AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 17, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP2010-02

A request of Joseph E. Koza, applicant and owner, for approval of a conditional use permit to allow a snow-cone stand in an existing building within the Light Industrial (M-1) Zoning District, on the following described property, to wit:

Legal Description: Lots 2,3, and 10, in Block 1, of Air Port Sites Subdivision, according to the Plat thereof Recorded in Volume 5, Page 57, of the Plat Records of Brazoria County, Texas.

General Location: 2910 S. Main St., Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF MAY 17, 2010

Conditional Use Permit No. CUP 2010-02

A request of Joseph E. Koza, applicant and owner, for approval of a conditional use permit to allow a snow-cone stand in an existing building within the Light Industrial (M-1) Zoning District, on the following described property, to wit:

Legal Description: 1.5540 acres of land out of 14.2863 acres of land out of Lots 6 and 7 of a subdivision in the James Hamilton Survey, Abstract 881, in Harris County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342, of the Deed Records of Harris County, City of Pearland, Harris County, Texas

General Location: 2910 S. Main St., Pearland, TX

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: May 17, 2010*
City Council for First and Only Reading: May 24, 2010*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval for a conditional use permit to allow approximately 250 square feet area for a snow-cone stand within the existing ancillary retail area of Koza's. The subject property is zoned Light Industrial (M-1) and this is a permitted use with an approved conditional use permit.

The existing building on the property has a total of approximately 19,000 square feet of space with approximately 1,800 square feet for the retail/showroom area. There is also approximately 3,200 square feet of office space, 6,200 square feet of manufacturing space, and 7,400 square feet for warehouse space within the existing building.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	Light Industrial (M-1)	McCoys
South	General Commercial (GC) and Light Industrial (M-1)	Feed Store
East	General Commercial (GC)	Undeveloped Tract
West	Planned Development District (PD)	Twin Lakes

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Light Industrial (M-1). The minimum lot size for the M-1 district is 40,000 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 150 feet. The subject property exceeds these minimum requirements, as the property is approximately 1.5 acres in size, and has the lot width of approximately 200 feet, and the lot depth of approximately 400 feet.

The applicant will be required to comply with all other requirements of the Unified Development Code.

PLATTING STATUS: The property has not been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Light Industrial" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts are "Light Industrial (M-1)" for the subject property and the surrounding properties. Therefore, the current M-1 zone conforms to the current Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on State Highway 35, a major thoroughfare with an ultimate right-of-way greater than 120 feet. The applicant has not had the property platted and all necessary dedications have to be made at the time of platting.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer lines.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit is to allow approximately 250 square feet for a snow-cone stand within the existing ancillary retail area of Koza's. The current use of the subject property has been operating for many years in the City of Pearland at this location. This is not expanding the footprint of the existing building, but needs an approved conditional use permit for the additional use in the M-1 Zoning District. The applicant proposes the snow-cone stand so that his children may operate the small business during the summer months while he is at Koza's.

Koza's is located within an area where McCoy's is to the north, feed store located to the south, and the Rail Road is located to the west and rear of the property. To the east is undeveloped land near Hampshire.

Currently this location has 68 parking spaces and adding this use within the existing foot print of the building does not trigger any increase needed for parking, landscaping, or façade requirements. The subject property is in conformance with the Comprehensive Plan and the current Unified Development Code with an approved conditional use permit.

The use will not generate significant additional traffic than what is currently experienced by the retail sales use that is currently operating at the subject property. The proposed use as presented by the applicant should not have any significant negative impact on the existing and surrounding uses in the area.

ADDITONAL COMMENTS:

No additional comments from other departments.

SITE PLAN CONSIDERATIONS: A site plan of the existing building and proposed sno-cone area was submitted with the application.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit No. CUP 2010-02 to allow a snow-cone stand within an existing building as proposed by the applicant, for the following reasons:

1. The proposed use would be in conformance with the Zoning Map and the Current Unified Development Code with an approved conditional use permit.

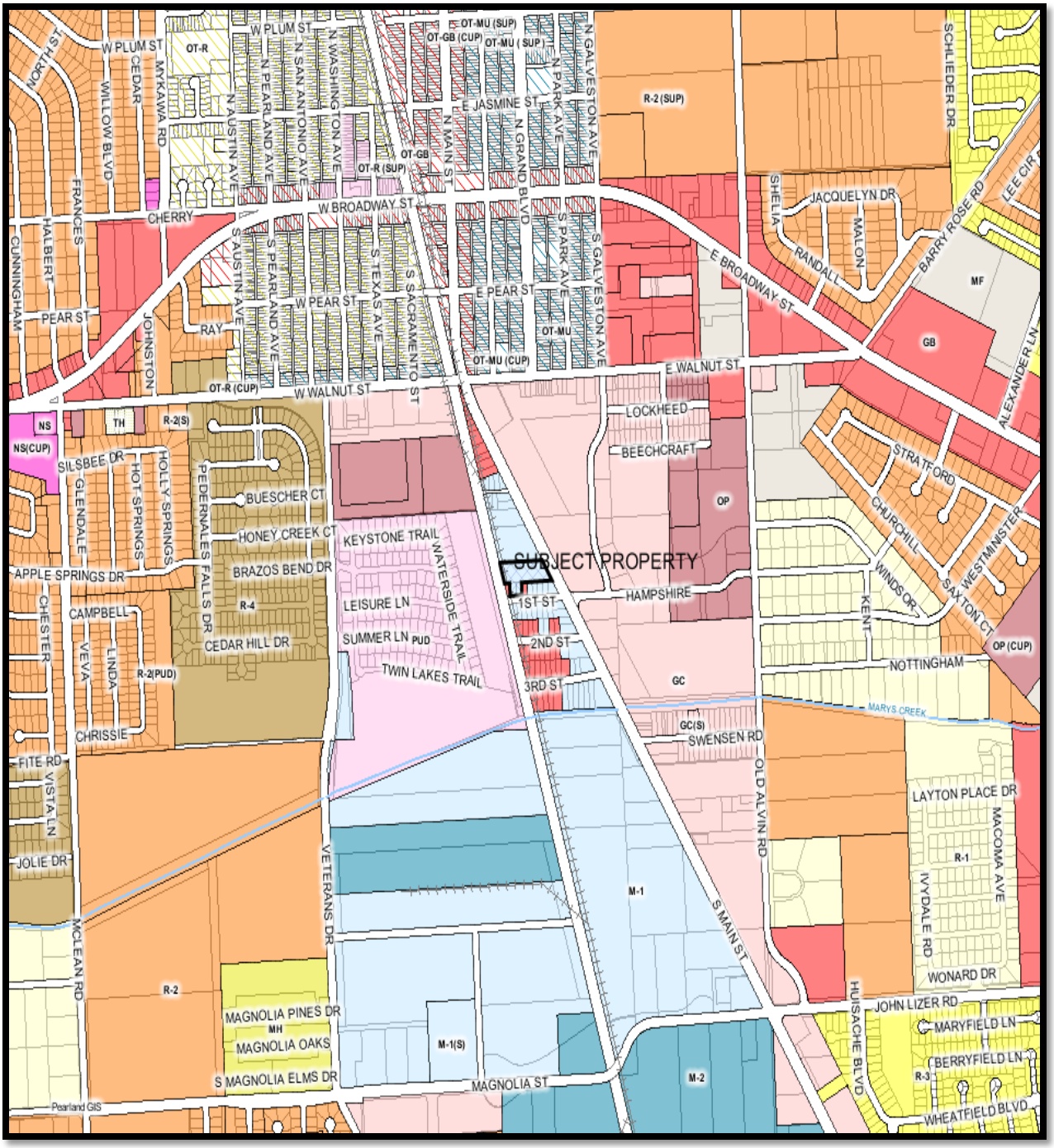
2. The proposed facility should not have any significant negative impact on the surrounding properties and developments.

3. The proposed use, existing use, and subject property are in conformance with the Future Land Use Map.

4. The proposed use is in conformance to existing and surrounding uses with an approved conditional use permit.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Vicinity Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents

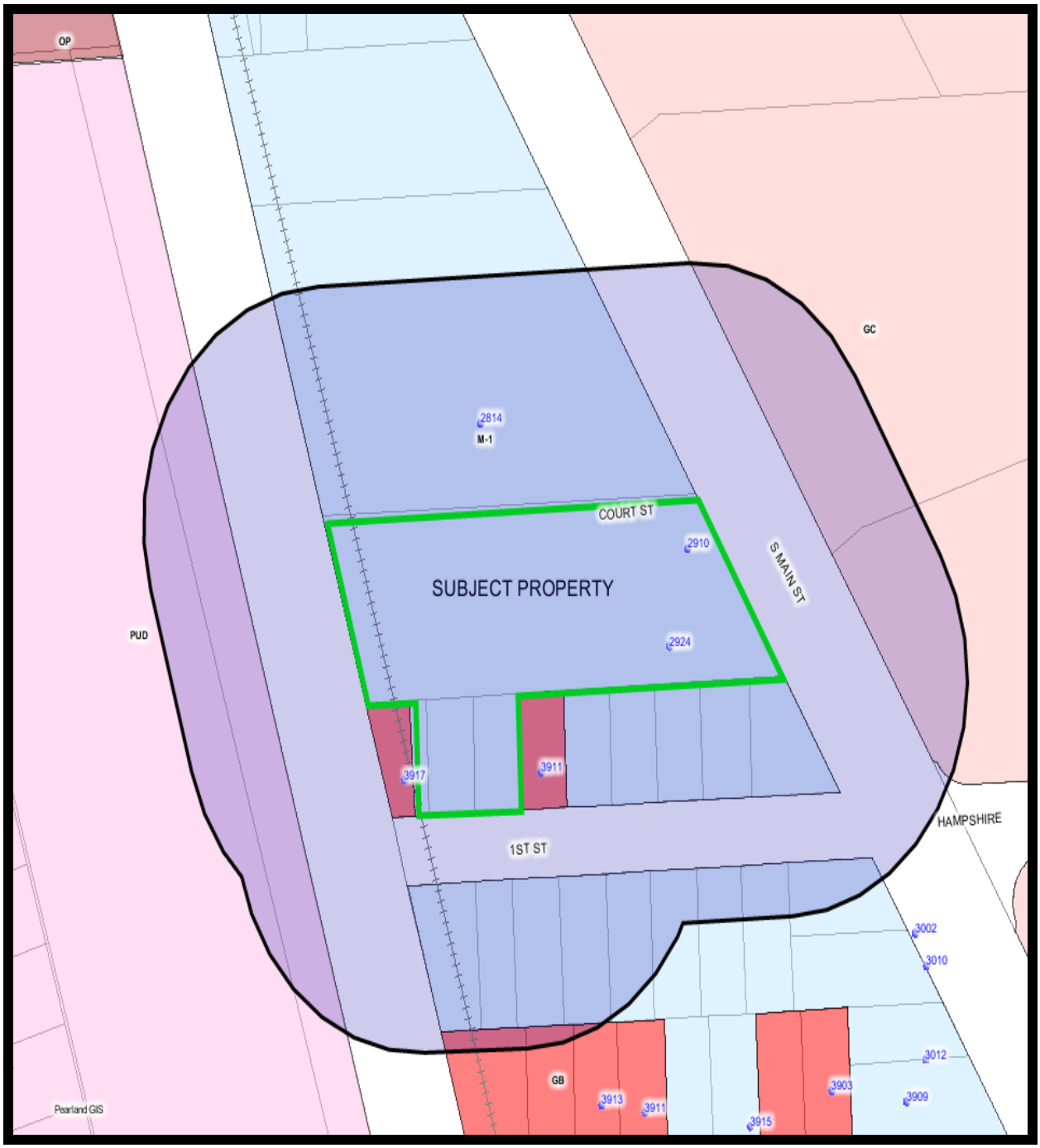


VICINITY MAP

CONDITIONAL USE PERMIT 2010-02

2910 S. MAIN, PEARLAND, TEXAS

↑
NORTH



ABUTTER MAP

CONDITIONAL USE PERMIT 2010-02

2910 S. MAIN, PEARLAND, TEXAS

↑ **NORTH**

CUP APPLICATION NO. 2010-02
2910 S. MAIN
PROPERTY OWNERS NOTIFICATION LIST

ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
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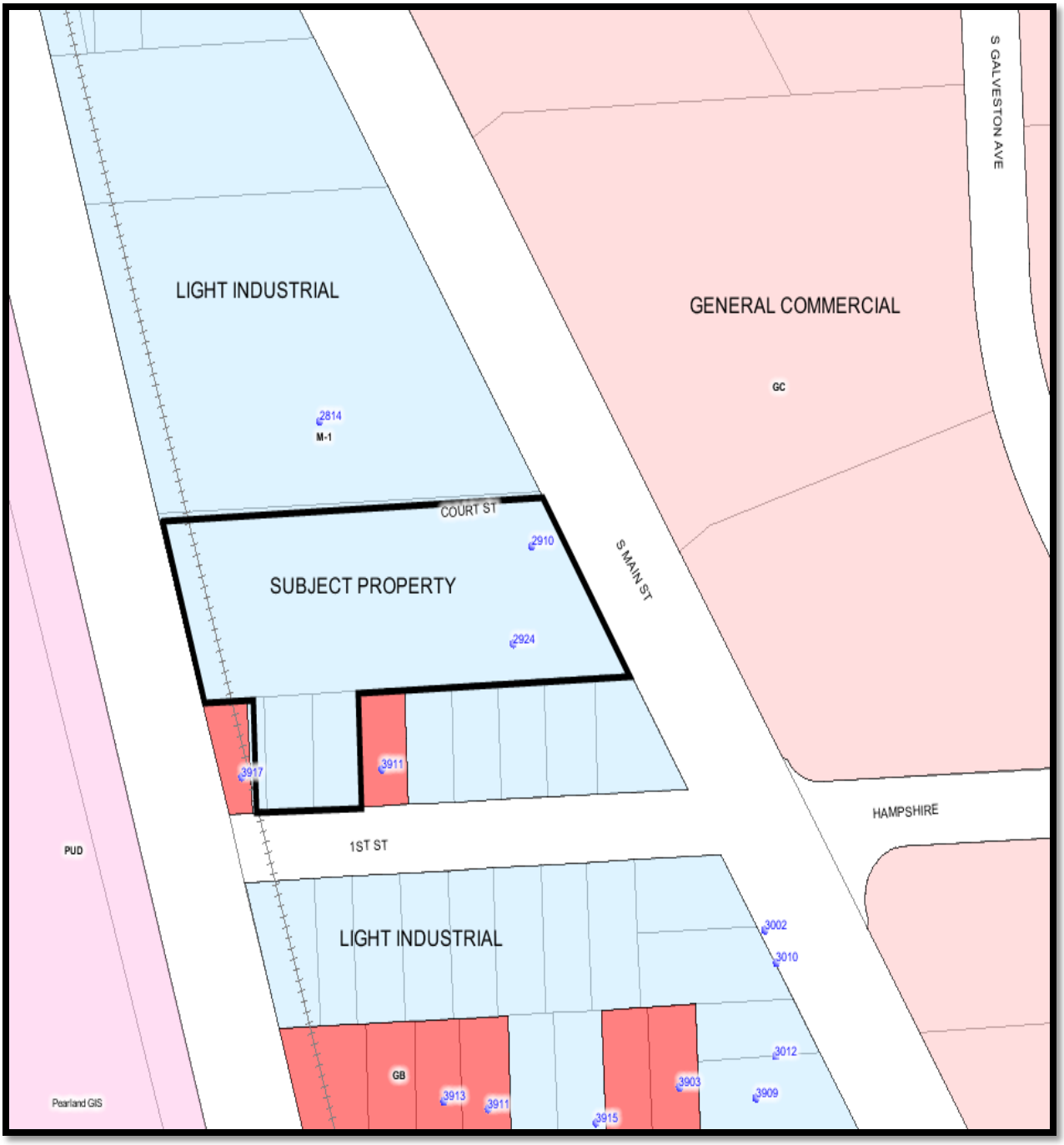
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED PROPERTIES INC	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED PROPERTIES INC	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED PROPERTIES INC	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED PROPERTIES INC	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED PROPERTIES INC	PO BOX 898	PEARLAND	TX	77588
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BRAZORIA COUNTY MUD #28	3200 SOUTHWEST FWY	HOUSTON	TX	77027
BURLINGTON NORTHERN SANTA FE	PO BOX 961089	FORT WORTH	TX	76161
KOZA INVESTMENTS LP	2910 S MAIN ST	PEARLAND	TX	77581
KOZA INVESTMENTS LP	2910 S MAIN ST	PEARLAND	TX	77581
KOZA INVESTMENTS LP	2910 S MAIN ST	PEARLAND	TX	77581
LOPEZ TONY A	3915 SECOND ST	PEARLAND	TX	77581
LOPEZ TONY A	3915 SECOND ST	PEARLAND	TX	77581

MCCOY REALITY CORP #21	PO BOX 1028	SAN MARCOS	TX	78667
MORENO JOHNNY M & SOCOARRO	3913 2ND ST	PEARLAND	TX	77581
SAENZ ROSA	2029 MARS DR	ROSHARON	TX	77583
STAR TWO TWIN LAKES LP	17049 EL CAMINO REAL STE 100	HOUSTON	TX	77058
TAMAYO MARY HELEN	3911 1ST ST	PEARLAND	TX	77581

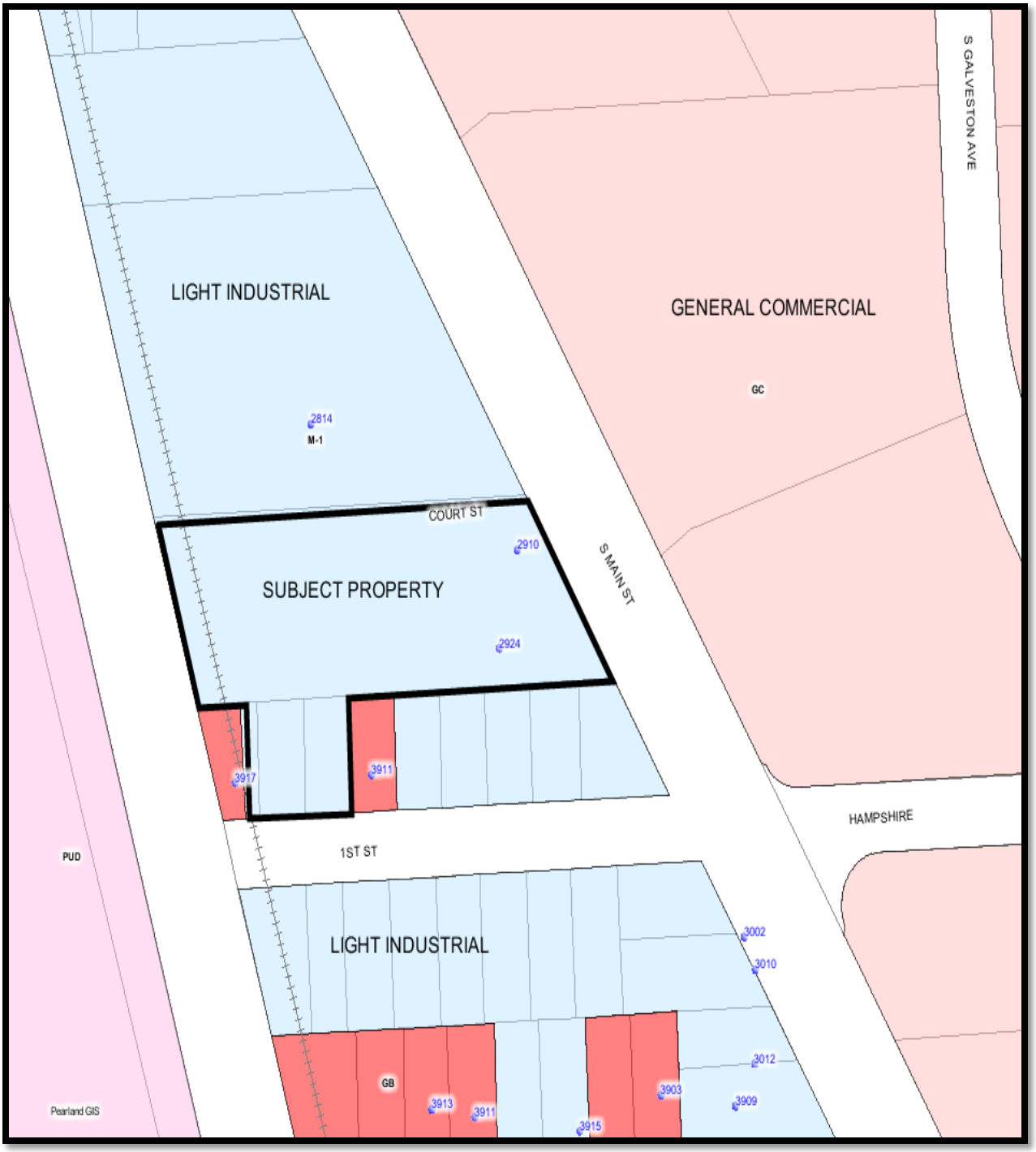


ZONING MAP

CONDITIONAL USE PERMIT 2010-02

2910 S. MAIN, PEARLAND, TEXAS

↑
NORTH



FUTURE LAND USE MAP

CONDITIONAL USE PERMIT 2010-02

2910 S. MAIN, PEARLAND, TEXAS

↑
NORTH

AERIAL MAP

CONDITIONAL USE PERMIT 2010-02

2910 S. MAIN, PEARLAND, TEXAS

↑
NORTH

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: ICE CREAM / YOGURT SHOP
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: M-1

Property Information:

Address or General Location of Property: 2910 S. MAIN ST.
PEARLAND, TX 77581

Tax Account No. 1160000020000

Subdivision: AIRPORT SITES Lot: 2, 3 & 10 Block: 1

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME KOZA INVESTMENTS
ADDRESS 2910 S. MAIN ST.
CITY PEARLAND STATE TX ZIP 77581
PHONE(281) 960-4450
FAX(281) 997-2358
E-MAIL ADDRESS JEK@KOZAS.COM

APPLICANT INFORMATION:

NAME JOSEPH E. KOZA
ADDRESS 2403 GREEN TEE DR.
CITY PEARLAND STATE TX ZIP 77581
PHONE(281) 960-4450
FAX(281) 997-2358
E-MAIL ADDRESS JEK@KOZAS.COM

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [signature] Date: 2/25/10

Agent's Signature: _____ Date: _____

OFFICE USE ONLY:

FEES PAID: $250.00	DATE PAID: 2/26/10	RECEIVED BY: AY	RECEIPT NUMBER: 132360

Application No. CUP 2010-02

Letter of Intent

February 25, 2010

Joseph E. Koza
2910 S Main St
Pearland, TX 77581

Angela Gantuah
City of Pearland – Planning
3523 Liberty Dr
Pearland, TX 77581

Subject: Proposed snow cone shop

This letter of intent is to confirm my interest in opening a snow cone shop at 2910 S Main St, Pearland, TX, 77581 in conjunction with the existence of the current business Koza's Inc. Koza's Inc. is in the embroidery, screen print and promotional products business and has been in business at this location since May 5, 1965. Currently this address is zoned as M-1 in the Unified Development Code of the City of Pearland. As such, the property can support this type of land use with the approval of a Conditional Use Permit. Therefore, I am requesting for the approval of a Conditional Use Permit to allow me to open the business described above.

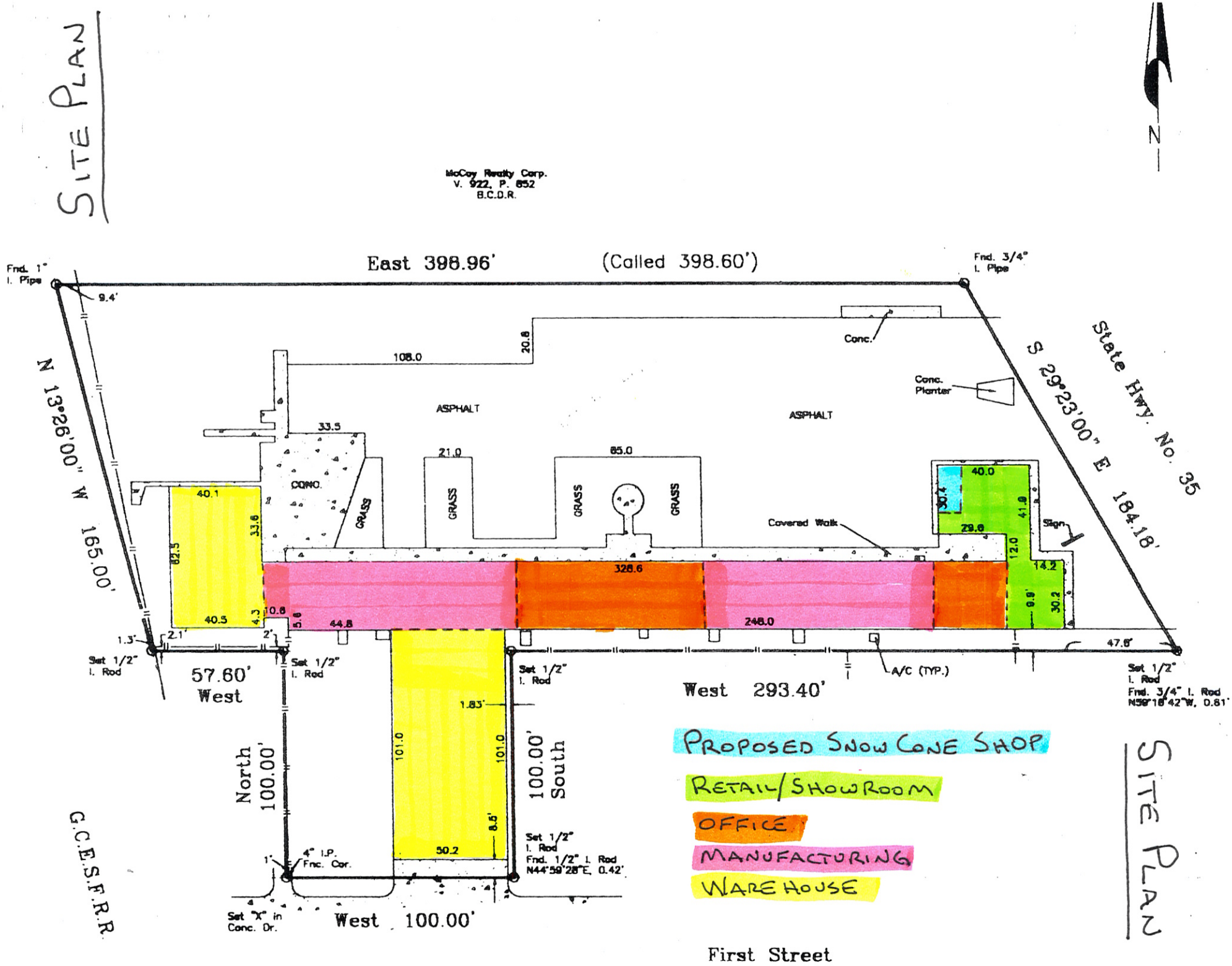
The existing building on the property has approximately 19,000 square feet of space with approximately 1,800 square feet of retail/showroom space, 3,600 square feet of office space, 6,200 square feet of manufacturing space, and 7,400 square feet of warehouse space. I would utilize approximately 250 square feet of the existing 1,800 square feet of retail/showroom to house the snow cone shop. The proposed snow cone shop would be located in the blue highlighted section of the site plan.

I thank you for your consideration of the Conditional Use Permit at 2910 S Main St, Pearland, TX, 77581.

Sincerely,

Joseph E. Koza

SITE PLAN



SITE PLAN

Acknowledgement of Required Sign

February 25, 2010

Joseph E. Koza
2910 S Main St
Pearland, TX 77581

Angela Gantuah
City of Pearland – Planning
3523 Liberty Dr
Pearland, TX 77581

Subject: Posting of zoning notification sign

I hereby acknowledge the requirement of posting a zoning notification sign on 2910 S Main St, Pearland, Texas, ten (10) days prior to the Planning and Zoning meeting until ten (10) days after the final City Council meeting approving or denying the Conditional Use Permit.

Sincerely,

Joseph E. Koza

Brazoria County
Where Texas Began

Monday, February 22 2010

Property Tax Status

Begin a New Search Go to Your Portfolio Tax Office FAQ's

Request a Tax Statement

Make your check or money order payable to:
Ro'Vin Garrett, RTA
111 E Locust
Angleton, Texas 77515

A Convenience Fee of up to 2.65% will be charged for all credit card payments by the vendor providing this service.
For eChecks, a convenience fee of $1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2009. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 11600002000

Address:
KOZA INVESTMENTS LP
2910 S MAIN ST
PEARLAND, TX 77581-4710

Property Site Address:
2910 MAIN
77581

Legal Description:
AIRPORT SITES (PEARLAND), BLOCK 1, LOT 2
-3-10

Current Tax Levy: $8,322.71

Current Amount Due: $0.00

Prior Year Amount Due: $0.00

Total Amount Due: $0.00

Last Payment Amount for Current Year Taxes:
$8,322.71

Pending Credit Card or E-Check Payments:
No Credit Card Payment Pending

Jurisdictions:

BRAZORIA COUNTY
BRAZORIA DRAINAGE DIST 4
CITY OF PEARLAND
PEARLAND ISD
SPECIAL ROAD & BRIDGE

Market Value: $315,000

Land Value: $148,710

Improvement Value: $166,290

Capped Value: $0

Agricultural Value: $0

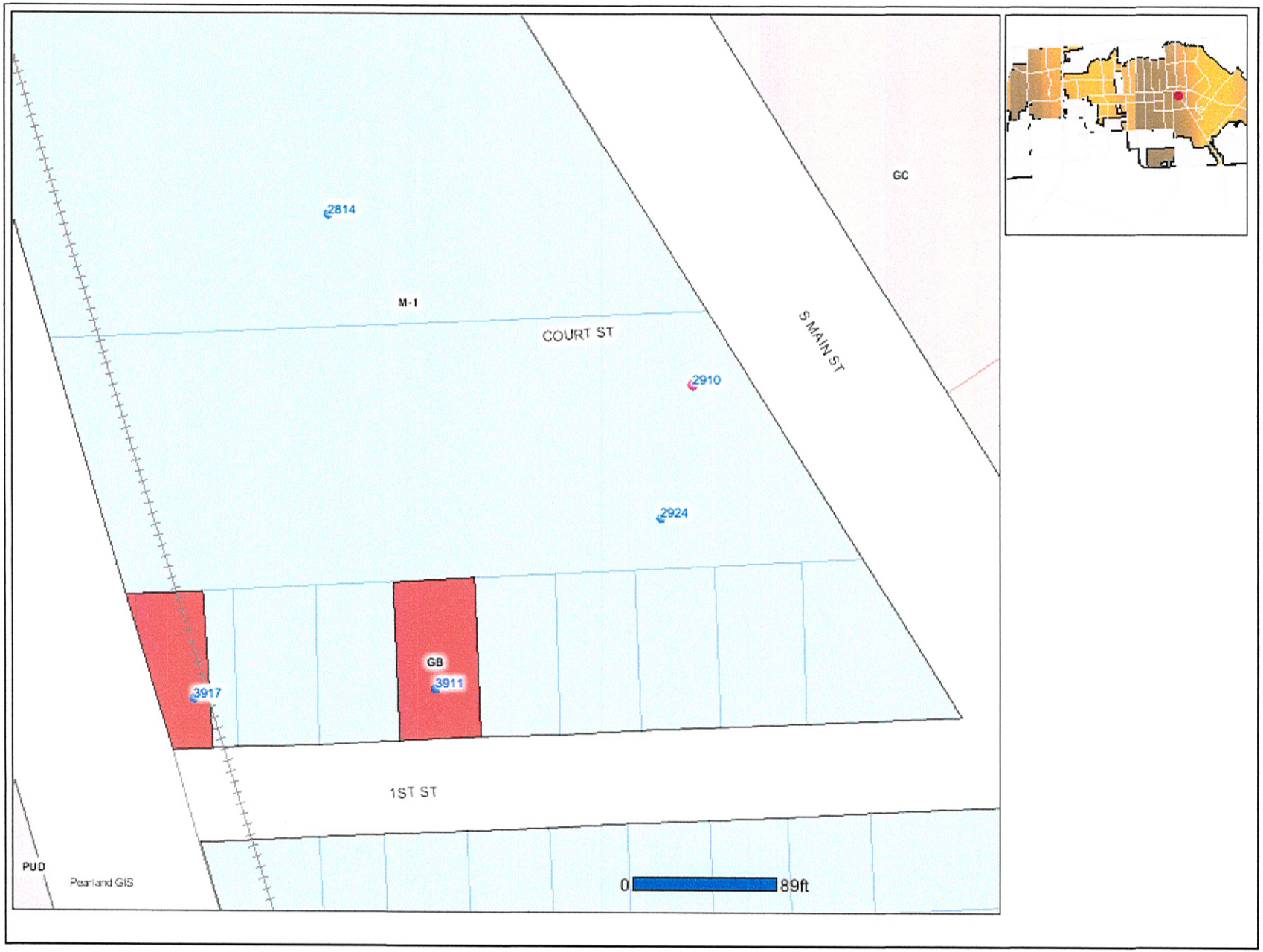
Exemptions: None

Last Certified Date: 09/03/2009

Taxes Due Detail by Year and Jurisdiction

Payment Information

Click Here to see your estimated amount due for a future date. You can see this information by year and by both year and jurisdiction.


2814
M-1
COURT ST
S MAIN ST
GC
2910
2924
GB
3911
3917
1ST ST
PUD
Pearland GIS
0
89ft

WALKER L. TREESH

Registered Professional Land Surveyor

P.O. Box 2113 Pearland, Texas 77588 (281) 485-5191

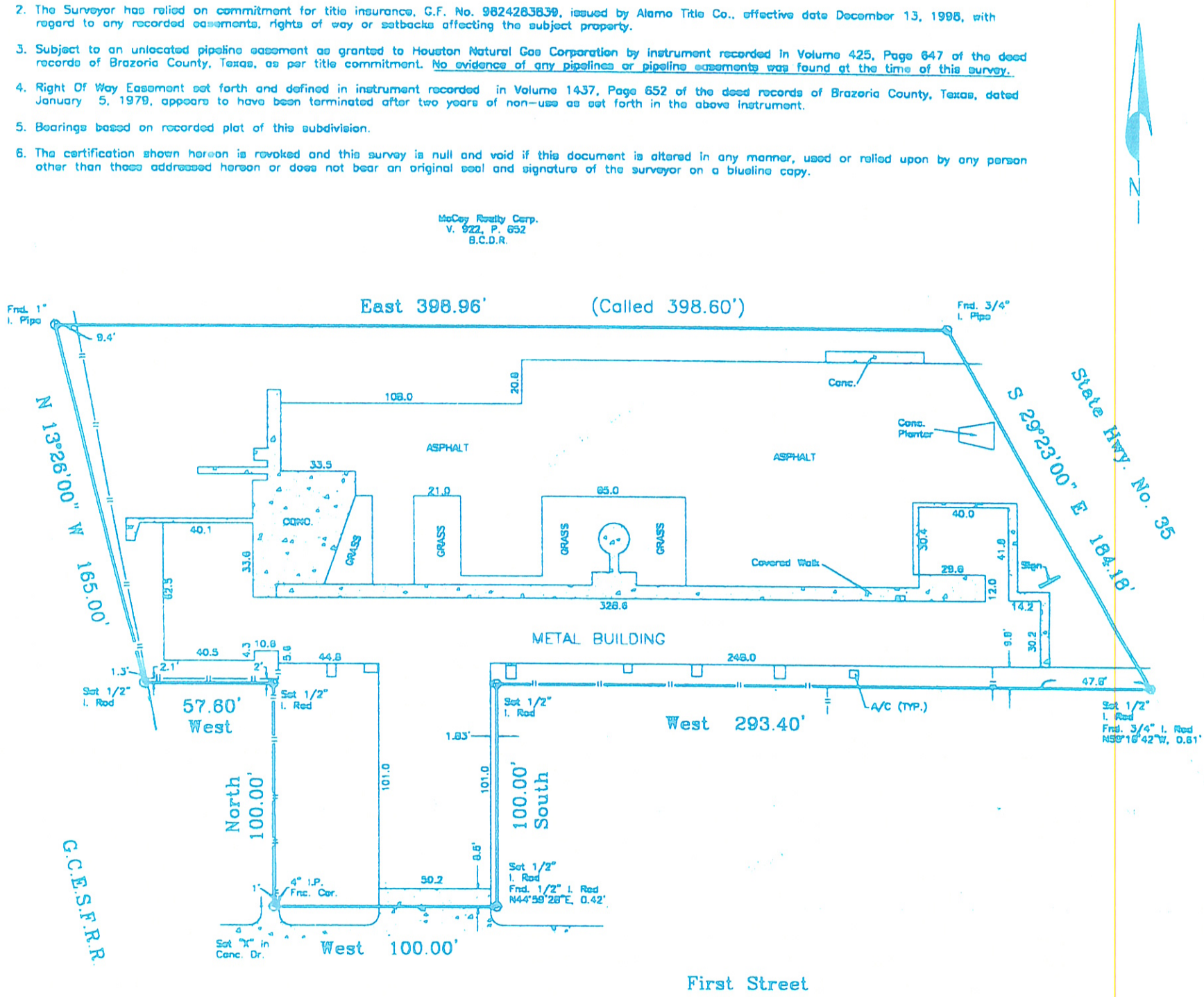
Scale: 1"=60' *Date:* January 11, 1999 *Job No.* 98-2888

Purchaser: Joseph D. Koza, Jr.

Property Address: 2910 South Main, Pearland, Tx. 77581

GENERAL NOTES:

1. This property lies within flood zone "AO" (1 Ft. Depth) according to the F.E.M.A. Flood Insurance Rate Map for the City of Pearland, Community-Panel No. 480077 0045 I, Dated September 28, 1990.
2. The Surveyor has relied on commitment for title insurance, G.F. No. 9824283839, issued by Alamo Title Co., effective date December 13, 1998, with regard to any recorded easements, rights of way or setbacks affecting the subject property.
3. Subject to an unlocated pipeline easement as granted to Houston Natural Gas Corporation by instrument recorded in Volume 425, Page 647 of the deed records of Brazoria County, Texas, as per title commitment. No evidence of any pipelines or pipeline easements was found at the time of this survey.
4. Right Of Way Easement set forth and defined in instrument recorded in Volume 1437, Page 652 of the deed records of Brazoria County, Texas, dated January 5, 1979, appears to have been terminated after two years of non-use as set forth in the above instrument.
5. Bearings based on recorded plat of this subdivision.
6. The certification shown hereon is revoked and this survey is null and void if this document is altered in any manner, used or relied upon by any person other than those addressed hereon or does not bear an original seal and signature of the surveyor on a blueline copy.



PLAT SHOWING A SURVEY OF LOTS 2, 3 AND 10, IN BLOCK 1, OF AIR PORT SITES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5, PAGE 57, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

To: Alamo Title Co., exclusively

I, Walker L. Treesh, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direction and supervision on December 29, 1998. At the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey was performed in connection with the transaction described in G.F. No. 9824283839 of Alamo Title Co. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

Walker L. Treesh

WALKER L. TREESH, R.P.L.S. NO. 1895

STATE OF TEXAS REGISTERED WALKER L. TREESH 1895 PROFESSIONAL LAND SURVEYOR

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 17, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2010-01

A request of Blake Griggs with Clear Wireless LLC., applicant, for Steve Townsend, owner, for a conditional use permit to allow the co-location of cellular antennas on an existing tower located within the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 1.24 acre (53,811 square feet) parcel situated in the Perry & Austin League, Abstract 111, Brazoria County, Texas, and being all of a called 1.2438 acre tract conveyed to Steve Townsend by Deed recorded under Volume 1441, Page 979 of the Brazoria county Official Public Records.

General Location: 1411 Broadway, Pearland, TX 77581

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF MAY 17, 2010

Conditional Use Permit No. CUP 2010-01

A request of Blake Griggs with Clear Wireless LLC., applicant for Steve Townsend , owners, for a conditional use permit to allow the co-location of cellular antenna on an existing tower located within the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 1.24 acre (53,811 square feet) parcel situated in the Perry & Austin League, Abstract 111, Brazoria County, Texas, and being all of a called 1.2438 acre tract conveyed to Steve Townsend by Deed recorded under Volume 1441, Page 979 of the Brazoria county Official Public Records.

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General Location: Located at 1411 Broadway, Pearland, TX

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: May 17, 2010*
City Council for First and Only Reading: May 24, 2010*

(*dates subject to change if item is tabled)

SUMMARY: The applicant, Clear Wireless LLC, is requesting approval of Conditional Use Permit No. 2010-01 to allow the co-location of cellular antennas on an existing tower located within the General Commercial (GC) Zoning District. It is also located within the Corridor Overlay District. The existing tower is 150 feet high and T-Mobile is the only carrier located there at this time.

The applicant proposes an additional nine T-Frames at 150 feet to the existing 150 foot cellular tower that currently holds 18 T-Frames from T-Mobile at 130 feet. This would bring that existing tower to 128% failure. The existing diagonals between 80 feet and 100 feet are overstressed and will need to be replaced or reinforced.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	General Commercial (GC)	Undeveloped Tract
South	General Business (GB)	Entrance way to Pine Hollow
East	General Commercial (GC)	Sign Company
West	General Commercial (GC)	Dry Wall and Building Supply Company

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as GC. The minimum lot size for the GC district is 22, 500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property does not meet these minimum requirements, as the property is only 100 feet wide. The owner and applicant will need to process a variance for the lot width and structures that are located within the setbacks.

The applicant will be required to comply with all requirements of the Unified Development Code.

PLATTING STATUS: The property has not been platted, but an application for platting has been received and is currently being reviewed.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Retail, Office & Services" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts are "Neighborhood Services (NS), Office Professional (OP), and General Business (GB)". Therefore, the current GC zone does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Broadway, a major thoroughfare with an ultimate right-of-way greater than 120 feet. The applicant has not had the property platted and all necessary dedications will need to made at the time of platting.

AVAILABILITY OF UTILITIES: The subject property is served by public water and sewer lines.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit is to allow the co-location of cellular antennas at an existing 150 foot cellular tower. The applicant also proposes a 7' X 7' (49 square feet of utility ground equipment for the Clear Wireless Antennas).

The applicant proposes an additional nine T-Frames at 150 feet to the existing 150 foot cellular tower that currently holds 18 T-Frames from T-Mobile at 130 feet. There will be no additional height added to the tower as a result of the additional antennas as stated in the letter of intent. Adding the proposed antennas would bring the existing cellular tower to 128% failure. The existing diagonals between 80 feet and 100 feet are overstressed and will need to be replaced or reinforced. The applicant needs to provide structural/engineering calculations and information regarding the support structure that needs to be installed so that the tower will not fail with the addition of the proposed antennas.

Currently, to the south of the subject property is the entrance way to the Pine Hollow Subdivision, to the north is a vacant undeveloped parcel, to the east is a sign company, and to the west is a drywall and building supply company. In addition, to the rear of the drywall and building & supply company there is another existing cellular tower 100 yards from the proposed co-location.

The current GC Zoning for the subject property does not conform to the Comprehensive Plan. The comprehensive plan states that the subject property should be Neighborhood Services (NS), Office Professional (OP), and General Business (GB). The surrounding uses are in compliance with the zoning and the existing cellular tower and co-location would be in compliance with City of Pearland's zoning if a conditional use were approved.

The parking is existing, and the addition of the 49 square feet ground equipment does not trigger additional parking. However; the ground equipment is visible from the Broadway and landscaping and screening needs to be provided.

The owner and applicant would also need to process a variance for the lot width and structures that are located within the setbacks on the subject property.

The City of Pearland would like to encourage the co-location of Cellular Antenna as stated in Chapter 2, Section 2.5.5.1. The proposed co-location of antennas as presented by the applicant should not have any significant negative impact on the surrounding properties and developments.

ADDITONAL COMMENTS:

There are no other additional comments from other departments.

SITE PLAN CONSIDERATIONS: A site plan has been submitted and is currently being reviewed with the platting application.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit No. 2010-01 for the co-location of an antenna on an existing cellular tower if the following conditions were met for the following reasons:

Conditions of Approval:

1. Landscaping and screening shall be provided for the areas visible from Broadway which is in the Corridor Overlay District.

2. Provide structural/engineering calculations and information regarding the support structure that needs to be installed so that the tower will not fail with the addition of the proposed antennas.

Reasons for Approval:

1. The proposed co-location of an antenna would be in conformance with the current Unified Development Code with an approved conditional use permit.

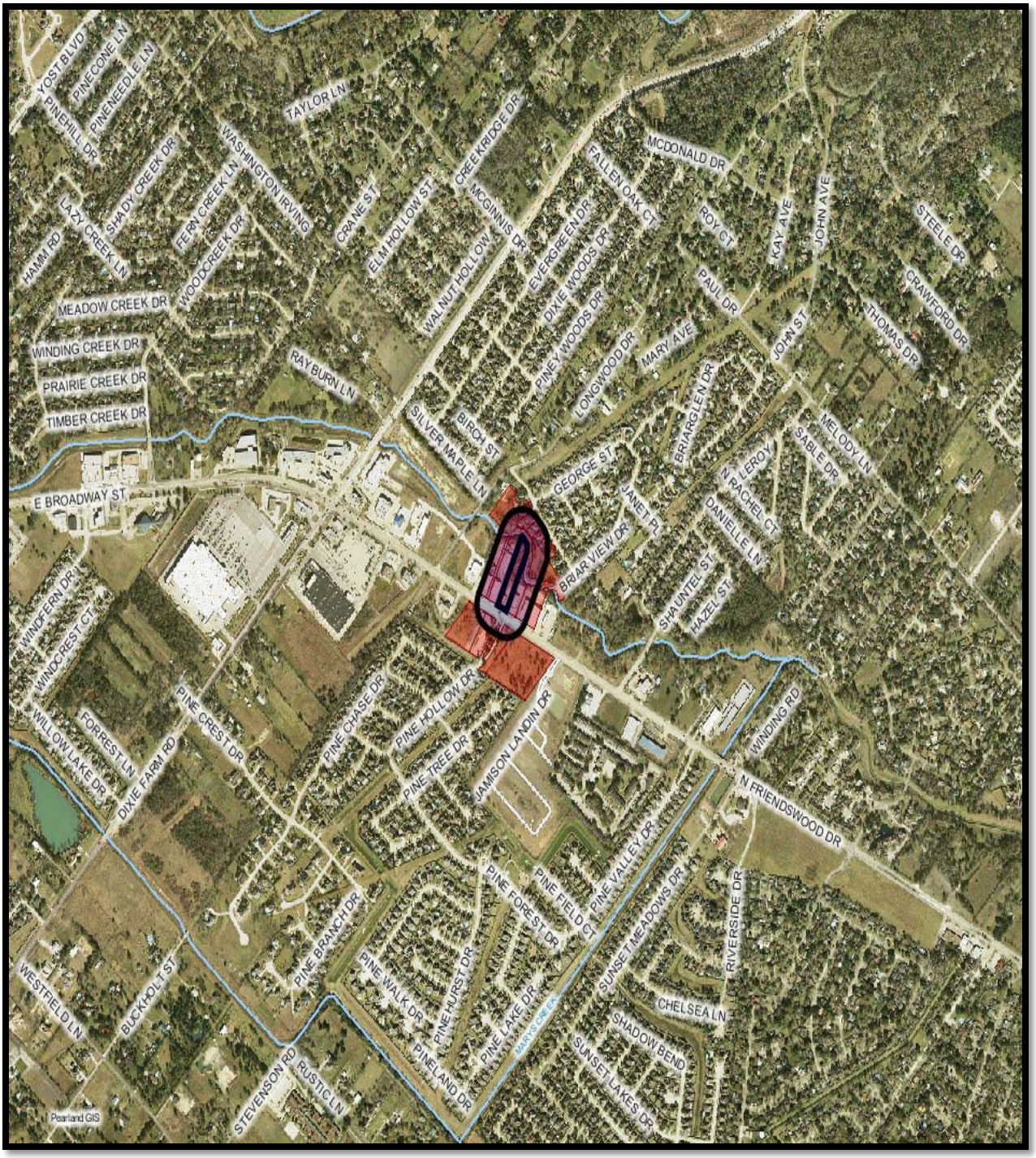
2. Although the GC Zoning is not in conformance with the future land use plan, the existing and surrounding uses are in conformance with the future land use plan.

3. There would be no significant negative impact on the surrounding neighborhood or existing uses.

4. The existing uses are commercial and in conformance with the current Unified Development Code.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Vicinity Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents

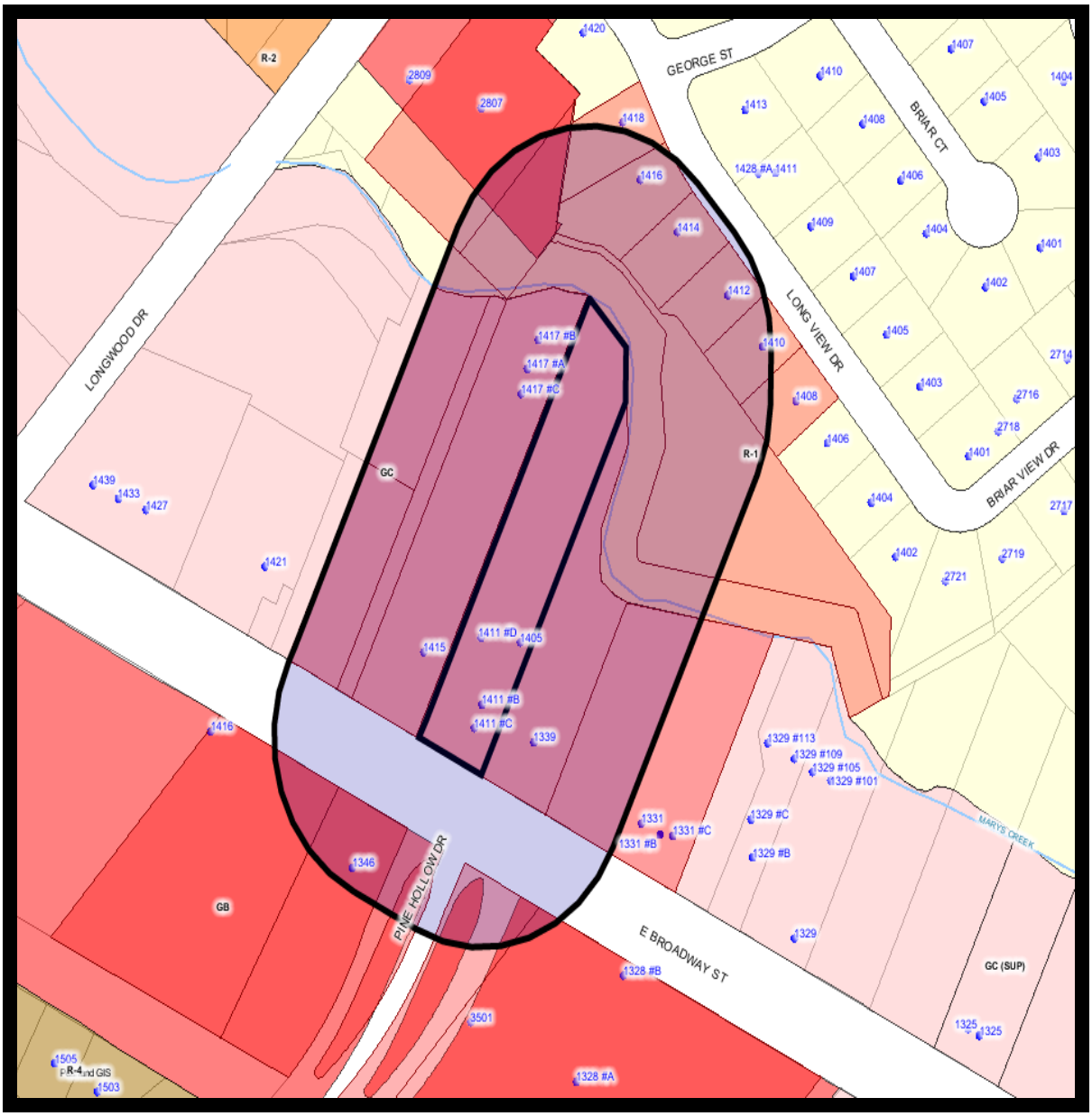


VICINITY MAP

CONDITIONAL USE PERMIT 2010-01

1411 BROADWAY , PEARLAND, TEXAS

↑
NORTH



ABUTTER MAP

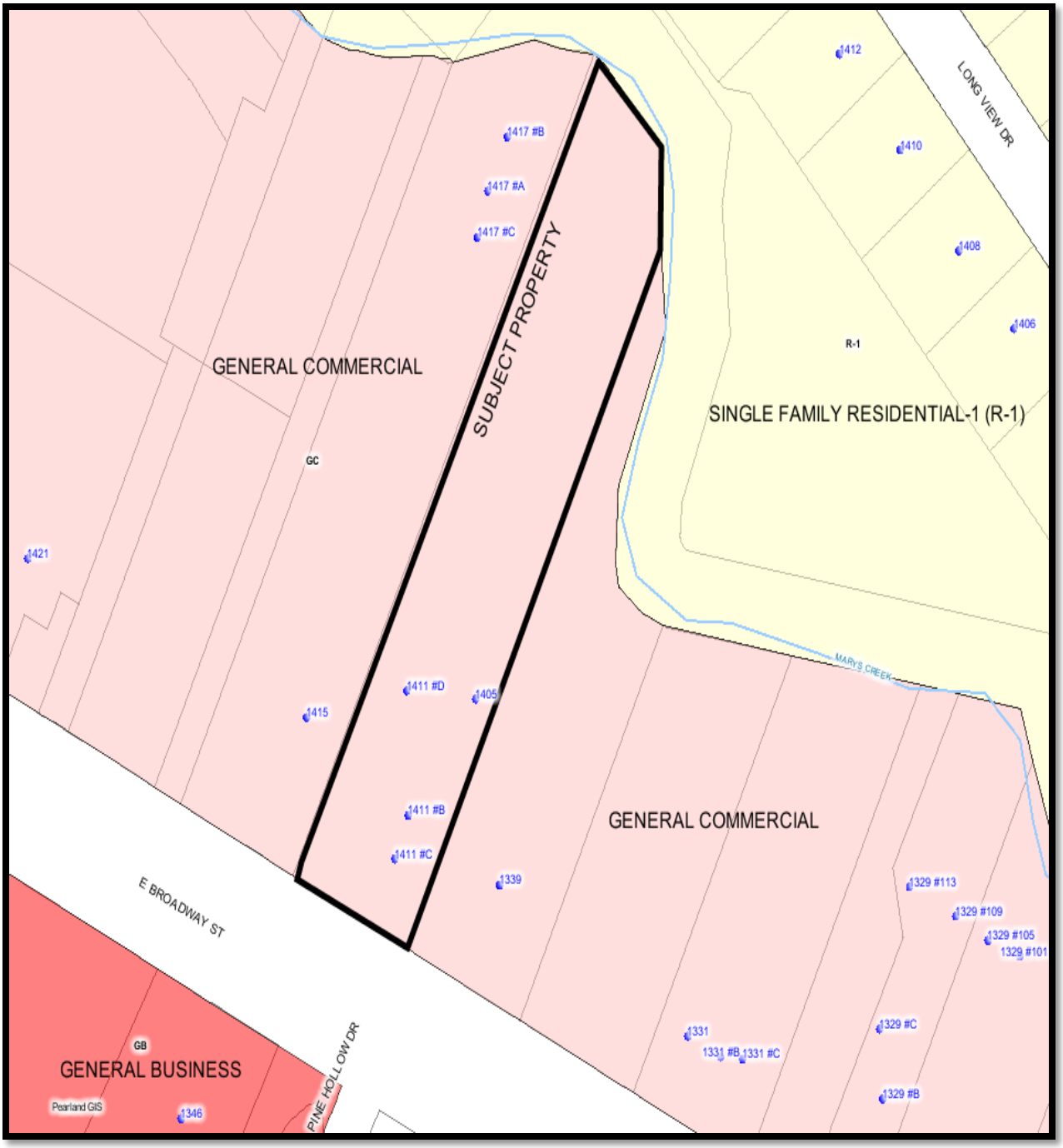
CONDITIONAL USE PERMIT 2010-01

1411 BROADWAY, PEARLAND, TEXAS

↑
NORTH

CUP APPLICATION NO. 2010-01
1411 BROADWAY
PROPERTY OWNERS NOTIFICATION LIST

AB PRODUCTS	PO BOX 1018	PEARLAND	TX	77588
BARNETT DRYWALL & SUPPLY	1331 BROADWAY ST	PEARLAND	TX	77581
BARNETT DRYWALL & SUPPLY	1331 BROADWAY ST	PEARLAND	TX	77581
BARNETT DRYWALL & SUPPLY	1331 BROADWAY ST	PEARLAND	TX	77581
BARNETT DRYWALL & SUPPLY	1331 BROADWAY ST	PEARLAND	TX	77581
BARNETT DRYWALL & SUPPLY	1331 BROADWAY ST	PEARLAND	TX	77581
BARNETT DRYWALL & SUPPLY	1331 BROADWAY ST	PEARLAND	TX	77581
BARNETT SANDRA	1331 BROADWAY ST	PEARLAND	TX	77581
DITTA VINCENT J & GLENDA E	1412 LONG VIEW DR	PEARLAND	TX	77581
DOSS NOLAN P JR	2809 LONGWOOD ST	PEARLAND	TX	77581
DOSS NOLAN P JR	2809 LONGWOOD ST	PEARLAND	TX	77581
EAGLE SUITES LLC	1301 PEPPER DR STE D	EL CAJON	CA	92021
FORRESTER JOE H & FONDA J	1418 LONG VIEW DR	PEARLAND	TX	77581
FROMME RANCE & STEPHANIE	1414 LONG VIEW DR	PEARLAND	TX	77581
GRAY LLOYD W & SHIRLEY	1416 LONG VIEW DR	PEARLAND	TX	77581
HOUSTON PINE HOLLOW ASSOC LTD	7373 E DOUBLETREE STE 225	SCOTTSDALE	AZ	85258
HOUSTON PINE HOLLOW ASSOC LTD	7373 E DOUBLETREE STE 225	SCOTTSDALE	AZ	85258
PINE HOLLOW HOMEOWNERS ASSOC			TX	0
SHANE BARBARA B	1410 LONG VIEW DR	PEARLAND	TX	77581
SOUTHWEST GUARANTY INVTRS LTD				0
TOWNSEND STEVE	1411 BROADWAY ST	PEARLAND	TX	77581
WILSON JOHN J & DOLORES K	1408 LONG VIEW DR	PEARLAND	TX	77581

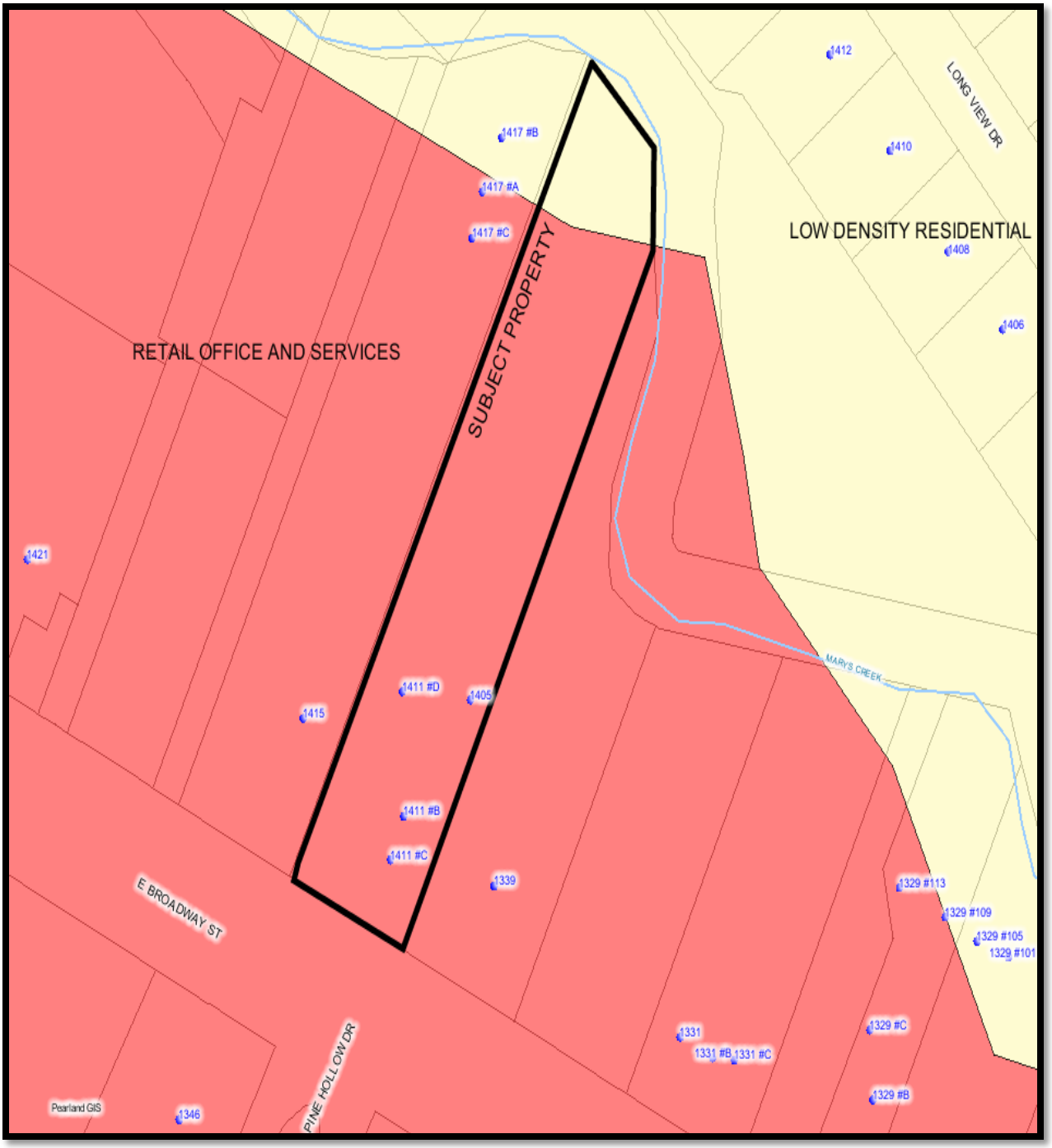


ZONING MAP

CONDITIONAL USE PERMIT 2010-01

1411 BROADWAY, PEARLAND, TEXAS

↑
NORTH

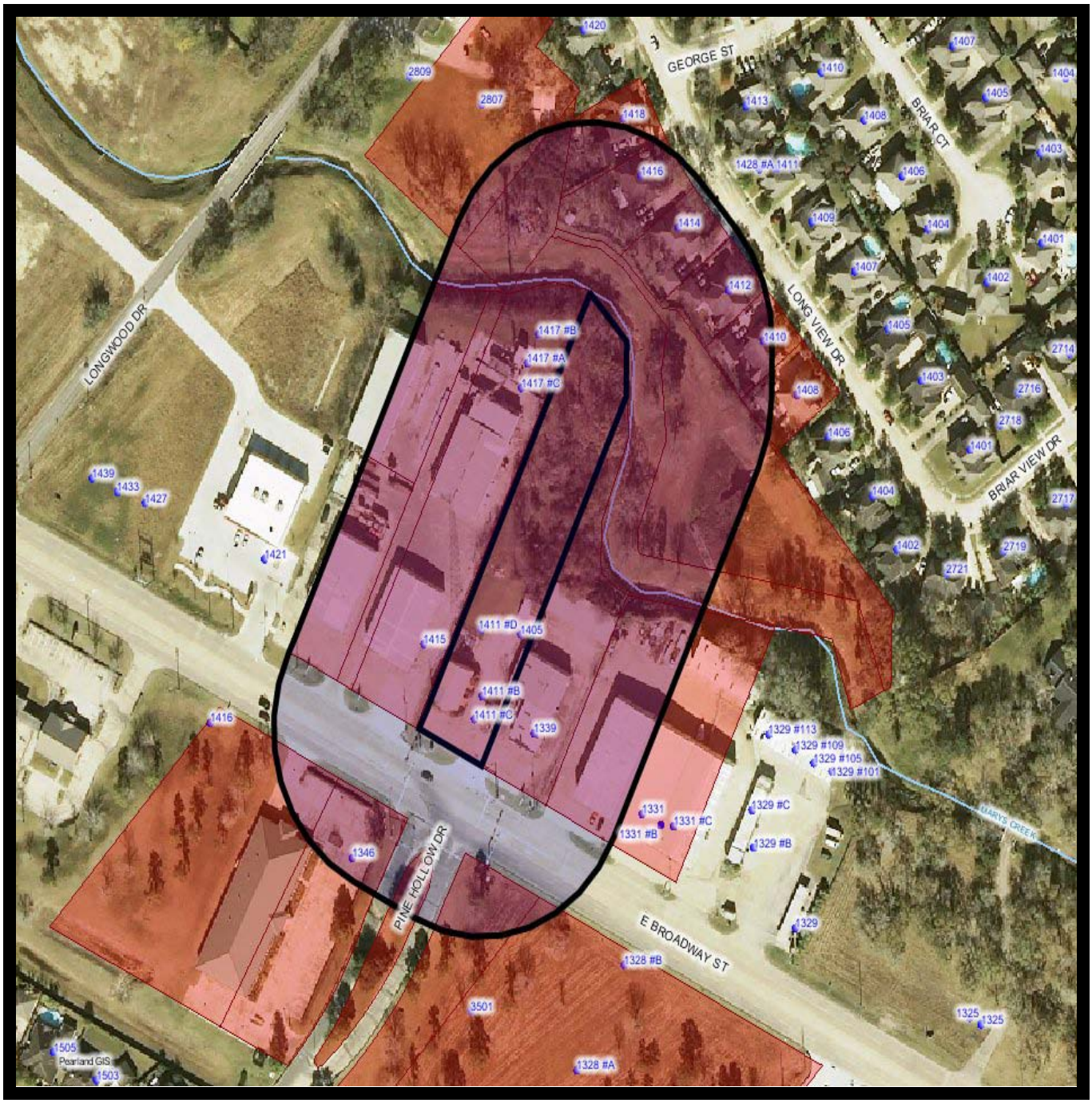


FUTURE LAND USE MAP

CONDITIONAL USE PERMIT 2010-01

1411 BROADWAY, PEARLAND, TEXAS

↑
NORTH



AERIAL MAP

CONDITIONAL USE PERMIT 2010-01

1411 BROADWAY, PEARLAND, TEXAS

↑
NORTH

Application for a

Conditional Use Permit

To the

City of Pearland

by

Clear Wire LLC

for

Collocation on an Existing Tower

Located at:

1411 Broadway
(Clearwire ID: TX-HOU0284)

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B. GC Zone District 58

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FROM : THE MUSIC FACTORY PHONE NO. : 281 482 0100 Feb. 19 2010 01:25PM P1

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

Conditional Use Permit Request for: Collocation of antenna and equipment on existing communications tower.
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: GC - General Commercial

Property Information:

Address or General Location of Property: TX-HOU0284
1411 Broadway, Pearland, TX 77581

Tax Account No. 219007

Subdivision: Jenkins (A0111) Lot: 6 Block:

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME Steve Townsend
ADDRESS 2400 N. Hwy 35 Bypass
CITY Alvin STATE TX ZIP 77511
PHONE(713) 482-0100
FAX( )
E-MAIL ADDRESS

APPLICANT INFORMATION:

NAME Clear Wireless, LLC
ADDRESS 3300 Carillion Point
CITY Kirkland STATE WA ZIP 98033
PHONE(281) 580-4100
FAX(281) 580-4108
E-MAIL ADDRESS blake.griggs@powderriverdev.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: Steve Townsend Date: 2/19/10

Agent's Signature: Blake Griggs Date: 2/15/2010

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:

Application No.

Contact Information

Tower Owner

Tower Ventures / GTP
Monty Prewit – Regional Manager
(512) 992-5361
mprewit@gtpsites.com

Property Owner

Steve C. Townsend
1411 Broadway
Pearland, TX
281-482-0100

Applicant

Clear Wire
Mike Brogan - Director
3800 Buffalo Speedway, Suite 200
Houston, TX 77069
(214) 395-8702
mike.brogan@clearwire.com

Agent for Applicant

Powder River Development
Blake Griggs - Real Estate Manager
13131 Champions Drive, Suite 208
Houston, TX 77069
713-261-5357
Blake.Griggs@PowderRiverDev.com

Exhibit A-1

Metes and Bounds Description of Property

Metes & Bounds Legal Description

Being a 1.24 acre (53,811 square feet) parcel situated in the Perry & Austin League, Abstract 111, Brazoria County, Texas, and being all of a called 1.2438 acre tract conveyed to Steve C. Townsend by Deed recorded under Volume 1441, Page 979 of the Brazoria County Official Public Records, said 1.24 acre parcel more particularly described by metes and bounds as follows with all bearings based on the Texas State Plane Coordinate System, South Central Zone;

BEGINNING, at a 5/8–inch iron rod set with cap (stamped "4833 Town & Country"), in the northeast right–of–way line of East Broadway Street – F.M. 518 (called 100 feet wide – Volume 2, Page 20, Brazoria County Map Records) for the most southerly corner of a called 1.6819 acre tract ("Tract 3"), conveyed to Barnett Drywall & Supply Company by Deed recorded under Clerk's File No. 94–013007 of the Brazoria County Official Public Records of Real Property, and the most westerly corner of said 1.2438 acre tract, for the most westerly corner of the herein described parcel, from which an "X" found in concrete bears North 62°54'20" West, 129.69 feet;

THENCE, North 26°52'34" East (called North 29°57'20" East), passing at a distance of 541.75 feet a 1/2–inch iron rod found along the southeasterly line of said 1.6819 acre tract, and the northwesterly line of said 1.2438 acre, continuing for a total distance of 576.76 feet to a point in Mary's Creek, in the westerly line of the Final Plat of Briarglen Sect. 3 according to the map or plat thereof recorded under Volume 19, Page 483 of the Brazoria County Map Records, for the easterly most corner of said 1.6819 acre tract, for the most northerly corner of said 1.2438 acre tract and the herein described parcel;

THENCE, along the westerly line of said Briarglen Sect. 3, and the northerly line of said 1.2438 acre tract, along the meanders of said Mary's Creek the following courses and distances:

South 35°46'19" East, 68.84 feet;
South 10°27'48" West, 33.86 feet;
South 10°47'33" East, 47.93 feet to a point for the most northerly corner of a called 0.7566 acre tract conveyed to AB Products by Deed recorded under Clerk's File No. 95–009656 of the Brazoria County Official Public Records of Real Property, for the most easterly corner of said 1.2438 acre tract, and the herein described parcel;

THENCE, South 26°52'34" West (called South 29°57'20" West, passing at a distance 24.98 feet a 1/2–inch iron rod found along the northwesterly line of said 0.7566 acre tract, and the southeasterly line of said 1.2438 acre tract, continuing for a total distance of 474.57 feet to an "X" set in concrete in the northeasterly right–of–way line of East Broadway Street, for the most westerly corner of said 0.7566 acre tract, for the most southerly corner of said 1.2483 acre tract and the herein described parcel, from which a 1/2–inch iron rod found bears South 62°54'20" East, 98.87 feet;

THENCE, North 63°12'20" West (called North 60°20'40" West), 100.00 feet along the northeasterly right–of–way line of said East Broadway Street, and the southwesterly line of said 1.2438 acre tract to the POINT OF BEGINNING, CONTAINING 1.24 acre (53,811 square feet) of land in Brazoria County, Texas.

Exhibit A-2

Plat of Property

1.24 ACRE
(53,811 SQ. FT.)
IN THE
PERRY & AUSTIN LEAGUE, A-111
BRAZORIA COUNTY, TEXAS

Being a 1.24 acre (53,811 square feet) parcel situated in the Perry & Austin League, Abstract 111, Brazoria County, Texas, and being all of a called 1.2438 acre tract conveyed to Steve C. Townsend by Deed recorded under Volume 1441, Page 979 of the Brazoria County Official Public Records, said 1.24 acre parcel more particularly described by metes and bounds as follows with all bearings based on the Texas State Plane Coordinate System, South Central Zone;

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General Notes

1. The surveyor has not abstracted the site. This survey relies on the title search from Texas Abstract Services (Control No. 16364) effective date of January 11, 2010.

2. The professional service reflected on this plat of survey is provided in connection with the transaction anticipated by the title search referenced and dated above; it is not to be used for any other purpose.

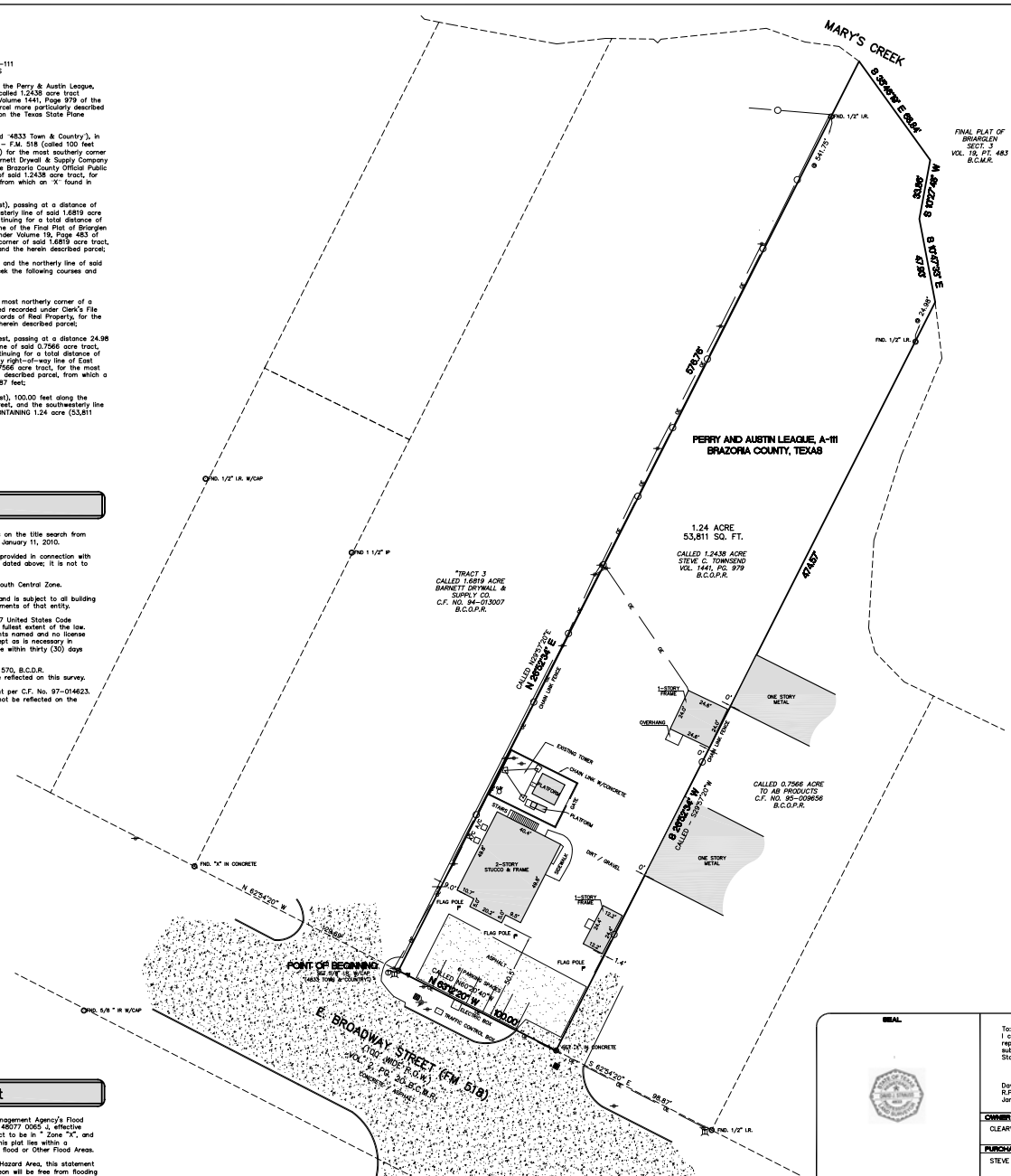
3. Bearings based on Texas State Plane Coordinate System, South Central Zone.

4. Property lies within the city limits of the City of Pearland and is subject to all building setbacks, platting requirements and other development requirements of that entity.

5. This original work is protected under copyright laws, Title 17 United States Code Sections 101 and 102. All violators will be prosecuted to the fullest extent of the law. This survey is being provided solely for the use of the recipients named and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within thirty (30) days from the date adjacent to the signature line herein.

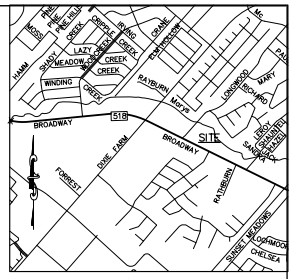
6. Subject to right-of-way easement per Volume 512, Page 570, B.C.D.R. Right-of-way easement is blanket in nature and could not be reflected on this survey.

7. Subject to PCS Site Agreement Memorandum of Agreement per C.F. No. 97–014623. Easement and lease area's descriptions are vague and could not be reflected on the survey.



LEGEND

FENCES
BARBED WIRE
CHAIN LINK
WOOD
STOCKADE
ELECTRIC
POWER POLE
LIGHT POLE
BOX
OVERHEAD LINE
UNDERGROUND L.
STORM SEWER
GRATE INLET
D INLET
MANHOLE
SAN SEWER
MANHOLE
PIPING
CLEANOUT
WATER
VALVE
METER
FIREHYDRANT
GAS
VALVE
METER
TELEPHONE
MANHOLE
PEDESTAL
CABLE TV
BOX
PIPELINE MARKER
PROPERTY MARKER
UNDERGROUND CABLE



VICINITY MAP
N.T.S.

GRAPHIC SCALE
30 0 30 60
(IN FEET)
1 inch = 30 ft.

Legal Description

BOUNDARY SURVEY
OF
1.24 ACRE - 53,811 SQ. FT.
IN THE
PERRY & AUSTIN LEAGUE, A-111
BRAZORIA COUNTY, TEXAS

DATE	REVISION-DESCRIPTION	BY	CHECKED

Flood Statement

Flood Statement: I have examined the Federal Emergency Management Agency's Flood Insurance Rate Map for Brazoria County, Texas, Map Number 48077 0065 J, effective date of September 22, 1999, and the map indicates this tract to be in "Zone "X", and "Zone "AE", determined to be inside 100 year flood plain"; This plat lies within a designated Special Flood Hazard Area, inundated by 100 year flood or Other Flood Areas.

Warning: If this site is not within an identified Special Flood Hazard Area, this statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This determination has been made by scaling the property on the referenced map and is not the result of an elevation survey. This flood statement shall not create liability on the part of the surveyor.

SEAL

SURVEYOR CERTIFICATION
To: BC Architects and Clearwire Houston
I certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of survey and that this professional service substantially conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 3 Survey.

David J. Strauss
R.P.L.S. 4833
January 14, 2010

David J. Strauss

OWNER	FIELD BOOK	184
CLEARWIRE HOUSTON	FIELD WORK	DF
	DATE	1/14/10
	DRAFTING	RWO
PURCHASER	DATE	1/16/10
STEVE C. TOWNSEND	CHECKED	RS
	DATE	1/16/10
	MTGE. CO.	
ADDRESS	TITLE CO.	TEXAS ABSTRACT SERVICES
1411 BROADWAY	G.F. NO.	16364
PEARLAND, TEXAS 77581	SCALE	1"=30'
	KEY MAP	
	JOB. NO.	2027–0001

TOWN & COUNTRY SURVEYORS, LLC
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465–8730
FAX (281)465–8731
SHEET 1 OF 1

Exhibit B

Parcel Map from city website

City Parcel Map

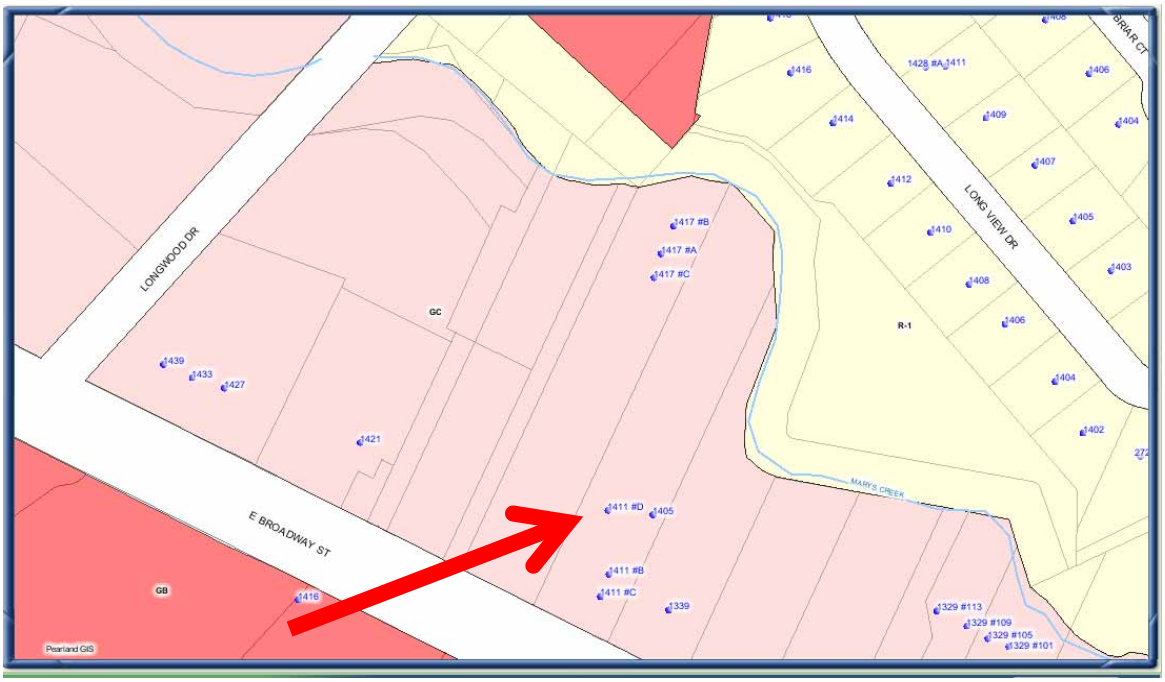


Exhibit C

Letter of Intent

CLEAR

4400 Carillon Point
Kirkland, WA 98033

p: 425-216-7600
f: 425-216-7900

www.clear.com

Monday, February 15, 2010

City of Pearland Community Development
3523 Liberty Dr
Pearland, TX 77581
Attn: Angela Gantuah

RE: Letter of Intent for CUP Application HOU0284

Ms. Gantuah:

Powder River Development has been contracted by Clear Wireless, LLC to manage the development of its network in the Houston area. Based on the PreDevelopment Meeting we had on 12-16-2009, I am filing for a Conditional Use Permit (CUP) for co-locating antennas and related ground equipment on an existing tower located at 1411 Broadway, Pearland, TX 77581.

Our ground space is limited to a 7'x7' area with several small equipment cabinets, mounted on an elevated platform instead of a concrete slab. We will be adding one additional array of antennas to the tower. The only utilities involved in this proposal are telephone and electricity.

Our current proposal does not include:

- Increased tower height
- Additional ground space to the compound
- Impervious ground cover
- Removal of any trees

If you have any questions, I can be reached at 713-261-5357.

Sincerely,

Blake Griggs
Powder River Real Estate Manager
ClearWire Project Houston
Blake.Griggs@PowderRiverDev.com
281-580-4100 (office)
281-580-4108 (fax)
713-261-5357 (cell)

Exhibit D

Site Plan

Full set of Construction Drawings to be submitted for Building Permit

General Notes

1. The surveyor has not abstracted the site. This survey relies on the title search from Texas Abstract Services (Control No. 16364) effective date of January 11, 2010.

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3. Bearings based on Texas State Plane Coordinate System, South Central Zone.

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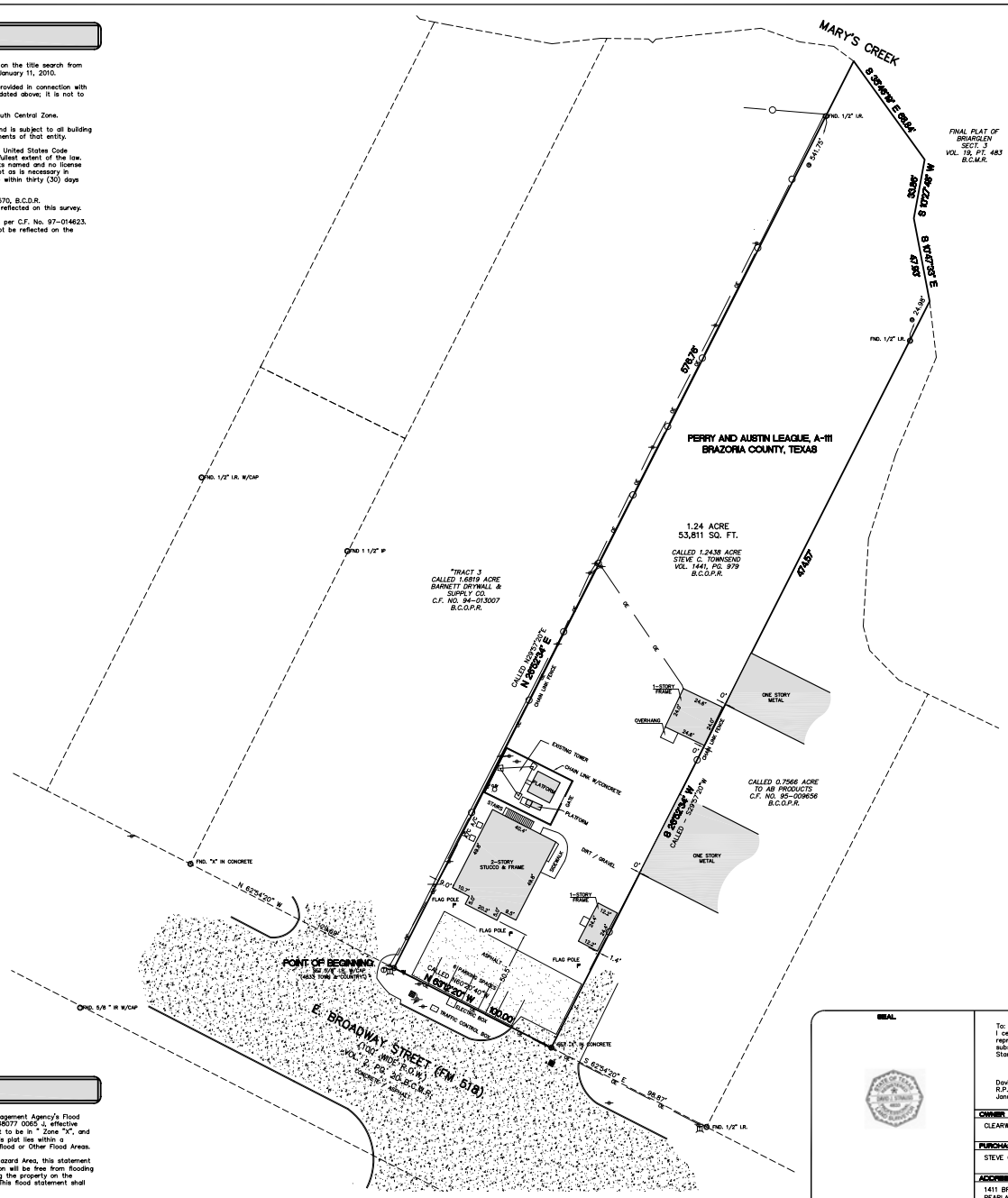

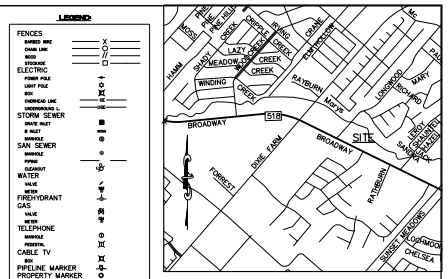

VICINITY MAP
N.T.S.

LEGEND

FENCES	
BARBED WIRE	X
CHAIN LINK	O
WOOD	//
STOCKADE	
ELECTRIC	
POWER POLE	
LIGHT POLE	
BOX	
OVERHEAD LINE	
UNDERGROUND L.	
STORM SEWER	
GRATE INLET	
D INLET	
MANHOLE	
SAN SEWER	
MANHOLE	
PIPING	
CLEANOUT	
WATER	
VALVE	
METER	
FIREHYDRANT	
GAS	
VALVE	
METER	
TELEPHONE	
MANHOLE	
PEDESTAL	
CABLE TV	
BOX	
PIPELINE MARKER	
PROPERTY MARKER	
UNDERGROUND CABLE	

GRAPHIC SCALE

30 0 30 60

(IN FEET)
1 inch = 30 ft.

SITE PLAN
OF
1.24 ACRE - 53,811 SQ. FT.
IN THE
PERRY & AUSTIN LEAGUE, A-111
BRAZORIA COUNTY, TEXAS

DATE	REVISION-DESCRIPTION	BY	CHECKED

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SURVEYOR CERTIFICATION

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David J. Strauss
R.P.L.S. 4833
January 14, 2010

David J Strauss

OWNER	FIELD BOOK	184
CLEARWIRE HOUSTON	FIELD WORK	DF
	DATE	1/14/10
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PURCHASER	DATE	1/16/10
STEVE C. TOWNSEND	CHECKED	RS
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	MTGE. CO.	
ADDRESS	TITLE CO.	TEXAS ABSTRACT SERVICES
1411 BROADWAY	G.F. NO.	16364
PEARLAND, TEXAS 77581	SCALE	1"=30'
	KEY MAP	
	JOB. NO.	2027-0001

TOWN & COUNTRY SURVEYORS, LLC
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465-8730
FAX (281)465-8731
SHEET 1 OF 1

Exhibit E

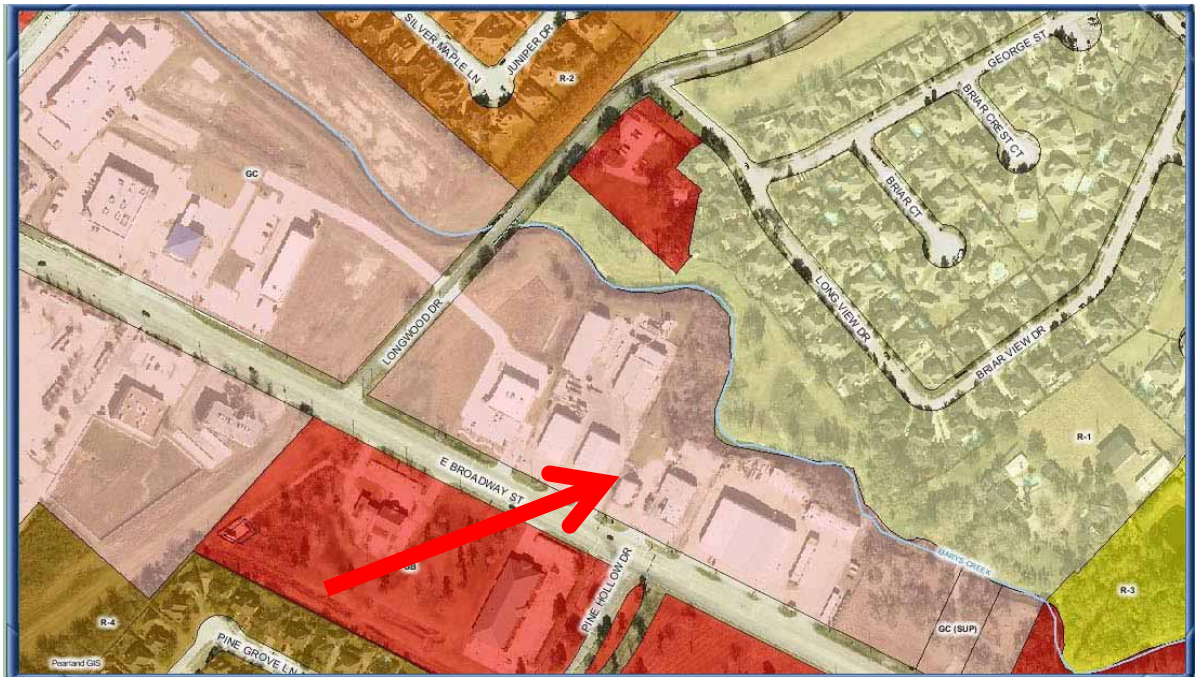
Acknowledgement of Posting

To be submitted upon actual posting

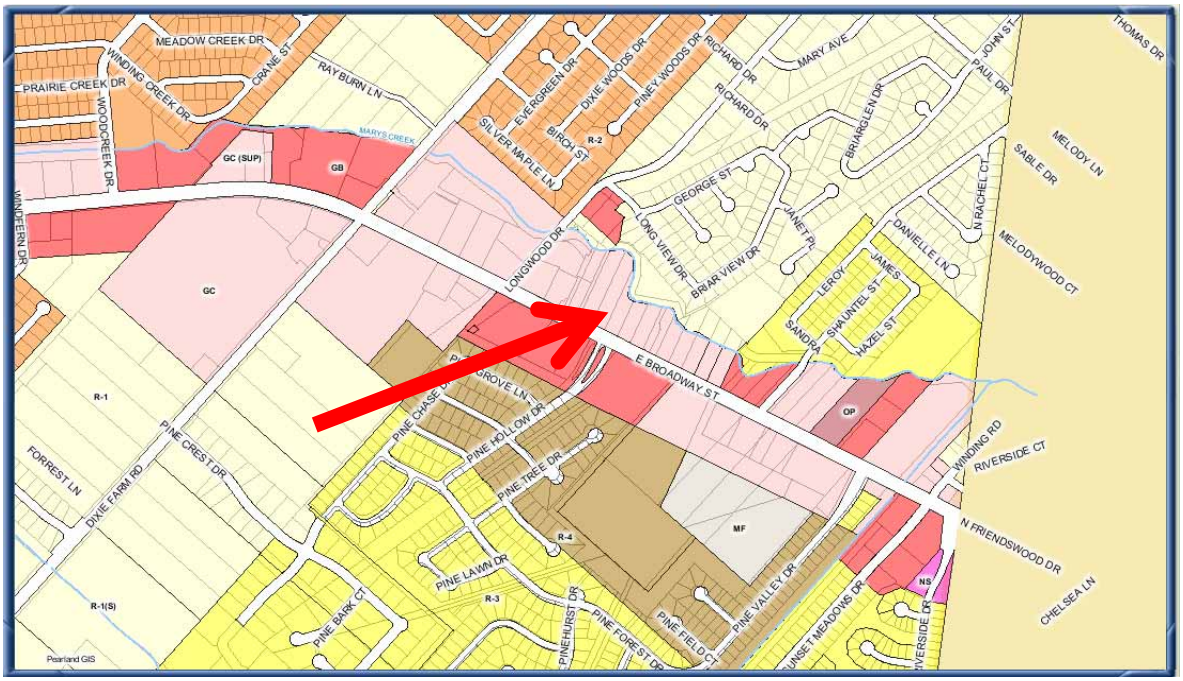
Supplemental A

Maps

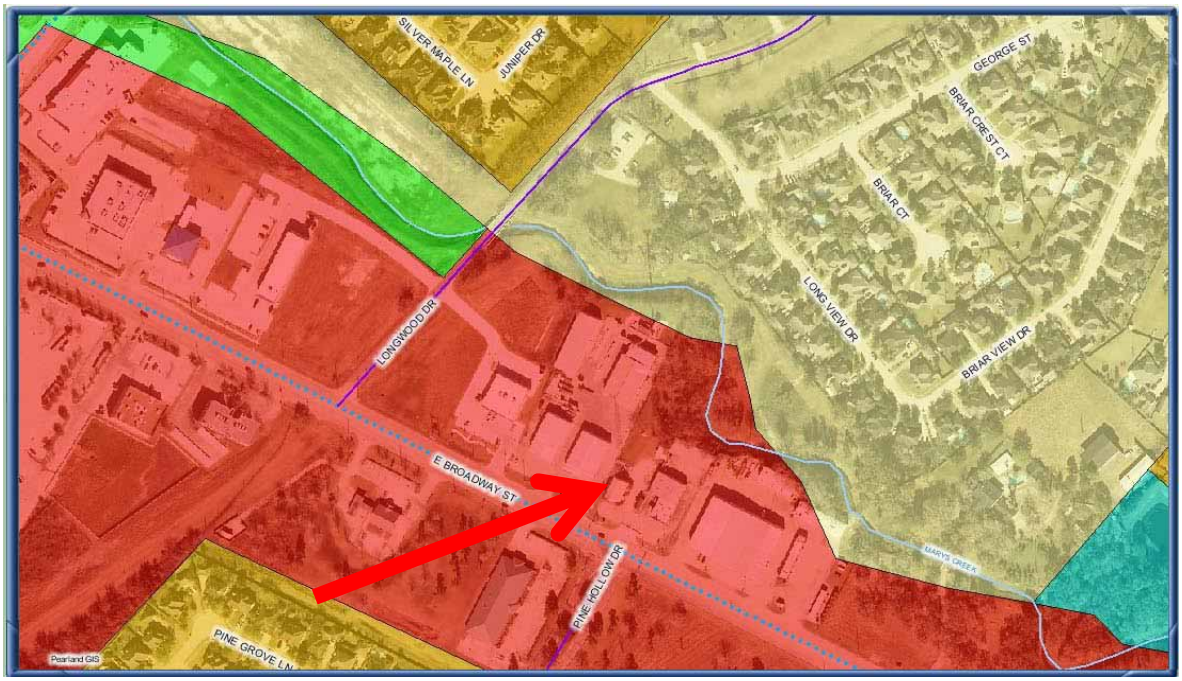
Zoning Map



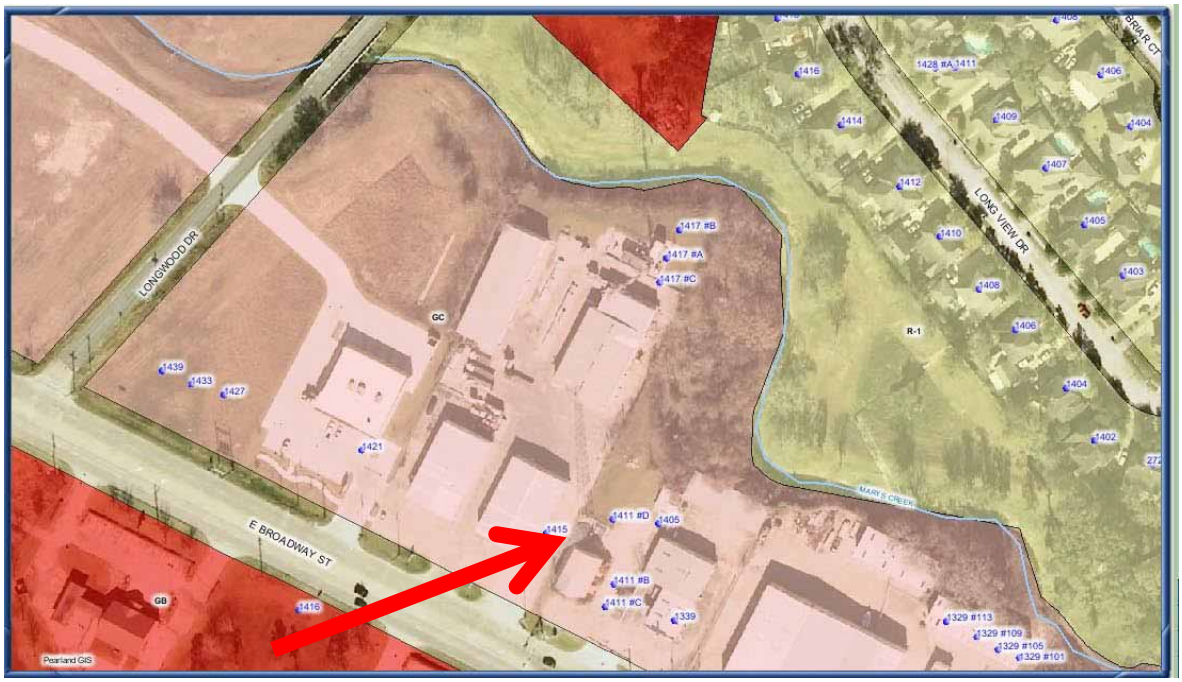
Zoning Overview



Land Use with Aerial



Zoning Map with Address Points



Satellite Image

Enlarged Satellite Image

Supplement B

Photos

Site Photos

Looking towards site

Looking towards site

Site Photos

Close up of compound

From compound looking out

Supplement C

Property Records

Brazoria CAD

Property Search Results > 219007 TOWNSEND STEVE for Year 2010

Property

Account

Property ID:	219007	Legal Description:	JENKINS (A0111 PERRY & AUSTIN)(PEARLAND) , LOT 6, ACRES 1.240
Geographic ID:	5411-0045-117	Agent Code:	
Type:	Real		

Location

Address:	1411 E BROADWAY FM 518 PEARLAND, TX 77581	Mapsco:	
Neighborhood:	COMM ACCTS	Map ID:	
Neighborhood CD:	COMM		

Owner

Name:	TOWNSEND STEVE	Owner ID:	70417
Mailing Address:	1411 BROADWAY ST PEARLAND, TX 77581-6307	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	N/A		
(+) Improvement Non-Homesite Value:	+	N/A		
(+) Land Homesite Value:	+	N/A		
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value	
(+) Agricultural Market Valuation:	+	N/A		N/A
(+) Timber Market Valuation:	+	N/A		N/A

(=) Market Value:	=	N/A		
(–) Ag or Timber Use Value Reduction:	–	N/A		

(=) Appraised Value:	=	N/A		
(–) HS Cap:	–	N/A		

(=) Assessed Value:	=	N/A		

Taxing Jurisdiction

Owner: TOWNSEND STEVE
% Ownership: 100.0000000000%
Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CPL	CITY OF PEARLAND	N/A	N/A	N/A	N/A
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	N/A	N/A	N/A	N/A
GBC	BRAZORIA COUNTY	N/A	N/A	N/A	N/A
RDB	ROAD & BRIDGE FUND	N/A	N/A	N/A	N/A
SPL	PEARLAND INDEPENDENT SCHOOL DISTRICT	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			
				Taxes w/Current Exemptions:	N/A
				Taxes w/o Exemptions:	N/A

Improvement / Building

Improvement #1: Commercial **State Code:** F1 **Living Area:** 2568.0 sqft **Value:** N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
353	RETAIL STORE	D		1980	2568.0

Improvement #2: Misc Imp **State Code:** F1 **Living Area:** sqft **Value:** N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
YPA1	ASPHALT PAVING	*		1983	1123.0

Improvement #3:	Misc Imp	State Code:	F1	Living Area:	sqft	Value:	N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
YRS1	FRAME STORAGE BLDG	*		1978	288.0

Improvement #4:	Misc Imp	State Code:	F1	Living Area:	sqft	Value:	N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
YRS1	FRAME STORAGE BLDG	*		1978	576.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	S1	PRIMARY SITE	0.5000	21780.00	0.00	0.00	N/A	N/A
2	S2	SECONDARY SITE	0.7400	32234.00	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2010	N/A	N/A	N/A	N/A	N/A	N/A
2009	$85,390	$56,450	0	141,840	$0	$141,840
2008	$88,590	$56,450	0	145,040	$0	$145,040
2007	$88,590	$56,450	0	145,040	$0	$145,040
2006	$108,380	$56,850	0	165,230	$0	$165,230
2005	$19,500	$42,340	0	61,840	$0	$61,840
2004	$21,120	$42,340	0	63,460	$0	$63,460
2003	$22,530	$27,010	0	49,540	$0	$49,540
2002	$21,190	$40,510	0	61,700	$0	$61,700
2001	$27,250	$34,000	0	61,250	$0	$61,250

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page

Questions Please Call (979) 849-7792

This year is not certified and ALL values will be represented with "N/A".

Website version: 1.2.2.2

Database last updated on: 2/8/2010 8:45 PM

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Brazoria CAD

Property Search Results > 617515 T-MOBILE USA for Year 2010

Property

Account

Property ID:	617515	Legal Description:	CELL SITE EQUIPMENT
Geographic ID:	8700-0140-158	Agent Code:	ID:1027736
Type:	Personal		

Location

Address:	1411 BROADWAY TX	Mapsco:	
Neighborhood:		Map ID:	
Neighborhood CD:			

Owner

Name:	T-MOBILE USA	Owner ID:	1036636
Mailing Address:	12920 SE 38TH ST BELLEVUE, WA 98006-7305	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	N/A		
(+) Improvement Non-Homesite Value:	+	N/A		
(+) Land Homesite Value:	+	N/A		
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value	
(+) Agricultural Market Valuation:	+	N/A		N/A
(+) Timber Market Valuation:	+	N/A		N/A

(=) Market Value:	=	N/A		
(–) Ag or Timber Use Value Reduction:	–	N/A		

(=) Appraised Value:	=	N/A		
(–) HS Cap:	–	N/A		

(=) Assessed Value:	=	N/A		

Taxing Jurisdiction

Owner: T-MOBILE USA
% Ownership: 100.0000000000%
Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CPL	CITY OF PEARLAND	N/A	N/A	N/A	N/A
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	N/A	N/A	N/A	N/A
GBC	BRAZORIA COUNTY	N/A	N/A	N/A	N/A
RDB	ROAD & BRIDGE FUND	N/A	N/A	N/A	N/A
SPL	PEARLAND INDEPENDENT SCHOOL DISTRICT	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			
				Taxes w/Current Exemptions:	N/A
				Taxes w/o Exemptions:	N/A

Improvement / Building

No improvements exist for this property.

Land

No land segments exist for this property.

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2010	N/A	N/A	N/A	N/A	N/A	N/A
2009	$0	$0	0	85,090	$0	$85,090

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page

Questions Please Call (979) 849-7792

This year is not certified and ALL values will be represented with "N/A".

Website version: 1.2.2.2

Database last updated on: 2/8/2010 8:45 PM

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Supplement D

Structural Analysis

GTP
GLOBAL TOWER Services

Structural Analysis Report

150 ft. Self Support Tower

1411 East Broadway, Pearland, TX 77581
Brazoria County
(TX-5434, FM 2351)

Clearwire LLC
Clearwire Site Number: TX-HOU0284
Clearwire Site Name: GTP TX-5434

Prepared by:

Global Tower Services, LLC
Michael T. De Boer, P.E.
Director of Structural Engineering

June 25, 2009

750 Park of Commerce Boulevard • Suite 300 • Boca Raton, FL 33487-3612
Phone 605.422.1548 • Fax 605.422.1550 • www.gtpsites.com

Global Tower Services, LLC
June 25, 2009
FM 2351
TX-5434

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Introduction.....3

Description of Structure.....3

Design Parameter.....3

Antenna Loading Information.....4

Analysis Results.....4 - 5

Analysis Summary and Conclusions.....5

Standard Conditions.....6

Disclaimer of Warranties.....7

Appendix A - Tower Profile.....Attached

Appendix B - Calculations.....Attached

Global Tower Services, LLC
June 25, 2009
FM 2351
TX-5434

INTRODUCTION

We have completed the structural analysis for the existing 150 ft. self support tower located in Brazoria County (1411 East Broadway, Pearland), TX. The objective of the analysis is to determine if the existing self support tower design is in conformance / compliance with the current codes and standards for the proposed equipment installation.

TSTower written by TowerSoft was utilized in performing the analysis. This program is a commercially available software program which was used to create a non-linear three-dimensional beam model and calculate member stresses for various loading conditions.

DESCRIPTION OF STRUCTURE

The existing structure is a 150 ft. self support tower. The original tower manufacturer is Rohn Industries, Peoria, IL. The existing structure consists of eight (8) sections with pipe legs and angle bracing.

A tower mapping provided by High Maintenance Tower Company and by Tower Engineering Professionals were used to model the tower steel. (April 7, 2009, TEP No. 091554, June 16, 2009) The tower legs are considered to be manufactured from 50 ksi steel, the diagonals and horizontals are considered to be 36 ksi and the bolts are A325X.

The self support tower, for the purpose of analysis, is considered to be in good condition with no defects.

DESIGN PARAMETERS

- Standard:	ANSI/TIA-222-F-1996
- Basic Wind Speed:	100 mph (fastest mile)
	120 mph (3-sec gust)
- Serviceability Wind Speed:	50 mph (fastest mile)
- Basic Wind Speed with Ice:	N/A
- Design Ice Thickness:	0.00 (inch)
- Allowable Stress Increase:	1/3 for wind loading conditions

Global Tower Services, LLC
June 25, 2009
FM 2351
TX-5434

ANTENNA LOADING INFORMATION

Existing and Reserved Loading Information

Antenna Description/Mount	Qty	Elev. (ft.)	TX Lines	Qty	Customer
APXV18-206517LS / Sector Frames	9	130	7/8"	18	T-Mobile
ATMAP1412D-1A20 / Sector Frames	6	130			T-Mobile

Proposed Loading Information

Antenna Description/Mount	Qty	Elev. (ft.)	TX Lines	Qty	Customer
Generic Panel Type (42" x 13" x 3") / T-Frames	3	150	5/16"	6	Clearwire
Motorola DAP Vx / T-Frames	3	150			Clearwire
Andrew VHLP2-18-1WH / T-Frames	3	150	½"	3	Clearwire
Dragonwave ODU's / T-Frames	3	150			Clearwire

ANALYSIS RESULTS

Structure

The existing 150 ft. self support tower **is not structurally capable** of supporting the proposed equipment. **(See table below)** The following areas will require reinforcement:

- The existing tower diagonals between 80' – 100' are overstressed and will need to be replaced or reinforced.

Self Support Tower	% Capacity	Results
Tower Legs	92	Pass
Tower Diagonals	128	**Fail**
Tower Horizontals	38	Pass

(105 percent is considered acceptable.

Tower Rotation	Actual	Allowable
135' Elevation	0.75degrees	2.40 degrees

Note: Above at the maximum wind speed of 100 mph (fastest mile).

Global Tower Services, LLC
June 25, 2009
FM 2351
TX-5434

ANALYSIS RESULTS continued

Foundation

The existing foundation has also been reviewed. The existing foundation was found to be **acceptable** with the proposed loading.

Tower Rating: 128% (Modifications will be required for the proposed installation.)

Summary and Conclusions

The existing 150 ft. self support tower located in Brazoria County (1411 East Broadway, Pearland), TX **is not structurally acceptable** based upon the EIA-222-F 1996 Standard and the local building code with the proposed equipment installed. **Tower reinforcement will be required for the proposed equipment installation.**

If any other changes are proposed, another structural analysis should be performed to assure the tower is in compliance / conformance with the applicable codes and standards.

Should any further questions arise, please contact the Global Tower Services, LLC Engineering Department at 605-422-1548.

Global Tower Services, LLC

Michael T. De Boer, P.E.
Director of Structural Engineering

STATE OF TEXAS
MICHAEL T. DeBOER
82386
REGISTERED PROFESSIONAL ENGINEER

6/25/09

Global Tower Services, LLC
June 25, 2009
FM 2351
TX-5434

Standard Conditions

All engineering services are performed on the basis that the information used is current and correct. This information may consist of, but not necessarily limited, to:

- Information supplied by the client regarding the structure itself, the antenna and transmission line loading on the structure and it components, or relevant information.

- Information from drawings in possession of Global Tower Services, LLC, or generated by field inspections or measurements of the structure.

It is the responsibility of the client to ensure that the information provided to Global Tower Services, LLC and used in the performance of our engineering services is correct and complete. In the absence of information contrary, we consider that all structures were constructed in accordance with the drawings and specifications and are in an un-corroded condition and have not deteriorated; and we, therefore consider that their capacity has not significantly changed from the original design condition.

All services will be performed to the codes and standards specified by the client, and we do not imply to meet any other code and standard requirements unless explicitly agreed to in writing. If wind and ice loads or other relevant parameters are to be different from the minimum values recommended by the codes and standards, the client shall specify the exact requirements. In the absence of information to the contrary, all work will be performed in accordance with the revision of ANSI/TIA/EIA-222 requested.

All services are performed, results obtained and recommendations made in accordance with the generally accepted engineering principles and practices. Global Tower Services, LLC is not responsible for the conclusions, opinions and recommendations made by others based on the information we supply.

Global Tower Services, LLC
June 25, 2009
FM 2351
TX-5434

Disclaimer of Warranties

The engineering services by **Global Tower Services, LLC** in connection with this Structural Analysis are limited to a computer analysis of the tower structure, size and capacity of its members. **Global Tower Services, LLC** does not analyze the fabrication, including welding, except as included in this report.

The purpose of this report is to assess the feasibility of adding appurtenances usually accompanied by transmission lines. Any mention of structural modifications are reasonable estimates and should not be used a precise construction document. Precise modification drawings are obtainable from **Global Tower Services, LLC** but are beyond the scope of this report.

Global Tower Services, LLC makes no warranties, expressed or implied, in connection with this report and disclaim any liability arising from material, fabrication and erection of this tower. **Global Tower Services, LLC** will not be responsible whatsoever for or on account of, consequential or incidental damages sustained by any person, firm, or organization as a result of any data or conclusions contained in this report. The maximum liability of **Global Tower Services, LLC** pursuant to this report will be limited to the total fee received for preparation of this report.

APPENDIX A

Tower Profile

TowerSoft ENGINEERING SOFTWARE

TSTower - v 3.9.0 Tower Analysis Program
(c) 1997-2006 TowerSoft www.TSTower.com

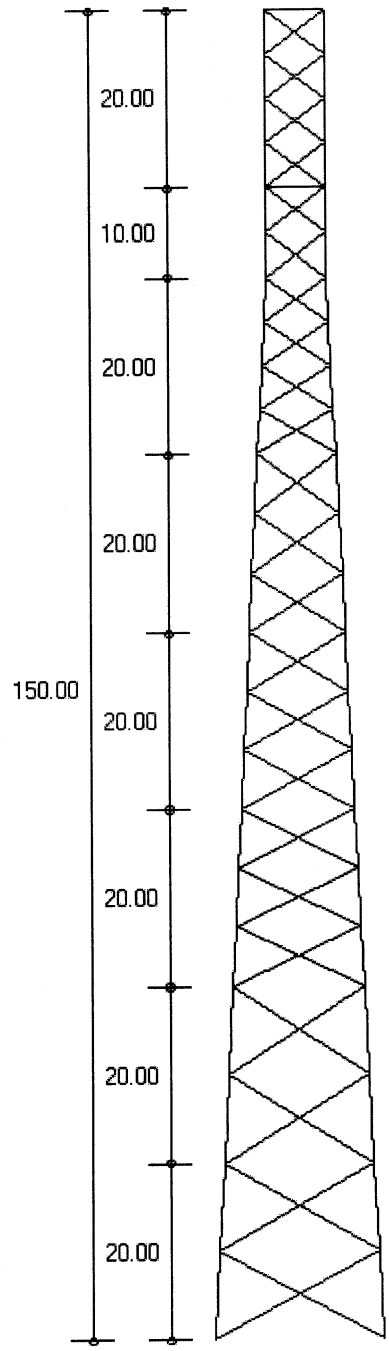
Licensed to: Global Tower Partners
Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_061709_Clearwire.out
Contract: Revision: 1
Project: Structural Analysis for 150' Self Support Site: TX-5434 (FM 2351)
Date and Time: 6/23/2009 3:43:03 PM Engineer: Mike De Boer

DESIGN SPECIFICATION

Design Standard: TIA/EIA-222-F-1996
Basic Wind speed = 100.0 (mph)
Service Wind speed = 50.0 (mph)
Ice thickness = 0.00 (in)

Sct.	Length (ft)	Top Width (in)	Bot Width (in)
1	20.00	201.83	226.00
2	20.00	177.67	201.83
3	20.00	153.50	177.67
4	20.00	129.33	153.50
5	20.00	105.17	129.33
6	20.00	81.00	105.17
7	10.00	81.00	81.00
8	20.00	81.00	81.00



MAXIMUM BASE REACTIONS

	Bare	Iced
Download (Kips)	168.9	127.9
Uplift (Kips)	149.3	110.7
Shear (Kips)	19.2	14.4

Appendix 1

Supplement E

Lease Agreement

TX-5434 FM 2351
TX-HOU0284

COMMUNICATIONS EQUIPMENT SITE AGREEMENT

THIS COMMUNICATIONS EQUIPMENT SITE AGREEMENT ("Agreement") is entered into this 12 day of May, 2009, by and between TOWER ASSETS NEWCO II LLC, a Delaware limited liability company ("Owner") and CLEAR WIRELESS, LLC, a Nevada limited liability company ("Operator").

1. Grant. Subject to the following terms and conditions, Owner hereby grants Operator the nonexclusive right to install, maintain, operate and remove radio communications equipment and appurtenances on Owner's tower ("Tower") located on the property described in Exhibit "A" ("Premises"), and leases to Operator a portion of the Premises for construction and occupancy of an equipment shelter or building to house Operator's equipment on the Premises as more particularly described in Exhibit "A". Owner shall continue to have the right to occupy the Premises and the Tower and to grant others rights to occupy or utilize the Premises and the Tower at Owner's sole discretion. Owner also grants to Operator a non-exclusive easement during the term of this Lease for ingress, egress and regress and for the installation and transmission of utilities on property described on attached Exhibit "B" ("Easement"). Operator may install the equipment, personal property, improvements, alterations or fixtures as specifically described on Exhibit "C" ("Equipment"), or as Owner may otherwise approve. Any personal property owned by Operator, whether or not fixed or attached to the Premises or Tower, shall remain the property of Operator prior to termination of this Agreement without regard to whether it appears on Exhibit "C".

2. Use. Operator shall use the Equipment and the Premises for the purpose of constructing, installing, maintaining, improving and operating, at Operator's expense, a communications facility, including antennae, buildings and incidental uses. Operator shall only use Tower space with antenna center line (rad center) of one hundred forty seven (147) feet AGL. Operator shall be solely responsible for securing any and all building permits and approvals, zoning changes or approvals, variances, use permits, and other governmental permits from applicable governmental authorities, including any Federal Aviation Administration approval (collectively, "Permits") prior to any construction on the Premises. Owner agrees to reasonably cooperate with Operator in obtaining the Permits, and copies of the Permits shall be provided to Owner upon request. Operator shall promptly pay all costs and expenses and shall not cause or permit any lien to be created against the Premises.

3. Term. The term of this Agreement shall commence upon the earlier of (i) the date of installation start at the site or (ii) [redacted] ("Commencement Date") and terminating at midnight five (5) years from this date, ("Initial Term").

4. Renewal Term(s). Operator shall have the right to extend this Agreement for five (5) additional terms of five (5) years each ("Renewal Term(s)") on the same terms and conditions as set forth in this Agreement except that the Rent shall be as specified in Paragraph 5 below. This Agreement shall automatically be renewed for each successive Renewal Term unless Operator notifies Owner of Operator's intention not to renew the Agreement at least 30 days prior to expiration of the then current term.

5. Rent.

(a) Initial Term. Beginning on the Commencement Date, Operator shall pay to Owner as rental the sum of [redacted] (Rent) which shall include Operator's right to use and occupy the ground space surrounding Owner's Tower. Rent payments shall be made monthly in advance to the Owner's notice address as specified below and shall be prorated for any partial month at the commencement or termination of this Lease, based on the number of days in that month.

(b) Renewal Term. In the event that Operator elects to renew this Lease as provided in paragraph 4, Rent shall increase by an amount equal to [redacted] over the Rent to be paid by Operator during the immediately preceding Term or Renewal Term. Operator shall pay Owner Rent during each Renewal Term (RT) according to the following schedule.

[redacted]

6. Tower Maintenance. Owner represents and warrants that its operation of the Tower, exclusive of Operator's Equipment, including the lighting system, meets and will be maintained in accordance with all applicable laws, rules and regulations, including, without limitation, rules and regulations of the Federal Communications Commission, Federal Aviation Administration and all applicable local codes and regulations. Owner shall maintain its lighting systems, tower antenna, transmission lines, equipment and building in good operating condition. The costs of maintaining the Tower shall be borne by Owner with the exception of Operator's antennae and Equipment and except for damage to the Tower caused by Operator or Operator's agents, employees, contractors or subcontractors, which shall be borne by Operator. Operator shall repair at Operator's cost any such damage, within 48 hours, and to the extent that such damage cannot be repaired within 48 hours, Operator shall make all efforts to begin such repair and finish such repair in a timely manner. Should owner fail to timely make repairs required by this Agreement, Operator may, at Operator's option, make such repairs and Owner shall promptly reimburse Operator for its reasonable costs and expenses incurred in such repair.

In the event Owner fails to maintain the tower lighting systems, Tower, transmission lines, equipment and building as provided herein, Operator shall have the right to withhold Rent payments to Owner if Owner fails to make said repairs or to provide maintenance after Operator has given Owner five (5) days notice of the need to provide maintenance and repairs, or, shall at Operator's option and upon notice to Owner, terminate this Lease. Operator shall have the right to apply such Rent withheld hereunder to make the necessary repairs and provide the necessary maintenance and Operator shall not thereafter be responsible to Owner for the Rent withheld for such maintenance and repairs. Operator's activities and operations and the Equipment shall not interfere with Owner's maintenance and repair of the Tower and its lighting system.

7. Conditions Precedent. Operator's obligation to perform under this Agreement shall be subject to and conditioned upon:

(a) Operator's securing appropriate approvals for Operator's intended use of its Equipment on the Premises from the Federal Communications Commission, the Federal Aviation Administrator, and any other federal, state or local regulatory agency having jurisdiction over Operator's proposed use of the Equipment;

(b) Operator's obtaining, at its option and expense, a title report or commitment for a leasehold title policy from a title insurance company of Operator's choice which must show no defects or restrictions of title or any liens or encumbrances which may adversely affect Operator's use of the Premises or Operator's ability to obtain financing, provided Operator shall order such a policy within two business days of the execution of this Agreement;

(c) Operator's obtaining, at its option and expense, a survey, soil borings and analysis tests which must show no defects which, in the opinion of the Operator, may adversely affect Operator's use of the Premises, provided Operator shall order such tests within two business days of execution of this Agreement;

(d) Operator's approval of the condition of the Premises, which may be subject to, at Operator's option and expense, an environmental audit of the Premises performed by an environmental consulting firm of Operator's choice;

(e) Operator's determination that the Tower is structurally appropriate for Operator's needs.

In the event of a failure of any of the above referenced conditions precedent within 60 days of execution of this Agreement, Operator may terminate this Agreement through written notice to Owner. If Operator fails to provide such notice within 60 days of execution of this Agreement, each of the above conditions precedent shall be deemed satisfied.

8. Interference. Operator agrees to install Equipment only of types and generating frequencies which will not cause interference to transmissions or signals from Owner and other users of the Tower as may be already in place on the Tower. At Owner's request, Operator shall provide a detailed interference analysis showing potential conflicts between Operator's frequencies and those of the Owner or other users already in place on the Tower. In the event the Equipment causes such interference, Operator will take all steps necessary to correct and eliminate the interference. If the interference cannot be eliminated within 48 hours after receipt of written notice from Owner to Operator (Notice Date), Operator shall temporarily disconnect the electric power and shut down the Equipment (except for intermittent operation for the purpose of testing, after performing maintenance, repair, modification, replacement, or other action taken for the purpose of correcting such interference) and if such interference is not corrected within 30 days after receipt of the written notice, Operator agrees to remove the Equipment from the Tower and the Premises and this Agreement shall terminate as if by expiration. After the Equipment has been installed, Owner shall place similar restrictions upon interference with Operator's frequencies on others using Tower with Owner's permission, installed on the Tower after Operator's installation of the Equipment. In the event Third Parties' interference cannot be eliminated or rectified to Operator's satisfaction within 48 hours after receipt of written notice from Operator to Owner (Notice Date), Owner shall cause such Third Parties to temporarily disconnect the electric power and shut down the Third Parties' Equipment (except for intermittent operation for the purpose of testing, after performing maintenance, repair, modification, replacement, or other action taken for the purpose of correcting such interference) and if such interference is not corrected within 30 days after receipt of the written notice, Owner shall at the request of Operator require the party causing the interference to remove its equipment from the Tower and the Premises, or Operator may, at Operator's sole discretion and option, terminate this Lease upon notice to Owner.

9. Utilities and Access.

(a) Owner represents that utilities adequate for Operator's intended use of the Premises are presently available. Further, from time to time, Operator shall have the right to install utilities, to be separately metered at Operator's expense, and to improve present utilities on the Premises, including but not limited to the installation of emergency power generators. Operator shall have the right to place utilities on, or to bring utilities across or under, the Premises and the Easement in order to service the Equipment throughout the Initial Term or any Renewal Term of this Agreement. Owner shall, upon Operator's request, execute a separate written easement, acceptable to Owner, in a form which may be filed of record evidencing this right. Operator shall be responsible for all utility connection charges, and all utility use charges, for electricity or any other utility used by Operator.

(b) Operator shall have access to the Premises and the Equipment at all times, 24 hours each day, through the access drive presently existing on the Easement. Owner shall maintain the access drive in good condition throughout the Initial Term of this Agreement or any Renewal Term. Operator may, at its option and own expense, construct a suitable private access drive to the Premises and the Equipment within the Easement. To the degree additional access is required across other property owned by Owner, Owner shall execute an easement evidencing this right and agrees to maintain said access so that no interference is caused to Operator by other tenants, licensees, invitees or agents of the Owner.

10. Termination. Except as otherwise provided, this Agreement may be terminated, without any penalty or further liability, upon written notice as follows:

(a) By either party upon a default of any covenant or term of this Agreement by the other party which default is not cured within 30 days of receipt of written notice of default (without, however, limiting any other rights available to the parties pursuant to any other provisions of this Agreement); or

(b) By Operator if it is unable to obtain or maintain any license, permit or other Permits necessary to the construction and operation of the Equipment or Operator's business or intended use of the Premises.

11. Tower Analysis. Operator shall be solely responsible to ensure that Operator's installation of the Equipment shall not significantly affect the structural integrity of the Tower, and that no such damage results to the Tower due to installation of the Equipment. Owner agrees to furnish Operator, promptly upon Operator's request, with true and accurate copies of all tower analyses, if any, performed on the Tower by Owner within the two years preceding the request and Operator's attachment of antennas or Equipment on the Tower. In the absence of such an analysis or if the most recent analyses are insufficient for Operator's needs, Operator may request a new analysis. If Owner reasonably believes that the structural integrity of the Tower will be effected, Owner may request Operator obtain a new analysis. Owner agrees to cooperate with Operator in acquiring the new analysis of the Tower. If a new analysis of the Tower is requested by Operator or Owner, Operator shall be responsible for coordinating that new analysis by a licensed structural engineer or other party acceptable to Owner, and Operator shall furnish a copy of the analysis to Owner. The costs of the new analysis shall be paid solely by Operator. If Operator requests, Owner shall submit, within 10 days of Operator's request, bids for any needed reinforcement or other work to make the Tower structurally sound. Should Operator not terminate this Agreement under Section 6 Tower Maintenance above, Owner shall reinforce or otherwise make the Tower structurally sound for Operator's use in accordance with such a submitted bid, at Owner's sole costs.

12. Taxes. Operator shall be liable for and shall pay all taxes assessed on, or any portion of such taxes attributable to, personal property and trade fixtures owned or placed by Operator on the Premises or on the Tower. If any such taxes are levied against Owner or Owner's property and if Owner elects to pay the same or if the assessed value of Owner's property is increased by inclusion of personal property and trade fixtures placed by Operator on the Premises or on the Tower and Owner elects to pay the taxes based on such increase, Operator shall pay to Owner upon demand that part of such taxes for which Operator is primarily liable hereunder. Operator agrees to pay to Owner on demand as additional Rent, its proportionate share, adjusted for partial tax years, of all taxes, assessments and governmental charges of any kind and nature whatsoever (hereinafter collectively referred to as the "Taxes"), levied or assessed against the Premises or the Tower, including but not limited to any leasehold, sales, rent or use taxes, or any taxes in the nature thereof, imposed by any governmental authority, relative to the Premises, this Lease, or the rent or any other charges due or payable under any provisions of this Lease, or as a result of any or all of them, whether imposed on Owner or Operator, including any ad valorem tax which may currently exist or subsequently be implemented , but excluding Owner's income, estate or inheritance taxes. Operator's proportionate share of the Taxes shall be computed by multiplying the Taxes by a fraction, the numerator of which shall be the number one and the denominator of which shall be the average annual number of communications carriers with installed equipment on the Tower. If at any time during the term of this lease, the present method of taxation shall be changed so that in lieu of the whole or any part of any taxes, assessments, levies or charges

levied, assessed or imposed on the Tower or real estate and the improvements thereon, there shall be levied, assessed or imposed on Owner a capital levy or other tax directly on the rents received therefrom and/or a franchise tax, assessment, levy or charge measured by or based, in whole or in part, upon such rents, then all such taxes, assessments, levies or charges, or the part thereof so measured or based, shall be deemed to be included within the term "Taxes" for the purpose hereof.

13. Liability Insurance. During the Initial Term and all Renewal Terms of this Agreement, Owner and Operator shall each maintain, at its own expense, insurance coverage claims for public liability, personal injury, death and property damage under a policy of general liability insurance, with limits of not less than $1,000,000.00 per person and $2,000,000.00 per occurrence, and property damage insurance of not less than $500,000.00. Such insurance shall insure against liabilities arising out of or in connection with Owner and Operator's use or occupancy of the Premises and the Tower subject to the standard exceptions found in commercial general liability insurance policies.

14. Condemnation. If a condemning authority takes, or acquires by deed in lieu of condemnation, all of the Premises, or a portion sufficient to render the Premises or the Tower, in the opinion of Operator, unsuitable for the use which Operator was then making of the Premises or that Tower, Operator may terminate this Agreement effective as of the date the title vests in the condemning authority. Owner and Operator shall share in the condemnation proceeds in proportion to the values of their respective interests in the Premises (which for Operator shall include, where applicable, reasonable moving expenses and prepaid fees).

15. Environmental Matters.

(a) Owner represents that, to the best of Owner's knowledge, no Hazardous Materials are presently located on the Premises or Easement, and Owner agrees that it will provide, at no cost or expense to Operator, for the removal of any Hazardous Materials if Hazardous Materials are brought onto the Premises or Easement by Owner, its agents, servants, employees, licensees, invitees or contractors. As used in this Agreement, "Hazardous Materials" shall mean any and all contaminants, oils, asbestos, radon, PCB's, hazardous substances or wastes as defined by federal, state or local environmental laws, regulations or administrative orders or other materials the removal of which is required or the maintenance of which is prohibited, regulated or penalized by any federal, state or local government authority. If after Operator takes possession of the Premises Hazardous Materials are discovered to exist on, under or beneath the Premises, Operator may terminate this Agreement and Operator shall owe no further duties, obligations or liability to Owner.

(b) Operator shall comply with all laws, ordinances, rules, orders or regulations applicable to Hazardous Materials. Operator shall not use the Premises or the Easement for treatment, storage, transportation to or from, use or disposal of Hazardous Materials (other than petroleum products necessary for the operation of an emergency electrical generator to serve the Equipment). Operator shall be responsible for any expense incident to the abatement or compliance with the requirements of any federal, state or local statutory or regulatory requirements caused, directly or indirectly, by the activities of the Operator or Operator's agents, employees or contractors.

16. Hold Harmless.

(a) By Owner. Owner agrees to defend, indemnify and hold Operator and its affiliates or subsidiary companies, their officers, agents and employees harmless from and against any and all, costs, charges, expenses, losses, claims, actions, suits, causes of action, judgments and charges of every kind and nature whatsoever, including reasonable attorney's fees, which in any manner arise out of or relate to Owner's use or occupancy of the Premises, or from Owner's performance or failure to perform under this agreement of from any negligence or intentional misconduct by Owner, its subcontractors, agents, servants, employees or any or all of the, or from any defect in the title to the Premises, or from the presence of any Hazardous Materials on the Premises prior to the Commencement Date, or thereafter if brought onto the Premises by Owner or Owner's agents, employees, licensees, invitees or contractors.

(b) By Operator. Operator agrees to defend, indemnify and holder Owner and its Affiliates or subsidiary companies, their officers, , agents and employees harmless from and against any and all costs, damages, expenses, losses, claims, actions, suits, causes of action, judgment, and charges of every kind and nature whatsoever, including reasonable attorney's fees, which may in any manner arise out of or relate to Operator's use of the Equipment or Premises or the performance or non-performance of this Agreement by Operator, Operator's subcontractor's, employees, agent, or assigns, including without limitation, those that may arise out of the use or furnishing of materials, and as to such claims, actions or causes of action arising from or resulting from any negligence or intentional misconduct by Operator, its subcontractors, agents, servants, employees, or any or all of them or from the presence of any Hazardous Materials brought onto the premises by Operator or Operator's agents, employees, licenses, invitees or contractors. Affiliates shall mean any persona or entity that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with, another person or entity. Control for this definition shall be defined as holding at least a majority of voting power or operating control. This paragraph 16 (b) shall survive termination of this Agreement. Owner shall not in any event be liable in damages for Operator's business loss, business

interruption, or other special, incidental or consequential damages of whatever kind or nature, regardless of the cause of such damages and Operator, and anyone claiming by or through it, expressly waives all claims for such damages.

17. Notices. All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, by certified mail, return receipt requested, or by overnight service having a record of receipt to the addresses indicated below:

If to Owner, to:
TOWER ASSETS NEWCO II LLC
4091 Viscount Avenue
Memphis, Tennessee 38118
(901) 794-9494
Attn..: William Orgel

If to Operator, to:
CLEAR WIRELESS, LLC
4400 Carillion Point
Kirkland, WA 98003
Attn.: Lease Administration

18. Title and Quiet Enjoyment. Owner represents and warrants to Operator that Owner currently leases or subleases the Premises. Owner represents to Operator that Owner has good and marketable title to its leasehold interest in the Premises as warranted to Owner by the fee owner, as the case may be, free and clear of all liens, encumbrances, and exceptions, except those described in property and tax records of the county in which the Premises is located. Owner shall warrant and defend same to Operator against the claims and demands of all persons and entities.

19. Assignment. Operator may not assign or delegate its interest in this Agreement without prior written approval by Owner, not to be unreasonably withheld, except that Operator may assign or delegate its rights and obligations under this Agreement to an Affiliate.

20. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, successors, personal representatives and assigns.

21. Compliance with Laws. All installations and operations in connection with this Agreement by either party shall be conducted in accordance with all applicable rules and regulations of the Federal Communications Commission, Federal Aviation Agency, and any other applicable federal, state and local laws, codes and regulations. Operator is solely responsible for the licensing, operation and maintenance of Operator's Equipment, including, without limitation, compliance with any terms of its Federal Communications Commission license with respect to tower light observation and any notification to the Federal Aviation Administration in that regard. Operator's Equipment, transmission lines, and any related devises, and the installation, maintenance and operation thereof, shall not damage the Tower or any property or properties adjoining, or interfere with the use of the Tower and the remainder of the Premises, by Owner or others, and Operator shall defend, indemnify and hold harmless Owner from any such damage.

22. Holding Over. In the event Operator remains on the Tower and in possession of the shelter or building on the Premises after the expiration of the Initial Term or a Renewal Term without executing a new Agreement, Operator shall occupy the Premises month-to-month, subject to all of the terms and conditions of this Agreement insofar as so consistent.

23. Estoppel. Each party agrees to furnish to the other, within 10 days after request, such truthful estoppel information as the other may reasonably request.

24. Miscellaneous.

(a) The substantially prevailing party in any litigation arising under this Agreement shall be entitled to its reasonable attorney's fees and court costs, including appeals, if any.

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(b) This Agreement constitutes the entire agreement and understanding of Owner and Operator, and supersedes all offers, negotiations and other agreements. Any amendments to this Agreement must be in writing and executed by Owner and Operator.

(c) If either Owner or Operator is represented by a real estate broker or agent in this transaction, that party shall be fully responsible for any fees or commission due such broker or agent and shall hold the other party harmless from any such claims arising from execution of this Agreement.

(d) Owner agrees to cooperate with Operator in executing any documents necessary to protect Operator's rights under this Agreement or Operator's use of the Premises. Operator may record this Agreement or a Memorandum of Agreement executed by all parties.

(e) This Agreement shall be construed in accordance with the laws of the state in which the Premises are located.

(f) If any term of this Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect.

(g) Each of the undersigned warrants that he or she has the full right, power, and authority to execute this Agreement on behalf of the party indicated.

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WITNESS WHEREOF, Owner and Operator have executed this Agreement effective as of the day and year first above written.

OWNER
TOWER ASSETS NEWCO II LLC

By: _____
Its: President
Date: 5-12-09

OPERATOR:
CLEAR WIRELESS, LLC

By: _____
Its: CTO
Date: 3/7/09

OWNER:

State of Tennessee
County of Shelby

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared William E. Orgel, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the President of TOWER ASSETS NEWCO II LLC, the within named Owner, a limited liability company, and that he executed the foregoing instrument for the purposes therein contained, by signing the name of the ~~corporation~~ company by himself as such officer.

Witness my hand, at office, this 12th day of May, 2009.

Patricia Ann Blackwell
Notary Public

My Commission Expires Sept 16, 2009

PATRICIA ANN BLACKWELL
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

OPERATOR:

State of Washington
County of King

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared John Stu, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Chief Technology Officer of CLEAR WIRELESS, LLC, the within named Operator, a corporation, and that he executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

Witness my hand, at office, this 7 day of May, 2009.

Rachel Nessa Titus
Notary Public

RACHEL NESSA TITUS
NOTARY
COMMISSION EXPIRES
STATE OF WASHINGTON

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EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY AND DESCRIPTION OF PREMISES

The property referred to herein as Premises is located within the parent parcel described as follows:

TX-5434 FM2351
PARENT TRACT DESCRIPTION:
A TRACT OF LAND CONTAINING 1.2438 ACRES OUT OF LOT 6, GEORGE W. JENKINS SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 20 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 1/2 INCH IRON ROD SET FOR THE SOUTHWESTERLY CORNER OF LOT 6, SAID POINT BEING IN THE NORTHEASTERLY LINE OF F.M. ROAD 518;
THENCE NORTH 29 Deg. 57' 20" EAST, ALONG AND WITH THE NORTHWESTERLY LINE OF LOT 6, AT 541.15 FEET PASS A 1/2 INCH IRON ROD SET ON LINE, IN ALL A DISTANCE OF 576.76 FEET TO A POINT FOR CORNER IN THE CENTERLINE OF MARY'S CREEK;
THENCE FOLLOWING THE CENTERLINE OF MARY'S CREEK:
SOUTH 35 Deg. 46' 19" EAST - 68.84 FEET;
SOUTH 10 Deg. 27' 48" WEST - 33.86 FEET;
SOUTH 01 Deg. 45' 34" EAST - 49.35 FEET TO A POINT FOR CORNER IN THE SOUTHEASTERLY LINE OF LOT 6;
THENCE SOUTH 29 Deg. 57' 20" WEST, ALONG AND WITH THE SOUTHEASTERLY LINE OF LOT 6, AT 26.00 FEET PASS A 1/2 INCH IRON ROD SET ON LINE, IN ALL A DISTANCE OF 474.57 FEET TO A 1/2 INCH IRON ROD SET FOR THE SOUTHEASTERLY CORNER OF LOT 6 IN THE NORTHEASTERLY LINE OF F.M. ROAD 518;
THENCE NORTH 60 Deg. 20' 40" WEST, ALONG AND WITH THE NORTHEASTERLY LINE OF F.M. ROAD 518, 100.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING WITHIN THESE CALLS 1.2438 ACRES OF LAND.

The premises are located generally as indicated in the sketch attached to the Communications Equipment Site Agreement ("Agreement") as Exhibit A-2. Owner and Operator agree that within thirty (30) days following the full execution of the Option, Operator will replace this Exhibit A-2 with a revised Exhibit A-2 which shall be a metes and bounds legal description of the Premises, and which shall specifically identify the length and width dimension of the Premises upon which Operator may construct, operate and maintain its Communications Facilities as contemplated by the Communications Equipment Site Agreement.

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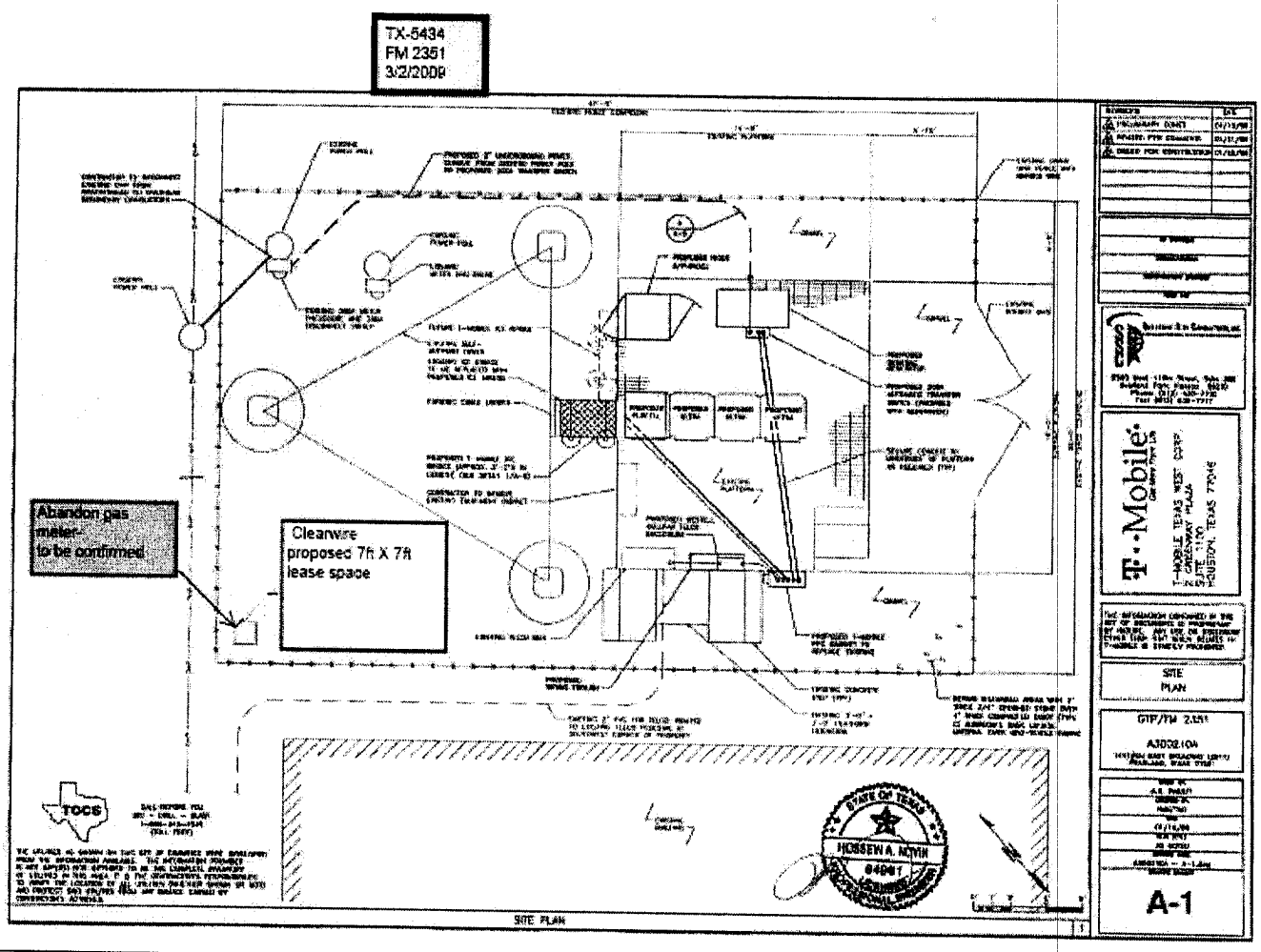
EXHIBIT "A-2"

PRELIMINARY SITE PLAN AND TOWER ELEVATION OF PREMISES



TX-5434 FM 2351_(TV) Clearwire SLA 3 13 09.doc

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EXHIBIT "B"

LEGAL DESCRIPTION OF EASEMENT

DESCRIPTION OF THE CENTERLINE OF
A NON-EXCLUSIVE 20' WIDE ACCESS &
UTILITY EASEMENT:
BEING A NON-EXCLUSIVE, 20' WIDE ACCESS AND UTILITY EASEMENT CONSISTING OF 3,185 SQUARE FEET OF LAND AND BEING A PORTION OF LAND OUT OF A 1.2438 ACRES TRACT OF LAND OUT OF LOT 6, GEORGE W. JENKINS SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 20 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, THE CENTERLINE OF SAID EASEMENT BEING DESCRIBED AS FOLLOWS:
COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 1.2438 ACRE TRACT, SAME POINT BEING IN THE NORTHERLY RIGHT-OF-WAY LINE OF EAST BROADWAY STREET;
THENCE SOUTH 60 DEGREES 20 MINUTES 40 SECONDS EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF SAID EAST BROADWAY STREET, SAME BEING THE SOUTHERLY LINE OF SAID 1.2438 ACRES, A DISTANCE OF 74.28 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED CENTERLINE;
THENCE NORTH 29 DEGREES 57 MINUTES 20 SECONDS EAST, DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID SOUTHERLY LINE, A DISTANCE OF 127.83 FEET TO AN ANGLE POINT;
THENCE NORTH 60 DEGREES 02 MINUTES 40 SECONDS WEST, A DISTANCE OF 31.40 FEET TO THE POINT OF TERMINUS OF THIS DESCRIBED CENTERLINE.
THE NON-EXCLUSIVE 20 FOOT WIDE ACCESS AND UTILITY EASEMENT DESCRIBED HEREON CONTAINING A TOTAL OF 3,185 SQUARE FEET OR 0.07 ACRES OF LAND MORE OR LESS.

The Easement for ingress, egress and utilities across the parent parcel described on Exhibit A to the Agreement will be twenty feet (20') wide and located within the hatch marked area on the sketch below or attached legal easement description of Owner's easement. Owner and Operator agree that within thirty (30) days following the full execution of the Option, Operator shall replace (if needed) this Exhibit B with a revised Exhibit B which shall be a metes and bounds legal description of the ingress, egress and utility easement which will specifically identify the location and dimensions of the aforesaid easement.

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EXHIBIT "C"

OPERATOR'S PERSONAL PROPERTY AND EQUIPMENT

Owner and Operator agree that the attached application listing equipment to be installed will be the approved equipment and property that Operator may install under the terms of this Agreement.

GLOBAL TOWER PARTNERS

Collocation Application

Check one:	New ☒ Addition to Existing ☐ Modification ☐		
PLEASE RETURN THIS APPLICATION TO: (E-MAIL IS PREFERRED)		GTP Site #:	TX-5434
GTP		GTP Site Name:	FM 2351
1801 Clint Moore Rd	E-Mail: mprewit@gtpsites.com	GTP Date Received:	
Suite 110		Revision Dates:	
Boca Raton, FL 33487	Office: (512) 294-2345	**RSM Approval:**	2/4/09 DARRELL SCHNEIDER
Attn: Monty Prewit	Fax: (561) 995-0321		

APPLICANT/CARRIER INFORMATION

Carrier Name:	Clearwire	Contact Name:	Juli Davis
Carrier Site Name:	GTP TX-5434	Contact Number:	(281) 580-4100
Carrier Site Number:	TX-HOU0284	Contact Fax:	(281) 580-4108
Carrier Legal Entity Name, State of registration:	Clear Wireless LLC, a Nevada Limited Liability Company	Contact Address:	13131 Champion Drive, Suite 208 Houston, Texas 77069
Type of entity (LP, LLC, Corp)	LLC		
d/b/a/ (If applicable)			
Notice Address for Lease:	4400 Carillon Pt., Kirkland, WA 98003	Contact E-mail:	juli.davis@powderriverdev.com
With copies to:		Additional E-mail:	
Carrier Invoice Address:	4400 Carillon Pt., Kirkland, WA 98003	Other:	
Carrier Invoice Contact - Name, Title, Phone No.	Nancy Sears, Real Estate (425) 216-4630	Carrier NOC#	

ADDITIONAL CARRIER INFORMATION

Leasing Contact Name/Number:	Juli Davis / (281) 580-4100
RF Contact Name/Number:	Keith Neff / (602) 502-6658
Construction Contact Name/Number:	Gary Oliphant / (281) 580-4100
Emergency Contact Name/Number:	Eric Tellier / (813) 267-1320 or NOC

SITE INFORMATION

Latitude:	N29	32	43.72	N	Existing Structure Type:	SST
Longitude:	W95	13	36.15	W	Existing Structure Height:	150'
Site Address:						

ANTENNA & COAX

Sector	1	2	3	Other (Dish, TMA, GPS)
Desired Rad Center (feet AGL)	147'	147'	147'	150'
Antenna Quantity	1	1	1	3
Antenna Manufacturer				Andrew
Antenna Model (**Attach Spec Sheet**)	[redacted]			
Weight (per antenna)				
Antenna Dimensions				
Quantity of Coax Cables **PER ANTENNA**	0	0	0	1
Diameter of Coax Cables **PER ANTENNA**	0	0	0	½"
Orientation/Azimuth (degrees from true north)	[redacted]			
Mechanical Tilt (degrees)				
# Of Channels				
Antenna Mount Mounting Height (feet AGL)	147'	147'	147'	'
Antenna Mounting Type	T-Frame ☐ Sector ☐ Platform ☐ Low Profile ☒ Other: Pipe Mount			
Transmit Frequency	2500-2686 MHz	2500-2686 MHz	2500-2686 MHz	17700-17750 MHz, 19650-19700 MHz
Receive Frequency	2500-2686 MHz	2500-2686 MHz	2500-2686 MHz	17700-17750 MHz, 19650-19700 MHz
ERP (watts)	25 watts	25 watts	25 watts	100 Watts
Type of Service (i.e. Cellular, PCS, ESMR)	WiMax	WiMax	WiMax	WiMax

GROUND SPACE REQUIREMENTS

Total Ground Area Dimensions Required (length x width x height in ft.)	7' x 7' x 15'	**Generator:** ☐ Diesel ☐ Propane ☐ Natural Gas Pad Dimension (L X W, ft.):	
Cabinet Pad Dimensions	3 'x 3'	Cabinet Manufacturer	DDB Unlimited
Shelter Pad Dimensions	N/A	Shelter Manufacturer	N/A

AC POWER REQUIREMENTS

Voltage:	240V AC Single Phase	Total Amperage:	50A Breaker, 25A Average Current

GLOBAL TOWER PARTNERS

Collocation Application

GLOBAL TOWER PARTNERS

Collocation Application

Comments:

Additional Tower Mounted Equipment Below

Sector			Other (Dish, TMA, GPS)	Other (Dish, TMA, GPS)
Desired Rad Center (feet AGL)			150'	150'
Antenna Quantity			3	3
Antenna Manufacturer			Motorola	Dragonwave
Antenna Model **(Attach Spec Sheet)**			DAP Vx	Airpair ODU/Horizon Compact
Weight (per antenna)			45lbs	Included in Microwave
Antenna Dimensions			26" x 14" x 9"	4.75" x 9.3" x 9.3"
Quantity of Coax Cables **PER ANTENNA**			2	NA
Diameter of Coax Cables **PER ANTENNA**			5/16"	NA
Orientation/Azimuth (degrees from true north)			0, 120, 238	0, 120, 238
Mechanical Tilt (degrees)				
# Of Channels				
Antenna Mount Mounting Height (feet AGL)			147'	147'
Antenna Mounting Type	T-Frame ☐ Sector ☐ Platform ☐ Low Profile ☒ Other: Pipe Mount			
Transmit Frequency			N/A	17700-17750 MHz, 19650-19700 MHz
Receive Frequency			N/A	17700-17750 MHz, 19650-19700 MHz
ERP (watts)			2 Watts	100 Watts
Type of Service (i.e. Cellular, PCS, ESMR)			WiMax	WiMax

Code Response 1

Tower Ordinance

Chapter 2 – Division 5: Telecommunications Towers & Antennas

Section 2.5.5.2 Conditional Use Permit Required

(e) **Application & Requirements.** An application for a conditional use permit for a tower, antenna, or use of an alternative tower structure must be made to the Planning Department. An application will not be considered until it is complete. A complete application must contain the following:

(1) An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits, specifying the location, height, and design of each tower. The Planning Department may share the information with other applicants for a conditional use permit under this article.

