

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE
PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND,
TEXAS, TO BE HELD JUNE 15, 2009, AT 6:30 P.M., IN COUNCIL
CHAMBERS AT CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2009-06Z

A request of Renee L. McGuire, applicant, for Green-Hollow Ltd., owner, for amendments to the Bellavita Planned Development, on the following described property, to wit:

Legal Description: 211.9140 acres located in the W.D.C. Hall Survey, A-23 Harris Co., TX (Bellavita at Green Tee)

General Location: Generally located north of Broadway Street and west of Dixie Farm Road.

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 JUNE 15, 2009

Zone Change No. 2009-06Z

A request of Renee L. McGuire, applicant, for Green-Hollow Ltd., owner, for amendments to the Bellavita Planned Development, on the following described property, to wit:

Legal Description: 211.9140 acres located in the W.D.C. Hall Survey, A-23 Harris Co., TX (Bellavita at Green Tee)

General Location: Generally located north of Broadway Street and west of Dixie Farm Road.

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

Planning and Zoning Commission: June 15, 2009*

City Council for First and Second Reading: July 13, 2009 and July 27, 2009*

(*dates subject to change if item is tabled)

SUMMARY: As explained in the attached memo the applicant and owner are seeking to modify the language to clarify that the R-4 Zone setbacks are applied to their Planned Unit Development.

Bellavita development is a retirement community and was approved as a Planned Unit Development (PUD). The attached memo provides a historical background and status of the project.

It came to staff's attention during a recent inspection that the homes were permitted with all setbacks corresponding to R-4 zone. As stated in the memo, the PUD approved 659 units out of which 486 units have been permitted with setbacks corresponding to R-4 zone.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed PD amendment should not have a negative impact on the surrounding properties.

This will permit the PD to come into conformance with the 2002 Land Use and Development Ordinance.

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 that the PUD be amended to allow conformance to R-4 requirements for setbacks and lot coverage. This will allow the development to continue as it has in the past and remain an attractive asset to the City.

The following table shows the requirements for R-3 and R-4 zones.

	R-3	R-4	R-4 (PUD)
Front Yard	25' (for lots 100' or more in depth 20' (for lots less than 100 feet Depth)	20'	Same as R-3
Rear Yard	20'	10'	Same as R-3
Side Yard (interior lots)	5' 15' between buildings	0' 15' between buildings	Same as R-3
Side Yard (abutting streets)	20-10' (depends on front entry and adjacency)	20-10' (depends on adjacency)	Same as R-3
Lot Coverage	50%	60%	Same as R-3 (By buildings)

SUPPORTING DOCUMENTS:

- Zone Change Application
- Staff Memo
- Location Map
- Aerial Map
- Abutters Map
- Abutters List
- Approved Planned Unit Development



CITY OF PEARLAND PLANNING & ZONING

MEMO

DATE: April 15, 2009
TO: Mike Hodge, Assistant City manager
FROM: Lata Krishnarao, AICP, Planning Director
SUBJECT: Bellavita Development - Permits and Setbacks

As requested, I am summarizing the developments related to the issuance of permits for the Bellavita Development.

Last week Sara Hayes asked Richard Keller about the setback requirements in BellaVita. A homebuilder had apparently formed up slabs for houses on 2413 and 2415 S. Venice Drive and she had questions about the form survey. Presumably, the building permit had already been issued. Richard researched the PD and found that, according to letters in the PUD file and notes on the final plats, it was agreed that BellaVita would adhere to PUD R-4 requirements of the Land Use and Urban Development Ordinance. R-4 PUD zoning regulations refer to R-3 requirements for setbacks. R-3 requires 20-foot rear setback. However, the building permit was approved for a 10 foot rear setback.

Further permits were held back until this issue was resolved.

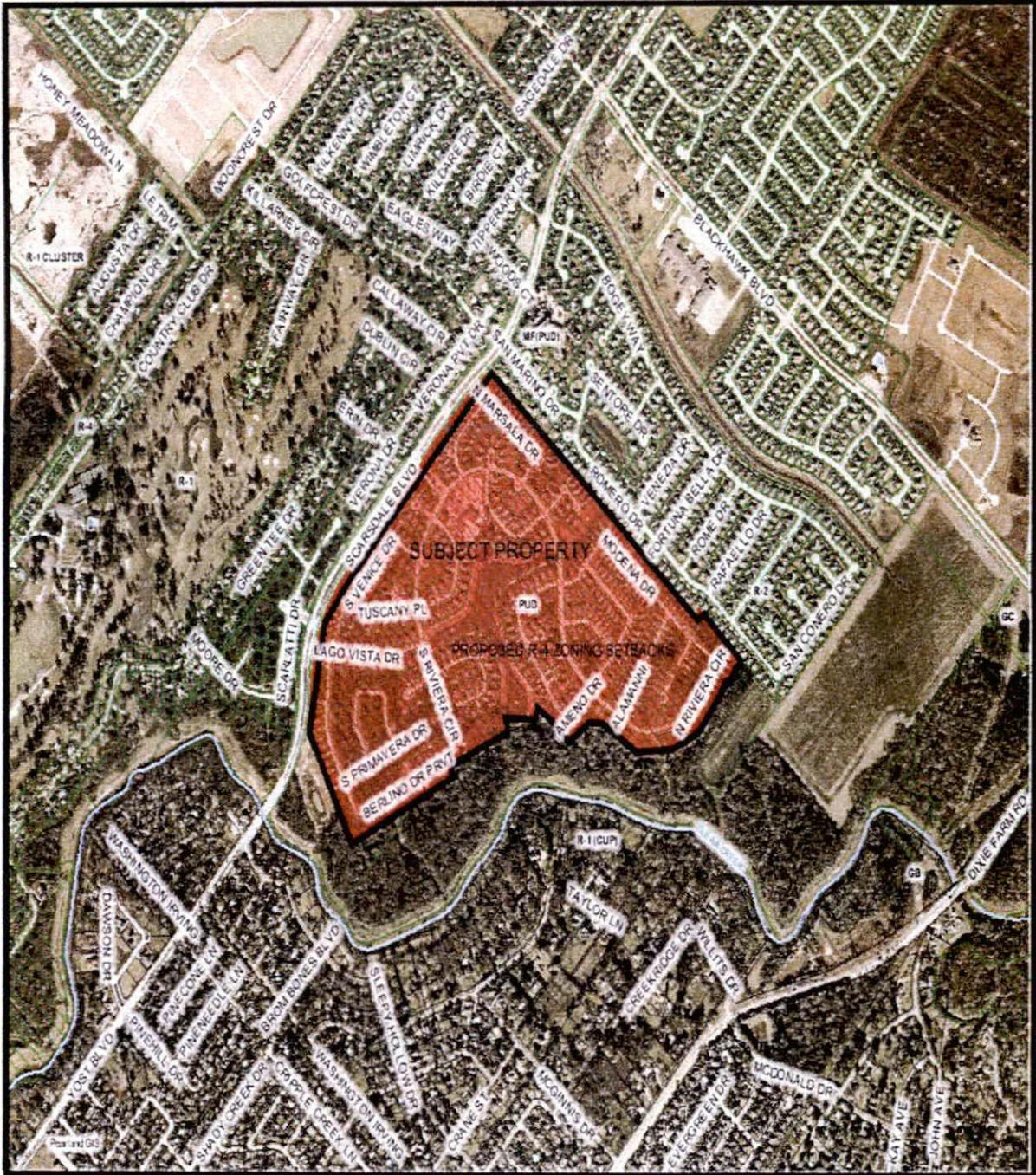
Since then staff has researched the PD document again, and searched for any document or agreement that would clarify this and allow 10 foot rear setback. We have not found any material to substantiate the 10' rear yard approval.

Staff feels that there may have been some confusion since R-4 zone permitted 10' rear yard, but R-4 PUD zone referred to the R-3 zoning district that required 20' rear yard setback.

The PD approved 659 units out of which 486 units have been permitted. Random check on the permits shows that the houses were permitted and built with rear setbacks ranging from 8.5 feet to 26 feet.

The PD was amended on January 22, 2001. The minutes of that meeting of the city council are not clear. The ordinance states that lot sizes and placement of sidewalks were modified. Neither a revised PD document nor details were attached to the ordinance.

After discussing this with Deputy City Attorney, Nghiem Doan, it appears that the PD would need to be amended to clarify that the rear setbacks can be 10 feet.



AERIAL MAP
ZONE CHANGE NO. 2009-06Z

↑
NORTH

GENERALLY LOCATED NORTH OF BROADWAY STREET AND WEST OF
DIXIE FARM ROAD, PEARLAND, TX

ZONE CHANGE APPLICATION NO. 2009-06Z

**GENERALLY LOCATED NORTH OF BROADWAY
STREET AND WEST OF DIXIE FARM ROAD,
PEARLAND, TX**

PROPERTY OWNERS NOTIFICATION LIST

ALAM SHAHOOD & SAADAT	2117 VERONA DR	PEARLAND	TX	77581-4765
AUSTIN TIMOTHY N & LISA D	1110 ROMERO DR	PEARLAND	TX	77581-1600
BAILEY DAN E & CONNIE M	1208 ROMERO DR	PEARLAND	TX	77581-5281
BAILEY RANDY J & VELMA C	2217 VERONA DR	PEARLAND	TX	77581-4767
BANK NEW YORK TRUSTEE	121 WOODCREST RD	CHERRY HILL	NJ	08003-3620
BAUER LEROY R & JUDITH G	2105 VERONA DR	PEARLAND	TX	77581-4765
BERRY JACOB	1406 SAN MARINO DR	PEARLAND	TX	77581-5267
BHATT ASHOK & KIRTIDA	2115 VERONA DR	PEARLAND	TX	77581-4765
BRAZORIA COUNTY MUD #18	1300 POST OAK BLVD STE 1400	HOUSTON	TX	77056-3078
BUI SELENE	1416 SAN MARINO DR	PEARLAND	TX	77581-5267
BUITRON RICHARD & ROSE ANN	2324 DA VINCI DR	PEARLAND	TX	77581-1604
BURNHAM JAMES S	3812 WOODLAWN AVE	PASADENA	TX	77504-1934
CALHOUN AKILAH C	2319 RAFFAELLO DR	PEARLAND	TX	77581-1609
CEPHUS LASONYA	1218 ROMERO DR	PEARLAND	TX	77581-5281
CHANG YOOSOON	17435 LITTLE RIATA DR	HOUSTON	TX	77095-7010
CHAPA REYNOLD	1410 SAN MARINO DR	PEARLAND	TX	77581-5267
CHARLES RANDY & JACQUELINE	1300 ROMERO DR	PEARLAND	TX	77581-5263
COLLINS CHRISTOPHER D	1102 ROMERO DR	PEARLAND	TX	77581-1600
COPENHAGEN TINA	1118 ROMERO DR	PEARLAND	TX	77581-1600
CROWLEY DENNIS B & MARGARET S	2103 VERONA DR	PEARLAND	TX	77581-4765
DAVIS SALLY	4306 JANE ST	BELLAIRE	TX	77401-4606
DINH PHUONG M & TRINH	2107 VERONA DR	PEARLAND	TX	77581-4765
DO LOC B & MAITRAM VAN	1308 ROMERO DR	PEARLAND	TX	77581-5263
EGUILEOR LUIS M & MARTHA C	1212 ROMERO DR	PEARLAND	TX	77581-5281
ESTRELLA GABRIEL & MICHELLE	2131 FORTUNA BELLA DR	PEARLAND	TX	77581-5286

ZONE CHANGE APPLICATION NO. 2009-06Z

**GENERALLY LOCATED NORTH OF BROADWAY
STREET AND WEST OF DIXIE FARM ROAD,
PEARLAND, TX**

PROPERTY OWNERS NOTIFICATION LIST

FERNANDEZ MARGARITO	2215 VERONA DR	PEARLAND	TX	77581-4767
FLANAKIN BETTY L	1104 ROMERO DR	PEARLAND	TX	77581-1600
FLORES DEBORAH A &	1337 ROMERO DR	PEARLAND	TX	77581-5264
FLORES WILLIAM G	2128 VERONA DR	PEARLAND	TX	77581-4768
FLOWERS DAVID A & DIANNE L	2633 COTTAGE CREEK DR	PEARLAND	TX	77584-9801
FORGOTTEN ANGELS INC	7918 BROADWAY ST STE 104	PEARLAND	TX	77581-7930
GARCIA ALFRED & ROSALINDA	1102 MESSINA CT	PEARLAND	TX	77581-1606
GARZA DORA M	2139 VENEZIA DR	PEARLAND	TX	77581-7517
GARZA VERONICA	1120 ROMERO DR	PEARLAND	TX	77581-1600
GIFFORD HILARION A & AGNES	1331 ROMERO DR	PEARLAND	TX	77581-5264
GOLDEN KELLY & MARGARET	2130 FORTUNA BELLA DR	PEARLAND	TX	77581-5285
GONZALEZ EDGAR R	1335 ROMERO DR	PEARLAND	TX	77581-5264
GONZALEZ FERNANDO A	1307 ROMERO DR	PEARLAND	TX	77581-5264
GONZALEZ MARTIN & SANDRA	2320 RAFFAELLO DR	PEARLAND	TX	77581-1608
GREEN HOLLOW LTD	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7930
GUERRA EVERARDO & ROSA M	1407 SAN MARINO DR	PEARLAND	TX	77581-5268
GUERRERO DAVID G & CORINA	2121 VERONA DR	PEARLAND	TX	77581-4769
HA MATTHEW Q	2205 VERONA DR	PEARLAND	TX	77581-4767
HANSFORD GABE L	1415 SAN MARINO DR	PEARLAND	TX	77581-5268
HARRIS BRANDON & ALISHA	1106 ROMERO DR	PEARLAND	TX	77581-1600
HATAMLEH HISHAM & ESTHER	2148 SIENA DR	PEARLAND	TX	77581-5273
HELLSTROM JOHN E & PAMELA	2125 VERONA DR	PEARLAND	TX	77581-4769
HO THUY N	1216 ROMERO DR	PEARLAND	TX	77581-5281
HOANG CARLINE L	2138 ROME DR	PEARLAND	TX	77581-3747
HOANG TUAN M	2201 VERONA DR	PEARLAND	TX	77581-4767

ZONE CHANGE APPLICATION NO. 2009-06Z

**GENERALLY LOCATED NORTH OF BROADWAY
STREET AND WEST OF DIXIE FARM ROAD,
PEARLAND, TX**

PROPERTY OWNERS NOTIFICATION LIST

HUNT JEFFERY & BETSY	2321 RAFFAELLO DR	PEARLAND	TX	77581-1609
HUYNH VAN LE & HOA TRAN	2322 DA VINCI DR	PEARLAND	TX	77581-1604
JARAMILLO AMANDA	1204 ROMERO DR	PEARLAND	TX	77581-5281
KAZMIE ALI J	2138 FORTUNA BELLA DR	PEARLAND	TX	77581-5285
KEENAN JOSEPH	2126 VERONA DR	PEARLAND	TX	77581-4768
KUYKENDALL GLENN & TAMMY J	1104 MESSINA CT	PEARLAND	TX	77581-1606
LAM TOI Q & LAN M	1333 ROMERO DR	PEARLAND	TX	77581-5264
LEAL HUMBERTO	2323 DA VINCI DR	PEARLAND	TX	77581-1605
LI HSIU-HSIANG	1114 ROMERO DR	PEARLAND	TX	77581-1600
LITTON LARRY S & DIANE L	1406 SIENA CT	PEARLAND	TX	77581-5272
LOHSE FREDERICK H & KELLY R	1328 ROMERO DR	PEARLAND	TX	77581-5263
LORANC LEONARD & SUE E	2111 VERONA DR	PEARLAND	TX	77581-4765
LOZANO ANTHONY J. &	1111 MESSINA CT	PEARLAND	TX	77581-1607
LUNA MARCELO R & CLARA N	1401 SAN MARINO DR	PEARLAND	TX	77581-5268
LUU BICHTHUY T &	1210 ROMERO DR	PEARLAND	TX	77581-5281
MA SAMBATH	2131 VENEZIA DR	PEARLAND	TX	77581-7517
MARTINEZ NERY & MONICA	1326 ROMERO DR	PEARLAND	TX	77581-5263
MARTINEZ SUSEINN	1110 MESSINA CT	PEARLAND	TX	77581-1606
MCCLURE S THOMAS & JANICE	2150 SIENA DR	PEARLAND	TX	77581-5279
MCCOY HOLLY	1206 ROMERO DR	PEARLAND	TX	77581-5281
MEADOWS BONNIE J	2134 FORTUNA BELLA DR	PEARLAND	TX	77581-5285
MENON SARATH K	1214 ROMERO DR	PEARLAND	TX	77581-5281
MILNE ERIC L & MARTHA E	2113 VERONA DR	PEARLAND	TX	77581-4765
MORALES CARLOS & MARY	1320 ROMERO DR	PEARLAND	TX	77581-5263
MOSS MARK	2130 ROME DR	PEARLAND	TX	77581-3747

ZONE CHANGE APPLICATION NO. 2009-06Z

**GENERALLY LOCATED NORTH OF BROADWAY
STREET AND WEST OF DIXIE FARM ROAD,
PEARLAND, TX**

PROPERTY OWNERS NOTIFICATION LIST

NGUYEN AI LINH T	2139 ROME DR	PEARLAND	TX	77581-3748
NGUYEN DOI NGOC & CINDY CHINH	2318 RAFFAELLO DR	PEARLAND	TX	77581-1608
OLIVER DEXTER & WENDY	2135 ROME DR	PEARLAND	TX	77581-3748
OTWELL MARK & AMY C	1414 SAN MARINO DR	PEARLAND	TX	77581-5267
PATEL SURESH V & INDIRA S	1313 ROMERO DR	PEARLAND	TX	77581-5264
PATHAK AMIT & FALGUNI	1108 MESSINA CT	PEARLAND	TX	77581-1606
PEREZ RAUL & ANGELICA	1319 ROMERO DR	PEARLAND	TX	77581-5264
PHAM GIAO D	2321 DA VINCI DR	PEARLAND	TX	77581-1605
RADONS MICHAEL A	1112 ROMERO DR	PEARLAND	TX	77581-1600
RANKIN AUDREY S	2320 DA VINCI DR	PEARLAND	TX	77581-1604
ROKOHL GLORIA & ROSS	2316 RAFFAELLO DR	PEARLAND	TX	77581-1608
ROPER CRAIG W & KELLEY J	2209 VERONA DR	PEARLAND	TX	77581-4767
SAEED ADIL	1224 ROMERO DR	PEARLAND	TX	77581-5281
SALDIVAR FLORENCIO & VELMA A	1334 ROMERO DR	PEARLAND	TX	77581-5263
SAM JOSEPH H JR & FONDRA D	1404 SIENA CT	PEARLAND	TX	77581-5272
SAMINATHAN MEHAVANNARAJAN	1314 ROMERO DR	PEARLAND	TX	77581-5263
SAMPERI SAMMY LEE	1329 ROMERO DR	PEARLAND	TX	77581-5264
SANDOVAL SIOMARA C	1304 ROMERO DR	PEARLAND	TX	77581-5263
SCOTT CAROLYN	1409 SAN MARINO DR	HOUSTON	TX	77089
SEARCY JAMES L JR & LINDA	2123 VERONA DR	PEARLAND	TX	77581-4769
SEGERT LOUISA	2134 ROME DR	PEARLAND	TX	77581-3747
SNELL JAMES G JR	1325 ROMERO DR	PEARLAND	TX	77581-5264
SOLIS HORACIO	2218 VERONA DR	PEARLAND	TX	77581-4770
SOSA JUAN	1402 SAN MARINO DR	PEARLAND	TX	77581-5267
SOTO RICHARD JR	1412 SAN MARINO DR	PEARLAND	TX	77581-5267

ZONE CHANGE APPLICATION NO. 2009-06Z

**GENERALLY LOCATED NORTH OF BROADWAY
STREET AND WEST OF DIXIE FARM ROAD,
PEARLAND, TX**

PROPERTY OWNERS NOTIFICATION LIST

SPARKS LYNN E & C W	1408 SAN MARINO DR	PEARLAND	TX	77581-5267
STAUFFER GLEN R & JENNIFER J	1404 ROMERO DR	PEARLAND	TX	77581-5265
SUMMERS DAVID & JOANNE	1222 ROMERO DR	PEARLAND	TX	77581-5281
SUMMERS MARK T & JENNIFER A	2325 DA VINCI DR	PEARLAND	TX	77581-1605
TA HUNG VIET	2202 VERONA DR	PEARLAND	TX	77581-4766
TANEJA DAYAL & SHASI	1106 MESSINA CT	PEARLAND	TX	77581-1606
TERRY JASON S & SONJA M	2317 RAFFAELLO DR	PEARLAND	TX	77581-1609
THAI MAI NGOC	2109 VERONA DR	PEARLAND	TX	77581-4765
THE VILLAS MASTER ASSOC	9575 KATY FWY STE 130	HOUSTON	TX	77024-1408
TIPPIT PAUL D	1202 ROMERO DR	PEARLAND	TX	77581-5281
TRAN HENRY	1108 ROMERO DR	PEARLAND	TX	77581-1600
TRAN HOI T	1330 ROMERO DR	PEARLAND	TX	77581-5263
TRAN KATHY C	2130 VENEZIA DR	PEARLAND	TX	77581-7516
TRAN LAN	1402 SIENA CT	PEARLAND	TX	77581-5272
TRAN NGHI VAN	1116 ROMERO DR	PEARLAND	TX	77581-1600
UN PISETH P & RENEE S	1332 ROMERO DR	PEARLAND	TX	77581-5263
VILLARREAL ANDREW & BRENDA	2135 FORTUNA BELLA DR	PEARLAND	TX	77581-5286
VILLARREAL GEORGE J & MARIA T	2119 VERONA DR	PEARLAND	TX	77581-4765
VUONG CHAU H	2131 ROME DR	PEARLAND	TX	77581-3748
WENTZ DAN L & LANA K	2211 VERONA DR	PEARLAND	TX	77581-4767
WIATRAK WILLIAM A JR	2219 VERONA DR	PEARLAND	TX	77581-4767
WILSON SCOTT R & GAYLYN R	2135 VENEZIA DR	PEARLAND	TX	77581-7517
YAACOUB MAHA	2139 FORTUNA BELLA DR	PEARLAND	TX	77581-5286



CITY OF PEARLAND PLANNING & ZONING

MEMO

DATE: April 15, 2009
TO: Mike Hodge, Assistant City manager
FROM: Lata Krishnarao, AICP, Planning Director
SUBJECT: Bellavita Development - Permits and Setbacks

As requested, I am summarizing the developments related to the issuance of permits for the Bellavita Development, approved as a Planned Unit Development.

Last week Sara Hayes asked Richard Keller about the setback requirements in BellaVita. A homebuilder had apparently formed up slabs for houses on 2413 and 2415 S. Venice Drive and she had questions about the form survey. Presumably, the building permit had already been issued. Richard Keller, Plats administrator, researched the Planned Unit Development (PUD) and found that, according to letters in the PD file and notes on the final plats, it was agreed that BellaVita would adhere to R-4 PUD requirements of the Land Use and Urban Development Ordinance. R-4 PUD zoning regulations refer to R-3 requirements for setbacks. R-3 requires greater setbacks than R-4 zone. Further research indicated that all setbacks were permitted as per the R-4 zoning district which are lesser than that required by R-3.

Further permits were held back until this issue was resolved.

Since then staff has researched the PUD document again, and searched for any document or agreement that would clarify this and allow reduced setbacks. We have not found any material to substantiate approval of reduced setbacks in conformance with R-4 zone.

Staff feels that there may have been some confusion since R-4 PUD zone referred to the R-3 zoning district that required greater setbacks than R-4 zone.

The PUD approved 659 units out of which 486 units have been permitted. It appears that these structures were generally permitted with setback requirements as per R-4 zone.

The PUD was amended on January 22, 2001. The minutes of that meeting of the city council are not clear. The ordinance states that lot sizes and placement of sidewalks were modified. Neither a revised PD document nor details were attached to the ordinance.

After discussing this with Deputy City Attorney, Nghiem Doan, it appears that the PUD would need to be amended to clarify that the setbacks would conform to R-4 zone

STAFF RECOMMENDATION

Staff recommends that the PUD be amended to allow conformance to R-4 requirements for setbacks and lot coverage. This will allow the development to continue as it has in the past and remain an attractive asset to the City.

The following table shows the requirements for R-3 and R-4 zones.

	R-3	R-4	R-4 (PUD)
Front Yard	25' (for lots 100' or more in depth 20' (for lots less than 100 feet Depth)	20'	Same as R-3
Rear Yard	20'	10'	Same as R-3
Side Yard (interior lots)	5' 15' between buildings	0' 15' between buildings	Same as R-3
Side Yard (abutting streets)	20-10' (depends on front entry and adjacency)	20-10' (depends on front entry and adjacency)	Same as R-3
Lot Coverage (By buildings)	50%	60%	Same as R-3



Zoning Case No. 960

City Council and Planning and Zoning Commission Joint Public Hearing: January 15, 2001

Owner: Green-Hollow, Ltd.

Applicant/Agent: Renee L. West

Location: Bellavita at Green Tee, located just East of Green Tee subdivision at the South end of Scarsdale

Existing Zoning: R-4PUD (Single Family Dwelling - Planned Unit Development)

Requested Zoning: R-4PUD (Single Family Dwelling - Planned Unit Development)

Summary:

The applicant is requesting a zone change on 211.9140 acres in order to deviate from their approved Planned Unit Development (PUD), ensure a quality development, and propose a variance (see memo and handouts delivered to Council on January 8, 2001.). Specifically, the applicant proposes to modify the street configuration, increase the lot size, and request a variance to the sidewalk requirements. The variance is to incorporate 8' wide walking paths in lieu of sidewalks along both sides of the streets. The properties to the North and Northwest are zoned for R-1 (Single Family Dwelling) uses and developed accordingly with single family homes and a golf course. The properties to the Northeast and Southeast are vacant and zoned for R-2 (Single Family Dwelling) and SD (Suburban Development) uses. The properties to the South and Southwest are zoned for R-1 (Single Family Dwelling) uses and developed accordingly with single family homes.

Public Notice Comment Forms were mailed to one (1) property owner within 200 feet of this request. No Public Comment Forms have been returned.

Other Considerations:

- The Comprehensive Plan recommends Single Family Residential uses for this area. The proposed zoning is consistent with the Comprehensive Plan and compatible with surrounding uses.
- The original Planned Unit Development for this area was approved on February 23, 2000. In order to modify said approved PUD, the applicant is required to resubmit a request for rezoning (amendment to the existing PUD). Should the City Council deny the proposed amendment in its entirety, the approval of the original PUD will stand. Should the Council desire to approve some of the proposed amendments, said amendments would be implemented.
- The applicant is aware that staff does not support the variance to the sidewalk requirement.

