

• **ORDINANCE NO. 96-5**

A ZONING ORDINANCE FOR THE CITY OF JAMAICA BEACH, TEXAS,  
ZONING PROPERTY WITHIN THE CORPORATE LIMITS, PROVIDING  
FOR CERTAIN REGULATIONS AND PENALTIES AS AUTHORIZED BY  
ARTICLE 1011A AND FOLLOWING ARTICLES, VERNON'S TEXAS  
CIVIL STATUTES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMAICA BEACH,  
TEXAS, AS FOLLOWS:

ARTICLE I

An ordinance for The City of Jamaica Beach as authorized by Article 1011A and  
following Articles, Vernon's Texas Civil Statutes.

INTENT AND PURPOSE

SECTION 2-100

The zoning regulations and districts as herein established have been made in  
accordance with a comprehensive plan for the purpose of promoting health, safety,  
morals, and the general welfare of the City of Jamaica Beach. They have been  
designed to lessen congestion in the streets, to secure safety from fire and panic and  
other dangers, to provide adequate light and air, to prevent the overcrowding of land, to  
avoid undue concentration of population, and to facilitate the parks and public facilities.  
They have been made with reasonable consideration, among other things, for the  
character of the district, its peculiar suitability of buildings and encouraging the most  
appropriate use of land throughout the city.

RULES AND DEFINITIONS

SECTION 3-100

RULES

- 3-101 For the purpose of this Ordinance, certain words and terms that apply to  
the Ordinance are defined in, Definitions.
- 3-102 Words used in the present tense shall include the future, words used in  
the singular number shall include the plural, and words used in the plural  
number shall include the singular.
- 3-103 The word "shall" is mandatory and not discretionary.
- 3-104 The word "may" is permissive.
- 3-105 The word "lot" shall include the words, piece, premises, tract, and parcel,  
and except when specifically stated otherwise, shall mean a "building lot".
- 3-106 The word "building" shall include any structure designed or built for the  
support, enclosure, shelter, or protection of persons and/or property of any  
kind.
- 3-107 The phrase "used for" shall include the phrases arranged for, designed for,  
maintained for, and occupied for.

DEFINITIONS

- 101 Accessory Building or Uses : is one which (a) is subordinate to and serves a principal building or principal use; (b) is subordinate in area, extent, or purpose to the principal building or principal use served; (c) contributes to the comfort of the principal building or principal use served. "Accessory" when used in the text, shall have the same meaning as accessory use. An accessory building may not encroach on an easement, where no easement exists, accessory buildings cannot be within 3' of the rear lot line. An accessory building may be part of the principal building but must adhere to all principal building restrictions and set backs. No living quarters are allowed in accessory buildings. Boat docks/ decks, etc. are not considered accessory buildings.
- 102 Alley is a minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a public street as that term is defined herein.
- 103 Apartment is a dwelling unit in an apartment house.
- 104 Multi Family Dwelling or Apartment House is any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three (3) or more dwelling units not for transient use.
- 105 Awning is a roof-like cover of temporary nature which projects from the wall of a building.
- 106 Block is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, airport boundaries, bulkhead lines (or shore lines where no bulkhead lines have been established), or corporate boundary-lines of the City of Jamaica Beach.
- 107 Board shall mean the Board of Adjustment.
- 108 Build means to erect, convert, enlarge, reconstruct, restore, or alter a building or structure.
- 109 Buildable Width of a building site is the width of the building site left to be built upon after the required yards are provided.
- 110 Building is any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 111 Building, Completely Enclosed is a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls pierced only by windows and normal entrance and exit doors.
- 112 Building, Detached is a building surrounded by yards and open space on its building lot.
- 113 Building Face is that portion of a building completely enclosed.
- 114 Building Height is the vertical distance from the curb level, or its equivalent, opposite the center of the front of a building to the highest point of the coping of a flat, shed, or folded-plane roof; to the mean height level between eaves and ridge for gable, hip, and gambrel roofs; or to the mean height level between the spring line (the line or place at which an arch or vault curve springs from its impost) and the highest point of the structure. For the purpose of this Ordinance, the measurement of a building height shall not include chimneys, spires, ornamental towers, antennae, monuments, cooling towers, tanks, water towers, fire towers, necessary mechanical appurtenances, stage towers or scenery lofts, or similar appurtenances.

- 115 Building Lines are the required front, rear, or side set backs for construction.
- 116 Building. Principal is a non-accessory building in which a principal use of the lot on which it is located is conducted. All residential uses, except bona fide servants' quarters, are principal uses.
- 117 Building. Residential is a building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families.
- 118 City shall refer to the City of Jamaica Beach, Texas.
- 119 City of Jamaica Beach Standards as used herein, shall mean the standards for streets and alleys, storm sewer lines and appurtenant structures, water lines and appurtenant structures, which have been adopted by the City Council and which may be amended from time to time and are hereby referred to.
- 120 Clinic is a building in which a group of physicians, dentists, or physicians and dentists and allied professional assistants are associated for the purpose of treating and diagnosing ill or injured outpatients. The clinic may include a dental or medical laboratory and excludes animal clinics.
- 121 Commission shall mean the Zoning Commission of the City of Jamaica Beach.
- 122 Comprehensive Master Plan is the officially adopted plan for the physical development of the City of Jamaica Beach and includes any unit or part of such plan separately adopted and any amendment to such plans or parts thereof, which is also referred to as "master plan" for the City of Jamaica Beach.
- 123 Convent is an establishment, related to a church or school, for the housing of religious groups.
- 124 Council shall mean the City Council of Jamaica Beach .
- 125 Court is an open, unoccupied space, bounded on more than two (2) sides by the walls or a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one (1) side open to a street, alley, yard, or other permanent open space.
- 126 Curb Level for any building is the mean level at the established curb in front of such building. Where no curb elevation has been established, the mean elevation of the finished lot immediately adjacent to the front of the building shall be considered such level.
- 127 Development, or To Develop includes the construction of one (1) or more new buildings or structures on one (1) or more building lots, the location of an existing building on another building lot, or the use of open land for a new use. "To develop" is to create a development.
- 128 District is a zoning district.
- Residential District. For the purpose of this Ordinance, the following districts shall be considered as residential districts:
- F-1 Single or One Family Residential Districts
  - F-2 General Residential Districts
  - MF Multiple Family Dwelling Districts
- 129 District. Zoning is a part of the city as delineated on the Official Zoning District Map, wherein regulations of this Ordinance are uniform.
- 130 Dwelling is a building or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multi family dwellings but not including hotels or motels.

- 131 Dwelling. Attached is one which is joined to another dwelling at one (1) or more sides by a common wall or walls.
- 132 Dwelling. Detached is one which is entirely surrounded by open space on its building lot.
- 133 Dwelling. Single-Family is a building containing only one (1) dwelling unit and occupied by one (1) family. For the purpose of gaining permission to locate in the district, a house trailer is not a single-family dwelling.
- 134 Dwelling. Multiple-Family is a building or portion thereof constructed for or occupied by three (3) or more families and containing three (3) or more dwelling units. For the purpose of this Ordinance, fraternity and sorority houses, and apartment houses are multiple-family dwellings.
- 135 Dwelling. Two-Family or duplex is a building containing two (2) dwelling units.
- 136 Dwelling Unit consists of one (1) or more rooms which are arranged, designed, or used as separate living quarters for an individual family. Individual bathrooms are not necessarily provided, but kitchen facilities, including at least a stove or cooking devise and a sink permanently installed, shall always be included for each dwelling unit.
- 137 Easement is a right granted for the purpose of limited public or semi-public use across, over, or under private property for a specified purpose or purposes.
- 138 Family is any number of individuals living together as a single housekeeping unit of which not more than two (2) individuals are unrelated by blood, marriage, or adoption.
- 139 Gallery is a commercial establishment operated for the display of works of art, including the regular sale or distribution thereof.
- 140 Garage. Public is a building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.
- 141 Garage. Private is an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
- 142 Health Service is a charitable or governmental operated facility offering to the public medical examination, diagnosis, and limited treatment not for profit.
- 143 Home Occupation is any 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 and is not detrimental to adjoining properties.
- 144 Hospital is a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, nursing facilities, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.
- 145 Lodging House is any building or portion thereof containing not more than five (5) guest rooms which are used by not more than five (5) guests where rent is paid in money, goods, labor, or otherwise. A lodging house shall comply with all the requirements for dwellings.
- 146 Lodging Room is a room rented as living and sleeping quarters, but without cooking facilities and with or without an individual bathroom; however, no more than two (2) lodgers may share bathroom facilities.