APPLICANT DOES NOT HAVE ANY EXISTING TOWERS WITHIN THE CITY OR WITHIN ONE MILE. CLEARWIRE IS NEW TO THE HOUSTON MARKET AND DOES NOT CURRENTLY HAVE AN OPERATING NETWORK IN THIS AREA.

(2) Site plans to scale specifying the location of tower(s), transmission building and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses.

ATTACHED TO CUP APPLICATION AS EXHIBIT D.

(3) A report from a professional structural engineer licensed in the State of Texas documenting the following:

a. Tower height and design, showing a cross-section of the tower structure.

b. Total anticipated capacity of the tower structure, including the number and types of antennas which can be accommodated.

ATTACHED AS SUPPLEMENT D. THE TOWER IS RATED AT 128%, WHICH IS DEEMED TO BE NOT STRUCTURALLY ACCEPTABLE. TOWER MODIFICATIONS TO THE STRUCTURE ARE BEING DESIGNED SO AS TO BRING THE TOWER WITHIN COMPLIANCE WITH THE STRUCTURAL STANDARDS.

(4) A letter of intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.

CLEARWIRE IS SUBLEASING SPACE AND IS NOT THE TOWER OWNER. CLEARWIRE HAS NO ABILITY TO CONTROL ANY ADDITIONAL LEASE AREAS. THE GROUND SPACE AND TOWER STRUCTURE ARE APPROACHING CAPACITY. ADDITIONAL CARRIERS WOULD HAVE TO BE EVALUATED BY THE TOWER OWNER ON AN INDIVIDUAL BASIS.

(5) Each applicant must make a good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:

CLEARWIRE IS COLLOCATING ON AN EXISTING TOWER AND IS NOT BUILDING A NEW TOWER.

(6) Any other information which may be requested by the Planning Department to fully evaluate and review the application and the potential impact of a proposed tower or antenna.

Section 2.5.5.6 Shared Use

(a) **No Permit Required**. To encourage shared use of towers, no building permit or conditional use permit is required for the addition of antennas to an existing tower so long as the height of the tower or structure on which the antenna is placed is not increased and the requirements of this article are met.

IN SUPPORT OF THE CITY'S INTENT TO PREVENT THE PROLIFERATION OF UNNECESSARY TOWERS, CLEARWIRE HAS SOUGHT TO UTILIZE AS MANY EXISTING TOWERS AND STRUCTURES AS POSSIBLE. ALL OF THE PROPOSED SITES IN THE CITY LIMITS WILL BE COLLOCATIONS. THE HEIGHT OF THE TOWER IS NOT BEING INCREASED, NOR IS THE EXISTING SITE BEING EXPANDED.

Section 2.5.5.8 Pre-Existing Towers & Non-Conforming Uses.

(a) **Operative Towers**. All communications towers that are operative prior to the effective date of this UDC and that do not comply wholly with the requirements of this division are allowed to continue their present usage as a nonconforming use and are treated as a non-conforming use in accordance with Chapter 2, Article 7 of this UDC. Routine maintenance is permitted on the existing towers. Construction other than routine maintenance on an existing communication tower must comply with the requirements of this UDC.

CLEARWIRE'S INSTALLATION WILL FULLY COMPLY WITH THE RULES AND REGULATIONS AS DEFINED IN THE UDC.

Code Response 2

Zone District GC

Section 2.4.4.5 GC, General Commercial District

(a) **Purpose**. The General Commercial District (GC) is intended to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or that may require outside storage areas.

(b) **Authorized Uses**. The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

THIS USE IS LISTED AS CONDITIONAL IN THE MATRIX.

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations**.

(1) Size of Lots:

a. *Minimum Lot Size* – Twenty-two thousand and five hundred (22,500) square feet in area.

b. *Minimum Lot Width* - One hundred and fifty feet (150').

c. *Minimum Lot Depth* - One hundred and twenty-five feet (125').

THE EXISTING SITE PRE-DATES THE ZONING ORDINANCE AND THIS APPLICATION IS NOT CREATING A NEW LOT. A VARIANCE APPLICATION WILL BE SUBMITTED FOR THE MINIMUM LOT WIDTH: REQUIRED – 150' / ACTUAL – 100'

(2) Size of Yards:

a. *Minimum Front Yard* - Twenty-five feet (25')

b. Minimum Side Yard

1. Ten feet (10'), except as provided below.
2. Twenty-five feet (25') if side yard abuts a residential zoning district or a public right-of-way.

c. *Minimum Rear Yard* - Twenty-five feet (25')

CLEARWIRE'S INSTALLATION WILL NOT ALTER THE SITE'S EXISTING SETBACKS. A VARIANCE APPLICATION WILL BE SUBMITTED FOR EXISTING STRUCTURES THAT ENCROACH ON THE 10' SIDE SETBACKS AND THE PARKING LOT THAT ENCROACHES ON THE 25' FRONT SETBACK.

(d) **Height Restrictions**. No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).

THE TOWER ORDINANCE (CH. 2, DIV. 5) CONTROLS HEIGHT OF TOWERS. THE EXISTING SITE PRE-DATES THE ZONING ORDINANCE.

(e) **Outdoor Activities or Uses**. In connection with any permitted use, there shall be allowed outdoor activities or uses subject to the following limitations:

(1) Except as provided below, out of doors display, storage and sale of merchandise, equipment and vehicles shall be permitted.

(2) Out of doors display, storage and sale of merchandise, equipment and vehicles shall not be permitted on property adjacent to a residential zoning district.

a. Such activities/uses shall be permitted on such property upon City Council approval of a Conditional Use Permit (in accordance with Article2, Division 3 of this chapter) authorizing said activities/uses.

b. Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.

NO RETAIL ACTIVITIES OR MERCHANDISING WILL TAKE PLACE AT THIS SITE. OUTDOOR STORAGE WILL NOT BE UTILIZED.

(f) **Fences & Screening**. Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.

PER SECTION 4.2.4.2. C - THIS INSTALLATION WILL NOT IMPACT MORE THAN 50% OF THE EXISTING AREA. CLEARWIRE'S FOOTPRINT IS 49 SQUARE FEET. THE EXISTING SITE IS OVER 3,000 SQUARE FEET.

(g) **Parking**. Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.

CLEARWIRE'S INSTALLATION DOES NOT CREATE A HABITABLE STRUCTURE OR OTHERWISE COMMERCIALLY USABLE SPACE.

(h) **Access**. Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).

CLEARWIRE WILL UTILIZE THE EXISTING ACCESS.

(i) **Refuse Containers**. All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.

NO REFUSE CONTAINERS WILL BE INSTALLED.

(j) **Adjacent to a Single-Family Use or Zoning District**. When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

THIS PROPERTY IS ADJACENT TO A SINGLE FAMILY RESIDENTIAL (R-1 / BRIARGLEN) AREA, ON THE NORTH SIDE. THE EXISTING LOT CONTAINS SEVERAL HUNDRED FEET OF VEGETATION BETWEEN THE TOWER SITE AND THE RESIDENCES NORTH OF MARY'S CREEK.

Code Response 3

Site Development

Chapter 4 – Article 2: Development Standards

Division 2 Landscaping

Section 4.2.2.3 Applicability to New and Existing Developed Areas

(b) **Existing Development Areas; Nonconformance.**

(1) All property with existing development on the effective date of the ordinance from which this division derives which is not in compliance with this division shall be considered nonconforming and allowed to continue until the time a building permit is granted to reconstruct or enlarge an existing structure on the property to an extent exceeding five hundred (500) square feet of the exterior dimensions of the structure. At that time, this division shall apply to the previous existing parcel areas as well as any new paved areas, and the areas shall be brought into compliance. A plan showing existing and new development and the proposed landscaping shall be submitted in accordance with this division. In order to encourage early landscaping in existing paved areas and the preservation of trees that are already established and growing in these areas an additional credit shall be given in accordance with Division 3 of this Chapter.

(2) No structure existing on the effective date of this Code from which this division derives shall be required to be altered or moved in order to comply with this division except for reconstruction.

(3) Also see Article 1, Division 3 of this Chapter for further requirements related to structural and parking-related expansions.

1. CLEARWIRE'S PROPOSED INSTALLATION IS LESS THAN 500 SQUARE FEET, THUS THE EXISTING DEVELOPMENT IS NOT REQUIRED TO BE BROUGHT INTO COMPLIANCE.
2. THE TOWER IS NOT BEING RECONSTRUCTED AND WAS BUILT PRIOR TO THIS CODE'S EFFECTIVE DATE.

Division 3 – Tree Mitigation

Section 4.2.3.3 Approval Required for Tree Removal

No person directly or indirectly shall cut down remove, move, or destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this division without first submitting a Tree Survey and obtaining approval of a Tree Disposition Plan, unless otherwise exempted by the provisions of Section 4.2.3.4(b) of this division.

NO TREES WILL BE IMPACTED BY THIS INSTALLATION, AS THE COMPOUND ALREADY EXISTS. THIS INSTALLATION WILL NOT ENLARGE THE EXISTING FACILITY.

Section 4.2.3.6 Submittal Requirements

(a) The City Manager or his/her designee shall establish administrative procedures necessary to facilitate the implementation and enforcement of this division. These procedures shall include the following:

(1) Tree Disposition Plan/Tree Survey: Must be submitted and approved prior to the removal or destruction of any tree.

(2) An application involving a limited portion of a site may be based on an exhibit showing only that portion of the site.

(3) Aerial photograph interpretation may supplant the ground survey for preliminary analyses of large scale developments, such as subdivisions, utility corridors, and golf courses, at the discretion of the City. Large-scale developments are also required to include impact areas where existing trees are located.

NO TREES WILL BE REMOVED AS A RESULT OF THIS INSTALLATION.

Division 4 – Screening and Fencing

Section 4.2.4.2 Screening for Utility Support Structures and Stations

(a) **Applicability.** This section shall apply to all utility support structures or stations located on private property regardless if there is an easement or other form of agreement between the utility company or property owner.

(b) **Support Structures and Stations Defined.** These shall include, but not be limited to, any switching equipment, lift stations, pipe valves connected to pipes above ground, boxes or cabinets, cabling equipment or wiring above ground, transmitting equipment, control rooms, control cabinets, etc. Utility poles and transformers and like appurtenances attached to utility poles more than ten feet (10') above the ground are not considered a support structure or station.

(c) **Regulations.** A utility support structure or station located on private property or outside a public street right of way must have proper screening. The construction or modification of an existing utility support structure or station equal to more than fifty percent (50%) of its value or area, must provide screening meeting one of the following:

THIS INSTALLATION WILL NOT IMPACT MORE THAN 50% OF THE EXISTING AREA. CLEARWIRE'S FOOTPRINT IS 49 SQUARE FEET. THE EXISTING SITE IS OVER 3,000 SQUARE FEET.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 17, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP2010-03

A request of Blake Griggs with Clear Wireless LLC., applicant for Thomas and Kathy Coler , owners, for approval of a conditional use permit to allow the co-location of an antenna at an existing tower located in the Suburban Residential -
12 (SR-12) Zoning District, on the following described property, to wit:

Legal Description: Approximately 9.75 Acre (424, 922 square feet) parcel situated in the H.T.& B.R.R. Co. Survey, Abstract 505, Brazoria County, Texas, being a portion of lot 30 of the Allison Richey Gulf Coast Home Company Subdivision according to the Map or Plat Thereof Recorded under volume 2, Page 23 and 24 of the Brazoria County Map Records, and being all of the North ½ of said Lot 30 conveyed to Thomas C. Coler and wife, Kathy J, Coler by Deed Recorded under Volume 88451, Page 760 of the Deed of Records of Brazoria County, Texas and the South ½ of said Lot 30 conveyed to Thomas C. Coler and wife, Kathy J, Coler by Deed Recorded under Volume 1459, Page 597 of the Deed of Records of Brazoria county, Texas

General Location: 13232 Max Rd., Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF MAY 17, 2010

Conditional Use Permit No. CUP 2010-03

A request of Blake Griggs with Clear Wireless LLC., applicant for Thomas and Kathy Coler , owners, for approval of a conditional use permit to allow the co-location of antenna at an existing tower located in the Suburban Residential -12 (SR-12) Zoning District, on the following described property, to wit:

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General Location: 13232 Max Rd., Pearland, TX 77584

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: May 17, 2010*
City Council for First and Only Reading: May 24, 2010*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a conditional use permit to allow the co-location of an antenna at an existing tower located in the Suburban Residential - 12 (SR-12) Zoning District along with a 7' X 7' (49 square foot) utility cabinet on a platform approximately 3 feet above ground.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	Suburban Residential-12 (SR-12)	Residential
South	City of Brookside	Residential
East	Suburban Residential-12 (SR-12)	Residential
West	City of Brookside	Residential

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Suburban Residential-12 (SR-12). The minimum lot size for the SR-12 district is 12,000 square feet, the minimum lot width is 100 feet, and the minimum lot depth is 90 feet. The subject property exceeds these minimum requirements, as the property is approximately 9.75 acres in size, and has the lot width of approximately 407 feet, and the lot depth of approximately 1043 feet.

PLATTING STATUS: The property has not been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts are "Residential Estate (RE) and Single Family Residential-1 (R-1)". The current SR-12 zone falls in between the RE and R-1 zoning district designations and therefore conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Max Road, a major collector with an ultimate right-of-way to be widened to 80 feet. At the rear of the property there is future McHard to be widened to 120 feet. The applicant has not had the property platted and all necessary dedications need to be made at that time.

AVAILABILITY OF UTILITIES: The subject parcel served by public water and sewer lines.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The applicant proposes as presented in the structural analysis report an additional antenna and cable at 87 feet to an existing 102 foot cellular tower with a failure rate of 104.1%. The engineer states this is sufficient capacity for the proposed additions. However, the site plan as submitted by the applicant shows the antenna and cable at 90 feet, which differs from the calculations shown on the structural analysis report. This will be the last co-location permitted without requiring additional structural support to be added to the cellular tower.

The proposed site is already screened with vegetative landscaping from the view on Max Road. However, the road leading to the tower area is not wide enough and is constructed of gravel. This needs to meet the engineering design criteria manual requirements and provide at least 1 hard surfaced parking.

Currently, residential uses surround the subject property along with the City of Brookside located to the east and north of the subject property, and SR-12 Zoning to the south and west of the subject property.

This existing use of the cellular tower and the proposed co-location of the antenna, as proposed by the applicant, will not create a significant negative impact to the subject property or the surrounding uses.

The applicant will be required to comply with all requirements of the Unified Development Code.

ADDITONAL COMMENTS:

There are no additional comments from other departments.

SITE PLAN CONSIDERATIONS: A site plan was submitted with the conditional use permit and an application for platting.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit No. 2010-03 as proposed by the applicant with the following conditions, and for the following reasons:

Conditions of Approval:

1. The access road to the approximate 3,000 square foot tower area needs to be paved according to the engineering design criteria manual with at least 1 hard surfaced parking space.

Reasons for Approval:

1. The proposed facility should not have any significant negative impact on the surrounding properties and developments.

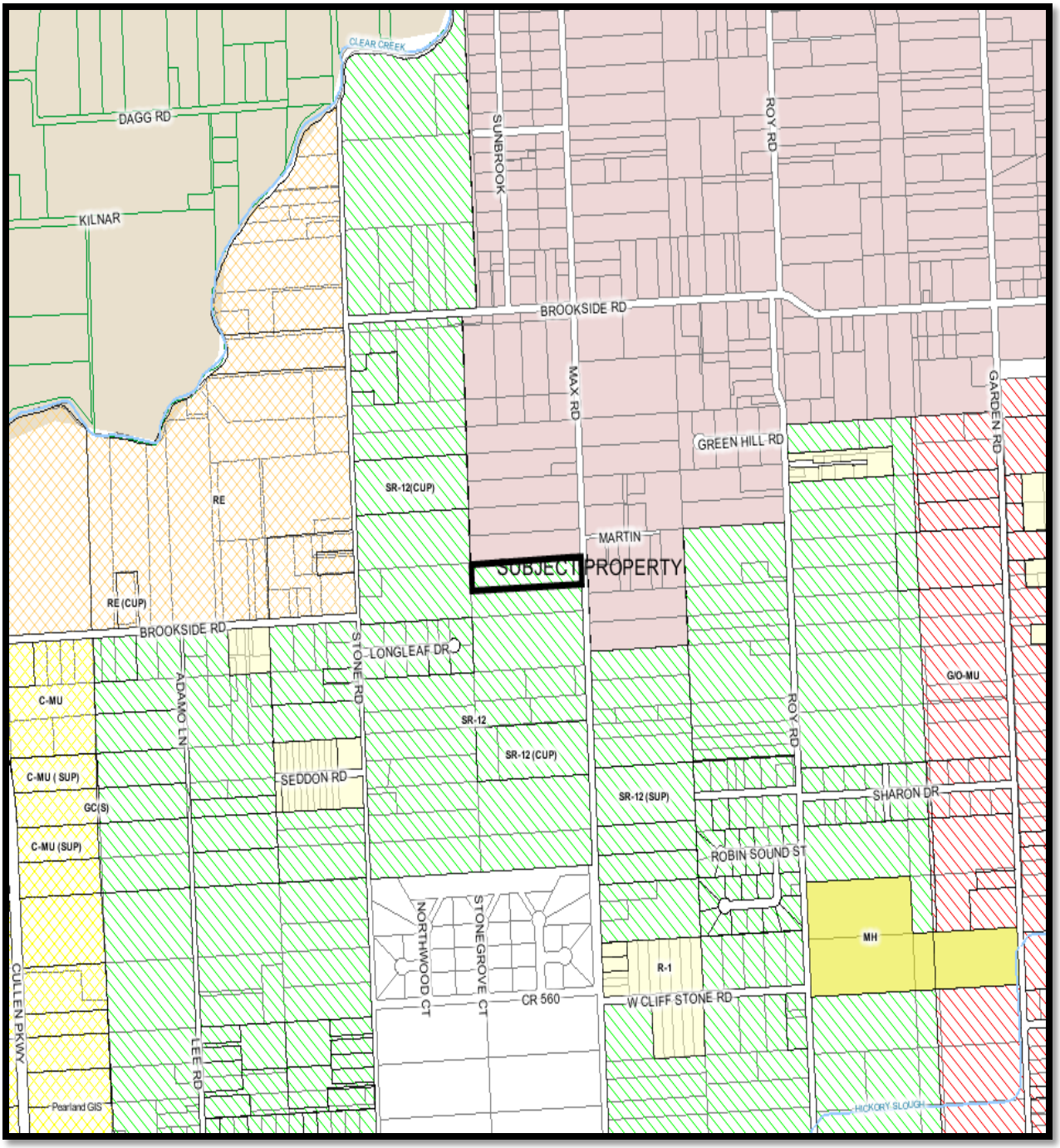
2. The cellular tower area is already screened with an opaque row of vegetation and trees from the view on Max Road.

3. The current SR-12 zoning falls in between the RE- and R-1 zoning district designations and therefore conforms to the future land use plan according to the chart on page 19 of 50 in section 11.The existing land uses and the proposed co-location would be conforming with an approved conditional use permit.

4. The proposed co-location of an antenna would be conforming to the current Unified Development Code with an approved conditional use permit.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Vicinity Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents

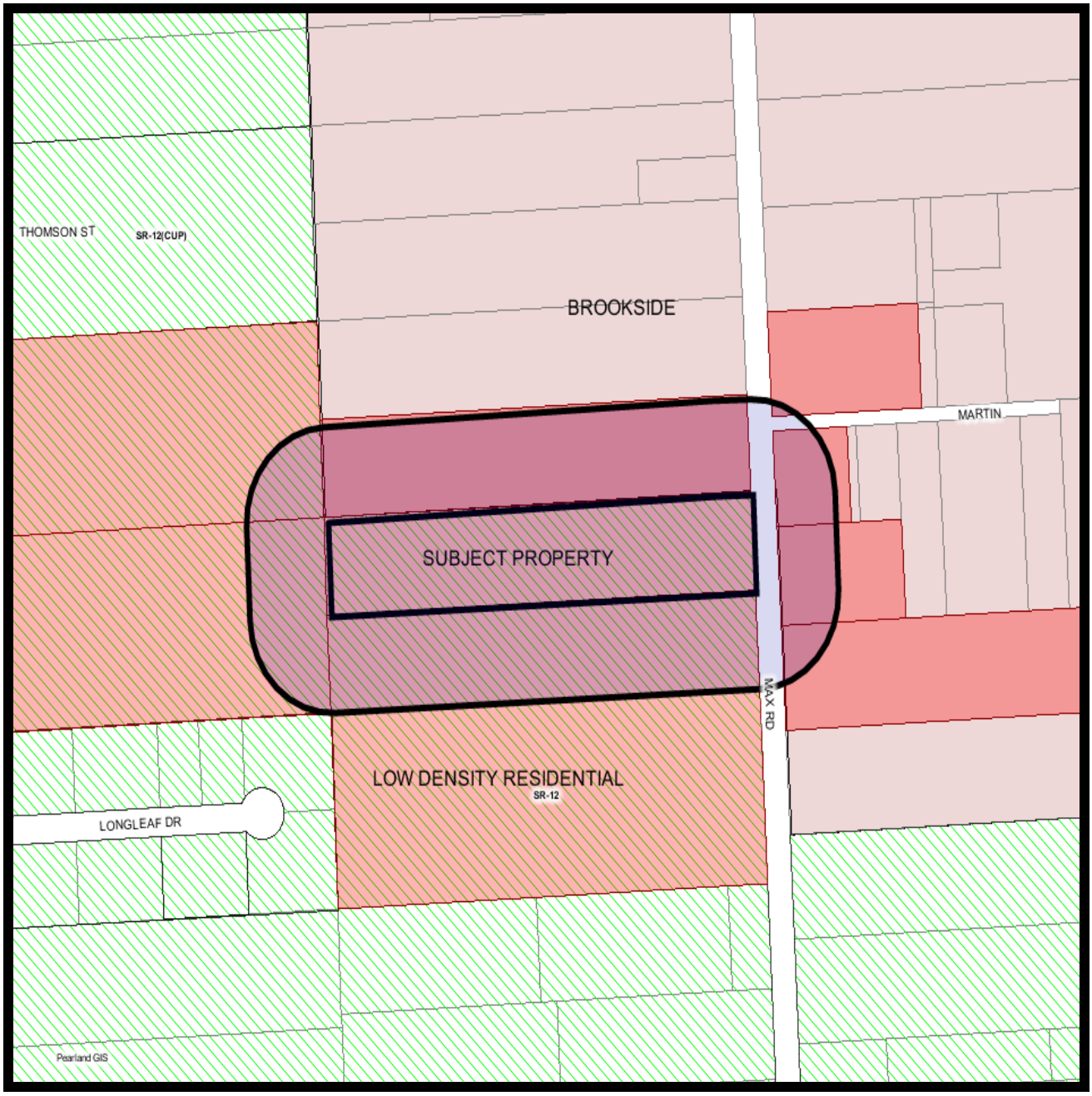


VICINITY MAP

CONDITIONAL USE PERMIT 2010-03

13232 MAX RD, PEARLAND, TEXAS

↑
NORTH



ABUTTER MAP

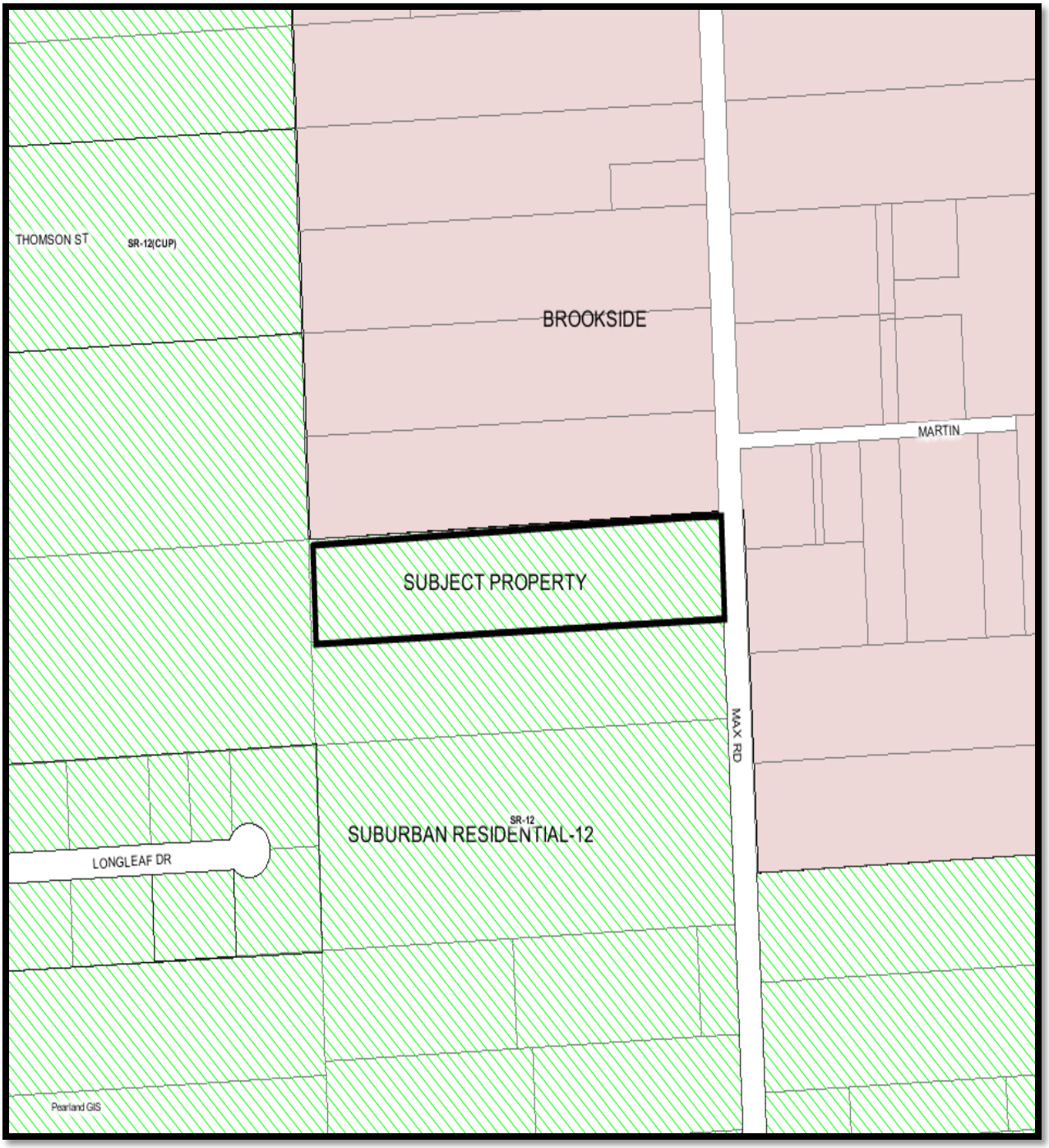
CONDITIONAL USE PERMIT 2010-03

13232 MAX RD, PEARLAND, TEXAS

↑
NORTH

CUP APPLICATION NO. 2010-03
13232 MAX RD
PROPERTY OWNERS NOTIFICATION LIST

BOOKMAN BARBARA JO	13203 MAX RD	PEARLAND	TX	77581
COLER THOMAS C	13232 MAX RD	PEARLAND	TX	77581
COLER THOMAS C	13232 MAX RD	PEARLAND	TX	77581
GATES CHARLOTTE SUE A				
HOLM J M & CO INC	1537 STONE RD	PEARLAND	TX	77581
JIMENEZ VERONICA ARISPE	13209 MAX RD	PEARLAND	TX	77581
KAMPSCHAEFER G E JR	13202 MAX RD	PEARLAND	TX	77581
RUTTER PHILLIP W & TERRI	12719 MAX RD	PEARLAND	TX	77581
SPENCER M ANN MRS	1636 MAX RD	PEARLAND	TX	77581
TRUCKNER KENNETH	13231 MAX RD	PEARLAND	TX	77581

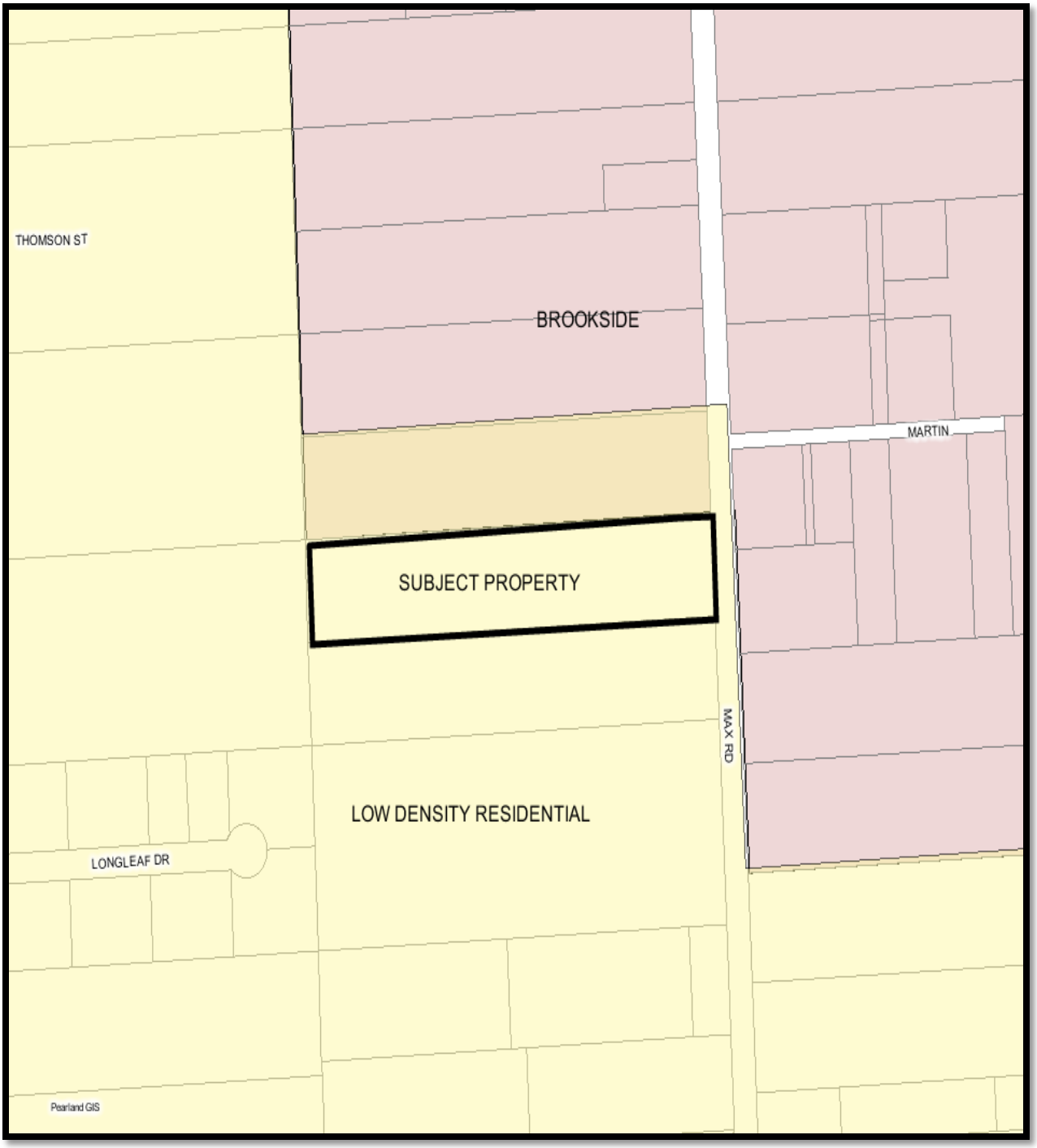


ZONING MAP

CONDITIONAL USE PERMIT 2010-03

13232 Max RD, PEARLAND, TEXAS

↑
NORTH

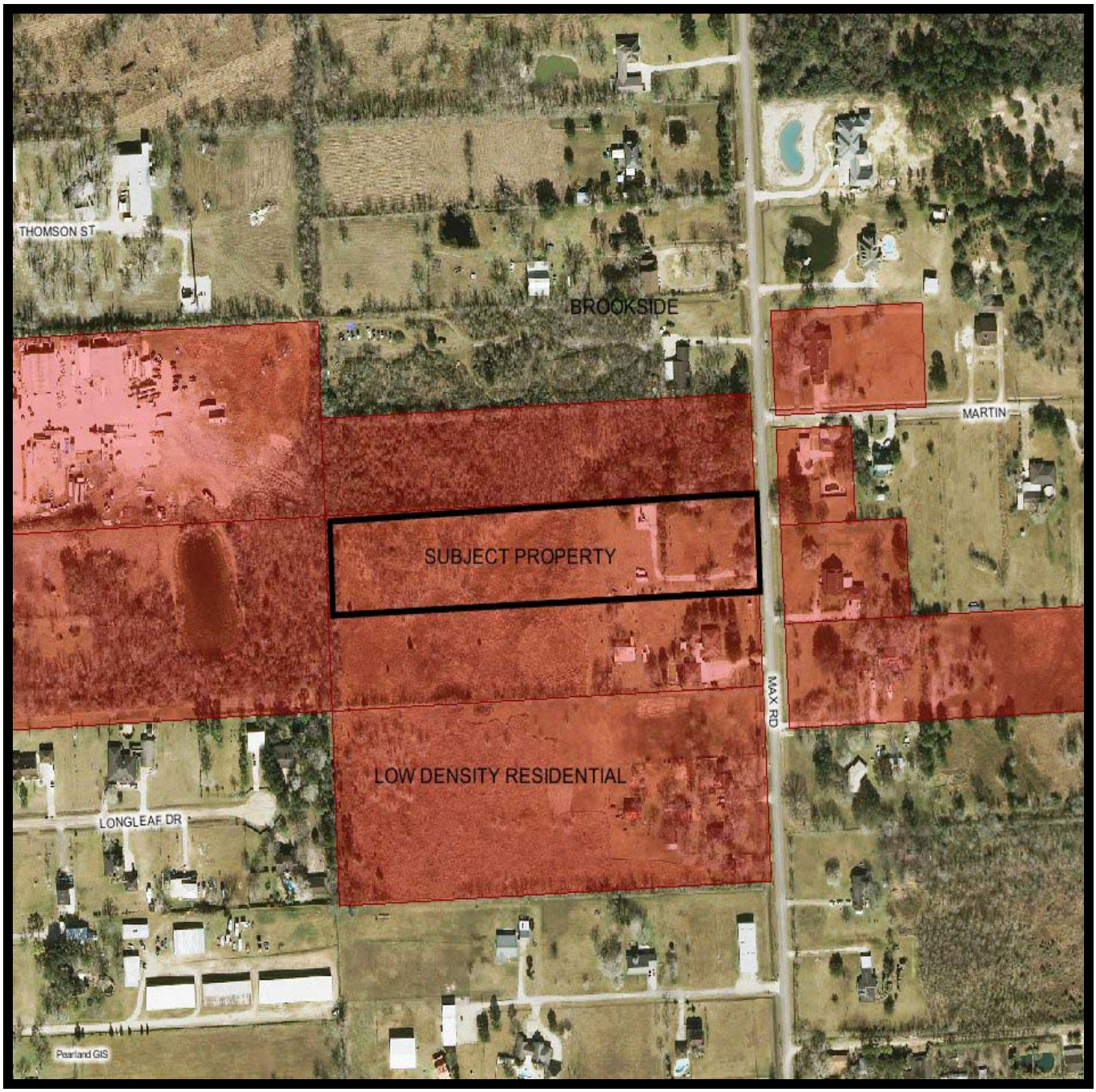


FUTURE LAND USE MAP

CONDITIONAL USE PERMIT 2010-03

13232 MAX RD ROAD, PEARLAND, TEXAS

↑
NORTH



AERIAL MAP

CONDITIONAL USE PERMIT 2010-03

13232 MAX RD, PEARLAND, TEXAS

↑
NORTH

Application for a

Conditional Use Permit

To the

City of Pearland

by

Clear Wire LLC

for

Collocation on an Existing Tower

Located at:

13232 Max Rd
(Clearwire ID: TX-HOU0227)

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APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

Conditional Use Permit Request for: Collocation of antenna and equipment on existing communications tower.
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: SR12 - Suburban Residential

Property Information:

Address or General Location of Property: TX-HOU0227
13232 Max Rd, Pearland, TX 77581

Tax Account No. 175820

Subdivision: A0505 HT&BRR, TRACT 30A Lot:_____ Block:_____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME Coler, Thomas C
ADDRESS 13232 Max Road CR 108
CITY Pearland STATE TX ZIP 77581
PHONE(_____)_____
FAX(_____)_____
E-MAIL ADDRESS_____

APPLICANT INFORMATION:

NAME Clear Wireless, LLC
ADDRESS 3300 Carillion Point
CITY Kirkland STATE WA ZIP 98033
PHONE(281) 580-4100
FAX(281) 580-4108
E-MAIL ADDRESS blake.griggs@powderriverdev.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature:_____ Date:_____

Agent's Signature:_____ Date:_____

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:

Application No.

APPLICATION CHECKLIST FOR THE FOLLOWING
• Conditional Use Permits (CUP)

☐ Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit

☐ Metes and Bounds Description, Survey, or a Plat of the property.

☐ Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.

☐ Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information

☐ Application fee of $250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

☐ Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information

☐ Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing

POSTING OF ZONING NOTIFICATION SIGNS ON PROPERTY UNDER CONSIDERATION FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED ZONE CHANGE
Contact City of Pearland
281-652-1768

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.

- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.

- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.

- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.

- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.

- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

Contact Information

Tower Owner

Crown Castle
Patsey McKnight - Project Manager
1220 Augusta, Suite 500
Houston, TX 77057
713.570.3024
Patricia.McKnight@crowncastle.com

Property Owner

Thomas Coler
(281) 485-6328

Applicant

Clear Wire
Mike Brogan - Director
3800 Buffalo Speedway, Suite 200
Houston, TX 77069
(214) 395-8702
mike.brogan@clearwire.com

Agent for Applicant

Powder River Development
Blake Griggs - Real Estate Manager
13131 Champions Drive, Suite 208
Houston, TX 77069
713-261-5357
Blake.Griggs@PowderRiverDev.com

Exhibit A-1

Metes and Bounds Description of Property

Metes & Bounds Legal Description

METES AND BOUNDS
SUBJECT TRACT
9.75 ACRES (424,922 SQUARE FEET)
ALL OF CALLED NORTH 1/2 AND
SOUTH 1/2 OF LOT 30
ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVSION
H.T. & B.R.R. CO. SURVEY, ASBSTRACT
BRAZORIA COUNTY, TEXAS

Being a 9.75 acre (424,922 square feet) parcel situated in the H.T. & B.R.R. Co. Survey, Abstract 505, Brazoria County, Texas, being a portion of Lot 30 of the Allison Richey Gulf Coast Home Company Subdivision according to the map or plat thereof recorded under Volume 2, Page 23 and 24 of the Brazoria County Map Records, and being all of the North 1/2 of said Lot 30 conveyed to Thomas C. Coler and wife, Kathy J. Coler by Deed recorded under Volume 88541, Page 760 of the Deed Records of Brazoria County, Texas, and the South 1/2 of said Lot 30 conveyed to Thomas C. Coler and wife, Kathy J. Coler by Deed recorded under Volume 1459, Page 597 of the Deed Records of Brazoria County, Texas, said 9.75 acre parcel more particularly described by metes and bounds as follows with all bearings based on Texas State Plane Coordinate System, South Central Zone;

BEGINNING, at a 1–inch iron pipe found in the west right–of–way line of Max Road (80' ROW), in the north line of Lot 31 of said Allison Richey Gulf Coast Home Company Subdivision, and the south line of said Lot 30, for the southeast corner of the herein described parcel;

THENCE, South 87°48'17" West (called West), 1043.82 feet (called 1043.90 feet) along the north line of said Lot 31, and the south line of said Lot 30 to a 1/2–inch iron pipe found for the northeast corner of Lot 6 of said Allison Richey Gulf Coast Home Company Subdivision, the southeast corner of Lot 5 of said Allison Richey Gulf Coast Home Company Subdivision, the northwest corner of said Lot 31, and the southwest corner of said Lot 30 and the herein described parcel;

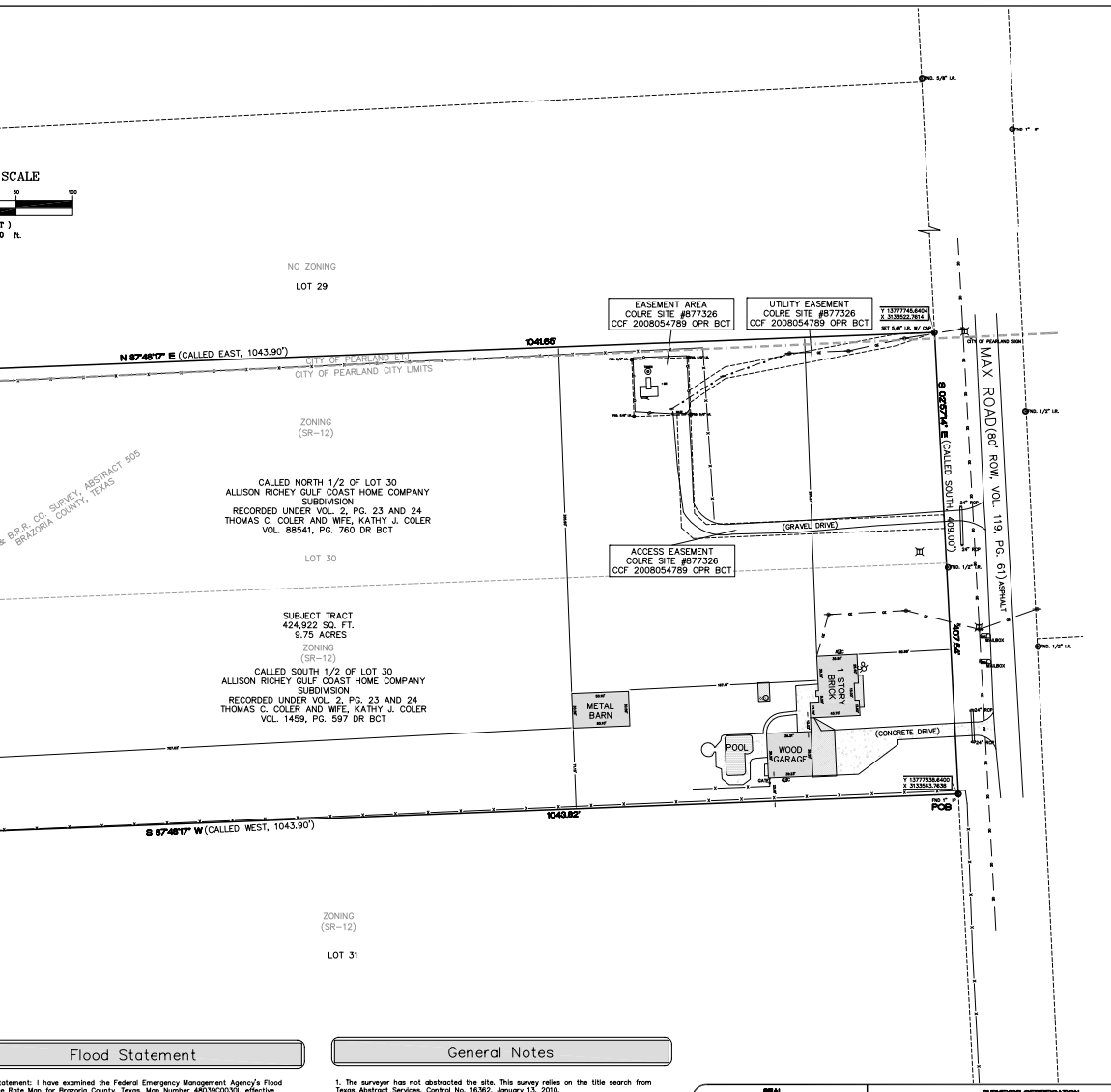
THENCE, North 02°38'55" West (called North), 407.52 feet (called 409.00 feet) along the east line of said Lot 5, and the west line of said Lot 30 to a 1–inch iron pipe for the southwest corner of Lot 29 of said Allison Richey Gulf Coast Home Company Subdivision, the southeast corner of Lot 4 of said Allison Richey Gulf Coast Home Company Subdivision, the northeast corner of said Lot 5, and the northwest corner of said Lot 30 and the herein described parcel;

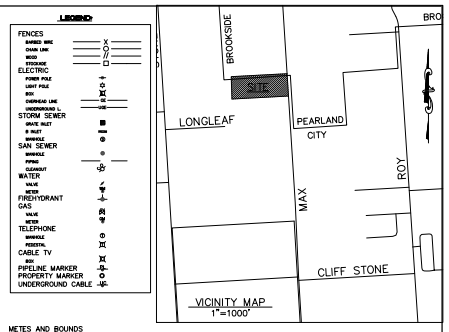
THENCE, North 87°48'17" East (called East), 1041.65 feet (called 1043.90 feet) along the south line of said Lot 29, and the north line of said Lot 30 to a 5/8–inch iron rod set with cap (stamped "4833 Town & Country") in the west right–of–way line of said Max Road, for the southeast corner of said Lot 29, and the northeast corner of said Lot 30 and the herein described parcel;

THENCE, South 02°57'14" East (called South), 407.54 feet (called 409.00 feet) along the west right–of–way line of said Max Road, and the east line of said Lot 30 to the POINT OF BEGINNING, CONTAINING 9.75 acres (424,922 square feet) of land in Brazoria County, Texas.

Exhibit A-2

Plat of Property





LEGEND

FENCES
BARBED WIRE
CHAIN LINK
WOOD
IRON/WIRE
ELECTRIC
POWER POLE
LIGHT POLE
BOX
OVERHEAD LINE
UNDERGROUND L.
STORM SEWER
GRATE INLET
D INLET
MANHOLE
SAN SEWER
MANHOLE
PIPING
CLEANOUT
WATER
VALVE
METER
FIREHYDRANT
GAS
VALVE
METER
TELEPHONE
MANHOLE
PEDESTAL
CABLE TV
BOX
PIPELINE MARKER
PROPERTY MARKER
UNDERGROUND CABLE

METES AND BOUNDS
SUBJECT TRACT
9.75 ACRES (424,922 SQUARE FEET)
ALL OF CALLED NORTH 1/2 AND
SOUTH 1/2 OF LOT 30
ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION
H.T. & B.R.R. CO. SURVEY, ABSTRACT
BRAZORIA COUNTY, TEXAS

Being a 9.75 acre (424,922 square feet) parcel situated in the H.T. & B.R.R. Co. Survey, Abstract 505, Brazoria County, Texas, being a portion of Lot 30 of the Allison Richey Gulf Coast Home Company Subdivision according to the map or plat thereof recorded under Volume 2, Page 23 and 24 of the Brazoria County Map Records, and being all of the North 1/2 of said Lot 30 conveyed to Thomas C. Coler and wife, Kathy J. Coler by Deed recorded under Volume 88541, Page 760 of the Deed Records of Brazoria County, Texas, and the South 1/2 of said Lot 30 conveyed to Thomas C. Coler and wife, Kathy J. Coler by Deed recorded under Volume 1459, Page 597 of the Deed Records of Brazoria County, Texas, said 9.75 acre parcel more particularly described by metes and bounds as follows with all bearings based on Texas State Plane Coordinate System, South Central Zone;

BEGINNING, at a 1-inch iron pipe found in the west right-of-way line of Max Road (80' ROW), in the north line of Lot 31 of said Allison Richey Gulf Coast Home Company Subdivision, and the south line of said Lot 30, for the southeast corner of the herein described parcel;

THENCE, South 87°48'17" West (called West), 1043.82 feet (called 1043.90 feet) along the north line of said Lot 31, and the south line of said Lot 30 to a 1/2-inch iron pipe found for the northeast corner of Lot 6 of said Allison Richey Gulf Coast Home Company Subdivision, the southeast corner of Lot 5 of said Allison Richey Gulf Coast Home Company Subdivision, the northwest corner of said Lot 31, and the southwest corner of said Lot 30 and the herein described parcel;

THENCE, North 02°38'55" West (called North), 407.52 feet (called 409.00 feet) along the east line of said Lot 5, and the west line of said Lot 30 to a 1-inch iron pipe for the southwest corner of Lot 29 of said Allison Richey Gulf Coast Home Company Subdivision, the southeast corner of Lot 4 of said Allison Richey Gulf Coast Home Company Subdivision, the northeast corner of said Lot 5, and the northwest corner of said Lot 30 and the herein described parcel;

THENCE, North 87°48'17" East (called East), 1041.65 feet (called 1043.90 feet) along the south line of said Lot 29, and the north line of said Lot 30 to a 5/8-inch iron rod set with cap (stamped "4833 Town & Country") in the west right-of-way line of said Max Road, for the southeast corner of said Lot 29, and the northeast corner of said Lot 30 and the herein described parcel;

THENCE, South 02°57'14" East (called South), 407.54 feet (called 409.00 feet) along the west right-of-way line of said Max Road, and the east line of said Lot 30 to the POINT OF BEGINNING, CONTAINING 9.75 acres (424,922 square feet) of land in Brazoria County, Texas.

Legal Description

BOUNDARY SURVEY
ALL OF LOT 30
ALLISCON RICHEY GULF COAST HOME
COMPANY SUBDIVISION
IN THE
H.T. & B.R.R. COMPANY SURVEY, A-505
BRAZORIA COUNTY, TEXAS

DATE	REVISION-DESCRIPTION	BY	CHECKED

Flood Statement

tatement: I have examined the Federal Emergency Management Agency's Flood e Rate Map for Brazoria County, Texas, Map Number 48039C0030J, effective September 22, 1999, and the map indicates this tract to be in "Zone "X", ed to be outside 100 year flood plain"; No portion of this plat lies within a ed Special Flood Hazard Area, inundated by 100 year flood or Other Flood Areas.

If this site is not within an identified Special Flood Hazard Area, this statement t imply that the property and/or the structures thereon will be free from flooding damage. This determination has been made by scaling the property on the ed map and is not the result of an elevation survey. This flood statement shall ate liability on the part of the surveyor.

General Notes

1. The surveyor has not abstracted the site. This survey relies on the title search from Texas Abstract Services, Control No. 16362, January 13, 2010.

2. The professional service reflected on this plat of survey is provided in connection with the transaction anticipated by the title search referenced and dated above; it is not to be used for any other purpose.

3. Bearings based on State Plan Coordinates, Zone Texas South Central Zone.

4. Property lies within the City Limits and the ETJ of the City of Pearland and is subject to all building setbacks, platting requirements and other development requirements of that entity.

5. This original work is protected under copyright laws, Title 17 United States Code Sections 101 and 102. All violators will be prosecuted to the fullest extent of the law. This survey is being provided solely for the use of the recipients named and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within thirty (30) days from the date adjacent to the signature line herein.

6. Twenty foot wide road easement together with drainage easement set out in Warranty Deed dated October 12, 1912, recorded in Volume 119, Page 61 Deed Records. (AS SHOWN ON SURVEY)

7. Grant of Easement dated September 4, 2008, granted to Global Signal Acquisitions IV LLC, recorded under Clerk's File No. 2008054789. (AS SHOWN ON SURVEY)

SEAL

STATE OF TEXAS
REGISTERED
DAVID J. STRAUSS
4833
PROFESSIONAL
LAND SURVEYOR

SURVEYOR CERTIFICATION

To Power River-ClearWire Houston:
I certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of survey and that this professional service substantially conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 3.

David J. Strauss
R.P.L.S. 4833
Date: January 15, 2010

David J. Strauss

OWNER	FIELD BOOK	31/184
THOMAS C. COLER AND WIFE, KATHY J. COLER	FIELD WORK	SF
	DATE	01-07-10
	DRAFTING	SDR
PURCHASER	DATE	01-15-10
	CHECKED	RS
	DATE	01-15-10
	MTGE. CO.	
ADDRESS	TITLE CO.	
13232 MAX ROAD	G.F. NO.	16362
PEARLAND, TX 77581	SCALE	1"=60', 1"=30'
	KEY MAP	N/A
	JOB. NO.	2025-0001

TOWN & COUNTRY SURVEYORS, LLC
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465-8730
FAX (281)465-8731
SHEET 1 OF 1

Exhibit B

Parcel Map from city website

City Parcel Map

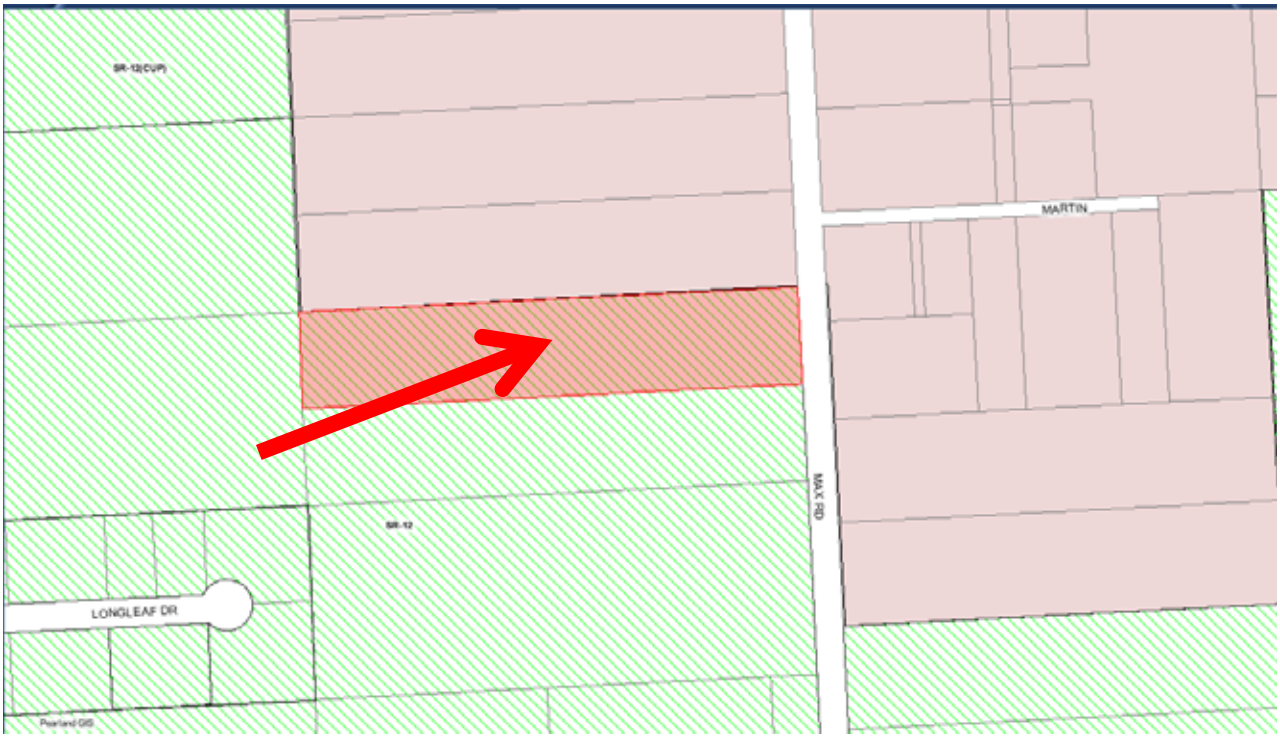


Exhibit C

Letter of Intent

CLEAR

4400 Carillon Point
Kirkland, WA 98033

p: 425-216-7600
f: 425-216-7900
www.clear.com

Tuesday, January 19, 2010

City of Pearland Community Development
3523 Liberty Dr
Pearland, TX 77581
Attn: Angela Gantuah

RE: Letter of Intent for CUP Application HOU0227

Ms. Gantuah:

Powder River Development has been contracted by Clear Wireless, LLC to manage the development of its network in the Houston area. Based on the PreDevelopment Meeting we had on 12-16-2009, I am filing for a Conditional Use Permit (CUP) for co-locating antennas and related ground equipment on an existing tower located at 13232 Max Rd, Pearland, TX 77581.

Our ground space is limited to a 7'x7' area with several small equipment cabinets, mounted on an elevated platform instead of a concrete slab. We will be adding one additional array of antennas to the tower. The only utilities involved in this proposal are telephone and electricity.

Our current proposal does not include:

- Increased tower height
- Additional ground space to the compound
- Impervious ground cover
- Removal of any trees

If you have any questions, I can be reached at 713-261-5357.

Sincerely,

Blake Griggs
Powder River Real Estate Manager
ClearWire Project Houston
Blake.Griggs@PowderRiverDev.com
281-580-4100 (office)
281-580-4108 (fax)
713-261-5357 (cell)

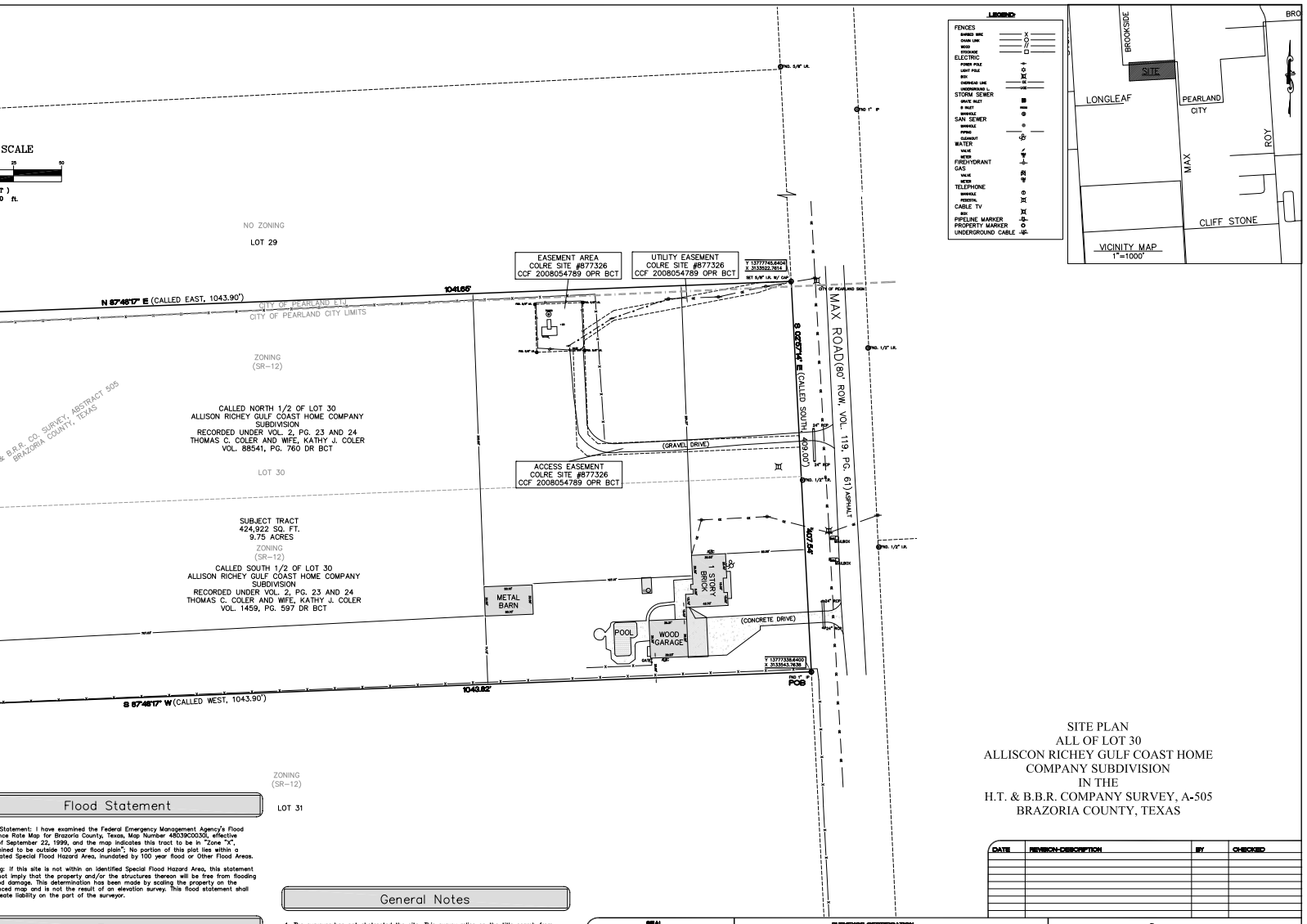
Exhibit D

Check for Application Fee

Exhibit E

Site Plan

Full set of Construction Drawings to be submitted for Building Permit



SITE PLAN
ALL OF LOT 30
ALLISCON RICHEY GULF COAST HOME
COMPANY SUBDIVISION
IN THE
H.T. & B.B.R. COMPANY SURVEY, A-505
BRAZORIA COUNTY, TEXAS

DATE	REVISION-DESCRIPTION	BY	CHECKED

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ot imply that the property and/or the structures thereon will be free from flooding
d damage. This determination has been made by scaling the property on the
ced map and is not the result of an elevation survey. This flood statement shall
eate liability on the part of the surveyor.

Zoning

Suburban Residential-12 District:

(Suburban Residential-15 District) is intended to permit the low density residential
opment of detached single-family dwelling units and appropriate desirable open
The minimum lot size within this zoning district shall be at least 15,000 square
area.

ts
m Lot Area-12,000 square feet
m Lot Width-100'
m Lot Depth-90'
um Lot Coverage-60%

Restrictions-No building shall exceed 35' in height

Yards
m Front Yard-25'; 20' for Cul-de-sac lots and thumbnail lots.
m Side Yard-10'; equal to the front yard when abutting a street ROW.
m Rear Yard-20'; 30' when adjacent to a thoroughfare or collector roadway, except
scaping is provided and is visible from (i.e., there is no fence or other visible
ction) the thoroughfare or collector.

General Notes

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2. The professional service reflected on this plat of survey is provided in connection with the transaction anticipated by the title search referenced and dated above; it is not to be used for any other purpose.

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SEAL

STATE OF TEXAS
DAVID J. STRAUSS
4833
REGISTERED
LAND SURVEYOR

SURVEYOR CERTIFICATION

To Power River-ClearWire Houston:
I certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of survey.

David J. Strauss
R.P.L.S. 4833
Date: January 15, 2010

David J Strauss

OWNER	FIELD BOOK	31/184
THOMAS C. COLER AND WIFE, KATHY J. COLER	FIELD WORK	SF
	DATE	01-07-10
	DRAFTING	SDR
PURCHASER	DATE	01-15-10
PURCHASER	CHECKED	RS
	DATE	01-15-10
	MTGE. CO.	
ADDRESS	TITLE CO.	
13232 MAX ROAD	G.F. NO.	16362
PEARLAND, TX 77581	SCALE	1"=50'
	KEY MAP	N/A
	JOB. NO.	2025-0001

TOWN & COUNTRY SURVEYORS, LLC
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465-8730
FAX (281)465-8731
SHEET 1 OF 1

lear wireless, llc

Clear Wireless Site Name: Crown 877326 Coler

ar Wireless Site #: TX-HOU0227-A Crown CI Site ID: 877326

EX

	REV
	0
	0
NNA CONFIGURATION	0
	0
	0
UIPMENT ELEVATION	0
G PLAN & DETAILS	0
G DETAILS	0
LOAD SCHEDULE	0
G SPECIFICATIONS	0

PPLICABLE CODES

TRUCTION WORKS AND MATERIALS SHALL ITH THE LATEST ADOPTED EDITION OF THE:

NATIONAL BUILDING CODE (IBC) 2003 AND L CODES FOR THE JURISDICTION IN WHICH ECT IS BEING CONSTRUCTED.

TRIAL CODE EIA/TIA-222 F

PATIONAL SAFETY AND HEALTH STANDARDS

NAL ELECTRICAL CODE

RM MECHANICAL CODE

new services & grounding trenches, "WARNING" tape at 12" below

STOP
"CALL BEFORE YOU DIG"
1-800-245-4545
TEXAS ONE CALL UTILITY SYSTEM

VICINITY MAP

DRIVING DIRECTIONS:

FROM CLEAR WIRELESS, LLC OFFICE IN PRUITT RD., THE WOODLANDS, TX 77380

TAKE 59 SOUTH, EXIT TO 288 SOUTH. CONTINUE ON 288 SOUTH TO FM 518 (PEARLAND EXIT). TURN LEFT AT FM 518 (W. BROADWAY STREET) AND HEAD TOWARDS PEARLAND. CONTINUE TO DRRIVE PASS INTERSECTION OF W. BRAODWAY STREET AND CULLEN BLVD, THE STREET RIGHT BEFORE JACK IN THE BOX IS MAX ROAD. TURN LEFT AND PROCEED TO SITE WHICH WILL BE BEHIND MOBLIE HOME ON LEFT

A.D.A. COMPLIANCE

FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION

THIS FACILITY SHALL MEET OR EXCEED ALL FAA AND FCC REGULATORY REQUIREMENT

PROJECT INFORMATION

SITE NAME:	CROWN 877326 COLER
SITE NUMBER:	TX-HOU0227-A
CROWN SITE NAME:	COLER
CROWN BU#:	877236
SITE ADDRESS:	13232 MAX ROAD PEARLAND, TX 77581
LATITUDE:	29.582820 N
LONGITUDE:	-95.334650 W
TOWER OWNER ADDRESS:	CROWN CASTLE
CONTACT:	CHRISTI KING (713) 570-3122
APPLICANT:	CLEAR WIRELESS, LLC 4400 CARILLION POINT KIRKLAND, WA 98033
LOCAL OFFICE:	CLEAR WIRELESS, LLC 1027 PRUITT RD. THE WOODLANDS, TX 77380
CONTACT:	DOMINIQUE LAAN (504) 733-0899

STATE OF TEXAS
AHMAD S. ALAYYUBI
85368
LICENSED PROFESSIONAL ENGINEER
08/13/09

SITE QUALIFICATION PARTICIPANTS

	NAME	SIGNATURE	DATE
RF			
CONSTRUCTION			
INTERCONNECT			
SITE DEV. MANAGER			
PROPERTY OWNER			
PLANNING			

ess, llc
POINT
98033

POWDER RIVER
Development Services, LLC
13131 Champions Dr., Ste # 208
Houston, TX 77069
Phone: (281) 580-4100
Fax: (281) 580-4108

Clear Wireless Site Name:
Crown 877326 Coler
Clear Wireless Site # TX-HOU0227-A
13232 MAX ROAD
PEARLAND, TX 77581

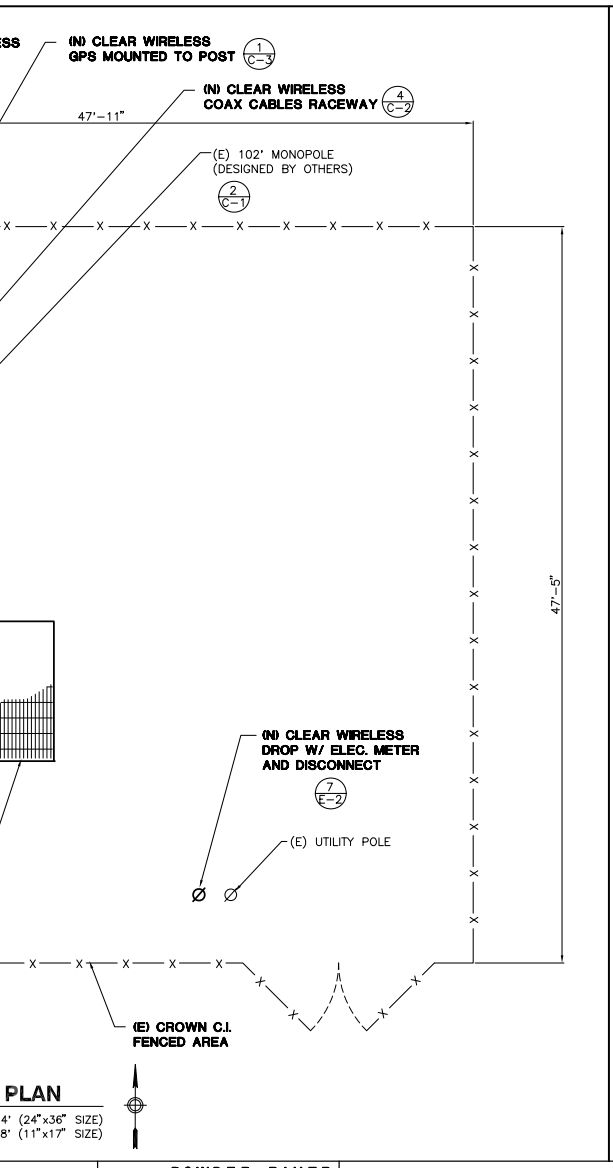
NO.	DATE	REVISIONS	BY	CHK	APP'D
0	08/13/09	CONSTRUCTION	EC	VD	HM
A	07/22/09	CONSTRUCTION REVIEW	EC	VD	HM

SCALE: AS SHOWN | DESIGNED BY: OTHERS | DRAWN BY: EC

NEW TOWER, LLC
IRON MOUNTAIN, MI

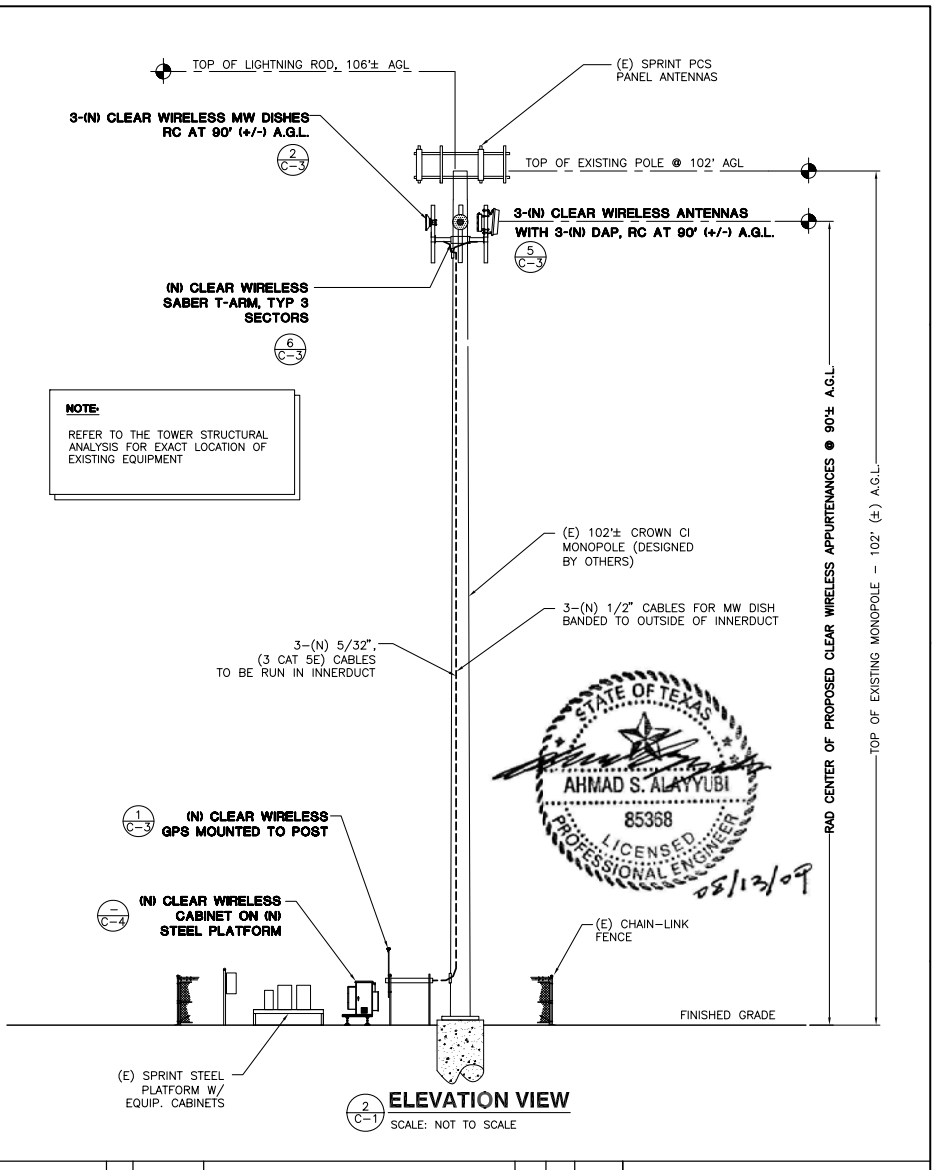
TITLE SHEET

DRAWING NUMBER: TX-HOU0227-A-T1 | REV: 0



PLAN

4' (24"x36" SIZE)
8' (11"x17" SIZE)



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PEARLAND, TX 77581

NO.	DATE	REVISIONS	BY	CHK	APP'D
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A	07/22/09	CONSTRUCTION REVIEW	EC	VD	HM

SCALE: AS SHOWN | DESIGNED BY: OTHERS | DRAWN BY: EC

NEW TOWER, LLC
IRON MOUNTAIN, MI

SITE PLAN AND ELEVATION

DRAWING NUMBER: TX-HOU0227-A-C1
REV: 0

BY FIELD MEASUREMENTS. THE
S AND NOTIFY THE ENGINEER OF

ALL BE RESPONSIBLE FOR
UIRED FOR THE WORK.

N OF THE AISC SPECIFICATIONS
SIGN AND PLASTIC DESIGN
RD PRACTICE.

TO ASTM A-36. ALL STRUCTURAL
STRUCTURAL STEEL TUBING SHALL
COMPONENTS AND FABRICATED
ATION.

ELDING SOCIETY (AWS)
RODES SHALL BE E70XX. FIELD
REAS) AFTER WELDING IS

PORT ASSEMBLIES SHALL
STENERS FOR STRUCTURAL STEEL
BE 5/8" MIN. DIA, BEARING TYPE
ALL EXPOSED FASTENERS, NUTS
SE. CONCRETE EXPANSION
WISE. ALL ANCHORS INTO

MENT SHALL BE AS SPECIFIED BY
DOCUMENTS. THE CONTRACTOR
CURE THE CABLES. ETHERNET
ER USING UV-RESISTANT TIE

. CONTRACTOR SHALL VERIFY
STARTING CONSTRUCTION,

RADE 60, DEFORMED BILLET STEEL

OSTS, GATES AND ALL NECESSARY
E SYSTEM COMPONENTS SHALL BE
BE SWING GATES WITH 6'-0"
FORMATION. INSTALL FENCE AFTER

MOVE UNSUITABLE SOFT OR
UBGRADE. FILL UNDERCUT UP TO
GEOTEXTILE FILTER FABRIC ON
) FINISHED GRADE.

URAL CAPACITY OF THE EXISTING
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ND COLD GALVANIZING,

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(HANDICAPPED ACCESS NOT

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REWS EXPERIENCED IN THE
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ERVE AND PRACTICE ALL O.S.H.A.
RE TECHNOLOGIES, INC.

OR TO COMMENCING ALL WORK
WNED SITE. CLEARWIRE
TY HAZARDS FOUND DURING THE
VORK SHALL BE HALTED UNTIL
Y HAZARD, IF POSSIBLE, SHOULD
ER THE CONTRACTOR HAS
) HAS RECEIVED APPROVAL FROM
N.

ED BEFORE INSTALLATION OF ANY

MICROWAVE / RF DATA SHEET
SITE NUMBER: TX-HOU0228

SECTOR	ANTENNA MODEL	QTY	AZIMUTH (°)	AGL (FT)	ELECT TILT	MECH TILT
A	ARGUS PANEL LLPX310R	1	0	90		
B	ARGUS PANEL LLPX310R	1	120	90		
C	ARGUS PANEL LLPX310R	1	240	90		
ANDREW VHLP2.5-11 30" DIA. MW DISH		1	80.1154	90		
ANDREW VHLP2-18 24" DIA. MW DISH		1	169.1237	90		
ANDREW VHLP2-11 11GHz 24" DIA. MW DISH		1	265.683	90		
(1) DRAGONWAVE BTS UNITS, MODEL HORIZON COMPACT		ONE PER MW DISH **				
(3) CLEARWIRE BTS UNITS, MODEL TYPE IV BTS DAP		ONE PER ANTENNA, MOUNTED BEHIND PANEL ANTENNA **				

* CHECK FINAL RF DATA SHEET BEFORE INSTALLATION.
** SEE TOWER STRUCTURAL ANALYSIS REPORT FOR EXACT LOCATION OF THE BTS MOUNTS

1 C-2 **ANTENNA INFORMATION**
N.T.S.

SECTOR DEGREE RANGE	MARKING METHOD COLOR BANDS	BAND NUMBER
301° TO 60°	RED	SMALLEST NUMBER IN THIS SECTOR DEGREE RANGE WILL BE LABELED "R1". THE NEXT LARGER NUMBER WILL BE LABELED "R2".
61° TO 180°	BLUE	SMALLEST NUMBER IN THIS SECTOR DEGREE RANGE WILL BE LABELED "B1". THE NEXT LARGER NUMBER WILL BE LABELED "B2".
181° TO 300°	YELLOW	SMALLEST NUMBER IN THIS SECTOR DEGREE RANGE WILL BE LABELED "Y1". THE NEXT LARGER NUMBER WILL BE LABELED "Y2".

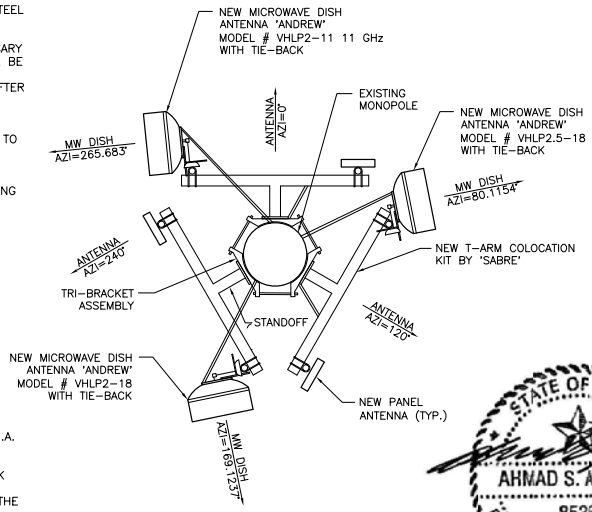
NOTES:

1. LABEL MARKINGS SHALL BE REPLACED WITHIN 12" OF THE CABLE AT BOTH ENDS, AT OR NEAR TOWER MGB AND EITHER PRIOR TO THE ENTRY INTO THE CONDUIT OR PRIOR TO ENTRY INTO THE CABINET. LABEL MARKING SHALL BE AT LEAST 1" WIDE BUT NOT MORE THAN 2" WIDE. FOR MULTIPLE BAND MARKINGS, BANDS SHALL BE SEPARATED BY AT LEAST 1" BUT NOT MORE THAN 2".

2. ETHERNET CABLES SHALL BE ATTACHED TO THE TOWER WAVEGUIDE LADDER USING UV-RESISTANT BLACK CABLE TIES WITH MINIMUM 40 LBS. BREAKING STRENGTH.

3. MW CABLE MARKING – GOING CLOCKWISE THE FIRST MW ANTENNA IN EACH SECTOR RANGE WILL HAVE ONE (1) WRAP OF THE SECTOR COLOR, THE SECOND MW ANTENNA IN THE SAME SECTOR WILL HAVE TWO (2) WRAPS OF THE PARTICULAR SECTOR COLOR TAPE.

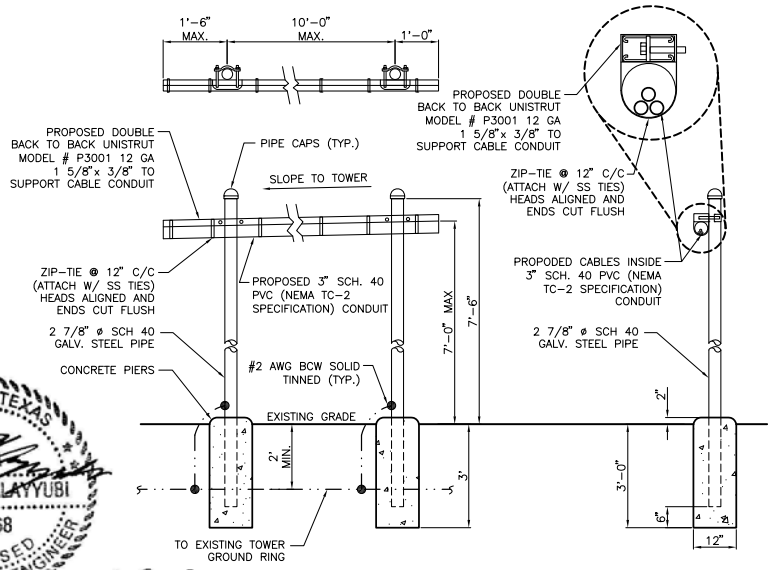
2 C-2 **COAX CABLE COLOR CODING**
N.T.S.



FOR FINAL CONFIRMATION OF ANTENNA ORIENTATION THE RF CONFIGURATION ALWAYS HAS PRECEDENCE

3 C-2 **ANTENNA CONFIGURATION**
N.T.S.

STATE OF TEXAS
AHMAD S. ALAYYUBI
85358
LICENSED PROFESSIONAL ENGINEER
08/13/09



4 C-2 **COAX CABLE RACEWAY DETAILS**
N.T.S.

ess, llc
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98033

POWDER RIVER
Development Services, LLC
13131 Champions Dr., Ste # 208
Houston, TX 77069
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A	07/22/09	CONSTRUCTION REVIEW	EC	VD	HM

SCALE: AS SHOWN DESIGNED BY: OTHERS DRAWN BY: EC

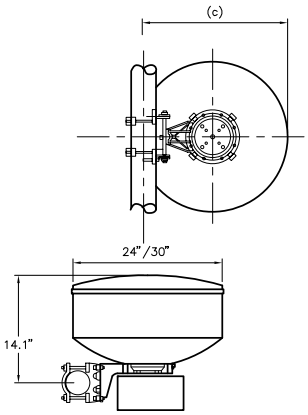
NEW TOWER, LLC
IRON MOUNTAIN, MI

GENERAL NOTES & ANTENNA CONFIGURATION

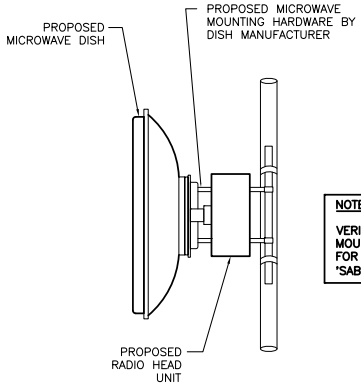
DRAWING NUMBER: TX-HOU0227-A-C2
REV: 0

MICROWAVE DISH	
MANUFACTURER	ANDREWS
PART #	VHLP2–18 & VHLP2–11 11GHz
(a) DIAMETER	24"
(b) DEPTH	14.1"
(c) OFFSET	N/A
WEIGHT	31 LBS.

MICROWAVE DISH	
MANUFACTURER	ANDREWS
PART #	VHLP2.5–18
(a) DIAMETER	30"
(b) DEPTH	14.1"
(c) OFFSET	N/A
WEIGHT	31 LBS.

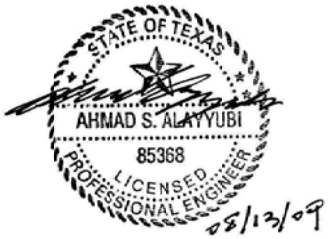


2 C–3 **MICROWAVE SPECIFICATION**
N.T.S.

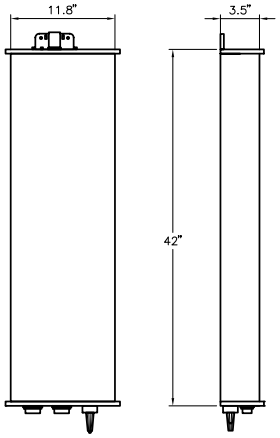


NOTE:

VERIFY EXACT TYPE OF MOUNT ASSEMBLY REQUIRED. FOR INSTALLATION REFER TO 'SABRE' DWGS. 2262/2264



PANEL ANTENNA	
MANUFACTURER	ARGUS
PART #	LLPX310R
(x) LENGTH	42"
(y) WIDTH	11.8"
(z) DEPTH	4.5"
WEIGHT	22.66 LBS.



4 C–3 **ANTENNA SPECIFICATION**
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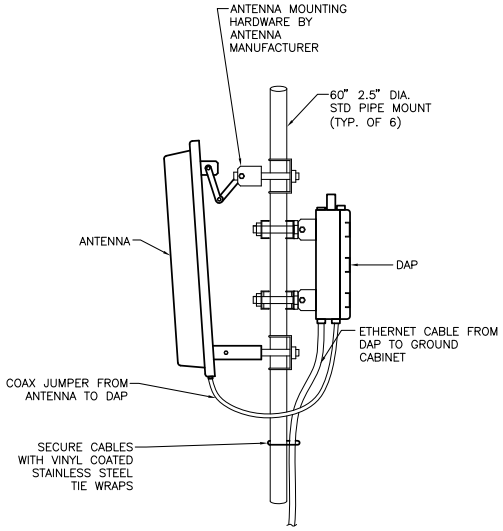
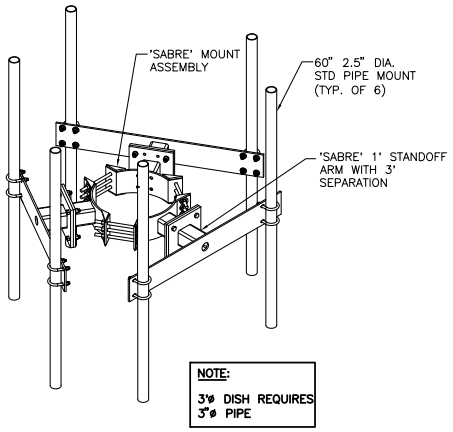


5 C–3 **ANTENNA MOUNTING DETAILS**
N.T.S.



NOTE:

3"ø DISH REQUIRES 3"ø PIPE

6 C–3 **STANDOFF MOUNT ASSEMBLY**
N.T.S.

ess, llc
POINT
98033

POWDER RIVER
Development Services, LLC
13131 Champions Dr., Ste # 208
Houston, TX 77069
Phone: (281) 580-4100
Fax: (281) 580-4108

Clear Wireless Site Name:
Crown 877326 Coler
Clear Wireless Site # TX-HOU0227-A
13232 MAX ROAD
PEARLAND, TX 77581

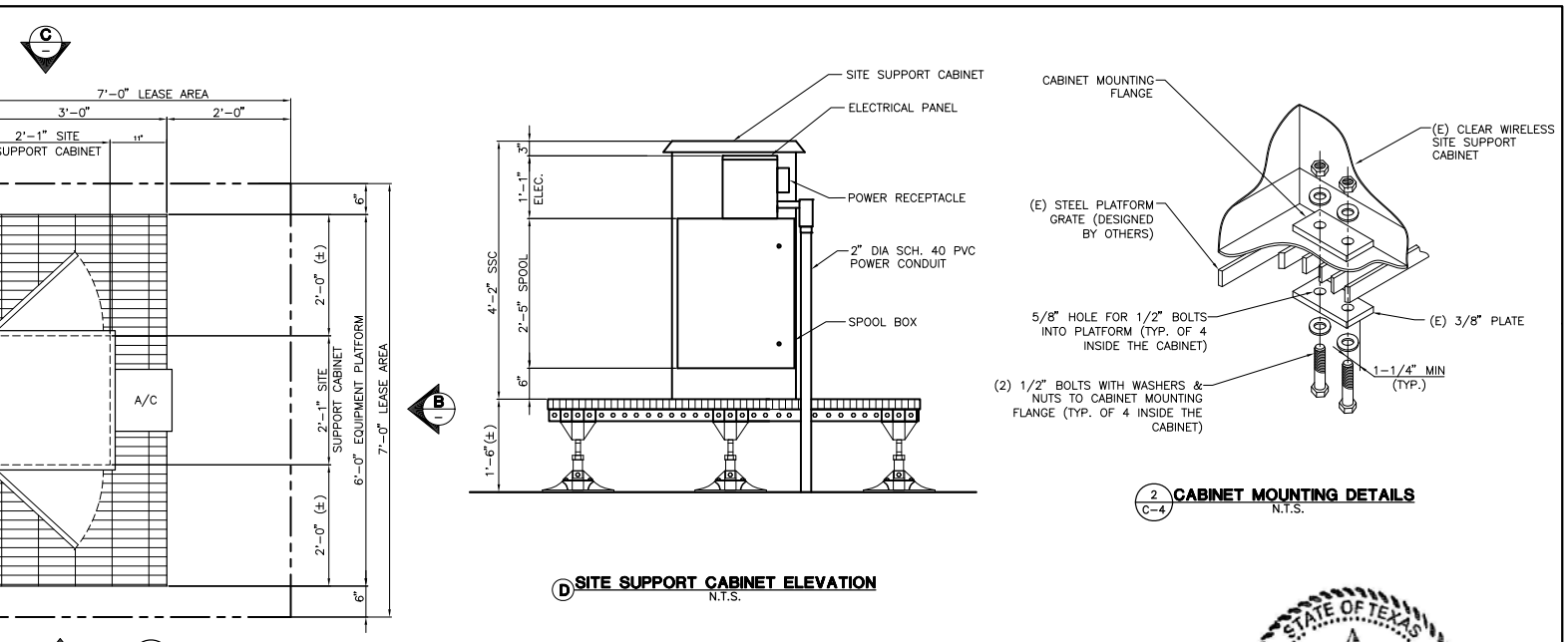
NO.	DATE	REVISIONS	BY	CHK	APP'D
0	08/13/09	CONSTRUCTION	EC	VD	HM
A	07/22/09	CONSTRUCTION REVIEW	EC	VD	HM

SCALE: AS SHOWN DESIGNED BY: OTHERS DRAWN BY: EC

NEW TOWER, LLC
IRON MOUNTAIN, MI

ANTENNA DETAILS

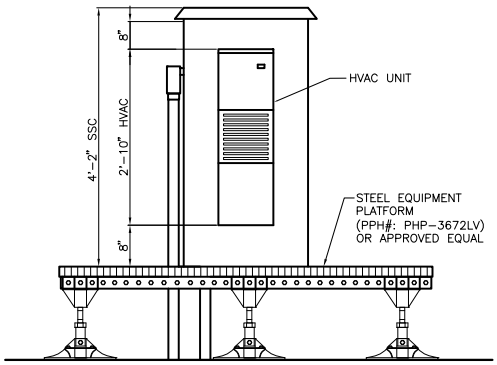
DRAWING NUMBER: TX-HOU0227-A- C3
REV: 0



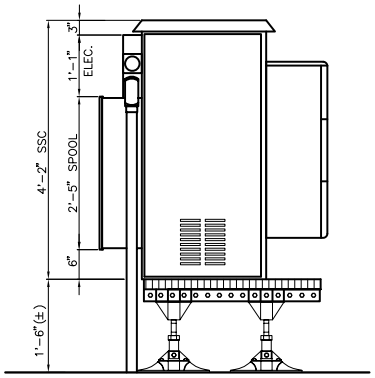
1 C-4 EQUIPMENT PLAN
N.T.S.

D SITE SUPPORT CABINET ELEVATION
N.T.S.

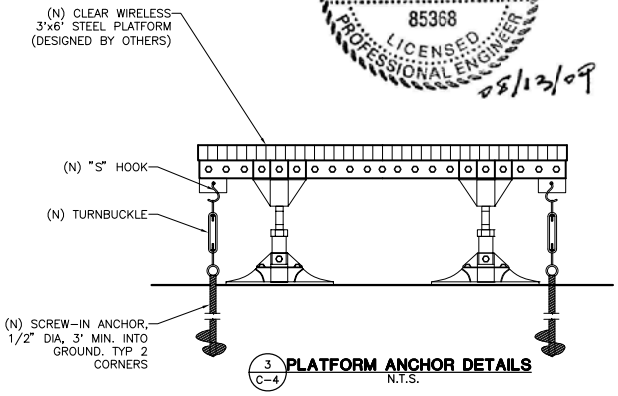
2 C-4 CABINET MOUNTING DETAILS
N.T.S.



B SITE SUPPORT CABINET ELEVATION
N.T.S.



A SITE SUPPORT CABINET ELEVATION
N.T.S.



3 C-4 PLATFORM ANCHOR DETAILS
N.T.S.

STATE OF TEXAS
AHMAD S. ALAYYUBI
85368
LICENSED PROFESSIONAL ENGINEER
08/13/09

ess, llc POINT 98033	POWDER RIVER Development Services, LLC 13131 Champions Dr., Ste # 208 Houston, TX 77069 Phone: (281) 580-4100 Fax: (281) 580-4108	Clear Wireless Site Name: Crown 877326 Coler Clear Wireless Site # TX-HOU0227-A 13232 MAX ROAD PEARLAND, TX 77581	0 08/13/09 CONSTRUCTION EC VD HM A 07/22/09 CONSTRUCTION REVIEW EC VD HM NO. DATE REVISIONS BY CHK APP'D SCALE: AS SHOWN DESIGNED BY: OTHERS DRAWN BY: EC	NEW TOWER, LLC IRON MOUNTAIN, MI EQUIPMENT DETAILS DRAWING NUMBER TX-HOU0227-A- C4	REV 0

Exhibit F

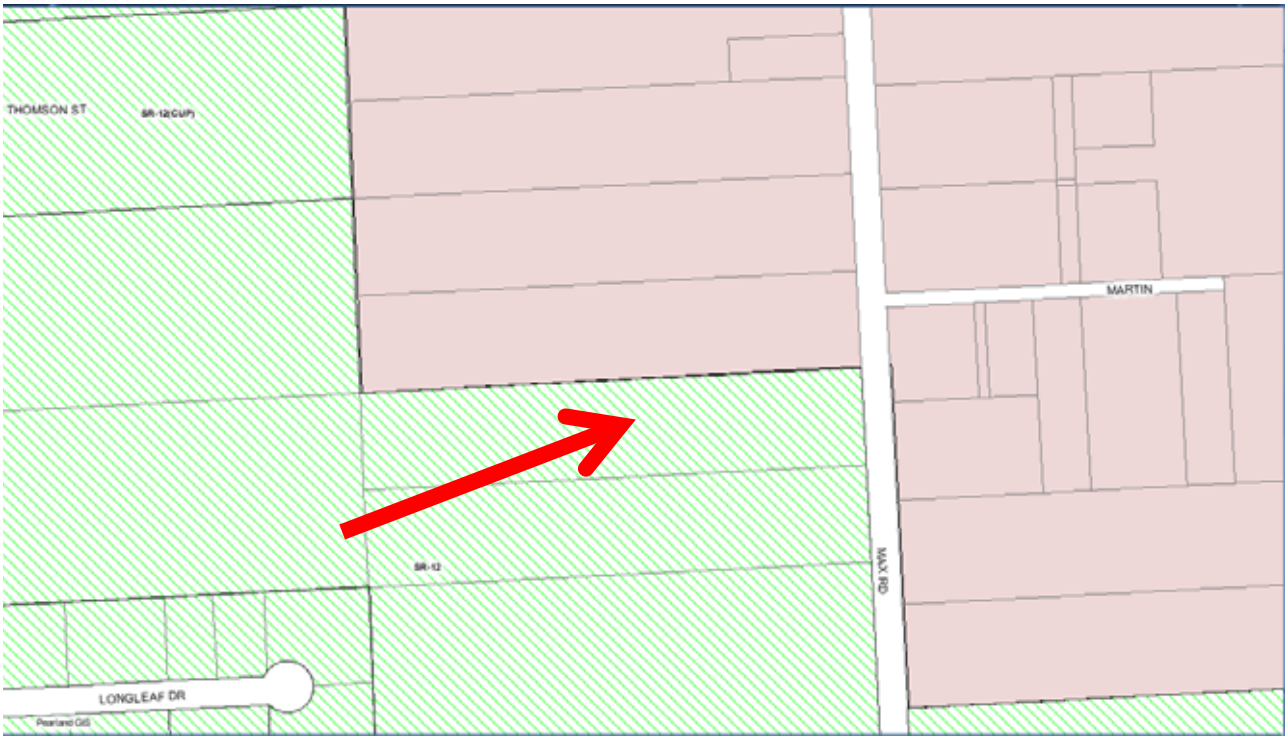
Acknowledgement of Posting

To be submitted upon actual posting

Supplemental A

Maps

Zoning Map



Zoning Map with Aerial

Satellite Image

Enlarged Satellite Image

Supplement B

Photos

Site Photos

Existing tower site

Existing equipment compound

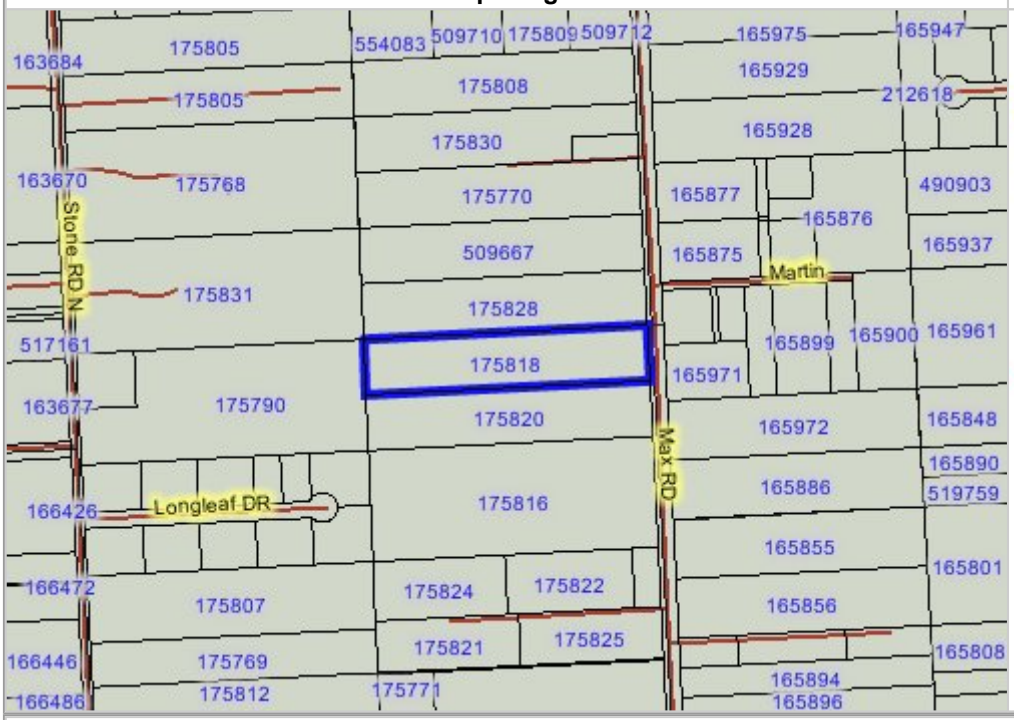
Supplement C

Property Records

Brazoria CAD

Property Search Results > Property ID 175818 COLER THOMAS C for Year 2009

Map Image



Legend

- dynField5PROP_ID
- dynProperty
- ZoomHighlightLayer
- County
- Abstracts
- City Limits
- Export
- Parcels
- Parcels Poly
- Roads

Property Details

Account

Property ID:	175818
Geo. ID:	0505-0024-000
Type:	Real
Legal Description:	A0505 H T & B R R, TRACT 30, ACRES 5.100

Location

Address:	MAX RD CR 108 PEARLAND, TX 77581
Neighborhood:	ABST 234 AREA 1989 AND OLDER
Mapsco:	
Jurisdictions:	CAD, CPL, DR4, GBC, RDB, SPL

Owner

Name:	COLER THOMAS C
Address:	13232 MAX RD PEARLAND, TX 77581-7914

Property

Appraised Value:	$152,490

Website version: 1.2.2.2

Database last updated on: 12/6/2009 8:34 PM

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This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

Brazoria CAD

Property Search Results > 175818 COLER THOMAS C for Year 2009

Property

Account

Property ID:	175818	Legal Description:	A0505 H T & B R R, TRACT 30, ACRES 5.100
Geographic ID:	0505-0024-000	Agent Code:	
Type:	Real		

Location

Address:	MAX RD CR 108 PEARLAND, TX 77581	Mapsco:	
Neighborhood:	ABST 234 AREA 1989 AND OLDER	Map ID:	
Neighborhood CD:	A0234.O		

Owner

Name:	COLER THOMAS C	Owner ID:	40312
Mailing Address:	13232 MAX RD PEARLAND, TX 77581-7914	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	$0		
(+) Improvement Non-Homesite Value:	+	$0		
(+) Land Homesite Value:	+	$0		
(+) Land Non-Homesite Value:	+	$152,490	Ag / Timber Use Value	
(+) Agricultural Market Valuation:	+	$0		$0
(+) Timber Market Valuation:	+	$0		$0

(=) Market Value:	=	$152,490		
(–) Ag or Timber Use Value Reduction:	–	$0		

(=) Appraised Value:	=	$152,490		
(–) HS Cap:	–	$0		

(=) Assessed Value:	=	$152,490		

Taxing Jurisdiction

Owner: COLER THOMAS C
% Ownership: 100.0000000000%
Total Value: $152,490

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	$152,490	$152,490	$0.00
CPL	CITY OF PEARLAND	0.652600	$152,490	$152,490	$995.15
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	0.143845	$152,490	$152,490	$219.35
GBC	BRAZORIA COUNTY	0.366286	$152,490	$152,490	$558.55
RDB	ROAD & BRIDGE FUND	0.060000	$152,490	$152,490	$91.49
SPL	PEARLAND INDEPENDENT SCHOOL DISTRICT	1.419400	$152,490	$152,490	$2,164.44
	Total Tax Rate:	2.642131			
				Taxes w/Current Exemptions:	$4,028.99
				Taxes w/o Exemptions:	$4,028.99

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	FRONT ACREAGE	5.1000	222156.00	0.00	0.00	$152,490	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed

2010	N/A	N/A	N/A	N/A	N/A	N/A
2009	$0	$152,490	0	152,490	$0	$152,490
2008	$0	$152,490	0	152,490	$0	$152,490
2007	$0	$73,950	0	73,950	$0	$73,950
2006	$0	$73,950	0	73,950	$0	$73,950
2005	$0	$51,000	0	51,000	$0	$51,000
2004	$0	$51,000	0	51,000	$0	$51,000
2003	$0	$51,000	0	51,000	$0	$51,000
2002	$0	$40,800	0	40,800	$0	$40,800
2001	$0	$40,800	0	40,800	$0	$40,800

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page

Questions Please Call (979) 849-7792

Website version: 1.2.2.2

Database last updated on: 12/6/2009 8:34 PM

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Supplement D

Structural Analysis

Date: **March 19, 2009**

Ted Wheless
Crown Castle USA Inc.
5350 North 48th St. Suite 305
Chandler, AZ 85226
(480) 735-6917

GPD Associates
520 South Main Street, Suite 2531
Akron, OH 44311
(614) 8591621
vweisenberger@gpdgroup.com

Subject:	**Structural Analysis Report**	
Carrier Designation:	***Clearwire* Co-Locate**	
	Carrier Site Number:	TX-HOU0227
	Carrier Site Name:	Crown-877326
Crown Castle Designation:	**Crown Castle BU Number:**	877326
	Crown Castle Site Name:	Coler
	Crown Castle JDE Job Number:	116555
	Crown Castle Work Order Number:	260312
Engineering Firm Designation:	**GPD Group Project Number:**	2009180.05
Site Data:	**13232 Max Rd., Pearland, TX 77581, Brazoria County**	
	Latitude *29° 34' 58.16"*, Longitude *-95° 20' 4.74"*	
	102 Foot – Valmont Monopole Tower	

Mr. Wheless,

GPD Associates is pleased to submit this **"Structural Analysis Report"** to determine the structural integrity of the above mentioned tower. This analysis has been performed in accordance with the Crown Castle Structural 'Statement of Work' and the terms of Crown Castle Purchase Order Number 324035, in accordance with application 76095, revision 3.

The purpose of the analysis is to determine acceptability of the tower stress level. Based on our analysis we have determined the tower stress level for the structure and foundation, under the following load case, to be:

LC1: Existing + Reserved + Proposed Equipment **Sufficient Capacity**
Note: See Table I and Table II for the proposed and existing/reserved loading, respectively.

The analysis has been performed in accordance with the TIA/EIA-222-F standard and based upon a wind speed of 100 mph fastest mile.

We at *GPD Group* appreciate the opportunity of providing our continuing professional services to you and Crown Castle USA Inc. If you have any questions or need further assistance on this or any other projects please give us a call.

Respectfully submitted by:

Darrin Kotecki, P.E.
Texas #: 96025

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2) ANALYSIS CRITERIA
- Table 1 - Proposed Antenna and Cable Information
- Table 2 - Existing and Reserved Antenna and Cable Information
- Table 3 - Design Antenna and Cable Information

3) ANALYSIS PROCEDURE
- Table 4 - Documents Provided
- 3.1) Analysis Method
- 3.2) Assumptions

4) ANALYSIS RESULTS
- Table 5 - Section Capacity (Summary)
- Table 6 - Tower Component Stresses vs. Capacity - LC1
- 4.1) Recommendations
- Table 7- Tilt/Sway Results

5) DISCLAIMER OF WARRANTIES

6) APPENDIX A
- RISATower Output

7) APPENDIX B
- Base Level Drawing

8) APPENDIX C
- Additional Calculations

1) INTRODUCTION

The existing monopole has 12 sides and is evenly tapered from 33.8" (flat-flat) at the base to 14.24" (flat-flat) at the top. It has two major sections connected by slip joints. The structure is galvanized and has no tower lighting.

This tower is a 102 ft monopole tower designed by Valmont in January of 1998. The tower was originally designed for a wind speed of 100 mph per TIA/EIA-222-F.

2) ANALYSIS CRITERIA

The structural analysis was performed for this tower in accordance with the requirements of TIA/EIA-222-F Structural Standards for Steel Antenna Towers and Antenna Supporting Structures using a fastest mile wind speed of 100 mph with no ice, 87 mph with 0.5 inch ice thickness and 60 mph under service loads.

Table 1 - Proposed Antenna and Cable Information

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)	Note
87	89	3	Andrew	VHLP2-18-1WH	3 6	1/2 5/16	1
		3	Dragonwave	Horizon Compact			
	87	3		Dual Standoff			
	84	3	Clearwire	Type III Pannel			
		3	Clearwire	Type IV BTS DAP			

Note:
1) See Appendix B for the proposed coax layout.

Table 2 - Existing and Reserved Antenna and Cable Information

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)	Note
98	98	6	EMS Wireless	RR90-18-02DP	6	1-5/8	1
		6	Remec	GSM1900 G3 MSTHD			
		1		13' Platform w/o handrails			

Notes:
1) Both the existing and MLA loadings were considered, in this case, the MLA loading controls

Table 3 - Design Antenna and Cable Information

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)
98	98	12		AP17-1900/090D		
		1		Cellular Platform		
85	85	12		AP17-1900/0900		
		1		Cellular Platform		

3) ANALYSIS PROCEDURE

Table 4 - Documents Provided

Document	Remarks	Reference	Source
Original Tower Drawings	Valmont, Order #: 16742-98, dated 1/21/98	Doc ID # 2046916	Crown DMZ
Foundation Investigation	Axis Engineering, Inc., Site #: HO03XC108-Coler	Doc ID # 2028879	Crown DMZ
Geotechnical Report	Geotech Engineering and Testing, Inc., Report #: 97-763E, dated 12/22/1997	Doc ID # 1543873	Crown DMZ
Original Tower Analysis	Valmont Order#: 16742098, dated 1-22-98	Doc ID # 1544044	Crown DMZ

3.1) Analysis Method

RISATower (version 5.3.0.1), a commercially available analysis software package, was used to create a three-dimensional model of the tower and calculate member stresses for various loading cases. Selected output from the analysis is included in Appendix A.

3.2) Assumptions

1) Tower and structures were built in accordance with the manufacturer's specifications.
2) The tower and structures have been maintained in accordance with the manufacturer's specification.
3) The configuration of antennas, transmission cables, mounts and other appurtenances are as specified in Tables 1 and 2 and the referenced drawings.
4) When applicable, transmission cables are considered as structural components for calculating wind loads as allowed by TIA/EIA-222-F.

This analysis may be affected if any assumptions are not valid or have been made in error. GPD Group should be notified to determine the effect on the structural integrity of the tower.

4) ANALYSIS RESULTS

Table 5 - Section Capacity (Summary)

Section No.	*Elevation ft*	*Component Type*	*Size*	*Critical Element*	*P K*	*SF*P_{allow} K*	*% Capacity*	*Pass Fail*
L1	100 - 47.9167	Pole	TP24.66x14.24x0.2188	1	-4.50	164.54	104.1	Pass
L2	47.9167 - 0	Pole	TP33.8x23.4056x0.3125	2	-11.04	669.48	100.2	Pass
							Summary	
						Pole (L1)	104.1	Pass
						RATING =	**104.1**	**Pass**

Table 6 - Tower Component Stresses vs. Capacity - LC1

Notes	Component	Elevation (ft)	% Capacity	Pass / Fail
1	Anchor Rods		86.5%	Pass
1	Base Plate		54.9%	Pass
1,2	Base Foundation		100.2%	Pass

Structure Rating (max from all components) =	104.1%

Notes:
1) See additional documentation in "Appendix C – Additional Calculations" for calculations supporting the % capacity consumed.
2) Base reactions were compared to designed foundation reactions.
3) Capacities up to 105% are considered acceptable based on analysis methods used.

4.1) Recommendations

The tower and its foundation are sufficient for the proposed loading and do not require modifications.

Table 7 Tilt/Sway Results for 50 mph Service Wind Speed

Elevation (ft)	Dish Model	Diameter (ft)	Beamwidth (deg)	Tilt-Sway Limit (deg)	Calculated Tilt-Sway (deg)
89	VHLP2-18-1WH	2	2.1	1.6	1.51

5) DISCLAIMER OF WARRANTIES

GPD ASSOCIATES has not performed a site visit to the tower to verify the member sizes or antenna/coax loading. If the existing conditions are not as represented on the tower elevation contained in this report, we should be contacted immediately to evaluate the significance of the discrepancy. This is not a condition assessment of the tower or foundation. This report does not replace a full tower inspection. The tower and foundations are assumed to have been properly fabricated, erected, maintained, in good condition, twist free, and plumb.

The engineering services rendered by GPD ASSOCIATES in connection with this Structural Analysis are limited to a computer analysis of the tower structure and theoretical capacity of its main structural members. All tower components have been assumed to only resist dead loads when no other loads are applied. No allowance was made for any damaged, bent, missing, loose, or rusted members (above and below ground). No allowance was made for loose bolts or cracked welds.

GPD ASSOCIATES does not analyze the fabrication of the structure (including welding). It is not possible to have all the very detailed information needed to perform a thorough analysis of every structural sub-component and connection of an existing tower. GPD ASSOCIATES provides a limited scope of service in that we cannot verify the adequacy of every weld, plate connection detail, etc. The purpose of this report is to assess the feasibility of adding appurtenances usually accompanied by transmission lines to the structure.

It is the owners responsibility to determine the amount of ice accumulation, if any, that should be considered in the structural analysis.

The attached sketches are a schematic representation of the analyzed tower. If any material is fabricated from these sketches, the contractor shall be responsible for field verifying the existing conditions, proper fit, and clearance in the field. Any mentions of structural modifications are reasonable estimates and should not be used as a precise construction document. Precise modification drawings are obtainable from GPD ASSOCIATES, but are beyond the scope of this report.

Miscellaneous items such as antenna mounts ect., have not been designed or detailed as a part of our work.
We recommend that material of adequate size and strength be purchased from a reputable tower manufacturer.

GPD ASSOCIATES makes no warranties, expressed and/or implied, in connection with this report and disclaims any liability arising from material, fabrication, and erection of this tower. GPD ASSOCIATES will not be responsible whatsoever for, or on account of, consequential or incidental damages sustained by any person, firm, or organization as a result of any data or conclusions contained in this report. The maximum liability of GPD ASSOCIATES pursuant to this report will be limited to the total fee received for preparation of this report.

APPENDIX A

RISA TOWER OUTPUT

RISATower	Job: COLER BU #: 877326	Page: 1 of 3
GPD Associates 520 South Main St. Suite 2531 Akron, OH 44311 Phone: (614) 210-0751 FAX: (614) 210-0752	Project: GPD #: 2009180.05	Date: 10:39:25 03/19/09
	Client: Crown Castle	Designed by: vweisenberger

Tower Input Data

There is a pole section.
This tower is designed using the TIA/EIA-222-F standard.
The following design criteria apply:

Tower is located in Brazoria County, Texas.
Basic wind speed of 100 mph.
Nominal ice thickness of 0.5000 in.
Ice density of 56 pcf.
A wind speed of 87 mph is used in combination with ice.
Temperature drop of 50 °F.
Deflections calculated using a wind speed of 50 mph.
A non-linear (P-delta) analysis was used.
Pressures are calculated at each section.
Stress ratio used in pole design is 1.333.
Local bending stresses due to climbing loads, feedline supports, and appurtenance mounts are not considered.

Feed Line/Linear Appurtenances - Entered As Area

Description	Face or Leg	Allow Shield	Component Type	Placement ft	Total Number		C_AA_A ft^2/ft	Weight plf
LDF7-50A(1-5/8")	C	No	Inside Pole	98.00 - 8.00	9	No Ice	0.00	0.82
						1/2" Ice	0.00	0.82
LDF4P-50A(1/2")	B	No	Inside Pole	87.00 - 8.00	3	No Ice	0.00	0.15
						1/2" Ice	0.00	0.15
9207(5/16")	B	No	Inside Pole	87.00 - 8.00	6	No Ice	0.00	0.60
						1/2" Ice	0.00	0.60

Discrete Tower Loads

Description	Face or Leg	Offset Type	Offsets: Horz Lateral Vert ft ft ft	Azimuth Adjustment °	Placement ft		C_AA_A Front ft^2	C_AA_A Side ft^2	Weight K
Valmont 13' Platform w/o rails (GPD)	C	None		0.0000	98.00	No Ice	24.80	24.80	1.50
						1/2" Ice	26.20	26.20	2.50
(3) FV65-14-00NA2	A	From Centroid-Leg	4.00 0.00 0.00	0.0000	98.00	No Ice	8.40	5.28	0.03
						1/2" Ice	8.95	5.74	0.08
(3) FV65-14-00NA2	B	From Centroid-Leg	4.00 0.00 0.00	0.0000	98.00	No Ice	8.40	5.28	0.03
						1/2" Ice	8.95	5.74	0.08
(3) FV65-14-00NA2	C	From Centroid-Leg	4.00 0.00 0.00	0.0000	98.00	No Ice	8.40	5.28	0.03
						1/2" Ice	8.95	5.74	0.08
Valmont Dual Standoff	A	From	1.00	0.0000	87.00	No Ice	4.85	2.67	0.15

RISATower	Job: COLER BU #: 877326	Page: 2 of 3
GPD Associates 520 South Main St. Suite 2531 Akron, OH 44311 Phone: (614) 210-0751 FAX: (614) 210-0752	Project: GPD #: 2009180.05	Date: 10:39:25 03/19/09
	Client: Crown Castle	Designed by: vweisenberger

Description	Face or Leg	Offset Type	Offsets: Horz Lateral Vert ft ft ft	Azimuth Adjustment °	Placement ft		C_AA_A Front ft^2	C_AA_A Side ft^2	Weight K
Mount		Centroid-Leg	0.00 0.00			1/2" Ice	4.96	3.22	0.18
Valmont Dual Standoff Mount	B	From Centroid-Leg	1.00 0.00 0.00	0.0000	87.00	No Ice 1/2" Ice	4.85 4.96	2.67 3.22	0.15 0.18
Valmont Dual Standoff Mount	C	From Centroid-Leg	1.00 0.00 0.00	0.0000	87.00	No Ice 1/2" Ice	4.85 4.96	2.67 3.22	0.15 0.18
Type III Panel w/ mount pipe	A	From Centroid-Leg	2.00 0.00 -3.00	0.0000	87.00	No Ice 1/2" Ice	6.30 6.77	2.89 3.49	0.05 0.09
Type III Panel w/ mount pipe	B	From Centroid-Leg	2.00 0.00 -3.00	0.0000	87.00	No Ice 1/2" Ice	6.30 6.77	2.89 3.49	0.05 0.09
Type III Panel w/ mount pipe	C	From Centroid-Leg	2.00 0.00 -3.00	0.0000	87.00	No Ice 1/2" Ice	6.30 6.77	2.89 3.49	0.05 0.09
Type IV BTS DAP	A	From Centroid-Leg	2.00 0.00 -3.00	0.0000	87.00	No Ice 1/2" Ice	0.00 0.00	2.27 2.51	0.05 0.07
Type IV BTS DAP	B	From Centroid-Leg	2.00 0.00 -3.00	0.0000	87.00	No Ice 1/2" Ice	0.00 0.00	2.27 2.51	0.05 0.07
Type IV BTS DAP	C	From Centroid-Leg	2.00 0.00 -3.00	0.0000	87.00	No Ice 1/2" Ice	0.00 0.00	2.27 2.51	0.05 0.07
Horizon Compact	A	From Centroid-Leg	2.00 0.00 2.00	0.0000	87.00	No Ice 1/2" Ice	0.00 0.00	0.43 0.52	0.01 0.02
Horizon Compact	B	From Centroid-Leg	2.00 0.00 2.00	0.0000	87.00	No Ice 1/2" Ice	0.00 0.00	0.43 0.52	0.01 0.02
Horizon Compact	C	From Centroid-Leg	2.00 0.00 2.00	0.0000	87.00	No Ice 1/2" Ice	0.00 0.00	0.43 0.52	0.01 0.02

Dishes

Description	Face or Leg	Dish Type	Offset Type	Offsets: Horz Lateral Vert ft	Azimuth Adjustment °	3 dB Beam Width °	Elevation ft	Outside Diameter ft		Aperture Area ft^2	Weight K
VHLP2-18-1WH	A	Paraboloid w/Shroud (HP)	From Centroid-Leg	2.00 0.00 2.00	0.0000		87.00	2.17	No Ice 1/2" Ice	3.72 4.01	0.03 0.02
VHLP2-18-1WH	B	Paraboloid w/Shroud (HP)	From Centroid-Leg	2.00 0.00 2.00	0.0000		87.00	2.17	No Ice 1/2" Ice	3.72 4.01	0.03 0.02
VHLP2-18-1WH	C	Paraboloid w/Shroud (HP)	From Centroid-Leg	2.00 0.00 2.00	0.0000		87.00	2.17	No Ice 1/2" Ice	3.72 4.01	0.03 0.02

RISATower	Job: COLER BU #: 877326	Page: 3 of 3
GPD Associates 520 South Main St. Suite 2531 Akron, OH 44311 Phone: (614) 210-0751 FAX: (614) 210-0752	Project: GPD #: 2009180.05	Date: 10:39:25 03/19/09
	Client: Crown Castle	Designed by: vweisenberger

Maximum Tower Deflections - Service Wind

Section No.	Elevation ft	Horz. Deflection in	Gov. Load Comb.	Tilt °	Twist °
L1	100 - 47.9167	19.637	33	1.7360	0.0006
L2	52 - 0	5.159	33	0.9326	0.0002

Critical Deflections and Radius of Curvature - Service Wind

Elevation ft	Appurtenance	Gov. Load Comb.	Deflection in	Tilt °	Twist °	Radius of Curvature ft
98.00	Valmont 13' Platform w/o rails (GPD)	33	18.937	1.6945	0.0006	18993
89.00	VHLP2-18-1WH	33	15.813	1.5100	0.0005	8633
87.00	Valmont Dual Standoff Mount	33	15.130	1.4700	0.0005	7305

Maximum Tower Deflections - Design Wind

Section No.	Elevation ft	Horz. Deflection in	Gov. Load Comb.	Tilt °	Twist °
L1	100 - 47.9167	78.163	8	6.9149	0.0026
L2	52 - 0	20.572	8	3.7193	0.0006

Critical Deflections and Radius of Curvature - Design Wind

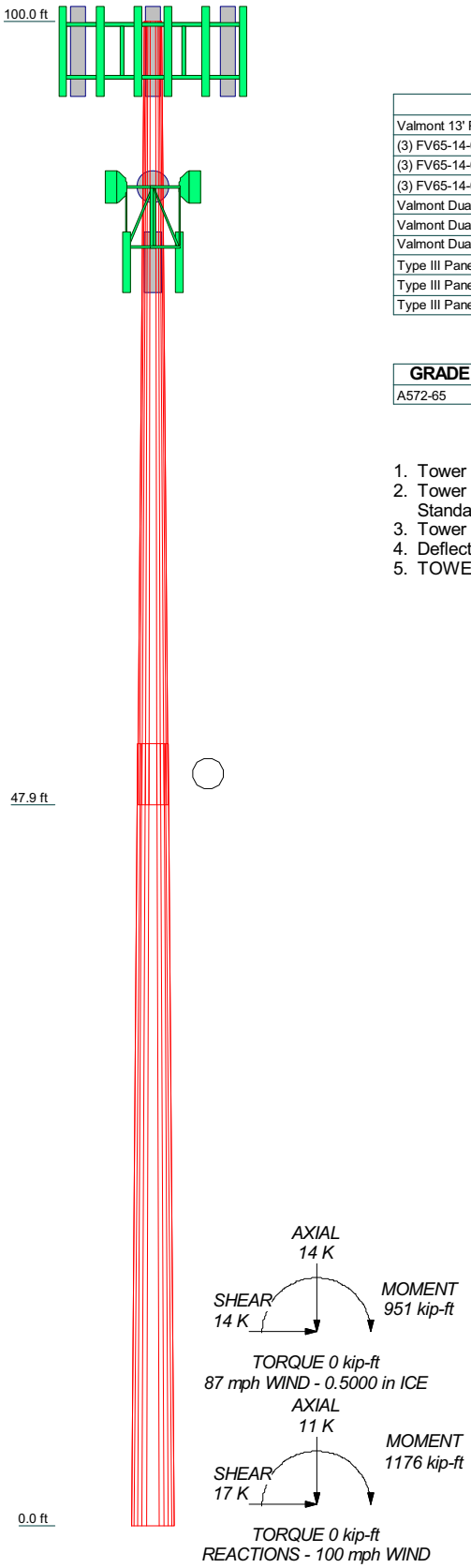
Elevation ft	Appurtenance	Gov. Load Comb.	Deflection in	Tilt °	Twist °	Radius of Curvature ft
98.00	Valmont 13' Platform w/o rails (GPD)	8	75.378	6.7755	0.0025	4870
89.00	VHLP2-18-1WH	8	62.954	6.1501	0.0021	2212
87.00	Valmont Dual Standoff Mount	8	60.241	6.0118	0.0020	1871

Section Capacity Table

Section No.	Elevation ft	Component Type	Size	Critical Element	P K	$SF*P_{allow}$ K	% Capacity	Pass Fail
L1	100 - 47.9167	Pole	TP24.66x14.24x0.2188	1	-4.50	164.54	104.1	Pass
L2	47.9167 - 0	Pole	TP33.8x23.4056x0.3125	2	-11.04	669.48	100.2	Pass
							Summary	
						Pole (L1)	104.1	Pass
						RATING =	**104.1**	**Pass**

Program Version 5.3.0.1 - 9/9/2008 File:N:/2009/2009180/05/RISA/877326.eri

Section	Length (ft)	Number of Sides	Thickness (in)	Lap Splice (ft)	Top Dia (in)	Bot Dia (in)	Grade	Weight (K)
1	52.08	12	0.2188	4.08	14.2400	24.6600	A572-65	2.4
2	52.00	12	0.3125		23.4056	33.8000		5.0
								7.4



DESIGNED APPURTENANCE LOADING

TYPE	ELEVATION	TYPE	ELEVATION
Valmont 13' Platform w/o rails (GPD)	98	Type IV BTS DAP	87
(3) FV65-14-00NA2	98	Type IV BTS DAP	87
(3) FV65-14-00NA2	98	Type IV BTS DAP	87
(3) FV65-14-00NA2	98	Horizon Compact	87
Valmont Dual Standoff Mount	87	Horizon Compact	87
Valmont Dual Standoff Mount	87	Horizon Compact	87
Valmont Dual Standoff Mount	87	VHLP2-18-1WH	87
Type III Panel w/ mount pipe	87	VHLP2-18-1WH	87
Type III Panel w/ mount pipe	87	VHLP2-18-1WH	87
Type III Panel w/ mount pipe	87		

MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A572-65	65 ksi	80 ksi			

TOWER DESIGN NOTES

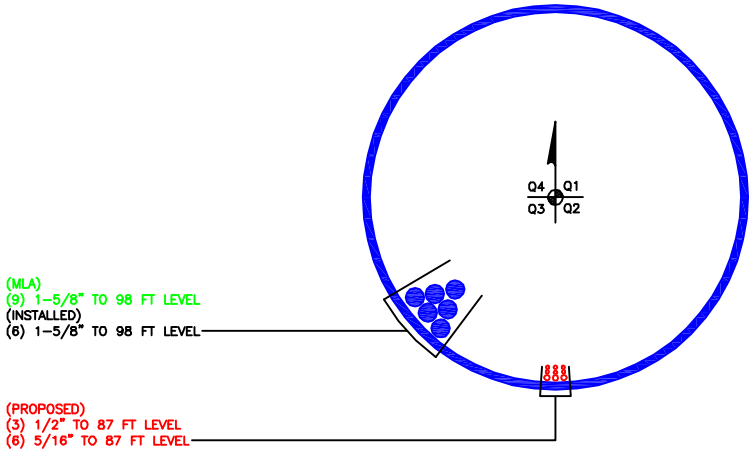
1. Tower is located in Brazoria County, Texas.
2. Tower designed for a 100 mph basic wind in accordance with the TIA/EIA-222-F Standard.
3. Tower is also designed for a 87 mph basic wind with 0.50 in ice.
4. Deflections are based upon a 50 mph wind.
5. TOWER RATING: 104.1%

GPD Associates
520 South Main St. Suite 2531
Akron, OH 44311
Phone: (614) 210-0751
FAX: (614) 210-0752

Job: COLER BU #: 877326			
Project: GPD #: 2009180.05			
Client: Crown Castle	Drawn by: vweisenberger	App'd:	
Code: TIA/EIA-222-F	Date: 03/19/09	Scale: NTS	
Path: N:\2009\2009180\05\RISA\877326.eri		Dwg No. E-1	

APPENDIX B

BASE LEVEL DRAWING



: SCALE :

BUSINESS UNIT: 877326 TOWER ID: C_BASELEVEL

LEGEND: FEEDLINES

- ● SOLID BLUE CIRCLE DENOTES EXISTING FEEDLINE
- ○ OPEN RED CIRCLE DENOTES PROPOSED FEEDLINE
- ○ OPEN BLUE CIRCLE DENOTES RESERVED FEEDLINE
- X BLUE "X" DENOTES LOCATION NOT GIVEN

NOTE: ASSUME FEEDLINE ATTACHMENT HEIGHT TO TOWER STEEL AT 8-FEET ABOVE FINISHED GRADE UNLESS OTHERWISE SPECIFIED

BASE LEVEL DRAWING

SCALE: 1" = 1'-0"

1

PLOT DATE: 2/17/2009 FILE NAME: 877326_BASELEVEL.DWG

APPENDIX C

ADDITIONAL CALCULATIONS

Stiffened or Unstiffened, Ungrouted, Circular Base Plate - Any Rod Material

Site Data

BU#:	*877326*
Site Name:	*Coler*
App #:	*76095*

Reactions		
Moment:	1175.77	ft-kips
Axial:	11.04	kips
Shear:	17.25	kips

Connection Type: *Butt*

Anchor Rod Data		
Qty:	8	
Diam:	2.25	in
Rod Material:	A615-J	
Grade(Fy):	75	ksi
Circle:	41.49	in

Plate Data		
Diam:	47.49	in
Thick:	2.5	in
Grade:	60	ksi
Eff. Width:	13.59	in

Stiffener Data (Welding at both sides)		
Config:	0	*
Weld Type:	Fillet	
Groove Depth:	0.25	<-- Disregard
Groove Angle:	60	<-- Disregard
Fillet H. Weld:	0.5	in
Fillet V. Weld:	0.375	in
Width:	3	in
Height:	6	in
Thick:	0.5	in
Notch:	0.5	in
Grade:	36	ksi
Weld str.:	70	ksi
Clear Space between Stiffeners (b):	2	in

Pole Data		
Diam:	33.8	in
Thick:	0.313	in
Grade:	65	ksi
# of Sides:	12	"0" IF Round
Fu	80	ksi

Stress Increase Factor		
ASIF:	1.333	

Anchor Rod Results

Maximum Rod Tension:	168.7	Kips
Allowable Tension:	195.0	Kips
Anchor Rod Stress Ratio:	86.5%	**Pass**

Base Plate Results Flexural Check

Base Plate Stress:	32.9	ksi
Allowable Plate Stress:	60.0	ksi
Base Plate Stress Ratio:	54.9%	**Pass**

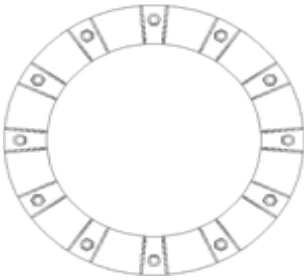
n/a

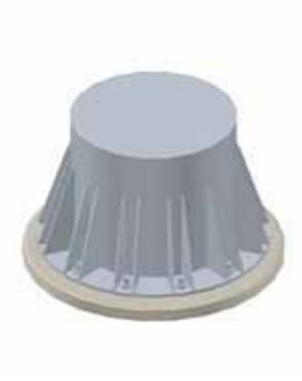
Stiffener Results

Horizontal Weld :	n/a
Vertical Weld:	n/a
Plate Flex+Shear, fb/Fb+(fv/Fv)^2:	n/a
Plate Tension+Shear, ft/Ft+(fv/Fv)^2:	n/a
Plate Comp. (AISC Bracket):	n/a

Pole Results

Pole Punching Shear Check:	n/a





* 0 = none, 1 = every bolt, 2 = every 2 bolts, 3 = 2 per bolt

** Note: for complete joint penetration groove welds the groove depth must be exactly 1/2 the stiffener thickness for calculation purposes

Foundation Capacity	
Original Design Reactions	
Moment (kip-ft)	1174
Shear (kip)	17.42
RISA Reactions	
Moment (kip-ft)	1175.77
Shear (kip)	17.25
% Capacity (Compression)	100.2
% Capacity (Uplift)	99.0

Supplement E

Lease Agreement

Clearwire Site Name: Crown - 877326
Clearwire Site Number: TX-HOU0227

Crown Site Name: Coler
JDE Business Unit Number: 877326

[FOR USE ONLY WITH RESPECT TO SLAs THAT (1) ARE FULLY EXECUTED IN MARCH 2009 PURSUANT TO THE 2009 PRICING AGREEMENT FOR SITES LOCATED IN THE HOUSTON, TEXAS MARKET, (2) DO NOT INVOLVE CO-PLANING OF EQUIPMENT AT SPRINT'S RAD CENTER, AND (3) HAVE A TERM COMMENCEMENT DATE OF 3/1/09 AND AN ANNUAL FEE COMMENCEMENT DATE OF 11/1/09]

SITE LEASE ACKNOWLEDGMENT

This Master Lease Site Lease Acknowledgment ("SLA") is made and entered into as of this 8th day of April, 2009, by and between Clear Wireless LLC a Nevada limited liability company (hereinafter designated as "CLEARWIRE"), and Global Signal Acquisitions II LLC, a Delaware limited liability company, (hereinafter designated as "CROWN") pursuant and subject to that certain Master Lease Agreement (the "Agreement") by and between the parties hereto, dated as of the 24th day of February, 1999, as amended. All capitalized terms have the meanings ascribed to them in the Agreement.

1. Pricing Agreement. Notwithstanding anything to the contrary in the Agreement, CLEARWIRE and CROWN acknowledge and agree that this SLA shall also be subject to the terms and conditions of that certain Agreement Regarding Sites Leased in Houston Market in 2009 dated March 19, 2009, as may be amended, by and between CLEARWIRE and CROWN, and/or their respective affiliates (the "Pricing Agreement"). In the event of any inconsistencies between the Agreement and the Pricing Agreement and/or this SLA, the terms of the Letter Agreement and/or this SLA shall control.

2. Site Description. The Site shall consist of a portion of that certain parcel of property, located in the City of Pearland, the County of Brazoria, and the State of Texas, more particularly described as a parcel containing approximately Two Thousand Five Hundred (2,500) square feet situated at 13232 Max Road, together with the non-exclusive right for ingress and egress, seven (7) days a week twenty-four (24) hours a day, on foot or motor vehicle, including trucks, and for the installation and maintenance of utility wires, poles, cables, conduits, and pipes over, under, or along a fifty (50') feet wide right-of-way extending from the nearest public right-of-way, Max Road to the premises, said premises and right-of-way for access being substantially as described herein in Exhibit "1" to the SLA attached hereto and made a part hereof.

Prepared by: A. Sanzica
Prepared on: March 19, 2009

Special Template Version: 3/17/09
Master Exhibit Version: 03/01/05

Clearwire Site Name: Crown - 877326
Clearwire Site Number: TX-HOU0227

Crown Site Name: Coler
JDE Business Unit Number: 877326

3. Equipment Specifications and Locations. CLEARWIRE shall have the right to install its antennas and equipment consistent with the specifications and in the locations described in Exhibit "2" to the SLA and Exhibit "3" to the SLA attached hereto and made a part hereof.

4. Initial Term and Commencement Date. Notwithstanding anything in the Agreement or the Pricing Agreement to the contrary, the initial term of this SLA shall be for a period of seven (7) years (the "Initial Term"), commencing on March 1, 2009 (the "Term Commencement Date").

5. Annual Fee. Notwithstanding anything in the Agreement or the Pricing Agreement to the contrary, the first (1st) annual fee payment due and payable by CLEARWIRE to CROWN is [redacted] payable in equal monthly installments commencing on November 1, 2009 (the "Annual Fee Commencement Date"). The Annual Fee shall be adjusted upward on each anniversary of the Annual Fee Commencement Date by an amount equal to [redacted]

6. Prime Lease. The parties acknowledge that CROWN's rights in the property derive from a certain deed dated February 12, 1998 between CROWN and Thomas C. Coler and Kathy J. Coler, husband and wife, (or their respective predecessors in interest) as may have been amended, hereinafter referred to as the "Prime Lease" and attached hereto as Exhibit "4" to the SLA. The Prime Lease commenced on February 12, 1998 and will expire on December 31, 2031.

7. Additional Provisions: (A) CLEARWIRE will include with each monthly payment the following site identifier: Coler, BU# 877326, License # 197243

(B) The parties acknowledge that, as of the date of this SLA, either (i) a structural analysis has not been performed with respect to CLEARWIRE's installation and/or operation of equipment at the Site as set forth herein, or (ii) a structural analysis has been performed, and such structural analysis has revealed that structural modifications to the tower at the Site are necessary to accommodate CLEARWIRE's tower-mounted equipment as set forth herein ("Structural Modifications").

In the event that Structural Modifications are necessary to accommodate CLEARWIRE's tower-mounted equipment as set forth herein, then CROWN and CLEARWIRE shall, in good faith, negotiate terms and conditions pursuant to which the Structural Modifications will be made to the tower for the purpose of accommodating said tower-mounted equipment, including, without limitation, terms relating to the allocation of the costs of the Structural Modifications between the parties hereto, provided that CROWN and CLEARWIRE shall each be responsible for fifty percent (50%) of the total costs incurred for the Structural Modifications, up to the first Sixty Thousand Dollars ($60,000.00).

Notwithstanding anything to the contrary herein or in the Agreement, CROWN and CLEARWIRE agree that CLEARWIRE may not install and/or operate any equipment at the Site

Prepared by: A. Sanzica
Prepared on: March 19, 2009

pursuant to this SLA prior to the date on which CROWN notifies CLEARWIRE in writing that the Site is ready for the installation and/or operation of CLEARWIRE's equipment. In the event that Structural Modifications are required and CROWN and CLEARWIRE do not agree on terms and conditions pursuant to which the Structural Modifications will be made to the tower for the purpose of accommodating said tower-mounted equipment within thirty (30) days from the date of full execution of this SLA, then either party may terminate this SLA upon written notice to the other party, unless and until the parties thereafter agree on such terms and conditions."

[Remainder of page intentionally left blank.]

Clearwire Site Name: Crown - 877326
Clearwire Site Number: TX-HOU0227

Crown Site Name: Coler
JDE Business Unit Number: 877326

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

Clear Wireless LLC

By: _____
Name: DOUGLAS E. TRIBOLET
Title: DIRECTOR PROGRAM MANAGEMENT

Execution Date: 3/31/09

Global Signal Acquisitions II LLC

By: _____
Name: James Bonamy
Title: District Manager

Execution Date: 4/8/09

Prepared by: A. Sanzica
Prepared on: March 19, 2009

Clearwire Site Name: Crown - 877326
Clearwire Site Number: TX-HOU0227

Crown Site Name: Coler
JDE Business Unit Number: 877326

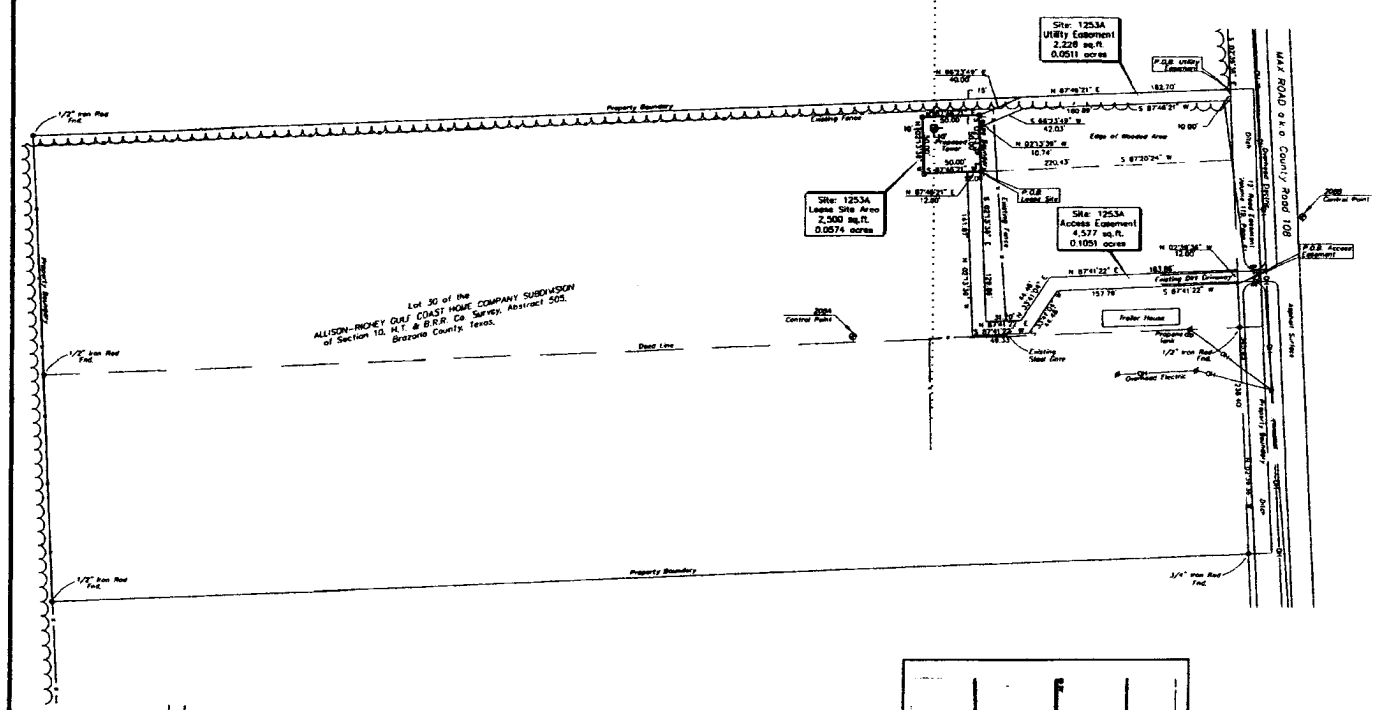
EXHIBIT "1" TO THE SLA

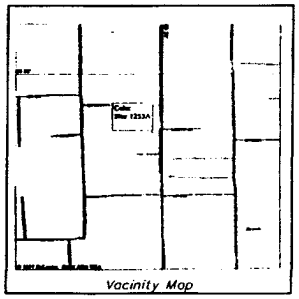
SITE DESCRIPTION

See Attached

Prepared on: A. Sanzica
Prepared by: March 19, 2009

LOCATIVE SURVEY OF A 50' X 50' (0.0574 ACRE) LEASE SITE IN A PART OF THAT CERTAIN CALLED 10 ACRES, BEING LOT 30 OF THE ALLISON-RICHEY GULF COAST HOME COMPANY SUBDIVISION OF SECTION 10, H.T.&B.R.R. CO. SURVEY, ABSTRACT 505 BRAZORIA COUNTY, TEXAS





Vacinity Map

Site Address: 13232 Max Road, Pearland, Texas 77581-7914

LEASE SITE DESCRIPTION

A 0.0574 acre lease site being on Lot Thirty (30) of the Allison-Richey Gulf Coast Home Company Subdivision of Section 10, H.T. & B.R.R. Co. Survey, Abstract 505, Brazoria County, Texas, according to the recorded map or plat thereof in Volume 2, Page 33 of the Plat Records of Brazoria County, Texas. Said lease site being more particularly described as follows:

Commencing at 3/4" iron pipe found at the intersection of the South line of Lot 30 and the West line of Max Road, also known as County Road 108, as defined by the easement recorded in Volume 118, Page 61; Thence N 2°39'36" W, along the West line of said Max Road and the recorded easement, at 200.05 feet pass a 1/2" iron rod found, a total distance of 1918.43 feet; Thence S 87°41'22" W, a distance of 220.43 feet; to a 5/8" iron rod set for the Southeast corner of the lease site, and the point and place of beginning;

Thence S 87°48'21" W, a distance of 58.00 feet, to a 5/8" iron rod set; Thence N 2°13'39" W, a distance of 50.00 feet, to a 5/8" iron rod set; Thence N 87°48'21" E, a distance of 50.00 feet, to a 5/8" iron rod set; Thence S 2°13'39" E, a distance of 50.00 feet, to the point and place of beginning.

Containing an area of 2500 square feet or 0.0574 acres, more or less.

ACCESS EASEMENT DESCRIPTION

A 0.1051 acre tract for ingress and egress purposes crossing part of Lot Thirty (30) of the Allison-Richey Gulf Coast Home Company Subdivision of Section 10, H.T. & B.R.R. Co. Survey, Abstract 505, Brazoria County, Texas, according to the recorded map or plat thereof in Volume 2, Page 33 of the Plat Records of Brazoria County, Texas. Said easement being more particularly described as follows:

Commencing at 3/4" iron pipe found at the intersection of the South line of Lot 30 and the West line of Max Road, also known as County Road 108, as defined by the easement recorded in Volume 118, Page 61;

Thence N 2°39'36" W, along the West line of Max Road and the recorded easement, at 200.05 feet pass a 1/2" iron rod found, a total distance of 238.46 feet, to the true point and place of beginning; Thence S 87°41'22" W, a distance of 157.82 feet; Thence S 33°41'04" W, a distance of 44.46 feet; Thence S 87°41'22" W, a distance of 48.33 feet; Thence N 2°13'39" W, a distance of 141.97 feet, to a point on the South line of the 0.0574 acre lease site; Thence N 87°48'21" E, along said South line, a distance of 12.00 feet, to a 5/8" iron rod set for the Southeast corner of said 0.0574 acre lease site; Thence S 2°13'39" E, a distance of 136.86 feet; Thence N 87°41'22" E, a distance of 31.20 feet; Thence N 33°41'04" E, a distance of 44.46 feet; Thence N 87°41'22" E, a distance of 153.86 feet, to the West line of Max Road and the recorded easement; Thence S 2°39'36" E, along Max Road and easement, a distance of 12.00 feet, to the point and place of beginning.

Containing an area of 4577 square feet or 0.1051 acres, more or less.

UTILITY EASEMENT DESCRIPTION

A 0.1026 acre tract for utility purposes crossing part of Lot Thirty (30) of the Allison-Richey Gulf Coast Home Company Subdivision of Section 10, H.T. & B.R.R. Co. Survey, Abstract 505, Brazoria County, Texas, according to the recorded map or plat thereof in Volume 2, Page 33 of the Plat Records of Brazoria County, Texas. Said easement being more particularly described as follows:

Commencing at the intersection of the North line of Lot 30 and the West line of Max Road, also known as County Road 108, as defined by the easement recorded in Volume 118, Page 61; Thence S 2°39'36" E, along the West line of Max Road and the recorded easement, a distance of 10.00 feet; Thence S 87°48'21" W, a distance of 180.89 feet; Thence S 66°23'49" W, a distance of 42.03 feet, to a point on the East line of the 0.0574 acre lease site; Thence N 2°13'39" W, along said East line, a distance of 10.74 feet, to a 5/8" iron rod set for the Northeast corner of said 0.0574 acre lease site; Thence N 66°23'49" E, a distance of 42.00 feet, to a point on the North line of said Lot 30; Thence N 87°48'21" E, along said North line, a distance of 182.70 feet, to the point and place of beginning.

Containing an area of 2228 square feet of 0.0511 acres, more or less.

I hereby certify to Sprint PCS that this survey of the lease site and easement conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1, Condition II (Suburban) Survey.

Lucian C. Schaefer Jr., R.P.L.S. 2-19-98

NOTES CONCERNING SURVEY

1. This survey is completely based on the title report prepared by mSite, dated September 28, 1997, File Number 97-08-0069 and is subject to the limitations thereof. No additional research or abstracting was done by the surveyor.

2. Bearings shown hereon are based on the Texas State Plane Coordinate System, South Central Zone, NAD83 Datum.

3. The elevations shown hereon are based on the NAVD88 Datum.

4. The latitude and longitude shown hereon are based on the NAD83 Datum and meet or exceed the minimum requirements for a FGCC/Fed. 2C survey which is defined as plus or minus 50 feet horizontal and plus or minus 20 feet vertical. This information was established and determined by GPS on 10/23/97.

5. The lease site shown on this survey DOES NOT lie within the 100 year flood plain and is located within the Flood Zone "X" per the Federal Emergency Management Agency (FEMA) as shown on the Flood Insurance Rate Map (FIRM) Community Panel Number 480296 0030 H, which bears an effective date of June 5, 1986. Flood Zone determination is made through graphic plotting only and no other responsibility is herein assumed for accuracy of the base flood elevation or flood zone areas shown on the FIRM.

6. The survey does not provide any determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed to an expert consultant.

7. There may be additional buried or underground utilities in the area which the survey is unaware of and no liability for such is assumed herein.

LEGEND

LIGHT POLE (U/G ELEC)	GAS LINE
LIGHT POLE (O/H ELEC)	GAS METER
POWER POLE	TELEPHONE LINE
GUY LINE	TELEPHONE RISER
OVERHEAD ELECTRIC	SANITARY SEWER MANHOLE
U/G ELECTRIC	SANITARY SEWER LINE
WATER LINE	STORM SEWER MANHOLE
WATER METER	STORM SEWER LINE
WATER VALVE	
FIRE HYDRANT	● Denotes 5/8" Iron Rod Set

NO.	DATE	DESCRIPTION	BY
1	2/18/98	Utility Easement & F. Notes	RL

Unless Noted, All Data is Expressed in NAD83 & NAVD88

LOCATION/DESCRIPTION	LATITUDE	LONGITUDE	NORTHING (FEET)	EASTING (FEET)	ELEVATION
2084-Central Point	29°34'26.449"	95°20'06.837"	13777530.84	3133185.79	50.1'
2088-Central Point	29°34'57.324"	95°20'01.158"	13777633.79	3133008.27	50.9'
SE SITE	29°34'57.801"	95°20'04.322"	13777673.23	3133307.41	50.4'
SW SITE	29°34'57.798"	95°20'04.888"	13777671.39	3133257.44	50.3'
NW SITE	29°34'58.363"	95°20'04.963"	13777721.35	3133258.50	50.3'
NE SITE	29°34'58.366"	95°20'04.357"	13777723.18	3133305.46	50.5'
TOWER NAD83/NAVD88	29°34'58.194"	95°20'04.779"	13777711.95	3133265.88	50.1'
TOWER NAD27/NGVD29	29°34'57.356"	95°20'04.063"	13777711.65	3133265.88	50.1'

PROVIDED BY:
MRL/TCS
A TELECOMMUNICATION SERVICE COMPANY
201 N. BICKFORD, EL RENO, OK. 73036
PH: 405-262-0249 FAX: 405-262-5107

SPRINT PCS
Site: 1253-A / Coler
Cascade No.: H003XC108
Houston BTA
Brazoria County, Texas

Easement Addition

LEASE SITE DESCRIPTION

A 50.0 feet by 50.0 feet lease site lying on Lot Thirty (30) of the Allison-Richey Gulf Coast Home Company Subdivision of Section 10, H.T. & B.R.R. Co. Survey, Abstract 505, Brazoria County, Texas, according to the recorded map or plat thereof in Volume 2, Page 23 of the Plat Records of Brazoria County, Texas. Said lease site being more particularly described as follows:
Commencing at 3/4" iron pipe found at the intersection of the South line of Lot 30 and the West line of Max Road, also known as County Road 108, a 40 foot right-of-way; Thence N 2°39'36" W, along the West line of Max Road, at 200.05 feet pass a 1/2" iron rod found, a total distance of 345.63 feet; Thence S 87°20'24" W, a distance of 220.43 feet, to a 5/8" iron rod set for the Southeast corner of the lease site and the true point and place of beginning; Thence S 87°46'21" W, a distance of 50.00 feet, to a 5/8" iron rod set; Thence N 2°13'39" W, a distance of 50.00 feet, to a 5/8" iron rod set; Thence N 87°46'21" E, a distance of 50.00 feet, to a 5/8" iron rod set; Thence S 2°13'39" E, a distance of 50.00 feet, to the point and place of beginning.
Containing an area of 2500 square feet or 0.057 acres, more or less.