Staff Recommendation:

Approval.

Attachments:

Public Hearing Notice
Zoning Change Application
Location Map
Area Zoning Map
Property Owner Notification Report and Map

Bellavita, Pearland, Texas

C (1) (b)

A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant

Planning Objective

The planning objective is to obtain an R-4, PUD designation for Bellavita at Greentee by presenting to you a carefully planned Active Adult Community to accomplish a development, which is both aesthetically pleasing and functional.

Development Description

The Bellavita at Greentee Subdivision site has been designed with the expert assistance of the engineering firm of Century Engineering. Built by Lennar Homes. Care has been taken to present an attractive community to blend with but also add character to the City of Pearland.

Architecturally, these homes will be built around a beautiful eleven-acre lake. The entries will be bermed and landscaped and ample green space will be available for community recreation. Bellavita at Greentee will have 659 homes all with full amenity packages.

Land Use. The Developer agrees to comply with the provisions of the Land Use and Urban Development Ordinance, revised June 26, 2000, as amended subject to the rights of the parties.

with such variations thereto as may be required to conform to the Plan of Development. We respectfully request that you amend our PUD as approved on February 28, 2000. Specific variances/amendments are as follows:

1) As the developer we will be installing approximately 11,000 L.F. of 8-foot wide concert walking paths in this community in lieu of sidewalks. (See attached plan)

2) Street configuration. (See attached plan)

3) Lot size from 47x110 and 57x110 to 60x110 and 65x115.
(See attached plan)

*Bellavita at Greentee
Pearland, Texas*

C (1) (b) - cont'd.

Project Rationale

Market indicators show that the City of Pearland's supply of high-quality, affordable single family homes Active Adult Community available for purchase does not meet current public demand.

Economic Benefits

The Property in its' current status as unimproved raw land is a non-revenue producing asset. The Property does not add value or benefit to the landowner or the community in its present state.

The single-family residential portion of Bellavita will add 659 homes at an average price of \$150,000.00 or a total of \$98,850,000.00 to the taxable value of the community.

83 UNITS @ 60' x 110'
33 UNITS @ 65' x 115'

TOTAL = 116 UNITS

BELLAMITA
SEC. 2
AREA = 27.26 AC



NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL

AND

THE PLANNING AND ZONING COMMISSION

OF THE CITY OF PEARLAND, TEXAS

Notice is hereby given that on the 15th day of January, 2001, at 6:30 p.m., the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria, Harris and Fort Bend Counties, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, on the request of Renee L. West, agent for Green-Hollow, Ltd., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Single Family Dwelling District (R-4 PUD) to Single Family Dwelling District (R-4 PUD) (a revision to the existing Planned Unit Development) on the following described property, to wit:

211.9140 acres located in the W.D.C. Hall Survey, A-23, Harris Co., TX (Bellavita at Green Tee)

An application and maps are enclosed for your information.

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Young Lorfing
Young Lorfing
City Secretary

APPLICATION NO. 960

January 16, 2001

Honorable Mayor and Council Members
City Hall
Pearland, Texas 77581

Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION
NO. 960

Request of Renee L. West, agent for Green-Hollow, Ltd., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Single Family Dwelling District (R-4 PUD) to Single Family Dwelling District (R-4 PUD) (a revision to the existing Planned Unit Development) on the following described property, to wit:

211.9140 acres located in the W.D.C. Hall Survey, A-23, Harris Co., TX
(Bellavita at Green Tee)

Honorable Mayor and Council Members:

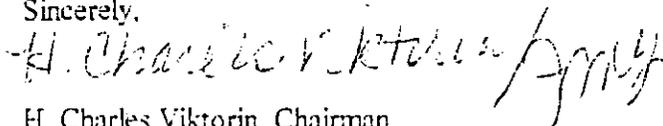
At a regular meeting held on January 15, 2001, after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Richard Tetens and seconded by Commissioner Emil Beltz to recommend approval of Zone Change Application No. 960.

Motion to approve passed 7 to 0.

This is submitted for your consideration.

Sincerely,



H. Charles Viktorin, Chairman
Planning & Zoning Commission

Young Loring
City Secretary
(281) 352-1656
Facsimile (281) 352-1706



July 19, 2001

Renee L. West,
Agent for Green - Hollow, Ltd.
6302 Broadway
Pearland, Texas 77581

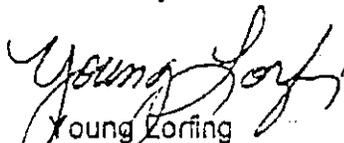
Ref: Revision of Bellavita at Green Tee PUD

Dear Ms. West:

On February 2, 2001, the City Council voted to approve Application No. 960 requesting the change of classification of certain real property from the classification of Single Family Dwelling District (R-4 PUD) to Single Family Dwelling District (R-4 PUD) amended.

Enclosed is a copy of Ordinance 509-400-1 for your records.

Sincerely,


Young Loring
City Secretary

Enclosure

YL/mkw

ORDINANCE NO. 509-400-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509-400 (APPLICATION NO. 960), THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF MODIFYING LOT SIZES AND SIDEWALK LAYOUT AT THE REQUEST OF RENEE WEST, AGENT, FOR REED-WEST INVESTMENTS, LTD., OWNERS, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Renee West, agent, for Reed-West Investments, Ltd., Owners, filed on November 7, 2000, an application for amendment pursuant to Section 28 of Ordinance No. 509, the Land Use and Urban Development Ordinance of the City, for approval of an amendment to Ordinance 509-400, said property being legally described in the original applications for amendment attached hereto, and made a part hereof for all purposes, as Exhibit "A"; and

WHEREAS, on the 15th of January, 2001, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached thereto and made a part hereof for all purposes, as Exhibit "B", said call and notice being in strict conformity with provisions of Section 28.3 and 28.4 of Ordinance No. 509; and

WHEREAS, on the 15th day of January, 2001, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the proposed amendment application by, Renee West, agent, for Reed-West Investments,

ORDINANCE NO. 509-400-1

Ltd., Owners, whereby the Commission recommended and approved an amendment to Ordinance No. 509-400 for the purpose of modifying lot sizes and sidewalk layout; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, the City Council considered this application, and concurred with the recommendation of the Planning and Zoning Commission, at a regular meeting on January 22, 2001, and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Renee West, agent, for Reed-West Investments, Ltd., Owners, presented which, in the judgment of the City Council, would justify the approval of said application, it is therefore,

ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

I.

The following described property located within the corporate City limits of the City of Pearland, Texas, and presently classified as Single Family Dwelling District (R-4 PUD) is hereby amended for the purpose of modifying lot sizes and sidewalk layout; such property being more particularly described as:

211.9140 acres located in the W.D.C. Hall Survey, A-23, Harris Co., TX
(Bellavita at Green Tee).

II.

The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been

ORDINANCE NO. 509-400-1

accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

III.

The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

IV.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

V.

All rights and remedies which have accrued in the favor of the City under this Ordinance and its amendments thereto shall be and are preserved for the benefit of the City.

VI.

The City Secretary is hereby directed to cause to be prepared an amendment to the official Land Use District Map of the City, pursuant to the provisions of Section 2 of Ordinance No. 509, and consistent with the approval herein granted for the reclassification of the herein above described property.

ORDINANCE NO. 509-400-1

VII.

This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 22 day of January, 2001.



TOM REID
MAYOR

ATTEST:



YOUNG LORING
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 12 day of February, 2001.



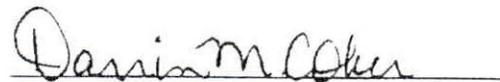
TOM REID
MAYOR

ORDINANCE NO. 509-400-1

ATTEST:


YOUNG LOFING
CITY SECRETARY

APPROVED AS TO FORM:


DARRIN COKER
CITY ATTORNEY

CITY OF PEARLAND
ZONE CHANGE APPLICATION
revised 5/9/00

Change in Zoning Classification from: R-4 (PUD) to: R-4 (PUD)

Change in Regulations in Section #: _____

Specific Use for: * _____

Property address: Bellavita at Green Tee PUD

Lot: _____ Block: _____ Subdivision: Bellavita at Green Tee

Metes & Bounds Description:
(unplatted property only; attach survey)

Tax I.D. number: 76-0590699

Current use of land:

Proposed use of land within requested designation:

Record owner's name: Green - Hollow Ltd.

Owner's mailing address: 6302 Broadway Pearland, Texas 77581

Owner's telephone number: 281-997-1500

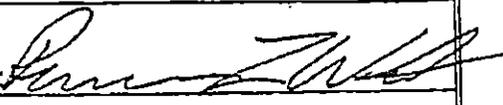
Agent's name: Renee' L. West

Agent's mailing address: 6302 Broadway Pearland, Texas 77581

Agent's telephone number: 281-997-1500

PETITION: As owner/agent, I hereby petition the City for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City of Pearland. *On a Specific Use Permit request to allow a residential use in a business zone (OP, NS, GB), I acknowledge that such use may be incompatible with current and future uses on properties in my vicinity.

Owner's signature:

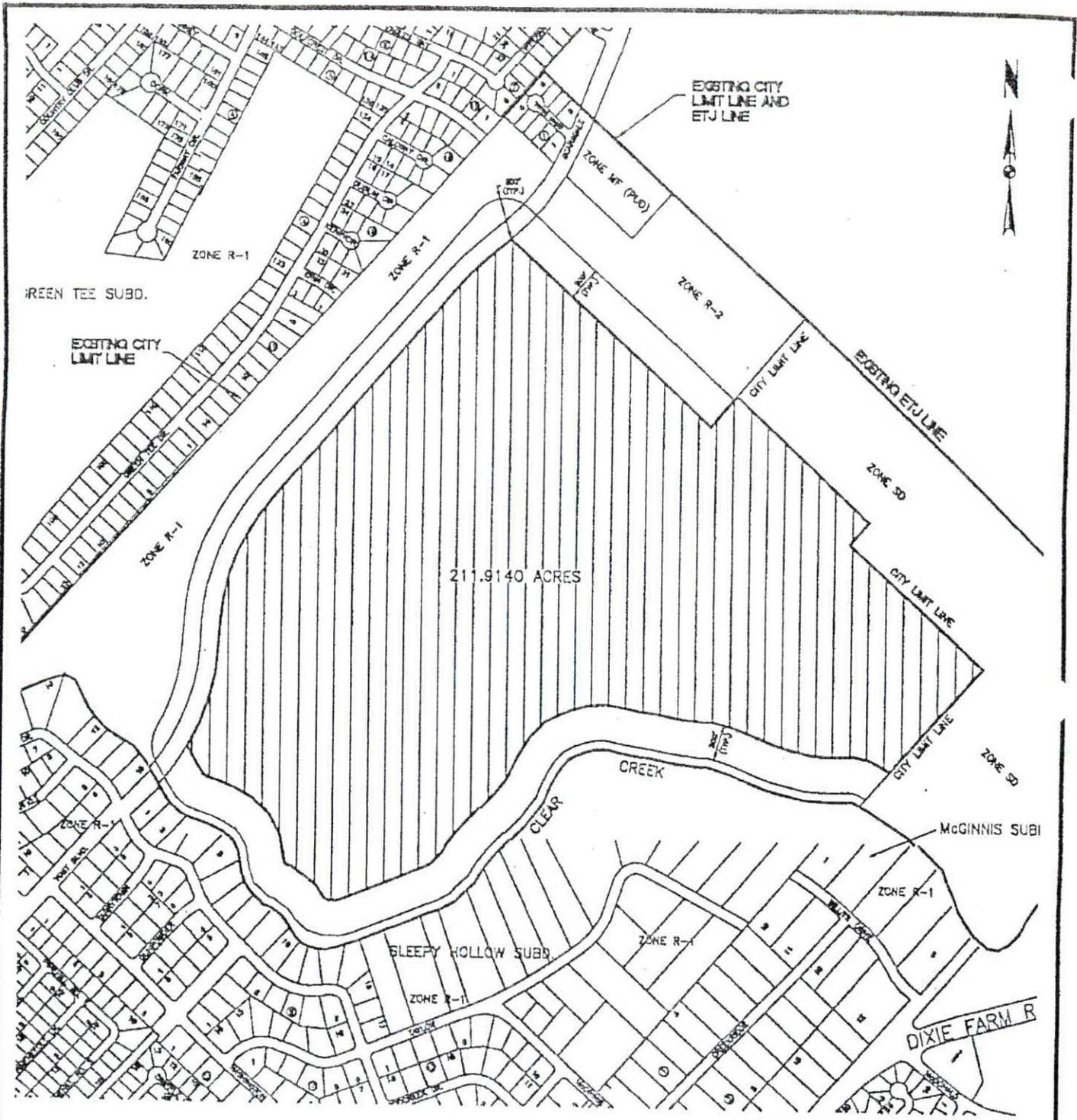
Agent's signature: 

Fees paid: \$ 250.00

Date paid: 11-7-00

Received by: Mona Phipps

Application number: 9160



		
City of Pearland, Texas		
GREEN - HOLLOW, LTD.		
ZONE CHANGE FROM R-4(PUD) TO R-4(PUD)		
Acres: 211.9140	Scale: HORIZ: 1"=300' VERT: 1"=	SHEET 1
Date: DEC, 2000	Drawn By: JFR	

NOTICE OF PUBLICATION

The Pearland Reporter News
2404 South Park
Pearland, Texas 77581

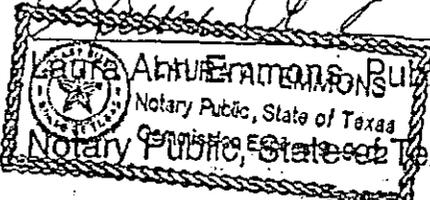
State of Texas
Brazoria and Harris Counties

Randy Emmons, hereby certify that the notice hereby appended was published
Brazoria and Harris Counties in THE REPORTER NEWS, a newspaper of general
circulation in Brazoria and Harris Counties, for 1 issues, as follows:

No. <u>1</u>	Date <u>12-27</u>	20 <u>00</u>
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____

Randy Emmons
President

Subscribed and sworn to before me this 28 day of dec.

[Signature]

 Laura Ann Emmons, Publisher
 Notary Public, State of Texas
 Notary Public, State of Texas

Published Dec. 27, 2000
Jan. 3, 2001

**NOTICE OF A JOINT
PUBLIC HEARING OF THE
CITY COUNCIL AND THE
PLANNING AND ZONING
COMMISSION OF THE
CITY OF PEARLAND,
TEXAS**

Notice is hereby given that on the 15th day of January, 2001, at 6:30 p.m. the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria, Harris and Fort Bend Counties, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 2590 Bayou Drive, Pearland, Texas, on the request of Ernest L. West, agent for Green Hollow Ltd., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Single Family Dwelling District (R-1 PUD) to Single Family Dwelling District (R-4 PUD) (a revision to the existing Planned Unit Development) on the following described property, to wit:

211.9140 acres located in the W.D.C. Hall Survey, A-23, Harris Co., TX (Bellavita at Green Tee)

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Young Loring
City Secretary

PUBLIC AFFAIRS NO. 160

AFFIDAVIT OF PUBLICATION

The Pearland Reporter News
2404 South Park
Pearland, Texas 77581

State of Texas
Brazoria and Harris Counties

I, Randy Emmons, hereby certify that the notice hereby appended was published in Brazoria and Harris Counties in THE REPORTER NEWS, a newspaper of general circulation in Brazoria and Harris Counties, for 1 issues, as follows:

No. <u>7</u>	Date <u>1-3</u>	<u>2001</u>
No. _____	Date _____	<u>20</u>
No. _____	Date _____	<u>20</u>
No. _____	Date _____	<u>20</u>
No. _____	Date _____	<u>20</u>

Randy Emmons
President

Subscribed and sworn to before me this 30 day of Jan
2001

Laura A. Emmons
Notary Public, State of Texas
Commission Expires 9-19-02
Notary Public, State of Texas

2001

Published Dec. 27, 2000 &
Jan. 3, 2001

**NOTICE OF A JOINT
PUBLIC HEARING OF THE
CITY COUNCIL AND THE
PLANNING AND ZONING
COMMISSION OF THE
CITY OF PEARLAND,
TEXAS**

Notice is hereby given that on the 15th day of January, 2001, at 8:30 p.m., the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria, Harris and Fort Bend Counties, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, on the request of Renee L. West, agent for Green Hollow, Ltd., owner for an amendment to the Land Use and Urban Development Ordinance of said City (on Classification Single Family Dwelling District (R-4 PUD) to Single Family Dwelling District (R-4 RUD) (a revision to the existing Planned Unit Development) on the following described property, to wit:

21.6640 acres located in the W.D. Hall Survey, A-23, Harris Co., TX (Bellavita at Green Tee)

At said hearing all interested parties shall have the

right and opportunity to appear and be heard on the subject.

/s/ Young Lortjens
City Secretary

APPLICATION NO. 360

January 16, 2001

Honorable Mayor and Council Members
City Hall
Pearland, Texas 77581

Re: **RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION
NO. 960**

Request of Renee L. West, agent for Green-Hollow, Ltd., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Single Family Dwelling District (R-4 PUD) to Single Family Dwelling District (R-4 PUD) (a revision to the existing Planned Unit Development) on the following described property, to wit:

211.9140 acres located in the W.D.C. Hall Survey, A-23, Harris Co., TX
(Bellavita at Green Tee)

Honorable Mayor and Council Members:

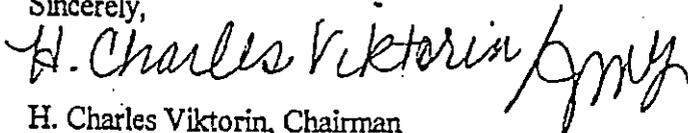
At a regular meeting held on January 15, 2001, after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Richard Tetens and seconded by Commissioner Emil Beltz to recommend approval of Zone Change Application No. 960.

Motion to approve passed 7 to 0.

This is submitted for your consideration.

Sincerely,



H. Charles Viktorin, Chairman
Planning & Zoning Commission

Young Loring
City Secretary
(281) 652-1655
Telecopier (281) 652-1706



October 12, 2000

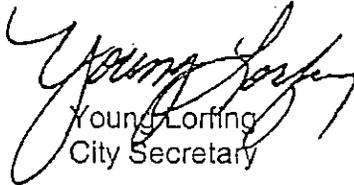
Reed-West Investments
6302 Broadway Ste. 250
Pearland, Texas 77584

Dear Reed-West Investments:

On February 28, 2000, the City Council voted to approve Application No. 840 requesting the change of classification of certain real property from the classification of Suburban Development District (SD) to Single-Family Dwelling District-Planned Unit Development (R-4-PUD).

Enclosed is a copy of Ordinance 509-400 for your records.

Sincerely,


Young Loring
City Secretary

Enclosure

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

COPY

AGENDA OF: <u>February 14, 2000</u>	ITEM NO. _____
DATE SUBMITTED: <u>Jan 25, 2000</u>	DEPARTMENT OF ORIGIN: <u>Planning/Permits</u>
PREPARED BY: <u>M. Phipps</u>	PRESENTOR: <u>G. Tumlinson</u>
SUBJECT: <u>ZONE CHANGE APPLICATION NO. 840</u>	
EXHIBITS: <u>Ordinance, map and application</u>	
EXPENDITURE REQUIRED <u>n/a</u>	
AMOUNT BUDGETED <u>n/a</u>	
ACCOUNT NO. <u>n/a</u>	
ADDITIONAL APPROPRIATION REQUIRED <u>n/a</u>	
ACCOUNT NO. <u>n/a</u>	
FUNDS AVAILABLE <u>n/a</u> (Finance Department Approval)	

EXECUTIVE SUMMARY

Zone Change Application No. 840 is a request to change the zoning classification from Suburban Development District (SD) to Single Family Dwelling District (R-4 PUD) at Bellavita at Green Tee.

RECOMMENDED ACTION

consider request

February 8, 2000

Honorable Mayor and Council Members
City Hall
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION
NO. 840**

Request of Renee West, agent for Reed-West Investments, Ltd., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Single-Family Dwelling District Planned Unit Development (R4-PUD) on the following described property, to wit:

Being 211.9140 acres in the W.D.C. Hall survey, A-23, Harris Co., TX, recorded under County Clerk's File No. T464162, Official Public Records of Real Property of Harris Co., TX (Bellavita @ Green Tee)

Honorable Mayor and Council Members:

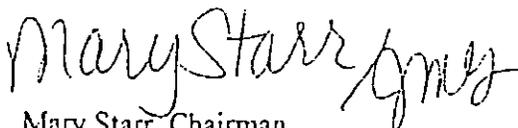
At a regular meeting held on February 7, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Vice-Chairman Tommy L. Scott and seconded by Commissioner Emil Beltz to recommend approval of Zone Change Application No. 840.

Motion to approve passed 6 to 1.

This is submitted for your consideration.

Sincerely,



Mary Starr, Chairman
Planning & Zoning Commission

BELLAVITA AT

GREEN TEE

Planned Unit Development

City of Pearland

City Council

&

Planning and Zoning Commission

**BELLAVITA AT
GREEN TEE**

Date: August 27, 1999

To: Mr. Dennis Smith, Director of Planning
& Community
Development

Planning & Zoning Commission

Ms. Mary Starr, Chairperson
Mr. Tommy L. Scott, Vice-Chairperson
Mr. Emil Beltz, Commissioner
Mr. Donald Glenn, Commissioner
Mr. Todd Iocco, Commissioner

City Council Members

Mr. Tom Reid, Mayor
Ms. Helen Beckman, Council Member
Mr. Larry Wilkins, Council Member
Mr. Richard Tetens, Council Member
Mr. Bill Berger, Council Member
Mr. Klaus Seeger, Council Member

From: R. West Development Co., Inc.
Renee' L. West, President

Re: Formal PUD Application
BELLAVITA AT GREEN TEE
Pearland, Texas

Enclosed is our formal PUD application for Green Tee Subdivision

Table of Contents

1. Written Documents

Ordinance Requirements

Planning Objectives

Development Schedule

Management's Statement

Quantitative Data

Legal Description

Pictures, Renderings and Floor Plans

2. Site Plan & Supporting Maps

Location Maps

Aerial

Site Plan

Utility Plan

3. Additional Information & Profiles

Project Description

Bellavita will be Pearland's first planned Age Restricted Active Adult Gated community. This development will consist of single family, one and two story loft homes. Each homeowner will have a private entrance and a separate two car attached garage.

*The community will have two and three bedroom homes with full size kitchens containing GE appliances, mini-blinds throughout, washers and dryers and much more, as detailed on the amenities list included with floor plans & renderings. These homes will be built around an eleven-acre lake with fountains, 25 acres of beautiful park areas and green spaces with walking & cart paths. We will also feature lush Italian landscaping berms and gated entry with guardhouse. Pearland has a need for an **upscale** active adult community. Homes will be an average of \$150,000. This subdivision will fill the roll for older couples. This will be a truly unique development.*

We have addressed the zoning concerns for this tract as well as the surrounding tracts.

*Bellavita at Greentee
Pearland, Texas*

*Land Use & Urban Development
Ordinance Requirements*

C (1) (a)

A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.

Legal Description

The legal description of the property is located on the following page.

Present/Proposed Ownership

Reed-West Investments Ltd., Owner, Agent R. West Development Company, Inc. a Texas Corporation and Contract Purchaser, Renee' L. West, President.

Present/Proposed Zoning

The Property, an unimproved raw-land site, is presently zoned GD. This formal Planned Unit Development ("PUD") application is submitted with a request to modify the current zoning to R-4 PUD.

Legal Description of Bellavita at Greentee

SEE FOLLOWING PAGES:



REKHA ENGINEERING, INC.

CONSULTING ENGINEERS

EXHIBIT
"A"

LEGAL DESCRIPTION OF BELLAVITA AT GREEN TEE

BEING a tract of land located in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas, and being out of that tract of land conveyed to Reed-West Investments, Ltd. As per an instrument recorded under County Clerk's File No. T464162 of the Official Public Records of Real Property of Harris County, Texas and being more particularly described by metes and bounds as follows:

TRACT II - 265.8501 ACRES (11,580,430 SQUARE FEET)

BEGINNING at a 5/8 inch iron rod found on the southeast right-of-way line of Scarsdale Road (having a 100 foot wide right-of-way) for the west corner of Sagemont First Home, a subdivision per map or plat thereof recorded under Film Code No. 389035 of the Map Records of Harris County, Texas;

THENCE South 44° 44' 49" East, along the southwest line of said Sagemont First Home, a distance of 539.47 feet to a 5/8-inch iron rod found for an interior corner of the herein described tract, same being the south corner of the said Sagemont First Home;

THENCE North 45° 14' 48" East, with the southeast line of the said Sagemont First Home, a distance of 341.58 feet to a 5/8 inch iron rod set for the most northerly corner of the herein described tract;

THENCE South 45° 07' 47" West, along an exterior line of the herein described tract, same being the northwest line of that tract conveyed to Roosevelt Texas Holdings, as per an instrument recorded under County Clerk's File No. File No. R157894 of the said Official Public Records of Harris County, Texas, a distance of 585.76 feet to a 5/8 inch iron rod found for an interior corner of the herein described tract;

THENCE South 44° 50' 35" East, along the most easterly northeast line of the herein described tract, same being the most northerly southwest line of a called 51.1982 acre tract conveyed to Roosevelt Texas Holdings Co., Inc. as per an instrument recorded under County Clerk's File No. R157894 of the said Official Public Records, a distance of 1,041.71 feet to an angle point of the herein described tract;

THENCE South 45° 09' 25" West, a distance of 167.27 feet to a 5/8 inch iron rod found for an interior angle corner of both the called 51.1982 acre tract and the herein described tract;

THENCE South 44° 50' 35" East, along the most southerly northeast line of the herein described tract, same being the most southerly southwest line of the said called 51.1982 acre tract a distance of 1041.65 feet to a 5/8 inch iron rod found for the south corner of the herein southerly southwest line, a distance of 1041.65 feet to a 5/8 inch iron rod found for the south corner of the herein described tract said 5/8 inch iron rod also being in the northwest line of a called 78.773 acre tract as conveyed to the Harris County Flood Control District as per an instrument recorded under County Clerk's File No. J237306 of the said Official Public Records.

THENCE South 45° 09' 25" West, along the said northwest line, same being the southeast line of the herein described tract, a distance of 1163.04 feet to a point in the centerline of said Clear Creek for the southerly corner of the herein described tract.



REKHA ENGINEERING, INC.

