners present were:

Rick Faircloth, Chairman
Debra Mergel, Vice Chairman
Jennifer McCrea, Commissioner

Ty Camp, Commissioner
Barbara Freeman, Commissioner

Commissioners Joseph Paul and Courtney Standlee were not present at this meeting.

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

Staff in attendance: Austin Bless, City Manager; Lorri Coody, City Secretary; Justin Pruitt, City Attorney; Christian Somers, Building Official, Bob Blevins, IT Director; and Harry Ward, Director of Public Works.

B. CITIZENS' COMMENTS - Any person who desires to address the Planning and Zoning Commission regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Commissioners are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Planning and Zoning Commission.

There were no citizens' comments.

C. Consider approval of the minutes for the meeting held on January 25, 2021.

Commissioner Mergel pointed out that the minutes identify her as the Vice Chairman when Joseph Paul is the Vice Chairman. The City Secretary will make the correction.

With no further discussion on the matter, Commissioner Mergel moved to approve the minutes for the meeting held on January 25, 2021 with the correction discussed. Commissioner McCrea seconded the motion. The vote follows:

Ayes: Commissioners Mergel, Freeman, Camp, and McCrea
Chairman Faircloth

Nays: None

The motion carried.

- D. Discuss and take appropriate action on the application of Lasco Development Corporation, filed on behalf of Sezka Limited Partnership and Ronald B. Doan, Jr., requesting a zoning amendment change from District A to District F for that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas; and, if appropriate, the preparation and presentation of the Preliminary Report to Council on March 15, 2021.**

Austin Bless, City Manager, introduced the item. Background information is as follows:

The City has received a request for a zoning change from Lasco Development Corporation, filed on behalf of Sezka Limited Partnership and Ronald B. Doan, Jr., requesting a zoning amendment change from District A to District F for that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas.

The application includes the ownership documents for Sezka Limited Partnership and for Ronald B. Doan, Jr. The application has been signed by both owners acknowledging the filing by Sharon Haydon, President for Lasco Development Corporation.

You will note that Lasco Development Corporation is a prospective buyer of the property. Sezka Limited Partnership and Ronald B. Doan, Jr. are the current owners.

On January 18, 2021, City Council authorized a development agreement between the City and Sezka Limited Partnership and Ronald B. Doan, Jr. for the development of the property that is the subject of this zoning change request. The Development Agreement is important because Section L states the following:

Covenant Running With the Land. This Agreement shall be recorded in the Real Property Records of Harris County and shall be a covenant running with the land binding upon all parties having any right, title or interest in the Property or any part thereof, including their heirs, successors and assigns, and shall inure to the benefit of, and be enforceable by, the Owner and the City.

On February 22, 2021, City Council adopted an ordinance formally annexing the land into the City limits of Jersey Village as Zoning District A.

With the annexation of the land into the City, Section C of the Development Agreement outlines the process to rezone the property. Once the rezoning is complete the owners would begin the development process.

This item is to discuss the request for zoning change and, if appropriate, prepare the Preliminary Report for presentation to City Council on March 15, 2021.

The Commission engaged in discussion about the location of the land in question. A map was displayed for locating the property. The surrounding properties were discussed.

The Commission discussed the need of the City to provide water and sewer service. City Manager Bless explained how the services will be provided.

The meter connection size was discussed. Christian Somers, Building Official, explain the connection process.

City Manager Bless explained the Development Agreement and the requirements of same. Mr. Somers explained the zoning requirements expected for the development.

The Development Agreement and the various steps taken to get to this point were discussed. City Manager Bless stated that the City was first contacted by the owners of the property. The discussions had with the owners were then incorporated into the Development Agreement.

Sharon Haydon with Lasco Development Corporation addressed the Commission. She stated that Lasco Development Corporation is currently under contract with the owners to purchase the property and they are working through the Development Agreement to insure that all is accomplished. David Norris was also present. He is the Engineer working on the project for Lasco. He told the Commission that City Manager Bless covered most items. However, He stated that prior to annexation; the property in question had no zoning requirements. With the annexation, the property came into the City as Zoning District A. In order to comply with the Development Agreement, the land must be zoned District F. The application presented this evening is to rezone the property in order to come in line with the Development Agreement.