147 Lot is a physically undivided tract or parcel or land having frontage on a public street or other approved facilities and which is, or in the future may be, offered for sale conveyance, transfer, or improvement; which is designated as a distinct and separate tract; and which is identified by a tract which has been properly recorded.

148 Lot Area is the area of a horizontal plan bounded by the front, side, and rear lot lines of a building lot, and for purposes of this Ordinance, shall include any portion of an easement which may exist within such property lines.

149 Lot Building is a single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a building lot may be subsequently subdivided into two (2) or more building lots, subject to the provisions of this Ordinance.

150 Lot Corner is a building lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

151 Lot Coverage is the amount of lot area covered by principal structures excluding roof overhang.

152 Lot Depth is the length of a line connecting midpoints of the front and rear lot lines.

153 Lot Double Frontage is a building lot not a corner lot, which adjoins two (2) street lines which are opposite each other and which are parallel or within forty-five (45) degrees of being parallel to each other. On a double frontage lot, both street lines shall be deemed front lot lines.

154 Lot Interior is a building lot other than a corner lot.

155 Lot Line is a boundary of a building lot.

156 Lot Line, Front shall be that boundary of a building lot which is the line of an existing or dedicated street.

157 Lot Line, Side shall be any boundary of a building lot which is not a front lot line or a rear lot line.

158 Lot Line, Rear shall be any boundary of a building lot which is most distant from the front lot line and which is most nearly parallel to the front lot line.

159 Lot of Record is an area of land designated as a lot or a plat of a subdivision recorded pursuant to statute with the County Clerk of Galveston County, Texas or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the County Clerk of Galveston County, Texas.

160 Lot Reverse Corner is a corner lot, the rear lot line of which abuts the side lot line of the lot on its rear.

161 Lot Width is the length of a line (drawn perpendicular to the lot depth line at its point of intersection with the front lot line) connecting the side lot lines.

162 Motor Freight Terminal is a building or area in which freight brought by motor truck is assembled and is stored for riding in interstate and intrastate shipment by motor truck. A motor freight terminal is a truck terminal.

163 Museum is an establishment operated as a nonprofit, noncommercial repository for a collection of scientific, natural, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

164 Open Space is that part of a building lot, including courts or yards, which is

open and unobstructed from its lowest level to the sky, which is accessible to all residents upon a building lot, which is not part of a roof, and which does not include court recesses.

165

Open Storage is the storage of any equipment, machinery, building materials, or commodities, including raw, semi-finished, and finished materials, the storage of which is not accessory to a residential use, and which is visible from any point on the building lot when viewed from ground level. Vehicular parking is not open storage.

166

Place is an open, unoccupied area, other than a street, and may be what is commonly referred to as a court, arcade, mall, or parking area that is permanently reserved as the principal means of access to abutting properties, which area shall not be within any required yard area or building and which shall have been first approved by the City of Jamaica Beach Zoning Commission as to size, surface, improvements, drainage, form and location, and shall not be subject to public maintenance.

167

Planned Development Plan is development intended by developers on one (1) contiguous piece of property and in a planned development zone which may include mixed uses including residential, office, commercial and other diverse forms of land use activity.

168

Public Street is any area, parcel, or strip of land which provides primary vehicular access to adjacent property or land whether designated as a street, highway, freeway, thoroughfare, parkway, avenue, lane, boulevard, road, place, drive, or however otherwise designated. The term "public street" as used in this Ordinance shall include, but is not limited to the following:

A. Any area, strip, or parcel of land which does or is intended to provide a connection for vehicular access of the public between two (2) public streets in the City of Jamaica Beach.

B. Minor street - used primarily for access to abutting residential properties and which is intended to serve traffic within a limited residential area.

C. Collector, secondary, or major streets - public streets so designated in the Comprehensive Master Plan.

D. Cul-de-sac - a short public street having but one opening or access to another public street and is terminated by a permanent vehicular turnaround in high density areas of more than fifteen (15) units per acre, where it shall not exceed three hundred feet (300').

E. Dead end -that portion of a public street other than a cul-de-sac, that has only one (1) opening or access to another public street, and which may be extended at a later date.

Notwithstanding the foregoing definitions, however the following shall not be considered public streets within a purview of this Ordinance, namely:

(1) Any driveway designed or used primarily to provide vehicular access to the outbuilding appurtenant to any principal building, or to provide vehicular access to delivery platforms or entrances of a building appropriate for delivery thereto of goods or merchandise, and located wholly on private property.

(2) An area appurtenant to a store or group of stores, a theater, a church, or any similar establishment, designed or used primarily for a vehicular parking lot or vehicular parking facilities by customers, patrons, or employees of the establishment or group of establishments in question.

(3) An entrance or roadway designed or used to provide either vehicular entrance to or communication or passage between the several units of a single industrial or commercial establishment

or of a group of such establishments which are under common control or management; provided, such industrial or commercial entranceway or roadway shall be considered a public street under the terms of this Ordinance-if it has entrances upon two (2) or more public streets, unless there are at such entrances, gates, chains, or watchmen by which all persons are prevented from using the same except those employed by or having business to conduct at such industrial or commercial establishments in question; and

(4) an entrance or driveway, designed, or used to provide principal or primary vehicular access to an, apartment building or group of apartment buildings designed for multi-family occupancy and under one ownership and in which all dwelling units and parts of dwelling units in the said apartment development have unobstructed vehicular access.

169 Residential Use shall be construed to include single-family residential uses, two-family residential uses, and multiple-family residential apartment or townhouse uses.

170 Rest Home or Nursing Home is a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such homes do not contain equipment for surgical care of the treatment of disease or injury.

171 Screening Device shall consist of a barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and acceptable design, at least six feet (6') in height, where the solid area equals at least sixty-five percent (65%) of the wall surface, including an entrance gate or gates. Such screening device shall be continuously maintained.

172 Story is that part of a building between the surface of a floor and the ceiling immediately above. A basement is considered a story when more than one-half (1/2) of such basement height is above the curb level.

173 Story. Half is a space under a sloping roof at the top of the building, the floor, of which is not more than two feet (2') below the plat. Such space shall be counted as a half-story when not more than sixty percent (60%) of said floor area is used for rooms, baths, or toilets. A half-story containing an independent dwelling unit shall be counted as a full story.

174 Street is a public right-of-way which provides vehicular access to abutting property or land, designated as either a street, highway, thoroughfare, major thoroughfare, freeway, parkway, avenue, land, boulevard, road, place, drive, or however otherwise designated. A driveway or alley which serves only to give secondary vehicular access to a building, lot or an accessory parking or loading facility, or to allow vehicles to take or discharge passengers at the entrance of a building, shall not be considered a street.

175 Street Line is the right-of-way line of a street.

176 Thoroughfare. Major is a street designated as a secondary thoroughfare in the "Comprehensive Master Plan" for the City of Jamaica Beach.

177 Townhouse is a row of single-family attached dwelling units which constitute an architectural whole, and in aggregate, shall be considered a multiple-family use for the purpose of this ordinance.

178 Use of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

179 Use. Principal is the main use of land or buildings as distinguished from

the subordinate or accessory use.

180 Utility, Public or Private is any public or private utility facility franchised or approved by the City of Jamaica Beach such as closed circuit television or other similar utility not specifically covered by the uses listed in the use schedule.

181 Yard is an open space on the same building lot with a building, unoccupied and unobstructed by a portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the lot line and the building line shall be used. A yard extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building lot is located.

182 Yard, Front is a yard extending along the whole length of the front lot line between the side lot lines and being a maximum horizontal distance between the front lot line and the main building or any projections thereof other than steps and unenclosed porches.

183 Yard, Rear is a yard extending across the rear of a lot between the side lot lines and being the minimal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, or unenclosed porches.

