

ORDINANCE NO. 78-6

VILLAGE OF JAMAICA BEACH

ARTICLE 1

GENERAL

SEC. 1 FORCE AND EFFECT

The zoning standards contained herein, together with all amendments, shall officially constitute the zoning regulations of the Village of Jamaica Beach, as adopted by Ordinance No. 78-6, effective \_\_\_\_\_ day of \_\_\_\_\_ 1978.

SEC. 2 PURPOSE

The zoning Regulations and the Districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and for the protection and preservation of places and areas of historical and cultural importance and significance or for the general welfare of the Village. They have been designed to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for business, residence and other purposes; and in the case of designated places and areas of historical and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures.

SEC. 3 ZONING DISTRICTS ESTABLISHED

THE VILLAGE OF JAMAICA BEACH, IS HEREBY DIVIDED INTO EIGHT (8) ZONING DISTRICTS, THE USE, HEIGHT AND AREA REGULATIONS AS SET OUT HEREIN ARE UNIFORM WITHIN EACH DISTRICT. THE EIGHT DISTRICTS ESTABLISHED HEREIN SHALL BE KNOWN AS:

Abbreviated Designation	Zoning District Name
a) 1F-1	One Family Dwelling District
b) 1F-2	One Family Dwelling District
c) 1F-3	One Family Dwelling District
d) MF	Multiple Family Dwelling District
e) B	Beach District
f) Rec	Recreation District
g) R	Retail District
h) PD	Planned Development District

SEC. 4

ZONING DISTRICT MAP

a) THE BOUNDARIES OF THE ZONING DISTRICTS SET OUT HEREIN ARE DELINEATED UPON THE ZONING DISTRICT MAP OF THE VILLAGE OF JAMAICA BEACH, SAID MAP BEING A PART OF THIS ORDINANCE AS FULLY AS IF THE SAME WERE SET FORTH HEREIN IN DETAIL.

b) Two originals, official and identical copies of the Zoning District Maps are hereby adopted bearing the signature of the Mayor and the attestation of the Village Secretary and shall be filed and maintained as follows:

1) One copy shall be filed with the Village Secretary and retained as the original record and shall not be changed in any manner:

2) One copy be filed with the Building Official and shall be maintained up to date by the Building Official by posting thereon all changes and subsequent amendments for observation in issuing Building Permits, Certificates of Compliance and Occupancy and enforcing the zoning Ordinance.

3) Reproduction for information purposes may from time to time be made of the official Zoning District Maps.

SEC 5

ZONING DISTRICT BOUNDARIES

a) THE DISTRICT BOUNDARY LINES SHOWN ON THE ZONING DISTRICT MAPS ARE USUALLY ALONG STREETS, ALLEYS, PROPERTY OR EXTENSIONS THEREOF, WHERE UNCERTAINTY EXISTS AS TO THE BOUNDARIES OF DISTRICTS AS SHOWN ON THE OFFICIAL ZONING MAPS THE FOLLOWING RULES SHALL APPLY:

1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be constructed to follow such centerlines.

2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3) Boundaries indicated as approximately following Village limits shall be construed as following Village limits.

4) Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines of such railroad.

5) Boundaries indicated as following shore lines shall be construed to follow such lines and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, canals, bays, lakes or other bodies of water shall be construed to follow such centerlines.

6) Boundaries indicated as parallel to or extensions of features indicated in 1 through 5 above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map of the plat section.

7) Whenever any street, alley or other public way is vacated by official action of the Village Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way and all areas so involved shall then and hence forth be subject to all regulations of the extended districts.

b)

Where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections 1 through 7, the property shall be considered as classified IR-1, One Family Dwelling District temporarily in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions provided in Section 6 for temporary zoned areas.

a) ALL TERRITORY HEREAFTER ANNEXED TO THE VILLAGE OF JAMAICA BEACH SHALL BE TEMPORARILY CLASSIFIED AS LF-1, ONE FAMILY DWELLING DISTRICT, UNTIL PERMANENT ZONING IS ESTABLISHED BY THE VILLAGE COUNCIL OF THE VILLAGE OF JAMAICA BEACH, THE PROCEDURE FOR ESTABLISHING PERMANENT ZONING ON ANNEXED TERRITORY SHALL CONFORM TO THE PROCEDURE ESTABLISHED BY LAW FOR THE ADOPTION OF THE ORIGINAL ZONING REGULATIONS.

b) In an area temporarily classified as LF-1, One-Family Dwelling District:

1) No person shall erect, construct or add to by building or structure of cause the same to be done in any newly annexed territory to the Village without first applying for and obtaining a building permit or certificate of occupancy therefore from the Building Official or the Village Council as may be required herein.

2) No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the LF-1, One-Family Dwelling District, unless and until such territory has been classified in a zoning district other than the LF-1, One Family Dwelling District, by the Village Council in the manner provided by law except that a building permit may be issued in accordance with the provisions of the b-3, as follows:

3) An application for a permit for any other use than that specified in paragraph 2 above shall be made to the Building Official of the Village, and by him referred to the Village Zoning Commission for consideration and recommendation to the Village Council. The Village Zoning Commission in making its recommendation to the Village Council concerning any such permit shall take into consideration the appropriate land use for the area. The Village Council after receiving and reviewing the recommendations of the Village Zoning Commission may by majority vote authorize the issuance of a Building Permit or Certificate of Occupancy or may disapprove the application.

SEC. 7 COMPLIANCE REQUIRED

ALL LAND, BUILDINGS, STRUCTURES OR APPURTENANCES THEREON LOCATED WITHIN THE VILLAGE OF JAMAICA BEACH, TEXAS, WHICH ARE HEREAFTER OCCUPIED, USED, ERRECTED, ALTERED, REMOVED, DEMOLISHED OR CONVERTED SHALL BE USED, REMOVED, PLACED AND ERRECTED IN CONFORMANCE WITH THE ZONING REGULATIONS PRESCRIBED FOR THE ZONING DISTRICT IN WHICH SUCH LAND OR BUILDING IS LOCATED AS HEREINAFTER PROVIDED.

ARTICLE 2

USE REGULATION DISTRICTS

SEC 8 USE OF LAND AND BUILDINGS

a) LAND AND BUILDINGS IN EACH OF THE FOLLOWING CLASSIFIED DISTRICTS MAY BE USED FOR ANY OF THE FOLLOWING LISTED USES BUT NO LAND SHALL HEREAFTER BE USED, AND NO BUILDING OR STRUCTURE SHALL HEREAFTER BE ERRECTED, ALTERED OR CONVERTED WHICH IS ARRANGED OR DESIGNED OR USED FOR OTHER THAN THOSE USES SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED AS SET FORTH BY THE FOLLOWING SCHEDULE:

LEGEND



Designates use permitted in district indicated.



Designates use prohibited in district indicated.



Indicates use may be approved as specific use permit see Sec 15.

Note: Symbols applicable to following use Schedule Charts 8 a through j.