EASEMENT DESCRIPTION

A 12.0 feet wide easement for ingress, egress and utility purposes crossing part of Lot Thirty (30) of the Allison-Richey Gulf Coast Home Company Subdivision of Section 10, H.T. & B.R.R. Co. Survey, Abstract 505, Brazoria County, Texas, according to the recorded map or plat thereof in Volume 2, Page 23 of the Plat Records of Brazoria County, Texas. Said easement being 6.0 feet on either side of the following described centerline:
Commencing at 3/4" iron pipe found at the intersection of the South line of Lot 30 and the West line of Max Road, also known as County Road 108, a 40 foot right-of-way; Thence N 2°39'36" W, along the West line of Max Road, at 200.05 feet pass a 1/2" iron rod found, a total distance of 244.40 feet, to the true point and place of beginning; Thence S 87°41'22" W, a distance of 160.84 feet; Thence S 33°41'04" W, a distance of 44.46 feet; Thence S 87°41'22" W, a distance of 40.27 feet; Thence N 2°13'39" W, a distance of 135.86 feet, to an ending point on the South line of the 50.0 feet by 50.0 feet lease site, 6.00 feet S 87°20'24" W of the Southeast corner of said lease site.

Bearing Based on Geodetic North as established through G.P.S. survey and are on the NAD 83 system.

Title information Furnished By InSite.

Note: See Sheet No. 1 (Plat) Attached hereto and made a part hereof.

I hereby certify that this survey of the lease site and easement conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 3, Condition II (Suburban) Survey.

Lucien C. Schaffer 11-1-97
Lucien C. Schaffer Jr., R.P.L.S. #4803

STATE OF TEXAS REGISTERED LUCIEN C. SCHAFFER JR. 4803 PROFESSIONAL LAND SURVEYOR

C:\MRL.DOC\TEXT\CERTIFIC\30040063.WPD

Clearwire Site Name: Crown - 877326
Clearwire Site Number: TX-HOU0227

Crown Site Name: Coler
JDE Business Unit Number: 877326

EXHIBIT "2" TO THE SLA

LOCATION OF ANTENNAS

See Attached

Prepared on: A. Sanzica
Prepared by: March 19, 2009

CROWN CASTLE

Application ID: 76095 **Revision # 3** **Submitted: Mar 10 2009**

Submitted By:	Adriana Motta		
Original Submit Date:	Mar 10 2009	**Desired Install Date:**	Sep 04 2009
Reason for Application:	First time antenna installation at this site	**JDE Job Number**	116555

Applications are subject to applicable Crown Castle engineering, regulatory, zoning/planning, and priority property-owner approval. Approval conditions may result in alternative requirements for type and/or placement of equipment. Approval conditions may also lead to additional or revised engineering analysis at Crown Castle discretion and upon consent of the customer.

Company Information

MLA:	Clearwire (w/Crown) 2/24/99 MLA		
Company:	CLEARWIRE		
Address:	4400 CARILLON POINT		
City/Town:	KIRKLAND		
State:	WA	**Postal Code:**	98033
Customer Job Number:	TX-HOU0227		
Customer Payment Reference:	N/A		
Customer Site Name:	Crown- 877326		
Customer Site Number :	TX-HOU0227		

Site Information

Crown Castle Site Name:	COLER		
Crown Castle Site ID:	877326		
Crown Castle District:	Houston		
Address:	13232 MAX RD.		
City/Town:	PEARLAND		
State:	TX	**Postal Code:**	77581-7914
County:	Brazoria		
Latitude:	29° 34' 58.16"	**Longitude:**	-95° 20' 4.74"
Structure Type:	MONOPOLE	**Structure Height:**	102 ft

Legal Entity Information

Operating Legal Entity:	Clear Wireless LLC		
Primary Contact:	Donald Owen	**Phone:**	713-408-9162
E-mail:	donald.owen@powderriverdev.com	**Fax:**	N/A
Address:	2001 Reservoir #41		
City/Town:	Little Rock	**State:**	AR **Postal Code:** 72227
RF Contact:	Keith Neff	**Phone:**	602-502-6658
E-mail:	keith.neff@clearwire.com		

Service Information

Svc	Technology	EIRP (WATTS)	Std Frequency	Frequencies Transmit Start	Transmit Stop	Receive Start	Receive Stop
1	OFDM	90.0		2500.0	2686.0	2500.0	2686.0
2	MW Link	100.0		17700.0 19650.0	17750.0 19700.0	17700.0 19650.0	17750.0 19700.0

Antenna Information

#	Cust Mount Class / Eng Mount Type	C Line Pos.	Elev	Mount Level	Azimuth	Mfg. / Model	Svc	Transmit Start	Transmit Stop	Receive Start	Receive Stop	Use	Orient	Status
1	Side Arm	A	84	87.0 FT	0	CLEARWIRE	1	2500.0	2686.0	2500.0	2686.0	TX/RX	Mid-	Proposed

	Mount Side Arm Mount [SO 701-1]				TYPE III PANEL							Mount	
2	Side Arm Mount Side Arm Mount [SO 701-1]	A	89	87.0 FT 0	ANDREW VHLP2-18-1WH	2	17700.0 19650.0	17750.0 19700.0	17700.0 19650.0	17750.0 19700.0	TX/RX	Mid-Mount	Proposed
3	Side Arm Mount Side Arm Mount [SO 701-1]	B	84	87.0 FT 120	CLEARWIRE TYPE III PANEL	1	2500.0	2686.0	2500.0	2686.0	TX/RX	Mid-Mount	Proposed
4	Side Arm Mount Side Arm Mount [SO 701-1]	B	89	87.0 FT 120	ANDREW VHLP2-18-1WH	2	17700.0 19650.0	17750.0 19700.0	17700.0 19650.0	17750.0 19700.0	TX/RX	Mid-Mount	Proposed
5	Side Arm Mount Side Arm Mount [SO 701-1]	C	84	87.0 FT 240	CLEARWIRE TYPE III PANEL	1	2500.0	2686.0	2500.0	2686.0	TX/RX	Mid-Mount	Proposed
6	Side Arm Mount Side Arm Mount [SO 701-1]	C	89	87.0 FT 240	ANDREW VHLP2-18-1WH	2	17700.0 19650.0	17750.0 19700.0	17700.0 19650.0	17750.0 19700.0	TX/RX	Mid-Mount	Proposed

Feedline Information

#	Customer Mount Class	Pos.	Qty	Mfg.	Model	Length	Location	Ladder Type	Status
1	Side Arm Mount	A	2	Primary: COMMSCOPE Secondary: N/A	RG-11	134.0 ft	INTQ3	NONE	Proposed
2	Side Arm Mount	A	1	Primary: ANDREW Secondary: N/A	LDF4-50A	139.0 ft	INTQ3	NONE	Proposed
3	Side Arm Mount	B	2	Primary: COMMSCOPE Secondary: N/A	RG-11	134.0 ft	INTQ3	NONE	Proposed
4	Side Arm Mount	B	1	Primary: ANDREW Secondary: N/A	LDF4-50A	139.0 ft	INTQ3	NONE	Proposed
5	Side Arm Mount	C	2	Primary: COMMSCOPE Secondary: N/A	RG-11	134.0 ft	INTQ3	NONE	Proposed
6	Side Arm Mount	C	1	Primary: ANDREW Secondary: N/A	LDF4-50A	139.0 ft	INTQ3	NONE	Proposed

Optional Component Information

Tower Mounted Equipment

#	Customer Mount Class	Pos.	Qty.	Type	Mfg.	Model	Elevation	Status
1	Side Arm Mount	A	1	BASESTN	CLEARWIRE	Type IV BTS DAP	84.0 ft	Proposed
2	Side Arm Mount	A	1	BASESTN	DRAGONWAVE	Horizon Compact	89.0 ft	Proposed
3	Side Arm Mount	B	1	BASESTN	CLEARWIRE	Type IV BTS DAP	84.0 ft	Proposed
4	Side Arm Mount	B	1	BASESTN	DRAGONWAVE	Horizon Compact	87.0 ft	Proposed
5	Side Arm Mount	C	1	BASESTN	CLEARWIRE	Type IV BTS DAP	84.0 ft	Proposed
6	Side Arm Mount	C	1	BASESTN	DRAGONWAVE	Horizon Compact	89.0 ft	Proposed

Building/Pad/Power Requirements

	Type	L	W	H	Power Requirements			
Building Requirements		2 ft	3 ft	4 ft	**VAC**	240	**Phase**	Single Phase
					Amps	40		

New Building/Shelter	Cabinet	3 in	9 in	6 in	**Generator Requirements**				
Existing Building/Shelter Floor Space		N/A N/A	N/A N/A	N/A N/A	**Generator Needed?**	No		**Size (kW)**	N/A
Building Identification		0			**Leased Area & Pad Size**			**Fuel Type**	N/A
Pad Requirements						**Length**	**Width**	**Fuel Tank Size**	N/A
Required Leased Size		7 ft 0 in	7 ft 0 in	10 ft 0 in	**Leased Area:**	N/A N/A	N/A N/A	**Manufacturer**	N/A
					Pad Size:	N/A N/A	N/A N/A	**Model**	N/A
Pad Size		4 ft 0 in	5 ft 0 in		**Battery Requirements**				
					Quantity	4			
					Manufacturer	Dynasty	**Model**	12-70	
Number of Equipment Cabinets at time of Install		0							

Comments/Additional Information

Comments:
Clear Wireless would like to install three (3) Panels, three (3) BTS, and (6) 5/16" lines at 87'. Installing (3) MW dishes, (3) 1/2" lines, and (3) Radio Modems at 87'. Clear Wireless will use a GPS antenna (Moto Timing 2000) that will be located on top of the equipment cabinet and have one (1) run of 5/16" but will not be on tower unless we do not have a clear view of the sky from our lease area. All coax will be bundled from the ground to the RAD center. They require a lease area of 7'x7' and a 5'x4' pad with (1) cabinet. New power and telco facilities needed. This install does require lead acid batteries.

****Indicates where Cut Sheet data has been entered.**

NOTICE: Structural Analysis shall be performed in accordance with the current revision of the TIA/EIA 222 standard and applicable local building permit codes and standards. EME analysis shall be consistent with current revision of FCC/OSHA standard OETB 65. AM detuning, when required, will be performed to 47 CFR22.371. The customer is responsible for all analysis expenses. All construction drawings are subject to Crown Castle engineering approval prior to commencement of tower attachments and compound installations. Installation of equipment not conforming to approved drawings may violate the terms of the occupancy agreement and will be corrected at the customer's expense. Crown Castle International requires drawings for pre-construction approval and as built drawings for physical configuration validation to be submitted as unlocked AutoCAD files (Version 2000i preferred).

Appendix A - Antenna, Feedline, TME Specifications

Antenna Specifications

Quantity	Manufacturer	Model	Type	Height	Width	Depth	Weight	Flat Plate Area
3	ANDREW	VHLP2-18-1WH	MICROWAVE/SHROUD	26.1 IN	26.1 IN	14.1 IN	31.0 LBS	0.0 FT2
3	CLEARWIRE	TYPE III PANEL	PANEL	48.0 IN	13.0 IN	3.0 IN	35.0 LBS	0.0

Feedline Specifications

Quantity	Manufacturer	Model	Nominal Size	Nominal O.D.
3	ANDREW	LDF4-50A	1/2"	0.63 IN
6	COMMSCOPE	RG-11	5/16	0.316 IN

Tower Mounted Equipment Specifications

Quantity	Manufacturer	Model	Weight	Dimensions			Frequency		Sail Area
				Length	Width	Height	Low	High	
3	DRAGONWAVE	Horizon Compact	11.5 LBS	4.75 IN	9.3 IN	9.3 IN	1100.0 MHZ	3800.0 MHZ	0.0 FT2
3	CLEARWIRE	Type IV BTS DAP	45.0 LBS	26.0 IN	12.0 IN	9.0 IN	0.0 MHZ	0.0 MHZ	0.0 FT2

Clearwire Site Name: Crown - 877326
Clearwire Site Number: TX-HOU0227

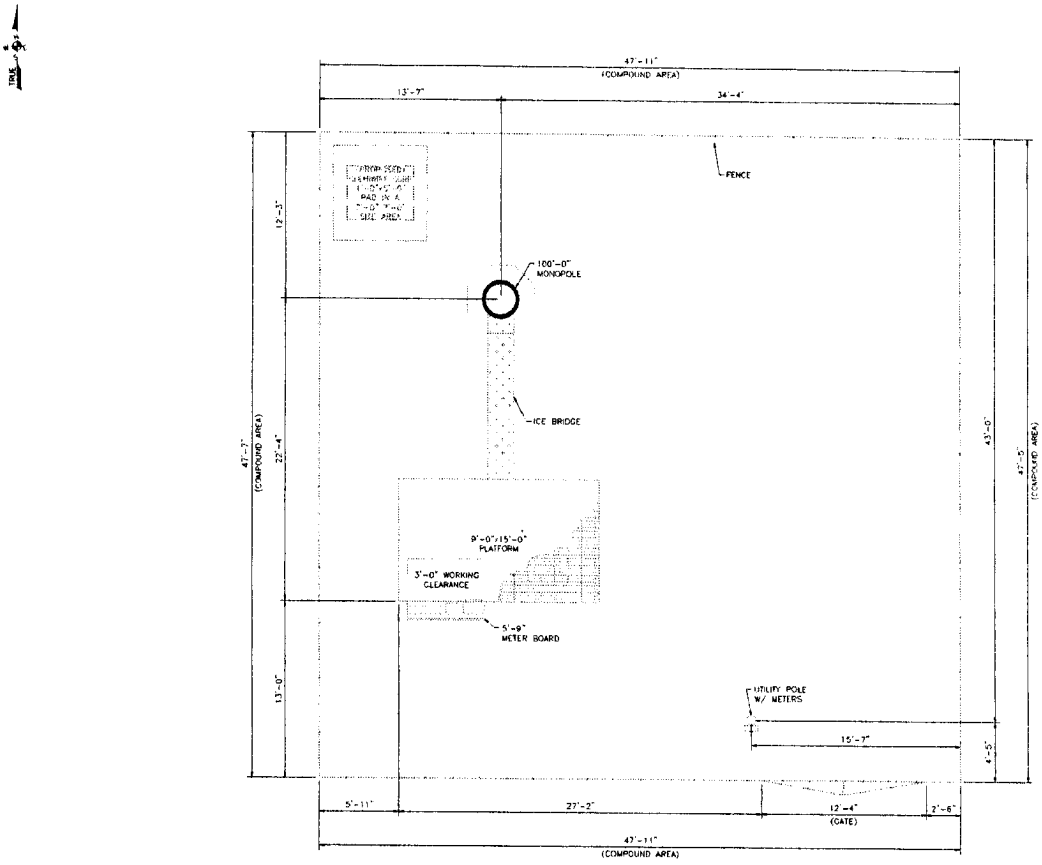
Crown Site Name: Coler
JDE Business Unit Number: 877326

EXHIBIT "3" TO THE SLA

DESCRIPTION OF EQUIPMENT BUILDING/FLOOR SPACE

See Attached

Prepared on: A. Sanzica
Prepared by: March 19, 2009



BUSINESS UNIT: 877326

Clearwire Site Name: Crown - 877326
Clearwire Site Number: TX-HOU0227

Crown Site Name: Coler
JDE Business Unit Number: 877326

EXHIBIT "4" TO THE SLA

PRIME LEASE AGREEMENT

See Attached

Prepared on: A. Sanzica
Prepared by: March 19, 2009

GROUND LEASE EXTENSION AGREEMENT

THIS GROUND LEASE EXTENSION AGREEMENT (the "Agreement") is by and between **GLOBAL SIGNAL ACQUISITIONS IV LLC**, a Delaware limited liability company ("Lessor") and **STC TWO LLC**, a Delaware limited liability company, successor in interest to the original tenant, SprintCom, Inc., a Kansas corporation ("Tenant"), and effective as of the ___ day of _____, 2008 ("Effective Date").

Whereas, Lessor has acquired an easement ("***Easement***") along with a concomitant ground lease ("***Ground Lease***") relating to a certain tower site ("***Tower Site***") upon which Tenant has one or more communication towers and related improvements or assets; and

Whereas, Lessor and Tenant desire to amend the Ground Lease to extend the terms thereof and obtain the Lessor's consent ("***Consent***") to subleasing or licensing the Tower Site (in whole or part), including tower space, to wireless carriers and other third parties; and

Whereas, Lessor and Tenant have agreed upon terms for extending the term of the Ground Lease and they desire to memorialize such agreement in writing.

Now, Therefore, Lessor and Tenant, for good and valuable considerations, agree as follows:

Definitions

"Agreement" means this Ground Lease Extension Agreement.

"Ground Lease" means that certain Option and Site Lease Agreement dated February 12, 1998, for property located in Brazoria County, Texas, as evidenced by that certain Memorandum of Lease Agreement recorded under Document No. 2005060391, of the Official Public Records of Brazoria County, Texas. The original lessor's interest in the lease was assigned to Lessor in that certain Grant of Easement dated _____, 2008 and recorded in Volume ____, Page ____, of the Official Public Records of Dallas County, Texas.

"Tenant's Notice Address" means c/o Crown Castle USA Inc., E. Blake Hawk, General Counsel, 2000 Corporate Drive, Canonsburg, PA 15317.

"Lessor's Notice Address" means c/o Crown Castle USA Inc., E. Blake Hawk, General Counsel, 2000 Corporate Drive, Canonsburg, PA 15317.

1. **Ground Lease Term**. Effective as of the Effective Date, the term of the Ground Lease shall be extended to the earlier of (i) December 31, 2031 or (ii) the termination date of the Easement. If there is any conflict between the Ground Lease and this Agreement, this Agreement shall prevail.

2. **Ground Lease Termination.** Tenant has the right to terminate the Ground Lease with at least five (5) years' prior written notice to Lessor.

3. **Rent**. Effective as of the Effective Date, Tenant shall pay rent to Lessor in the monthly amount described on Exhibit A attached hereto and made a part hereof. The monthly rent shall increase annually commencing on each January 1, to an amount equal to the monthly rent prior

Site Name: Coler
BU#: 877326

By: (initials) AMB Date 9/11/08 Doc Type J
BUN: 877326 Lease/Lic 150221

to such adjustment multiplied by the CPI indicator published on or about October 1 prior to such adjustments dividend by the CPI indicator published on or about October 1 for the prior year. "CPI" means the Consumer Price Index published by the Bureau of Labor for all Urban Consumers, U.S. City Averages or a substantially similar index if such index is not published.

4. **Notices.** All notices hereunder shall be in writing and shall be given by (i) established national courier service which maintains delivery records, (ii) hand delivery, or (iii) certified or registered mail, postage prepaid, return receipt requested. Notices are effective upon receipt, or upon attempted delivery if delivery is refused or if delivery is impossible because of failure to provide reasonable means for accomplishing delivery. The notices shall be sent to Lessor at Lessor's Notice Address and to Tenant at Tenant's Notice Address.

5. **Assignment, Sublease, Licensing and Encumbrance.** Tenant has the right, without any requirement that it pay any additional consideration to Lessor and at its sole discretion, to assign all or any interest in this Agreement and to sublease or license the rights granted to it in the Ground Lease or modify or alter the Tower Site. If there is any conflict between the Ground Lease and this Agreement, this Agreement shall prevail.

[Signatures on next page following]

IN WITNESS WHEREOF, Lessor and Tenant having read the foregoing and intending to be legally bound hereby, have executed this Agreement as of the day and year first written above.

LESSOR:

GLOBAL SIGNAL ACQUISITIONS IV LLC,
a Delaware limited liability company

By: _____
Name: Sherri Fox Sacks
Title: Real Estate Transaction Manager

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

The foregoing instrument was acknowledged before me this 20th day of June, 2008 by SHERRI FOX SACKS, as R.E.T Manager of **GLOBAL SIGNAL ACQUISITIONS IV LLC**, a Delaware limited liability company, on behalf of said company and for the purposes stated in the foregoing instrument. She/He is personally known to me or has produced a driver's license as identification.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

_____
Notary Public

J. V. BUDET
Notary Public, State of Texas
My Commission Expires
June 03, 2012

My Commission expires: June 3, 2012

Site Name: Coler
BU#: 877326

TENANT:

STC TWO LLC,
a Delaware limited liability company

By: Global Signal Acquisitions II LLC,
a Delaware limited liability company,
Its Attorney-in-Fact

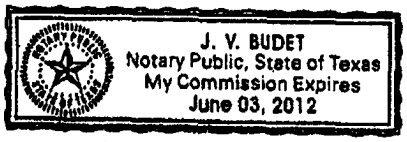
By: Global Signal Services LLC,
a Delaware limited liability company,
Its Manager
By: [signature]
Name: Sherri Fox Sacks
Title: Real Estate Transaction Manager

STATE OF Texas :
: ss
COUNTY OF Harris :

The foregoing instrument was acknowledged before me this 20th day of June, 2008, by Sherri Fox Sacks, as RET Manager of Global Signal Services LLC, a Delaware limited liability company, the Manager of Global Signal Acquisitions II LLC, a Delaware limited liability company, the Attorney-in-Fact for **STC TWO LLC**, a Delaware limited liability company, on behalf of said entities, who is personally known to me or has furnished satisfactory evidence that he/she is the person who appeared before me, who, after being by me duly sworn, declared that he/she executed the above and foregoing instrument for the purpose, intents and consideration therein contained, as his/her free act and deed.

In Witness Whereof, I have hereunto signed this acknowledgment with said appearer and said witnesses, on the date set forth above, after reading of the whole.

[signature]
Signature of Notary Public



J. V. Budet
Printed Name of Notary Public
My Commission Expires: June 3, 2012

Site Name: Coler
BU#: 877326

EXHIBIT "A"

Monthly Rent Amount

[redacted]

Site Name: Coler
BU#: 877326

Version 1

S SITE AGREEMENT

March 97

Site Name Coler

Site I. D. Houston 1253A

1. **Premises and Use.** Owner leases to SprintCom, Inc., a Kansas corporation ("SprintCom"), the site described below:
[*Check appropriate box(es)*]
☒ Land consisting of approximately 2,500 square feet upon which SprintCom will construct its ☒ equipment base station and ☒ antenna structure;
☐ Building interior space consisting of approximately _____ square feet;
☐ Building exterior space for attachment of antennas;
☐ Building exterior space for placement of base station equipment;
☐ Tower antenna space between the _____ foot and _____ foot level on the Tower;
☒ Space required for cable runs to connect PCS equipment and antennas,

in the location(s) ("Site") shown on Exhibit A, together with a non-exclusive easement for reasonable access thereto and to the appropriate, in the discretion of SSLP/SprintCom, source of electric and telephone facilities. The Site will be used by SSLP/SprintCom for the purpose of installing, removing, replacing, and expanding; maintaining and operating; any electronic signal transmission device or technology, at its expense, a personal communications service system facility ("PCS"), including, without limitation, antenna equipment, cable wiring, related fixtures and, if applicable to the Site, an antenna structure. SSLP/SprintCom will use the Site in a manner which will not unreasonably disturb the occupancy of Owner's other tenants. SSLP/SprintCom will have access to the Site 24 hours per day, 7 days per week. It is expressly agreed as a part of this Agreement that SSLP/SprintCom will have private floor space allocated for SSLP/SprintCom's exclusive use for its PCS equipment. In addition, SSLP/SprintCom will be provided space for a diesel powered generator for use in conjunction with a battery back-up, and Owner will provide exclusive space for such generator, either in an existing building, a building to be erected to house generator, or space on a concrete pad on which SSLP/SprintCom, in its sole discretion, may choose to erect a shelter for such generator.

2. **Term.** The term of this Agreement (the "Initial Term") is 5 years, commencing on the date ("Commencement Date") both SSLP/SprintCom and Owner have executed this Agreement or 30 days after the commencement of physical preparation of the Site, whichever comes later. This Agreement will be automatically renewed for four additional terms (each a "Renewal Term") of 5 years each, unless SSLP/SprintCom provides Owner written notice of intention not to renew not less than 90 days prior to the expiration of the Initial Term or any Renewal Term.

3. **Rent.** Until the earlier of (a) that date which is 30 days after the issuance of a building permit, or (b) the first day of the month following the commencement of the physical preparation of the Site, the rent will be a one-time aggregate payment of [_____] the receipt of which Owner acknowledges. Thereafter, rent will be paid in equal monthly installments of [_____] (until increased as set forth herein), partial months to be prorated, in advance. Rent for each Renewal Term will be the annual rent in effect for the final year of the Initial Term or prior Renewal Term, as the case may be, increased by [_____]

4. **Title and Quiet Possession.** Owner represents and agrees (a) that it is the Owner of the Site; (b) that it has the right to enter into this Agreement; (c) that the person signing this Agreement has the authority to sign; (d) that SSLP/SprintCom is entitled to access to the Site at all times and to the quiet possession of the Site throughout the Initial Term and each Renewal Term so long as SSLP/SprintCom is not in default beyond the expiration of any cure period; and (e) that Owner shall not have unsupervised access to the Site or to the PCS equipment. (f) Owner is not aware of any threatened or pending condemnation or rezoning actions which would affect SSLP/SprintCom's use of the Site; (g) If any governmental, public body or other condemning authority takes, or if Owner transfers in lieu of such taking, all or part of the Site or if the PCS is damaged by any casualty, thereby making it physically or financially infeasible for the Site to be used in the manner intended by this Agreement, SSLP/SprintCom will have the right to terminate this Agreement effective as of the date of the taking by the condemning party or such casualty loss and the rental will be prorated appropriately. If only a portion of the Site is taken, or only a portion of the Site is damaged and SSLP/SprintCom does not elect to terminate this Agreement, then SSLP/SprintCom will continue rental payments provided under this Agreement but will abate proportionately as to the portion taken which is not then usable by SSLP/SprintCom, and Owners will make all necessary repairs and alterations to restore the portion of the PCS Site remaining as near their former condition as circumstances will permit (at a cost not to exceed Owner's proceeds from such condemnation transfer or casualty loss). A transfer by Owner in lieu of taking a governmental authority is deemed the same as taking by such governmental authority.

5. **Assignment/Subletting.** Tenant shall have the right to sublease or assign its rights under this Agreement without notice to or consent of Owner.

6. **Notices.** All notices must be in writing and are effective only when deposited in the U.S. mail, certified and postage prepaid, or when sent via overnight delivery. Notices to SSLP/SprintCom are to be sent to: SprintCom, Inc., Attention: Director-Network Real Estate, 1200 Main Street, Kansas City, Missouri 64105, with a copy to Sprint Spectrum L.P., 10200 Grogan's Mill Road, The Woodlands, Texas 77380-1180. Notices to Owner must be sent to the address shown underneath Owner's signature.

7. **Improvements.** SSLP/SprintCom may, at its expense, make such improvements and repairs to the equipment on the Site as it deems necessary from time to time for the operation of the PCS system. Owner agrees to cooperate with SSLP/SprintCom with respect to obtaining any required zoning approvals for the Site and such improvements and repairs to equipment. Upon termination or expiration of this Agreement, SSLP/SprintCom may remove its equipment and improvements and will restore the Site to substantially the condition existing on the Commencement Date, except for ordinary wear and tear and casualty loss.

8. **Compliance with Laws.** Owner represents that Owner's property (including the Site), and all improvements located thereon, are in substantial compliance with building, life/safety, disability and other laws, codes and regulations of applicable governmental authorities. SSLP/SprintCom will substantially comply with all applicable laws relating to its possession and use of the Site.

9. **Interference.** SSLP/SprintCom will resolve technical interference problems with other telecommunications equipment located at the Site on the Commencement Date or any telecommunications equipment that becomes attached to the Site at any future date when SSLP/SprintCom desires to add additional telecommunications equipment to the Site. Likewise, Owner will not permit or suffer the installation of any future telecommunications equipment, or changes or modifications to equipment located on the Site as of the Commencement Date belonging to the Owner or other users of the Property on which the Site is located, which (a) results in technical interference problems with SSLP/SprintCom's then existing telecommunications equipment or (b) encroaches onto the Site.

10. **Utilities.** Owner represents that utilities adequate for SSLP/SprintCom's use of the Site are available. SprintCom will pay for all utilities used by it at the Site. Owner will cooperate with SSLP/SprintCom in SSLP/SprintCom's efforts to obtain utilities from any location provided by Owner or the servicing utility, including signing any easement or other instrument reasonably required by the utility company, at the sole cost of SSLP/SprintCom.

11. **Termination.** SSLP/SprintCom may terminate this Agreement at any time by notice to Owner without further liability if SSLP/SprintCom does not obtain all permits or other approvals (collectively, "approval") required from any governmental authority or any easements required from any third party to operate the PCS system, or if any such approval is canceled, expires or is withdrawn or terminated, or if Owner fails to have proper ownership of the Site or authority to enter into this Agreement, or in the event of Title problem with the Site, or if SSLP/SprintCom, for any other reason, in its sole discretion, determines that it will be unable to use the Site. SSLP/SprintCom is not obligated to appeal denial of any approval. SSLP/SprintCom has right to terminate if Owner's interest on the property containing the Site is foreclosed and no disturbance and attornment agreement was provided at lease inception, or if the Site is taken by eminent domain or damaged by casualty. Upon termination, all prepaid rent will be retained by Owner unless such termination is due to Owner's failure of proper ownership or authority, or such termination is a result of Owner's default.

Owner Initials XC

SSLP/SprintCom Initials CM

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12. Default. If either party is in default under this Agreement for a period of (a) 10 days following receipt of notice from the non-defaulting party with respect to a default which may be cured solely by the payment of money, or (b) 30 days following receipt of notice from the non-defaulting party with respect to a default which may not be cured solely by the payment of money, then, in either event, the non-defaulting party may pursue any remedies available to it against the defaulting party under applicable law, including, but not limited to, the right to terminate this Agreement. If the non-monetary default may not reasonably be cured within a 30-day period, this Agreement may not be terminated if the defaulting party commences action to cure the default within such 30-day period and proceeds with due diligence to fully cure the default.

13. Indemnity. Owner and SSLP/SprintCom each indemnifies the other against and holds the other harmless from any and all costs (including reasonable attorneys' fees) and claims of liability or loss which arise out of the ownership, use and/or occupancy of the Site by the indemnifying party. This indemnity does not apply to any claims arising from the sole negligence or intentional misconduct of the indemnified party. The indemnity obligations under this Paragraph will survive termination of this Agreement.

14. Hazardous Substances. Owner represents that it has no knowledge of any substance, chemical or waste (collectively, "substance") on the Site that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation. SSLP/SprintCom will not introduce or use any such substance on the Site in violation of any applicable law. Owner will not introduce or use any hazardous substance on the Site in violation of any applicable law. Owner will be responsible for all obligations of compliance with any and all environmental laws, including any regulations, guidelines, standards or policies of any governmental authorities regulating or imposing those standards of liability or standards of conduct with regard to any environmental conditions or concerns as may now or any time hereafter be in effect, that are or were in any way related to activity now or formerly conducted in, on or in any way related to the property upon which the Site is located ("Premises") (including the Site), unless such conditions or concerns are caused by the activities of SSLP/SprintCom.

Owner will hold SSLP/SprintCom harmless and indemnify SSLP/SprintCom from any and all duties, responsibility and liability at its sole cost and expense, for all duties, responsibilities and liability for payment of penalties, sanctions, forfeitures, losses, costs (including environmental clean-up, remedial, removal and/or response costs), or damages, and for responding to any action, notice claim, order, summons, citation, directive, litigation, investigation or proceeding under federal, state and local law which is in any way related to: (a) a failure to comply with any environmental law, including without limitation, any regulations, guidelines, standards or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental concerns or conditions as may now or any time hereafter be in effect at the Premises (including the Site), and (b) any contamination of the Premises (including the Site), or contaminants migrating therefrom, including but not limited to, groundwater, resulting from the presence of hazardous substances as defined at 42 U.S.C. Section 9601(14), and/or any other substance injurious to the environment or public health and welfare unless caused solely by SSLP/SprintCom.

Owner will have sole responsibility for the identification, investigation, monitoring and remediation and/or cleanup of any environmental contamination, including but not limited to, groundwater of the Premises (including the Site)., Notwithstanding the foregoing, SSLP/SprintCom retains whatever rights it may have under law o report to any governmental agency any environmental conditions which may trigger a reporting obligation under any law or regulation.

SSLP/SprintCom will not have authority, power, or ability to control any other property or business owned or operated by the Owner other than the possession of the Site as provided hereunder and the right of access thereto. Moreover, the right of possession granted hereunder to the Site does not include the right to (a) mine mineral resources (including soil); (b) use or access groundwater underneath the Site; or (c) excavate or remediate soil or groundwater on or in the Premises for the purpose of eliminating, treating or containing contamination unless the contaminants being remediated or excavated were released by SSLP/SprintCom.

15. Subordination and Non-Disturbance. This Agreement is subordinate to any mortgage or deed of trust now of record against the Site. However, promptly after the Agreement is fully executed, Owner will use diligent efforts to obtain a non-disturbance agreement reasonably acceptable to SSLP/SprintCom from the holder of any such mortgage or deed of trust.

16. Taxes. SSLP/SprintCom will be responsible for payment of all personal property taxes assessed directly upon and arising solely from its use of the communications facility on the Site. SSLP/SprintCom will pay to Owner any increase in real property taxes attributable solely to any improvements to the Site made by SSLP/SprintCom within 60 days after receipt of satisfactory documentation indicating calculation of SSLP/SprintCom's share of such real estate taxes and payment of the real estate taxes by Owner. Owner will pay when due all other real estate taxes and assessments attributable to the property of Owner of which the Site is a part.

17. Insurance. SSLP/SprintCom will procure and maintain commercial general liability insurance, with limits of not less than $1,000,000 combined single limit per occurrence for bodily injury and property damage liability, with a certificate of insurance to be furnished to Owner within 30 days of written request. Such policy will provide that cancellation will not occur without at least 15 days prior written notice to Owner. Each party hereby waives its right of recovery against the other for any loss or damage covered by any insurance policies maintained by the waiving party. Each party will cause each insurance policy obtained by it to provide that the insurance company waives all rights of recovery against the other party in connection with any damage covered by such policy.

18. Maintenance. SSLP/SprintCom will be responsible for repairing and maintaining the PCS system and any other improvements installed by SSLP/SprintCom at the Site in a proper operating and reasonably safe condition; provided, however if any such repair or maintenance is required due to the acts of Owner, its agents or employees, Owner shall reimburse SSLP/SprintCom for the reasonable costs incurred by SSLP/SprintCom to restore the damaged areas to the condition which existed immediately prior thereto. Owner will maintain and repair all other portions of the property of which the Site is a part in a proper operating and reasonably safe condition.

19. Miscellaneous. (a) This Agreement applies to and binds the heirs, successors, executors, administrators, personal representatives, and assigns of the parties to this Agreement; (b) this Agreement is governed by the laws of the state in which the Site is located; (c) if requested by SSLP/SprintCom, Owner agrees promptly to execute and deliver to SSLP/SprintCom a recordable Memorandum of this Agreement in the form of Exhibit B; (d) this Agreement (including the Exhibits) constitutes the entire agreement between the parties and supersedes all prior written and verbal agreements, representations, promises or understandings between the parties. Any amendments to this Agreement must be in writing and executed by both parties; (e) if any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, will not be affected and each provision of this Agreement will be valid and enforceable to the fullest extent permitted by law; and (f) the prevailing party in any action or proceeding in court or mutually agreed upon arbitration proceeding to enforce the terms of this Agreement is entitled to receive its reasonable attorneys' fees and other reasonable enforcement costs and expenses from the non-prevailing party.

20. Non-Binding Until Fully Executed. This Agreement is for discussion purposes only and does not constitute a formal offer by either party. This Agreement is not and shall not be binding on either party until and unless it is fully executed by both parties.

The following Exhibits are attached to and made a part of this Agreement: Exhibits A, B, and C.

Owner Initials XC

SSLP/SprintCom Initials GR

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OWNER: THOMAS C. COLER AND KATHY J. COLER, HUSBAND AND WIFE

By: _____
Thomas C. Coler
Its: Co-Owner
S.S./Tax No.: [ ]
Address: 13232 Max Road
Pearland, Texas 77581-7914
☒ See Exhibit A1 for continuation of Owner signatures
Date: 8/20/97

SPRINT SPECTRUM, L.P., a Delaware Limited Partnership
By: _____
Name: ~~Robert C. Giaulero~~ Eldon Prax
Its: Director of Engineering and Operations, Houston BTA
10200 Grogan's Mill Rd. ; Ste. 100 The Woodlands, TX. 77380
Date: 2/12/97

Attach Exhibit A - Site Description and Exhibit B - Memorandum of PCS Site Agreement

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Version 1

EXHIBIT A

March 97

Site Name Coler

PCS Site Agreement

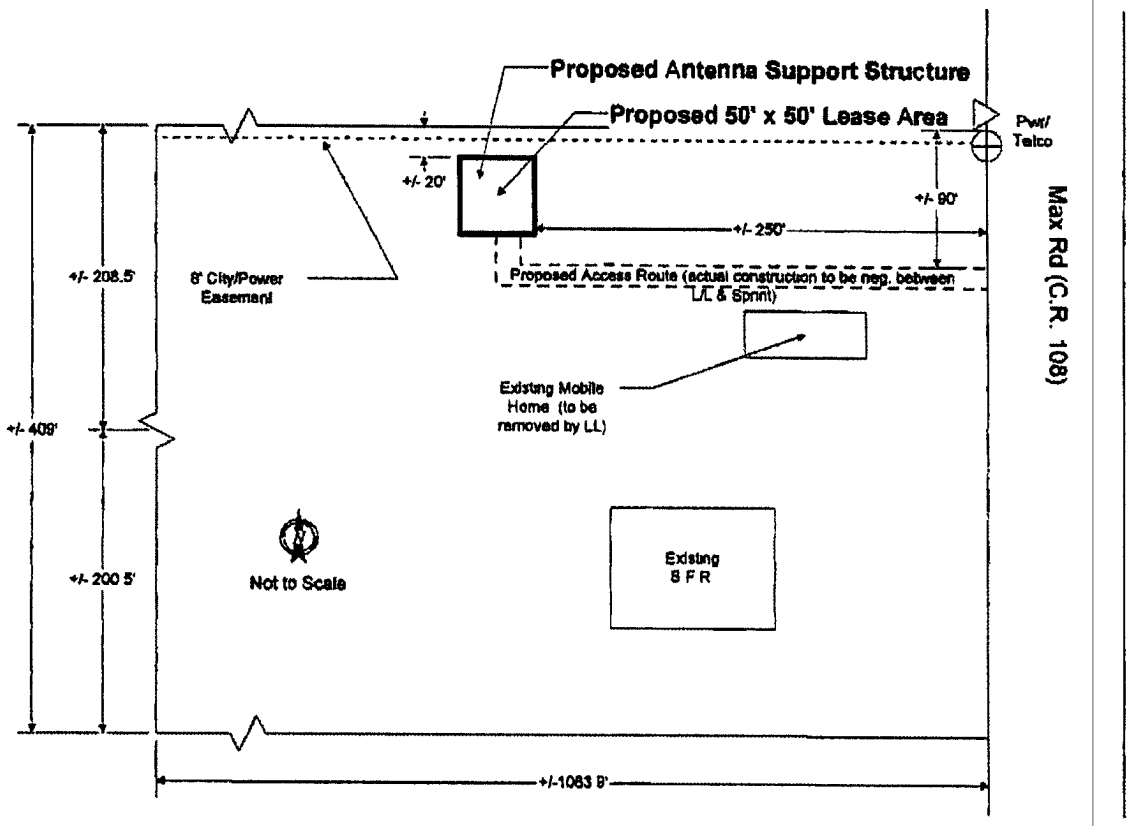
Site I. D. Houston 1253A

Site Description

Site situated in the City of Pearland, County of Brazoria, State of Texas, commonly described as follows:

Legal Description: SEE EXHIBIT "C" ATTACHED HERETO AND MADE A PART HEREOF.

Sketch of Site:



Owner Initials XC

SSLP/SprintCom Initials GM

Note: Owner and SSLP/SprintCom may, at SSLP/SprintCom's option, replace this Exhibit with an exhibit setting forth the legal description of the property on which the Site is located and/or an as-built drawing depicting the Site.

*[Use this Exhibit A for PCS Site Agreement, Memorandum of PCS Site Agreement, Option Agreement and Memorandum of Option Agreement.]

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Version 1

EXHIBIT A1

March 97

Site Name Coler

PCS Site Agreement

Site I. D. Houston 1253A

Continuation of Owner Signatures

"OWNER":

By: Kathy J. Coler
Kathy J. Coler

Its: Co-Owner

S.S./Tax No.: [redacted]

By: _____

Its: _____

S.S./Tax No.: [redacted]

By: _____

Its: _____

S.S./Tax No.: _____

Owner Initials KC

SprintCom Initials CM

"OWNER":

By: _____

Its: _____

S.S./Tax No.: _____

By: _____

Its: _____

S.S./Tax No.: _____

By: _____

Its: _____

S.S./Tax No.: _____

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Version 1

EXHIBIT B

March 97

Site Name Coler

PCS Site Agreement

Site I. D. Houston 1253A

Memorandum of PCS Site Agreement

This memorandum evidences that a lease was made and entered into by written PCS Site Agreement dated 8/21/97, 19__ , between Thomas C. Coler and Kathy J. Coler, Husband and Wife, ("Owner") and SprintCom, Inc., a Kansas corporation ("SprintCom").

Such Agreement provides in part that Owner leases to SSLP/SprintCom a certain site ("Site") located at 13232 Max Road, City of Pearland, County of Brazoria, State of Texas, within the property of Owner which is described in Exhibit A attached hereto, with grant of easement for unrestricted rights of access thereto and to electric and telephone facilities for a term of five (5) years commencing on _____, 19__, which term is subject to four (4) additional five (5) year extension periods by SSLP/SprintCom. Premises are to be used for the construction, installation, maintenance and operation of a personal communications system facility, including, without limitation, antenna equipment, towers, satellite or other dishes, supports, cables, wires, poles, receivers, transmitters, fixtures, buttresses, anchors, fences and other related facilities, equipment and appurtenances for the foregoing ("PCS facility").

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first above written.

"OWNER"

THOMAS C. COLER AND KATHY J. COLER, HUSBAND AND WIFE

By: _____

Name: Thomas C. Coler

Title: Co-Owner

☒ See Exhibit B1 for continuation of Owner signatures

Address: 13232 Max Road
Pearland, Texas 77581-7914

Owner Initials KC _____

SSLP/SprintCom Initials CM _____

"SprintCom"

Sprint SPECTRUM L.P., a Delaware Limited Partnership

By: _____

Name: ~~Robert G. Giguiere~~ Eldon Prax

Title: Director of Engineering and Operations, Houston BTA

Address: 10200 Grogan's Mill Road, Suite 100, The Woodlands, TX. 77380

Date: 2/12/98

Attach Exhibit A - Site Description

Version 3

EXHIBIT B1

March 97

Site Name Coler

PCS Site Agreement

Site I. D. Houston 1253A

Memorandum of PCS Site Agreement

Continuation of Owner Signatures

"OWNER":

By: Kathy J. Coler
Kathy J. Coler

Its: Co-Owner

S.S./Tax No. [redacted]

By: _____

Its: _____

S.S./Tax No.: [redacted]

By: _____

Its: _____

S.S./Tax No.: _____

"OWNER":

By: _____

Its: _____

S.S./Tax No.: _____

By: _____

Its: _____

S.S./Tax No.: _____

By: _____

Its: _____

S.S./Tax No.: _____

Owner Initials KC

SSLP/SprintCom Initials

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Version 1

EXHIBIT C

March 97

Site Name Coler

PCS Site Agreement

Site I. D. Houston 1253A

Legal Description

The North one-half (1/2) of Lot Thirty (30) of the Allison-Richey Gulf Coast Home Company Subdivision of Section 10, H.T. & B.R.R. Co. Survey, Abstract 505, Brazoria County, Texas, according to the recorded map or plat thereof in Volume 2, Page 23 of the Plat Records of Brazoria County, Texas.

Owner Initials KC

SSLP/SprintCom Initials GN

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OWNER NOTARY BLOCK:

STATE OF TEXAS

COUNTY OF Brazoria

The foregoing instrument was acknowledged before me this 21st day of August, 1997, by Thomas C. Coler and Kathy J. Coler, Husband and Wife.

(AFFIX NOTARIAL SEAL)

JoAnn Kison
Notary Public, State of Texas
My Commission Expires 5/08/2001

JoAnn Kison
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC—STATE OF Texas

JoAnn Kison
(PRINTED, TYPED OR STAMPED NAME OF NOTARY)
COMMISSION NUMBER: 5/8/2001

STATE OF TEXAS

COUNTY OF MONTGOMERY

The foregoing instrument was acknowledged before me this 12th day of February, 1998,

☐by ~~Robert C. Giguiere~~ Eldon Prax, Director of Engineering and Operation, Sprint, Houston BTA, SPRINT SPECTRUM, L.P., a Delaware Limited Partnership, who executed the foregoing instrument as agent for SPRINT SPECTRUM L.P., a Delaware Limited Partnership.

(AFFIX NOTARIAL SEAL)

JUDY A. FRANKLIN
NOTARY PUBLIC
State of Texas
Comm. Exp 05-09-2001

Judy A. Franklin
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC—STATE OF

My commission expires:

(PRINTED, TYPED OR STAMPED NAME OF NOTARY)
COMMISSION NUMBER:

Code Response 1

Tower Ordinance

Chapter 2 – Division 5: Telecommunications Towers & Antennas

Section 2.5.5.2 Conditional Use Permit Required

(e) **Application & Requirements.** An application for a conditional use permit for a tower, antenna, or use of an alternative tower structure must be made to the Planning Department. An application will not be considered until it is complete. A complete application must contain the following:

(1) An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits, specifying the location, height, and design of each tower. The Planning Department may share the information with other applicants for a conditional use permit under this article.

APPLICANT DOES NOT HAVE ANY EXISTING TOWERS WITHIN THE CITY OR WITHIN ONE MILE. CLEARWIRE IS NEW TO THE HOUSTON MARKET AND DOES NOT CURRENTLY HAVE AN OPERATING NETWORK IN THIS AREA.

(2) Site plans to scale specifying the location of tower(s), transmission building and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses.

ATTACHED TO CUP APPLICATION AS EXHIBIT E.

(3) A report from a professional structural engineer licensed in the State of Texas documenting the following:

a. Tower height and design, showing a cross-section of the tower structure.

b. Total anticipated capacity of the tower structure, including the number and types of antennas which can be accommodated.

ATTACHED AS SUPPLEMENT D. THE TOWER IS RATED AT 104%, WHICH IS DEEMED TO BE STRUCTURALLY ACCEPTABLE AS DEFINED BY THE CITY OF PEARLAND'S BUILDING CODE.

(4) A letter of intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.

CLEARWIRE IS SUBLEASING SPACE AND IS NOT THE TOWER OWNER. CLEARWIRE HAS NO ABILITY TO CONTROL ANY ADDITIONAL LEASE AREAS.

(5) Each applicant must make a good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:

CLEARWIRE IS COLLOCATING ON AN EXISTING TOWER AND IS NOT BUILDING A NEW TOWER.

(6) Any other information which may be requested by the Planning Department to fully evaluate and review the application and the potential impact of a proposed tower or antenna.

Section 2.5.5.6 Shared Use

(a) **No Permit Required**. To encourage shared use of towers, no building permit or conditional use permit is required for the addition of antennas to an existing tower so long as the height of the tower or structure on which the antenna is placed is not increased and the requirements of this article are met.

IN SUPPORT OF THE CITY'S INTENT TO PREVENT THE PROLIFERATION OF UNNECESSARY TOWERS, CLEARWIRE HAS SOUGHT TO UTILIZE AS MANY EXISTING TOWERS AND STRUCTURES AS POSSIBLE. ALL OF THE PROPOSED SITES IN THE CITY LIMITS WILL BE COLLOCATIONS. THE HEIGHT OF THE TOWER IS NOT BEING INCREASED, NOR IS THE EXISTING SITE BEING EXPANDED.

Section 2.5.5.8 Pre-Existing Towers & Non-Conforming Uses.

(a) **Operative Towers**. All communications towers that are operative prior to the effective date of this UDC and that do not comply wholly with the requirements of this division are allowed to continue their present usage as a nonconforming use and are treated as a non-conforming use in accordance with Chapter 2, Article 7 of this UDC. Routine maintenance is permitted on the existing towers. Construction other than routine maintenance on an existing communication tower must comply with the requirements of this UDC.

CLEARWIRE'S INSTALLATION WILL FULLY COMPLY WITH THE RULES AND REGULATIONS AS DEFINED IN THE UDC.

Code Response 2

Zone District SR-12

Section 2.4.2.4 SR-12, Suburban Residential-12 District

(a) **Purpose**. The Suburban-Residential-12 District (SR-12) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article5, Division 2 of this Chapter 2;

THIS USE IS LISTED AS CONDITIONAL IN THE MATRIX.

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations**.

(1) Size of Lots:

a. *Minimum Lot Area* - Twelve thousand (12,000) square feet
b. *Minimum Lot Width* - One hundred feet (100')
c. *Minimum Lot Depth* - Ninety feet (90')
d. *Maximum Lot Coverage* - Sixty percent (60%)

THE EXISTING SITE PRE-DATES THE ZONING ORDINANCE.

(2) Size of Yards:

a. *Minimum Front Yard* – Twenty-five feet (25'); twenty feet (20') feet for cul-de-sac lots and thumbnail lots.
b. *Minimum Side Yard* – Ten feet (10'); equal to the front yard when abutting a street right-of-way.
c. *Minimum Rear Yard* – Twenty feet (20'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction the thoroughfare or collector).

THE EXISTING SITE PRE-DATES THE ZONING ORDINANCE.

(d) **Height Restrictions**. No building shall exceed thirty-five feet (35') in height.

THE TOWER ORDINANCE (CH. 2, DIV. 5) CONTROLS HEIGHT OF TOWERS. THE EXISTING SITE PRE-DATES THE ZONING ORDINANCE.

(e) **Accessory Buildings**. Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

CLEARWIRE IS NOT INSTALLING ANY ACCESSORY BUILDINGS.

(f) **Common Areas** – Management & Maintenance. For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.

THIS SITE IS NOT FOR COMMON USE.

(g) **Outside Storage**. Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

CLEARWIRE IS NOT INSTALLING ANY OUTSIDE STORAGE.

Code Response 3

Site Development

Chapter 4 – Article 2: Development Standards

Division 2 Landscaping

Section 4.2.2.3 Applicability to New and Existing Developed Areas

(b) **Existing Development Areas; Nonconformance.**

(1) All property with existing development on the effective date of the ordinance from which this division derives which is not in compliance with this division shall be considered nonconforming and allowed to continue until the time a building permit is granted to reconstruct or enlarge an existing structure on the property to an extent exceeding five hundred (500) square feet of the exterior dimensions of the structure. At that time, this division shall apply to the previous existing parcel areas as well as any new paved areas, and the areas shall be brought into compliance. A plan showing existing and new development and the proposed landscaping shall be submitted in accordance with this division. In order to encourage early landscaping in existing paved areas and the preservation of trees that are already established and growing in these areas an additional credit shall be given in accordance with Division 3 of this Chapter.

(2) No structure existing on the effective date of this Code from which this division derives shall be required to be altered or moved in order to comply with this division except for reconstruction.

(3) Also see Article 1, Division 3 of this Chapter for further requirements related to structural and parking-related expansions.

1. CLEARWIRE'S PROPOSED INSTALLATION IS LESS THAN 500 SQUARE FEET, THUS THE EXISTING DEVELOPMENT IS NOT REQUIRED TO BE BROUGHT INTO COMPLIANCE.
2. THE TOWER IS NOT BEING RECONSTRUCTED AND WAS BUILT PRIOR TO THIS CODE'S EFFECTIVE DATE.

Division 3 – Tree Mitigation

Section 4.2.3.3 Approval Required for Tree Removal

No person directly or indirectly shall cut down remove, move, or destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this division without first submitting a Tree Survey and obtaining approval of a Tree Disposition Plan, unless otherwise exempted by the provisions of Section 4.2.3.4(b) of this division.

NO TREES WILL BE IMPACTED BY THIS INSTALLATION, AS THE COMPOUND ALREADY EXISTS. THIS INSTALLATION WILL NOT ENLARGE THE EXISTING FACILITY.

Section 4.2.3.6 Submittal Requirements

(a) The City Manager or his/her designee shall establish administrative procedures necessary to facilitate the implementation and enforcement of this division. These procedures shall include the following:

(1) Tree Disposition Plan/Tree Survey: Must be submitted and approved prior to the removal or destruction of any tree.

(2) An application involving a limited portion of a site may be based on an exhibit showing only that portion of the site.

(3) Aerial photograph interpretation may supplant the ground survey for preliminary analyses of large scale developments, such as subdivisions, utility corridors, and golf courses, at the discretion of the City. Large-scale developments are also required to include impact areas where existing trees are located.

NO TREES WILL BE REMOVED AS A RESULT OF THIS INSTALLATION.

Division 4 – Screening and Fencing

Section 4.2.4.2 Screening for Utility Support Structures and Stations

(a) **Applicability.** This section shall apply to all utility support structures or stations located on private property regardless if there is an easement or other form of agreement between the utility company or property owner.

(b) **Support Structures and Stations Defined.** These shall include, but not be limited to, any switching equipment, lift stations, pipe valves connected to pipes above ground, boxes or cabinets, cabling equipment or wiring above ground, transmitting equipment, control rooms, control cabinets, etc. Utility poles and transformers and like appurtenances attached to utility poles more than ten feet (10') above the ground are not considered a support structure or station.

(c) **Regulations.** A utility support structure or station located on private property or outside a public street right of way must have proper screening. The construction or modification of an existing utility support structure or station equal to more than fifty percent (50%) of its value or area, must provide screening meeting one of the following:

THIS INSTALLATION WILL NOT IMPACT MORE THAN 50% OF THE EXISTING AREA. CLEARWIRE'S FOOTPRINT IS 49 SQUARE FEET. THE EXISTING SITE IS OVER 2,500 SQUARE FEET.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 17, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2010-01Z

A request of Ajith Nair and Jeeva Ajith owners, for approval of a zone change from Residential Estate (RE) Zoning District to Suburban Residential-12 (SR-12), on the following described property, to wit:

Legal Description: Approximately 0.9997 Acre (Tract of Land out of Lot 22 of the Allison Richey Gulf Coast Home Company Subdivision of Section 20, H.T. & B.R.R. Co. Survey, Abstract 506, Brazoria County, Texas, According to the Map or Plat Thereof Recorded in Volume 2, Page 23 of the Plat of Records of Brazoria County, Texas

General Location: Located 2201 Linda Rd., Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF MAY 17, 2010

Zone Change Application No. 2010-01Z

A request by Ajith Nair and Jeeva Ajith owners, for approval of a zone change from Residential Estate (RE) Zoning District to Suburban Residential-12 (SR-12), on the following described property, to wit:

Legal Description: Approximately 0.9997 Acre (Tract of Land out of Lot 22 of the Allison Richey Gulf Coast Home Company Subdivision of Section 20, H.T. & B.R.R. Co. Survey, Abstract 506, Brazoria County, Texas, According to the Map or Plat Thereof Recorded in Volume 2, Page 23 of the Plat of Records of Brazoria County, Texas

General Location: Located at 2201 Linda Rd, Pearland Texas

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: June 12, 2010*
City Council for First and Only Reading: June 26, 2010*

(*dates subject to change if item is tabled)

SUMMARY: The owners are requesting approval of Zone Change Application No. 2010-01Z from the Residential Estate (RE) Zoning District to the Suburban Residential-12 (SR-12) Zoning District. The lot currently is 108.5 feet in depth by 284.5 feet in width.

The owners propose construction of their home with the front facing Linda and addressed off of Linda. The RE zoning district requires a 40 foot front yard setback along Linda and a 25 foot rear yard setback which results in a 43 foot deep building envelope within the lot. The applicants are requesting a zone change from RE to SR-12, so that they may construct a home of their choice in accordance with the development standards in the SR-12 zoning district. SR-12 requires a 25 foot front yard setback and a 20 foot rear yard setback and would allow a 63 foot deep building envelope within the lot.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	Residential Estate (RE)	Residential
South	Residential Estate (RE)	Residential
East	Residential Estate (RE)	Residential
West	Residential Estate (RE)	Residential

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as RE. The minimum lot size for the RE district is 1/2 acre, the minimum lot width is 120 feet, and the minimum lot depth is 90 feet. The subject property is approximately 108.5 feet in depth by 284.5 feet in width with approximately .9997 acres. The subject property meets the current zoning district development standards for t lot width and depth. The lot width and depth requirements for the SR-12 zoning district are 100 feet in width by 90 feet in depth. If a zone change were approved, the lot would also be in conformance with the SR-12 zoning district development standards.

The applicant will be required to comply with all other requirements of the Unified Development Code.

PLATTING STATUS: The property has not been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Single Family Residential-10,000 square foot lots" for the subject property and the surrounding properties. The Zoning district that most closely fits this land use designation is Single Family Residential-12 (SR-12).

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Hughes Ranch Rd, a secondary thoroughfare with an ultimate right-of-way of 100 feet and frontage on Linda, a local street with sufficient right-of-way of 50 feet. The applicant has not had the property platted and all necessary dedications will need to be made at the time of platting.

AVAILABILITY OF UTILITIES: The subject parcel is not served by public water and sewer lines.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: Currently, the surrounding neighborhood and area is zoned RE. Even though this proposed zone change is in conformance with the Comprehensive Plan, the applicants would be able to utilize the reduced setbacks of the new zoning district and this would not be in conformance with the other homes in this subdivision.

This zone change request will have a negative impact on the existing character of the neighborhood as this will permit the applicants to construct their home at a 25 foot front yard setback and a 20 foot rear yard setback. Other homes in the area have been constructed with RE development standards which are: 40 foot front yard setbacks and 25 foot rear yard setbacks. It appears that the applicant should be able to construct a home even with the current setbacks in the RE zoning district.

In addition, this proposed zone change is against the deed restrictions that are currently effective and recorded against this property.

ADDITONAL COMMENTS:

No additional comments received from other departments.

SITE PLAN CONSIDERATIONS: A site plan has not been submitted with the current zoning change application request.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has received a comment in opposition to the proposed zone change request. Staff received a phone call and spoke with a resident and member of Hawk Estates Home Owners Association on May 10, 2010 at 11:50 am. The member stated that there are deed restrictions against the subject property that does not permit the property to be divided into 2 separate lots as they must maintain the 1 acre lot.

STAFF RECOMMENDATION: Staff recommends denial of the request to a change in zoning from RE to SR-12 for the following reasons

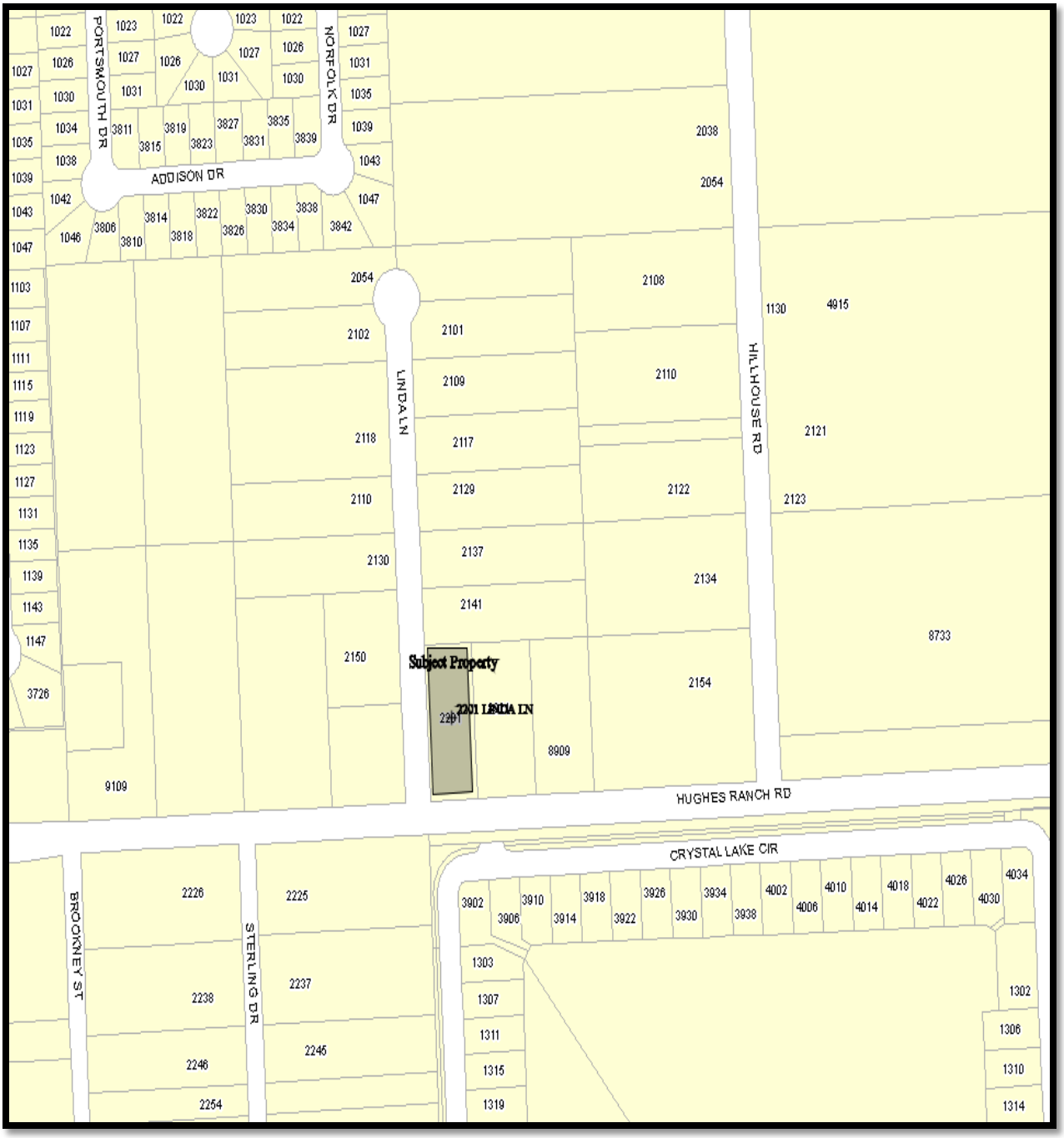
1. Even though this would be in conformance with the current comprehensive plan, there may be a negative impact on the surrounding properties and character of the

neighborhood. All the homes in the subdivision are constructed to the RE development standards, which have 40 foot front yard setback and a 25 foot rear yard setback.

2. The proposed zone change from RE to SR-12 would not be in conformance with the surrounding properties as this is not adjacent to another property that is zoned SR-12.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents



VICINITY MAP

ZONE CHANGE APPLICATION NO. 2010-01Z

2201 LINDA RD, PEARLAND, TEXAS

↑ NORTH

ABUTTER MAP

ZONE CHANGE APPLICATION NO. 2010-01Z

2201 LINDA RD, PEARLAND, TEXAS

↑ **NORTH**

ZONE CHANGE APPLICATION NO. 2010-01Z

2201 LINDA

PROPERTY OWNERS NOTIFICATION LIST

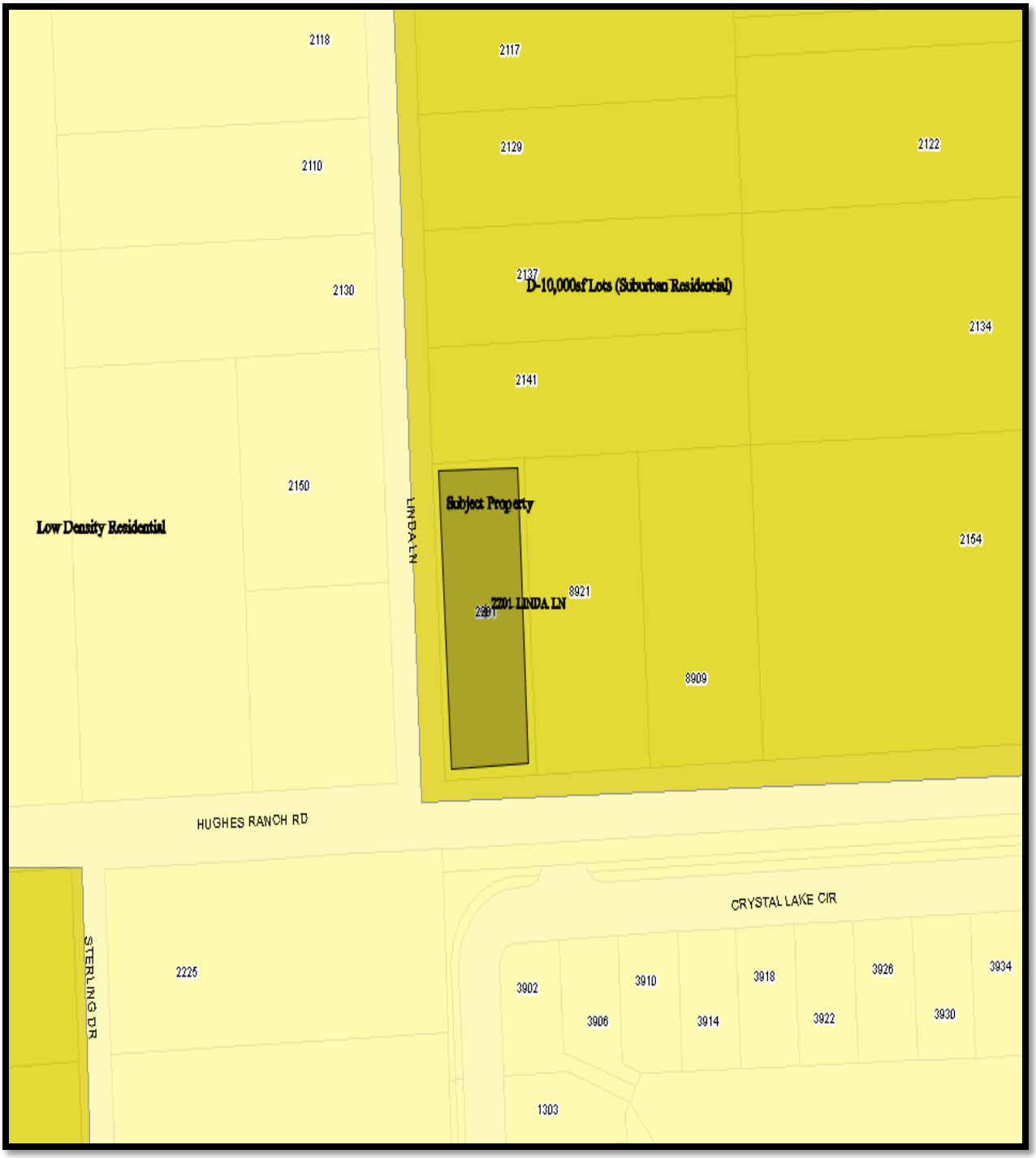
py_owner_name	situs_num	situs_street	city	py_addr_state	py_addr_zip
ROSS MARTHA SUE	3911	COUNTY ROAD 403	Pearland	TX	77584
NAIR AJITH KUMAR S & AJITH JEEVA	2758	LAGUNA POINT	Pearland	TX	77584
MENDOZA N FRANCO	1110	COUNTY ROAD 603	Pearland	TX	77584
ROSS PHILIP ANTONIO & FRANCES	3921	COUNTY ROAD 403	Pearland	TX	77584
COOPER PATRICK J	2150	LINDA	Pearland	TX	77584
CRYSTAL LAKE PROPERTY OWNERS ASSOC		CRYSTAL LAKE	Pearland	TX	77584
CRYSTAL LAKE PROPERTY OWNERS ASSOC		CRYSTAL LAKE	Pearland	TX	77584
CRYSTAL LAKE PROPERTY OWNERS ASSOC		CRYSTAL LAKE	Pearland	TX	77584
TREVILLIAN JAMES CRAIG	2225	STERLING	Pearland	TX	77584
CRYSTAL LAKE PROPERTY OWNERS ASSOC		CRYSTAL LAKE	Pearland	TX	77584
			Pearland		
ASP NANCY J & ARNOLD C	3910	CRYSTAL LAKE	Pearland	TX	77584
HALL ROLAND G & MELINDA E	3906	CRYSTAL LAKE	Pearland	TX	77584
PENRY ROBERT	3902	CRYSTAL LAKE	Pearland	TX	77584
COOPER PATRICK J			Pearland	TX	77584

ZONING MAP

ZONE CHANGE APPLICATION NO. 2010-01Z

2201 LINDA RD, PEARLAND, TEXAS

↑ **NORTH**



FUTURE LAND USE MAP

ZONE CHANGE APPLICATION NO. 2010-01Z

2201 LINDA RD, PEARLAND, TEXAS

↑ NORTH

AERIAL MAP

ZONE CHANGE APPLICATION NO. 2010-01Z

2201 LINDA RD, PEARLAND, TEXAS

↑ **NORTH**

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

APPLICATION FOR A CHANGE IN ZONING

Current Zoning District: RE

Proposed Zoning District: SR-12

Property Information:

Address or General Location of Property: 2201 Linda Rd
Corner of Hughes Ranch Rd and Linda Rd

Tax Account No. _____

Subdivision: Suburban Gardens Section 20 Lot: 22 Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME AJITH NAIR, JEEVA AJITH
ADDRESS 2758 Laguna Pointe Dr
CITY Pearland STATE TX ZIP 77584
PHONE(713) 436-1841
FAX( ) _____
E-MAIL ADDRESS ajithkumar15@hotmail.com

APPLICANT/AGENT INFORMATION:

NAME Same as owner
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE( ) _____
FAX( ) _____
E-MAIL ADDRESS _____

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: _____ Date: 04/15/2010

Agent's/Applicant's Signature: _____ Date: 4/15/2010

OFFICE USE ONLY:

FEES PAID: 275.00	DATE PAID: 4/15/10	RECEIVED BY: A. Gantuah	RECEIPT NUMBER: 51262

Application No. 2010-012

TAX RECEIPT

RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Certified Owner:

NAIR AJITH KUMAR S & AJITH JEEVA
2758 LAGUNA POINTE DR
PEARLAND , TX 77584-7857

Legal Description:
A0506 H T & B R R, TRACT 22D, ACRES 1.00

Parcel Address: HUGHES
Legal Acres: 1.0000

Remit Seq No: 15026422
Receipt Date: 12/31/2009
Deposit Date: 01/04/2010
Print Date: 12/31/2009

>--
Deposit No: 10000481C
Validation No: 900000018513504
Account No: **0506-0002-200**
Operator Code: PEAR

--<

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Atty Paid	Total
2009	Brazoria County	60,980	0.366286	223.36	0.00	0.00	223.36
2009	Special Road & Bridge	60,980	0.060000	36.59	0.00	0.00	36.59
2009	Pearland Isd	60,980	1.419400	865.55	0.00	0.00	865.55
2009	Brazoria Drainage Dist 4	60,980	0.143845	87.72	0.00	0.00	87.72
2009	City Of Pearland	60,980	0.652600	397.96	0.00	0.00	397.96
				$1,611.18	**$0.00**	**$0.00**	**$1,611.18**

>--
Check Number(s):
2481

--<

PAYMENT TYPE:
Checks: $1,611.18

Exemptions on this property:

Total Applied: $1,611.18
Total Tendered:
(for accounts paid on 12/31/2009) $1,611.18
Change Paid: $0.00

ACCOUNT PAID IN FULL

PAYER:
NAIR AJITH KUMAR S & AJITH JEEVA
2758 LAGUNA POINTE DR
PEARLAND , TX 77584-7857

(979) 864-1320, (979) 388-1320, (281) 756-1320

21.1.105

APPLICATION CHECKLIST FOR THE FOLLOWING

- **Zone Changes**
- **Planned Development Districts (PD)**

☑ Application, filled out completely, and signed by the owner of the property to be considered for the zone change or planned development district (Block ?)

☑ Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).

☑ Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.

☑ Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

☑ Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- **Zero (0) to less than 25 acres:**
  - $ 250.00, plus $25.00 per each type of zoning district requested; or
  - $ 400.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
  - $ 300.00, plus $25.00 per each type of zoning district requested; or
  - $ 450.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
  - $ 350.00, plus $25.00 per each type of zoning district requested; or
  - $ 500.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
  - $ 400.00, plus $25.00 per each type of zoning district requested; or
  - $ 550.00 if requesting a Planned Development (PD)
- **100 acres and above:**
  - $ 450.00, plus $25.00 per each type of zoning district requested; or
  - $ 600.00 if requesting a Planned Development (PD)

☑ For PD's Only: the proposed PD document in electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

☑ Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.

☑ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.

Ajith Nair & Jeeva Ajith
2201 Linda Rd,
Pearland, TX 77584
April 15, 2010

City of Pearland
Community Development
3523 Liberty Drive
Pearland, TX 77581

Dear Sir/Madam:

We would request for a zone change from RE to SR-12 in our property in the above mentioned address of 0.9997 acres. This property as compared to all other lots in Linda Rd has wider frontage of 314.30 feet facing Linda Rd and narrow depth of only 108.55 feet. With the specifications of current zoning "RE" and city taking 20 feet of land will not provide enough width to build a comprehensive house. Hence we are requesting for a rezoning to SR-12 which will allow us to build a comprehensive house.

Sincerely,

Ajith Nair

2130
2137
2141
2150
LINDA LN
RE
SUBJECT PROPERTY
2201
8921
RE (SUP)
8909
HUGHES RANCH RD
CRYSTAL LAKE CIR
R-2
2225
Pearland GIS
3902
3910
3918

POSTING OF ZONING NOTIFICATION SIGNS ON PROPERTY UNDER CONSIDERATION FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED (<u>SPECIFY REQUEST</u>)
Contact City of Pearland
281-652-1768

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

04/15/10

WALKER L. TREESH
Registered Public Surveyor

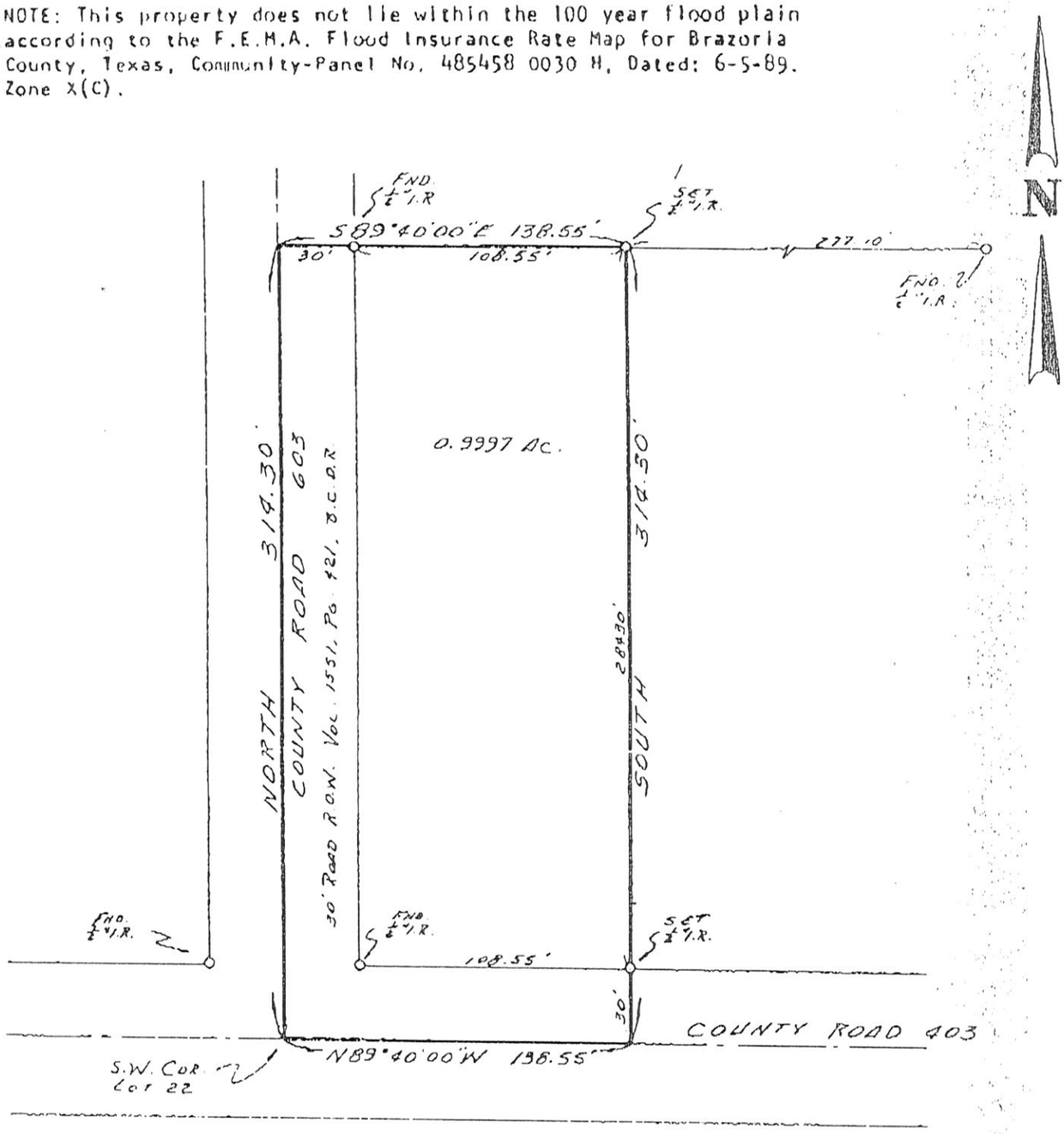
P. O. Box 2113
Pearland, Texas 77588
713 485-5191

Scale: 1"=60' Date: April 27, 1990 Job No. 90-1812

Purchaser: [redacted] Green, Trustee

Property Address:

NOTE: This property does not lie within the 100 year flood plain according to the F.E.M.A. Flood Insurance Rate Map for Brazoria County, Texas, Community-Panel No. 485458 0030 H, Dated: 6-5-89. Zone X(C).



PLAT SHOWING A SURVEY OF A 0.9997 ACRE TRACT OF LAND OUT OF LOT 22 OF THE ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION OF SECTION 20, H.T.&B.R.R. CO. SURVEY, ABSTRACT 506, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 23 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

TO: Commonwealth Land Title Co., GF# 9021673

I, Walker L. Treesh, Registered Public Surveyor of the State of Texas, hereby certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of this survey and that this professional service conforms to the current Texas Surveyors Association Standards and Specifications for a Category 1-A, Condition III Survey.

STATE OF TEXAS REGISTERED WALKER L. TREESH 1895 PROFESSIONAL LAND SURVEYOR

Walker L. Treesh
Walker L. Treesh
Registered Public Surveyor No. 1895

Ajith Nair & Jeeva Ajith
2201 Linda Rd,
Pearland, TX 77584
April 15, 2010

City of Pearland
Community Development
3523 Liberty Drive
Pearland, TX 77581

Dear Sir/Madam:

The above property measuring 0.9997 acres with 314.30 feet width and 108.55 feet depth is currently zoned as RE. Based on the RE area regulations, we have to leave 40 feet from the front and 25 feet from the back which leaves 43.55 feet depth for building our house. Currently our house plan has 60 feet depth and 55 feet width.

After evaluating all options and discussions with City of Pearland we found out that the zoning regulations of SR-12 specifying to leave 25 feet from front and 20 feet from rear offers 63.55 feet to build which will be optimal for us to build our house. This zoning will also permit us to build a house for our parents next to our house.

Hence we are requesting for rezoning of the above property from RE to SR-12.

Sincerely,

Ajith Nair

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 17, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Proposed amendments to the Comprehensive Plan, including amendments to the Future Land Use Plan and Thoroughfare Plan.

III. STAFF PRESENTION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: May 17, 2010	**ITEM NO.:**
DATE SUBMITTED: May 5, 2010	**DEPT. OF ORIGIN: Planning**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Mike Hodge	**REVIEW DATE: May 7, 2010**

SUBJECT: Proposed Amendments to the Comprehensive Plan

EXHIBITS: Overview of Changes to FLUP - April 2010; Overview of Changes to FLUP - April 2010; P & Z Recommendation Letter March 2010; Proposed Future Land Use Plan May 2010; Thoroughfare Plan Amendment; Proposed text amendments - Comprehensive Plan; Pearland – Our City, Our Future – P & Z's Recommendations; Land Use Study- April 2009; Letter from OTS Coalition; Power Point Presentation Land Use Study November 2009

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED:** N/A
AMOUNT AVAILABLE: N/A **PROJECT NO.:** N/A
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
☐ **Finance** ☐ **Legal** ☒ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

As directed by the City Council, Planning and Zoning Commission (P & Z) presented the recommendations on comments identified by the City Council, P & Z, and staff to the community in a series of public outreach meetings. In February and March of 2010, eighteen meetings were held city-wide with civic, neighborhood, and focus groups to gather input.

P & Z recommendations were then modified to include some of the comments as indicated in the attached recommendation letter. These recommendations were presented to the City Council by P & Z on April 5, 2010. The attachment entitled "Overview of Changes to FLUP" shows the changes required to the UDC; and the various elements of the Comprehensive Plan – FLUP, Thoroughfare Plan, text, etc.

Under this agenda item, the recommended changes include modifications to the

1. Future Land Use Plan
2. Thoroughfare Plan

3. Comprehensive Plan text.

Amendments to the UDC are under a separate agenda item, scheduled for a public hearing on May 17, 2010 also.

For additional information on the recommendations, please refer to the document titled "Pearland - Our City, Our Future, Land Use Update - October 2009, Planning and Zoning Commission Recommendations". For background information and research please refer to the document titled "Land Use Study – April 2009, Prepared by Planning Staff." These documents were handed out earlier and are included in the packet. They are also available on our website at www.cityofpearland.org.

RECOMMENED ACTION

Conduct the joint public hearing.

Overview of Changes to FLUP, Comp Plan, UDC

May 2010

Comment Number (Refer to the Land Use Study and P & Z Recommendations)	*FLUP*	*UDC*	*Comprehensive Plan*	*Thoroughfare Plan*	*Future / in progress*
Comment #1: Identify Areas in the Future Land Use Plan (FLUP) That Need to Change.	Revise FLUP as per comments 2 – 26.	Revise UDC as per comments 2 – 26.	BP along SH 288 – Change the Comprehensive Plan text to encourage multifamily residential within mixed use developments.		
Comment #2: Effect of SH 35 on the Land Use Plan for Areas South of 518 around Magnolia.	None.	None.	None. Thoroughfare Plan shows this as a Major Thoroughfare with a 120 ROW.		
Council Comment #3: Between SH 35 and RR, South of 518, Industrial Park with Internal Roads for Truck Routes.				Amend the Thoroughfare Plan.	
Comment #4: Review COD Standards in M-1 and M-2.		Amend the Unified Development Code to allow relaxations for expansion of existing non-residential developments by a Conditional Use Permit. Allow landscaping on adjoining lots.			

Comment Number (Refer to the Land Use Study and P & Z Recommendations)	*FLUP*	*UDC*	*Comprehensive Plan*	*Thoroughfare Plan*	*Future / in progress*
Comment #5 and #7: Retain Industrial Along Mykawa and Main North of FM 518 and Along McHard. Clean Up Conflicts in McHard M-1 and M-2 Zones, FTZ.	Modify the FLUP.				
Council Comment #6a & 6b: Stop Retail at Oiler. Add minor node at SH 35 and Dixie Farm.	Modify the FLUP.				
Comment #9: Annexation of areas along Bailey Avenue, CR 59, CR 48, SH 35 and airport area.	Modify the FLUP .				Annexation proceedings have commenced.
Council Comment #10: Pearland Parkway and Airport – Commercial Uses	Modify the FLUP. Add new designation for Airport Area.				Formulate appropriate zoning by annexation date.
Council Comment #13 Add Neighborhood Nodes Within Residential	Modify the FLUP.	Amend the UDC to add the requirement of a CUP.	Amend the Retail Nodes section in the Comprehensive Plan to add guidelines and requirement of a CUP.		
Council Comment # 16: Residential Zoned Parcels along Broadway- Rezoned to Commercial/Retail	Modify the FLUP.				

Comment Number (Refer to the Land Use Study and P & Z Recommendations)	*FLUP*	*UDC*	*Comprehensive Plan*	*Thoroughfare Plan*	*Future / in progress*
Council Comment #17: David L. Smith Project – Review Land Use and Zoning.	Modify the FLUP.		Modify the Comprehensive Plan to replace the existing concept plan with the proposed one.		
Comment #20: Explore More Commercial Zoned Land. (Not Strip Centers).	Modify the FLUP to show "Offices" category.				
Council Comment # 25: Modify Cullen-Mixed Use (C-MU) District to Reinstate Previous Zoning.	Modify the FLUP- remove parcels at the intersection of Broadway and Cullen that are zoned GB.	Modify the Land Use matrix in the UDC. Add definitions and text changes.			
Comment #24: Analysis of Detention for Vacant Industrial and Commercial Zoned Properties and their Use as Parks/Trails.					Review and implement consultant's recommendation, when complete. Master Parks Plan to address the use of sub-regional detention and their connectivity.
Council Comment # 26: Differentiate Between Minor and Major Nodes.	Modify the Future Land Use Plan				

Comment Number (Refer to the Land Use Study and P & Z Recommendations)	*FLUP*	*UDC*	*Comprehensive Plan*	*Thoroughfare Plan*	*Future / in progress*
<u>Other Changes</u>		Landscaping changes to reflect city's green policy. Clarifications and Corrections. Platting Changes.			

Planning & Zoning Commission

Recommendation Letter

March 25, 2010

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Future Land Use Plan

Honorable Mayor and City Council Members:

At their meeting of March 15, 2010, the Planning and Zoning Commission considered the amendments to the Future Land Use Plan and recommended approval of the recommendations as proposed in the document titled "Pearland – Our City, Our Future – Land Use Plan Update – October 2009 - P & Z's Recommendations" presented to the City Council in November and December 2009 with the following amendments:

Comment #9: Annexation of 1000' South of Bailey Avenue and Land South of Southern Trails & Council Comment #10: Pearland Parkway and Airport – Commercial Uses

1. Exclude residential areas east of CR 127 and north of the airport in Area 6 – airport area, as directed by the council.
2. Add the following three "donut" areas to the 3-year annexation plan, as directed by the council:
    a. L- shaped area, west of Manvel Road, north of Southfork Road.
    b. Area west of Manvel, south of Southfork and north of Bailey Road.
    c. Rectangular area north of CR 59 and west of CR 48.

Council Comment #13: Add Neighborhood Nodes Within Residential

P & Z recommended that the following adjacency considerations be added to the UDC:

- Located at street intersections shown on the Future Land Use Plan.
- Permitted only by a **Conditional Use Permit** –Public Hearing process.
- Minimum impact on surroundings.
- Distance from other existing, designated or proposed non-residential uses, zones or

nodes along local, collector or thoroughfare streets.

- Existence of **pedestrian access** (walkways, bikeways, trailways, and traffic controls) to promote safety.
- Required buffers along property lines adjacent to single-family residential.
- Height of lighting limited to height of building and shielded to reduce glare on residential.
- Nonresidential uses shall be located on lots that have frontage on Collectors or Thoroughfares.
- No outdoor uses or storage except outdoor seating for restaurants and cafés and similar uses permitted by a CUP.
- Parking areas shall not be located directly adjacent to any adjoining residential use(s) –additional screening may be required.
- Screening Standards to include:
    - *Landscape Elements* –shrubbery and trees having year-round foliage
    - *Built Elements* –masonry wall, eight feet in height

- Limit total number of parking spaces to 75% of that required by the UDC. The remaining 25% of required parking area maintained as landscaped open space.
- Submittal of a site plan showing the layout of the buildings, activities, buffers, parking, driveways and other elements as required by the P & Z Commission and City Council to assist in evaluating the impact of the development on surrounding uses.
  Land Uses to conform to the Land Use Matrix. Add uses permitted in these nodes. Only for **limited uses** serving the immediate neighborhood.
- Hours of operation to be approved as part of the CUP.
- Unless otherwise specified in this section, the development in these nodes shall conform to all other requirements of the OP zone, and UDC.

Additional Recommendation:

Expand the Old Town Site boundaries to include the old airport site south of Walnut Street, between SH 35, Hampshire, and Old Alvin.

Sincerely,

Jerry Koza, Jr.
Chairman, Planning and Zoning Commission

Recommended Proposed Future Land Use Plan

May 2010

NOTE:
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

- A - 1/2 Acre Lots (Suburban Res)
- B - 15,000 SF Lots (Suburban Res)
- C - 12,000 SF Lots (Suburban Res)
- D - 10,000 SF Lots (Suburban Res)
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Offices
- Parks
- Public / Semi-Public
- Retail, Offices and Services
- Village District
- Spectrum District
- Business Park
- Cullen Mixed Use District
- Garden/O'Day Mixed Use District
- Light Industrial
- Industrial
- Business Commercial
- Airport
- City of Pearland Detention Site
- Community Park Site
- Neighborhood Park Site
- Restaurant & Entertainment District
- B.D.D #4 Proposed Detention Site
- Major Node
- Minor Node
- Minor N' Hood Retail Node
- Foreign Trade Zone

CITY OF PEARLAND TEXAS EST. 1894

Where Town and Country Meet GIS

1 inch = 0.5 miles

0 0.5 1 2
Miles

THIS MAP HAS BEEN PRODUCED FROM VARIOUS SOURCES EVERY EFFORT HAS BEEN MADE TO ENSURE THE ACCURACY OF THIS MAP. HOWEVER, THE CITY OF PEARLAND ASSUMES NO LIABILITY OR DAMAGES DUE TO ERRORS OR OMISSIONS.

MAP PREPARED: MAY 2010
(GIS)
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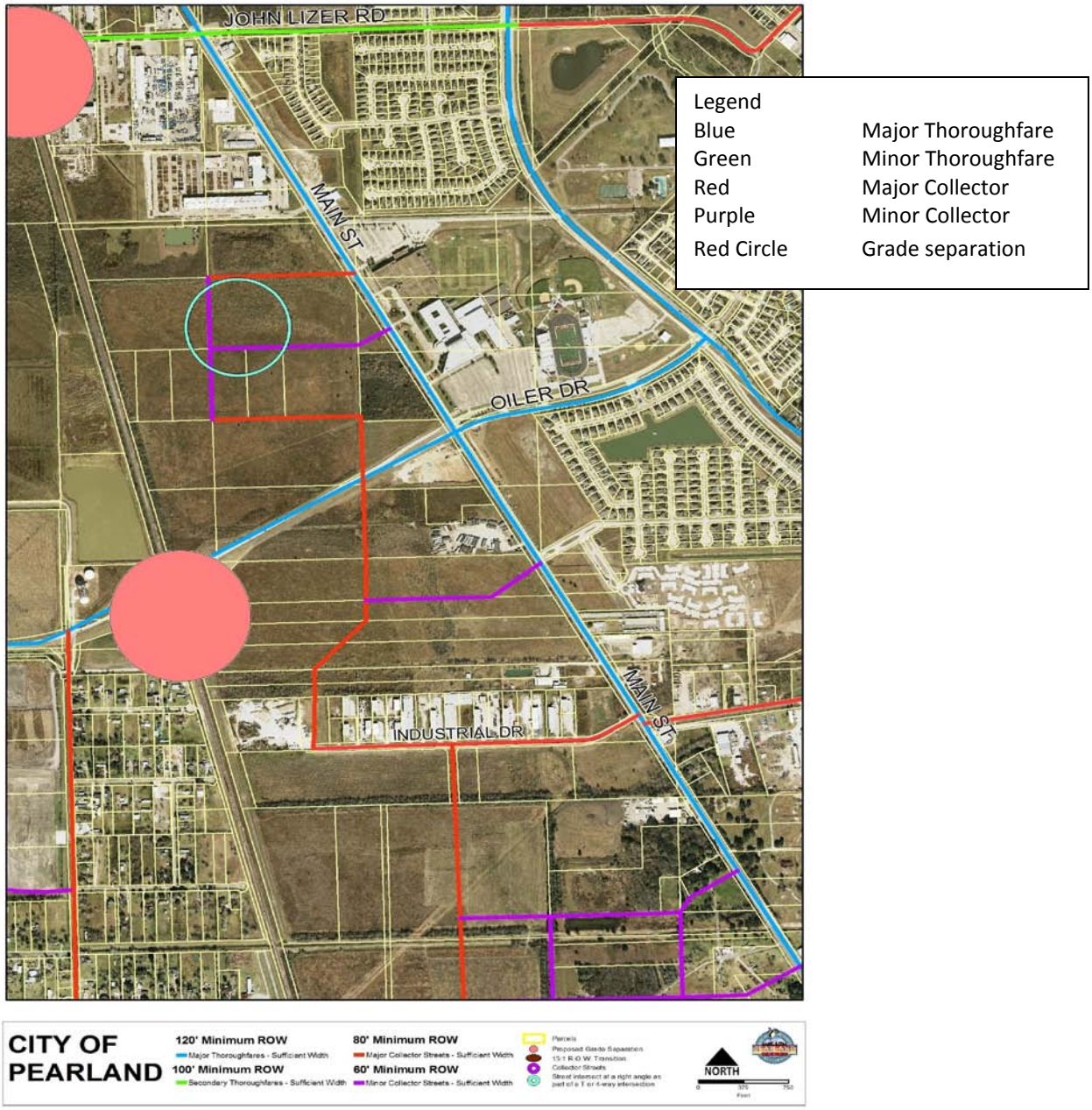
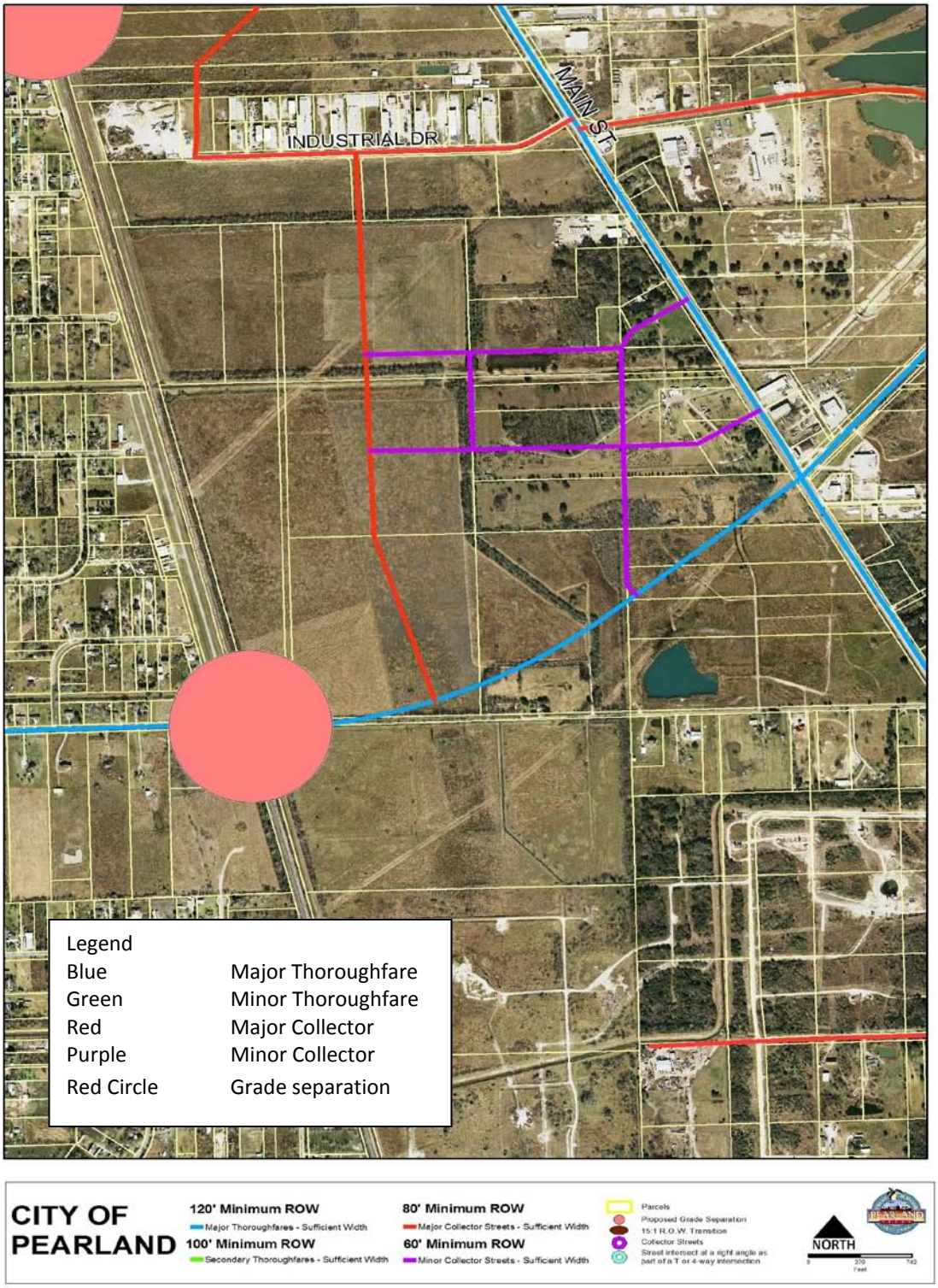
PROPOSED THOROUGHFARE PLAN AMENDMET
Council Comment #3: Between SH 35 and RR, South of 518, Industrial Park with Internal Roads for Truck Routes.

P & Z Recommendation:

Amend the Thoroughfare Plan as proposed below. The recommendation considers property boundaries, alignment with existing driveways and streets, and traffic circulation.



North of Industrial Drive – Proposed Thoroughfare Layout



South of Industrial Drive –Proposed Thoroughfare Layout

LAND USE
Section 5.0

INTRODUCTION

The Land Use Plan is typically the most important and most referenced element of a Comprehensive Plan. The Land Use Plan for Pearland reflects the existing city and presents an arrangement for future growth of the entire Planning Area through the year 2020 and beyond. Included is Shadow Creek Ranch, a 3,305 acre Planned Unit Development approved in September, 1999. The development will encompass almost the entire area west of S.H. 288 from Clear Creek to County Road 92.

MAJOR GOAL: Accommodate anticipated growth while preserving a sense of community, attractiveness and safety

Pearland has experienced tremendous growth in the 1990's and the rate of growth has been accelerating. The population of the Planning Area is expected to at least double over the next two decades. The City's major goal is to accommodate anticipated growth while preserving its sense of community, attractiveness and safety. Primary objectives to achieve this goal have been identified in the Pearland 2020 Vision Statement and are reiterated below:

- Establish a vigorous, diversified economy solidly based upon:
  - A pro-growth business environment
  - A highly skilled and motivated workforce
  - An environmentally friendly industrial base
- Provide a full spectrum of retail, health, transportation and business services that meet all the needs of the community.
- Accommodate a wide range of alternative and affordable housing in well planned neighborhoods that offer:
  - Convenient access via modern thoroughfares
  - Many recreational amenities which blend in aesthetically with the environment.

The Land Use Plan strives to meet the Pearland 2020 objectives while respecting existing land use patterns, natural and man-made physical constraints and jurisdictional influences. Major features of the Plan include the following ten initiatives:

1. ***Reinvent the old townsite as a modern village with a compatible mix of residential and nonresidential uses.***

2. ***Establish Pearland Parkway as a central axis linking many of the City's major recreational, educational and institutional assets.***

3. ***Develop a restaurant and entertainment district in a park setting with convenient regional access.***

4. ***Establish an attractive business park environment along the State Highway 288 corridor.***

5. ***Provide well-defined residential neighborhoods with centrally located parks.***

6. ***Concentrate local retail, offices and services into nodes centered at the intersections of major thoroughfares, instead of continuous commercial strips.***

7. ***Designate sizeable areas for industrial and light industrial economic development.***

8. ***Preserve major drainageways as open space, recreation corridors, and natural habitat.***

9. ***Develop a series of gateways within and around the periphery of the City.***

The Land Use Plan presented in Figure 5:1 includes these major features and indicates the proposed land use pattern throughout the entirety of the Pearland Planning Area. The map is general in its representation and is not intended to specify land use on a parcel by parcel basis. Following is a brief description of the land use categories shown on the map along with the appropriate implementing zoning districts. Most categories can be implemented using zoning districts already outlined in the Land Use and Urban Development Ordinance. Several land use areas such as the old townsite will require a new zoning district in order to achieve the recommendations of the Land Use Plan.

LAND USE CATEGORIES

Low Density Residential

- Conventional single-family detached development
- 0-4 dwelling units per acre
- Average lot size: 7,500 square feet
- Smaller lots may be acceptable if common open space is provided and overall density is not increased
- Appropriate zoning districts:
  - R-1, Single Family
  - R-2, Single Family

Medium Density Residential

- Less traditional attached and detached development including duplexes, town-homes, and patio homes, or
- Mix of low and high density residential use
- 4-10 dwelling units per acre
- Average lot size: 4,000 – 6,000 square feet
- Smaller lots may be acceptable if common open space is provided and overall density is not increased
- Appropriate zoning districts:
  R-3 Single Family
  R-4, Single Family

High Density Residential

- Apartment/condominium residences
- 10 units or more per acre
- 3 story maximum height
- Appropriate zoning district:
  MF, Multi-Family

Manufactured Housing

- Manufactured houses, mobile homes
- Minimum lot size: 6,000 square feet
- Appropriate zoning district:
  MH, Mobile Home Park

Retail, Offices and Services

- Neighborhood or convenience shopping centers, or developed as separate uses
- Preferably located at major street intersections
- Limited outdoor retail activities
- Buffer from neighboring single family residential
- Appropriate zoning districts:
  OP, Office and Professional
  NS, Neighborhood Service
  GB, General Business (selected uses)

Office

- Mid-rise office buildings (adjacent to the David L. Smith Project)
- Retail and restaurants as a secondary use within the buildings
- Parking areas preferred within the building sideyards and rearyards

General Business

- Extensive variety of business activities
- Larger tracts of land normally required
- Outdoor commercial activities permitted
- Appropriate zoning districts:
  GB, General Business (all uses)
  C, Commercial

Light Industrial

- Warehousing, distribution, assembly, fabrication and light manufacturing; industrial parks; high tech industries
- Supporting retail, office and service uses congregated at street intersections
- Performance standards for certain uses
- Indoor and outdoor commercial uses
- Appropriate zoning districts:
  M-1, Light Industry

Industrial

- Manufacturing, assembly, processing, storage and/or distribution
- No adjacency to residential areas
- Strict performance standards
- Supporting commercial uses congregated at street intersections
- Appropriate zoning districts:
  M-1, Light Industry
  M-2, Heavy Industry

Village District

- The old townsite
- Low and medium density residential uses
- Residential-compatible retail, office and service uses (preferably adjacent to major thoroughfares and collector streets)
- Supporting recreational, educational, cultural and civic facilities
- Appropriate zoning district to be established (currently zoned MF, GB, C and OP)

Business Park

- State Highway 288 corridor and portions of Beltway 8 nearest S.H. 288
- Mixed use area developed in coordinated, master planned campus-like settings with interdependent and complimentary uses
- Preferred uses include:
    - office buildings of various heights
    - regional shopping centers and malls
    - research and development facilities
    - light manufacturing

- High density residential may be incorporated as a transitional use along the outer edge of the corridor or within mixed use developments
- Special design standards
- Appropriate zoning districts:
  PUD, Planned Unit Development
  Corridor Overlay District or new base zoning district

Public/Semi-Public

- Government-owned or operated buildings such as libraries, fire stations, or city hall
- Public schools and school administration buildings
- Cemeteries

Parks and Open Space

- Sites under public ownership including:
  - neighborhood parks
  - community parks
  - linear parks and greenbelts
  - regional parks
    special use facilities such as the David L. Smith Project
- Sites under private ownership including:
  - neighborhood parks within residential subdivisions
  - golf courses

Drainage and Flood Protection

- Creeks, bayous and attendant floodways not intended for public use
- Stormwater detention sites

PLANNING INITIATIVE #1

Reinvent the old townsite as a modern village with a compatible mix of residential and nonresidential uses.

Introduction

Pearland's original town site is one of many nineteenth century villages in the central and eastern United States that have been engulfed by suburban development. Numerous crossroad villages are now encompassed by larger lot subdivisions on former agricultural land, infiltrated by commercial strip development, and subjected to heavy traffic. As a result, the village loses its original identity, frequently becoming an island within an expanding town or city.

Meanwhile, the village form, long disregarded or ignored as a vestige of the rural past, has been rediscovered. A number of architects, planners, and developers have embraced the self contained, tightly gridded, walkable village - identified by a seamless mix of residential, business and civic uses - as a viable alternative to the spacious, auto-dependent suburban development with its curvilinear streets and strict separations of uses. The nostalgic popularity of the village form is being used as a marketing tool to produce instant "villages" or "neo-traditional towns" that may differ from the standard subdivision only in their inclusion of a central square or houses with gingerbread trim.

Although Pearland's old town has lost much of its original identity, the area still includes certain elements commonly used to define a village. It is compact, has a mix of smaller scale residential and business uses, and has a fairly well-defined edge. The total size is less than one square mile and almost all of the area is within a one-half mile waling distance of Broadway and Main. Many of the City's largest and finest trees are also located here. With carefully designed land use controls and site development guidelines, Pearland's old town can assimilate new development and regain its village identity.

Boundaries

The old townsite comprises a rectangular area of about 320 acres as shown on Figure 5.2. The area is centered at the crossroads of State Highway 35 and F.M. 518 and is defined by the following streets:

North -	Orange Street
East	Galveston Avenue
South	Walnut Street
West	Austin Avenue

Existing Conditions

- **Streets and Lots**

The townsite was originally subdivided in 1892 with the streets oriented on a north/south, east/west grid. Most of the interior streets have a 60 foot right-of-way, narrow pavement widths, and open drainage ditches. Grand Avenue has a 120 foot right-of-way width. This five block long street has a center esplanade that is landscaped in the outer two blocks and used for parking in the middle three blocks. The City has initiated a street improvement program for the townsite which has already resulted in several streets being widened, curbed and guttered. The two major thoroughfares, F.M. 518 (Broadway) and State Highway 35 (Main) have 100 foot rights-of-way. Both streets are maintained by the Texas Department of Transportation and have been partially improved. Main Street north of Broadway will soon be widened to seven lanes. The original plat also defined alley rights-of-way as 20 feet wide; however, none have been paved, and several have been abandoned.

The typical lot size for most of the townsite is only 25 feet wide by 125 feet deep (3,125 square feet). Larger residential-sized lots can be found in the northernmost portion of the northeast quadrant. The generally small lot size has resulted in fragmented land ownership patterns over time making it more difficult to assemble larger tracts for singular uses. Although land ownership patterns have deterred development of a true central business district, they have helped to retain the overall small scale associated with historic villages.

Figure 5.2: Existing Layout

Land Use

Figure 5.3 indicates current land uses. Most surprising is the prevalence of single family residential on many of the interior streets, especially west of the railroad. Multi-family residences are limited to about twelve, scattered sites. As expected, businesses are congregated along the two major streets. Additional businesses have located along several of the interior streets in the southeast quadrant. This quadrant also has the largest number of vacant lots. Business uses include a wide variety of retail stores, restaurants, offices and personal services. Most are small in size.

Public and semi-public uses include several churches north of Broadway, the Senior Citizens Activity Center on South Grand, and the old city hall building on N. Texas which is now known as the Pearland Neighborhood Center and used by several social service agencies. Pearland's main post office is at the southeast corner of the old townsite.

The area also includes a few, small, light industrial uses, mostly located alongside the railroad. Building heights throughout the townsite are all one or two stories.

Figure 5.3: Current Land Use & Zoning

- **Existing Zoning**

As shown on Figure 5.3, most of the area west of the railroad is zoned MF- Multi-Family, despite the prevalence of single family use. Lots fronting Broadway west of the railroad are zoned GB - General Business (Retail), as is most of the townsite east of the railroad. A number of single family homes are also included with the GB District. A few small tracts in the northeast quadrant have been zoned OP - Office and Professional. Several blocks along South Main and the railroad are zoned Commercial (C). The Land Use and Urban Development Ordinance states that the commercial district is intended to permit a wide variety of businesses characterized by those uses that require an extensive amount of land for the conducting of business. However, most of existing commercial uses within the townsite are less than one acre. The "C" District also permits a wide variety of outdoor activities and uses including out of doors display, storage and sale merchandise, equipment and vehicles.

The minimum lot sizes required by the Land Use and Urban Development Ordinance for the MF, GB, OP and C districts range from 65,000 for multi-family to 12,500 for office and professional. General business and commercial uses require parcels with at least 22,500 square feet. As noted earlier, the old townsite was originally subdivided into lots about 3,125 square feet each.

The existing townsite zoning reflects the direction of past comprehensive planning efforts. The 1978 Plan, reiterated in the 1988 Update, proposed that land east of the railroad be used for a concentration of personal and professional services. West of the railroad, the Plan stated that "the major use and support facilities are keyed to multiple-family development". The F.M. 518 frontage was identified for business use. Today, the existing zoning appears to be a misfit in light of the street and lot pattern, lot sizes, and continued presence of single family use along many of the interior streets.

Development Plan

The Village District depicted on the Land Use Plan is intended as an area of low to medium intensity uses normally associated with the traditional village. The district should include a well planned and integrated mix of residential, business and public/semi-public uses. The development plan for the old town site provides the opportunity to create a unique, inner-city community that contrasts with and provides an alternative to standard land development patterns seen elsewhere throughout the City.

Principal plan elements include the following:

1. ***Utilize the present street and alley grid as a framework.*** The existing grid keeps distances scaled to pedestrians rather than automobiles, allows small but flexible development increments, and establishes a readily identifiable area.
2. ***Develop a corridor of large shade trees along Broadway and Main within the limits of the district.*** The old town site includes many, wonderful species of trees with canopies extending well out over the streets. However, the two most prominent thoroughfares sorely lack a similar appearance. The City should develop a master street tree planting plan for Broadway and Main to include a single row of equally spaced trees along each side of each street. The tree row should be consistently located just inside or outside street right-of-way depending on utility lines and the degree of cooperation provided by the Texas Department of Transportation (both are State roads). A single species with a required minimum size, should be used. The master plan can be implemented incrementally as properties develop and redevelop. The City's Land Use and Urban Development Ordinance already requires street trees as part of private site development. The master plan would prescribe the specific type and locations of trees to be planted in order to create a cohesive and unified streetscape. This simple, but challenging task, offers the greatest long-term impact in identifying and enhancing the Village District.
3. ***Devise zoning standards that are both more flexible and more sensitive to design issues than conventional zoning.*** Special land use controls will be needed to foster the diversity inherent in the traditional village. A typical village zoning district permits a mixture of residential business and civic uses. A block-by-block variety of uses should be sought rather than large areas of houses separated from offices and businesses.
4. ***Recognize and enhance the individual character of each of the four quadrants that comprise the Village District.*** Using Broadway and Main as dividing lines, each quadrant has its own atmosphere reflective of existing land use, the railroad's influence, degree of vacant land, and extent of large canopy trees. The varying traits of each quadrant collectively enrich the village as a whole.

5. ***Identify, preserve and protect historical buildings which reflect Pearland's heritage.*** Historic preservation in Texas requires public sector persistence and private sector cooperation. The City can encourage historic preservation by offering to modify land use, land development or building code requirements which might otherwise be detrimental to a worthy site.

Village Zoning

Appropriate zoning regulations for the Village District should address land use as well as setbacks and dimensional standards.

1. Land Use

Residential uses should primarily be a variety of low and medium density housing. Townhomes are an excellent option which could individually fit on the standard 25' x 125' sized lot. Multi-family development, as a stand alone use, should be limited to conversions of existing buildings.

A common characteristic of many traditional villages is inclusion of a secondary residential building on a single-family lot. The secondary unit, whether rented or used as an elder cottage, is a means of providing affordable rental housing in a non-intrusive manner. This encourages a far wider range of ages, incomes and lifestyles than the typical suburban neighborhood. The size of the secondary building and its parent lot must be adequate to avoid overburdening the lot with parking or paving.

Alley rights-of-way located throughout the area provide an excellent means to access residential uses. Rear-entry garages allow the front yard to remain "green", thus improving the streetscape, especially on narrow width lots.

Business uses should be restricted to those that fit their surroundings in terms of size, scale and intensity. Larger, traffic intensive uses should be located along Broadway and Main or between Main and the railroad. Large scale commercial uses or those characterized by outdoor activities and storage should be discouraged within the Village District and encouraged within the City's commercial and light industrial areas as defined by the Land Use Plan.

An important element of village zoning is mixing several uses in a single building. Uses can be mixed horizontally or vertically. An acceptable combination found in many traditional villages is a ground floor business and a second floor residence.

The appropriateness of a given use often depends less on the use itself than on its size, scale and design. For example, a limited number of small, professional office uses may be acceptable in a largely residential district if similar in appearance to nearby homes.

2. Setbacks and dimensional standards

Village standards usually represent a substantial reduction from suburban standards. Other standards may become variable.

- Minimum lot widths are one example of a standard that should vary by primary use. Recommended minimum lot widths include:
  - 25' for single family attached (i.e. townhomes)
  - 50' for single family detached
  - 75' for all other uses fronting on local and collector streets
  - 100' for all uses fronting on major thoroughfares

- Lot depths are already well defined by the street and alley grid; hence, there is little need to prescribe a minimum lot depth or lot size. However, maximum lot sizes and floor areas should be defined for business uses when located on local or collector streets. Maximums may vary by individual uses.
- Recommended front yard setbacks include:
  - 25' on major thoroughfares
  - 15' on other streets, or 20' where a garage faces the street
- Maximum building heights throughout the Village District should not exceed three stories.

Village Design

Design guidelines for the Village District should include the following principal components:

1. Architectural compatibility

The old town site is not a perfectly preserved relic of a particular historical period, rather it is an eclectic collection of architectural styles spanning many decades. Consequently, compatibility is more important than conformity with regard to construction of new buildings or building additions. Architectural elements that should be reviewed to promote compatibility include:

- building design and detail
- building size, scale and height
- front facade windows
- materials and details
- roof shape
- placement of the lot
- treatment of side and rear facades facing existing buildings or side streets

A number of existing buildings offer little architectural value. It may become more desirable for nearby new construction to offer improvement instead of compatibility.

2. Control of Parking
   - Discourage front-yard parking except for lots facing major thoroughfares. Domination of the streetscape by front-yard parking is a typical element of the commercial strip, and one of the most visible intrusions into the village setting
   - Encourage parking within side and rear yards and utilize alley rights-of-way for driveway access.
   - Encourage shared driveways to decrease curb cuts along street frontages. Shared driveways in combination with rear yard driveways off alleys can establish a traffic circulation system that bypasses much of the street frontage. Shared driveways can also allow increased parking and landscaping on small parcels.
   - Permit on-street parking on collector and local streets with standard pavement widths. On-street parking already is in place along portions of Grand Avenue.
   - Prohibit structured parking except for single-family residences
3. Enhanced Streets
   - Where space allows, provide sidewalks along all streets to allow pedestrian accessibility. (Drainage considerations may not allow sufficient space for sidewalks in certain locations.) Sidewalks are essential to a pedestrian-friendly village but noticeably absent throughout most of the old townsite. Especially important is pedestrian access across the railroad. Sidewalk construction should be included with every village street improvement project.

- Maximize the width between the sidewalk and street curb to allow greater distance from vehicular traffic and more room for shade tree plantings and other landscaping
- Incorporate decorative street pavement at key points and intersections
- Install nostalgic, decorative street lights, with a height less than those of standard fixtures
- Install uniform, decorative traffic signal fixtures
- Utilize custom designed street signs at all street intersections within the Village District

4. Squares and Public Spaces
   - Redevelop the old school yard, north of the former C.J. Harris Elementary school building, into a pocket park
   - Acquire public open space along the west side of the railroad to develop a heavily treed landscape buffer. A visual buffer from the railroad would also encourage development of currently vacant lots.
   - Incorporate smaller sized gathering places within private developments such as a wide walkway between buildings with benches or low walls for seating, or a restaurant with outdoor seating in a front or side yard.
5. Restricted Signage
   - Encourage compatibility with site architecture and building materials
   - Prescribe minimum sign setback lines from street right-of-way
   - Allow ground signs, projecting signs and wall signs (which may include window or awning signs).
   - Reduce the allowable sign face area, height, and width for lots fronting on non-major thoroughfares streets
   - Confine signs on multi-tenant buildings to a long continuous information band directly above the storefront or applied directly to the display window.
   - Permit one small sign advertising a home occupation
   - Require external sign illumination; discourage internally illuminated "box" signs

A Tax Increment Reinvestment Zone is recommended

Implementation

The Village District can best be implemented through its own, individual zoning district which identifies opportunities for residential uses with compatible business and service uses and supporting recreational, educational, cultural and civic facilities. Permitted uses can be categorized in one of three ways:

- Allowed, by right
- Limited, subject to specified performance standards
- Conditional, subject to specified performance standards and requiring a specific use permit

Design guidelines can be implemented in one of two ways - as part of the zoning district or simply referenced in the zoning district. The former alternative requires more specificity and establishes more rigidity. Guidelines provided as a separate free-standing document offer more flexibility and more room for creativity. The recommended funding mechanism for redevelopment is to establish a Tax Increment Reinvestment Zone (TIRZ). Taxes from new developments within the TIRZ could be used to finance infrastructure improvements, streetscapes, and public open spaces.

PLANNING INITIATIVE #2

Establish Pearland Parkway as a distinctive central axis linking many of the City's major recreational, educational and institutional uses.

Pearland Parkway, a planned major thoroughfare, will extend the entire north/south length of the City from Beltway 8 to Friendswood. North of Beltway 8, the parkway will become Monroe, a City of Houston major thoroughfare and a future direct route to Hobby Airport. The alignment of Pearland Parkway generally parallels State Highway 35/Main Street, and will provide a more attractive alternative to the highway.

A parkway can be defined in several ways:

1. A broad landscaped thoroughfare
2. A thoroughfare connecting parks
3. A landscaped strip of land paralleling or running in the center of a thoroughfare

Pearland Parkway will be all three. The thoroughfare features a wide center esplanade and provides a 15' continuous strip of open space between the outside edge of the driving lanes and the right-of-way line. Design guidelines have already been enacted to provide greater control over the aesthetic, functional, and safety characteristics of development within the thoroughfare corridor. The guidelines have been implemented through use of a corridor overlay zoning district that supplements the standards of the underlying conventional zoning districts with new or different standards which are more restrictive. Special standards have been established for landscaping as well as parking lot setbacks, building facades, lighting and signage. Parking areas must be set back at least 30 feet from the street right-of-way line. Buildings have a lesser setback of only 20 feet. Utilities will be located underground and sidewalks will be widened to hike and bike trail standards.

The parkway alignment will be anchored at the northern end by David L. Smith Project (described in Planning Initiative #4). At the southern end is existing Clover Field Airport and a proposed large community park. In the middle at F.M. 518 is the Town Center and adjacent to Mary's Creek linear park. Along its route, the parkway will front the Clear Creek linear park, Independence Park, Pearland Senior High School and the Cowart Creek linear park.

Pearland Parkway will truly be a parkway. The thoroughfare can become the City's grand, central corridor accommodating vehicular, bicycle and pedestrian traffic in an attractive, spacious setting.

PLANNING INITIATIVE #3

Develop a restaurant and entertainment district in a park setting with convenient regional access.

The City has already acquired a several hundred acre site on Clear Creek less than ½ mile south of Beltway 8. The site is known as the David L. Smith Project in honor of a former City councilman and long-time emergency management coordinator for Pearland. Mr. Smith was instrumental in assembling the acreage which was previously comprised of numerous parcels with multiple owners.

The David L. Smith Project site is bisected on a north/south axis by the future alignment of Pearland Parkway. Another major thoroughfare, McHard Road, will enter the site from the west and terminate at the Parkway. Along Beltway 8, a grade separated intersection has already been built at Pearland Parkway as part of constructing the Sam Houston Tollway. Entrance and exit ramps from the toll road are already in place providing immediate access to the greater Houston area. Adjoining the David L. Smith site to the north and east is the 324 acre El Franco Lee Park under development by Harris County. The County's park site extends westward along Clear Creek crossing the future location of Pearland Parkway.

Wooded areas, nature preserves and over 100 acres of developed lakes will enhance the restaurant and entertainment district. Restaurant and entertainment facilities will be located on a 10 acre island and 14 acre peninsula delineated by the curvilinear lakes. Lakefront uses are expected to include:

- Restaurant sites with outdoor dining areas
- A retail center with craft shops, a coffee house, boutiques, a breakfast/lunch cafe and perhaps a microbrewery.
- Amphitheater
- Educational facilities in a campus like setting

Other uses under consideration are:

- Family aquatic amusement park
- Working arboretum with a retail nursery/garden center and educational seminars
- High-tech conference center
- Office buildings

Recreational uses of the three proposed lakes will include paddle boating, canoeing, sculling, wind surfing and fishing. Each will feature a fountain. The lakes are being created as a means to provide significant stormwater detention. Earthwork is underway. Excavated soil is available for use as fill material in local public and private land development projects.

Land use adjacent to the David L. Smith Project should complement the restaurant and entertainment district. In this regard, the Land Use Plan recommends mid-rise office use along the southern perimeter of the site and medium and high density residential use to the west along Old Alvin Road.

Office use within and adjacent to the site will help support weekday retail and restaurant trade. Higher density residential areas will increase weeknight and weekend use. Multi-story buildings along the southern perimeter of the site will enjoy impressive views of the lakes in the foreground and the downtown Houston skyline in the background.

~~An initial~~ A master plan for the David L. Smith Project ~~has already been completed and~~ is presented ~~as Figure 5.5~~ below. Implementation should occur through use of the Planned Unit Development mechanism provided in the City's Zoning Ordinance. A PUD could be defined for the restaurant and entertainment district alone or encompass the entire site. Also applicable will be the Pearland Parkway Corridor Overlay District.

Site development will not be instantaneous. The David L. Smith Project will require a period of time for the lakes to take shape as soil continues to be excavated and for access to be provided. But the opportunity is there to develop a special facility unique to the entire Houston metropolitan area.

PLANNING INITIATIVE #4

Establish an attractive business park environment along the State Highway 288 corridor.

Little retail, commercial or industrial development has occurred along State Highway 288 primarily because of the absence of frontage roads. However, the resulting amount of undeveloped land facing the freeway provides the City a significant opportunity to strongly influence the desired type and quality of future development. Pearland has already taken the first step by annexing portions of the freeway corridor so that development will occur in accordance with the City's zoning ordinance.

The Land Use Plan presents a vision for the corridor as outlined by the Business Park land use classification and further defined below. Developing an attractive business park along the freeway requires three main components:

1. Providing adequate access
2. Identifying and distinguishing between preferred uses, limited uses and undesired uses
3. Establishing appropriate design standards

Access

Properties fronting S.H. 288 have good visibility but only a few have good access. Currently, the only parcels with access are those with frontage on intersecting cross streets or frontage on County Road 94, a paralleling street about 500 feet to the east. Consequently, if the freeway corridor is to become a business park, streets must be provided that allow appropriate mobility.
The City has already taken the first step by initiating discussions with the Texas Department of Transportation to design and construct continuous frontage roads along either side of the freeway. Mobility will be further enhanced by secondary thoroughfares that parallel either side of the freeway. Secondary thoroughfares are designed with four lanes of moving traffic and a center esplanade with widely spaced left turn lanes. The thoroughfare east of S.H. 288 follows the existing alignment of County Road 94 and its continuation south of F.M. 518 within the Silverlake Development. The proposed thoroughfare to the west is spaced ¼ to½ mile from the freeway. Both would extend from McHard to Dallas Road (County Road 59).

As discussed on page 7.5 of the Thoroughfare Plan, a cyclical relationship exists between land use and the extent of transportation facilities available to serve those uses. The additional streets planned by the City in accordance with the Thoroughfare Plan will tremendously improve accessibility which in turn enhances land values and promotes the type of land uses envisioned within the business park.

Land Use

The main focus of the business park corridor is to be corporate headquarters and research facilities arranged in campus-like settings. Also desired are office buildings of varying heights as well as light manufacturing facilities. Such uses are preferred throughout the entirety of the business park as delineated on the future land use map. Individual office buildings or office building complexes may include restaurants and retail shops as accessory uses. Regional shopping centers and malls are also a preferred use but should be anchored at major thoroughfare intersections. Hotels and motels should have freeway frontage.

High density residential should be considered a limited use appropriate along outer portions of the corridor. Multi-family development should not have freeway frontage, but instead be used as a transition between high intensity, non-residential use and low density, residential neighborhoods. Through its zoning powers, the City may set a maximum number of multi-family dwelling units permissible within the business park corridor.

Although the district should provide flexibility for a variety of uses, certain uses frequently seen along area freeways should be discouraged in order to maintain a true business park environment. These uses include retail or commercial strip development characterized by small individual sites with numerous signs and driveways. Also discouraged should be predominantly outdoor commercial activities involving open sales lots or storage yards.

Design Standards

The quality of development can be dramatically improved through appropriate design standards that enhance the corridor's image as a desirable place to live, work and shop. To this end, the City should establish design standards that exercise greater control over the aesthetic, functional and safety characteristics of new development. Following is an outline of recommended standards for the S.H. 288 business park corridor.

- Lots and Setbacks
  - Minimum lot size of one acre (except as pad sites within shopping centers)
  - Set back buildings at least 50 feet from the freeway and major thoroughfares
  - Set back buildings at least 25 feet on all other streets
  - Set back parking areas at least 20 feet from streets and 10 feet from side lot lines
- Building Facades
  - Include at least 75% masonry or glass in street-facing walls
  - Prohibit fluorescent, iridescent or dayglo colors
- Driveways (would supplement TxDOT standards where within State right-of-way)
  - Limit number of driveways and their proximity to street intersections
  - Require a minimum driveway width of 30 feet
  - Require a minimum driveway curb return radius of 20 feet

- Detention Facilities
  - Incorporate as lakes or ponds where located on-site within larger tracts
- Landscaping
  - Provide more trees with larger sizes than currently required
  - Require an irrigation system
- Lighting
  - Provide uniformity in fixture design within each development
  - Prohibit creosote treated wooden poles
  - Prohibit glare and light spillage across property lines
- Screening
  - Require for mechanical and utility equipment, and vehicle loading and unloading areas
- Buffering
  - Require for parking areas facing streets, service station fuel pumps, and drive-thru windows facing streets
  - Limit height to 3 feet for walls, berms or shrubs
- Signs
  - Permit ground signs; prohibit pole signs
  - Limit size, height, spacing and quantity of ground signs
  - Provide generally uniform signs for buildings with multiple tenants
  - Limit window signs
- Utilities

- Locate service lines underground

Implementation

Several alternatives are available to implement land use controls and design standards for the business park corridor.

1. ***Establish a Planned Unit Development for each project site.***
   This alternative offers the most flexibility and affords the City the maximum opportunity to influence site use and design. However, it often becomes a detailed and time consuming process that could occur many times.
2. ***Establish a Corridor Overlay District in combination with existing zoning districts.***
   An overlay district similar to the one now in place along Pearland Parkway could be created for the entire corridor width or for areas immediately adjoining S.H. 288 and Beltway 8. This alternative provides considerable influence on land development but less influence on preferred land uses.
3. ***Establish a new zoning district solely for the corridor.***
   A new district would precisely define preferred uses, and limited or conditional uses. District regulations would include desired design standards. This alternative would simplify public review but offer less opportunity to customize standards on a site-specific basis.

PLANNING INITIATIVE #5

Provide well-defined residential neighborhoods with centrally located parks.

Neighborhood Unit Concept

Residential development in Pearland should be predicated upon the Neighborhood Unit Concept as shown in Figure 5.6. An individual neighborhood unit is approximately one to two square miles in area and is bounded by major or secondary thoroughfares, natural or man-made physical features, and/or non-residential centers and corridors. A neighborhood unit may consist of a number of properties and subdivisions, and the overall shape may or may not be rectangular. Several adjoining neighborhood units collectively comprise a community.

Centrally located within each typical neighborhood should be an area of park and recreational open space sized to meet the needs of the surrounding neighborhood unit. Pursuant to the Parks Master Plan, a neighborhood park should be a minimum of five acres and perhaps as large as ten acres. Where justified by school district service zones and population demographics, this neighborhood center could also contain an elementary school. However, typical elementary school service zones have increased over time to serve several adjoining neighborhoods thus making it more conducive to locate the school along the periphery of an individual neighborhood instead of at the center.

Figure 5.6: Typical Neighborhood Design

Lower density residential, primarily single-family housing, should surround the neighborhood park and constitute the predominant land use within the neighborhood unit. Lower-density residential lots placed along the neighborhood perimeter should not have direct access to adjacent major thoroughfares. Perimeter lots should instead take access from interior streets. Medium and higher-density residential uses such as townhomes and apartments are best suited along the periphery and often at major thoroughfare intersections. Traffic generated by medium and high density residential development should not be routed through low density residential areas. Retail, office and service uses should be concentrated at important perimeter intersections, but need not occupy every corner at every major thoroughfare intersection. Further discussion on retail nodes is presented under Planning Initiative #7.

Community facilities such as churches, daycare centers, middle and upper level schools, larger parks and athletic facilities, libraries and fire stations may be found in every neighborhood. Because these types of facilities generally serve several neighborhoods, they should be located on the periphery of an individual neighborhood.

Within a typical neighborhood unit, collector streets should originate near or at the neighborhood center and terminate at the neighborhood perimeter. Collector streets should provide convenient access from internal residential areas to perimeter thoroughfares and perimeter-oriented uses including retail, office and community facilities. Collector streets should not bisect an individual neighborhood and should discourage through traffic across several adjoining neighborhoods.

PLANNING INITIATIVE #6

Concentrate local retail, offices and services into nodes centered at the intersections of two major thoroughfares instead of continuous strips along the length of either thoroughfare.

Pearland has experienced considerable commercial and retail strip development along the City's two main roads - Broadway and Main. Much of this development has the following characteristics:

- Shallow depth lots
- Numerous individual ownerships
- Numerous driveways that impair mobility
- Numerous small buildings with no architectural unity
- Numerous signs
- Little or no landscaping
- Limited parking often restricted to the front setback area

The City's appearance can be improved and traffic mobility can be enhanced by limiting future commercial to selected areas and congregating retail, office and service uses at the intersections of major thoroughfares. This objective is most imperative for far western undeveloped portions of Broadway. Through its zoning powers, the City can prevent West Broadway from duplicating East Broadway. The Land Use Plan map proposes residential "windows" on Broadway between Manvel Road and Cullen Boulevard, between Cullen and Southwyck Boulevard, and between Southwyck and the South Freeway. These residential windows can be a mix of densities with higher densities more prevalent nearer the freeway.

In clustering retail and related uses at major thoroughfare intersections, the challenge will be how to limit the amount of retail zoning to that which can be supported by nearby residents. When the Texas economy declined in the mid-1980's, a number of communities had an oversupply of retail zoned property. Zoning all four corners retail had been prevalent, with each corner tract generally sized at 10-15 acres. Cities developed on major thoroughfare grids spaced about one mile apart soon learned that a square mile residential area could not support 40-60 acres of retail, offices and services at every intersection of two major thoroughfares. About half that amount was found to be more practical.

Major and Minor Retail Nodes

In order to avoid the experiences of other Texas cities, the Land Use Plan for Pearland designates key intersections as either major or minor retail nodes. Major retail nodes are intended to have an approximate maximum of 50 acres zone for retail, office and service uses. Minor retail nodes should comprise less than 25 acres. The total allocation for either a major or minor retail node can be distributed in any number of ways among an intersection's four corners depending on factors such as property ownership, physical constraints, and jurisdictional influences. As discussed under the Neighborhood Unit Concept, retail, office and service uses need not occupy every corner of intersecting major thoroughfares. Also appropriate at or near the corner are medium and higher density residential.

The Land Use Plan indicates limited strip development for general business use along State Highway 6 and F.M. 521 in the far western and southwestern portions of the Planning Area. Until these areas are annexed, the City cannot control their use. Further development with a variety of uses will likely occur prior to annexation and application of the City's zoning ordinance. Strip business development along F.M. 521, however, can serve as a buffer to probable similar development along the west side of the street in Houston's extra territorial jurisdiction that will probably never be zoned.

Residential Retail Nodes

Residential Retail Nodes are intended to provide limited retail and personal service operations for customers from immediate residential neighborhoods only. These nodes, at locations recommended by the Future Land Use Plan, and targeted to approximately five (5) acres, should be designed in a manner that does not adversely affect the neighborhood character and encourages non-vehicular access and circulation.

PLANNING INITIATIVE #7

Designate sizeable areas for industrial and light industrial development.

The Land Use Plan depicts three major districts within the Planning Area intended for industrial development.

- ***North Central District***
  This area incorporates the Main Street corridor north of the old townsite and the McHard Road corridor from Main to the proposed new State Highway 35 corridor. Considerable light industrial development already exists here and a Foreign Trade Zone has already been established for a portion of the district west of the railroad as shown on the Land Use Plan, Figure 5.1. The district purposefully does not extend south to Orange Drive so that Orange may remain a residential collector street. Homes currently exist on both sides of the street. Screening and buffering between adjoining residential and industrial use must be utilized.

  The total size of the North Central District is approximately 1,240 acres, or 1.9 square miles.

- ***South Central District***
  This area encompasses the Main Street/railroad corridor from the old townsite to the southern limits of the Planning Area. The district is largely defined by existing physical features and the City's future limits. A wide variety of commercial and industrial businesses already exist within this district. Also included is an area west of the railroad from the Police Station south to Bailey Road. Further south, a number of single family homes and mobile homes are located along the west side of the railroad between Bailey Road and Hastings Cannon Road. This land use pattern will likely remain, thus precluding further industrial development normally more appropriate alongside a busy railroad.

  The South Central District is the only one of the three districts to include heavier industrial uses. Heavy industrial uses should not be located across Main Street from the Senior High School. Most of the area south of Dixie Farm Road is part of the Hastings Oil and Gas Field. Once the field plays out, it would likely be unsuitable for residential use due to environmental concerns associated with previous oil and gas production.

  The total size of the South Central District is approximately 3,500 acres, or 5.5 square miles. About 60% is designated for heavier industrial uses with 40% intended for light industrial.

- ***Northwest District***
  This district includes areas along McHard Road, Beltway 8 and F.M. 521/Almeda Road. Most of this area was previously within Houston's ETJ and is already populated by a variety of industrial uses. A separate area on F.M/ 521 south of McHard Road is within the Shadow Creek Ranch development.

  The total size of the Northwest District is approximately 640 acres, or one square mile.

PLANNING INITIATIVE #8

Preserve major drainageways as open space, recreation corridors, or natural habitats.

The Land Use Plan in conjunction with the Parks Master Plan recommends that linear parks be acquired and developed along the following drainageways:

- ***Clear Creek***
  A green belt along Clear Creek, developed in coordination with Harris County, could extend across the entire length of the Planning Area from McHard Road on the west to Dixie Farm Road on the east. The overall distance is about 16 miles. Variable width tree masses exist along most of the creek's course. The native tree cover enhances the creek corridor as a linear park and backdrop for adjoining park and recreation facilities. Harris County has already acquired and continues to develop five park sites along the creek totaling almost 1,000 acres. The largest site is the 550 acre Tom Bass Regional Park. Also located adjacent to Clear Creek is the David L. Smith Project and several park sites to be acquired by the City. Most, but not all, of the creek frontage is still undeveloped.

- ***Mary's Creek***
  Another one of the City's major drainageways is Mary's Creek, a tributary of Clear Creek. Mary's Creek originates in the Silverlake development and extends across the mid-section of the City in an easterly direction. Native tree cover along the banks is more prevalent downstream from Old Alvin Road. This linear park would be about 8.5 miles long and connect with the Southwest Environmental Center, Centennial Park, the proposed Town Center and Independence Park.

- ***Cowart Creek***
  Only a limited portion of this creek, about 1.5 miles in length, is suitable as a linear park. The recommended section extends from Clover Field Airport down to F.M. 2351. Upstream of Clover Field, the creek has been largely channelized by past agricultural use and offers little natural tree cover.

- ***Mustang Bayou***
  Mustang Bayou extends across the far western portion of the Planning Area from F.M. 521 to County Road 48, a distance of approximately two miles. A portion of the bayou just east of the Fort Bend County line has already been realigned, but sections both upstream and downstream remain in their original alignment with scattered trees along the banks. Mustang Bayou is the only other major drainageway besides Clear Creek that will serve the City west of State Highway 288.

All four drainageways, if preserved in their natural condition, offer an attractive setting to provide public use trails that link many neighborhoods, businesses, and community facilities. Establishing each as a linear park will require a continuous commitment to strongly influence adjacent land development in order to avoid their becoming hidden strips of land. With plentiful access and visibility, all four linear parks can instead become focal points and major assets to the City.

PLANNING INITIATIVE #9

Develop a series of gateways within and around the periphery of the City.

Pearland's regional identity can be defined and enhanced through the use of gateways located at strategic points throughout the City. Gateways can take several shapes including monuments, signage, landscaping or special pavement within or adjacent to major thoroughfare right-of-way. Pearland has already taken the initiative by constructing landscaped entrance signs on eastbound F.M. 518 east of State Highway 288 and southbound State Highway 35 at Clear Creek, just south of Beltway 8.

As shown on Figure 5.7, gateways for Pearland will take the following form:

1. Additional landscaped and lighted entryway signs located at various perimeter points identified on the Land Use Plan map. Points include:
   - Southbound S.H. 288 south of Beltway 8
   - Northbound S.H. 288 at Pearland's future southernmost city limit
   - Westbound Dixie Farm Road west of Clear Creek
   - Northbound F.M. 518 south of Dixie Farm Road
   - Northbound S.H. 35 north of Hastings Cannon Road
   - Northbound Manvel Road at Pearland's future southernmost city limit
   - Westbound McHard Road east of F.M. 521
   - Westbound future Broadway west of F.M. 521

Figure 5.7: Gateways

2. Six community parks located at the periphery of the Planning Area. Proposed sites include:
   - County Road 48 at Clear Creek
   - Cullen Boulevard at Clear Creek
   - Dixie Farm at Clear Creek (existing Harris County park site)
   - Vicinity of Veterans Drive and Hastings Cannon Road
   - Vicinity of Manvel Road and Bailey Road
   - Vicinity of State Highway 6 at a proposed north/south secondary thoroughfare (southwest corner of Planning Area)

   A community park should be a minimum size of 40 acres and have major thoroughfare access and visibility similar to Centennial and Independence Parks. By their locations near the outer edge of the Planning Area, these six sites can also serve as portal parks into the City. Each park could include an entrance sign depending on the site's precise location and relationship to the major thoroughfare.

3. State Highway 288 at the following intersections:
   - Beltway 8
   - McHard Road
   - F.M. 518

   All three of these grade-separated intersections have oversized rights-of-way. The right-of-way configurations at McHard and F.M. 518 were originally intended for the cross street to pass over the freeway. Instead the freeway was elevated leaving large areas of open space at all four corners. Each corner remains suitable for mass tree plantings similar to the intersection of the Southwest Freeway at First Colony Boulevard in Sugar Land. Because the right-of-way is maintained by the State, their cooperation and assistance will be required. Funding could occur from the Texas Department of Transportation but local cost participation would likely hasten the time frame to complete.

PEARLAND

OUR CITY, OUR FUTURE

LAND USE PLAN UPDATE – OCTOBER 2009

PLANNING AND ZONING COMMISSION RECOMMENDATIONS

PEARLAND

OUR CITY, OUR FUTURE

LAND USE PLAN UPDATE – OCTOBER 2009

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Existing Future Land Use Map with Proposed Changes

Proposed Future Land Use Map

Council Goals

This report addresses two goals set by the City Council, one in 2007 and the second in 2009.

2007

First-tier strategies for 2007 : develop a land use plan for the city with more detail than the city's comprehensive plan that identifies the best use of remaining land and the most critical development needs.

2009

Council Goal VI A- Land Use Update /Annexation Plans

PEARLAND

OUR CITY, OUR FUTURE

LAND USE PLAN UPDATE – OCTOBER 2009

Objectives

1. **Conserve existing neighborhoods**
    a. Preserve existing residential uses.
    a. Designate appropriate land uses for transition areas between residential and non residential uses to safeguard our neighborhoods while allowing for growth and expansion of local businesses.
2. **Enhance long term economic development**
    a. Consider future annexation of airport property
    b. Formulate a land use plan and appropriate zoning for airport area.
    c. Preserve existing industrial land
    d. Consider increasing industrial land by future annexations
    e. Designate additional land for office use
3. **Coordinate land use with transportation**
    a. Encourage retail/commercial nodes at major street intersections to prevent strip commercial development
    b. Encourage residential retail nodes in proximity to residential uses to serve neighborhood needs
    c. Encourage higher-density, mixed-use, transit oriented and pedestrian-friendly development along the future multi modal/mass transit SH 288/Kirby corridor
    d. Plan for future growth by proactive annexation of sensitive areas along future corridors
4. **Encourage regional detention**
    a. Maximize development potential of vacant land
    b. Amenitize detention areas and incorporate within the parks plan
5. **Identify future community facilities and services**
    a. Demarcate areas to provide adequate facilities
6. **Identify implementation strategies**
    a. Identify changes to Future Land Use Plan, Comprehensive Plan, and Unified Development Code

LAND USE PLAN UPDATE

SUMMARY – October 19, 2009

This table summarizes the issues raised throughout the process, and recommendations.

	COMMENT	ACTION	RECOMMENDNATIONS
1	Identify areas in the Land Use Plan that need to change.	Examine Land Use Plan and formulate a recommend plan based on "ideal" situation.	See Proposed Changes to Land Use Map. Conflicts identified from the FLUP, Zoning, and Current Land Uses have been addressed. shown, where applicable.
2	Effect of SH 35 on the land use plan for areas south of 518 around Magnolia.	Examine TX DOT's plan and propose guidelines.	TX DOT does not have any specific plans yet. City will continue to get 120' ROW for a major thoroughfare during platting.
3	Between SH 35 and RR, south of 518, industrial park with internal roads for truck routes.	Examine the Thoroughfare Plan and FLUP and propose changes, if required.	Proposed Major Collector alignment and recommendation attached.
4	Review COD standards in M-1 and M-2, especially along SH 35. Relax or flexible transparency. Ex. Turbocare.	Undertake case studies in Pearland and other towns, review historical data, and propose changes.	Following addressed: 1. Specific Relaxation 2. Exemption from COD standards 3. CUP for variations.
5	Retain industrial along Mykawa and Main, north of FM 518 and along McHard.	Examine FLUP and zoning and propose changes if required.	M-2 for areas north of FM 518, M-1 for areas south of FM 518.
6	Stop retail at Oiler, add minor node at SH 35 and Dixie Farm.	Examine FLUP and zoning and propose changes if required.	Stop retail at Oiler. Minor node at Dixie Farm and SH 35.

7	Clean up conflicts in McHard – M-1, M-2, and FTZ.	Examine FLUP and zoning and propose changes if required. Consult PEDC on the intensity of industrial.	Proposed FLUP changes to add industrial along McHard, east of Woody.
8	Market study/trends for housing choices – affordable, senior, tax-credit, patio, MF family. Explore mechanism to allow these.	Consult PEDC's study. Propose recommendations.	Not addressed in this report.
9	Annexation of 1000' south of Bailey Avenue and land south of Southern Trails.	Discuss with legal, due to the 3 yr annexation requirement. Propose a schedule for annexation.	Recommended annexation of areas both sides of Bailey between Veterans and CR 564.
10	Pearland Parkway and airport – commercial uses.	Examine further and Change FLUP.	Recommend commercial uses in the vicinity of airport site along future Pearland Parkway and minor retail node at Dixie Farm and Future Pearland Parkway. Recommend a development plan for the airport site and annexation.
11	Veteran + Bailey – node.	Change FLUP, if required.	Exists already.
12	Add retail as a component within manufacturing.	Examine the current table and propose changes.	Not recommended.
13	Add neighborhood nodes within residential – 5 acres total for each node. List of uses in this node. Justify the spots designated. Approved as CUPs.	Examine and propose recommendations.	5 nodes proposed.
14	Identify hard to develop vacant land – detention, flood plain etc.	Conduct study, with Engineering.	Ongoing study.
15	Address future use of vacant parcels.	Examine the FLUP and zoning for vacant parcels and discuss recommendations with CC.	Recommendations included.

16	Residential zoned parcels along Broadway – rezoned to commercial/retail.	Examine these parcels and propose changes.	Proposed changes to FLUP based on existing uses and zoning.
17	David L Smith Project – review land use and zoning.	Review Comp. Plan proposal and propose changes if required.	Retain retail and entertainment node as recommended in the Comprehensive Plan. Update configuration to reflect current situation.
18	Commercial on Broadway between 521 and 288.	Review SCR PD and current zoning and FLUP. Propose changes if required.	None proposed. Area within a PD.
19	Proactive plans. Address east west divide if possible.	Discuss further with staff and CC.	Removed from this study.
20	Explore more commercial zoned land – but not strip centers.	Study further. Identify areas with deep tracts that are suitable for non residential development.	Proposed "Office" land use category along Pearland Parkway, McHArd and Fite.
21	Trails under power lines.	Consult Parks, review parks plan and explore this option. Incorporate Parks and trails plan into the Comprehensive Plan. (Replace existing sections)	Trails Plan has incorporated this.
22	Highest and best use of land.	Outcome of above actions.	Proposed Future Land Use Plan attached.
23	Platting for Commercial/Industrial	Examine minor platting process and access by easements for non-residential.	UDC amended to allow Development Plats.
24	Analysis of detention for vacant industrial and commercial zoned properties and their use as parks/trails	Size detention areas for vacant land that is zoned commercial and industrial. Work with engineering and parks.	Proposed 5 sites for regional detention. Ongoing study.
25	Modify Cullen Mixed Use District to reinstate previous zoning	Examine the previous uses and zoning	Propose to retain C-MU District. Land Use Matrix modified.
26	Differentiate between minor and major nodes in the FLUP	FLUP shows the nodes but doers not differentiate the minor (25 acres) from Major (50acres)	Designated on the proposed FLUP

Comment #1:
Identify Areas in the Future Land Use Plan (FLUP) That Need to Change.

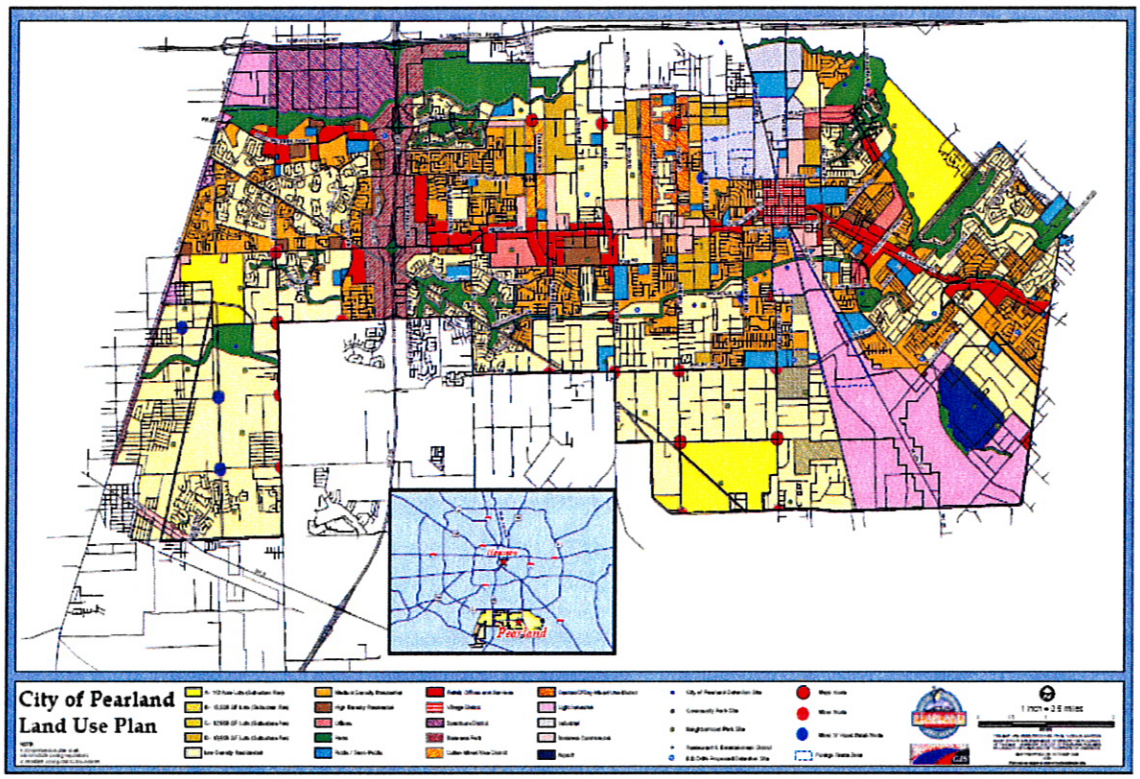
P & Z Recommendation:

The attached plan shows a compilation of all recommendations of the Planning and Zoning Commission, including recommendations for other comments.

Implementation Strategy:

1. Revise FLUP, Comprehensive Plan, and UDC as per comments 2 – 26 attached with this report.
2. Additionally as a result of the overview of the FLUP, P & Z recommended:
    a. BP along SH 288 – Change the Comprehensive Plan text to encourage multifamily residential within mixed use developments.

Proposed Land Use Plan – October 19, 2009
Larger map attached to the report.



Comment #2:
Effect of SH 35 on the Land Use Plan for Areas South of 518 around Magnolia.

P & Z Recommendation:

Concur with staff recommendation that City continues to gain additional ROW for a 120' cross section through platting.

Implementation Strategy:

No new strategy required. Platting procedure in place.