The code requirements were discussed. Mr. Somers stated that the development would need to comply with City codes.

There were questions about the action required tonight. City Secretary Coody explained that in moving forward, the Commission will need to consider the Preliminary Report included in the meeting packet.

With no further discussion on the matter, Commissioner McCrea moved that the Commission preliminarily recommend that City Council amend the Code of Ordinances of the City of Jersey Village at Chapter 14 by authorizing a revision of the official zoning map as set out in Section 14-82 so that the area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”). Commissioner Freeman seconded the motion. The vote follows:

Ayes: Commissioners Mergel, Freeman, Camp, and McCrea
Chairman Faircloth

Nays: None

The motion carried.

A copy of the Preliminary Report is attached to and made a part of these minutes as Exhibit A.

- E. Discuss and take appropriate action concerning amendments to Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way; and, if appropriate, the preparation and presentation of the Preliminary Report to Council on March 15, 2021.**

Austin Bless, City Manager, introduced the item. He reminded the Commission that they met November 9, 2020 and January 25, 2021 to discuss a more stringent tree preservation ordinance to protect existing tree resources.

This item is to consider amendments to Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way; and, if appropriate, the preparation and presentation of the Preliminary Report to Council on March 15, 2021.

The Commission engaged in discussion about discussions had at prior meetings on this topic. City Manager Bless explained that the changes finally agreed upon were changes in the pruning height over streets and sidewalks.

There was concern as to when the Ordinance becomes effective. City Secretary Coody explained that the Proposed Ordinance has an effective date of January 1, 2022.

Harry Ward, Director of Public Works, explained that a January 1, 2022 effective date will give Staff an opportunity to provide a year of education to residents. The Commission felt it would be a good idea to include several articles into the JV Star.

Some members wanted to understand why we are increasing the height. It was explained by other members of the Commission that the current heights are not enough to accommodate school buses and other large vehicles. There was discussion about the proposed pruning changes. Some wondered if this is in line with what other cities are doing.

City Building Official Somers explained how the height requirement recommendations came into play. He explained that the increase was arrived at based upon interactions with residents over the years during the code enforcement process.

Enforcement was discussed and what entity is responsible for enforcing the pruning guidelines. City Manager Bless told the Commission that the City enforces this Ordinance. The enforcement process was explained by the Building Official and City Manager Bless.

With no further discussion on the matter, Commissioner Freeman 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 XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way. Commissioner McCrea seconded the motion. The vote follows:

Ayes: Commissioners Mergel, Freeman, Camp, and McCrea
Chairman Faircloth

Nays: None

The motion carried.

A copy of the Preliminary Report is attached to and made a part of these minutes as Exhibit B.

F. Adjourn

There being no further business on the Agenda the meeting was adjourned at 6:27 p.m.

Lorri Coody, City Secretary



DRAFT

PLANNING AND ZONING COMMISSION MEETING PACKET FOR THE MEETING TO BE HELD ON APRIL 19, 2021

EXHIBIT A

Planning and Zoning Commission Minutes

March 1, 2021

Preliminary Report Zoning Change - District A to District F

DRAFT



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT – ZONING CHANGE**

The Planning and Zoning Commission has met in order to review the request of Lasco Development Corporation, filed on behalf of Sezka Limited Partnership and Ronald B. Doan, Jr., requesting a zoning amendment change from District A to District F for that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas.