184 Yard, Side is a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance between any building or projections thereof except steps and the side lot line.

185 Zoning District Map is the map incorporated into this ordinance as a part thereof by reference thereto.

#### INTERPRETATION OF ORDINANCE

##### SECTION 4-100

##### INTERPRETATION

4-101 When interpreting and applying the provisions of this Ordinance, such provisions shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity, and general welfare.

4-102 Conflict with Other Laws. (The most stringent shall govern). Wherever these zoning regulations require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards than are required in any other statute or local Ordinance or regulation, the provisions of this Zoning Ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by this Zoning Ordinance, the provisions of such statute or local ordinance or regulation shall govern.

4-103 If, because of error or omission of the Zoning District Map, any property in the City of Jamaica Beach is not shown and included in a zoning district, such property shall be classified as PD, Planned Development, as proposed by the Official Zoning District Map, until changed by amendment.

4-104 No building, structure, or use which was not lawfully existing at the time of adoption of this Ordinance shall be, become, or be made legal solely by



the adoption of this Ordinance.

SEPARABILITY OF PROVISIONS

SECTION 5-100

SEPARABILITY

It is hereby declared to be the intention of the Mayor and City Council of the City of Jamaica Beach that the several provisions of this Ordinance are separable, in accordance with the following:

5-101

If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.

5-102

If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

EFFECT OF THE ORDINANCE

SECTION 6-100

EFFECT

6-101

All buildings erected hereafter, all uses of land or buildings established or changed hereafter, and all structural alterations, enlargements, relocations, and restorations of existing buildings occurring hereafter shall be subject to the requirements and regulations of this Ordinance, and no land shall be used for and no building shall be erected for or converted to any use other than provided in the regulations prescribed for the district in which it is located, except as hereinafter provided.

6-102

Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion within 12 months of permit date, said building or structure may be completed in accordance with the approved plans and on the basis of which the building permit has been issued, and further, upon completion, may be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to all applicable provisions of this Ordinance.

DISTRICTS AND BOUNDARIES THEREOF

SECTION 7-100

DISTRICTS

7-101

The City of Jamaica Beach, Texas is hereby divided into seven (7) types of districts of such shape and area as have been deemed best suited to carry out the purposes of Articles 1011A - 1011J of the Revised Civil Statutes of Texas. Within such districts, this Ordinance hereby regulates and restricts the erection, construction, reconstruction, alteration, repair, and use of buildings, structures, and land, as herein set forth. While the regulations in one district differ from those in other districts, all such regulations are uniform for each class or kind of building throughout each district. These districts shall be known as follows:

- F-1 One Family Dwelling District
- F-2 One Family Dwelling District
- F-3 One Family, Multi Family, Commercial/Retail District
- MF Multi-Family Dwelling District
- B Beach District
- PD Planned Development District
- CR Commercial/ Retail

7-102

Zoning District Map. The boundaries of the districts are shown on the Official Zoning District Map, which is hereby declared to be adopted and is considered a part of this Ordinance; and it shall be considered as much a part of this Ordinance as if the boundaries of the districts, notations, and information shown thereon were fully contained and described herein. The original Official Zoning District Map shall be kept in its original condition as a permanent record in the Office of the City Secretary. The map shall be clearly identified as "Original Official Zoning Ordinance Map", with the date of its enactment shown thereon. It shall be the duty of the zoning official to keep any other maps used for administrative purposes up to date, clearly indicating all changes, variances, and special permits. These maps shall be available to the public for inspection.

7-200

Zoning Commission

Section 1: Appointment of Zoning Commission

Pursuant to Article 1011(f) of the Revised Civil Statutes of Texas, there is hereby established a Zoning Commission which shall consist of five members appointed by the City Council of the City of Jamaica Beach for overlapping two-year terms. Vacancies in the Commission membership shall be filled by City Council appointment for the unexpired term of the vacancy.

Section 2: Powers and Duties of the Zoning Commission

The Commission shall exercise all powers vested in such bodies by Article 1011(f) of the Revised Civil Statutes of Texas. In addition, in order to effectuate and carry out the purposes of this Ordinance, the Zoning Commission is also vested with the following powers and/or duties:

- (a) Preparation and adoption of a comprehensive plan for the City.
- (b) Preparation and adoption of subdivision regulations and approval or disapproval of subdivision plats.
- (c) Preparation and adoption of zoning regulations and the recommendation of zoning district boundaries, including the power to hold public hearings, enforce the regulations and recommend changes in the regulations and district boundaries.

- (d) Preparation and adoption of urban conservation, rehabilitation and redevelopment programs allowed by state law.
- (e) Reporting on planning and zoning problems that are referred to it for review by the City Secretary or by the City Council.
- (f) Preparation of such surveys, reports and studies as are required for the above and other authorized purposes.

Section 3: Rules and Procedures for Zoning Commission

- (a) The officers of the Zoning Commission shall be chairman and vice-chairman and secretary. These officers shall be chosen by the Commission for one-year terms ending the following April 30.
- (b) The chairman shall preside over all meetings of the Commission. The vice-chairman shall preside in the absence of the chairman.
- (c) A quorum shall consist of three appointed members of the Zoning Commission not including the presiding officer. In no case shall less than two votes in favor of a motion constitute a majority.
- (d) Regular meetings shall be held in the City Hall, except as otherwise provided herein, when called by the Chairman; provided, however, that the Commission shall have at least one meeting each quarter. Special meetings may be called by the Chairman provided that written notice thereof shall be posted seventy two (72) hours prior to the time of the meeting. No approval or disapproval of any zoning application shall be given or any final action taken except at meetings as provided herein. All meetings shall be open to the public.
- (e) Any motion by a member shall require a second. After a motion has been made and duly seconded, a discussion of the motion may be had for a reasonable time. Discussion by members, or by opponents or proponents of a question before the Zoning Commission, shall terminate whenever a member shall call for a vote upon the question or whenever the chairman shall so rule.
- (f) Whenever any question of procedure or qualification is raised at a Zoning Commission meeting, the chairman shall rule thereon. A member may move to overrule the chairman's decision, which motion must be approved by a majority vote of the members present in order to carry.
- (g) Voting on zoning applications shall be by roll-call vote. Voting on all other questions shall be by voice vote, provided that a roll-call vote shall be taken upon demand of any member.
- (h) A member shall not vote or participate in any matter before the Zoning Commission if the member has any interest in this matter, whether such interest is direct or indirect and financial or otherwise. In any case, where the question of a member's interest is raised, the chairman shall rule on whether the member should be disqualified.
- (i) The Zoning Commission shall take no final action on any matter before it without first obtaining reports from the City departments concerned.
- (j) Releases and statements to the public and press in the name of the Zoning Commission shall be made only by the chairman.
- (k) Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as that may be applicable.
- (l) Minutes and records shall be kept of all proceedings as a matter of public record.

GENERAL PROVISIONS

SECTION 8-100

Authority of the Zoning Commission to Review Plans

The Zoning Commission of the City of Jamaica Beach shall review those plans submitted as required by Section 14-102, which would have an adverse affect on the health, safety, morals, and general welfare of the City of Jamaica Beach, such review and recommendations along with the Commission's approval/disapproval shall be submitted by written report to the zoning official within thirty (30) days of the date the plans were submitted to such Commission by the Zoning Official.

SECTION 8-200

Zoning of Newly Annexed Territory

All territory which may hereinafter be annexed to the City of Jamaica Beach shall be considered to be Planned Development District until otherwise classified.

SECTION 8-300

Zoning of Vacated Streets and Alleys

Whenever a street or alley that formed a district boundary is vacated by the City Council, adjacent districts shall extend to the center line of the street or alley vacated.

SECTION 8-400

Principal and Accessory Buildings and Uses

8-401 All residential uses and buildings except servants' quarters and guest houses, as defined in Section 16 are principal uses and buildings.

8-402 Accessory buildings located in districts where permitted, shall not be used for dwelling purposes.

8-403 In addition to those uses listed as accessory uses in the various district regulations, the following are also accessory uses to appropriate principal uses:

(1) Storage of goods used or produced by manufacturing activities upon the building lot occupied by such activities, unless such storage is prohibited by the district regulations.