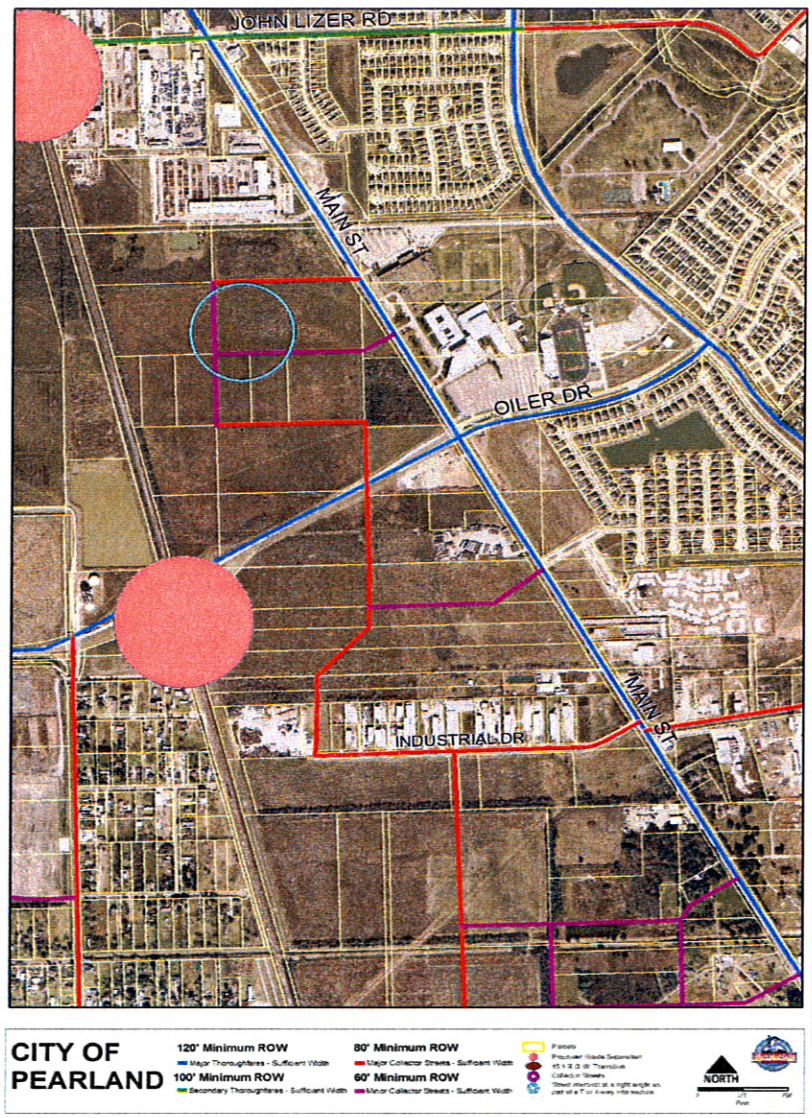
Council Comment #3:
Between SH 35 and RR, South of 518, Industrial Park with Internal Roads for Truck Routes.

P & Z Recommendation:

Recommend City Engineer's proposed layout as shown below. The recommendation considers property boundaries, alignment with existing driveways and streets, and traffic circulation.

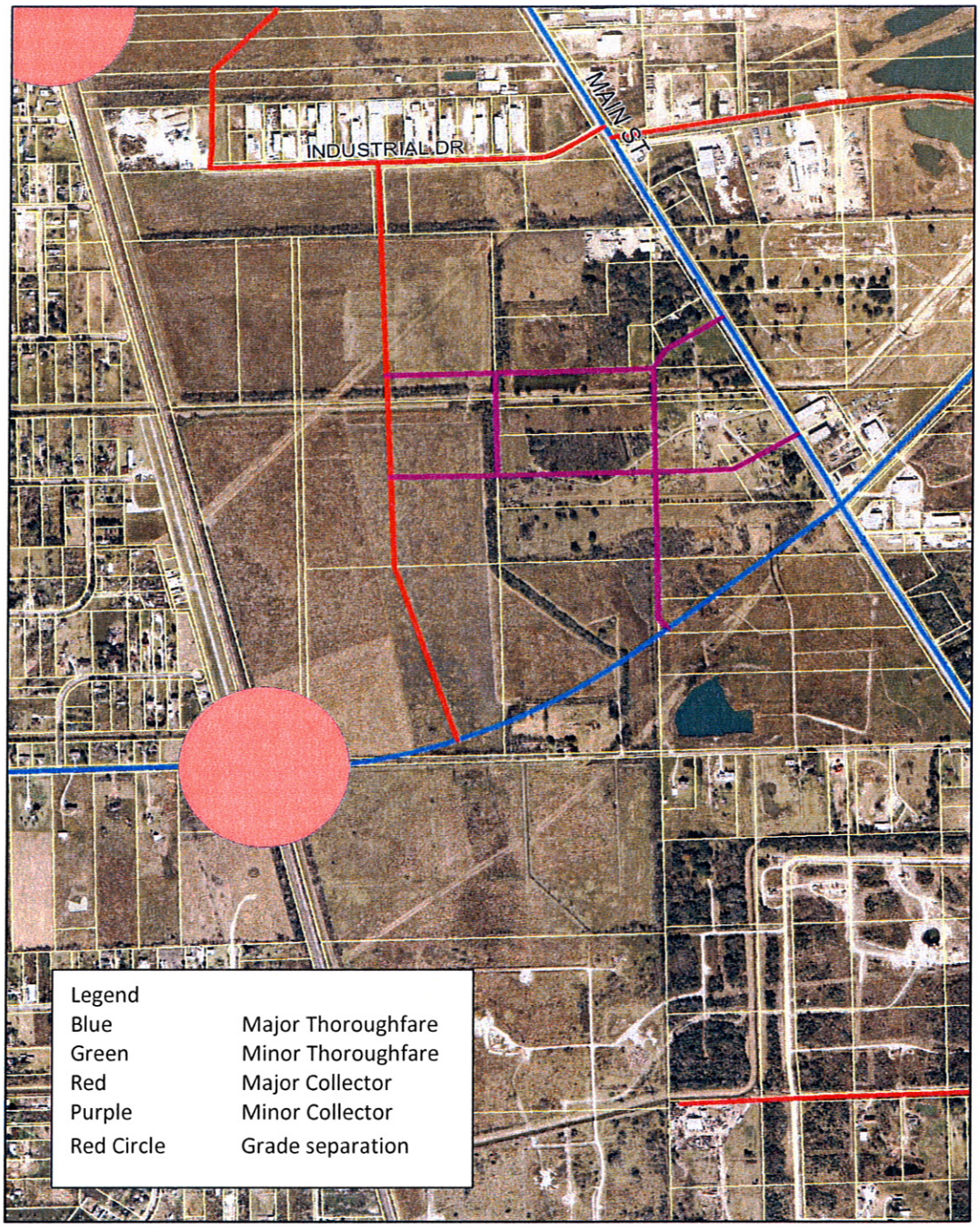
Implementation Strategy:

Amend the Thoroughfare Plan



Legend	
Blue	Major Thoroughfare
Green	Minor Thoroughfare
Red	Major Collector
Purple	Minor Collector
Red Circle	Grade separation

North of Industrial Drive – Proposed Thoroughfare Layout



South of Industrial Drive –Proposed Thoroughfare Layout

Comment #4:
Review COD Standards in M-1 and M-2.

P & Z Recommendations:

1. The CUP relaxation option should be offered to any non-residential use, not just M-1 and M-2.
2. Only the specific requirements discussed and listed should be eligible for a relaxation under the CUP.
3. Only additions and expansions to existing uses should be eligible for CUP relaxation. Vacant parcels should be required to develop in accordance with the UDC requirements.

It was P & Z's opinion that a CUP process was a simpler process (as compared to a PD) that would provide flexibility to the applicant, while allowing city to review some of the issues. It would also allow the P & Z and Council to review projects on a case by case basis.

The following table summarizes the changes proposed. Blue text highlights the changes already incorporated under the recent T-11 amendment to the UDC. The changes in red are future recommendations to the UDC.

Also attached are the actual changes proposed to the UDC text.

Implementation Strategy:

Amend the Unified Development Code to allow relaxations for expansion of existing non-residential developments by a Conditional Use Permit.

	Requirement	New Development on Vacant Parcels	Existing Non conforming Expansion -less than 500 s.f.	**Existing Non conforming** **Expansion - 500 s.f. or greater**
1	Façade: (Based on frontage on Thoroughfares) Reduce requirements. **Reduce the percentage of masonry for front façade to 50% and exempt side facades from the masonry**	Applies to entire structure	Existing facades exempt. New facades to comply.	Existing facades need to be brought into compliance unless a Special Exception (SE) is granted. Recommend CUP. Can be phased over

	requirement. Reduce the requirement of masonry for rear façade. For facade abutting residential, instead of requiring the entire facade to be masonry allow masonry for any portion of the wall that is above 6' masonry (height of the fence) and visible from adjoining residential areas.			a period of time.
2	Articulation: (Only in COD) No change in requirements.	Applies to entire structure	Existing facades exempt. New façade to comply.	Existing facades exempt. New façade to comply.
3	**Transparency:** **(Only in COP)** **Reduce transparency requirement from 25% to 15%.** **Exempt buildings located farther than 250' from the street from this requirement.**	New buildings to comply	Existing facades exempt. New façade to comply.	Existing facades exempt. New façade to comply.
4	Color Palette: (Only in COD) Retain this requirement.	New buildings to comply	Existing facades exempt, but required to comply if exterior façade painting is proposed. New façade to comply.	Existing facades exempt but required to comply if exterior façade painting is proposed. New façade to comply.
5 a	Landscaping: COD **30' buffer** along street. No changes	New development needs to comply.	Preserve non conforming buffer. Expansion of	Preserve non conforming buffer. Expansion of

			parking lot needs to comply with the buffer requirement unless a SE is approved. Recommend CUP instead.	parking lot needs to comply with the buffer requirement unless a SE is approved. Recommend CUP instead.
b	**Street trees, ornamental trees and shrubs** to screen parking lots. No changes	New development needs to comply.	Exempt.	Needs to comply with total number. Locational requirements waived by SE. Recommend CUP instead. New parking lot expansion needs to comply.
c	**Parking lot trees:** Currently required within 50' of parking space, only for passenger car parking. **Exempt locational requirement, as long as total number is provided.** Similar provisions were included for educational facilities	New development needs to comply.	Exempt – all landscaping requirements.	Needs to comply with the total amount only and not with locational requirements (currently waived by SE).
d	**Total Landscaped area** = 15% of gross site No changes. Since grass and native vegetation is included in this 15%, typically this is not a problem.	New development needs to comply.	Exempt.	Need to comply unless a Special Exception (SE) is granted. Recommend CUP.
e	**Treatment of detention as amenity** if located along the corridor No ch*anges*.	New development needs to comply.	Exempt	Need to comply unless a Special Exception (SE) is granted. Recommend CUP.
	<u>Non COD areas</u>			

f	**Street trees, and shrubs** to screen parking lots from streets in a min. 6 foot strip along the street.	New development needs to comply.	Exempt.	Need to comply with total number. Locational requirements waived by SE. Recommend CUP.
g	**Parking lot trees:** Currently required within 100' of parking space-only for passenger car parking. **Exempt locational requirement, as long as total number is provided.** Similar provisions were included for educational facilities.	New development needs to comply.	Exempt.	Needs to comply with the total amount only and not with locational requirements (currently waived by SE).
h	**Total Landscaped area** = 10% of gross site area. No changes. Since grass and native vegetation is included in this 10%, typically this is not a problem.	New development needs to comply.	Exempt.	Need to comply unless a Special Exception (SE) is granted. Recommend CUP.
6	Sidewalks	Required or Payment in lieu of if applicable.	Exempt	Required or Payment in lieu of if applicable.
7	Screening and fencing along residential zone or use 30' landscaped buffer with vegetative screening or 25' buffer with 6' tall masonry fence.	New development needs to comply.	Need to comply unless a Special Exception (SE) is granted. May require a CUP instead.	Need to comply unless a Special Exception (SE) is granted. Recommend CUP.
8	Landscaping on adjacent lot **Permit landscaping requirements to be met on adjacent lot if under same ownership (individual or LLC). Total landscaping quantity for all lots within the agreement needs to be**	Permit with recorded agreement.	NA	Permit with recorded agreement.

	met.			
9	Screening for dumpsters, equipment etc.	New development needs to comply.	Need to comply.	Need to comply unless a Special Exception (SE) is granted. Recommend CUP.
10	Building Setbacks Remove the current requirement of a SE for additions to structures with non conforming setbacks.	New development needs to comply.	Addition needs to comply. Existing structures exempt.	Addition needs to comply. Existing structures exempt.
11	Parking Requirements	New development needs to comply.	Existing and expansion needs to comply unless a Special Exception (SE) is granted. May require a CUP instead.	Existing and expansion needs to comply unless a Special Exception (SE) is granted. Recommend CUP.
12	Screening of outdoor storage and display areas in COD **Currently masonry fencing is required.** **Permit wrought iron or chain link fence with vegetative screening, similar to that permitted for detentions along COD.**	New development needs to comply.	Exempt	Existing and expansion needs to comply unless a Special Exception (SE) is granted. Recommend CUP.

Proposed UDC Changes Regarding M-1 and M-2.

Proposed additions underlined and italicized.

Article 7 – Nonconforming Uses & Structures

Division 1 – Intent of Provisions

Section 2.7.3.7 Special Exceptions for Nonconformities

(a) ~~7) To allow construction of a new structure or expansion of the floor area of an existing structure upon property that is nonconforming in any way, unless the use on the property is inconsistent with the property's zoning classification. This may be done without bringing the entire property and all structures located on it into full compliance with this code, subject to the following conditions, and any others that the ZBA may deem necessary and reasonable to impose:~~

~~a. landscaping~~
~~1. quantity or type – full compliance for entire property~~
~~2. location or buffers – compliance for new construction and/or, entire property as may be required by the ZBA as a condition of the special exception~~
~~3. lot percentage – compliance for new construction and/or entire property as may be required by the ZBA as a condition of the special exception~~

~~b. screening/fencing~~
~~1. screening (of dumpsters, loading areas, equipment, etc.) – full compliance for entire property~~
~~Chapter 2: Zoning Regulations~~
~~Page 2-161~~
~~2. fencing or screening of property/use – compliance for new construction and/or entire property as may be required by the ZBA as a condition of the special exception~~
~~3. buffers – same as landscaping buffers, above~~

~~c. façade (including building articulation, transparency of building materials, and building color palette) – compliance for new construction and/or entire property as may be required by the ZBA as a condition of the special exception~~

~~d. setback/lot coverage – full compliance for new construction, except that the ZBA may allow as a condition of the special exception for expansion of an existing building where said expansion would encroach into a required setback (other than the front setback) in which the existing building already encroaches, so long as the resulting setback is not less than the existing building's setback or ten feet (10'), whichever is greater~~

~~e. sidewalks – full compliance for entire property~~

~~f. parking – full compliance for new construction, additional compliance for entire property as may be required by the ZBA as a condition of the special exception~~

(7) To allow for the reasonable reduction, to the minimal amount possible, of requirements related to the following improvements to allow for compliance with the

City's adopted requirements for development (and their spirit and intent), but also to allow for the use and enjoyment of property within Pearland (also see Article 1, Division 3 of Chapter 4 for triggers related to these improvements):

a. Landscaping - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, and Division 2;

b. Screening/fencing - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 3, Division 4;

c. Façade requirements - As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.

(9) To allow for a reasonable amount of time for a nonconforming use to be brought to a lesser-nonconforming status or to a conforming status by allowing an applicant to make improvements to an existing, developed property or building over a period of time, instead of requiring such improvements to be made immediately, or prior to a Certificate of Occupancy.

Section 2.7.3.8 Expansion of Existing Nonconforming Developments

On a property with an established use, construction of a new structure or expansion of the floor area of an existing structure on the property, that is nonconforming in any way, shall be permitted, without bringing the entire property and all structures located on it into full compliance with this code, subject to the following conditions, and any others that the City Council may deem necessary and reasonable to impose:

1. *Where all (cumulative) expansion of the existing structure and additional new structures on site is less than 500 sq. ft:*

a. landscaping
   1. quantity or type – no additional compliance required
   2. location or buffers – no additional compliance required
   3. lot percentage – full compliance for entire property

b. screening/fencing
   1. screening (of dumpsters, loading areas, equipment, etc.) – full compliance for entire property

   2. fencing or screening of property/use – no additional compliance required

   3. buffers – no additional compliance required

c. façade (including building articulation, transparency of building materials, and building color palette) – compliance for new construction, no compliance required for existing

d. setback/lot coverage – full compliance for new construction, except that the City Council may allow as a condition of the CUP for expansion of an existing building where said expansion would encroach into a required setback (other than the front setback) in which the existing building already encroaches, so long as the resulting setback is not less than the existing building's setback or ten feet (10'), whichever is greater

e. sidewalks – no compliance required

f. parking – compliance for new construction of parking lot, No compliance required for existing parking lot. Parking spaces need to be provided for the entire building (existing and new).

2. *Where all (cumulative) expansion of the existing structure and additional new structures on site is greater than 500 sq. ft, all new additions and expansions shall comply with all requirements set forth in this UDC, and the entire site shall be brought into compliance with the UDC, unless a CUP is granted in accordance with the following:*

   a. *landscaping*

      1. quantity or type – full compliance for entire property
      2. location or buffers – compliance for new construction and/or, entire property as may be required by the City Council as a condition of the CUP
      3. lot percentage – full compliance for entire property

   b. *screening/fencing*

      1. screening (of dumpsters, loading areas, equipment, etc.) – full compliance for entire property

      2. fencing or screening of property/use – compliance for new construction and/or entire property as may be required by the City Council as a condition of the CUP

      3. buffers – same as landscaping buffers, above

   c. *façade (including building articulation, transparency of building materials, and building color palette) – compliance for new construction and/or entire property as may be required by the City Council as a condition of the CUP*

   d. *setback/lot coverage – full compliance for new construction, except that the City Council may allow as a condition of the CUP for expansion of an existing building where said expansion would encroach into a required setback (other than the front setback) in which the existing building already encroaches, so long as the resulting setback is not less than the existing building's setback or ten feet (10'), whichever is greater*

   e. *sidewalks – full compliance for entire property, unless varied by the City Council as a condition of CUP*

f. parking – compliance for new construction and/or, entire property as may be required by the City Council as a condition of the CUP

Rename existing section 2.7.3.8 to 2.7.3.9.

Changes already implemented in July 2009 with the T-11 amendments – indicated by yellow highlights.

T-11 modified general requirements regarding transparency, landscaping, outdoor storage, in M-1 and M-2 regulations as shown in yellow:

Section 2.4.5.1 (d) (2) c
A minimum twenty-five percent (25%) of an exterior wall facing the specified ~~major~~ thoroughfare shall be transparent, except for Public Educational Facilities and all structures located at least two hundred and fifty (250) feet from the specified thoroughfares, which are exempt from this requirement. Structures located in the M-1 or M-2 zoning districts and within two hundred and fifty (250) feet of the specified thoroughfare shall comply with a minimum transparency percentage of fifteen percent (15%)

Section 2.4.5.1 (g) (4) b
No parking space designed and intended for the parking of passenger vehicles driven by customers, patrons, or employees shall be greater than fifty feet (50') from a tree. Each island shall contain at least one (1) tree. Public Educational Facilities and industrial uses located in M-1 and M-2 zoning districts shall be exempt from this requirement so long as the overall landscaping requirement is met onsite.

Section 2.4.5.1 (k) (5)
Outdoor storage and display in M-1 and M-2 zones shall be permitted within fenced areas. Fences around display and storage areas, visible from a public or private street, shall be constructed of decorative wrought iron or chain link material that complies with the standards set forth in subsection (i) (3) c. 2 above.

Section 4.2.2.4 (k)
Location Exception ~~for Public Educational Facilities~~. Developments located in M-1 and M-2 zoning districts and Public Educational Facilities shall comply with all requirements herein regarding quantity of landscaping, but are exempt from the requirement of locating landscaping within landscape islands in the interior of parking areas.

Comment #5 and #7:
Retain Industrial Along Mykawa and Main North of FM 518 and Along McHard. Clean Up Conflicts in McHard M-1 and M-2 Zones, FTZ

P & Z Recommendation:

1. Area designated as R-1 and GC, south of Scott, is partially developed as residential. The area is shown as light industrial in the Future Land Use Plan (FLUP). Recommendation is to change the FLUP in the area to M-2.

   Also change the parcel north of future McHard & west of Woody to M-2.

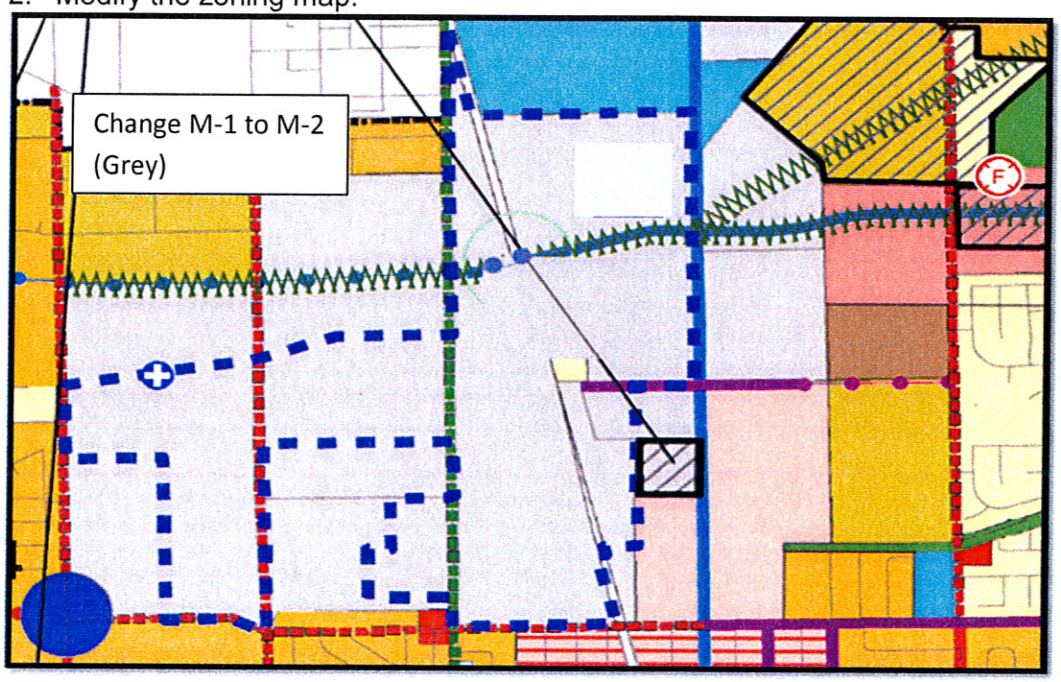
2. Council also suggested changing all zoning within the Foreign Trade Zone (FTZ) to M-2. P & Z recommended changing this on the FLUP to allow future rezoning of any properties within the FTZ to M-2.

3. Rezoning all M-1, north of 518 and up to the City border to M-2 due to its proximity to Beltway 8.

4. Expand the FTZ to encourage more industrial growth. P &Z recommended checking with the Port of Freeport as they are the administrators for the FTZ and they have the authority to expand the FTZ. In addition have the Chamber of commerce take steps to advertize more about the FTZ.

Implementation Strategy:

1. Modify the FLUP.
2. Modify the zoning map.



Council Comment #6a & 6b:
Stop Retail at Oiler.
Add minor node at SH 35 and Dixie Farm.

P & Z Recommendation:

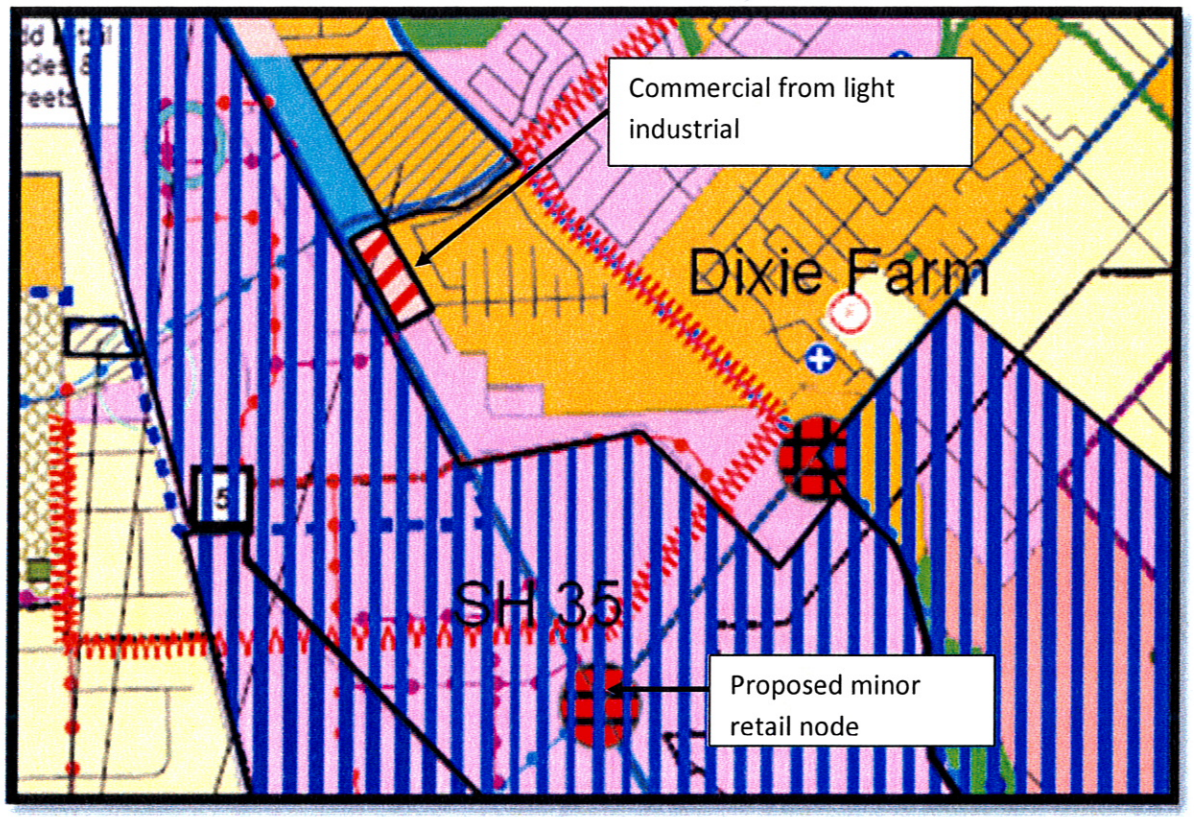
1. Change the FLUP to commercial from light industrial and leave zoning as GC for the parcel south of PHS.

2. Placement of a minor retail node of approximately target for 5 acres at the intersection of Dixie Farm and SH 35.

P & Z was concerned that changing the FLUP to M-1 would cause some non-conforming issues. Wanted to know how changing the M-2 in the FLUP south of 518 from M-1 to M-2 would affect existing uses. Since the change was in the FLUP and not zoning, non-conforming uses will not be created.

Implementation Strategy:

Modify the FLUP



Council Comment # 8:
Market Study Trends for Housing Choices – Affordable, Senior, Tax Credit, Patio, and MF Zoning.

No recommendation required.

Comment #9:
Annexation of 1000' South of Bailey Avenue and Land South of Southern Trails.

P & Z recommendations:

Areas for immediate annexation:

a. Add manufacturing areas along SH 35 and airport site to the proposed annexation map.

b. Add the area along CR 59, including along CR 48.

c. Add land along Bailey Avenue as shown.

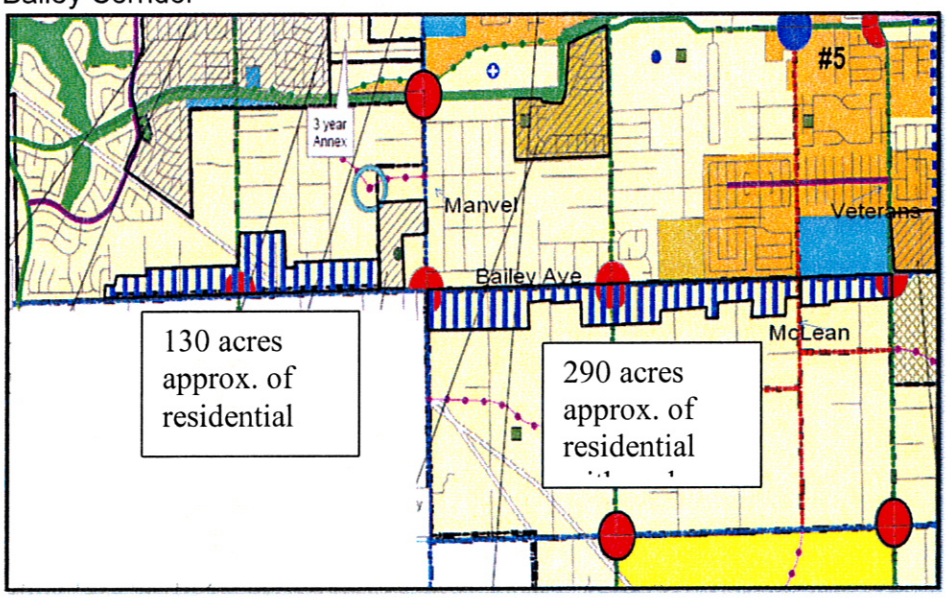
P & Z also recommended that Bailey be added to the COD and wanted to know if we will have to amend the UDC to do that. The entire length of Bailey within city limits is designated as a COD in the UDC. Once annexed, land along Bailey will assume the COD designation, without any further action.

Annexation areas are shown in blue vertical hatched lines.

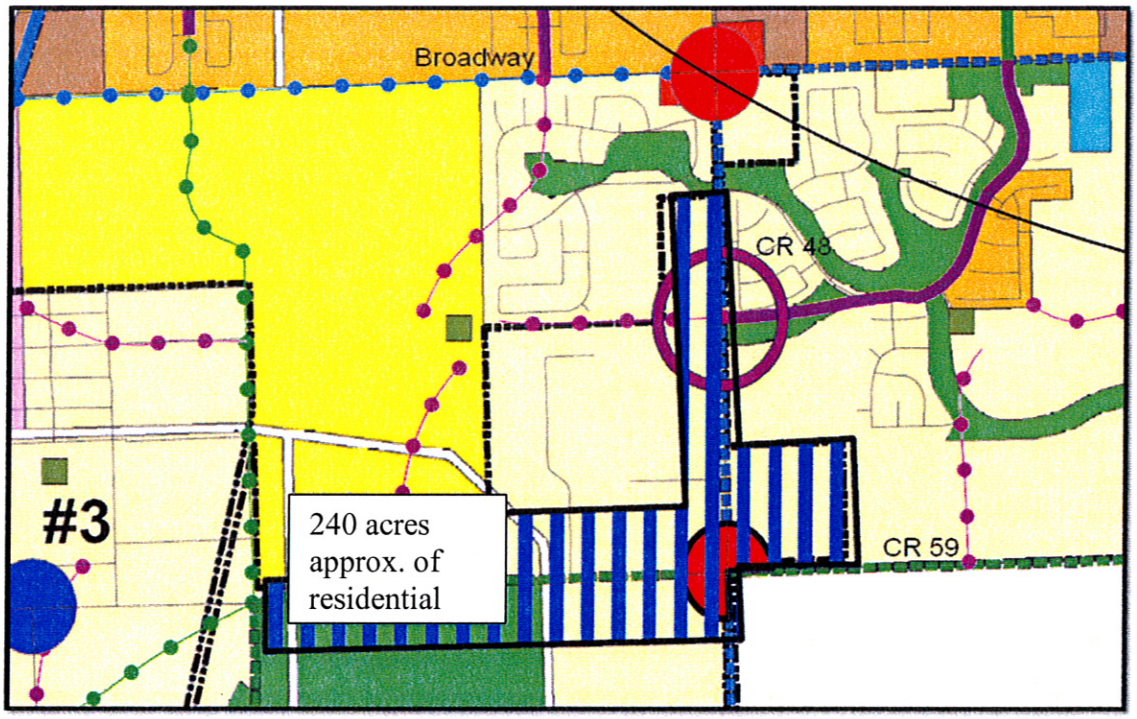
Areas for three year annexation plan:

P &Z discussed islands within the City of Pearland, specifically the L-shaped one west of Manvel, south of Fite Road. Staff stated that that particular area has over 100 residential parcels, with single family mobile homes and mobile homes, and did not have city services. P & Z recommended that this area be included in the three year annexation plan.

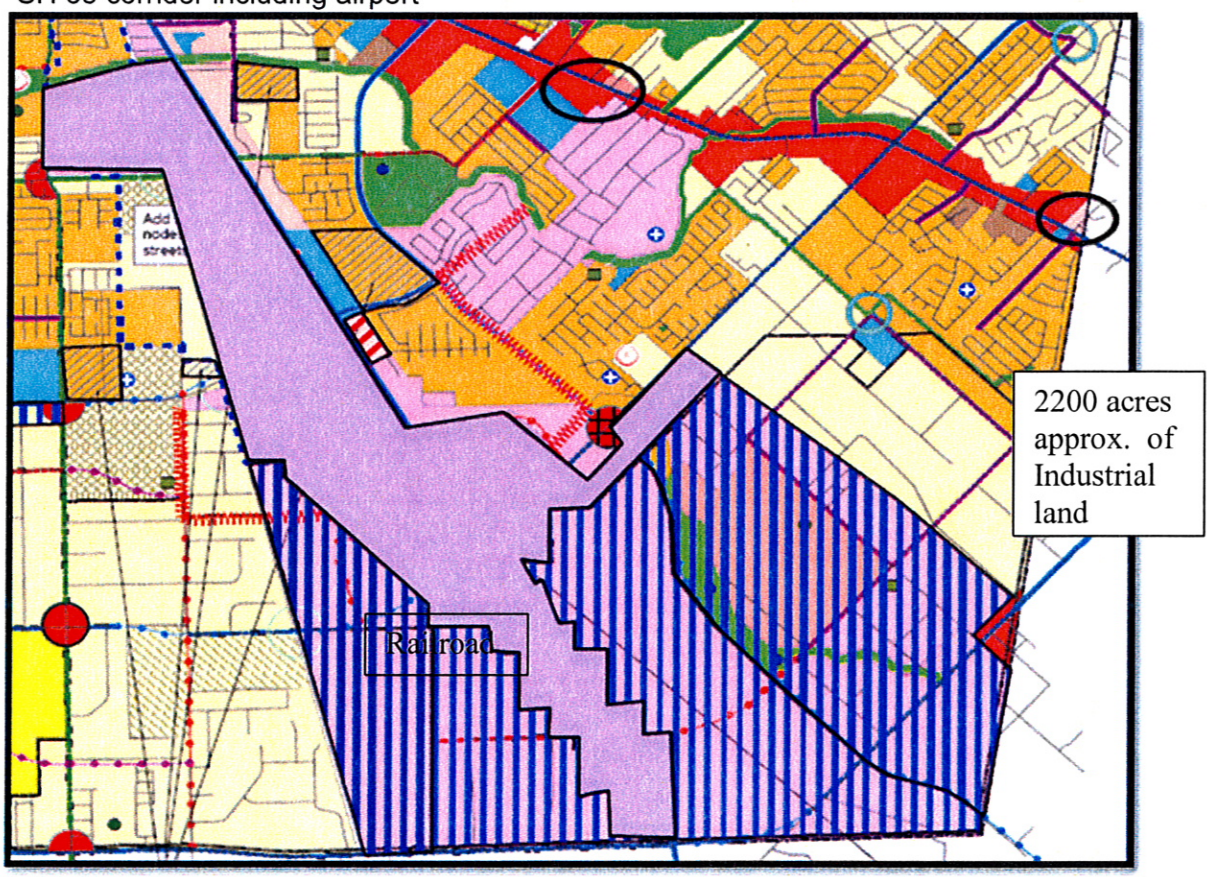
Bailey Corridor



CR 59 and CR 48



SH 35 corridor including airport



Council Comment #10:
Pearland Parkway and Airport – Commercial Uses

P & Z Recommendations:

1. Demarcate the airport area and surroundings as "Airport Area" in the FLUP. Zoning categories and regulations would be discussed at the time of annexation, when the area would be zoned. A consultant's services would be required to analyze the area, review FAA guidelines, assess future potential, and formulate zoning map and regulations.

2. Add a minor retail node at the intersection of Dixie Farm and Future Pearland Pkwy.

3. Designate the area between airport and Dixie Farm as light industrial to encourage airport related uses.

Implementation Strategy:

1. Modify the FLUP

2. Consultant to analyze zoning and permitted uses and make recommendations.

Discussion on Pearland Parkway and Airport- commercial uses

P & Z was hesitant to rezone the airport area to commercial as recommended. Assistant City Manager Mike Hodge explained the reason for staff's recommendation to consider adding commercial and industrial uses and discussed the following:

a. Expansion of Pearland Parkway South and potential future land uses if that happened.

b. Role of Pearland Parkway as the main entrance to the airport, when airport access was developed, thereby making the roadway project more viable.

c. Location of a fire station there.

d. Enlarging the runway to 7,000 feet and add a bigger helicopter hub.

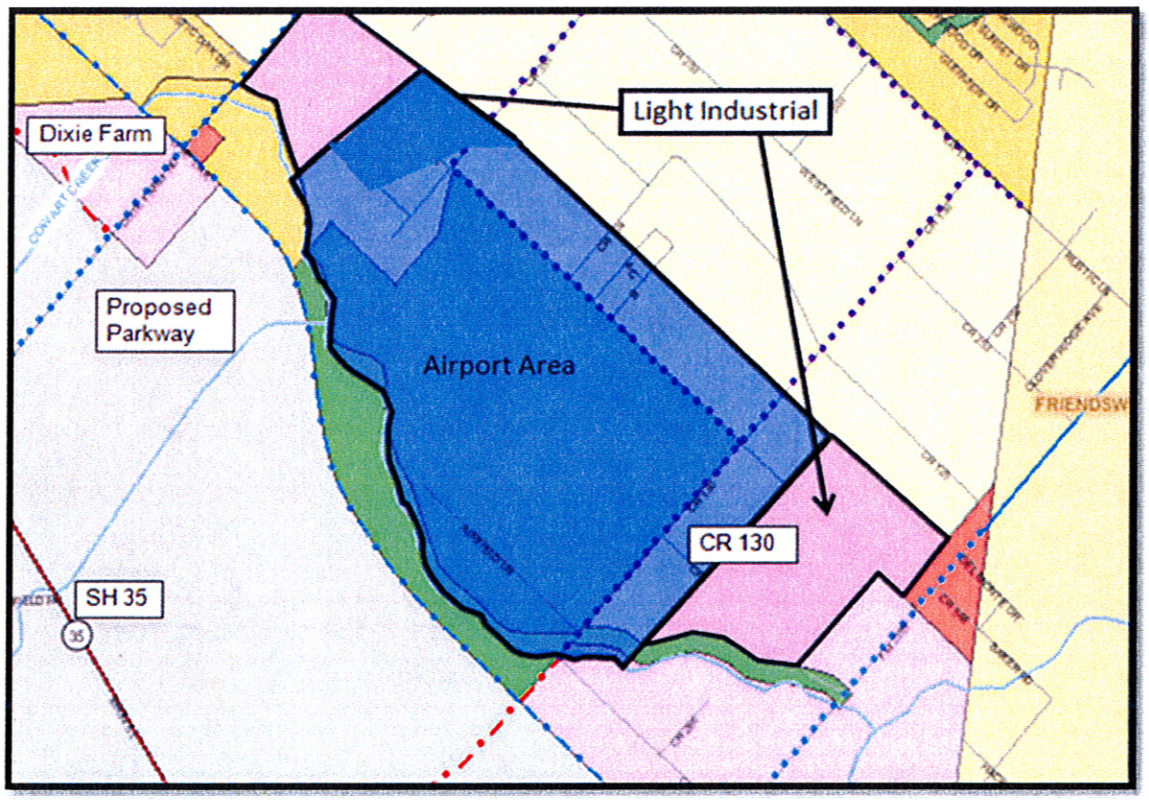
P& Z stated that they would like to hear from Andy Riviera, the Airport Manager, before making a recommendation.

At a subsequent workshop, Andy Rivera discussed the airport site with P & Z. He stated that the Airport was foreclosed on in 1997. There were 4 runways

before. There is currently one runway which is a safer option and has helped reduce aircraft incidents. The runway length is 4,313 feet and they would like to expand the runway to 7,000 feet and to 75 feet in width. The Airport currently provides approximately 216 jobs and generates approximately 21 million dollars and hopes to expand to 80% in operations for general aviation and the rest in jet ports for commuters. The areas of concern are the brownfield parcels, storm water detention, and allowing residential development to continue near the airport.

The following examples and research for compatible airport uses were provided to P & Z by staff, after Mr. Rivera's visit:

a. Virginia Department of Transportation Compatible Airport Use Guideline
b. Pensacola, Florida Airport Land Use Ordinance 02-09
c. Iowa Department of Transportation Example Map
d. Sugarland's Airport Code



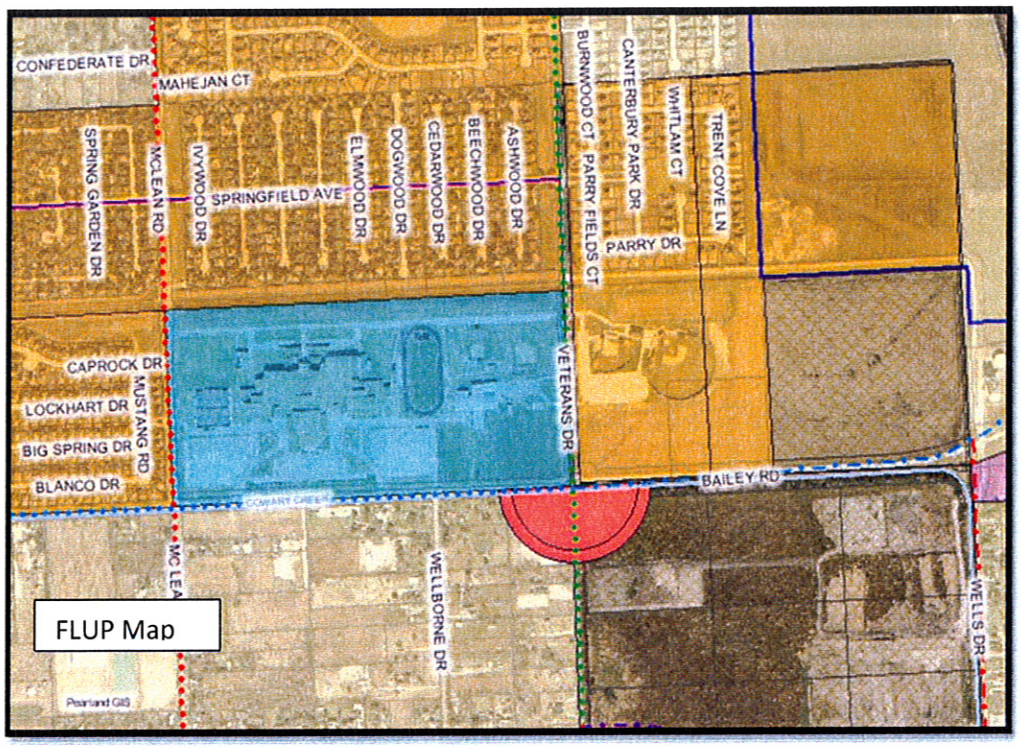
Council Comment #11:
Node at Veterans and Bailey

P & Z Recommendation:

No change needed. A partial node already exists at this intersection.

Implementaion Strategy:

None



Intersection of Bailey and Veterans – General Area

Comment # 12:
Add Retail as a Component Within Manufacturing.

P & Z Recommendation:

Do not need nodes within manufacturing. No changes to the FLUP.

At the workshop, P & Z discussed and concluded that there was no need to add these retail nodes to the FLUP due to the following reasons:

1. Lack of market or need for these nodes, due to lack of sufficient roof tops.
2. Will cause reduction and erosion of manufacturing zoned land with very minimal or no benefits.
3. The locations of some of the nodes are not certain since the roads have not been built yet.
4. Existence of retail and commercial areas, generally within 1.5 miles of the proposed nodes.
5. Need to address nodes on a case by case basis, with the PD option.
6. Need for nodes along certain north/south roadways at intersections with Bailey Road and McHard Road may be addressed already by minor and major nodes. Will discuss this when major and minor roads are reviewed.
7. Will increase the pressure to open our established subdivisions to commercial interests. Nodes will take over some neighborhoods.
8. Nodes have to be zoned. The areas with prior zoning and new added nodes will have a dual zone causing conflict.
9. Nodes should contain only full or complete tracts with the same prior zoning.

Implementation Strategy:

None.

Council Comment #13
Add Neighborhood Nodes Within Residential

P & Z Recommendation:

The P & Z commission decided to add five (5) Neighborhood Residential Nodes on the Future Land Use Plan (FLUP) for the following reasons:

1. The addition of nodes on the FLUP would provide a guide/goal for the developer as to the preferred location of these nodes.
2. These nodes, at the recommended locations and targeted to approximately 5 acres for each intersection, would not adversely affect the neighborhood character.
3. The nodes would provide desired services close to the residential neighborhoods. The Conditional Use Permit (CUP) would help the Council and P & Z decide if the proposed use was appropriate.

P & Z recommended that the preferred locations for these nodes would be the following:

1. Intersection #1 at Croix and Savannah Parkway.
2. Intersection #2 at 564 and 564B (Woodfin and Sycamore)
3. Intersection #3 at Dallas and Vermont.
4. Intersection #9 at Hatfield and W. Orange.
5. Intersection #10 at McLean and Magnolia.

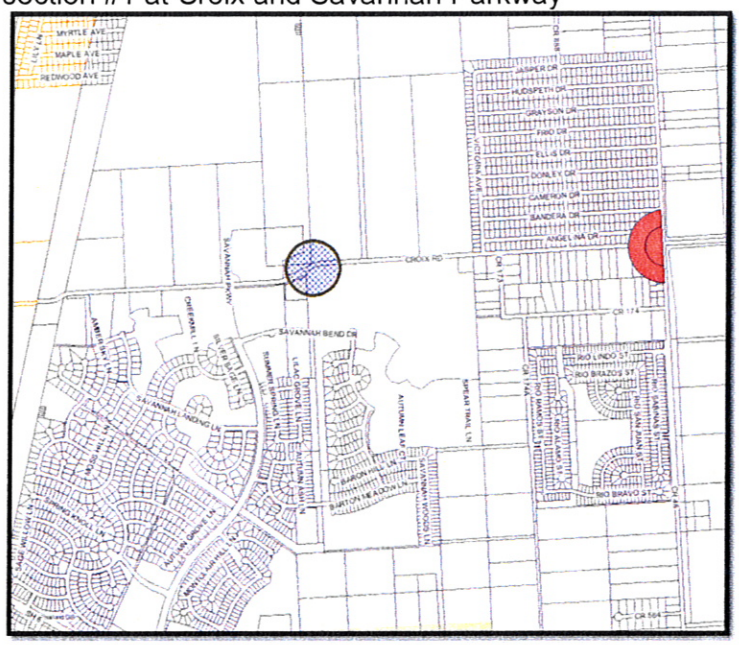
The P & Z stated that the approval of uses on these nodes would be subject to the following considerations that would be added to the Comprehensive Plan as guidelines for approval of these nodes:

1. Development within each node would be approved by a Conditional Use Permit (CUP), based on its location, desirability, adjacency to other existing or proposed non-residential uses, and impact on surroundings.
2. Nodes adjacent to other designated or existing retail nodes/ zones/areas, along local, collector streets or thoroughfares, would be strongly discouraged.
3. Existence of pedestrian access (walkways, bikeways, trailways, and traffic controls) to promote the safe and productive use of the node would be desirable.
4. The nodes would be targeted to approximately 5 acres for each intersection.

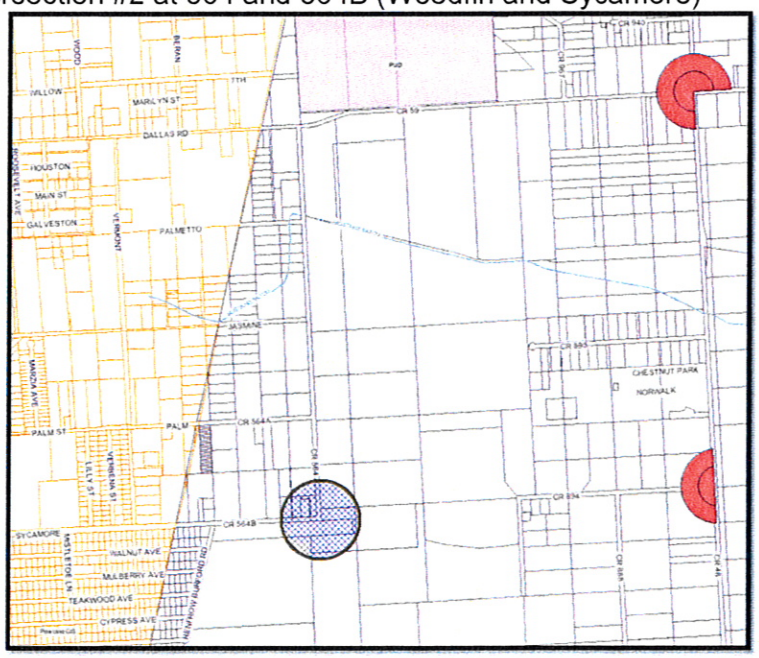
Implementation Strategy:

1. Amend the Retail Nodes section in the Comprehensive Plan to add guidelines and requirement of a CUP.
2. Amend the UDC to add the requirement of a CUP.
3. Modify the FLUP to show these nodes.

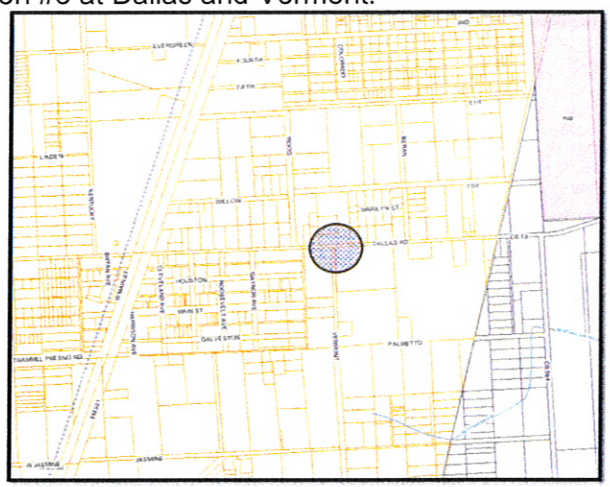
Intersection #1 at Croix and Savannah Parkway



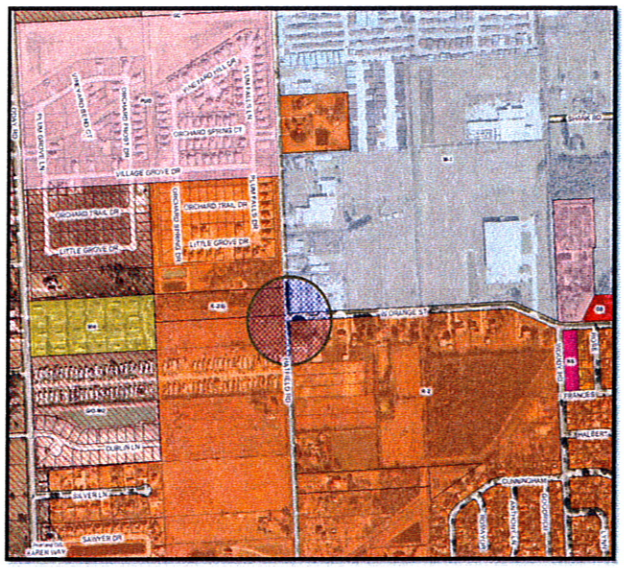
Intersection #2 at 564 and 564B (Woodfin and Sycamore)



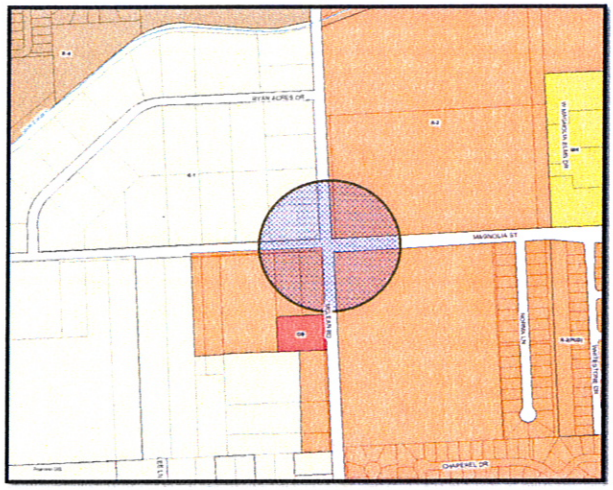
Intersection #3 at Dallas and Vermont.



Intersection #9 at Hatfield and W. Orange.



Intersection #10 at McLean and Magnolia



Council Comment # 16:
Residential Zoned Parcels along Broadway-Rezoned to Commercial/Retail.

P & Z Recommendations:

P & Z recommended the following changes to address discrepancies between the zoning map, current uses, proposed boundaries and the FLUP.

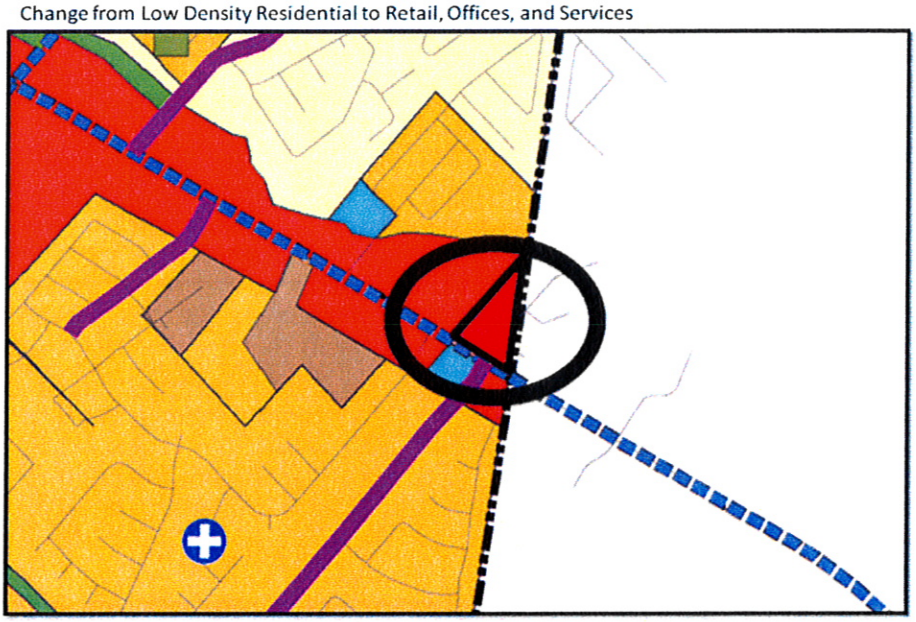
1. Zoning Map 1A –no changes
2. FLUP Map 1B-change to Retail, Offices, and Services
3. Zoning Map 2A- no changes
4. FLUP Map 2B-Change to Offices
5. Zoning Map 3A- no changes
6. FLUP Map 3B- Change to Retail, Offices, and Services
7. Zoning Map 4A- no changes
8. FLUP Map 4B -change to Business Commercial
9. Zoning Map 5A- no changes
10. FLUP Map 5B- change FLUP to Retail, Offices, and Services to reflect current zoning-align with property line
11. Zoning Map 6A- no changes
12. FLUP Map 6B-change FLUP to Retail, Offices, and Services to reflect current zoning- align with property line
13. Zoning Map 7A-shift retail node-remove this node from the map
14. FLUP Map 7B-shift retail node to align with the intersection of Kirby and Broadway
15. Zoning Map 8A – no changes
16. FLUP Map 8B- no changes

Implementation Strategy:

Modify the FLUP as follows:

Comment 16 FLUP Map 1B

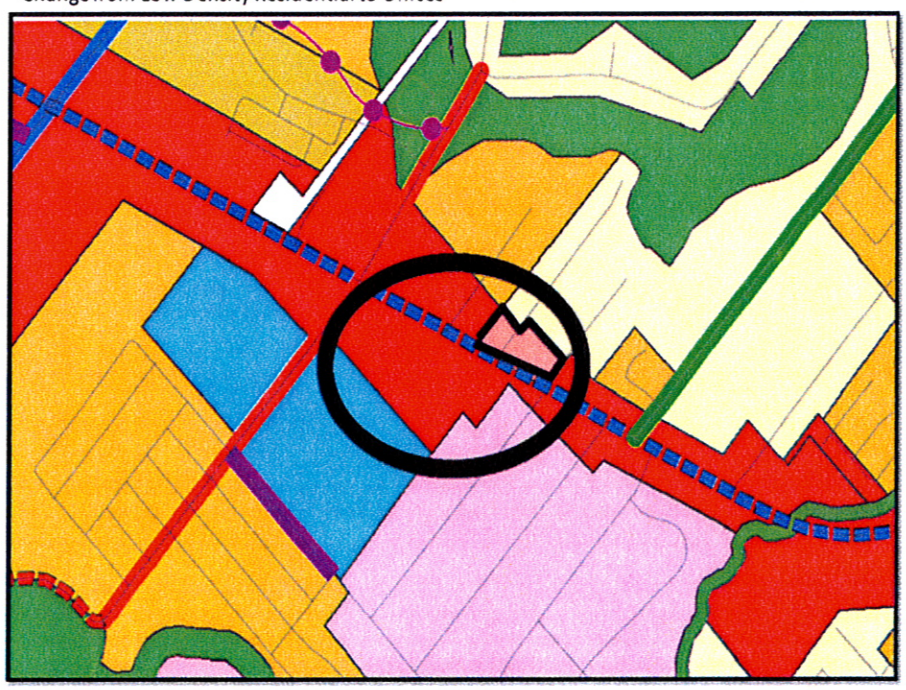
Change from Low Density Residential to Retail, Offices, and Services



Broadway at Eastern Border – General Area.

Comment 16 FLUP Map 2B

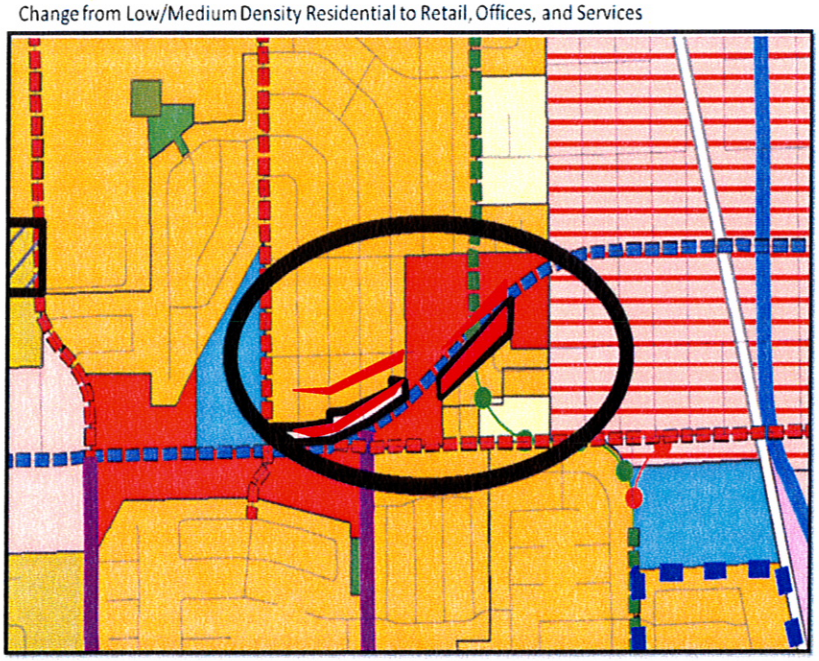
Change from Low Density Residential to Offices



Broadway East of Liberty– General Area.

Comment 16 FLUP Map 3B

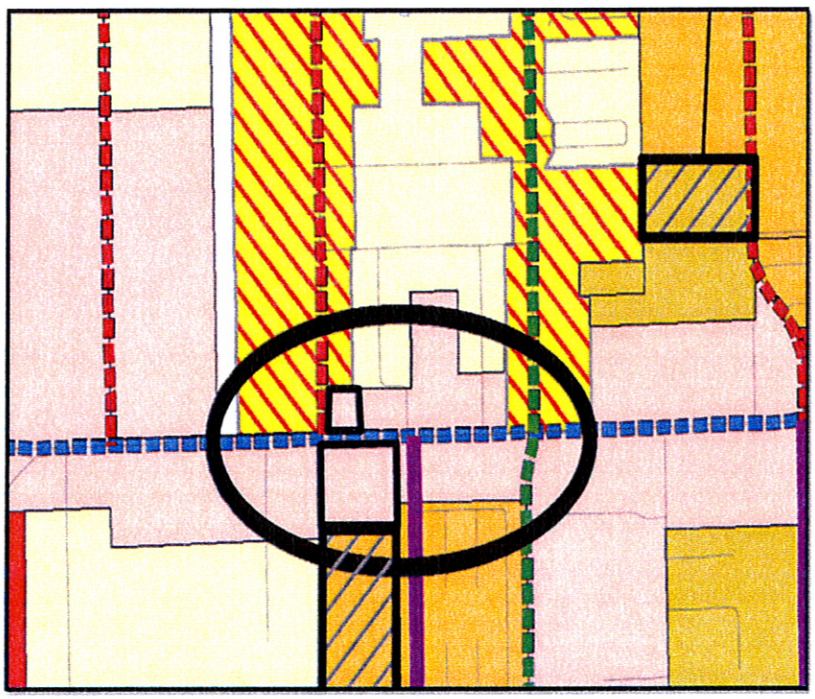
Change from Low/Medium Density Residential to Retail, Offices, and Services



Broadway East of Hatfield – General Area.

Comment 16 FLUP Map 4B

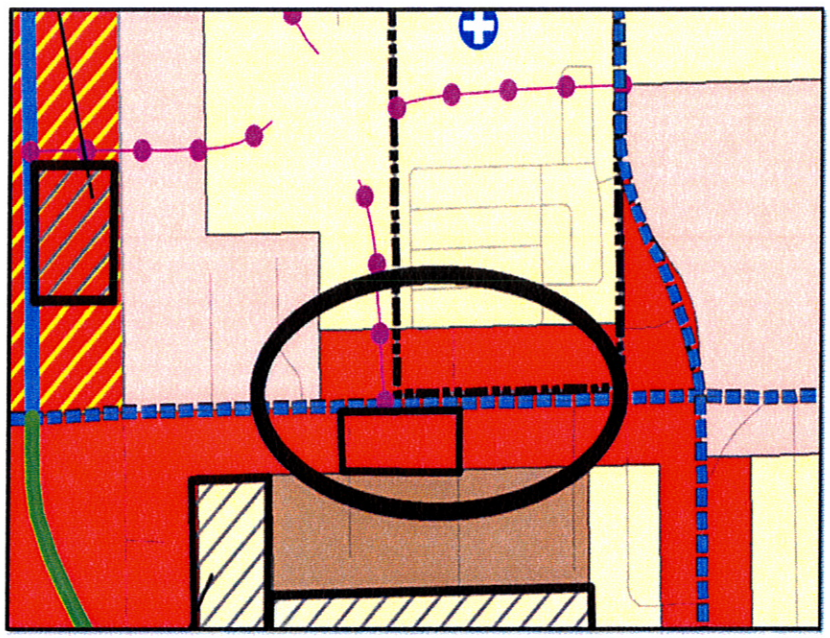
Change from G/O-Mixed Use to Business Commercial



Broadway East of Garden – General Area.

Comment 16 FLUP Map 5B

Change from High Density Residential to Retail, Offices, and Services

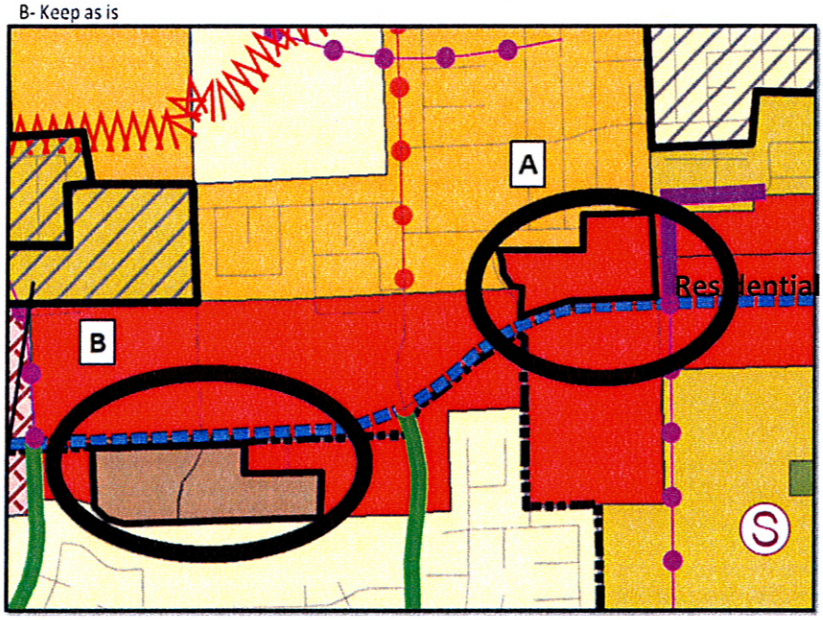


Broadway East of Old Chocolate – General Area.

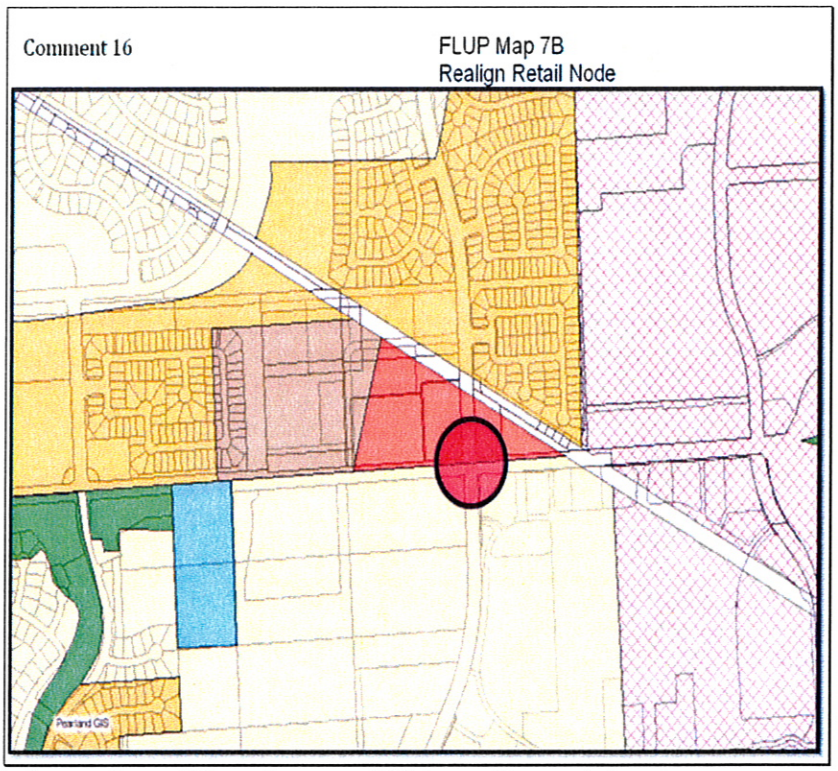
Comment 16 FLUP Map 6B

A- Change from Medium Density Residential to Retail, Office, and Services

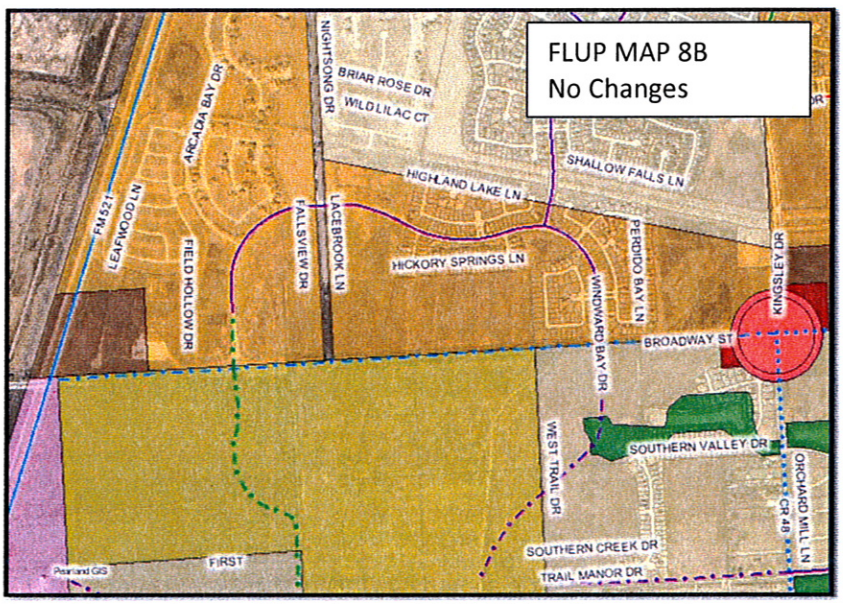
B- Keep as is



Broadway East of Miller Ranch – General Area



Intersection of Broadway and Kirby – General Area



Broadway between Kingsley and FM 521 – General Area

Council Comment #17:
David L. Smith Project – Review Land Use and Zoning.

P & Z Recommendation:

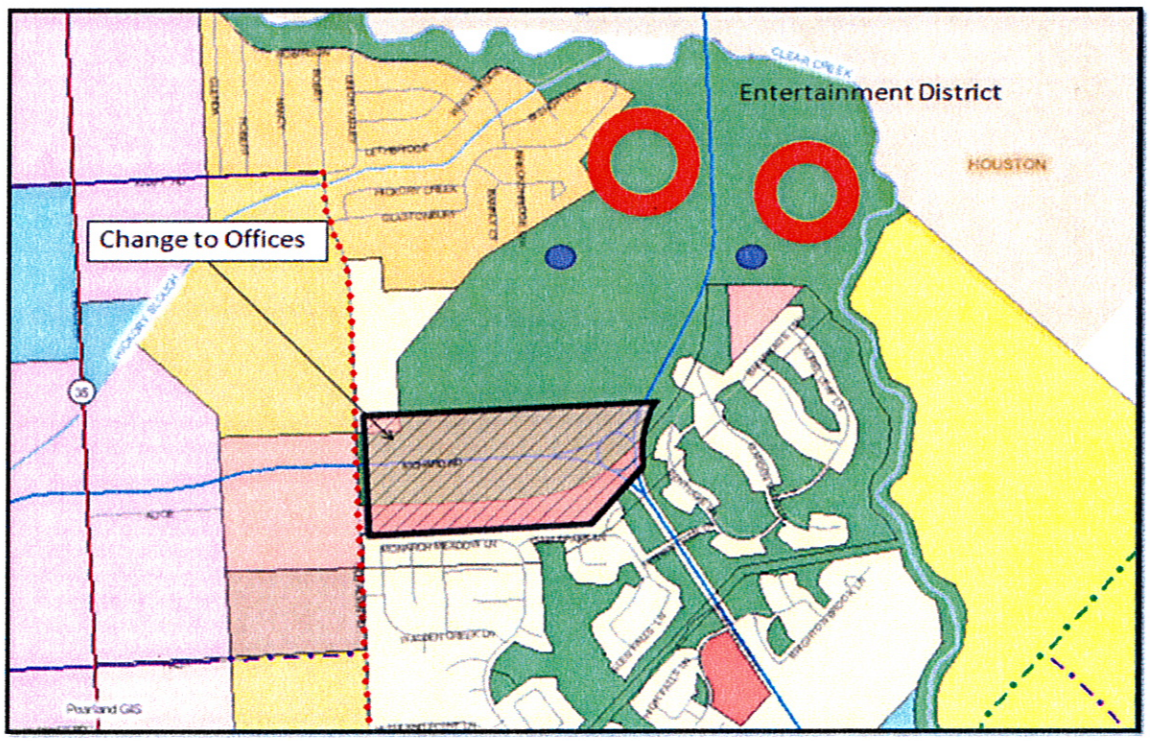
1. Approved configuration of the site as shown below, to reflect current conditions and U of H site.
2. North of McHard should be changed to OP and follow the property lines.
3. South of McHard should be changed to OP and follow the property lines.

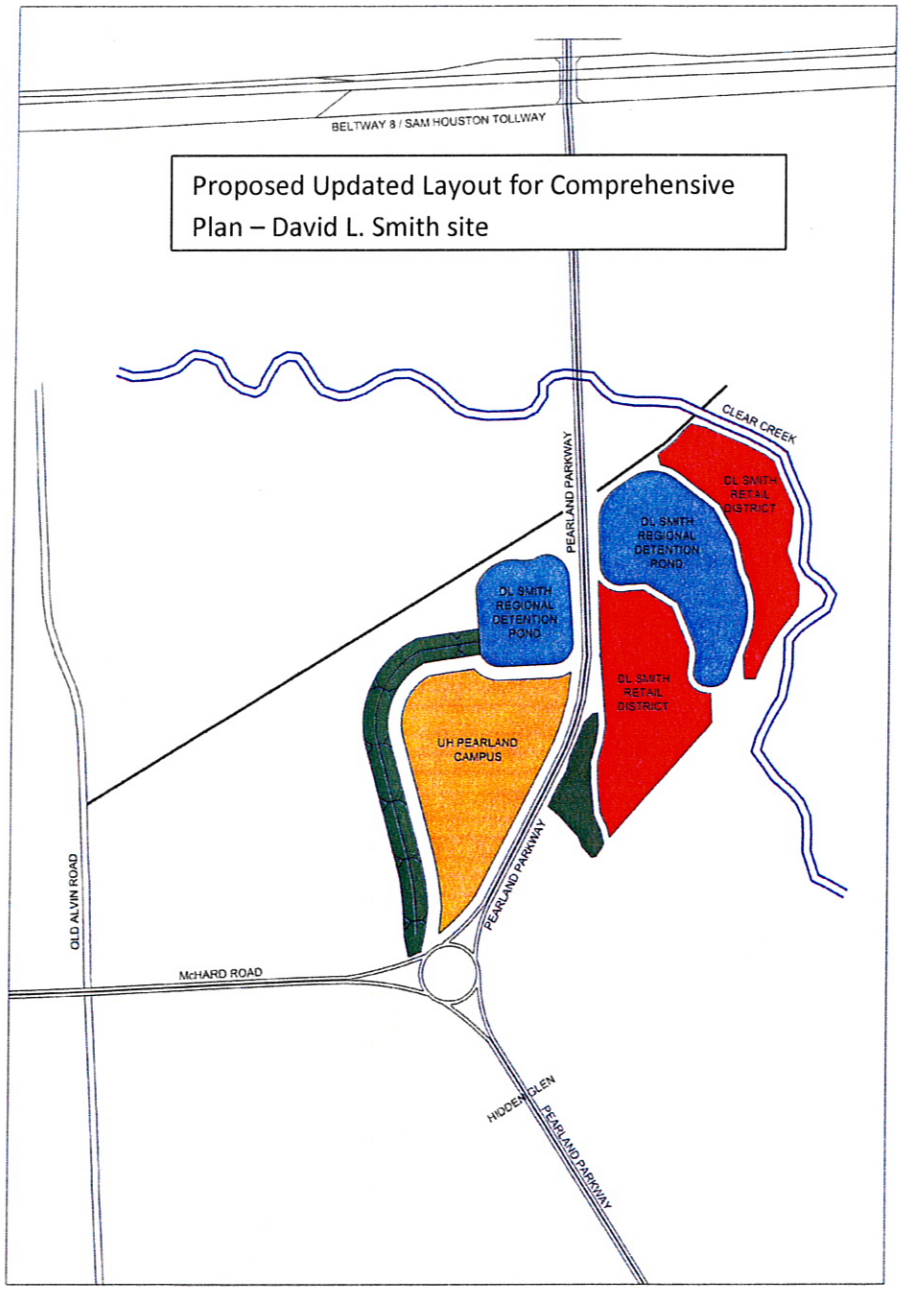
The Planning and Zoning Commission originally stated that the David L. Smith overlay should be added to the FLUP. After staff explained that overlays are not typically added to the FLUP, P & Z recommended that the David L. Smith area should be updated to more accurately reflect what is currently planned for that area. Staff reiterated that Land Use Plan should not focus on property boundaries, since property boundaries are subject to change. The appropriate size and configuration of the area, for the proposed land use category, needs to be considered, irrespective of current property configuration.

Implementation Strategy:

1. Modify FLUP.
2. Modify the Comprehensive Plan to replace the existing concept plan with the proposed one.

Comment 17




BELTWAY 8 / SAM HOUSTON TOLLWAY
Proposed Updated Layout for Comprehensive Plan – David L. Smith site
CLEAR CREEK
PEARLAND PARKWAY
DL SMITH RETAIL DISTRICT
DL SMITH REGIONAL DETENTION POND
DL SMITH REGIONAL DETENTION POND
DL SMITH RETAIL DISTRICT
UH PEARLAND CAMPUS
PEARLAND PARKWAY
OLD ALVIN ROAD
McHARD ROAD
HIDDEN GLEN
PEARLAND PARKWAY

Comment # 18:
Commercial on Broadway Between 521 and 288.

P & Z Recommendation:

P & Z does not recommend a node here at all. It is in an area that is under a PUD.

Implementation Strategy:

None.

Comment #20:
Explore More Commercial Zoned Land. (Not Strip Centers).

P & Z Recommendation:

As indicated by the proposed FLUP, additional land was designated for "Offices: category.

Some of the areas designated (as shown in the proposed FLUP) for "offices" include:

1. Along McHard, in the vicinity of Pearland Parkway.
2. East and west of Cullen, between Broadway and Fite Road.
3. Along Pearland Parkway, north and south of Broadway

It is anticipated, that the development plan for the Spectrum district will also address this issue.

Implementation Strategy:

1. Modify the FLUP as proposed.

Comment #21:
Trails Under Power Lines.

P & Z Recommendation:

No changes. Future Trails Map has addressed this.

Implementation Strategy:

None

Comment #23:
Platting For Commercial/Industrial.

P & Z Recommendation:

Modify UDC to allow for a process similar to minor plat process for non single family residential developments, with access easements instead of streets, and ability to record the plat prior to Certificate of Occupancy.

Implementation Strategy:

Done.
UDC amendment T-11 has incorporated a revised Development Plat process.

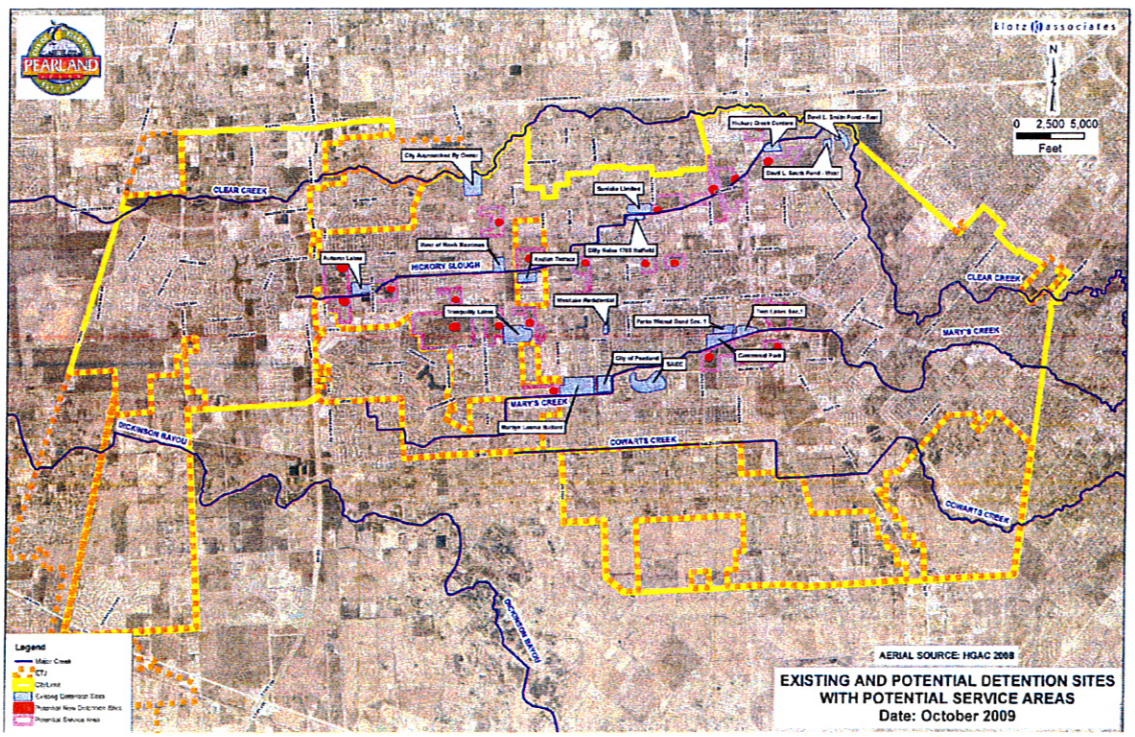
Comment #24:
Analysis of Detention for Vacant Industrial and Commercial Zoned Properties and their Use as Parks/Trails.

P & Z Recommendation:

Recommend completion of the City's Regional Detention Master Plan Study. The master plan will consist of a regional detention program that the City can implement. The master plan will include location of future regional/subregional detention ponds, proposed infrastructure improvements needed for a fully functional system, and a recommended service area for the ponds. These ponds and the required infrastructure improvements will be incorporated into the City's CIP or implemented through joint partnerships with local agencies or the development community. Attached is an exhibit that illustrates some possible future regional detention sites along with some potential service areas. Future analysis will determine the feasibility of these sites and determine whether any additional sites will be suitable for regional detention.

Implementation Strategy:

1. Review and implement consultant's recommendation, when complete.
2. Master Parks Plan to address the use of sub-regional detention and their connectivity.



Council Comment # 25:
Modify Cullen-Mixed Use (C-MU) District to Reinstate Previous Zoning.

P & Z Recommendation:

Garden O'Day Mixed Use District:

No changes.

Cullen Mixed Use District:

Development Guidelines:

No changes.

P & Z concluded that it was not necessary to modify the development guidelines for Cullen Mixed Use District at this time. Due to the Corridor Overlay District (COD) and other UDC standards, any future development on Cullen would be required to meet the higher aesthetic, design and landscaping standards required by the COD.

Land Uses:

1. FLUP:

   No changes, except to remove parcels at the intersection of Broadway and Cullen that are zoned GB. (See page 25)

2. Land Uses in UDC:

   Modify the Land Use matrix in the UDC.

   P & Z discussed in detail the proposed land use matrix for both Cullen Mixed Use and Garden/Oday Mixed Use Districts and made changes to the staff recommendations as shown below. Additionally P & Z recommended changes to the building footprint, height of building, definition of café, and orientation of building as discussed below.

   P & Z considered the following while evaluating the land uses appropriate for the mixed use districts.

   a. Since the council has indicated that development of strip centers is not a preferred goal for the city of Pearland, the uses that traditionally tend to locate in strip centers have been excluded. The thought is that exclusion of these uses would deter construction of strip centers.
   b. Hours of operation – Uses that traditionally operate round the clock have been excluded, since these districts abut residential districts or contain residential uses.

c. Uses that have potential for outdoor storage and display have been excluded.
d. A majority of the additional uses added are proposed with a CUP to ensure that the Council and P & Z get an opportunity to review each development and assess its merits and appropriateness.

Implementation Strategy:

1. Modify FLUP.
2. Modify UDC –Land Use Matrix, add definition for animal hospital, modify definition for café, modify regulations for Cullen mixed Use district.

Types of Uses	***C-MU***	***G/O-MU***
Agricultural Field Crops	*P*	*P*
Agricultural Animal Husbandry 🕮	*C*	*C*
Bulk Grain and/or Feed Storage		
Farm (Ranch, Livestock) 🕮	*P*	*P*
Feed & Grain Store/Farm Supply Store 🕮		
Flour and Other Grain Mills		
Livestock – Wholesale		
Livestock Sales		
Crops or Orchard	*P*	*P*
Stable, Commercial		
Stable (Private, Principal or Accessory Use)	***C***	***C***
Boarding or Rooming House 🕮		
Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family) 🕮		
Dwelling - HUD-Code Manufactured(Mobile) Home 🕮		
Dwelling - Industrialized Home 🕮	***P- change to C***	***P -change to C***
** Dwelling - Mobile Home* 🕮		
Dwelling - Multiple-Family 🕮		

Types of Uses	C-MU	G/O-MU
Dwelling - Patio Home		
Dwelling - Single-Family Detached	P	P
Dwelling - Town House		
Dwelling - Two-Family		
Home Occupation	P	P
Private Street Subdivision	**P**	P
Accessory Structure (Business or Industry)	C	C
Accessory Structure (Residential)	P	P
Accessory Dwelling	C	C
Farm Accessory Building	C	C
Off-Street Parking Incidental to Residential Main Use	P	P
Off-Street Parking Incidental to Nonresidential Main Use	P	P
Servant, Guest, Caretakers or Security Quarters	C	C
Social & Recreational Building, including homeowners association neighborhood recreation centers	P	P
Onsite Detention Facility	P	P
Off-site Detention Facility	C	C
Billiard/Pool Facility (Three or More Tables)	C	C
Bingo Facility	C	C
Bowling Alley (Air-Conditioned and Sound Proofed)	C	C
Commercial Amusement, Indoor	C	C
Commercial Amusement, Outdoor	C	C
Country Club	P	P
Dinner Theatre	C	C

Types of Uses	C-MU	G/O-MU
Driving Range (Golf)	C	C
Drag Strip/Race Track		
Fairgrounds		
Gaming Establishment	C- remove C	C- remove C
Golf Course (Miniature)	C	C
Golf Course (Private)	C	C
Golf Course (Public)	C	C
Park and/or Playground (Private)	P	P
Park and/or Playground (Public; Municipal)	P	P
Private Club		
Recreation Center (Private, For Profit)	C	C
Rodeo Grounds		
Skating Rink	Add C	Add C
Swimming Pool, Commercial	C	C
Swimming Pool, Private (Use Only By Resident)	P	P
Temporary Outdoor Amusement/Activity*		
Tennis or Swim Club (Private, For Profit)	P	P
Tennis Court (Private/Not Lighted)	P	P
Tennis Court (Private/Lighted)	C	C
Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}		
Travel Trailer/RV Park/Campground (Short-Term Stays) {Travel Trailer Defined}		

Types of Uses	C-MU	G/O-MU
All Terrain Vehicle (Go-Carts & Motor Cycles) Dealer/Sales		
Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair) 🕮	C	
Auto Assembly		
Auto Body Repair		
Auto/Leasing		
Auto Glass Repair/Tinting	C	
Auto Interior Shop/Upholstery	C	
Auto Muffler Shop		
Auto Paint Shop		
Auto Parts Manufacturing		
Auto Parts Sale (With Outside Storage or Display)		
Auto Parts Sales (Indoors Only; With Repair Bays)	C	
Auto Rental 🕮		
Auto Repair (Major) 🕮		
Auto Repair (Minor) 🕮	C	
Auto Sales/Dealer (New - In Building, Auto Servicing and Used Auto Sales as accessory uses only) 🕮		
Auto Wash (Full Service/Detail Shop) 🕮	C	
Auto Wash (Self-Service) 🕮		
Auto Wrecker Service		
Bicycle Sales (New/Repair)	C	C
Boat Sales (New/Repair)		
Bus or Truck Storage		
Gasoline Station 🕮	Add C	

Types of Uses	C-MU	G/O-MU
Limousine/Taxi Service		
Motor Freight Transportation, Storage, & Terminal		
Motorcycle Sales/Dealer (New/Repair)	***C***	*What was the reasoning and would like some clarification for adding this as a C* *Staff reasoning - Similar to bicycle sales and less intense that auto sales.*
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity		
Personal Watercraft Sales (New/Repair)		
Tire Retreading and Capping		
Tire Sales (Outdoors, With Open Storage)		
Transfer Station (Refuse/Pick-up)		
Transit Terminal		
Truck and Bus Rental		
Truck Sales (Heavy Trucks)		
Truck or Freight Terminal		
Clinic, Medical or Dental 🕮	*P*	*P*
Credit Agency		
Emergency Care Clinic	***C***	
Financial Institution (No Motor Bank Services) 🕮	*P*	*P*
Financial Institution (With Motor Bank Services) 🕮	*P*	*P*

Types of Uses	C-MU	G/O-MU
Financial Services (Advice/Invest)	*P*	*P*
Insurance Agency Offices	*P*	*P*
Office, Brokerage Service	*P*	*P*
Office, Legal Service	*P*	*P*
Office, Medical/Dental {Defined Under Medical Facilities}	*P*	*P*
Office, Parole-Probation		
Office, Professional and General Business (other than those listed)	*C*	*C*
Office, Real Estate	*P*	*P*
Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)	*C*	*C*
Office/Clinic, Veterinarian (No Animal Hospital, With Outside Pens)	***C***	***C What is the definition of Animal Hospital?*** ***Will be added to the definitions. See below.***
Security Monitoring Company (No Outside Storage)	***P***	***P***
Telemarketing Agency	*C*	
Travel Agency, Bureau or Consultant	*P*	*P*
Ambulance Service		
Automatic Teller Machine (ATM)	*P*	*P*
Automobile Driving School (including Defensive Driving)	***P***	
Barber/Beauty Shop/Tanning Studios (No Related School/College)	*P*	*P*

Types of Uses	C-MU	G/O-MU
Barber/Cosmetology School/College	C	
Bed & Breakfast Inn 🕮	P	P
Check Cashing Service		
Dance/Drama/Music School (Performing Arts)	**C**	**C**
Extended Stay Hotel/Motel 🕮		
Funeral Home 🕮		
Health Club (Physical Fitness; Indoors Only)	C	C
Hotel/Motel 🕮		
Laundromat (Self-Service Laundry)		
Laundry/Dry Cleaning (Retail Only - Drop Off/Pick Up)	P	P
Mailing Service (Private)	C	C
Martial Arts School/Studio/Tutorial/Clubs/ Learning centers	**C**	**C**
Pharmacy (Retail Only)	P	P
Rehabilitation Care Facility (Halfway House)		
Rehabilitation Care Institution (Commercial)		
Seamstress or Dressmaker (Retail Only)	P	P
Studio - Tattoo or Body Piercing		
Antique Shop (No outside storage) 🕮	P	P

Types of Uses	C-MU	G/O-MU
Antique Shop (With outside storage) 🕮	~~C~~ *It is recommended to remove, but need to check if there is an existing Antique Shop there.* *Not existing, therefore remove.*	~~C~~ *It is recommended to remove, but need to check if there is an existing Antique Shop there.* *Existing use, therefore retain.*
Apparel Shop	*C*	*C*
Animal Hospital (No Outside Pens)	*C* *Need a definition here* *Will add definition*	*Need a definition here*
Art Museum and/or Dealer	*P*	*P*
Art Studio and/or Gallery 🕮	*P*	*P*
Art Supply Store	*C*	*C*
Bakery or Confectionery Shop (Retail Sales, Inside Service Only) 🕮	*P*	*P*
Bakery or Confectionery Shop (Retail Sales, With Drive-Thru Service) 🕮	*C*	*C*
Bakery (Wholesale) 🕮		
Book/Stationery Shop (Retail Only)	*P*	*P*
Business Service Retail (Provides wares and/or service in support of professional occupations)	*C*	*C*
Café 🕮 *(see below)*	*P*	*P*

Types of Uses	C-MU	G/O-MU
Cafeteria 🕮	C	C
Camera Shop (Retail Only)	C	C
Cigars, Tobacco Shop (Retail Only)		
Carpenter Shop	P	P
Catering Service	P	P
Coffee, Donut and Similar Food Sales Shop (For On- or Off-Site Consumption)	P	P
Computer Sales	C	C
Consignment Shop	C	C
Convenience Store (With Gasoline Sales) 🕮	C	C
Convenience Store (Without Gasoline Sales) 🕮	C	C
Copy/Printing Shop 🕮	C	C
Department Store (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing) 🕮		
Drapery/Blind Shop	P	P
Electronic Goods Store (Retail Only)	C	C
Florist Shop (Retail Only)	P	P
Food Store/Supermarket 🕮		
Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)	C	C
Furniture Repair and Upholstering (No Outside Storage)	C	
Garage and/or Yard Sales	P	P
Garden Shop & Outside Plant Sales (i.e., Plant Nursery)	**C**	**C**
Gift or Card Shop (Retail Only)	P	P

Types of Uses	C-MU	G/O-MU
Handicraft & Art Object Sales Shop	P	P
Hardware Store	C	C
Hobby Shop (Retail Only)	**P**	**P**
Home Improvement Center		
Ice Cream/Yogurt Shop (For On- or Off-Site Consumption)	P	P
Itinerant Vendor/Seasonal Vending	C	C
Jewelry Store	C	C
Key Shop	**C**	**C**
Market - Open Air (i.e., Flea Market)		
Meat and Fish Market (Retail Only)		
Medical Appliances & Sales	**C**	
Motion Picture Theater (Indoors)		
Optical Shop	**C**	**C**
Outside Display {See related regulations in applicable zoning districts}		
Paint, Wallpaper Shop (Retail Only)	P	P
Pet Shop-Small Animals, Birds or Fish		
Personal Custom Services, Tailor, Millinery, Etc.	**C**	**C**
Pharmacy/Drug Store (Retail Only)	P	P
Piano and Musical Instruments (Retail Only)	**C**	
Restaurant (With Drive-In and/or Drive-Thru Service)	**C**	C
Restaurant (With No Drive-In or Drive-Thru Service)	C	C

Types of Uses	C-MU	G/O-MU
Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed; No Outside Storage)	C	C
Shoe Store (Retail Only)	C	C
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)	C	C
Stone Monuments - Retail Sales Only (indoors)	C	~~C~~ *Recommending removal but need to check to see if there is an existing business there.* *Not existing, therefore remove.*
Stone Monuments – Fabrication and Outdoor Storage	C	~~C~~ *Recommending removal but need to check to see if there is an existing business there.* *Not existing, therefore remove.*
Studio, Decorator & Display of Art Objects	C	C
Studio, Photographer, Artist, Music, Drama, Dance	C	C
Studio, Health Reducing or Similar Service	C	C
Tavern		

Types of Uses	C-MU	G/O-MU
Variety Store		
Video Rental and/or Sales	C	C
Adult Day Care Center(Business) 🕮	C	C
Antenna (Commercial)		
Antenna (Non-Commercial)		
Assisted Living Facility 🕮	C	C
Auction House		
Child Day Care Center (Business) 🕮	C	C
Child Day Nursery 🕮	P	P
Church/Temple/Place of Worship 🕮	P	P
Civic Center (Municipal) 🕮		
Civic Club		
Community /Group Home 🕮	C	C
Community or Social Buildings 🕮	C	C
Convent or Monastery 🕮	P	P
Day Camp (For Children) 🕮		
Day Care	C	
Day Nursery		
Exhibition Hall		
Fraternal Organization 🕮	C	C
Fraternity or Sorority House 🕮	C	C
Governmental Building or Use (County, State or Federal)	C	C
Home for Alcoholic, Narcotic or Psychiatric Patients		
Hospice (Defined Under Household Care Facility)	P - change to C	P - change to C

Types of Uses	C-MU	G/O-MU
Hospital (Non-Profit) 🕮		
Hospital (For Profit) 🕮		
Institution of Religious, Educational or Philanthropic Nature	C	C
Library, Public		
Mortuary/Cemetery (Including Mausoleum/Crematorium)	C	
Municipal Public Administration Offices	**P**	**P**
Museum (Indoors Only)	Add C	
Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)		
Penal or Correctional Institutions		
Public Assembly (Auditorium, Gymnasium, Stadiums etc.)		
Rectory/Parsonage	C	C
Retirement Housing for the Elderly		
School - College or University		
School - Elementary (Public or Parochial)	**C**	**C**
School - High School (Public or Parochial)	**C**	**C**
School - Junior High (Public or Parochial)	**C**	**C**
School - Other Than Public or Parochial	**C**	**C**
School - Trade or Commercial {Defined Under School, Commercial Trade}		
Sheltered Care Facility		
Studio for Radio and/or Television (No Tower[s])		
Cellular Communications Tower/PCS {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}	C	C
Electric Power Generating Plant		

Types of Uses	C-MU	G/O-MU
Electrical Substation	*C*	*C*
Franchised Private Utility (Other than those listed) 🕮	*C*	*C*
Gas Transmission & Metering Station	*C*	*C*
Public Utilities (Other than those listed)	*C*	*C*
Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}	*C*	*C*
Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}	*C*	*C*
Sanitary Landfill (Private)		
Sanitary Landfill (Public)		
Railroad Team Track or Freight Depot		
Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}	*P*	*P*
Satellite Dish (greater than 4' in diameter) (See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC)		
Telephone Business Office		
Telephone Exchange Switching Relay & Transmitting Equipment	*C*	*C*
Utility Shops or Storage, Yards and Building		
Pet Care Facility/Animal Kennel (With Outdoor Pens) 🕮		
Pet Care Facility/Animal Kennel (With Indoor Pens) 🕮	*C*	*C*

Types of Uses	C-MU	G/O-MU
Appliance Repair 🕮	~~C~~ ***recommending removal need to check to see if there is an existing business here*** ***Not existing, therefore remove.***	~~C~~ ***recommending removal need to check to see if there is an existing business here.*** ***Not existing, therefore remove.***
Book Binding	***C***	*C*
Building Material Sales		*C*
Cabinet Business		*C*
Cannery Wholesale		
Cattle Feedlot (CAFO)		
Chemical Packing or Blending		
Cleaning, Dyeing or Laundry Plant, Commercial 🕮		
Communication Equipment Sales/Service (Installation and/or Repair – No outdoor sales or storage or towers/antennae)	***C***	*C*
Construction Contractor with Storage Yard		
Contractor's Office/Sales, No Outside Storage including Vehicles		
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)	*P*	*P*
Dance Hall or Night Club 🕮		
Drive-In Theater		
Electronic Assembly	***C***	*C*

Types of Uses	C-MU	G/O-MU
Exterminator Service/Company (No outdoor sales or storage)	C	C
Fur/Hide Tanning and Finishing		
Furniture/Appliances - Open Storage & Retail Sale	Add C	
Gravestone/Tombstone Sales		
Heavy Machinery Sales, Storage & Repair		
Heating & Air-Conditioning Sales/Services		C
Home Sales office-temp(for new subdivision)		
Laboratory, Scientific or Research {Defined Under Scientific and Industrial Research Laboratories}	C	C
Laboratory, Medical or Dental	C	C
Lawnmower Sales and/or Repair		
Liquefied Petroleum Storage & Sales		
Loading or Storage Tanks		
Locksmith	Add C	Add C
Lumber Mill/Yard		
Machine Shop		
Manufactured Home Display, Sales and/or Rental (New or Used)		
Mattress Making and/or Renovating		
Milk Depot - Wholesale		
Mini-Warehouse/Self Storage		
Moving and Storage Company		
News Printing		

Types of Uses	*C-MU*	*G/O-MU*
Office Warehouse Storage or Sales(Defined Under Storage or Wholesale Warehouse)		
Outside Storage		
Pawn Shop		
Pet and Animal Grooming Shop	***C***	*C*
Petroleum Products Bulk Storage (Wholesale)		
Pipe Processing		
Pipe Storage Yard		
Plumbing Shop (No Outside Storage)	***C***	*C*
Printing Equipment, Supplies and Repairs	***C***	*C*
Propane Sales (Retail)		
Quick Lube/Oil Change/Minor Inspection	***C***	
Railroad, Bus, Light Rail Passenger Station (Public)	***P***	
Railroad Team Tracks, Freight, Depot or Docks		
Railroad Tracks & Right-of-Way	*C*	*C*
Reproduction of Blueprints		
Sheet Metal Shop		*C*
Storage of Used Lumber and Building Materials		*C*
Taxidermist		
Tool and Machinery Rental (Indoor Storage only)		*C*
Tool and Machinery Rental (with Outdoor Storage)		
Trailer Home Sales or Rental Only		

Types of Uses	C-MU	G/O-MU
Transfer Storage & Baggage Terminal		
Upholstery Business	Add C	C
Vacuum Cleaner Sales and Repair		
Welding Shop		
Wholesale Trade - Nondurable Goods	C	C
Wood Working Shops	C	C
Acid Manufacturer		
Airport 🕮, Heliport/Helipad 🕮 or Landing Field	C	C
Animal Slaughtering or Poultry Processes		
Ammonia Manufacturer		
Asphalt Batching Plant 🕮		
Bio-Tech, High-Tech Manufacturing	C	C
Carbon Black Manufacturer		
Cement, Lime, Gypsum or Plaster of Paris Manufacturer		
Chemical Packing and/or Blending		
Clothing Manufacturing	C	C
Commercial Extraction of Soil, Sand, and Gravel		
Concrete Batching Plant 🕮		
Dumps and Landfills		
Hazardous Emissions (as Determined by Enforcing Officer & Other Objectionable)		
Explosives Manufacturer and/or Storage		
Glue or Fertilizer Manufacturer		

Types of Uses	***C-MU***	***G/O-MU***
Heavy Manufacturing Process		
Light Manufacturing Process	*C*	*C*
Manufacturer of Chlorine or Other Toxic Gasses		
Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law but excluding those listed in Section 2.4.4.6 and Section 2.4.4.7 of this UDC		
Minor Concrete Batching Operation & Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)		
Petrochemical Plant		
Petroleum or Petroleum Product Extraction, Refining, Manufacturer, or Bulk Storage		
Rendering Plant		
Storage or Processing of Sand, Sulfur, Gravel, Cement or Similar Material		
Tanning, Curing, Treating, or Storage of Skins or Hides		
Warehouse & Distribution Facility		
Wrecking or Salvage Yard (Auto, Steel)		
Wrecking or Salvage Yard (Building Materials)		

Definition of Animal Hospital: an institution where the sick or injured animals are given medical or surgical care.

Staff is also recommending that the definition of café' be modified to differentiate it from a restaurant use. Based on the seating provided by different establishments listed below, the seating has been limited to a maximum of 50 seats. All these definitions and proposed modifications are included below:

Starbucks – 50 Seats (including approx. 20 seats outdoors)

Shipleys - 20 seats (including 2 outdoors)

Pear Tree - 62 seats (including 12 outdoors)

McDonalds – 92 seats (none outdoors)

Section 5.1.1.1 General Definitions

~~***(a) (65) CAFÉ OR CAFETERIA**: A commercial eating establishment where food, snacks or meals are vended for consumption primarily on the premises. This definition is intended to exclude establishments with delivery offered to automobiles away from the main building. This definition does not prohibit take-out or drive-through windows.*~~

***(a)(65) CAFÉ OR CAFETERIA** (includes coffee shop, bistro and similar uses): An informal restaurant, not exceeding 50 seats (outdoor and indoor), offering a range of food, snacks, meals, coffee, and/or other hot and cold beverages. This definition is intended to exclude establishments with delivery offered to automobiles away from the main building. This definition does not prohibit take-out or drive-through windows.*

Current Definitions in the UDC for Restaurants – No Changes Proposed*:*

***(a)(328) RESTAURANT (WITH DRIVE-IN SERVICE OR DRIVE-THRU SERVICE)**: An eating establishment where food or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises. An area may also be provided for the consumption of food on the premises.*

***(a)(329) RESTAURANT (WITH NO DRIVE-IN OR DRIVE-THRU SERVICE)**: An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.*

Areas of Concern in the Existing Regulations for C-MU District:

Section 2.4.3.2 C-MU, Cullen-Mixed Use District

(a) ***Purpose.*** *The Cullen Mixed Use District (C-MU) is intended to provide a district that allows for the continuation and limited growth of specific nonresidential land uses that have been in existence along Cullen Boulevard for a long period of time, while also respecting the residential uses that have developed and now co-exist with the nonresidential uses.*

(b) ***Authorized Uses.*** *The following are authorized uses under the regulations established in this chapter:*

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) ***Area Regulations for Residential Uses.***

(1) Size of Lots:

a. Minimum Lot Area – Seven thousand (7,000) square feet

b. Minimum Lot Width – Seventy feet (70')

c. Minimum Lot Depth – One hundred feet (100')

d. Maximum Lot Coverage – Sixty percent (60%), but may be permitted seventy percent (70%) with a variance from the ZBA.

(2) Size of Yards:

a. Minimum Front Yard – Twenty-five feet (25')

b. Minimum Side Yard

1. Interior Lot: Seven feet and six inches (7'-6");

2. Corner Lot: Twenty-five feet (25') when abutting a street right-of way.

3. Every part of a required side yard shall be open and unobstructed except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting shall not exceed twelve inches (12") into the required side yard, and roof eaves projecting shall not exceed twenty-four inches (24") into the required side yard, except that no projections shall be permitted closer than twelve inches (12") to a common property line.

c. Minimum Rear Yard – Twenty feet (20')

(d) ***Area Regulations for Non-Residential Uses.***

(1) Size of Lots:

a. Minimum Lot Size - Twenty-two thousand and five hundred (22,500) square feet in area.

b. Minimum Lot Width - One hundred and fifty feet (150').

c. Minimum Lot Depth - One hundred and twenty-five feet (125').

(2) Size of Yards:

a. Minimum Front Yard - Twenty-five feet (25')

b. Minimum Side Yard

1. Ten feet (10'), except as provided below.

2. Twenty-five feet (25') if side yard abuts a residential zoning district.

c. Minimum Rear Yard - Twenty-five feet (25')

~~*(3) Maximum Non-Residential Building Footprint Size: Twenty thousand (20,000) square feet.*~~

(e) ***Height Restrictions.*** *No building shall exceed thirty-five feet (35') in height. Additional height by CUP.*

(f) ***Nonresidential Use Regulations.***

~~*(1) Nonresidential uses shall be located on lots that have frontage on Cullen Boulevard. Nonresidential developments with internal streets may locate nonresidential uses along such streets.*~~

(1) All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building.

~~*(3) Parking areas shall not be located directly adjacent to any adjoining residential use(s), regardless of the establishment of screening in conformance with (g)(1) below. If parking is located on the side of a lot that is adjoining a residential use(s), the parking area shall be set back from the screening mechanism by a minimum of fifteen feet (15').*~~

(g) ***Residential Adjacency Considerations:***

(1) Screening Standards: Adequate screening shall be provided between

nonresidential and residential uses. It shall be the responsibility of the later established use to provide and maintain such screening (e.g., if a residential use is established adjacent to an existing nonresidential use, the residential use shall be responsible for providing and maintaining screening). Screening elements shall consist of the following, including a combination thereof:

a. Landscape Elements – Landscape elements permitted shall consist of

shrubbery having year-round foliage:

1. That is at least seventy-five percent (75%) opaque; and

2. That is a minimum of six feet (6') in height; and

~~3. That is a maximum of eight feet (8') in height; and~~ Would like this removed and also need some clarification as to why this is here from the Director of Planning.

Explanation - The height of fencing is limited in most cities to make sure that tall fences do not obscure light and ventilation. This is the reason why building setbacks are required.

4. That is not located within any required visibility triangle.

b. Built Elements – Built elements permitted shall consist of a masonry wall:

1. That is at least seventy-five percent (75%) opaque; and

2. That is a minimum of six feet (6') in height; and

3. That is a maximum of eight feet in height; and

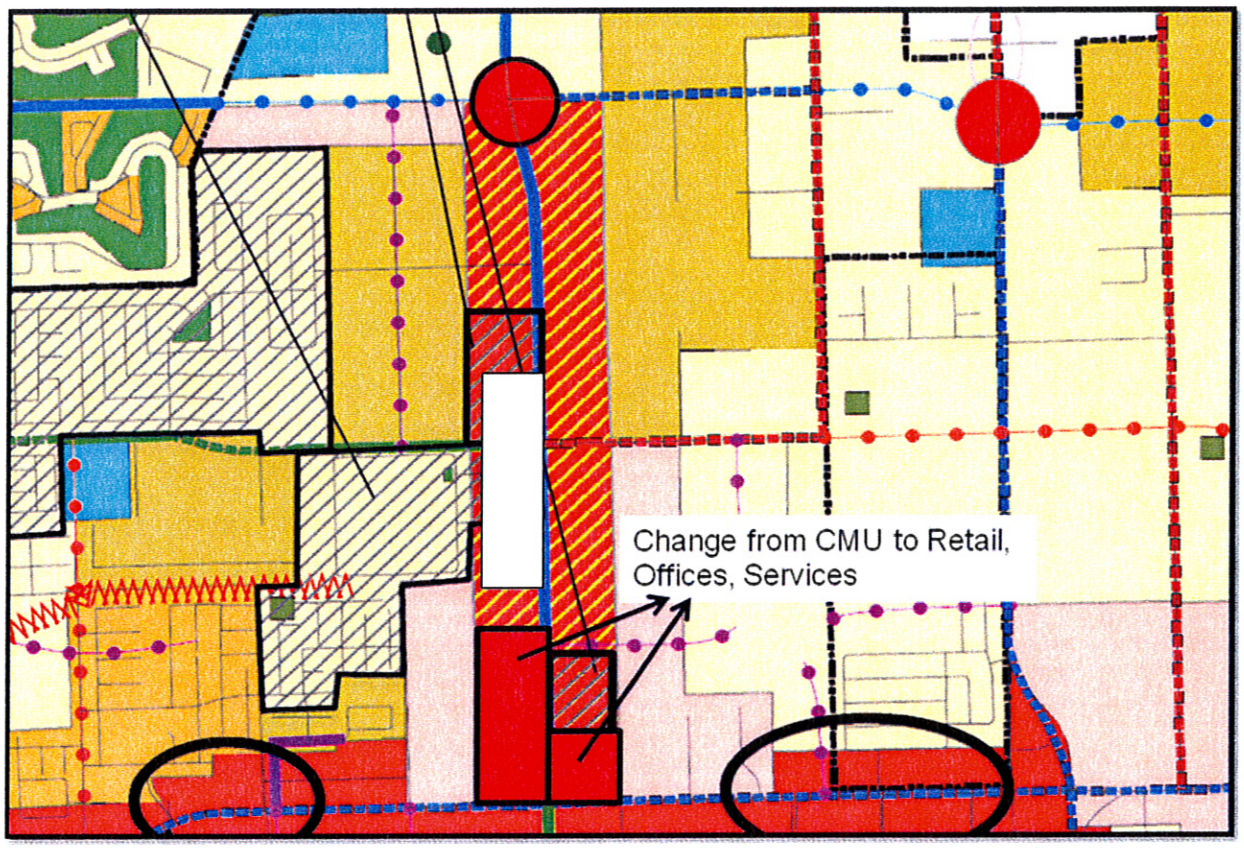
4. That is not located within any required visibility triangle; and

5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.

(2) Outside Storage: Outside storage (refer to Definitions, Chapter 5 of this UDC) shall be prohibited unless otherwise permitted by CUP.

(h) ***Parking.*** *Parking and loading shall be provided in conformance with Chapter 4, Article 2, and Division 1 of this UDC.*

Comment 25



Proposed revision to the FLUP – Intersection of Cullen and Braodway, to reflect current uses and zoning.

Council Comment # 26:
Differentiate Between Minor and Major Nodes.

P & Z Recommendation:

P & Z recommended removal of nodes proposed south of Magnolia, west of SH 35, and east of Railroad tracks, (see comment 12 – retail nodes within manufacturing), while retaining the others as recommended by staff.

Implementation Strategy:

Modify the Future Land Use Plan

Discussion:

P & Z recommended having a workshop with PEDC to address the following:

a. Do we need nodes at all?
b. Should we go with the map like it is?
c. Consider changing goal # 6 in the Comprehensive Plan
d. What alternatives to nodes are there?

A workshop with Fred Welch and Kyler Cole from PEDC was conducted and following are the notes from that workshop:

> The owner of Third Coast during the discussion wanted to state that he was not in favor of any type of retail node there or near industrial uses. It is too much of a liability for the companies with Heavy Industrial or Hazmat types of uses.
>
> Fred Welch and Kyler Cole discussed reason why some retail nodes were a good idea. For example: even with undeveloped roads as a developer comes in to an area where there are "future roads" they can help pay for the planned roads that are located on their property but not yet built.
>
> P & Z discussed it may be possible to have a node at McHard and Mykawa, within industrial, depending on the uses there.
>
> P & Z stated that we have vacant land available, and we need to decide how we want to direct development when we have existing uses that are going to stay.

P & Z wanted to meet again with PEDC and Fred Welch suggested that we wait until after November for the new board.

Additionally, the following were discussed:

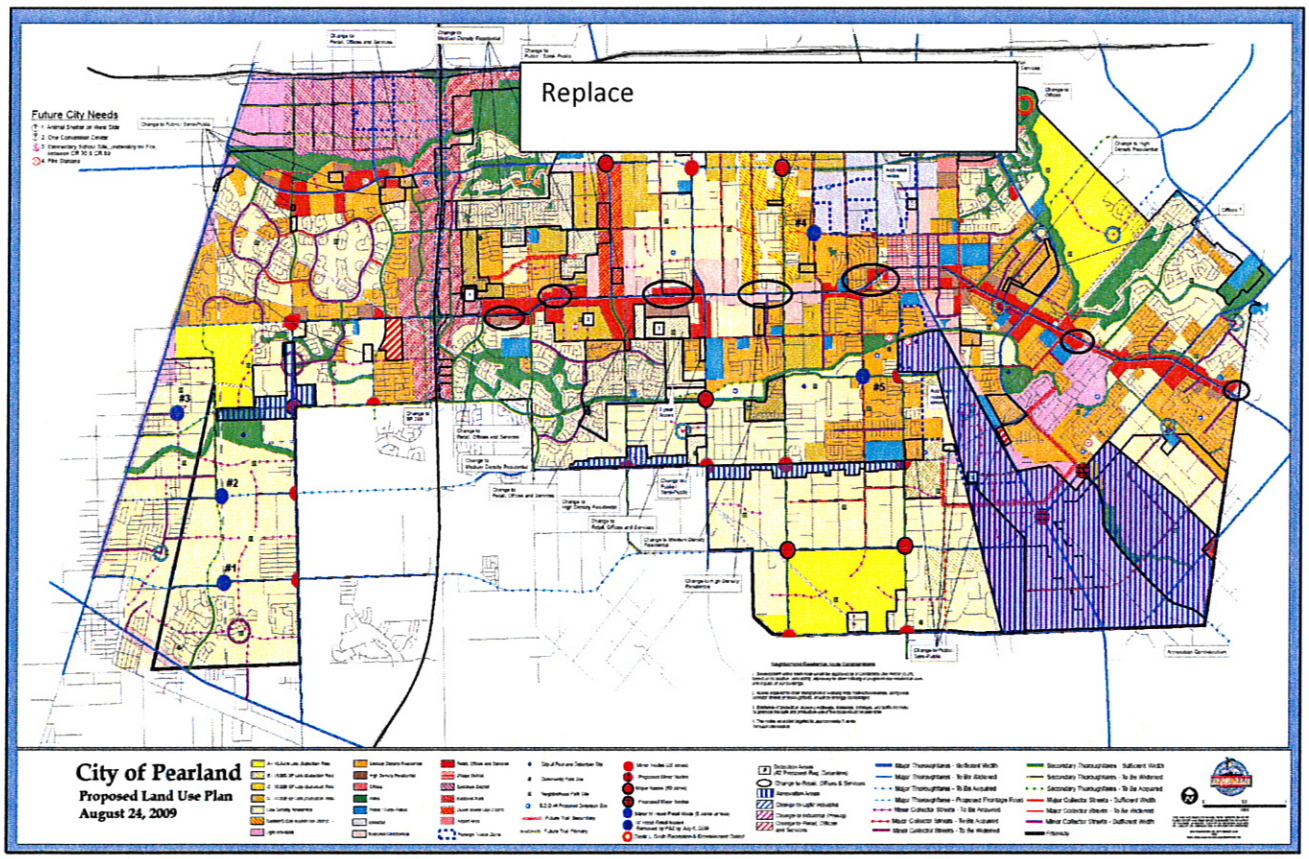
1. Commercial west of the area of Dixie Farm and SH 35 – P & Z concluded that node not required.

2. Annexation schedule for areas south and north along the Railroad. Staff reported that there are no current plans.

3. P & Z needs to review FLUP while making recommendations for on the CIP & road widening. FLUP will be made available to the P & Z.

4. Nodes are helpful as a planning tool so the public would know how and where city wanted commercial development.

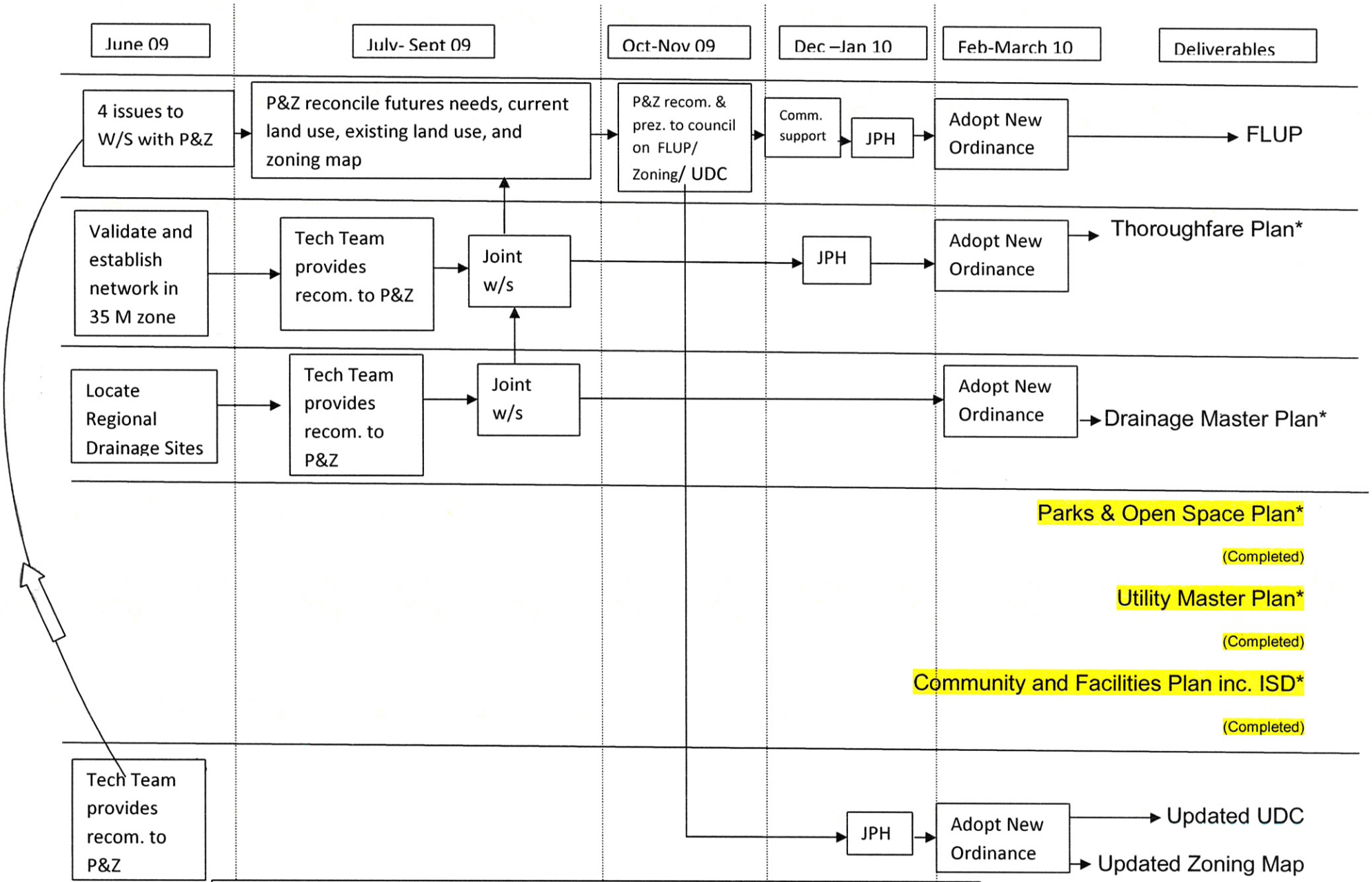
5. Parcels boundaries should define node boundaries. Mike Hodge stated that this would not be a good idea as the City of Pearland would need to be more flexible.



APPENDIX A

FUTURE LAND USE PLAN - P & Z WORKSHOPS

DATE	COUNCIL/ COMMISSION	SUBJECT DISCUSSED	ADDITIONAL COMMENTS
2/2/09	P&Z AND CC	Land Use Workshop- eight maps & Land Use Workplan handed out. Council directed P & Z to make recommendations.	
4/6/09	P&Z AND CC	Land Use Study Future Land Use Plan book and proposed Land Use Map	
6/1/09	P&Z AND CC	Workshop – Regarding Amendments to the UDC – Mixed Use Districts and Creation of a New District with directive from CC to P&Z	
6/22/09	P&Z	Workshop Future Land Use Plan Update, and Timeline	
6/29/09	P&Z	Workshop Flow Chart & Community Support M-1 and M-2 Relaxations Neighborhood & Residential Retail Nodes Mixed Use Districts	
7/6/09	P&Z	Workshop Comments # 13, 17, 20, 25	
7/13/09	P&Z	Workshop Copies of UDC, and FLUP provided on USB flash drive, Public Outreach, Formulate Recommendations on #17, 20, 25, 26, Staff summary re: Nodes	
7/20/09	P&Z	Workshop Comments # 16, 17, 18, 20, 25, 26	
8/3/09	P&Z	Workshop Comments #5, 6, 7, 9, 10, 13, 17, 18, 20, 25, 26 and Nodes	Fred Welch, PEDC Director
8/24/09	P&Z	Workshop Comments #9 & 10, Airport	Andy Rivera, Airport Manager
8/31/09	P&Z	Workshop Comments #9 &10, Summary of all recommendations, vacant parcels, highest & best use	Kyler Cole - PEDC
9/14/09	P&Z	Workshop Annexation Plan, Airport area recommendations, Discussion & recommendations	
9/21/09	P&Z	Workshop	Gateway Planning – Considerations for Land Use Plan. Scott Polikov & Jay Narayana
9/28/09	P&Z	Workshop Discussion & Recommendations	
10/5/09	P&Z	Workshop Discussion & Recommendations	Presentation by Klotz Associates and Narciso Lira regarding drainage



APPENDIX B – PROCESS FLOWCHART

COUNCIL GOAL VI A - Land Use/Annexation

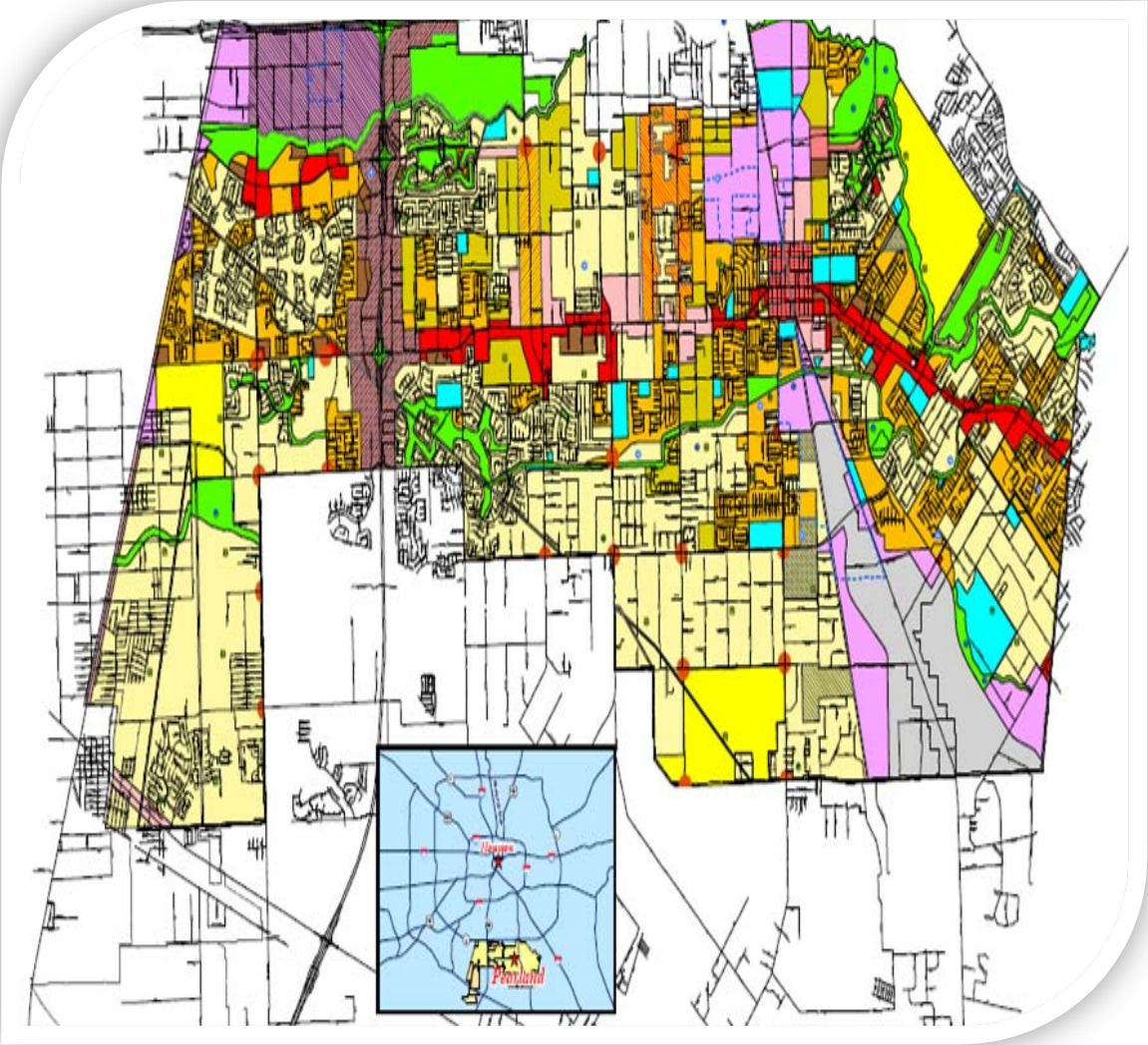
*Need to be updated in Comprehensive Plan

APPENDIX C

Land Use Breakdown

Land Use Category	Current FLUP	Percent	Proposed FLUP	Percent
Suburban Resi. A ½ acre lots	2187acres	5%	2168 acres	4.9%
Suburban Resi. B 15000 sf lots	158acres	.3%	158	.3%
Suburban Resi. C 12000 sf lots	251 acres	.5%	220 acres	.5%
Suburban Resi. D 10000 sf lots	1589 acres	3.5%	1047 acres	2.4%
Low Density	18212 acres	41%	16670 acres	37.5%
Medium density	6183 acres	14%	6875acres	15%
High density	392 acres	.8%	549 acres	1.2%
Airport	0	0	460 acres	1%
Offices	73 acres	.1%	423 acres	.9%
Retail offices	1318 acres	.3%	1709 acres	3.8%
Business Commercial	979 acres	2.2%	1092 acre	2.4%
Business park	1372 acres	3%	1373 acres	3%
Spectrum District	1161 acres	3.6%	1161 acre	2.6%
Cullen mixed use	313 acres	.7%	232 acres	.5%
Garden/O'day	617 acres	1%	566 acres	1.3%
Industrial	2119 acres	4.7%	1117 acres	2.5%
Light industrial	2700 acres	6%	3849 acres	8.6%
Parks	3377 acres	7.6%	3297 acres	7.4%
Public Semi	1107 acres	2.5%	1181	2.6%
Village	271 acres	.6%	271 acres	.6 %
	Total 44,379 acres		Total 44,418 acres	

LAND USE STUDY



April 2009

Prepared by Planning Staff

LAND USE PLAN UPDATE

SUMMARY – March 30, 2009
COMMENTS FROM CC WORKSHOP OF FEBRAURY 2, 2009 AND RECOMMENDATIONS

This table summarizes the issues raised and the workshop and later, action plan, and recommendations. The following report discusses each numbered comment in detail. Comments 14, 15, 19, and 22 need to be discussed further.

	COMMENT	ACTION	COMPLETION DATE	RECOMMENDNATIONS
1	Identify areas in the Land Use Plan that need to change.	Examine Land Use Plan and formulate a recommend plan based on "ideal" situation.	March 6, 2009.	See Proposed Changes to Land Use Map. Conflicts identified from the FLUP, Zoning, and Current Land Uses have been addressed. Reponses to Council Comments have been shown, where applicable.
2	Effect of SH 35 on the land use plan for areas south of 518 around Magnolia.	Examine TX DOT's plan and propose guidelines.	March 6, 2009.	TX DOT does not have any specific plans yet. City will continue to get 120' ROW for a major thoroughfare during platting.
3	Between SH 35 and RR, south of 518, industrial park with internal roads for truck routes.	Examine the Thoroughfare Plan and FLUP and propose changes, if required.	February 20, 2009.	Proposed Major Collector alignment and recommendation attached.
4	Review COD standards in M-1 and M-2, especially along SH 35. Relax or flexible transparency. Ex. Turbocare.	Undertake case studies in Pearland and other towns, review historical data, and propose changes.	March 6, 2009.	3 Options proposed: 1. Specific Relaxation 2. Exemption from COD standards 3. CUP for variations.
5	Retain industrial along Mykawa and Main, north of FM 518 and along McHard.	Examine FLUP and zoning and propose changes if required.	February 20, 2009.	M-2 for areas north of FM 518, M-1 for areas south of FM 518.

6	Stop retail at Oiler, add minor node at SH 35 and Dixie Farm.	Examine FLUP and zoning and propose changes if required.	February 20, 2009.	Stop retail at Oiler. Minor node at Dixie Farm and SH 35.
7	Clean up conflicts in McHard – M-1, M-2, and FTZ.	Examine FLUP and zoning and propose changes if required. Consult PEDC on the intensity of industrial.	February 20, 2009.	Proposed FLUP changes to add industrial along McHard, east of Woody.
8	Market study/trends for housing choices – affordable, senior, tax-credit, patio, MF family. Explore mechanism to allow these.	Consult PEDC's study. Propose recommendations.	March 6, 2009.	Recommend options and further study.
9	Annexation of 1000' south of Bailey Avenue and land south of Southern Trails.	Discuss with legal, due to the 3 yr annexation requirement. Propose a schedule for annexation.	February 20, 2009.	Recommended annexation of areas both sides of Bailey between Veterans and CR 564.
10	Pearland Parkway and airport – commercial uses.	Examine further and Change FLUP.	February 20, 2009.	Recommend commercial uses in the vicinity of airport site along future Pearland Parkway and minor retail node at Dixie Farm and Future Pearland Parkway.
11	Veteran + Bailey – node.	Change FLUP, if required.	February 20, 2009.	Exists already.
12	Add retail as a component within manufacturing.	Examine the current table and propose changes.	February 20, 2009.	Options: 1. Permit retail/ commercial uses in industrial zones by CUP. 2. Designate retail nodes in Industrial areas. 3. Add retail/commercial uses as accessory in industrial zones.

13	Add neighborhood nodes within residential – 5 acres total for each node. List of uses in this node. Justify the spots designated. Approved as CUPs.	Examine and propose recommendations.	February 20, 2009.	Seven nodes proposed.
14	Identify hard to develop vacant land – detention, flood plain etc.	Conduct study, with Engineering.	Next Workshop with CC, after April, 2009.	Future Study.
15	Address future use of vacant parcels.	Examine the FLUP and zoning for vacant parcels and discuss recommendations with CC.	Next Workshop with CC, after April, 2009.	Future Study.
16	Residential zoned parcels along Broadway – rezoned to commercial/retail.	Examine these parcels and propose changes.	February 20, 2009.	Proposed changes to FLUP and Zoning based on exiting uses.
17	David L Smith Project – review land use and zoning.	Review Comp. Plan proposal and propose changes if required.	February 20, 2009.	Retain retail and entertainment node as recommended in the Comprehensive Plan.
18	Commercial on Broadway between 521 and 288.	Review SCR PD and current zoning and FLUP. Propose changes if required.	February 20, 2009.	Added a major node at FM 521 and Broadway, in addition to existing ones.
19	Proactive plans. Address east west divide if possible.	Discuss further with staff and CC.	Next Workshop with CC, after April, 2009.	Removed from this study.
20	Explore more commercial zoned land – but not strip centers.	Study further. Identify areas with deep tracts that are suitable for non residential development.	February 27, 2009.	Proposed “Office” land use category along Pearland Parkway.
21	Trails under power lines.	Consult Parks, review parks plan and explore this option. Incorporate Parks and trails plan into the Comprehensive Plan. (Replace existing sections)	February 27, 2009.	Trails Plan has incorporated this.
22	Highest and best use of land.	Outcome of above actions.	Next Workshop with CC, after April 6, 2009.	Future Study.

23	Platting for Commercial/Industrial	Examine minor platting process and access by easements for non-residential.	March 30, 2009	Proposed minor plat process for developments requiring extension of public utilities just for their development, and access/frontage on easements for non-residential zones.
24	Analysis of detention for vacant industrial and commercial zoned properties and their use as parks/trails	Size detention areas for vacant land that is zoned commercial and industrial. Work with engineering and parks.	February 27, 2009.	Proposed 5 sites for regional detention. Incorporate into parks / trail plan.
25	Modify Cullen Mixed Use District to reinstate previous zoning	Examine the previous uses and zoning	March 29, 2009	Propose to retain C-MU District.
26	Differentiate between minor and major nodes in the FLUP	FLUP shows the nodes but doers not differentiate the minor (25 acres) from Major (50acres)	March 29, 2009	Designated on the proposed FLUP

Comment #1:
Identify Areas in the Land Use Plan That Needs to Change.

Explanation: The Council and P & Z had identified certain areas where the there are conflict between the current land uses, zoning designations and Future Land Use Plan designation. Further, due to the growth of the city, construction of roadways, and development of adjoining parcels, certain areas do not have the appropriate zoning or Future land Use designation.

Staff Analysis and Recommendation: As part of this study, staff compared the current uses, zoning categories, and Future Land Use Plan (FLUP) designation for parcels within the entire city and had identified areas of conflicts and recommendations. These recommendations have been incorporated in the proposed FLUP map, attached as appendix A, with explanations.

Attachment: Appendix A: Proposed Land Use Map.

To be provided at the workshop.

Comment #2:
Effect of SH 35 on the Land Use Plan for Areas South of 518 Around Magnolia.

Explanation: With the future widening proposed for SH 35, Council and P & Z were interested to examine the effect of improvements on the properties located in the vicinity, and if any modifications were required to the FLUP and zoning map.

Staff Analysis: Staff contacted TxDOT and others to get a copy of the proposed alignment and widths for SH 35 widening, south of FM 518. Mr. Jim Heacock of TxDOT District Office indicated that currently there is no Schematic for SH 35 south of FM 518. He did update on the following:

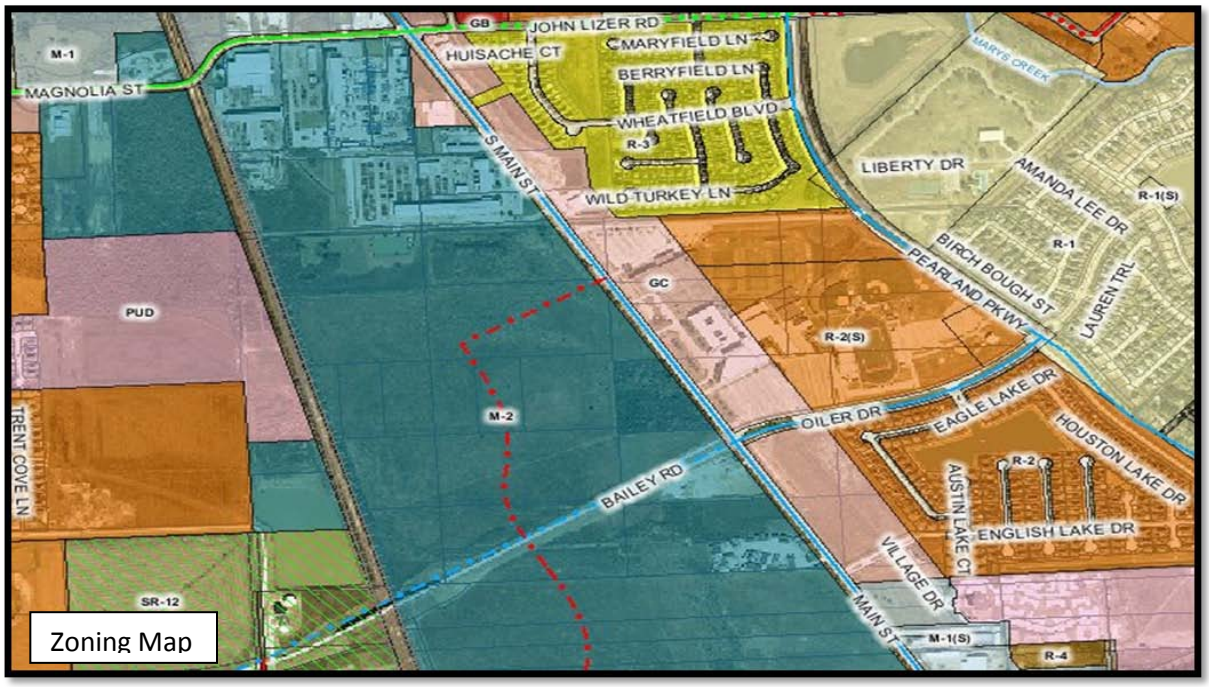
- Proposed Letting Date ~ 2018
- Environmental Assessment has not been done; but there will be public meetings and meetings with local agencies before finalizing
- The current limits of the proposed widening is from FM 518 to just south of HWY 6
- It is currently being discussed to be a 6 lane road with median and will need approximately 120' - 140' ROW, minimum. (Could be more due to drainage issues)

Currently, the ROW along SH 35, south of Broadway is generally 100'. Recently platted properties have been asked to dedicate 10' of ROW along SH 35 on each side. This is in conformance with the Thoroughfare Map that shows SH 35 as a Major Thoroughfare requiring 120' ROW.

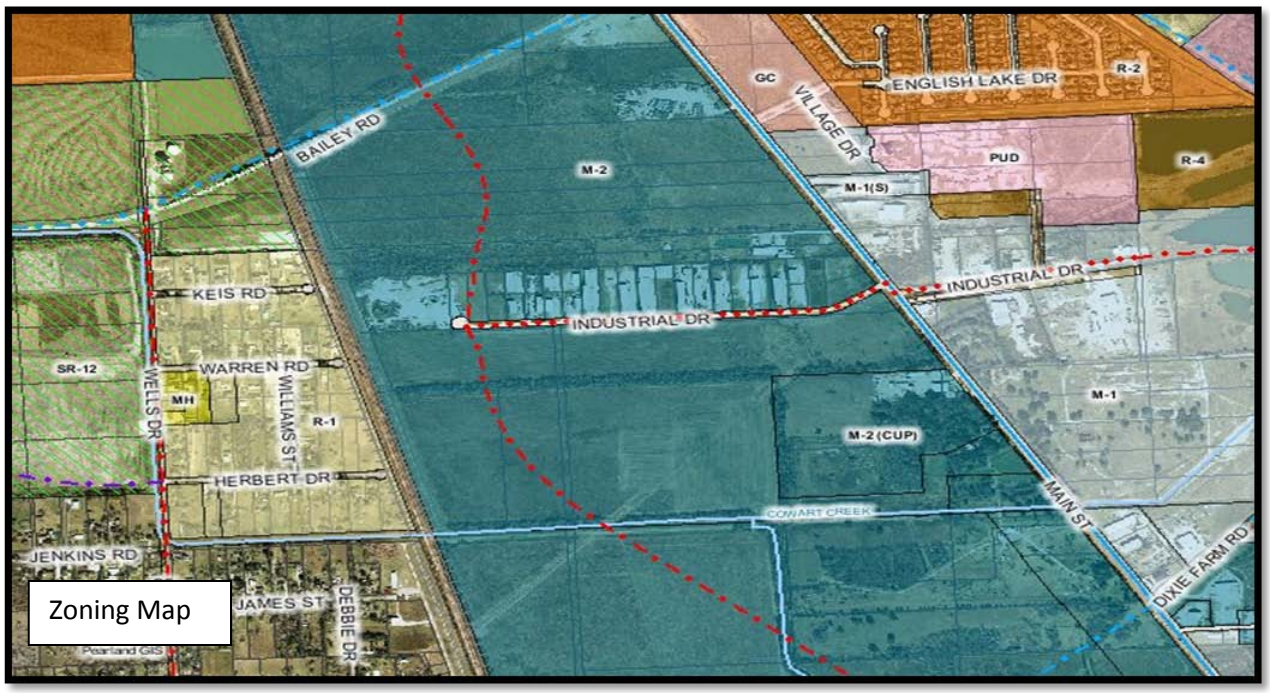
Recommendation: Staff recommends that City continues to gain additional ROW for a 120' cross section through platting.

Council Comment #3:
Between SH 35 and RR, South of 518, Industrial Park with Internal Roads for Truck Routes.

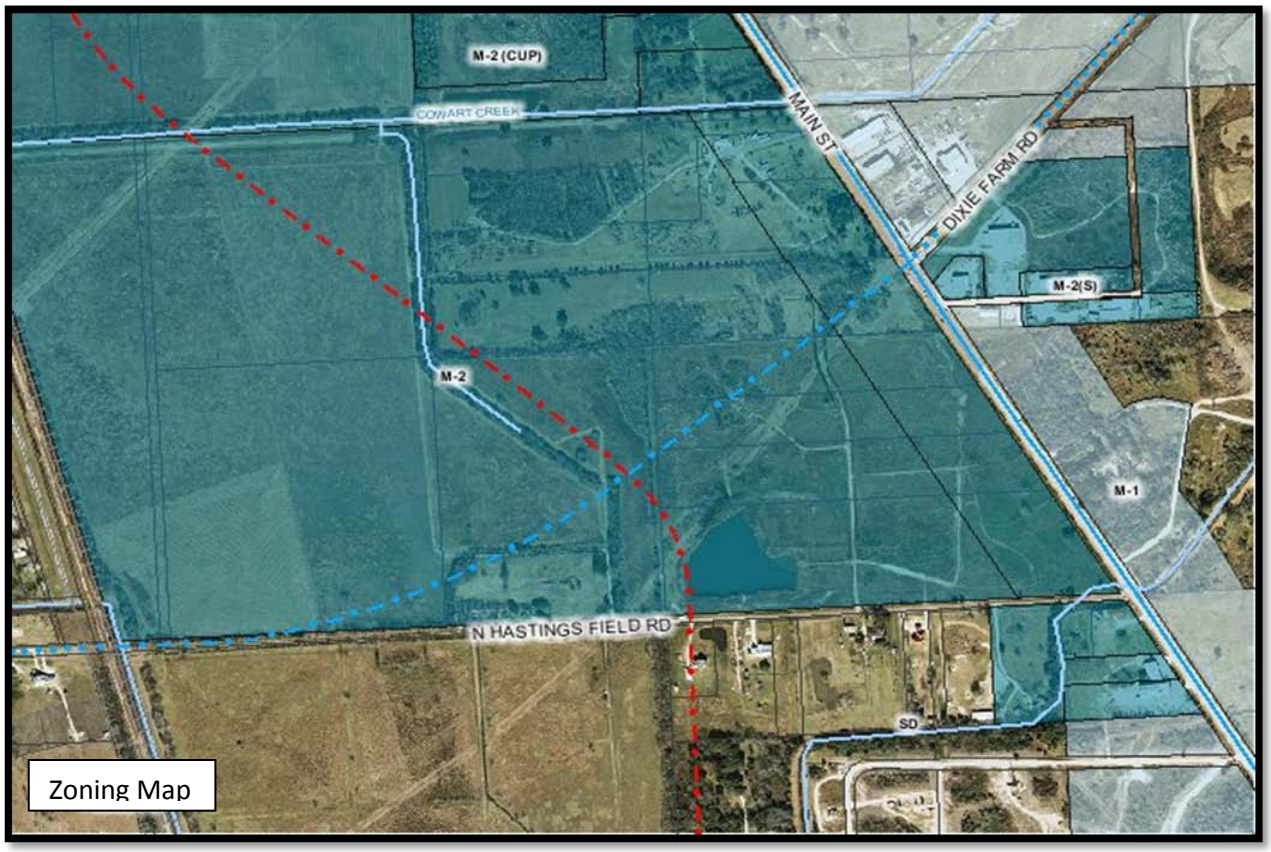
Explanation:
The council had talked about the desire to improve internal connectivity within the area bordered by Main and the Railroad Tracks south of 518 in order to promote more industrial growth.
Staff has attached the zoning maps with the existing Thoroughfare Map recommendations.
City Engineer Narciso Lira and consultant's recommendations area also attached.



North of Bailey – General Area



South of Bailey – General Area



North of N Hastings Field Rd. – General Area

Comment #4:
Review COD Standards in M-1 and M-2.

Explanation: City Council requested that staff review COD development standards especially along SH 35 for relaxed or flexible transparency.

Staff Analysis:

To provide a historic perspective staff researched the amendments made regarding M-1 and M-2 zones with the adoption of the UDC and its subsequent amendments. Then, staff reviewed M-1 and M-2 standards in Pearland and other cities. Specific standards in Corridor Overlay District (COD) were reviewed including – landscaping (front and parking lot), façade material, transparency, articulation, and color palette. Further, staff looked at existing buildings in Pearland and evaluated them for conformance. Pictures of certain buildings that do not meet any of the standards were also included.
As part of the analysis, all variances and special exemptions approved by the ZBA and PDs approved by the Council in the past 5 years, pertaining to relaxation of standards of M-1 and M-2 were researched, to ascertain requirements that were causing hardship to the applicants.

Modifications to Regulations for M-1 and M-2 Zones with the Adoption of UDC and Subsequent Amendments

As evident in the following list of modifications, a number of changes were made to the requirements that affected properties in M-1 and M-2 zones, some of which relaxed the requirements. It appears that despite this list, additional relaxation and flexibility is required to assist in businesses retention and expansion.

February 2006 - Adoption of UDC

Corridor Overlay District expanded to encompass the entire property with frontage instead of the 300' along the frontage.
Relaxed façade requirements for M-1 and M-2 from 100% masonry on front and sides to 100% for front and 50% for sides.
Permitted larger signs.
Buildings built prior to January 1, 2001, located on Thoroughfares exempt from façade requirements.

Ordinance 2000T-2, February, 2007

Allowed vegetative screens as an alternative to solid masonry fences to screen outdoor storage.
Structures at least 250' from the curb or edge of roadway exempt from masonry requirements.
Clarified that M-1 and M-2 zones located along Mykawa, between Orange Street and Beltway 8, and between railroad tracks and Scott Lane, were exempt from façade requirements.
Allowed minor plat for lots where the only public improvement required was extension of water lines on public easements for fire fighting purposes.

Allowed permits to be issued, prior to completion of utilities, upon submission of a security for non-combustible improvements, and upon city council's approval for combustible improvements.
Permitted the payment in lieu of providing sidewalk for certain situations.
Permitted flag lots for non-residential.

Ordinance 2000T-3, July, 2007

Permitted alternate paving materials (other than concrete) upon approval by City Engineer.

Ordinance 2000T-4, September, 2007

Required buildings with expansions over 500 sq. ft. (instead of 1000 sq. ft.) to conform to façade requirements to be consistent with other triggers.
Added special exception provision to allow construction of additions on existing non conforming structures and lots, without bringing the entire property or existing structure into compliance with respect to landscaping, existing fencing/screening, facade requirements, transparency, articulation, color palette, parking. All new additions would require compliance.

Ordinance 2000T-6, November, 2007

Eliminated screening requirements between two adjacent industrial districts for outdoor storage.
Allowed alternative to asphalt or concrete paving for storage areas, as approved by city engineer.
Eliminated the requirement of a tree being located within 50' of a parking lot in COD for lots not intended for passenger cars driven by customers, patrons or employees.
Allowed wall systems with concealed fasteners and exposed seams in industrial zones.
Permitted 30' landscaped buffer as an alternative to 25' buffer and masonry fence between residential and non-residential properties.
Exempted roof mounted structures from screening requirements in industrial districts if located 250' feet or farther from the street and painted to match the building.

Ordinance 2000T-7, April, 2008

Permitted M-1 and M-2 uses in Garden Oday Mixed Use Districts by a CUP for properties zoned M-1 and M-2 prior to adoption of UDC.
Required detention basins in the front yard, in COD, to be amenitized.

Ordinance 2000T-8, August 25, 2008

Permitted fences, other than vinyl, to be used for detention basins with vegetative screens.

Ordinance 2000T-9, October 2008

Permitted flags to advertize company logo.

Overview of Requirements in Pearland and Other Cities:

The City of Pearland, TX:

Landscaping:

25-30' landscape strip along the Corridor (depending on parking lot placement).
Minimum 15% of the gross lot area shall consist of landscaped open areas (including grass).
Trees required along all streets.
Trees required with 50 feet of parking spaces.
Shrubbery to screen parking lots.
Underground irrigation system required.
25' landscaped buffer with masonry fence or 30' wide landscaped buffer required when abutting residential uses.

Façade Material:
100% masonry (including EOFS and Stucco) for front façade, 50% for sides.
100% for facades adjacent to residential.

Transparency:
25% of front facade to be transparent (glass).

Articulation:
Structures 50,000 sq.ft. or larger area – 3' depth for every 25' of horizontal or vertical length.
Structures less than 50,000 sq.ft. area– 1' depth for every 10' of horizontal or vertical length.

Color Palette:
Conformance to color palette required. 20% of the facade and signs exempt from color palette.

If all the requirements are met, in appropriate zones, no additional approval from P & Z or City Council is required and a permit can be applied for.

Relaxation of these requirements requires a special exception for existing uses (hardship does not need to be shown) and variances (need hardship) for new construction by ZBA or approval of a PD. ZBA process requires 3 weeks and PD requires 11-15 weeks approximately.

,
The City of Yuma, AZ, handles the issue of relaxed landscaping through an Industrial Park Zoning District (I-P) or by applying an Aesthetic Overlay (AO) Zoning District. When the proposed project is located within the AO, the design and landscaping of the project must be approved by a **Design Review Committee** prior to the issuance of any building permits. In addition to the OA District applied, they also require all heavy and light Industrial uses to obtain a **Conditional Use Permit**. Applications are heard by their

Planning and Zoning Commission and then by City Council. In Yuma's CUP format exceptions (variances) are permitted with a CUP. All landscaping and façade requirements are approved by the Design Review Committee, then Planning and Zoning and City Council. This adds additional levels of approval and the process takes approximately 3-6 months depending on the schedule of the Planning and Zoning Commission and City Council. Only 6 cases are heard per scheduled session and only 3 at a time can be CUP's.

The City of Webster, TX, uses standard M-1 and M-2 Industrial Zoning Districts. Their landscaping requirements mandate:

20% of that street yard area be landscaped.
10% of total public areas within property areas shall be landscaped.
10 feet on average between the building and parking shall be a landscaped area and walkway.
Landscaped buffer of at least 10 feet adjacent to street right-of-ways
The amount of trees based upon the total lot area and frontage
An underground irrigation system is required to maintain all landscaped areas including a 50 square foot area around all signs
An "**Alternative Compliance**" (Variance) can be requested for review by the City Council.

Texas City, TX, incorporates a Technical Code Exemption for Manufacturing or Processing Plants (Petroleum Products Only) within their City Code that states no permit is required for this activity. The F (light Industrial) and F-1 (Outdoor Industrial) façade and landscaping requirements are similar to the City of Pearland.

Minimum open space to be landscaped is 20% of the gross lot area in F Industrial Zoning District and 15% of the gross lot area in the F-1 Industrial Zoning District.
An underground irrigations system is required to maintain all landscaping.
Buffers next to residential uses are 30 feet.
Landscaped buffers in the front are 25 feet (arterials) and 40 feet (highways).
The Façade is required to be 100% masonry on the main façade, and 80% masonry on the sides and rear facades. Any **deviations have to be presented to the City Council** by their planning division.

We met with Don Carroll, the Planner for Texas City, on March 19, 2009. He stated that they had looked at the City of Pearland, Sugarland, and the City of LaPorte, for industrial development standards that encourage sustainable development for the September 2, 2008 update in the Texas City Ordinances. He stated that by not having these standards, or If you relax or don't enforce the standards in place you lose the opportunity for sustainable development.