After review and discussion, the Commissioners preliminarily propose that Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas be amended by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

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 1st day of March 2021.

s/Rick Faircloth, Chairman

ATTEST:

s/Lorri Coody, City Secretary



EXHIBIT A
TO THE
PLANNING AND ZONING
COMMISSION'S
PRELIMINARY REPORT
MARCH 1, 2021

PROPOSED ORDINANCE NO. 2021-XX

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, THE JERSEY VILLAGE DEVELOPMENT CODE, BY AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP AS SET OUT IN SECTION 14-82 SO THAT THE AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY 3.9 ACRES OF LAND ADJACENT TO THE SOUTHEAST CITY LIMITS NEAR JONES ROAD AND FM 529, IN THE CITY OF JERSEY VILLAGE, TEXAS, SHALL BE CHANGED FROM ZONING DISTRICT A (“SINGLE FAMILY DWELLING DISTRICT”) TO ZONING DISTRICT F (“FIRST BUSINESS DISTRICT”); CONTAINING OTHER FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Jersey Village, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission has issued its report and has recommended amendment to the Zoning Ordinance by authorizing revision of the Official Zoning Map as set out in Section 14-82 relating to the change of the zoning designation for that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, from District A (“Single Family Dwelling District”) to District F (“First Business District”); and

WHEREAS, the Planning & Zoning Commission and City Council have conducted, in the time and manner required by law, a joint public hearing on such amendment to the zoning ordinance and find that the adoption of this ordinance is in the best interest of the citizens of Jersey Village; **NOW THEREFORE**,

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

Section 1. The City Council hereby finds and determines that the statements set forth in the preamble of this Ordinance are true and correct and are incorporated herein for all purposes.

Section 2. The area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas and more specifically outlined in Exhibits A and A1 attached hereto and made a part hereof, is rezoned from District A (“Single Family Dwelling District”) to District F (“First Business District”).

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the change in zoning classification of the property with the appropriate references thereon to the number and effective date of this ordinance.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason

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

Section 4. Repeal. All other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

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

Section 6. Effective Date. This ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2021.

ATTEST:

Andrew Mitcham, Mayor

Lorri Coody, City Secretary

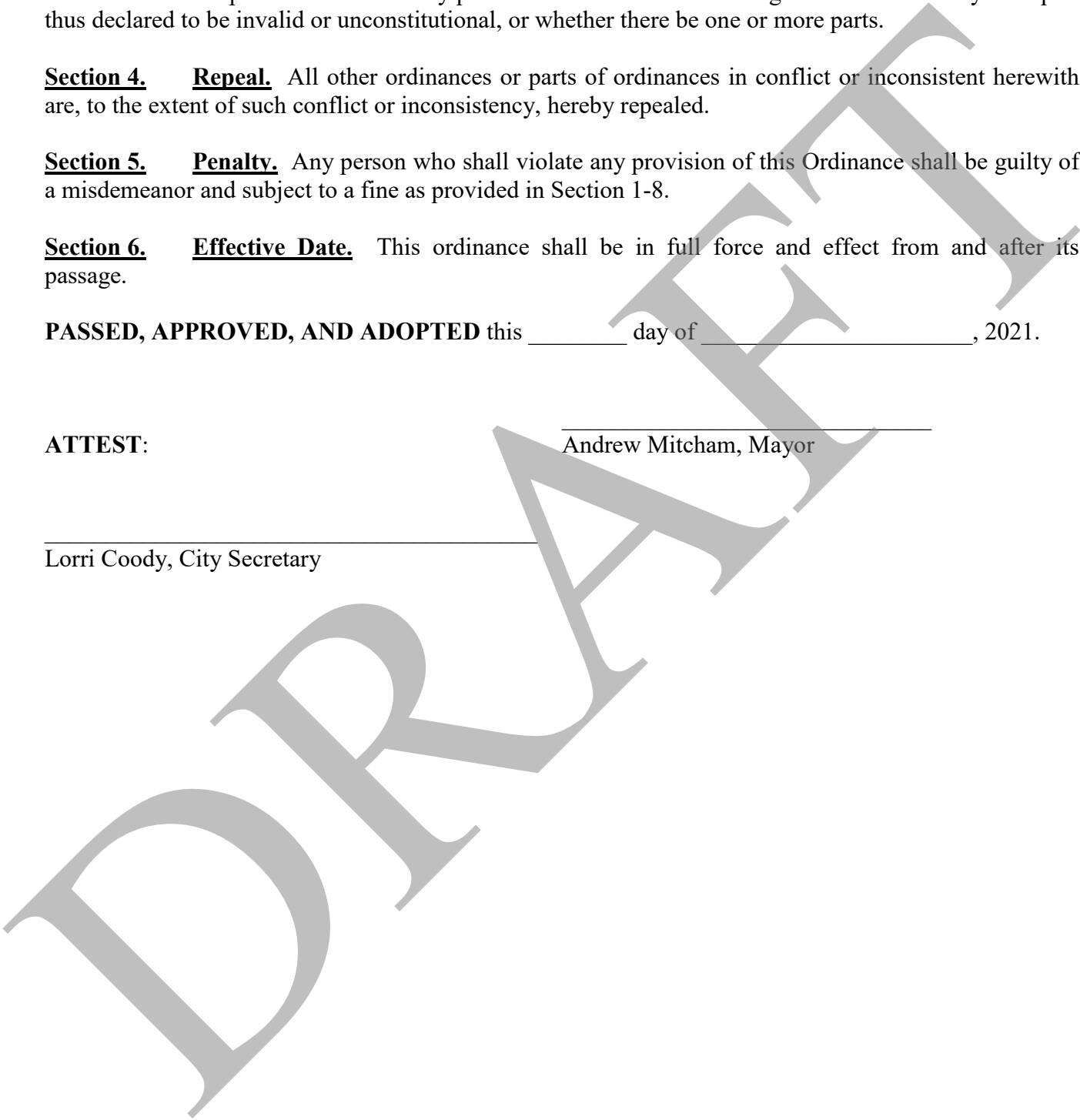


EXHIBIT A – Depiction & Description of the Property
2.935 ACRE TRACT

Being a tract of land containing 2.935 acres (127,863 square feet) located in the J.M. Dement Survey, Abstract Number (No.) 228 in Harris County, Texas; Said 2.935 acre tract being a portion of Lot 50 of Fairview Gardens Addition, a subdivision plat of record in Vol. 10, Page (Pg.) 46 of the Harris County Map Records (H.C.M.R.) and being all of Tract 1, a called 0.4587 acre tract recorded in the name of Sezka Limited partnership, in Harris County Clerk's File (H.C.C.F.) No. 20150047903 and Tract 2, a called 2.482 acre tract recorded in the name of Sezka Limited Partnership, in H.C.C.F. No. 20130561114, said 2.935 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the monumented northerly Right-of-Way (R.O.W.) line of F.M. 529 (R.O.W. varies as per H.C.C.F. No.'s W201062 & S621781), called South 87 degrees 18 minutes 12 seconds West:

BEGINNING at a 5/8-inch iron rod with a cap stamped "R.P.L.S. #4925" found at the southeasterly end of a R.O.W. transition line from the northerly R.O.W. line of said F.M. 529 to the easterly R.O.W. line of Jones Road (R.O.W. varies as per H.C.C.F. No.'s 20070245178 & 20070503186), marking the most southerly corner of said Tract 2, and the herein described tract;

THENCE, along the said R.O.W. transition line, North 47 degrees 37 minutes 24 seconds West, a distance of 41.84 feet to a 5/8-inch iron rod with a cap stamped "Miller Survey Group" (MSG) set at the northwesterly end of said R.O.W. transition line, marking the most westerly southwest corner of said Tract 2, and the herein described tract;

THENCE, along the line common to the westerly line of said Tract 2, and the easterly R.O.W. line of said Jones Road, North 02 degrees 29 minutes 25 seconds West, a distance of 65.88 feet to a 5/8-inch iron rod with a cap stamped "MSG" set marking the beginning of a curve to the left;

THENCE, continuing with the west line of said Tract 2 and the easterly R.O.W. line of said Jones Road, 416.79 feet along the arc of said curve to the left, having a radius of 2,050 feet, a central angle of 11 degrees 38 minutes 56 seconds and a chord that bears North 08 degrees 18 minutes 53 seconds West, a distance of 416.07 feet to a 5/8-inch iron rod with a cap stamped "MSG" set for a point of tangency;