(2) The production, processing, cleaning, servicing, altering, testing, repairing, or storing of merchandise normally incidental to a retail service or business use if conducted by the same ownership as the principal use.

(3) Accessory sheds, tool rooms, and similar buildings or structures for domestic or agricultural storage.

8-404

Conformance with Regulations

All accessory uses shall conform to the regulations for the district in which they are located.

SECTION 8-500

Permitted Obstructions in Required Yards and Open Space

The following shall not be considered to be obstructions when located in the required yards or open space specified:

8-501

In All Required Yards and Open Spaces

Ground level open terraces, not including a permanently roofed-over terrace or porch; awnings and canopies; ramps, steps, and elevators which are necessary to provide access to a permitted building or for access to a building lot from a street or alley may project no more than a total of four (4) feet in required yards and open spaces; chimneys projecting twenty-four inches (24") or less into the yard, but not occupying more than two percent (2%) of the required yard area; recreational and laundry drying equipment; flag poles; Off-Street Parking spaces as regulated by Section 12, off-street parking regulations; and fences and nonstructural walls. In no case shall a fence or wall or other screening device be of a height or located so as to cause danger to traffic by obstructing the view. This requirement shall not apply to necessary ventilation or temperature control devices and antennae.

8-502

In Front Yards

Living area bay windows, balconies, and overhanging eaves or gutters, none of which shall project more than four feet (4') into the required yards.

8-503

In Side Yards

Overhanging eaves or gutters on habitable structures projecting three feet (3') or less into the required yards, but in no case shall such eaves or gutters be closer than five feet (5') to the side lot line; ramps, steps, and elevators may project no more than a total of 4' into the side lot line on one side of the property only; and enclosed, attached, or detached off-street parking structures, when accessory to apartment projects, but in no case shall such parking structures be closer than five feet (5') to the side lot line.

8-504

In Rear Yards

Enclosed, attached, or detached off-street parking structures; open off-street parking spaces; servants' quarters; accessory sheds, tool rooms, and similar buildings or structures for domestic or agricultural storage, living area balconies; breezeways and open porches; one-story bay windows; and overhanging eaves or gutters.

SECTION 8-600

Special Rules for Front Yards

The following special rules for front yards shall apply where front yards are required:

8-601

Where, on the effective date of this Ordinance, forty percent (40%) or more of a block face was occupied by two (2) or more buildings, then the front yard is established in the following manner; otherwise the required front yard for the district shall apply. Where no intersection street occurs for distance of twelve hundred feet (1,200') in either direction, measured from the mid-point of the street frontage of the lot or tract in question, the forty percent (40%) shall apply to this distance along the frontage.

(1) The front yard of a lot in a block having not more than a ten foot variation in the depth of existing front yards shall be an average of those yards existing on either side.

(2) Where Subsection 8-601(1) does not apply and a lot is within one hundred feet (100') of a building on each side, then the front yard line of a lot is a line drawn parallel to the front lot line from the point of intersection of a line connecting the closest front corners of the two

adjacent buildings and the side yard line closest to the front lot line.

(3) Where neither Subsection 8-601(1) nor Subsection 8-601(2) applies and the lot is within one hundred feet (100') of an existing building on one side only, then the front yard is the same as that of the existing adjacent building, except that a required front yard need not exceed forty feet (40').

**NONCONFORMING USES**

**SECTION 9-100**

**Nonconforming Uses Are Required**

9-101 A nonconforming use is a use of a premise which was lawfully established and maintained at the time of the passage or amendment of this Ordinance but which, because of the application of this Zoning Ordinance to it, does not conform to the regulations of the Zoning District in which it is located. A nonconforming building, or a nonconforming portion of a building, shall be deemed to constitute a nonconforming use of the land upon which it is located.

9-102 The use of a lot of record which is nonconforming because of lot size shall be regulated by Subsection 11-103.

9-103 Nonconforming uses are regulated as follows:

- (1) They may be continued.
- (2) They may not be expanded nor structurally altered, except as may be required by law or ordinance; however, such uses in all districts may be extended throughout such portions of a building as are arranged or designed for such use as of the effective date of this ordinance.
- (3) If a nonconforming use or structure is damaged or destroyed to an extent of more than fifty percent (50%) of its fair market value by fire, explosion, act of God, or the public enemy, then any restoration or new construction shall be for a permitted or conforming use. The computing of a percentage of damage or destruction to a nonconforming use composed of a group in individual structures which are principal buildings shall be based on the fair market value of the entire development comprising the group and not the individual structure.

9-104 For the purpose of regulating changes of nonconforming uses, the zoning districts are placed in the following order, starting with the most restrictive district, the F-1 one-family dwelling district, and ending with the least restrictive district, the PD Planned Development district:

- (1) F-1 One Family Dwelling District
- (2) F-2 One Family Dwelling District
- (3) MF Multiple Family Dwelling District
- (4) F-3 One Family, Multiple Family, and Commercial/Retail
- (5) B Beach District
- (6) PD Planned Development District
- (7) CR Commercial/ Retail District

9-105 A nonconforming use may be changed to a conforming use as set fourth in Subsection 8-104, subject to other regulations of this Ordinance. If a nonconforming use, it shall not be changed back to a nonconforming use.

9-106 If a nonconforming use of any structure or premise is discontinued for a period of six (6) months, the use of the same shall thereafter conform to the requirements of the district in which it is located. The Board of Adjustment shall have the power to grant an extension not to exceed six

(6) calendar months when warranted by evidence presented.

BOUNDARIES OF DISTRICTS

SECTION 10-100

Rules where Uncertainties May Arise

Where uncertainties exist with respect to the boundaries of the various districts as shown on the Official Zoning District Map, the following rules shall apply:

10-101 On subdivided property, a plat of which is recorded in the County Clerk's office of Galveston County on the effective date of this Ordinance, the district boundaries are intended to be streets, alleys, or property lines. Where the districts designated on the Official Zoning District Map are bounded approximately (within 100 feet) by a street, alley, or property line, the street, alley, or property lines nearest the district boundary shall be constructed to be the boundary of the district. If a boundary is not, by use of the map scale, within one hundred (100') of a street, alley, or property line, the boundary shall remain as shown by the map scale, except as may be varied in accordance with Subsection 10-102 below.

10-102 Where a district boundary traverses a large parcel of land or acreage reserve in a recorded subdivision, such large parcel or acreage reserve having been divided by metes and bounds without indication upon the recorded plat of same, or where it may hereafter be divided into blocks or lots, the district boundaries shall be construed to be the street, alley, or property line resulting from such subdivision nearest to the district boundary shown on the Official Zoning District Map, provided the district boundary is not varied more than one hundred feet (100') from its location on the Official Zoning District Map.

10-103 In unsubdivided property, the district boundaries on the Official Zoning District Map shall be determined by use of the map scale appearing on the map; and where the district boundaries on the Official Zoning District Map are approximately to the property lines of unsubdivided property, the district boundary line shall be construed to be the property line if not varied more than one hundred feet (100') from its location on the Official Zoning District Map.

10-104 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

10-105 Boundaries indicated as approximately following city limit lines shall be construed as following the city limit line.

10-106 Boundaries indicated as following shore lines shall be construed to follow such shore line, and in the event of change of shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, creeks, gulleys, or canals shall be construed as following such center line.

ZONING DISTRICT REGULATIONS

SECTION 11-100

General Requirements and Provisions

11-101 The regulations applying specifically to use, buildings, bulk, and premises within the zoning districts are set forth in this section. Also applying to each zoning district are the regulations set forth in all other regulatory and definitive articles and sections of this Ordinance.

11-102 All buildings erected hereafter, all uses of land or buildings established or changed hereafter, all structural alterations, enlargements, relocations, and restorations of existing buildings occurring hereafter, shall, in addition to the other regulations of this Ordinance, comply with the regulations of the zoning district in which located, except in compliance with Subsection

6-102 of this Ordinance.

11-103

A lot of record, which on the effective date of this ordinance has an area or width less than herein required may be used for a permitted single-family dwelling or a permitted non-residential use.