	1F-1	1F-2	1F-3	MF-1	B	Rec	R	PD
<b>9</b>								
<b>SCHEDULE OF USES</b>								
1) One Family Dwelling	One Family Dwelling District	One Family Dwelling District	One-Family Dwelling District	Multi Family Dwelling District	Beach District	Recreation District	Retail District	Planned Development District
	b) PRIMARY RESIDENTIAL USES							
Detached (1)	P	P	P	P		P	P	P
2) One Family Dwelling Attached (2)			P	P		P	P	P
3) Two Family Dwelling (3)				P		P	P	P
4) Multiple-Family (4)				P			P	P
5) Boarding or Rooming House (5)				S				P
6) Hotel or Motel (6)				S		S	S	P
7) Secondary Residential Structure (7)				S		S	S	
	c) ACCESSORY AND INCIDENTAL USES							
1) Accessory Building Residential (8)	P	P	P	P		P	P	P
2) Community Center (9)	S	S	S	P		P	P	P
3) Off Street Parking Incidental to Main Use	P	P	P	P	P	P	P	P
4) Servants or Caretakers Quarters (10)						S	S	P
5) Swimming Pool of tennis court (private)	P	P	P	P		P	P	P
6) Signs (Subject to Article IV Section 17b)								
	Subject to Control By Building Official See 17 (c)							



	IF-1	IF-2	IF-3	MF-1	B	Rec	R	PD
	One Family Dwelling District	One Family Dwelling District	One-Family Dwelling District	Multi Family Dwelling District	Beach District	Recreation District	Retail District	Planned Development District
5) Sewage Pumping Station	P	P	P	P	P	P	P	P
6) Sewage Treatment Plant	S	S	S	S		S	S	P
7) Telephone Business Office							P	P
8) Telephone Exchange Switching Relay & Transmitting Equipment (17)	P	P	P	P		P	P	P
9) Utilities Public or Private Other than Listed (18)	S	S	S	S		S	P	S
10) Utility, shops or storage yards and Bldgs (19)							S	P
11) Water Treatment Plant							S	P
12) Water-well, Reservoir Pumping Station or Storage	P	P	P	P	P	P	P	P
	(f)	RESORT AND RELATED RECREATIONAL USES						
1) Amusement, Commercial (Outdoor) (20)					S	S	S	P
2) Amusement, Commercial (Indoor) (21)					S	S	S	P
3) Bath Houses & Similar Service Structures					S	S	S	P
4) Bait and Tackle Sales Stand					S	S	S	P

## SCHEDULE OF USES





	1F-1	1F-2	1F-3	MF-1	B	Rec	R	PD
	One Family Dwelling District	One Family Dwelling District	One-Family Dwelling District	Multi Family Dwelling District	Beach District	Recreation District	Retail District	Planned Development District
4) Bank or Savings and Loan Office							P	P
5) Book and Stationery Store							P	P
6) Barber and Beauty Shop							P	P
7) Bakery or Confectionery Shop (Retail Sales) (24)							P	P
8) Cafeteria or Restaurant						P	P	P
9) Camera Shop						P	P	P
10) Cleaning Shop or Laundry (25)							P	P
11) Cleaning or Laundry Pick-up Station							P	P
12) Cleaning or Laundry Self Service Shop (26)						S	P	P
13) Clinic, Medical, or Dental							P	P
14) Drug Store or Pharmacy							P	P
15) Department Store or Discount House							P	P
16) Grocery Store							P	P
17) Furniture or Appliance Store							P	P
18) Florist Shop							P	P

SCHEDULE OF USES



	1F-1	1F-2	1F-3	MF-1	B	Rec	R	PD
	One Family Dwelling District	One Family Dwelling District	One-Family Dwelling District	Multi Family Dwelling District	Beach District	Recreation District	Retail District	Planned Development District
SCHEDULE OF USES								
34) Repair of Appliances, T.V., Radios and Similar Equipment (28)							P	P
35) Shoe Repair							P	P
36) Signs Advertising (31)					S	S	S	P
37) Studio, Photographer, Artist, Music Drama, Dance							P	P
38) Studio, Health, Reducing or Similar Service								
39) Studio, Decorator and Display of Art Objects							P	P
40) Tavern (35)						S	S	P
41) Travel Bureau or Consultant						S	P	P
42) Veterinarian, Office (No animal hospital)							P	P
43) Variety Store							P	P
i) COMMERCIAL AND RELATED SERVICES USES								
1) Bakery Wholesale								P
2) Building Material Sales								P

SCHEDULE OF USES

	1F-1	1F-2	1F-3	MF-1	B	Rec	R	PD
	One Family Dwelling District	One Family Dwelling District	One-Family Dwelling District	Multi Family Dwelling District	Beach District	Recreation District	Retail District	Planned Development District
3) Cabinet or Upholstery							P	P
4) Clothing Manufacturing or Similar Light Manufacturing Process								P
5) Cleaning, Dyeing or Laundry Plant								
Commercial								P
6) Contract Storage or Equipment Yard								
7) Dance Hall or Night Club -						S	S	S
8) Lithographer or Print Shop							S	P
9) Maintenance and Repair Service for Buildings								
							S	P
10) Laboratory Scientific or Research							S	P
11) Plumbing Shop							P	P
12) Storage Warehouse							P	P
13) Trade or Commercial Schools (36)							S	P
14) Veterinarian Hospital or Kennel								P
15) Welding or Machine Shop							S	P
1) Storage of Shell, Spoil, Sand, Gravel						S	S	S

SEC. 9 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the Village of Jamaica Beach. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unused form of land use shall be made as follows:

- 1) The Building Official shall refer the question concerning any new or unlisted use to the zoning commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

- 2) The Zoning Commission shall meet with the parties at interest and shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
- 3) The Zoning Commission shall transmit its findings and recommendations to the Village Council as to the classification proposed for any new or unlisted use. The Village Council shall by resolution approve the recommendation of the Village Zoning Commission or make such determination concerning the classification of such use as is determined appropriate.

SEC. 10 SPECIAL DEFINITIONS AND EXPLANATIONS NOTED IN USE REGULATIONS

The following definitions and explanatory notes supplement, restrict and define the meaning and intent of the use regulations as set forth in the Use Schedule 8, b through j inclusive.

- 1) One-Family Dwelling (detached) - A dwelling designed and constructed for occupancy by one (1) family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract.

- 2) One Family Dwelling (attached) A dwelling is joined to another dwelling at one or more sides by a party wall or abutting separate wall, which is erected upon a separate lot of record and is designed for occupancy by one (1) family.
- 3) Two-Family Dwelling - A single structure designed and constructed with two living units under a single roof for occupancy by two families.
- 4) Multiple-Family Dwelling (Apartment) - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.
- 5) Boarding House or Rooming House - A building other than a hotel, where lodging and meals for three or more persons are served for compensation.
- 6) Hotel or Motel - Any building which is designed to cater to transient occupancy, offering a temporary abiding place to individuals and families. To be classified as a hotel or motel an establishment shall contain individual guest rooms, maintain an inner lobby, furnish services such as supply of linens, maids, telephone and furnishings.
- 7) Secondary Residential Structure - A subordinate dwelling unit, detached, other than a mobile home, servants or caretakers quarters, erected as a detached building in conformity with the provisions of this Ordinance.
- 8) Accessory Building - In a residence district, a subordinate building, attached or detached and used for a purpose customarily incidental to the main structure such as a private garage or carport for automobile storage, tool house, lath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of business.
- 9) Community Center (Private) - A central social and recreational building as part of a housing project or community unit development.

- 10) Servant or Caretaker Quarters - A subordinate dwelling unit, used solely as living quarters by a person(s) employed on the premises. A dwelling unit which is utilized for other purposes as a domicile shall be subject to applicable provisions of the Zoning Ordinance.
- 11) Home Occupations - A home occupation is an occupation carried on in the home by a member of the occupant's family, without the employment of additional persons, without the use of a sign to advertise the occupation, without offering any commodity for sale on the premises and which does not create obnoxious noise or other obnoxious conditions to abutting residential property such as odor, increased traffic, light or smoke.
- 12) Day Nursery or Kindergarten School - An establishment licensed by the State of Texas, where six (6) or more children are left for care or training during the day or portion thereof.
- 13) Hospital (acute care) - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.
- 14) Private School, Private College, or Private University - An institution established for educational purposes and offering a curriculum similar to the public schools or an accredited college or university.
- 15) Public or Parochial School - A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools.
- 16) Tennis or Swim Club - A private recreational club with restricted membership, usually of less area than a Country Club, but including a club house or swimming pool, or tennis courts or similar recreational facilities, none of which are available to the general public.
- 17) Telephone Exchange, Switching Relay and Transmitting Equipment, but not including public business facilities, storage or repair facilities.