CONSULTING ENGINEERS

LEGAL DESCRIPTION....PAGE 2 BELLAVITA AT GREEN TEE

THENCE upstream with the centerline of Clear Creek, following its meanders, the following courses and distances:

North 76° 16' 19" West, a distance of 162.56 feet to an angle point;
North 87° 07' 01" West, a distance of 184.73 feet to an angle point;
North 71° 22' 03" West, a distance of 296.68 feet to an angle point;
North 63° 44' 58" West, a distance of 247.51 feet to an angle point;
North 82° 35' 36" West, a distance of 226.75 feet to an angle point;
North 74° 54' 43" West, a distance of 420.15 feet to an angle point;
South 83° 26' 41" West, a distance of 150.47 feet to an angle point;
South 57° 29' 34" West, a distance of 131.85 feet to an angle point;
South 38° 51' 19" West, a distance of 96.57 feet to an angle point;
South 28° 11' 38" West, a distance of 162.56 feet to an angle point;
South 43° 03' 54" West, a distance of 150.06 feet to an angle point;
South 49° 11' 22" West, a distance of 290.48 feet to an angle point;
South 36° 13' 14" West, a distance of 140.37 feet to an angle point;
South 52° 48' 11" West, a distance of 122.17 feet to an angle point;
South 60° 15' 48" West, a distance of 94.61 feet to an angle point;
South 73° 27' 21" West, a distance of 687.26 feet to an angle point;
South 87° 59' 00" West, a distance of 74.35 feet to an angle point;
North 66° 36' 59" West, a distance of 82.97 feet to an angle point;
North 39° 26' 24" West, a distance of 111.80 feet to an angle point;
North 39° 48' 37" West, a distance of 161.12 feet to an angle point;
North 44° 54' 57" West, a distance of 207.29 feet to an angle point;
North 11° 57' 16" West, a distance of 235.57 feet to an angle point;
North 57° 58' 43" West, a distance of 436.69 feet to an angle point;
North 26° 52' 45" West, a distance of 142.98 feet to an angle point for the most westerly corner of the herein described tract and the Beginning of a curve to the left whose center bears North 39° 23' 57" West,

THENCE in a northeasterly direction along the arc of said curve to the left, having a Radius of 1300.00 feet, a Central Angle of 43° 49' 00", An Arc Length of 994.17 feet, and a Long Chord which bears North 28° 41' 33" East, 970.12 feet to a 5/8 inch iron rod set for the Point of Tangency of the said curve to the left;

THENCE North 06° 47' 03" East, a distance of 122.51 feet to a 5/8 inch iron rod set for the Beginning of a curve to the right;

THENCE in a northeasterly direction along the arc of said curve to the right, having a Radius of 1200.00 feet, a Central Angle of 38° 26' 22", An Arc Length of 805.07 feet, and a Long Chord which bears North 26° 00' 14" East, 790.06 feet to a 5/8 inch iron rod set for the Point of Tangency of the said curve to the right;

THENCE North 45° 13' 25" East, a distance of 1545.45 feet to a 5/8 inch iron rod set for the Beginning of a curve to the right;



REKHA ENGINEERING, INC.

CONSULTING ENGINEERS

LEGAL DESCRIPTION . . PAGE 3
BELLAVITA AT GREEN TEE

THENCE in a northeasterly direction along the arc of said curve to the right, having a Radius of 1950.00 feet, a Central Angle of $09^{\circ} 37' 37''$, An Arc Length of 327.64 feet, and a Long Chord which bears North $50^{\circ} 02' 14''$ East, 327.26 feet to a 5/8 inch iron rod set for the Point of Tangency of the said curve to the right;

THENCE North $54^{\circ} 51' 02''$ East, a distance of 139.67 feet to a 5/8 inch iron rod set for the Beginning of a curve to the left,

THENCE in a northeasterly direction along the arc of said curve to the left, having a Radius of 1300.00 feet, a Central Angle of $19^{\circ} 52' 35''$, An Arc Length of 450.98 feet, and a Long Chord which bears North $44^{\circ} 54' 45''$ East, 448.72 feet to the PLACE OF BEGINNING, containing 265.8501 acres (11,580,430 square feet) of land

REKHA Engineering, Inc.
Job No. 1374
8-26-99



REKHA ENGINEERING, INC.

CONSULTING ENGINEERS

LEGAL DESCRIPTION

2.6269 ACRE TRACT OF LAND LOCATED IN THE
W.D.C HALL SURVEY, ABSTRACT NO. 23
HARRIS COUNTY, TEXAS

BEING a 2.6269 acre (114,427 square foot) tract of land located in the W D C. Hall Survey, Abstract No. 23, Harris County, Texas, and being out of that tract of land conveyed to Reed-West Investments, Ltd as per an instrument recorded under County Clerk's File No. T484162 of the Official Public Records of Real Property of Harris County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod found for west corner of Green Tea Terrace Section 8, a subdivision per map or plat thereof recorded under Film Code No. 401002 of the Map Records of Harris County, Texas;

THENCE South 44° 44' 49" East, along the southwest line of said Section 8, a distance of 400.07 feet a 5/8 inch iron rod set for the most northerly northeast corner of the herein described tract, same being in the northwest right-of way line of Scarsdale Road (having a 100 foot wide right-of-way), and the Beginning of a Curve to the right whose center bears North 55° 53' 34" West;

THENCE in a southwesterly direction along the arc of said curve to the right, having a Radius of 1200.00 feet, a Central Angle of 20°44'36", An Arc Length of 434.45 feet, and a Long Chord which bears South 44° 28' 44" West, 432.08 feet to a 5/8 inch iron rod set for the Point of Tangency of the said curve to the right;

THENCE South 54° 51' 02" West, a distance of 139.67 feet to a 5/8 inch iron rod set for a corner of the herein described tract and the Beginning of a Curve to the left;

THENCE in a southwesterly direction along the arc of said curve to the left, having a Radius of 2050.00 feet, a Central Angle of 09° 37' 37", An Arc Length of 344.44 feet, and a Long Chord which bears South 50° 02' 14" West, 344.04 feet to a 5/8 inch iron rod set for the Point of Tangency of the said curve to the left;

THENCE South 45° 13' 25" West, a distance of 1545.45 feet to a 5/8 inch iron rod set for a corner of the herein described tract, and the Beginning of a Curve to the right;

THENCE in a southwesterly direction along the arc of said curve to the right, having a Radius of 1300.00 feet, a Central Angle of 22° 50' 03", An Arc Length of 518.09 feet, and a Long Chord which bears South 33° 48' 24" West, 514.67 feet to a 5/8 inch iron rod set for the northwest corner and PLACE OF BEGINNING of the herein described tract;

THENCE South 69° 26' 13" East, a distance of 100.06 feet to a 5/8 inch iron rod set for the northeast corner of the herein described tract, and the Beginning of a Curve to the left whose center bears South 67° 27' 30" East;

THENCE in a southwesterly direction along the arc of said curve to the left, having a Radius of 1200.00 feet, a Central Angle of 15° 45' 27", An Arc Length of 330.02 feet, and a Long Chord which bears South 14° 39' 47" West, 328.99 feet to a 5/8 inch iron rod set for the Point of Tangency of the said curve to the left;



REKHA ENGINEERING, INC.

CONSULTING ENGINEERS

LEGAL DESCRIPTIONPAGE 2

2.6269 ACRE TRACT OF LAND LOCATED IN THE
W.D C HALL SURVEY, ABSTRACT NO 23
HARRIS COUNTY, TEXAS

THENCE South $06^{\circ} 47' 03''$ West, a distance of 122.51 feet to a $5/8$ inch iron rod set for a corner of the herein described tract, and the Beginning of a Curve to the right;

THENCE in a southwesterly direction along the arc of said curve to the right, having a Radius of 1300.00 feet, a Central Angle of $32^{\circ} 11' 20''$, An Arc Length of 730.34 feet, and a Long Chord which bears South $22^{\circ} 52' 43''$ West, 720.78 feet to a $5/8$ inch iron rod set for the southeast corner of the herein described tract, same being in a line 250 feet northeast of the centerline of Clear Creek;

THENCE North $26^{\circ} 52' 45''$ West, parallel to and 250 feet northeast of the centerline of Clear Creek and its meanders, a distance of 110.52 feet to a $5/8$ inch iron rod set for the southwest corner of the herein described tract and the Beginning of a Curve to the left whose center bears North $53^{\circ} 11' 10''$ West;

THENCE in a northeasterly direction along the arc of said curve to the left, having a Radius of 1200.00 feet, a Central Angle of $30^{\circ} 01' 47''$, An Arc Length of 628.94 feet, and a Long Chord which bears North $21^{\circ} 47' 56''$ East, 621.77 feet to a $5/8$ inch iron rod set for the Point of Tangency of the said curve to the left;

THENCE North $06^{\circ} 47' 03''$ East, a distance of 122.51 feet to a $5/8$ inch iron rod set for the Beginning of a curve to the right'

THENCE in a northeasterly direction along the arc of said curve to the right, having a Radius of 1300.00 feet, a Central Angle of $15^{\circ} 36' 19''$, An Arc Length of 354.07 feet, and a Long Chord which bears North $14^{\circ} 35' 12''$ East, 352.98 feet to the PLACE OF BEGINNING, containing 2.6269 acres (114,427 square feet) of land

Note: The north line of this description is based on a land plan provided by our firm by Vernon Henry and Associates
REKHA Engineering, Inc.
Job No. 1442
September 15, 1999
D:\1442\deannex.doc

Bellavita, Pearland, Texas

C (1) (b)

A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant

Planning Objective

The planning objective is to obtain an R-4, PUD designation for Bellavita at Greentee by presenting to you a carefully planned Active Adult Community to accomplish a development, which is both aesthetically pleasing and functional.

Development Description

The Bellavita at Greentee Subdivision site has been designed with the expert assistance of the engineering firm of Century Engineering. Built by Lennar Homes. Care has been taken to present an attractive community to blend with but also add character to the City of Pearland.

Architecturally, these homes will be built around a beautiful eleven-acre lake. The entries will be bermed and landscaped and ample green space will be available for community recreation. Bellavita at Greentee will have 659 homes all with full amenities packages.

*Bellavita at Greentee
Pearland, Texas*

C (1) (b) – cont'd.

Project Rationale

Market indicators show that the City of Pearland's supply of high-quality, affordable single family homes Active Adult Community available for purchase does not meet current public demand.

Economic Benefits

The Property in its' current status as unimproved raw land is a non-revenue producing asset. The Property does not add value or benefit to the landowner or the community in its present state.

The single-family residential portion of Bellavita will add 659 homes at an average price of \$150,000.00 or a total of \$98,850,000.00 to the taxable value of the community.

*Bellavita at Greentee
Pearland, Texas*

C (1) (c)

A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.

We anticipate beginning construction in October 1999 with completion of the project to be mid-year, 2004.

TIME LINE ON FOLLOWING PAGES

Detailed time line to be provided upon approval of Planned Unit Development.

Bellavita at Greentee
Pearland, Texas

C (1) (d)

A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.

Each home in this well thought out community will be sold on an individual basis to new homeowners. Models will be built on site by the builder. The homes will be built with homebuyers picking wallpaper and carpet colors as well as a few additional options at buyer's discretion. This will provide a pride of ownership and a feeling of community. There will be strict deed restrictions enforced by a strong Homeowner's Association.

Bellavita at Greentee
Pearland, Texas

C (1) (e)

Quantitative data for the following: total number and type of dwelling units; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space); total amount of non-residential construction (including a separate figure for commercial or institutional facilities); economic feasibility studies or market analysis where necessary; and other studies as required by the review authority.

The development of Bellavita shall include approximately 660 units consisting of brick and wood exterior; architecturally consistent with progressive master planned communities.

The current plan allows for 660 single family homes (660 structures). The product has been previously build and sold in The Woodlands community where it has been very successful. We have included pictures of exteriors and interiors of some of these homes, as well as floorplans and artists renderings.

Bellavita at Greentee
Pearland, Texas

C (1) (e) – cont'd

Coverage's

Buildings & Structures:

Densities:

659 units / 2.8 units per acre

Open Space:

*Usable: Approximately 111.1 total acres of green
belt, lakes and recreation*

Refer to Site Plan

MARKET STUDY

INFORMATION ON FOLLOWING PAGES

I. Executive Summary

A. Introduction

This study has been prepared exclusively for Brazoria County Municipal Utility District No. 18. The conclusions set forth in the report are not applicable for any other property in the defined Target Market Area. The purpose of this market analysis is to evaluate the potential of three new subdivisions to be annexed into Brazoria County MUD No. 18 (the District). Bellavita at Green Tee, Villa Verde, and Villa D'Este are contiguous subdivisions located in Southeast Harris County. These subdivisions, referred to in this report as "the Property", are detailed in the table below.

<u>Section</u>	<u>Lot Width</u>	<u># of Lots</u>	<u>Avg. Home Price</u>
Bellavita at Green Tee 1	47'	88	\$160,000
Bellavita at Green Tee 1	57'	48	\$170,000
Bellavita at Green Tee (fut)	47'	186	\$160,000
Bellavita at Green Tee (fut)	57'	339	\$170,000
Bellavita Subtotal	*	661	*
Villa D'Este 1	80'	46	\$300,000
Villa D'Este 2	80'	56	\$300,000
Villa D'Este Subtotal	*	102	
Villa Verde 1	70'	58	\$170,000
Villa Verde (fut)	70'	167	\$170,000
Villa Verde Subtotal	*	225	*
Property Totals	*	988	*

Villa D'Este, developed with 80' lots, currently plans to sell lots to custom builders who are expected to sell homes averaging \$300,000 in price. The 70' lots in Villa Verde will be for a production builder, and homes are expected to average \$170,000. Bellavita at Green Tee, though, will be an active-adult community only for homebuyers who are age 55 or older. Amenities here include a 32,000 square foot recreation center, maintenance-free living, and entrance gates. Lennar Homes is building in Ashley Greens in The Woodlands, another active-adult community in the Houston area. Lennar plans to offer the same product, with an average price of approximately \$170,000, in Bellavita at Green Tee.

Projections for the Property are partially based upon where Houston is in the market cycle. We have evaluated the overall Houston economy, including the residential home market, and established a forecast for housing starts in Houston, the Target Market Area, and the subject site. A map of the Target Market Area (TMA) is located on page 36 of the report.

The housing market supply of new homes and new home subdivisions is monitored on a quarterly basis by the METRO/STUDY single family housing survey, which allows us to assess the competition and accurately determine the size of the Houston market as well as the TMA. Housing data contained in this report comes from that survey, unless otherwise stated.

An overview of active subdivisions located within the TMA's boundaries includes historical starts, lot inventories, and demand by price. In addition to an analysis of housing construction activity, we study the demographic makeup of the TMA to determine the purchasing power of households and the appropriateness of projected home prices at the Property. Finally, we draw upon our experience in the market to evaluate intangible factors, like schools and road access, that influence home buying patterns.

The remainder of this section of the report summarizes the Houston economy and residential housing market, as well as the single family home market in the Target Market Area. Final conclusions regarding the Property are included at the end of this section.

B. Houston Overview

Economic Overview

- The City of Houston has recovered from its economic woes experienced in the mid 1980's caused by the depression in the oil industry. Since 1987, the Houston economy has added almost 600,000 jobs and 275,000 households. The year 1997 was an amazing year for the Houston job market, as over 100,000 jobs were added. Houston's job market has turned the corner, however, as current job growth is down significantly from 1997 levels. Declining oil prices and a depressed energy industry have resulted in thousands of recent layoffs. Houston's economy appears to have passed its peak for now; jobs are still being added, but at a much slower pace.
- It should be noted, though, that job growth during the 1990's has been different from Houston's historical job growth pattern that was so heavily dependent on energy. Since 1987, 40% of new jobs have been added in the Services sector. This includes a variety of quality jobs in health care, legal professions, construction engineering, software programming, telecommunications, and aerospace engineering. At the same time, the oil industry has added almost no new jobs, reflecting the diversification effort underway in the local economy. Houston's dependence on the energy industry is still profound, though, as over half of all jobs in the metropolitan area are energy related.
- There is good news on the horizon for Houston's economy, due to the improvement in world oil prices. From the beginning of March to the end of May, oil prices rose from \$12.23 per barrel to nearly \$19. A recovering oil industry and continued expansion of the national economy could signal a return to rising job growth numbers in the year 2000 and beyond. Job growth for 1998 finished at 62,900 new jobs, but in 1999 job growth will be down to 10,000 to 30,000 new jobs. An anticipated recovery is expected in 2000 and beyond with a 30,000 to 50,000 job growth rate, according to the University of Houston Center for Public Policy and Federal Reserve economists. Creation of new jobs is critical to the household growth that feeds the homebuilding industry.

Housing Market Overview

- As a result of Houston's growth over the past seven years, the excess supply of apartments, single family homes, and subdivision

lot inventory that had accumulated from overbuilding has been virtually eliminated.

- Demand for new homes has risen steadily from a low of 6,500 units in 1987 to 22,880 units for the twelve months ending 1Q99. The current annual rate is the highest twelve-month total for single family starts since 1983.
- Even though annual job growth has dropped from over 100,000 in 1997 to a current level of 49,600 (1Q99), the Houston homebuilding industry is still catching up with demand created by the robust 1997 economy. Labor shortages and limited lot availability have restricted home starts during much of 1998. Houston's 1Q99 vacant lot inventory represents only 17.2 months of supply, which is well below the 24 to 30 month range that Metro/Study considers equilibrium. Almost all vacant lots are under the control of builders, so the Houston market is essentially "sold out" of lots.
- In spite of these limitations, annual new home starts reached almost 23,000 units by the end of 1Q99, a 10% increase over 1Q98 and the most starts in Houston since 1983. Despite the current economic slowdown, there is enough momentum in the homebuilding industry to finish the year strong. Metro/Study expects 23,000 starts in 1999, but the following years are not as likely to reach this mark. Starts in 2000 and 2001 will probably be in the 20,000 to 23,000 range.
- Several years of rising rents and occupancy rates spurred apartment construction in 1998, and Houston completed over 14,000 new units (more than the previous three years combined). This influx of new supply has led to lower occupancy rates, but rental rates are still strong and the apartment market is not considered to be over-supplied.
- The resale housing market is also extremely strong. There were more single family homes sold during the year ending 1Q99 (44,151 units) than at any other time in Houston's history. Resale inventory, according to the Houston Association of Realtors, is also near an all-time low, resulting in a strong-sellers' market and rising home prices.

Demographic Overview

- Compared to the State of Texas and to the nation as a whole, Houston is a young city. However, the percent of Houston's population that lies in the 45 to 64 age range, which is of particular interest to the age-restricted section, is comparable to Texas and the United States. According to 1997 estimates, the 45 to 64 age range is also the most populous of the 10 age categories researched, comprising almost 20% of Houston's population.
- Though the population of Houston may be younger than the state, the nation, and many cities, it is actually a rather affluent city. In every income category above \$50,000, Houston has a higher percentage of the population than Texas or the United States. This wealth bodes well for the Property, which will offer product priced from approximately \$150,000 to \$300,000.
- The 45 to 64 age range in Houston is not only the most populous age segment, it is also the fastest growing. From 1997 to 2002, the population in this age range is expected to grow 27%. This percentage growth corresponds to average annual numerical growth of over 40,000 people per year. Projected population growth in every other age range is modest by comparison.
- An analysis of the demographics of the Houston market indicates an environment that is very favorable to housing product that targets the empty nester or move-down buyer.

C. Target Market Area Overview

The TMA consists of communities mostly in northern Brazoria and northwestern Galveston Counties located within the boundaries formed by Highway 288 to the west, the Sam Houston Tollway to the north, and Interstate 45 to the east. The southern boundary extends past the City of Alvin (see TMA map on page 36). The subject site actually lies within Harris County, which makes up a portion of the northeast corner of the TMA.

- The TMA is characterized by middle income families. The TMA's estimated average household income for 1998 is \$62,192, which is slightly above the Houston average of \$61,231.
- The annual starts rate in the TMA at the end of 2Q99 reached 2,037 units, up 12% from a year ago and 56% from only three years ago. The TMA's share of the Houston market has risen modestly from 8.2% in 2Q96 to 8.9% in 2Q99. TMA market share is expected to continue to climb over the next three years as the strong housing market has drawn the attention of other developers and homebuilders who will likely seek land positions in the area. Silverlake, a Johnson Development project, is the premier community in the area with 630 closings during the year ending 2Q99, ranking it second among all Houston area communities.
- Currently, the most active housing price range is the \$120,000 to \$150,000 bracket, accounting for 32% of 2Q99 annual starts. Overall, the TMA has a much higher concentration of housing activity in the \$120,000 to \$210,000 price range than greater Houston. Over 70% of TMA new home starts are priced from \$120,000 to \$210,000 compared to only 51% of Houston area starts.
- The supply of lots is low in most of the price bands, especially for housing in the production builder price ranges, \$70,000 to \$300,000. In the six Metro/Study price bands between \$70,000 and \$300,000, lot supplies range from a mere 11.6 months to 18.3 months (24 to 30 months is considered equilibrium). The TMA could have started more homes had more lots been available in this high-demand range.
- Vacant-developed lot inventory in the TMA stood at 2,564 lots at the end of 2Q99, up slightly from the 2,455 lots in 2Q97. Actual lot count has remained fairly level in the TMA over the past three years while lot inventory in greater Houston has been declining. The 2,564 lots in inventory represent 15.1 months of supply, which is actually up slightly from a low of 12 months at the end of 4Q98. Over the past several years, though, months of supply figures have

been going down due to increased lot absorption (starts) rates. Demand for lots in the TMA is very strong, and housing activity will pick up even further if capacity can be expanded with the development of new communities.

D. Conclusions

The TMA is a very active suburban housing market that has demonstrated growing consumer demand in recent years. This growth is due to several factors. First, large communities east of the TMA in the Clear Lake area are building out, and there are few new communities to replace them. This has contributed to a shift in demand from Southeast Houston to South Houston (including the TMA), where there is more supply. Furthermore, the opening of the South Sam Houston Tollway has increased accessibility to the Pearland area, contributing to its growth. Finally, Highway 288 is one of the least congested of the eight main thoroughfares into downtown. The medical center, just southwest of downtown, is also very accessible from most communities in the TMA.

Another key factor for the Property is the school district. The reputation of the Clear Creek Independent School District is among the top districts in the Houston area. This is important for Villa Verde and Villa D'Este, who will target mostly families with school-aged children.

The property is strategically located in the northeastern portion of the TMA with good access to Interstate 45 and the Sam Houston Tollway (via Scarsdale Road and Blackhawk Road, respectively). Metro/Study expects Villa Verde to perform comparably to other 70' lot subdivisions in the TMA. Based on this and other market factors both in the Target Market Area and Houston, Metro/Study projects Villa Verde to sell 50 to 60 homes per year at an average price of \$170,000. On the 80' lots in Villa D'Este, Metro/Study projects this custom-home subdivision to sell 8 to 12 units per year at an average price of \$300,000.

Potential demand for homes in Bellavita at Green Tee is more difficult to analyze. There are only a few active-adult communities in the Houston area that target and age-qualify homebuyers. It can generally be said that the empty nester, or move down, market has been largely under-served by the Houston homebuilding community. Most of the specialty product for empty nesters has been funneled into the patio home market. Lifestyle is part of the appeal of these patio home developments, but the market has been mostly product driven. Bellavita at Green Tee will offer a more unique lifestyle in a gated community only for those 55 and older. Bellavita will also construct a 32,000 square foot recreation center, walking trails, and a 12-acre detention lake. Amenities are especially important for a successful active-adult community.

The need to serve more fully the growing empty-nester market has not gone unnoticed as two of the largest master planned communities in

Houston, The Woodlands and Sienna Plantation, either are or will be in the active-adult market. Ashley Greens and Windsor Hills in The Woodlands, with homes by Lennar, have already been quite successful, starting 95 homes during the twelve months ending 2Q99. More age-qualified sections are on the way in Houston's largest master planned community. Lennar Homes, who has also targeted active adults in Florida, will be the builder in Bellavita at Green Tee.

In Sienna Plantation, one of Houston's newest and largest master planned communities, a 300-acre active-adult section with approximately 1,100 units is being planned. Further details are currently unknown, but this portion of Sienna Plantation is not expected to open until the year 2000.

U.S. Home started Country Place on the west side of Pearland in 1981, targeting the active-adult market. This 332-acre project, which is now sold out, has an 18-hole golf course, 12,000 square foot clubhouse, and 24-hour manned security. The most recent new-home prices ranged from approximately \$115,000 to \$140,000. Over its last seven years, Country Place started an average of 38 homes per year. Metro/Study expects Bellavita, partially because it is newer, to exceed historical absorption at Country Place.

Metro/Study is optimistic regarding the potential success of Bellavita at Green Tee. Changing demographics will see thousands upon thousands of Houston area baby-boomers moving into the 45 to 64 age range over the next several years. Lennar Homes plans to build and sell 100 units per year in Bellavita, and we consider this to be a reasonable absorption rate for the project. The table below summarizes projected absorption for the Property to be annexed into Brazoria County M.U.D. Number 18.

**Projected Absorption
Villa Verde, Villa D'Este, and Bellavita at Green Tee**

Subdivision	Product	Avg. Price	Yearly Absorption
Villa Verde	70'	\$170,000	50 to 60
Villa D'Este	80'	\$300,000	3 to 12
Bellavita at Green Tee	Active-Adult	\$165,000	90 to 100
Total			148 to 172

American METRO STUDY Corporation

The remainder of this document examines, in more detail, Houston's economy, Houston's residential real estate market, Houston's demographic trends, and market conditions in the Target Market Area.

*Bellavita at Greentee
Pearland, Texas*

C (2)

*A Site Plan and any maps necessary to show the major
details of the proposed PUD*

*(SITE PLAN AS PROVIDED BY VERNON HENRY AND
ASSOCIATES)*

*Bellavita at Greentee will be developed by R. West Development
Renee' L. West, President*

*Included here are Ms. West's resume, along with pictures of
subdivision entries (entire development completed at the, and
commercial buildings built by*

RESUME

RENEE L. WEST

AGE: 45 years
BIRTH DATE: November 8, 1952
PERSONAL: Single, 1 Child (21 years old)
ADDRESS: 2510 Westminister, Pearland, TX 77581

WORK HISTORY

1990 - Present *Self-Employed - Formed R. West Development Co., Inc. - Developer of Commercial and Residential Subdivisions in the City of Pearland (Pine Hollow and West Oaks), and Houston area (Oakridge Forest).*

Formed Financial Acquisition Corporation - Buy 1st lien notes in default and foreclose on assets. Own working interests in Oil Wells in Texas, Oklahoma and Arkansas.