11-104

A fee of two hundred dollars (\$200.00) will be charged by the City of Jamaica Beach for handling each request for a public hearing. No public hearings will be accepted if a public hearing request involving the same property was submitted to the City of Jamaica Beach within the previous six (6) months.

11-105

A fee of one hundred dollars (\$100.00) will be charged by the City of Jamaica Beach for handling each request for the issuance of a Special Use Permit.

SECTION 11-200

F-1

Single Family Residential District Regulations

11-201

Uses

A building or premises in this zoning district shall be used only for the following purposes:

- (1) Single-family detached dwellings.
  - (2) Public parks and public playgrounds and non-commercial athletic fields; and public, private, or denominational schools having a curriculum equivalent to a public elementary or secondary school. A kindergarten or day nursery school shall be allowed if in conjunction with a higher level school or when operated as a function of a church upon church property.
  - (3) Churches, rectories, parish houses, and convents when in conjunction with schools.
  - (4) Community club facilities when organized for use of a particular residential development.
  - (5) Non-living accessory buildings and uses, including an attached or detached private garage; tennis courts, swimming pools, and similar uses customarily accessory to a residential use.
  - (6) Private boat docks and bathouses.
- See Schedule of Permitted Uses in Designated Districts, Section 11-700.

SECTION 11-300

F-2

General Residential District Regulations

11-301

Uses

A building or premises of this zoning district shall be used only for the following purposes:

- (1) Any use as permitted in the F-1 One Family Dwelling District Regulations.
- (2) Duplexes, townhouses, apartments, and condominiums, single and two story.
- (3) Uses customarily accessory to the above.

See Schedule for Permitted Uses in Designated Districts, Section 11-700.



SECTION 11-302

F-3

Residential Commercial/Retail, and Three (3) Story Structures on Properties of more than Five (5) acres adjacent to State Highway 3005 and the Gulf of Mexico District Regulations

11-302

Uses

A building or premises in this zoning district shall be used only for the following purposes:

- (1) Any use as permitted in the F-1 One Family Dwelling District Regulations
- (2) Duplexes, townhouses, apartments, and condominiums, single and two story structures.
- (3) Commercial/Retail District Uses and Three (3) story buildings with a maximum height of 65'.
- (4) Uses customarily accessory to the above.

See Schedule for Permitted Uses in Designated Districts, Section 11-700.

SECTION 11-400

11-401

Multiple Family Dwellings And Reserves

The following special conditions apply to multiple-family structures located in this zoning district.

- (1) On any building lot, exterior walls of any dwelling structure or structures shall be separated by a minimum of ten feet (10') when the walls are within sixty (60) degrees of being parallel and one (1) or more contains windows, doors, or other openings.
- (2) If one (1) or more of the above-mentioned walls comprises the front of any unit, then the walls shall be separated by a distance of at least equal to ten feet (10') plus one-half (1/2) the combined height of the two (2) walls; however, this distance need not exceed forty feet(40').
- (3) Structures on a single lot may be as close as forty-two inches (42") apart, if there are no openings in opposite walls, except where a greater distance is required by other ordinances.
- (4) Sixty (60) square feet of free landscaped area per unit (this land will be free of sidewalks, driveways, or parking areas).
- (5) Density - a maximum of eighteen (18) units per acre, exclusive of streets and easements.
- (6) Non-residential reserves. Dimension and areas of reserve property or sites for other than residential uses shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

SECTION 11-500

Beach District

11-501

Uses

A building or premises in this zoning district shall be used only for the following purposes:

- (1) Public parks, public playgrounds, and community centers
- (2) Off-street parking

- (3) Municipal, governmental, or proprietary use  
See Schedule 11-700.

SECTION 11-600

PD Planned Development District

11-601

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. To encourage such planned development, administrative and regulatory provisions are provided as follows:

- (1) 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 for amending this Ordinance.
- (2) 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.
- (3) When placing any area within the Planned Development District in accordance with this section, the City 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.

11-602

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 spaces, height of building, maximum lot coverage, yards and open spaces, screening walls or fences (if required) 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.

- (1) Site plans submitted under this provision 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 accordingly.
- (2) Each area placed within the Planned 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 Planned Development District the City Council may impose conditions relative to the standard of development and such conditions shall be complied with before a Certificate of Occupancy is issued for the use of the land or any structure which is part of the Planned 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.

**USE AND REGULATION DISTRICTS**

**SECTION 11-700**

**11-701**

Land and building 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 erected, 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**

- P** Designates use permitted in district indicated
- Designates use prohibited in district indicated
- S** Indicates use may be approved as Specific Use Permit, see Section 13-100.

SCHEDULE OF USES		One Family Dwelling District 11-200	One Family Dwelling District 11-300	Single/Multi Family & Commercial 11-350	Multi-Family Dwelling District 11-400	Beach District 11-500	Commercial Retail District 11-550	Planned Development District 11-600
F-1	One Family Dwelling District 11-200					B	CR	PD

PRIMARY RESIDENTIAL USES

1	One Family Dwelling Detached	P	P	P	P		P	P
2	One Family Dwelling Attached		P	P	P		P	P
3	Two Family Dwelling		P	P	P		P	P
4	Multiple Family			P	P		P	P
5	Boarding or Rooming House			S	S			S
6	Hotel or Motel			S	S		S	S
7	Secondary Residential Structure				S		S	S
8	Accessory Building Residential	P	P	P	P		P	P
9	Community/Convention Center	S	S	P	P		P	P
10	Servants' or Caretakers' Quarters	P	P	P	P		S	S
11	Swimming Pool or Tennis Court (private)	P	P	P	P		P	P
12	Home Occupation	P	P	P	P		P	P

INSTITUTIONAL AND SPECIAL SERVICES USES

1	Church	S	S	P	P		P	S
2	Day Nursery or Kindergarten	S	S	P	S		P	S
3	Fraternity or Sorority, Lodge or Civic Club			P	P		P	S

4	Library, Art Gallery, or Museum	S	S	P	P	P	P	P
5	Park, Playground and Community Center, Public	P	P	P	P	P	P	P
6	Public Administration Office	S	S	P	P	P	P	P
7	Schools, Private, College or University	S	S	S	S	S	S	P
8	Schools, Public or Parochial	S	S	S	S	S	S	P
9	Tennis or Swim Club			P	S	P	P	P
10	Fire Station	P	P	P	P	P	P	P
11	Gas Transmission and Metering Station	P	P	P	P	P	P	P
12	Local Utility Distribution Lines	P	P	P	P	P	P	P
13	Gas Pumps/Auto Service Station/Auto Repair						S	S
14	Electrical Substation	S	S				P	P
15	Garden Shop						P	P
16	Handicraft and Art Object Sale						P	P
17	Hardware Store						P	P
18	Hobby Shop						P	P
19	Key Shop						P	P
20	Laboratory Medical or Dental						P	P
21	Letter or Mimeograph						P	P
22	Medical Appliances Fitting and Sales						P	P
23	Mortuary						P	P

24) Office, Professional or General Business		P							P
25) Optical Shop or Laboratory									P
26) Package Store									P
27) Pet Shop, Small Animals, Birds, or Fish									P
28) Personal Custom Services, such as Tailor, Milliner, etc.									P
29) Retail Shops, Apparel Accessories, Gifts, and Similar Items									P
30) Repair of Appliances, T.V., Radios and Similar Equipment									P
31) Shoe Repair									P
32) Signs, Advertising									P
33) Studio, Photographer, Artist, Music, Drama, Dance									P
34) Studio, Health, Reducing or Similar Service									P
35) Studio, Decorator and Display or Art Objects									P
36) Tavern									S
37) Travel Bureau or Consultant									P
38) Veterinarian, Office (no animal hospital)									S
39) Variety Store									P