- 18) Utility Installation, Public or Private, Not Listed - Any public or private utility facility franchised or approved by the Village of Jamaica such as closed circuit television or steam distribution or other similar utility not specifically covered by the uses listed in the use schedule.
- 19) Utility Shops or Storage Yards and Buildings - An area or building used by public or private utilities for the repair and/or storage of equipment, vehicles or supplies.
- 20) Amusement, Commercial (outdoor) - Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including but not limited to a golf driving range, amusement park, archery range and miniature golf course.
- 21) Amusement, Commercial (indoor) - An amusement enterprise wholly enclosed in a building which is treated acoustically so that no noise of the enterprise is perceptible at the bounding property line and including but not limited to a bowling alley or billiard parlor.
- 22) Clubs Related to Resort Activity - A building, room or suite of rooms available to a restricted membership for meeting, dining and entertainment. Such facilities may include private tennis courts, swimming pool, yacht club, marina or similar recreational facilities for specific use of members.
- 23) Recreational Activity Related to Resort Use - Private recreational area including tennis, picnic, swimming, active play facilities, passive areas and similar open recreational facilities for residents, tenants or clients or uses located in the resort area.
- 24) Bakery, or Confectionery Shop, Retail - A place for preparing, baking or selling all products on the premises where prepared.
- 25) Cleaning Shop or Laundry, Limited Area - A custom cleaning shop not exceeding five thousand (5000) square feet of floor area.

- 26) Cleaning or Laundry Self Service Shop - To be of the customer self-service type and not a commercial laundry or cleaning plant.
- 27) Package Store - Any enterprise which has as its principal business the sale of alcoholic beverages for off-premises consumption.
- 28) Appliance Service and Repair, including the radio and television, but not involving the use of equipment which generates noise, odor or electrical frequencies so as to interfere with the use and enjoyment of adjacent property.
- 29) Sign - An identification in the form of a graphic device which is affixed to the exterior surface of a building or structure or is an integral part, thereof, and which directs attention either to a product, place, activity, person, institution, or business.
- 30) Sign Area - The sign area shall be the area of the rectangular enclosures of all parts of the sign other than structural supports.
- 31) Sign, Advertising - Any sign, other than an accessory owner identification sign to a business, commodity, which directs attention to a business, commodity, or service inclusive of pennants, banners and streamers.
- 32) Sign - Owner Identification - A sign which pertains only to the use of a premises and which contains information pertaining to the name of the owner, occupant, and/or management associated with the use of the property, the kind of business and/or the brand name of the principal commodity sold on the premises, or other information relative to a service or activity involved in the conduct of the business, but not including the names of subsidiary products being sold.
- 33) Sign, Flat - Any sign which is painted on the outside face of a building, or attached to, and erected parallel to the face of a building, supported by the building and not extending either more than eighteen (18) inches from the face of the building wall or above the roof line of the building to which the sign is affixed.

SEC. 11 PD, PLANNED DEVELOPMENT DISTRICT

- 34) Sign - Projecting - Any sign, other than flat sign, which is attached to a building wall so as to extend over either private or public property. Projection over public property shall be subject to the provisions of (b), (3), a, and (b) of this Article.
- 35) Tavern - Any enterprise which has as its principal business the selling of wine and/or beer at retail, for consumption on the premises.
- 36) Trade or Commercial School - A school, operated as a business enterprise, teaching vocational and vocational skills, including, but not limited to business schools, dancing schools, construction trades schools, and schools of automobile mechanics.

a) It is recognized that it may be desirable that certain areas of the City be developed in accordance with general land use and site plans prepared and approved in advance of development, administrative and regulatory provisions are provided as follows:

b) The area or areas which are designated as a Planned Development District are set forth on the Zoning District Map, which is made a part of this Ordinance. The boundaries of the Planned Development District may from time to time be altered or adjusted in accordance with the provisions herein provided in Sec. 23 for amending this Ordinance

c) Whenever any area is designated as being within the Planned Development District, the landowner will submit his plan for development to the Commission for approval.

d) When placing any area within the Planned Development District in accordance with this section, the Village Council shall require a general land use plan of the development. Such general land use plan shall be approved and filed as part of this Ordinance. For the purpose of preparing the General Land Use Plan, those land use categories listed in Section 8, b through j shall be used, and uses permitted within each designated land use area of the development shall be those permitted by the appropriate subsection 8, except that Primary Residential Uses and Accessory and Incidental Uses may be permitted within the same area.

e) Prior to issuance of any building permit in a Planned Development District, a comprehensive site plan for the section proposed for immediate development in accordance with the general land plan shall be submitted to the zoning Commission for approval. Such required site plan shall set forth the requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way to conform to the Thoroughfare Plan of the City of Jamaica Beach, sidewalks, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary to create a reasonable transition and protection of the adjacent property. Upon approval of said site plan by the zoning Commission, the Building Official shall be authorized to issue a building permit.

f) Site plans submitted under the provisions of e) above may be altered or amended with approval of the zoning Commission, but any change in the General Land Use Plan of the development shall be considered an amendment to this ordinance and shall be processed in accordance with Section 23.

g) Each area placed within the Zoning Development District under the provisions of this section shall be considered as an amendment to the ordinance as applicable to the property involved. In approving the Zoning Development District the City Council may impose conditions relative to the standard of development and such conditions shall be compiled with before a Certificate of Occupancy is issued for the use of the land or any structure which is part of the Zoning Development District and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

AREA REGULATIONS

ARTICLE 3

EXCEPT AS HEREINAFTER PROVIDED, NO BUILDING OR STRUCTURE OR PART THEREOF SHALL BE ERRECTED, ALTERED OR CONVERTED FOR ANY USE PERMITTED IN THE DISTRICT IN WHICH IT IS LOCATED UNLESS IT IS IN CONFORMITY WITH ALL THE MINIMUM REGULATIONS HEREIN SPECIFIED FOR LOT AREA, LOT WIDTH, LOT DEPTH, DWELLING UNIT AREA, LOT COVERAGE AND FRONT SIDE AND REAR YARDS:

LOT AREA

The minimum residential lot area for the various districts shall be in accordance with the following schedule except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this Ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this Ordinance shall be reduced in area below the minimum requirements set forth

IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM LOT AREA FOR EACH RESIDENTIAL DWELLING UNIT SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

SCHEDULE MINIMUM LOT AREAS

See Schedule 12 (a)

LOT WIDTH

The minimum lot width for lots in the various Districts used for residential purposes shall be in accordance with the following schedule, except that a lot having less width than herein required which was an official "lot of record" prior to the adoption of this Ordinance may be used as a one-family dwelling and no lot existing at the time of passage of this Ordinance shall be reduced in width below the minimum set forth herein:

IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM LOT WIDTH FOR RESIDENTIAL USES SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

SCHEDULE MINIMUM LOT WIDTHS - RESIDENTIAL AND SPECIAL DISTRICTS

See Schedule 12 (b)

LOT DEPTH

The minimum lot depth for the various Districts shall be in accordance with the following schedule, except that a lot having less depth than herein required which was an official

c.)

b.)

a.)