THENCE, along the line common to the westerly line of said Tract 2, and the easterly R.O.W. line of said Jones Road North 14 degrees 08 minutes 21 seconds West, a distance of 121.41 feet to a 5/8-inch iron rod with a cap stamped "MSG" set at the northwest corner of said Tract 2 and the herein described tract in the south line of the residue of a called 0.1492 acre tract recorded in the name of the City of Houston, Tract KY1-116, waterline easement in H.C.C.F. No. X502453;

THENCE, along the line common to the northerly line of said Tract 2, and the south line of said City of Houston tract, North 87 degrees 23 minutes 41 seconds East, a distance of 318.77 feet to a 5/8-inch iron rod with a cap stamped "MSG" set at the northeast corner of said Tract 2, also being in the west line of a portion of Lot 51 of Fairview Gardens Addition, a subdivision plat of record in Vol. 10, Pg. 46 of the H.C.M.R., recorded in the name of Larry W. Krueger and Sue B. Krueger, dba Saxon Company, in H.C.C.F. No. V069503 and being the northeast corner of the herein described tract, from which a 1/2-inch iron rod found bears North 02 degrees 21 minutes 54 seconds West, a distance of 20.00 feet;

THENCE, along the line common to the easterly line of said Tract 2, and the westerly line of said Lot 51 South 02 degrees 21 minutes 54 seconds East, a distance of 212.94 feet to a 5/8-inch iron rod with a cap stamped "MSG" set at the most northerly southeast corner of said Tract 2, on the line common to said Lot

PLANNING AND ZONING COMMISSION MEETING PACKET FOR THE MEETING TO BE HELD ON APRIL 19, 2021

51, being the northeast corner of a called 1.00 acre tract, recorded in the name of Ronald B. Doan, Jr., in H.C.C.F. No. N592090, and the most northerly southeast corner of the herein described tract;

THENCE, along the line common to said Tract 2 and the northerly line of a said 1.00 acre tract South 87 degrees 38 minutes 06 seconds West, a distance of 100.85 feet to a 3/4-inch pinched-top pipe found at an interior corner of said Tract 2, being the northwest corner of a said 1.00 acre tract, and marking the interior corner of the herein described tract;

THENCE, along the line common to the easterly line of said Tract 2 and the westerly line of a said 1.00 acre tract South 02 degrees 21 minutes 54 seconds East, a distance of 415.71 feet to a 5/8-inch iron rod with a cap stamped "MSG" set at the southeast corner of said Tract 2, being the southwest corner of a said 1.00 acre tract, the southeast corner of said Tract 1, and the herein described tract;

THENCE, along the line common to the southerly line of said Tract 1, the southerly line of said Tract 2, and the northerly R.O.W. line of said F.M. 529 South 87 degrees 18 minutes 12 seconds West, a distance of 120.16 feet to the **POINT OF BEGINNING** and containing 2.935 acres (127,863 square feet) of land.

This description was prepared in conjunction with and accompanies an ALT/NSPS Land Title Survey prepared by Miller Survey Group.

DRAFT

EXHIBIT A-1 – Depiction & Description of the Property
0.962 ACRE TRACT

Being a tract of land containing 0.962 acre (41,897 square feet) located in the J.M. Dement Survey, Abstract Number (No.) 228 in Harris County, Texas; Said 0.962 acre tract being a portion of Lot 50 of Fairview Gardens Addition, a subdivision plat of record in Vol. 10, Page (Pg.) 46 of the Harris County Map Records (H.C.M.R.) and being a called 1.00 acre tract recorded in the name of Ronald B. Doan, in H.C.C.F. No. N592090, said 0.962 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the monumented northerly Right-of-Way (R.O.W.) line of F.M. 529 (R.O.W. varies as per H.C.C.F. No.'s W201062 & S621781), called South 87 degrees 18 minutes 12 seconds West:

COMMENCING at a 5/8-inch iron rod with a cap stamped “R.P.L.S. #4925” found at the southeasterly end of a R.O.W. transition line from the northerly R.O.W. line of said F.M. 529 to the easterly R.O.W. line of Jones Road (R.O.W. varies as per H.C.C.F. No.'s 20070245178 & 20070503186), marking the most southerly corner of a called 2.482 acre tract recorded in the name of Sezka Limited Partnership, in H.C.C.F. 20130561114;

