

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

EXHIBIT A

Planning and Zoning Commission Minutes

March 1, 2021

Preliminary Report Zoning Change - District A to District F



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

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.

EXHIBIT B

Planning and Zoning Commission Minutes

March 1, 2021

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



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