1988 - 1990 *Self Employed - Consulting, Asset Recovery and Work outs, Buying discounted notes for Investors, sold several tracts of raw land to developers. Management and Leasing (office buildings and warehouse), Mortgage Broker and Industrial Tenant Representative for build to suit and leasing.*

1981 - 1988 *Self-Employed - Formed Spectrum Development Company, a service-oriented group committed to the professional development of commercial properties. Stressing conscientious planning, precise workmanship and personal attention to detail, the Spectrum group was assembled to reflect expertise in a variety of development related areas. I remained closely connected to every job undertaken, so that our commitment to service and detail was never compromised.*

SPECTRUM DEVELOPMENT COMPANY 1981 to 1988

Spectrum Development Co., designed, built, financed, leased, managed, and sold Office Buildings, Shopping Centers and Office/Warehouses. I did all feasibility studies, financing packages, land contracts, draw schedules, closings, research and development. Completed over \$30,000,000. in Commercial and Industrial projects in the Houston area. Started Residential Development Company 1984 - Bought land in Bellaire, put in lots and built homes for sale - \$500,000. and up.

Started Spectrum Management & Leasing Co. - A commercial leasing and management company that specialized in office buildings and shopping centers and office/warehouse.

Started Architectural International - designed all phases of development - residential, commercial, industrial and remodeling.

Started R.L.R Construction, Inc. - General Contracting Co.

Built Office Buildings, Shopping Centers and Office/Warehouse. Completed over \$35,000,000 in construction projects.

"BOCA DEL RIO" Seafood Restaurant - developed, designed, built, owned and operated since 1984. Sold August 1988.

1975 - 1981

Richey Development Co. - Organized, built and ran the company that developed Office Buildings and Doctors Clinics. Responsible for all phases of development of 3 buildings, including construction, leasing, management, financing, and sales.

R & R Construction Co. - 50% owner and managing partner. Specialized in build out of interiors of office buildings for tenant lease space. Completed over 250,000 s.f.

1972 - 1975 Charles W. Murrell & Assoc. · Commercial & Industrial Real Estate Sales. Sold several office buildings, parcels of land and offices/warehouses.

MISCELLANEOUS: Real Estate License since 1972
Community Award City of Bellaire
Completed Courses in Real Estate Finance, Law, Management, Marketing, Electrical, and H.V.A.C.

PROJECTS

Yale Distribution Center 40 acres, over 100,000 s.f.
3600 Yale tilt-wall, multi-tenant
Project Manager, Leasing, office/warehouse - 1979
Management and Construction

One Bissonnet Park broke ground Fall 1981
4545 Bissonnet completed July 1982
70,000 sq.ft. Office Bldg. sold - 1984
Owner - Developer

Hobby Business Park 100,000 s.f. tilt-wall,
8300 Telephone Road multi-tenant
Developer Consultant, office/warehouse - 1982
Management, Leasing
and Construction

Northwoods Park I broke ground Spring 1982
4606 FM 1960 West completed February 1983
105,000 sq.ft. Office Bldg. sold - 1984
Owner - Developer

Two Bissonnet Park broke ground Spring 1983
4500 Bissonnet completed March 1984
70,000 sq.ft. office bldg. 95% leased in 6 months
Owner - Developer

Stuebner Centre broke ground 1984
10625 Stuebner-Airline completed 1984
32,000 sq.ft. Strip Center
Owner - Developer

PROJECTS CONTINUED

Northwoods Centre
4608 FM 1960 West
23,000 sq.ft. Strip Center
Owner - Developer

broke ground June 1984
completed December 1984
100% leased

Katy Center
811 Avenue D
Owner - Developer

broke ground September 1984
completed March 1985

Richmond Atrium Bldg.
6403 Richmond
50,000 sq. ft. Office Bldg.
Management, Leasing and Construction

1974 - 1977

Clear Lake Center III
42,000 sq. ft. Retail and Office
Management, Leasing and Construction

1974 - 1979

4925 Mooney Road Bldg.
12,000 sq. ft. Office bldg.
Developer, Management, Leasing
and Construction

Build to Suit - Pardons &
Parole, Texas
Rehabilitation Commission

Harwin Place
6666 Harwin
77,000 sq. ft. Office Bldg.
Developer, Management, Leasing and
Construction

broke ground April, 1981
completed October 1981

Bellaire Parc
Bellaire, Texas
Owner - Developer

Residential Subdivision in
Bellaire, built and sold
\$500,000 homes.

"Boca Del Rio" Seafood Restaurant
6508 Washington
6,000 sq. ft. Restaurant
Owner - Developer

opened April, 1985
sold in September 1989

West Oaks Subdivision
Pearland, Texas
Owner - Developer

189 lots with 10 acres of
Commercial started November
1992.

PROJECTS CONTINUED

<i>Art Center Building (Hogg-Historic) 401 Louisiana Management, Leasing and Construction</i>	<i>130,000 s.f. Office Building Downtown Houston - 1991</i>
<i>1015 South Loop West Management, Leasing and Construction</i>	<i>30,000 s.f. Warehouse 1991</i>
<i>Oakridge Forest Subdivision 1-45 @ Rayford Sawdust Woodlands, Texas</i>	<i>72 acres, 220 lots started January 1995</i>
<i>Pine Hollow Subdivision Pearland, Texas Owner-Developer</i>	<i>190 acres - 102 lots in First Section - started March, 1995</i>
<i>West Oaks Village Subdivision Section One Pearland, Texas</i>	<i>137 lots, started August, 1995</i>
<i>Stepping Stones Learning Center Build to Suit Pearland, Texas</i>	<i>7,200 sf completed April 1997</i>
<i>West Oaks Subdivision Sections 3 & 4 Pearland, Texas</i>	<i>65 acres December 1997</i>
<i>Ravenwood Subdivision Section One Pearland, Texas</i>	<i>120 acres 1 acres lots/Equestrian Center September 1997</i>
<i>Southwest Fertilizer Build to Suit Pearland, Texas</i>	<i>5,600 sf Retail Center completed March 1998</i>
<i>Hungry Eyes Build to Suit (in progress) Pearland, Texas</i>	<i>6,000 sf Restaurant</i>

PROJECTS CONTINUED

West Oaks Professional Building 28,000 sf
Build to Suit (in progress)
Pearland, Texas

Pine Hollow Estates Subdivision 54 one-half acre lots
Pearland, Texas March 1998
Owner-Developer

West Oaks Village Subdivision 91 lots
Section 2 March 1998
Pearland, Texas

West Oaks Centre' 25,000 sf
Build to Suit (in progress) Retail Center
Pearland, Texas

EXPERTISE:

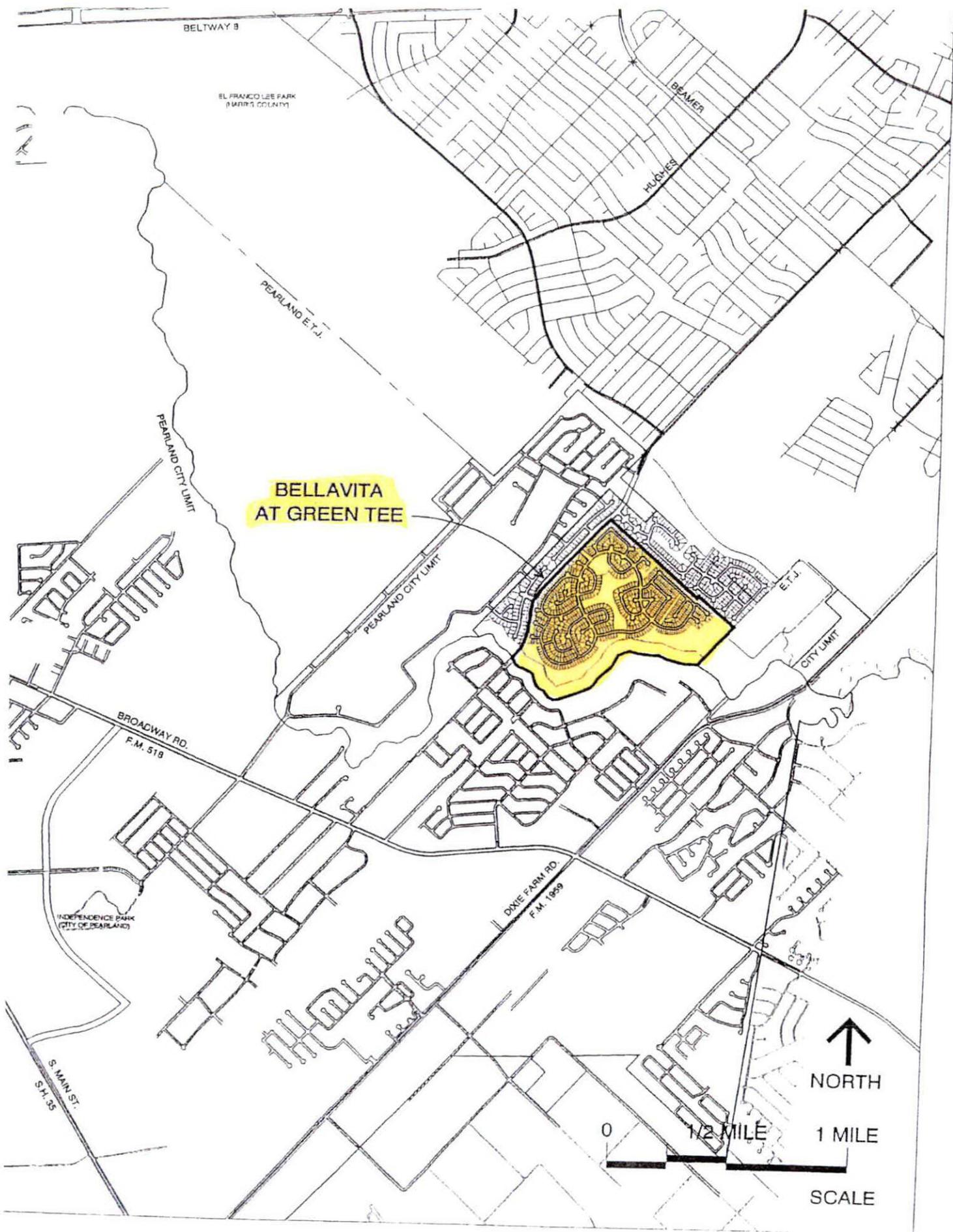
Architectural Can read, review and critique full set of construction plans and specs, including structural, mechanical, electrical, plumbing, civil, elevations, site plans, floor plans, etc. Motivate, direct, inspire architects to use their creative talents to design something functional, yet appealing.

Construction Write contracts, negotiate, estimate, and inspect all phases of construction. Manage, supervise and inspections. Set up draws and schedule subcontractors. Purchase material and do take-offs. Know carpentry, site grading, minor electrical, and H.V.A.C.

Development Site selection, feasibility studies and market analysis, highest and best use, proformas, projections, budgets, estimate costs (soft and hard), and preliminary designs.

- Financing* Packages for lenders, syndications, sales packages, lease proposals, progress and financial reports to lenders. Secure, negotiate and close loans.
- Leasing & Management* Proposals, lease agreements written and negotiated, prospects generated, work with brokers, close and work through space plan, build out and move in. Set up Procedure manuals for management and maintenance.
- Legal* Thorough knowledge of legal problems having to do with all phases of Real Estate and Development. Have experience in research of case law and how the system works. Do very well with problems and enjoy solving them. Can draft contracts, leases, partnership agreements, releases, review title reports, etc.
- Administrative* Plan and set up any and all phases of business or development, leasing, management, construction, and accounting. Great organizational skills.
- Raising Capital* Have successful experience in raising money for projects.

REFERENCES UPON REQUEST



**BELLAVITA
AT GREEN TEE**

BELTWAY 8

EL FRANCO LEE PARK
(HARRIS COUNTY)

BEAMER

HUGHES

PEARLAND E.T.J.

PEARLAND CITY LIMIT

PEARLAND CITY LIMIT

E.T.J.
CITY LIMIT

BROADWAY RD.
F.M. 518

INDEPENDENCE PARK
(CITY OF PEARLAND)

DXIE FARM RD.
F.M. 1929

S. MAIN ST.
S.H. 25

↑
NORTH
0 1/2 MILE 1 MILE
SCALE

ALL RIGHTS RESERVED BY THE DEVELOPER.
 No part of this plan may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the developer.

BELLAVITA AT GREEN TEE, OPEN SPACE AND PEDESTRIAN CIRCULATION

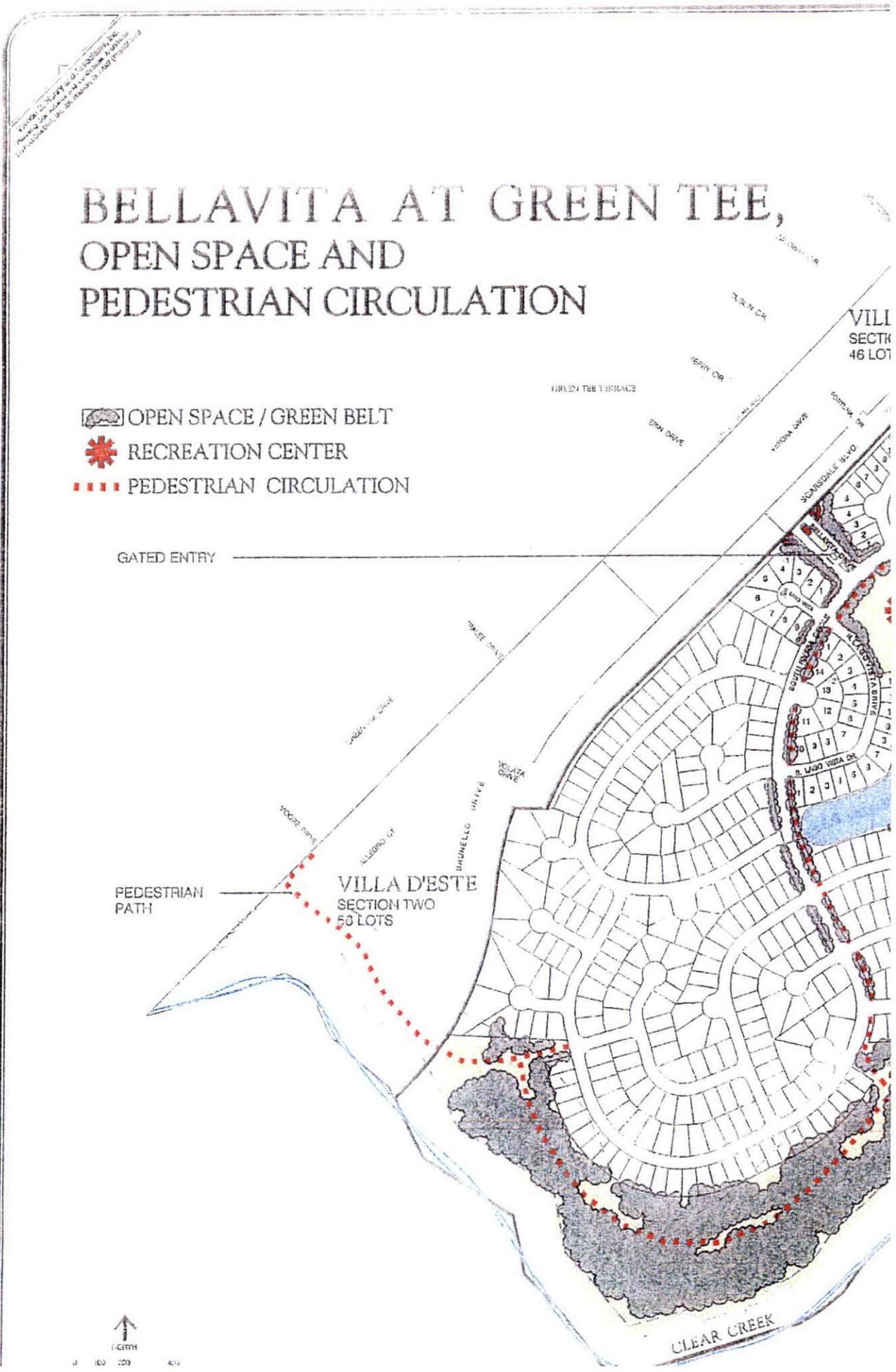
-  OPEN SPACE / GREEN BELT
-  RECREATION CENTER
-  PEDESTRIAN CIRCULATION

GATED ENTRY

PEDESTRIAN PATH

VILLA D'ESTE
SECTION TWO
56 LOTS

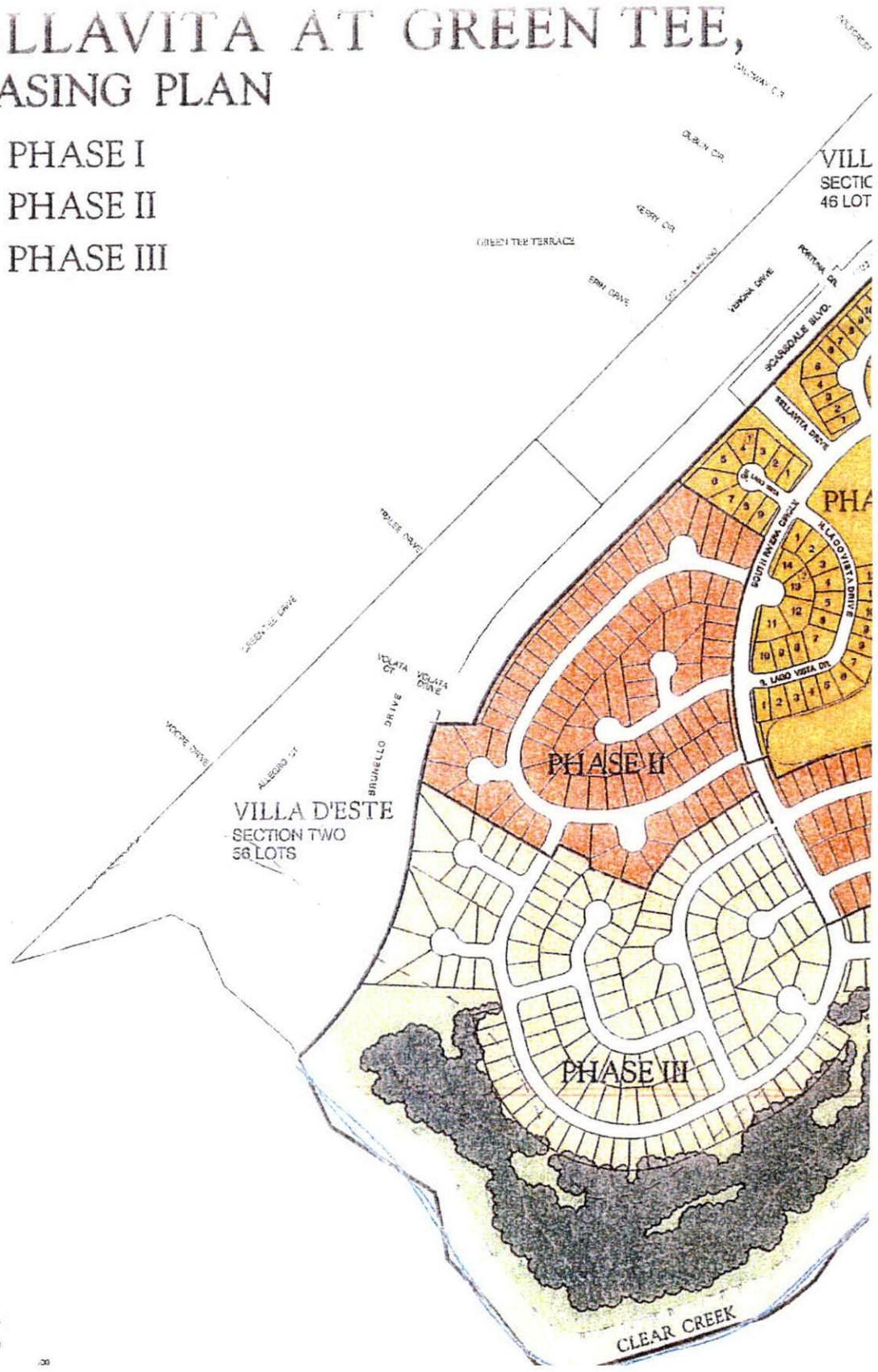
VILL
SECTH
46 LOT



PLANNED BY: [unreadable]
DATE: [unreadable]
SCALE: [unreadable]

BELLAVITA AT GREEN TEE, PHASING PLAN

-  PHASE I
-  PHASE II
-  PHASE III



'50' H.C.F.C.D. DRAINAGE ESMT
VOL. 2314, PG. 138 D.R.I.C.T
7.7676 ACRES
.338, 357 SQ. FT.

SLEEPY
HOLLOW

YOST AVE.

CLEAR CREEK

CLEAR CREEK

CLEAR CREEK

10' WIDE
10' HIGH

100'

100' R.O.C.D. PART

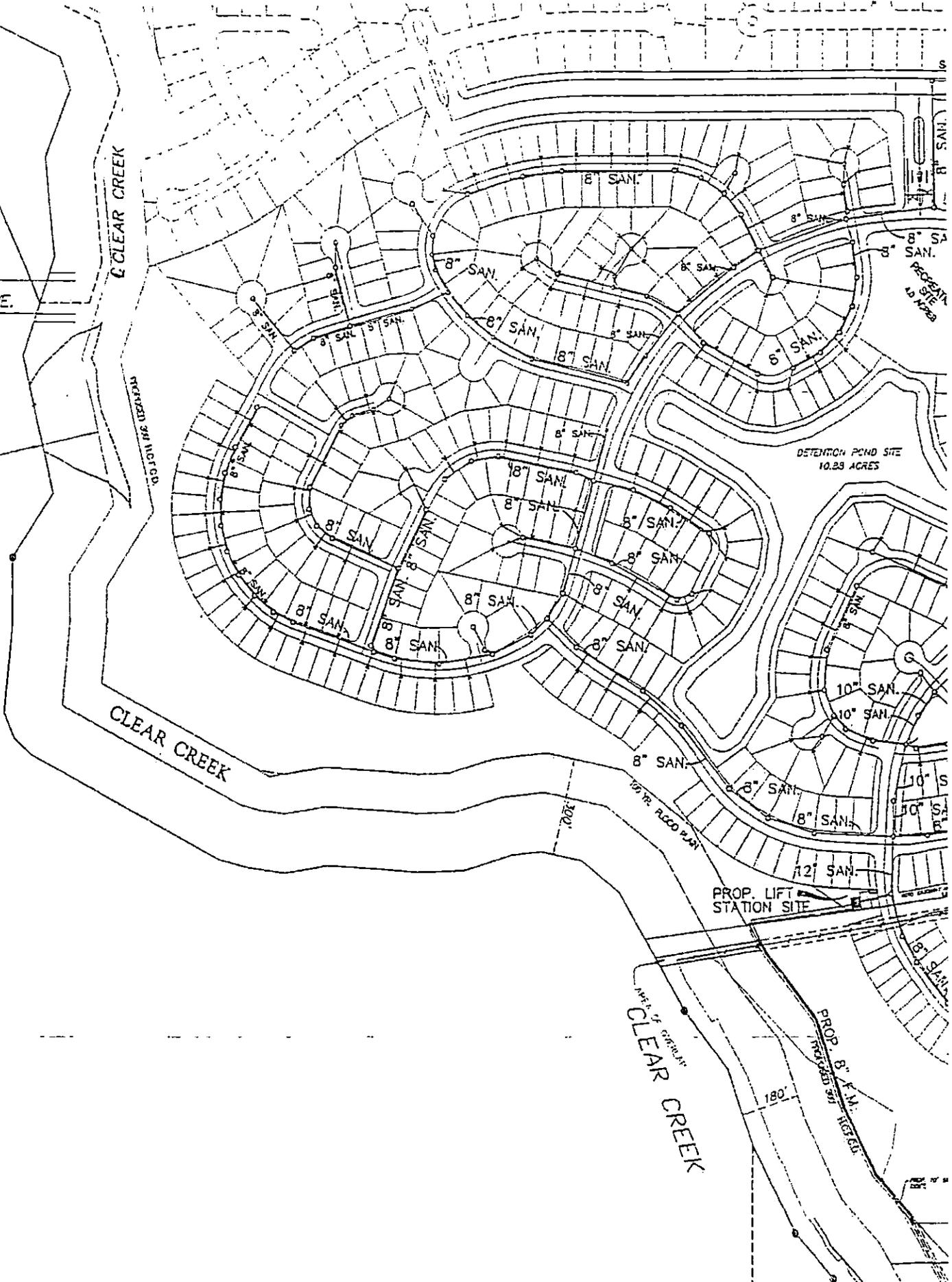
180'

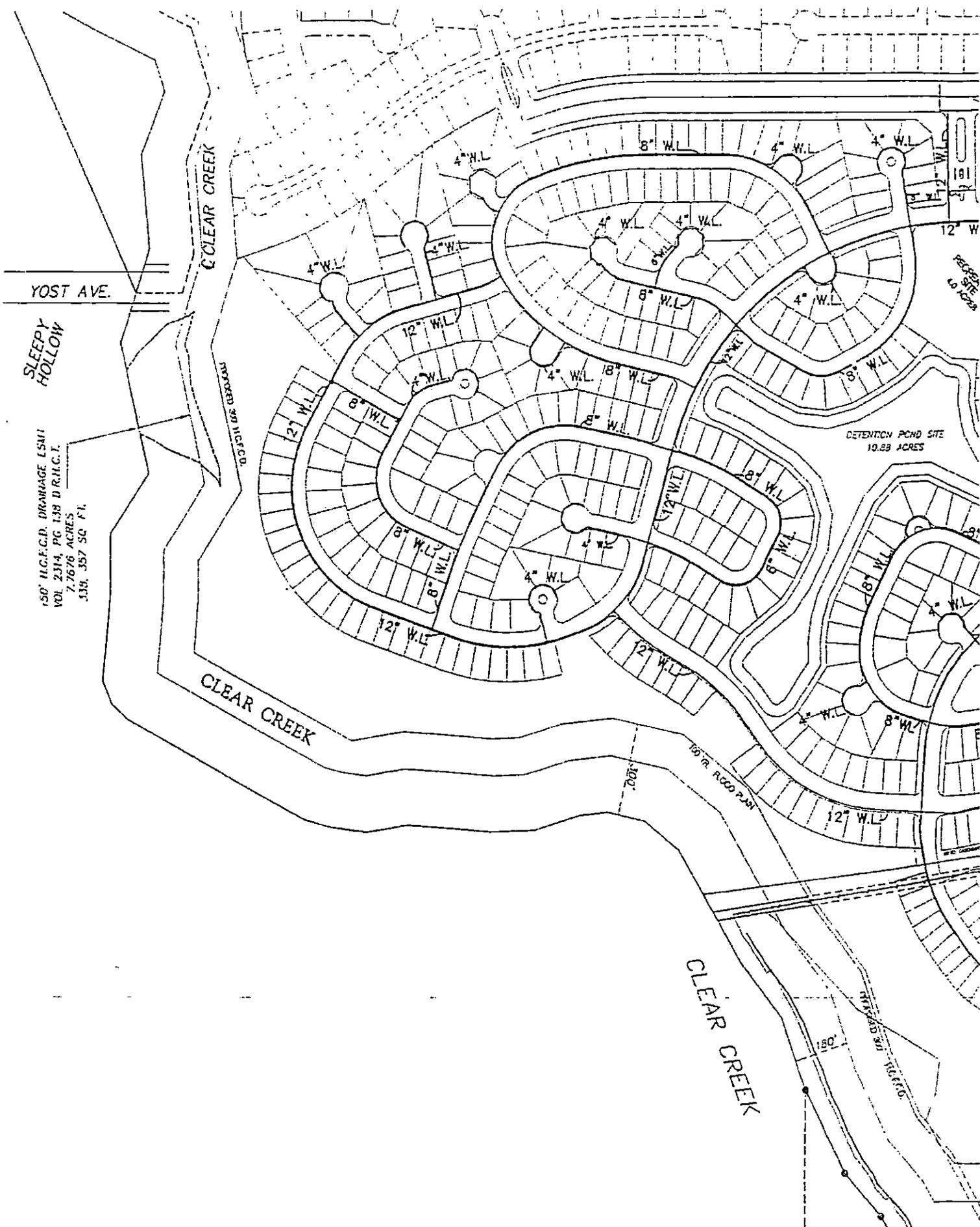
PROP. 8" F.M.
INVERTED 10' T.C.D.