"lot of record" prior to the adoption of this Ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this Ordinance shall be reduced in depth below the minimum set forth herein:

IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM LOT DEPTH FOR RESIDENTIAL USES SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

SCHEDULE OF MINIMUM LOT DEPTH RESIDENTIAL AND SPECIAL DISTRICTS See Schedule 12 (c)

d)

USEABLE OPEN SPACE

All Residential Use shall provide and maintain a minimum of one-hundred (100) square feet of USEABLE OPEN SPACE for each dwelling unit. For the purpose of this Ordinance, USEABLE OPEN SPACE is as follows:

Useable Open Space shall mean outdoor area, excluding parking and other service areas, which is utilized for liveability and/or related amenity, such as outdoor living, associated recreation and/or landscaping, and which is open and unobstructed from its lowest level to the sky except for roof overhangs and architectural projections. All useable open space, unless hereinafter excepted, shall be accessible to, and useable by, all residents residing on the site. Private court yards or balconies may constitute useable open space for the purpose of calculating up to thirty (30) percent of the total required useable open space. Useable open spaces may include areas at the ground level and/or on roofs, decks or balconies designed for common use; provided, that such areas meet other criteria as hereinafter set forth. The minimum dimension for useable open space at the ground level shall be ten (10) feet and the minimum area shall be one-hundred (100) square feet. The minimum dimensions for useable open space located on roofs or decks that are available for common use shall be twenty (20) feet and the minimum area shall be four-hundred (400) square feet. At least one-half of the required useable open space shall be at the ground level.

e)

FRONT YARD

IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM REQUIRED FRONT YARD SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE AND NO BUILDING, STRUCTURE OR USE SHALL HEREAFTER BE LOCATED, ERRECTED, OR ALTERED SO AS TO HAVE A SMALLER FRONT YARD THAN HEREINAFTER REQUIRED, EXCEPT THAT WHERE A LAWFULLY EXISTING





SHALL BE REDUCED BELOW THE MINIMUM SET FORTH BELOW.  
 AND NO FRONT YARD EXISTING AT THE TIME OF PASSAGE OF THIS ORDINANCE SHALL HAVE THE STATUS OF A LAWFUL NON-CONFORMING STRUCTURE, AND NO SMALLER FRONT YARD THAN HEREIN PRESCRIBED, SUCH BUILDING BUILDING AT THE EFFECTIVE DATE OF THIS ORDINANCE MAY HAVE A FRONT YARD EXISTING, EXCEPT THAT WHERE A LAWFULLY EXISTING BUILDING AT THE EFFECTIVE DATE OF THIS ORDINANCE MAY HAVE A SMALLER SIDE YARD THAN HEREIN PRESCRIBED, SUCH BUILDING SHALL HAVE THE STATUS OF A LAWFUL NON-CONFORMING STRUCTURE, AND NO SIDE YARD EXISTING AT THE TIME OF PASSAGE OF THIS ORDINANCE SHALL BE REDUCED BELOW THE MINIMUM SET FORTH BELOW.

(1) MINIMUM FRONT YARDS

(a)	1F-1 District	15 feet
(b)	1F-2 District	15 feet
(c)	REC District	20 feet

(2) SPECIAL FRONT YARD REGULATIONS

(a) Where a building line has been established by plat or Ordinance and such line requires a greater or lesser front yard setback than is prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such Ordinance or Plat.

(b) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures may not project into the front yard to a height greater than forty (40) inches above the average grade of the curb at the front of the structure or when no curb exists to forty (40) inches above the average grade of the property line. Where no front yard is required all stairs, eaves, roofs and similar building extensions shall be located behind the front street right-of-way line or property line. (See Appendix Figure 4)

(c) Gasoline service station pump islands may not be located nearer than sixteen (16) feet to the front property line.

(1) BUILDING AT THE EFFECTIVE DATE OF THIS ORDINANCE MAY HAVE A SMALLER FRONT YARD THAN HEREIN PRESCRIBED, SUCH BUILDING SHALL HAVE THE STATUS OF A LAWFUL NON-CONFORMING STRUCTURE, AND NO FRONT YARD EXISTING AT THE TIME OF PASSAGE OF THIS ORDINANCE SHALL BE REDUCED BELOW THE MINIMUM SET FORTH BELOW.

SCHEDULE MINIMUM SIDE YARD - RESIDENTIAL AND SPECIAL DISTRICTS  
See Schedule 12 (f)

(3) SPECIAL SIDE YARD REGULATIONS

- (a) Every part of a required side yard shall be open and unobstructed and the ordinary projections of window sills, belt courses, cornices and other architectural features projections not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed thirty-six (36) inches into the required side yard, except that no projection shall be permitted closer than twelve (12) inches to a common property line.
- (b) Multiple Family Dwellings not exceeding three (3) stories in height shall provide a minimum side yard of five (5) feet in width.
- (c) Multiple Family Dwellings (Apartments) exceeding three (3) stories in height shall provide in addition to the minimum yard width specified in (b) above, an additional one (1) foot of side yard width for each three (3) feet of building height above the third story. Notwithstanding the above, a minimum side yard of ten (10) feet shall be required between any building wall, or portion thereof, that does not contain openings for windows, light and/or air.

- (d) A one-family attached dwelling separated from another such dwelling by a fire or party wall need not provide a side yard except that no complex of attached one-family dwellings shall exceed three hundred (300) feet in length. A minimum required side yard of five (5) feet shall be provided at the end of each one-family attached dwelling complex so that the end of any two adjacent building complexes shall be at least ten (10) feet apart and provide access between such building complexes for fire and other emergency service.
- (e) No side yard is specified for non-residential use in the Retail District except where a commercial, retail or industrial or other non-residential use abuts upon a district boundary line dividing such districts from a residential district in which event a minimum five (5) foot side yard shall be provided on the side adjacent to such residential district.

(9) REAR YARD

NO BUILDING OR STRUCTURE SHALL HEREAFTER BE LOCATED, ERECTED OR ALTERED TO HAVE A REAR YARD SMALLER THAN HEREIN REQUIRED, EXCEPT THAT WHERE A LAWFULLY EXISTING BUILDING AT THE EFFECT-



TIVE DATE OF THIS ORDINANCE MAY HAVE A SMALLER REAR YARD THAN  
HEREIN PRESCRIBED, SUCH BUILDING SHALL HAVE THE STATUS OF A  
LAWFUL NON-CONFORMING STRUCTURE, AND NO REAR YARD EXISTING AT  
THE TIME OF PASSAGE OF THIS ORDINANCE SHALL BE REDUCED BELOW  
THE MINIMUM SET FORTH BELOW.

- 1.) In the IF-1, IF-2, IF-3, MF-1, REC, R Districts no  
main residential building may be constructed nearer to  
an alley line when said alley is less than twenty (20)  
feet in width. In instances where the rear property  
line is the line of an alley of at least twenty (20)  
feet in width, the rear yard shall be at least three (3)  
feet in width.
- 2.) In districts permitting one-family attached dwellings no  
rear yard is required where the rear wall of a dwelling  
structure is attached to another dwelling structure pro-  
vided that all such one-family attached dwelling structures  
have at least one side of each building exposed to a public  
street or officially approved place or court and provided  
further that where interior courts are used for access  
to light and air such courts provide the minimum required  
open space.
- 3.) No rear yard is specified for non-residential uses located  
upon a lot which has a rear lot line adjacent to any alley  
of at least twenty (20) feet in width. Non-residential  
uses located upon a lot which has a rear lot line that is  
either a continuation of or to a IF-1, IF-2, IF-3, or MF-1,  
and which rear lot line is not separated from an adjoining  
lot by an alley of at least twenty (20) feet in width,  
shall maintain a minimum rear yard of ten (10) feet.  
4.) Every part of a required rear yard shall be open and un-  
obstructed to the sky from a point thirty (30) inches  
above the general ground level of the graded lot, except  
for accessory buildings as permitted and the ordinary  
projections of window sills, belt courses, cornices and  
roof overhangs and other architectural features projecting  
not to exceed four (4) feet into the required rear yard.  
5.) Accessory building may be located within a required rear  
yard; however, no accessory building, as permitted here-  
in, shall occupy more than sixty (60) percent of the re-  
quired rear yard area. Accessory buildings shall be set  
back three (3) feet from the rear property line unless  
the rear lot line is contiguous with the line of an alley  
twenty (20) feet or more in width. In such instance no  
rear yard shall be required.
- 6.) Wherever the rear property line abuts a water way this  
section requiring rear yard set back shall not apply.

(h)

COURT STANDARDS

THE MINIMUM DIMENSION AND AREA OF OUTER OR INNER COURTS PROVIDED IN BUILDINGS OCCUPIED FOR RESIDENTIAL PURPOSES SHALL BE IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:

1)

OUTER COURTS RESIDENTIAL STRUCTURES

(a) For multiple family dwellings, three (3) stories or less in height, any outer court shall have a minimum width equal to the depth of the court, but the width of any such outer court need not exceed fifteen (15) feet even though the depth of the court may exceed such dimension. In no instance, however, shall the width of the court be less than six (6) feet.