THENCE, along the line common to the north R.O.W. line of F.M. 529, the southerly line of said 2.482 acre tract, and the southerly line of a called 0.4587 acre tract recorded in the name of Sezka Limited Partnership, in H.C.C.F. No. 20150047903, North 87 degrees 18 minutes 12 seconds East, a distance of 120.16 feet to a 5/8-inch iron rod with a cap stamped “Miller Survey Group” (MSG) set at the southeast corner of said 0.4587 acre tract, said 1.00 acre tract and marking the **POINT OF BEGINNING** of the herein described tract;

THENCE, along the line common to the easterly line of said 0.4587 acre tract and the westerly line of said 1.00 acre tract, North 02 degrees 21 minutes 54 seconds West, a distance of 415.71 feet to a 3/4-inch pinched-top pipe found marking an interior corner of said 2.482 acre tract, and the northwest corner of the herein described tract;

THENCE, along the line common to the south line of said 2.482 acre tract and the north line of said 1.00 acre tract, North 87 degrees 38 minutes 06 seconds East, a distance of 100.85 feet to a 5/8-inch iron rod with a cap stamped “MSG” set at the most northerly southeast corner of said 2.482 acre tract, on the west line of a portion of Lot 51 of Fairview Gardens, a subdivision plat of record in Vol. 10, Pg. 46 of the H.C.M.R., recorded in the name of Larry W. Krueger and Sue B. Krueger, dba Saxon Company, in H.C.C.F. No. V069503, the northeast corner of said 1.00 acre tract, and the herein described tract;

THENCE, along the line common to the easterly line of said 1.00 acre tract, and the westerly line of said portion of Lot 51, South 02 degrees 21 minutes 54 seconds East, a distance of 415.13 feet to a 5/8-inch iron rod with a cap stamped “MSG” set at the southwest corner of said portion of Lot 51, the southeast corner of said 1.00 acre tract and the herein described tract;

THENCE, along the line common to the southerly line of said 1.00 acre tract, and the northerly R.O.W. line of said F.M. 529 South 87 degrees 18 minutes 12 seconds West, a distance of 100.86 feet to the **POINT OF BEGINNING** and containing 0.962 acre (41,897 square feet) of land.

This description was prepared in conjunction with and accompanies an ALTA/NSPS Land Title Survey prepared by Miller Survey Group.

DRAFT

EXHIBIT B

Planning and Zoning Commission Minutes

March 1, 2021

Preliminary Report Section 14-310(6)(e) - Tree Ordinance

DRAFT



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT – TREE PRUNING**

The Planning and Zoning Commission has met on November 9, 2020 and January 25, 2021 in order to consider amendments to the City’s Tree Ordinance; and

After review and discussion, the Commissioners preliminarily propose that amendments be made to the Code of Ordinances of the City of Jersey Village, at Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

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 1st day of March 2021.

s/Rick Faircloth, Chairman

ATTEST:

s/Lorri Coody, City Secretary



DRY

EXHIBIT A
PROPOSED ORDINANCE

ORDINANCE NO. 2021-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 XII., "LANDSCAPING, BUFFERYARD, PARK AND OPEN SPACE STANDARDS," SECTION 14-310, "GENERAL STANDARDS," AT SUBSECTION 6(E) IN ORDER TO INCREASE THE REQUIREMENTS FOR PRUNING TREES OVERHANGING INTO THE STREET OR RIGHT-OF-WAY; 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, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission has issued its report and has recommended amendments to Chapter 14, "Building and Development," Article XII., "Landscaping, Bufferyard, Park and Open Space Standards," Section 14-310, "General Standards," at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way; and

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

WHEREAS, 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. The Jersey Village Code of Ordinances at Chapter 14, "Building and Development," Article XII., "Landscaping, Bufferyard, Park and Open Space Standards," Section 14-310, "General Standards," Subsection 6(e), is hereby amended to read as follows by deleting the language shown below in struck through (~~deleted~~) and by adding thereto the language shown below as underscored and boldfaced (**added**):

"Chapter 14 – BUILDING AND DEVELOPMENT

....