The City of Sugarland, TX, The M-1 and M-2 façade and landscaping requirements are similar to the City of Pearland.

Minimum open space to be landscaped is 20% of the gross lot area in M-1Industrial Zoning District, and 15% of the gross lot area in the M-2 Industrial Zoning District.

An underground irrigation system is required to maintain all landscaping.

Buffers next to residential uses are 30 feet.

Landscaped buffers in the front are 25 feet (arterials) and 40 feet (highways).

Summary of ZBA Applications Pertaining to Relaxation of Standards in M-1 and M-2 Zones (2003-2009).

Six requests were made in the past 5 years. The following table summarizes the requests.

Year	Location	Applicant	Request	Action
January, 2009	3732 Magnolia Rd	Aggreko	Special Exception to permit encroachment within rear and side setbacks for existing buildings Reduce 30' landscape buffer along Magnolia	Approved Denied. Information not provided as to the amount requested. ZBA asked applicant to work with staff and reapply.
January, 2009	4170 Main St	David D'Agostaro	Reduce building transparency from 25% to 12.5 % for new building along SH 35. Increase distance between trees and parking lot from 50' to 150' for new parking	Denied. Denied.
January, 2004	Main Street (north of Halik)	Pauluhn	Relaxation of building façade requirement.	Denied Council approved a PD that addressed not only façade but other non conformities including setbacks, landscaping etc. for the entire

				complex.
August, 2006	Max Road	George Gartner	Relaxation of building façade requirement (masonry for new and existing buildings.)	Denied. Council approved a PD later that granted these and other variances for buffer and landscaping.
April,2003	Magnolia St	BakerOil Tools, Excell Builders	Relaxation of building façade requirement	Denied
April 2003	Industrial	Edwin Smith, Deem Commercial Construction	Relaxation of building façade requirement	Denied

Summary of PD Applications Pertaining to Relaxation of Standards in M-1 and M-2 Zones (2003-2009).

Year	Location	Applicant	Request	Action
August, 2004	Main St and Halik	Pauluhn Electric	Future additions proposed. PD to permit setback, parking, &landscaping reductions due to existing development. New construction to comply with requirements, with payment to parkland fund in lieu of planting some trees. Also approved payment in lieu of constructing sidewalks due to future construction of SH 35.	Approved
September 2005	Almeda School Road and Beltway	Tim Stovall	Change of use/occupancy of existing metal building. Permitted 70% masonry for north and west sides (street sides) and 0% for the other two sides for existing building and for new addition, reduced landscaping along Beltway 8 due to lack of space, allowed surface of parking lot to be gravel, reduced setbacks for extension of existing building, allowed larger signage,	Approved

			exempted sidewalks along frontage road, permitted existing fence with barbed wire to remain.	
September 2007	Max Road	Gartner Coatings	Future expansion proposed. Relaxation of building façade requirement (reduced masonry for new and exempt existing buildings), reduction in landscaped buffer and waiver of masonry fence due to heavily vegetated existing buffer, sidewalk waiver.	Approved
January 2009	Mykawa Rd	Third Coast Investments	Future Expansion Proposed. Substitution of landscaping and parking on adjoining lot, modifications to standards for access road, reduction of lot frontage.	Approved

Based on the above research it appears that building facade and landscaping requirements cause hardship to the applicants, especially for expansions. The special exception provision has helped in addressing some the existing setbacks and landscaping issues.

Staff Recommendation:

As properties change use or when they expand, these properties are required to bring the lot, use, or structure into compliance with the current Unified Development Code. It is important that the City of Pearland help and encourage all applicants to meet the required current zoning code regulations. The city needs to administer the regulations accurately and with consistency. However, it is also important that the city encourage business retention and expansion. Therefore the city needs to strike a balance between high quality sustainable development that benefits the entire community verses relaxing the standards to encourage industrial establishments to locate, grow and prosper in Pearland.

It appears that the major area of conflict is between industrial uses located within the COD. Staff recommends the following options:

Option 1: **Explore specific relaxations**:

<u>Façade requirement:</u> Reduce the percentage of masonry for front façade to 50% and exempt side facades from the masonry requirement. Reduce the requirement of masonry for rear façade. For facade abutting residential, instead of requiring the entire facade to be masonry allow masonry for any portion of the wall that is above 6' (height of the fence) and visible from adjoining residential areas.
<u>Articulation:</u> Exempt M-1 and M-2 zones from articulation requirements.

Transparency: Reduce transparency requirements from 25% to 15%. Exempt buildings located farther than 250' from this requirement.

Landscaping: Retain the 30' buffer, with street trees and shrubs along COD, however exempt areas located beyond the 30' buffer from any landscaping requirement as long as the total number of tree and shrubs are provided on site. Similar provisions were included for educational facilities. flexibility. Retain the overall percentage of lot area to be landscaped to 15%. Since grass and native vegetation is included in this 15%, typically this is not a problem.

Color Palette: Retain this requirement.

Non conforming sites and building: Currently the code requires that any non-conforming structure or parcel, proposing expansions of greater than 500 sq. ft., apply for a special exception to allow the non-conformities to continue. This has proven to be a hardship, especially in cases where the ZBA has felt that there is scope for improvement.

Staff recommends that in M-1 and M-2 zones, non-conforming structures/sites be allowed to expand without a special exception as long as the new additions meet the requirements of the UDC, and any non-conformity is not expanded. While this would greatly benefit the property owners, it may cause the city to loose an opportunity to work with the property owners to improve the situation where possible, especially in terms of landscaping and buffers.

Further, staff recommends that in development with more than one lot, the property owner be allowed to provide all required landscaping for the entire development in adjacent lot/s, under same ownership. However, a mechanism needs to be in place to ensure that the lots remain in single ownership.

Option 2: Exempt all M-1 and M-2 Zoning Districts from the Corridor Overlay District requirements. This option may encourage immediate development, however; it may not result in the current and future design characteristics that the City of Pearland is seeking.

Option 3: Permit relaxation and flexibility by a **Conditional Use Permit**.
For new development of industrial projects within COD, The City of Pearland should continue to enforce the development standards, specifically; landscaping, façade, materials, transparency, articulation, color palette, in the M-1 and M-2 zoning districts unless a CUP is granted. There are some great examples shown in this study such as; Kemlon, TurboCare and Speed Shore and how they enhance the aesthetic value of our community and provide an opportunity for sustainable development. A CUP will enable the P & Z and Council to evaluate the requests on a case-by-case basis.

Examples in Pearland

Staff has included some examples of industrial establishments and how they meet the current requirements. All of these examples pre-date the UDC and the COD requirements.

Example: TurboCare
Facade – Meets requirement for front. Has lesser than required for sides.
Landscaping: Meets requirements.
Transparency: Exceeds requirements.
Articulation : Meets requirements.
Color Palette: Meets requirements.

Example: Speed Shore
Facade –Has lesser than required for front, does not meet requirement for sides.
Landscaping: Meets requirements.
Transparency: Meets requirements.
Articulation : Meets requirements.
Color Palette: Meets requirements.

Example: Kemlon

Special Exception approved by the ZBA to permit trees farther than 50' from the parking lot.
Facade –Meets for front, exceeds for sides.
Landscaping: Meets requirements. Was approved a variance to increase the distance of tree from parking space near the loading area.
Transparency: Exceeds requirements.
Articulation: Does not meet requirements.
Color Palette: Meets requirements.

An example at Kemlon of effective screening from the street view using alternative landscaping with a rod iron fence and vegetative screening.

Example: Pauluhn Electronics on SH 35

Approved a PD for façade, landscaping & setbacks.
Facade –Does not meet the requirements.
Landscaping: Does not meet the requirements.
Transparency: Does not meet the requirements
Articulation : Does not meet requirements.
Color Palette: Meets requirements.

Example: 288 Business Park (ETJ). All the landscaping is on the side of the building is not near the façade that is facing the beltway. The facade is barely visible as you drive by on the Beltway.

Facade –Meets requirements.
Landscaping: Does not meet the requirements.
Transparency: Does not meet the requirements
Articulation : Does not meet requirements.
Color Palette: Meets requirements.

Example: PODS Store on Beltway 8. This is outside the city limits of Pearland.

Façade: Meets requirements.
Landscaping: Does not meet the requirements.
Transparency: Does not meet the requirements
Articulation : Does not meet requirements.
Color Palette: Does not meet requirements

Example: Wagon Trail between Fite Rd. and Broadway St. There is a mixture of businesses and residential uses that currently do not meet the façade, landscaping, articulation, transparency requirements of the Unified Development Code. These properties have been annexed into the City in 1997 and most are existing non-conforming uses.

Comment #5 and #7:
Retain Industrial Along Mykawa and Main North of FM 518 and Along McHard. Clean Up Conflicts in McHard M-1 and M-2 Zones, FTZ

Explanation:
Staff examined the option in retaining industrial usage along Mykawa and Main, creating an Industrial Corridor along future McHard. We also examined rezoning all M-1 Industrial north of 518 within the Foreign Trade Zone to M-2 due to its proximity to Beltway 8.

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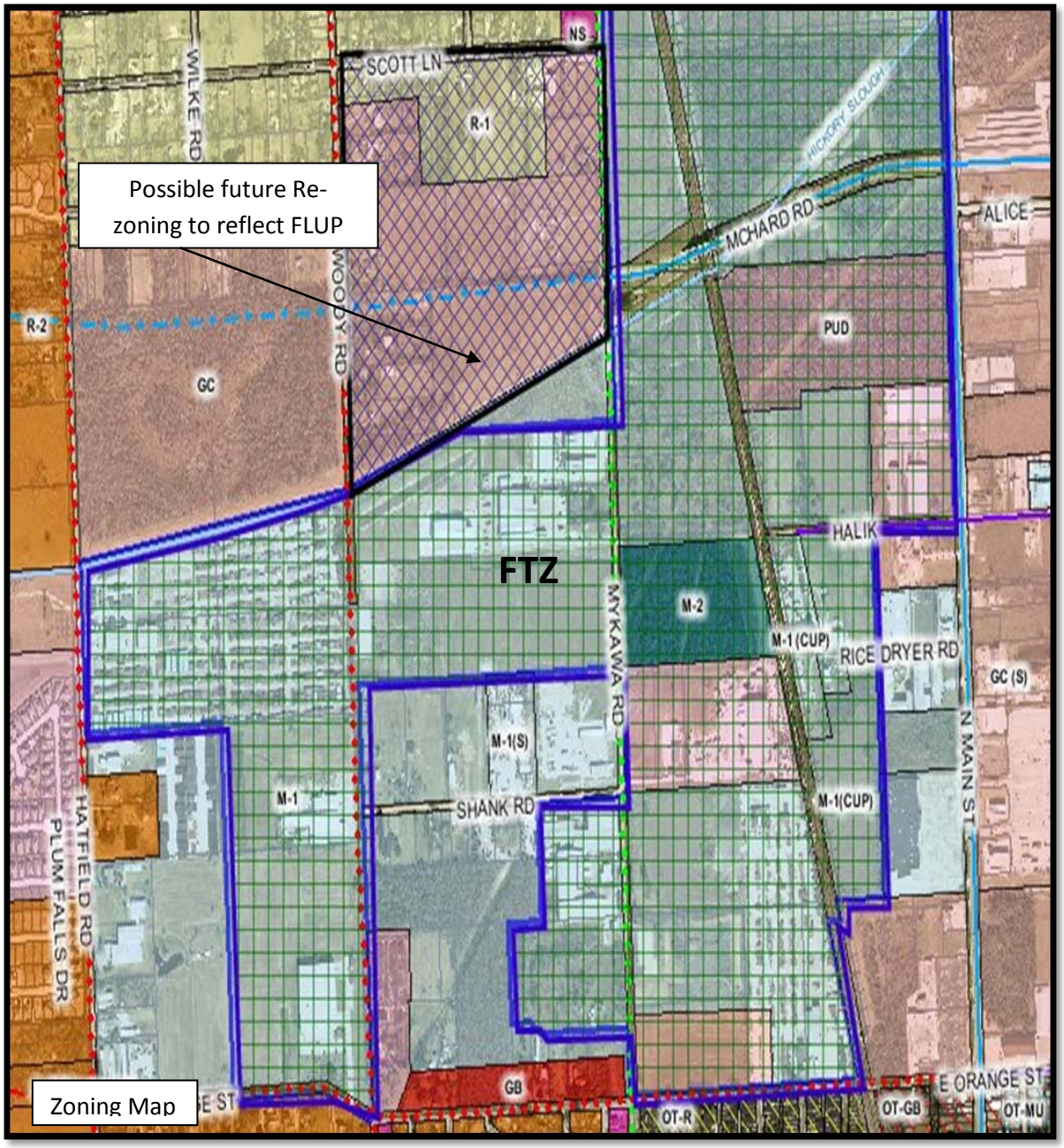
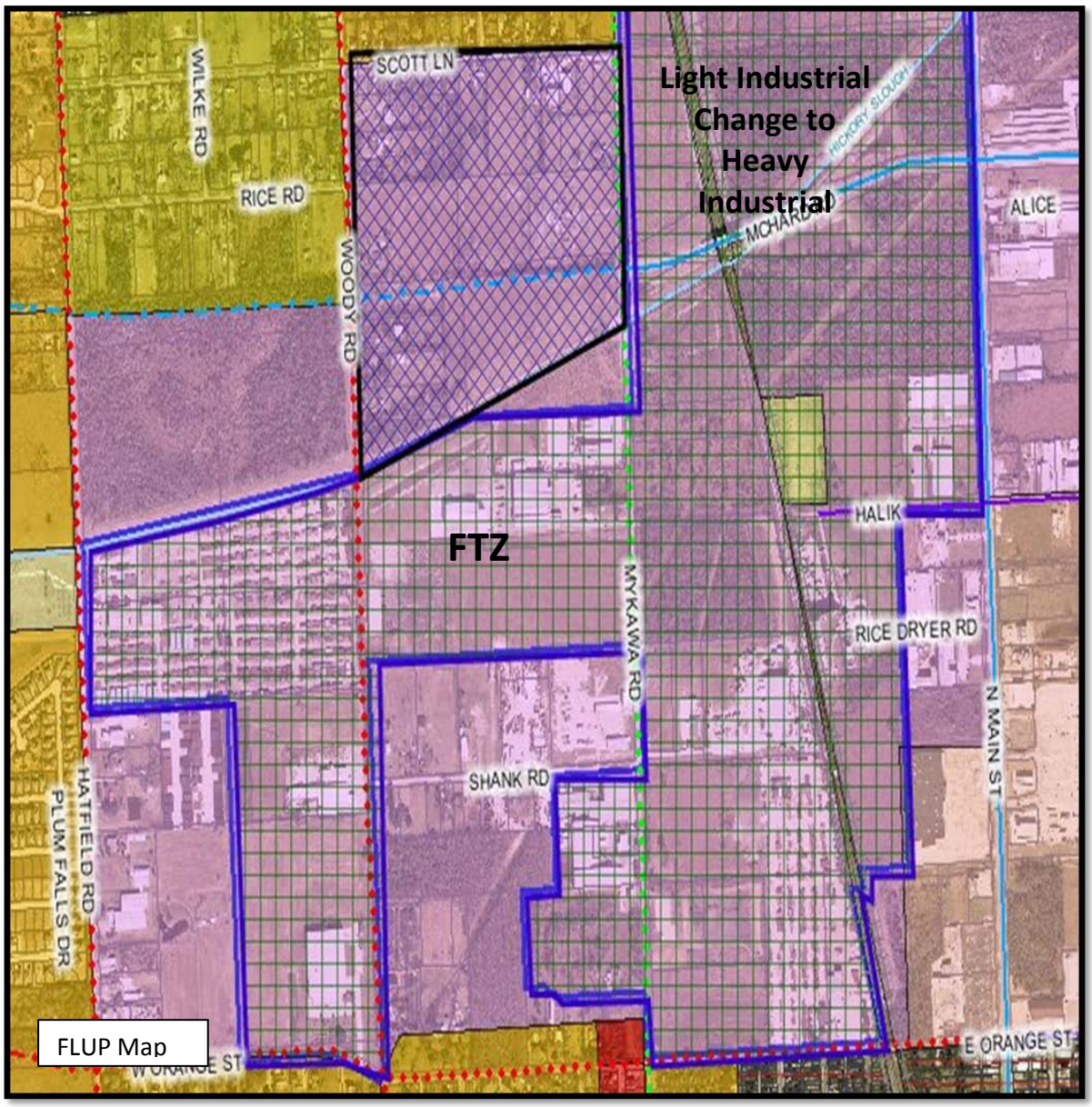
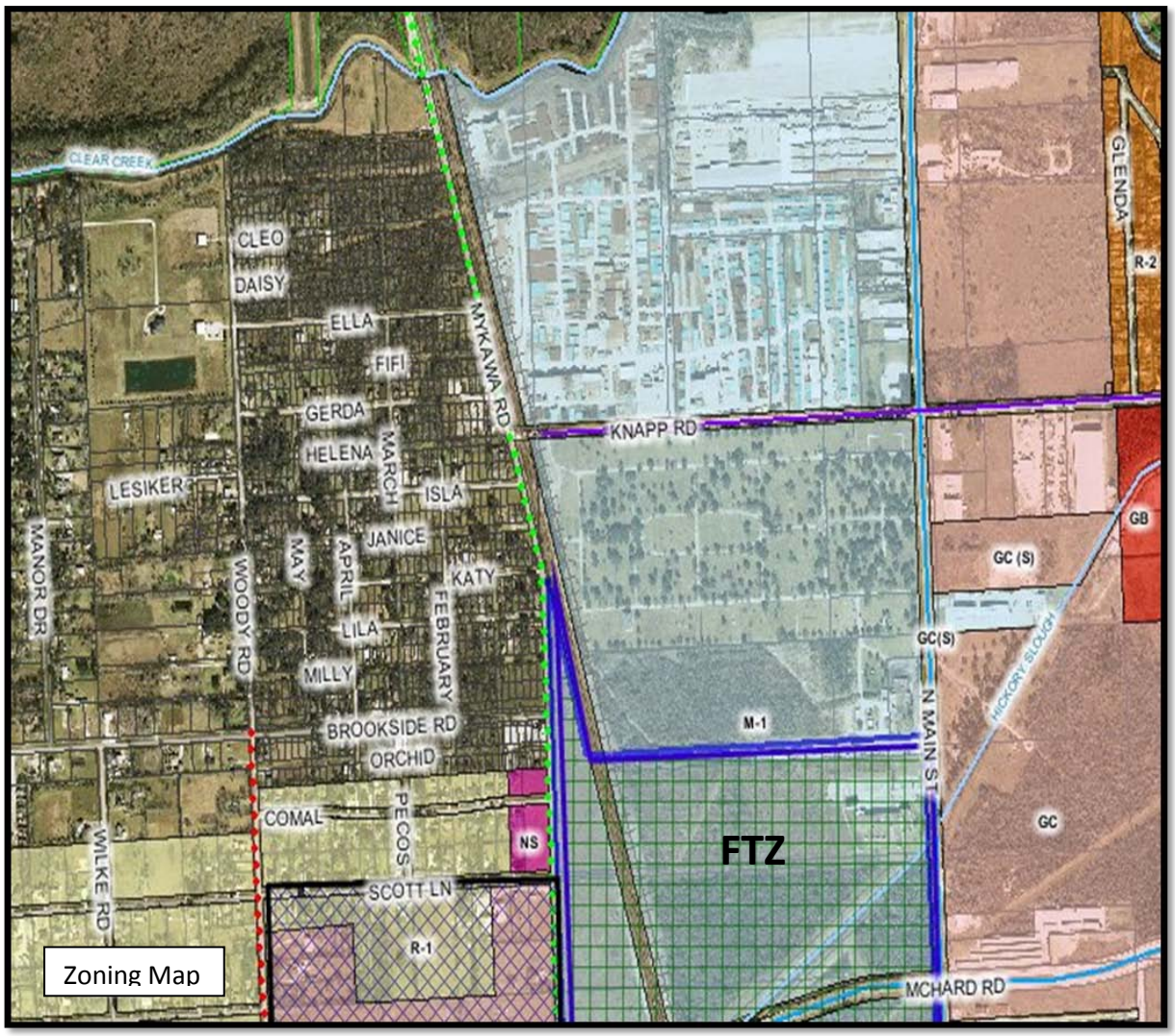


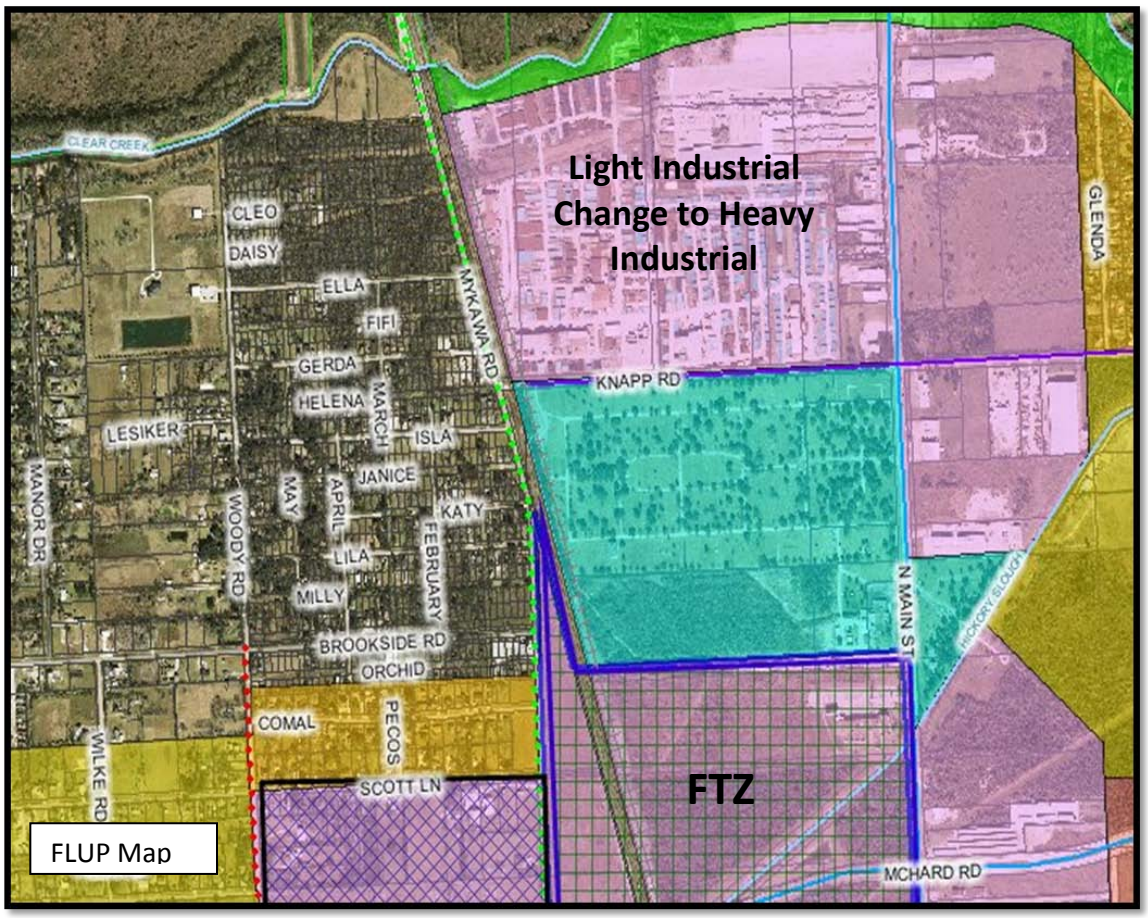
518 to Mchard and Hatfield to SH 35 – General Area. Foreign Trade Zone outlined in Blue



518 to Mchard and Hatfield to SH 35 – General Area. Foreign Trade Zone outlined in Blue



North of Mchard along SH 35 – General Area



North of Mchard along SH 35 – General Area

Staff Analysis:
Staff examined the areas in question and felt that all industrial areas north and south of 518, not just those within the Foreign Trade Zone, could be rezoned to reflect the desires of council.

Recommendation:

1. Area designated as R-1 and GC, south of Scott, is partially developed as residential. The area is shown as light industrial in Future Land Use Plan (FLUP). Recommendation is to change the FLUP in the area M-2.

2. Council also suggested changing all zoning within the foreign trade zone (FTZ) to M-2. Staff recommends changing this on the FLUP to allow future rezoning of any properties within the FTZ to M-2.

3. Staff recommends rezoning all M-1, North of 518 up to city border, to M-2 due to its proximity to Beltway 8.

4. Expand the FTZ to encourage more industrial growth.

Council Comment #6a:
Stop Retail at Oiler, Add Minor Node at SH 35 and Dixie Farm.

Explanation: The goal is to keep all commercial uses from spreading south of Oiler Dr. in order to preserve land for industrial uses. At the same time, adding a minor retail node at SH 35 and Dixie Farm would help in servicing the needs of the industrial businesses.

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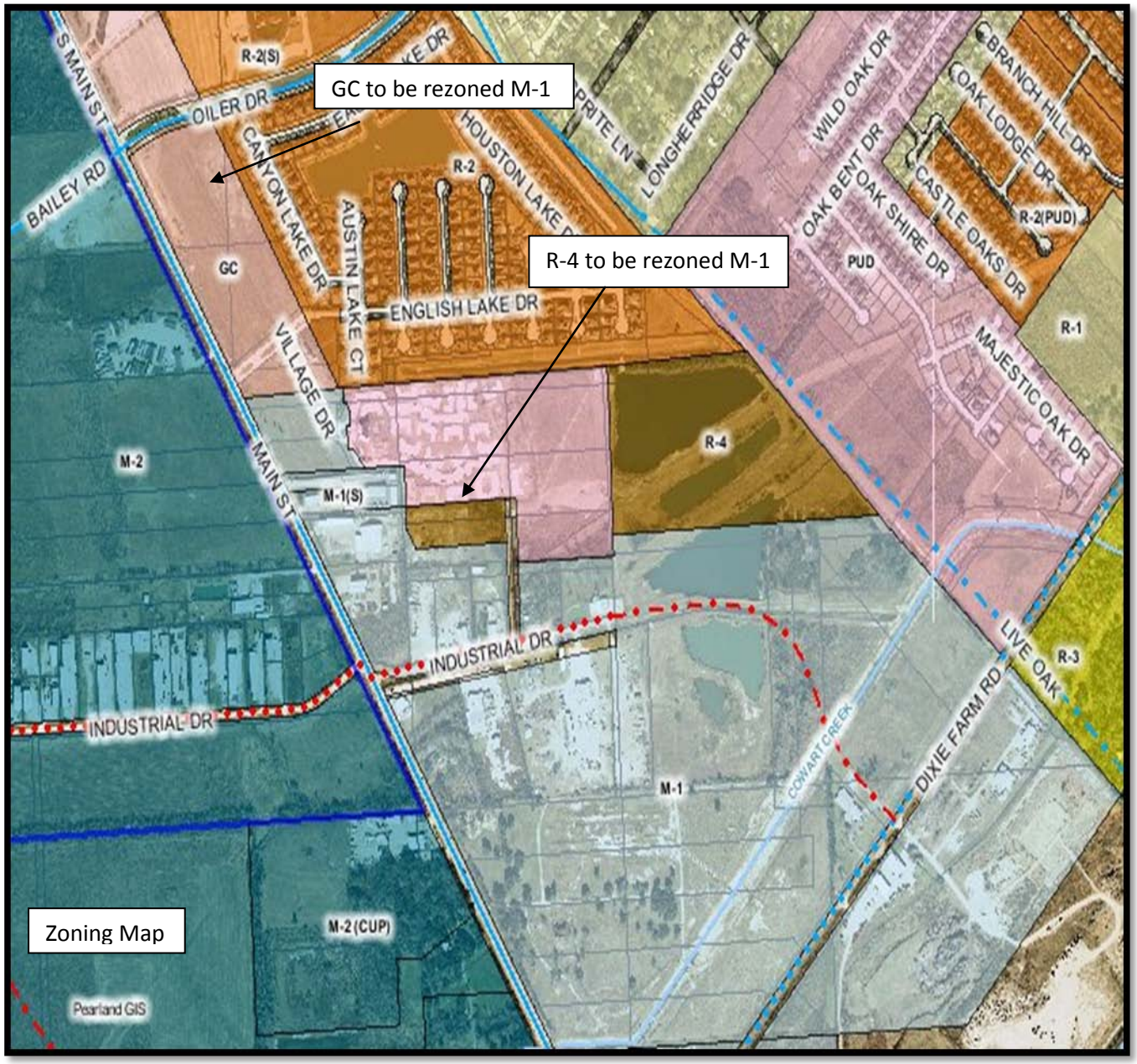
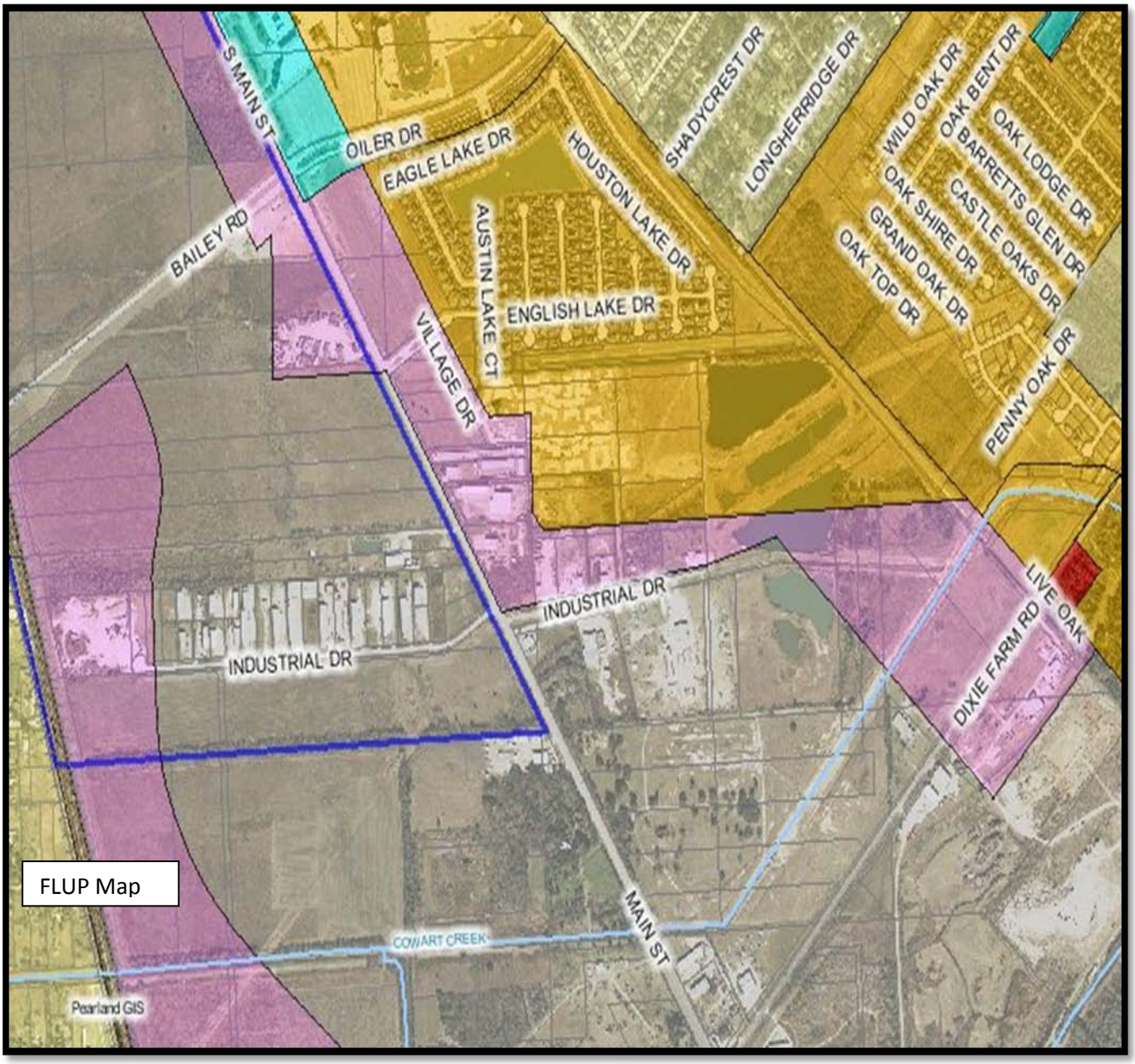


South of Oiler North of Dixie Farm – General Area



South of Oiler North of Dixie Farm – General Area

Staff Analysis: Two parcels of land south of Oiler are currently not zoned industrial. One along SH 35, just south of Pearland HS, is vacant and zoned GC. Further south, sharing a lot line with a residential PUD, there is a small, land locked parcel zoned R-4.

Recommendation: Staff recommends that both parcels be rezoned to M-1 to match the FLUP.

Comment #6b:
Stop Retail at Oiler,Add Minor Nodee at SH 35 and Dixie Farm

Explanation: It was council's opinion that a node would be appropriate at the intersection of Dixie Farm and SH 35.

Staff Analysis: The intersection is partially developed as light industrial. Adding a retail node at the corner of Dixie Farm and SH 35 would help in servicing future needs of the industrial businesses around it and would effectively combine all commercial businesses south of Oiler into one specific area, preserving more land for industrial uses.

Recommendation: Staff recommends the placement of a minor retail node at the intersection of Dixie Farm and SH 35.

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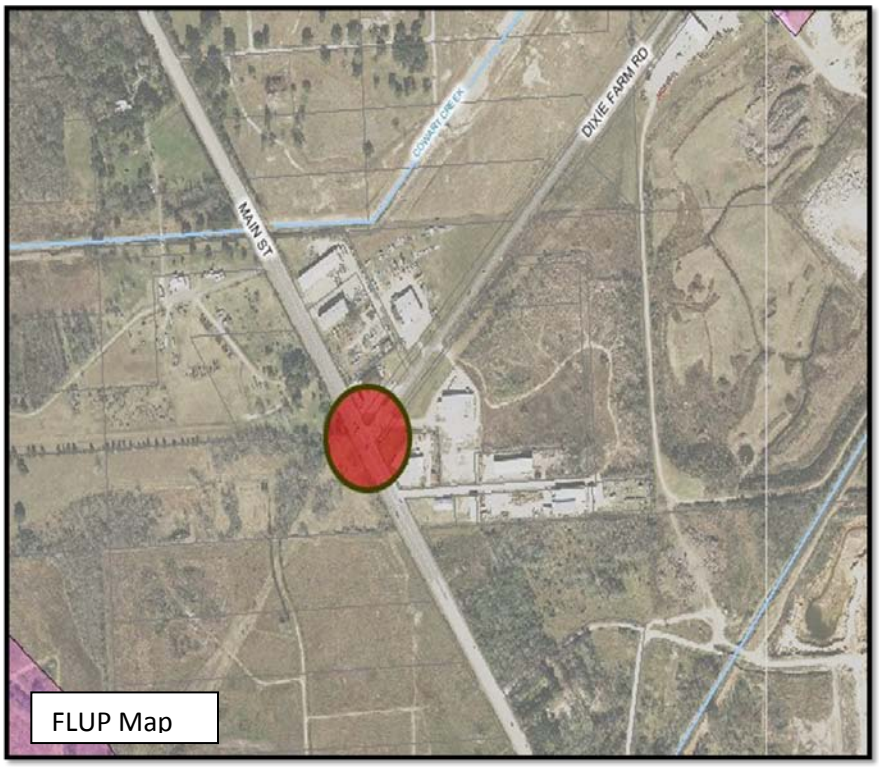
Intersection of Dixie Farm and SH 35 – General Area



Comment #7:

See Comment #5

Council Comment # 8:
Market Study Trends for Housing Choices – Affordable, Senior, Tax Credit, Patio, and MF Zoning.

Explanation: Consult PEDC's study**.** Explore the mechanisms that allow affordable housing, senior housing, tax credit programs, patio homes, and multi-family zoning.

Staff Analysis:

PEDC Market Study

Staff reviewed the PEDC's Market Study and the following is the summary of the market study regarding projected residential growth between 2007 and 2017 in Pearland, TX**:**

1. For the purposes of understanding the residential growth potential for the City of Pearland, this study used only active and planned developments located with the city limits of Pearland. This methodology results in conservative projections, as it does not attempt to account for any future new developments not currently announced.

2. Based on current and future planned developments, a steady growth in the number of households is forecast over the 2007-2017 period. At an estimated 28,416 households for 2007, the City of Pearland is projected to have an increase of over 21% by the end of 2017. Single-family closings are projected to maintain a strong growth between 2008 and 2010 and show slow but steady growth between 2011 and 2017. The decline depicted for 2011 through 2017 occurs as a result of many developments being built-out and the fact that information regarding potential future developments has not become fully available. Using recent trends, however, the addition of 18,000 to 20,000 new households would not be unreasonable – limited only by the availability of land and zoning for residential development.

3. Based on projected household growth, the population of the City of Pearland is set to increase by a significant amount in terms of total population. With an additional 5,981 households from 2007 through 2017, the total population is projected to increase 21% from the end of 2006. On the upside possibility, the additional 18,000 - 20,000 households that might be realized based upon the recent trends could add another 50,000 persons or more.

4. Due both to City of Pearland Annexations occurring in 2005 and 2006 and continued household growth, the 2007 estimate of population determined in this study (81,637) is higher than the 2007 population estimate supplied by PCensus for Map Info (61,946) included in Appendix B of this report.

5. Although not discussed in this report, the areas adjacent to the City of Pearland will also continue to see dramatic growth in both population and number of households through 2017. This will benefit businesses and other institutions within the City of Pearland.

Currently, approximately 22% of Pearland's housing represents a multi-family use. There was no stated direction or recommendation made regarding the type of housing needed in Pearland, only that the total population was projected to increase 21%.

Mechanisms Available for Pearland:

Currently, there are approximately 9,440 units in 21 apartment complexes. The most recent multi-family developments have been within the Shadow Creek Ranch PD.

There are 3 mechanisms that currently drive the City of Pearland's available affordable housing:

1. Low income housing tax credit programs- developer driven
2. Zoning – Existing Multi Family (MF) zone permits apartments. There is no specific zoning for elderly housing. Patio Homes are key in the R-4 Zone.
3. Comprehensive Plan - The Comprehensive Plan designates 2 areas as suitable for high density housing – Old Town Site and along SH 288. When considering future public transportation in land use design and senior housing, patio homes, duplexes, townhomes, and condominiums, it would be beneficial if this type of housing is constructed or located near central public transportation facilities.

Listed below are the mechanisms for affordable housing, senior housing, tax credit programs, patio homes, and multi-family zoning in other cities.

Houston TX, does not have any zoning, however they have a low-income tax credit incentive program administered through Harris County Housing Authority.

Low Income Housing Tax Credit Program

The Low Income Housing Tax credit was originated in conjunction with the Tax Reform Act of 1986 to direct private capital towards the creation of affordable rental housing. The credits provide a mechanism for funding a wide range of developments including new construction, substantial rehabilitation, moderate rehabilitation, acquisition and repair by existing owners. Tax credits allow developments to be leased to qualified families at or below market rents.

Program Design

The Harris County Housing Authority (HCHA) will contract with developers who use tax credits to offset a portion of federal tax liability in exchange for the production of affordable rental housing. To qualify for the tax credit, one of the following criteria must be met:

- 20 percent or more of the units must be rent-restricted and occupied by individuals whose income is 50 percent or less than the median family income; or

- 40 percent or more of the units must be rent-restricted and occupied by individuals whose income is 60 percent or less of the median family income.

HCHA's Low Income Housing Tax Credit initiatives will be aimed at increasing the availability of affordable housing in key markets for senior citizens of Harris County and attracting a new range of investment dollars to support the production of affordable housing options.

Goals: Partner with "for profit" developers to build:

- Senior affordable housing.

- **The City of Fort Worth, TX**

Staff spoke with the Planner for the City of Fort Worth, Stephen Murray, and according to him, their Ordinance only regulates the type of facility and the zoning districts the are allowed. Low income housing, Neighborhood Empowerment Zones (NEZ's) etc., are through various other departments

The City of Fort Worth TX, administers the same type of low income tax credit programs as Harris County through the Fort Worth Housing Authority. Fort Worth TX, does not have any specific tax credit programs aimed towards the elderly. Senior housing, patio homes, and multi-family zoning are all handled through the City of Fort Worth Zoning Ordinance .

Recommendations:

Based on the last few applications received, it appears that there is a trend towards construction of housing for seniors due to the tax credit incentives.

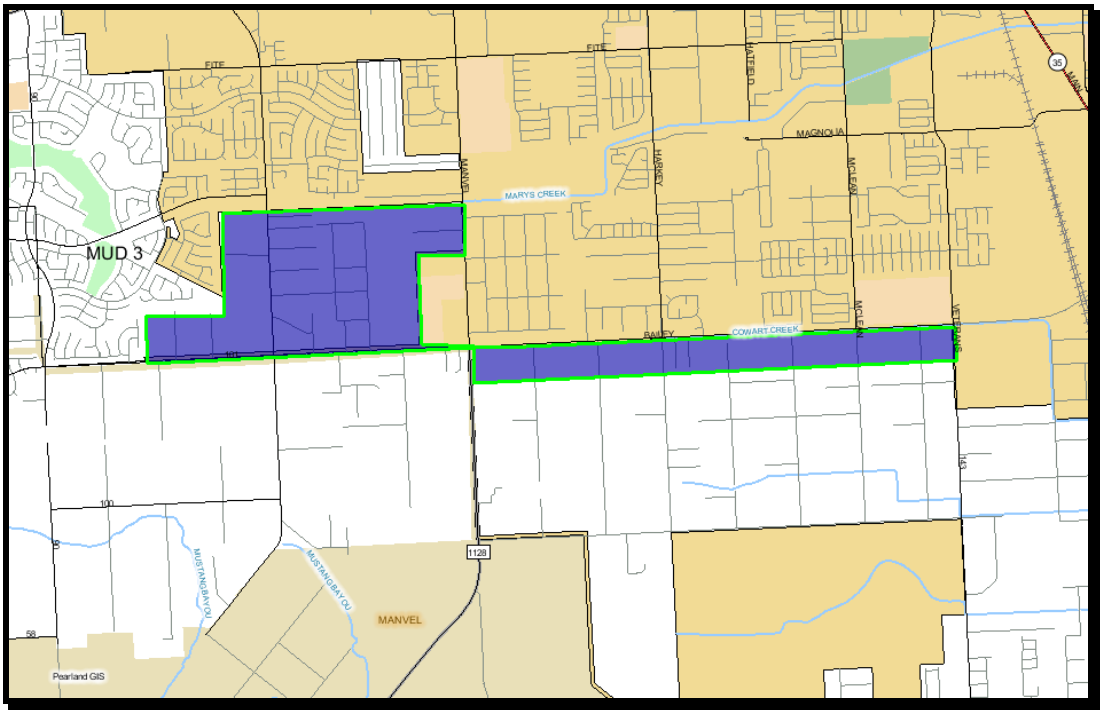
To encourage this kind of housing, with high design standards and greater levels of amenities, two options are available for the city.

1. Draft guidelines for these developments addressing specific amenities, open space and aesthetic guidelines with criteria for recommended locations, that could include permitted in OP/NS/GB and GC districts, on properties with access/frontage on Thoroughfares. If not permitted by right, could require a CUP.

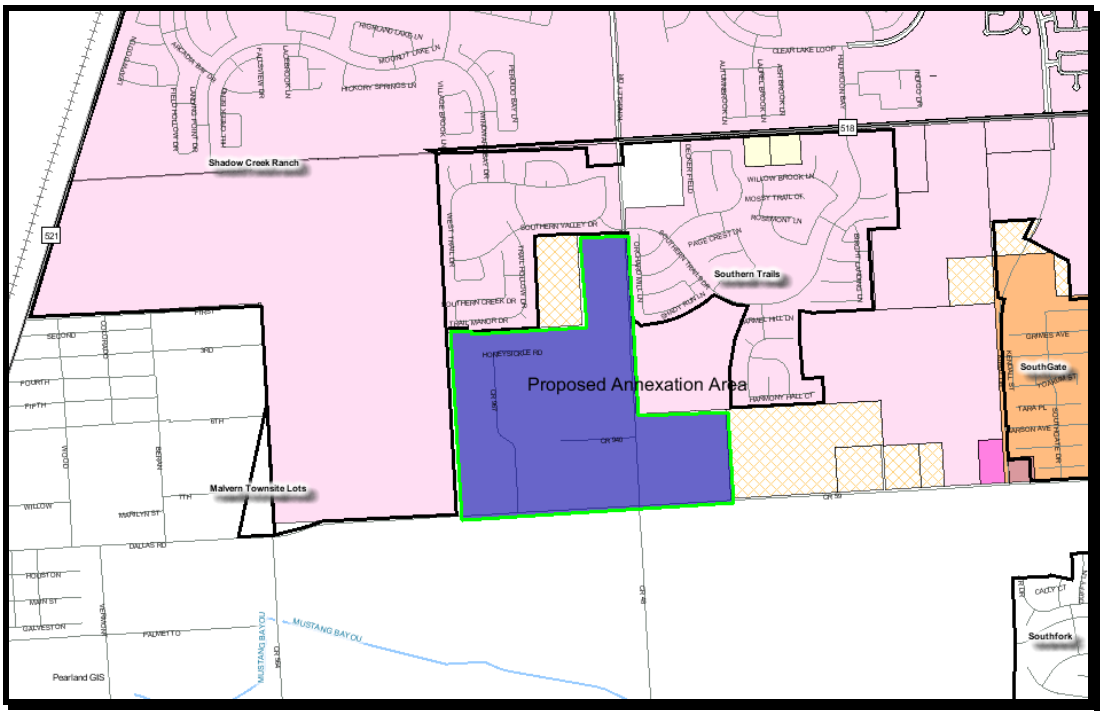
2. Continue to approve them as PDs.

3. Conduct specific studies regarding future demand for multi-family and identify areas within the city, in the FLUP, suitable for these developments.

Comment #9:
Annexation of 1000' south of Bailey Avenue and Land south of Southern Trails.



Bailey Corridor – General Area



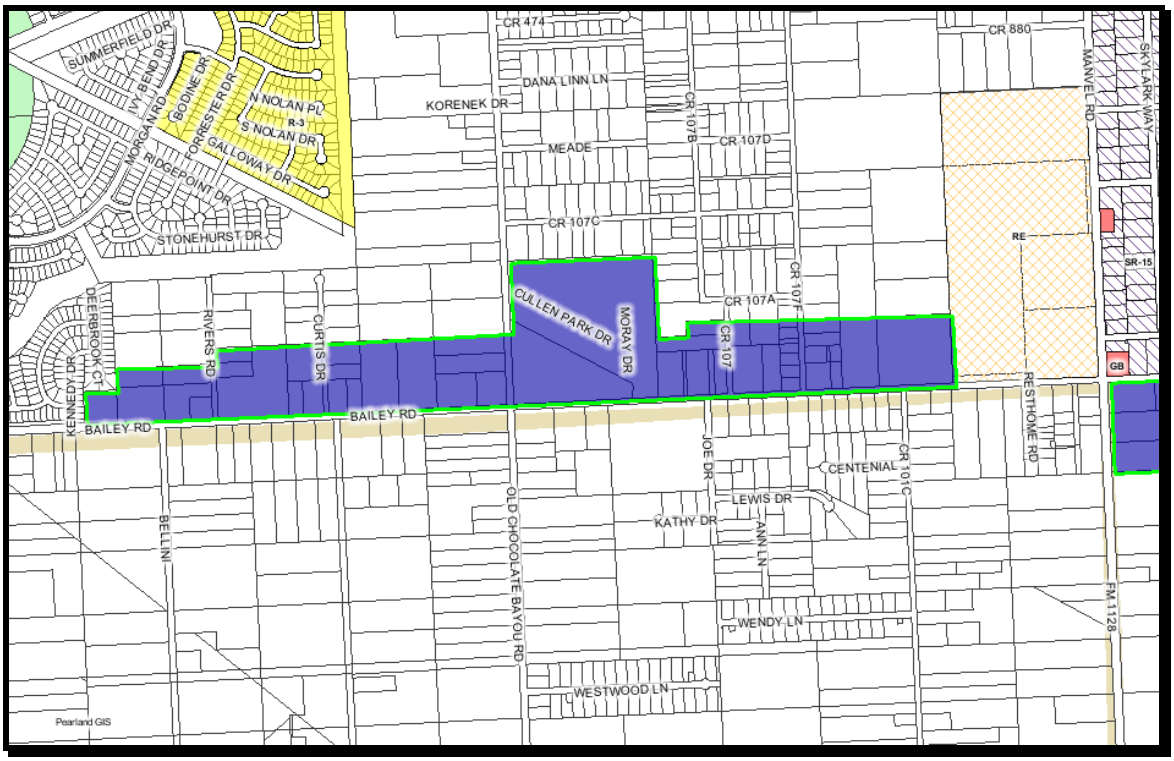
CR 59 Corridor – General Area

Explanation: The Council had identified two areas for annexation as shown in the above maps – Bailey Corridor and CR 59 Corridor. This would ensure that development along these corridors, upon development of Bailey and CR 59, would be in conformance to city's standards.

Staff Analysis: The annexation law stipulates that the City needs to formulate a 3-yr annexation plan for areas with more than 100 parcels with one or more dwelling units. The identified areas shown below (smaller in size than the general areas above) would contain fewer that 100 tracts with dwelling units and thus would not need a three year plan. These annexations would need approximately five months after council directs staff to prepare a service plan. A detailed survey would be conducted once the annexation proceedings commence.

North of Bailey, Between Manvel and CR 90

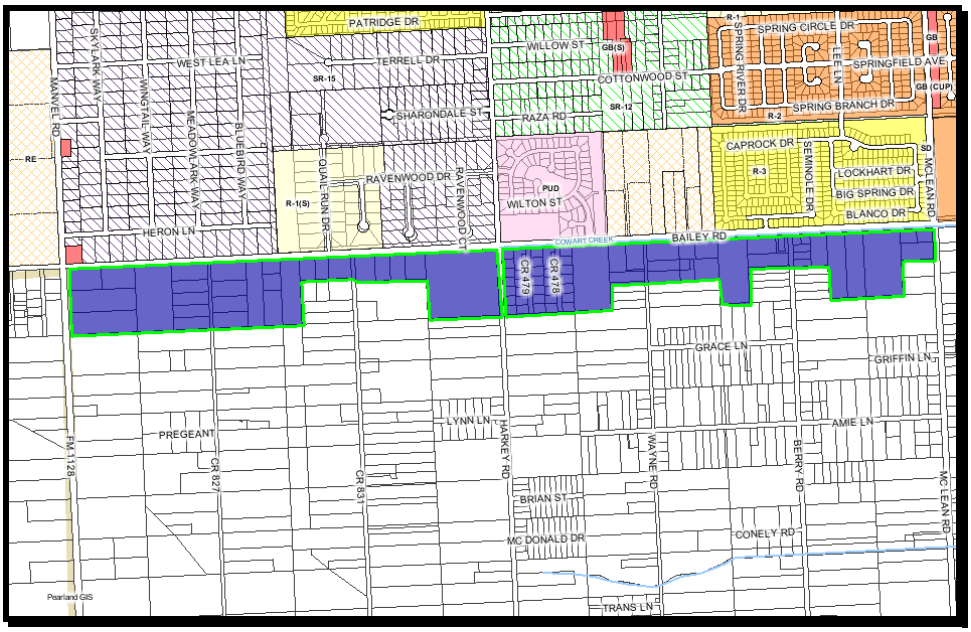
The depth of the area north of Bailey ranges from 280 - 1260 feet and would encompass 82 parcels with approximately 36 (32 lots within Cullen Park Estates at Bailey and Cullen) vacant parcels.



Zoning Map: Bailey Corridor - North of Bailey, Between Manvel and CR 90. Proposed Annexation Area in Blue.

South of Bailey, Between Manvel and McLean

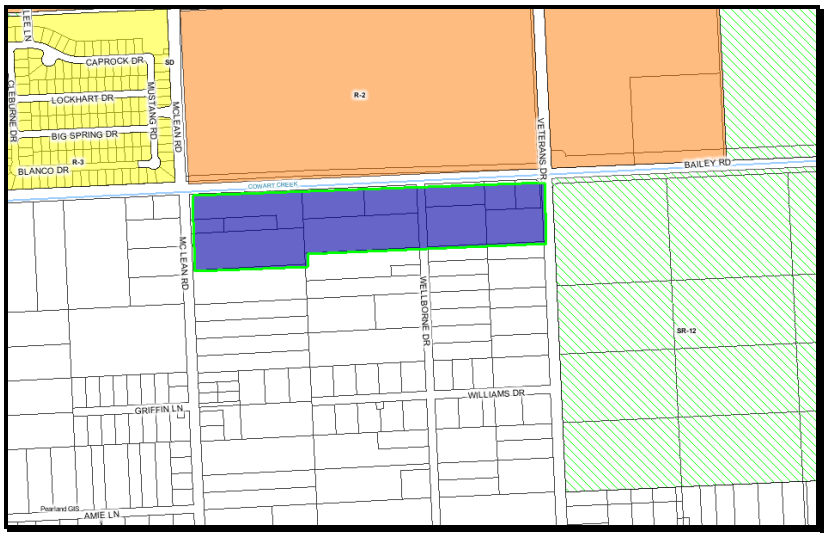
The depth of the area south of Bailey ranges from 780-230 feet and would encompass 98 parcels (based on parcel map) with approximately 10 vacant parcels.



Zoning Map: Bailey Corridor - South of Bailey Between Manvel and McLean – Proposed Annexation Area in Blue.

South of Bailey, Between Veterans and McLean

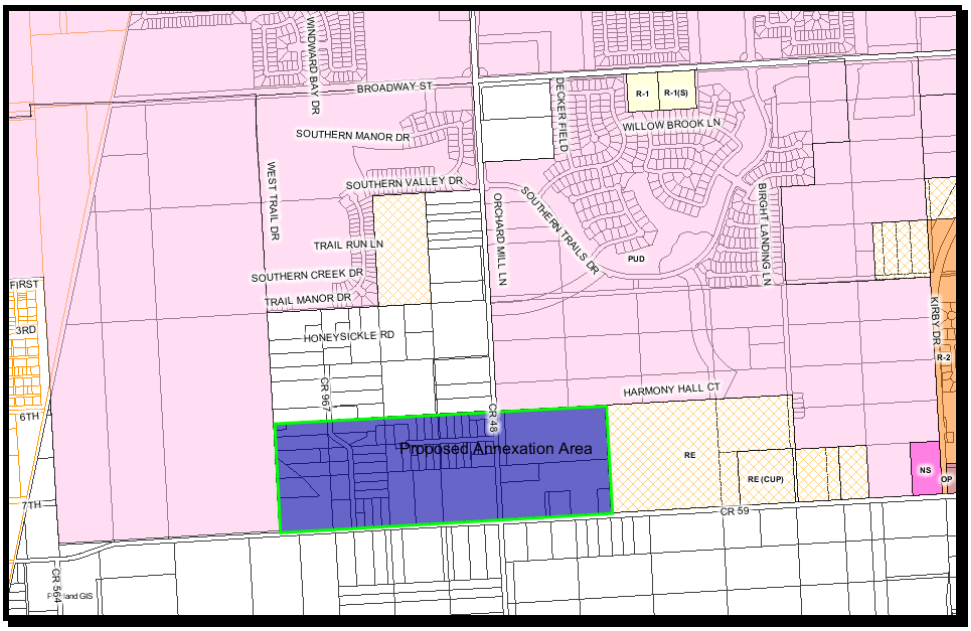
The depth of the area south of Bailey is approxmately 500 feet and would encompass 12 parcels (based on parcel map) with approximately 4 vacant parcels.



Zoning Map: Bailey Corridor - South of Bailey Between Veterans and McLean. Proposed Annexation Area in Blue.

CR 59 Corridor

The depth of the area north of CR 59 is approximately 1300 feet and would encompass 68 parcels (based on parcel map) with approximately 4 vacant parcels.



CR 59 Corridor – North of CR 59 Between Kirby Drive and FM 521. Proposed Annexation Area in Blue.

Recommendation: Staff concurs with the council's recommendation that the city proceed with these annexations to ensure the future development meets the Corridor Overlay District requirements and conforms to the city's development guidelines, thereby resulting in higher quality development.

Council Comment #10:
Pearland Parkway and Airport – Commercial Uses

Explanation: With the growth of Dixie Farm Rd. and the future expansion of Pearland Parkway (Live Oak), more commercial areas may be needed around this intersection.

Staff Analysis: The area has a some amount of residentially zoned property and a small section in the FLUP is set aside as commercial near the intersection of Dixie Farm and Future Pearland Pkwy (Live Oak). More commercial areas may be needed and would be appropriate in order to service the future residential and traffic growth of the area.

Recommendation:

1. Add a minor retail node at the intersection of Dixie Farm and Future Pearland Pkwy.

2. Rezone M-1 and R-3 south of Dixie Farm and fronting Future Pearland Pkwy to commercial and change FLUP.

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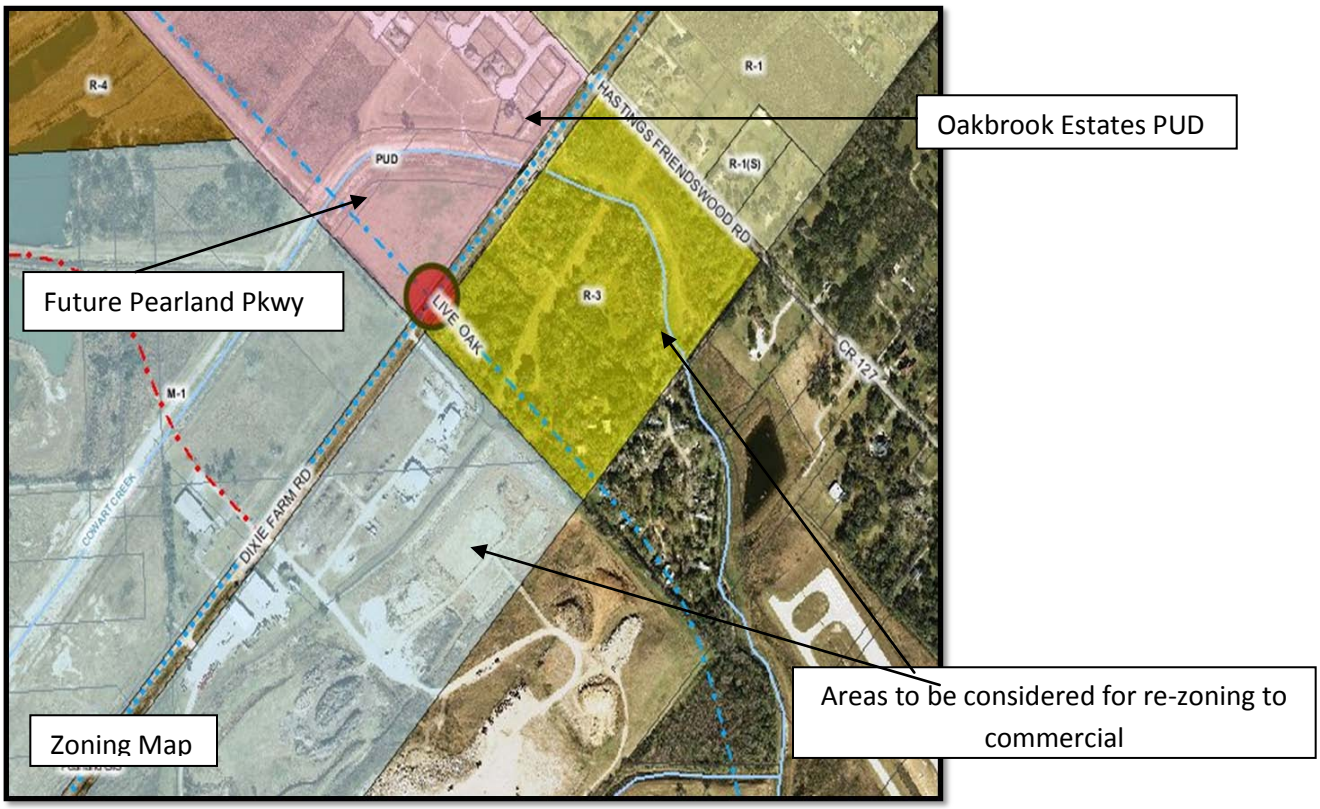
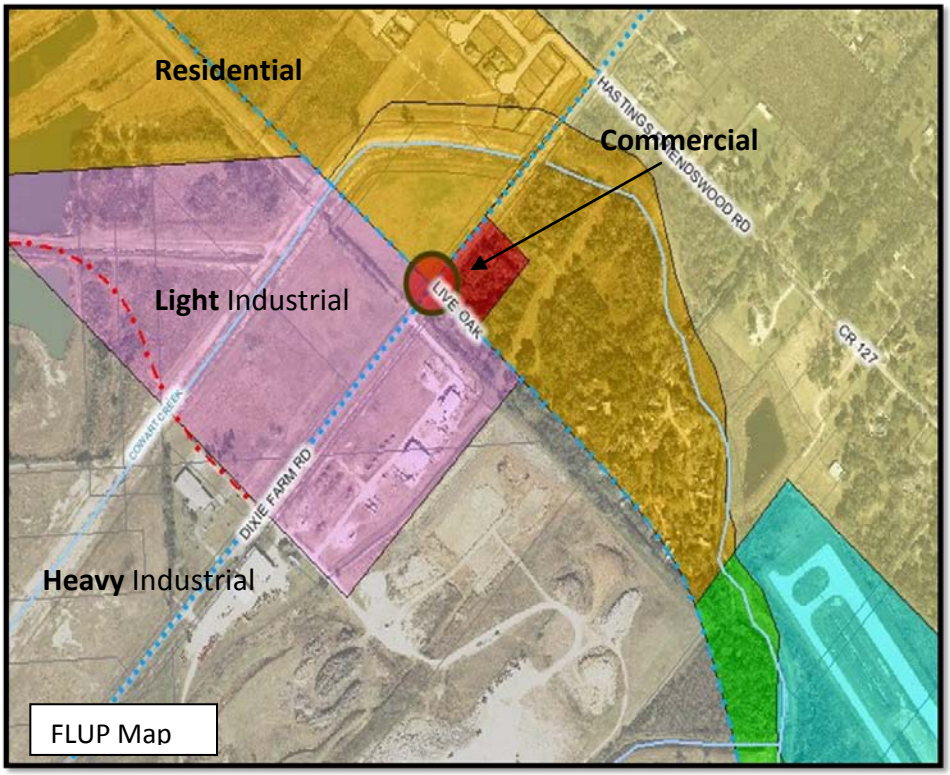


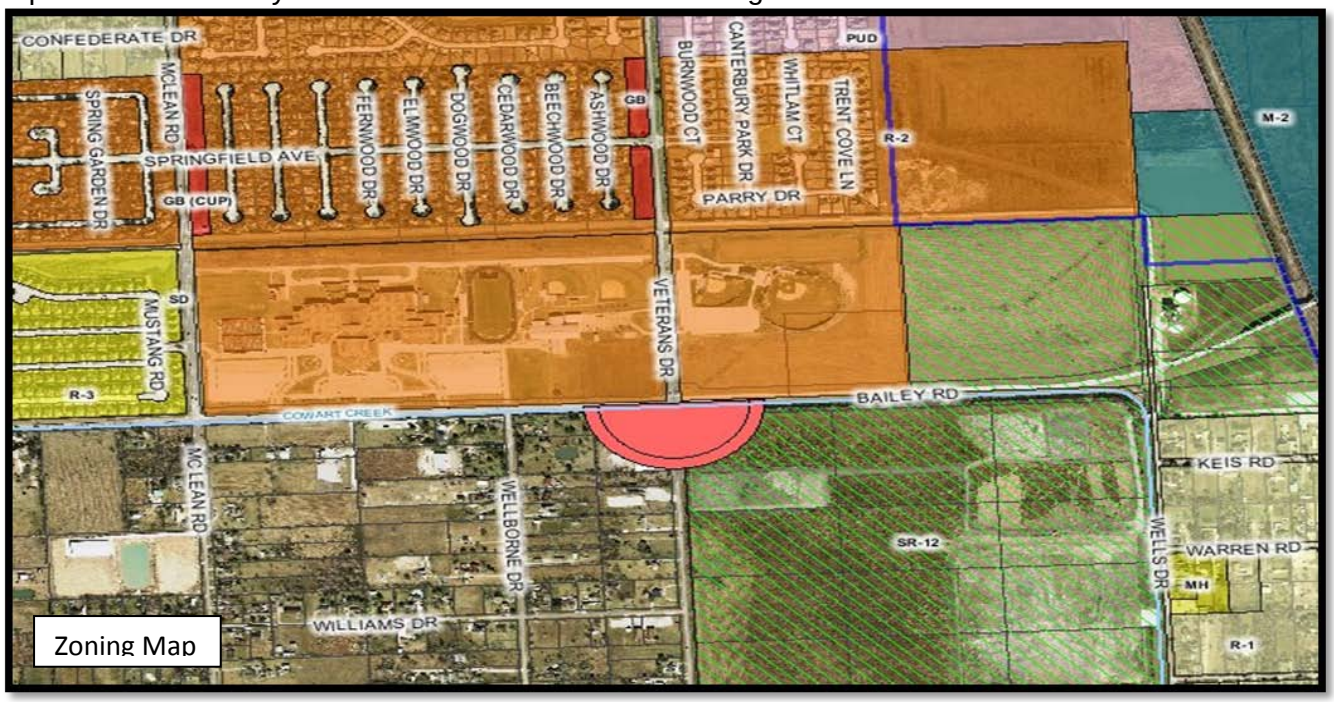
Clover Field near Dixie Farm and future Pearland Parkway – General Area



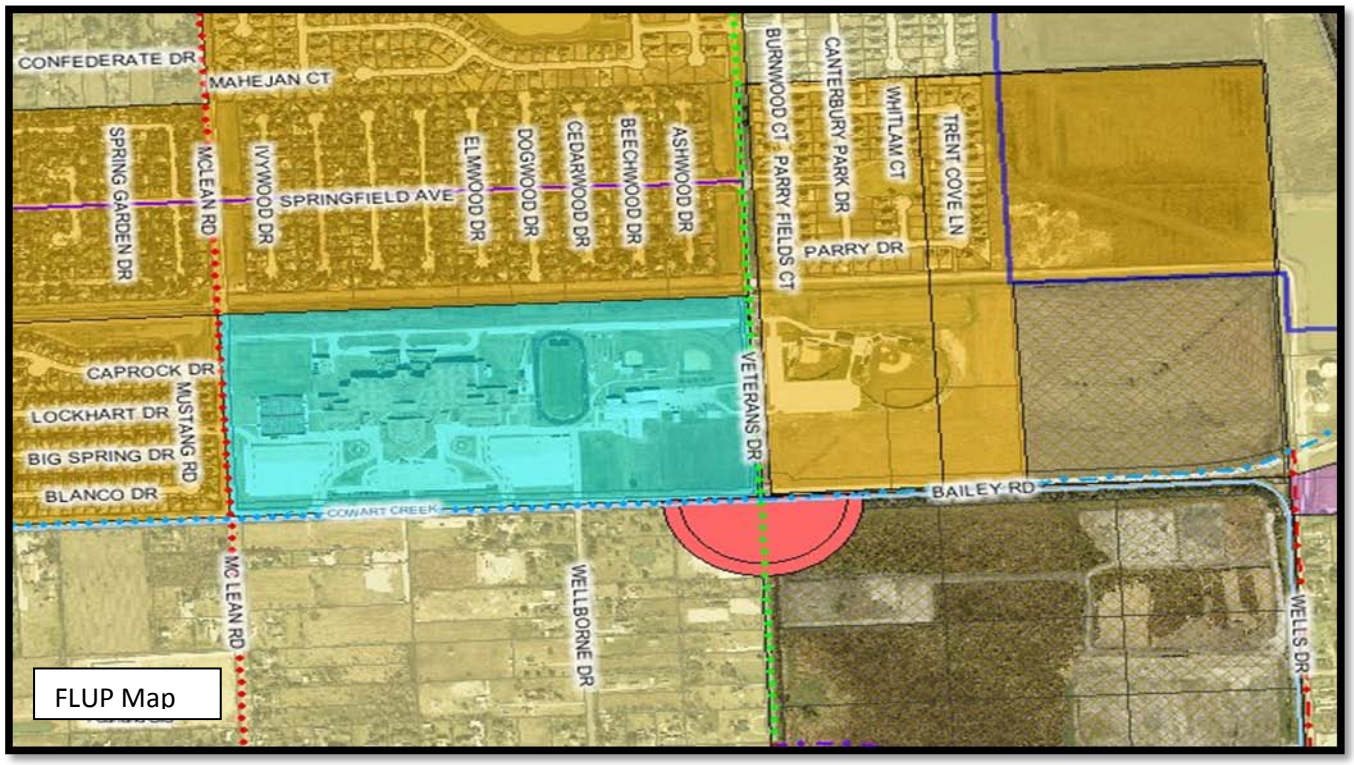
Clover Field near Dixie Farm and future Pearland Parkway – General Area

Council Comment #11:
Node at Veterans and Bailey

A partial node already exists at this intersection. No changes needed.



Intersection of Bailey and Veterans – General Area



Intersection of Bailey and Veterans – General Area

Comment # 12:
Add Retail as a Component Within Manufacturing.

Explanation: The Council and P & Z had directed staff to explore the possibility of permitting some retail/service uses within or in close proximity to manufacturing zones that would serve the manufacturing uses.

Staff Analysis: Planning and legal staff explored several options and these have been listed below.

Option 1:

Add uses permitted in GB and GC anywhere in M-1 and M-2 zones by CUP in the land use matrix. City Council and P & Z can evaluate each location and allow appropriate square footage for retail/commercial uses.

Due to lack of any guidelines or area limitation, unlimited addition of retail and commercial uses, may cause erosion of manufacturing zones.

Option 2:

Designate retail/commercial nodes in the area zoned manufacturing and limit these to a certain size (2-5 acres). Each time a retail/commercial use is proposed, a CUP would be required, thereby giving council and P & Z an opportunity to review the proposal and add conditions. While this would provide retail/service in proximity to manufacturing, this may not insure integration of retail/ commercial uses within the industrial development.

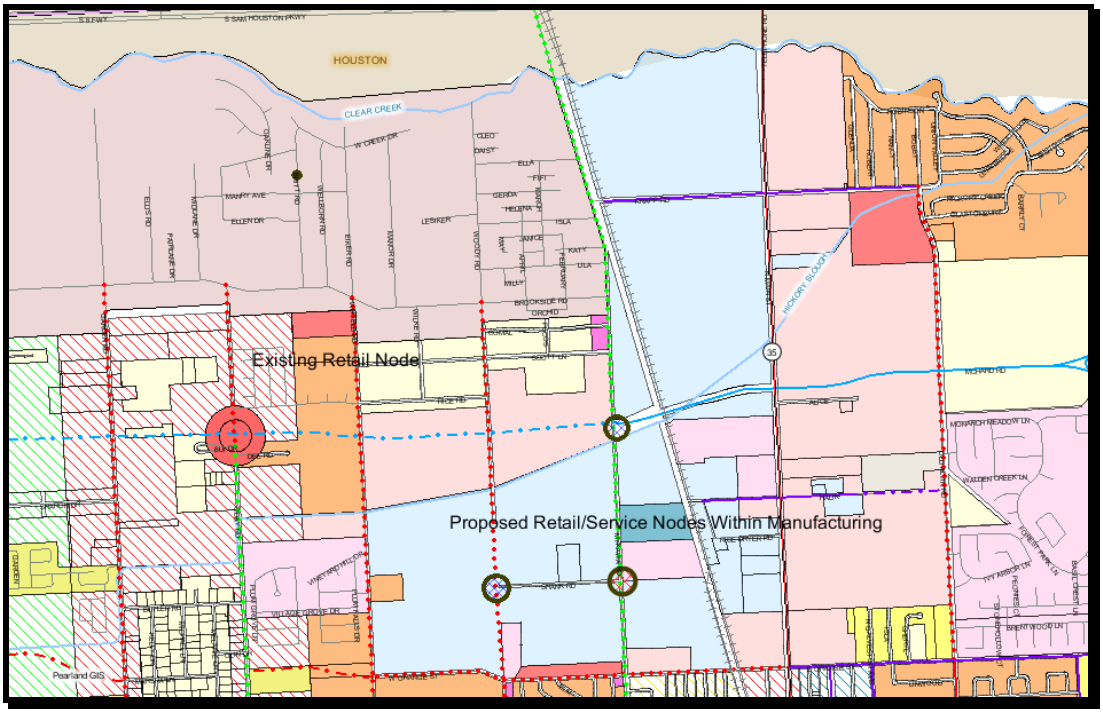
Option 3:

Add certain uses as accessory uses within M-1 and M-2 zones by right and limit the size. Designation as accessory use would require that the proposed use is part of the same parcel as the manufacturing and cannot be separated out into another parcel.

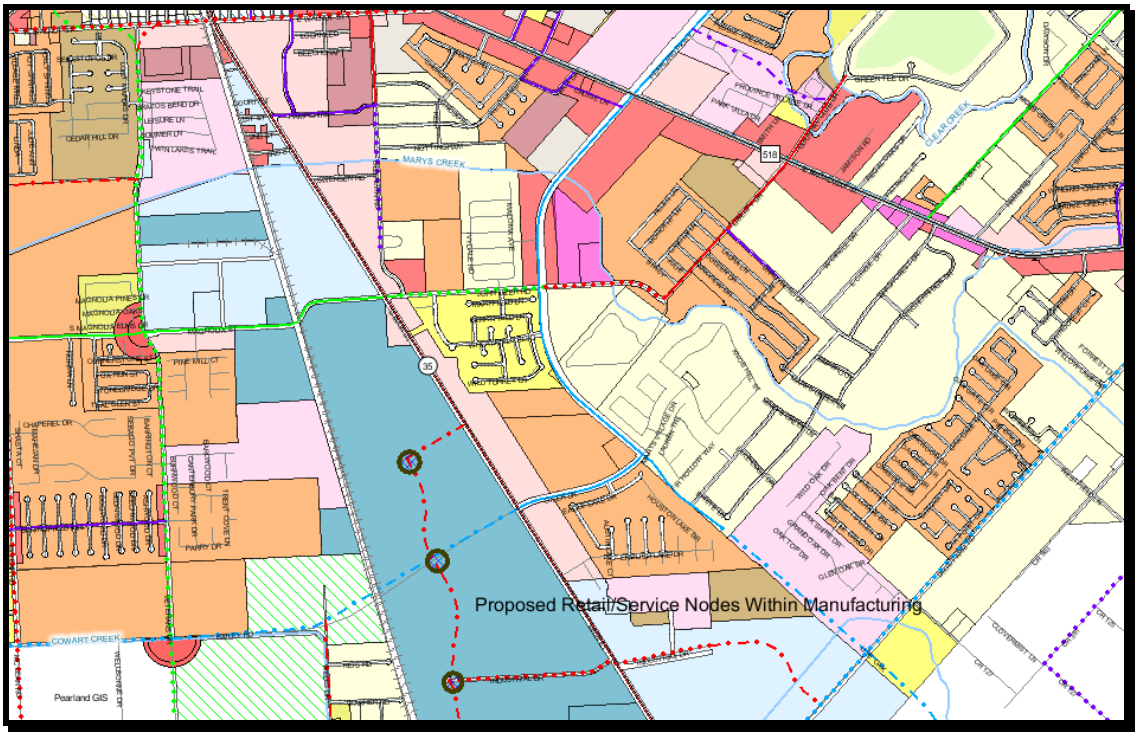
For residential accessory buildings the requirement is that the total floor area of all accessory structures shall not exceed 50% of the livable area of the residence on the premise, or 5% of the lot area, whichever is greater. Not more than two accessory buildings are permitted per lot. This requirement does not apply to lots 10 acres or greater in size.

Similarly, staff recommends that the total floor area of accessory uses be limited to 25% of the total gross floor area of the manufacturing facility.

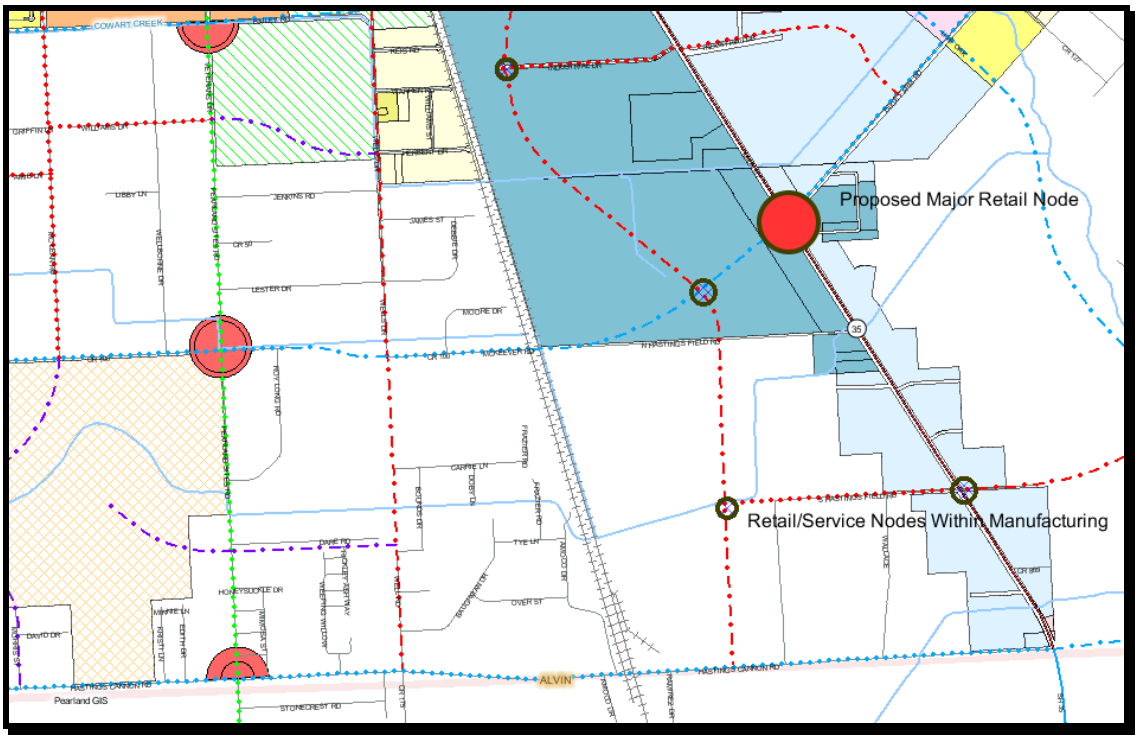
Recommendation: Staff has a preference for option 1 or 2, both of which would require a CUP. The zoning maps included below show the proposed location of these retail/service nodes. Since the city is in the process of hiring a consultant to examine the Spectrum area, staff did not make any recommendations for that area.



Zoning Map: M-1 and M-2 Zones Along Main Street and Mykawa, North of Broadway – Proposed Retail/Service Nodes.



Zoning Map: M-1 and M-2 Zones Along Main Street, South of Broadway - Proposed Retail/Service Nodes. If the plan is amended, the location of the nodes would move accordingly.



Zoning Map: M-1 and M-2 Zones Along Main Street, South of Broadway- Proposed Retail/Service Nodes

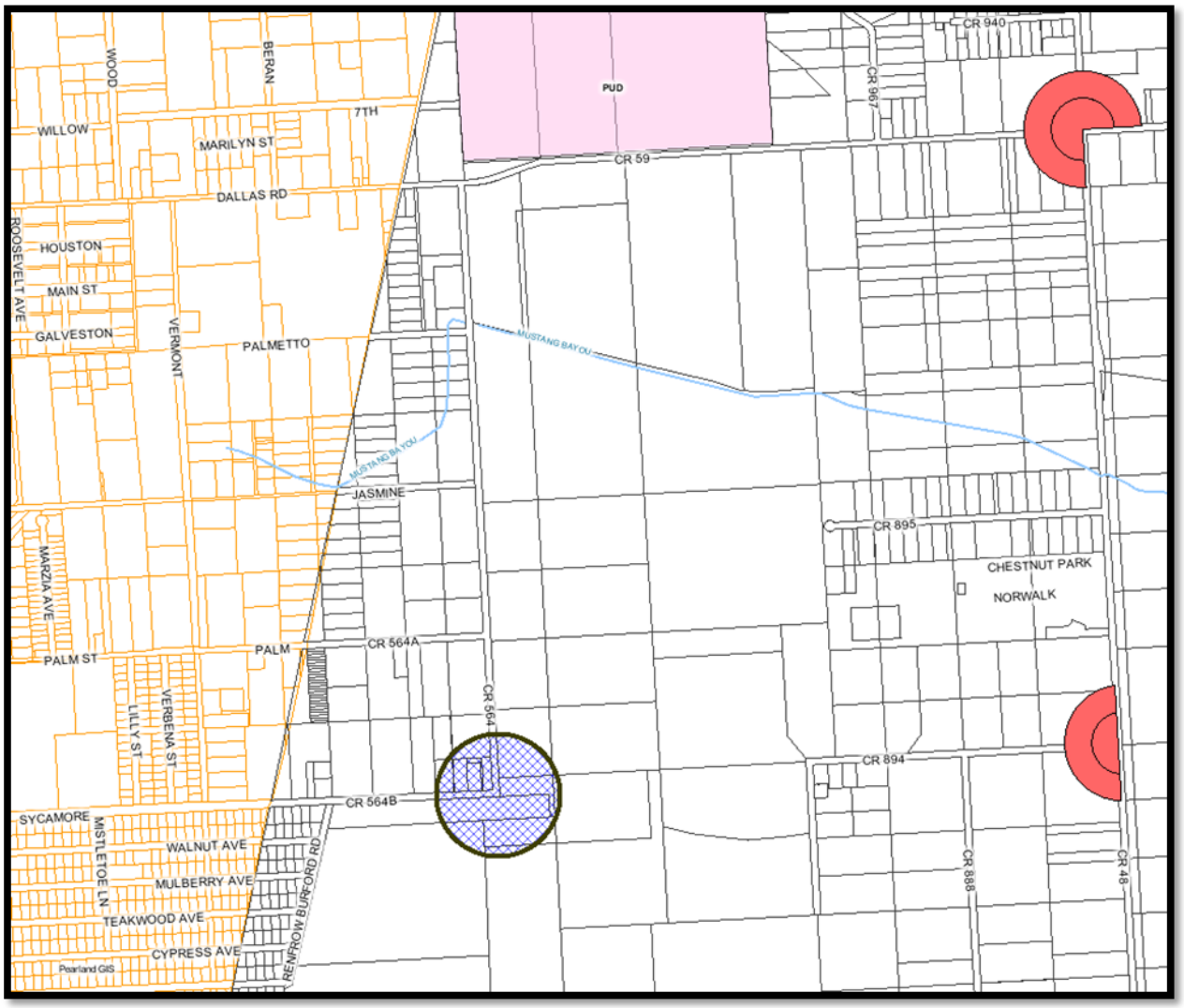
Council Comment #13
Add Neighborhood Nodes Within Residential

Explanation – 5 acres total for each node. The thoroughfare plan was reviewed and intersections where there were 2 collector streets or higher were considered.

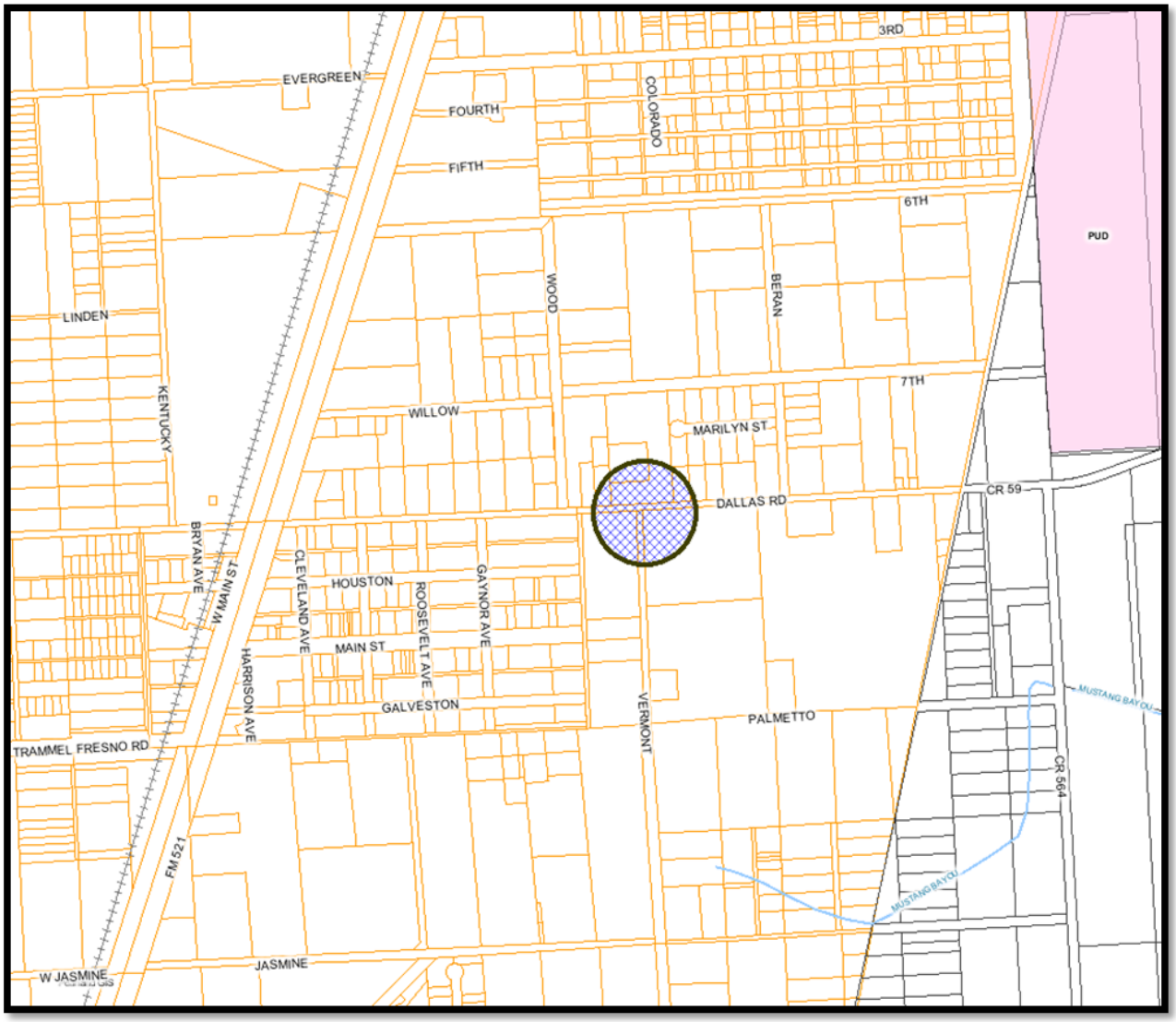
Staff Analysis: Staff considered minor neighborhood retail nodes at the intersections of 2 collector streets or higher. Below are recommendations for each intersection. Staff recommends that these nodes be limited to 5 acres and be approved by a CUP. Proximity to existing commercial uses was a consideration in the recommendation.

Recommendation: Intersection #1 at Croix and Savannah Parkway. Savannah Lakes Elementary is on the North East Corner (NEC) and on the South East Corner (SEC) there is a Water Tower. The North West Corner (NWC) and the South West Corner (SWC) are undeveloped at this time. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit. The existing land plan for Savannah does not show this node, however staff recommends keeping this node if future development deviates from land plan.

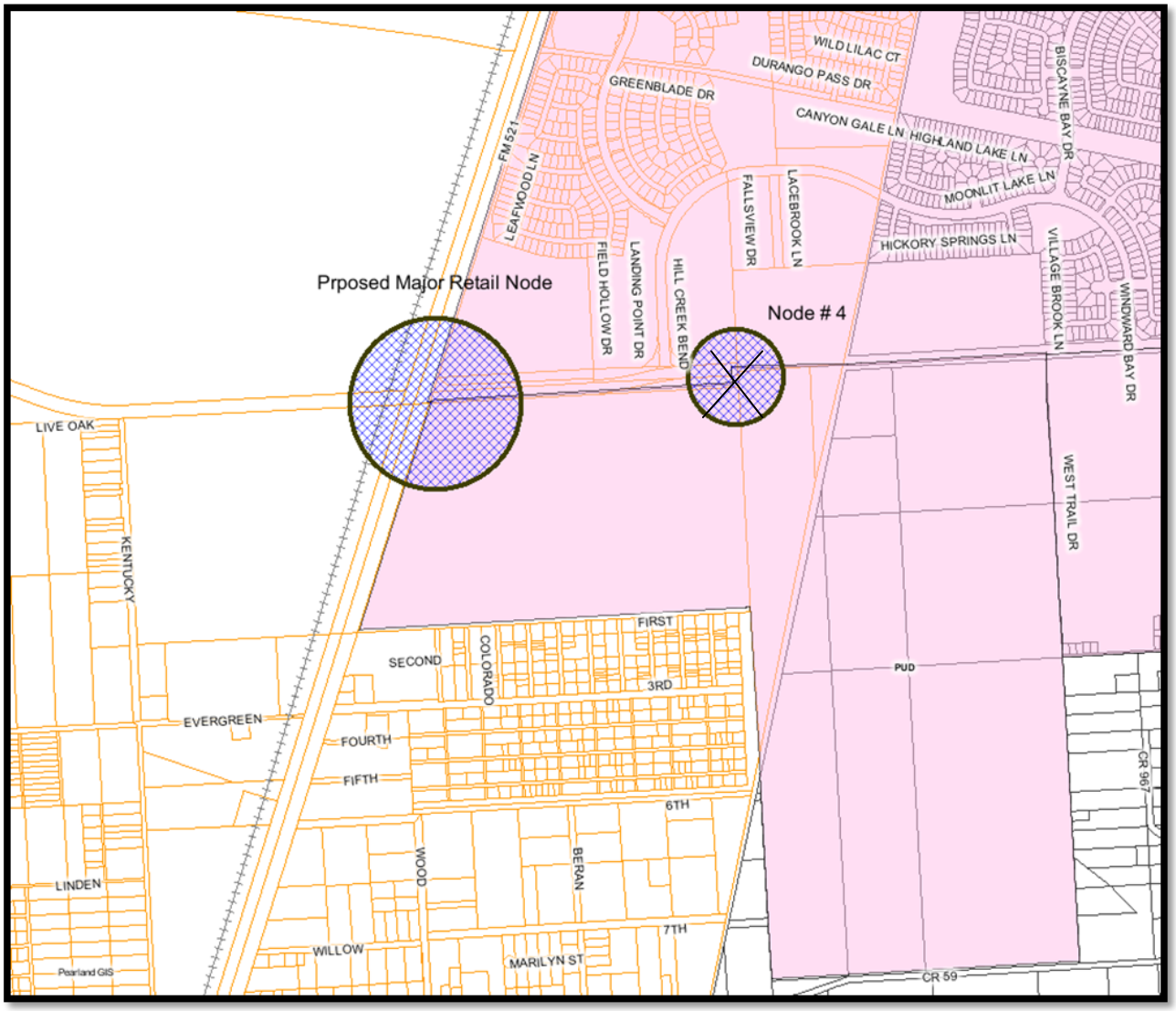
Recommendation: Intersection #2 at 546 and 546B (Woodfin and Sycamore). The NWC of the intersection has a Single Family Dwelling (SFD) on it, and the remainder of the intersection is undeveloped This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit.



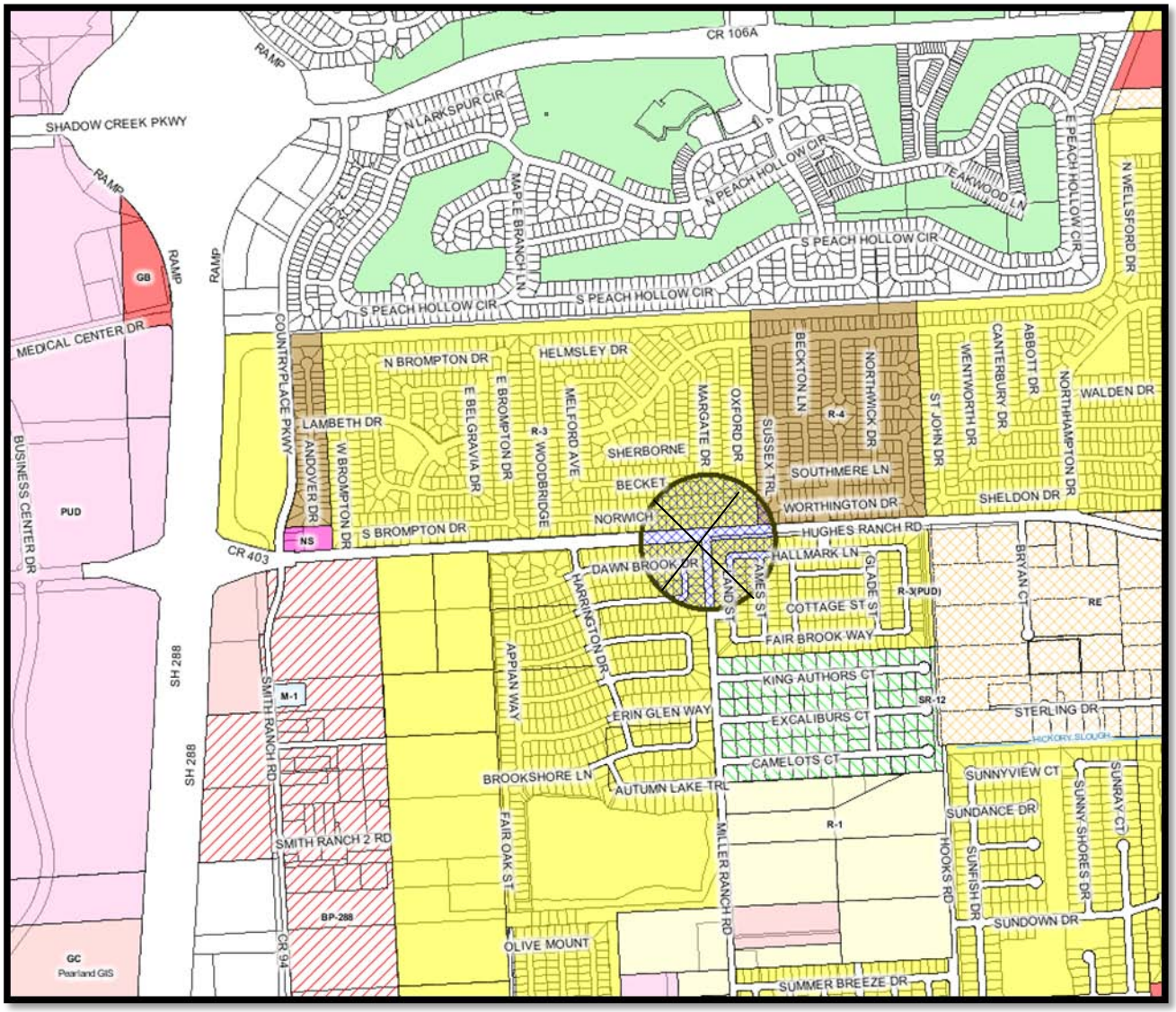
Recommendation: Intersection #3 at Dallas and Vermont, There is one SFD on the SWC. The remainder is of this intersections is undeveloped. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit.



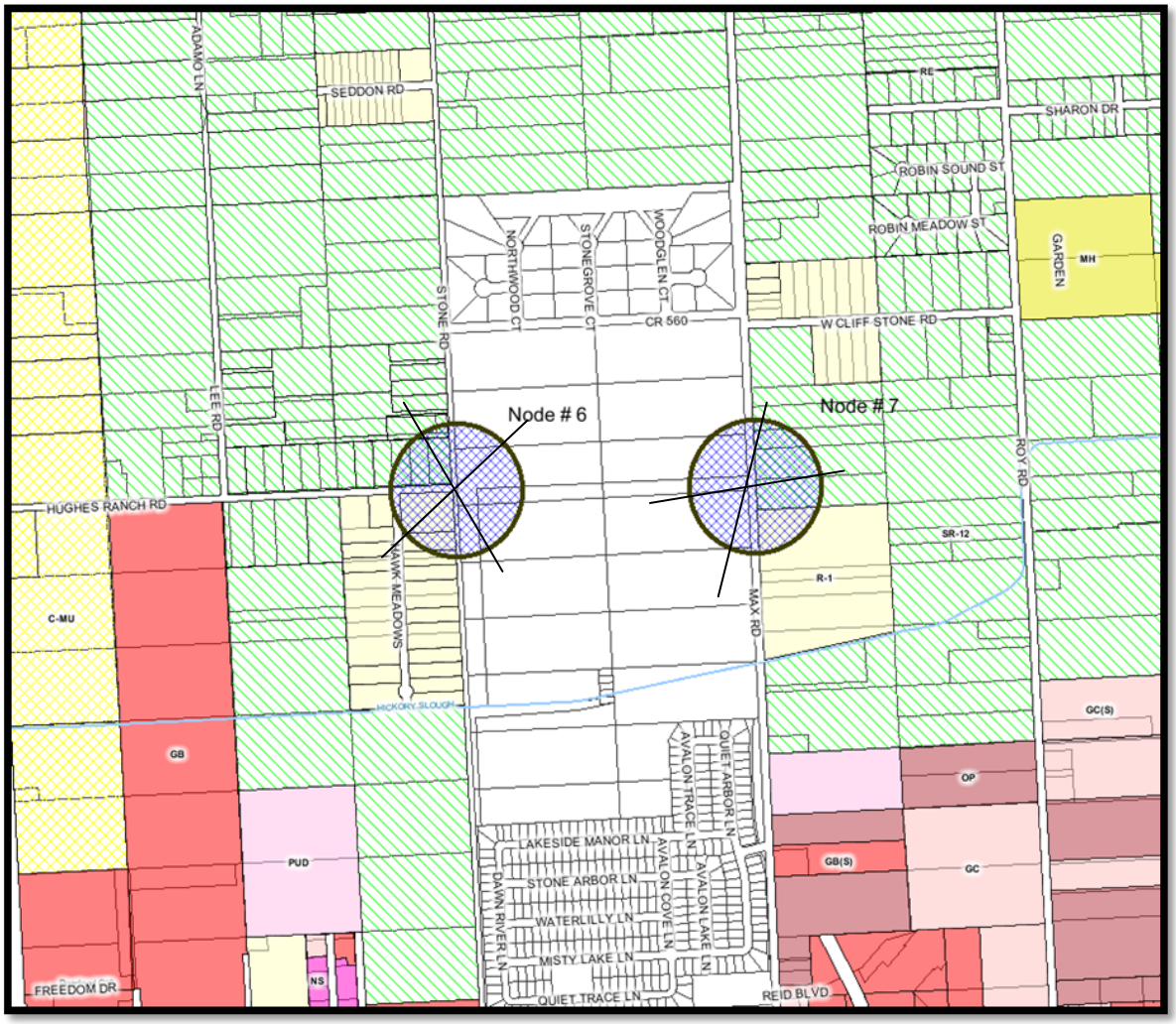
Recommendation: Intersection #4 at Broadway and Hill Creek Bend. This location did not meet the criteria due to the proximity of the proposed major commercial node at Broadway and 521. In Addition, it is part of Shadow Creek Planned Development.



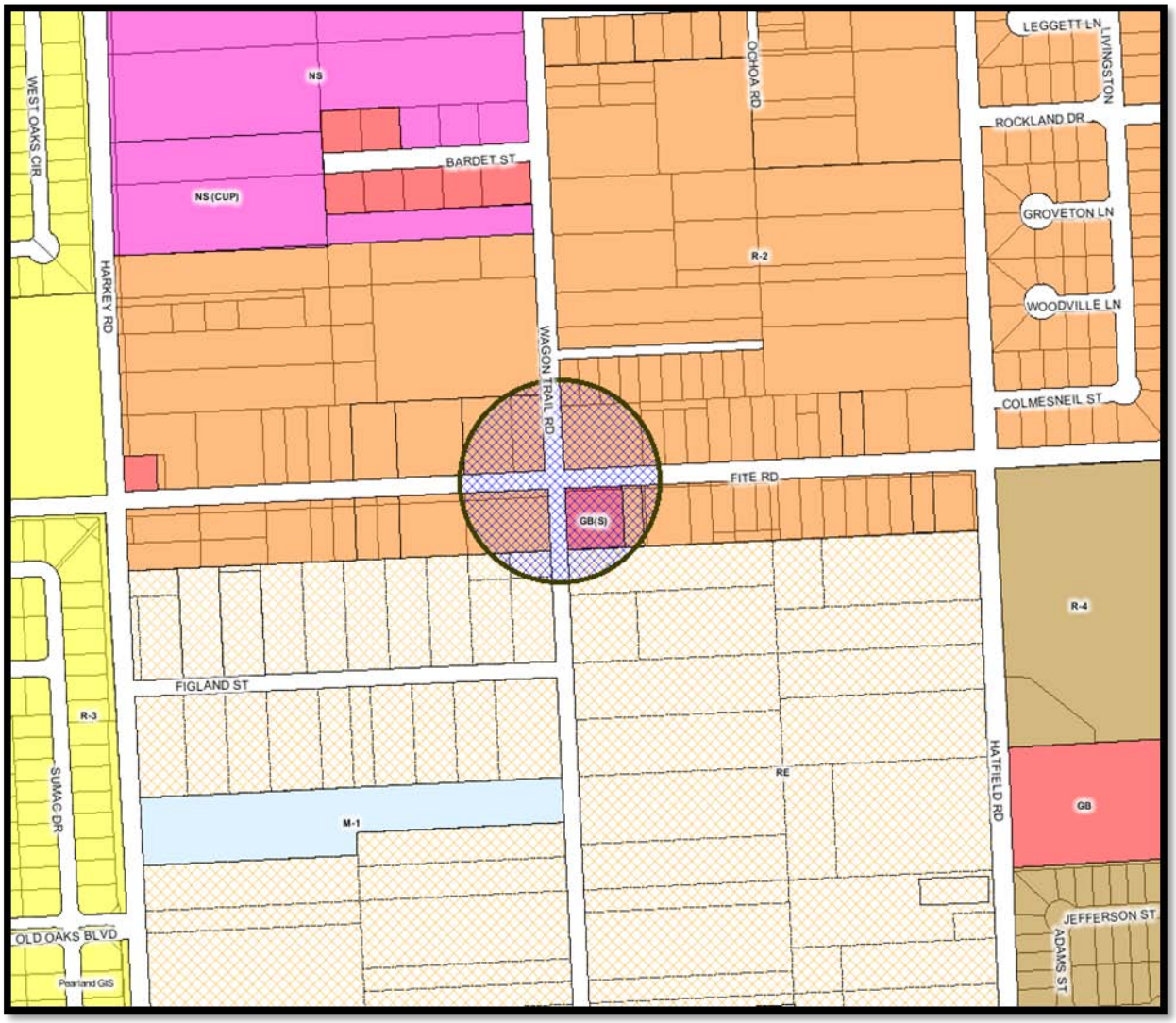
Recommendation: Intersection #5, Hughes Ranch and Miller Ranch. This location did not meet the criteria due to the development of SFD's on each corner of the intersection and it is too close to Highway 288.



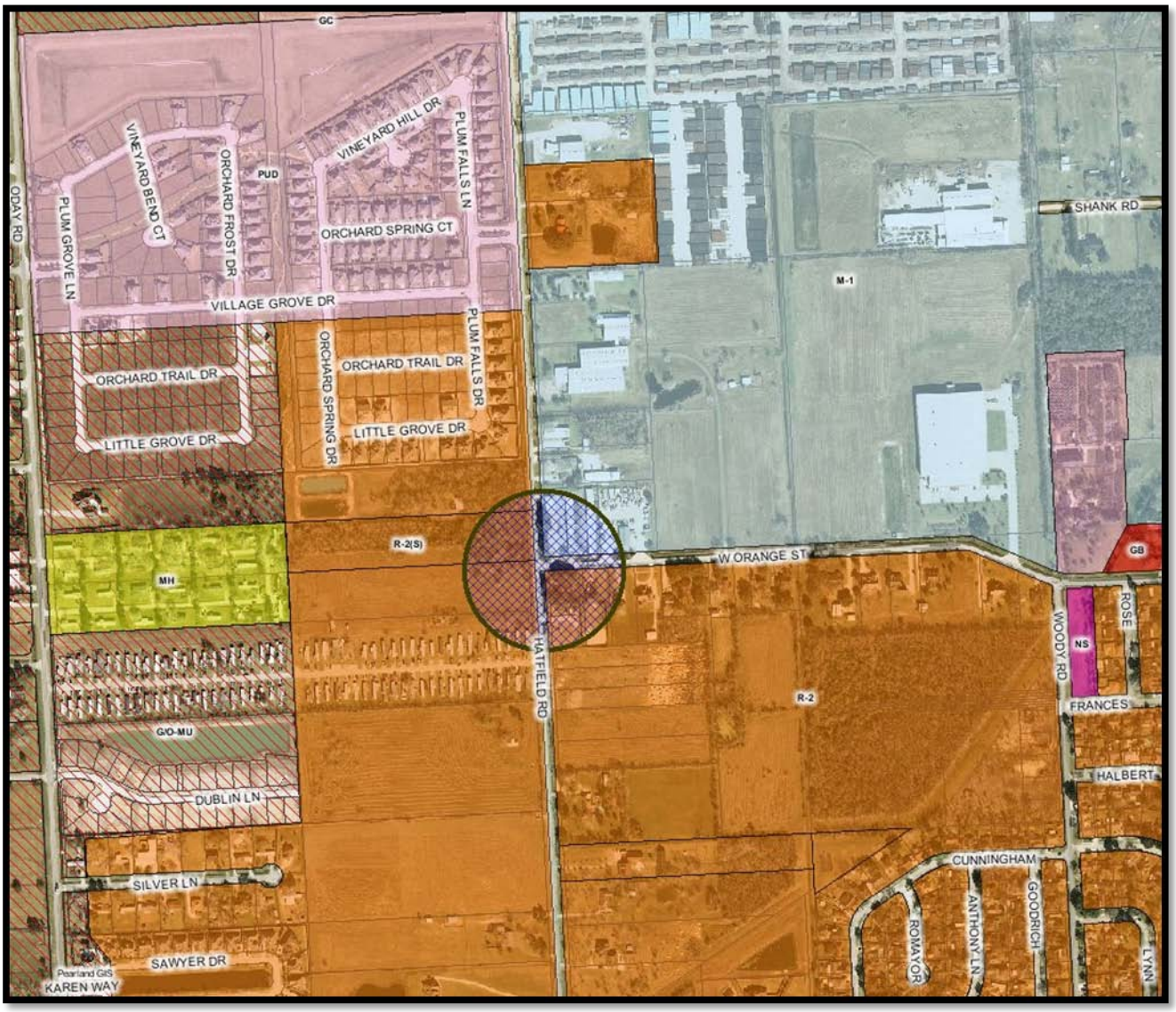
Recommendation: Intersection #6, Stone Rd and Hughes Ranch Road. Intersection #7, Hughes Ranch Rd. and Max Rd. Node #6 did not meet the criteria due to the development with SFD's and Nodes #6 and #7 are too close in proximity of the General Commercial and Mixed Use Zoning Districts located off of 518/Broadway.



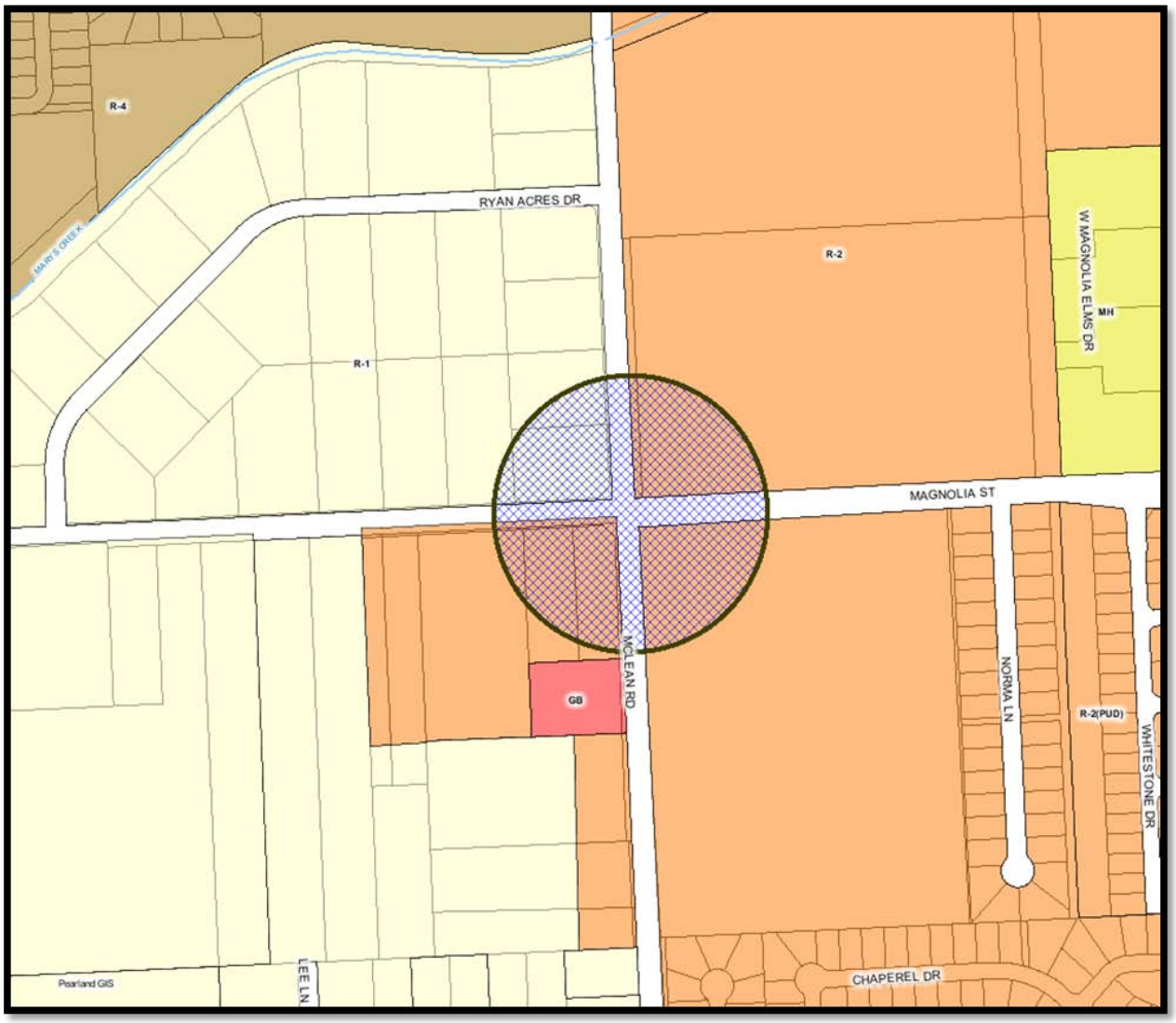
Recommendation: Intersection #8, Wagon Trail and Fite Rd. The SWC has GB zoning and Ellis Automotive is located there. The SWC corner has R-2 Zoning and CarTech is currently located there (a Legal Non-Conforming Use). The NWC and the NEC are Zoned R-2 and there are mobile homes on each parcel. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit. In addition, the SEC is currently zoned General Commercial.



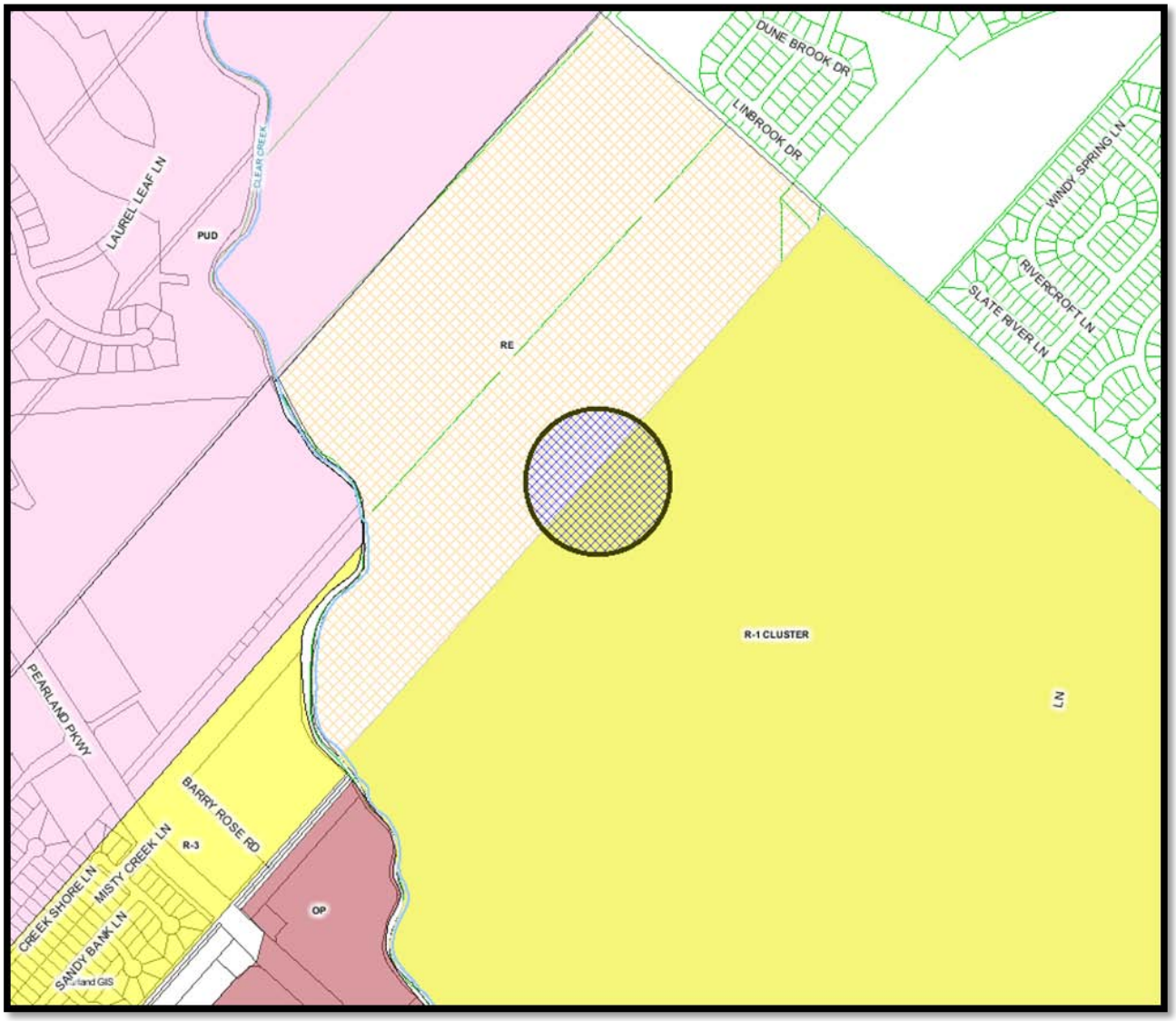
Recommendation: Intersection #9, Hatfield and W. Orange, The NEC is zoned M-1 and is developed, The SEC has a SFD, and the NWC and SWC are currently undeveloped. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit.



Recommendation: Intersection #10, Mclean and Magnolia, This intersection is zoned R-1 and R-2 and there is a parcel close to the intersection that is zoned GB with a church located on that parcel. There is one SFD on the SEC, the NEC, NWC, and SWC are vacant land. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit.



Recommendation: Intersection #11- To be determined. The current Cluster Development Plan approved includes RE and R-1 Cluster and does not propose any roads in t his area yet. There may be a potential for the addition of a minor neighborhood retail node if plans change for this area.

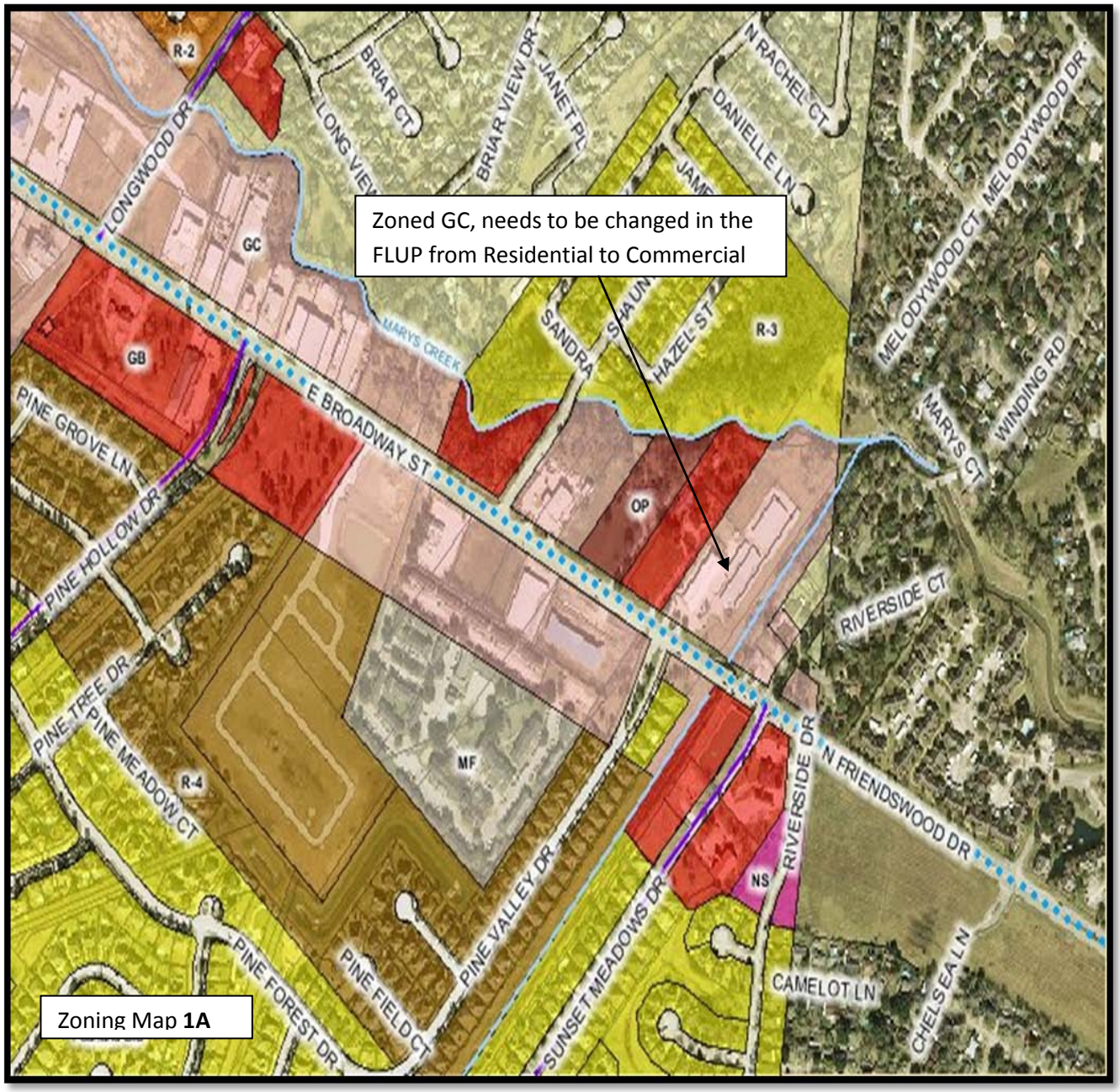


Council Comment # 16:
Residential Zoned Parcels Along Broadway-Rezoned to Commercial/Retail.

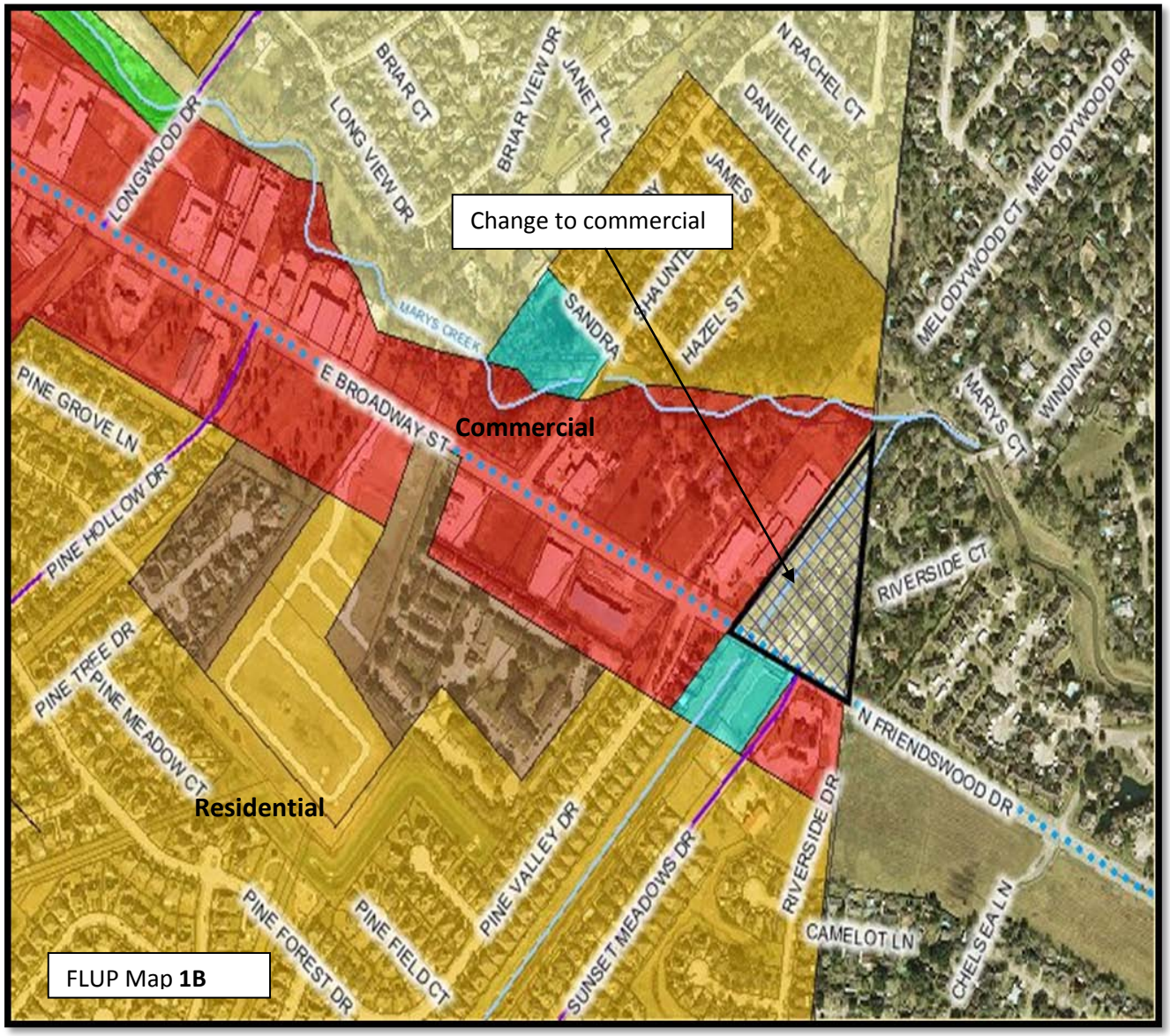
Explanation: There is only a small number of lots along Broadway that are still zoned residential. These exist on the East side of town between Country Club Dr. and Yost Blvd. Furthermore, there are four areas further to the West on Broadway that are zoned commercial but need to be changed in the FLUP to reflect their current zoning. At the western edge of the city, within the Shadow Creek PUD, a large amount of residential exists along 518.The stretch of Broadway-west of SH 288 is considered under comment #18.

Staff Analysis: Staff reviewed all of these areas and has suggested changes as seen below.

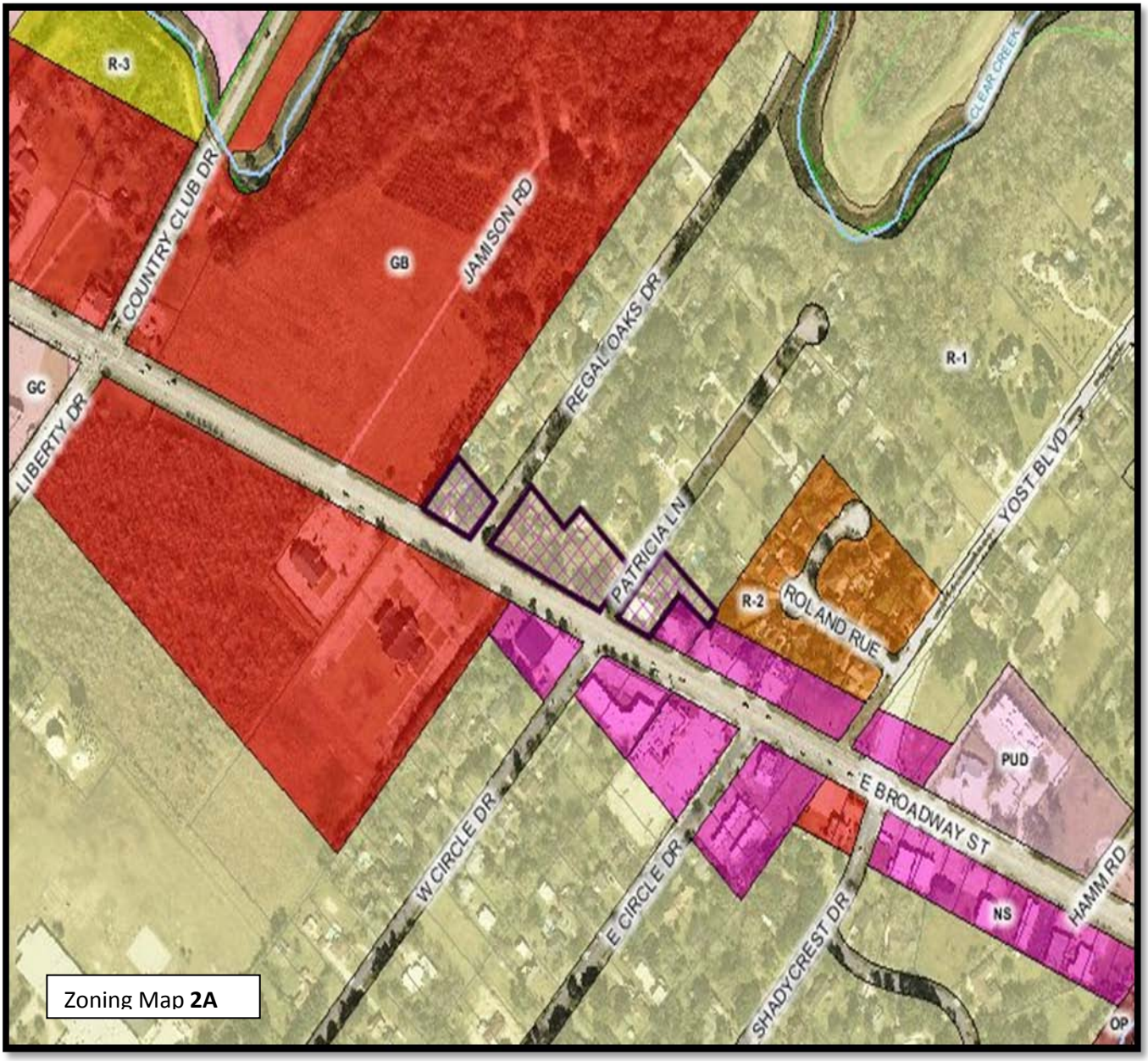
This area left blank intentionally.



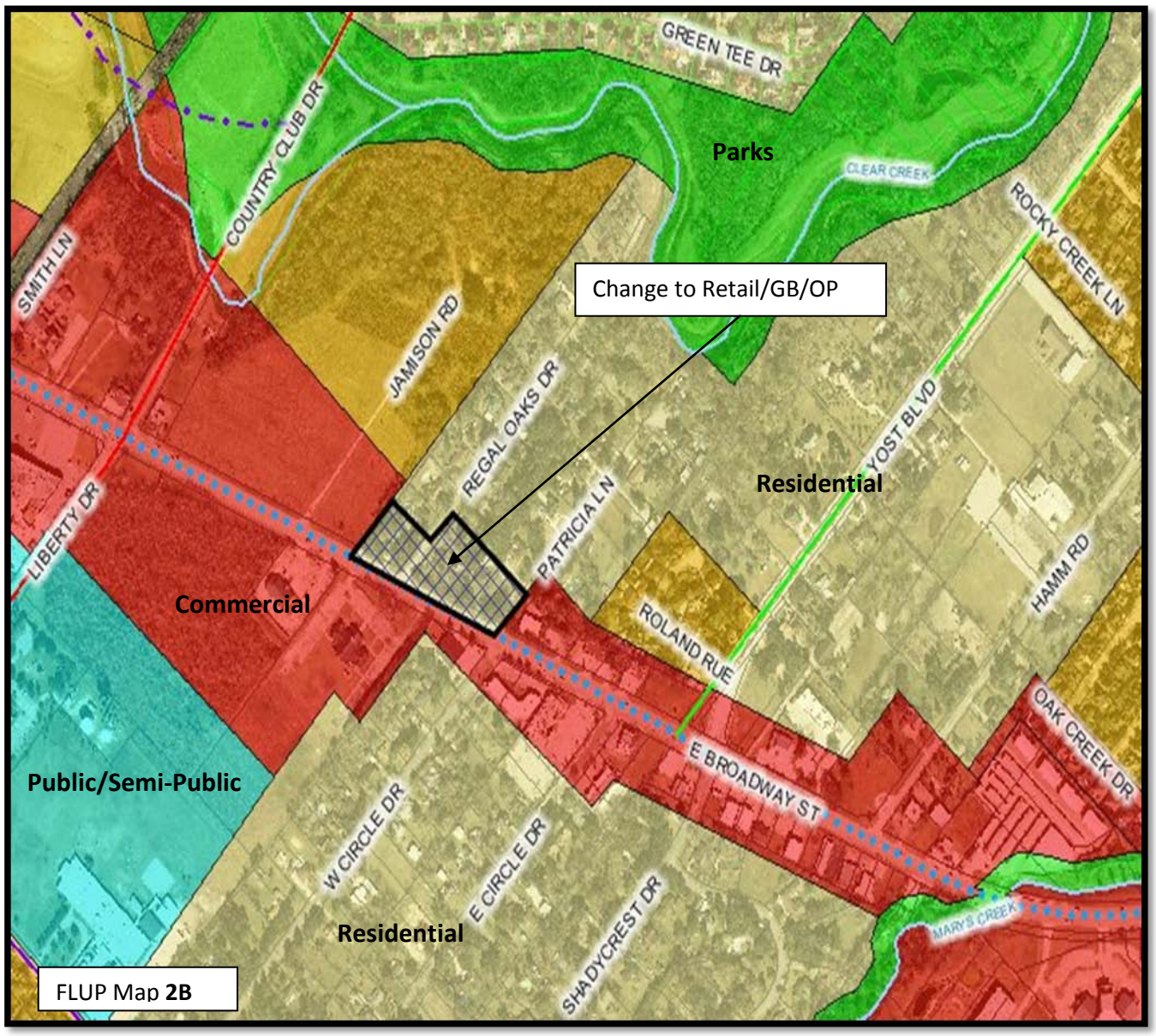
Broadway at Eastern Border – General Area



Broadway at Eastern Border – General Area



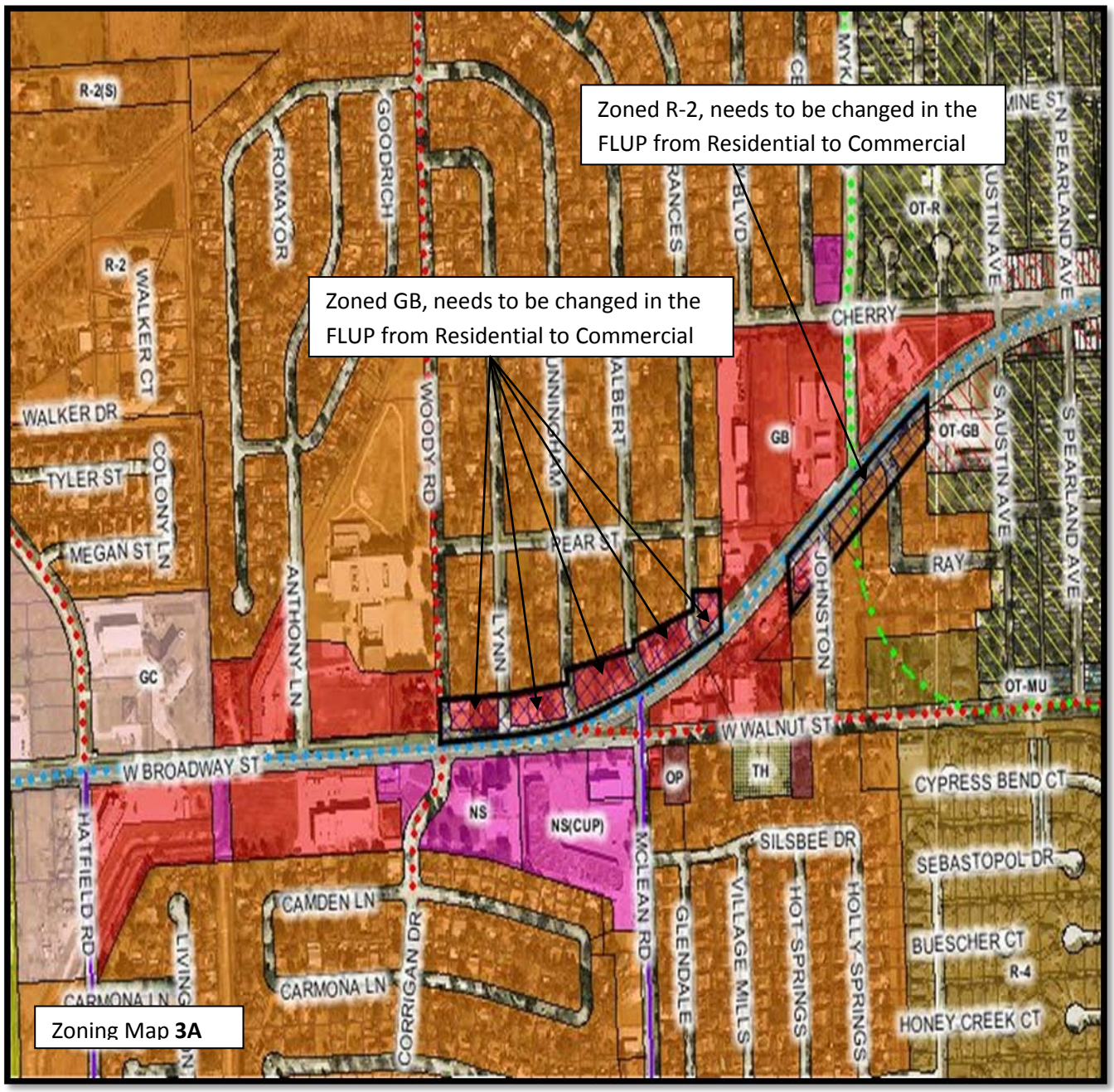
Broadway East of Liberty– General Area



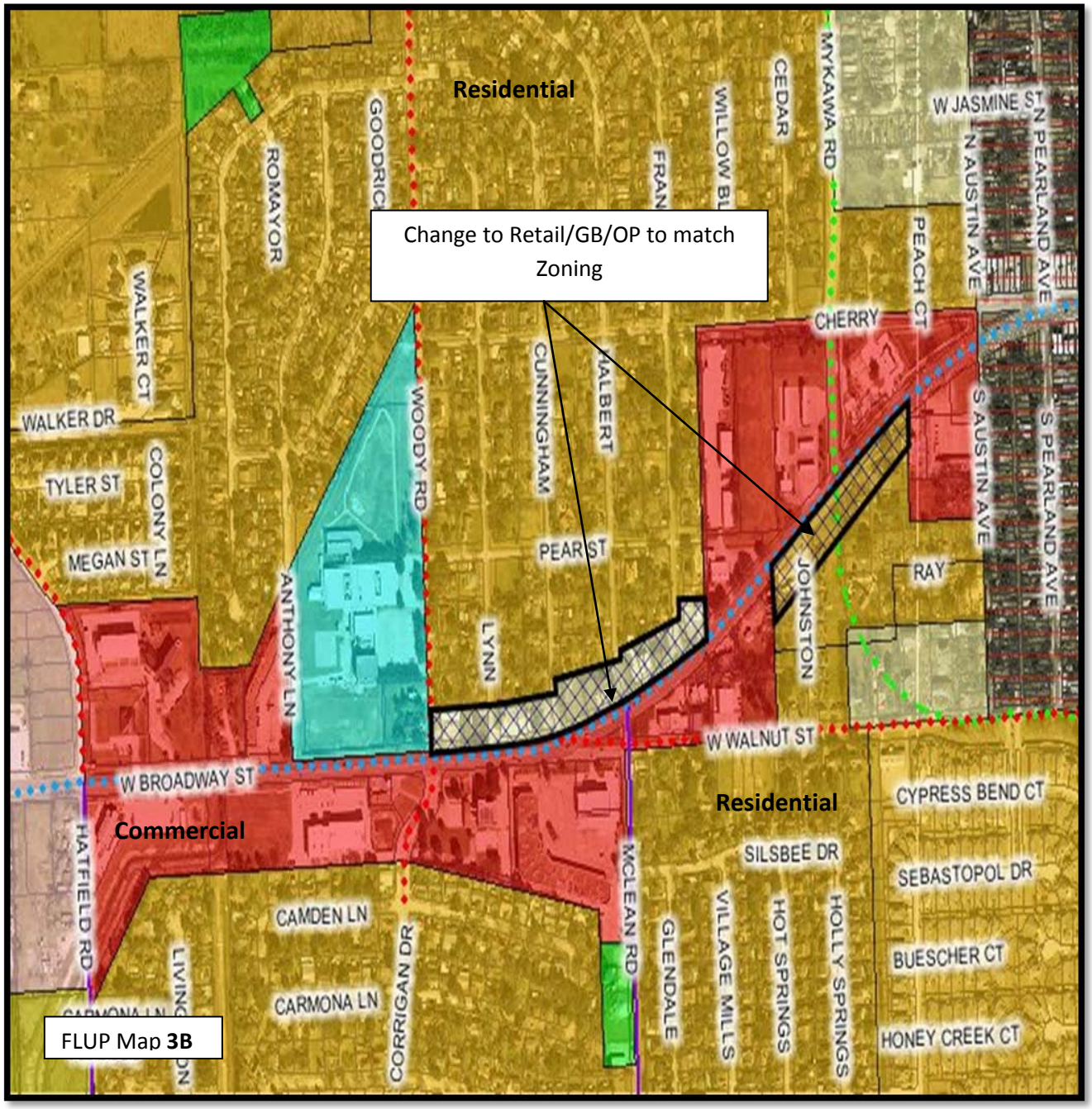
Broadway East of Liberty– General Area

Recommendation:

1. Change FLUP to permit OP Zones. Encourage rezone to OP upon owners request.

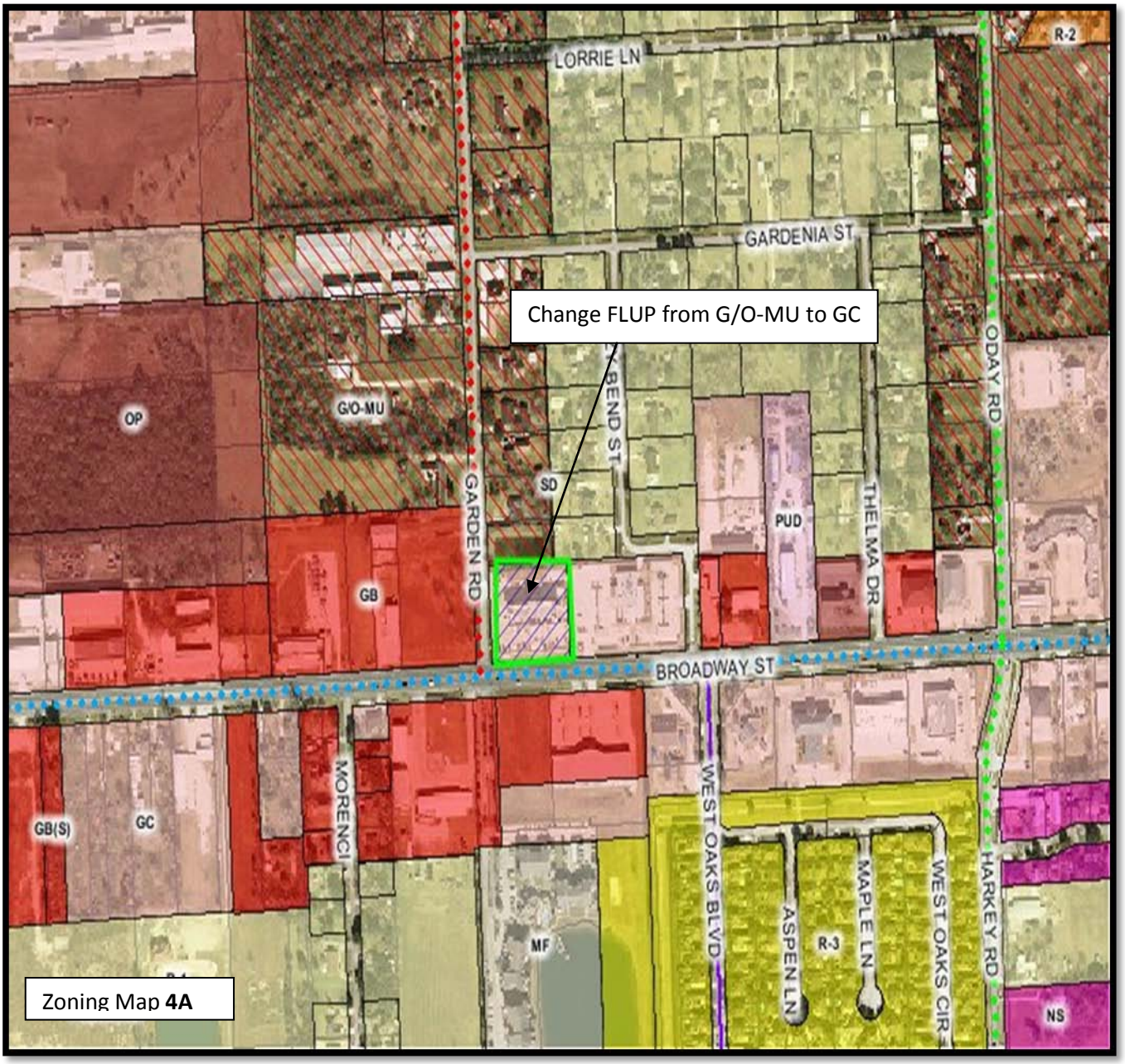


Broadway East of Hatfield – General Area

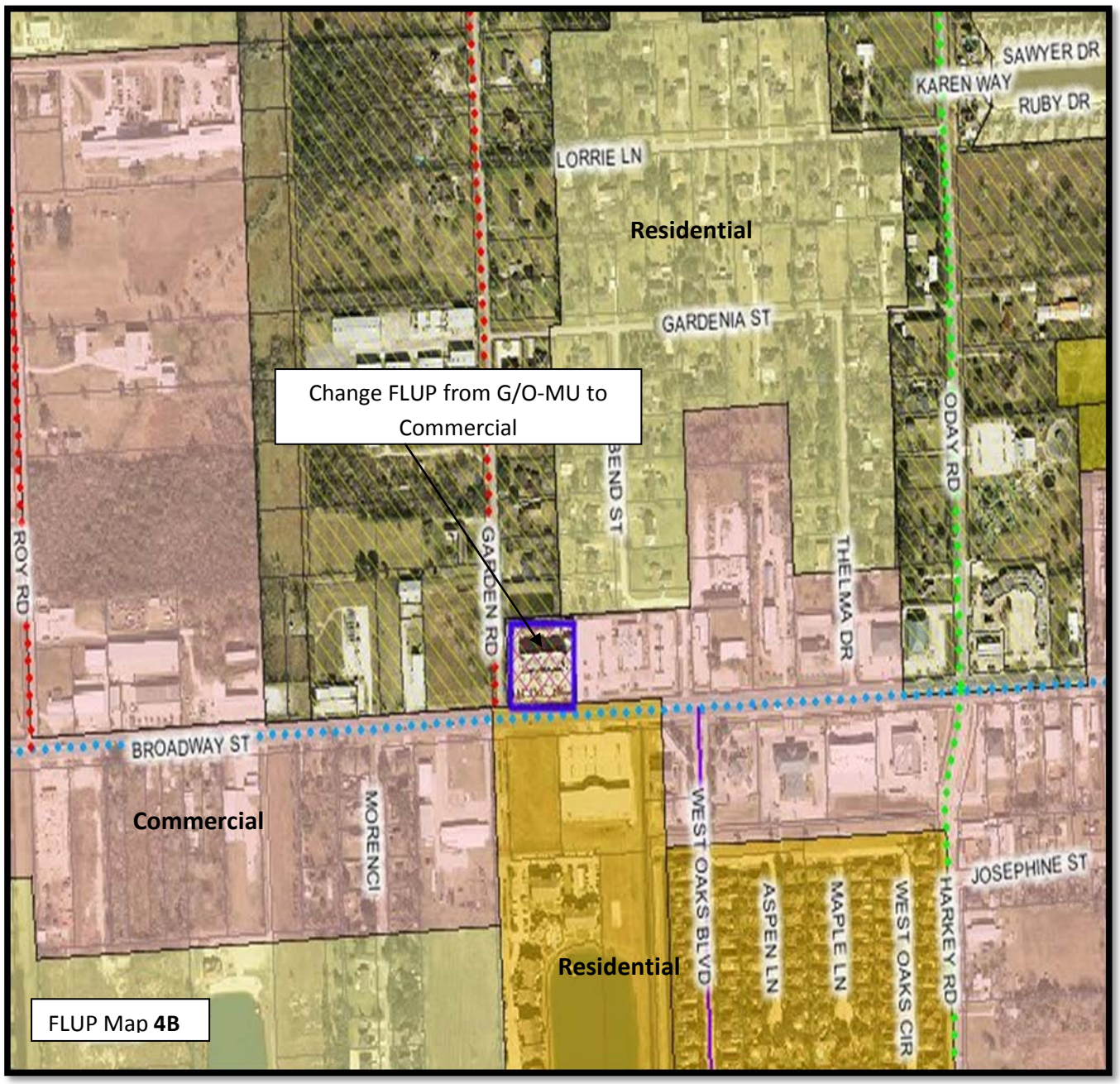


Broadway East of Hatfield – General Area

Recommendation: Change FLUP to reflect current zoning.



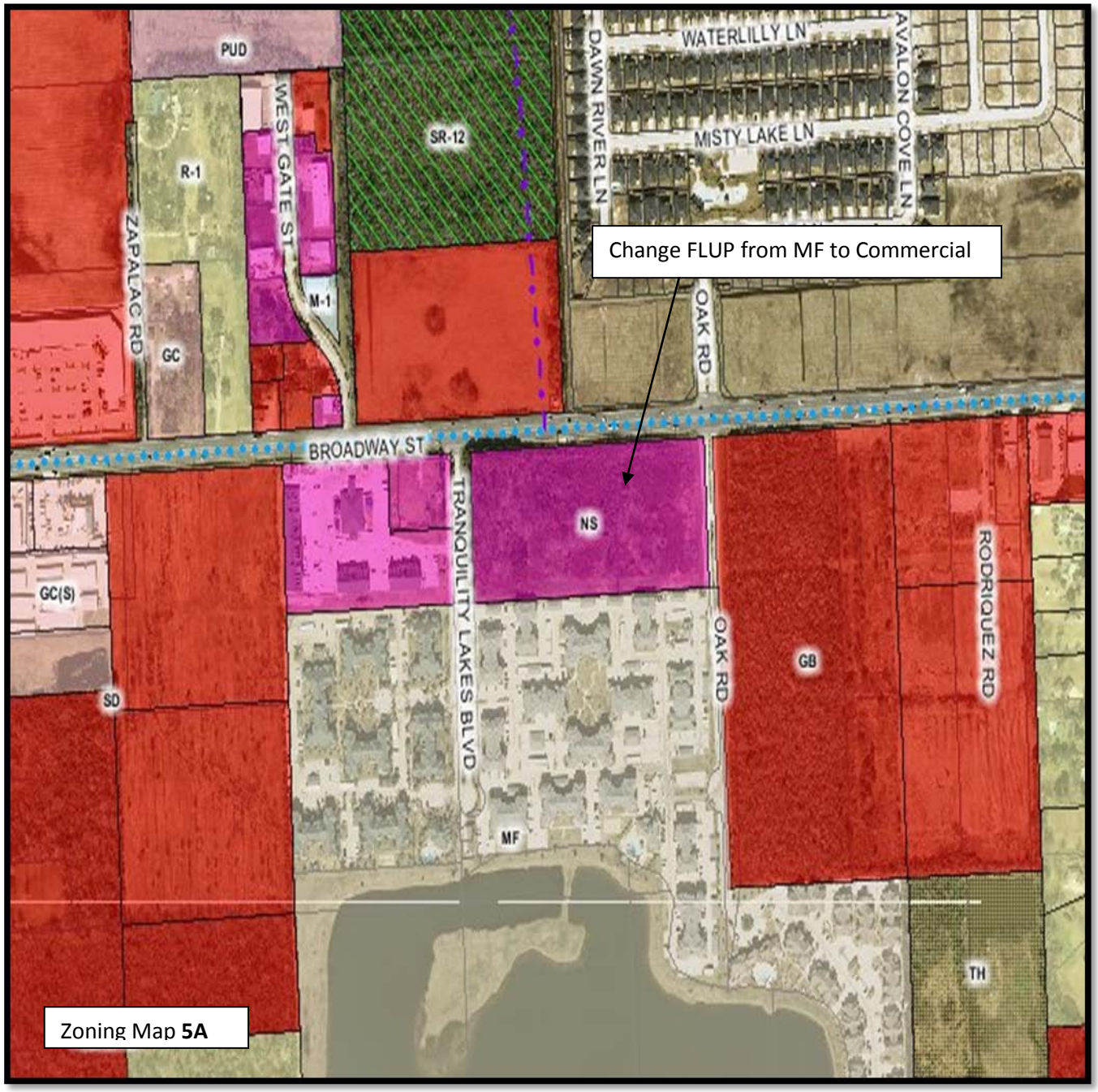
Broadway East of O'Day – General Area



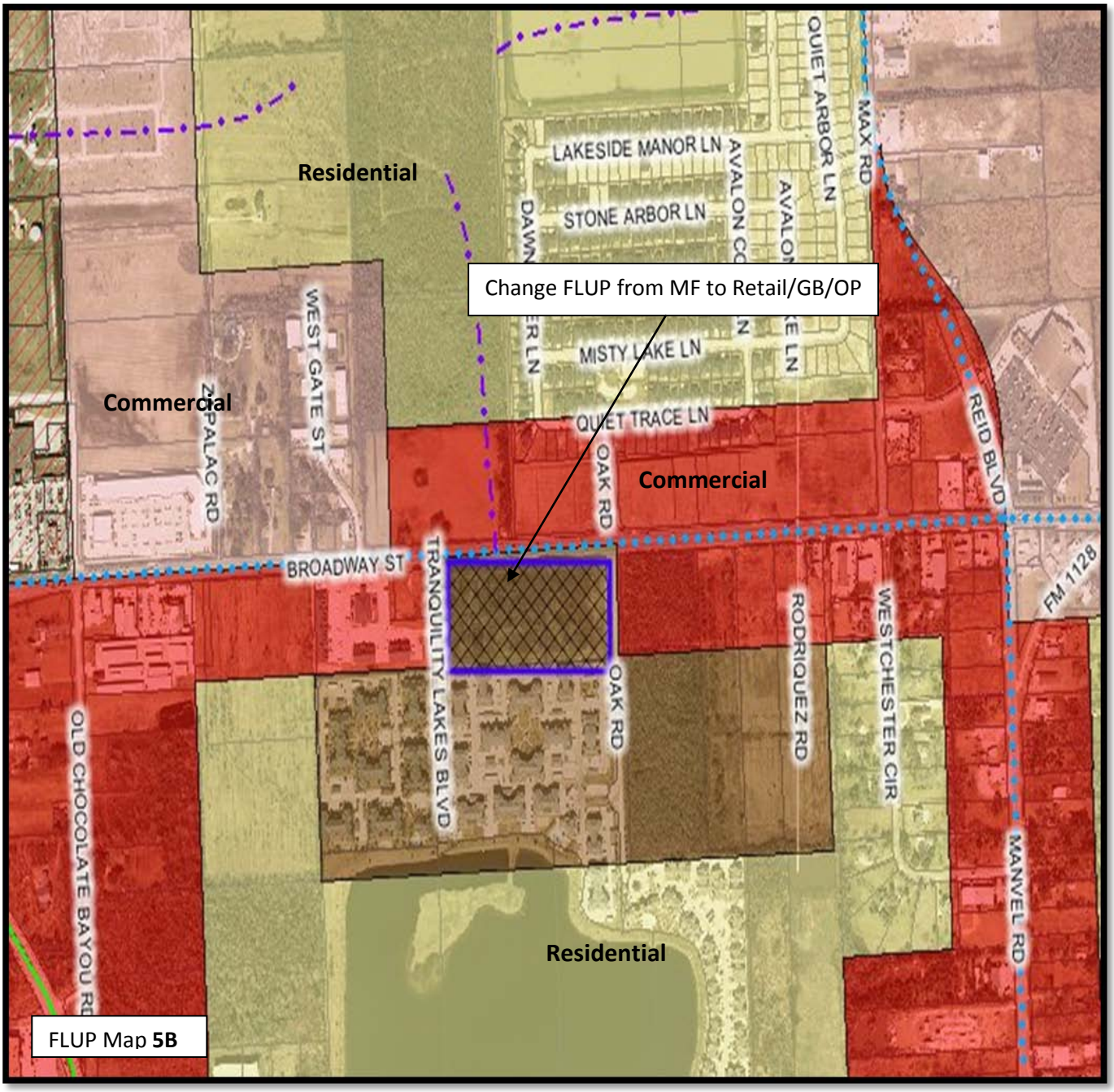
Broadway East of O'Day – General Area

Hampton Inn was built in the G/O-Mixed Use zoning category. They are now zoned GC.