PROP. LIFT
STATION SITE

DETENTION POND SITE
10.83 ACRES

PROP. LIFT
STATION SITE
10' T.C.D.





150' H.C.F.C.D. DRAINAGE LS/II
VOL. 2314, PG. 138 D.R.I.C.F.
7.7676 ACRES
330, 357 SQ. FT.

CLEAR CREEK

YOST AVE.

SLEEPY HOLLOW

PROPOSED BY H.C.F.C.D.

DETECTION POND SITE
10.89 ACRES

CLEAR CREEK

CLEAR CREEK

REFER TO SITE
10-1228

150'

150' R.C.C.D. P.S.I.

12" W

4" W.L.

8" W.L.

4" W.L.

4" W.L.

4" W.L.

4" W.L.

4" W.L.

4" W.L.

8" W.L.

4" W.L.

12" W.L.

4" W.L.

4" W.L.

8" W.L.

8" W.L.

12" W.L.

8" W.L.

4" W.L.

8" W.L.

8" W.L.

12" W.L.

8" W.L.

8" W.L.

4" W.L.

12" W.L.

8" W.L.

12" W.L.

8" W.L.

8" W.L.

4" W.L.

12" W.L.

8" W.L.

12" W.L.

8" W.L.

4" W.L.

4" W.L.

12" W.L.

8" W.L.

4" W.L.

8" W.L.

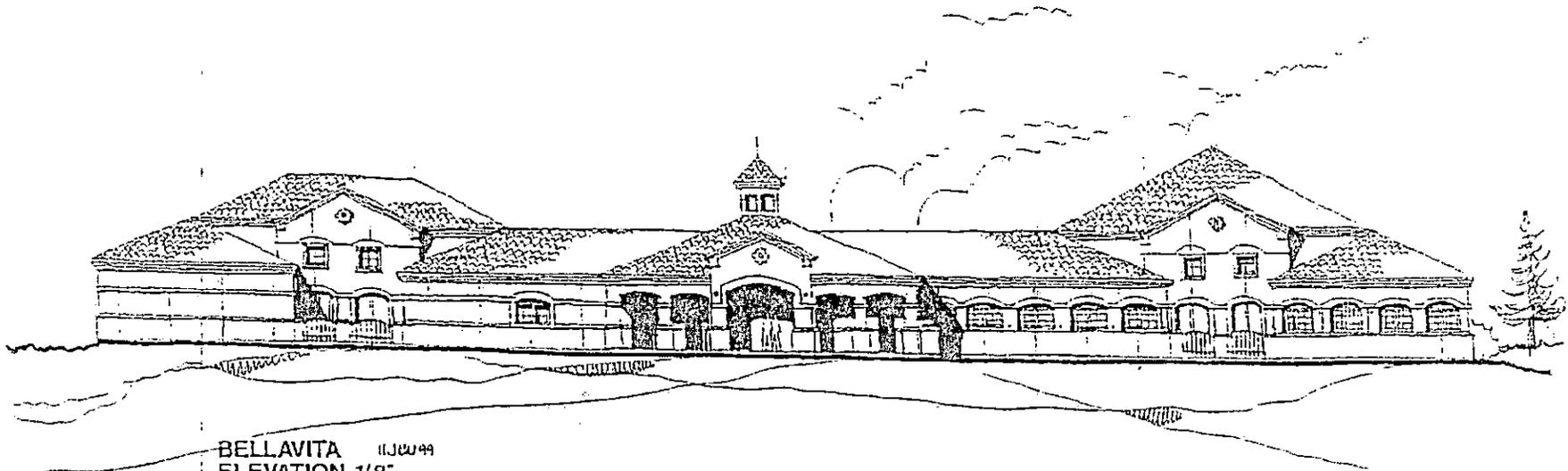
12" W.L.

4" W.L.

8" W.L.

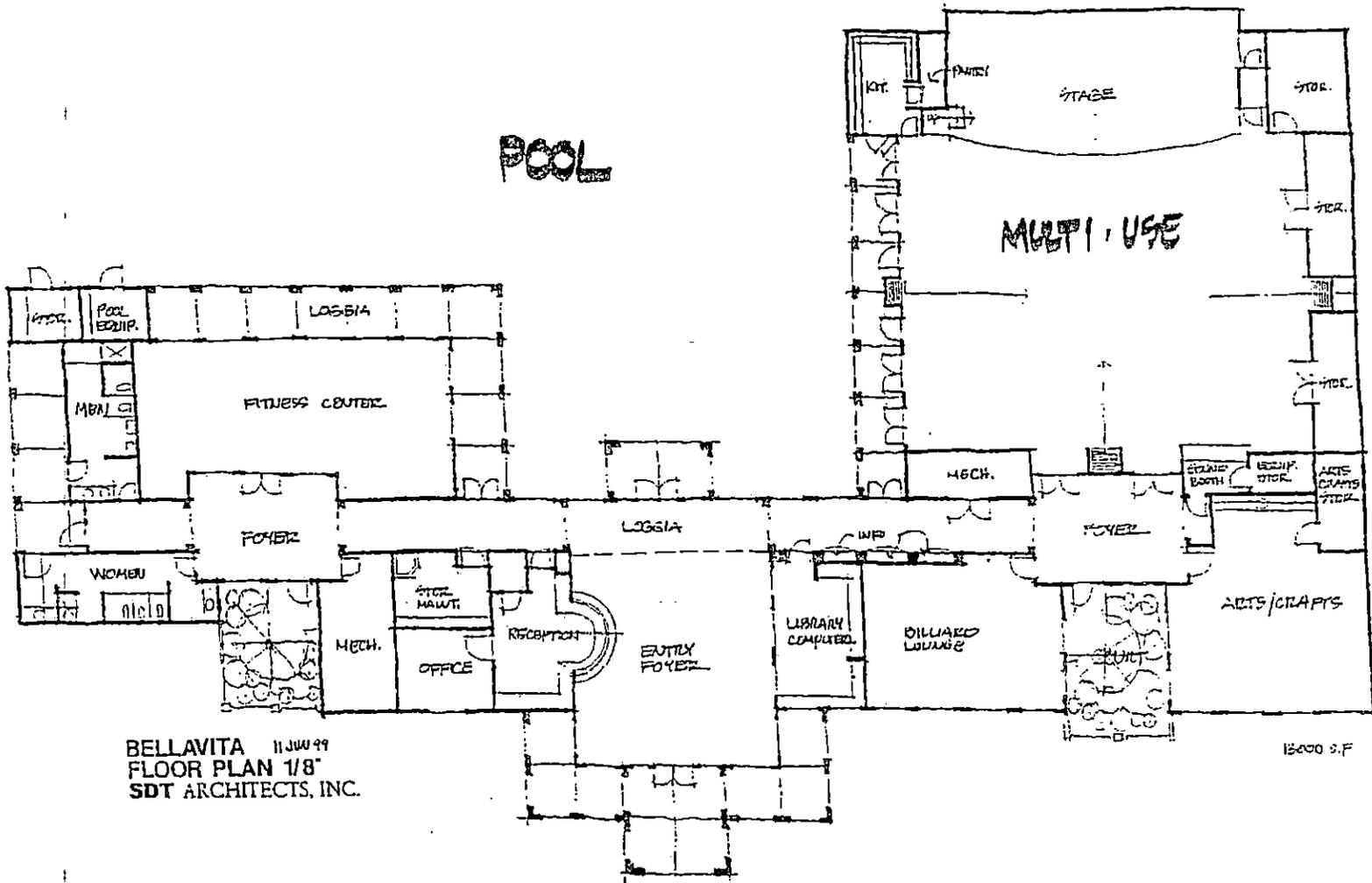
4" W.L.

12" W



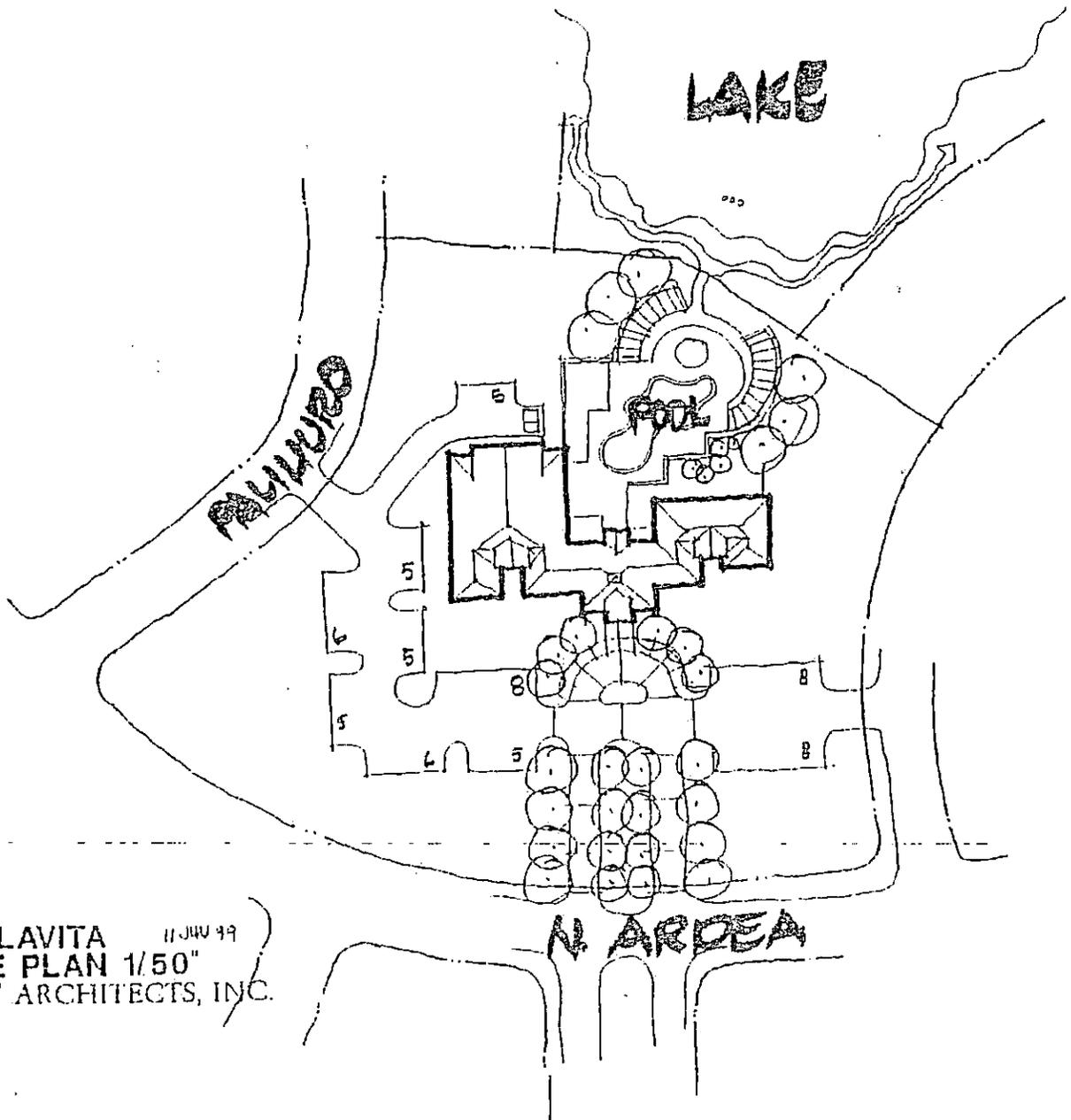
BELLAVITA 11JEW44
ELEVATION 1/8"
SDT ARCHITECTS, INC.

Recreation Center,
Bellavita at Cross Tim



BELLAVITA 11 JUN 99
 FLOOR PLAN 1/8"
 SDT ARCHITECTS, INC.

15000 S.F.



BELLAVITA 11 JUN 99
SITE PLAN 1/50"
SDT ARCHITECTS, INC.



Lennar Homes
Woodlands, Texas



Lennar Homes
Woodlands, Texas



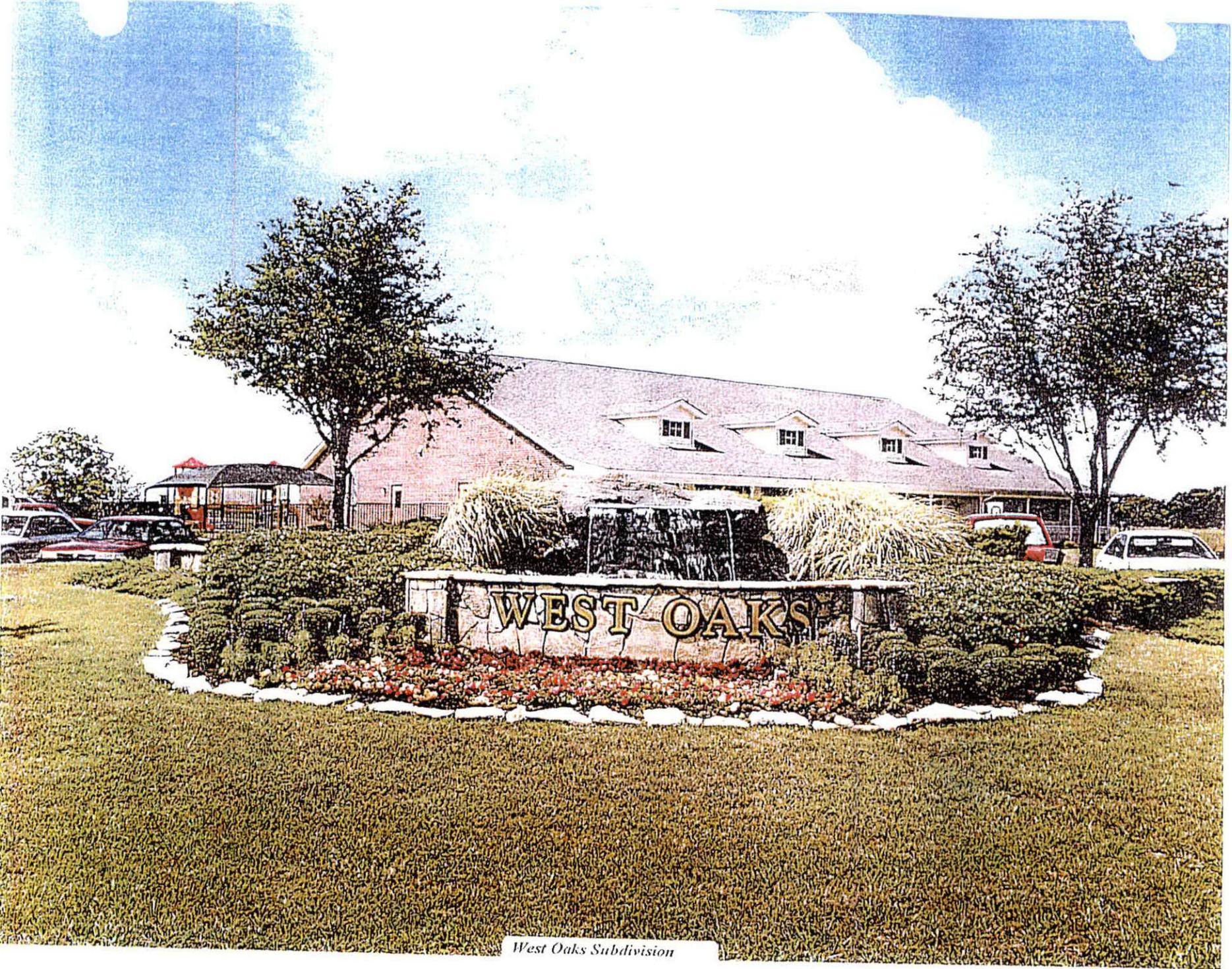
Lennar Homes
Woodlands Texas



Lennar Homes
Woodlands, Texas



Lennar Homes
Woodlands, Texas



West Oaks Subdivision



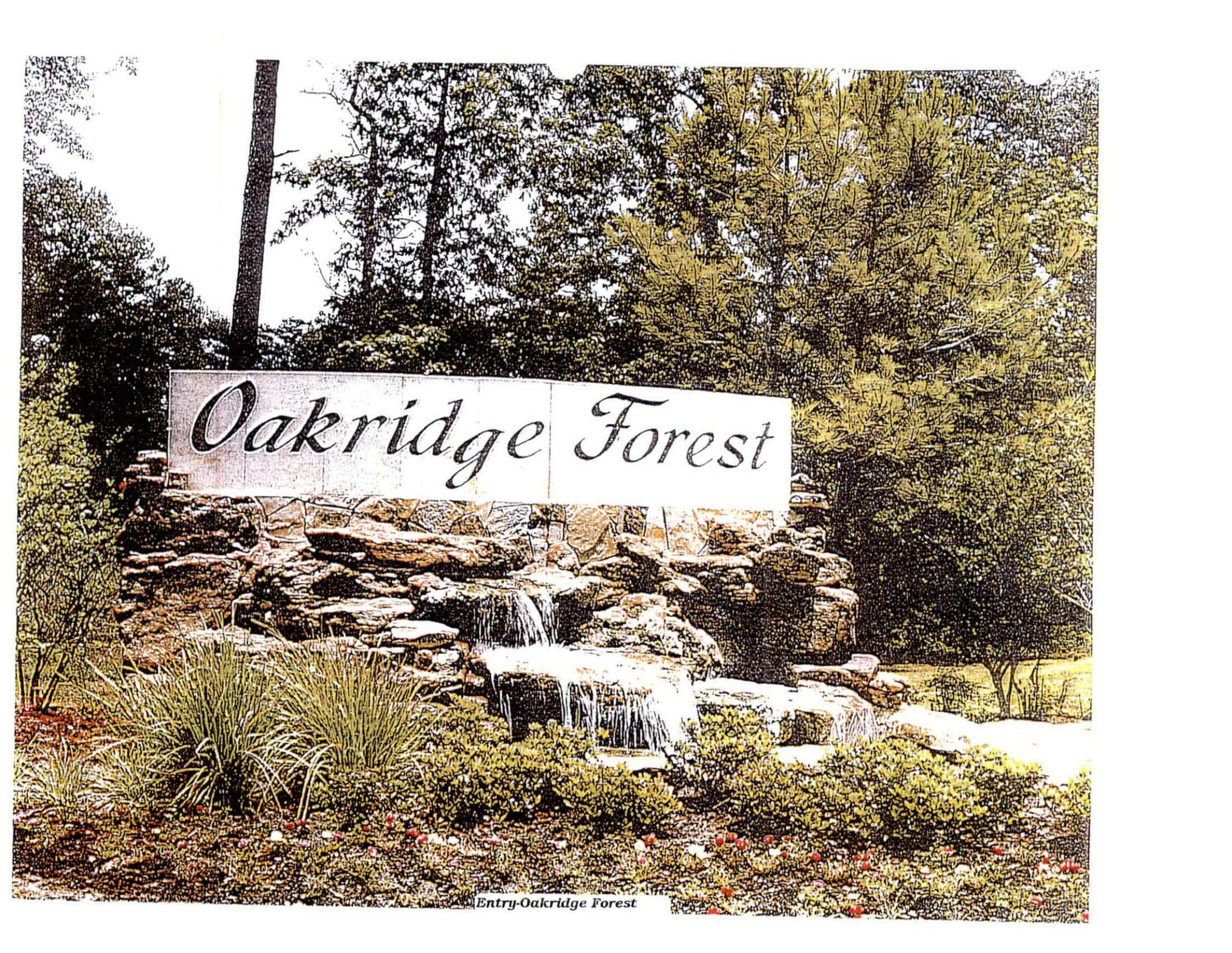
*Pine Hollow Subdivision
FM518 & Pine Hollow Dr.*



Stepping Stones Learning

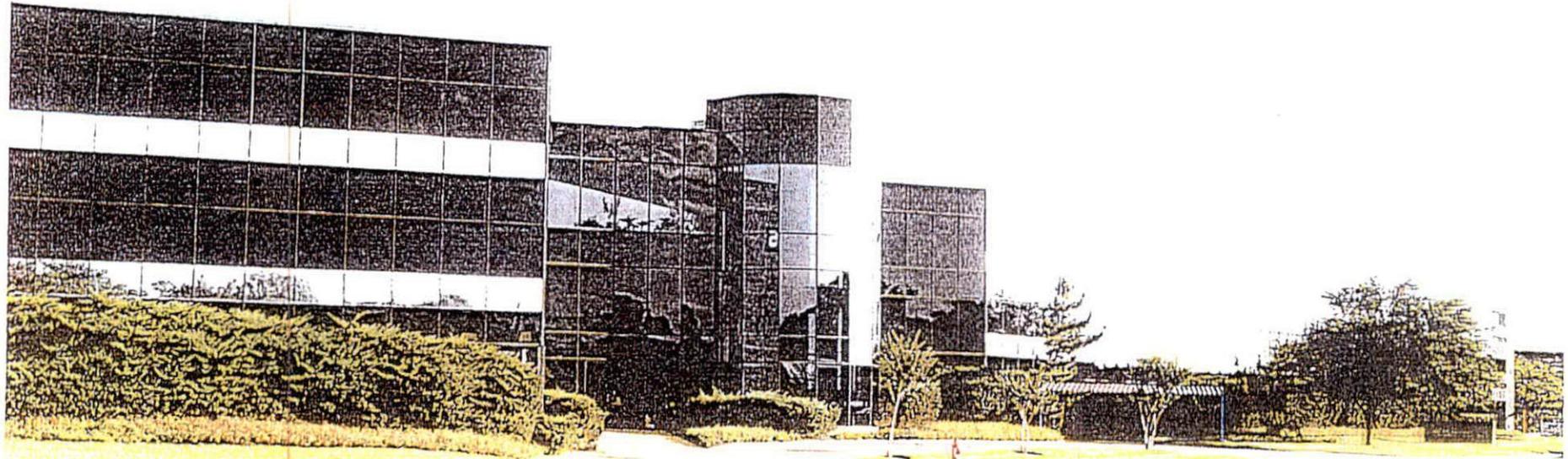


Southwest Fertilizer

A photograph of a stone waterfall with a sign on top. The sign is white with black cursive text. The waterfall is made of stacked stones and has water cascading down. The background is a dense forest of tall trees. The foreground has some green plants and red flowers.

Oakridge Forest

Entry-Oakridge Forest



*45 Bissonnet
Houston, Texas*



4606 FM 1960 West



4500 Bissonnet

ORDINANCE NO. 509-400

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATION BEING 211.9140 ACRES IN THE W.D.C. HALL SURVEY, A-23, HARRIS COUNTY, TEXAS, RECORDED UNDER COUNTY CLERK'S FILE NO. T464162, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (APPLICATION NO. 840) ~~BELLAVITA~~ @ GREEN TEE) FROM CLASSIFICATION SUBURBAN DEVELOPMENT DISTRICT (SD) TO SINGLE FAMILY DWELLING DISTRICT (R-4 PUD) AT THE REQUEST OF RENEE WEST, AGENT FOR REED-WEST INVESTMENTS, LTD., OWNER, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Renee West, agent for Reed-West Investments, Ltd., Owner, filed on September 14, 1999, an application for amendment pursuant to Section 28 of Ordinance No. 509, the Land Use and Urban Development Ordinance of the City, for approval of a change in the land use as provided for in said Section 28, said property being legally described in the original applications for amendment attached hereto, and made a part hereof for all purposes, as Exhibit "A"; and

WHEREAS, on the 24th of January, 2000, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached thereto and made a part hereof for all purposes, as Exhibit "B", said call and notice being in strict conformity with provisions of Section 28.3 and 28.4 of Ordinance No. 509; and

WHEREAS, on the 8th day of February, 2000, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the proposed amendment application by, Renee West, agent for Reed-West Investments, Ltd., Owner,

whereby the Commission recommended and approved a change of classification for the property described in Exhibit "A" from its existing classification of Suburban Development District (SD) to Single Family Dwelling District (R-4 PUD); and;

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, the City Council considered this application, and concurred with the recommendation of the Planning and Zoning Commission, at a regular meeting on February 14, 2000, and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Renee West, agent for Reed West Investments, Ltd., Owner, presented which, in the judgment of the City Council, would justify the approval of said application, it is therefore,

ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

I.

The following described property located within the corporate City limits of the City of Pearland, Texas, and presently classified as Suburban Development District (SD) to is hereby for all purposes changed and reclassified as Single Family Dwelling District (R-4 PUD); such property being more particularly described as:

Being 211.9140 acres in the W.D.C. Hall Survey, A-23, Harris County, Texas recorded under County Clerk's File No. T464162, Official Public Records of Real Property of Harris County, Texas ~~Bellavita~~ @ Green Tee)

II.

The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission

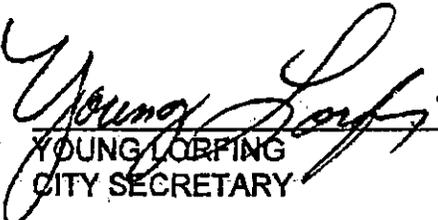
ORDINANCE NO. 509-400

PASSED, APPROVED, and ADOPTED on First Reading this 14th day of February, 2000.



TOM REID
MAYOR

ATTEST:



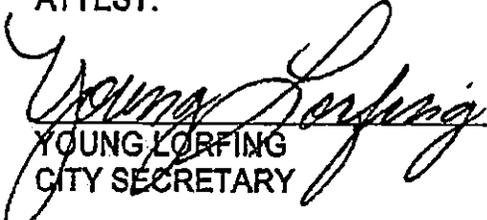
YOUNG LORFING
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 28th day of February, 2000.