(b)

For multiple family dwellings exceeding three (3) stories in height, any outer court shall have a minimum width equal to the depth of the court, but the width of any such outer court need not exceed thirty (30) feet even though the depth of the court may exceed such dimension. In no instance, however, shall the width of the court be less than ten (10) feet.

2)

INNER COURTS RESIDENTIAL STRUCTURES

(a) For multiple family dwellings three (3) stories or less in height, any inner court shall have minimum dimensions in the length and in the width of its base equal to the height of the roof or eave at the top of the wall enclosing such court, but neither the width or the length of the base of such inner court need exceed twenty (20) feet, though the height of the enclosing walls may exceed such dimension. In no instance, however, shall either the width or length of the court be less than ten (10) feet.

(b)

For multiple dwellings exceeding three (3) stories in height, any inner court shall have a minimum dimension in the length and in the width of its base equal to the height of the roof or eave at the top of the wall enclosing such court, but neither the width or length of the base of such inner court need exceed fifty (50) feet, even though the height of the enclosing walls may exceed such dimension. In no instance, however, shall either the width or length of the court be less than fifteen (15) feet.

SEC. 13

HEIGHT REGULATIONS

a)

NO BUILDING OR STRUCTURE SHALL BE LOCATED, ERRECTED OR ALTERED SO AS TO EXCEED THE HEIGHT LIMIT HEREINAFTER SPECIFIED FOR THE DISTRICT IN WHICH THE BUILDING IS LOCATED.

THE MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES SHALL BE:

- (1) 1F-1, One Family Dwelling District Three (3) stories except as noted in (c) following
- (2) 1F-2, One Family Dwelling District Three (3) stories except as noted in (c) following
- (3) 1F-3, One Family Dwelling District Three (3) stories except as noted in (c) following
- (4) MF-1, Multiple-Family Dwelling District Three (3) stories except as noted in (c) following
- (5) Rec., Recreation District Not to exceed 40', but residential structures subject to special yard provisions.
- (6) PD, Planned Development Not to exceed 40', but subject to special area provisions of amending ordinance establishing such district.
- (7) R, Retail District Not to exceed 40', but residential structures subject to special yard provisions.
- (8) B, Beach District Three stories

b)

IN THE FOLLOWING DISTRICT

c)

FENCES AND WALLS - HEIGHT REGULATIONS

No fence or wall shall be erected to exceed eight (8) feet in height within a yard area in any Residential District, without a special use permit.

SEC. 14

VEHICLE PARKING REGULATIONS

a)

EXCEPT AS HEREINAFTER PROVIDED, NO BUILDING OR STRUCTURE OR PART THEREOF SHALL BE ERRECTED, ALTERED, OR CONVERTED FOR ANY USE PERMITTED IN THE DISTRICT IN WHICH IT IS LOCATED UNLESS THERE SHALL BE PROVIDED ON THE LOT OR TRACT, ON AN IMMEDIATELY CONTIGUOUS LOT OR TRACT OR WITHIN 150 FEET OF SUCH BUILDING OR STRUCTURE OR WITHIN THE STREET RIGHT-OF-WAY AT A LOCATION APPROVED BY THE CITY PLANNING COMMISSION, VEHICLE PARKING IN THE FOLLOWING RATIO OF VEHICLE SPACES FOR THE USES SPECIFIED IN THE DESIGNATED DISTRICTS, EXCEPT THAT AN ESTABLISHED USE LAWFULLY EXISTING AT THE EFFECTIVE DATE OF THIS ORDINANCE NEED NOT PROVIDE VEHICLE PARKING AS HEREINAFTER SET FORTH AND THAT NO EXISTING VEHICLE PARKING PRESENT IN CONNECTION WITH SAID USE AT THE EFFECTIVE DATE OF THIS ORDINANCE MAY BE REDUCED BELOW THE MINIMUM NUMBER OF SPACES AS HEREINAFTER REQUIRED.

THE MINIMUM OFF-STREET  
PARKING SPACES FOR RESI-  
DENTIAL USES SHALL BE:

IN THE FOLLOWING  
ZONING DISTRICTS

b)

(1) 1F-1, One Family Dwelling District  
One (1) space for each dwelling unit

(2) 1F-2, One Family Dwelling District  
One (1) space for each dwelling unit

(3) 1F-3, One Family Dwelling District  
One (1) space for each dwelling unit

(4) MF-1, Multiple Family Dwelling District  
One (1) space for each dwelling unit

(5) Rec., Recreation District  
One (1) space for each dwelling unit

(6) PD, Planned Development District  
One (1) space for each dwelling unit plus additional vehicle spaces where location and nature of use indicates such additional parking important to the protection of adjacent property and the lessening of congestion in the streets

(7) R., Retail District  
One (1) space for each dwelling unit

c) PARKING SPACE SCHEDULE NONRESIDENTIAL USES APPLICABLE TO ALL DISTRICTS

(1) Clinics or Doctors' Offices - one (1) space for each three hundred (300) square feet of floor space

(2) Hospitals - One (1) space for every two (2) beds

(3) Hotel or Motel - One (1) space for each room, unit or guest accommodation

(4) Storage or warehouse - One (1) space for each one thousand (1000) square feet of floor area

(5) Office, general - One (1) space for each five hundred (500) square feet of floor area

(6) Commercial Recreational and Amusement Establishment (other than listed) - One (1) space for every two hundred



- (7) Restaurant or Cafeteria - One (1) space for each four (4) seats for fixed seating and one (1) space for each forty (40) square feet of floor area for moveable seating under maximum seating arrangement.
- (8) Retail or personal service - One (1) space for each two hundred (200) square feet of floor area.

d) SPECIAL OFF-STREET PARKING REGULATIONS

- (1) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development.
- (2) In the LF-1, LF-2, LF-3, and MF-1 Districts, no parking space, garage, or carport or other automobile storage space or structure shall be used for the storage of any truck, truck trailer or van except panel and pick-up trucks not exceeding three-quarter ton capacity.

ARTICLE 4

SPECIAL USE REGULATIONS

SEC. 15 SPECIFIC USE PERMITS

- a) The Village Council of the Village of Jamaica Beach, after public hearing and proper notice to all parties affected, in accordance with the notice procedure prescribed by amending the Zoning Ordinance, and after recommendations by the Zoning Commission, may authorize the issuance of "Specific Use Permits" for the uses indicated in Article 1, Section 8, a) through j).

- b) The Zoning Commission in considering and determining their recommendation, or the Village Council in considering any request for a Specific Use Permit, may require from the applicant plans and/or pertinent information concerning the location, function, and characteristics of any use proposed. The Village Council may, in the interest of assuring compliance with the intent and purposes of this Ordinance, establish conditions of operation with respect to any use for which a permit is authorized. In authorizing the location of any of the uses listed, the Village Council may impose such reasonable development standards as the conditions and location indicated as being necessary for the protection of immediate properties in

the neighborhood from noise, vibration, dust, dirt, smoke, fumes, odor, explosion, glare, waste, offensive view, or other undesirable or hazardous conditions.

SEC. 16 SPECIAL AREA AND USE REGULATIONS

a)

Location of Dwellings and Buildings "Two or more principal buildings or structures may be placed upon a single lot or tract; provided, a site plan for such development is approved by the Zoning Commission so as to comply with the normal requirements or platting (no plat recording required unless a division of ownership occurs commensurate with development)." In the instance of two or more principal structures on a single lot or tract having either more than one street frontage or street and alley frontage, it shall be necessary that a covenant be recorded, entered into by both the city and the property owner of record, stipulating that no division of property by fee simple be made without compliance with all State and City Laws and Ordinances.