COMMERCIAL AND RELATED SERVICES USES

1) Bakery, Wholesale									P
2) Building Material Sales									P
3) Cabinet and Upholstery									P
4) Clothing Manufacturing or Similar Light Manufacturing Process									P
5) Cleaning, Dyeing or Laundry Plant, Commercial									P
6) Dance Hall or Night Club									S
7) Garage, Public									S
8) Lithographer or Print Shop									S
9) Maintenance and Repair Service for Buildings									S
10) Laboratory Scientific or Research									S
11) Plumbing Shop									P
12) Storage Warehouse									P
13) Trade or Commercial Schools									S
14) Veterinarian Hospital or Kennel									S
15) Welding or Machine Shop									S
16) Storage of Shell, Spoil, Sand, Gravel									S
5) Sewage Pumping Station	P	P	P						P
6) Sewage Treatment Plant	S	S	S						S
7) Telephone Business Office									P
8) Telephone Exchange Switching Relay	P	P	P						P

9) Tower								
9) Utilities, Public, or Private Other than listed	S	S		S				S
10) Utility, Shops or Storage Yards and Buildings							S	S
11) Water Treatment Plant							S	P
12) Water-well, Reservoir Pumping Station or Storage				P			P	P

RESORT AND RELATED RECREATIONAL USES

1) Amusement, Commercial (Outdoor)				S			S	S
2) Amusement Commercial (Indoor)				S			S	S
3) Bath Houses and Similar Service Structures				S			S	S
4) Bait and Tackle Sales Stand				S			S	S
5) Boat Servicing				S			S	S
6) Charter Fishing Base				S			S	S
7) Marina				S			S	S
8) Provisioning & Recreational Sporting Goods Sales				S			S	S
9) Souvenir and Sporting Goods Sales				S			S	S
10) Concessions, Temporary Recreational Type				S			S	S
11) Cabanas, Temporary				S			S	S
12) Fishing Piers				S			S	S
13) Clubs Related to Resort Activity				S			S	S
14) Recreational Activity Related to Resort Use				S			S	S



RETAIL AND RELATED SERVICES USE

1) Antique	P				P	
2) Art Supply Store	P	P			P	
3) Animal Clinic or Pet Hospital (no outside pens)	S					
4) Bank or Savings and Loan Offices	P	P			P	
5) Book and Stationary Stores	P	P			P	
6) Barber and Beauty Shop	P	P			P	
7) Bakery or Confectionery Shop (retail sales)	P	P			P	
8) Cafeteria or Restaurant	P	P			P	
9) Camera Shop	P	P			P	
10) Cleaning Shop or Laundry	P	P			P	
11) Cleaning or Laundry Pick-up Station	P	P			P	
12) Cleaning or Laundry Self Service	P	P			P	
13) Clinic, Medical or Dental	P	P			P	
14) Drug Store or Pharmacy	P	P			P	
15) Department Store or Discount House	P	P			P	
16) Grocery Store	P	P			P	
17) Furniture or Appliance Store	P	P			P	
18) Florist Shop	P	P			P	

DISTRICT AND TYPES OF USE		DISTRICT SYMBOL	MAXIMUM HEIGHT DEFINITIONS	AREA (sq. ft.)	WIDTH (ft.)	DEPTH (ft.)	MAXIMUM COVER-AGE	FRONT (ft.)	REAR (ft.)	SIDE (ft.)
Single Family Dwellings		F-1 & 2	40' Max 2 story living space	5,000				20'	15'	10'
Corner Lots								20'	15'	10'
Canal Lots								20'	0'	10'
Accessory Building									3'	10'
Duplexes		F-2	40' Max 2 story living space				50%	20'	15'	5'
SINGLE, MULTI FAMILY DWELLING		F-3*	see note							
COMMERCIAL/RETAIL		C/R						20'	15'	5'
Accessory Bldg.									3'	10'
MULTIPLE FAMILY OR COMMERCIAL/RETAIL		MF OR CR	40' Maximum 2 stories living space	5,000			50%	20'	15'	5'
Accessory Building									3'	10'
PLANNED DEVELOPMENT DISTRICT		PD								
TOWNHOUSES		F-2	40' Max 2 Story Liv. Sp.	2,500			50%	20'	15'	5'

MINIMUM LOT

Building Set-Back Lines



SETBACKS, HEIGHT AND AREA REGULATIONS

SECTION 11-800

- (1) Minimum area of lots shall be five thousand (5,000) square feet.
- (2) Lots facing or backing on major thoroughfare or freeway, at least ten feet (10') deeper than average interior lot depth.
- (3) Reserve property or property to be used for other than residential purposes shall provide minimum fifteen foot (15') front building setback line when adjacent property has residential lots facing; shall provide no less than ten foot (10') front building setback line. On street side of corner lots there shall be twenty foot (20') building setback line, except in PD, which shall be ten foot (10').
- (4) On a reverse corner lot in any district, the rear line of which abuts a lot zoned or designated for residential purposes, no structure or portion thereof shall be located within five feet (5') of any part of said rear lot line, except on canals. Further, any portion of a structure which is located within fifteen feet (15') of such rear lot line shall observe the same yard requirements on its side street side as are specified by this Ordinance for the lot which it abuts to its rear, except for canal property.
- (5) Lots less than fifty feet (50') wide shall provide minimum eight foot (8') side yard.
- (6) Lots with platted land depths of sixty feet (60') or less may have fifteen foot (15') front setbacks.
- (7) Contiguous property - where land proposed on a development plan for multiple-family or commercial use is contiguous to property which is under different ownership and is developed, zoned, or designated for single-family use, no portion of a principal structure shall be located closer than thirty feet (30') to such contiguous property.
- (8) Living levels are limited to forty (40 ft) maximum height regulations in all districts and types of uses except F-3
- (9) See Section 11-400 - Multiple Family.
- (10) Side Yards - upon the side of a lot within a nonresidential district which adjoins the side lot line of a lot in a residential district, there shall be provided a side yard in accordance with the side yard requirements applicable to the adjoining lot in the residential district.
- (11) Screening Device (if required) - prior to the issuance of a Certificate of Occupancy, a screening device, as defined in Definitions, shall be built along that boundary of the area proposed for commercial use which is contiguous to property which is under different ownership and is developed, zoned, or designated for any type of residential use.

SECTION 12-100

12-101 Off-Street Parking Regulations

Type of Generator	Unit	Minimum No. of Space Per Unit
1. One family and two family dwellings	Dwelling	2/1
2. Multi-family dwellings and townhouses	Dwelling	2/1
3. Private club or lodge	Members	1/5
4. Church or Temple	Seat	1/5
5. School (except high school or college)		
6. Seats in auditorium	Seat	1/10
7. Seats in classroom	Classroom	2/1
8. College or high school		
Seats in auditorium	Seat	1/8
Seats in classroom	Classroom	10/1

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9.	Country Club or Golf Club	Members	1/5
10.	Community center, library, museum or art gallery		
	0-2,000 square feet	Total	10
	2,000 + square feet (requires 10 plus one space for each additional 300')	Square Feet	1/300
11.	Hospital	Beds	1 1/2/1
12.	Sanitarium, convalescent home, home for the aged, or similar institution	Beds	1/4
13.	Theater or auditorium (except school)	Seats	1/4
14.	Sports area, stadium, or gymnasium	Seats	1/5
15.	Hotel	Sleeping rooms	1/1
16.	Commercial floor area	Square feet	1/200
17.	Tourist home, cabin, or motel	Sleeping rooms	1/1
18.	Dance hall, assembly or exhibit hall	Square feet	1/100
19.	Business or professional office, studio, bank, medical or dental clinic		
	0-1,000 square feet	Total	4
	1,000 square feet, 4 spaces + 1 space for each additional 250 square feet	Square feet	1/250
20.	Bowling Alley	Alley	5
21.	Mortuary or funeral home	Seats	1/5
22.	Restaurant, cafe, or similar type of establishment	Seat	1/4
23.	Retail store or personal service establishment	Square feet	1/200
24.	Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair, or service shop		
	0-1,000 square feet	Total	2
	1,000 square feet, 2 spaces + 1 space for each additional 200 square feet	Square feet	1/200
25.	Printing or plumbing shop or similar service establishment	Employees	1/2
26.	Any commercial establishment whose primary business is the dispensing of alcoholic beverages for consumption on premises such as bars, night clubs, entertainment cafe, or amusement establishment.	Person as specified under maximum occupancy permit	1/4

SPECIAL PERMITS

SECTION 13-100

13-101

Certain Uses May Locate by Special or Specific Use Permit

The City Council of the City of Jamaica Beach may, after public hearing and proper notice to all parties affected, and after recommendation of the

City Zoning Commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize the location of any of the following uses in the specified districts.