TOM REID
MAYOR

ATTEST:



YOUNG LORFING
CITY SECRETARY

APPROVED AS TO FORM:



DARRIN COKER
CITY ATTORNEY

CITY OF PEARLAND
ZONE CHANGE APPLICATION
revised 3/5/96

Change in Zoning Classification from: SD to: R4PUD

Change in Regulations in Section #: _____

Specific Use for: *

Property address: SEE EXHIBIT "A"

SEE EXHIBIT "A"

Lot: _____ Block: _____

Subdivision: _____

Metes & Bounds Description: SEE EXHIBIT "A"
(unplatted property only; attach survey)

Tax I.D. number: 76-0590462

Proposed use of land within requested designation: FIFTY FIVE AND OLDER ACTIVE ADULT GATED COMMUNITY.

Record owner's name: REED-WEST INVESTMENTS, LTD.

Owner's mailing address: 6302 BROADWAY SUITE 250 PEARLAND, TEXAS 77584

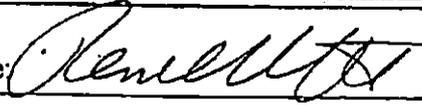
Owner's telephone number: 281-997-1500

Agent's name: RENEE WEST

Agent's mailing address: 6302 BROADWAY SUITE 250 PEARLAND, TEXAS

Agent's telephone number: 281-997-1500

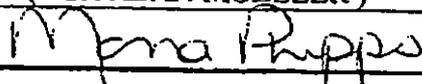
PETITION: As owner/agent, I hereby petition the City for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City of Pearland. *On a Specific Use Permit request to allow a residential use in a business zone (OP, NS, GB), I acknowledge that such use may be incompatible with current and future uses on properties in my vicinity.

Owner's signature: 

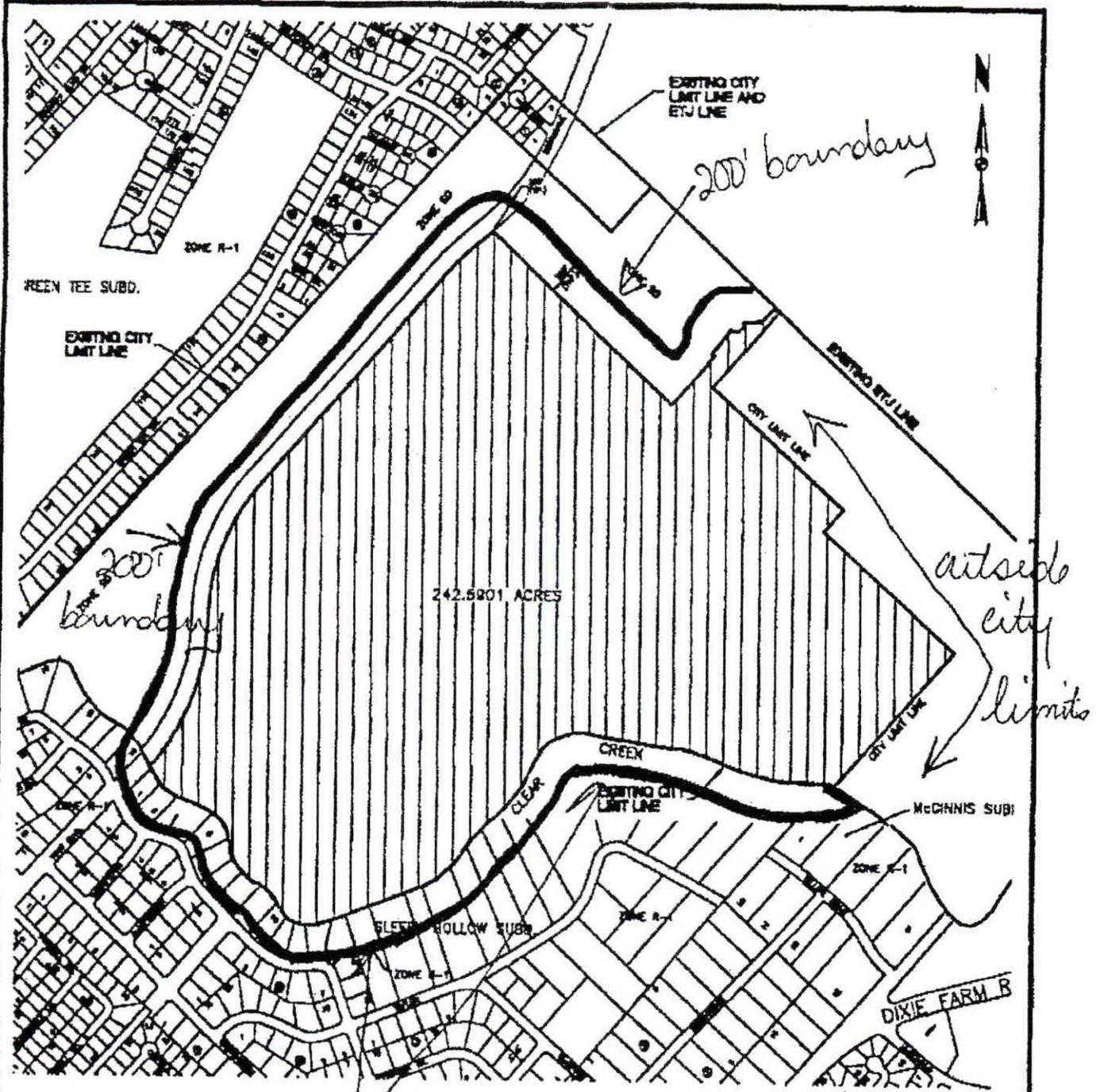
Agent's signature: _____

Fees paid: \$ -0- (PER ALAN MUELLER)

Date paid: 9-14-99

Received by: 

Application number: 840



200' boundary

- SD SUBURBAN DISTRICT
- R-1 LOW DENSITY SINGLE FAMILY DWELLING DISTRICT
- R-4 MAXIMUM DENSITY SINGLE FAMILY DWELLING DISTRICT
- PUD PLANNED UNIT DEVELOPMENT DISTRICT

		
City of Pearland, Texas		
NEED-WEST INVESTMENTS, LTD.		
ZONE CHANGE FROM SD TO R-4(PUD)		
App. No. 2-40	Scale	SHEET
Adopted OCT., 1999	HORIZ 1" = 800' VERT 1" =	1
Drawn BY J.E.B.	City Public	OF 1
Checked BY G. T. WILSON	98-8178	

AFFIDAVIT OF PUBLICATION

The Pearland Reporter News
2404 South Park
Pearland, Texas 77581

State of Texas
Brazoria and Harris Counties

I, Randy Emmons, hereby certify that the notice hereby appended was published in Brazoria and Harris Counties in THE REPORTER NEWS, a newspaper of general circulation in Brazoria and Harris Counties, for 1 issues, as follows:

No. <u>1</u>	Date <u>Jan. 5</u>	<u>20 00</u>
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____

Randy Emmons
President

Subscribe and sworn to before me this 6 day of Jan
20 02

Laura A. Emmons
LAURA A. EMMONS
Notary Public, State of Texas
Commission Expires 9-9-02
Laura Ann Emmons, Publisher
Notary Public, State of Texas

LEGALS

Public Notice

**NOTICE OF A JOINT
PUBLIC HEARING OF THE
CITY COUNCIL AND THE
PLANNING AND ZONING
COMMISSION OF THE CITY
OF PEARLAND, TEXAS**

Notice is hereby given that on the 24th day of January, 2000, at 6:30 p.m., the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria County, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 9519 Liberty Drive, Pearland, Texas, on the request of Renee West, agent for Reed West Investments, Ltd., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban - Development District 9D to Single-Family Dwelling District 14B on the following description:

Being 2.650 of more or less, Public Hall, Section 24, Parish of St. James, Ward of the Planning Commission, C-1192, original City Resolution, Brazoria County, Texas, of Balloune Green, Ltd.

All persons who are interested in the above described matter shall have the right and opportunity to appear and be heard on the subject.

Young Long
City Secretary

APPLICATION NO. 940

AFFIDAVIT OF PUBLICATION

The Pearland Reporter News
2404 South Park
Pearland, Texas 77581

State of Texas
Brazoria and Harris Counties

I, Randy Emmons, hereby certify that the notice hereby appended was published in Brazoria and Harris Counties in THE REPORTER NEWS, a newspaper of general circulation in Brazoria and Harris Counties, for 1 issues, as follows:

No. <u>1</u>	Date <u>1-12</u>	20 <u>00</u>
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____

Randy Emmons
President

Subscribe and sworn to before me this 13 day of Jan

20 00



Notary Public, State of Texas

**NOTICE OF A JOINT
PUBLIC HEARING OF THE
CITY COUNCIL AND THE
PLANNING AND ZONING
COMMISSION OF THE CITY
OF BEARLAND, TEXAS**

Notice is hereby given that on
the 24th day of January, 2000,
at 6:30 p.m. the City Council
and the Planning and Zoning
Commission of the City of
Pearland, Brazoria, Harris and
Fort Bend Counties, Texas,
will conduct a Joint Public
Hearing in the Council
Chambers, City Hall, 350
Liberty Drive, Pearland,
Texas, on the request of
Renee West, Applicant,
West Investments, LLC,
owner, for an amendment to
the Land Use and Urban
Development Ordinance of
said City from classification
Suburban Development
District (SD) to Single Family
Development District (SFPD) on
the following:

Being 24,590 Acres in the
W.D.C. Mail Survey A-13,
Harris Co., TX, recorded
under County Clerk's File No.
7464182. Official Public
Record of Harris County,
Texas.

All interested parties shall have the right and
opportunity to appear and be
heard on the subject.

Young Loring
City Secretary

APPLICATION NO. _____

February 8, 2000

Honorable Mayor and Council Members
City Hall
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION
NO. 840**

Request of Renee West, agent for Reed-West Investments, Ltd., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Single-Family Dwelling District Planned Unit Development (R4-PUD) on the following described property, to wit:

Being 211.9140 acres in the W.D.C. Hall survey, A-23, Harris Co., TX, recorded under County Clerk's File No. T464162, Official Public Records of Real Property of Harris Co., TX (Bellavita @ Green Tee)

Honorable Mayor and Council Members:

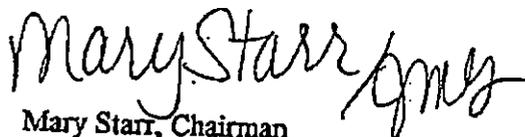
At a regular meeting held on February 7, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Vice-Chairman Tommy L. Scott and seconded by Commissioner Emil Beltz to recommend approval of Zone Change Application No. 840.

Motion to approve passed 6 to 1.

This is submitted for your consideration.

Sincerely,



Mary Starr, Chairman
Planning & Zoning Commission



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: BellaVita Planned Development

Proposed Zoning District: BellaVita Planned Development.

Property Information: BellaVita at Green

Address or General Location of Property: 211,9140 acres located in the W.D.C.
Hall Survey, A-23 Harris County TX

Tax Account No. Generally located north of Broadway Street
cent west of Dixie Farm Road.

Subdivision: _____ Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

APPLICANT INFORMATION:

NAME Green - Hollow Ltd.
ADDRESS 6302 Broadway
CITY Pearland STATE TX ZIP 77584
PHONE(281) 997-1500
FAX(281) 997-2886
E-MAIL ADDRESS Vickie@rwestdevelopment.com

NAME Renee L. McGuire
ADDRESS 6302 Broadway
CITY Pearland STATE TX ZIP 77584
PHONE(281) 997-1500
FAX(281) 997-2886
E-MAIL ADDRESS Vickie@rwestdevelopment.com

Facilitated by the City of Pearland

*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: <u>N/A</u>	DATE PAID: <u>N/A</u>	RECEIVED BY: <u>N/A</u>	RECEIPT NUMBER: <u>N/A</u>
-----------------------	-----------------------	-------------------------	----------------------------

Application No. 2009-062

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 15, 2009, AT 6:30 P.M., IN COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP2009-08

A request by BM Design LLC, applicant for JK Joseph Inc, owner, for approval of a conditional use permit to allow a gas station and retail suites in the Light Industrial (M-1) Zoning District, on the following described property, to wit:

Legal Description: Approximately 1.73 acre tract described in the Brazoria County Clerk's file No. 2007014638 and being the residue of 12.843 acre tract described in volume 1155, page 604 of the Brazoria County Deeds of Record, said 1.727 acre tract of the land also being situated in and part of lots 21 and 22, of the W. Zychlinski Subdivision, Section 4, E. B. Lyle Survey Abstract no 543, Brazoria County Texas.

General Location: Located 2070 Mykawa Road, Pearland, TX 77584

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 JUNE 15, 2009

Conditional Use Permit No. CUP 2009-08

A request by BM Design LLC, applicant for JK Joseph Inc, owner, for approval of a conditional use permit to allow a gas station and retail suites in the Light Industrial (M-1) Zoning District, on the following described property, to wit:

Legal Description: Approximately 1.73 acre tract described in the Brazoria County Clerk's file No. 2007014638 and being the residue of 12.843 acre tract described in volume 1155, page 604 of the Brazoria County Deeds of Record, said 1.727 acre tract of the land also being situated in and part of lots 21 and 22, of the W. Zychlinski Subdivision, Section 4, E. B. Lyle Survey Abstract no 543, Brazoria County Texas.

General Location: Located at 2070 Mykawa Road, Pearland, TX 77584

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

Planning and Zoning Commission: June 15, 2009*
City Council for First and Only Reading: June 22, 2009*

(*dates subject to change if item is tabled)

SUMMARY: This subject property is an L-shaped lot containing approximately 1.727 acres located on the northwest corner of Mykawa Road and Orange Street and is platted as one single lot with 2 different zoning districts. The applicant is proposing a 6300 square foot convenience store and gas station with attached building that contains an insurance office and a hair salon.

A convenience store with a gas station is a permitted use in the GB Zoning District. A convenience store with a gasoline station and the insurance office and hair salon are permitted in the M-1 Zoning District with a conditional use permit. The applicant is requesting a conditional use permit for the proposed convenience store with gasoline station and attached insurance office and hair salon.

The proposed gas station will be located on the southern portion of the lot that is zoned General Business (GB) Zoning District. The applicant proposes a 1,730 square foot canopy with 3 pump islands for gas. In addition, the applicant proposes a 3,600 square foot convenience store. The applicant also proposes a 2,700 square foot attached building to the convenience store for the insurance office and hair salon. A portion of the proposed convenience store and the retail suites would be located on the portion of the lot that is zoned Light Industrial (M-1).

The applicant has calculated the parking at a rate of one space per 200 square feet for the entire site and that 32 spaces should be required. The applicant proposes 53 parking spaces located mainly within the portion of the lot that is zoned M-1. According to the UDC, parking is calculated at a rate of 1 space per 200 square feet plus 1 space for each pump-island, a hair salon is calculated at 1 space per 200 square feet of gross floor-area, and an insurance office is calculated at 1 space per 300 square feet of gross floor area. The applicant would be required to provide 21 parking spaces for the convenience store and gas station, and approximately 9-14 parking spaces for the insurance office and hair salon totaling 30-35 parking spaces. The applicant exceeds the parking requirements by proposing 53 parking spaces.

The applicant had previously considered and applied for a zone change requesting that the entire parcel be changed from M-1 and GB zoning districts to entirely GB, however that application was withdrawn by the applicant and the conditional use permit was applied for.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Light Industrial (M-1)	Existing Single Family Residence
South	Neighborhood Services (NS)	Nick's Gas Station and Mini Mart
East	General Commercial (GC)	Allied Fire Protection /Partially Vacant
West	General Business (GB)	Existing Single Family Residence

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as General Business (GB) and Light Industrial (M-1). The minimum lot size for the GB district is 22,500 square feet and the minimum lot size for the M-1 district is 40,000 square feet. The minimum lot width for the GB and M-1 district is 150 feet. The minimum lot depth for GB is 125 feet and for M-1 it is 150 feet. The subject property meets these minimum requirements For Mykawa Road, as the property is approximately 1.72 acres in size, and has the lot width of approximately 350 feet, and the lot depth of approximately 250 feet. However, this L-shaped lot has only 138 feet of frontage on Orange

Street and 350 feet in depth as shown on the submitted site plan. This occurred when the property was platted and the right-of-way was dedicated to the City of Pearland in December of 2007 for the widening of Mykawa Road.

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

PLATTING STATUS: The subject property has been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Retail Offices & Services" for the part of the subject property and Light Industrial for the northern portion of the property. The Comprehensive Plan further indicates that the appropriate zoning districts are "NS, OP, and GB" for the portion that is Retail Offices & Services and "M-1" for the portion that is designated Light Industrial. Therefore, the current GB and M-1 zones conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Mykawa Road, a secondary thoroughfare with an ultimate right-of-way greater than 100 feet. The subject property also has frontage on Orange Street a major collector with an ultimate right-of-way greater than 80 feet. The applicant has had the property platted and all necessary dedications have been made.

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 for a gas station with attached retail lease spaces should not have a negative impact on the surrounding properties.

The surrounding neighborhood is currently characterized with mixed uses. There are single family residences to the north, west and southeast of the subject property. Nick's gas station and convenience store is located to the southwest, and Allied Fire Protection is located to. The proposed project is in line with the current character of the existing neighborhood.

SITE PLAN CONSIDERATIONS: A proposed site plan has been submitted with the conditional use permit application. The proposed sign location on the corner of Mykawa Road and Orange Street will require a separate permit.

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.

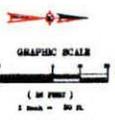
OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval the Conditional Use Permit as proposed by the applicant, for the following reasons:

1. The M-1 Zoning district allows for the proposed uses with a conditional use permit.
2. The proposed facility should not have any impact on the surrounding properties and developments.
3. This request is in conformance with the current zoning and land use map.
4. This request is in conformance with existing surrounding uses.

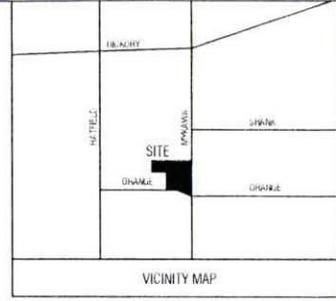
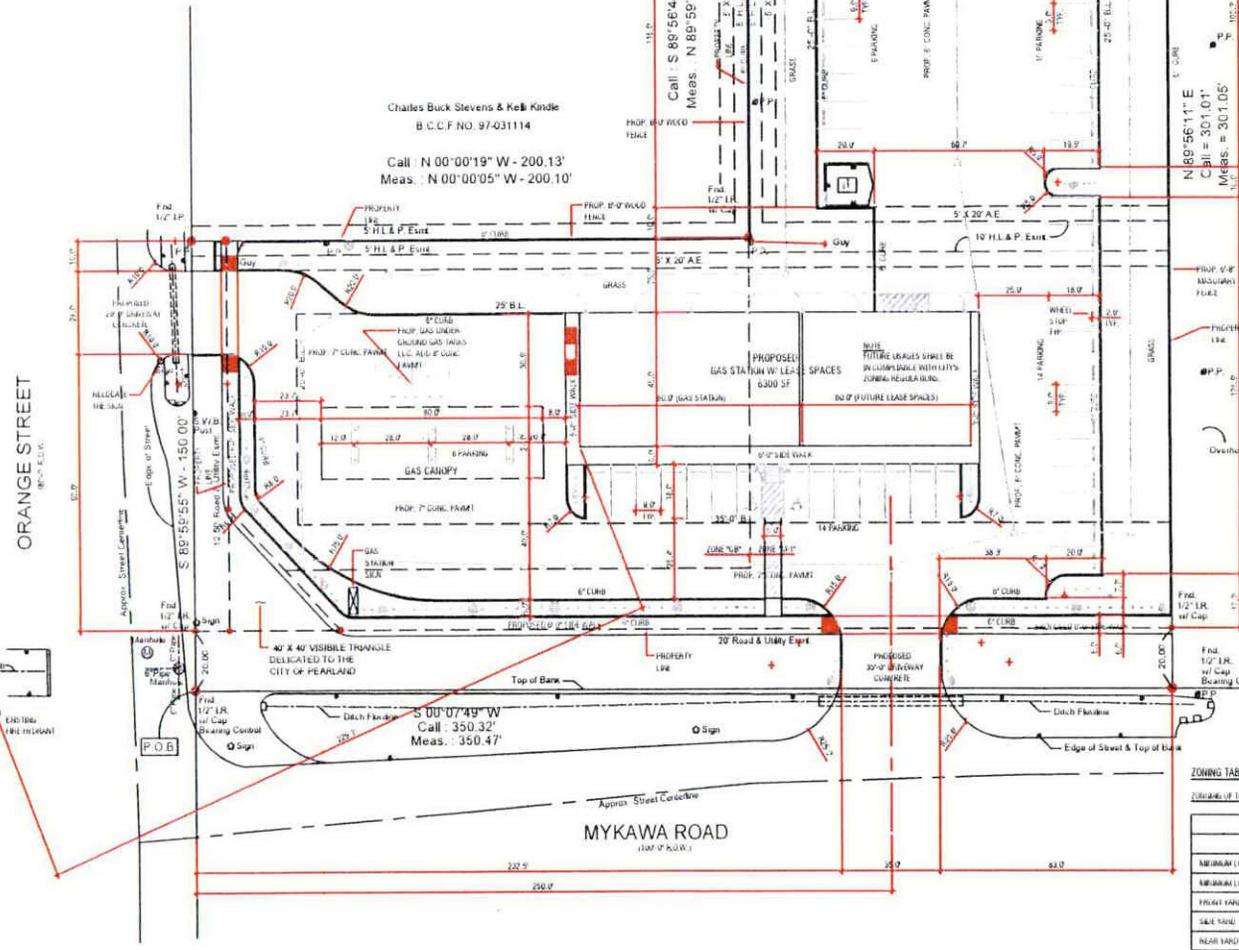
SUPPORTING DOCUMENTS:

- Zone Change Application
- Letter of Intent
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph



This property appears to be out of the 100 year flood plain, & an insurance rate map zone X, as per map 48039C-00351 dated 08-22-08.

This determination is to be used for flood insurance rate purposes ONLY and is NOT to be relied upon for ANY other purpose. Surveyor makes no representation as to whether property may flood.



BM DESIGN LLC
 DRAFTING & DESIGNING SERVICES
 2020 BAYVIEW HWY #110 WEAVERDALE, TX 77584
 TEL: 713-448-9102 FAX: 713-443-0949

PROJECT
 PROPOSED
 GAS STATION W/ LEASE SPACES
 2070 MYKAWA ROAD
 PEARLAND, TX 77681

WILLIAM H. HUDSPETH
 PROFESSIONAL ENGINEER
 REG # 5536
 18474 BIRCHWOOD DRIVE, HOUSTON, TX 77058
 TEL: 281-351-1277 FAX: 281-351-4314

(11.11 ACRES)
 Packaging Service Co. Inc.
 B.C.C.F. NO. 99-050737

- NOTES**
1. ALL PARKING AREAS NEED TO BE PAVED FOR ALL WEATHER SURFACES BY ACCORDANCE WITH CITY OF PEARLAND GEBRD DEVELOPMENT CODE.
 2. ALL APPLICABLE REQUIREMENTS OF THE URBAN DEVELOPMENT CODE WILL BE MET.
 3. SIZING METADATA OF PLUMBING EQUIPMENT (SINKS, UNDERCOUNTER SINKS) WILL BE PERFORMED SEPARATELY.
 4. ALL DRAINAGE MAPS SHALL BE APPROVED BY STATE RULES & REGULATIONS.
 5. ALL MECHANICAL, ELECTRICAL AND FLOOR MOUNTED EQUIPMENT SHALL BE STORED AS PER THE REQUIREMENTS OF THE UDA.
 6. ALL VEHICLE LUBING AND UNLOADING AREAS AND RECYCLING CONTAINERS SHALL BE SITED AS PER THE REQUIREMENTS OF THE UDA.
 7. CHANGE IN CURB LEVELS, REQUIRED A SEPARATE APPLICATION AND APPROVAL.
 8. FUEL SITS THAT NEED SEPARATE APPLICATION AND APPROVAL.
 9. ALL PARKING SPACES SHALL HAVE A MINIMUM WIDTH OF 9' X 18' AND ALL SPACES SHALL HAVE A MINIMUM HEIGHT OF 12'.
 10. CONSIDERED METALS BY FURNITURE.
 11. PERMITS FOR THE PARKING AREAS SHALL BE OBTAINED BY FURNISHING CONDS.
 12. ALL RECYCLING AND RECYCLING CONTAINERS SHALL BE SITED AS PER THE REQUIREMENTS OF THE UDA.
 13. ALL EXTERIOR WALLS ON A FOUNDATION SHALL BE SITED AS PER THE REQUIREMENTS OF THE UDA. SHALL BE 100% ENCLOSED OR GLASS.
 14. ALL FENCING PERMIT FILE SEPARATELY.

ZONING TABLE

ZONING OF THE PROPERTY

	REQUIRED	PERMITS
MINIMUM LOT AREA	1.027 ACRES	
MINIMUM LOT WIDTH	300 FT	
FRONT YARD	25'-0"	25'-0"
SIDE YARD	25'-0"	25'-0"
REAR YARD	25'-0"	25'-0"
BUILDING HEIGHT	20'-0" PARAPET	NEAR FUTURE LEASE

PARKING TABLE

	PROPOSED USE	AREA OF USE	REQUIRED RATE	NUMBER OF SPACES
	GAS STATION	3600 SF	200	18
	NEAR FUTURE LEASE	2700 SF	200	14
	TOTAL REQUIRED			32
	TOTAL PROVIDED			51

PLANNING REVENUE \$1
 VOUCHERS REQUIRED FROM US = 181

WE BEING THE 1.12 ACRES TRACT DESCRIBED BY B.C.C.F. NO. 99-050737
 LOCATED IN PEARLAND, TEXAS, AS SHOWN BY THE PLAT AND SURVEY THEREON.

DATE	APPROVED	BY	DATE	BY
		V. ZYCHLINSKI SUBDIVISION		4
B.C.C.F. NO. 2007014628				
PEARLAND		BRAZORIA		TEXAS
J. K. JOSEPH INC.				
601842-P				

PROJECT NO:
 1132007
 DRAWN BY: MM
 SCALE: 1" = 20'-0"
 DATE: 2-10-07
 CHECKED BY:

TITLE
SITE PLAN

SHEET
C-1.0
 OF SHEET



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: To get a permit for Retail
Spaces in Zone M-1 and Gas Station in Zone G.B.
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: G.B. & M-1

Property Information:

Address or General Location of Property: 2070 Mykawa Road.
Pearland, Tx.