Sec. 14-310. General standards.

....

6(e) The owner of a tree overhanging a street or right-of-way within the city shall prune the branches so that the branches will not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of ~~13~~ **fifteen (15)** feet above street surface of ~~for~~ **and eight ten (10)** feet above the sidewalk surface. The owner shall be responsible for removing all dead, diseased, or dangerous trees, or broken or decayed limbs, including tree stumps, which constitute a menace to the safety of the public. Tree pruning shall be done in accordance with accepted arboricultural standards.”

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.

Section 5. The amendment to the Code of Ordinances, City of Jersey Village, Texas provided for in this Ordinance shall be in full force and effect on January 1, 2022.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2021.

ATTEST:

Andrew Mitcham, Mayor

Lorri Coody, City Secretary



**PLANNING AND ZONING COMMISSION
CITY OF JERSEY VILLAGE, TEXAS
AGENDA REQUEST**

AGENDA DATE: April 19, 2021

AGENDA ITEM: E

AGENDA SUBJECT: Discuss and take appropriate action regarding the preparation and presentation of Final Report to City Council concerning the proposal to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

Dept/Prepared By: Lorri Coody, City Secretary **Date Submitted:** March 16, 2021

EXHIBITS: [P&Z Final Report – Zone Change](#)
[EX A](#) – Proposed Ordinance – Zone Change

BACKGROUND INFORMATION:

A Joint public hearing will be conducted at the April 19, 2021 City Council and P&Z Meetings, giving opportunity for public comment on the proposal to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

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

After due consideration, prepare and vote on your Final Report concerning this amendment.

RECOMMENDED ACTION:

Discuss and take appropriate action regarding the preparation and presentation of Final Report to City Council concerning the proposal to amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).



CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION FINAL REPORT – ZONING CHANGE – DISTRICT A TO DISTRICT F

The Planning and Zoning Commission has previously met on March 1, 2021 and in its preliminary report recommended that Council amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

The preliminary report was submitted to the Jersey Village City Council at its March 15, 2021 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for April 19, 2021.

On April 19, 2021, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public hearing, which gave the public an opportunity to make comments concerning the proposed amendment.

The Planning and Zoning Commission after duly considering all the information before it including that gathered at the Joint Public Hearing with City Council on April 19, 2021, recommends that Council amend Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas by authorizing revision of the official zoning map as set out in Section 14-82 so that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, shall be changed from Zoning District A (“single-family dwelling district”) to Zoning District F (“First Business District”).

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

Respectfully submitted, this 19th day of April 2021.

Rick Faircloth, Chairman

ATTEST:

Lorri Coody, City Secretary



EXHIBIT A
PROPOSED ORDINANCE

PROPOSED ORDINANCE NO. 2021-XX

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, THE JERSEY VILLAGE DEVELOPMENT CODE, BY AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP AS SET OUT IN SECTION 14-82 SO THAT THE AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY 3.9 ACRES OF LAND ADJACENT TO THE SOUTHEAST CITY LIMITS NEAR JONES ROAD AND FM 529, IN THE CITY OF JERSEY VILLAGE, TEXAS, SHALL BE CHANGED FROM ZONING DISTRICT A (“SINGLE FAMILY DWELLING DISTRICT”) TO ZONING DISTRICT F (“FIRST BUSINESS DISTRICT”); CONTAINING OTHER FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Jersey Village, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission has issued its report and has recommended amendment to the Zoning Ordinance by authorizing revision of the Official Zoning Map as set out in Section 14-82 relating to the change of the zoning designation for that area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas, from District A (“Single Family Dwelling District”) to District F (“First Business District”); and

WHEREAS, the Planning & Zoning Commission and City Council have conducted, in the time and manner required by law, a joint public hearing on such amendment to the zoning ordinance and find that the adoption of this ordinance is in the best interest of the citizens of Jersey Village; **NOW THEREFORE**,

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

Section 1. The City Council hereby finds and determines that the statements set forth in the preamble of this Ordinance are true and correct and are incorporated herein for all purposes.