Recommendation: Change FLUP to reflect current Zoning.



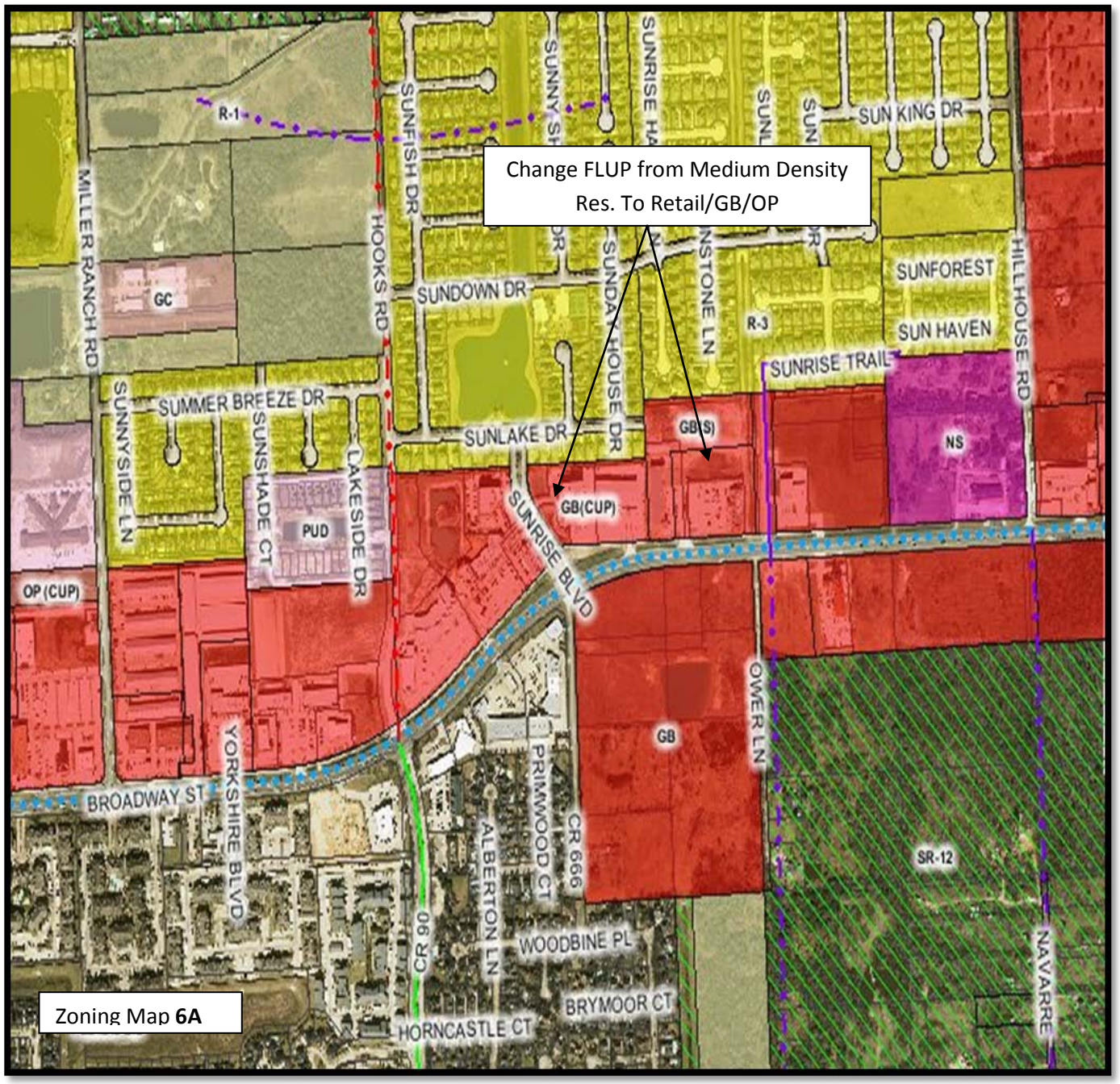
Broadway East of Old Chocolate – General Area



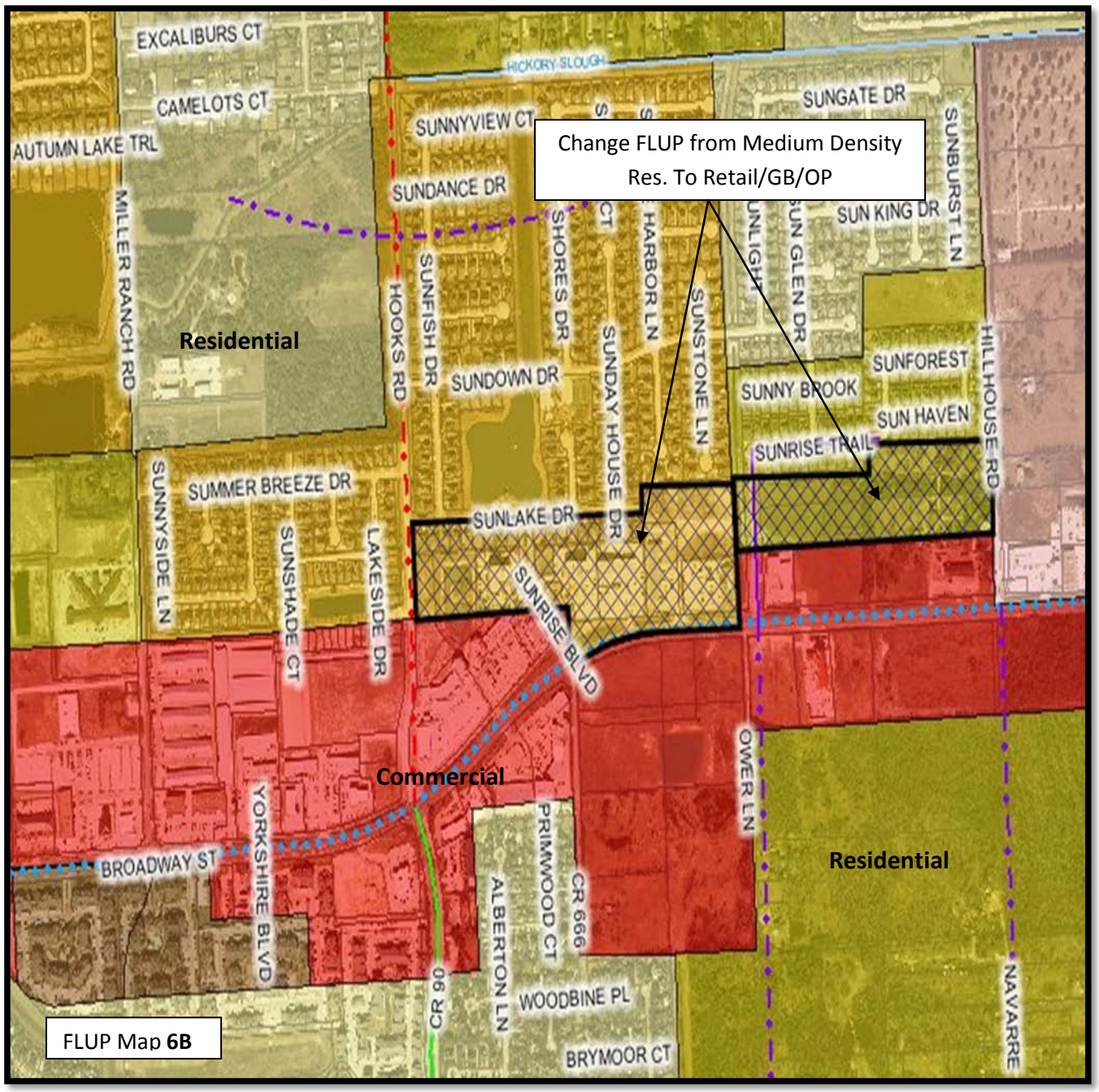
Broadway East of Old Chocolate – General Area

A large lot along Broadway north of Tranquility Lakes Apartments was originally set aside as MF to go along with the current apartment homes in FLUP. It is now zoned NS.

Recommendation: Change FLUP to reflect current Zoning.



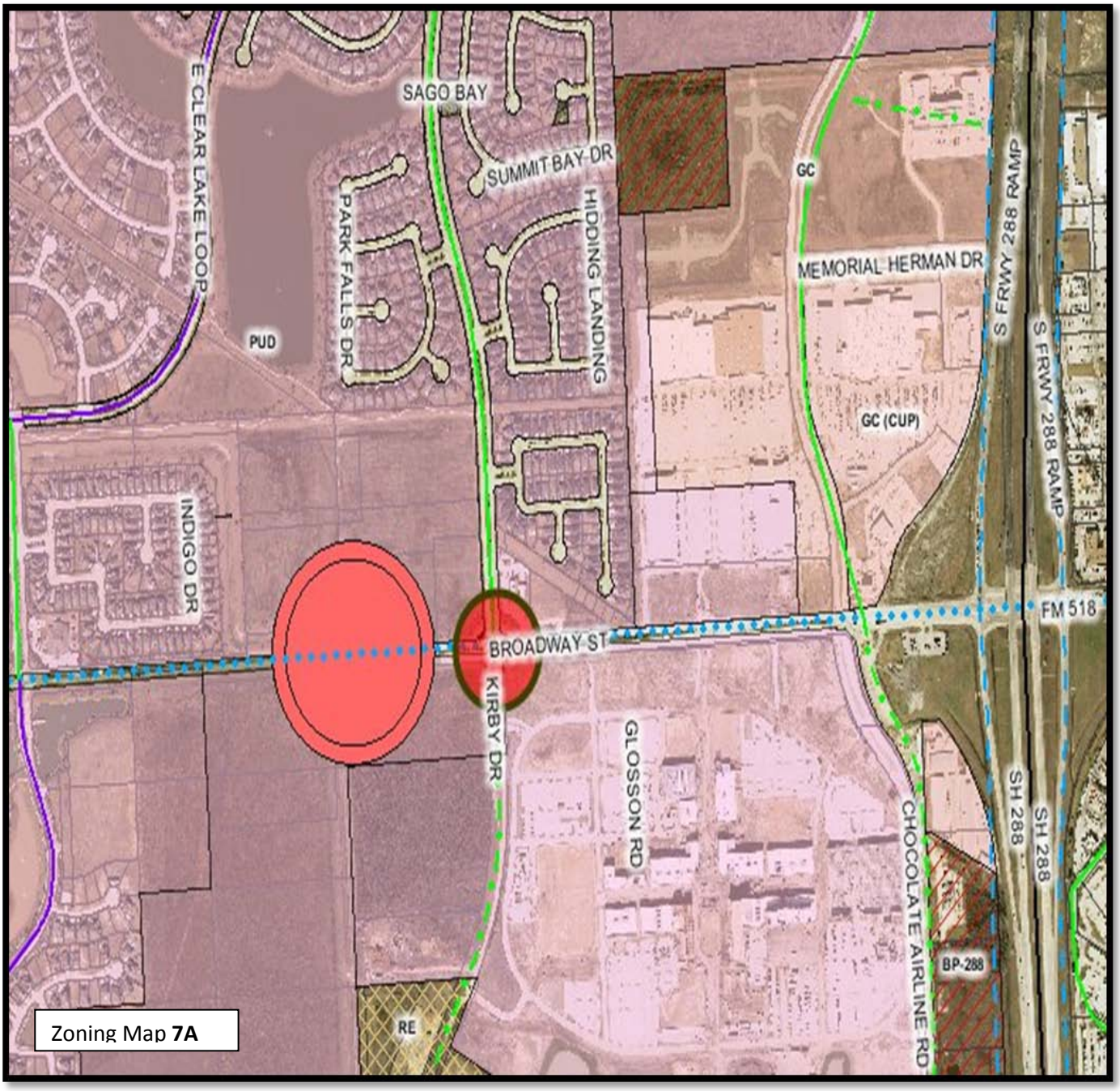
Broadway East of Miller Ranch – General Area



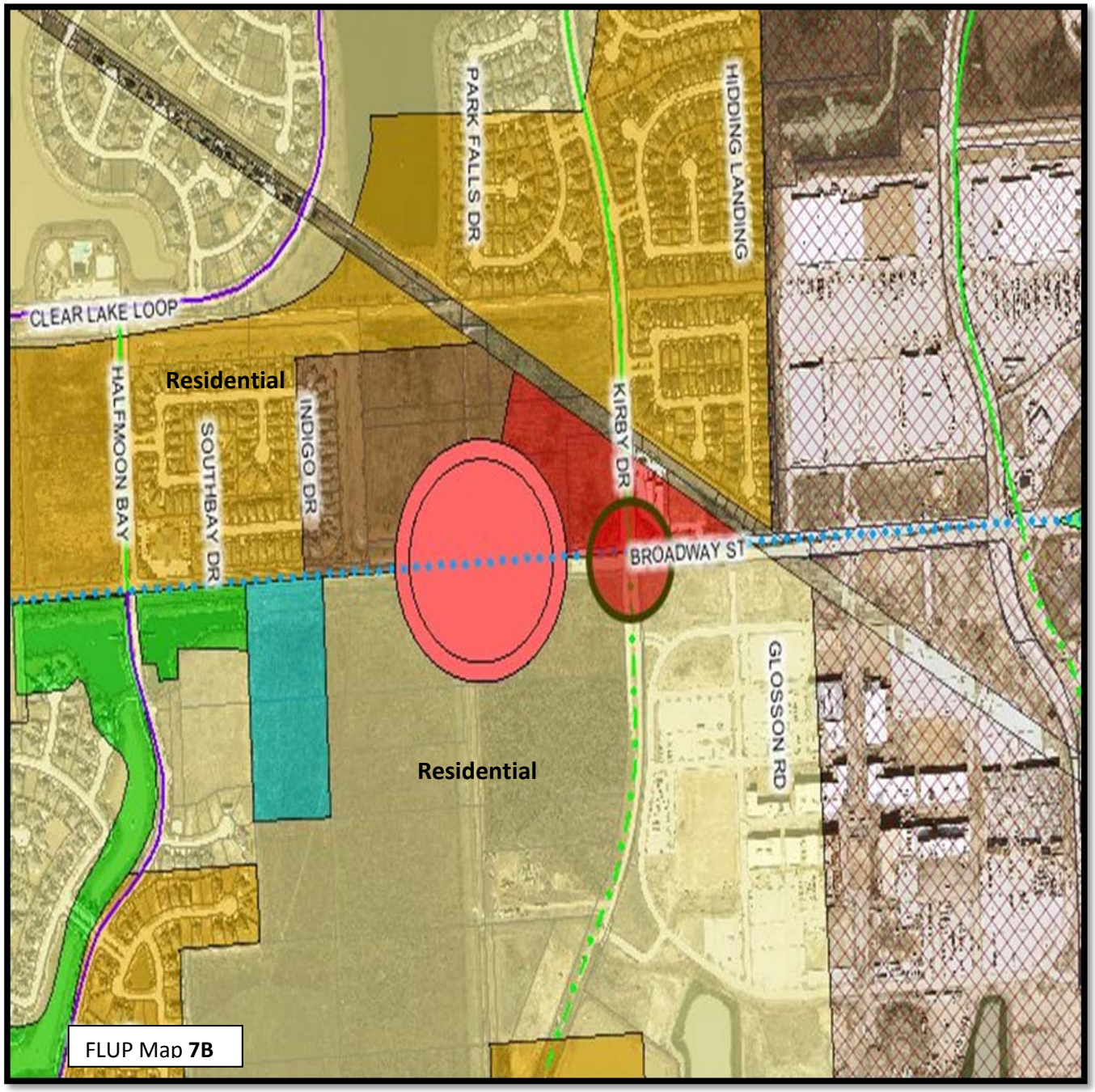
Broadway East of Miller Ranch – General Area

Three lots located along Broadway are zoned GB and built out as such.

Recommendation: Change FLUP to reflect current zoning.



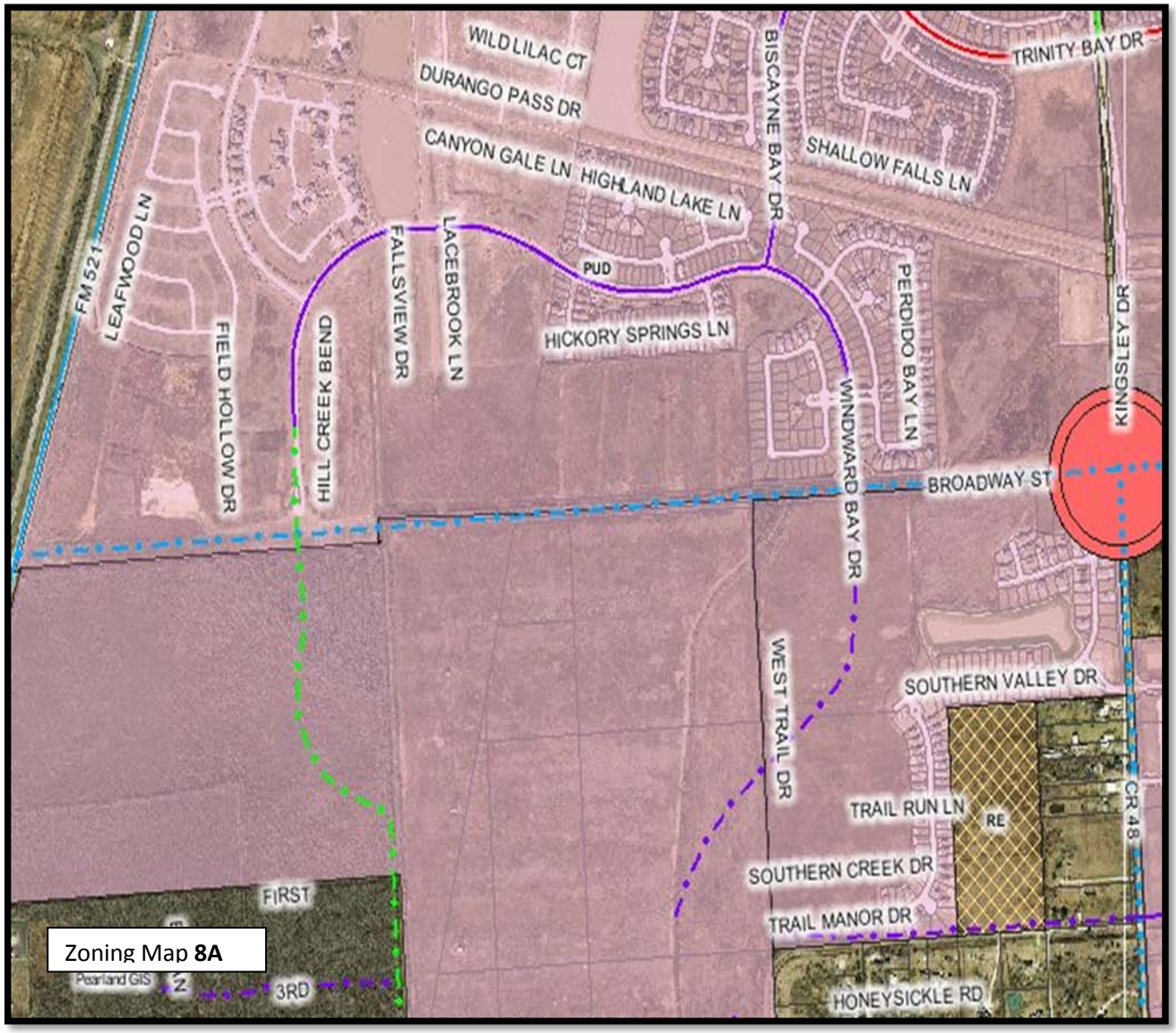
Intersection of Broadway and Kirby – General Area



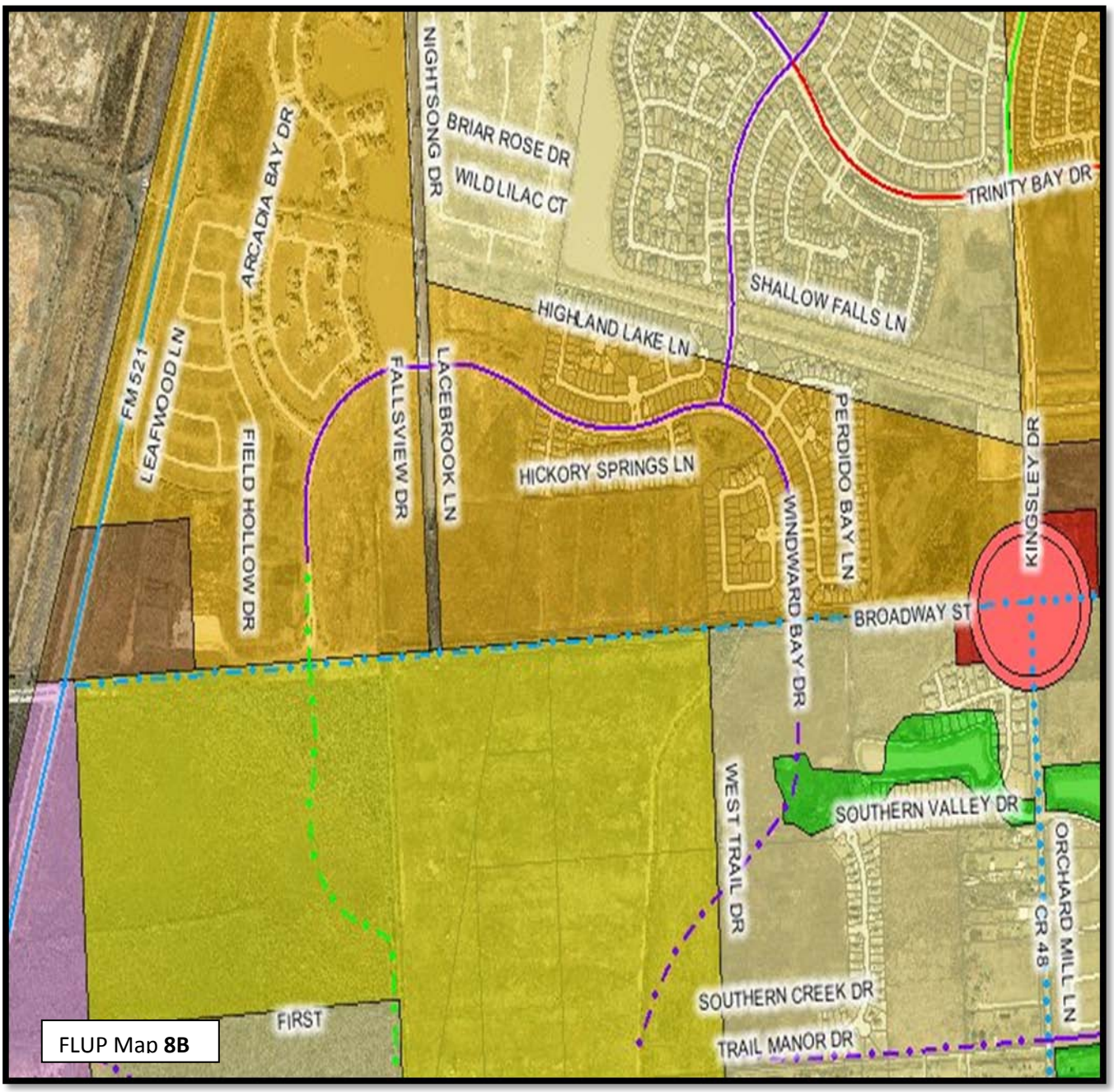
Intersection of Broadway and Kirby – General Area

Explanation: Retail node at intersection of Kirby and 518 was placed before Kirby was built.

Recommendation: Shift retail node to reflect intended location.



Broadway between Kingsley and FM 521 – General Area



Broadway between Kingsley and FM 521 – General Area

Explanation: Shadow Creek PUD fronts both sides of 518 and has a large amount of residential planned along 518 with some commercial.

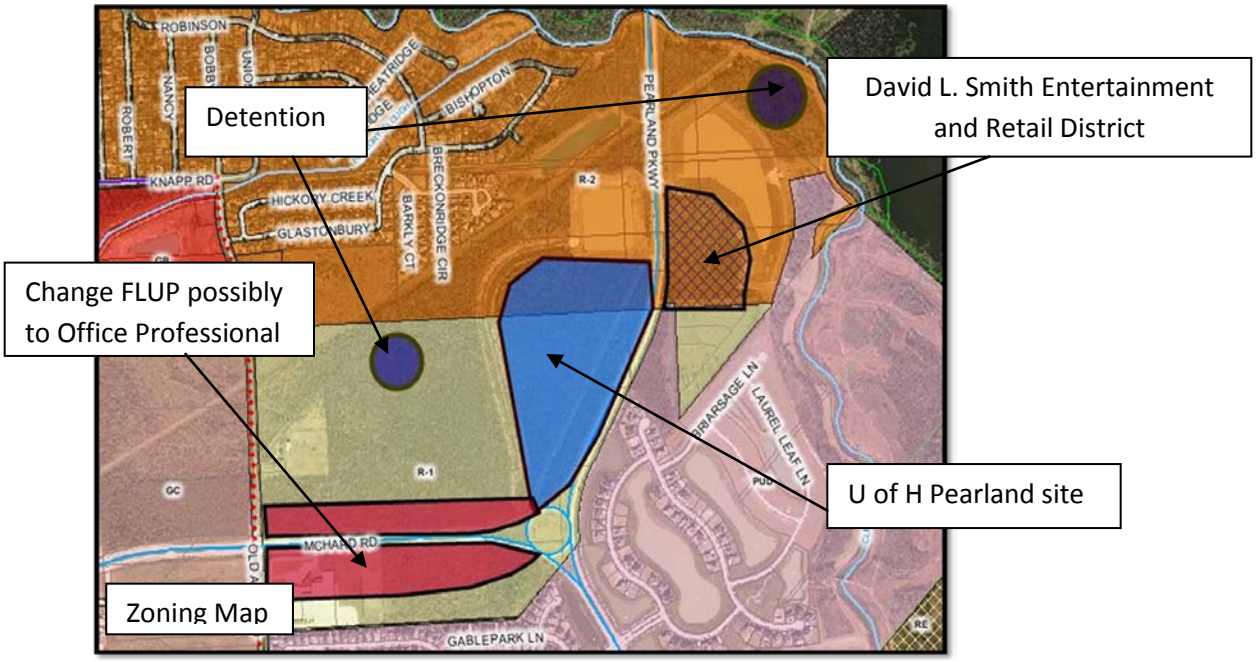
Recommendation: Staff would consider adding more retail nodes possibly at the intersection of 518 and 521 but land is part of a PUD.

Council Comment #17:
David L. Smith Project – Review Land Use and Zoning.

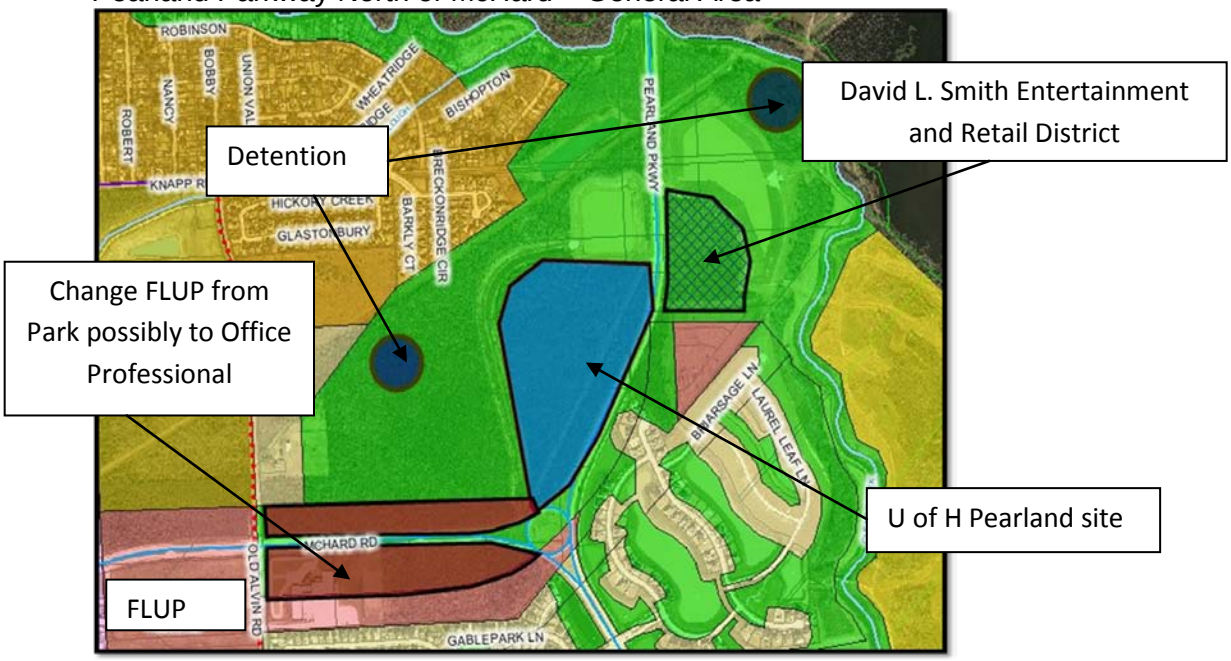
Explanation: Currently, the comprehensive plan calls for an area along Pearland Parkway north of McHard to be designated as a retail and entertainment district, known as the David L. Smith Project.

Staff Analysis: Staff sees this as an ideal location for such a district, especially considering its proximity to Beltway 8 and the future University of Houston – Pearland Campus.

Recommendation: Add a dot to both the zoning map and FLUP designating this area as the site of David L. Smith Entertainment District to reflect the comprehensive plan.



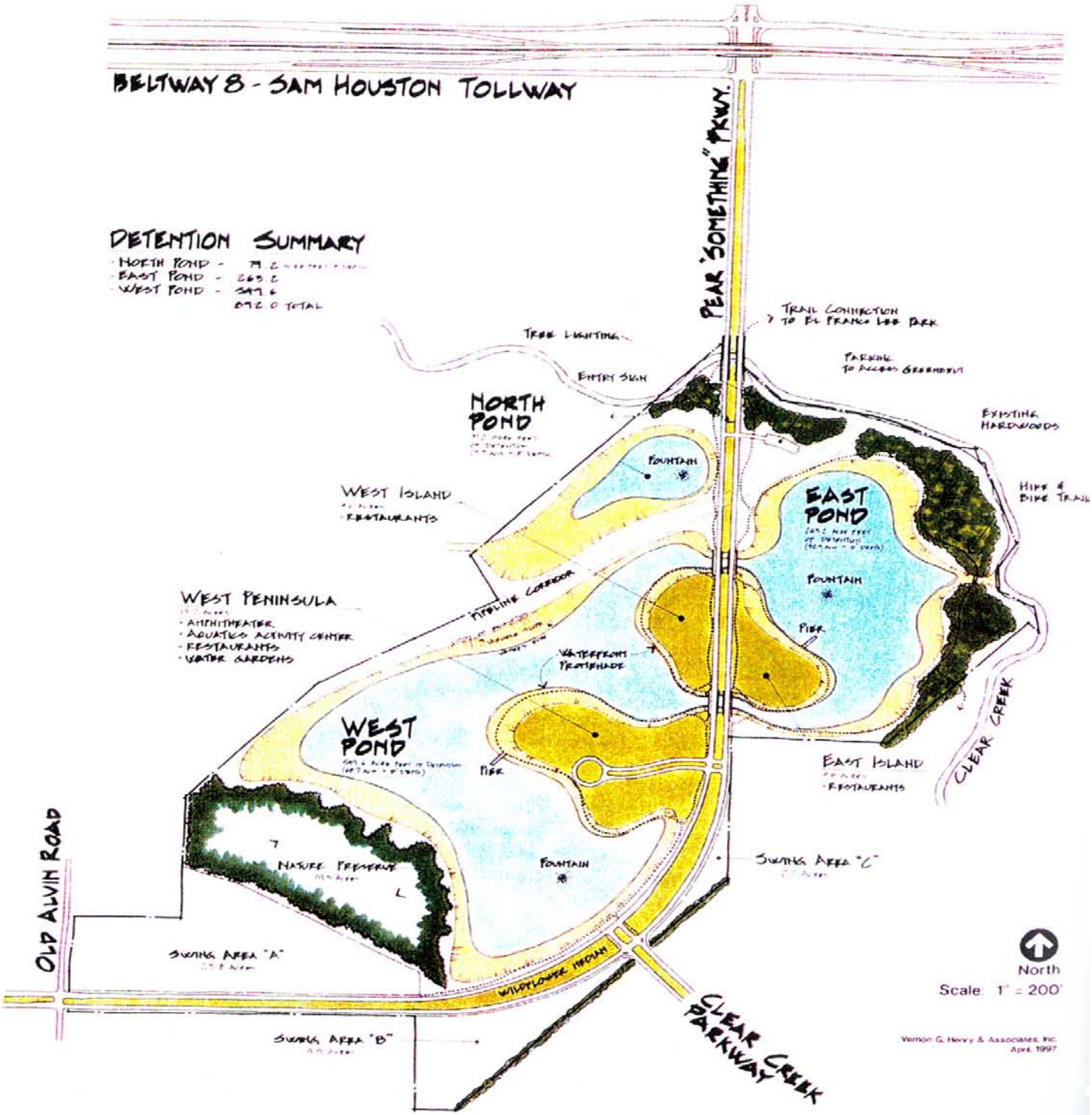
Pearland Parkway North of McHard – General Area



Pearland Parkway North of McHard – General Area

David L. Smith Project

PRELIMINARY MASTER PLAN

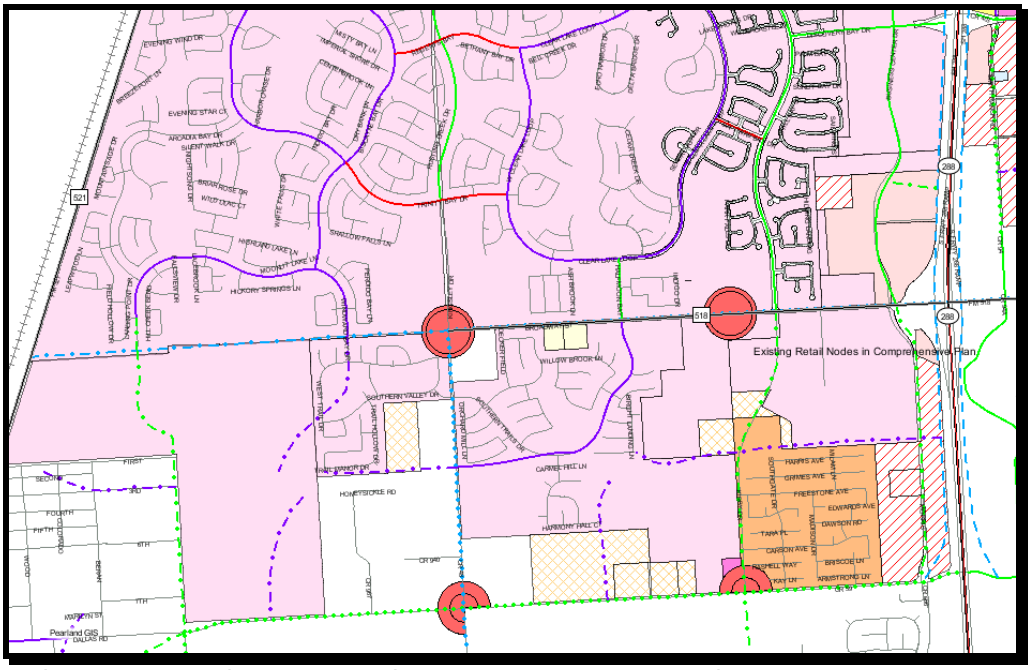


Comment # 18:
Commercial on Broadway Between 521 and 288.

Explanation: The Council and P & Z had directed staff to examine parcels with frontage on Broadway, to analyze the existing retail/commercial opportunities and examine the potential for retail/commercial uses.

Staff Analysis: The frontage along Broadway, west of SH 288 is predominantly zoned Planned Development and is within the Shadow Creek Ranch, Southern Trails, Ridgerock, and Pearland Town Center PDs. The areas zoned for retail/commercial within the PDs have been highlighted in the following maps by red outline hatch marks. Those designated for other non-residential uses have also been identified.

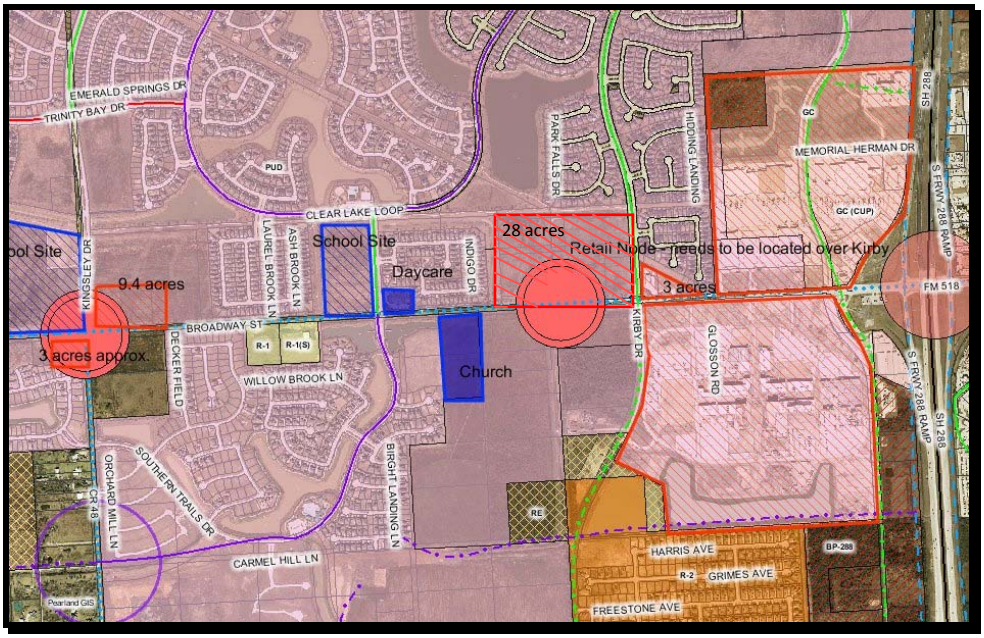
This stretch of Broadway contains two retail nodes (25-50 acres) at Kirby and Kingsley.



Zoning Map - Broadway - General Area Between SH 288 and FM 521

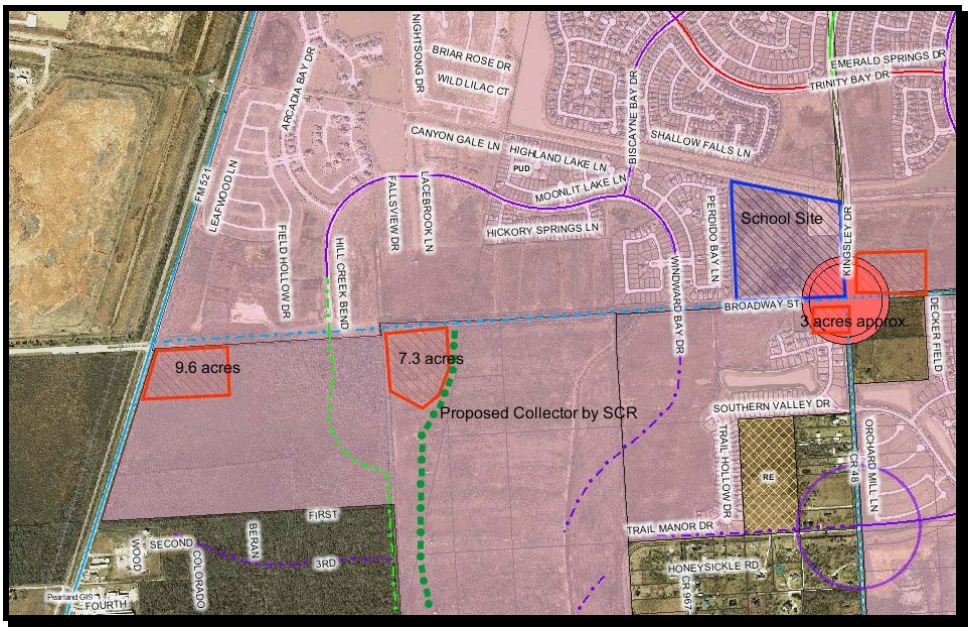
While the retail node designated for Broadway and Kirby has been developed, the one at the intersection of Broadway and Kingsley is still vacant land (refer to map below). Ten acres have been delineated by the SCR and Southern Trails PD at the corners as shown. A minor node can accommodate up to 25 acres of retail/commercial as per the Comprehensive Plan. Therefore, this node has additional potential for retail/commercial development.

The designation of the nodes is in conformance with the Comprehensive Plan recommendations, and prevents the entire strip of Broadway from being commercial. The adequacy of these nodes needs to be evaluated. An additional node at Broadway and FM 521 could be explored.



Areas Zoned for Commercial – Detailed Area: Broadway between SH 288 and Kingsley.

West of Kingsley, 17 acres of land has been demarcated for retail/commercial use along Broadway by SCR PD, as shown below. With an additional node at FM 521 and Broadway, this acreage can be increased, if required.



Areas Zoned for Commercial – Detailed Area: Broadway between Kingsley and SH 521.

Recommendation: Staff recommends that an additional major node (50 acres) be added at the intersection of FM521 and Broadway.

Comment #20:
Explore More Commercial Zoned Land. (Not Strip Centers).

Explanation: Staff interprets this to include exploration of areas where office complexes could develop.

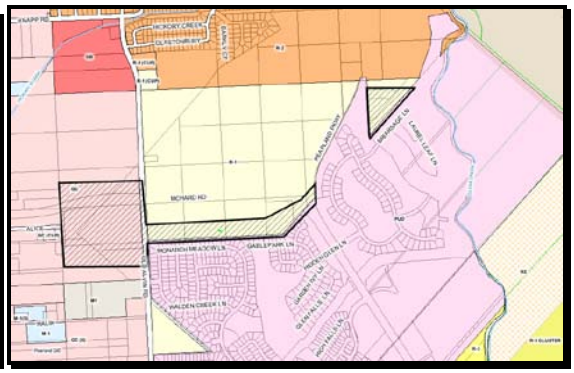
Staff Analysis: Currently, there is a specific land use category, Office, which pertains to only office development. Only one area of Pearland, along north of McHard, at Pearland Parkway is designated with that category. The Comprehensive Plan indicates that the zoning category corresponding to this designation needs to be developed.

Recommendation: Explore other areas to be developed for office use. If the council desires to preserve the current land being used for offices, then the Future Land Use plan can be modified to show these parcels under office designation.

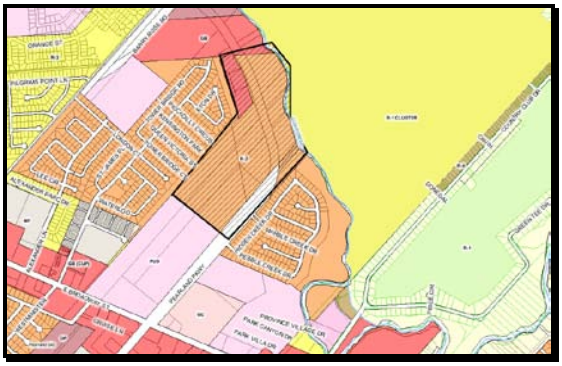
The current zoning categories that permit office uses are located are NS, OP, GB, and GC zones. These are shown as Retail, Offices, and Services, or Business Commercial in the Future Land Use Plan. Since these zones permit a wide variety of other uses, the current zoning or land use designation will not protect these uses from converting to other retail/commercial uses. Therefore, in addition to identifying these areas in the Future Land Use Plan, a separate zoning category could be created to allow only offices and similar uses.

Staff feels that this category can be expanded along McHard Road, in proximity to the U of H site and along Pearland Parkway.

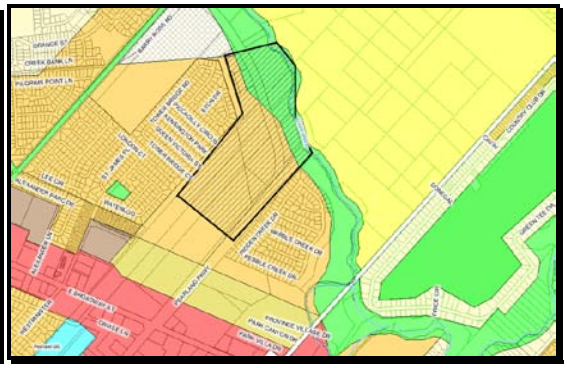
Comprehensive Plan



Zoning



Zoning Map



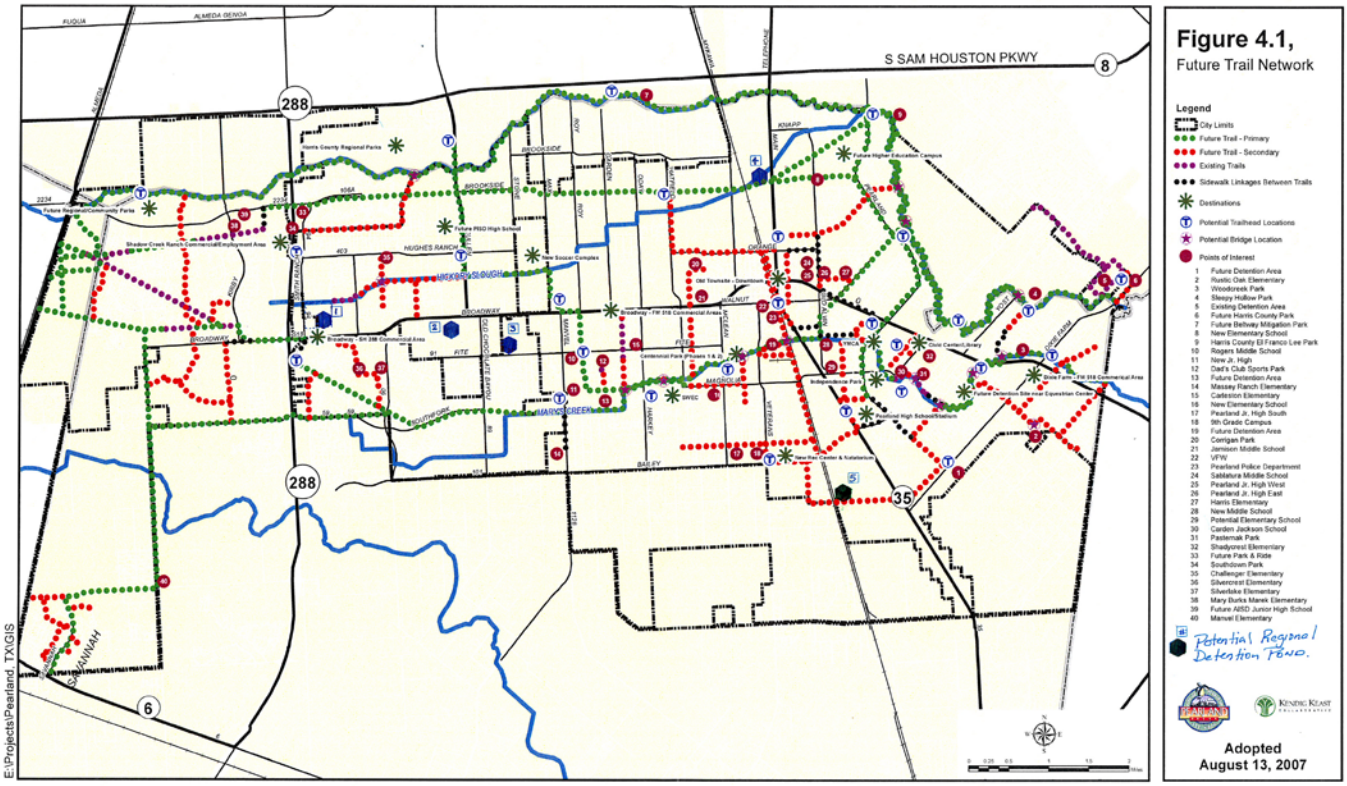
Comprehensive Plan

Comment #21:
Trails Under Power Lines.

Explanation: The Council and P & Z had recommended the easements under power lines be considered for trails.

Staff Analysis and Recommendation: The Future Trail network map attached shows that this was considered and trails are shown along the power line easements.

Attachment: Figure 4.1 – Future Trail Network.



Comment #23:
Platting For Commercial.

Explanation: This was not specifically discussed at the workshop. However, staff has been reviewing the platting process to propose changes to permit minor plats for non-residential developments where all public improvements are required to serve the particular project and to allow access from and frontage on easements instead of public or private streets.

Staff Analysis and Recommendation: Certain non-residential developments, such as Pearland Town Center and Shadow Creek Market Place, require extension of public utilities and public improvements just to serve their project. Delay in construction of these or their deferral does not affect the city or any other parcel. In those situations the developer would benefit if the public improvements are undertaken concurrently with on-site improvements. The Council did permit this a few years ago with the provision of a performance bond or surety.

However, a two step process is still required, where the preliminary plat is required to be approved, prior to public improvements being constructed and accepted. Once the public improvements are accepted, the final plat is approved and recorded. Both the preliminary and final plats need to be approved by the P & Z. In the above mentioned situations, it is staff's belief that a one –step minor plat process can be proposed, with administrative approval. Further, plat recordation would b required prior to issuance of a Certificate of Occupancy, instead of a building permit.

The second issue has been the requirement that all lots have frontage and access on a public or private street. In large commercial developments, this has proven to be a problem and has resulted in lots with irregular configurations. Staff has researched this and is proposing that access to non-residential lots be granted through an access easement with certain requirement to assure orderly development.

As part of this, staff has also recommend modifications to design requirements for parking lots to incorporate ends islands and separation distances of aisles from driveway and street intersections.

The attached memo details staff recommendations and case studies of surrounding communities.

Attachment: Staff memo and flow charts.

DATE: March 31, 2009

MEMO TO: Lata Krishnarao, Planning,
Narciso Lira, III, Engineering
Mike Hodge, Assistant City Manager

FROM: L. Richard Keller

SUBJECT: ACCESS EASEMENTS AND SUBDIVISION ACCEPTANCE PROCEDURES IN OTHER NEARBY CITIES

I have discussed these issues with individuals representing several other cities in this area and Harris County. Use of access easements to access otherwise landlocked platted lots is not done on a routine basis. Such access easements are allowed in non-residential areas by granting of a variance by the Planning Commission or through the platting process. Each is treated as a unique situation and staff reviews the proposed access easement for location, adequate size, pavement thickness adequate to support a fire truck, etc. If the easement crosses adjoining unplatted or previously platted property, the easement needs to be recorded by separate instrument.

RECOMMENDATION: The procedure used in Sugar Land for access easements appears to be working in a satisfactory manner. I recommend that easements be allowed as access for non-residential platted lots. Access easements could also be used for multi-family projects if a Planned Development or Cluster Plan has been approved. The following procedure is proposed:

1.) Three documents are submitted for City approval at the same time:
   a.) A Minor Plat for Non-Residential or Multi-Family property is submitted for approval with all necessary easements for fire lines, access, and utilities included. There would be no limit on the number of lots included in such plats.
   b.) A site plan depicting driveways, utilities, paving, sidewalks, parking, landscaping, drainage, and buildings is submitted for approval. It shall also include details of paving, drainage, and utility improvements within any offsite access or other easements to be recorded by separate instrument.
   c.) Any necessary offsite access easements across adjoining unplatted or previously platted property are submitted for approval. Such offsite easements will be recorded by separate instrument. All access easements, whether included within the plat or recorded by separate instrument, shall include dimensions and location of the easement and clearly assign responsibility for perpetual maintenance. Such easements could be included in platted reserve areas, possibly jointly owned.

2.) The three documents submitted under (1.) above are reviewed and approved administratively by City staff. Site plan is reviewed and approved in accordance with standards outlined in Chapter 4 of the Unified Development Code entitled “Site Development”. Plat is reviewed and approved in accordance with standards outlined in Chapter 2 of the Unified Development Code entitled “Zoning Regulations” and Chapter 3 entitled “Subdivision Regulations”.

3.) Offsite easements for access and utilities are recorded by separate instrument at the County Courthouse with the City being provided a copy of the recorded easement(s).

4.) Plat is approved and recorded at the County Courthouse

5.) Building permit(s) issued

6.) Infrastructure improvements necessary to serve the proposed platted lots are constructed and accepted for maintenance by the City Engineer or a letter of credit or performance bond for the cost of the necessary improvements is accepted by the City Attorney. Construction of these improvements could be performed concurrently with other site plan improvements and buildings. Amount of the letter of credit or performance bond could be reduced in stages as portions of the necessary infrastructure improvements are completed and accepted by the City Engineer.

7.) All infrastructure improvements are completed and accepted for maintenance by the City Engineer.

8.) Certificates of Occupancy are issued for the buildings served by the infrastructure improvements.

Chapter 4 of the Unified Development Code entitled “Site Development” should have the following design criteria added for site plans:

- Minimum access easement width of twenty-six feet (26’)
- Fifty feet (50’) of separation between the adjoining street curb line and the edge of the entrance to the first parking bay
- Twenty-four feet (24’) of separation between adjoining parking bays or the edge of the parking lot
- Thirty-six foot (36’) minimum width of parking bays containing two rows of parking
- Ten-foot (10’) minimum width raised islands at each end of each parking bay and along the edges of each access easement.
- Four-foot wide sidewalks should be provided along both sides of all access easements and at other areas designated for pedestrian access

ACCESS EASEMENTS ALLOWED IN NEARBY CITIES IN THE HOUSTON AREA
FEBRUARY 2009

City of Baytown – Kelly Carpenter – 281-422-5397

City of Baytown has not previously allowed access easements to be platted in industrial and commercial areas. If such easements were to be allowed by a variance approved by the Planning Commission, their design (minimum width, maximum length, pavement thickness, etc.) would be determined by requirements of the fire code. Pavement would have to be sufficient to support a fire truck.
Use of access easements in residential areas is very rare (perhaps once per year) since most of their residential development is within platted subdivisions.

City of Missouri City – Travis Huff – 281-403-8542

Access for non-residential lots without street frontage could be obtained by access easements. Reserve areas dedicated for access could also be used. Such easements could be included on a plat of the lot or obtained by separate instrument. Dimensions of these easements and pavement design would be dictated by the fire code. These easements could also contain water and sewer lines if they were not contained in separate easements. Provisions need to be made to ensure that the roadway within these access easements is maintained properly so that they continue to serve as adequate access for a fire truck. This could be in the form of an agreement by the property owners who own the land underlying the easement. Other property owners who benefit from the easement could also be parties agreeing to be bound by the easement agreement.

Harris County – Reeves Gilmore – 713-315-3545

Since virtually all of the unincorporated portion of Harris County is in the City of Houston E.T.J., Harris County follows Chapter 42 of the City of Houston Code of Ordinances. Mr. Gilmore is unaware of any cases in which lots have been platted without frontage onto a public or private street. He thinks that this may have been done in the Pasadena Industrial District without platting. He would be happy to research specific instances in which lots were platted without access to a public or private street.

City of Houston – Ryan Albright – 713-837-7853

No residential lots are platted without access to a public or private street. However, access for residential lots may be obtained through Type I or Type II access easements as described in Chapter 42 of the Houston Code. I described our PUE/PAE designation for platting of private streets to Mr. Albright and he felt that it was very similar to procedures followed in other nearby cities. Our requirement of cross-access easements for platting of adjoining non-residential lots in order to minimize driveway openings is also widely followed in other surrounding cities.

The only way that City of Houston would allow a non-residential lot to be platted without street frontage would be through a variance approved by the Planning Commission. This is only done 2-3 times per year. Staff would require certain items to be provided before such a variance was recommended for approval. These would include a site plan showing the location of the easement and the proposed lots, a dedicated and recorded easement, construction of pavement adequate to support a fire truck in accordance with City standards, and a maintenance agreement ensuring adequate maintenance of the pavement within the easement in the future. (I would think that any necessary drainage maintenance necessary for the pavement to maintain its integrity should also be included.)

City of Pasadena – Armon Irones – 713-475-5543

Access easements not allowed for residential development. Access easements for commercial and industrial development are allowed through a variance application to the Planning Commission. A hardship must be demonstrated showing that the easement is the only available solution. Access easements must be paved and at least 20' wide. Such easement proposals are subject to staff review including the Fire Marshall. Fire Marshall would review the proposed layout for its adequacy to serve a fire truck including provisions for turnaround at the end.
A recent example of this is a hotel located behind an IHOP restaurant. Hotels are required to front onto a major thoroughfare (Beltway 8 or S.H. 225) but the site did not have enough frontage for both uses and the hotel was not allowed to have frontage onto an adjoining street.

City of League City – Mark Linenschmidt – 281-554-1078

Subdivision and Development Ordinance allows access using access easements. Such easements are subject to staff review for adequate pavement, dimensions, maintenance, etc. Blanket easements across adjoining property are sometimes used. All platted lots and reserve areas must be provided with access.
Section 102-3 of Chapter 102 of the League City Code entitled "Definitions", defines Access Easement as follows:
"Easement, access, means an easement that provided access to platted lots or reserves. The easement shall meet all of the requirements as set forth for its intended use, including, but not limited to, construction, width, building lines and function, but shall be privately maintained".

City of Sugar Land – Doug Schaumberg – 281-275-2738

Access to platted commercial or multi-family lots is allowed either through platted access reserves or access easements across adjoining property. Variance procedure is not used. Easements must be in place (recorded) before the plat is approved. Reserves may be owned by a property owners' association. The easements often straddle a lot line and usually have a total width of 30'. They are used, for example, to access a second tier of lots behind commercial lots with frontage on a public street.

SUBDIVISION ACCEPTANCE PROCEDURE IN NEARBY CITIES IN THE HOUSTON AREA
MARCH 2009

City of Baytown – Harold Cheek – 281-420-5378

Preliminary plat approval required before construction of infrastructure improvements begins. Infrastructure improvements must be completed and accepted before final plat application. If 75% of this work is completed, the developer can submit a performance bond for the remaining 25% of the work. However, there is a time limit for completion of this work. Minor plats are allowed for four lots or less needing no water, sewer, or street extensions. Single-lot commercial plats are allowed to proceed if streets and utilities are already available. Any driveway and drainage improvements necessary can be accomplished through the site plan process.

City of Missouri City – Travis Huff (Planning) – 281-403-8542 and Damon Williams (Public Works) – 281-403-8539

The only plats not submitted to the Planning Commission are administrative replats used infrequently to accomplish minor changes on a plat. Engineer-sealed construction plans for infrastructure improvements should be submitted before final plat application. Approved Final Plats have a note on the face of the plat stating that no building permits will be issued for lots within the subdivision until infrastructure improvements, including fire lines, have been designed, constructed, and accepted for maintenance by the City. Public Works Dept. performs this acceptance.

City of Pasadena – Armon Irones – 713-475-5543

City of Pasadena processes administrative and minor plats without Planning Commission approval. Such plats do not require any extensions of city services or facilities. Other plats requiring such improvements first receive preliminary and final plat approval by the Planning Commission. The necessary improvements are then constructed to City standards and eventually accepted by the City. After acceptance for maintenance by the City, the Public Works Director signs the plat and it is presented to City Council for approval. After second reading by City Council, the plat receives City Council approval and is then recorded. Applications for building permits and site plans for development of the platted lots can then be accepted.

City of Houston – Jesse Givens, AICP – 713-837-7876 (Fax) 713-837-7994

City requires that applicants coordinate completion of infrastructure improvements with Public Works/Engineering (PWE) before final plat submittal or before recordation of the plat. The improvements would be made concurrent with permitting and before the site plan permit could be purchased.
City has subdivision plats (Sect. 42-20) and Development Plats (Sect. 42-22). All subdivision plats are subject to planning commission approval while development plats

are approved administratively unless a variance is requested. Subdivision plats are required for the subdivision of land and/or changes in use of previously divided land. Development plats are required for new construction of additions to structures. Subdivision plats are always followed by development plats. However, there are circumstances that allow a development plat on property that previously had not been recorded through the subdivision plat process.
In all cases, the development plat runs concurrently with permitting for construction. Infrastructure (sidewalks, roads, utility) improvements always are required along the property boundaries unless a variance to the requirement has been granted.

City of League City – Mark Linenschmidt – 281-554-1078

Applicant can submit infrastructure plans anytime prior, during or after the preliminary plat. City requires that infrastructure construction plans be approved by City Engineering prior to consideration of the final plat. In some cases, the infrastructure is approved prior to the preliminary plat in which case a preliminary/final plat would be done. Any type of final plat must always have approved infrastructure plans.
Once the final plat is approved, the applicant would need to either construct the infrastructure or provide a letter of credit to the City Engineer for the entire cost of construction in order to record the plat. The City Engineer must also approve the letter of credit from the applicant's financial institution. There is no time limit for completion. However, there is a time limit for the approved final plat. Approved final plats expire two tears from the date of submittal if not recorded with the appropriate county unless one of the following occurs: 1.) a good faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project; 2.) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located; 3.) fiscal security is posted to ensure performance of an obligation required by the regulatory agency
If the applicant chooses to construct the infrastructure, City's engineering inspectors notify planning dept. when they have received a letter of completion of the Engineer of Record for the project and the inspectors are in the process of inspecting the proposed public infrastructure. Once the infrastructure is complete, the bacterial tests have come back O.K., and the portion of infrastructure is ready for acceptance, the plat is recorded prior to the City Council meeting requesting the acceptance.
Minor plats are allowable and are approved administratively as long as the plat is subdividing into four or less lots, fronts an existing street, and no public infrastructure is being extended. If public infrastructure is being extended, then it is not a minor plat. The plat, in this case, would be either a preliminary/final, preliminary plat, or replat and follow the same procedures indicated above. Amending plats are also approved administratively.

City of Sugar Land – Harold Ellis – 281-275-2220

Mr. Ellis referred me to Section 5.12 of the Sugar Land Code dealing with short form final plats. Review of this section shows that these plats require no creation or extension of public rights-of-way. However they do allow the preliminary plat process to be avoided on subdivisions of four lots or fewer. Such plats must meet all of the requirements of a final plat. For more information, contact Doug Schaumberg at 281-275-2738.

FLOW CHART

FOR MINOR NON-RESIDENTIAL PLATS

Offsite Access & Utility Easements submitted for approval

Minor Non-Residential Plat submitted for approval

Site Plan depicting utilities, drainage, landscaping, parking, driveways, and buildings submitted for approval

↓

Site plan reviewed and approved in accordance with standards in Chapter 4 of the Unified Development Code entitled "Site Development"

↓

Offsite Access and Utility Easements Approved

↓

Offsite easements for access and utilities recorded at County Courthouse by separate instrument with City provided a recorded copy

↓

Plat approved and recorded at County Courthouse

↓

Building Permit(s) issued

↓

Infrastructure improvements necessary to serve the proposed platted lots are constructed and accepted by the City Engineer OR a Letter of Credit or Performance Bond is accepted by City Attorney. Infrastructure improvements could be constructed concurrently with buildings and site plan improvements.

↓

Infrastructure improvements accepted by City Engineer for maintenance

↓

Certificate of Occupancy for building(s) issued.

Comment #24:
Analysis of Detention for Vacant Industrial and Commercial Zoned Properties and their Use as Parks/Trails.

Explanation: The council had directed staff to identity areas for future regional detention, in areas zoned for future industrial and commercial growth. This would assist in maximizing development on smaller industrial and commercial parcels.

Staff Analysis & Recommendation: See attached memo and map. Five areas for regional detention have been indentified with explanation for each.

Memorandum

To: Lata Krisnarao

CC:

From: Narciso Lira

Date: 3/20/2009

Re: Land Use Map: Potential Regional Detention Ponds

As part of the Land Use Map update, a request was made to review the City's undeveloped areas for potential regional detention ponds. The main objective is to facilitate the location of a regional detention pond that would allow a potential developer/landowner to maximize their developable space. The attached exhibit identifies 5 potential locations for regional ponds.

The City's current regional detention program consists of four existing regional ponds and a fifth that is currently under design. The primary use for those detention ponds are for overall watershed improvement, mitigation of City projects, and some capacity allocated for developers to purchase. These ponds are located adjacent to Mary's Creek, Hickory Slough, and Clear Creek. Due to the City's current infrastructure, purchasing regional detention to mitigate development needs is difficult for properties not located immediately adjacent to the particular streams. Also, the further the site is located upstream or downstream of the pond the less benefit you see from the regional detention.

The five potential regional ponds proposed as part of this Land Use update will follow a similar model as what was being proposed for the Spectrum regional detention pond. The land use map will only illustrate potential locations for these ponds. The 2009 update to the Master Drainage Plan will take a more detailed look at the location, cost, and potential infrastructure needs for the ponds to service their respective areas. Below is a brief description of the potential regional detention pond locations.

Pond 1:
This pond would be located on the upstream end of Hickory slough east of Smith Ranch Road, just north of the Wal-Mart located at FM 518 and Smith Ranch Road. The pond could potentially be sized to service an area bound by Smith Ranch Road on the west, CR 403 on the north, Autumn Lakes on the east and FM 518 on the

south; potentially servicing over 100 acres of currently undeveloped land. The pond could be designed on either the north or south side of Hickory Slough with the outfall structure designed to mitigate the impacts of runoff associated with ultimate development of that area.

Pond 2:
Pond 2 could potentially be located between Fite Road and FM 518, adjacent to an existing Brazoria Drainage District No. 4 drainage ditch that drains north into the Cullen drainage system and ultimately to Hickory Slough. The pond could potentially service approximately 80 acres of currently undeveloped land that has frontage along FM 518 allowing future development to maximize their developable area. Future analysis would have to be performed to determine the size of the pond and storm sewer system that would convey the runoff from the developments to the detention pond.

Pond 3:
Pond 3 is the existing Tranquility Lakes detention pond located east of Old Chocolate Bayou and south of FM 518. Previous discussions seem to indicate that there may be some extra capacity within that pond that could service approximately 80 acres of currently undeveloped land that is bound on the west by Cullen Parkway, north by FM 518 and on the south by Fite Road. An analysis would have to be performed to determine the amount of extra capacity within the pond to establish an area it could serve. Future analysis would also be required to determine infrastructure needs to convey the runoff to the detention pond.

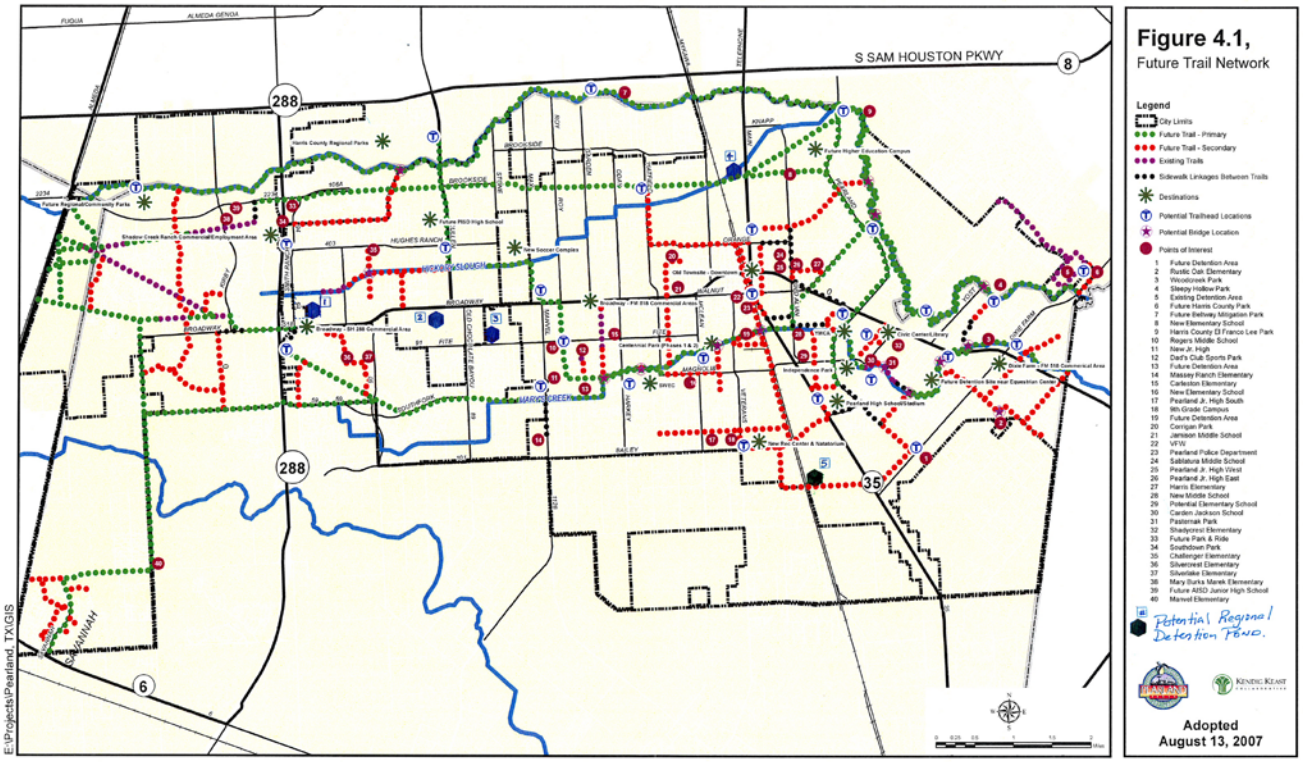
Pond 4:

Pond 4 is proposed to be located within property that the City currently owns and utilizes as detention for McHard Road. Location of this pond could be along Hickory Slough just down stream of Mykawa. The regional pond could potentially mitigate future expansion of industrial developments along Mykawa and also development of approximately 30 acres located at the southwest corner of the McHard/SH 35 intersection. Conveyance of the developed runoff along Mykawa could be incorporated into future expansion of Mykawa, with the undeveloped land at the southeast corner of McHard/SH 35 discharging directly into the City's detention Pond. Analysis would have to be done to determine the impact on the Mykawa expansion project and whether the pond could be built to mitigate the impacts of the area it would service.

Pond 5:
Pond 5 is proposed to be located along Cowart Creek between SH 35 and the existing railroad tracks. Brazoria Drainage District No. 4 may be purchasing property along Cowart Creek for regional detention to improve existing watershed conditions. It would be ideal if additional capacity could be allocated towards regional detention to mitigate future development within this industrial zoned area of

the City. Total undeveloped land bound by SH 35 on the east, the railroad tracks on the west, Industrial Drive on the north, and future Dixie Farm Road Extension on the south is over 300 acres. Sizing a single detention pond and storm sewer conveyance system for that amount of land may not be feasible, but a series of ponds phased out over time as development occurs may be a feasible option to pursue.

Out of these five pond locations, 3 of them would potentially be adjacent to a future trail as shown on the City's Master Trail Plan allowing it to be incorporated into the plan if desired. At this time, a thorough analysis of the pond locations or any conveyance system has not been performed. The 2009 update to the Master Drainage Plan will incorporate looking at these ponds from a rough cost perspective to possibly program cost to perform future analysis as we do our CIP planning. We suspect that these regional ponds would potentially be analyzed more thoroughly as part of a master plan for those respective areas or as directed by Council and programmed into the City's CIP Plan.



Council Comment # 25:
Modify Cullen-Mixed Use (C-MU) District to Reinstate Previous Zoning.

Explanation: Please refer to the attached memo and documents.

Analysis: The subject property, located on 1855 Cullen Parkway, was rezoned from Commercial "C" (renamed as General Commercial zone or GB) to Cullen Mixed Use District upon adoption of the new zoning map in 2006. (See attached maps) The property is called Cullen Business Park and it appears that offices are located within the existing building.

The UDC states:

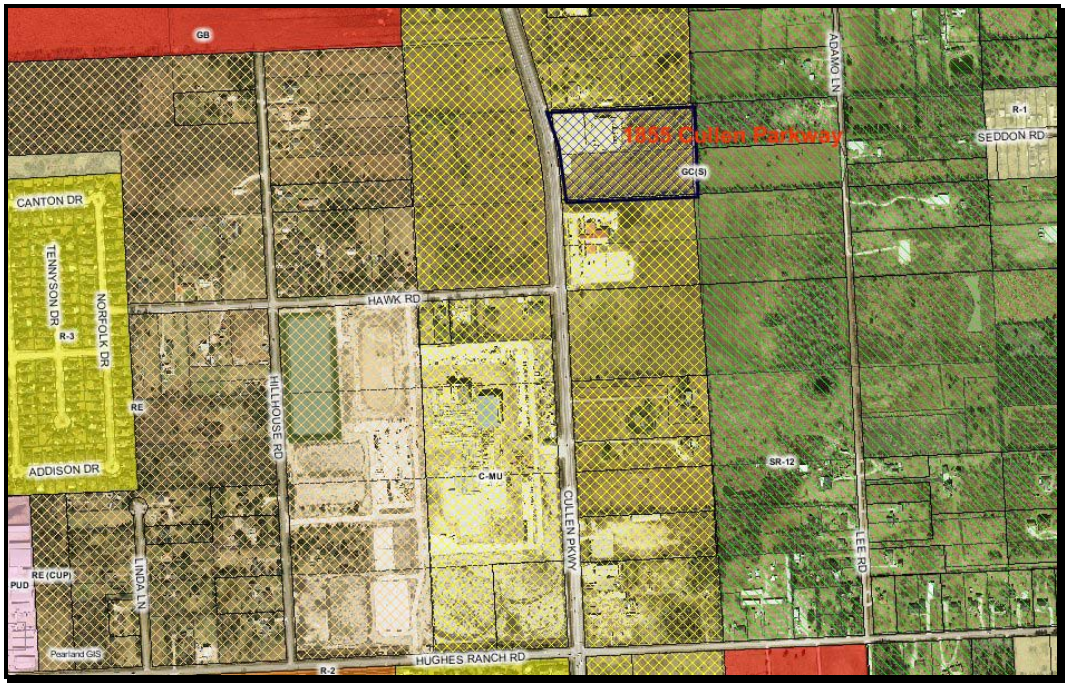
> **Purpose.** The Cullen Mixed Use District (C-MU) is intended to provide a district that allows for the continuation and limited growth of specific nonresidential land uses that have been in existence along Cullen Boulevard for a long period of time, while also respecting the residential uses that have developed and now co-exist with the nonresidential uses.

Prior to the adoption of the UDC, a survey was conducted of existing uses along Cullen Parkway, and those existing uses were added as permitted uses within the C-MU District. While the previous Commercial zoning of the subject property permitted uses such as auto painting, auto body shop, auto sales, auto repair inside buildings, seat cover or muffler installation shops, tire retreading and capping, it appears that the subject property was not being used for any of these uses or the proposed uses. If any of those uses did exist, they would be allowed to continue as non-conforming uses.

This situation is different from the Garden –Oday situation, where the manufacturing uses that were prohibited with the adoption of the new zone were ones that existed prior to the zone change.

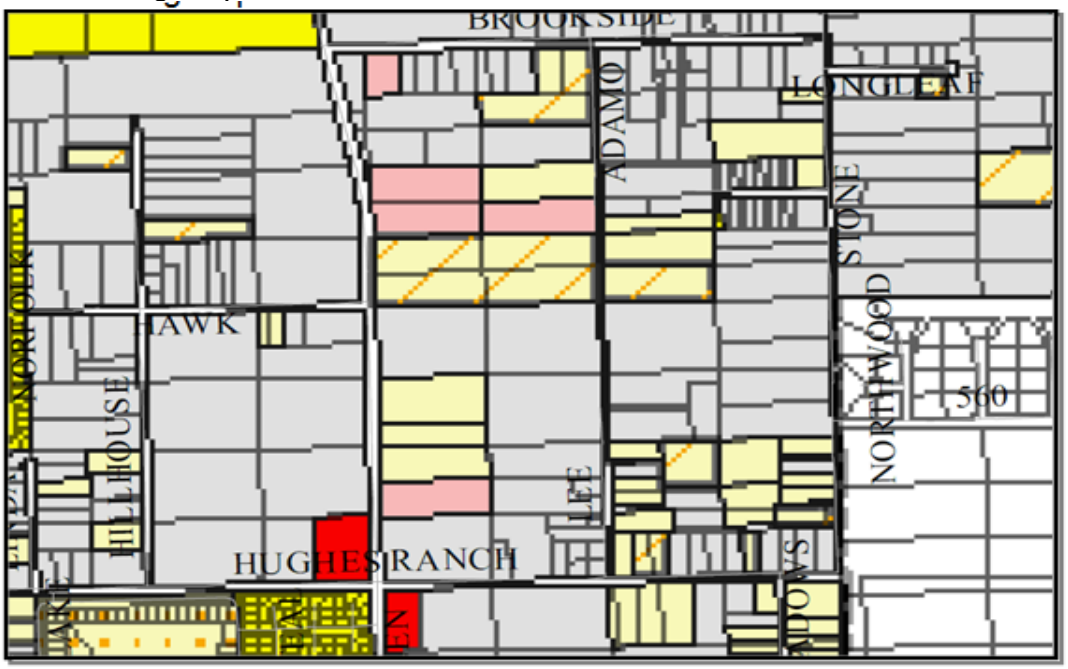
A few years back, the City Council denied a General Commercial zone change on one of the properties, south of the subject parcel, to permit used car dealership inside the building.

Recommendation: With the classification of Cullen Boulevard as a COD, and with the recent and proposed developments of the Dawson High School, City's Public Safety Complex, future primary trail along Cullen, it is staff's opinion that inclusion of uses permitted in the GC district would be detrimental to the future of Cullen Boulevard.



Current Zoning Map

2006 Zoning Map



MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Bill Eisen, City Manager
DATE: March 25, 2009
SUBJECT: Cullen Mixed Use District

Today I received the attached letter from Gil Allison. Mr. Allison owns a building on Cullen Parkway. As he indicates in his letter, the property was zoned in 2007 to the then-newly formed Cullen Mixed Use District. This District allowed many, but not all of the uses that were permitted in previous zoning districts in the corridor.

Mr. Allison is requesting that the Council consider modifying the CMU District in a manner similar to changes you made in the Garden-O'Day District. You will recall that in that case, you modified the District so you did not make existing businesses nonconforming. The situation with Cullen is somewhat different. The building has been in place since before the area was annexed, but individual businesses in the building have changed over time.

I told Mr. Allison that I would forward the letter and its attachments to you. We will be holding a workshop on possible changes to the UDC on April 6. That would be a good time to discuss possible changes that would address Mr. Allison's request, if you wish to do so.

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March 25, 2009

To: Bill Eisen
City Manager, Pearland

The first of March, a new tenant at my Business Park on Cullen, at 1855 Cullen went to get his Occupancy Permit and I found out I had been rezoned in February of 2007. I was shocked, as nobody had contacted me to let me know.

I have been in the same location for 18 years, doing business the same way. The City of Pearland annexed me into the City in 1998. It took four years to get a zone of Commercial with Outside Storage. I have been waiting 11 years for water and sewer. Without them, it would be impossible to continue in business to meet the new zone.

I have two young men that want to start their first business. They will be doing lift kits for trucks plus upscale stereo systems for cars and trucks – retail and installation.

I have always run my business with good tenants that are an asset to me and the City of Pearland. I need you to give me my Zone back, or a way I can continue to do business. I look forward to meeting with Council to answer any questions and to work through this situation to the satisfaction of all parties. Enclosed you will find the settlement from the Garden/O'Day – Mixed Use District, dated March 17, 2008 that we talked about.

Gilbert Allison

Gilbert Allison
713-702-0628 cell phone
gil@allisoninvestments.com
713-807-1174 fax

Enclosures

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF MARCH 17, 2008

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC)

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T, Generally Regarding the G/O – MU, Garden/O'Day – Mixed Use District (Section 2.4.3.3).

APPROVAL PROCESS: After this Joint Public Hearing, the Unified Development Code amendments will be considered as follows:

Planning and Zoning Commission: March 17, 2008*
City Council for First Reading: April 14, 2008*
City Council for First Reading: April 28, 2008*

(*dates subject to change if item is tabled)

SUMMARY: These amendments to the Unified Development Code are being considered concurrently with a request for Conditional Use Permits for properties located along Garden Road and O'Day Road.

In February 2006, the Unified Development Code was adopted, along with a revised Zoning Map. One of the new zoning districts created in 2006 was the Garden O'Day Mixed Use District. Therefore, many properties located along Garden Road or O'Day Road were rezoned to Garden/O'Day Mixed Use District (GOMU). Several of these rezoned tracts had previously been zoned for industrial uses, either M-1 or M-2. Industrial uses are not permitted in the GOMU district.

The owners of the properties formerly zoned M-1 or M-2 are now requesting that the City undo what they perceive to have been a "down-zoning" of their property, so as to allow them to engage in industrial use of their land.

At the time the Mixed Use Districts were created, the intent was to allow existing businesses and residential properties to be able to co-exist since the development of these neighborhoods were already mixed. Finding a zoning district that matched the type of development would be difficult. The creation of the Mixed Use Districts would place additional restrictions on property development or expansion that would buffer the different activities, but it would at least allow the existing activities to expand or even change somewhat in character without the burden of a zone change. In addition, it was not the intent to "down zone" (zone an existing property already zoned - other than Suburban District - to a more restrictive zone).

The City staff had been meeting with property owners and/or their representatives to discuss the options that would allow them to co-exist as the intention of the Garden/O'Day district had been developed originally.

At a workshop held on February 18, three options were presented to the City Council and the Planning and Zoning Commission. The first option was to simply rezone those properties formerly zoned M-1 or M-2 to that previous zoning designation. The second option was for the City to amend the regulations and uses to add all the uses allowed in M-1 or M-2 districts to the GOMU district.

The third option, and the one preferred by the City Council and the Planning and Zoning Commission was for the City to amend the regulations for the GOMU district to allow for a Conditional Use Permit (CUP) that would grant M-1 or M-2 uses in addition to the underlying GOMU uses. The CUP process is an additional approval that is available only to those properties that were formerly zoned M-1 or M-2. This remedy would correct the perceived "down-zoning" without opening up all properties zoned GOMU to industrial uses. The land owners within the area are in agreement with this third option.

Therefore, the attached text indicates the changes that will be made in the Unified Development Code (UDC).

STAFF RECOMMENDATION: Staff recommends approval of the amendments to the Unified Development Code, for the following reasons:

1. The approval of this amendment supports the associated Conditional Use Permits along Garden Road and O'Day Road.

SUPPORTING DOCUMENTS:

- Proposed UDC Text

INDUSTRIAL USES IN GARDEN/O'DAY MIXED USE DISTRICT

Background

Properties located along Garden Road or O'Day Road were rezoned to Garden/O'Day Mixed Use District (GOMU) when the UDC was adopted. Several such tracts had previously been zoned for industrial use, either M-1 or M-2. GOMU-zoned properties cannot currently engage in industrial uses. The owners of the properties formerly zoned M-1 or M-2 are now requesting that the City undo what they perceive to have been a "down-zoning" of their property, so as to allow them to engage in industrial use of their land.

Option 1

The City can simply rezone those properties formerly zoned M-1 or M-2 to whatever that previous zoning designation was. The advantage to this approach is that it is exactly what the property owners are requesting. The downside is that such an action would create holes in the City's zoning map for Garden/O'Day area where the City had strived mightily to craft one uniform zoning category that would allow the different types of uses established in that area. An argument could be made that it would resemble spot zoning.

Option 2

The City can amend the regulations and uses applicable to the GOMU designation to add all the uses allowed in M-1 or M-2 districts. This would allow the affected property owners to utilize their properties for industrial uses without eviscerating the continuity of the entire GOMU-zoned area. The disadvantage of this approach is that the City will be allowing ALL properties with GOMU zoning to engage in industrial uses, regardless of whether the property was previously zoned for industrial use. That would seem to be such a broad stroke, imprecise remedy that staff would be hard-pressed to support.

Option 3

The City can amend the regulations for the GOMU district to allow for a Conditional Use Permit (CUP) that would grant M-1 or M-2 uses IN ADDITION TO the underlying GOMU uses. The properties obtaining this CUP would be in the same position as if the City chose Option 2. However, the City would be more in favor of this option than Option 2 because the CUP process is an additional approval that we could write to make available only to those properties that were formerly zoned M-1 or M-2. This remedy would correct the perceived "down-zoning" without opening up ALL properties zoned GOMU to industrial uses.

281 650 1650 Mike Hogdge

Council Comment # 26:
Differentiate Between Minor and Major Nodes.

Explanation: The text in the Comprehensive Plan proposed two types of nodes, minor nodes with 25 acres and major nosed with 50 acres. This differentiation has been overlooked in the FLUP.

Analysis: Based on the street hierarchy, and existing and proposed land uses staff has designated these nodes in the FLUP.

Recommendation: Refer to the Proposed Land Use Map.

To be provided at the workshop.

Dr. Susan S. Lenamon
Owner/Broker
TREC License: 0506287

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March 10, 2010

Mike Hodge
Assistant City Manager
City of Pearland, Texas
3519 Liberty Drive
Pearland, TX 77581

Re: City of Pearland Future Land Use Plan Update, 2010

Dear Mr. Hodge:

The Board of the Pearland Old Townsite Coalition has taken action to formally oppose the FM 518 – Walnut Street one-way couplet proposed in the 2006 H3 Studios Conceptual Redevelopment Plan for the Pearland Old Townsite. The Board voted unanimously, 5-0, on February 18, 2010 to approve this action.

The Board also took action and voted unanimously, 5-0, to incorporate the old Pearland Airport site into the FLUP for the City of Pearland.

If you have any specific questions about this decision, please contact me at (281) 489-2424.

Sincerely,

Susan S. Lenamon

Susan S. Lenamon, Ed.D.
President, Pearland Old Townsite Business Coalition

JOINT WORKSHOP

Discussion Regarding Amendments To The Future Land Use Plan

November –December 2009

Jerry Koza Jr. (Chairperson)

Henry Fuertes
Susan Sherrouse
Ron Capeheart

Charles Gooden
Neil West
Darrell Diggs

JOINT WORKSHOP

Discussion Regarding Amendments To The Future Land Use Plan

WORKSHOP I

November 23, 2009

Jerry Koza Jr. (Chairperson)

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15 P & Z Workshops : June – November workshops

DATE	COUNCIL/ COMMISSION	SUBJECT DISCUSSED	ADDITIONAL COMMENTS
2/2/09	P&Z AND CC	Eight maps & Land Use Workplan handed out.	
4/6/09	P&Z AND CC	Future Land Use Plan book presented. Council directed P & Z to make recommendations.	
6/1/09	P&Z AND CC	Mixed Use Districts and Creation of a New District	
6/22/09	P &Z	Future Land Use Plan Update, and timeline	
6/29/09	P&Z	Flow Chart & Community Support, M-1 and M-2 Relaxations, Neighborhood & Residential Retail Nodes, Mixed Use Districts	
7/6/09	P&Z	Nhood nodes (#13) , David L Smith area (#17), Explore commercial land (#20), Cullen Mixed Use (#25)	
7/13/09	P&Z	Copies of UDC, and FLUP provided on USB flash drive, Public Outreach, recommendations on #17, 20, 25, 26, Staff summary re: major/minor nodes	
7/20/09	P&Z	Comments # 16, 17, 18, 20, 25, 26	
8/3/09	P&Z	Comments #5, 6, 7, 9, 10, 13, 17, 18, 20, 25, 26 and Nodes	Fred Welch, PEDC Director
8/24/09	P&Z	Comments #9 & 10, Airport	Andy Rivera, Airport Manager
8/31/09	P&Z	Comments #9 &10, Summary of all recommendations, vacant parcels, highest & best use	Kyler Cole - PEDC
9/14/09	P&Z	Annexation Plan, Airport area recommendations	
9/21/09	P&Z	Workshop with Gateway Planning - Considerations for Land Use Plan.	Gateway Planning – Scott Polikov & Jay Narayana
9/28/09	P&Z	Discuss overall recommendations	
10/5/09	P&Z	Review draft recommendations	Klotz Associates and Narciso Lira regarding drainage
10/12/09	P & Z	Review draft recommendations	
11/02/09	P & Z	Discuss presentation to CC	

P & Z
RECOMMENDATIONS

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LAND USE PLAN UPDATE – OCTOBER 2009

Objective 1

Conserve existing neighborhoods

- Preserve existing residential uses.

- Designate appropriate land uses for transition areas between residential and non residential uses to safeguard our neighborhoods while allowing for growth and expansion of local businesses.

Objective 2

Enhance long term economic development

- Consider future annexation of airport property
- Formulate a land use plan and appropriate zoning for airport area
- Preserve existing industrial land
- Consider increasing industrial land by future annexations
- Designate additional land for office use

Objective 3

Coordinate land use with transportation

- Encourage retail/commercial nodes at major street intersections to prevent strip commercial development
- Encourage residential retail nodes in proximity to residential uses to serve neighborhood needs
- Encourage higher-density, mixed-use, transit oriented and pedestrian-friendly development along the future multi modal/mass transit SH 288/Kirby corridor
- Plan for future growth by proactive annexation of sensitive areas along future corridors

Objective 4

Encourage regional detention

*Maximize development potential of vacant land

*Amenitize detention areas and incorporate within the parks plan

Objective 5

Identify future community facilities and services

Demarcate areas to provide adequate facilities

Objective 6

Identify implementation strategies

Identify changes to Future Land Use Plan, Comprehensive Plan, and Unified Development Code

Land Use Breakdown

	Current FLUP Acres	Proposed FLUP Acres	% Change within category	% Change total area
Sub. Resi. ½ acre	2187	2168	-0.96	-0.05
Sub. Resi. 15000 sf	158	158	0	0
Sub. Resi. 12000 sf	251	220	-12.43	-0.07
Sub. Resi. 10000 sf	**1589**	**1047**	**--34.17**	**-1.22**
Low Density	**18212**	**16670**	**-8.55**	**-3.51**
Medium density	**6183**	**6875**	**11.09**	**1.55**
High density	392	549	39.93	0.35
Airport	**0**	**460**	**NA**	**1.04**

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OUR CITY, OUR FUTURE

LAND USE PLAN UPDATE – OCTOBER 2009

Land Use Breakdown

	Current FLUP Acres	Proposed FLUP Acres	% Change within category	% Change total area
Offices	**73**	**423**	**478.94**	**0.79**
Retail Offices	**1318**	**1709**	**29.55**	**0.88**
Business Comm.	979	1092	11.44	0.25
Business Park	1372	1373	-0.01	0
Spectrum District	1161	1161	-0.09	0
Cullen Mixed Use	313	232	-25.94	-0.18
Garden/O'day	617	566	-8.35	-0.12
Industrial	**2119**	**1117**	**-47.33**	**-2.26**
Light industrial	**2700**	**3849**	**42.43**	**2.58**
Parks	3377	3297	-2.45	-0.19
Public Semi	1107	1181	6.59	0.16
Village	271	271	0	0
Total	**44,379**	**44,418***		

* Includes some easements that were not calculated in the current FLUP.

Council Comment # 26: Differentiate Between Minor and Major Nodes.

P & Z Recommendation:

P & Z recommended removal of nodes proposed south of Magnolia, west of SH 35, and east of Railroad tracks, (see comment 12 – retail nodes within manufacturing), while retaining the others as recommended by staff.

Increased from total 18 to 20.
Minor nodes – 14 (Includes 9 partial nodes)
Major nodes - 6

Implementation Strategy:

Modify the Future Land Use Plan

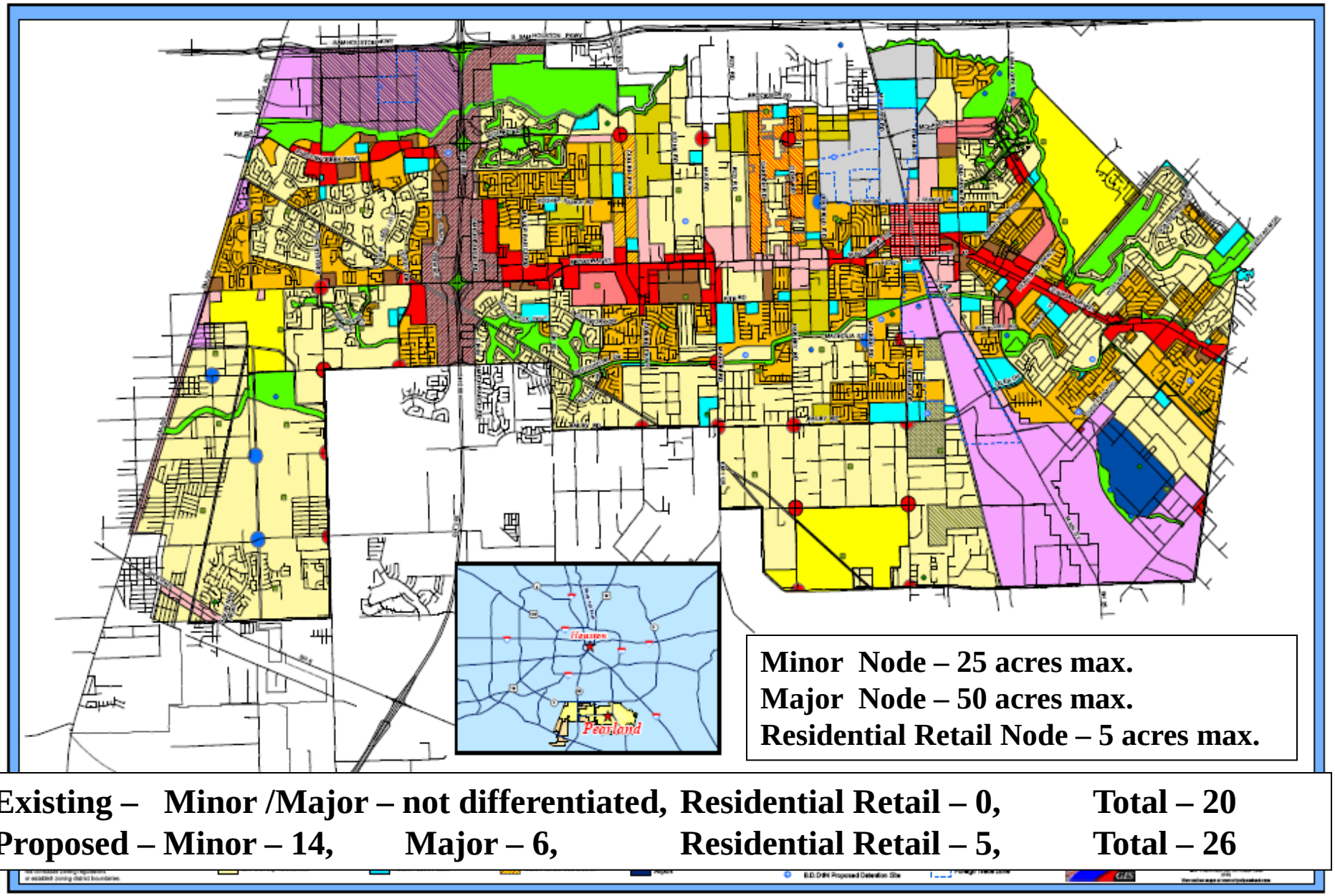
Council Comment #13 -Add Neighborhood Nodes Within Residential

P & Z Recommendation: Add five (5) Neighborhood Residential Nodes (5 acres)

Intersection #1 at Croix and Savannah Parkway.
Intersection #2 at 564 and 564B (Woodfin and Sycamore)
Intersection #3 at Dallas and Vermont.
Intersection #9 at Hatfield and W. Orange.
Intersection #10 at McLean and Magnolia.

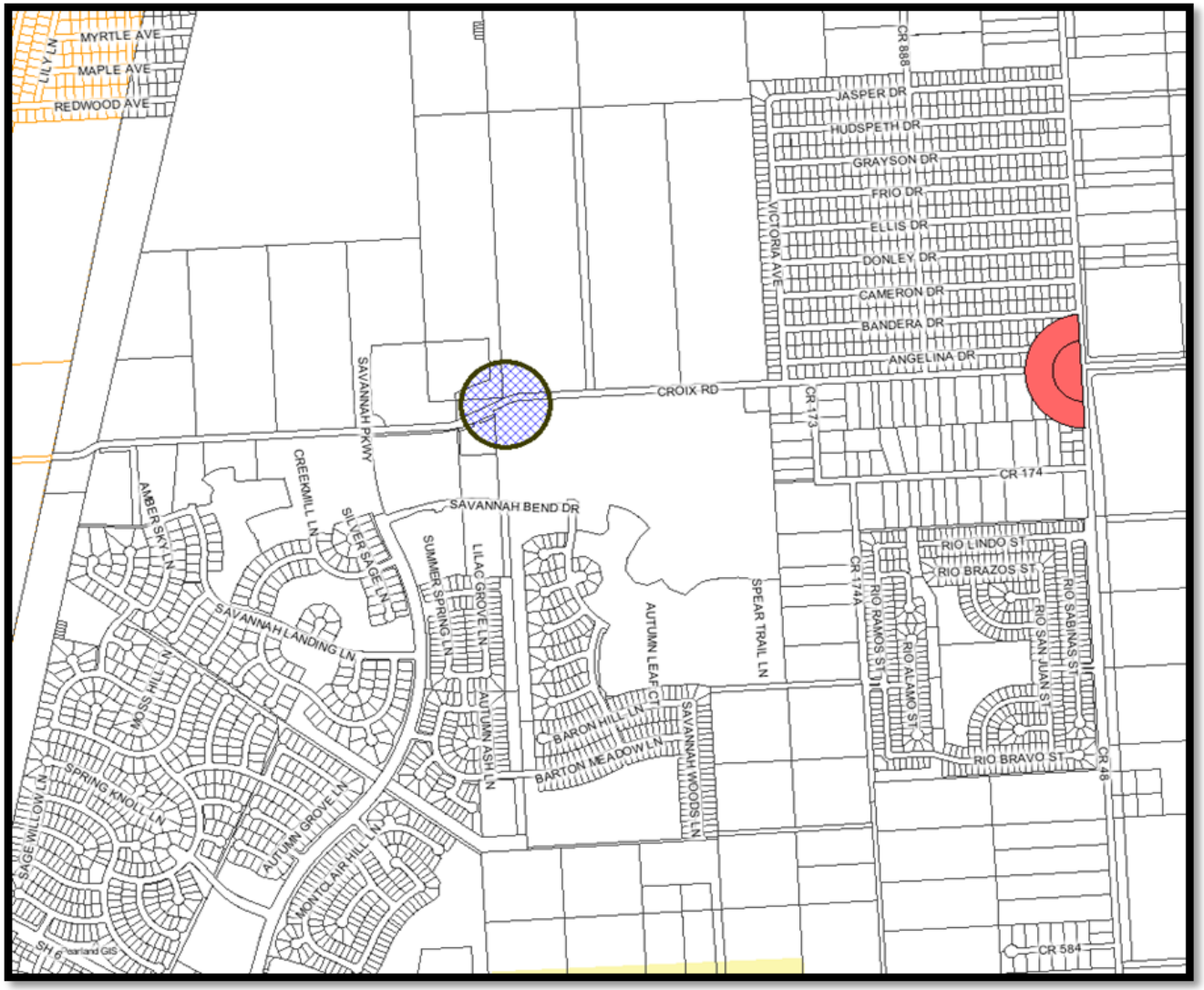
Implementation Strategy:

1. Amend the Retail Nodes section in the Comprehensive Plan to add guidelines and requirement of a CUP.
2. Amend the UDC to add the requirement of a CUP.
3. Modify the FLUP to show these nodes.

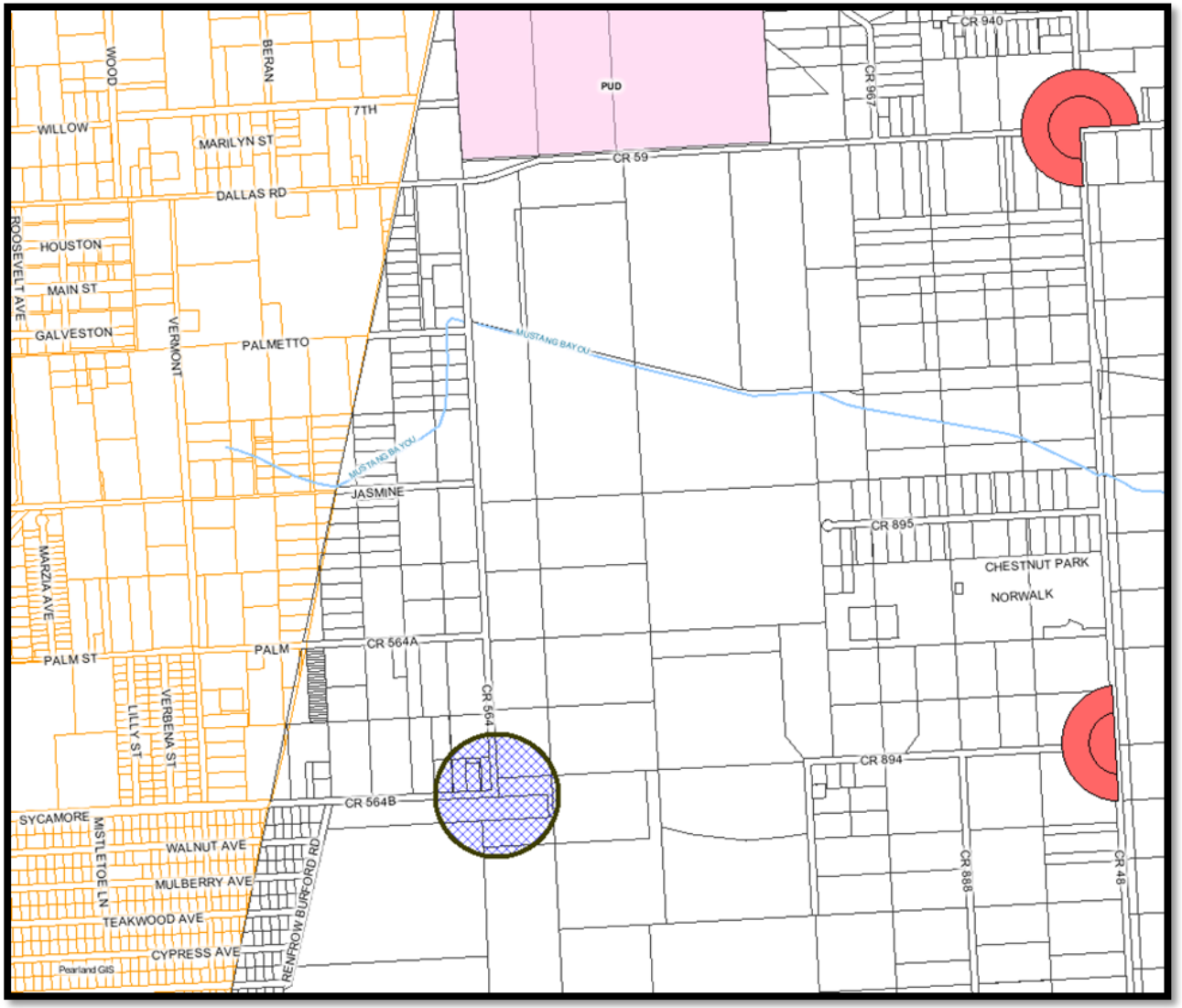


Existing – Minor /Major – not differentiated, Residential Retail – 0, Total – 20
Proposed – Minor – 14, Major – 6, Residential Retail – 5, Total – 26

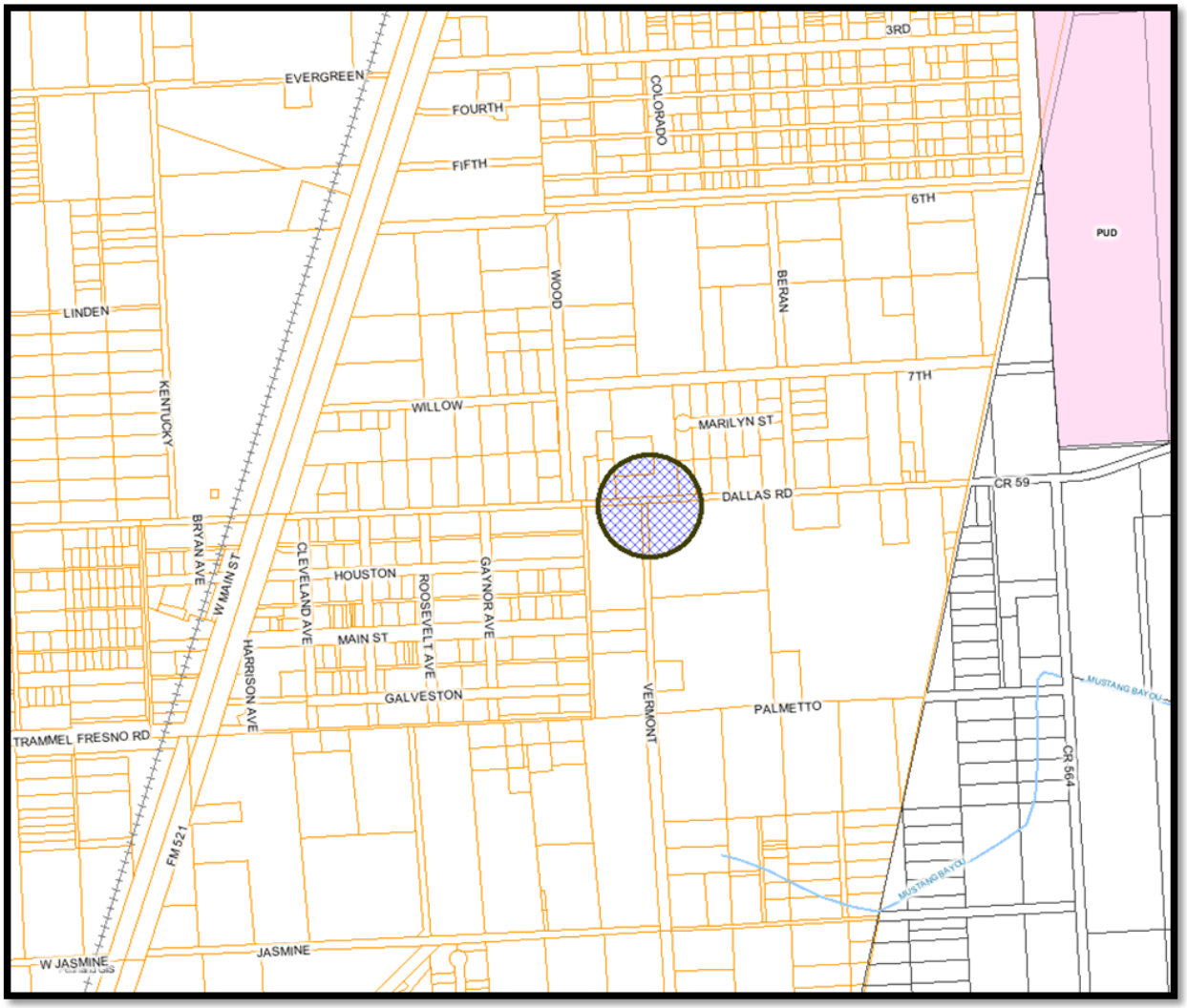
Intersection #1 at Croix and Savannah Parkway



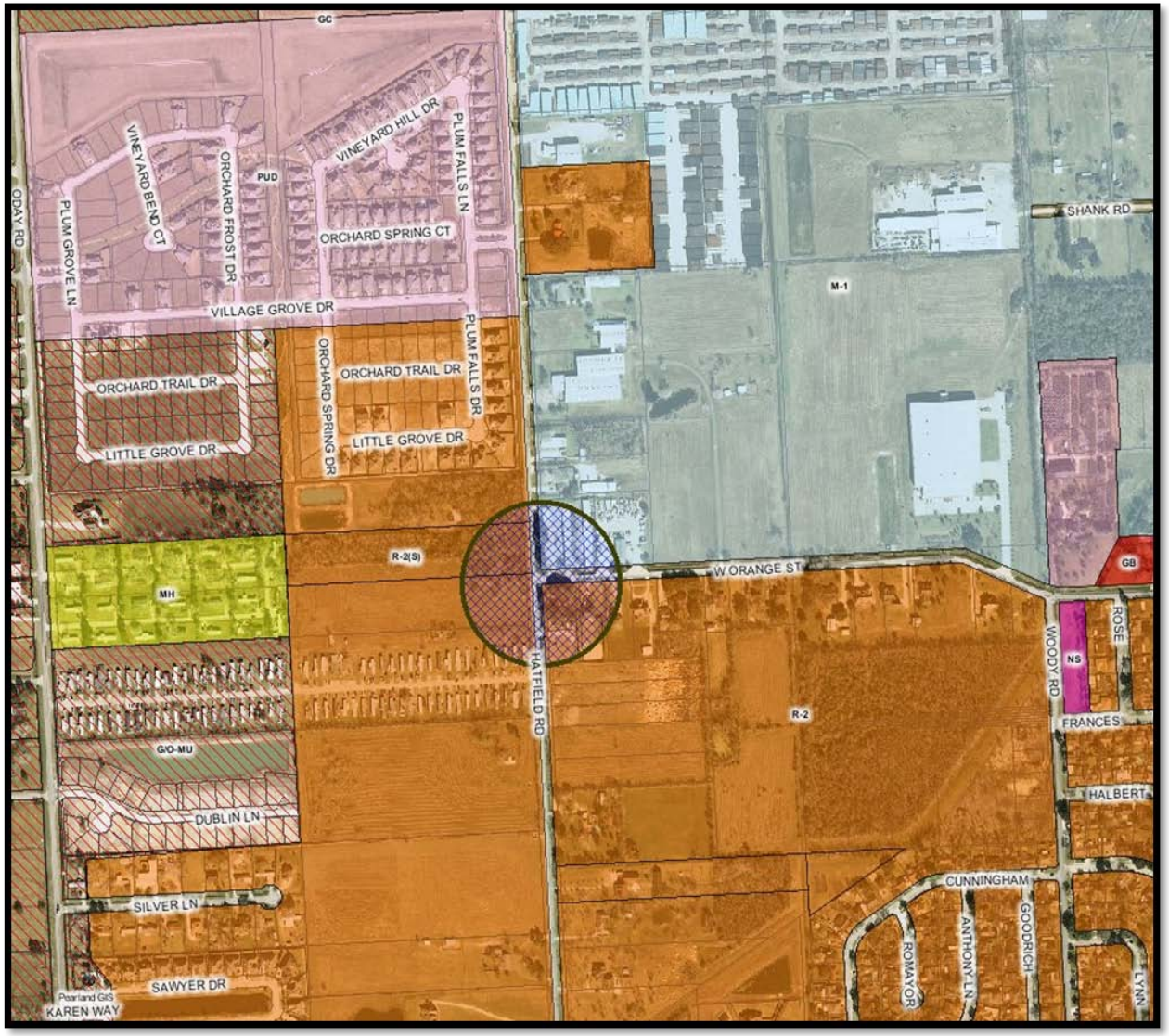
Intersection #2 at 564 and 564B (Woodfin and Sycamore)



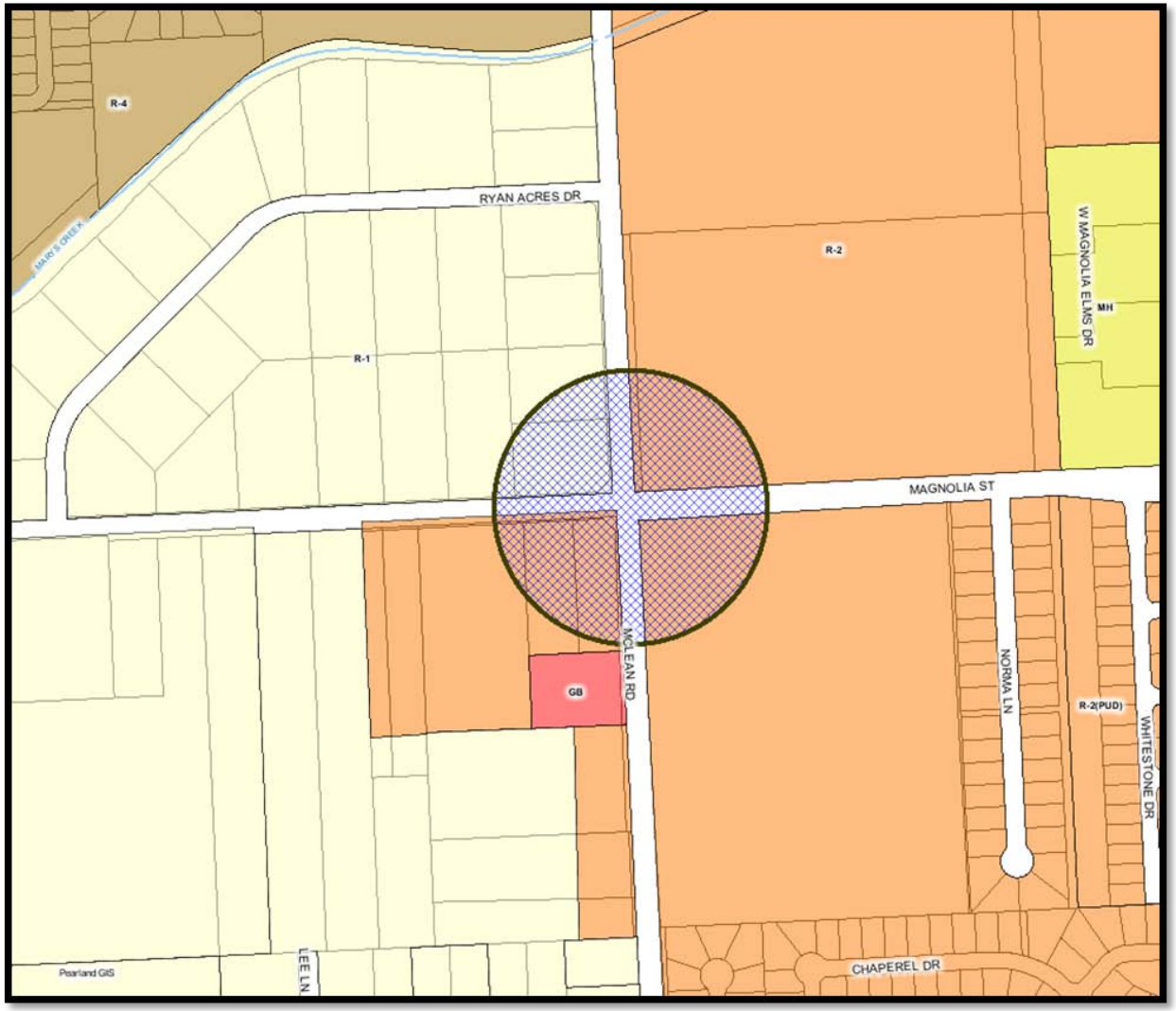
Intersection #3 at Dallas and Vermont.



Intersection #9 at Hatfield and W. Orange.



Intersection #10 at McLean and Magnolia



JOINT WORKSHOP

Discussion Regarding Amendments To The Future Land Use Plan

November 30, 2009

FUTURE LAND USE STUDY

Tentative Schedule for Joint Workshops

November 23, 2009

*Objectives
*Summary
*Comments addressed – 8, 12, 14, 19, 21,23,and 24
*Nodes:
-Differentiate between major and minor nodes (comment 26)
-Stop retail at Oiler, add minor node at SH 35 & Dixie Farm (comment 6)
-Veteran + Bailey – node (comment 11)
-Neighborhood Retail Nodes (comment 13)
*COD Standards
-Review COD standards in M-1 and M-2, especially along SH 35 (comment 4)

November 30, 2009

*Industrial Issues
-Effect of SH 35 on FLUP for areas south of FM 518 around Magnolia (comment 2)
-Between SH 35 and RR, south of FM 518, industrial park with internal roads (comment 3)
-Retain industrial along Mykawa and Main, north of FM 518 and along McHard (comment 5)
-Clean up conflict in McHard – M-1, M-2, and FTZ (comment 7)
-Pearland Parkway and airport – commercial uses (comment 10)

December 7, 2009

*Annexation
-Annexation of 1000' south of Bailey Avenue and land South of Southern Trails (comment 9). Added land along SH35 and airport site
*Retail/Commercial Uses
-Residential zoned parcels along Broadway – rezoned to commercial/retail (comment 16)
-Commercial on Broadway between FM 521 and SH 288 (comment 18)
-Explore more commercial zoned land - but not strip centers (comment 20)
-David L. Smith Project – review land use and zoning (comment 17)
-Modify Cullen Mixed Use District to reinstate previous zoning (comment 25)

Date to be decided

*Overall Plan
-Identify areas in the Land Use plan that needs to change (comment 1)
-Address future use of vacant parcels (comment 15)
-Highest and best use of land (comment 22)

Will be updated after this workshop, if required.

Comment #4: Review COD Standards in M-1 and M-2.

P & Z Recommendations:

The CUP relaxation option should be offered to any non-residential use, not just M-1 and M-2.

Only the specific requirements discussed and listed should be eligible for a relaxation under the CUP.

Only additions and expansions to existing uses should be eligible for CUP relaxation.

Vacant parcels should be required to develop in accordance with the UDC requirements.

Implementation Strategy:

Amend the Unified Development Code to allow relaxations for expansion of existing non-residential developments by a Conditional Use Permit.

T-11 addressed some of the overall requirements.

Comment #2:
Effect of SH 35 on the Land Use Plan for Areas South of 518 around Magnolia.

P & Z Recommendation:

Concur with staff recommendation that City continues to gain additional ROW for a 120’ cross section through platting.

Implementation Strategy:

No new strategy required. Platting procedure in place.

Comment #3:
Between SH 35 and RR, South of 518, Industrial Park with Internal Roads for Truck Routes

P & Z Recommendation: Recommend City Engineer's proposed layout as shown below. The recommendation considers property boundaries, alignment with existing driveways and streets, and traffic circulation.

Implementation Strategy:
Amend the Thoroughfare Plan

Discussed at a separate Joint Workshop already.

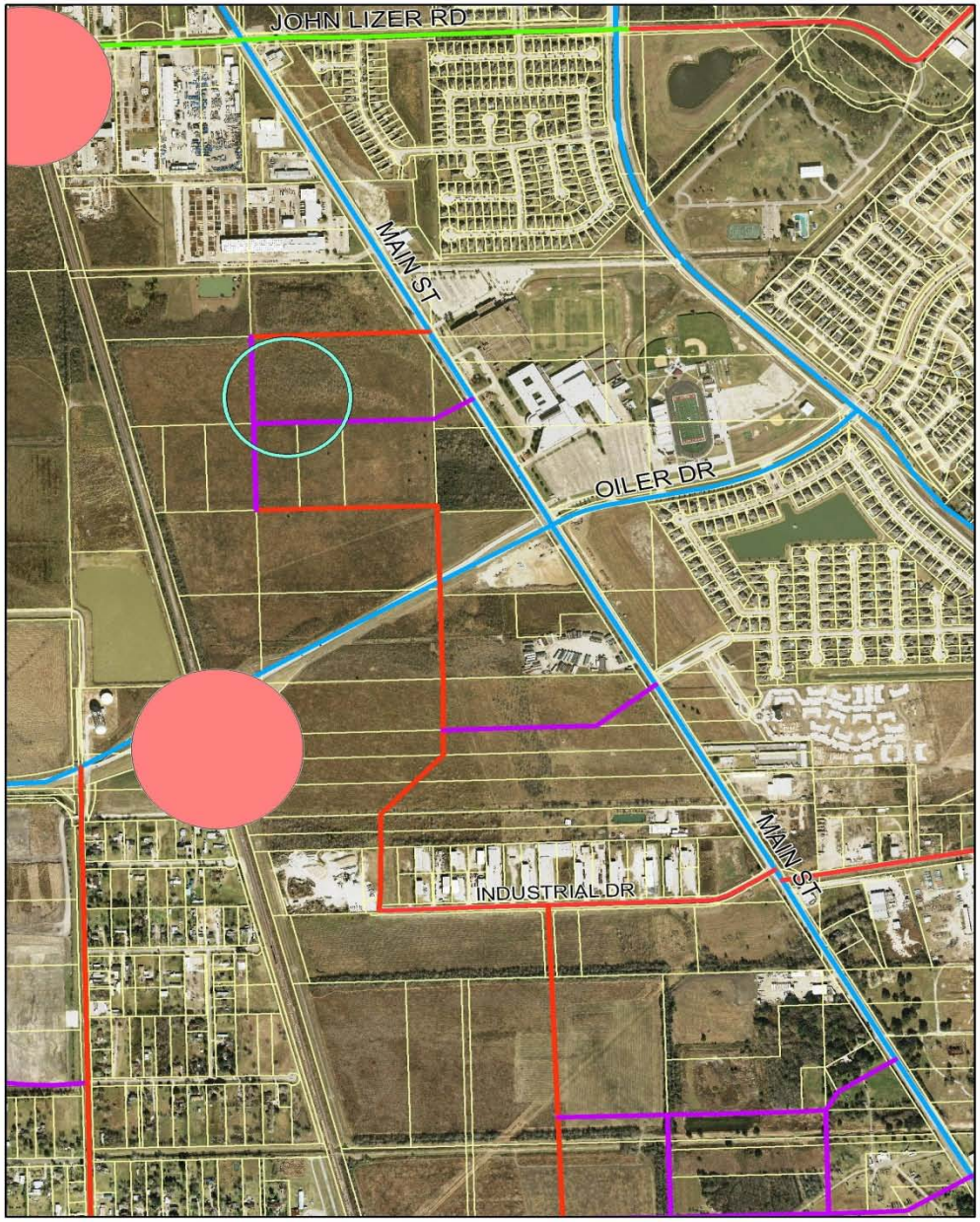
Council Comment #3: Between SH 35 and RR, South of 518, Industrial Park with Internal Roads for Truck Routes.

P & Z Recommendation:
Recommend City Engineer's proposed layout as shown below. The recommendation considers **property boundaries, alignment with existing driveways and streets, and traffic circulation**.

Implementation Strategy:

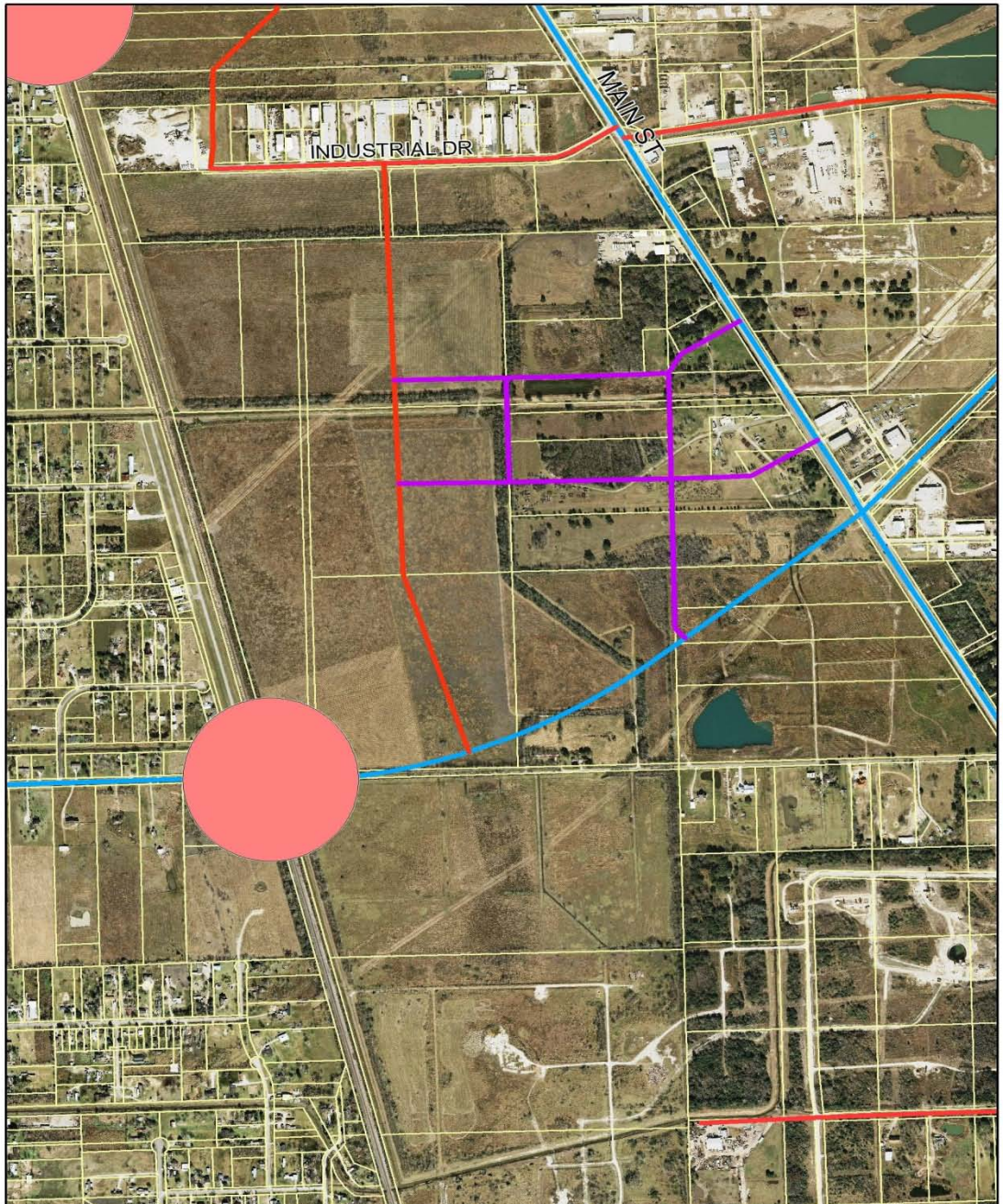
Amend the Thoroughfare Plan

Legend	
Blue	Major Thoroughfare
Green	Minor Thoroughfare
Red	Major Collector
Purple	Minor Collector
Red Circle	Grade separation



North of Industrial Drive – Proposed Thoroughfare Layout

South of Industrial Drive –Proposed Thoroughfare Layout



Legend	
Blue	Major Thoroughfare
Green	Minor Thoroughfare
Red	Major Collector
Purple	Minor Collector
Red Circle	Grade separation

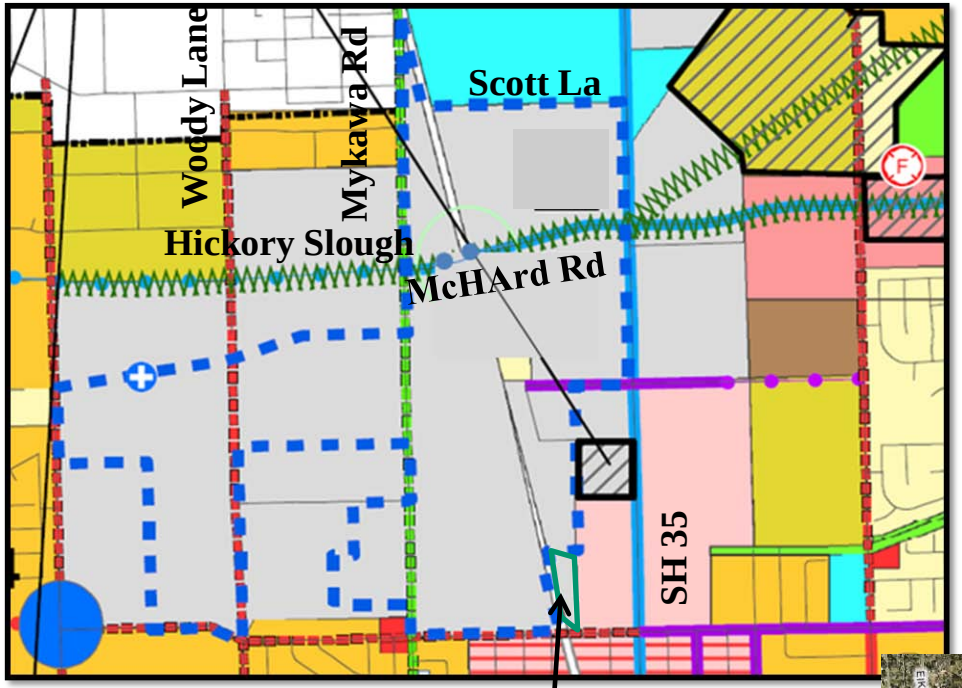
Comment #5 and #7:
Retain Industrial Along Mykawa and Main North of FM 518 and Along McHard. Clean Up Conflicts in McHard M-1 and M-2 Zones, FTZ

P & Z Recommendation:

Area designated as R-1 and GC, south of Scott, is partially developed as residential. The area is shown as light industrial in the Future Land Use Plan (FLUP). Recommendation is to change the FLUP in the area to M-2.
Also change the parcel north of future McHard & west of Woody to M-2.
Council also suggested changing all zoning within the Foreign Trade Zone (FTZ) to M-2.
P & Z recommended changing this on the FLUP to allow future rezoning of any properties within the FTZ to M-2.
Rezoning all M-1, north of 518 and up to the City border to M-2 due to its proximity to Beltway 8.
Expand the FTZ to encourage more industrial growth. P &Z recommended checking with the Port of Freeport as they are the administrators for the FTZ and they have the authority to expand the FTZ. In addition have the Chamber of commerce take steps to advertize more about the FTZ.

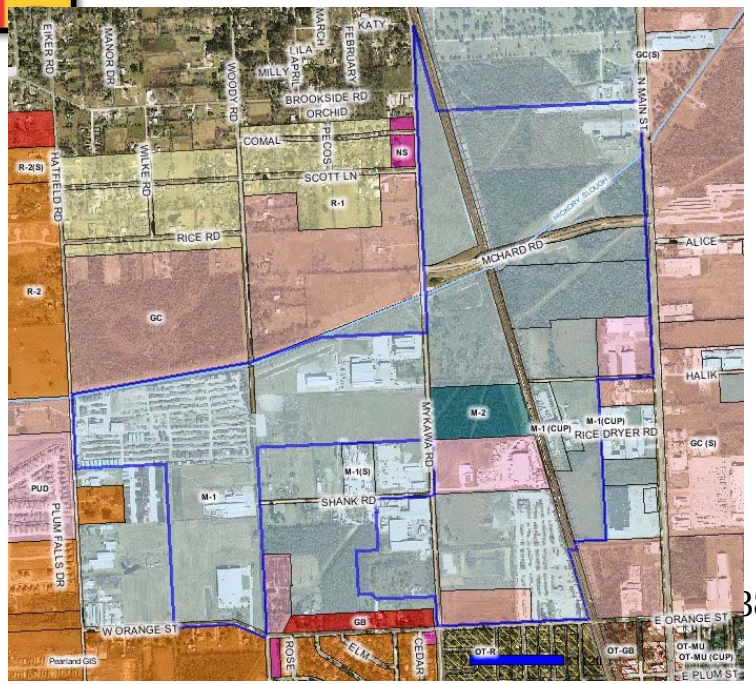
Implementation Strategy:

Modify the FLUP - Change Light Industrial to Industrial
Modify the zoning map M-1 to M-2 **(?)**



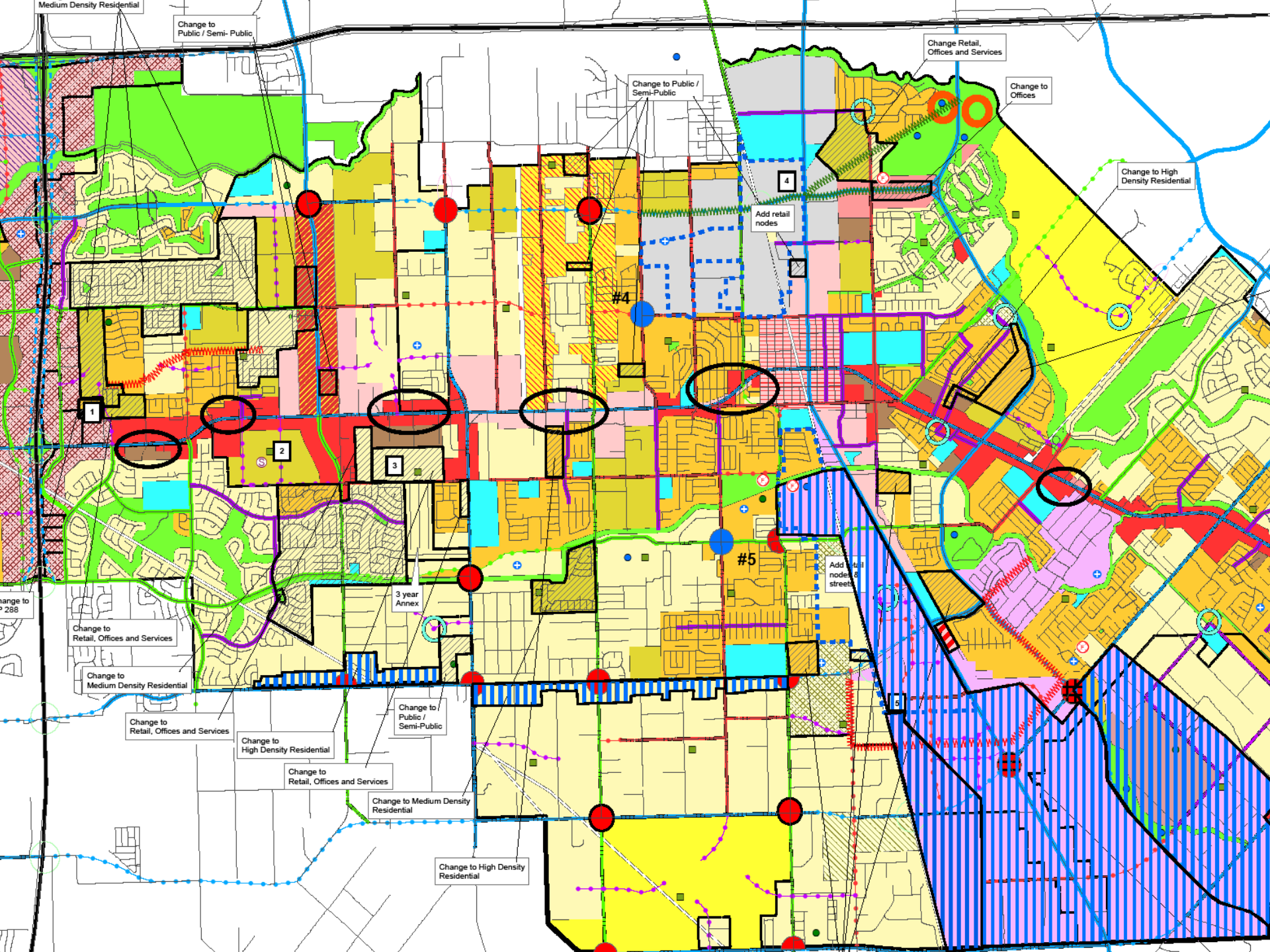
PROPOSED FLUP & FTZ ZONE

CURRENT ZONING & FTZ ZONE



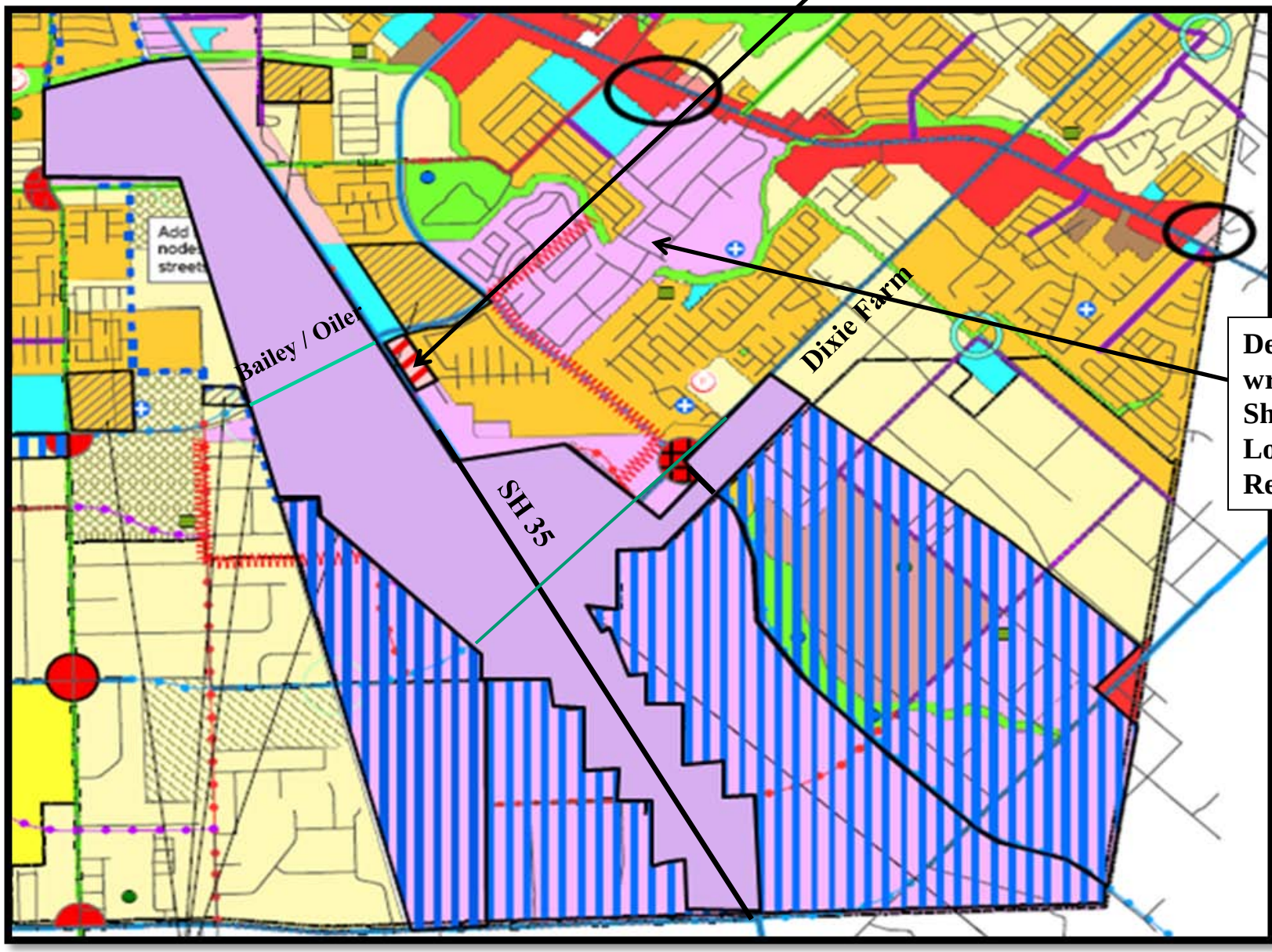
Retain as Commercial

<u>Comment #5 and #7</u>


Medium Density Residential
Change to
Public / Semi- Public
Change Retail,
Offices and Services
Change to
Offices
Change to Public /
Semi-Public
Change to High
Density Residential
4
Add retail
nodes
#4
1
2
3
#5
Add retail
nodes &
streets
3 year
Annex
Change to
Retail, Offices and Services
Change to
Medium Density Residential
Change to
Retail, Offices and Services
Change to
High Density Residential
Change to
Retail, Offices and Services
Change to
Public /
Semi-Public
Change to Medium Density
Residential
Change to High Density
Residential

Comment #5 and #7

Change to Retail, Offices and Services from Light Industrial. Currently zoned GC.



Depicted wrong. Should be Low Density Residential

Comment #10:Pearland Parkway and Airport – Commercial Uses

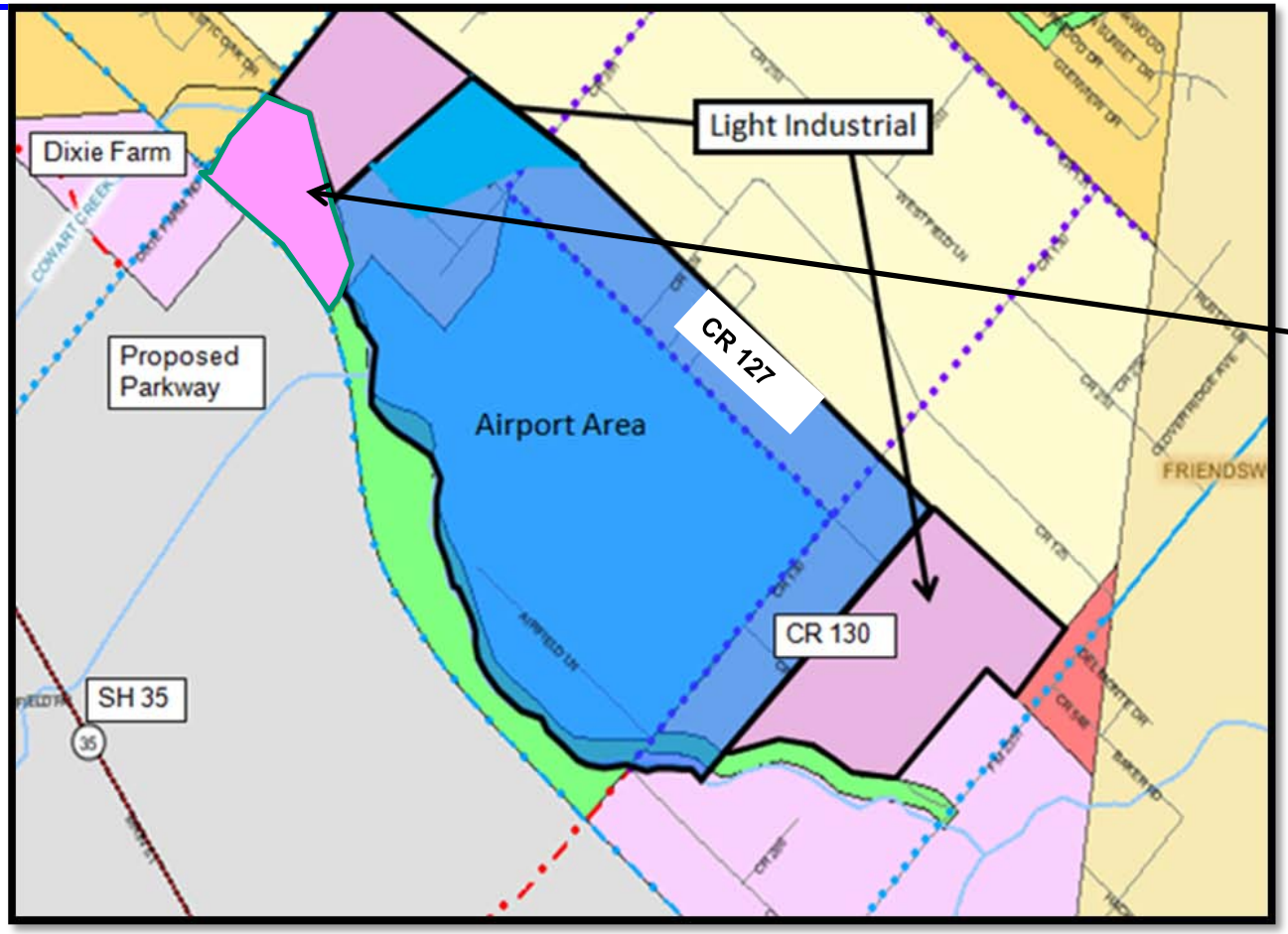
P & Z Recommendations:

*New designation as "Airport Area" in the FLUP.
*Zoning categories & regulations formulated with a consultant at the time of annexation.
*Minor retail node at Dixie Farm & Future Pearland Pkwy.
*Designate the area between airport and Dixie Farm as light industrial

Implementation Strategy:

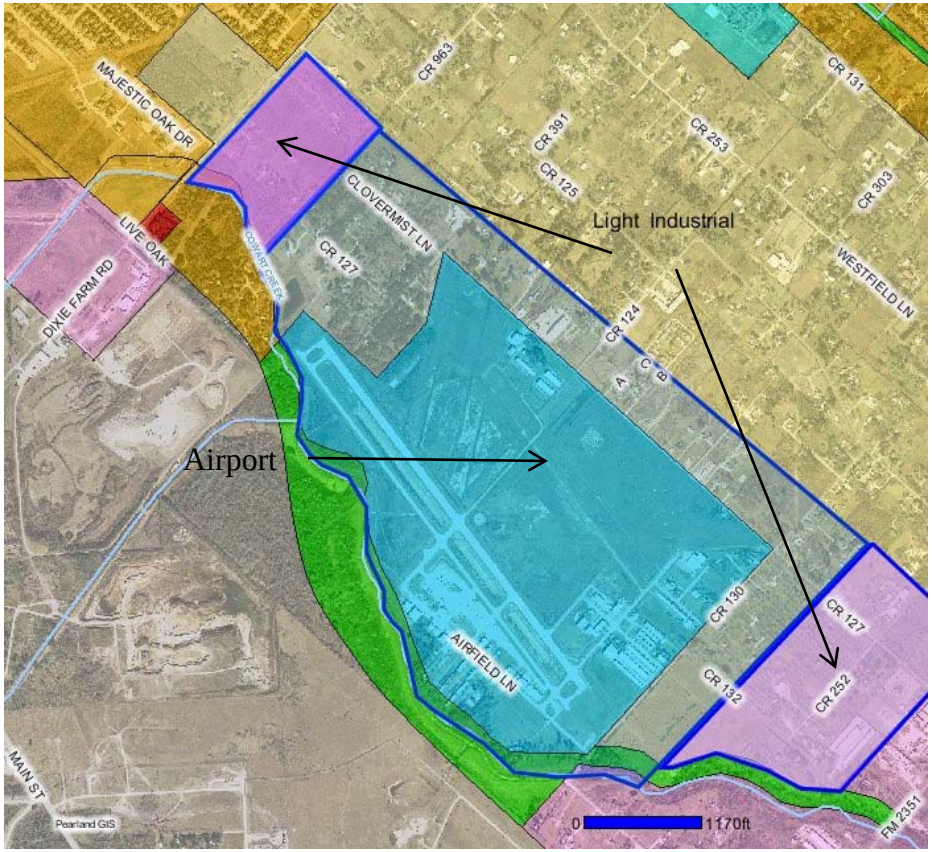
*Modify the FLUP
*Consultant to analyze zoning and permitted uses and make recommendations.

Comment #10:Pearland Parkway and Airport – Commercial Uses



Need to change this area from Medium Density Resi. To Light Industrial also. Minor node proposed at Dixie Farm and Future Pearland Parkway.

Comment #10:Pearland Parkway and Airport – Commercial Uses - Aerial



Clover Field Airport

Uses on CR 130 and CR 127

Uses on CR 130 and CR 127

Uses on CR 130 and CR 127

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LAND USE PLAN UPDATE – OCTOBER 2009

Additional Discussion on Nodes:

Council Comment # 26: Differentiate Between Minor and Major Nodes. Example - Minor 25 acres

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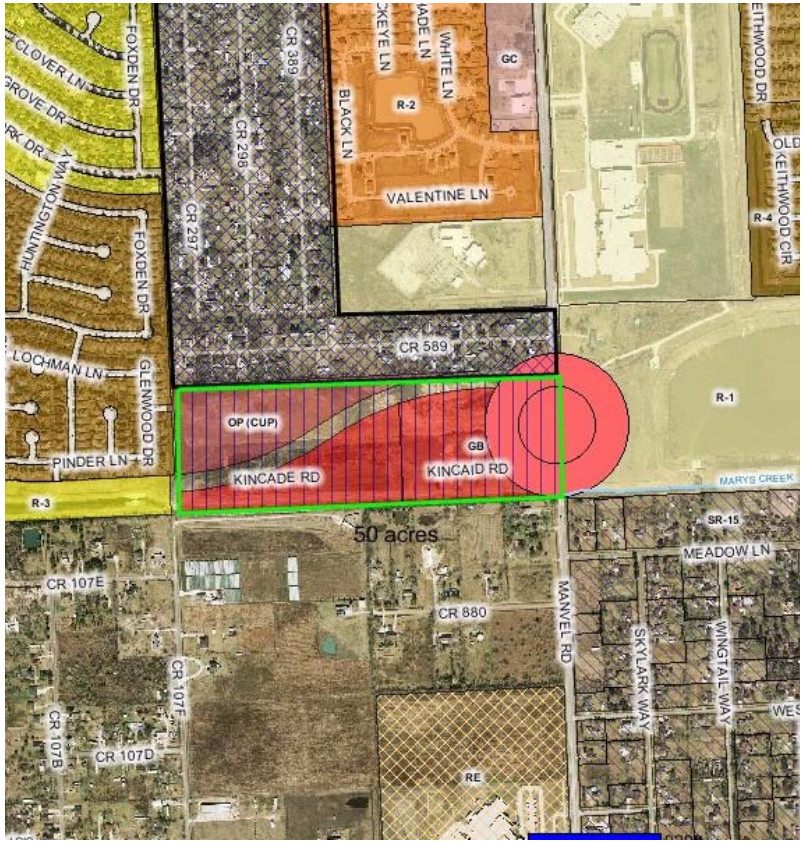
LAND USE PLAN UPDATE – OCTOBER 2009

Council Comment # 26: Differentiate Between Minor and Major Nodes. Example - Major 50 acres – Magnolia and Manvel.