Tax Account No. 5200-0010-002 & 5200-0010-000

Subdivision: Zychlinski Lot: 21 & 22 Block: Sec - 4

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

PROPERTY OWNER INFORMATION:

APPLICANT INFORMATION:

NAME JK JOSEPH INC
ADDRESS 4914 LAUREL HILL COURT
CITY SUGARLAND STATE TX ZIP 77478
PHONE (832) 731-5162
FAX (713) 943-0649
E-MAIL ADDRESS _____

NAME BM DESIGN LLC
ADDRESS 2626 SPENCER HWY #170
CITY PASADENA STATE TX ZIP 77504
PHONE (713) 240-2153
FAX () _____
E-MAIL ADDRESS mayid.ool@msh.com
Shahana Akter - 713.943.0690

*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: 5/19/09

Agent's Signature: [Signature] Date: 5/19/09

OFFICE USE ONLY:

FEES PAID: <u>\$250.00</u>	DATE PAID: <u>5/19/09</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>198108</u>
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Application No. CUP 2009-08

LETTER OF INTENT

Date May 18, 2009

City Of Pearland
3519 Liberty Drive
Pearland, TX 77581

Re: Conditional Use Permit request

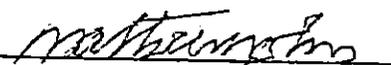
To whom it may concern:

This is to signify our intention to request a Conditional Use Permit in City of Pearland, TX. Property is (a subdivision of 1.727 acres of land out of lots 21 and 22 Zychlinski subdivision of section 4, E.B. Lyle Survey Abst. 543, City of Pearland, and Brazoria County, Texas) located at 2070 Mykawa Rd. The reason for CUP is to 2700 SF Retail Spaces in Zone M1 and 3600 SF Gas Station in Zone GB. There will be total 53 parking spaces for both the Gas Station and Retail spaces.

We are requesting a Conditional Use Permit to let us proceed to get our Building Permit from City of Pearland. Please contact us if you need any other information from us.

Thank you.

Sincerely,


Owner 5/19/09

SEPTEMBER 7, 2007

STATE OF TEXAS

COUNTY OF BRAZORIA

METES AND BOUNDS DESCRIPTION
ORANGE STREET & MYKAWA ROAD
PEARLAND, TEXAS

ALL THAT CERTAIN 1.727 ACRES OF LAND BEING THE SAME 1.73 ACRE TRACT DESCRIBED IN BRAZORIA COUNTY CLERK'S FILE NO. 2007014638 AND BEING THE RESIDUE OF A 12.843 ACRE TRACT DESCRIBED IN VOLUME 1155, PAGE 604 OF THE BRAZORIA COUNTY DEED RECORDS, SAID 1.727 ACRE TRACT OF LAND ALSO BEING SITUATED IN AND PART OF LOTS 21 AND 22, OF THE W. ZYCHLINSKI SUBDIVISION, SECTION 4, E. B. LYLE SURVEY, ABSTRACT NO. 543, BRAZORIA COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Basis for bearings: State Plane Coordinates, South Central Zone No. 4204, 1988 NAVD.

BEGINNING at a ½ inch iron rod with cap found for the Southeast corner of the herein described 1.727 acre tract of land, said point also being the intersection of the West R.O.W. line of Mykawa Road and the North R.O.W. line of Orange Street (a.k.a. County Road 114 and a.k.a. White Garner Road):

THENCE along the North R.O.W. line of Orange Street, South 87° 20' 45" West a distance of 150.00 feet to ½ inch iron pipe found for the South most Southwest corner;

THENCE along the East line of a tract of land described in Brazoria County Clerk's File No. 97-031114, North 02° 39' 15" West a distance of 200.10 feet to a ½ inch iron rod with cap found for an interior corner;

THENCE along the North line of said tract of land described in Brazoria County Clerk's File No. 97-031114, North 87° 21' 38" West a distance of 149.99 feet to a ½ inch iron rod with cap found for North most Southwest corner of the herein described tract;

THENCE along the East line of said tract of land described in Brazoria County Clerk's File No. 97-031114, North 02° 45' 08" West a distance of 150.00 feet to a ½ inch iron rod with cap found for the Northwest corner;

THENCE along the South line of a 11.11 acre tract of land described in Brazoria County Clerk's File No. 99-050737, North 87° 17' 01" East a distance of 301.05 feet to a ½ inch iron rod with cap found for the Northeast corner, said point also lying in the West R.O.W. line of Mykawa Road;

THENCE along the West line of Mykawa Road, South 02° 31' 21" East a distance of 350.47 feet to the **POINT OF BEGINNING** and containing 1.727 acres.

Plat-Attached

Lucien C. Schaffer, Jr. 9-7-07
Lucien C. Schaffer, Jr. R.P.L.S. No. 4803



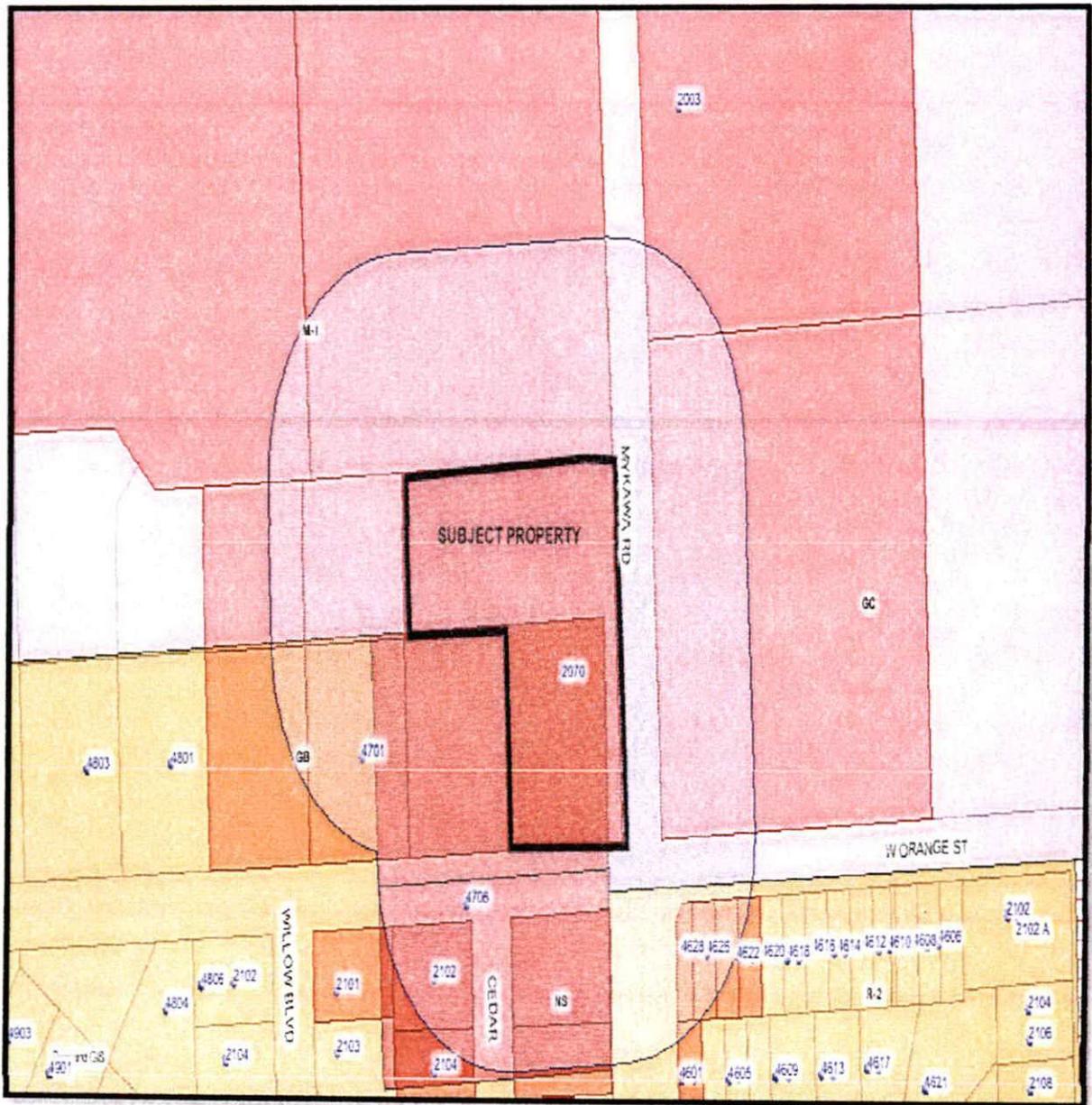


ZONING AND LOCATION MAP

CONDITIONAL USE PERMIT NO. 2009-08

LOCATED AT 2070 MYKAWA ROAD, PEARLAND, TX 77584





ABUTTER MAP

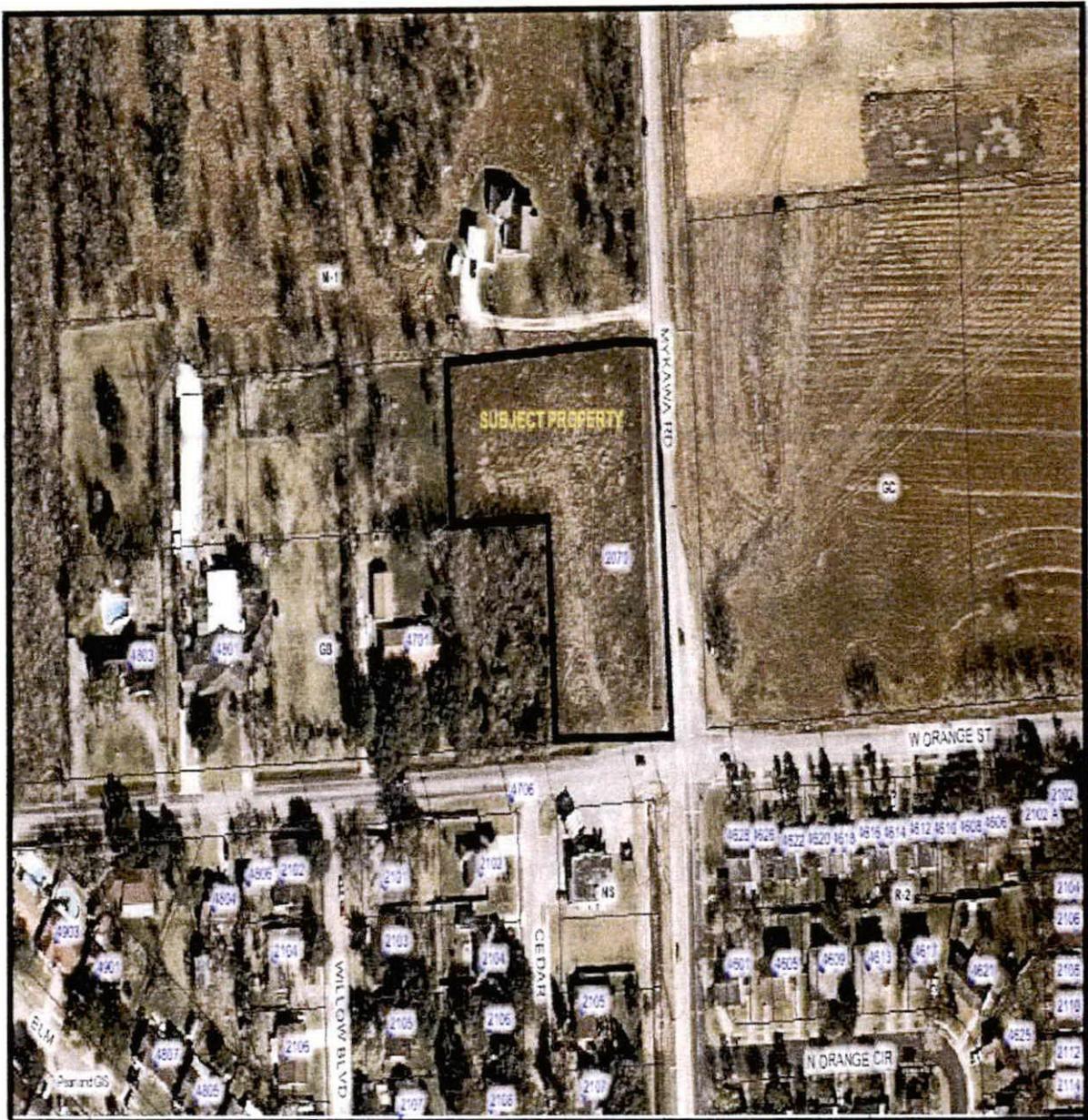
CONDITIONAL USE PERMIT NO. 2009-08

LOCATED AT 2070 MYKAWA ROAD, PEARLAND, TX 77584

↑
NORTH

CUP APPLICATION NO. 2009-08
NORTHWEST CORNER OF MYKAWA ROAD
AND ORANGE STREET
PROPERTY OWNERS NOTIFICATION LIST

DOMINO ADDIE M & JOHN A		2101 WILLOW BLVD	PEARLAND TX	77581
GONZALES ROSE LINDA		2104 CEDAR ST	PEARLAND TX	77581
GONZALEZ ROSE M		4603 N ORANGE CIRCLE	PEARLAND TX	77581
JOSEPH JOSEPH K & MATHEW JOHN		4914 LAUREL HILL CT	SUGAR LAND TX	77478
MORTON RACHEL L		2310 WASHINGTON ST	PEARLAND TX	77581
ORANGE TOWNHOMES LP		230 DRIFT WOOD DR	SEABROOK TX	77586
PACKAGING SERVICE CO INC		1904 MYKAWA RD	PEARLAND TX	77581
SEMPRE AVANT LLC		1904 MYKAWA RD	PEARLAND TX	77581
STEVENS CHARLES BUCK & VIRANI MEHBOOB ALI	KELLI KINDLE	PO BOX 462 4706 W ORANGE	PEARLAND TX	77588 77581



AERIAL MAP

CONDITIONAL USE PERMIT NO. 2009-08

LOCATED AT 2070 MYKAWA ROAD, PEARLAND, TX 77584



NORTH

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 15, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (T-11)

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T regarding reductions in M-1 and M-2 development requirements, change in parking requirement, accessory structures, and pools, etc.

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

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.



CITY OF PEARLAND

PLANNING & ZONING

MEMO

DATE: June 4, 2009

TO: City Council and Planning & Zoning Commission

FROM: Lata Krishnarao, AICP, Planning Director

SUBJECT: Joint Public Hearing - Amendments to the Unified Development Code T-11

The proposed changes had been presented at a joint workshop in May 2009. Staff memo proposed for that workshop has been attached. The memo provides an explanation of the proposed changes.

The changes to the UDC language have been attached and have been highlighted in yellow. Strike-through indicates deletions, and underlined text indicates additions.

In brief the changes include:

1. Change all "C" zones to "GC" in the text (page 75).
2. Exterior standards for facades located on local streets (page 35).
3. Clarification of expansions related to the triggers (page 37, and 65).
4. Height of building – consistency in definitions (page 33).
5. Parking for shopping centers with multiple uses (page 69).
6. Accessory buildings and pools – location (pages 28, 29, and 83).
7. Accessory building – amendment to figures (pages 30, 31, and 32).
8. Yard definitions and width – clarification (page 83, and 84).
9. OTS – signs and color palette (pages 15, 16, 17, and 85-91).
10. M-1 and M-2 regulations – modify general requirements regarding transparency, landscaping, outdoor storage, (pages 21, 22, 26, and 77).
11. Platting for commercial/Industrial (pages 38 -64, 66, and 67).
12. Minor changes/clarifications
 - a. Authority of P&Z to vary requirements of chapter 3 (page 1).
 - b. Clarification regarding CUPs(pages 2, and 3).
 - c. Extension of time for Cluster Development (page 4).
 - d. ZBA's authority to vary requirements (page 5).

M-1 and M-2 Regulations for existing developments & Land Uses for Mixed Use Districts: These two items will be discussed further with Planning and Zoning Commission, as directed by the council, and will be presented at a later date.



CITY OF PEARLAND

PLANNING & ZONING

MEMO

DATE: May 1, 2009
TO: City Council and Planning & Zoning Commission
FROM: Lata Krishnarao, AICP, Planning Director
SUBJECT: Amendments to the Unified Development Code T-11– May 2009

1. Change All “C” zones to “GC”

Section 4.2.4.3 of the UDC refers to the ‘GC’ zone as ‘C’ (Land Use and Urban Development Ordinance designation). Staff recommends that this be modified in the entire UDC.

See page 19 of the attached Proposed UDC Text Amendments.

2. Exterior Standards for Facades Located on Local Streets

In the past, certain buildings, especially industrial, have been permitted with exterior walls that are of lower standards than the 24-gauge metal panels if they meet the wind load and other requirements of the building code. The Building Official has indicated that the gauge of the metal used has no bearing on the structural stability or strength of the building. Therefore, staff recommends that the language be modified to permit lesser standards if approved by the building official.

Section 2.6.2.1 (b) (3)

(3) Minimum exterior wall standards (facade) shall be a minimum of 24-gauge or heavier architectural panels (wall systems) unless a lesser system is approved by the Building Official. Corrugated metal is prohibited.

3. Clarification of Expansions

Clarify Section 4.1.3.2 to state that expansion refers to both attached and detached expansions.

See page 11 of the attached Proposed UDC Text Amendments.

4. Height of Building

Section 2.6.1.2 conflicts with definition in Section 5.1.1.1 (a) (59). Replace the language in Section 2.6.1.2 (a) with that in Section 5.1.1.1 (a) (59).

See page 10 of the attached amendments.

Section 2.6.1.2 Special Height Regulations

(a) Calculation of Height.

~~(1) For the purposes of calculating the overall height of a structure, slope shall be calculated from the highest point of the building at natural grade to the lowest point of the building at natural grade, or the natural grade of an adjoining road, along a line that is, as close as possible, perpendicular to existing contours.~~

~~(2) The height shall be measured from the highest parapet or roof ridge to natural grade or finish grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.~~

The vertical distance measured from grade at the front of the building to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.

Section 5.1.1.1 (a) General Definitions

(59) BUILDING HEIGHT: *The vertical distance measured from grade at the front of the building to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.*

5. Fences for Residential in Corridor Overlay District (COD)

The COD Section 2.4.5.1 – does not address fences (that are not screening walls) visible from streets. As included below, the definition of screening wall does not include fences installed to separate the front yard from side and rear yards.

If the council wants to ensure that all fences in COD (including single family residential) that are visible from the street are masonry, then the following change needs to be made.

Additionally, conflicts between Sections 2.4.5.1(I) (2) and (3) need to be clarified.

See page 5 of the Proposed UDC Text Amendments.

Section 2.4.5.1 (i)

(2) *Screening Elements Required: All fences and 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: (Conflicts with Section 2.4.5.1 (i) above – confusing for staff)*

- 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:

Section 5.1.1.1 (a) General Definitions

335) SCREENING WALL: *(Also called Solid Wall.) A solid vertical barrier constructed of masonry materials that is intended to separate and limit visibility between that which is on either side of the barrier, for example adjacent land uses or particular site elements.*

6. Parking for Shopping Centers with Multiple Uses

Currently, different parking ratios are required for uses that may be located within one shopping strip. For example retail requires 1 space per 200 s.f., doctor's office requires 4 spaces per treatment room, restaurant

requires 4 space + 1 for 100 s.f. of gross floor area or 4 seats, whichever is greater, drive through with no indoor seating 1 space per 50 s.f., etc. UDC requires 1 per 165 s.f. ratio for multiple use occupancy and 1 per 200 s.f. for shopping centers over 3 acres in size.

At the time of permit, the developer generally proposes 1/200 (larger ratio) since all the uses are not determined at that time. After completion, if uses are added that require higher ratio, then occupancies are denied due to lack of parking.

Staff recommends that a composite ratio of 1 per 200 s.f. be permitted for all multi use /multiple occupancy buildings, irrespective of individual uses. This would provide flexibility for change of use at a later date.

Nationwide, parking ratios for retail range from 1 per 165 s.f. to 1 per 450 s.f. Staff feels that the proposed ratio will not cause parking deficits in mixed use areas, since the ratio of 1 per 200 s.f. for retail used by City of Pearland is less than ratios used by other cities as listed below. Additionally, mixed use centers have uses that have different peak times, and therefore can share parking spaces.

Retail Use – Parking Ratio

Austin	1 space per 275 s.f.
Mobile, AL	1 space per 300 s.f.
National Standards for retail	1 per 300 s.f.
College Station	1 per 250 to 1 per 350 depending on zoning.
South Padre	1 per 250 s.f.

Sugarland

Shopping Centers	
Less than 400,000 Square Feet	1:200 s.f.
400,001 to 600,000 Square Feet	1:250 s.f.
Greater than 600,001 Square Feet	1:300 s.f.
Office Buildings	1:250 s.f.

Missouri City

Shopping Centers less than 30,000	- 1 per 285-250 s.f.
Shopping Centers (30,00 - 100,000 s.f.)	- 1 per 250 - 225 s.f.
Ratios depend on the percentage of entertainment and restaurant uses	

See page 14 of the attached Proposed UDC Text Amendments.

7. Accessory Buildings and Pools

The purpose of this amendment is to permit accessory structures, including pools in the side yard while still maintaining some guidelines designed to preserve building separation, open space, air, and light standards. A resolution was adopted on April 20, 2009 to authorize staff to start issuing building permits to allow the construction of such structures based on the following limitations.

The portion of any accessory structure that is located in the side yard shall:

- (1) conform to the minimum side yard set-back requirement applicable to primary structures for the zoning district in which the property is located;
- (2) be no closer to the front property line than the front building line; and
- (3) not exceed five (5) feet in height.

As was discussed on April 20, 2009, part of the challenge lies in how the front, side, and rear yards are defined. Once consensus is reached on the definitions, Council can then decide whether to allow accessory structures in the side yards, which types to allow, and with what restrictions. To that end, staff is offering the following options for Council's consideration:

1. Definitions remain the same: front yard determined by front face nearest street, rear yard by rear face nearest back property line.

Ease prohibition on accessory structures in the side yard by allowing some types, such as swimming pools, to be so located, but maintaining side setbacks applicable to the principal building.
2. Definitions remain the same: front yard determined by front face nearest street, rear yard by rear face nearest back property line.

Ease prohibition on accessory structures in the side yard by allowing all accessory structures to be so located, but imposing front setbacks applicable only to said structures.
Staff is proposing the following front setbacks for accessory structures in the side yard:

- a. On a residential lot less than one (1) acre in size: double the required front setback applicable to the principal building;

- b. On a residential lot one (1) to five (5) acres in size: one hundred (100) feet;
 - c. On a residential lot five (5) to ten (10) acres in size: one hundred and fifty (150) feet; and
 - d. On a residential lot greater than ten (10) acre in size: two hundred (200) feet.
3. Different definition: the front and rear yard lines will be determined by drawing the largest imaginary rectangle that will fit **inside** of the house outline or footprint, oriented such that the side of the rectangle closest to the front of the house is parallel to the front property line. The front yard would be all outdoor space bounded by the front property line, the side property lines, and an imaginary line that incorporates the front side of the rectangle. The rear yard would be all outdoor space bounded by the rear property line, the side property lines, and an imaginary line that incorporates the back side of the rectangle. The side yards would be all outdoor space not in a courtyard or the front or rear yards.

Ease prohibition on accessory structures in the side yards.

8. Accessory Building - Figures

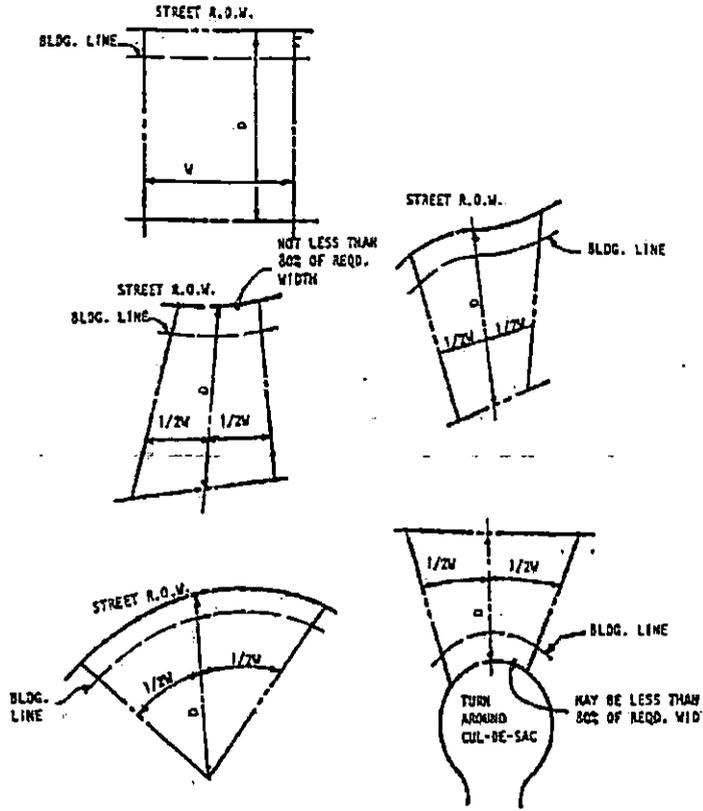
Section 2.5.3.1 (b)

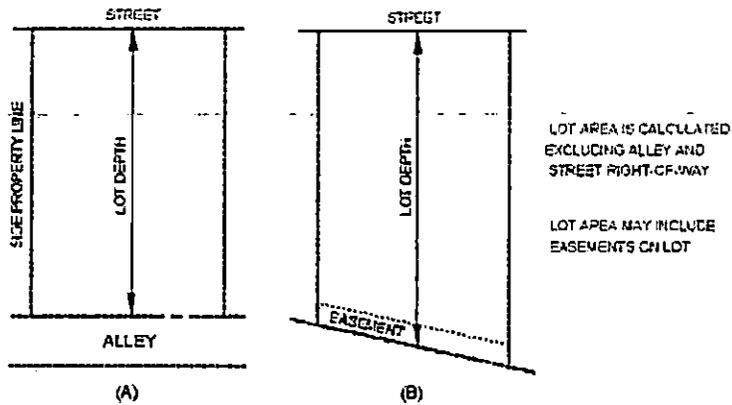
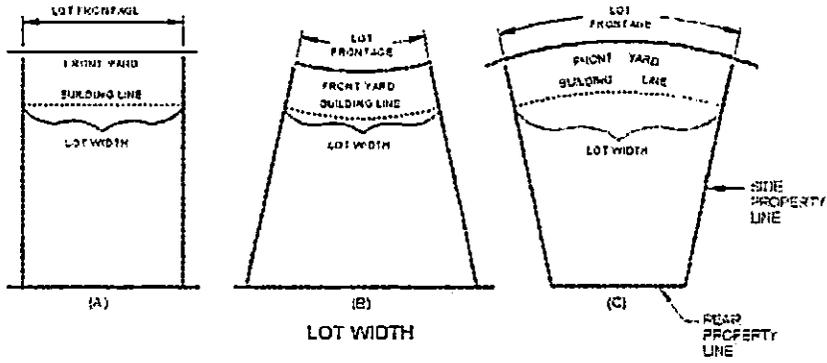
Correct page number for figure 2-4. Additionally, change the Figure 2-4 and 2-5 on pages 2-145 and 2-146 to reflect changes proposed in #1 above regarding location of accessory buildings and clarify yards.