The purpose of such hearing by City Council shall be to determine that the granting of the special permit will not adversely affect the character and appropriate use of the area or neighborhood in which it is proposed to locate; provides adequate off street parking; will not substantially depreciate the value of adjacent and nearby properties for use in accordance with the regulations of the zoning district in which they are located; will be in keeping with the spirit and intent of this Ordinance; will not adversely affect the implementation of the Comprehensive Plan; and will not adversely affect vehicular and/or pedestrian traffic; will not create flood, erosion, noise, glare, odors, fire, or other hazards; will not adversely affect public utilities, public health, public safety, and the general welfare.

All applications for special permits shall be submitted with plans, in sufficient detail to determine the proposed use of the entire premises as well as all buildings and structures, to the City Zoning Commission.

13-102

Special Uses are Enumerated

Uses for which special permits may be secured and the districts within which such uses may be permitted are listed below. The granting of a special permit shall be subject to all conditions and safeguards prescribed in this Zoning Ordinance and as may further be prescribed by the City Council or Zoning Commission. In authorizing the location of any of the uses listed in 11-701, the City Council may impose such reasonable development standards as the conditions and location indicate 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.

The Planning and Zoning Commission may recommend, and the City Council may establish such conditions of approval as are necessary to assure that the proposed land use meets the criteria set forth in this Ordinance which may include requirements for special yards, lot sizes, open spaces, buffers, fences, walls or screening; requirements for installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs, regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; and such other reasonable conditions as the City Council deems necessary to insure compatibility with surrounding uses and to preserve the public health safety and welfare.

No Special, Conditional, or Specific Use Permit may be granted unless the applicant, owner or grantee of the Permit shall accept and agree to be bound by and comply with the written requirements of the Permit as attached to the site plan drawing and approved by the City Council. A Special, Conditional or Specific Use Permit shall remain valid:

1. For one (1) year with a two (2) year renewal option that may be granted by the City Administrator and Zoning Official if there has been no substantial change in the usage;
2. Until the property is rezoned;
3. Another permit is approved for the site;
4. The use of the premises changes and such a change is authorized by the issuance of a new Permit.

Non Substantial Changes. Changes deemed to be non substantial changes by the Zoning Official and the City Administrator may be

permitted by the City Administrator.

A permit is issued to the property owner, applicant or grantee not to the property.

The following is a partial list of some Special Uses

- (1) Any use of public building or utility erected or used by the City, permitted in any district.
- (2) Country Clubs (private) with or without golf courses, or private golf courses, permitted in any district except F-1 and F-2.
- (3) Indoor or outdoor amusement centers permitted in and CR and PD.
- (4) Hospitals (general care), permitted in any district except F-1.
- (5) Institutions of a religious or philanthropic nature other than churches, permitted in CR.

13-103 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 City of Jamaica Beach. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted 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 of 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 City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendation of the City Zoning Commission or make such determination concerning the classification of such use as is determined appropriate.

**ADMINISTRATION, AMENDMENTS AND ENFORCEMENT**

SECTION 14-100

ZONING OFFICIAL

14-101

Appointment

A zoning official shall be appointed by the Mayor and approved by the City Council

14-102

Duties and Powers

The zoning official shall, in connection with his office, have authority to perform the following:

- (1) Appear on behalf of the City of Jamaica Beach in all public hearings before the Board of Adjustment and present facts and information to assist the Board of Adjustment in reaching a decision, and to appeal any decision of the Board.
- (2) Review and prepare a report on all applications for amendment of applications of planned development plans submitted to the city as follows:
  - a) Those plans submitted which in the opinion of the zoning official are deemed general shall be reviewed and a written report be prepared by the Zoning Official's office, such report shall receive the concurrence of the Chairman or appointed representative of the Zoning Commission. Such completed report shall be forwarded to the plans submittor within fourteen (14) days of receipt of such plans at City Hall.
  - b) Those plans submitted, which, in the opinion of the Zoning Official that could have an adverse affect on the health, safety, morals, and the general welfare of the City of Jamaica Beach, shall be reviewed by members of the Zoning Commission as provided by Section 8-100. Such plans shall be forwarded to the Commission within five (5) working days of receipt. The zoning official shall then review the recommendations and the report received from the Commission. The plans receiving disapproval shall be returned to the submittor with recommendation for compliance. Those plans receiving conditional approval shall become void within sixty (60) days of such conditional approval if not brought into compliance.
  - c) Plans submitted for a use not defined within this Zoning Ordinance or plans that would be in noncompliance within this Zoning Ordinance as defined shall be returned disapproved to the plan submittor within ten (10) working days after receipt with a written report stating the basis for disapproval and outlining the submittor's right of appeal before the Board of Adjustment as per Section 14-400.
- (3) Receive and review all applications for zoning permits and certificates of occupancy; approve or disapprove such applications; and issue zoning permits and certificate of occupancy.
- (4) Keep and maintain maps as required by Subsection 7-102.
- (5) Establish and administer rules and regulations not inconsistent with law, in order to carry out the provisions of this Ordinance and to establish regular forms and records.
- (6) Maintain a record of all action taken in connection with his duties of this Ordinance.

14-103

Enforcement Authority

It shall be the duty of the City Council of the City of Jamaica Beach, when requested by the Zoning Official and when the facts warrant, to institute such legal proceedings as may be advisable to enforce compliance with this Ordinance.



SECTION 14-200

PERMITS AND CERTIFICATES OF OCCUPANCY

14-201 Zoning Permit

No building permit shall be issued unless the application for same has been first approved by the zoning official and a zoning permit issued, which states that there is compliance with the requirements, regulations, and provisions of this Ordinance.

14-202 Certificate of Occupancy and Compliance

No building hereafter erected or structurally altered and no land hereafter occupied or used shall be used, occupied, or changed in use and no building previously erected or land occupied or used shall be changed in use, until a certificate of occupancy has been issued by the zoning official, after an inspection, stating that the building or proposed use complies with the requirements of occupancy per the Building Code.

SECTION 14-300

14-301 Approval of Planned Development Plans

Where approval is required of a planned development plan (multi-use) it shall be subject pursuant to the Land Subdivision Ordinance, Number 84-1 dated 6/18/84.

SECTION 14-400

BOARD OF ADJUSTMENT

14-401

Organization

There is hereby created a Board of Adjustment consisting of five (5) members who are citizens of the City of Jamaica Beach who are not members of the City Council or members of the City Zoning Commission, each to be appointed by the Mayor and confirmed by the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges, At the request of the appointed individual, a public hearing may be held to determine the merits of the written charges submitted. The Mayor shall also appoint and the City Council shall confirm two (2) alternate members of the Board of Adjustment who shall serve in the absence of one or more of the regular members when requested to do so by the Mayor; all cases to be heard by the Board of Adjustment will always be heard by a minimum number of four (4) members, and any vacancy shall be filled in the same manner and shall be subject to removal as the regular members.

14-402 Rules and Meetings

The Board of Adjustment shall adopt rules of procedure in accordance with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote to each member upon each question, or, if absent of failing to vote, indicating 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 Board of Adjustment and shall be a public record.

14-403

Powers and Duties

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Official in the enforcement of this Ordinance.
2. To hear and decide special exceptions to the terms of this Ordinance upon which it is required to pass under Section 14-500 of this Ordinance.
3. To authorize upon appeal in specific causes such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

14-404

Appeals to the Board of Adjustment

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Jamaica Beach affected by any decision of the Zoning Official. Such appeal shall be taken within a reasonable time, as provided by the rules of procedure of the Board of Adjustment, by filing with the Zoning Official from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Official from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.

14-405

When Appeal Stays All Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning official from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice to the zoning official from whom the appeal is taken and on due cause shown.

14-406

Time for and Notice of Hearing of Appeal

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

14-407

Action on Appeal

In exercising the powers set forth in Subsection 14-403, the Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the zoning official from whom the appeal is taken.