Residential Nodes

- **Permitted only by a CUP – requires a Public Hearing process**
- **Only for nodes shown on the Land Use Plan**
- **Only for LIMITED uses serving the immediate neighborhood listed in the Land Use Matrix**
- **Limited to a maximum of 5 acres**
- **Additional landscaping and buffers may be considered**
- **Need to conform to all other guidelines listed in the UDC**

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LAND USE PLAN UPDATE – OCTOBER 2009

Residential Nodes - Adjacencey Considerations to be added to UDC – Refer to hand out for details.

Located at street intersections shown on the Future Land Use Plan.

Minimum impact on surroundings

Distance from other existing, designated or proposed non-residential uses, zones or nodes along local, collector or thoroughfare streets.

Pedestrian access, such as walkways, bikeways, trails, and traffic controls

Required buffers along property lines adjacent to single-family residential

Height of lighting and glare on residential.

Nonresidential uses shall be located on lots that have frontage on Collectors or Thoroughfares.

No outdoor uses or storage except outdoor seating for restaurants and cafés and similar uses permitted by a CUP.

Residential Nodes - Adjacencey Considerations – Contd.

Parking areas shall not located directly adjacent to any adjoining residential use(s) –additional screening may be required.

Screening Standards to include:

Landscape Elements –shrubbery and trees having year-round foliage

Built Elements –masonry wall, eight feet in height

Limit total number of parking spaces to 75% of that required by the UDC. The remaining 25% of required parking area maintained as landscaped open space.

Submittal of a site plan showing the layout of the buildings, activities, buffers, parking, driveways and other elements as required by the P & Z Commission and City Council to assist in evaluating the impact of the development on surrounding uses.

Land Uses to conform to the Land Use Matrix. Add uses permitted in these nodes.

Hours of operation to be approved as part of the CUP.

Unless otherwise specified in this section, the development in these nodes shall conform to all other requirements of the OP zone, and UDC.

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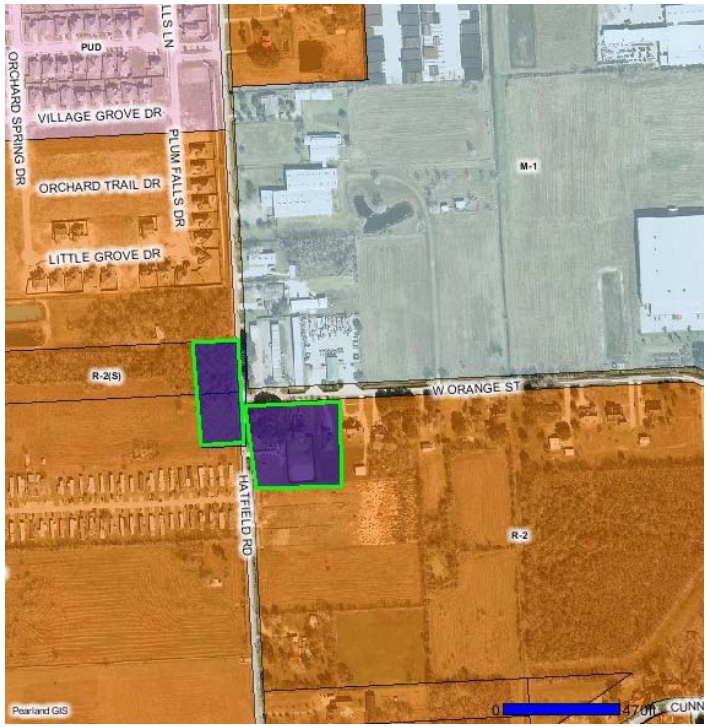
LAND USE PLAN UPDATE – OCTOBER 2009

Comment # 13 Neighborhood Nodes Within Residential -

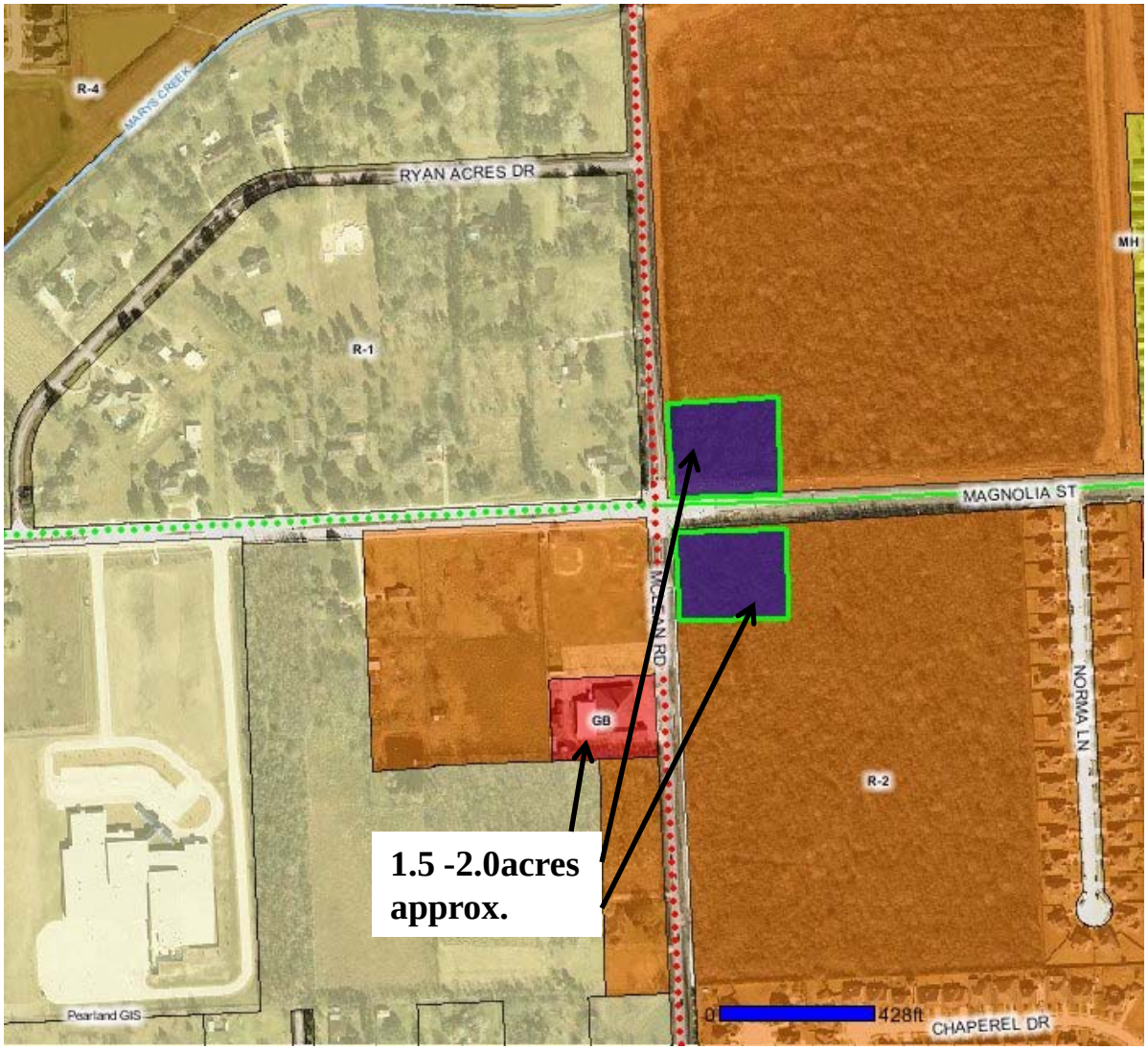
Examples showing a total of 5 acres

Intersection #9 at Hatfield and W. Orange

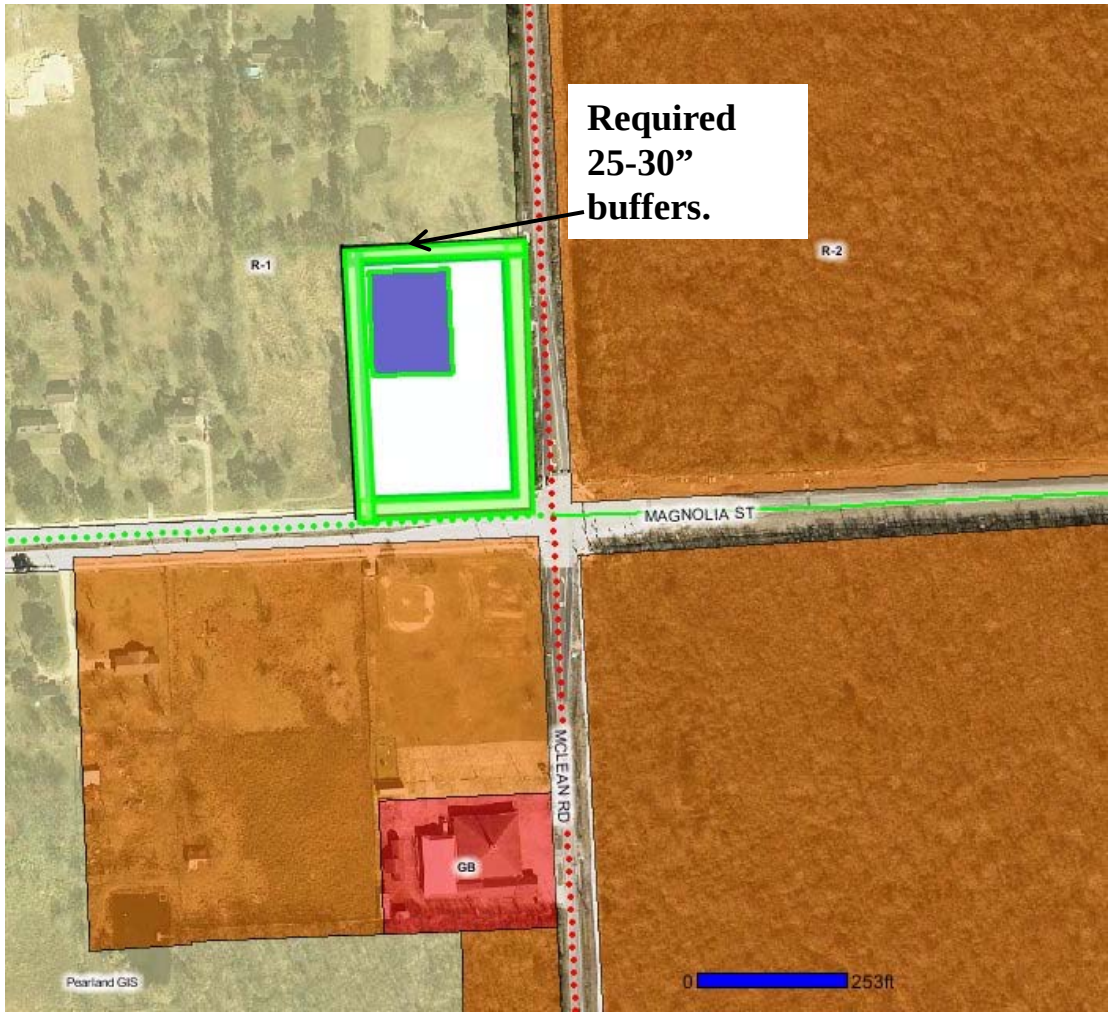


Intersection #10 at McLean and Magnolia.

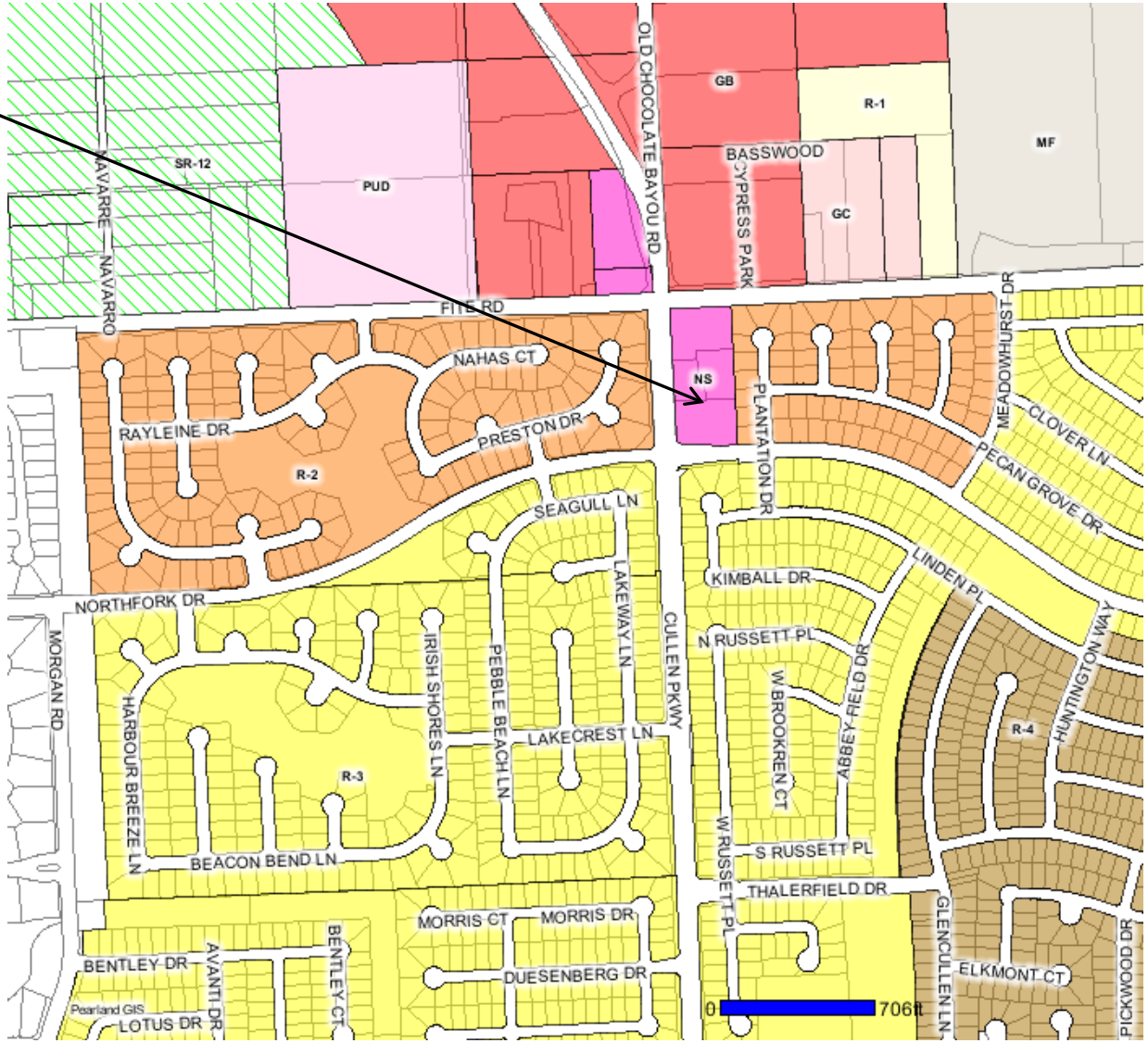
Residential Retail Node at Magnolia (Secondary Thoroughfare and McLean (Collector) – Total 5 acres.



Residential Retail Node at Magnolia (Secondary Thoroughfare and McLean (Collector) – Total 5 acres.



4 Acre Node on Fite and CR 89



4 Acre Node on Fite and CR 89 with a gas station, convenience store, day care and swim club.

40- foot building setback

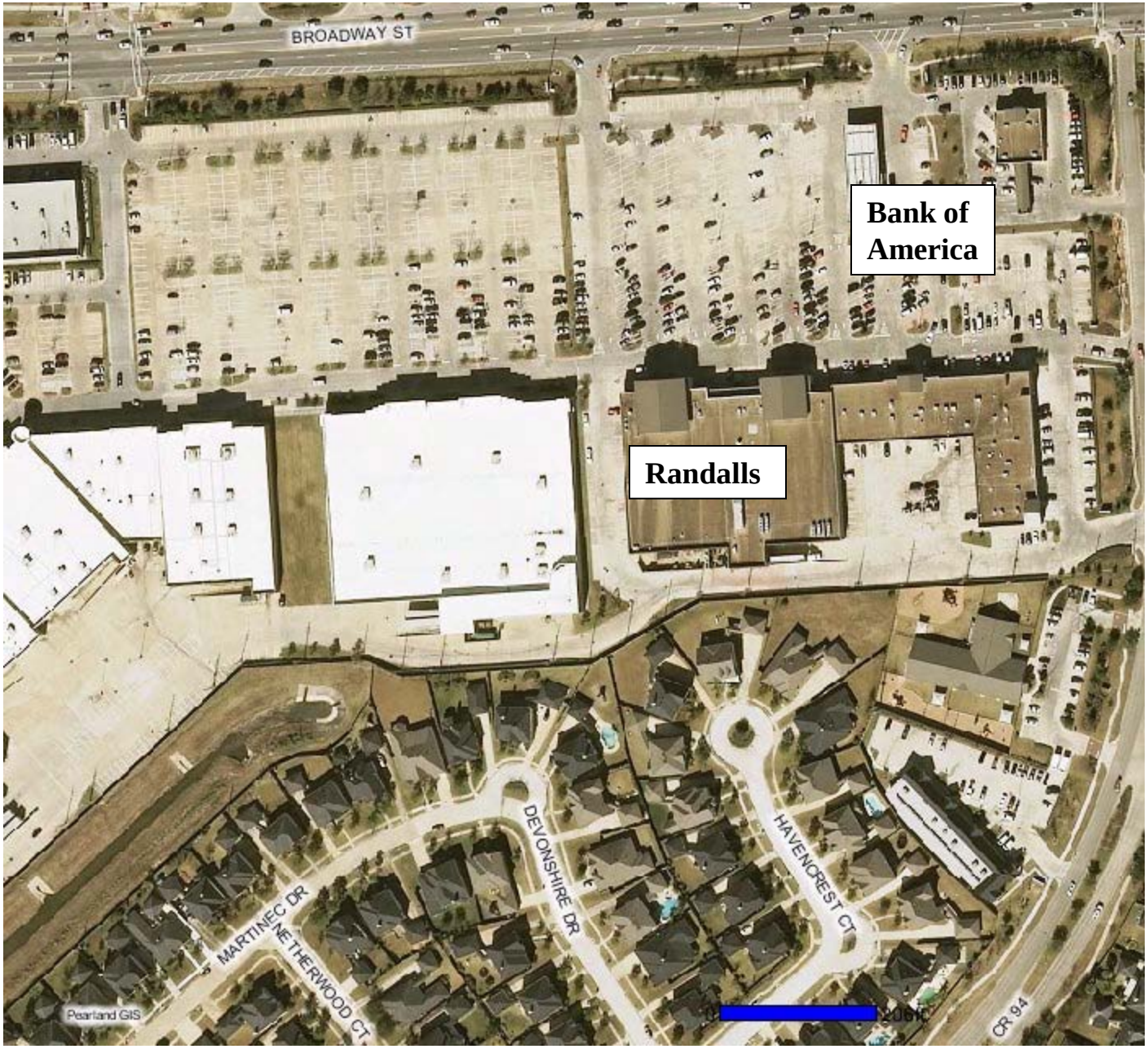
15-foot parking/driveway setback

3-acre node at Southfork and CR 90 with a church

Min. 10 ‘ setback for parking areas, and 80’ building setback.

Retail at Broadway and SH 288 with a shopping center - 90 acres.

Min. 40' retail building setback from property line abutting residential. No setback for drives.



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Sugarland – Towncenter Blvd & Sweetwater Blvd – 30-40 foot heavily landscaped buffer along abutting residential property lines.

JOINT WORKSHOP

Discussion Regarding Amendments To The Future Land Use Plan

Workshop III

December 7, 2009

Comment #9: Annexation

P & Z recommendations:

Areas for immediate annexation:

Manufacturing areas along SH 35 and airport site
Area along CR 59, including along CR 48
Land along Bailey Avenue

Areas for three year annexation plan:

L-shaped area west of Manvel, south of Fite Road.

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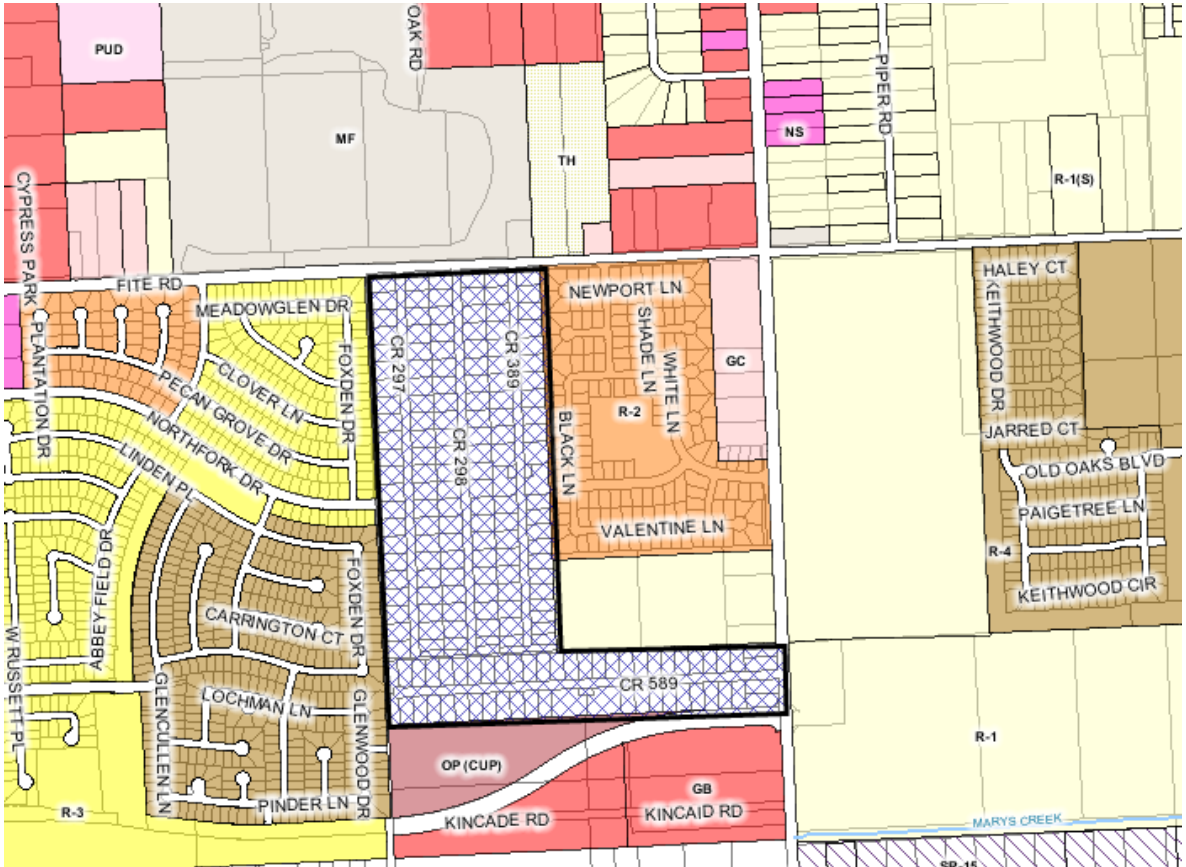
LAND USE PLAN UPDATE – OCTOBER 2009

Comment #9: Annexation - Areas for three year annexation plan

L-shaped area west of Manvel, south of Fite Rd.



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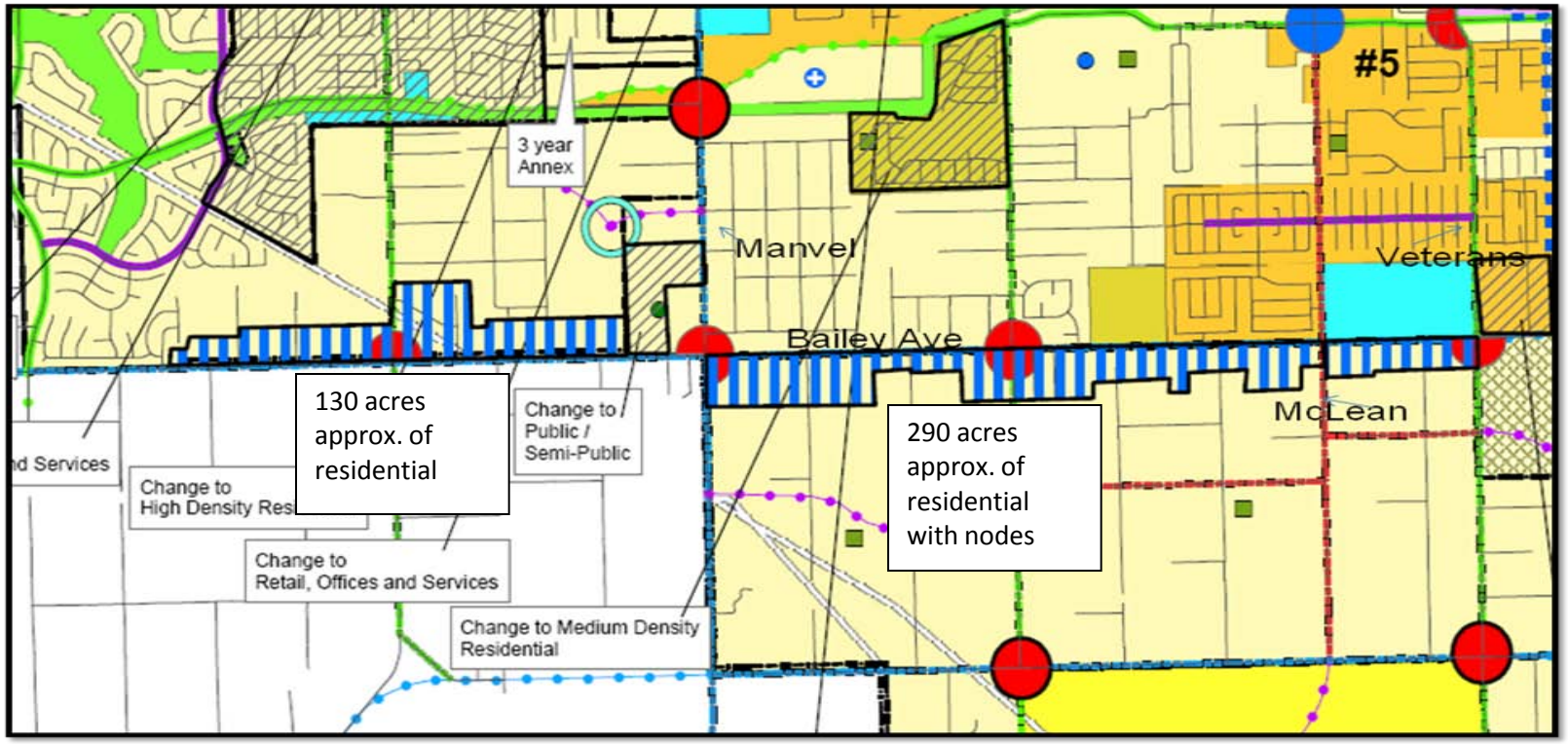
Comment #9: Annexation - Land along Bailey Avenue



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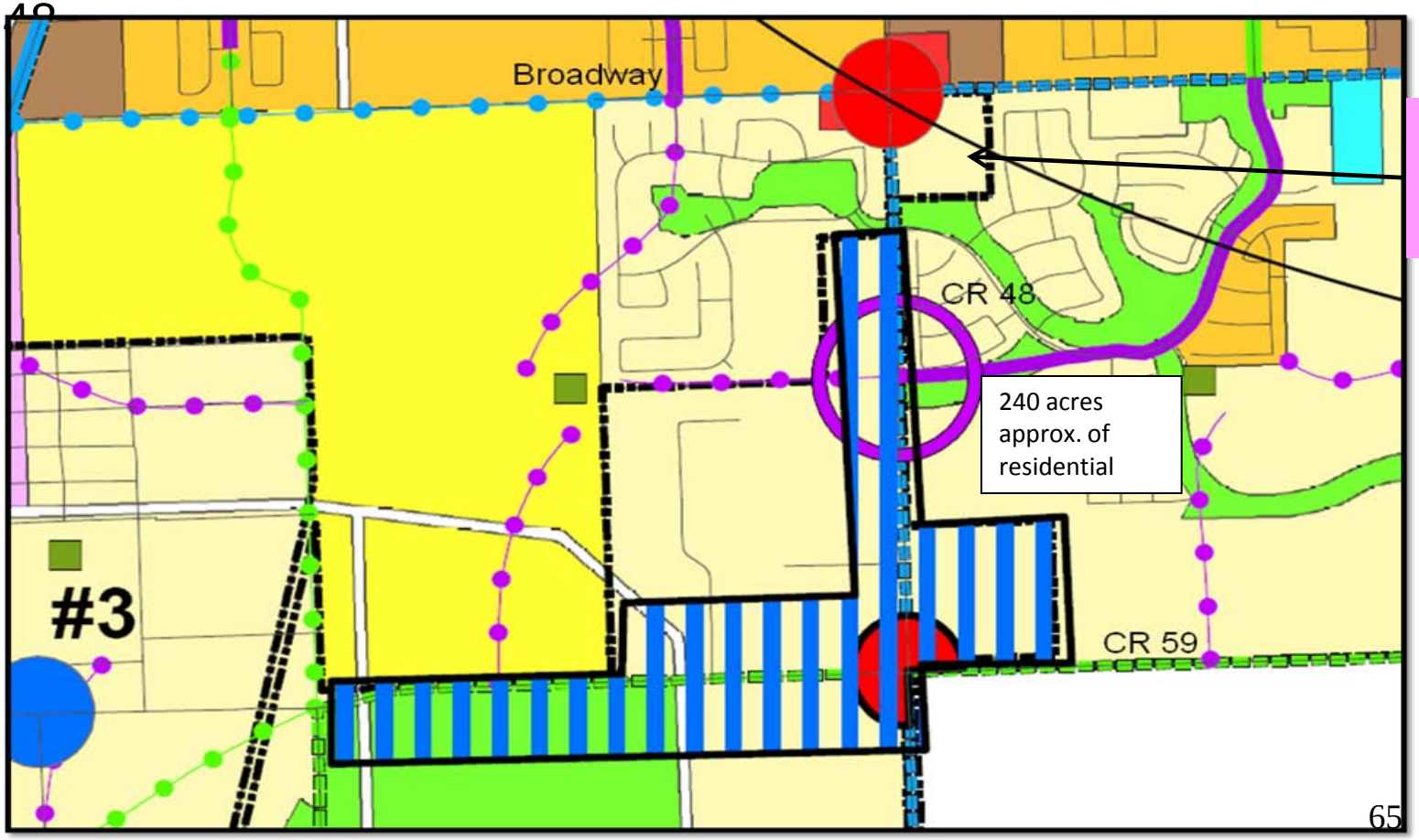
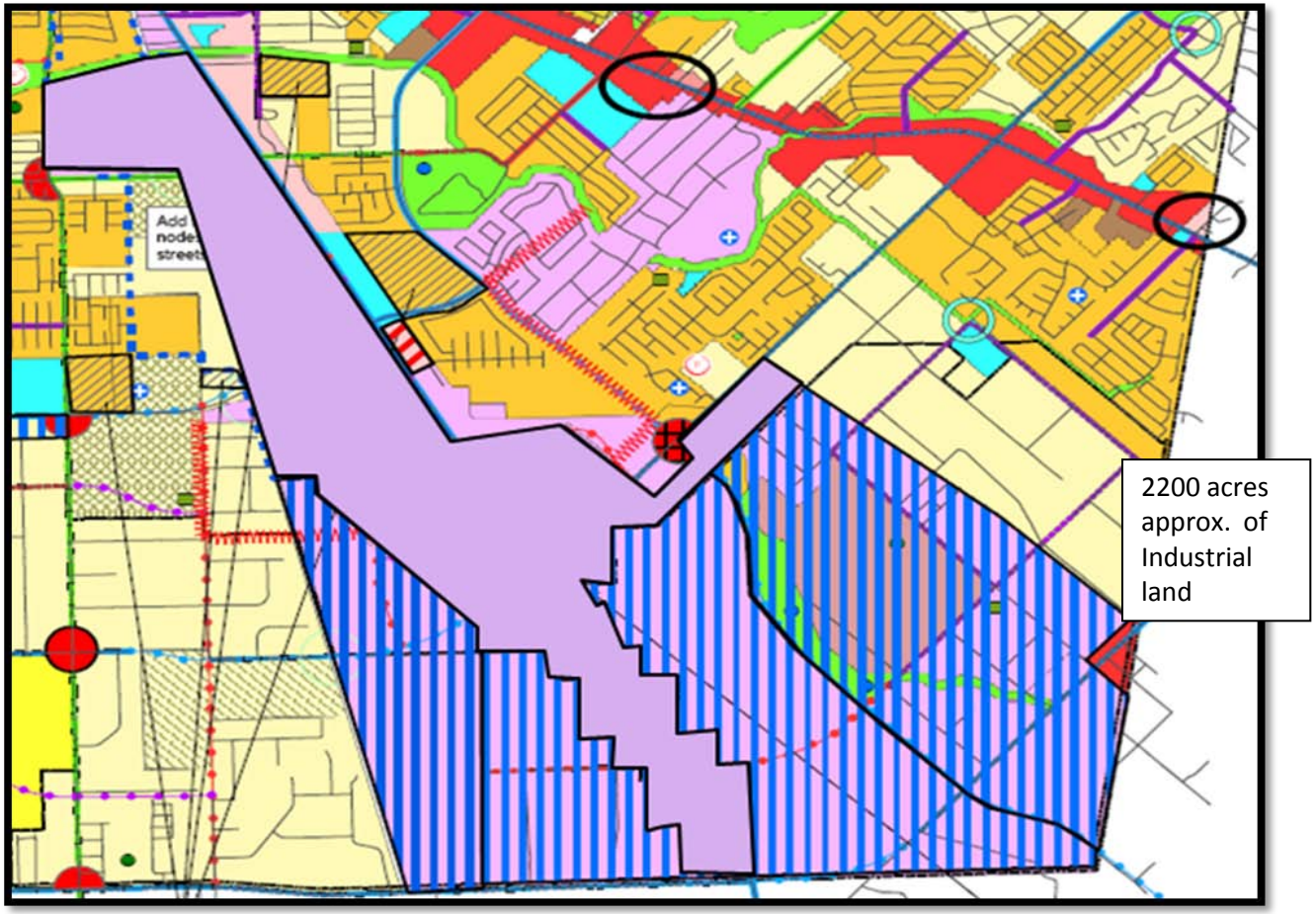
LAND USE PLAN UPDATE – OCTOBER 2009

Comment #9: Annexation - Area along CR 59, including along CR 48



Add to the plan.

Comment #9: Annexation - Manufacturing areas along SH 35 and airport site



Council Comment # 16: Residential Parcels along Broadway – Rezoned to Commercial/Retail.

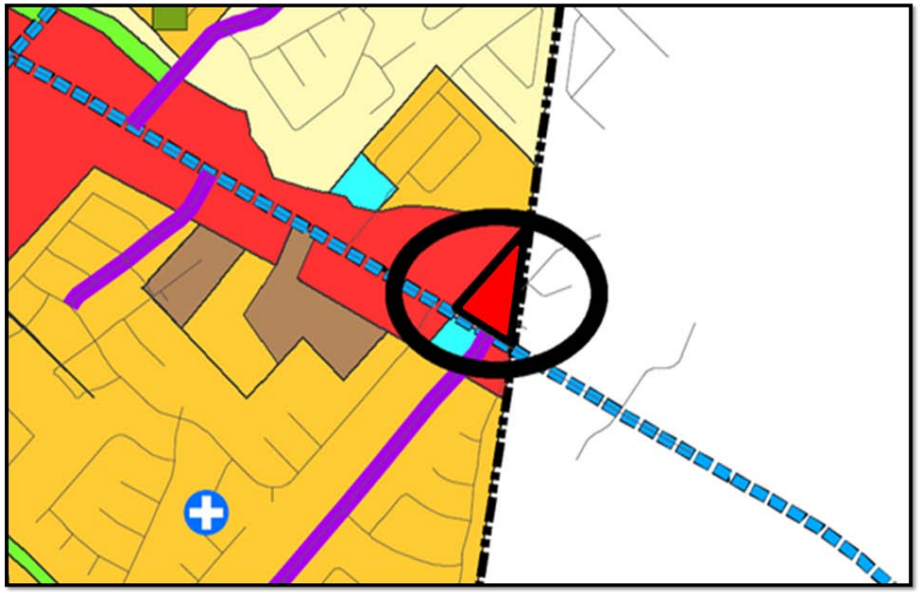
P & Z Recommendation: FLUP changes have been shown in the Recommendations book.

Implementation Strategy:

Modify the FLUP as proposed.

Comment 16
Change from Low Density Residential to Retail, Offices, and Services

FLUP Map 1B



Broadway at Eastern Border – General Area.

Comment 16
Change from Low Density Residential to Offices

FLUP Map 2B

Broadway East of Liberty– General Area.

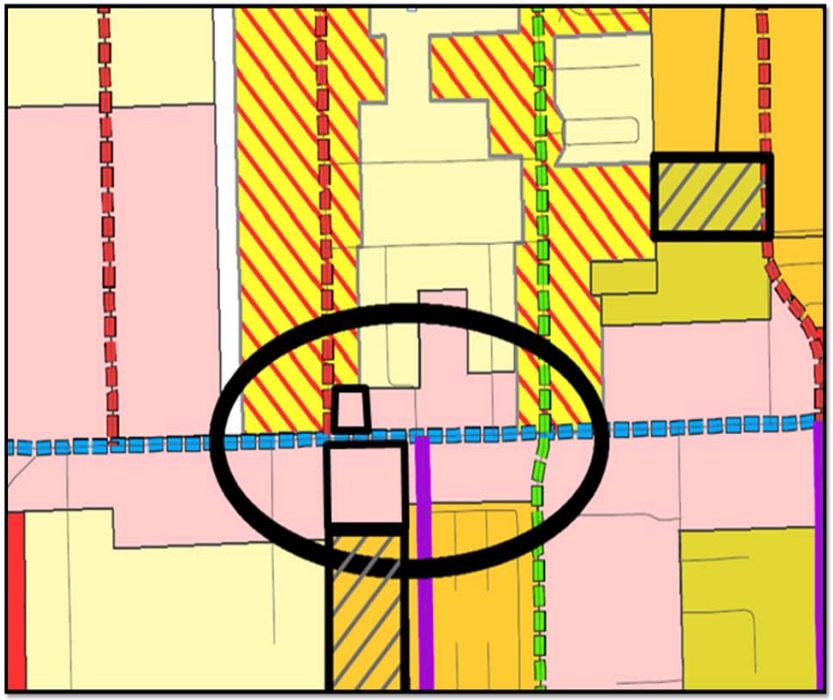
Comment 16 FLUP Map 3B

Change from Low/Medium Density Residential to Retail, Offices, and Services

Broadway East of Hatfield – General Area.

Comment 16 FLUP Map 4B

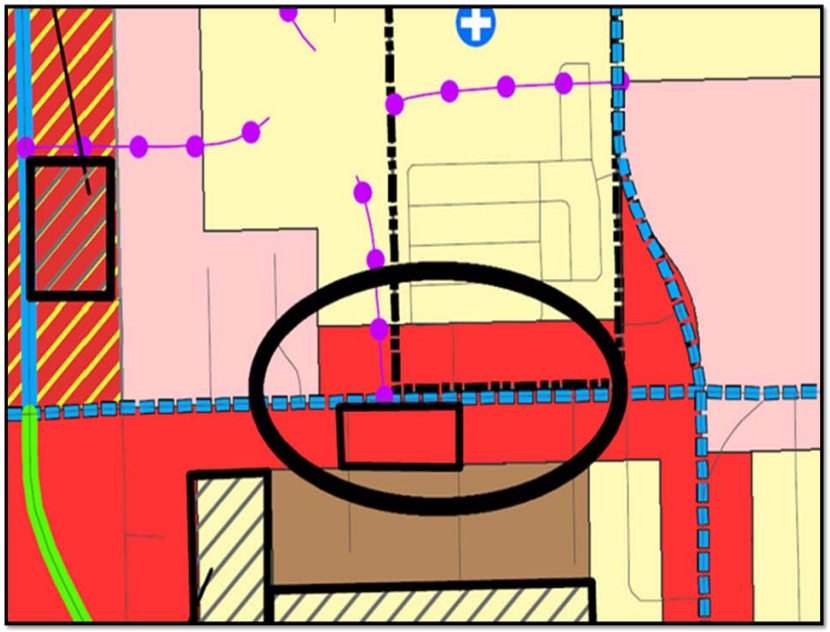
Change from G/O-Mixed Use to Business Commercial



Broadway East of Garden – General Area.

Comment 16 FLUP Map 5B

Change from High Density Residential to Retail, Offices, and Services

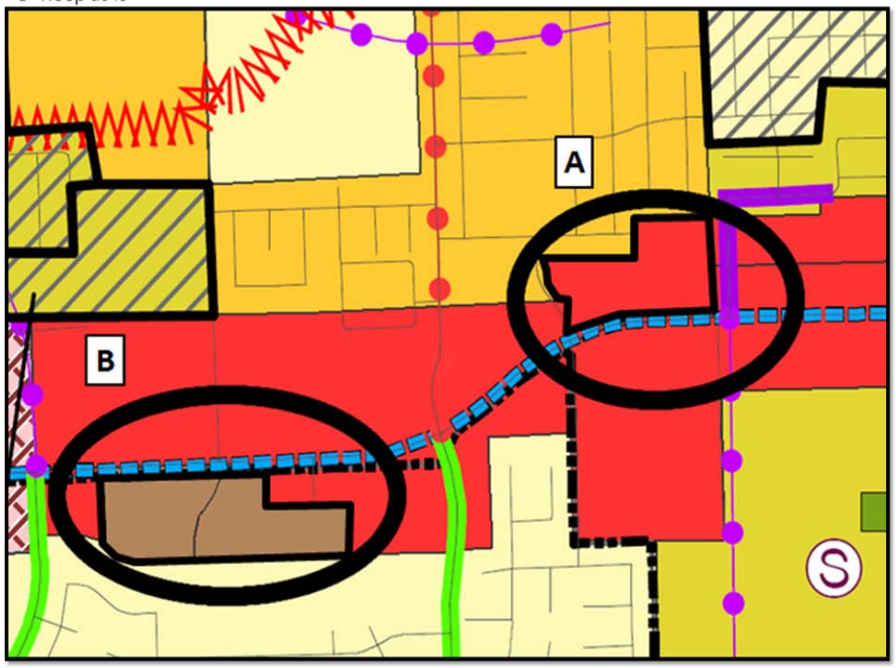


Broadway East of Old Chocolate – General Area.

Comment 16 FLUP Map 6B

A- Change from Medium Density Residential to Retail, Office, and Services

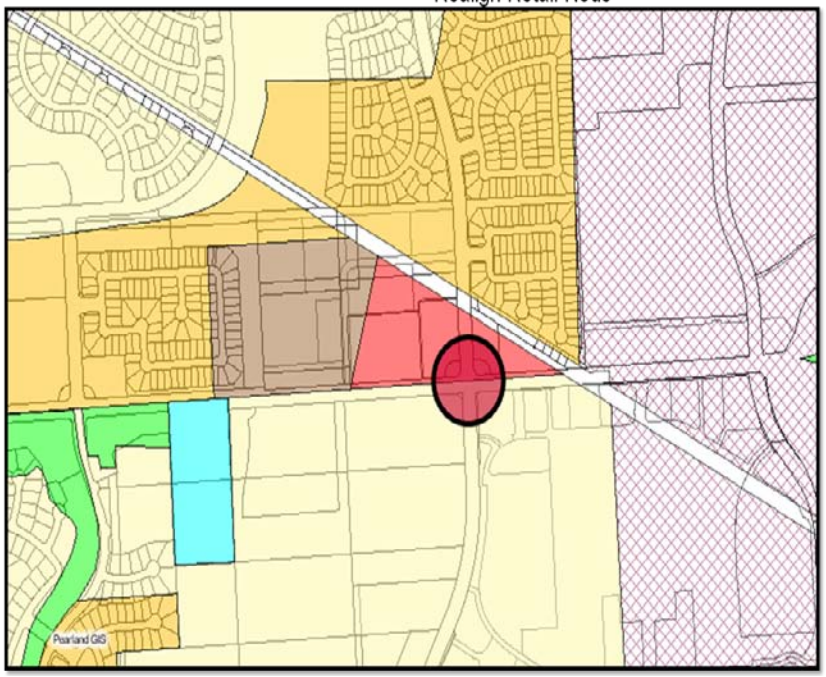
B- Keep as is



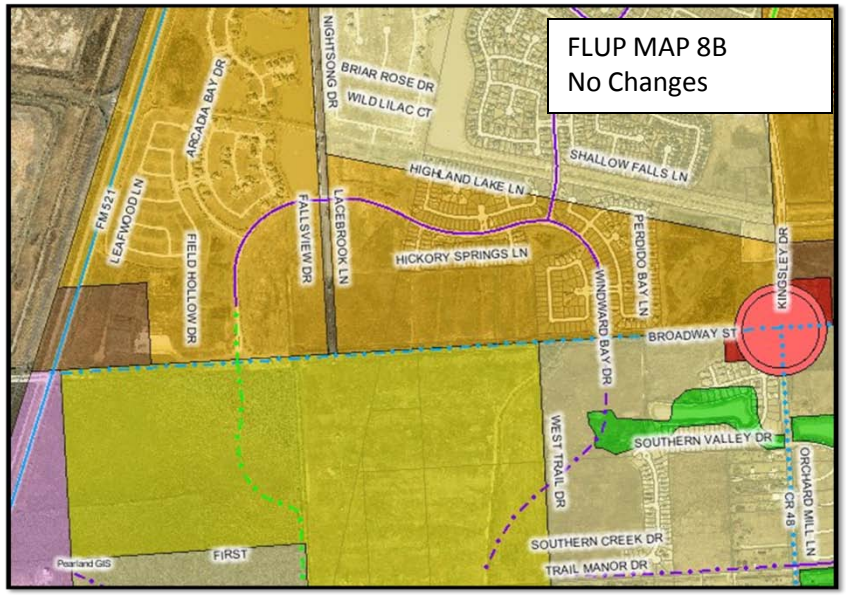
Broadway East of Miller Ranch – General Area

Comment 16

FLUP Map 7B
Realign Retail Node



Intersection of Broadway and Kirby – General Area



Broadway between Kingsley and FM 521 – General Area

Comment # 17 David L. Smith Project – Review Land Use and Zoning

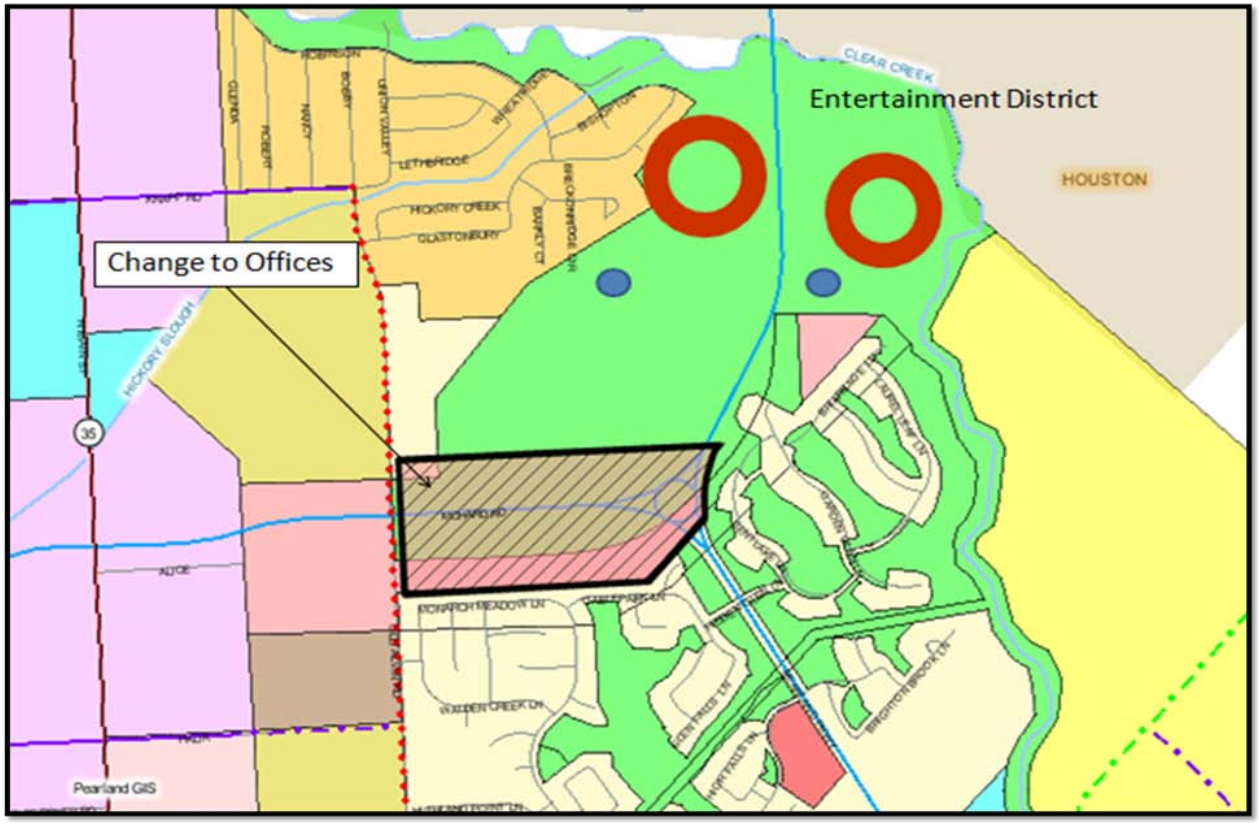
P & Z Recommendation:

1. Approved configuration of the site as shown below, to reflect current conditions and U of H site.
2. North of McHard should be changed to OP and follow the property lines.
3. South of McHard should be changed to OP and follow the property lines.

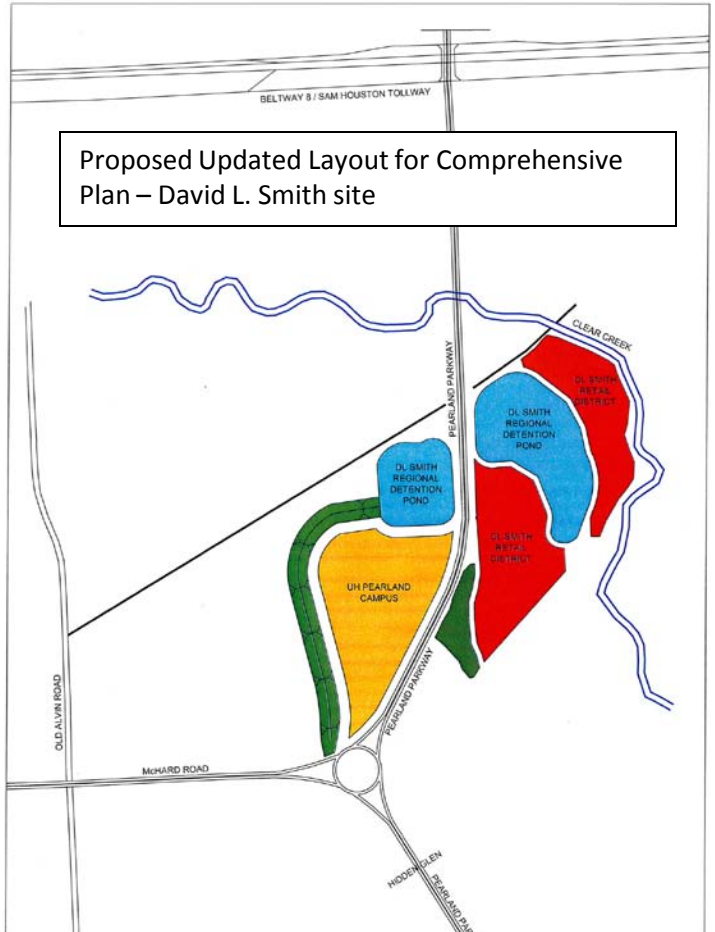
Comment # 17 David L. Smith Project – Review Land Use and Zoning

P & Z Recommendation

Comment 17



Comment # 17 David L. Smith Project – Review Land Use and Zoning



Council Comment # 18: Commercial on Broadway Between 521 and 288

P & Z Recommendation:

P &Z does not recommend a node here. It is in an area that is under a PUD.

Implementation Strategy:

None.

Council Comment # 20: Explore More Commercial Zoned Land. (Not Strip Centers)

P & Z Recommendation:

Additional land designated for "Offices category: (350 acres)

*Along McHard, in the vicinity of Pearland Parkway.

*East and west of Cullen, between Broadway and Fite Road.

*Along Pearland Parkway, north and south of Broadway

It is anticipated, that the development plan for the Spectrum district will also address this issue.

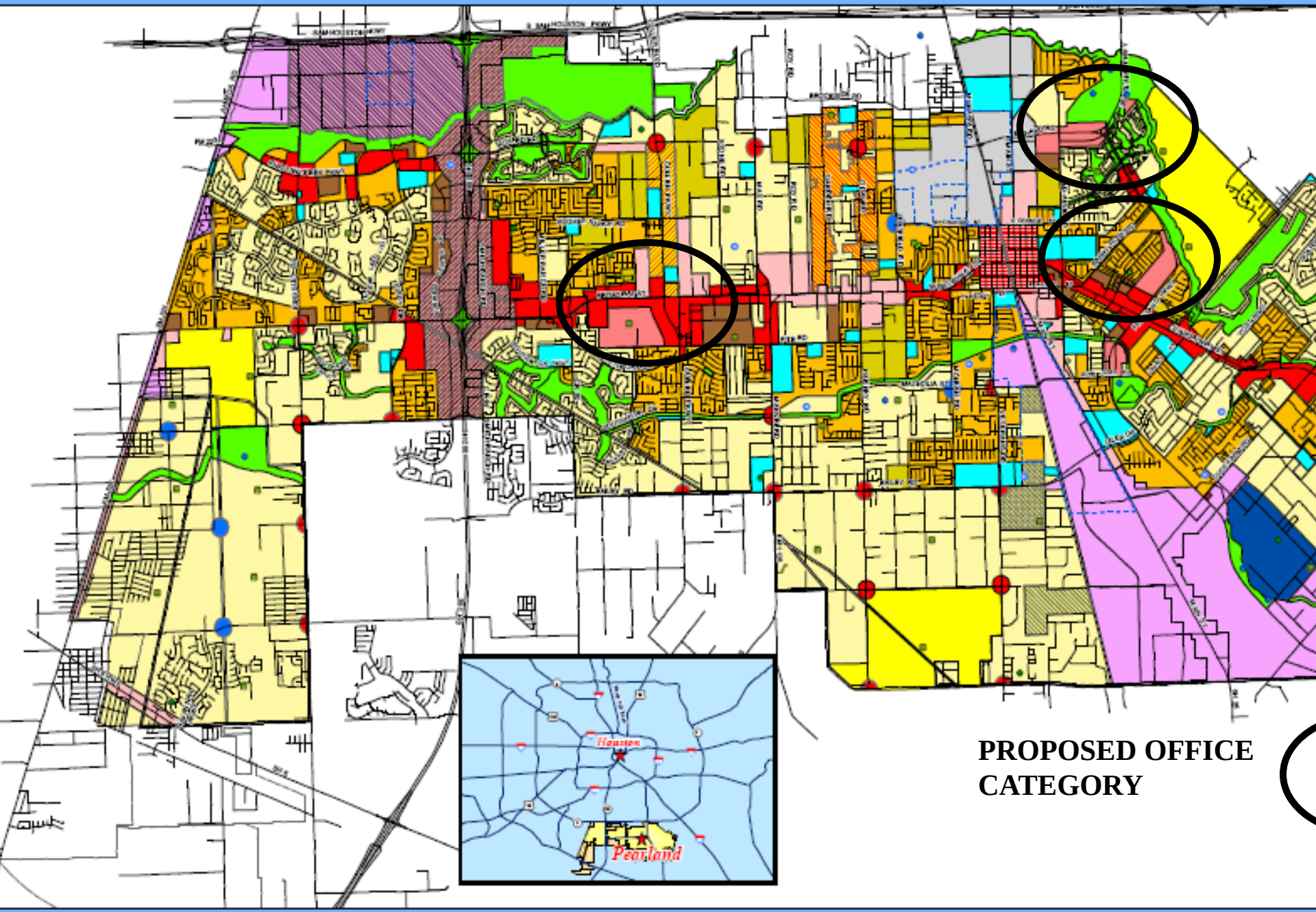
Implementation Strategy:

Modify the FLUP as proposed.

Council Comment # 20: Explore More Commercial Zoned Land. (Not Strip Centers)

Description of "Office" category in Comprehensive Plan

- Mid-rise office buildings (adjacent to the David L. Smith Project)
- Retail and restaurants as a secondary use within the buildings
- Parking areas preferred within the building sideyards and rearyards



PROPOSED OFFICE CATEGORY

of Pearland

A- 1/2 Acre Lots (Suburban Res)
B- 15,000 SF Lots (Suburban Res)
Medium Density Residential
High Density Residential
Retail, Offices and Services
Village District
Garden/Office Mixed Use District
Light Industrial
City of Pearland Detention Site
Community Park Site
Major Node
Minor Node

Council Comment # 25:
Modify Cullen-Mixed Use (C-MU) District to Reinstate Previous Zoning.

P & Z Recommendation:

Garden O'Day Mixed Use District:

No changes.

Council Comment # 25:
Modify Cullen-Mixed Use (C-MU) District to Reinstate Previous Zoning.

Cullen Mixed Use District:

Development Guidelines: No changes due to the Corridor Overlay District (COD) and UDC requiring higher aesthetic, design and landscaping standards.

Land Uses:

FLUP: No changes, except to remove parcels at the intersection of Broadway and Cullen that are zoned GB. (See page 25)

Council Comment # 25:
Modify Cullen-Mixed Use (C-MU) District to Reinstate Previous Zoning.

Cullen Mixed Use District:

UDC Changes:
*Changes to the building footprint, height, & orientation; definition of café.
*Modify the Land Use matrix with the following considerations:
*Exclude uses that traditionally tend to locate in strip centers.
* Exclude uses that traditionally operate round the clock since these districts abut residential districts or contain residential uses.
*Exclude uses that have potential for outdoor storage and display.
* Additional uses added are proposed with a CUP to review each development and assess its merits and appropriateness.

Refer to Proposed Land Use Matrix in the P & Z Recommendations book.

COMMUNITY OUTREACH AND SUPPORT – DISCUSS STRATEGIES

JOINT WORKSHOP

Discussion Regarding Amendments To The Future Land Use Plan

???

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 17, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Proposed Amendments to the Unified Development Code (T-12)

III. STAFF PRESENTION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: May 17, 2010	**ITEM NO.:**
DATE SUBMITTED: May 5, 2010	**DEPT. OF ORIGIN: Planning**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Mike Hodge	**REVIEW DATE: May 11, 2010**

SUBJECT: Proposed Amendments to the Unified Development Code (UDC) T-12

EXHIBITS: UDC T-12 Amendment - marked up version; package from April 5 2010 workshop; package from March 1, 2010 workshop - Green Policies

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED:** N/A
AMOUNT AVAILABLE: N/A **PROJECT NO.:** N/A
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
☐ **Finance** ☐ **Legal** ☒ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

The proposed changes to the UDC are part of the periodic review and update. These changes have been discussed at numerous workshops with the City Council and Planning and Zoning Commission in the past few weeks. Some of the changes resulted from the proposed amendments to the Future Land Use Plan.

The proposed changes have been attached.

RECOMMENED ACTION

Conduct the joint public hearing.

Section 2.2.2.11 Documentation of PD Districts

(a) **Planned Development Ordinances Approved Prior to the Adoption of the UDC.** Prior to adoption of this UDC, the City Council previously established certain Planned Development districts (which may be referred to as Planned Unit Development (PUD) districts), which may be continued in full force and effect. The PUD ordinances or parts thereof approved prior to this UDC~~, specified in Appendix A~~, that are carried forth in full force and effect shall be shown on the Zoning Map as of the effective date of this UDC. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained in the Planning Department Office. ~~Each prior PUD ordinance is hereby assigned a unique identification number with a PD prefix (e.g., PD-1, PD-2, PD-3, and so on) as shown in Appendix A, and subsequent PD ordinances adopted after the effective date of this UDC shall be sequentially numbered for identification purposes.~~

(b) **Planned Development Ordinances Approved After Adoption of the UDC.** All Planned Development zoning districts approved after adoption of this UDC, as may be amended, ~~shall be prefixed by a "PD" designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and~~ shall ~~also~~ be referenced on the Zoning Map. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained ~~as part of this UDC in Appendix A.~~ in the Planning Department Office.

Section 2.4.3.2 C-MU, Cullen-Mixed Use District

(a) **Purpose.** The Cullen Mixed Use District (C-MU) is intended to provide a district that allows for the continuation and limited growth of specific nonresidential land uses that have been in existence along Cullen Boulevard for a long period of time, while also respecting the residential uses that have developed and now co-exist with the nonresidential uses.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations for Residential Uses.**

(1) Size of Lots:

a. *Minimum Lot Area* – Seven thousand (7,000) square feet

b. *Minimum Lot Width* – Seventy feet (70')

c. *Minimum Lot Depth* – One hundred feet (100')

d. *Maximum Lot Coverage* – Sixty percent (60%), but may be permitted seventy percent (70%) with a variance from the ZBA.

(2) Size of Yards:

a. *Minimum Front Yard* – Twenty-five feet (25')

b. *Minimum Side Yard*

1. Interior Lot: Seven feet and six inches (7'-6");

2. Corner Lot: Twenty-five feet (25') when abutting a street right-of-way.

3. Every part of a required side yard shall be open and unobstructed except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting shall not exceed twelve inches (12") into the required side yard, and roof eaves projecting shall not exceed twenty-four inches (24") into the required side yard, except that no projections shall be permitted closer than twelve inches (12") to a common property line.

c. *Minimum Rear Yard* – Twenty feet (20')

(d) **Area Regulations for Non-Residential Uses.**

(1) Size of Lots:

a. *Minimum Lot Size* - Twenty-two thousand and five hundred (22,500) square feet in area.

b. *Minimum Lot Width* - One hundred and fifty feet (150').

c. *Minimum Lot Depth* - One hundred and twenty-five feet (125').

(2) Size of Yards:

a. *Minimum Front Yard* - Twenty-five feet (25')

b. *Minimum Side Yard*

1. Ten feet (10'), except as provided below.
2. Twenty-five feet (25') if side yard abuts a residential zoning district.

c. *Minimum Rear Yard* - Twenty-five feet (25')

~~(3) Maximum Non-Residential Building Footprint Size: Twenty thousand (20,000) square feet.~~

(e) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height, except as may be allowed by CUP.

(f) **Nonresidential Use Regulations.**

~~(1) Nonresidential uses shall be located on lots that have frontage on Cullen Boulevard. Nonresidential developments with internal streets may locate nonresidential uses along such streets.~~

~~(2)~~ All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building.

~~(3) Parking areas shall not be located directly adjacent to any adjoining residential use(s), regardless of the establishment of screening in conformance with (g)(1) below. If parking is located on the side of a lot that is adjoining a residential use(s), the parking area shall be set back from the screening mechanism by a minimum of fifteen feet (15').~~

(g) **Residential Adjacency Considerations:**

(1) Screening Standards: Adequate screening shall be provided between nonresidential and residential uses. It shall be the responsibility of the later-established use to provide and maintain such screening (e.g., if a residential use is established adjacent to an existing nonresidential use, the residential use shall be responsible for providing and maintaining screening). Screening elements shall consist of the following, including a combination thereof:

a. *Landscape Elements* – Landscape elements permitted shall consist of shrubbery having year-round foliage:

1. That is at least seventy-five percent (75%) opaque; and
2. That is a minimum of six feet (6') in height; and
3. That is a maximum of eight feet (8') in height; and
4. That is not located within any required visibility triangle.

b. *Built Elements* – Built elements permitted shall consist of a masonry wall:

1. That is at least seventy-five percent (75%) opaque; and
2. That is a minimum of six feet (6') in height; and
3. That is a maximum of eight feet in height; and
4. That is not located within any required visibility triangle; and
5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.

(2) Outside Storage: Outside storage (refer to *Definitions*, Chapter 5 of this UDC) shall be prohibited unless otherwise permitted by CUP.

(h) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.

Section 2.4.4.1 Residential Retail Nodes

(a) **Purpose.** Residential Retail Nodes are intended to provide limited retail and personal service operations for customers from immediate residential neighborhoods only. These nodes, at specific locations recommended by the Future Land Use Plan, and targeted to approximately five (5) acres, should be designed in a manner that does not adversely affect the neighborhood character, have minimum impact on surroundings, and preserve the stability of neighborhoods adjacent to the Residential Retail Nodes.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2, Chapter 2.
(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**
(1) Size of Lots:
a. *Minimum Lot Size* - Twelve thousand and five hundred (12,500) square feet.
b. *Minimum Lot Width* - One hundred feet (100').
c. *Minimum Lot Depth* - One hundred feet (100').

(2) Size of Yards:
a. *Minimum Front Yard* – Twenty-five feet (25')
b. *Minimum Side Yard* - Ten feet (10')
c. *Minimum Rear Yard* - Ten feet (10')

(d) **Height Restrictions.** Height of building will be restricted by the setbacks from property line adjoining residential zones or uses as shown in Figure 2-1 (b) and shall not exceed thirty-five feet (35').

(e) **Nonresidential Use Locations.**
(1) Nonresidential uses shall be located on lots that have frontage on a collector or thoroughfare.
(2) All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building.

(f) **Residential Adjacency Considerations:**
(1) Screening Standards: Adequate screening shall be provided between nonresidential and residential uses and zones. It shall be the responsibility of the non residential use to provide and maintain such screening. Screening elements shall consist of all of the following:
a. *Buffer* - There shall be a twenty-five foot (25') wide landscaped buffer along the property line that is adjacent to residential use or district. The

landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, shrubs and trees as per (b) below. This landscaped buffer may be located with the required yard/setback area.

b. *Landscape Elements* – Landscape elements permitted shall consist of shrubbery having year-round foliage:
   1. That is at least seventy-five percent (75%) opaque; and
   2. That is a minimum of six feet (6') in height at planting; and
   3. That is a maximum of eight feet (8') in height; and
   4. That is not located within any required visibility triangle.

c. *Built Elements* – Built elements permitted shall consist of a masonry wall:
   1. That is one-hundred percent (100%) opaque; and
   2. That is a minimum of six feet (6') in height; and
   3. That is a maximum of eight feet in height; and
   4. That is not located within any required visibility triangle; and
   5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.

(h) **Outside Storage.** Outside storage (refer to *Definitions*, Chapter 5 of this UDC) shall be prohibited unless otherwise permitted by CUP.

(i) **Outside Uses and Activities.** All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building. Outdoor seating for restaurants and cafés and similar uses shall be permitted by a CUP.

(j) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC. However, total number of parking spaces should not exceed 75% of that required by Chapter 4, Article 2, Division 1. The remaining 25% of required parking area shall be maintained as landscaped open space and developed as parking if required by the city at a later date.

(k) **Outdoor lighting.** Outdoor lighting shall not create conflict with the reasonable use and enjoyment of adjoining property. The fixtures shall be shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. The height of lighting and all mounting structures shall not exceed the height of the building or twenty feet (20'), whichever is less.

(l) **Other considerations.**

(1) Distance from other existing, designated or proposed non-residential uses, zones or nodes along local, collector or thoroughfare streets.

(2) Existence or provision of pedestrian access, including but not limited to walkways, bikeways, trails, and traffic controls, to promote safe pedestrian friendly access and environment.

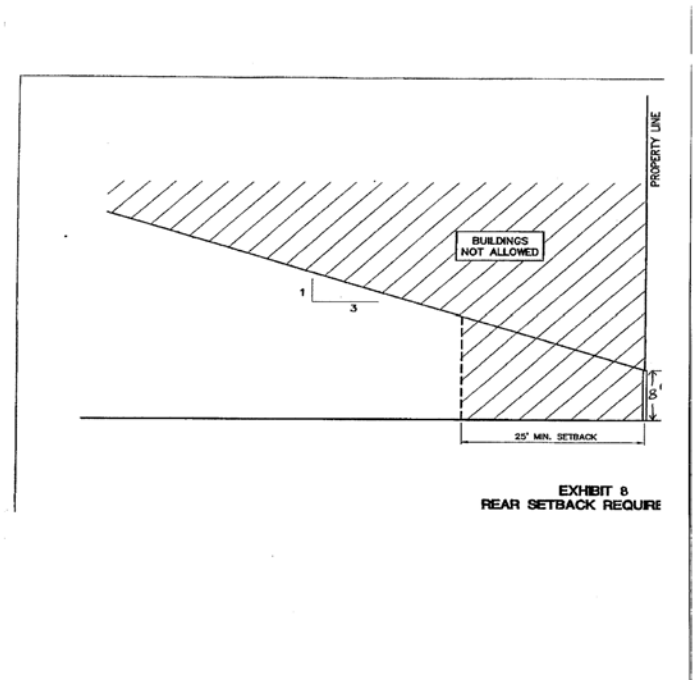
(3) Submittal of a site plan showing the layout of the buildings, activities, buffers, parking, driveways and other elements as required by the P & Z Commission and City Council to assist in evaluating the impact of the development on surrounding uses.

(4) Hours of operation to be approved as part of the CUP.

(5) Location of drive through windows and similar elements not in yards adjacent to residential zone or use.

(6) Unless otherwise specified in this section, the development in these nodes shall conform to all other requirements of the Office Professional zone.

Figure 2-1 (b)



Section 2.4.4.2 **OP, Office & Professional District**

… (all following sections to be renumbered accordingly)

Section 2.4.5.1 COD, Corridors Overlay District

(a) **Purpose.**

(1) The Corridors Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.

(2) The Corridors Overlay District (COD) is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards which are more restrictive. In the event of a conflict between the standards of the COD and the regulations of the underlying zoning district, the standards described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the COD will continue to prevail.

(b) **District Boundaries.** The COD standards apply to the future development and use of all land with lot frontage on either side of the street right-of-way along the following specified major thoroughfares:

(1) Pearland Parkway: For the full length of the roadway within the City limits

(2) Oiler Drive: For the full length of the roadway within the City limits

(3) McHard Road: For the full length of the roadway within the City limits

(4) SH 35: For the full length of the roadway within the City limits, except within the Old Townsite District

(5) Broadway Road: For the full length of the roadway within the City limits, except within the Old Townsite District

(6) Magnolia Road: For the full length within the City limits of the contiguous roadway known as Magnolia Road, County Road 59, Southfork Drive, and John Lizer Road, except within the Old Townsite District

(7) Kirby Drive: For the full length of the roadway within the City limits

(8) Dixie Farm Road: For the full length of the roadway within the City limits

(9) Beltway 8: For the full length of the roadway within the City limits

(10) Bailey Avenue: For the full length of the roadway within the City limits

(11) Massey Ranch Road: For the full length of the roadway within the City limits

(12) Cullen Boulevard: For the full length of the roadway within the City limits

(c) **Lot and Setback Standards.**

(1) The minimum front yard building setback adjacent to a specified major thoroughfare shall be twenty-five feet (25').

(2) The minimum setback for all off-street parking, maneuvering and loading areas from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').

(3) The minimum setback for all screening walls and fences, including residential subdivision fences, from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').

(4) The minimum setback for any outside storage area (where permitted by the underlying zoning district) from the right-of-way line of a specified major thoroughfare shall be one hundred and fifty feet (150'), unless such area is screened to one hundred percent (100%) opacity with a screening wall that matches the primary on-site building or with live vegetation.

(5) No buildings, parking areas, or other impervious structures (except as noted herein), are permitted within the recognized floodway, as identified by the City Engineer, or within fifty feet (50') of the high bank, whichever is greater, of a creek or other drainage way proposed as a linear park in the City's Park and Recreation Master Plan.

a. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.

b. The Parks Director may reduce the restriction herein upon a finding that the proposed construction is consistent with the Park and Recreation Master Plan or the Hike and Bike Master Plan.

(6) Buildings, parking areas, or other visual obstructions shall not be located in any required visibility triangle.

(7) The required setback area as described above shall be landscaped, and shall meet the requirements of Subsection (g) of this Section 2.4.5.1.

(d) **Building Facade Standards.** Requirements are applicable to any side of a structure that faces a thoroughfare listed in subsection (b), except for single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.

(1) <u>Building Articulation:</u>

a. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:

1. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.

2. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.

3. Incorporate details that create shade and cast shadows to provide visual relief.

b. Building articulation shall be provided as specified in the following:

1. All nonresidential structures fifty thousand (50,000) square feet in size or greater, except Public Educational Facilities, shall incorporate architectural variation of at least three feet (3') in depth

for every twenty-five feet (25') (not cumulatively) in vertical or horizontal length.

2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') (not cumulatively) in vertical or horizontal length.

(2) Building Materials:

a. All structures shall conform to the requirements in Article 6, Division 2 of this chapter.

b. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.

c. A minimum twenty-five percent (25%) of an exterior wall facing the specified major thoroughfare shall be transparent, except for Public Educational Facilities, which are exempt from this requirement, and structures located in the M-1 or M-2 zoning districts, for which the transparency percentage shall be a minimum of fifteen percent (15%).

d. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme, as determined by the Planning Director.

(3) Building and roof colors shall be provided in accordance with an approved color palette, available in the City's Planning Office. Window/door trim, fascia, soffit, or similar elements of the building façade are exempt from the color palette as long as the total area of those elements do not exceed twenty percent (20%) of the building façade for any side of the building.

(e) **Access and Off-Street Parking Standards.** Access and off-street parking shall be provided in conformance with the City's Engineering Design Criteria Manual (EDCM).

(f) **Bicycle Parking.**

a. Bicycle parking spaces shall be provided at an amount equal to a minimum of five percent (5%) of the required vehicular parking spaces.

b. Bicycle parking shall be conveniently provided for all uses allowed in the following zoning districts: Office and Professional, Neighborhood Service, Business Park-288, General Business, and General Commercial.

c. Each required bicycle parking space shall include a means to secure individual bicycles.

(g) **Landscaping Standards.**

(1) Minimum Percentage of Landscaping in the Required Setback Area: A minimum of fifteen percent (15%) of the required setback area shall consist of landscaped open areas with a permeable surface.

(2) Minimum Percentage of Landscaping Generally: A minimum of fifteen percent (15%) of the gross lot area shall consist of landscaped open areas.

a. Landscaping elements shall be established along the outside (i.e., the side nearest the right-of-way) of all required screening elements (refer to Subsection (h) below).

(3) Tree Requirements: Trees are required along all specified major thoroughfares as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot adjacent to the specified roadways:

a. Large shade trees with a minimum two-inch (2”) caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.

b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage, except for Public Educational Facilities, which are exempt from this requirement.

c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.

d. At the time of planting, a minimum of three feet (3') shall be provided between a tree trunk and the back of any curb and eight feet (8’) between a tree trunk and any planned or existing underground public utility lines.

e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.

(4) Required Interior Site Landscaping:

a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.

b. No parking space designed and intended for the parking of passenger vehicles driven by customers, patrons, or employees shall be greater than fifty feet (50') from a tree. Each island shall contain at least one (1) tree. Public Educational Facilities and industrial uses located in M-1 and M-2 zoning districts shall be exempt from this requirement so long as the overall landscaping requirement is met onsite.

(5) Irrigation System: A mechanical irrigation system is required to be installed and maintained.

(6) Adjacent to a Single-Family Use or Zoning District: When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25’) wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area and may count toward (g)(1) above.

(7) Detention/retention facilities located in front yards: When a detention/retention facility is located in a front yard, the facility shall be incorporated into the design of the development as an amenity, as determined by the Planning Director.

(h) **Lighting Standards.**

(1) Vehicular Circulation & Parking Areas:

a. High pressure sodium or metal halide fixtures shall be used with no direct glare onto adjacent properties or public streets. The glare from such fixtures shall be shielded from adjacent properties and/or public streets.

b. Minimum light level within the parking area shall be 0.5 foot candles when the attendant facility is in use.

c. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site and no taller than the height of the building being served.

d. Creosote treated wooden poles are prohibited.

e. Street lights along the specified corridor shall conform to the standard fixture adopted by the City. Installation of such fixture or payment in lieu of installation shall be required prior to acceptance of subdivision improvements by the City or issuance of a certificate of occupancy, as applicable

(2) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.

(3) Accent Lighting:

a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.

b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(i) **Screening Standards.**

(1) Site Elements Required to Be Screened: The following site elements shall be screened from the public view from all specified major thoroughfares:

a. *Mechanical and Utility Equipment*

1. Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque.

2. Roof-mounted equipment shall be screened with materials that are one hundred percent (100%) opaque. Appropriate screening includes an extension of the wall, such as a parapet wall, on which the equipment is mounted.

b. *Vehicle Loading and Unloading Areas*

1. Screens shall incorporate shrubbery having year-round foliage and\or a wall or architectural element of the building that is a minimum of six feet (6') in height and is a maximum of seventy-five percent (75%) opaque.

c. *Refuse, Refuse Containers, and Recycling Containers*

1. Screens shall consist of a solid wall or architectural element of the building that is a minimum six feet (6') in height.

(2) Screening Elements Required: All screening walls visible from a public street shall be:

a. Constructed of masonry materials that are consistent with the color and design of the primary on-site structure.
b. Consistent in color and design with the building architecture.
c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Screening Elements Prohibited: No fence or wall visible from a public street shall be:

a. Greater than eight feet (8') in height.
b. Located within any required visibility triangle.
c. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. Exceptions:
    1. Barbed wire may be used solely to control livestock.
    2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and detention basins. Any chain link fence located one hundred feet (100') or less from a thoroughfare listed in subsection (b) shall be constructed of chain link material that is entirely coated by vinyl, powdercoating, or other durable material that is black or dark green in color, and shall also include one of the following features:
        A. an evergreen vegetative screen outside the fence consisting of a combination of shrubs and trees that meet the following requirements:
            (i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting;
            (ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or
        B. masonry columns that are:
            (i) no less than twenty inches (20") in width and depth;
            (ii) at least twelve inches (12") taller than the adjacent chain link sections;
            (iii) spaced no further than twenty feet (20') apart;
            (iv) topped with decorative masonry caps at least six inches (6") tall that project at least two inches (2") from the front facades of the columns; and
            (v) constructed of materials similar in color, design, and architecture to that of the primary structure.

(4) All other fences within Public Educational Facilities shall be constructed of materials consistent in color, design, and architecture to the primary on-site structure.

(5) Residential Subdivision Fences:

a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.

b. If visible from a street right-of-way, fences shall be constructed of masonry materials. However, large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more, shall be permitted to be screened with wood rail fencing.

(6) Fences constructed around detention ponds or basins and visible from a public or private street, shall be constructed of decorative wrought iron or chain link material in accordance with the standards set forth in subsection (i) (3) c. 2. above for chain link fences located one hundred feet (100') or less from a thoroughfare listed in subsection (b).

(j) **Buffering Standards.**

(1) Site Elements Required to Be Buffered: The following site elements shall be visually buffered from the public view from all specified major thoroughfares:

a. *Parking Areas* - Outdoor parking areas that are visible from any street right-of-way.

b. *Fuel Pumps* - Fuel pumps located between the street and the building.

c. *Drive-Up Windows* - Vehicle drive-up windows facing the street.

(2) Buffering Elements Required: Required buffering shall be a maximum of three feet (3') in height shall be provided by way of one or more of the following:

a. Freestanding masonry wall.

b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming if unseen from the street.

c. Shrubbery having year-round foliage.

(k) **Outdoor Activities or Uses.** The following shall apply when the incidental display of merchandise out of doors is permitted within the base zoning district.

(1) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten feet (10'), and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.

(2) The temporary sale of Christmas trees and products associated with celebration of holidays or national events On any property in the general business district, the temporary sale of goods in relation to special events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of religious the holiday celebration. The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to one (1) event per calendar year, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:

a. That there is an adequate off-street parking area, approved by the City; and

b. That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.

(3) No other type of outdoor activity or use shall be permitted in the COD District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.

(4) Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.

(5) Outdoor storage and display in M-1 and M-2 zones shall be permitted within fenced areas. Fences around display and storage areas, visible from a public or private street, shall be constructed of decorative wrought iron or chain link material that complies with the standards set forth in subsection (i) (3) c. 2. above.

(l) **Sidewalk Standards.**

(1) Location: The required sidewalk along all specified major thoroughfares may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line. Sidewalks shall not be required for development along Beltway 8 frontage roads.

(2) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.

(3) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the major thoroughfare street frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.

(4) Construction Criteria: Construction criteria for the required sidewalk:

a. Minimum six feet (6') wide.

b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.

c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.

d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').

e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.

f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.

(5) A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. This connecting sidewalk shall be accessible, readily visible, and paved.

(m) **Utilities.** All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are prominent shall be made by the Planning Director.

Section 2.5.2.1 The Land Use Matrix

(a) The Land Use Matrix begins on the following page.

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Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Primary Agricultural Uses																											
Agricultural Field Crops	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+	P	P	P	P	P	P	P	P
Agricultural Animal Husbandry	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	P	P	P	P	C	P	P
Bulk Grain and/or Feed Storage	P																		+						C	P	P
Farm (Ranch, Livestock)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+	P	P	P	P	P	P	P	P
Feed & Grain Store/Farm Supply Store																			+					C	P	P	P
Flour and Other Grain Mills																			+							P	P
Livestock – Wholesale																			+							P	P
Livestock Sales																			+							P	P
Crops or Orchard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+	P	P	P	P	P	P	P	P
Stable, Commercial																			+							P	P
Stable (Private, Principal or Accessory Use)		C	C														C	C	+	C						P	P
Primary Residential Uses																											
Boarding or Rooming House										P									+					P	P		
Dwelling - Four-Family (Quadriplex) *(Defined Under Dwelling - Multiple-Family)*									P	P	P								+								
Dwelling - HUD-Code Manufactured(Mobile) Home											P								+							C	C
Dwelling - Industrialized Home		P	P	P	P	P	P	P									C	C	+								

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
□🕮																											
* Dwelling - Mobile Home □🕮																			+								
Dwelling - Multiple-Family □🕮										P				C					+	C							
Dwelling - Patio Home □🕮								P											+								
Dwelling - Single-Family Detached □🕮		P	P	P	P	P	P	P	P	P							P	P	+	C							
Dwelling - Town House									P										+	C							
Dwelling - Two-Family □🕮								C	P	P									+	C							
Home Occupation □🕮		P	P	P	P	P	P	P	P	P	P	P					P	P	+	C							
Private Street Subdivision	P	P	P	P													P	P	+								
Accessory & Incidental Uses																											
Accessory Structure (Business or Industry) □🕮												C	C	C	C	C	C	C	+	C	P	P	P	P	P	P	P
Accessory Structure (Residential) 🕮 □	P	P	P	P	P	P	P	P	P	P	P						P	P	+	C							
Accessory Dwelling □🕮	P			C	C	C	C	C	C	C	C						C	C	+	C							
Farm Accessory Building	P	C	C	C	C	C	C	C	C	C	C						C	C	+	C	C	C	C	C	P	P	P
Off-Street Parking Incidental to Residential Main Use	C	P	P	P	P	P	P	P	P	P	P						P	P	+	P	P	P	P	P	P	P	P
Off-Street Parking Incidental to Nonresidential Main Use	C	C	C	C	C	C	C	C	C	C	C						P	P	+	P	P	P	P	P	P	P	P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Servant, Guest, Caretakers or Security Quarters	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	+	C	C	C	C	C	C	C	C
Social & Recreational Building, including homeowners association neighborhood recreation centers	C	C	C	C	C	C	C	C	C	P	P			P			P	P	+	C	P	P	P	P	P		
Onsite Detention Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P
Off-site Detention Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C
Entertainment & Recreational Uses																											
Billiard/Pool Facility (Three or More Tables)												C					C	C	+		C	C	C	P	P		
Bingo Facility												C					C	C	+	C	C	C	C	P	P		
Bowling Alley (Air-Conditioned and Sound Proofed)												C					C	C	+		C	C	C	P	P		
Commercial Amusement, Indoor □🕮												P					C	C	+		C	C	C	P	P		
Commercial Amusement, Outdoor □🕮												C					C	C	+		C	C	C	P	P		
Country Club □🕮	C	C	C	C	C	C	C	C	C	P	P		P	P	P		P	P	+		P	P	P	P	P		
Dinner Theatre												C					C	C	+		C	C	C	P	P		
Driving Range (Golf)												C	C	C			C	C	+		C	C	C	P	P		
Drag Strip/Race Track □🕮																			+						C	C	C
Fairgrounds																			+								
Gaming Establishment □🕮																	C	C	C		C	C	C	C	C	C	C

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Golf Course (Miniature)												C	C	C	C	C	C	C	+		C	C	C	P			
Golf Course (Private) □🕮												C	C	C	C	C	C	C	+		C	C	C	P			
Golf Course (Public) □🕮												C	C	C	C	C	C	C	+		C	C	C	P			
Park and/or Playground (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+		P	P	P	P			
Park and/or Playground (Public; Municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+		P	P	P	P	P		
Private Club										C	C								+		C		P	P	P		
Recreation Center (Private, For Profit)										C	C	P	P	P			C	C	+	C	C	P	P	P	P		
Rodeo Grounds	C																		+						P		
Skating Rink	C											C					C	C	+		C	C	C	P	P		
Swimming Pool, Commercial	C											C					C	C	+	C	C	C	C	P	P		
Swimming Pool, Private (Use Only By Resident)	P	P	P	P	P	P	P	P	P	P	P			P			P	P	+	C	P	P	P	P	P		
Temporary Outdoor Amusement/Activity*																											
Tennis or Swim Club (Private, For Profit)	C	C	C	C	C	C	C	C	C			P	P	P			P	P	+	C	P	P	P	P	P		
Tennis Court (Private/Not Lighted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	+	C	P	P	P	P	P		
Tennis Court (Private/Lighted)	P	P	C	C	C	C	C	C	C	C	C	C	C	C			C	C	+	C	C	C	C	C	P		
Travel Trailer/RV Park/Campground (Long-Term Stays) *{Travel Trailer Defined}*	C																		+						C		

*** Refer to City's Special Events Ordinance**

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Travel Trailer/RV Park/Campground (Short-Term Stays) *{Travel Trailer Defined}*	C																		+						C		
Automobile-Related Service Uses																											
All Terrain Vehicle (Go-Carts & Motor Cycles) Dealer/Sales																			+					P	P	P	P
Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair)																	C		+					P	P	P	P
Auto Assembly																			+						C	P	P
Auto Body Repair																			+						P	P	P
Auto/Leasing																			+		C	C	C	C	P	P	P
Auto Glass Repair/Tinting																	C		+					C	P	P	P
Auto Interior Shop/Upholstery																	C		+	C				C	P	P	P
Auto Muffler Shop																			+						P	P	P
Auto Paint Shop																			+						P	P	P
Auto Parts Manufacturing																			+						C	P	P
Auto Parts Sale (With Outside Storage or Display)																			+						C	P	P
Auto Parts Sales (Indoors Only; With Repair Bays)																	C		+	C					C	P	P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Auto Rental □🕮																			+					C	P	P	P
Auto Repair (Major) □🕮																			+						C	P	P
Auto Repair (Minor) □🕮																	C		+					C	P	P	P
Auto Sales/Dealer □ (New - In Building, Auto Servicing and Used Auto Sales as accessory uses only) 🕮																			+					P	P	P	P
Auto Wash (Full Service/Detail Shop) □🕮																	C		+			C		P	P	P	P
Auto Wash (Self-Service) □🕮																			+					C	P	P	P
Auto Wrecker Service																			+						P	P	P
Bicycle Sales (New/Repair)																	C	C	+	C			P	P	P	P	P
Boat Sales (New/Repair)																			+						P	P	P
Bus or Truck Storage																			+						C	P	P
Gasoline Station □🕮																	C		+				P	P	P	P	P
Limousine/Taxi Service																			+						P	P	P
Motor Freight Transportation, Storage, & Terminal																			+						C	P	P
Motorcycle Sales/Dealer (New/Repair)																	C	C	+						P	P	P
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity										C		C	C						+				C	P	P	P	P
Personal Watercraft Sales (New/Repair)																			+						P	P	P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Tire Retreading and Capping																			+							P	P
Tire Sales (Outdoors, With Open Storage)																			+						P	P	P
Transfer Station (Refuse/Pick-up)																			+						C	P	P
Transit Terminal																			+		C	C	C	P	P	P	P
Truck and Bus Rental																			+						P	P	P
Truck Sales (Heavy Trucks)																			+						P	P	P
Truck or Freight Terminal																			+						C	P	P
Office Uses																											
Clinic, Medical or Dental												P	P	P	C	C	P	P	+	C	P	P	P	P	P	C	
Credit Agency												P	C	C	P	P			+		P	P	P	P	P	C	
Emergency Care Clinic												P	C	C	C	C	C		+	C		P		C	P	C	
Financial Institution (No Motor Bank Services)												P	P	P	P	P	P	P	+	C	P	P	P	P	P	C	
Financial Institution (With Motor Bank Servcies)												P	C	C	P	P	P	P	+	C	P	P	P	P	P	C	
Financial Services (Advice/Invest)												P	P	P	P	P	P	P	+	C	P	P	P	P	P	C	
Insurance Agency Offices												P	P	P	P	P	P	P	+	C	P	P	P	P	P	C	
Office, Brokerage Service												P	P	P	P	P	P	P	+	C	P	P	P	P	P	C	
Office, Legal Service												P	P	P	P	P	P	P	+	C	P	P	P	P	P	C	

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Office, Medical/Dental *{Defined Under Medical Facilities}*												P	P	P	P	P	P	P	+	C	P	P	P	P	P	C	
Office, Parole-Probation																			+						P	C	
Office, Professional and General Business (other than those listed)												C	C	C	C	C	C	C	+	C	P	P	P	P	P	C	
Office, Real Estate												P	P	P	P	P	P	P	+	C	P	P	P	P	P	C	
Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)												P	C	C	C	C	C	C	+	C	C	P	P	P	P	C	
Office/Clinic, Veterinarian (No Animal Hospital, With Outside Pens)																	C	C	+						P	C	
Security Monitoring Company (No Outside Storage)															P	P	P	P	+	C	P	P	P	P	P	C	
Telemarketing Agency																	C		+	C		C		C	P	C	
Travel Agency, Bureau or Consultant												P	P	P			P	P	+	C	P	P	P	P	P	C	

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Personal & Business Service Uses																											
Ambulance Service □🕮															C	C			+					C	P	P	P
Automatic Teller Machine (ATM)												C	C	C	P	P	P	P	+		P	P	P	P	P	P	P
Automobile Driving School (including Defensive Driving)															P	P	P		+					C	P	P	P
Barber/Beauty Shop/Tanning Studios (No Related School/College)												P	P	P			P	P	+	C	P	P	P	P	P	C	
Barber/Cosmetology School/College															P	P	C		+			C		C	P	P	P
Bed & Breakfast Inn □🕮	C	C	C	C	C	C	C	C	C	C		C	C	C			P	P	+		P	P	P	P	P		
Check Cashing Service												C	C	C					+			C	C	P	P	P	P
Dance/Drama/Music School (Performing Arts)												C	P	P	P	P	C	C	+	C	C	P	C	P	P	C	
Extended Stay Hotel/Motel □🕮												P	P	P	C				+		C	C		P	P		
Funeral Home □🕮																			+			C	C	C	P	C	
Health Club (Physical Fitness; Indoors Only)												P	P	P			C	C	+	C	C	P	C	P	P	C	
Hotel/Motel □🕮												P	P	P	C				+		P	C		P	P		
Laundromat (Self-Service Laundry)										C									+		C		C	P	P	P	
Laundry/Dry Cleaning (Retail Only - Drop Off/Pick Up)												P	P	P			P	P	+	C	C	C	P	P	P		
Mailing Service (Private)												P	P	P			C	C	+	C	P	P	P	P	P	C	

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Martial Arts School/Studio/Tutorial/Clubs/ Learning centers												P	C	C			C	C	+	C		C	C	P	P	P	P
Pharmacy (Retail Only)												P	P	P			P	P	+	C	P	P	P	P	P	P	
Rehabilitation Care Facility (Halfway House)																			+		C		C	P	P	P	
Rehabilitation Care Institution (Commercial)																			+		C		C	P	P	P	
Seamstress or Dressmaker (Retail Only)												P	P	P			P	P	+	C	P	P	P	P	P		
Studio - Tattoo or Body Piercing																			+						C	C	C
Retail & Business Service Uses																											
Antique Shop □ (No outside storage) 🕮												C	C	C			P	P	+	C	P	P	P	P	P	C	
Antique Shop □ (With outside storage) 🕮												C	C	C			C	C	+		C	C	C	C	P	C	
Apparel Shop												P	C	C			C	C	+	C	C	P	P	P	P	C	
Animal Hospital (No Outside Pens)																	C		+					C	P	C	
Art Museum and/or Dealer												P	P	P			P	P	+		C	C	C	P	P	C	
Art Studio and/or Gallery □🕮												C	C	C			P	P	+	C	C	C	P	P	P	C	

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Art Supply Store												P	P	P			C	C	+	C	P	P	P	P	P	C	
Bakery or Confectionery Shop (Retail Sales, Inside Service Only) 🕮												P	P	P			P	P	+	C	P	P	P	P	P	C	
Bakery or Confectionery Shop (Retail Sales, With Drive-Thru Service) □🕮												C	C	C			C	C	+	C	C	C	C	P	P	C	
Bakery (Wholesale) □🕮																			+						P	C	
Book/Stationery Shop (Retail Only)												P	P	P			P	P	+	C	P	P	P	P	P	C	
Business Service Retail (Provides wares and/or service in support of professional occupations)												C	C	C			C	C	+	C	C	C	C	P	P	C	
Café □🕮												P	P	P			P	P	+	C	P	P	P	P	P	C	
Cafeteria □🕮												C	C	C			C	C	+	C	P	P	P	P	P	C	
Camera Shop (Retail Only)												P	P	P			C	C	+	C	P	P	P	P	P	C	
Cigars, Tobacco Shop (Retail Only)												C							+		C	P	C	P	P	C	
Carpenter Shop												P	C	C			P	P	+	P	C	C	C	P	P	C	
Catering Service												P	C	C			P	P	+	P	C	C	C	P	P	C	
Coffee, Donut and Similar Food Sales Shop (For On- or Off-Site Consumption)												P	P	P			P	P	+	P	P	P	P	P	P	C	
Computer Sales												P	C	C			C	C	+	C	C	P	C	P	P	C	
Consignment Shop												P	C	C			C	C	+	C	C	P	P	P	P	C	

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Convenience Store (With Gasoline Sales) □🕮												C					C	C	+		C	C	C	P	P	C	
Convenience Store (Without Gasoline Sales) □🕮												C	C	C			C	C	+	C	C	C	P	P	P	C	
Copy/Printing Shop □🕮												P	P	P			C	C	+	C	P	P	P	P	P	C	
Department Store □ (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing) 🕮												P	P	P					+			P		P	P	C	
Drapery/Blind Shop												P	P	P			P	P	+	C	P	P	P	P	P	C	
Electronic Goods Store (Retail Only)												P	P	P			C	C	+	C	C	P	C	P	P	C	
Florist Shop (Retail Only)												P	P	P			P	P	+	C	P	P	P	P	P	C	
Food Store/Supermarket □🕮												P	P	P					+				C	P	P	C	
Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)												P	P	P			C	C	+	C		P		P	P	C	
Furniture Repair and Upholstering (No Outside Storage)																	C		+					C	P	C	
Garage and/or Yard Sales	P	P	P	P	P	P	P	P	P	P	P						P	P	+	P	C	C	C	C	C	C	
Garden Shop & Outside Plant Sales (i.e., Plant Nursery)																	C	C	+	C	C	C	C	P	P	C	
Gift or Card Shop (Retail Only)												P	P	P			P	P	+	C	P	P	P	P	P	C	
Handicraft & Art Object Sales Shop												P	P	P			P	P	+	C	P	P	P	P	P	C	

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Hardware Store												C	C	C			C	C	+	C	C	C	C	P	P	C	
Hobby Shop (Retail Only)												P	P	P			P	P	+	C			P	P	P	C	
Home Improvement Center												P	C	C					+			C	C	C	P	C	
Ice Cream/Yogurt Shop (For On- or Off-Site Consumption)												P	P	P			P	P	+	C	P	P	P	P	P	C	
Itinerant Vendor/Seasonal Vending												C	C	C			C	C	+	C	C	C	C	C	C	C	
Jewelry Store												P	P	P			C	C	+	C		P	P	P	P	C	
Key Shop																	C	C	+	C			P	P	P	C	
Market - Open Air (i.e., Flea Market)												C	C	C					+					C	P	C	
Meat and Fish Market (Retail Only)												C	C	C					+				C	C	P	C	
Medical Appliances & Sales																	C		+	C		P		P	P	C	
Motion Picture Theater (Indoors)												P	P	P	P	P			+					P	P	C	
Optical Shop												P	P	P	P	P	C	C	+	C	P	P	P	P	P	C	
Outside Display *{See related regulations in applicable zoning districts}*												C	C	C					+				C	P	P	C	
Paint, Wallpaper Shop (Retail Only)												P	P	P			P	P	+	C	P	P	P	P	P	C	
Pet Shop-Small Animals, Birds or Fish												P	P	P					+				P	P	P	C	
Personal Custom Services, Tailor, Millinery, Etc.												P	P	P			C	C	+	C			P	P	P	C	

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Pharmacy/Drug Store (Retail Only)												P	P	P			P	P	+	C	P	P	P	P	P	C	
Piano and Musical Instruments (Retail Only)												P	P	P			C		+	C			P	P	P	C	
Restaurant (With Drive-In and/or Drive-Thru Service)												C	C	C			C	C	+	C			C	P	P	C	
Restaurant (With No Drive-In or Drive-Thru Service)												P	P	P			C	C	+	C			C	P	P	C	
Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed; No Outside Storage)												P	P	P			C	C	+	C	P	P	P	P	P	C	
Shoe Store (Retail Only)												P	P	P			C	C	+	C			P	P	P	C	
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)																	C	C	+	C			C	P	P	C	
Stone Monuments - Retail Sales Only (indoors)																	C	C	+	C	C		P	P	P	C	
Stone Monuments – Fabrication and Outdoor Storage																	C	C	+	C					C	C	

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Studio, Decorator & Display of Art Objects												P	P	P			C	C	+	C			C	P	P	C	
Studio, Photographer, Artist, Music, Drama, Dance												P	P	P			C	C	+	C			C	P	P	C	
Studio, Health Reducing or Similar Service												P	P	P			C	C	+	C			C	P	P	C	
Tavern																			+					P	P	C	
Variety Store												C	C	C					+				P	P	P	C	
Video Rental and/or Sales												P	P	P			C	C	+	C			C	P	P	C	
Institutional/ Governmental Uses																											
Adult Day Care Center(Business) 🕮																	C	C	+	C	C	C	C	P	P		
Antenna (Commercial)	See Telecommunications Regulations, Chapter 2, Article 5, Division 5 of the UDC																										
Antenna (Non-Commercial)	See Telecommunications Regulations, Chapter 2, Article 5, Division 5 of the UDC																										
Assisted Living Facility 🕮										C				C			C	C	+		C	P	C	P	P		
Auction House																			+		C	P	C	P	P		
Child Day Care Center (Business) 🕮												P	P	P			C	C	+	C	C	P	C	P	P		
Child Day Nursery 🕮	P	P	P	P	P	P	P	P	C	C	P						P	P	+	C	P	P	P	P	P		
Church/Temple/Place of Worship 🕮	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	+		C	P	C	P	P		
Civic Center (Municipal) 🕮													P	P					+		C	P	P	P	P		

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Civic Club													P	P					+		C	P	P	P	P		
Community /Group Home □🕮	P	P	P	P	P	P	P	P	P	P	P						C	C	+		P		P				
Community or Social Buildings □🕮	C	C	C	C	C	C	C	C	C	C	C		P	P			C	C	+		P		P				
Convent or Monastery □🕮	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+		P	P	P	P	P		
Day Camp (For Children) □🕮	C									C	C								+		P		P	P	P		
Day Care		See"Child Day Care Center (Business)"																									
Day Nursery		See"Child Day Nursery"																									
Exhibition Hall	C																		+			P			P	P	P
Fraternal Organization □🕮	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	+		P	P	P	P	P		
Fraternity or Sorority House □🕮	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	+		P	P	P	P	P		
Governmental Building or Use (County, State or Federal)	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	C	C	C	+	C	P	P	P	P	P	P	P
Home for Alcoholic, Narcotic or Psychiatric Patients										C									+		C	C		C	C		
Hospice *(Defined Under Household Care Facility)*	P	P	P	P	P	P	P	P	P	P	P						C	C	+		P		P				
Hospital (Non-Profit) □🕮										C		C			C	C			+		C	P	C	P	P	P	P
Hospital (For Profit) □🕮										C		P			P	P			+		C	P	C	P	P	P	P
Institution of Religious, Educational or Philanthropic Nature	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	+		P	P	P	P	P		
Library, Public										C			P	P					+		P	P	P	P	P		
Mortuary/Cemetery (Including Mausoleum/Crematorium)																	C		+					P	P		

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts						
												SPD														
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Municipal Public Administration Offices	C	C			C	C	C	C		C	C		P				P	P	+		P		P	P	P	P	P
Museum (Indoors Only)													P	C			C		+		P	P	P	P	P		
Nursing/Convalescent Home *(Defined Under Skilled Nursing Facility)*										P				C					+		C	C	C	P	P		
Penal or Correctional Institutions																			+							P	P
Public Assembly (Auditorium, Gymnasium, Stadiums etc.)													P						+			C		P	P	P	P
Rectory/Parsonage	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	+		P	P	P	P	P		
Retirement Housing for the Elderly	See "Assisted Living Facility"																										
School - College or University	C	C	C	C	C	C	C	C	C	P	C		P	P	P	P			+		P	P	P	P	P		
School - Elementary (Public or Parochial)	C	C	C	C	C	C	C	C	C	P	C		C	C	C		C	C	+		P	P	P	P	P		
School - High School (Public or Parochial)	C	C	C	C	C	C	C	C	C	P	C		C	C	C		C	C	+		P	P	P	P	P		
School - Junior High (Public or Parochial)	C	C	C	C	C	C	C	C	C	P	C		C	C	C		C	C	+		P	P	P	P	P		
School - Other Than Public or Parochial	C	C	C	C	C	C	C	C	C	P	C		C	C	C		C	C	+		P	P	P	P	P		
School - Trade or Commercial *{Defined Under School,*													C	C	C	P			+		C	C	C	C	P	P	P
Sheltered Care Facility										C									+					C	C		
Studio for Radio and/or Television (No Tower[s])																			+		P	P	C	P	P	P	P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RR/N	OP	BP-288	NS	GB	GC	M-1	M-2
Utility & Related Service Uses (Also see Section 4.2.4.2 - *Screening for Utility Support Structures and Stations*)																											
Cellular Communications Tower/PCS *{See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	C	C	C	C	C	P	P
Electric Power Generating Plant																			+							C	C
Electrical Substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	+	C	C	C	C	C	C	C	C
Franchised Private Utility □ (Other than those listed) 🕮	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	+	C	C	C	C	C	C	P	P
Gas Transmission & Metering Station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	+	C	C	C	C	C	C	P	P
Public Utilities (Other than those listed)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	C	C	C	C	C	C	C
Radio or Television or Microwave Towers (Commercial) *{See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}*		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	C	C	C	C	C	P	P
Radio or Television Transmitting Station (Commercial) *{See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	C	C	C	C	C	P	P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Sanitary Landfill (Private)																			+							C	C
Sanitary Landfill (Public)																			+							C	C
Railroad Team Track or Freight Depot																			+						P	P	P
Satellite Dish (Private, less than 4' in diameter) {*See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC*}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+	C	P	P	P	P	P	P	P
Satellite Dish (greater than 4' in diameter)(*See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC)*																			+		C	C	C	C	C	C	C
Telephone Business Office																P			+		P	P	P	P	P	P	P
Telephone Exchange Switching Relay & Transmitting Equipment	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	C	C	C	C	C	C	C
Utility Shops or Storage, Yards and Building																			+					C	P	P	P
Commercial & Related Service Uses																											
Pet Care Facility/Animal Kennel (With Outdoor Pens) 🕮	C																		+						P	P	P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts						
												SPD														
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Pet Care Facility/Animal Kennel (With Indoor Pens) 🕮	C											P	C	C	C	C	C	C	+		C	P	P	P	P	P	P
Appliance Repair □🕮																		C	+					C	P	P	P
Book Binding																C		C	+					P	P	P	P
Building Material Sales															C	P		C	+						P	P	P
Cabinet Business															P	P		C	+					C	P	P	P
Cannery Wholesale																			+					C	P	P	P
Cattle Feedlot (CAFO)	C																		+						C	C	C
Chemical Packing or Blending																			+							C	C
Cleaning, Dyeing or Laundry Plant, Commercial □🕮																			+							P	P
Communication Equipment Sales/Service (Installation and/or Repair – No outdoor sales or storage or towers/antennae)																	C	C	+		C	C	C	C	P	P	P
Construction Contractor with Storage Yard																			+						C	P	P
Contractor's Office/Sales, No Outside Storage including Vehicles																			+		C	C	C	P	P	P	P
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+		P	P	P	P	P	P	P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Dance Hall or Night Club □🕮												C		C					+					C	P		
Drive-In Theater																			+					C	P		
Electronic Assembly																	C	C	+						P	P	P
Exterminator Service/Company (No outdoor sales or storage)																	C	C	+			C	C	P	P	P	P
Fur/Hide Tanning and Finishing																			+							P	P
Furniture/Appliances - Open Storage & Retail Sale																	C		+						P	P	P
Gravestone/Tombstone Sales																			+						P	P	P
Heavy Machinery Sales, Storage & Repair □🕮																			+						C	P	P
Heating & Air-Conditioning Sales/Services																		C	+					C	P	P	P
Home Sales office-temp(for new subdivision)	P	P	P	P	P	P	P	P	P	P	P								+								
Laboratory, Scientific or Research *{Defined Under Scientific and Industrial Research Laboratories}*															P	P	C	C	+		C	P	C	C	P	P	P
Laboratory, Medical or Dental															P	P	C	C	+		C	P	C	P	P	P	P
Lawnmower Sales and/or Repair																			+					C	P	C	
Liquefied Petroleum Storage & Sales																			+						C	C	C
Loading or Storage Tanks															C	C			+						C	P	P
Locksmith																	C	C	+	C				C	P	P	P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts						
												SPD														
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	~~RN~~ ~~RR~~	OP	BP-288	NS	GB	GC	M-1	M-2
Lumber Mill/Yard																			+						P	P	P
Machine Shop																			+					P	P	C	C
Manufactured Home Display, Sales and/or Rental (New or Used)																			+						P	P	P
Mattress Making and/or Renovating																			+						P	P	P
Milk Depot - Wholesale																			+						P	P	P
Mini-Warehouse/Self Storage																			+					C	C	C	C
Moving and Storage Company																			+					C	C	P	P
News Printing																			+					C	C	P	P
Office Warehouse Storage or Sales*(Defined Under Storage or Wholesale Warehouse)*															C	P			+						C	P	P
Outside Storage																			+					C	C	P	P
Pawn Shop																			+						~~P~~	P	
Pet and Animal Grooming Shop												C	C	C			C	C	+	C				P	P		
Petroleum Products Bulk Storage (Wholesale)																			+						C	C	C
Pipe Processing																			+						C	C	P
Pipe Storage Yard																			+						C	P	P
Plumbing Shop (No Outside Storage)																	C	C	+	C				C	P	P	P
Printing Equipment, Supplies and Repairs																	C	C	+	C				C	P	P	P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts							
												SPD															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Propane Sales (Retail)																			+					C	P	P	P
Quick Lube/Oil Change/Minor Inspection																	C		+	C				C	P	P	P
Railroad, Bus, Light Rail Passenger Station (Public)												C	C	C	C	C	P		+	C				P	P	P	P
Railroad Team Tracks, Freight, Depot or Docks																			+							P	P
Railroad Tracks & Right-of-Way	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	C	C	C	C	C	C	C
Reproduction of Blueprints															C	P			+		C	P		P	P	P	P
Sheet Metal Shop																		C	+						P	P	P
Storage of Used Lumber and Building Materials																		C	+						C	P	P
Taxidermist																			+						C	P	P
Tool and Machinery Rental (Indoor Storage only)																		C	+					C	P	P	P
Tool and Machinery Rental (with Outdoor Storage)																			+						C	P	P
Trailer Home Sales or Rental Only																			+						C	C	C
Transfer Storage & Baggage Terminal																			+						P	P	P
Upholstery Business																	C	C	+					C	P	P	P
Vacuum Cleaner Sales and Repair																			+					C	P	P	P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts						
												SPD														
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Welding Shop																			+						C	P	P
Wholesale Trade - Nondurable Goods															C	C	C	C	+						P	P	P
Wood Working Shops																	C	C	+					C	P	P	P
Industrial & Related Service Uses																											
Acid Manufacturer																			+								C
Airport 🕮□, Heliport/Helipad 🕮□ or Landing Field	C											C	C	C	C	C	C	C	+		C	C	C	C	C	C	C
Animal Slaughtering or Poultry Processes																			+								C
Ammonia Manufacturer																			+								C
Asphalt Batching Plant □🕮																			+								
Bio-Tech, High-Tech Manufacturing															P	P	C	C	+			C				P	P
Carbon Black Manufacturer																			+								C
Cement, Lime, Gypsum or Plaster of Paris Manufacturer																			+								C
Chemical Packing and/or Blending																			+							C	C
Clothing Manufacturing															C	P	C	C	+						P	P	P
Commercial Extraction of Soil, Sand, and Gravel	C																		+								C

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts						
												SPD														
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Concrete Batching Plant □🕮																			+								C
Dumps and Landfills																			+								C
Hazardous Emissions (as Determined by Enforcing Officer & Other Objectionable)																			+								C
Explosives Manufacturer and/or Storage																			+								C
Glue or Fertilizer Manufacturer																			+								C
Heavy Manufacturing Process																			+								P
Light Manufacturing Process																	C	C	+							P	P
Manufacturer of Chlorine or Other Toxic Gasses																			+								C
Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law but excluding those listed in Section 2.4.4.6 and Section 2.4.4.7 of this UDC																			+								P

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts								Non-Residential Zoning Districts						
												SPD														
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT	RN	OP	BP-288	NS	GB	GC	M-1	M-2
Minor Concrete Batching Operation & Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)																			+						C	C	P
Petrochemical Plant																			+								C
Petroleum or Petroleum Product Extraction, Refining, Manufacturer, or Bulk Storage																			+								C
Rendering Plant																			+								C
Storage or Processing of Sand, Sulfur, Gravel, Cement or Similar Material																			+								P
Tanning, Curing, Treating, or Storage of Skins or Hides																			+								C
Warehouse & Distribution Facility															P	P			+						C	P	P
Wrecking or Salvage Yard (Auto, Steel)																			+							C	P
Wrecking or Salvage Yard (Building Materials)																			+							C	P

Section 2.5.5.6 Shared Use

(a) **No Permit Required.** To encourage shared use of towers, no ~~building permit or~~ conditional use permit is required for the addition of antennas to an existing tower so long as the tower has an approved conditional use permit, the height of the tower or structure on which the antenna is placed is not increased and the requirements of this article are met.

(b) **Tower Owner Responsibilities.** Any conditional use permit which is granted for a new tower is specifically subject to the condition that the tower owner abide by the following provisions relating to shared use, regardless of whether or not the ordinance granting the permit contains the conditions:

(1) The tower owner must respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;

(2) The tower owner must negotiate in good faith for shared use by third parties; and

(3) The tower owner must allow shared use where the third party seeking the use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to make modifications of the tower and transmitters to accommodate the shared use, and to observe whatever technical requirements are necessary to allow shared use without creating interference.

(c) Compliance Required. The willful failure of an owner whose tower was approved under this article to comply with the requirements of this section is grounds for withholding approval of any application by the owner for a building permit for the approved tower, for revoking the conditional use permit granted for the tower, and for refusing to approve a new conditional use permit for any new tower or antenna.

Section 2.5.5.9 Public Property

(a) **Exempt.** Antennas or towers located on property owned, leased or otherwise controlled by a City, State, or Federal entity are ~~exempt from the~~ not require~~ments~~ed to obtain a conditional use permit ~~of~~ under this ~~article~~ division.

Section 2.7.3.2 Expansion of Nonconformities

(a) **Criteria.** A nonconforming use may be extended throughout the structure in which it is located, provided that:

(1) The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;

(2) No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and

(3) The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.

(b) **Use Expansion Outside of Structure.** A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.

(c) **Use or Structure Expansion.** A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except as provided by this Code or to provide additional off-street parking or loading areas required by this Code.

(d) **Expansion on property with existing development.** Upon approval of a Conditional Use Permit (CUP) pursuant to Division 3 of Chapter 2 of the UDC, construction of a new structure or expansion of the floor area of an existing structure upon property that is developed and nonconforming in any way, will be permitted, unless the use on the property is inconsistent with the property's zoning classification. This may be done without bringing the entire property and all structures located on it into full compliance with this code, subject to the following conditions, and any others that the city council may deem necessary and reasonable to attach to the CUP:

(1) landscaping

a. quantity or type – full compliance for entire property

b. location or buffers including landscaping for detention areas– compliance for new construction and/or, entire property as may be required by the city council as a condition of the CUP

c. lot percentage – full compliance for entire property

(2) screening/fencing

a. screening (of dumpsters, loading areas, outdoor storage, equipment, etc.) – compliance for new construction and/or entire property as may be required by the CITY COUNCIL as a condition of the CUP

b. fencing or screening of property/use – compliance for new construction and/or entire property as may be required by the CITY COUNCIL as a condition of the CUP

c. buffers – same as landscaping buffers, above

(3) façade material - compliance for new construction and/or entire property as may be required by the City Council as a condition of the CUP

(4) transparency, color palette, and articulation – compliance for new construction, existing buildings exempt if no changes are proposed to the existing buildings. If changes are proposed to the existing building, compliance for new

construction and/or entire property as may be required by the CITY COUNCIL as a condition of the CUP

(5) setback/lot coverage – full compliance for new construction, except that the CITY COUNCIL may allow as a condition of the CUP for expansion of an existing building where said expansion would encroach into a required setback (other than the front setback) in which the existing building already encroaches, so long as the resulting setback is not less than the existing building's setback or ten feet (10'), whichever is greater

(6) sidewalks – full compliance for entire property

(7) parking – full compliance for new construction, additional compliance for entire property as may be required by the CITY COUNCIL as a condition of the CUP

Section 2.7.3.7 Special Exceptions for Nonconformities

(a) **Exceptions Criteria.** Upon written request of the property owner, the Zoning Board of Adjustment (ZBA) may grant special exceptions to the provisions of this code, limited to and in accordance with the following:

(1) Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming.

(2) Expansion of the gross floor area of a nonconforming structure or a conforming structure on property that is conforming, provided that such expansion does not decrease any existing setback.

(3) Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

(4) Construction of a new structure on the same property where a nonconformity already exists, whether it is a nonconformity in an existing structure or of the property itself, provided the new structure assumes the existing nonconforming status and no nonconforming use is expanded into the structure.

(5) In granting special exceptions under this Section 2.7.3.7, the ZBA shall avoid doing so merely to allow a convenience or convey an advantage to the applicant but instead shall endeavor to reduce the nonconforming nature of the nonconforming use whenever possible and so may impose such criteria as are necessary to bring the property into further compliance with this code, protect adjacent property owners, and to ensure the public health, safety and general welfare, including specifying the period during which the nonconforming use may continue to operate or exist before having to conform to the standards of this Code.

(b) The ZBA may grant special exceptions for the following:

(1) To interpret the provisions of this chapter in a way so as to carry out the intent and purpose of this chapter, adjust districts where the street layout actually on the ground varies from the street layout as shown on the maps.

(2) To reduce the parking and loading requirements in an amount not exceeding thirty-three percent (33%) of the normal requirement in any of the districts whenever the character or use of the building makes unnecessary the full provision of parking or loading facilities, as contrasted with merely granting an advantage or a convenience, as in the following situations:

a. Housing specifically designed and intended for use by the elderly, disabled, or other occupants typically having a lower expectation of automobile ownership;

b. Adaptive reuse or restoration of an historically or architecturally significant structure;

c. Expansion of a nonprofit, public or social service use on an existing site; and

d. Conversion of a nonconforming use to what would otherwise be a conforming use, except for the parking and loading requirements.

(3) To allow off-site parking where all or part of the minimum number of parking spaces required in Chapter 4, Article 2, Division 1 (Parking) of this UDC are located within three hundred feet (300') on a lot or tract of land that is legally separate from the property containing the principal use served by the parking area, provided that:

a. Both lots or tracts are under the same ownership; or

b. It can be established that two or more uses, applying jointly and concurrently for the special exception, will be sharing a parking area that may be on property that is not under the same ownership as one or more of the uses to be served by the parking, where the shared parking area has a capacity of at least the minimum number of spaces for the use having the greatest minimum requirement, where all uses have their primary need for parking during offsetting periods so that the parking area will be utilized by only one principal use at a time, and where the arrangement is documented through a long-term lease or other written agreement.

(4) To allow the reconstruction of a nonconforming building which has been damaged to the extent of more than fifty percent (50%) of its replacement cost.

(5) To allow a change to another nonconforming use. If no structural alterations are made, any nonconforming use of a structure or structure and premises in combination may, as a special exception, be changed to another nonconforming use, provided the Zoning Board of Adjustment finds that the proposed nonconforming use is not more nonconforming in the district than the previously existing nonconforming use.

(6) To allow the City to issue a building permit for expansion of a preexisting nonconforming use that is not in compliance with the Future Land Use Plan Map and/or zoning district when the Zoning Board of Adjustment determines that this special exception will not adversely impact water, wastewater, drainage, and street transportation systems, and is in accord with all City codes and applicable Comprehensive Plan policies, including those pertaining specifically to land use compatibility.

(7) ~~To allow construction of a new structure or expansion of the floor area of an existing structure upon property that is nonconforming in any way, unless the use on the property is inconsistent with the property's zoning classification. This may be done without bringing the entire property and all structures located on it into full compliance with this code, subject to the following conditions, and any others that the ZBA may deem necessary and reasonable to impose:~~

~~a. landscaping~~

~~1. quantity or type – full compliance for entire property~~

~~2. location or buffers – compliance for new construction and/or, entire property as may be required by the ZBA as a condition of the special exception~~

~~3. lot percentage – compliance for new construction and/or entire property as may be required by the ZBA as a condition of the special exception~~

~~b. screening/fencing~~

~~1. screening (of dumpsters, loading areas, equipment, etc.) – full compliance for entire property~~

~~2. fencing or screening of property/use – compliance for new construction and/or entire property as may be required by the ZBA as a condition of the special exception~~

~~3. buffers – same as landscaping buffers, above~~

~~c. façade (including building articulation, transparency of building materials, and building color palette) – compliance for new construction and/or entire property as may be required by the ZBA as a condition of the special exception~~

~~d. setback/lot coverage – full compliance for new construction, except that the ZBA may allow as a condition of the special exception for expansion of an existing building where said expansion would encroach into a required setback (other than the front setback) in which the existing building already encroaches, so long as the resulting setback is not less than the existing building's setback or ten feet (10'), whichever is greater~~

~~e. sidewalks – full compliance for entire property~~

~~f. parking – full compliance for new construction, additional compliance for entire property as may be required by the ZBA as a condition of the special exception~~

~~(8)~~ To allow for the reasonable reduction, to the minimal amount possible, of requirements related to the following improvements to allow for compliance with the City's adopted requirements for development (and their spirit and intent), but also to allow for the use and enjoyment of property within Pearland (also see Article 1, Division 3 of Chapter 4 for triggers related to these improvements):

a. Landscaping - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 2;

b. Screening/fencing - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 3, Division 4;

c. Façade requirements - As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.

(~~9~~8) To allow for a reasonable amount of time for a nonconforming use to be brought to a lesser-nonconforming status or to a conforming status by allowing an applicant to make improvements to an existing, developed property or

building over a period of time, instead of requiring such improvements to be made immediately, or prior to a Certificate of Occupancy.

Section 3.1.5.1 Purpose, Applicability, Exceptions and Effect

(a) **Purpose.** The purpose of a Final Subdivision Plat is to assure that the division or development of the land subject to the plat is consistent with all standards of this Unified Development Code pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this Unified Development Code to enable initiation of site preparation activities for any lot or tract subject to the plat.

(b) **Applicability.** A Final Subdivision Plat application under this division shall be required for any land division except those that may be approved through the Minor Subdivision Plat procedures of Division 6, replat and amending plat procedures of Division 7, and development plat procedures of Division 4 of this Article.

(c) **Effect.** Approval of a Final Subdivision Plat is authorized only upon acceptance of public improvements or posting of security, and authorizes the subdivider to install any improvements in public rights-of-way under approved construction plans and a subdivision improvement agreement, and to submit an application for a Site Preparation Permit for any lot in the subdivision.

Section 3.1.5.7 Plat Recordation

(a) **Procedure.** After approval of the Final Subdivision Plat, the Planning Director shall procure the signature of the chairperson of the Planning and Zoning Commission on the plat and shall record the Final Subdivision Plat with the county clerk of the county in which the land is located, upon the subdivider's or developer's performance of one of the following:

(1) Completion of the construction of required improvements prior to recordation; or

(2) Filing of security in lieu of completing construction in accordance with Division 8 of this Article.

(3) Regardless of which option, (1) or (2) above, is chosen, construction plans must be approved in accordance with Section 3.1.8.1 prior to approval of the Final Subdivision Plat and prior to plat recordation.

(b) **Submittal of Record Plat Where Improvements Installed.** Where public improvements have been installed prior to recording of the plat, the property owner shall submit a maintenance bond in accordance with Division 8 of this Article from each contractor, one sealed set of “as built” mylars, and a digital copy of all plans (in a format as determined by the City Engineer), together with a letter stating the contractors' compliance with Division 8 of this Article, and bearing sealed certification by the design engineer that all public improvements have been constructed in compliance with all City construction standards. The property owner also shall submit copies of the approved Final Subdivision Plat, revised to reflect the “as built” plans or record drawings, in the format and number as may be required by the Director.

(c) **Submittal of Record Plat Where Improvements Have Not Been Installed.** Where public improvements have yet to be completed in connection with an approved Final Subdivision Plat, the property owner shall submit in the format and number as set forth in the Engineering Design Criteria Manual, copies of the approved Final Subdivision Plat, revised to reflect any changes required by the Planning and Zoning Commission.

(d) **Update of Lienholder Consents.** In conjunction with the application for a record plat, the applicant shall furnish to the City an updated title policy commitment issued by a title insurance company authorized to do business in Texas, or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lienholders. If there has been any change in the lienholders since the time of the lienholder consent agreement provided under Section 3.1.5.2, the applicant shall submit a new agreement executed by each lienholder consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion letter and consent agreement shall be subject to review and approval by the City Attorney.

Section 3.1.8.1 Construction Plans

(a) **Purpose.** The purpose of construction plans is to assure that public improvements required to be installed in order to serve a subdivision or a development are constructed in accordance with all standards of this Unified Development Code.

(b) **Application Contents.** All applications shall be submitted on a form supplied by the Engineering Department with the required information as stated on the application form.

(c) **Responsible Official and Decision.**

(1) The City Engineer shall be the responsible official for approval of construction plans.

(2) For construction plans submitted following approval of a Preliminary Subdivision Plat or Development Plat, the City Engineer shall approve, approve subject to modifications, or reject the construction plans within thirty (30) calendar days after the plans have been submitted. Incomplete plans shall be returned to the applicant.

(3) If construction plans are approved, the plans shall be marked "approved" and one set shall be returned to the applicant, and at least two sets shall be retained in the City's files.

(4) Once the construction plans are approved, the property owner shall provide additional sets of the approved plans to the City, as specified by the City Engineer, for use during construction. A full set of the City-approved and stamped construction plans must be available for inspection on the job site at all times.

(d) **Notification.** The City Engineer shall notify the applicant of approval in accordance with Article 2, Division 2 of Chapter 1.

(e) **Revised Plan Submission.** If the conditions of approval require revision(s) to the construction plans, one set shall be marked with objections noted (on the plans themselves and/or in memo format) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and resubmit them for decision. A properly revised set of construction plans shall be submitted to the City Engineer within twenty-one (21) working days of receipt of the notice of decision. The ~~Director~~ City Engineer shall have an additional twenty (20) working days to approve or deny the revised set of plans.

(f) **Criteria for Approval.** The City Engineer shall render a decision on the construction plans in accordance with the following criteria:

(1) The plans are consistent with the approved Preliminary Subdivision Plat, or the proposed Final Subdivision Plat or proposed Development Plat;

(2) The plans conform to the development standards, and standards for adequate public facilities contained in this Unified Development Code; and

(3) The plans conform to the specifications contained in the City's Engineering Design Criteria Manual (EDCM).

(g) **Approval Required.** Construction of public improvements shall be completed in accordance with approved construction plans prior to approval of the Final Subdivision Plat and prior to plat recordation. For Development Plats, construction of public improvements shall be completed and accepted in accordance with approved construction plans prior to ~~plat recordation and~~ issuance of a certificate of occupancy.

(h) **Effect.** Approval of construction plans authorizes the property owner to install public improvements in right-of-way offered for dedication to the public.

Section 3.1.8.2 Timing of Public Improvements

(a) **Completion Prior to Approval of Final Subdivision Plat.** Except as provided below, after approval of a Preliminary Subdivision Plat and before approval of a Final Subdivision Plat, the installation of all public improvements required to serve the subdivision, whether to be located off-site or on-site, including but not limited to water, wastewater, drainage, roadway and park improvements, shall be finally completed in accordance with the approved construction plans. Park improvements in this instance refers to public parks being constructed as part of the development by the developer (not the City). If the development is being constructed in phases, and is platted in phases, park improvements shall be completed as phases are constructed. The installation of improvements required for proper drainage and prevention of soil erosion on individual residential lots, and improvements on any common areas, also shall be finally completed prior to Final Subdivision Plat approval in accordance with the approved construction plans, except as provided below.

(b) **Installation after Final Subdivision Plat Approval.** The City Engineer, upon request of the applicant, may defer the obligation to install one or more public improvements to serve the subdivision until after Final Subdivision Plat recordation. The request shall be submitted with an application for Preliminary Subdivision Plat approval. Deferral of the obligation to install public improvements shall be conditioned on execution of a subdivision improvement agreement and sufficient surety to secure the obligations defined in the agreement or sureties as required in Section 3.1.8.4.

(c) **Installation after Development Plat Approval.** Upon approval of a site plan in accordance with Chapter 4, Article 1, Division 1 and approval and recordation of any necessary offsite and onsite access and utility easements required to serve the parcels in the Development Plat, including dimensions and location of the easement and clearly assigned responsibility for perpetual maintenance, installation of public improvements may be deferred until after the issuance of building permits and before ~~recordation of Development plat and~~ issuance of Certificates of Occupancies for one or more buildings within the Development Plat. For Development Plats, deferral of the obligation to install public improvements shall be conditioned on execution of a subdivision improvement agreement and provision of security to secure the obligations defined in the agreement, as required in Section 3.1.8.4.

(d) **Off-Site Easements.** All necessary off-site easements required for installation of off-site public improvements to serve the subdivision or development shall be acquired by the subdivider or developer and conveyed by an instrument approved by the City Attorney.

Section 3.1.8.5 Inspection and Acceptance of Public Improvements

(a) **Inspections.** Construction inspection shall be supervised by the City Engineer. Construction shall be in accordance with the approved construction plans. Inspection shall be in accordance with Article 2, Division 6 of Chapter 1. Any significant change in design required during construction shall be made by the subdivider's engineer, and shall be subject to approval by the City Engineer. If the City Engineer finds upon inspection that any of the required public improvements have not been constructed properly and in accordance with the approved construction plans, the property owner shall be responsible for completing and/or correcting the public improvements.

(b) **Submission of As-Built Plans or Record Drawings.** The City shall not accept dedication of required public improvements until the applicant's engineer has certified to the City Engineer, through submission of a detailed "as-built" or record drawing or survey plat of the property and any off-site easements, the location, dimensions, materials, and other information establishing that the public improvements have been built in accordance with the approved construction plans. Each as-built or record drawing sheet shall show all changes made in the plans during construction and on each sheet there shall be an “as-built” or “record” stamp bearing the signature of the engineer and date.

(c) **Acceptance of Improvements.** When the City Engineer has determined that the public improvements have been installed in accordance with the approved construction plans, then he shall accept such improvements on behalf of the City. Acceptance of the improvements shall mean that the property owner has transferred all rights to all the public improvements to the City for use and maintenance. Upon acceptance of the required public improvements, the City Engineer shall issue a certificate to the property owner stating that all required public improvements have been satisfactorily completed.

(d) **Disclaimer.** Approval of a preliminary or Final Subdivision Plat or Final Development Plat by the Planning and Zoning Commission shall not constitute acceptance of any of the public improvements required to serve the subdivision or development. No public improvements shall be accepted for dedication by the City except in accordance with this Section.

(e) **Acceptance of Improvements for Land in Extraterritorial Jurisdiction.** Where the facilities to be constructed under the subdivision improvement agreement are located within the City's extraterritorial jurisdiction, and are to be dedicated to the county in which the land is located, the ~~Director~~ City Engineer shall inform the county that the public improvements have been constructed in accordance with approved construction plans, and are ready for acceptance by the county.

Section 3.2.1.1 General Policy

(a) **Adequate Service for Areas Proposed for Development.** Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities. Land shall not be approved for platting or development unless and until all public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or offsite.

(b) **Eligibility for Building Permits.** No building permit shall be issued until all public facilities planned to serve the proposed development are completed and accepted by the City, except as provided below:

(1) Upon submission of security pursuant to Section 3.1.8.4, recordation of the final subdivision plat, and approval of a site plan, a permit may be issued for site work limited to clearing, grading, and installation of underground utilities (public or private) within the land proposed for development. As used in this section, “underground utilities” shall include water, wastewater, drainage, and dry utilities.

(2) A non-residential development that complies with (1) above may also, upon approval of City Council, be issued a building permit for construction of noncombustible improvements not more than thirty feet (30) in height, provided that all areas of construction are accessible to emergency vehicles by way of an all weather road capable of supporting the heavy equipment necessary for the construction activity.

(3) A non-residential development that complies with (1) and (2) above may also, upon approval of City Council, be issued a building permit to allow the interior build-out of premises to be occupied by the owner of the property, provided that said premises are served by a water line and fire hydrant that pass City inspection.

(4) A development subject to a Development Plat under Chapter 3, Article 1, Division 4, above.

(c) **Responsibilities of the Developer.** The developer shall be responsible for the following:

(1) Phasing of development or improvements in order to ensure the provision of adequate public facilities;

(2) Extensions of public facilities and roadways (including any necessary on-site and off-site facilities) to connect to existing public facilities;

(3) Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the facilities (whether on-site or off-site);

(4) Providing proof to the City of adequate public facilities;

(5) Making provisions for future expansion of the public facilities as needed to serve future developments, subject to the City's oversize participation policies, if applicable;

(6) Providing for all operations and maintenance of the public facilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the facilities;

(7) Providing all fiscal security required for the construction of the public facilities;

(8) Obtaining approvals from the applicable utility providers other than the City; and

(9) Complying with all requirements of the utility providers, including the City and applicable drainage districts

(d) **Eligibility for Certificate of Occupancy.** Notwithstanding the completion of any construction or development activity that is allowed in subsection (b), no certificate of occupancy or any kind shall be issued for any development until all public facilities required to serve the development ~~has~~ have been completed and accepted by the City, and all other applicable requirements of the UDC are met.

Section 3.2.2.2 Property Owner's Obligation

(a) **Dedication and Construction of Improvements.** The property owner shall dedicate all rights-of-way and easements for, and shall construct, capital improvements within the rights-of-way or easements for those water, wastewater, road or drainage improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans and construction design standards, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed.

(b) **Adjacent Road Improvements.** In the case of adjacent or abutting roads, the City may require that the entire right-of-way be dedicated and improved to City design standards, depending on factors such as the impact of the development on the road, the timing of development in relation to need for the road, and the likelihood that adjoining property will develop in a timely manner. In the case of frontage or service roads for state and federally designated highways, the entire abutting right-of-way shall be dedicated and improved to applicable construction design standards.

(c) **Reservation of Right-of-Way.** The City may reserve the right-of-way along a roadway designated in the Thoroughfare Plan, an approved collector plan or an established capital improvement project located in the planning jurisdiction of the City to protect a transportation corridor from development. The Director of Engineering shall determine the alignment of reserved right-of-way based upon the Thoroughfare Plan, collector plan or capital improvement project and engineering criteria, including grade, curvature and the existence of a floodplain. In an area designated for a state roadway project, the Texas Department of Transportation may establish alignment.

(d) **Substandard Road Improvements.** Where an existing road that does not meet the City's right-of-way or design standards abuts a proposed development, the City may require the property owner to dedicate the right-of-way for a standard width, and to improve the street according to the dimensions and specifications in the applicable thoroughfare plan, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to the need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

(e) **Facilities Impact Studies.** The City may require that a property owner prepare a comprehensive traffic impact analysis, drainage study or other public facilities study in order to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The study shall identify at a minimum the adequacy of existing facilities and the nature and extent of any deficiencies, and the capital improvements needed to meet the adopted level of service assuming development at the intensity proposed in the development application. The study shall be subject to approval by the ~~Director of~~ City Engineer~~ing~~. The City also may require, at the time of approval of a subordinate development application, an update of a public facilities study approved in connection with a priority development application.

Section 3.2.2.6 Roadway Participation Policies - Improvement of Adjacent (Perimeter) Roads and Utilities

(a) **Improvement of Fair Share of an Adjacent Substandard Road.** When an area within a proposed subdivision or development plat, whether residential or nonresidential, abuts on one or both sides of an existing substandard road or utility facility, or a planned or future road or utility facility as shown on the City's Thoroughfare Plan and/or adopted plans related to water and wastewater, the developer shall be required to improve its reasonable share of the road (including appurtenant sidewalks, barrier-free ramps, storm drainage facilities, screening and landscaping, median openings, left turn lanes, and water quality or erosion controls) and utility facilities, to bring the facilities to City standards, or to replace them with standard City road or utility facilities as determined by a traffic or other public facilities impact study, if required, at no cost to the City.

(b) **Calculation of Fair Share.**

(1) The developer's share of improvements to a substandard perimeter road is twenty-two feet (22') of pavement (not including curb), or the equivalent of one-half of a primary collector street, along the entire front footage of the subdivision.

(2) The developer's share of improvements to a roadway when a subdivision is to be located on both sides of a roadway is the full width of a primary collector roadway, which is forty-four feet (44') of pavement, not including curbs. The roadway shall be improved by the developer on each side of the road along the entire length of the subdivision.

(3) The City shall participate in the costs of perimeter roads in excess of the developer's fair share obligations and where such costs are not borne by another public entity, and in cases where the application of the standards in this Section result in a disproportional burden on the development, as determined in accordance by the City Council in accordance with Chapter 1, Article ~~3~~ 1, Division 4.

(c) **Participation in Construction of Other Necessary Facilities.** The developer's share for major bridges and similar region-serving drainage structures and for railroad crossings (including the appurtenant roadway paving, sidewalks/pedestrian pathways, abutments, safety railings and crossarms, median areas, etc.) shall be in accordance with the City of Pearland's policies for the construction of such facilities.

Section 3.2.4.2 Location; Performance Guarantees

(a) **Location and Cost of Installation.** The location of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified water service areas, indicating all improvements proposed to be served, shall be shown on the construction plans. The cost of installing all water supply improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.

(b) **Extension of Lines.** Extension of water and wastewater lines shall be made along the entire frontage of the subdivision or development plat adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the ~~Director of~~ City Engineer~~ing~~ may waive the requirement for adjacent utility line construction at the time of final plat approval and prior to construction of the subdivision.

(c) **Compliance with Other Regulations.** Installation, operations and maintenance of utilities not specifically referenced herein shall comply with regulations of the TCEQ, and with any other applicable State rules and regulations, whichever is the most stringent requirement.

Section 3.2.5.3 Location; Performance Guarantees

(a) **Location and Cost of Installation.** The location of all wastewater improvements and the boundary lines of special districts, private systems and certified areas, indicating all improvements proposed to be served, shall be shown on the construction plans. It is the policy of the City to require all systems to have gravity flow. The use of lift stations is prohibited unless a gravity design is impractical. The cost of installing all wastewater improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.

(b) **Future Extension of Lines.** Pipe stub-outs shall be located in manholes to facilitate the future extension of wastewater lines. The ~~Director of~~ City Engineer~~ing~~ will determine the location and size of the stub-outs.

Section 3.2.6.4 Specific Street Standards

(a) **EDCM Standards Met.** In addition to the requirements of the Engineering Design Criteria Manual (EDCM), the requirements of the street standards in this Section shall be met.

(b) **Arrangement of Streets Not Shown on the Thoroughfare Plan.** For streets that are not shown on the City's Thoroughfare Plan, such as local residential streets, the arrangement of such streets within a subdivision shall:

(1) Provide for the continuation or appropriate projection of existing streets or street stubs from or into surrounding areas – every twelve hundred feet (1,200'), there shall be a projection that would allow for such continuation;

(2) Conform to any plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;

(3) Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and

(4) Not conflict in any way with existing or proposed driveway openings (including those on the other side of an existing or planned median-divided thoroughfare, in which case new streets shall align with such driveway openings such that median openings can be shared).

(c) **Discouragement of Through Traffic on Residential Streets.** Residential collector streets and local residential streets shall be laid out such that their use by "cut through" traffic will be discouraged, with the development of a hierarchical street system and such measures as circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions.

(d) **Transitions of Right-of-Way Width.** Wherever the right-of-way width of a residential local or collector street must transition to a greater or lesser width, the transition shall not occur within an intersection but within the street right-of-way so that the right-of-way shall be the same on both sides of the street intersection.

(e) **Residential Subdivisions Abutting or Containing Streets Classified as Major Collectors or Major or Minor Thoroughfares.** Where a residential subdivision abuts or contains an existing or proposed street which is or will be classified as a major collector or major or minor thoroughfare, the Planning and Zoning Commission may require measures to provide adequate protection of the residential properties and create separation of through traffic from local traffic. These measures may include marginal access streets, shared access driveways ~~access on commercial lots~~, reverse or double-lot frontage (lots which back on~~to~~ the thoroughfare or major collector), or deep lots with rear service alleys~~, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic~~. Where a lot is allowed direct access to a street classified as a major collector or major or minor thoroughfare, said lot shall be greater than one acre in area, have a shared access drive with the adjoining lot(s) if the lot has less than four hundred feet (400') of frontage, and require the approval of the City

Engineer. Lots which existed in their present configuration prior to February 27, 2006 may be exempted at the discretion of the City Engineer. Direct access to a thoroughfare from a residential lot shall be prohibited unless the lot is in an existing subdivision and has no frontage or other means of access to another road.

(f) **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except where their control is required by the City and approved by the Planning and Zoning Commission.

(g) **Configuration Shall Reduce Minimal Offsets.** Intersecting streets onto an existing or future divided roadway must be configured such that the centerline offset will accommodate the appropriate median opening and left-turn lanes (with required transition and stacking distances) on each divided roadway, and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided roadway (in order to share the median opening).

(h) **Intersections.** A street intersection with a classification of secondary thoroughfare or above shall be at a ninety degree (90°) angle and shall be tangent to the intersecting street for at least one hundred feet (100'). All other street intersections shall be laid out so as to intersect as nearly as possible at a ninety degree (90°) angle or radial to the centerline of the intersecting street for the full right-of-way width of the intersecting street, and tangent to the intersecting street for at least fifty feet (50'). No street shall intersect at an angle that is less than eight-five degrees (85°).

(i) **Right-of-Way Widths.** Street right-of-way widths shall be as shown on the Thoroughfare Plan and as defined by the corresponding roadway cross-sections on the Thoroughfare Plan and in the City's EDCM.

(j) **Half Streets.** Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of this Code and the Thoroughfare Plan, and where the Planning and Zoning Commission makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The Planning and Zoning Commission may also find that it would be more practical, or cost effective, to delay construction of the other half of a street until when the adjoining property is developed.

(k) **Maximum Length of a Block or Street Segment.** The maximum length of any proposed block or street segment (including a looped street) shall be twelve hundred feet (1,200'), except sixteen hundred feet (1,600') shall be permitted along major thoroughfares, and the minimum length of any proposed block or street segment shall be six hundred feet (600'), as measured along the street centerline and between the point(s) of intersection with other through streets (i.e., not dead-end streets or cul-de-sacs). Where no existing subdivision or topographical constraints control, the blocks shall not be less than 600 feet in length. However, in cases where physical barriers, nature of development, or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased at plat approval by the Planning and Zoning Commission to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

(l) **Maximum and Minimum Length of a Cul-De-Sac Street.** ~~A cul-de-sac street shall not be longer than six hundred feet (600'), and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The length of a cul-de-sac shall be measured from the centerline of the intersecting through street to the centerline of the cul-de-sac bulb. In nonresidential areas, the turnaround shall have a minimum right-of-way diameter of one hundred feet (100') and a paving surface with a minimum width of ninety feet (90').~~ A cul-de-sac, or approved turn-around, shall not be required for streets less than one hundred fifty feet (150') in length, measured pursuant to Subsection (n) below, and with no more than four (4) lots with frontage on each side of that street upon determination by the City that there will be no adverse impact on circulation of traffic and public safety. Cul-de-sac streets shall not exceed six hundred feet (600') in length. The closed end of a residential cul-de-sac street shall have a cul-de-sac bulb with an outside pavement diameter of at least eight feet (80') and a right-of-way diameter of at least one hundred feet (100'). The closed end of a non-residential cul-de-sac streets shall have a cul-de-sac bulb with an outside pavement diameter of a least ninety feet (90') and a right-of-way diameter of one hundred feet (100'). The length of the cul-de-sac shall be measured from the centerline of the street intersection to the centerline of the cul-de-sac bulb. Alternatives to cul-de-sac bulb may be accepted by the City Engineer when a hardship exists.

(1) Exception: Dead-end streets with a turn-around may be extended to a maximum length of one thousand two hundred feet (1,200') ~~is~~ if platted and constructed with a minimum right-of-way of sixty feet (60') and a pavement width of thirty-six feet (36'), measured from back-of-curb to back-of-curb~~)~~, or if an acceptable all-weather emergency access street fitted with ~~911 locks~~ a key box is ~~proved~~ provided at the end of the cul-de-sac turnaround. All roadway and property line diameters referenced above shall apply.

(m) **Variances for Overlength Streets or Cul-De-Sacs.** The Planning and Zoning Commission may approve variances for overlength streets or cul-de-sacs up to seven hundred and fifty feet (750') in length, whether temporary or permanent, upon considering the following:

(1) If there are alternative designs that are feasible and that would, if used, reduce the proposed overlength street or cul-de-sac;

(2) The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and

(3) Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary (or permanent) points of emergency access, and additional fire protection measures.

(4) Whether the allowance of such overlength street or cul-de-sac preserves the spirit and intent of these regulations.

(n) **Dead-End Streets.** Except when recommended by the City Engineer, no public dead-end streets will be approved unless they are provided to connect with existing streets (including stubbed-out streets) or future platted streets on adjacent land.

(1) In the case of dead-end streets which will eventually be extended into the adjacent property, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with the appropriate temporary street easement) is provided at the end.

(2) A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac, as provided in Subsection (~~k~~ l) above.

(3) A note shall be placed on the final plat clearly labeling any temporary dead-end streets (if any) that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street may be and is intended to be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a fifty-foot (50') distance. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.

(4) No dead-end private street shall extend further than seven hundred feet (700') for multiple-family developments.

(5) Permanent streets one hundred and fifty feet (150') or less in length (measured from centerline of intersecting through street to end of paving) may be platted as dead-end streets if no more than four (4) lots on each side adjoin the proposed dead-end street. Streets providing access to more than four lots on each side or more than one hundred and fifty feet (150') in length must have an approved turnaround pursuant to Section 3.2.6.4(l) above.

(o) **Names of Extensions of Existing Streets.** New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets for an appropriate transition length, if applicable.

(p) **Construction of Streets.** All streets shall be constructed in accordance with paving widths and specifications as set forth in the EDCM of the City of Pearland at the time at which the preliminary plat application is officially submitted and deemed a complete application.

(q) **Street Grades and Horizontal Curves.** Minimum and maximum street grades and horizontal curves will conform to standards set forth in the EDCM.

(r) **Pavement Widths and Rights-of-Way.** Pavement widths and rights-of-way shall be as follows:

(1) Major thoroughfare streets shall have a right-of-way width of at least one hundred and twenty feet (120') with a pavement width of at least two (2) thirty-six-foot (36') sections with a fourteen-foot-wide (14') raised median.

(2) Secondary thoroughfare streets shall have a right-of-way width of at least one hundred feet (100') with a pavement width of at least two (2) twenty-four-foot (24') sections and a twenty-foot-wide (20') raised median.

(3) Primary collector streets shall have a right-of-way width of at least eighty feet (80') with a pavement width of at least forty-four feet (44').

(4) Secondary collector streets shall have a right-of-way width of at least sixty feet (60') with a pavement width of at least thirty-eight feet (38').

(5) Residential streets shall have a right-of-way width of at least fifty feet (50') and a pavement width of at least twenty-eight feet (28').

(6) Rural lot (lot having an area of 0.625 acres or more) streets shall have a right-of-way width of at least seventy feet (70') with a pavement width of at least twenty-five feet (25'). Upon the approval of the City Engineer, the right-of-way may be reduced to fifty feet (50') as long as ten foot (10') drainage easements are provided on both sides of the right-of-way.

(7) Open ditches and asphalt streets are prohibited except in areas developed in conformance with residential lot sizes that are one-half (1/2) acre or more in size. Additional drainage easements may be required for streets with open ditches by the City Engineer.

(s) **Curbs and Gutters.** Curbs and gutters, or ribbon curbs, where approved, shall be installed in the subdivision on both sides of all interior streets and on the subdivision side of all streets forming part of the boundary of the subdivision, according to the EDCM.

(t) **Street Names.**

(1) New streets in a subdivision shall be named in a way that will provide continuity of street names and prevent conflict or confusion with existing street names in the City, in the City's extraterritorial jurisdiction or in a neighboring jurisdiction. A proposed new street name is in conflict with this subsection where:

a. It duplicates or sounds phonetically similar to the name of a street already in use within the City or the City's extraterritorial jurisdiction or designated as a future extension in the current Thoroughfare Plan;

b. It differs from an existing street name in the City or the City's extraterritorial jurisdiction by the addition of an auxiliary designation including "avenue", "way", "boulevard", etc.; or

c. The street to be named is an extension of or is in substantial alignment with an existing street in the City, the City's extraterritorial jurisdiction or a neighboring jurisdiction and the proposed street name is different from the existing street name.

(2) Renaming of existing streets shall also be in accordance with this Section 3.2.6.4.

(u) **Street Signs.** Street signs shall be installed by the developer at all intersections within and abutting the subdivision. These signs shall be of a type approved by the City, and shall be installed according to City standards.

(v) **Streetlights.** Streetlights shall be installed by the developer at all intersections and at the ends of cul-de-sacs, and shall have no greater distance than two hundred and fifty feet (250') between them within or abutting the subdivision.

(w) **Access Management.** Access management standards and requirements related to TxDOT roadways and City roadways shall be in accordance with the EDCM and Chapter 3, Article 2, Division 7 (Driveways) of this Unified Development Code.

(x) **Screening Along Roadways.** Screening requirements for roadways shall be in accordance with the zoning districts outlined in Chapter 2 of this UDC; or with Chapter 4, Article 2, Division 2; or with Chapter 4, Article 2, Division 4, whichever is most applicable.

(y) **Pedestrian Connectivity.** Pedestrian connectivity and access shall be provided between subdivisions, schools, cul-de-sacs (i.e., bulb-to-bulb access) and park areas. In cases where a subdivision is constructed in a location that is adjacent to another subdivision, pedestrian access shall be provided such that adjacent development can connect to such access at a later date, when development occurs. Gated subdivisions may be exempt from this requirement upon approval by the Planning Director. Also refer to Section 3.2.11.1 (sidewalks).

(z) **Conformance with the Comprehensive Plan.** Streets and the layout of streets shall be consistent with the adopted Comprehensive Plan, and specifically the Thoroughfare Plan, to the furthest extent possible.

Section 3.2.10.1 Parkland Dedication & Fees

(a) **Areas for Public Use.**

(1) Application: This division shall apply to areas inside the City limits and the City's ETJ.

(2) Suitable Sites; Area(s) Indicated on Submittals: The applicant shall give consideration to suitable sites for parks, playgrounds and other areas for public use so as to conform with the recommendations of the City's adopted Parks Plan, as amended.

a. Any provision for parks and public open space areas shall be indicated on the construction drawings and final plat, and shall be subject to a recommendation by the Park Director and approval by the Planning and Zoning Commission.

b. Suitable park sites include those that can be used for active recreation (such as playgrounds and areas for organized sports) and passive recreation (such as hiking and picnic areas) as defined and discussed within the City's adopted Parks Plan, as amended.

(3) Permit Required for Park Site Manipulation: No individual, partnership, firm, or corporation shall deepen, widen, fill, reroute or change the course or location of any existing ditch, channel, stream or drainageway proposed for a park without first obtaining written permission of the City and any other agency having jurisdiction.

(b) **Parkland Dedication.**

(1) Generally: The City of Pearland has determined that recreational areas in the form of public parks and open spaces are necessary for the well being of the residents of the City. The City has further determined that a reasonable connection exists between the subdivision of residential property and the need for additional parkland to serve new residents of the community. It is the intent of this section, therefore, to require a reasonable method for the dedication of public parkland, or the payment of a fee in lieu of property dedication, that is directly related to the need for high quality park land and open space sites for the use and enjoyment of the citizens of Pearland.

(2) Criteria for Land Dedication: All residential subdivisions, regardless of type, shall be required to dedicate suitable land for park or open space development in the amount of one (1) acre per fifty (50) units or lots, whichever results in a greater dedication.