Two principal structures, (other than a mobile home or homes) may be placed upon a lot or tract without Zoning Commission consideration and approval; provided the above referred to covenant is recorded.

Where two or more principal structures are erected upon the same lot, the distance between any two buildings shall be determined by the application of the side and rear yard requirements by the Ordinance, as would apply if each building were assumed to be placed upon a separate lot.

b) SIGN REGULATIONS

(1) PERMITS REQUIRING ZONING APPROVAL

a. No sign, unless herein excepted, shall be constructed, altered, posted and/or painted, until a permit has been issued by the Building Official.

b. Any sign requiring a permit shall be clearly marked with the permit number, and the name of the person or firm placing the sign on the premises.

c. All applications for sign permits shall require certification by the applicant as to the number, type, location

and size of all existing signs of the premises.

(2) EXCEPTIONS TO PERMITS REQUIRED

The following signs are exempted from the provisions of (1) above:

- a. Changing of permitted copy on an existing bulletin board, general advertising poster or paint panel (s), display encasement, marquee, flat sign, projecting sign, detached sign or roof sign, provided no increase occurs with respect to either the area of any such sign or the manner in which it is structurally supported.
- b. Signs on a truck, bus, or passenger vehicle which is used in the normal conduct of business.
- c. Name Plates
- d. Symbolic flag and award flag of an institution or business (house flag); not to exceed one for each forty (40) feet of street frontage adjacent to an institution or business.
- e. Weather flags, for providing information on weather conditions, one set for each premises.
- f. Real estate signs, temporary in nature, non-illuminated, not exceeding more than twelve (12) square feet in area, advertising real estate for sale or lease, or announcing contemplated improvements of real estate or announcing contemplated improvements of real estate no more than two such signs for each street or water frontage not to exceed three signs.
- g. Window signs.
- h. Temporary decorative flags and bunting for convention and commemorations.
- i. Warning, security, and/or permitted directional signs.
- j. Political signs which are displayed only during the duration of a campaign. All such signs shall be removed within five (5) days after election. Signs located within residential districts shall not exceed twelve (12) square feet in area.

(3) SIGNS EXTENDING OVER PUBLIC PROPERTY (PROJECTING SIGNS) Are prohibited.

(4) SIGN DEVICES PROHIBITED

- a. No sign shall be erected which is of a rotating

nature and/or displays either intermittent light and/or light of such intensity that it either constitutes, because of its location, hazardous condition to motorists, or simulates light customarily associated with those used by police, fire, ambulance, or similar emergency vehicles.

b. No sign shall be erected which used the words "stop" or "danger" so as to imply the need or requirement for stopping, or the existence of danger, or which is a copy or imitation of an official sign. This provision does not apply when the words are a part of an attraction title for a theatre or similar event or purpose.

(5) PROHIBITED SIGNS

a. No sign, unless otherwise provided for by this ordinance, shall be attached or applied to trees, utility poles, trash receptacles, or any other unapproved supporting structure.

b. Portable signs which are not securely fixed to an approved supporting structure.

c. Signs placed upon or affixed to portable structures (including trailers), unless such signs are approved by the Building Official. In no instance, however, shall any such sign be placed upon a premises for a period of time exceeding thirty (30) days.

(6) DETACHED SIGNS

a. In residential districts detached signs are prohibited.

b. In PD, REC, R districts, detached signs shall not exceed a height of ten (10) feet.

(7) PERMITTED SIGNS FOR NON-CONFORMING USES

a. A non-conforming use located in a PD or Residential District shall be permitted to have two (2) owner identification sign.

b. A non-conforming use in an REC and R District shall be permitted to have those signs permitted in the district in which said non-conforming use is located.

(8) SIGNS IN THE LF-1, LF-2, and LF-3 DISTRICTS

The following signs, non-illuminated, are permitted as accessory uses:

- a. Name plate, one (1) for each street frontage on the premises, not to exceed two (2) square feet in area, to identify the owner or occupant of a dwelling or a building.
- b. Private directional sign, one (1) for each street frontage on the premises, not to exceed one (1) square foot in area.
- c. An owner-identification sign, limited in area to twelve (12) square feet; one (1) for each street frontage on the premises, for the identification of permitted non-residential use.
- d. Real estate sign, one (1) for each street frontage on the premises, not to exceed twelve (12) square feet in area.
- e. Construction sign, one (1) for each street frontage on the premises, limited in size to twelve (12) square feet, erected in connection with new construction work in progress.

(9) SIGNS IN THE MF-1, REC, and RETAIL AND PLANNED DEVELOPMENT DISTRICTS

Signs, non-flashing or rotating (owner-identification), are permitted as accessory uses as follows:

- a. A name plate, not to exceed two (2) square feet in area, to identify the owner or occupant of a dwelling or building.
- b. Flat sign, maximum of one (1) facing each street frontage. The sign area shall not exceed twenty (20) square feet. In the Retail and Planned Development Districts sign area shall not exceed fifty (50) square feet without a special use permit.
- c. Two (2) directional signs, with no sign area exceeding two (2) square feet in area.
- d. Real estate sale, rental or lease signs, one (1) for each street frontage adjacent to the premises, no sign to exceed twelve (12) square feet in area.
- e. Construction signs, limited to an aggregate of thirty-six (36) square feet in area, erected in connection with new construction work, and displayed only during the times as the actual construction work is in progress.

(c) The extraction of petroleum products shall not be permitted.

ARTICLE 5

ADMINISTRATION

SEC 17 CREATION OF BUILDING SITE

NO PERMIT FOR THE CONSTRUCTION OF A BUILDING OR BUILDINGS UPON ANY TRACT OR PLOT SHALL BE ISSUED UNTIL A BUILDING SITE, BUILDING TRACT OR PLOT SHALL BE ISSUED UNTIL A BUILDING SITE, BUILDING TRACT OR BUILDING LOT HAS BEEN CREATED BY COMPLIANCE WITH ONE OF THE FOLLOWING CONDITIONS.

(1) The lot or tract is part of a plat or record, properly approved by the Village Zoning Commission, and filed in the Plat Records of Galveston County, Texas.

(2) The site plot or tract is all or part of a site plan provides all utility and drainage easements, alleys, streets, and other public improvements necessary to meet the normal requirements for platting including the designation of building areas and such easements, alleys, streets have been required and properly dedicated and the necessary public improvements provided.

(3) The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this Ordinance or prior to annexation to the Village.

(4) The site is comprised of the recombination of platted lots, created by the adjustment of side lot lines only, where by no increase occurs in the number of originally platted lots within a block, nor is there any reduction in the area of width of any lot below the minimum amount of area or dimension prescribed by the Ordinance. Refacing of corner lots shall be permitted, provided, no cost is incurred to the Village with respect to rendering utility service.

SEC 18

NONCONFORMING USES AND STRUCTURES

a. A NONCONFORMING STATUS SHALL EXIST UNDER THE FOLLOWING PROVISIONS OF THIS ORDINANCE.

(1) When a use does not conform to the regulations prescribed in the district in which it is located, and was in existence and lawfully operating prior to 19    , or any amendment thereto which creates nonconformity, and where there has been no discontinuance of the use for a period of time exceeding six (6) months; and

- (2) When on the effective date of this Ordinance, or any subsequent amendment which creates nonconformity, a structure was in existence and lawfully constructed, and which structure does not conform to the regulations herein prescribed for the zoning district in which it is located.
- (3) Prior to issuance of any building permit, or to application for relief to the Board of Adjustment there must be in force a valid Certificate of Occupancy and Compliance.

- b. The Board of Adjustment, after due process, may grant a change of occupancy from one nonconforming use to another, providing the use is within the same, or higher or more restricted classification as the original nonconforming use. In event a nonconforming use of a building may be changed to another conforming use of more restricted classification, it shall not later be changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned.

- c. If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, in whole or part, reconstruction will be permitted but the size or function of the nonconforming use cannot be expanded so as to create a greater degree of nonconformity than previously existed.

