

Exhibit A to the Ordinance

The Planning and Zoning Commission's Preliminary Report



CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION PRELIMINARY REPORT – SIDE STREET FENCING – DISTRICT A

The Planning and Zoning Commission has met in order to consider amendments to the Code of Ordinances at Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-101 Regulations for District A (Single-Family Dwelling District) to provide for side street fencing;

After review and discussion, the Commissioners preliminarily propose that amendments be made to Chapter 14 Building and Development, Article IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-101 Regulations for District A (Single-Family Dwelling District) to revise Subsection (d)(1) to provide for side street fencing as follows:

(d)(1) No fence in district A shall be permitted in the front yard, extending past the building setback line. **For side street fencing, where one or more lots have frontage on the street, wrought iron fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.**

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 8th day of November 2017.

s/Debra Mergel, Chairman

ATTEST:

s/Lorri Coody, City Secretary



EXHIBIT A
PROPOSED ORDINANCE

ORDINANCE NO. 2017-XX

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, BY AMENDING CHAPTER 14 BUILDING AND DEVELOPMENT, ARTICLE IV. ZONING DISTRICTS, DIVISION 2 USE BASED ZONING DISTRICTS, SECTION 14-101 REGULATIONS FOR DISTRICT A (SINGLE-FAMILY DWELLING DISTRICT) TO REVISE SUBSECTION (D)(1) TO PROVIDE FOR SIDE STREET FENCING; 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 IV. Zoning Districts, Division 2 Use Based Zoning Districts, Section 14-101 Regulations for District A (Single-Family Dwelling District) to provide for side street fencing; 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 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:

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

Section 2. Chapter 14, “Building and Development,” Article IV. *Zoning Districts*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended to revise subsection (d)(1) in section 14-101 Regulations for District A (single-family dwelling district), by adding the language underlined to read and provide as follows:

“Chapter 14 – BUILDING AND DEVELOPMENT

....

Sec. 14-101.-Regulations for district A (single-family dwelling district).

....

(d) *Other regulations; fences and hedges.*

(1) No fence in district A shall be permitted in the front yard, extending past the building setback line. **For side street fencing, where one or more lots have frontage on the**

street, wrought iron fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.

- (2) Fences in district A may not be erected and hedges may not be planted directly on a property line without the express agreement of the property owners on both sides of the property line.
- (3) Fences in district A shall not exceed eight feet in height, and shall be of a permanent type, such as chainlink, redwood, cedar, wrought iron, brick or other approved material of equal quality.
- (4) Refuse containers or similar equipment on nonresidential lots in district A shall be screened from public view, and from adjacent buildings or property, whether public or private. Such screening shall be permanent and opaque and of wood, metal or masonry material and shall be at least as high as the screened object, but in no event shall be less than six feet in height.”

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

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

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2017.

ATTEST:

Justin Ray, Mayor

Lorri Coody, City Secretary