(3) Calculation: Residential units shall be calculated based on the actual number of single-family, duplex and townhouse lots platted in the subdivision. Multiple-family and condominium units shall be calculated on the maximum allowed density of the zoning district in which the lot is located. If the subdivision is located outside of the City limits, multiple-family units shall be calculated at the rate of 24 dwelling units per acre, and condominium units shall be calculated at the rate of 12 dwelling units per acre, unless deed restrictions are filed restricting the property to a lesser density.

(4) Exemption from dedication requirements: Parkland dedication requirements shall not apply to either the subdivision of commercial, industrial or other non-residential lots, or to the replatting of previously platted residential lots, where such lots were subject to parkland dedication requirements at the time of the prior subdivision. If a replat or amending plat is filed that increases the number of dwelling units from the previous plat, the park dedication requirement shall apply to the additional dwelling units.

(5) Criteria for Park and Open Space Dedication: Land dedicated for parks or open spaces shall be appropriate for the intended purpose. The following criteria shall apply to land proposed for parkland or open space dedication:

a. At least fifty percent (50%) of the parkland that is required to be dedicated (based on the previously described calculation) shall be acceptable in terms of design, location, etc., for use as an area of active recreation.

b. Drainage ditches, power line easements, pipeline easements, and similar sites shall not be accepted for parkland dedication, unless the Planning and Zoning Commission finds, after consultation with the Director of Parks and Recreation, that the land has exceptional recreational value that warrants its acceptance as parkland or open space. If this finding is made, such areas may account for a maximum of fifty percent (50%) of the parkland dedication.

c. Detention/retention facilities may be accepted for parkland dedication when the Planning and Zoning Commission finds, after consultation with the Director of Parks and Recreation, that the facilities have been incorporated into the design of the development as an amenity, such as a lake or pond. The term “amenity” is defined within Chapter 5 of this UDC.

d. The dedication of land within the 100-year floodplain may be acceptable, provided the land consists of the native floodplain that is unaltered by channelization or other man-made stormwater control facilities.

e. All parkland and open space dedication shall be consistent with the goals, objectives and policies of the City’s adopted Park Plan (as amended).

f. The parkland shall be located in the same park benefit zone as the subdivision fulfilling the park donation requirement.

g. The parkland shall be clearly visible to public safety vehicles and the neighborhood residents.

h. Pedestrian or vehicular access to the parkland shall be available from one (1) or more streets. Street frontage shall be required to ensure public access to the parkland and adequate on-site parking, if appropriate.

i. The parkland shall be of suitable width, depth, topography and size to permit he development and/or construction of facilities listed herein and as described in the adopted Parks Plan. This requirement may vary from subdivision to subdivision depending upon the specific need being served by the dedication.

j. Potable water, sanitary sewer, and electrical power shall be readily available to the parkland from an adjacent street right-of-way or public utility easement.

k. The parkland shall be free of easements, pipelines, overhead utilities, and other conditions which prohibit the effective use of the property as a neighborhood park.

l. The subdivider shall remove all dead tress, trash, refuse, and water materials from the dedicated parkland prior to its acceptance.

m. The parkland shall have adequate drainage as determined by the City Engineer, who shall review all construction plans for any detention or retention proposed to be built on the property.

(6) Fee in lieu of Dedication: A cash fee for the purchase of offsite parkland may be paid in lieu of all or part of the dedication of onsite parkland. The cash fee in lieu of parkland dedication shall be set by resolution of the City Council. All fees in lieu of dedication shall be paid prior to the recordation of the final plat or prior to the issuance of a building permit where a plat is not required. Fees in lieu of dedication may be accepted if either of the following conditions apply:

a. If requested by the subdivider, and reviewed by the Director of Parks and Recreation, the Planning and Zoning Commission may allow the option of the payment of a fee over the dedication of land within the subdivision; or

b. If the Director of Parks and Recreation recommends to the Planning and Zoning Commission that land proposed for dedication by the subdivider is either unsuitable for parkland due to its size or general physical characteristics, or the proposed dedication is not consistent with the goals, policies and objectives of the City's adopted Parks Plan, as amended.

(7) Park Benefit Areas/Zones: The City shall establish a separate parkland and open space account. The funds in the account shall be earmarked solely for the acquisition and development of parkland either in the same park benefit area in which the subdivision is located, or for regional parks and open space that will benefit all of the citizens of Pearland. The City shall expend cash contributions within ten (10) years of the date any such contribution is made.

(8) Parkland Conveyance:

a. Land proposed for dedication as public parkland or open space shall be designated on the final plat and shown as "Parkland dedicated to the City of Pearland." The acreage of the land included in the dedication shall also be shown on the plat. All land designated as parkland shall be included in a separate ~~lot~~ reserve area, or multiple ~~lots~~ reserve areas, that are shown on the plat.

b. Park and recreation facilities in the City shall be dedicated to the City. Park and recreation facilities in the City's ~~police jurisdiction~~ ETJ shall be dedicated to the City. If the City does not wish to accept the dedication of public parkland in its ETJ, it shall be dedicated to the county, municipal utility district, or a homeowners' association (as defined), subject to acceptance by such entity.

c. The subdivider shall be obligated to provide survey corner markers at the corners of all parkland ~~lots~~ reserve areas in accordance with the standards set forth in this Article, Division ~~11~~ 14.

~~d. Prior to the City's acceptance of the subdivision improvements, the subdivider shall deliver a warranty deed to the City conveying fee simple title of all parkland shown on the final plat.~~

(9) Method of Park Dedication: The proper method of park dedication for a subdivision subject to the park dedication requirement shall be determined by the City prior to the approval of the Final Subdivision Plat, and shall be based upon the size of the subdivision, as follows:

a. *500 Dwelling Units or More* – The Final Subdivision Plat of any subdivision subject to this division of the UDC that establishes five hundred (500) or more dwelling units shall include dedication of land to the City for zone parks and neighborhood park purposes. Such dedication shall be at the rate of one (1) acre of land per each fifty (50) dwelling units on the Final Subdivision Plat.

b. *~~100~~ 50 to 499 Dwelling Units* – For any subdivision subject to this division of the UDC that establishes ~~one hundred (100)~~ fifty (50) to four hundred and ninety-nine (499), the City Council, in consultation with the Park Director, shall have the sole discretion to accept either a dedication of land on the Final Subdivision Plat at the above rate, or to require payment of cash in lieu thereof in the amount provided by Subsection (b)(6) above.

c. *Fewer than ~~100~~ 50 Dwelling Units* – The City declares that development of a park less than one (1) acre in size is impractical and creates unreasonable and unnecessary maintenance and operating expenditures. Therefore, if the proposed subdivision contains ~~less~~ fewer than ~~one hundred (100)~~ fifty (50) dwelling units, the subdivider shall be required to pay cash in lieu thereof in the amount provided by Subsection (b)(6) above. No plat showing a dedication of less than one (1) acre shall be approved unless the dedicated property may reasonably be developed in conjunction with adjacent park property.

(10) Excess Open Space: A subdivider may satisfy up to ten percent (10%) of the park dedication requirement on an acre for acre basis by exceeding the open space requirement for the subdivision by at least thirty percent (30%).

(11) Improvements to Existing Park Sites: Construction of improvements to existing public park sites or neighborhood recreational facilities located within the same park benefit zone as the subdivision fulfilling the park dedication requirement, may satisfy up to fifty percent (50%) of the subdivision's park dedication requirement, subject to the following conditions.

a. Such improvements shall be constructed in accordance with a Site Plan. The Site Plan shall include, at a minimum, a topographic element including proposed grading, landscaping and beautification elements, site facilities, recreation facilities, and existing and proposed utilities. The Site Plan shall be drawn at a scale of one inch (1") to twenty feet (20') (or other suitable scale). All approved improvements shall be designed in compliance with the EDCM standards applicable to such improvements. Additionally, the subdivider shall include details related to materials, equipment, methods of construction, warranties, assurances, and

indemnifications. All proposed improvements shall be subject to the approval of the City's Parks Director.

b. The Site Plan shall be approved by the City's Parks Director prior to the filing of the Final Subdivision Plat.

c. Improvements proposed in the Site Plan may fall into any of the following park improvement categories. A subdivider may satisfy up to ten percent (10%) of the park dedication requirement for each category of improvements that are constructed, up to a maximum of fifty percent (50%). Any improvements proposed by the subdivider, but not included in this list, and/or any improvements which are deemed ~~necessary~~ unnecessary at the site, may be rejected by the City. In addition, the City's Parks Director may approve the provision of any improvement not shown on this list ~~in~~ if such improvement is in compliance with the findings and recommendations of the Parks Plan.

   1. Handicapped accessible playgrounds, with approved equipment, benches, and/or picnic tables ;
   2. Practice athletic fields and courts for volleyball, basketball, and/or tennis;
   3. Swimming Pools;
   4. Natural open space consisting of at least five (5) acres of useable natural habitat, approved by the Director of Parks and Recreation, and exclusive of subdivision entry ways and open space counted for the credit allowed in (10) above;
   5. Lakes with recreational amenities such as boat docks and/or fishing piers;
   6. Multi-purpose trails and walkways;
   7. A trail connection at least eight feet (8') wide for public use that links the subdivision to the City's hike and bike trail.

d. All improvements constructed pursuant to this division of the UDC are subject to final acceptance by the Parks Director. If any or all of the improvements are deemed unacceptable, the subdivider shall make up that portion of the park donation requirements that would have been satisfied by the unacceptable improvements by payment of a cash donation prior to the final acceptance of the subdivision by the City.

(12) Expenditure of Collected Funds:

a. *Special Fund* - There is hereby established a special fund for the deposit of all sums paid in lieu of parkland dedication under this division of the UDC. This fund shall be known as the parkland dedication fund. Monies placed in this fund may not be utilized for any other general business activity of the City. Monies may be expended from this fund only for the following:

   1. The purchase, lease, or other acquisition of parkland and open space;

2. The improvement preparation and maintenance of such areas and sites;
3. The installation of utilities to such sites;
4. The construction of landscaping, play equipment or recreation improvements on such sites; or
5. Attendant engineering and planning costs associated with such park activities.

b. *Right to Refund* - The City shall account for all sums paid in lieu of parkland dedication under this division with reference to the individual plats involved. Any ~~fins~~ funds paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition and/or development of City parks. Such funds shall be considered to be spent on a "first in, first out" basis. If not so expended, the subdivider or the owner of the subdivision on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage or area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be forfeited.

Section 3.2.11.1 Sidewalks

(a) **Required in Subdivisions.** Sidewalks are required along both sides of all streets, in accordance with the City's adopted Thoroughfare Plan, in all subdivisions (residential or nonresidential).

(b) **Installation.** Sidewalks shall be installed as follows:

(1) Sidewalks shall be located on the front of lots and along the street sides of corner lots.

(2) Sidewalks shall be constructed in compliance with the width and location requirements indicated in the City of Pearland EDCM.

(c) **Requirements for Sidewalks in Existing Platted Subdivisions.** Sidewalks are required on all existing vacant lots, all lots where a new building is constructed or an existing building undergoes expansion greater than 500 square feet, and on all lots that are planned for development or redevelopment, in accordance with Subsection (1) above.

(d) **Width Along Street Types.** Sidewalks at least six feet (6') in width shall be installed along both sides of thoroughfares and collectors in accordance with the City's adopted Thoroughfare Plan. Sidewalks at least four feet (4') in width shall be installed along both sides of all other streets in accordance with the City's adopted Thoroughfare Plan.

(e) **Completion of Construction.** Construction of required sidewalks shall be complete prior to the issuance of a Certificate of Occupancy ~~when a~~ for the new or expanded building or structure ~~development is occurring. In the case of building expansion greater than 500 square feet, sidewalk construction shall be complete prior to issuance of building permit for said expansion~~.

(f) **Exception to These Requirements.** Sidewalks shall not be required:

(1) along any side of a minor street that abuts residential property that utilizes open ditches for the drainage of stormwater, or

(2) along controlled-access freeways unless frontage roads exist or will be constructed in conjunction with the development.

(g) **Payment in Lieu of Construction.** The City may accept payment, at the then prevailing rate for similar construction, as determined by the City, in lieu of actual construction of required sidewalks for the following properties:

(1) infill lot located on a roadway with no existing sidewalks; or

(2) any lot on a roadway with no existing sidewalk and for which the City has plans to make improvements that could damage or destroy any sidewalk installed before the completion of the improvements.

Section 3.2.14.1 Blocks - Determination and Regulation of Size

(a) **Determination Criteria.** The length, width, placement, and shape of blocks shall be determined with due regard to the following:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;

(2) Zoning requirements as to lot sizes, setbacks and dimensions (if within the City's corporate limits); and

(3) Needs for convenient access, circulation, control and safety of street traffic and for pedestrians or bicyclists traveling to a public park or school site or other facility within or close to the neighborhood.

(b) **Streets.** Intersecting streets, which determine the lengths and widths of blocks, shall be provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices.

~~(c) **Block Lengths.** Where no existing subdivision or topographical constraints control, the block lengths shall not exceed 1,600 feet in length along major thoroughfares and 1,200 feet along other streets. Where no existing subdivision or topographical constraints control, the blocks shall not be less than 600 feet in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through issuance of a variance with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.~~

Section 3.2.14.2 Lots - Determination and Regulation of Size

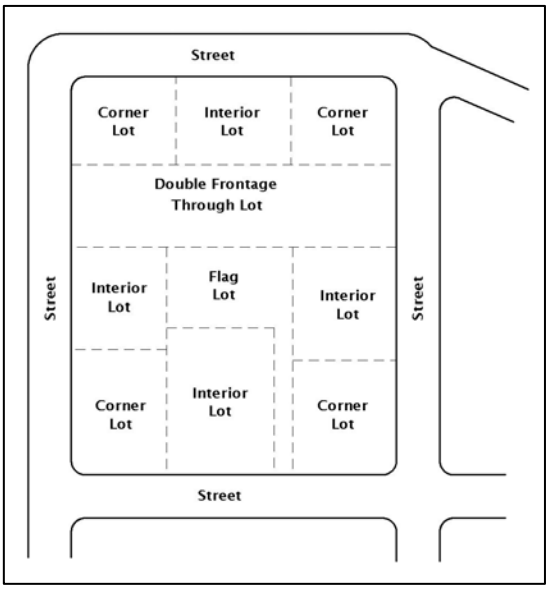
(a) **Zoning District Requirements, If Applicable.** Lots shall conform to the minimum requirements of the established zoning district, if located within the City's corporate limits.

(b) **General Shape and Layout.** The size, width, depth, shape and orientation of lots, and the minimum building setback lines shall be designed to assure the adequate provision of public facilities and the purpose of these subdivision regulations (within this Chapter 3 of the UDC), taking into consideration the location and size of the subdivision and the nature of the proposed uses.

(c) **Irregularly-Shaped Lots.** Irregularly-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district (if within the City's limits), and shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection when alleys are present (minimum 20-foot alley frontage). In general, triangular, severely elongated (in excess of a 3 to 1 depth to width ratio) or tapered, or flag lots shall be not be permitted, except as provided in Section 2.6.1.1 (b) (1). Lot depth and width shall be measured as shown in Chapter 2, *Figure 2-4*, The City reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.

(d) **Side Lot Line Configuration.** Side lot lines shall be at ninety degree (90) angles or radial to street right-of-way lines to the greatest extent possible. The City reserves the right to disapprove any lot which, in its sole opinion, is shaped or oriented in such a fashion as to be unsuitable or undesirable for the purpose intended, or which is not attractively or appropriately oriented toward its street frontage.

(e) **Double Frontage Lots.** Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from major thoroughfares, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, are not screened, and/or are provided access directly onto a major thoroughfare, building setback lines shall be established for each street side, and rear yard screening shall be provided in accordance with Chapter 4, Article 2, Division 4. Residential lots shall not back onto any residential street or collector street within a residential area or neighborhood, provide direct access onto a major collector or major or minor thoroughfare except as provided by



Section 3.2.6.4, or have more than one-half of its perimeter boundaries along streets.

(f) **Extra Depth and Width in Certain Cases.** Additional depth shall be required by the Planning and Zoning Commission when a lot in a residential area backs up to a railroad right-of-way, a high pressure gasoline, oil or gas pipeline, an electric transmission line (69 kv or higher), a thoroughfare, an industrial area, or other land use that has a depreciating effect on the residential use of the property and where no marginal access street or other street is provided at the rear of the lot. A depth in excess of 140 feet shall not be required. Where a lot sides to any of the uses listed in this subsection, additional width shall be required by the Commission, but a width in excess of 75 feet shall not be required.

(g) **Lots Adjacent To or In Floodplains.** Subdivision of property in a designated floodplain must meet the requirements for floodplain management in the City's adopted Flood Hazard Prevention Ordinance and/or Chapter 30 of the City Code, as applicable.

(h) **Landscaping and Buffering.** The design of lots shall take into consideration the requirements of Chapter 4 pertaining to landscaping and buffering, specifically in situations where the subdivision will be adjacent to areas of different land uses or when residential densities or different land uses or various residential densities will be developed within the subdivision.

(i) **Building Lines.** Front building lines shall be shown for all lots on all plats submitted for land within the City's ETJ.

(j) **Access.** Each lot shall have access to a public street or a private street built to city standards by direct frontage on such street. The minimum required frontage of a lot shall be equal to the minimum lot width allowed for the zoning district in which the lot is located. The Planning and Zoning Commission may approve a minor subdivision plat containing lots that do not have frontage on a public street, as long as such lots:

(1) are pre-existing and the plat does not include a division of land that creates any new lots lacking frontage on a public street.

(2) have existing access to a public street via not more than one (1) permanent, valid access easement that is:

a. recorded in the county real property records;

b. appurtenant to (runs with) the land;

c. at least fifteen feet (15') wide and no more than two hundred feet (200') long;

d. cleared of trees, shrubs, debris, structures, and other obstacles to vehicular traffic; and

e. improved to the City's minimum standards for driveways

(3) are zoned for single family residential use; and

(4) are either currently being used as residences or have been used as residences in the past and have not been vacant more than eighteen (18) months.

Lots shown on a Development Plat under Section 3.1.4.1 shall be permitted to have access via an access easement that meets the requirements of Section 4.2.1.2 (a)(8).

As used in this section, the term “pre-existing” shall mean that, on the later of March 9, 1981 or the date the property was annexed into the City, the property was in the same configuration, as indicated by deed records, as is being shown on the minor subdivision plat.

Section 3.2.14.3 Monuments & Markers

(a) **Placement.** ~~Four m~~Monuments shall be set along the right-of-way boundary and two monuments shall be visible from each other. Permanent lot markers shall be placed at each lot corner. Monuments and lot markers shall be set immediately after completion of utility installations and street construction or as the City Engineer may require.

(b) **Requirements for Monuments and Lot Markers.** ~~Four (4) m~~Monuments should be set on subdivision corners along the right-of-way. A monument shall be made of an iron stake one-half inch (1/2") in diameter and twenty-four inches (24") long. For lot markers, stakes shall be twenty-four inches (24") long and set with cap and stamp. Longer stakes should be used in softer soils.

(c) **Requirements for Subdivision Monuments.**

(1) Subdivisions less than five (5) acres shall have at least two (2) monuments installed.

(2) Subdivisions between five (5) and ten (10) acres shall have at least four (4) monuments installed.

(3) Any subdivision greater than ten (10) acres shall have more than four (4) monuments installed along the right-of-way boundary for the subdivision as determined by the City Engineer.

Section 4.1.3.2 Improvements & Related Triggers

(a) **Required Improvements.** The following improvements required by this UDC shall be adhered to when an expansion triggers such improvements:

(1) Façade Materials: As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.

(2) Sidewalks: As required within the applicable zoning district (Chapter 2) and/or in Chapter 3, Article 2, Division 11.

(3) Parking: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 1.

(4) Landscaping: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 2.

(5) Screening/Fencing: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article ~~3~~ 2, Division 4.

(b) **Triggers.** Expansions to an existing property that meet the following shall trigger all of the improvements outlined in (a) above, unless otherwise specified:

(1) Structure Square Footage: Any expansion shall trigger the improvements required under (a) (3) and (a) (5). An expansion that exceeds five hundred square feet (500 sq. ft.) shall trigger the improvements required under (a) (1), (a) (2), and (a) (4). Partial enclosure of existing loading docks shall not trigger these improvements.

(2) Structure or Property Value: An expansion or improvement of a structure that improves the appraised value of the structure or property by more than fifty percent (50%).

(3) Parking Spaces Increase: An increase in the number of parking spaces equal to or more than twenty percent (20%).In this case, façade material requirements shall not be required.

(c) **Definition.** As used in this section, the term expansion shall mean an increase in the square footage of any structure on a nonconforming property, whether by increasing the size of an existing structure or the construction of a new structure.

Section 4.2.2.4 Required Landscape Area Standards for Nonresidential, Multiple-Family, & Single-Family Development

(a) **Meaning of "Landscape Area".** Landscape area shall mean the area (greater than one foot in width) within the boundary of a lot or parcel that is comprised of pervious surface integrated with living plant material, including but not limited to trees, shrubs, flowers, grass, or other living ground cover or native vegetation. For the purposes of meeting the requirements of this division, undeveloped portions of the site cannot be considered landscaped area. Landscaped areas shall be bounded by raised or ribbon curbs.

(b) **Establishment of Minimum Percentages.** A minimum percentage of the total gross lot area of property (excluding any required detention facilities) on which development, construction or reconstruction occurs after the effective date of the ordinance from which this division derives shall be devoted to landscape in accordance with the requirements in *Table 4-4*; provided, however, that these requirements shall not apply to the development, construction or reconstruction of single-family detached residential structures.

Table 4-4
Required Landscaping By Land Use Type

Land Use	*Percent Landscaped Area Required*
Multiple-Family	15
Office and Professional Uses	15
Mixed Use	15
Retail and Commercial	15
Industrial or Manufacturing	10
All Other Nonresidential Uses	10
Note: Percentages are based on the total gross lot area.	

(c) **Minimum Requirements.** The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the compatibility of different land uses, and to mitigate negative environmental influences on land uses (e.g. heat, noise, air pollution). Trees listed in Section 4.2.3.9 (e) with a minimum two inch (2") caliper measured twelve inches (12") from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage. Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').

(d) **Screening of Parking Areas.** Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property.

(1) Front yard parking areas and side yard parking areas fronting on a street right of way shall be screened from the right-of-way by a continuous hedge or berm.

(2) The side yard of any lot that contains a parking area abutting a property used or zoned for a nonresidential use shall provide a screen of hedges, berms, or fences so as to provide a screen for a minimum of thirty-five percent (35%) of the length of the parking lot. The required side lot screening may be grouped and dispersed randomly.

(3) Screening between nonresidential and residential lots shall be provided in conformance with Division 4 of this Article.

(4) The minimum number of shrubs shall be equal to the total caliper inches of street trees required under this division multiplied by five (5). Shrubs and berms shall be maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.

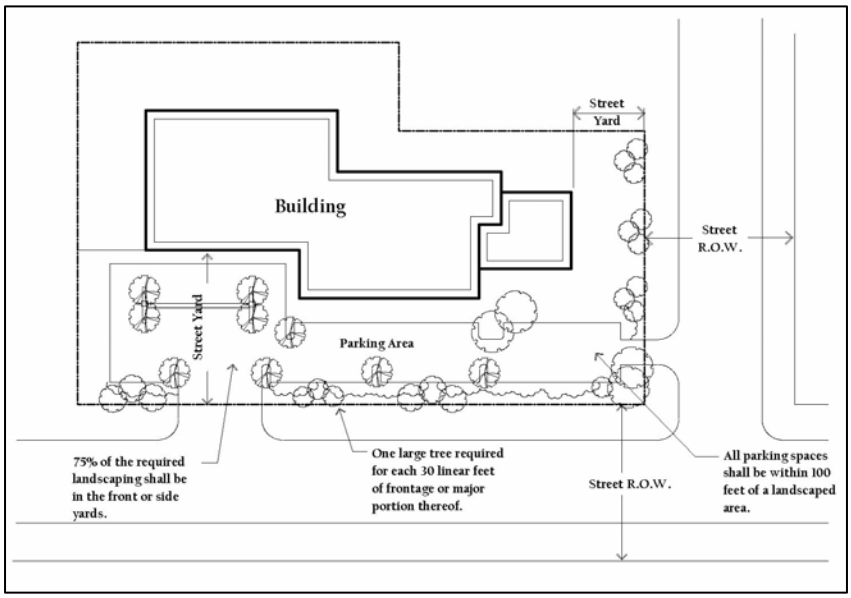
(5) A nonresidential development that has a shared parking area with an adjacent nonresidential development shall not be required to screen such shared parking area in relation to the abutting side yard. The alternate side yard, however, shall be screened in accordance with Subsection (d)(2) above.

(6) Each required tree and required landscaping shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').

(e) **Interior of Parking Areas.** Interior landscaping shall be required to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments.

(1) In addition to street trees required under Subsection (c) above, trees in Class I or II of the Guidelines with a minimum two inch (2") caliper shall be provided within or adjacent to the parking area at tree islands that:

A. are at least nine feet (9') wide;



B. each have a square footage at least equal to the total area of one parking space;

C. are located so that no parking space is further away than one hundred feet (100') from a tree island.

(2) Tree islands must be protected from vehicle intrusion by curbs or similar structures. Two feet (2') of the tree island may be counted as part of the required depth of the abutting parking space.

(3) The total caliper inches shall equal one inch (1") for each five (5) parking spaces.

(4) Caliper inches of street and parking lot trees may be provided by planting a combination of trees that exceed the minimum two inch (2") caliper.

(f) **Large Tracts.** On large tracts of land, exceptions to this division may be granted by the Planning Director to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this division is met, and it is located along rights-of-way or in strategic environmentally sensitive areas.

(g) **Landscaping On-Site and Related Location.**

(1) The landscaped area required by Section 4.2.2.4 shall be placed upon that portion of a tract or lot that is being developed, except that upon approval of a Conditional Use Permit authorizing such, the landscaping required herein may be placed on an adjacent lot or tract owned by the same entity as the subject property, with said placement documented by a written agreement approved by the City Attorney and recorded in the real property records of the county in which the property is located.

(2) Seventy-five percent (75%) of the area required by *Table 4-4* shall be installed in between the front or side property lines and the building being constructed. Clustering the remaining required landscaping along property lines abutting a lower intensity land use is encouraged.

(3) Undeveloped portions of a tract or lot shall not be considered landscaped.

(h) **Landscaping Within Parking Areas.**

(1) No parking space shall be located more than one hundred feet (100') from a portion of the required landscaping.

(2) Each landscape island within a parking lot shall contain a minimum square footage equivalent to one parking space of pervious area, shall be at least nine feet (9') wide, and shall allow at least three feet (3') between any trees within the island and the edge of the island.

(i) **Tree Credits.** Tree credits shall be given pursuant to Article 2, Division 3 of this Chapter of the UDC.

(j) **Landscaping Within Single-Family Developments.** The following are minimum landscaping requirements for single-family lots and developments.

(1) Tree By Lot Requirements: Each single-family lot shall have two (2) large shade trees placed thereon with a minimum two-inch (2") caliper, measured at twelve inches (12") above the root ball, and a minimum six feet (6') in height at the time of planting.

(2) Additional Requirements: Each single-family lot shall have at least three (3) out of the following four (4) options:

a. Two (2) ornamental trees a minimum six feet (6') in height at the time of planting;

b. Four (4) evergreen shrubs, equal in size to at least a five-gallon-container-size shrub;

c. Eight (8) small shrubs, equal in size to at least a two-gallon-container-size shrub; and

d. Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by building(s) and/or driveway area(s).

(3) Street Tree Requirements: In addition to the requirements in (1) and (2) above, trees are required along all streets within single-family developments as follows:

a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each forty feet (40') of frontage.

b. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.

c. At the time of planting, a minimum of eight feet (8') shall be provided between a tree trunk and the back of any curb and between a tree trunk and any planned or existing underground public utility lines.

d. At the time of planting, a minimum of twenty feet (20') shall be provided between individual trees.

(k) **Location Exception.** Developments located in M-1 and M-2 zoning districts and Public Educational Facilities shall comply with all requirements herein regarding quantity of landscaping, but are exempt from the requirement of locating landscaping within landscape islands in the interior of parking areas.

(j) **Approved Trees.** Only trees belonging to the species listed in Section 4.2.3.9 (e) will satisfy the tree planting requirements of this section.

(l) **Preservation Credit.** Preservation of existing trees and shrubs may be given credit towards required landscaping, at the discretion of the Parks Director.

Section 4.2.2.5 General Requirements

(a) **Installation.** All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards.

(b) **Maintenance.** The owner of the building, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered sufficiently to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material needed to meet the requirements of this division. Should a tree die or be removed for which credit has been obtained pursuant to this Unified Development Code, trees sufficient to equal the area credited shall be required. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree is retained; such substitution shall require the approval of the Planning Director.

(c) **Planting Criteria.**

(1) Trees: Trees planted for credit under Subsection (c) of this section shall be a minimum of two inches in caliper, measured twelve inches above ground level, and six feet in height when measured immediately after planting. Trees shall have an average mature crown greater than 15 feet. Trees having an average mature crown less than 15 feet may be substituted by grouping the trees so as to create at maturity the equivalent of a 15-foot crown if the drip line area is maintained.

(2) Shrubs, Vines and Ground Cover: Shrubs, vines and ground cover planted pursuant to this division should be good, healthy nursery stock. Shrubs must be, at a minimum, a one-gallon container size at the time of planting. Only shrubs, vines, and ground covers belonging to the species listed in Section 4.2.2.5 (g) will satisfy the requirements of this section.

(3) Grass: Grass areas are encouraged to be planted in species normally grown as permanent lawns in the City, including St. Augustine, Zoysia, Bermuda or other appropriate grass. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion.

(4) Xeriscape Landscaping: The use of xeriscape landscaping techniques shall require approval from the Parks Director. Only plants belonging to the species listed in Section 4.2.2.5 (h) will satisfy the requirements of this section.

(5) Synthetic Lawns or Plants: Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

(6) Soils: New landscaped areas should be prepared so as to achieve a soil depth of at least six inches. The six-inch soil depth should consist of 75% soil blended with 25% compost.

(7) Architectural Planters: The use of architectural planters may be permitted in fulfillment of landscape requirements.

(8) Landscape Irrigation:

a. Except for single-family lots and developments, all required landscaping areas shall be 100% irrigated by one of, or a combination of, the following methods:
   1. An automatic underground irrigation system;
   2. A drip irrigation system;
   3. A hose attachment within 100 feet of all plant material, provided, however, that a hose attachment within 200 feet of all plant material in non-street yards shall be sufficient.

b. All irrigation systems shall be designed and sealed in accordance with the Texas Licensed Irrigators Act and shall be professionally installed.

c. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

d. Irrigation Design Criteria:

For new non-residential and multi-family developments and newly irrigated landscaped and turf areas, the following requirements shall apply. Sports fields, golf courses, cemeteries, storm water management systems, and similar areas as approved by the Parks Director, where functional need for turf is demonstrated, are exempt from the turf area limitation and micro irrigation requirements.

1. Irrigation Zone Design

A site plan, at a readable and defined scale, shall be submitted illustrating the proposed irrigation zones, delineating micro-irrigation zones and areas utilizing irrigation techniques other than micro-irrigation. Fifty (50) percent of the on-site green space shall be allowed to utilize irrigation techniques other than micro-irrigation. Turf areas shall be on separate irrigation zones from other landscaping plant zones. The irrigation system should be prepared by a licensed irrigator and designed to accommodate separate landscape plant zones based on differing water requirements.

2. Spacing

Sprinkler spacing shall not exceed 55 percent of the sprinklers' diameter of coverage.

3. Separate Sprays and Rotors

Sprays and rotors shall not be combined on the same control valve circuit.

4. Matched Precipitation Rates

Sprays and rotors shall have matching application rates within each irrigation zone.

5. Overspray/Runoff

All irrigation systems shall be designed to avoid overspray/runoff, low head drainage, or other similar conditions where water flows onto or over adjacent property, non-irrigated areas, roadways, walkways, structures, or water features. Narrow areas (four feet wide or less) shall not be irrigated unless micro-irrigation is utilized.

6. Control Equipment

Irrigation control equipment shall include an automatic irrigation controller with the following features: program flexibility such as repeat

cycles and multiple program capabilities; battery back-up to retain the irrigation programs; and a rain sensor device.

7. Landscape

Using the concept of a Xeriscape landscape, a site plan shall be submitted identifying all existing vegetation to be preserved, proposed turf, and other landscape areas. Installed trees and plants should be grouped together into landscape plant zones according to water and cultural (soil, climate and light) requirements. Plant groupings based on water requirements are as follows: natural, drought tolerant, and oasis.

8. Turf/Turfgrass

A maximum of fifty (50) percent of green space may be planted with turfgrass configured with a permanent irrigation system. Turfgrass planted in excess of this limitation shall not have a permanent irrigation system. Micro-irrigation shall not be used on turfgrass.

9. Mulch

A layer of mulch with a minimum depth of three (3) inches shall be specified on the site plan in plant beds and around individual trees in turf areas. Organic mulches are preferred. The mulch should not be placed directly against the plant stem or tree trunk. Mulch shall not be required in annual beds.

10. Maintenance and Management

The landscape and irrigation system shall be maintained and managed to ensure water efficiency, and prevent wasteful practices. This should include, but not be limited to: resetting the automatic controller according to the season; flushing the filters; testing the rain sensor device; monitoring, adjusting, and repairing irrigation equipment such that the efficiency of the system is maintained; replenishing mulch; and utilizing turf and landscape best management practices.

(d) **Construction Phase.**

(1) No more than 25% of the drip line zone of trees to be preserved shall be paved with concrete, asphalt, or other impervious material. There shall be no trenching around the border of and no fill shall be placed within the drip line zone of a tree to be preserved.

(2) Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved.

(3) The permanent vegetation shall be installed on the construction site as soon as utilities are in place and final grades are achieved. Final grading and removal of vegetation shall not occur more than 30 days prior to scheduled paving.

(e) **Removal of Diseased or Dangerous Trees and Vegetation.**

(1) Upon direction from the Planning Director, a property owner may be required to treat or remove trees suffering from transmittable diseases or pests or allow the City to do so, charging the actual cost thereof to the property owner.

(2) The Planning Director may require the removal of a tree or part of a tree or any other vegetation that is within or overhanging a public right-of-way or easement if the tree or vegetation:

a. Is diseased or infested and in danger of falling;

b. Is creating a traffic hazard or sight distance hazard for traffic on a public street; or

c. Is interfering with safe and proper maintenance of the right-of-way or easement.

(f) **Landscape Reserve Required.** At a minimum, a landscape reserve of at least ten feet (10'), across which there shall be no right of access, shall be provided along the exterior of the residential lots abutting such a thoroughfare, collector, or nonresidential use or zoning district. The reserve shall be outside any wall or fence separating the lots from the thoroughfare, collector, or nonresidential use or nonresidential zoning district. In this case, "outside" shall mean on the side of the wall or fence that is closest to the thoroughfare, collector, or nonresidential use or nonresidential zoning district.

(g)

Ground Covers

Common Name	Scientific Name
Algerian Ivy	Hedera canariensis
Asiatic Jasmine	Trachelospermum asiaticum
Asparagus fern	Asparagus densiflorus
Blue Pacific Juniper	Juniperus conferta
Confederate Jasmine	Trachelospermum jasminoides
Goats-foot Morning Glory	Ipomoea pescaprae
Liriope	Liriope spicata, L. muscari
Mondo Grass	Ophiopogon japonicus
Purpleleaf Honeysuckle	Lonicera japonicus
Stonecrop	Sedum acre
Trailing Lantana	Lantana montevidensis
Virginia Creeper	Parthenocissus quinquefolia
Wedelia	Wedelia trilobata

Vines

Common Name	Scientific Name
Bougainvillea	Bouganvillea spectabilis

Cape Honeysuckle	Tecomaria capensis
Carolina Jessamine	Gelsemium sempervirens
Coral Vine	Antigonon leptopus
Fig Ivy, Creeping Fig	Ficus pumila
Trumpet Vine	Campsis radicans
Virginia Creeper	Parthenocissus quinquefolia

Perennials

Common Name	Scientific Name
Autumn Aster	Aster oblongifolius
Autumn Sage	Salvia greggii
Baby Sun Coreopsis	Coreopsis grandiflora
Blue Plumbago	Plumbago auriculata
Blue Shade	Ruellia sp.
Butterfly Weed	Asclepis tuberosa
Byzantine Gladiolus	Gladiolus byzantinus
Canna	Canna x generalis
Cigar Plant	Cuphea micropetala
Common Thyme	Thymus vulgaris
Daylily	Hemerocallis
Firebush	Hamelia patens
Garden Mum	Chrysanthemum morifolium
Gerbera	Gerbera spp.
Hinkley's Columbine	Aquilegia hinkleyana
Indian Blanket	Gaillardia spp.
Lantana	Lantana spp.
Louisiana Iris	Iris hybrids
Maximilian Sunflower	Helianthus maximiliana
Mealy Cup Sage	Salvia farinacea
Mexican Marigold Mint	Tagetes lucida
Mexican Petunia	Ruellia brittoniana
Milk and Wine Lilies	Crinum hybrids
Montbretia	Crocosmia Pottsii
Narcissus	Narcissus spp.
Obedient Plant	Physostegia virginiana
Oxalis	Oxalis crassipes

Oxblood Lily	Rhodophiala bifida
Peppermint	Mentha piperita
Perennial Ageratum	Eupatorium coelestinum
Perennial Phlox	Phlox paniculata
Purple Coneflower	Echinacea purpurea
Purple Heart	Setcreasea pallida
Rain Lily	Zephyranthes spp.
Red Spider Lily	Lycoris radiata
Rock Rose	Pavonia lasiopetala
Rosemary	Rosmarinus officianalis
Santolina	Santolina sp.
Shasta Daisy	Chrysanthemum maximum
Shrimp Plant	Justicia brandegeana
Southernwood	Artemisia abrotanum
Spring Star Flower	Iphelon uniflorum
Turk's Cap	Malvaviscus arboreus
Verbena	Verbena spp.
Yarrow	Achillea millefolium

Shrubs

Common Name	Scientific Name
Abelia	Abelia grandiflora
Agarita	Berberis trifoliata
American Beautyberry	Callicarpa Americana
Arborvitae	Thuja spp.
Common Myrtle	Myrtus communis
Coral Bean	Erythrina herbacea
Dwarf Wax Myrtle	Myrica pusilla
Eleagnus	Eleagnus pungens
Fatsia	Fatsia japonica
Indian Hawthorn	Raphiolepis indica
Japanese Yew	Podocarpus macrophylia
Juniper	Juniperus chinensis cvs.
Oleander	Nerium oleander
Pineapple Guava	Feijoa sellowiana
Pittosporum	Pittosporum tobira
Rosemary	Rosmarinus officianalis
St. John's Wort	Hypericum spp.
Texas Sage	Leucophyllum spp.

Wax Myrtle	Myrica cerifera
Yaupon Holly	Ilex vomitoria

(h) Xeriscape Plant List

Ornamental Grass/Turf	**Perennials**
Big Blue Stern	Angel Trumpet
Blue Grama	Autumn Joy Sedum
Buffalograss	Black eyed Susan
Deer Lindheimer Muhly	Blackfoot Daisy
Little Blue Stern	Brown Eyed Susan
Prairie Dropseed	Chocolate Flower
Sideoats Grama	Fournerve Daisy
Switch Grass Muhly\	Fall Aster
Indian Grass	Globemallow
Green Eyes	
Ground Cover	Green Headed Coneflower
Frog Fruit	Gregg Dalea
Horseherb	Gregg's Mistflower
Pigeonberry	Lindheimer's Senna
Snake herb	Obedient Plant
Water Clover	Pink Scullup
Wooly Stemodia	Purple Coneflower
Wood Violet	Prairie Verbena
	Rockrose, Brazilian
Shrubs	Rockrose
Agarito	Autumn sage
American Beauty Berry	Mealy Blue sage
Apache plume	Pitcher sage
Black Dalea	Russian Sage
Aromatic Sumac	Scarlet sage
Damianita	Skeletonleaf Goldeneye
Desert Spoon	Sundrops
Flame Anisacanthus	Texas Betony
Kidneywood	Texas gold Columbine
Red Yucca	Texas Lantana
Texas Kidneywood	Texas Star Hibiscus
Silverado Texas Sage	Turk's Cap
Twist Leaf Yucca	Whirling Butterflies
Soft Leaf yucca	Winecup
Wax Myrtle	Zexmenia
Wax Myrtle, Dwarf	

Section 4.2.3.6 Submittal Requirements

(a) The City Manager or his/her designee shall establish administrative procedures necessary to facilitate the implementation and enforcement of this division. These procedures shall include the following:

(1) Tree Disposition Plan/Tree Survey: Must be submitted and approved prior to the removal or destruction of any tree.

(2) An application involving a limited portion of a site may be based on an exhibit showing only that portion of the site.

(3) Aerial photograph interpretation may supplant the ground survey for preliminary analyses of large scale developments, such as subdivisions, utility corridors, and golf courses, at the discretion of the City. Large-scale developments are also required to include impact areas where existing trees are located.

(4) The items required on a submitted exhibit include the following:

a. Title block including a street address; legal description (lot and block, subdivision name); date or revised date, north arrow, graphic and written scale; name, address, telephone number of owner or person preparing the exhibit.

b. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setbacks, easements and service connections, all property dimensions with references to property lines.

c. Location of all existing Protected Trees, graphically differentiating between the trees to remain and those to be removed. Trees located beyond the Subject Site with thirty percent (30%) or more of the Critical Root Zones located within the Subject Site shall also be included. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration...

d. Proposed general areas or locations of the replacement trees.

e. A list of all Protected Trees, including species, trunk diameter and condition.

f. A list of all off-site Protected Trees where Critical Root Zones will be impacted.

g. Tree information required shall be summarized in legend form on the plan and shall include:

1. Protected Trees to be removed.
2. Total diameter inches of Protected Trees which are to be removed.
3. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See ~~the Tree List, a copy of which is available in the City Park and Recreation Department~~ Section 4.2.3.9 (e).)

h. Tree protection notes and details shall be included on Site Plans, subdivision plans or Landscape Plans and always included with the bid documents given to the contractor.

Section 4.2.3.9 Tree Planting Regulations

(a) **Off-Site Planting of Replacement Trees.** Replacement Trees should be planted on the site or easement from which the existing trees are to be removed. Subject to the approval of the City Manager or his designee, an applicant may initiate a proposal to plant trees off-site.

(b) **Easements and Rights-of-Way.**

(1) The location of replacement trees shall not be an area such that the mature canopy or roots of the tree will interfere with any public utility.

(2) All replacement trees shall be planted no less than ten feet (10') from fire hydrants.

(3) Any replacement tree planted in a median must be located no less than six and one-half (6.5') feet from the curb.

(4) Any replacement tree planted in the City's right-of-way must be located no less than one hundred (100') feet from an intersection and no less than fifty (50') feet from a mid-block opening.

(c) **Plantings After Project Completion.** Replacement trees shall be planted prior to the issuance of the certificate of occupancy or project release. Optimum planting times do not always correspond with project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before the issuance of a Certificate of Occupancy, a fiscal security is posted in the amount equal to the prevailing rate for replacement trees with a one (1) year guarantee, plus fifteen (15) percent to cover administrative cost.

(d) **Replacement Tree Size.** Minimum criteria for the size of a Replacement Tree shall be a DBH (measured four and one-half feet (4.5') above the ground) that is a minimum of two inches (2").

(e) **Replacement Tree List.** The following tree types or species only shall be permitted by the City to be used as Replacement Trees:

~~***Botanical Name***~~	~~***Common Name***~~
~~Acer Barbatum, rubrum~~	~~Red Maple~~
~~Carya spp.~~	~~Hickory, Pecan~~
~~Ilex opaca~~	~~American Holly~~
~~Liquidamber Styraciflua~~	~~Sweet Gum~~
~~Magnolia spp.~~	~~Magnolia species~~
~~Quercus spp.~~	~~Oak species~~
~~Taxodium spp.~~	~~Cypress species~~
~~Ulmus spp.~~	~~Elm species~~
~~Juglam Nigra~~	~~Black Walnut~~
~~Fraxinus Pennsylvanica~~	~~Green Ash~~
~~Pistacia Chinensis~~	~~Chinese Pistache~~

Genus	species	Common name
Quercus	spp.	Oaks

Ulmus spp.	Elms
Taxodium spp.	Baldcypress
Carya spp.	Pecan, Hickory
Magnolia grandiflora	Southern Magnolia
Magnolia virginiana	Sweetbay
Juglans nigra	Black Walnut
Fraxinus pennsylvanica	Green Ash
Fraxinus americana	White Ash
Ilex opaca	American Holly
Platanus occidentalis	American Sycamore
Acer rubrum	Red Maple
Acer barbatum	Florida Maple

If an existing tree of the protected tree list in excess of 12" DBH is removed, thus requiring mitigation, and the disposition plan calls for replacement, it must be replaced by a tree from the protected tree list.

For trees to be planted to fulfill landscape requirements the following trees are allowed:

Trees from the protected tree list and;	
Crataegus spp.	Hawthorn
Bumelia lanuginosa	Gum Bumelia
Persea borbonia	Redbay
Nyssa sylvatica	Tupelo
Cupressus spp.	Cypress
Fraxinus velutina	Arizona Ash
Pyrus calleryana	Flowering Pear (Bradford, Aristocrat, Chanticleer, etc.)
Gingko biloba	Maidenhair Tree (male only)
Ostrya virginiana	American Hop Hornbeam
Betula nigra	River Birch
Parkinsonia aculeate	Retama
Pistacia chinensis	Chinese Pistache
Liquidambar styracifolia	Sweet Gum
Juniperus silicicola	Southern Red Cedar
Juniperus virginiana	Eastern Red Cedar

Section 4.2.4.1 Screening

(a) **Nonresidential and Multiple-Family Screening Required (New Construction).**

(1) Requirement Criteria. This section shall apply to the following:

a. Any nonresidential use that ~~is separated by only a street or~~ has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.

b. Any multiple-family use that ~~is separated by only a street or~~ has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.

(2) The following shall apply in either case outlined above:

a. The nonresidential or multiple-family use shall provide one of the following:

1. an opaque screening wall a minimum of six feet (6') in height, but not to exceed eight feet (8') in height. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition. Any sections of this Code concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or throughway; or

2. a vegetative screen dense enough to be completely opaque year round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months.

b. There shall be a minimum 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses, except this buffer shall be at least thirty (30) feet wide if screening is achieved above by a vegetative screen and not an opaque screening wall.

c. In situations where a fence already exists along the property line between the non-residential or multiple-family use and the residential use, the screening required by this section shall be achieved by the vegetative screen and 30' buffer described above, unless the nonresidential or multiple-family use obtains permission from the owner(s) of the existing fence to replace said fence with the opaque screening wall and 25' buffer described above.

d. Prior to construction of buffers, complete plans showing type of material, depth of beam and structural support shall be submitted to the Building Inspection Division for analysis to determine whether or not:

1. The screen will withstand the pressures of time and nature; and
2. The screen adequately accomplishes the purpose for which it was intended.

e. The Building Official shall determine if the buffer meets the requirements of this section.

(b) **Parking Area Screening Along Major and Secondary Thoroughfares.** Landscaping shall be required for the screening of parking areas along major thoroughfares or secondary thoroughfares when nonresidential parking areas are

located on the nonresidential lot such that they are adjacent to such roadways (i.e., there is no building between the parking area and the lot line adjacent to the roadway). In such case, parking areas shall be screened by a continuous hedge of shrubs that are maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.

(c) **Residential Screening Along Major and Secondary Thoroughfares (Applies to the City & ETJ).**

(1) Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to a major or secondary thoroughfare roadway as described in Chapter 3, or are separated from such thoroughfare by an alley, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.

(2) Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may considered include:

a. A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;

b. A combination of berms and living/landscaped screening;

c. A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or

d. Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and City Engineer find it to be in the public interest to approve the alternative screening device.

(3) Time Required for Opacity: Any required screening device shall be, or shall achieve, at least six feet in height and at least ninety percent opacity within three years of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be in conformance with Division 2 and/or Division 3 of this article.

(4) Maintenance Easement: A wall/screening maintenance easement at least five feet in width shall be dedicated to the City or to a property owners association on the private lot side and adjacent to the entire length of the screening wall or device.

(5) Installation: The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with Division 2 and/or Division 3 of this article. Failure to properly install all components of a required screening wall or device within the prescribed time frame, shall constitute a violation of this Unified Development Code, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.

(6) Design of Walls: All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the City Engineer. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. The use of wood is prohibited.

(7) Height of Screening: The height of required screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than eight feet. Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum eight-foot height by up to two feet for a total maximum height of 10 feet for these features, provided that such taller elements comprise no more than 10% of the total wall length in elevation view.

(8) Other Easements: Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any other applicable utility provider(s).

(d) **General Screening.**

(1) The following requirements shall be in addition to the foregoing landscaping and planting requirements:

a. All loading spaces and docks, outside storage areas including open storage, storage in containers and boxes not designed to be permanently affixed to real property, refuse containers/areas, mechanical and electrical equipment, and the rear of nonresidential uses/structures on double frontage lots, must be screened from view from the street or public rights-of-way and adjoining properties.

b. Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. In any case in which a fence/wall is constructed to provide screening, landscaping elements shall be incorporated along a majority of the fence/wall. Also, in the case of roof-mounted mechanical equipment, parapet roof structures are approved for screening such equipment.

c. If a nonresidential use is adjacent to a residential use other than multiple-family, such nonresidential use shall be screened in accordance with Section 4.2.4.1(a) and shall include a vegetative buffer.

d. Roof mounted equipment in M1 and M2 districts are exempt from screening requirements if the equipment is painted to match the roof color and the equipment is not closer than two hundred fifty (250) feet to a roadway listed in Section 2.4.5.1.

(2) If screening is required, it shall be of sufficient height and opacity to completely obscure the activity, structure, or use.

Section 4.2.4.3 Fencing

(a) **Fences in Residential Areas/Districts, Except Multiple-Family.**

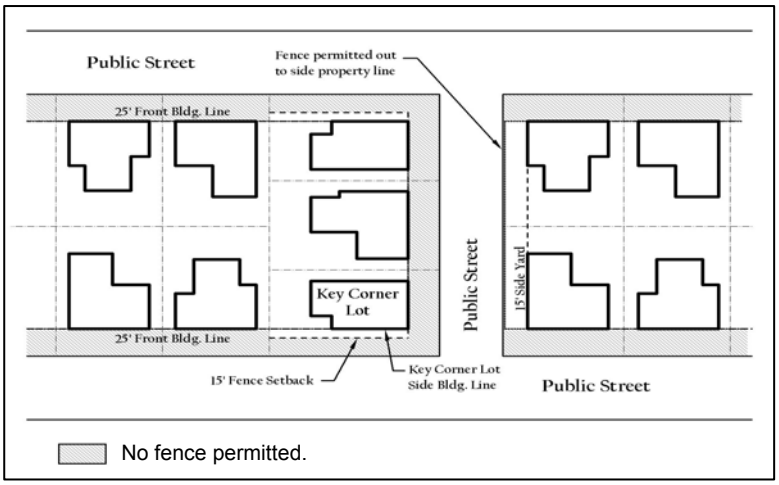
(1) ~~Height of Fences in the Front Yard: Any fence or wall located to the rear of the minimum required front yard line shall not exceed six feet in height.~~

~~a.~~ *Materials Permitted* - Fences may be constructed of wood, decorative metal, chain link or woven wire mesh, and other materials traditionally used in private fence construction. New and innovative materials such as plastics, PVCs, metal panel or metal slat, "honeycomb", cementatious fiber board (e.g., "WoodCrete"), and other similar materials may be approved for use by the City's Building Official if the material is proven to be sturdy, durable and relatively maintenance-free.

~~b.~~

(2) *Fences Permitted in Front Yard(s) Adjacent to a Public Street* ~~–~~

a. Except as provided by Subsection ~~c~~ b (*Decorative Fences*) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot which is adjacent to a public street. No residential fence shall be closer than 15 feet to a public street; however, in cases where the side or rear building line of the yards on continuous corner lots adjoin (i.e., the side yard lot is not a key corner lot), the fence may be constructed out to the property line of the side yard, such that the



street side yard may be included as part of the lot's rear yard area. (See *Figure 4-5*.)

~~c~~ b. *Decorative Fences* - Decorative fences with openings not less than 50% of the fence area and not exceeding four (4) feet in height are permitted in front yards. Chain link, woven wire mesh metal panel, or similar materials are not considered decorative fencing, and are therefore not allowed in front yards.

(~~2~~3) Perimeter Fencing: Above-ground electrical fencing (does not include underground "virtual fencing", which is allowed), wire mesh (such as hog wire, chicken wire) and barbed wire are prohibited as perimeter fencing except on parcels or lots of two acres or greater in size in the Suburban Development (SD) zoning district and Residential Estate (RE) zoning district.

(~~3~~4) Fences within Public Easements: Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement.

(~~4~~5) Fences within Drainage Easements: Fences within a drainage easement should be constructed in a manner to not restrict the flow of drainage water.

(~~5~~6) Fences in Side/Rear Yards: Fences located in side or rear yards shall not exceed eight (8) feet in height.

(7) Fences in COD: For fences located within the Corridor Overlay District (COD), please refer to section 2.4.5.1 (i).

(8) A permit must be obtained to repair, rebuild, or construct any type of fence regardless of the value of the work being done.

(b) **Fences in Non-Residential Areas/Districts.**

(1) Barbed Wire Fencing: Permanent barbed wire or similar fences shall be prohibited in districts where used for purposes other than for the control of livestock. Barbed wire shall be permitted as an accessory material to another type of fence in industrial zoning districts (M-1 and M-2), and for City facilities upon approval by City Council, when the barbed wire material is located along the top of a fence, beginning at a height of at least six feet (6') from ground level.

(2) Gates for Vehicular Access: Gates designed for vehicular access shall be set back from the property line a minimum of twenty-four feet (24').

(3) Permit Required: All new, reconstructed, or replaced fences require permits.

(4) Fences within Public Easements: Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement.

(5) Fences within Drainage Easements: Fences within a drainage easement should be constructed in a manner to not restrict the flow of drainage water.

(6) Height and Material of Fencing: In all yards, fences shall not exceed eight (8) feet in height. Fences in the front yard, except for properties in the M1 or M2 districts, shall be decorative with openings not less than 50% of the fence area. Chain link, woven wire mesh metal panel, or similar materials are not considered decorative fencing.

Section 4.2.5.2 On-Premise Attached Signs

(a) **Standards.** Permanent on-premises attached signs are subject to the following standards:

(1) Extension: Attached signs shall not extend vertically more than four feet (4') above the highest point of the roofline adjacent to the facade. Attached signs shall not extend into a required building setback area.

(2) Zoning Districts Allowed: Attached signs are permitted for all façades in the following zoning districts: the Multiple-Family (MF) district, all mixed use districts (SPD, C-MU, G/O-MU, and OT), and all nonresidential districts.

(3) Area: The area of attached signs is limited according to the land use of the premises as follows:

a. Multiple-family residential uses, residential condominiums and group quarters may have identification signs having a total aggregate area of up to five percent (5%) of the area of the facade on which they are located;

b. Office/professional and institutional uses may have signs with a total aggregate area of up to ten percent (10%) of the area of the building façade or lease space façade of a multi-tenant building on which they are located;

c. All other nonresidential uses may have signs, including window signs, with a total aggregate area as follows:

3. up to twenty percent (20%) of the area of the building façade or lease space façade of a multi-tenant building on which they are located if the façade faces a street;

4. up to ten percent (10%) of the area of other facades if the building houses one business;

5. up to fifteen percent (15%) of the area of other facades if the building houses more than one business; and

d. Premises containing two or more uses having different standards under this section shall have the allowable area determined by the use allowing the greater area.

Section 4.2.5.5 Temporary Signs

(a) **General.** Temporary signs are subject to the limitations indicated in this section, as well as the location restrictions in Section 4.2.5.1(f).

(b) **Area Limitations.** Temporary signs shall not exceed the following area limitations:

(1) State Highway 288: Ninety-six (96) square feet each for premises within the State Highway 288 corridor.

(2) Other Premises: Thirty-two (32) square feet each for all other premises.

(3) Banner Signs: Unless otherwise provided, fifty (50) square feet.

(c) **Banner Defined.** A banner is hereby defined to be a temporary sign as that term is defined Chapter 5 of this UDC that is designed to be attached or installed with rope, wire, or other temporary means so as to allow ease of installation and removal.

(1) Use or Display of Banners: Except for temporary signs that do not require permits (refer to Section 4.1.2.6(c)), the use or display of banners is hereby prohibited unless a permit for such use is obtained from the Planning Director or his designee. A banner permit may be issued only in the following circumstances:

a. Any premise or nonresidential occupancy requesting a temporary sign larger than thirty-two (32) square feet may display one (1) banner sign per street frontage ~~(also see Subsection 4.2.5.4(d) for total number allowed)~~ announcing a grand opening of a new business. Display of such sign is limited to a maximum of thirty (30) days per opening. The privilege to begin display of such sign expires three (3) months after the issuance of a certificate of occupancy. Use of grand opening signs only applies to new ownership or occupancy (i.e., use). At least one-half (½) of all readable copy on the banner must state "Grand Opening" or "Now Open."

b. Any non-profit organization or governmental entity may display banner signs containing a message directly related to a special event provided, however, that such banners may be displayed no more than fourteen (14) days prior to the event and must be removed within three (3) days after the conclusion of the event. Displays under this classification will be limited to three (3) per year.

c. Banners may be allowed for the temporary identification of a business if the business owner provides the Planning Director written evidence that a permanent sign order has been executed and the business owner is awaiting installation of said permanent sign. As a temporary identification device, the banner must meet size, dimension, lettering, and layout specifications for building-mounted signs and must be securely fastened on a minimum of six (6) locations to the fascia. If the banner meets these conditions, it will be permitted for identification purposes for a period not to exceed thirty (30) days.

d. Any premise or non-residential occupancy may use banners to advertise sales events fourteen (14) times per year for a total duration of twenty-four (24) days inclusive. The occupant has the option of dividing the total

days among the fourteen (14) events, with the minimum duration of display being one (1) day.

(2) Location: Any banner permitted in accordance with this Ordinance shall be displayed at the permittee's normal place of business or operation and shall be affixed to that side of the building facing the street on which the permittee is addressed.

(3) Cost & Display Period: The cost for a banner permit shall be Ten Dollars ($10.00), and shall be paid at the time of application. Each application shall include the period of display for the banner to be permitted, including the day that the display will start and the day when it will cease. The display period shall be continuous and uninterrupted by periods of non-display. A separate permit shall be required for each period of display of the banner. Multiple periods of display will not be allowed on one permit.

(4) Violation: Banners used or displayed in violation of this section shall be subject to removal by the Building Official or his/her designee.

(5) TxDOT District 12 Guidelines: Banners displayed pursuant to the Texas Department of Transportation (TxDOT) District 12 guidelines for the temporary installation of banners over state rights-of-way shall be exempt from the terms of this division.

(d) **Other Temporary Signs.** The following signs shall be allowed, subject to any conditions set forth below.

(1) Temporary window signs: These signs must be temporary in design and construction, such as paper, poster, mylar or similar plastic film, or painted with removable paint; may not exceed in coverage twenty-five percent (25%) of all windows combined or fifty percent (50%) of any one window; must be placed inside the business establishment and be professional in appearance, except for temporary signs not promoting a business but rather associated with a non-profit, neighborhood, or civic event; and may not be displayed for more than forty-five (45) days.

(2) Holiday inflatable signs or decorations: Holiday-related inflatables that contain no business-related advertising, including without limitation balloons, decorations, and yard displays, shall not exceed twelve feet (12') in any dimension and may not be displayed so that the top of the inflatable is greater than: fifteen feet (15') from the ground on a residential lot; or the maximum structure height allowed in the zoning district on a nonresidential lot. The continuous display period of this type of sign shall not exceed thirty (30) days, with no more than five (5) display periods per calendar year.

(3) Off-premise special events signs: Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club may be placed off-premises of where said event is to take place shall be allowed subject to the following conditions:

a. The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.

b. No more than ten signs not exceeding six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face are allowed within the City's limits, limited to one per street frontage. These signs shall be exempt from sign permit fees.

c. There is no quantity limit on signs not exceeding three and a half feet (3.5') in height or five square feet (5 ft^2) in area per sign face, except only one is allowed per lot.

(e) **Flags Allowed.** Flags of recognized governmental entities shall be allowed. A Flag that contains any emblem, logo, slogan, or any form of advertising of or for any business entity may be allowed, subject to the following restrictions:

(1) The flag is displayed with, but at a lower height than, either a United States flag or a Texas flag;

(2) The business entity represented on or advertised by the flag is located on the same property upon which the flag is displayed;

(3) The flag is not larger in area than either of the governmental flags with which it is required to be displayed; and

(4) Only one such flag is displayed per property.

(f) **Number of Temporary Signs Permitted on One Lot.** The number of temporary signs other than political signs displayed on one lot at any given time is limited to one (1) sign per street frontage and a maximum of two (2) signs per lot.

(g) **Permits Not Required.** Refer to Section 4.1.2.6.(c).

Section 4.2.5.9 General Exemptions

(a) **Generally.** Notwithstanding any other provision in this UDC to the contrary, the following signs shall be exempt from all sign requirements contained in the UDC except for location restrictions, unless modified below, and any requirement for the sign specifically listed herein.

(b) **Exemptions.**

(1) Warning/Safety Signs. Signs that have as their sole purpose the protection of life or property, including without limitation emergency exit, fire lane, or no trespassing, are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft^2) in size.

(2) Utility Location Signs. Signs erected by a governmental entity or private utility company to mark the location of utility transmission lines or similar facilities are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft^2) in size.

(3) On-site directional and informational signs not exceeding two square feet (2 ft^2) in size.

(4) Historical/Memorial Signs. On-premise attached or ground signs that commemorate a person, event, or structure are allowed so long as no advertising whatsoever is contained thereon and they do not exceed eight square feet (8 ft^2) in size.

(5) Vehicle for Sale Signs. Signs placed on motorized vehicles advertising them for sale are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft^2) in size or four signs per vehicle.

(6) Outdoor Merchandise Display Signs. Signs affixed to outdoor equipment or machinery such as vending machines or gasoline pumps with instructions for use, or signs located immediately adjacent to merchandise displayed for sale outdoors, are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed one square foot (1 ft^2) in size.

(7) Human Signs. Signs carried or wholly supported by humans are allowed so long as they do not exceed thirty-two square feet (32 ft^2) in size.

(8) Flags. The official flags of any governmental entity are allowed so long as the flag pole is no greater than thirty-five feet (35') in height if mounted on the ground, or twelve feet (12') in height if mounted on top of a building, and the flag does not exceed one hundred square feet (100 ft^2) in size.

(9) Unlit Political Signs. Political signs that are not lighted are allowed provided they do not exceed eight feet (8') in height or thirty-two square feet (32 ft^2) in area.

(10) Signs facing the interior of athletic stadiums or fields or facing the exterior of athletic stadiums or fields operated by nonprofit organizations or governmental entities.

Section 5.1.1.1 General Definitions

(a) **General Definitions.** The following definitions are intended to provide descriptions for words and terms used within this UDC. Absent any conflict, words and terms used in this UDC shall have the meanings ascribed thereto in this Chapter 5. When words and terms are defined herein, and are also defined in other ordinance(s) of the City, shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Chapter 5 shall control. For any definition not listed in this Chapter 5 of this UDC, the definition found within the latest edition of Webster's Dictionary shall be used.

...

ANIMAL HOSPITAL: An institution where the sick or injured animals are given medical or surgical care.

...

ANNUAL BEDS: Any landscape where the majority of plants are intended to be replaced yearly or more frequently.

...

AUTOMATIC IRRIGATION CONTROLLER: A timer capable of operating solenoid valves to set days and lengths of time for proper application of water, in each irrigation zone.

...

BEST MANAGEMENT PRACTICES (BMP'S): Irrigation, lawn, and landscape practices designed to reduce negative impacts on the environment and to promote water conservation.

...

CAFÉ OR CAFETERIA: ~~A commercial eating establishment where~~ An informal restaurant, not exceeding fifty (50) seats, outdoor and indoor, offering a range of food, snacks ~~or~~ meals, coffee, and/or other beverages ~~are vended for consumption primarily on the premises~~. This definition is intended to exclude establishments with delivery offered to automobiles away from the main building. This definition does not prohibit take-out or drive-through windows.

...

DROUGHT TOLERANT PLANTS: Plants that, once established, survive on natural rainfall with occasional irrigation during dry periods.

...

EMITTER: A device that applies irrigation water. This term is primarily used to refer to the low flow rate devices used in micro-irrigation systems.

...

GREEN SPACE: The entire parcel less the building footprint, driveways, vehicular use areas, hardscapes such as decks, swimming pools, decorative fountains, patios, and other non-porous areas. Stormwater management systems, and wetland conservation areas, lakes, rivers and creeks are excluded in the calculation of green space area.

...

IRRIGATION SYSTEM: Permanent watering systems designed to transport and distribute water to plants as a supplement to natural rainfall.

...

IRRIGATION ZONE: A control valve circuit containing emitters and/or sprinklers with consistent application rates.

...

ISO: Insurance Services Office, An independent statistical, rating and advisory organization that serves the property/casualty insurance industry. ISO collects information on a community's building-code adoption and enforcement services, analyzes the data, and then assigns a Building Code Effectiveness Classification (BCEGS) from 1- 10.

...

KEY BOX: A secure, tamperproof device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

...

LANDSCAPE PLANT ZONE: A grouping of plants with similar water and cultural needs.

...

MICRO-IRRIGATION: An irrigation system with a maximum flow rate per emitter of 30 gallons per hour. Not appropriate for turfgrass applications.

...

MULCH: Any material applied to the soil surface to retain soil moisture control erosion, inhibit weeds, and/or regulate soil temperatures.

...

NATURAL PLANTS: Plants that once established can survive on natural rainfall without irrigation.

...

OASIS PLANTS: Plants requiring frequent irrigation.

...

OVERSPRAY: Water that is delivered beyond the landscape area and wets pavement, walks, structures, or other non-landscaped areas.

...

RAIN SENSOR DEVICE: A calibrated device that is designed to measure rainfall and override the irrigation cycle of the irrigation system when a pre-determined amount of rainfall has occurred.

...

RUNOFF: Water that flows from the area where it fell because it is not absorbed soon enough by the soil.

...

TURF AND/OR TURFGRASS: Continuous plant coverage consisting of grass species appropriately suited to the site where it was planted.

...

WATER FEATURES: Features of a site that holds water temporarily or permanently. These may include either natural features (lakes, wetlands, rivers, creeks, etc.) or artificial features (retention and detention ponds, fountains, ditches, and canals).

...

XERISCAPE: Quality landscape that conserves water, protects the environment, and is drought tolerant and adaptable to local conditions. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: April 5, 2010	**ITEM NO.:**
DATE SUBMITTED: March 25, 2010	**DEPT. OF ORIGIN: Planning**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Mike Hodge	**REVIEW DATE: March 29, 2010**

SUBJECT: Recommended amendments to the Unified Development Code (UDC) – T-12.

EXHIBITS: Proposed UDC amendments - T-12

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED:** N/A
AMOUNT AVAILABLE: N/A **PROJECT NO.:** N/A
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
☐ **Finance** ☐ **Legal** ☒ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

As part of the periodic review and update of the Unified Development Code, staff is proposing amendments as attached.

The amendments are listed in two sections. The first section lists clarifications and corrections. The second section lists proposed changes to the platting requirements. These changes would provide clarification and facilitate platting.

Amendments proposing changes to landscaping requirements to address city's green policy have been discussed already and will be included in the final set of amendments presented at the joint public hearing tentatively scheduled for May 17, 2010.

RECOMMENED ACTION

Discuss the proposed amendments.

DRAFT

PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE
T-12
MARCH 2010

The amendments are listed in two sections. The first section lists clarifications and corrections. The second section lists changes to the platting requirements, and changes that provide clarification and facilitate platting.

Additions are shown in red, underlined italics. Deletions are shown in red, strike-through font.

SECTION 1
CLARIFICATIONS AND CORRECTIONS

Section 2.2.2.11 Documentation of PD Districts

Explanation: Clarify this section to reflect current documentation procedures..

Proposed Change:

> ***Section 2.2.2.11 Documentation of PD Districts***
>
> *(a)* ***Planned Development Ordinances Approved Prior to the Adoption of the UDC.*** *Prior to adoption of this UDC, the City Council previously established certain Planned Development districts (which may be referred to as Planned Unit Development (PUD) districts), which may be continued in full force and effect. The PUD ordinances or parts thereof approved prior to this UDC~~, specified in Appendix A~~, that are carried forth in full force and effect shall be shown on the Zoning Map as of the effective date of this UDC. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained in the Planning Department Office. ~~Each prior PUD ordinance is hereby assigned a unique identification number with a PD prefix (e.g., PD-1, PD-2, PD-3, and so on) as shown in Appendix A, and subsequent PD ordinances adopted after the effective date of this UDC shall be sequentially numbered for identification purposes.~~*
>
> *(b)* ***Planned Development Ordinances Approved After Adoption of the UDC.*** *All Planned Development zoning districts approved after adoption of this UDC, as may be amended, ~~shall be prefixed by a "PD" designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and~~ shall also be referenced on the Zoning Map. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained ~~as part of this UDC in Appendix A.~~ in the Planning Department Office.*

Section 2.4.5.1 Corridor Overlay District

Explanation: Clarify that articulation needs to be distributed across the façade and not cumulative.

Proposed Change:

(d) Building Facade Standards.

(1) b. Building articulation shall be provided as specified in the following:

1. All nonresidential structures fifty thousand (50,000) square feet in size or greater, except Public Education Facilities, shall incorporate architectural variation of at least three feet (3') in depth for every twenty five feet (25') (not cumulatively) in vertical or horizontal length).
2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') (not cumulatively).in vertical or horizontal length.

Section 2.5.5.6 Telecommunication Towers and Co-location

Explanation: The language regarding requirements of a conditional use permit (CUP) is not clear and needs to be revised. Added clarification that when there is a non-conforming facility without an approved CUP, a CUP would be required prior to the issuance of the building permit. Also, removed the requirement stating that a building permit was not needed, to ensure that the structures met the safety requirements of the building code. While city, state, federal facilities are exempt from zoning, they would be required to obtain a building permit.

Proposed Change:

Section 2.5.5.6 Shared Use

(a) ***No Permit Required.*** *To encourage shared use of towers, ~~no building permit or conditional use permit is required for~~ a conditional use permit will not be required if there is a current approved conditional use permit for the original tower and site. The addition of antennas to an existing tower will be permitted so long as the height of the tower or structure on which the antenna is placed is not increased and the requirements of this article are met.*

(b) ***Tower Owner Responsibilities.*** *Any conditional use permit which is granted for a new tower is specifically subject to the condition that the tower owner abide by the following provisions relating to shared use, regardless of whether or not the ordinance granting the permit contains the conditions:*

(1) The tower owner must respond in a timely, comprehensive manner to a request
for information from a potential shared use applicant;
(2) The tower owner must negotiate in good faith for shared use by third parties;

And
(3) The tower owner must allow shared use where the third party seeking the use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to make modifications of the tower and transmitters to accommodate the shared use, and to observe whatever technical requirements are necessary to allow shared use without creating interference.

(c) ***Compliance Required.*** *The willful failure of an owner whose tower was approved under this article to comply with the requirements of this section is grounds for withholding approval of any application by the owner for a building permit for the approved tower, for revoking the conditional use permit granted for the tower, and for refusing to approve a new conditional use permit for any new tower or antenna.*

Section 2.5.5.7 Abandoned Towers

(a) ***Not Operated for a Specific Period.*** *Any antenna or tower that is not operated for any continuous period of 12 months is deemed abandoned, whether or not the owner or operator intends to make use of the tower. The owner of an abandoned antenna or tower and the owner of the property where tower is located must remove the tower or antenna. If the antenna or tower is not removed within 60 days of receipt of notice from the City ordering the removal, the City may remove tower or antenna and place a lien upon the property for the costs of the removal.*

(b) ***Use After Abandonment.*** *If the owner of an abandoned tower or antenna wishes to use the abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this article as if the tower or antenna were a new tower or antenna.*

Section 2.5.5.8 Pre-Existing Towers & Non-Conforming Uses.

(a) ***Operative Towers.*** *All communications towers that are operative prior to the effective date of this UDC and that do not comply wholly with the requirements of this division are allowed to continue their present usage as a nonconforming use and are treated as a non-conforming use in accordance with Chapter 2, Article 7 of this UDC. Routine maintenance is permitted on the existing towers. Construction other than routine maintenance on an existing communication tower must comply with the requirements of this UDC.*

Section 2.5.5.9 Public Property

(a) ***Exempt.*** *Antennas or towers located on property owned, leased or otherwise controlled by a City, State, or Federal entity will not be required to apply for a conditional use permit. All other requirements of the current Unified Development Code shall be met. ~~are exempt from the requirements of this article.~~*

Section 3.1.5.1(b) Applicability

Explanation: There are other avenues of platting besides those currently listed.

Proposed Change:

> *A Final Subdivision Plat application under this division shall be required for any land division except those that may be approved through the Minor Subdivision Plat procedure of Division 6, Replat procedures of Division 7, and Development Plat procedures of Division 4 of this article.*

Section 3.1.5.7(c) Submittal of Record Plat Where Improvements Have Not Been Installed

Explanation: Sentence has no subject.

Proposed change:

> *Where public improvements have yet to be completed in connection with an approved Final Subdivision Plat or Final Development Plat, the property owner shall submit in the format and number as set forth in the Engineering Design Criteria Manual, copies of the approved Final Subdivision Plat or Final Development Plat, revised to reflect any changes required by the Planning and Zoning Commission.*

Section 3.1.8.1(d) Notification

Explanation: Sentence needs more clarification.

Proposed change:

> *The City Engineer shall notify the applicant of approval in accordance with Article 2, Division 2 of Chapter 1.*

Section 3.1.8.1(e) Revised Plan Submission

Explanation: Director neither defined nor applicable in this instance. Add working days in writing.

Proposed change:

> *If the conditions of approval require revision(s) to the construction plans, one set shall be marked with objections noted (on the plans themselves and/or in memo format) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and resubmit them for decision. A properly revised set of construction plans shall be submitted to the City Engineer within twenty-one (21) working days of receipt of the notice of decision. The ~~Director~~ City Engineer shall have an additional ~~20~~ twenty (20) working days to approve or deny the revised set of plans.*

Section 3.1.8.1(g) Approval Required

Explanation: Completion of public improvements not necessary for plat recordation with Development Plats.

Proposed change:

> *Construction of public improvements shall be completed in accordance with approved construction plans prior to approval of the Final Subdivision Plat and prior to plat recordation. For Development Plats, construction of public improvements shall be completed and accepted in accordance with approved construction plans prior to ~~plat recordation and~~ issuance of a certificate of occupancy.*

<u>Section 3.1.8.2(c) Installation after Development Plat Approval</u>

Explanation: Completion of public improvements not necessary for plat recordation with Development Plats.

Proposed Change:

> *Upon approval of a site plan in accordance with Chapter 14, Article 1, Division 1 and approval and recordation of any necessary offsite and onsite access and utility easements required to serve the parcels in the Development Plat, including dimensions and location of the easement and clearly assigned responsibility for perpetual maintenance, installation of public improvements may be deferred until after the issuance of building permits and before ~~recordation of Development plat and~~ issuance of Certificates of Occupancies for one or more buildings within the Development Plat. For Development Plats, deferral of the obligation to install public improvements shall be conditioned on execution of a subdivision improvement agreement and provision of security to secure the obligations defined in the agreement, as required in Section 3.1.8.4.*

<u>Section 3.1.8.5(e) Acceptance of Improvements for Land in Extraterritorial Jurisdiction</u>

Explanation: Director neither defined nor applicable in this instance.

Proposed Change:

> *Where the facilities to be constructed under the subdivision improvement agreement are located within the City's extraterritorial jurisdiction, and are to be dedicated to the county in which the land is located, the ~~Director~~ City Engineer shall inform the county that the public improvements have been constructed in accordance with approved construction plans, and are ready for acceptance by the county.*

<u>Section 3.2.1.1(d) Eligibility for Certificate of Occupancy</u>

Explanation: Grammatically incorrect .

Proposed Change:

Notwithstanding the completion of any construction or development activity that is allowed in subsection (b), no certificate of occupancy or any kind shall be issued for any development until all public facilities required to serve the development ~~has~~ have been completed and accepted by the City, and all other applicable requirements of the UDC are met.

Section 3.2.2.2(e) Facilities Impact Studies

Explanation: Director neither defined nor applicable in this instance. City does not have the position of Director of Engineering.

Proposed Change:

The City may require that a property owner prepare a comprehensive traffic impact analysis, drainage study or other public facilities study in order to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The study shall identify at a minimum the adequacy of existing facilities and the nature and extent of any deficiencies, and the capital improvements needed to meet the adopted level of service assuming development at the intensity proposed in the development application. The study shall be subject to approval by the ~~Director of Engineering~~ City Engineer. The City also may require, at the time of approval of a subordinate development application, an update of a public facilities study approved in connection with a priority development application.

Section 3.2.2.6(b)(3) Calculation of Fair Share

Explanation: Incorrect cross-reference.

Proposed Change:

The City shall participate in the costs of perimeter roads in excess of the developer's fair share obligations and where such costs are not borne by another public entity, and in cases where the application of the standards in this Section result in a disproportional burden on the development, as determined in accordance by the City Council in accordance with Chapter 1, Article ~~3~~ 1, Division 4.

Section 3.2.4.2(b) Extension of Lines

Explanation: Director neither defined nor applicable in this instance. City does not have the position of Director of Engineering

Proposed Change:

Extension of water and wastewater lines shall be made along the entire frontage of the subdivision or development plat adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions. If new

subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the ~~Director of Engineering~~ City Engineer may waive the requirement for adjacent utility line construction at the time of final plat approval and prior to construction of the subdivision.

Section 3.2.5.3(b) Future Extension of Lines

Explanation: Director neither defined nor applicable in this instance. City does not have the position of Director of Engineering.

Proposed Change:

Pipe stub-outs shall be located in manholes to facilitate the future extension of wastewater lines. The ~~Director of Engineering~~ City Engineer will determine the location and size of the stub-outs.

Section:3.2.6.4(l)(1) Maximum Length of a Cul-De-Sac Street

Explanation: Grammatical errors and incorrect terminology

Proposed Change:

Exception: Dead-end streets with a turn-around may be extended to a maximum length of one thousand two hundred feet (1,200') ~~is~~ *if* platted and constructed with a minimum right-of-way of sixty feet (60') and a pavement width of thirty-six feet (36'), (measured from back-of-curb to back-of-curb), or if an acceptable all-weather emergency access street fitted with ~~911 locks~~ a key box is ~~proved~~ provided at the end of the cul-de-sac turnaround. All roadway and property line diameters referenced above shall apply.

Section 3.2.6.4(n)(2) Dead-End Streets

Explanation: Incorrect cross reference

Proposed Change:

A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac, as provided in Subsection ~~(k)~~ *(l)* above.

Section 3.2.10.1(b)(8)(a) Parkland Conveyance

Explanation: The term "lot" is presently only used for parcels of land eligible for a building permit. City parkland should be platted as reserve areas.

Proposed Change:

Land proposed for dedication as public parkland or open space shall be designated on the final plat and shown as "Parkland dedicated to the City of Pearland." The acreage of

the land included in the dedication shall also be shown on the plat. All land designated as parkland shall be included in a separate ~~lot, or multiple lots~~ *reserve area, or multiple reserve areas*, that are shown on the plat.

Section 3.2.10.1(b)(8)(b) Parkland Conveyance

Explanation: Change to correct terminology to be consistent with remaining portion of paragraph.

Proposed Change:

Park and recreation facilities in the City shall be dedicated to the City. Park and recreation facilities in the City's ~~police jurisdiction~~ *ETJ* shall be dedicated to the City. If the City does not wish to accept the dedication of public parkland in its ETJ, it shall be dedicated to the county, municipal utility district, or a homeowners' association (as defined), subject to acceptance by such entity.

Section 3.2.10.1(b)(8)(c) Parkland Conveyance

Explanation: Grammatical error and incorrect cross reference. The term "lot" is presently only used for parcels of land eligible for a building permit. City parkland should be platted as reserve areas.

Proposed Change:

The subdivider shall be obligated to *provide* survey corner markers at the corners of all parkland ~~lots~~ *reserve areas* in accordance with the standards set forth in this Article, Division ~~11~~ *14*.

Section 3.2.10.1(b)(8)(d) Parkland Conveyance

Explanation: Delete this paragraph. Deputy City Attorney has ruled this paragraph unnecessary.

Proposed Change:

~~Prior to the City's acceptance of the subdivision improvements, the subdivider shall deliver a warranty deed to the City conveying fee simple title of all parkland shown on the final plat.~~

Section 3.2.10.1(b)(9)(b and c) Method of Park Dedication

Explanation: Section 3.2.10.1(b)(2) requires one acre for fifty lots. Therefore, breakpoint in this section should be 50 lots, not 100 lots.

Proposed Change:

~~100~~50 *to 499 Dwelling Units* – For any subdivision subject to this division of the UDC that establishes ~~one hundred (100)~~ *fifty (50)*to four hundred and ninety-nine (499), the City Council, in consultation with the Park Director, shall have the sole discretion to accept either a dedication of land on the Final Subdivision Plat at the above rate, or to require payment of cash in lieu thereof in the amount provided by Subsection (b)(6) above.

c. *Fewer than ~~100~~ 50 Dwelling Units* – The City declares that development of a park less than one (1) acre in size is impractical and creates unreasonable and unnecessary maintenance and operating expenditures. Therefore, if the proposed subdivision contains less than ~~one hundred (100)~~ *fifty (50)*dwelling units, the subdivider shall be required to pay cash in lieu thereof in the amount provided by Subsection (b)(6) above. No plat showing a dedication of less than one (1) acre shall be approved unless the dedicated property may reasonably be developed in conjunction with adjacent park property.

Section 3.2.10.1(b)(10) Excess Open Space

Explanation: Paragraph needs clarification

Proposed Change:

A subdivider may satisfy up to ten percent (10%) of the park dedication requirement *on an acre for acre basis* by exceeding the open space requirement for the subdivision by at least thirty percent (30%).

Section 3.2.10.1(b)(11)(c) Improvements to Existing Park Sites

Explanation: City would have no reason to reject necessary improvements. Correct grammatical error.

Proposed Change:

Improvements proposed in the Site Plan may fall into any of the following park improvement categories. A subdivider may satisfy up to ten percent (10%) of the park dedication requirement for each category of improvements that are constructed, up to a maximum of fifty percent (50%). Any improvements proposed by the subdivider, but not included in this list, and/or any improvements which are deemed ~~necessary~~ *unnecessary* at the site, may be rejected by the City. In addition, the City's Parks Director may approve the provision of any improvement not shown on this list ~~in~~ *if* such improvement is in compliance with the findings and recommendations of the Parks Plan.

Section 3.2.10.1.(b)(12)(b) Right to Refund

Explanation: Correct spelling error.

Proposed Change:

The City shall account for all sums paid in lieu of parkland dedication under this division with reference to the individual plats involved. Any ~~fins~~ *funds* paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition and/or development of City parks. Such funds shall be considered to be spent on a "first in, first out" basis. If not so expended, the subdivider or the owner of the subdivision on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage or area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be forfeited.

Section 3.2.11.1(e) Completion of Construction

Explanation: Clarify conditions for construction of sidewalks. For new construction and expansions, sidewalks need to be completed prior to Certificate of Occupancy and not before issuance of a building permit.

Proposed Change:

Construction of required sidewalks shall be complete prior to the issuance of a Certificate of Occupancy when a new building~~, *or*~~ development ~~is occurring~~, *or*~~. In the case of~~ building expansion greater than 500 square feet *occurs.*~~, sidewalk construction shall be complete prior to issuance of building permit for said expansion.~~

Section 3.2.14.3 Monuments

Explanation: Some lots may not be wide enough to justify four monuments.

Proposed Change:

Section 3.2.14.3(a) Placement

~~*Four monuments*~~ *Monuments shall be set along the right-of-way boundary and two monuments shall be visible from each other. Permanent lot markers shall be placed at each lot corner. Monuments and lot markers shall be set immediately after completion of utility installations and street construction or as the City Engineer may require.*

Section 3.2.14.3(b) Requirements for Monuments and Lot Markers

~~*Four (4) monuments*~~ *Monuments should be set on subdivision corners along the right-of-way. A monument shall be made of an iron stake one-half inch (1/2") in diameter and twenty-four inches (24") long. For lot markers, stakes shall be twenty-four inches (24") long and set with cap and stamp. Longer stakes should be used in softer soils.*

Section 4.1.3.2 Improvements & Related Triggers

Explanation: Reference to wrong section.

Proposed Change:

Section 4.1.3.2 (5))

a. Screening /Fencing: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article ~~3~~ 2, Division 4.

Section 4.2.4.1 Screening

Explanation: Screening is not required for non-residential uses along streets, even if the other side of the street has a residential use.

Proposed Change:

Section 4.2.4.1 (a)

(a) Nonresidential and Multi-Family Screening Required (New Construction).

(1) Requirement Criteria. This section shall apply to the following:

b. Any nonresidential use that ~~is separated by only a street or~~ has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.

c. Any multiple-family use that ~~is separated by only a street or~~ has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.

Section 4.2.4.3 (a) Fencing

Explanation: Need to clarify that decorative fences are permitted in front yards. Confusing as it is written currently. Cross reference Corridor Overlay District requirements and clarify the need for a permit.

Proposed Change:

(a) ***Fences in Residential Areas/Districts, Except Multiple-Family.***

(1) Materials Permitted - Fences may be constructed of wood, decorative metal, chain link or woven wire mesh, and other materials traditionally used in private fence construction. New and innovative materials such as plastics, PVCs, metal panel or metal slat, "honeycomb", cementatious fiber board (e.g., "WoodCrete"), and other similar materials may be approved for use by the City's Building Official if the material is proven to be sturdy, durable and relatively maintenance-free.

(2) Fences Permitted in Front Yard(s) Adjacent to a Public Street

a. Except as provided by Subsection b. (Decorative Fences) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot which is adjacent to a public street. No

residential fence shall be closer than 15 feet to a public street; however, in cases where the side or rear building line of the yards on continuous corner lots adjoin (i.e., the side yard lot is not a key corner lot), the fence may be constructed out to the property line of the side yard, such that the street side yard may be included as part of the lot's rear yard area. (See Figure 4-5.)

b. Decorative Fences - Decorative fences with openings not less than 50% of the fence area and not exceeding four (4) feet in height are permitted in front yards. Chain link, woven wire mesh metal panel, or similar materials are not considered decorative fencing, and are therefore not allowed in front yards.

(3) Perimeter Fencing: Above-ground electrical fencing (does not include underground "virtual fencing", which is allowed), wire mesh (such as hog wire, chicken wire) and barbed wire are prohibited as perimeter fencing except on parcels or lots of two acres or greater in size in the Suburban Development (SD) zoning district and Residential Estate (RE) zoning district.

(4) Fences within Public Easements: Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement.

(5) Fences within Drainage Easements: Fences within a drainage easement should be constructed in a manner to not restrict the flow of drainage water.

(6) Fences in Side/Rear Yards: Fences located in side or rear yards shall not exceed eight (8) feet in height.

(7) Fences in COD: For fences located within the Corridor Overlay District (COD), please refer to section 2.4.5.1 (i).

(8) A permit must be obtained to construct any type of fence.

Section 4.2.5.2 On-Premise Attached Signs

Explanation: Should be clarified to say that for multi-tenant structures, each leases space is considered separately when applying the 20% of allowable signage. In other words, one tenant of a multi-tenant structure wouldn't use up 20% of the total facade area for the entire building and prevent other tenants from having their own signs. This is the practice that is followed currently.

Proposed Change:

*(a) **Standards.** Permanent on-premises attached signs are subject to the following standards:*

(1) Extension: Attached signs shall not extend vertically more than four feet (4') above the highest point of the roofline adjacent to the facade. Attached signs shall not extend into a required building setback area.

(2) *Zoning Districts Allowed:* *Attached signs are permitted for all façades in the following zoning districts: the Multiple-Family (MF) district, all mixed use districts (SPD, C-MU, G/O-MU, and OT), and all nonresidential districts.*

(3) *Area:* *The area of attached signs is limited according to the land use of the premises as follows:*

a. *Multiple-family residential uses, residential condominiums and group quarters may have identification signs having a total aggregate area of up to five percent (5%) of the area of the facade on which they are located;*

b. *Office/professional and institutional uses may have signs with a total aggregate area of up to ten percent (10%) of the area of the building facade or lease space facade of a multi tenant building on which they are located;*

c. *All other nonresidential uses may have signs, including window signs, with a total aggregate area as follows:*

1. *up to twenty percent (20%) of the area of the building facade or lease space facade of a multi tenant building on which they are located if the façade faces a street;*
2. *up to ten percent (10%) of the area of other facades if the building houses one business;*
3. *up to fifteen percent (15%) of the area of other facades if the building houses more than one business; and*

d. *Premises containing two or more uses having different standards under this section shall have the allowable area determined by the use allowing the greater area.*

Section 4.2.5.5 (c) (1) (a) Temporary Signs

Explanation: Refers to section 4.2.5.4 (d) which doesn't exist.

Proposed Change:

(a) ***General.*** *Temporary signs are subject to the limitations indicated in this section, as well as the location restrictions in Section 4.2.5.1(f).*

(b) ***Area Limitations.*** *Temporary signs shall not exceed the following area limitations:*

(1) *State Highway 288:* *Ninety-six (96) square feet each for premises within the State Highway 288 corridor.*

(2) *Other Premises:* *Thirty-two (32) square feet each for all other premises.*

(3) *Banner Signs:* *Unless otherwise provided, fifty (50) square feet.*

(c) ***Banner Defined.*** *A banner is hereby defined to be a temporary sign as that term is defined Chapter 5 of this UDC that is designed to be attached or installed with rope, wire, or other temporary means so as to allow ease of installation and removal.*

(1) *Use or Display of Banners:* *Except for temporary signs that do not require permits (refer to Section 4.1.2.6(c)), the use or display of banners is hereby prohibited unless a permit for such use is obtained from the Planning Director*

or his designee. A banner permit may be issued only in the following circumstances:

a. *Any premise or nonresidential occupancy requesting a temporary sign larger than thirty-two (32) square feet may display one (1) banner sign per street frontage ~~(also see Subsection 4.2.5.4(d) for total number allowed)~~ announcing a grand opening of a new business. Display of such sign is limited to a maximum of thirty (30) days per opening. The privilege to begin display of such sign expires three (3) months after the issuance of a certificate of occupancy. Use of grand opening signs only applies to new ownership or occupancy (i.e., use). At least one-half (½) of all readable copy on the banner must state "Grand Opening" or "Now Open."*

Chapter 5: Definitions

Explanation: Add undefined terms found in the Unified Development Code Section 3.2.4.4(a) and Section 3.2.6.4(l)(1) and renumber remaining definitions.

Proposed Change:

***(227) ISO**: Insurance Services Office, An independent statistical, rating and advisory organization that serves the property/casualty insurance industry. ISO collects information on a community's building-code adoption and enforcement services, analyzes the data, and then assigns a Building Code Effectiveness Classification (BCEGS) from 1- 10.*

***(228) KEY BOX:** A secure, tamperproof device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.*

SECTION 2
PLATTING CHANGES

This second section lists changes in the platting requirements that would address situations that have been omitted from the UDC and changes that would facilitate platting.

Section 3.2.6.4(e) Subdivisions Abutting or Containing Thoroughfares

Explanation: Clarify situations where residential lots will be allowed to access major collector and thoroughfare streets. Address existing lots, specify minimum acreage and lot width, and allow smaller lots to be platted with a shared access.

Proposed Change:

Section 3.2.6.4(e) *Residential* Subdivisions Abutting or Containing *Streets Classified as Major Collectors or Major or Minor* Thoroughfares

~~*Where a subdivision abuts or contains an existing or proposed thoroughfare, the Planning and Zoning Commission may require marginal access streets, shared driveway access on commercial lots, reverse or double-lot frontage (lots which back onto the thoroughfare), deep lots with rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Direct access to a thoroughfare from a residential lot shall be prohibited unless the lot is in an existing subdivision and has no frontage or other means of access to another road.*~~

Where a residential subdivision abuts or contains an existing or proposed street which is or shall be classified as a major collector or major or minor thoroughfare, the Planning and Zoning Commission may require treatment which shall provide adequate protection of the residential properties and which shall create separation of through traffic from that of local traffic. These treatments may include marginal access streets, shared access driveways, reverse lots, double-lot frontage (lots which back on the major collector or thoroughfare), or deep lots with rear service alleys. Where direct access to a street classified as a major collector or major or minor thoroughfare is permitted, the lot shall be more than one acre in area, shall have a shared access drive with the adjoining lot(s) if the lot shall have less than four hundred feet (400') of frontage, and shall require the approval of the City Engineer. Exceptions will be made for lots which existed in their present configuration prior to February 27, 2006.

Section:3.2.6.4(l) Maximum Length of a Cul-De-Sac Street

Explanation: Establish minimum length for cul-de-sac streets and give City Engineer latitude in determining how turnaround requirements at ends of cul-de-sacs are met.

Proposed Change:

3.2.6.4(l) **Maximum and Minimum Length of a Cul-De-Sac Street.** ~~A cul-de-sac street shall not be longer than six hundred feet (600'), and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The length of a cul-de-sac shall be measured from the centerline of the intersecting through street to the centerline of the cul-de-sac bulb. In nonresidential areas, the turnaround shall have a minimum right-of-way diameter of one hundred feet (100') and a paving surface with a minimum width of ninety feet (90').~~
A cul-de-sac, or approved turn around, shall not be required for streets less than one hundred feet (150') in length and with no more than four (4) lots with frontage on each side of that street upon determination by the City that there will be no adverse impact on circulation of traffic and public safety. Cul-de-sac streets shall not exceed six hundred feet (600') in length. The closed end of a residential cul-de-sac street shall have a cul-de-sac bulb with an outside pavement diameter of at least eight feet (80') and a right-of-way diameter of at least one hundred feet (100'). The closed end of a non-residential cul-de-sac streets shall have a cul-de-sac bulb with an outside pavement diameter of a least ninety feet (90') and a right-of-way diameter of one hundred feet (100'). The length of the cul-de-sac shall be measured from the centerline of the street intersection to the centerline of the cul-de-sac bulb. Alternatives to cul-de-sac bulb may be accepted by the City Engineer when a hardship exists.

Section 3.2.6.4(k) Maximum Length of a Block or Street Segment

Explanation: Clarify situations where this section applies. Sometimes these requirements cannot be imposed upon existing situations requiring platting. Commercial developments may require block lengths greater than 1,200 feet. Include provisions of deleted paragraph 3.2.14.1(c) on block lengths.

Proposed Change:

> The maximum length of any *proposed* block or street segment (including a looped street) shall be twelve hundred feet (1,200'), except sixteen hundred feet (1,600') shall be permitted along major thoroughfares, and the minimum length of any *proposed* block or street segment shall be six hundred feet (600'), as measured along the street centerline and between the point(s) of intersection with other through streets (i.e., not dead-end streets or cul-de-sacs). *Where no existing subdivision or topographical constraints control, the blocks shall not be less than 600 feet in length. However, in cases where physical barriers, nature of development, or property ownership creates conditions where it is appropriate that these standards be varied The length may be increased or decreased through issuance of a variance with plat approval by the Planning and Zoning Commission to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.*

Section 3.2.6.4(n)(5) Dead-End Streets

Explanation: Add provision for minimum length streets and cross reference earlier sections for clarity.

Proposed Change:

> *(5) Permanent streets one hundred and fifty feet (150') or less in length (measured from centerline of intersecting through street to end of paving) may be platted as dead-end streets if no more than four (4) lots on each side adjoin the proposed dead-end street. Streets providing access to more than four lots on each side or more than one hundred and fifty feet (150') in length must have an approved turnaround as per Section 3.2.6.4(l) above.*

Section 3.2.14.1(c) Block Lengths

Explanation: Eliminate this section because it duplicates Section 3.2.6.4(k). Add last sentence of this paragraph to Section 3.2.6.4(k).

Proposed Change:

> ~~3.2.14.1(c) **Block Lengths** Where no existing subdivision or topographical constraints control, the block lengths shall not exceed 1,600 feet in length along major thoroughfares and 1,200 feet along other streets. Where no existing subdivision or~~

~~topographical constraints control, the blocks shall not be less than 600 feet in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through issuance of a variance with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.~~

Section 3.2.14.2(e) Double Frontage Lots

Explanation: cross reference to be consistent with a previous section .

Proposed Change:

Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from major thoroughfares, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, are not screened, and/or are provided access directly onto a major thoroughfare, building setback lines shall be established for each street side, and rear yard screening shall be provided in accordance with Chapter 4, Article 2, Division 4. Residential lots shall not back onto any residential street or collector street within a residential area or neighborhood, provide direct access onto a *major collector or major or minor* thoroughfare *except as allowed by Par. 3.2.6.4(e)*, or have more than one-half of its perimeter boundaries along streets.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: March 1, 2010	**ITEM NO.:**
DATE SUBMITTED: February 18, 2010	**DEPT. OF ORIGIN: Planning**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Mike Hodge	**REVIEW DATE: February 22, 2010**

SUBJECT: Recommended changes to the landscaping and irrigation requirements of Unified Development Code – Council Goal #7 – Green Policy.

EXHIBITS: Proposed Amendments to UDC – Water Efficient Irrigation and Landscape Standards for Water Conservation; Draft of proposed text changes to the Unified Development Code.

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED:** N/A
AMOUNT AVAILABLE: N/A **PROJECT NO.:** N/A
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
☐ **Finance** ☐ **Legal** ☒ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

One of the Council priorities for 2009-2010 included adoption/implementation of policies for a sustainable community.

The focus group identified recommended changes to the existing landscaping and irrigation requirements of the Unified Development Code (UDC). These changes have been described in the attached document titled “Proposed Amendments to UDC – Water Efficient Irrigation and Landscape Standards for Water Conservation”. Also attached is a draft of the proposed text changes to the UDC.

The amendments address the following:

1. Modified the Replacement Tree to add native species. This includes trees that area considered appropriate for replacement of existing trees and to meet the landscaping requirement for new development.

2. Added a list of native shrubs, vines, and ground covers to meet the landscaping requirements.
3. Added a list of plants to meet xeriscape requirements.
4. Added Irrigation Design Criteria
5. Added definitions

RECOMMENED ACTION

Discuss the proposed amendments.

DRAFT

PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Additions are shown in red, underlined italics. Deletions are shown in red, strike-through font.

CHAPTER 4:
SITE DEVELOPMENT

Division 2 – Landscaping

Section 4.2.2.1 Purpose

(a) **Orderly, Safe and Healthful Development.** For the purpose of providing for the orderly, safe and healthful development of land located within the City limits and promoting the health, safety and general welfare of the community, it is necessary to establish requirements for the installation and maintenance of landscaping elements and other site improvements in off-street parking areas and other developed properties.

(b) **Mitigation of Adverse Effects.** Paved surfaces, automobiles, buildings and other improvements all produce great increases in air temperatures, a problem especially noticeable in this coastal region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from erosion and flooding.

(c) **Natural Environment and Ecological Balance.** Preserving and improving the natural environment and maintaining a working ecological balance are significant concerns to the community. The fact that landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements benefits the health, welfare and general well being of the community and, therefore, it is proper that the use of the landscape elements be required.

(d) **Oxygen, Heat, Glare, Water Runoff.** Landscape installation is required within off-street paved surface areas to regenerate oxygen and to reduce heat, glare, water runoff and other conditions connected with the construction of structures or paved areas within the parcel.

Section 4.2.2.2 Enforcement

(a) **Responsible Official and Responsibilities.** The Planning Director shall be the responsible official for this division. The Director is charged with administering this division and securing compliance with this division. In furtherance of this responsibility, the Director shall:

(1) Make inspections as needed to effectuate the purposes and intent of this division, and initiate appropriate action to bring about compliance with this division if the inspections disclose any instance of noncompliance.

(2) Investigate any complaints of alleged violations of this division, and maintain a record in the planning department office of the disposition of the complaints.

(3) Issue notices of violation, and order, as set out in this section, the correction of all violations of this division found to exist on any premises.

(4) State in the notice of violation a time limit for compliance with this division as set out in subsection (c) of this section.

(5) Refuse to issue an occupancy certificate where the requirements of this division have not been met. A temporary occupancy certificate may be issued where provisions have been made for landscaping installation at the most advantageous time for planting, not to exceed 6 months from the date of issuance.

(6) Request the assistance of the City Attorney in taking appropriate legal action upon the failure of the responsible party to comply with the notice of violation at the time specified therein.

(b) **Authorization.** The Director is authorized and directed to lawfully enter all premises at reasonable times to perform inspections to determine compliance with the provisions of this division.

(c) **Action after Determination of Violation.** When the Director determines that a violation of this division exists, the responsible official shall take action as follows:

(1) Give written notice of the violation to the management, agent or owner shown on the most recent tax roll of the City.

(2) The notice shall include:

a. A description of the location of the property involved, either by address or by legal description;

b. A statement indicating the nature of the violation and the reason why the notice of violation is being issued;

c. The section of this division upon which the notice of violation is based;

d. A description of the actions that are required to correct the violation;

e. A time limit for correction of the violation, which will not be less than ten days nor more than 90 days from the date of the written notice;

f. The name of the person to whom the notice of violation is directed;

g. A statement that failure to comply with the requirements of the notice will result in the City taking enforcement procedures in order to secure compliance; and

h. A description of the procedures available for review of the action of the Director as set out in this division.

(d) **Notice.**

(1) Notices of violation shall be personally delivered, or sent by certified mail, return receipt requested, and (if possible) by posting a copy of the notice in a conspicuous place on the premises.

(2) The Director shall maintain a record of the manner of service of the notice.

(3) If the order is not complied with within the time specified in the order, the Director shall use all available means of enforcement in order to secure compliance.

(4) When any notice has been issued and the notice becomes an order within the terms of this division, the responsible official shall cause to be placed in a conspicuous place on the premises a notice which shall read substantially as follows:

These premises are in violation of the requirements of the City of Pearland landscaping requirements (Chapter 4 of the Pearland Unified Development Code). This notice is to remain as placed here until the requirements of the ordinance have been complied with. It is unlawful to remove this notice until the requirements have been complied with.

Section 4.2.2.3 Applicability to New and Existing Developed Areas

(a) **New Development or New Structures.**

(1) The requirements and standards for the installation and maintenance of landscape elements and site improvements as set forth in this division shall apply to all multiple-family and nonresidential developed areas within the City limits. All other new multiple-family and nonresidential development and construction of new structures shall comply with this division.

(2) If other divisions of this chapter would otherwise permit land coverage by building development that would conflict with this division, this division shall supersede and prevail over the other requirements.

(3) If a principal use and some or all of the parking area, required or otherwise, serving the principal use are located on separate parcels, the landscape installation required in this division shall prevail as to all the property with the result that an equivalent percentage of the area of all parcels utilized by a principal use shall be landscaped in compliance with this division.

(4) If more landscaping is required in any zoning district, overlay zoning district, or PD district, the greater standards shall apply.

(b) **Existing Development Areas; Nonconformance.**

(1) All property with existing development on the effective date of the ordinance from which this division derives which is not in compliance with this division shall be considered nonconforming and allowed to continue until the time a building permit is granted to reconstruct or enlarge an existing structure on the

property to an extent exceeding five hundred (500) square feet of the exterior dimensions of the structure. At that time, this division shall apply to the previous existing parcel areas as well as any new paved areas, and the areas shall be brought into compliance. A plan showing existing and new development and the proposed landscaping shall be submitted in accordance with this division. In order to encourage early landscaping in existing paved areas and the preservation of trees that are already established and growing in these areas an additional credit shall be given in accordance with Division 3 of this Chapter.

(2) No structure existing on the effective date of this Code from which this division derives shall be required to be altered or moved in order to comply with this division except for reconstruction.

(3) Also see Article 1, Division 3 of this Chapter for further requirements related to structural and parking-related expansions.

Ord. No. 2000T-2, Section 4.2.2.3., February 26, 2007.

Section 4.2.2.4 Required Landscape Area Standards for Nonresidential, Multiple-Family, & Single-Family Development

(a) **Meaning of "Landscape Area".** Landscape area shall mean the area (greater than one foot in width) within the boundary of a lot or parcel that is comprised of pervious surface integrated with living plant material, including but not limited to trees, shrubs, flowers, grass, or other living ground cover or native vegetation. For the purposes of meeting the requirements of this division, undeveloped portions of the site cannot be considered landscaped area. Landscaped areas shall be bounded by raised or ribbon curbs.

(a) **Establishment of Minimum Percentages.** A minimum percentage of the total gross lot area of property (excluding any required detention facilities) on which development, construction or reconstruction occurs after the effective date of the ordinance from which this division derives shall be devoted to landscape in accordance with the requirements in *Table 4-4*; provided, however, that these requirements shall not apply to the development, construction or reconstruction of single-family detached residential structures.

Table 4-4
Required Landscaping By Land Use Type

Land Use	*Percent Landscaped Area Required*
Multiple-Family	15
Office and Professional Uses	15
Mixed Use	15
Retail and Commercial	15
Industrial or Manufacturing	10
All Other Nonresidential Uses	10

Note: Percentages are based on the total gross lot area.

(c) **Minimum Requirements.** The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the compatibility of different land uses, and to mitigate negative environmental influences on land uses (e.g. heat, noise, air pollution). Trees listed in Section 4.2.3.9 (e) with a minimum two inch (2") caliper measured twelve inches (12") from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage. Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').

(d) **Screening of Parking Areas.** Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property.

(1) Front yard parking areas and side yard parking areas fronting on a street right of way shall be screened from the right-of-way by a continuous hedge or berm.

(2) The side yard of any lot that contains a parking area abutting a property used or zoned for a nonresidential use shall provide a screen of hedges, berms, or fences so as to provide a screen for a minimum of thirty-five percent (35%) of the length of the parking lot. The required side lot screening may be grouped and dispersed randomly.

(3) Screening between nonresidential and residential lots shall be provided in conformance with Division 4 of this Article.

(4) The minimum number of shrubs shall be equal to the total caliper inches of street trees required under this division multiplied by five (5). Shrubs and berms shall be maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.

(5) A nonresidential development that has a shared parking area with an adjacent nonresidential development shall not be required to screen such shared parking area in relation to the abutting side yard. The alternate side yard, however, shall be screened in accordance with Subsection (d)(2) above.

(6) Each required tree and required landscaping shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').

(e) **Interior of Parking Areas.** Interior landscaping shall be required to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments.

(1) In addition to street trees required under Subsection (c) above, trees in Class I or II of the Guidelines with a minimum two inch (2") caliper shall be provided within or adjacent to the parking area at tree islands that:

A. are at least nine feet (9') wide;

B. each have a square footage at least equal to the total area of one parking space;

C. are located so that no parking space is further away than one hundred feet (100') from a tree island.

(2) Tree islands must be protected from vehicle intrusion by curbs or similar

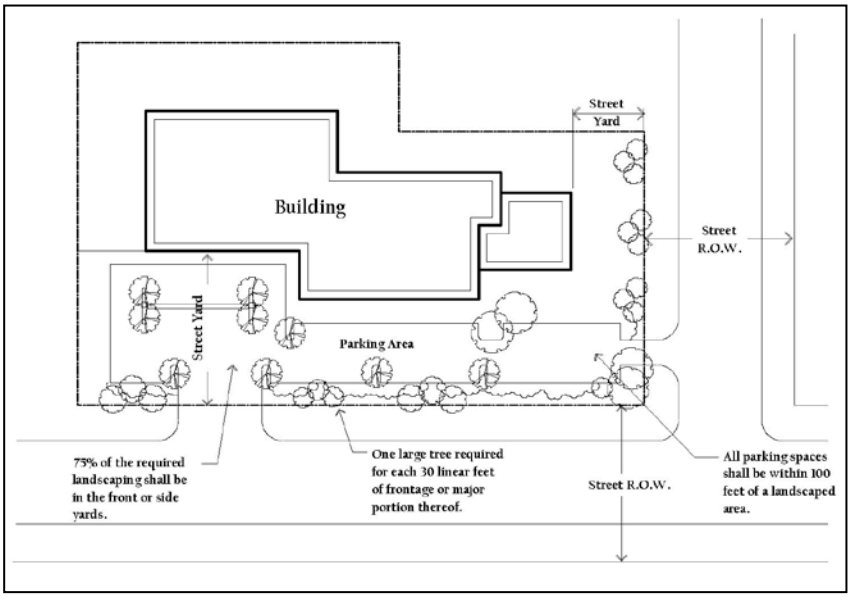


Figure 4-3: Landscaping Requirements

structures. Two feet (2') of the tree island may be counted as part of the required depth of the abutting parking space.

(3) The total caliper inches shall equal one inch (1") for each five (5) parking spaces.

(4) Caliper inches of street and parking lot trees may be provided by planting a combination of trees that exceed the minimum two inch (2") caliper.

(f) **Large Tracts.** On large tracts of land, exceptions to this division may be granted by the Planning Director to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this division is met, and it is located along rights-of-way or in strategic environmentally sensitive areas.

(g) **Landscaping On-Site and Related Location.**

(1) The landscaped area required by Section 4.2.2.4 shall be placed upon that portion of a tract or lot that is being developed.

(2) Seventy-five percent (75%) of the area required by *Table 4-4* shall be installed in between the front or side property lines and the building being constructed. Clustering the remaining required landscaping along property lines abutting a lower intensity land use is encouraged.

(3) Undeveloped portions of a tract or lot shall not be considered landscaped.

(h) **Landscaping Within Parking Areas.**

(1) No parking space shall be located more than one hundred feet (100') from a portion of the required landscaping.

(2) Each landscape island within a parking lot shall contain a minimum square footage equivalent to one parking space of pervious area, shall be at least nine feet (9') wide, and shall allow at least three feet (3') between any trees within the island and the edge of the island.

(i) **Tree Credits.** Tree credits shall be given pursuant to Article 2, Division 3 of this Chapter of the UDC.

(j) **Landscaping Within Single-Family Developments.** The following are minimum landscaping requirements for single-family lots and developments.

(1) Tree By Lot Requirements: Each single-family lot shall have two (2) large shade trees placed thereon with a minimum two-inch (2") caliper, measured at twelve inches (12") above the root ball, and a minimum six feet (6') in height at the time of planting.

(2) Additional Requirements: Each single-family lot shall have at least three (3) out of the following four (4) options:

a. Two (2) ornamental trees a minimum six feet (6') in height at the time of planting;

b. Four (4) evergreen shrubs, equal in size to at least a five-gallon-container-size shrub;

c. Eight (8) small shrubs, equal in size to at least a two-gallon-container-size shrub; and

d. Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by building(s) and/or driveway area(s).

(3) Street Tree Requirements: In addition to the requirements in (1) and (2) above, trees are required along all streets within single-family developments as follows:

a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each forty feet (40') of frontage.

b. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.

c. At the time of planting, a minimum of eight feet (8') shall be provided between a tree trunk and the back of any curb and between a tree trunk and any planned or existing underground public utility lines.

d. At the time of planting, a minimum of twenty feet (20') shall be provided between individual trees.

(k) **Location Exception.** Developments located in M-1 and M-2 zoning districts and Public Educational Facilities shall comply with all requirements herein regarding quantity of landscaping, but are exempt from the requirement of locating landscaping within landscape islands in the interior of parking areas.

(l) **Approved Trees.** Only trees belonging to the species listed in Section *4.2.3.9 (e)* will satisfy the tree planting requirements of this section.

Ord. No. 2000T-2, Section 4.2.2.4., February 26, 2007.

Ord. No. 2000T-8, Section 4.2.2.4., August 25, 2008.

Ord. No. 2000T-11, Section 4.2.2.4., July 27, 2009.

Section 4.2.2.5 General Requirements

(a) **Installation.** All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards.

(b) **Maintenance.** The owner of the building, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered sufficiently to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material needed to meet the requirements of this division. Should a tree die or be removed for which credit has been obtained pursuant to this Unified Development Code, trees sufficient to equal the area credited shall be required. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree is retained; such substitution shall require the approval of the Planning Director.

(c) **Planting Criteria.**

(1) Preservation of existing trees and shrubs shall be given credit towards required landscaping, if approved by the Parks Director.

(2)Trees: Trees planted for credit under Subsection (c) of this section shall be a minimum of two inches in caliper, measured twelve inches above ground level, and six feet in height when measured immediately after planting. Trees shall have an average mature crown greater than 15 feet. Trees having an average mature crown less than 15 feet may be substituted by grouping the trees so as to create at maturity the equivalent of a 15-foot crown if the drip line area is maintained.

(3) Shrubs, Vines and Ground Cover: Shrubs, vines and ground cover planted pursuant to this division should be good, healthy nursery stock. Shrubs must be, at a minimum, a one-gallon container size at the time of planting. *Only shrubs, vines, and ground covers belonging to the species listed in Section 4.2.2.5 (g) will satisfy the requirements of this section.*

(4) Grass: Grass areas are encouraged to be planted in species normally grown as permanent lawns in the City, including St. Augustine, Zoysia, Bermuda or other appropriate grass. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion.

(5) Xeriscape Landscaping: The use of xeriscape landscaping techniques shall require approval from the Parks Director. *Only plants belonging to the species listed in Section 4.2.2.5 (h) will satisfy the requirements of this section.*

(6) Synthetic Lawns or Plants: Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

(7) Soils: New landscaped areas should be prepared so as to achieve a soil depth of at least six inches. The six-inch soil depth should consist of 75% soil blended with 25% compost.

(8) Architectural Planters: The use of architectural planters may be permitted in fulfillment of landscape requirements.

(9) Landscape Irrigation:

a. Except for single-family lots and developments, all required landscaping areas shall be 100% irrigated by one of, or a combination of, the following methods:
   1. An automatic underground irrigation system;
   2. A drip irrigation system;
   3. A hose attachment within 100 feet of all plant material, provided, however, that a hose attachment within 200 feet of all plant material in non-street yards shall be sufficient.

b. All irrigation systems shall be designed and sealed in accordance with the Texas Licensed Irrigators Act and shall be professionally installed.

c. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

(d) Irrigation Design Criteria:

For new non-residential and multi-family developments and newly irrigated landscaped and turf areas the following requirements shall apply. Sports fields, golf courses, cemeteries, storm water management systems, and similar areas as approved by the parks Director, where functional need for turf is demonstrated, are exempt from the turf area limitation and micro irrigation requirements.

1. Irrigation Zone Design

A site plan, at a readable and defined scale, shall be submitted illustrating the proposed irrigation zones, delineating micro-irrigation zones and areas utilizing irrigation techniques other than micro-irrigation. Fifty (50) percent of the on-site green space shall be allowed to utilize irrigation techniques other than micro-irrigation. Turf areas shall be on separate irrigation zones from other landscaping plant zones. The irrigation system should be prepared by a licensed irrigator and designed to accommodate separate landscape plant zones based on differing water requirements.

2. Spacing

Sprinkler spacing shall not exceed 55 percent of the sprinklers' diameter of coverage.

3. Separate Sprays and Rotors

Sprays and rotors shall not be combined on the same control valve circuit.

4. ***Matched Precipitation Rates***
   Sprays and rotors shall have matching application rates within each irrigation zone.
5. ***Overspray/Runoff***
   All irrigation systems shall be designed to avoid overspray/runoff, low head drainage, or other similar conditions where water flows onto or over adjacent property, non-irrigated areas, roadways, walkways, structures, or water features. Narrow areas (four feet wide or less) shall not be irrigated unless micro-irrigation is utilized.
6. ***Control Equipment***
   Irrigation control equipment shall include an automatic irrigation controller having program flexibility such as repeat cycles and multiple program capabilities. Automatic irrigation controller (s) shall have battery back-up to retain the irrigation programs (s). Automatic control systems shall be equipped with an operable rain sensor device.
7. ***Landscape***
   Using the concept of a Xeriscape landscape, a site plan shall be submitted identifying all existing vegetation to be preserved, proposed turf, and other landscape areas. Installed trees and plants should be grouped together into landscape plant zones according to water and cultural (soil, climate and light) requirements. Plant groupings based on water requirements are as follows: natural, drought tolerant, and oasis.
8. ***Turf/Turfgrass***
   A maximum of 50 % of green space may be planted with turfgrass configured with a permanent irrigation system. Turfgrass planted in excess of this limitation shall not have a permanent irrigation system. Micro-irrigation shall not be used on turfgrass.
9. ***Mulch***
   A layer of mulch to a minimum depth of three (3) inches shall be specified on the site plan in plant beds and around individual trees in turf areas. Organic mulches are preferred. The mulch should not be placed directly against the plant stem or tree trunk. Mulch shall not be required in annual beds.
10. ***Maintenance and Management***
    The landscape and irrigation system shall be maintained and managed to ensure water efficiency, and prevent wasteful practices. This should include, but not be limited to, resetting the automatic controller according to the season, flushing the filters, testing the rain sensor device, monitoring, adjusting, and repairing irrigation equipment such that the efficiency of the system is maintained; replenishing mulch, utilizing turf and landscape best management practices.

(d) **Construction Phase.**

(1) No more than 25% of the drip line zone of trees to be preserved shall be paved with concrete, asphalt, or other impervious material. There shall be no

trenching around the border of and no fill shall be placed within the drip line zone of a tree to be preserved.

(2) Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved.

(3) The permanent vegetation shall be installed on the construction site as soon as utilities are in place and final grades are achieved. Final grading and removal of vegetation shall not occur more than 30 days prior to scheduled paving.

(e) **Removal of Diseased or Dangerous Trees and Vegetation.**

(1) Upon direction from the Planning Director, a property owner may be required to treat or remove trees suffering from transmittable diseases or pests or allow the City to do so, charging the actual cost thereof to the property owner.

(2) The Planning Director may require the removal of a tree or part of a tree or any other vegetation that is within or overhanging a public right-of-way or easement if the tree or vegetation:

a. Is diseased or infested and in danger of falling;

b. Is creating a traffic hazard or sight distance hazard for traffic on a public street; or

c. Is interfering with safe and proper maintenance of the right-of-way or easement.

(f) **Landscape Reserve Required.** At a minimum, a landscape reserve of at least ten feet (10'), across which there shall be no right of access, shall be provided along the exterior of the residential lots abutting such a thoroughfare, collector, or nonresidential use or zoning district. The reserve shall be outside any wall or fence separating the lots from the thoroughfare, collector, or nonresidential use or nonresidential zoning district. In this case, "outside" shall mean on the side of the wall or fence that is closest to the thoroughfare, collector, or nonresidential use or nonresidential zoning district.

(g)

Ground Covers

Common Name	*Scientific Name*
Algerian Ivy	*Hedera canariensis*
Asiatic Jasmine	*Trachelospermum asiaticum*
Asparagus fern	*Asparagus densiflorus*
Blue Pacific Juniper	*Juniperus conferta*
Confederate Jasmine	*Trachelospermum jasminoides*
Goats-foot Morning Glory	*Ipomoea pescaprae*
Liriope	*Liriope spicata, L. muscari*
Mondo Grass	*Ophiopogon japonicus*
Purpleleaf Honeysuckle	*Lonicera japonicus*

Stonecrop	Sedum acre
Trailing Lantana	Lantana montevidensis
Virginia Creeper	Parthenocissus quinquefolia
Wedelia	Wedelia trilobata

Vines

Common Name	Scientific Name
Bougainvillea	Bouganvillea spectabilis
Cape Honeysuckle	Tecomaria capensis
Carolina Jessamine	Gelsemium sempervirens
Coral Vine	Antigonon leptopus
Fig Ivy, Creeping Fig	Ficus pumila
Trumpet Vine	Campsis radicans
Virginia Creeper	Parthenocissus quinquefolia

Perennials

Common Name	Scientific Name
Autumn Aster	Aster oblongifolius
Autumn Sage	Salvia greggii
Baby Sun Coreopsis	Coreopsis grandiflora
Blue Plumbago	Plumbago auriculata
Blue Shade	Ruellia sp.
Butterfly Weed	Asclepis tuberosa
Byzantine Gladiolus	Gladiolus byzantinus
Canna	Canna x generalis
Cigar Plant	Cuphea micropetala
Common Thyme	Thymus vulgaris
Daylily	Hemerocallis
Firebush	Hamelia patens
Garden Mum	Chrysanthemum morifolium
Gerbera	Gerbera spp.
Hinkley's Columbine	Aquilegia hinkleyana
Indian Blanket	Gaillardia spp.
Lantana	Lantana spp.
Louisiana Iris	Iris hybrids

Maximilian Sunflower	Helianthus maximiliana
Mealy Cup Sage	Salvia farinacea
Mexican Marigold Mint	Tagetes lucida
Mexican Petunia	Ruellia brittoniana
Milk and Wine Lilies	Crinum hybrids
Montbretia	Crocosmia Pottsii
Narcissus	Narcissus spp.
Obedient Plant	Physostegia virginiana
Oxalis	Oxalis crassipes
Oxblood Lily	Rhodophiala bifida
Peppermint	Mentha piperita
Perennial Ageratum	Eupatorium coelestinum
Perennial Phlox	Phlox paniculata
Purple Coneflower	Echinacea purpurea
Purple Heart	Setcreasea pallida
Rain Lily	Zephyranthes spp.
Red Spider Lily	Lycoris radiata
Rock Rose	Pavonia lasiopetala
Rosemary	Rosmarinus officianalis
Santolina	Santolina sp.
Shasta Daisy	Chrysanthemum maximum
Shrimp Plant	Justicia brandegeana
Southernwood	Artemisia abrotanum
Spring Star Flower	Iphelon uniflorum
Turk's Cap	Malvaviscus arboreus
Verbena	Verbena spp.
Yarrow	Achillea millefolium

Shrubs

Common Name	Scientific Name
Abelia	Abelia grandiflora
Agarita	Berberis trifoliata
American Beautyberry	Callicarpa Americana
Arborvitae	Thuja spp.
Common Myrtle	Myrtus communis
Coral Bean	Erythrina herbacea
Dwarf Wax Myrtle	Myrica pusilla
Eleagnus	Eleagnus pungens
Fatsia	Fatsia japonica

Indian Hawthorn	*Raphiolepis indica*
Japanese Yew	*Podocarpus macrophylia*
Juniper	*Juniperus chinensis cvs.*
Oleander	*Nerium oleander*
Pineapple Guava	*Feijoa sellowiana*
Pittosporum	*Pittosporum tobira*
Rosemary	*Rosmarinus officianalis*
St. John's Wort	*Hypericum spp.*
Texas Sage	*Leucophyllum spp.*
Wax Myrtle	*Myrica cerifera*
Yaupon Holly	*Ilex vomitoria*

h. Xeriscape Plant List

Ornamental Grass/Turf	***Perennials***
Big Blue Stern	*Angel Trumpet*
Blue Grama	*Autumn Joy Sedum*
Buffalograss	*Black eyed Susan*
Deer Lindheimer Muhly	*Blackfoot Daisy*
Little Blue Stern	*Brown Eyed Susan*
Prairie Dropseed	*Chocolate Flower*
Sideoats Grama	*Fournerve Daisy*
Switch Grass Muhly	*Fall Aster*
Indian Grass	*Globemallow*
	Green Eyes
Ground Cover	*Green Headed Coneflower*
Frog Fruit	*Gregg Dalea*
Horseherb	*Gregg's Mistflower*
Pigeonberry	*Lindheimer's Senna*
Snake herb	*Obedient Plant*
Water Clover	*Pink Scullup*
Wooly Stemodia	*Purple Coneflower*
Wood Violet	*Prairie Verbena*
	Rockrose, Brazilian
Shrubs	*Rockrose*
Agarito	*Autumn sage*
American Beauty Berry	*Mealy Blue sage*
Apache plume	*Pitcher sage*
Black Dalea	*Russian Sage*
Aromatic Sumac	*Scarlet sage*
Damianita	*Skeletonleaf Goldeneye*
Desert Spoon	*Sundrops*
Flame Anisacanthus	*Texas Betony*
Kidneywood	*Texas gold Columbine*
Red Yucca	*Texas Lantana*
Texas Kidneywood	*Texas Star Hibiscus*

Silverado Texas Sage *Turk's Cap*
Twist Leaf Yucca *Whirling Butterflies*
Soft Leaf yucca *Winecup*
Wax Myrtle *Zexmenia*
Wax Myrtle, Dwarf

Section 4.2.2.6 Landscape Plan Approval

(a) **Landscape Plan(s) Required.** Appropriate plans showing proposed landscape development, including figures to show compliance with this division, shall be submitted to the Planning and Community Services Department. A Landscape Plan drawn to scale shall include dimensions and distances and clearly delineate any existing and proposed landscape development. The Landscape Plan shall also include detailed drawings of the entire off-street parking area, the location of proposed buildings, the name and location of proposed plant materials and the location of water sources.

(b) **Submittal.** This plan shall be submitted by the owner of the property or the manager or agent of the owner.

(c) **Approval.** This plan must be approved prior to the issuance of a building permit.

(d) **Submittal with Other Required Drawings.** A Landscape Plan(s) may be submitted in conjunction with other required drawings such as a Site Plan, or other requirements as stated in Chapter 1.

Section 4.2.2.7 Variances or Appeals

(a) Requests for variances or relief of these requirements shall be in accordance with Chapter 1, Article 3.

Section 4.2.2.8 Requests for Extension of Time

(a) The Planning Director shall be authorized to grant up to two extensions of up to six months each for the purpose of installing landscaping plants, trees, or other living material. The extensions, if approved, shall be based on the criteria that the required landscaping would more appropriately be installed at a later time due to weather conditions, an off-season time of year for planting, or other extenuating circumstance that will allow the newly installed landscaping the best chance of living.

Division 3 – Tree Mitigation

Section 4.2.3.1 Intent

(a) The intent of this division is to encourage site planning which furthers the preservation of trees and natural areas by these methods; to protect trees during construction; to facilitate site design and construction which contributes to the long term viability of existing trees; and to control the unnecessary removal of trees; require on-site replacement of trees that must be removed and require off-site

replacement of trees that cannot be replaced on-site, either by direct planting or through a "Tree Trust." It is the further intent of this division to achieve the following broader objectives:

(1) Protect healthy trees and preserve the natural, ecological, environmental, and aesthetic qualities of the City.

(2) Protect and increase the value of residential and commercial properties within the City.

(3) Prohibit the indiscriminate clear-cutting of property.

(4) Maintain and enhance a positive image for the attraction of new business enterprises to the City.

Section 4.2.3.2 Definitions

(a) For the purpose of this division, certain words or terms applicable hereto are defined as hereinafter provided. Words and terms used in this division, but not defined in this division shall have the meanings ascribed thereto in Chapter 5 of this UDC, or other ordinances in the City. Words and terms defined in two ordinances shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this division shall control.

(1) Circumference: The distance around the perimeter of the tree trunk as measured four and one-half feet (4.5') above the ground using an ordinary measuring tape. For multiple-trunk trees, the trunk circumference is deemed to be equal to the circumference of the largest trunk plus half the circumference of each additional trunk. Measurements should be accurate to the nearest one-half inch (½"). (For conversion to diameter, the circumference can be divided by 3.142.)

(2) Criteria Manual: The manual to be used and interpreted by City personnel in accordance with this division for the City's urban forest preservation and enhancement. (The manual is available at the City Park and Recreation Department and was originally adopted as Attachment A to City Ordinance No. 772, which was the Tree Protection and Preservation Ordinance. The manual is adopted as part of this UDC by reference.)

(3) Critical Root Zone: For any given tree, the area within a circle centered on the trunk location that contains the majority of tree roots essential for tree growth and survival. The circle's diameter is one-half the sum of the broadest and the narrowest of the drip line diameters.

(4) Damage or Damaged: To "damage" a tree means to take any action which could result in a tree's death, either immediately or after a period of two (2) years. Some examples of such action, which are not intended to limit this definition, are as follows: severing the main trunk or large branches or roots; girdling; poisoning; carving; mutilating; touching with live wires; piercing with nails or spikes; crushing or exposing the roots; digging or drilling any hole larger than three (3) cubic feet (a trench) within the Critical Root Zone; or covering or compacting twenty-five percent (25%) or more of the Critical Root Zone.

(5) DBH (Diameter Breast Height): The distance of the width of the trunk of a tree as measured four and one-half feet (4.5') above the ground.

(6) Located: A tree is "located" within an area if any part of its trunk is within the area at ground level. For example, a tree positioned on the property line is considered to be located in an area or on a subject site when a portion of the trunk or root flare that is visible above ground is within the area or subject site.

(7) Official: The City Manager or his/her designee.

(8) Temporary Fencing: A six foot (6') high temporary fence shall be installed prior to any site activity. The temporary fencing shall be placed to protect as much of the Critical Root Zone as possible for each tree to effectively protect and prevent persons, machinery, trash, material, and other items from occupying the Critical Root Zones of a tree or group of Protected Trees. The temporary fence may incorporate existing fences or walls as well as temporary fencing. A separate fence permit is not required for construction of a fence under this section, if a building permit for the work is in effect and a Tree Disposition Plan has been approved.

(9) Tree: A woody plant having one well-defined stem or trunk, a defined crown and a mature height of at least eight (8) feet. Trees protected and/or regulated by this division of the UDC are listed in the City's Tree List, a copy of which is available in the City Park and Recreation Department. Trees defined include:

(a) PROTECTED TREE: Any Large Tree that is identified on the Protected Tree List (available in the City Parks and Recreation Department) and that is located within the City;

(b) LARGE TREE: Any tree with a diameter (DBH) of twelve inches (12") or more. In case a tree is removed, it is presumed to have been a Large Tree if the diameter of the stump is twelve inches (12") or greater, measured in any direction.

(c) HERITAGE TREE: Any Protected Tree with a diameter (DBH) of twenty-four inches (24") or more located anywhere within the City. In case a tree is removed, it is presumed to have been a Heritage Tree if the diameter of the stump is twenty-four inches (24") or greater, measured in any direction.

(d) REPLACEMENT TREE/QUALIFIED TREE: Any tree included in the Protected Tree List (available in the City Parks and Recreation Department), with a DBH of at least two inches (2").

(10) Tree Disposition Plan: Must specify how Protected Trees and Critical Root Zones will be protected from development and pre-development activity. The Tree Disposition Plan shall specify trees to be relocated, removed or replaced. The tree survey and disposition plan shall be submitted with the application for any development permit and must be approved before said permit may be issued.

(11) Tree Survey: An on-the-ground survey containing the location of Protected Trees, their diameters, types (species), and crown area (critical root zones). The Tree Survey must depict for any given Subject Site: (a) every Protected Tree located on the Subject Site, and (b) identify every Protected Tree located elsewhere which has thirty percent (30%) or more of its Critical Root Zone in

such Subject Site. The tree survey and disposition plan shall be submitted with the application for any development permit and must be approved before said permit may be issued.

(12) Urban Forester: A resource professional, charged with the responsibility of planning, establishing, protecting, and managing trees and associated plants, individually, in small groups, and under forest conditions within the City, with full authority to enforce this division of the UDC for violations of the same.

(13) Tree Trust: A capital project fund created for the purpose of purchasing, growing, and/or maintaining trees and associated plants within the City limits. Said fund is to be expended in conformance with a tree propagation program drafted by the Parks and Recreation Director or his designee.

Ord. No. 2000T-8, Section 4.2.3.2., August 25, 2008.

Section 4.2.3.3 Approval Required for Tree Removal

No person directly or indirectly shall cut down remove, move, or destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this division without first submitting a Tree Survey and obtaining approval of a Tree Disposition Plan, unless otherwise exempted by the provisions of Section 4.2.3.4(b) of this division.

Ord. No. 2000T-2, Section 4.2.3.3., February 26, 2007.

Section 4.2.3.4 Applicability

(a) **Applicability.** The terms and provisions of this Ordinance shall apply to all real properties, persons and trees located within the City.

(b) **Exemptions.** Public utilities working in dedicated and accepted easements, right-of-way, or floodways, and trees that are located on a lot of record that is ten (10) acres or less and on which a single family home exists.

Section 4.2.3.5 Approval Process and Administrative Procedures

(a) **Responsible Official.** The City Manager or his/her designee is responsible for the review and approval or disapproval of all Tree Disposition Plans. The plan shall be submitted in accordance with the requirements specified herein:

(b) **Residential & Non-Residential Subdivisions.** The City Manager or his/her designee must be able to determine from a review of the Tree Disposition Plan, survey, grading and drainage plans the following:

(1) Protected Trees which are to be removed..

(2) The extent of tree replacement in accordance with Section 4.2.3.7 of this division.

(3) After review and approval by the Urban Forester, final approval of the subdivision plat by the Planning and Zoning Commission shall constitute approval of a Tree Disposition Plan for the street and utility construction phase of the subdivision..

(c) **Building Permits Generally.**

(1) No building permit shall be issued unless the applicant signs an application or permit request which states that all construction activities shall meet the requirements of this division of the UDC.

(2) If the application is made in conjunction with a Site Plan submitted for approval, the application will be considered as part of the Site Plan and no permit shall be issued without Site Plan approval.

(d) **Building Permits Not Requiring Platting.** The City Manager or his/her designee shall review building permits and applications for lots not requiring platting.

(e) **Appeals.** Any decision made by the City Manager or his/her designee with regard to the Tree Disposition Plan may be appealed by the applicant to the Planning and Zoning Commission. All actions of the Commission are final.

(f) **Permit Validity.** Tree Disposition Plans accepted in connection with an application for a building permit, subdivision plat and Site Plan shall be valid for the period of validity of the accompanying application.

Section 4.2.3.6 Submittal Requirements

(a) The City Manager or his/her designee shall establish administrative procedures necessary to facilitate the implementation and enforcement of this division. These procedures shall include the following:

(1) Tree Disposition Plan/Tree Survey: Must be submitted and approved prior to the removal or destruction of any tree.

(2) An application involving a limited portion of a site may be based on an exhibit showing only that portion of the site.

(3) Aerial photograph interpretation may supplant the ground survey for preliminary analyses of large scale developments, such as subdivisions, utility corridors, and golf courses, at the discretion of the City. Large-scale developments are also required to include impact areas where existing trees are located.

(4) The items required on a submitted exhibit include the following:

a. Title block including a street address; legal description (lot and block, subdivision name); date or revised date, north arrow, graphic and written scale; name, address, telephone number of owner or person preparing the exhibit.

b. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setbacks, easements and service connections, all property dimensions with references to property lines.

c. Location of all existing Protected Trees, graphically differentiating between the trees to remain and those to be removed. Trees located beyond the Subject Site with thirty percent (30%) or more of the Critical Root Zones located within the Subject Site shall also be included. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration...

d. Proposed general areas or locations of the replacement trees.

e. A list of all Protected Trees, including species, trunk diameter and condition.

f. A list of all off-site Protected Trees where Critical Root Zones will be impacted.

g. Tree information required shall be summarized in legend form on the plan and shall include:

   1. Protected Trees to be removed.
   2. Total diameter inches of Protected Trees which are to be removed.
   3. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. *(See Section 4.2.3.9 (e)).*

h. Tree protection notes and details shall be included on Site Plans, subdivision plans or Landscape Plans and always included with the bid documents given to the contractor.

Section 4.2.3.7 Tree Replacement Requirements

(a) In the event that it is necessary to remove a Protected Tree, the applicant, as a condition to issuance of a building permit, shall be required to replace the tree(s) being removed with replacement trees as defined herein. This mitigative measure is not meant to supplant good site planning.

(b) **Tree Replacements Required.**

(1) The owner and the homebuilder/developer of any lot or tract of land that removes or has removed any Protected Tree twelve inches (12") in diameter (37.68" in circumference) and up to twenty-four inches (24") in diameter (75.36" in circumference), according to the tree survey made a part of a building permit application or plat submittal, shall be required to replace each such tree removed with an approved tree planted on the lot or tract which is no less than two inches (2") in diameter (6.28" in circumference). Planted trees shall be any of the tree species listed on the Tree Replacement Tree List in Appendix A of the Criteria Manual (a copy of the Criteria Manual is available in the City Park and Recreation Department). The total number of replacement inches which must be replaced in accordance with this Paragraph is two hundred percent (200%) of the total number of diameter inches removed.

(2) The owner and the homebuilder/developer of any lot or tract of land that removes or has removed any Heritage Tree greater than twenty-four inches (24") in diameter (75.36" in circumference) and up to thirty-six inches (36") in diameter (113.04 in circumference), according to the Tree Survey made a part

of a building permit application or plat submittal, shall be required to replace each tree removed with an approved tree planted on the lot or tract which is no less than six inches (6") in diameter (18.84" in circumference). Such planted trees shall be any of the tree species listed on the Tree Replacement Tree List in Appendix A of the Criteria Manual (a copy of the Criteria Manual is available in the City Park and Recreation Department). The total number of replacement inches which must be replaced in accordance with this Paragraph is three hundred percent (300%) of the total number of diameter inches removed.

(3) The owner and the homebuilder/developer of any lot or tract of land that removes or has removed any Heritage Tree greater than thirty-six inches (36") in diameter (113.04" in circumference), according to the Tree Survey made apart of a building permit application or plat submittal, shall be required to replace each tree removed with an approved tree planted on the lot or tract which is no less than eight inches (8") in diameter (25.12" in circumference). Such planted trees shall be any of the tree species listed on the Tree Replacement Tree List in Appendix A of the Criteria Manual (a copy of the Criteria Manual is available in the City Park and Recreation Department). The total number of replacement inches which must be replaced in accordance with this Paragraph is four hundred percent (400%) of the total number of diameter inches removed.

(4) A sufficient number and diameter of replacement trees shall be planted on the subject site in order to equal the total diameter inches, as determined above. If this is not feasible, the permittee may, upon approval by the City Manager or his designee, plant and maintain off-site replacement trees in accordance with this division.

(c) **Tree Trust Fund.**

(1) The owner or developer of any lot or tract of land required to replace trees in accordance with this section may, as an alternative and, upon approval by the Urban Forester, pay a mitigation fee into the Tree Trust Fund under the following conditions:

a. *Residential and Non-Residential Plats* - Payment to the Tree Trust Fund must be received by the City prior to the submission of the final plat for Planning and Zoning Commission approval.

b. *Building Permits Not Requiring Platting* - Payment to the Tree Trust Fund must be received by the City prior to the issuance of a building permit.

(2) The mitigation fee shall be calculated at the rate of two hundred dollars ($200) per caliper inch of trees to be mitigated. The fee paid into the Tree Trust Fund shall be periodically adjusted by the City Council as the market value of replacement trees warrants.

(3) This mitigation method is not meant to supplant the replacement method and shall only be implemented upon approval of the City Manager or his designee after it has been determined that replacement mitigation is not feasible.

Ord. No. 2000T-2, Section 4.2.3.7., February 26, 2007.

Section 4.2.3.8 Tree Protection

(a) A major purpose of this division is to protect all trees which are not removed and to allow approved construction to occur. The following procedures shall apply to all types of construction projects which involve development around trees.

(b) The following procedures are deemed appropriate in the situations noted; however, unique circumstances may allow modifications if deemed necessary by the City Manager or his/her designee.

(1) Prohibited Activities: The following activities shall be prohibited within the Critical Root Zone of any Protected Tree which is subject to the requirements of this division.

a. *Material Storage* - No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the Critical Root Zone of any tree.

b. *Equipment Cleaning/Liquid Disposal* - No equipment may be cleaned or other liquids deposited within the Critical Root Zone of any tree. This would include but not limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.

c. *Tree Attachments* - No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.

d. *Vehicular Traffic* - No vehicle, construction equipment or parking is allowed within the Critical Root Zone of any tree.

e. *Trespassing* - Trespass into protective fencing is prohibited.

(2) Pre-Construction Activities: The following procedures shall be followed prior to construction.

a. *Tree Flagging* - All Protected Trees to be removed from the construction site shall be flagged with bright red vinyl tape wrapped around the main trunk and painted with an orange “X” at a height of four feet (4') or more. Tape and paint must be visible to workers on foot or operating heavy equipment..

b. *Protective Fencing* - Unless otherwise specified in the applicable Tree Disposition Conditions, each Protected Tree to be preserved must be fenced during Development or Pre-Development Activity.

1. Fencing Criteria - The Tree Disposition Plan shall specify protective fencing of the Critical Root Zone whenever reasonably practicable, unless a different area is prescribed in accordance with the Criteria Manual. Unless the Tree Disposition Conditions specify otherwise:

- A six-foot or higher fence must surround each protected tree or group of protected trees, effectively preventing persons, machinery, trash, material and other items from occupying the area within the protective fencing;

- The fence must be constructed of durable, high visibility materials supported on poles or fence posts set firmly in the ground;
- The fence must be able to resist intrusions and impacts likely to be encountered on a construction site;
- The fence may incorporate existing fences or walls as well as temporary fencing; and
- Each fence must display a prominent bilingual warning sign as set forth in the Criteria Manual.

2. Fence Permit - A separate fence permit is not required for construction of a fence under this section, if a building permit for the work is in effect and a Tree Disposition Plan has been approved.
3. Trash, Storage Prohibited - It shall be unlawful for any person to use the area within the protective fencing, required by this section, for trash disposal, storage, vehicle parking or any other use that could adversely affect tree roots.

c. *Trunk Protection* - In situations where a Protected Tree remains within six feet (6') of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree.

d. *Construction Pruning* - In cases where a tree has a low canopy or limbs may be broken during the course of construction, the obtrusive limb(s) may be cut. Trees must be pruned according to the specifications set forth by ANSI A300.

e. *Mulch* - In Critical Root Zone areas where vehicles or equipment must pass, the addition of six inches (6") of shredded mulch or wood chips covered by a sheet of three-quarter-inch plywood is necessary to reduce the risk of severe soil compaction. The mulch and plywood shall be spread on-site or removed following the completion of the project.

f. *Watering* - Trees which are being protected should receive supplemental water during times of drought or low rainfall. As a rule of thumb a weekly application of approximately fifty (50) gallons of water per one-inch diameter applied slowly to the root zone will be sufficient.

(3) Improvement Within the Critical Root Zone of a Protected Tree: Design constraints dictate that trees slated for preservation have some encroachment on their Critical Root Zone. The following is the minimum design criteria which is allowed within the Critical Root Zone of a Protected Tree. Development exceeding the criteria would put the tree at risk and therefore it could no longer be considered a Protected Tree. In such a case, Replacement Trees shall be required.

a. *Grade Changes* - In the event that grade changes must be made around a Protected Tree or group of trees, the following shall be implemented in order to maintain oxygen and water exchange within the tree's Critical Root Zone.

1. A minimum of seventy-five (75) percent of the Critical Root Zone shall be preserved at natural grade with natural ground cover or landscaping for the tree to be considered a Protected Tree.
2. No cut or fill greater than two (2) inches shall be located closer to the tree trunk than one-half of the radius of the Critical Root Zone radius distance.
3. Increase grade: Soil grade within the Critical Root Zone of trees should not be increased more than two (2) to three (3) inches using clean bank sand. Any increase above this can be detrimental to the tree. Any attempts to protect trees from the detrimental effects of increased grade must be approved by the City Manager or his/her designee.

b. *Boring of Utilities* – Boring may be permitted under Protected Trees in certain circumstances. The minimum length of the bore shall be the width of the tree's Critical Root Zone and shall be a minimum depth of forty-eight (48) inches.

c. *Trenching* - Irrigation systems shall be designed to avoid trenching across the Critical Root Zone of any large tree.

d. *Paving* - A maximum of twenty-five (25) percent of the Critical Root Zone of a Protected Tree may be covered with impervious material. The pavement and the cut and fill for the pavement shall not exceed one-half of the Critical Root Zone radius distance.

Section 4.2.3.9 Tree Planting Regulations

(a) **Off-Site Planting of Replacement Trees.** Replacement Trees should be planted on the site or easement from which the existing trees are to be removed. Subject to the approval of the City Manager or his designee, an applicant may initiate a proposal to plant trees off-site.

(b) **Easements and Rights-of-Way.**

(1) The location of replacement trees shall not be an area such that the mature canopy or roots of the tree will interfere with any public utility.

(2) All replacement trees shall be planted no less than ten feet (10') from fire hydrants.

(3) Any replacement tree planted in a median must be located no less than six and one-half (6.5') feet from the curb.

(4) Any replacement tree planted in the City's right-of-way must be located no less than one hundred (100') feet from an intersection and no less than fifty (50') feet from a mid-block opening.

(c) **Plantings After Project Completion.** Replacement trees shall be planted prior to the issuance of the certificate of occupancy or project release. Optimum planting times do not always correspond with project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before the issuance of a Certificate of Occupancy, a fiscal security is

posted in the amount equal to the prevailing rate for replacement trees with a one (1) year guarantee, plus fifteen (15) percent to cover administrative cost.

(d) **Replacement Tree Size.** Minimum criteria for the size of a Replacement Tree shall be a DBH (measured four and one-half feet (4.5') above the ground) that is a minimum of two inches (2”).

(e) **Replacement Tree List.** The following tree types or species only shall be permitted by the City to be used as Replacement Trees:

~~***Botanical Name***~~	~~***Common Name***~~
~~Acer Barbatum, rubrum~~	~~Red Maple~~
~~Carya spp.~~	~~Hickory, Pecan~~
~~Ilex opaca~~	~~American Holly~~
~~Liquidamber Styraciflua~~	~~Sweet Gum~~
~~Magnolia spp.~~	~~Magnolia species~~
~~Quercus spp.~~	~~Oak species~~
~~Taxodium spp.~~	~~Cypress species~~
~~Ulmus spp.~~	~~Elm species~~
~~Juglam Nigra~~	~~Black Walnut~~
~~Fraxinus Pennsylvanica~~	~~Green Ash~~
~~Pistacia Chinensis~~	~~Chinese Pistache~~

Genus	*species*	*Common name*
Quercus	*spp.*	*Oaks*
Ulmus	*spp.*	*Elms*
Taxodium	*spp.*	*Baldcypress*
Carya	*spp.*	*Pecan, Hickory*
Magnolia grandiflora		*Southern Magnolia*
Magnolia virginiana		*Sweetbay*
Juglans nigra		*Black Walnut*
Fraxinus pennsylvanica		*Green Ash*
Fraxinus americana		*White Ash*
Ilex opaca		*American Holly*
Platanus occidentalis		*American Sycamore*
Acer rubrum		*Red Maple*
Acer barbatum		*Florida Maple*

If an existing tree of the protected tree list in excess of 12” DBH is removed, thus requiring mitigation, and the disposition plan calls for replacement, it must be replaced by a tree from the protected tree list.

For trees to be planted to fulfill landscape requirements the following trees are allowed:

Trees from the protected tree list and;

Crataegus spp.	*Hawthorn*
Bumelia lanuginosa	*Gum Bumelia*
Persea borbonia	*Redbay*
Nyssa sylvatica	*Tupelo*
Cupressus spp.	*Cypress*
Fraxinus velutina	*Arizona Ash*
Pyrus calleryana	*Flowering Pear (Bradford, Aristocrat, Chanticleer, etc.)*
Gingko biloba	*Maidenhair Tree (male only)*
Ostrya virginiana	*American Hop Hornbeam*
Betula nigra	*River Birch*
Parkinsonia aculeate	*Retama*
Pistacia chinensis	*Chinese Pistache*
Liquidambar styracifolia	*Sweet Gum*
Juniperus silicicola	*Southern Red Cedar*
Juniperus virginiana	*Eastern Red Cedar*

Section 4.2.3.10 Violations/Enforcement

(a) **Conditions.** It shall be unlawful for any person who applies for or receives a permit regulated by this division to fail or refuse to comply with a condition of the permit or this division. Any related permit for the building site in question may be withheld until the condition is complied with to the satisfaction of the City Manager or his/her designee or any other City staff members who are called upon to enforce this division.

(b) **Immediate Shutdown.** Violations of this division may cause the immediate cessation of all work on the property until the violation is remedied or the builder agrees to replace damaged trees, if the damage is likely to cause the ultimate death of the tree.

(c) **Inspection.** The City Manager or his designee shall monitor for compliance of the Tree Protection and Preservation Ordinance and have the authority to shut down a job for infractions. Protective fencing shall be inspected prior to construction.

(d) **Penalty Clause.** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon final conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars ($2,000.00) for each offense. Each day and each tree that is removed in violation of this chapter shall constitute a separate offense. But in the event any person, firm or corporation violates any of the provisions of this division or fails to comply therewith, the City of Pearland, in addition to imposing the penalties above provided, may institute any appropriate action or proceedings in court to prevent, restrain, correct, or abate or to prevent any illegal act pertaining to trees protected by this division; and the definition of any violation of the terms of this division as a misdemeanor, shall not preclude the City of Pearland from invoking the civil remedies given it by law in such cases; but

same shall be cumulative of and in addition to the penalties prescribed for such violation.

CHAPTER 5:
DEFINITIONS

Add the following definitions:

Annual Beds *– Any landscape where the majority of plants are replaced yearly or more frequently.*

Automatic Irrigation Controller *– A timer, capable of operating solenoid valves, to set days and lengths of time for proper application of water, in each irrigation zone.*

Best Management Practices (BMP's) - *Irrigation, lawn and landscape practices designed to reduce negative impacts on the environment and promote water conservation.*

Drought Tolerant Plants *– Plants, once established, that survive on natural rainfall with occasional irrigation during dry periods.*

Emitter *– A device that applies irrigation water. This term is primarily used to refer to the low flow rate devices used in micro-irrigation systems.*

Green Space *– The entire parcel less the building footprint, driveways, vehicular use areas, hardscapes such as decks, swimming pools, decorative fountains, patios, and other non-porous areas. Stormwater management systems, and wetland conservation areas, lakes, rivers and creeks are excluded in the calculation of green space area.*

Irrigation System *– Permanent watering systems designed to transport and distribute water to plants as a supplement to natural rainfall.*

Irrigation Zone *– A control valve circuit containing emitters and/or sprinklers with consistent application rates.*

Landscape Plant Zone *A grouping of plants with similar water and cultural needs.*

Micro-Irrigation *– An irrigation system with a maximum flow rate per emitter of 30 gallons per hour or less. Not appropriate for turfgrass applications.*

Mulch *– Any material applied to the soil surface to retain soil moisture control erosion, inhibit weeds, and/or regulate soil temperatures.*

Natural Plants *– Plants that once established can survive on natural rainfall without irrigation.*

Oasis Plants *– Plants requiring frequent irrigation.*

Overspray *– Water that is delivered beyond the landscape area wetting pavements, walks, structures, or other non-landscaped areas.*

Rain Sensor Device *- A calibrated device that is designed to measure rainfall and override the irrigation cycle of the irrigation system when a pre-determined amount of rainfall has occurred.*

Runoff *– Water, not absorbed by the soil, that flows from the area.*

Turf and/or Turfgrass *– Continuous plant coverage consisting of grass species appropriately suited to the site where it was planted.*

Water Features *– Features of a site that holds water temporarily or permanently. These may include either natural features (lakes, wetlands, rivers, creeks, etc.) or artificial features (retention and detention ponds, fountains, ditches, and canals.)*

Xeriscape *– Quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.*