- d. The failure of an existing structure to comply with the area standards for yards, lot area, open space coverage, height or vehicle parking shall be interpreted as a nonconformity of structure but such nonconformity shall not be basis for refusal of a permit to alter, improve or reconstruct such existing structure so long as such alteration, improve-ment or reconstruction does not increase the degree of nonconformity existing prior to such action.

SEC 19 BOARD OF ADJUSTMENT

a. Organization: There is hereby created a Zoning Commission consisting of five (5) members, each to be appointed by resolution of the Village Council for a term of two years and removal-able for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any

Two members heretofore appointed shall serve until 1977, until their successors are appointed and three (3) members, as heretofore appointed, shall serve until 1977, or until their successors are appointed, and thereafter each member reappointed or each new appointee shall serve for a full term of two (2) years unless removed as hereinafter described provided, however, that the Village Council shall appoint two alternate members of the Zoning Commission who shall serve in the absence of one or more of the regular members when requested to do so by the Chairman of the Zoning Commission, 1980 as the case may be, so that all cases to be heard by the Zoning Commission will always be heard by a minimum number of the four (4) members. The alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

b. The Commission shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with the Ordinance or statutes of the State of Texas, Meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath and compel the attendance of witnesses. All meetings of the Commission shall be open to the public. The Commission shall keep minutes or its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Commission and shall be a public record.

c. Appeals to the Zoning Commission can be taken by any person aggrieved or by an officer, department or board of the municipality affected by any decision of the Building Official. Such appeal shall be taken within a reasonable time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Zoning Commission, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Commission all the papers constituting the record upon which the action appealed was taken.

d. An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Commission, after the notice of appeal shall have



(1) In exercising its powers, the Commission may, in conformity with the provisions of Articles 1011-A and 1011-J

g. Action of the Board

(4) Grant in undeveloped sections of the Village temporary and conditional permits for not more than two (2) year periods for any structure or use.

(3) Permit the extension of a building or use into a more restricted district immediately adjacent there-to, but not more than fifty (50) feet beyond the boundary line of the district in which such building or use is authorized.

(2) Permit such modifications of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape or elevation that it cannot be appropriately developed without such modification.

(1) Permit the construction, extension or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use.

f. Jurisdiction: When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Zoning Commission may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards authorize the following special exceptions to the regulations herein established.

e. The Zoning Commission shall fix a reasonable time for the hearing of an appeal, give the public notice thereof, as well as due notice to the parties in interest and decide the same with a reasonable time. Upon the hearing any party may appear in person or by attorney or by agent.

d. The Zoning Commission shall fix a reasonable time for the hearing of an appeal, give the public notice thereof, as well as due notice to the parties in interest and decide the same with a reasonable time. Upon the hearing any party may appear in person or by attorney or by agent.

c. In such case, proceedings shall not be stayed, other-wise, than by a restraining order which may be granted by the Zoning Commission or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

b. In such case, proceedings shall not be stayed, other-wise, than by a restraining order which may be granted by the Zoning Commission or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

a. In such case, proceedings shall not be stayed, other-wise, than by a restraining order which may be granted by the Zoning Commission or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

CERTIFICATE OF OCCUPANCY AND COMPLIANCE

- a. No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used until a Certificate of Occupancy and Compliance shall have been issued by the Building Official of the Village of Jamaica Beach stating that the building or proposed use of land or building complies with the provisions of this Ordinance and other building laws of the Village of Jamaica Beach.
- b. A Certificate of Occupancy and Compliance shall be applied for coincident with the application for a building permit and will be issued within ten (10) days after the completion of the erection, alteration or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this Ordinance.
- c. A Certificate of Occupancy and Compliance shall state that the building or proposed use of a building or land, complies with all the building and health laws and ordinances and with

- (3) Any person or persons, jointly or severally, aggrieved by any decision of the zoning Commission or by an officer, department or board of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Commission and not thereafter.
  - (2) The concurring vote of four (4) members of the Commission shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance or to affect any variance in said Ordinance.
- of the 1925 Civil Statutes of Texas, as amended; revise or reform wholly or partly, or may modify the order requirement, decisions, or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.

the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Official, and copies shall be furnished, or request, to any person having a proprietary and tenancy interest in the land or building affected.

SEC 21

COMPLETION OF BUILDING UNDER CONSTRUCTION

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this Ordinance and which entire building shall be completed within one (1) year from the date of the passage of this Ordinance.

SEC 22

AMENDMENTS

a. Any person or corporation having a proprietary interest in any property may petition the Village Council for a change or amendment to the provisions of this Ordinance, or the Zoning Commission may on its own motion or on request from the Village Council institute study and proposal for changes and amendments in the public interest.

b. The Village Council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established as provided by the statutes of the State of Texas.

c. Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the Zoning Commission for public hearing. The Zoning Commission shall forward its recommendation to the Village Council for consideration and action.

d. The Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to the Village Council. Written notice of all public hearings before the Zoning Commission on a proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage-paid to each taxpayer as the ownership appears on the last approved Village tax roll.

e. A public hearing shall be held by the Village Council before

GENERAL DEFINITIONS

adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in the official publication of the Village of Jamaica Beach stating the time and place of such hearing, which time shall be not less than fifteen (15) days from the date of publication. The Village Council hearing may be conducted as a joint hearing in accordance with the provisions of 1011-f., Revised Civil Statutes of the State of Texas.

CERTAIN WORDS IN THIS ORDINANCE NOT HERETOFORE DEFINED ARE DEFINED AS FOLLOWS:

WORDS USED IN THE PRESENT TENSE INCLUDE THE FUTURE: WORDS IN THE SINGULAR NUMBER INCLUDE THE PLURAL NUMBER AND WORDS IN PLURAL NUMBER INCLUDE THE SINGULAR NUMBER: THE WORD "BUILDING" INCLUDES THE WORD "STRUCTURE": THE WORD "LOT" INCLUDES THE WORDS "PLOT" OR "TRACT": THE WORD "SHALL" IS MANDATORY AND NOT DISCRETIONARY.

(1) Accessory Use - A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

(2) Alley - A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

(3) Apartment - A room or suite of rooms in a multi-family dwelling or apartment house arranged, designed or occupied as a dwelling unit by a single family, individual or group of individuals.

(4) Area of the Lot - The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

(5) Block - Area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.

(6) Building - Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable

- property of any kind. When subdivided in a manner sufficient to prevent the spread of fire each portion so subdivided may be deemed a separate building.
- (7) Building Line - A line parallel or approximately parallel to the street line at a specified distance therefrom making the minimum distance from the street line that a building may be erected.
- (8) Certificate of Occupancy and Compliance - An official certificate issued by the city through the enforcing official which indicates conformance with or approved conditional waiver from the Zoning Regulations and authorized legal use of the premises for which it is issued.
- (9) City Mayor - Chief City Administrator
- (10) Clinic - A group of offices for one or more physicians, surgeons, or dentists to treat sick or injured outpatients who do not remain overnight.
- (11) Commission - The Zoning Commission established in Section 19.
- (12) Court - Usable Open Space, bounded on three or more sides by walls of a building which is designed and used for access or light or air, emergency access purposes, outdoor living, recreation, and/or related amenities. An inner court is an area entirely enclosed by exterior walls of a building. An outer court is an area having one side to a street, alley, yard or other permanent open space.
- (13) Court, Depth of - The mean dimension from the exterior building face at the open end of an outer court to the face of the building at the opposite end of such court.
- (14) Court, Width or Length - In an inner court the average dimension in opposite directions across floor surface of the enclosed space from one opposite wall to the other opposite wall. The width of an inner court shall be interpreted as being the dimension between any two opposite walls and the length of such court shall be the dimension between the other two opposite walls.
- (15) Depth of Lot - The mean horizontal distance between the front and rear lot lines.