Section 2. The area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529, in the City of Jersey Village, Texas and more specifically outlined in Exhibits A and A1 attached hereto and made a part hereof, is rezoned from District A (“Single Family Dwelling District”) to District F (“First Business District”).

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the change in zoning classification of the property with the appropriate references thereon to the number and effective date of this ordinance.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason

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

Section 4. Repeal. All other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

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

Section 6. Effective Date. This ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2021.

ATTEST:

Andrew Mitcham, Mayor

Lorri Coody, City Secretary

**PLANNING AND ZONING COMMISSION
CITY OF JERSEY VILLAGE, TEXAS
AGENDA REQUEST**

AGENDA DATE: April 19, 2021

AGENDA ITEM: F

AGENDA SUBJECT: Discuss and take appropriate action regarding the preparation and presentation of a Final Report to City Council concerning the proposal to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

Dept/Prepared By: Lorri Coody, City Secretary **Date Submitted:** March 16, 2021

EXHIBITS: [P&Z Final Report – Tree ORD](#)
[EX A](#) – Proposed Ordinance – Tree ORD

BACKGROUND INFORMATION:

A Joint public hearing will be conducted at the April 19, 2021 City Council and P&Z Meetings, giving opportunity for public comment on the proposal to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

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

After due consideration, prepare and vote on your Final Report concerning this amendment.

RECOMMENDED ACTION:

Discuss and take appropriate action regarding the preparation and presentation of a Final Report to City Council concerning the proposal to amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
FINAL REPORT – TREE ORDINANCE – Section 14-310(6)(e)**

The Planning and Zoning Commission has previously met on March 1, 2021 and in its preliminary report recommended that Council amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

The preliminary report was submitted to the Jersey Village City Council at its March 15, 2021 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for April 19, 2021.

On April 19, 2021, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public hearing, which gave the public an opportunity to make comments concerning the proposed amendment.

The Planning and Zoning Commission after duly considering all the information before it including that gathered at the Joint Public Hearing with City Council on April 19, 2021, recommends that Council amend Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way.

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

Respectfully submitted, this 19th day of April 2021.

Rick Faircloth, Chairman

ATTEST:

Lorri Coody, City Secretary



EXHIBIT A
PROPOSED ORDINANCE

ORDINANCE NO. 2021-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 XII., “LANDSCAPING, BUFFERYARD, PARK AND OPEN SPACE STANDARDS,” SECTION 14-310, “GENERAL STANDARDS,” AT SUBSECTION 6(E) IN ORDER TO INCREASE THE REQUIREMENTS FOR PRUNING TREES OVERHANGING INTO THE STREET OR RIGHT-OF-WAY; 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, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission has issued its report and has recommended amendments to Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” at Subsection 6(e) in order to increase the requirements for pruning trees overhanging into the street or right-of-way; and

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

WHEREAS, 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. The Jersey Village Code of Ordinances at Chapter 14, “Building and Development,” Article XII., “Landscaping, Bufferyard, Park and Open Space Standards,” Section 14-310, “General Standards,” Subsection 6(e), is hereby amended to read as follows by deleting the language shown below in struck through (~~deleted~~) and by adding thereto the language shown below as underscored and boldfaced (**added**):

“Chapter 14 – BUILDING AND DEVELOPMENT

....

Sec. 14-310. General standards.

....

6(e) The owner of a tree overhanging a street or right-of-way within the city shall prune the branches so that the branches will not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of ~~13~~ **fifteen (15)** feet above street surface ~~of [or]~~ **and eight ten (10)** feet above the sidewalk surface. The owner shall be responsible for removing all dead, diseased, or dangerous trees, or broken or decayed limbs, including tree stumps, which constitute a menace to the safety of the public. Tree pruning shall be done in accordance with accepted arboricultural standards.”

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.

Section 5. The amendment to the Code of Ordinances, City of Jersey Village, Texas provided for in this Ordinance shall be in full force and effect on January 1, 2022.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2021.

ATTEST:

Andrew Mitcham, Mayor

Lorri Coody, City Secretary