14-408

Application for Special Exceptions and Variances

All applications for special exceptions to the terms of this Ordinance and for variations from the terms of this Ordinance shall be in writing and shall specify the facts involved, the relief desired, and the grounds therefor. Each such application shall be filed with the zoning official who after investigation shall transmit such application together with his report to the

Board of Adjustment within ten (10) days after the filing of the application with the zoning official.

14-409 Hearing on Applications for Special Exceptions and Variances

The Board of Adjustment shall fix a reasonable time for the hearing of all applications for special exceptions and variances, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

SECTION 14-500

SPECIAL EXCEPTIONS AND VARIANCES

14-501 GRANTING OF SPECIAL EXCEPTIONS

The Board of Adjustments is hereby empowered to permit the following exceptions provided its action is in harmony with the general purpose and intent of this Ordinance and does not injure the health, safety, morals, or the general welfare of the occupants of nearby properties.

- (1) Permit such modifications of the height, yard area spacing and parking regulations as may be necessary to secure appropriate development of a parcel of land of such unusual topography or restricted area and shape that it cannot be appropriately developed without such modification.
- (2) Permit such modification of the parking regulations as may be warranted by the unusual character of a proposed use.
- (3) Permit the use of a lot or lots in a residential district, which lot (or lots) is adjacent to a commercial or industrial district, even if separated by an alley or by a street, for parking of passenger cars under such safeguards and conditions as may be desirable to protect the more restricted adjacent and nearby properties, provided no other business use is made of the lot.
- (4) Grant a permit for the extension of a use into an adjoining district, where such extension would constitute a non-conforming use and where the lot upon which the existing use is situated extended into the adjoining district and is in single ownership at the time this Ordinance is adopted
- (5) Permit the reconstruction of a building occupied by a non-conforming use, provided such reconstruction does not prevent the return of such property to a conforming use.
- (6) Determine in cases of uncertainty, the classification as to the district of a use not specifically named in this Ordinance, provided however that such use shall be in keeping with uses specifically named in the district regulations.

14-502 Granting of Variances

The board of Adjustments is hereby authorized upon appeal from the decision of the zoning official to grant in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.

14-503 Limitations of Special Exceptions and Variances

Any special exception or variance authorized by the Board of Adjustment shall constitute authority to authorize the issuance of a zoning permit or certificate of occupancy, as the case may be, if applied for within one hundred-twenty (120) days from the date of favorable action on the part of the Board Adjustment unless such Board of Adjustment authorizes a longer period. If the of zoning permit or certificate of occupancy shall not have been applied for within 120 day period, or such extended period as the Board of Adjustment may have authorized, then the grant of the special

exception or variance shall terminate. Such termination shall be without prejudice to a subsequent application to said Board of Adjustment in accordance with the rules and regulations regarding applications. No applications to the Board of Adjustment shall be allowed on the same piece of property prior to the expiration of six (6) months from a ruling of the Board of Adjustment on any application to such body unless other property in the same block or within five hundred feet (500') thereof, within such six month period, has been altered or changed by a ruling of the Board of Adjustment, in which case such a change of circumstances shall permit the allowance of such an application but shall in nowise have any force in law to compel the Board of Adjustment, after a hearing, to grant any subsequent application, but such application shall be considered on its merits as in all other cases.

SECTION 14-600

Vote Necessary for Decision of Board of Adjustment

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the zoning official or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this Ordinance.

SECTION 14-700

Notice of Public Hearing Before the Board of Adjustment

The notice of public hearings provided for in this section shall be given by publication once in a newspaper of general circulation in the City of Jamaica Beach, stating the time and the place of such hearing, which time shall not be earlier than ten (10) days from the date of such publication, and in addition thereto, the Board of Adjustment shall mail notices of such hearing to the petitioner and all owners of property lying within two hundred feet (200') of any point of the lot or portion thereof, on which special exception or variance is desired, and to all other persons deemed by the Board of Adjustment to be affected thereby; such owners and persons shall be determined according to the last approved tax roll of the City of Jamaica Beach. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States Postal Service.

SECTION 14-800

Appeals from the Board of Adjustment

Any persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the City of Jamaica Beach may present to a court of record a petition for a writ of certiorari, as provided by Article 1011g of the Revised Civil Statutes of Texas, duly verified, setting forth that such decision is illegal, in whole or in 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 Board of Adjustment.

SECTION 14-900

14-901 Amendment

The City Council may from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal the regulations, restrictions, and boundaries herein established. In addition, a comprehensive review of the Zoning Ordinance text and maps shall be made by the City Zoning Commission at least every five (5) years, and a report and recommendation thereon shall be filed with the Mayor and City Council. The five-year time period shall commence upon the date of adoption of this Ordinance.

14-902 Public Hearing Before the City Zoning Commission

Before taking any action on any proposed amendment, supplement, change or modification, the City Council shall submit the same to the City Zoning Commission which shall make a preliminary report and hold a public hearing thereon before submitting its final report to the City Council.

14-903 Notice of Public Hearing Before Zoning Commission

Written notice of all public hearings before the City Zoning Commission on proposed changes in classification shall be sent to owners of real property on which the change in classification is proposed, such notice to be given not less than ten (10) days before the date set for hearing, to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States Postal Service. Where property lying within two hundred feet (200') of the property proposed to be changed is located in territory which was annexed to the City after the final date for making the renditions which are included on the last tax toll, at least fifteen (15) days notice of the time and place of such hearing shall be published once in a newspaper of general circulation in the City of Jamaica Beach.

14-904

In the event a public hearing shall be held by the City Zoning Commission in regard to a change of the Zoning Ordinance not involving particular property but involving a change in the Ordinance, generally, notice of such hearing shall be given by publication notice in a newspaper of general circulation in the City of Jamaica Beach stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the day of such publication.

14-905

Joint Hearing of City Council and Zoning Commission

Any public hearing required by this ordinance to be held by either the City Council or the City Zoning Commission may, at the election of City Council and after due notice as herein before set forth in Subsections 14--903 and 14--904, be held as a joint public hearing of both the City Council and the City Zoning Commission, but the City Council shall not take action until it has received the final report of the City Zoning Commission.

14-906

The City Council shall act upon such motion or petition within thirty (30) days from the date the final report of the City Zoning Commission was submitted to the City Council.

14-907

Protests

In case of a protest against any such amendment, supplement, change, or repeal of the regulations, restrictions, and boundaries herein established, filed with the zoning official and signed by the owners of twenty-percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending two hundred feet (200') therefrom, or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendment, supplement, change, modification, or repeal shall not become effective except by the favorable vote of three fourths (3/4) of all the members of the City Council.

**14-1000 PENALTY FOR VIOLATION AND OTHER REMEDIES**

14-1001

Misdemeanor and Fine

Any person or corporation who shall violate any of the provisions, requirements or regulations of this Ordinance or fail to comply with any of the requirements thereof, or who shall build, use, alter any building, or use any land or building in violation of any detailed statement or plan submitted and approved hereunder, or in a manner not permitted by a certificate of occupancy or a zoning permit, shall be guilty of a misdemeanor and shall be liable to a fine not to exceed one thousand dollars (\$1,000.00). Each day such a violation exists shall constitute a separate offense.

14-1002

Other Remedies Including Injunctive Relief

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the proper authorities of the City of Jamaica Beach, in addition to other remedies, may institute any

appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

SECTION 15-100

Appeal

Any person not satisfied with the ruling of the written report of the Commission shall have the right to appeal such rulings or decisions to the City Council of the City of Jamaica Beach by giving written notice to the City Secretary within fifteen (15) days, after the final hearing before the Commission. When the City Council is hearing an appeal, a four fifths (4/5) vote rather than a simple majority is required on any ruling contrary to the Planning and Zoning Commission's recommendation or written objection. This Ordinance repeals any provisions of Ordinances that are in direct conflict with the provisions set forth in this Ordinance.

ARTICLE II

THE EFFECTIVE DATE

The effective date of this Ordinance shall be the 23 day of September, 1996.

PASSED AND APPROVED this the 23 day of September, 1996.

Paul E. Schmidt  
Paul Schmidt, Mayor

T.D. White  
T.D. White, City Secretary