- (16) District - A section of the Village of Jamaica Beach for which the regulations governing the area, height or use of the land and buildings are uniform.
- (17) Dwelling Unit - A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters and included facilities for food preparation and sleeping.
- (18) Family - Any number of individuals living together as a single housekeeping unit of which not more than two individuals are unrelated by blood, marriage or adoption.
- (19) Floor Area - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports or garages.
- (20) Height - The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to 1) the highest point of the roof's surface if a flat surface, 2) to the deck line of mansard roofs or 3) to the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.
- (21) Lot - Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this Ordinance, and having its principle frontage upon a public street or officially approved place.
- (22) Lot Depth - The mean distance between the front and rear lot lines. (See Appendix Figure 2)
- (23) Lot Lines - The lines bounding a lot as defined herein.
- (24) Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Galveston County or a parcel of land, the deed for which is recorded in the office of the County Clerk of

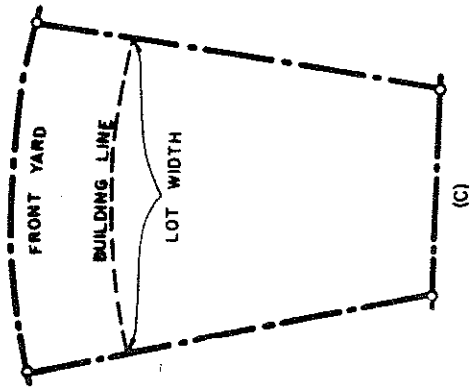
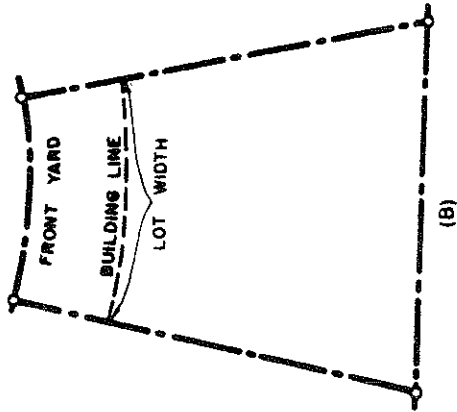
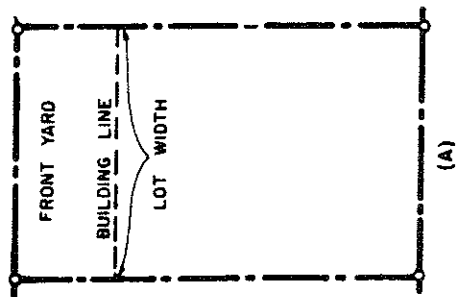
Galveston County prior to the adoption of this Ordinance.

- (25) Lot Width - The width of a lot at the front building line (See Appendix Figure 1)
- (26) Main Building - The building or buildings on a lot which are occupied by the primary use.
- (27) Mobile Home - Same as a trailer or house trailer.
- (28) Nonconforming Use - A building structure or use of land lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.
- (29) Occupancy - The use or intended use of the land or buildings by proprietors or tenants.
- (30) Open Space - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.
- (31) Premises - Land together with any building or structures occupying it.
- (32) Private Garage - An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.
- (33) Residence - Same as dwelling; also when used with District, an area of residential regulations.
- (34) Story - The height between the successive floors of a building or from the top floor to the roof. For the purpose of construing height requirements, the standard height for a story shall be eleven (11) feet six (6) inches.
- (35) Street - Any thoroughfare or public driveway, other than an alley, which has been dedicated or deeded to the public for public use or is an officially approved place by the Village Council.
- (36) Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.

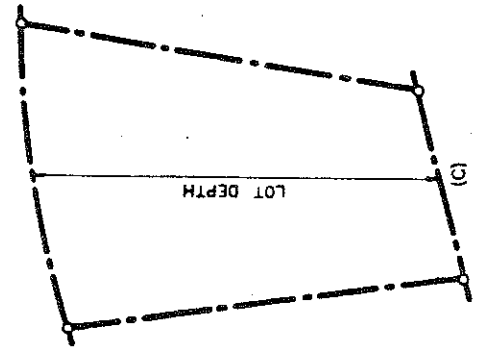
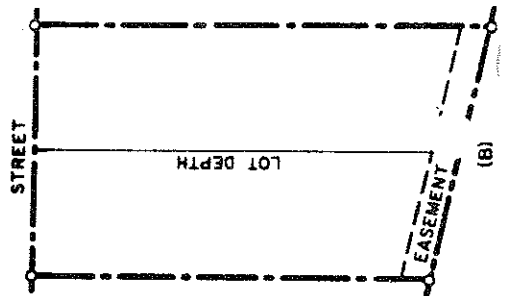
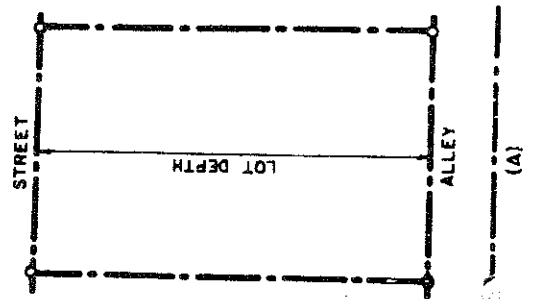
- (37) Structural Alterations - Any change in the supporting member of a building, such as a bearing wall, column beam or girder.
- (38) Structure (Same as building)
- (39) Trailer, House - A vehicle equipped for use as a dwelling and designed to be hauled along a highway.
- (40) Thoroughfare (Same as street)
- (41) Yard - An open space other than a court, on the lot in which a building is situated and which is unobstructed from a point thirty (30) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special features.
- (42) Yard, Front - An open unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.
- (43) Yard, Rear - An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.
- (44) Yard, Side - An open, unoccupied space or spaces on one or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or a front line shall be deemed a side line.
- (45) Zoning Commission - The body appointed by the Village Council of the Village of Jamaica Beach to hold public hearings and make recommendations to the Council relative to amendments and changes to the Zoning Ordinance.
- (46) Zoning District Map - The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance.



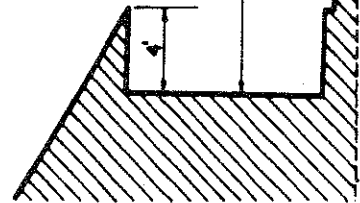
# 1. LOT WIDTH



# 2. LOT DEPTH



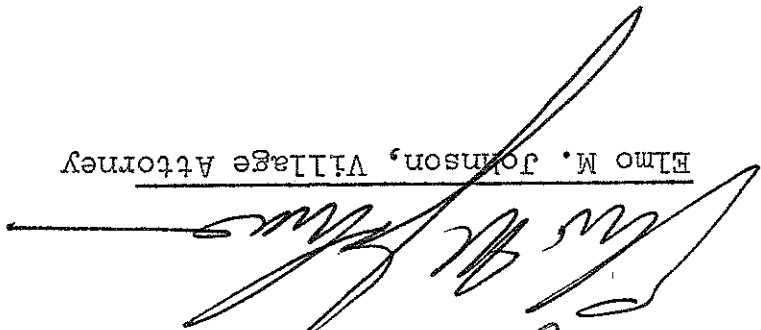
# 3. FRONT YARDS



PROPERTY LINE

APPROVED AS TO FORM:

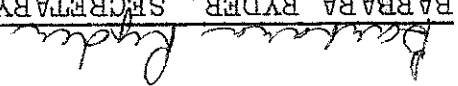
  
Jack Jordan, Mayor

  
Elmo M. Johnson, Village Attorney

CERTIFICATION

I, BARBARA RYDER, Secretary of the Village Council of the Village of Jamaica Beach, Texas, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Jamaica Beach, Texas at its regular meeting held on the 16th day of October, 1978 as the same appears in the records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto official-ly under the corporate seal of the Village of Jamaica Beach, Texas, this 16th day of October, 1978.

  
BARBARA RYDER, SECRETARY OF THE VILLAGE COUNCIL OF THE VILLAGE OF JAMAICA BEACH, TEXAS.