(b) Accessory Buildings In Relation to the Rear Yard. Accessory buildings, as permitted herein, shall be allowed in rear yards; provided, however, that no accessory building may be closer than three feet (3') to a common property line and shall not encroach on any dedicated easements. (See Figure 2-4, on page ~~2-117~~ 2-145) Garages and carports shall adhere to the requirements in subsection (d) below.

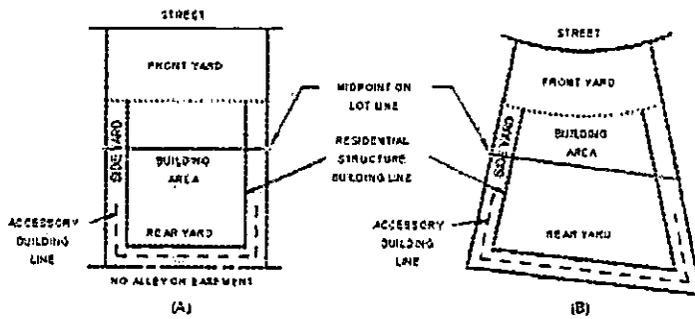
Some of the diagrams included in the UDC do not reflect the definitions pertaining to front yard, rear yard, and side yards. Staff recommends that these be modified.

W - WIDTH
D - DEPTH

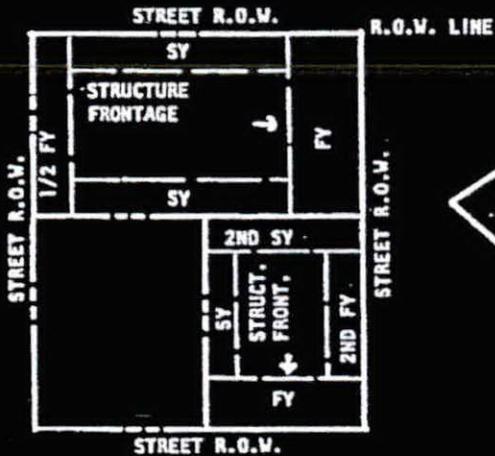
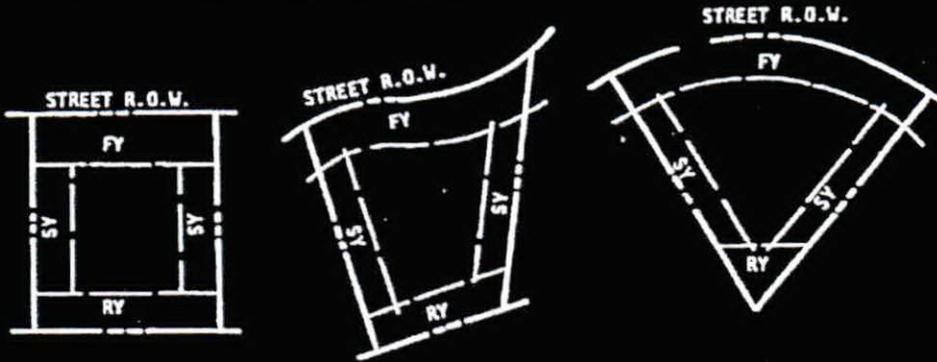




LOT AREA & DEPTH



YARDS



SY - SIDE YARD
 FY - FRONT YARD
 RY - REAR YARD



9. Yard Definitions

The definitions of yards need to be clarified since certain areas within the lot are not included. Staff recommends that definitions be modified for clarity once, items 7 and 8 are discussed and resolved.

Section 5.1.1.1 (a) General Definitions

(431) YARD, FRONT: That portion of the yard located between the front property line and the imaginary straight line incorporating the front face of the principal building(s) *nearest to the front property line*.

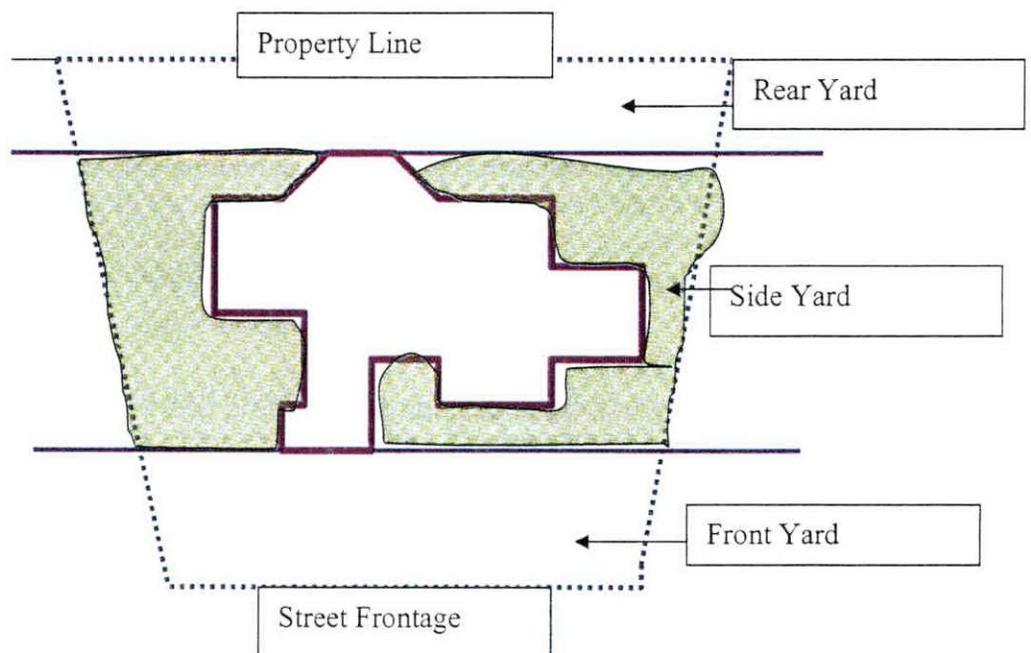
Refer to Chapter 2, Article 6, and Division 1 for diagrams related to this definition.

(432) YARD, FRONT (FLAG LOT): The distance between the front of the building and the point nearest the abutting street where the lot satisfies applicable width requirements.

(433) YARD, REAR: That portion of the yard located between the rear property line and the imaginary straight line incorporating the rear face of the principal building(s) *nearest to the rear property line*.

Refer to Chapter 2, Article 6, and Division 1 for diagrams related to this definition.

(434) YARD, SIDE: That portion of the yard bounded by the front yard, the rear yard, the side property line, and the side face of the principal building(s) *nearest to the rear property line*. Refer to Chapter 2, Article 6, and Division 1 for diagrams related to this definition.



10. Signs in OTS – Material and Color

The Pearland OldTownsite Business Coalition has shown expressed concern regarding lack of regulations on color of buildings and material of signs in old Town Site.

The OTS district was exempt from the COD standards and therefore the color palette for buildings does not apply to OTS. Additionally, the UDC does not regulate the material of signs.

The committee's recommendation is listed below.

The deviations from the current UDC requirements would include the following:

1. Restriction on material of signs. Currently, UDC does not restrict the material of signs.
2. Pole signs, awning signs and marquee signs would be permitted.
3. Modify the color palette to achieve the desired image.
4. Allow signs on awnings city wide.

If the Council supports the changes proposed, the OTS section and signage section would need to be modified to incorporate the changes and to eliminate conflicts.

Recommendations of The Pearland OldTownsite Business Coalition Old Townsite District – Sign Regulations

1. Purpose

The purpose of this section is to regulate the construction of new signs and alternations made to existing signs to ensure consistency with the historic and pedestrian-oriented nature of this district. The objective of this section is to ensure (1) that new signage is appropriate to the architectural design of the building and the district and (2) that signs enhance the developing character of the district in general.

2. Area

The area that these prescriptions apply to is generally described as the boundaries of the Old Townsite: Orange Street on the north, Walnut Street on the south, Austin Street on the west, and Galveston Street on the east, and all properties facing these streets on the named streets outskirts.

3. General Provisions

All other requirements of the Unified Development Code apply unless specifically mentioned in this section.

4. Sign Materials

Sign materials and finishing materials shall be one of the following only:

- a. Metal, painted, enameled or powder-coated.
- b. Cold cathode tube (neon).
- c. Carved relief in stone or cast stone.
- d. Wood or carved wood which is painted or sealed.

The use of plastic on the exterior of a sign is prohibited. Only colors from the approved City of Pearland color palette specifically selected for the Old Townsite may be used (see addendum with selected colors).

5. Exempt Signage

Signs with a sign area under two square feet and used in the operation of a business, such as hours of operation, credit cards accepted logos, and parking information shall not require a sign permit.

6. List of Signs

A-Frame/Sandwich Board Signs
Awning Sign
Banner Sign
Directory Sign
Hanging Sign
Marquee Sign
Pole Sign ***need to discuss in committee***
Municipally-owned Sign
Mural Sign
Onsite Directional Sign
Projecting Sign
Wall Sign – Attached
Window Sign

7. Sign Standards

- a. A-frame/Sandwich Board Signs
 - i. General

No more than one a-frame or sandwich board sign per business shall be allowed, and a minimum of four

feet of clear sidewalk shall be maintained at all times. The sign shall be sufficiently weighted or anchored to prevent movement by wind or other elements.

ii. Sign Area and Size

No a-frame or sandwich board sign shall exceed eight square feet per face or four feet in height. The entire sign structure shall be calculated as the total of sign area.

b. Awning Signs

i. Sign Size

The maximum size of letters shall be eight inches. A logo may extend up to 12 inches tall provided the appropriate border is maintained.

c. Marquee Signs

i. ***need to discuss if we want these or not***

d. Pole Signs

i. ***need to discuss if we want these or not***

8. Franchise Logo Exemption

Any logo associated with a national or international franchise may be located on sign elements covered in this section, and is exempt from sign color requirements. The logo is limited to less than four square feet in size.

11.M-1 and M-2 Regulations (Land Use Study)

Council and P & Z discussed modifications to the M-1 and M-2 districts to relax certain regulations at their workshop on April 6, 2009.

Subsequently, at a meeting with the Chamber of Commerce's SWAT team, the members emphasized that most of the requirements were onerous for expansion of existing non-conforming businesses. New buildings on vacant sites would not have many issues with the current regulation.

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. Further, any requirement that can be met (specifically landscaping), but is not desired by the owner would require a SE or CUP.

Staff is recommending that the CUP option (as opposed to SE) be specifically explored for M-1 and M-2 zones to afford and an opportunity for the city to work with the property owners to improve the situation where possible, especially in terms of landscaping and buffers. Phasing of improvements may be discussed through a CUP. Chamber and SWAT has recommended that the *“owners be required to eventually bring their property into conformity depending on the severity of non compliance. Many may not be aware of requirements and may not have a problem correcting a non conformity considering a significant capital investment.”*

Further, staff recommends that in developments 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.

Based on the workshop and meeting with SWAT (where PEDC was present) staff has the following recommendations. Each requirement has the recommendation listed with it, and how it is applicable to the three scenarios.

	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	<p><u>Facade:</u> (Based on frontage on Thoroughfares)</p> <p>Reduce requirements.</p> <p>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' masonry (height of the fence) and visible from adjoining residential areas.</p>	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 a period of time.
2	<p><u>Articulation:</u> (Only in COD)</p>	Applies to entire structure	Existing facades exempt. New façade to	Existing facades exempt. New façade to

	No change in requirements.		comply.	comply.
3	<u>Transparency:</u> (Only in COP) Reduce transparency requirement from 25% to 15%. Exempt buildings located farther than 250' from this requirement.	New buildings to comply	Existing facades exempt. New façade to comply.	Existing facades exempt. New façade to comply.
4	<u>Color Palette:</u> (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	<u>Landscaping:</u>			
a	<u>COD</u> 30' buffer along street. No changes	New development needs to comply.	Preserve non conforming buffer. Expansion of parking lot needs to comply with the buffer requirement unless a SE is approved. Recommend CUP instead.	Preserve non conforming buffer. Expansion of 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	New development needs to comply.	Exempt.	Need to comply unless a Special Exception (SE) is granted.

	included in this 15%, typically this is not a problem.			Recommend CUP.
e	Treatment of detention as amenity if located along the corridor No changes.	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 met.	Permit with recorded agreement.	NA	Permit with recorded agreement.
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	New development needs to comply.	Addition needs to comply Existing	Addition needs to comply Existing

	Remove the current requirement of a SE for additions to structures with non conforming setbacks.		structures exempt.	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.

Once the council takes action on these requirements, UDC will be modified accordingly. Several sections of the UDC would need to be modified.

Following changes are recommended to the UDC to reflect the above recommendations.

Facade requirement:

Section 2.6.2.1 (b)

ADD TABLE 2-2

Section 2.6.2.1 (b)

- (2) *Buildings built prior to January 1, 2001 are exempt from the (facade) requirements of this section unless required by the adopted Building Code.*
- (3) *Minimum exterior wall standards (facade) shall be a minimum of 24-gauge or heavier architectural panels (wall systems). Corrugated metal is prohibited.*
 - a. *Within a GC (General Commercial) zoning district and where more than sixty percent (60%) of the existing nonresidential structures along both sides of the same street and lying between the two nearest intersecting streets do not comply with the minimum facade standards, architectural panels (wall systems) shall be insulated panels with a rock or rock-like coating or comply.*
- (4) *Unless one of the following exceptions applies, masonry, stucco or EIFS*

materials shall be required on ~~one hundred percent (100%)~~ **fifty percent (50%)** of the front façade of any building that faces onto a thoroughfare or collector. Side facades of such buildings shall be **required to meet the requirements within (3) above.** ~~a minimum fifty percent (50%) masonry, stucco, or EIFS.~~ **Any wall or portion of a wall abutting residential zoning districts, above 6 feet shall be required to be masonry, stucco or EIFS.**

- a. The building is exempt under (2) above.
- b. New and existing structures, including expansions that are at least two hundred and fifty feet (250') from the specified roadways shall only be required to meet these requirements within (3) above. The two hundred and fifty foot measurement shall be taken from the curb or the edge of the roadway pavement.

Section 2.4.5.1

(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 trim work.
- 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. **For structures located in M-1 and M-2 zoning districts, this percentage shall be reduced to 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.

Section 2.4.5.1 (e)

(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 **as long as the overall required landscaping is met on site.**

Section 2.4.5.1

(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 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).

Non conforming sites and building:

Section 2.7.3.2

(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 to provide additional off-street parking or loading areas required by this Code or in accordance with Section 2.7.3.7. Structures and parcels in M-1 and M-2 zones that are non-conforming in terms of building setbacks, facades, transparency, and landscape buffers, shall be allowed to expand as follows:

List the requirements from the table, as approved.

12. Land Uses for Mixed Use Districts.

At the Land Use workshop on April 6, 2009, the Council had directed staff to re-examine the uses allowed in Garden-Oday Mixed Use and Cullen Mixed Use districts. Further as part of Land Use study, it was discussed that a new zone “Offices” need to be added as per the recommendations of the Comprehensive Plan. The new zone would be appropriate for areas shown on “Office” in the land Use Plan, along Pearland Parkway, McHard (adjacent to U of H campus), along SH 35, south of FM 518, adjacent to single family developments.

The following table shows the portion of the Land Use Matrix pertaining to the mixed use zones and staff’s recommendations. The new zone will be discussed at a later date.

Staff recommendations are highlighted in red.

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 ☐☐		

Types of Uses	C-MU	G/O-MU
Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family) ☐☐		
Dwelling - HUD-Code Manufactured(Mobile) Home ☐☐		
Dwelling - Industrialized Home ☐☐	P	P
* Dwelling - Mobile Home ☐☐		
Dwelling - Multiple-Family ☐☐		
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

Types of Uses	C-MU	G/O-MU
Country Club ☐☐	P	P
Dinner Theatre	C	C
Driving Range (Golf)	C	C
Drag Strip/Race Track ☐☐		
Fairgrounds		
Gaming Establishment ☐☐	C	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		
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}		
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) ☐☐		
Auto Assembly		
Auto Body Repair		

Types of Uses	C-MU	G/O-MU
Auto/Leasing		
Auto Glass Repair/Tinting		
Auto Interior Shop/Upholstery		
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)		
Auto Rental ☐☐		
Auto Repair (Major) ☐☐		
Auto Repair (Minor) ☐☐		
Auto Sales/Dealer ☐ (New - In Building, Auto Servicing and Used Auto Sales as accessory uses only) ☐		
Auto Wash (Full Service/Detail Shop) ☐☐		
Auto Wash (Self-Service) ☐☐		
Auto Wrecker Service		
Bicycle Sales (New/Repair)		
Boat Sales (New/Repair)		
Bus or Truck Storage		
Gasoline Station ☐☐		
Limousine/Taxi Service		
Motor Freight Transportation, Storage, & Terminal		
Motorcycle Sales/Dealer (New/Repair)		
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		

Types of Uses	C-MU	G/O-MU
Truck Sales (Heavy Trucks)		
Truck or Freight Terminal		
Clinic, Medical or Dental ☐☐	P	P
Credit Agency		
Emergency Care Clinic		
Financial Institution (No Motor Bank Services) ☐☐	P	P
Financial Institution (With Motor Bank Services) ☐☐	P	P
Financial Services (Advice/Invest)	P	P
Insurance Agency Offices	P	P
Office, Brokerage Service	P	P
Office, Legal Service	P	P
Office, Medical/Dental { <i>Defined Under Medical Facilities</i> }	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
Security Monitoring Company (No Outside Storage)	P	P
Telemarketing Agency		
Travel Agency, Bureau or Consultant	P	P
Ambulance Service ☐☐		
Automatic Teller Machine (ATM)	P	P
Automobile Driving School (including Defensive Driving)		
Barber/Beauty Shop/Tanning Studios (No Related School/College)	P	P
Barber/Cosmetology School/College		
Bed & Breakfast Inn ☐☐	P	P

Types of Uses	C-MU	G/O-MU
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
Antique Shop ☐ (With outside storage) 🏠	C	C
Apparel Shop	C	C
Animal Hospital (No Outside Pens)		
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) ☐🏠		

Types of Uses	C-MU	G/O-MU
Book/Stationery Shop (Retail Only)	P	P
Business Service Retail (Provides wares and/or service in support of professional occupations)	C	C
Café ☐☐	P	P
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)		
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
Handicraft & Art Object Sales Shop	P	P

Types of Uses	C-MU	G/O-MU
Hardware Store 	C	C
Hobby Shop (Retail Only)		
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		
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)		
Restaurant (With Drive-In and/or Drive-Thru Service)	C	C
Restaurant (With No Drive-In or Drive-Thru Service)	C	C
Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed; No Outside Storage)	C	C
Shoe Store (Retail Only)	C	C

Types of Uses	C-MU	G/O-MU
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
Stone Monuments – Fabrication and Outdoor Storage	C	C
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		
Variety Store		
Video Rental and/or Sales	C	C
Adult Day Care Center(Business) ☐☐		
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		
Day Nursery		
Exhibition Hall		
Fraternal Organization ☐☐	C	C
Fraternity or Sorority House ☐☐	C	C

Types of Uses	C-MU	G/O-MU
Governmental Building or Use (County, State or Federal)	C	C
Home for Alcoholic, Narcotic or Psychiatric Patients		
Hospice (<i>Defined Under Household Care Facility</i>)	P	P
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	C	C
Museum (Indoors Only)		
Nursing/Convalescent Home (<i>Defined Under Skilled Nursing Facility</i>)		
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 { <i>Defined Under School,</i>		
Sheltered Care Facility		
Studio for Radio and/or Television (No Tower[s])		
Cellular Communications Tower/PCS { <i>See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC</i> }	C	C

Types of Uses	C-MU	G/O-MU
Electric Power Generating Plant		
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
Appliance Repair ☐☐	C	C
Book Binding	C	C
Building Material Sales		C

Types of Uses	C-MU	G/O-MU
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
Exterminator Service/Company (No outdoor sales or storage)	C	C
Fur/Hide Tanning and Finishing		
Furniture/Appliances - Open Storage & Retail Sale		
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 &		

Types of Uses	C-MU	G/O-MU
Sales		
Loading or Storage Tanks		
Locksmith		
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		
Office Warehouse Storage or Sales(<i>Defined Under Storage or Wholesale Warehouse</i>)		
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		
Railroad, Bus, Light Rail Passenger Station (Public)		
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

Types of Uses	C-MU	G/O-MU
Taxidermist		
Tool and Machinery Rental (Indoor Storage only)		C
Tool and Machinery Rental (with Outdoor Storage)		
Trailer Home Sales or Rental Only		
Transfer Storage & Baggage Terminal		
Upholstery Business		C
Vacuum Cleaner Sales and Repair		
Welding Shop		
Wholesale Trade - Nondurable Goods	C	C
Wood Working Shops	C	C
Acid Manufacturer		
Airport <input type="checkbox"/> , Heliport/Helipad <input type="checkbox"/> or Landing Field	C	C
Animal Slaughtering or Poultry Processes		
Ammonia Manufacturer		
Asphalt Batching Plant <input type="checkbox"/>		
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 <input type="checkbox"/>		
Dumps and Landfills		
Hazardous Emissions (as Determined by Enforcing Officer & Other Objectionable)		
Explosives Manufacturer and/or Storage		

Types of Uses	C-MU	G/O-MU
Glue or Fertilizer Manufacturer		
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)		

13. Platting For Commercial/Industrial.

Staff has been reviewing the platting process to propose changes to permit minor plats for non-residential developments where public improvements are required to serve the particular project and to allow

access from and frontage on easements instead of public or private streets.

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 be 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 recommended modifications to design requirements for parking lots to incorporate ends islands and separation distances of aisles from driveway and street intersections.

These are the general guidelines:

- 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.) Building permit(s) issued

5.) 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.

6.) All infrastructure improvements are completed and accepted for maintenance by the City Engineer.

7.) Plat is approved and recorded at the County Courthouse

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

Once these changes are approved by the council, staff will draft the language to amend the UDC.

14. Billboards / Free-Standing Signs

Staff would like to bring to Council's attention a recent request by a property owner to install a monument sign in addition to the existing non-conforming billboard on site.

Billboards are not permitted under the UDC and any existing billboards are considered as non-conforming free standing signs. The UDC permits one on-premise ground sign per property or one multi-tenant sign per 600 linear feet of frontage. Therefore, if a property has a billboard on site and has a frontage of less than 600', then additional free standing signs are not permitted, unless the non-conforming billboard is removed.

Staff is not proposing any changes at this time.

Section 1.1.3.4 Authority for Deciding Applications

- (a) **Final Decision-Maker for Quasi-Judicial Applications.** The Planning and Zoning Commission shall finally decide the following types of quasi-judicial applications:
- (1) An application for a Subdivision Master Plat;
 - (2) An application for a Preliminary Subdivision Plat or Preliminary Development Plat;
 - (3) An application for a Final Subdivision Plat or Final Development Plat, for which no Preliminary Subdivision Plat or Preliminary Development Plat, respectively, has been approved; **and**
 - (4) An application for a replat; **and**
 - (5) **A request for a variance from the requirements of Chapter 3.**
- (b) **Final Decision-Maker for Administrative Applications.** The Planning and Zoning Commission shall finally decide the following types of administrative applications:
- (1) An application for a Final Subdivision Plat or Final Development Plat for which a Preliminary Subdivision Plat Preliminary Subdivision Plat or Preliminary Development Plat, respectively, has previously been approved; and
 - (2) An application for an amending plat that has been forwarded by the Planning Director.

Section 1.1.4.3 Authority for Deciding Appeals and Relief Petitions

(a) **Appellate Authority.** The City Council shall finally decide appeals on the following development applications and relief petitions:

(1) A vested rights petition filed in conjunction with an application for which the City Council is the final decision-maker; ~~and~~

(2) An impact fee appeal that has been forwarded by the City Manager; ~~and~~

(3) A sign permit (refer to Section 4.1.2.6).

~~(4) A Conditional Use Permit appeal following Planning & Zoning Commission denial (refer to Section 2.2.2.3).~~

(b) **Petitions for Relief.** The City Council shall finally decide the following petitions for relief:

(1) Petition for relief from a dedication or construction requirement.

Section 2.2.3.3 Processing of Application and Decision

- (a) **Hearing and Notification.** The Director shall schedule a public hearing before the Planning and Zoning Commission and the City Council on the application for a Conditional Use Permit, and shall cause personal notice to be given in accordance with Section 1.2.2.2.
- (b) **Commission Decision.** The Planning and Zoning Commission and City Council shall jointly conduct a public hearing on the application in accordance with Article 2, Division 3 of Chapter 1. The Planning and Zoning Commission shall make a recommendation of approval or denial of the requested CUP to the City Council, who shall be the final decision maker regarding whether to approve, approve with conditions or modifications, or deny the permit. ~~The Commission may also recommend whether any requested variations from the standards in the zoning district regulations should be granted for the use.~~

Section 2.2.4.6 Expiration Extension and Reinstatement

- (a) **Expiration.** If a preliminary subdivision plat has not been approved for land subject to the Cluster Development Plan within one (1) year from the date of approval, the Plan shall lapse and no application for plat approval, or application for approval of a Cluster Development Plan on another phase of the development shall be accepted for filing thereafter, unless the Cluster Development Plan is reinstated.
- (b) **Extension and Reinstatement.** The Planning and Zoning Commission may extend the time of expiration for or reinstate a Cluster Development Plan for a period not to exceed one year, in accordance with the procedures in Article 3 2, Division 5 of this Chapter 1.

Section 2.2.5.2 Variances

(a) Purpose, Applicability and Effect.

- (1) The purpose of a variance is to vary one or more zoning standards made applicable to a use authorized under this Chapter. A variance application shall not be used as a means of amending the text of the City's zoning regulations or of changing a zoning district classification of the property for which the variance is sought. A variance application cannot be used as a means to contest the applicability of a standard to a development application, an exemption determination, or a decision on a development application.
- (2) A variance application is applicable only within the City limits of Pearland.
- (3) The granting of a variance petition in whole or in part authorizes the petitioner to submit a development application that complies with the standard as varied or modified, and authorizes the decision-maker to evaluate the application using the varied standard, for the duration of the variance.

(4) Variances from the requirements of Chapters 2, 4, and 5 shall be decided by the Zoning Board of Adjustments, and variances from the requirements of Chapter 3 shall be decided by the Planning and Zoning Commission.

(b) Application Requirements.

- (1) A variance application shall contain a detailed written statement of the reasons why the standards to be varied should not be applied to the use identified in the application, and shall be accompanied by the fee established by the City Council. The application also shall be accompanied by illustrations or other documents showing the effect of the requested variance on the proposed development.
- (2) A variance application shall be filed with the Zoning Board of Adjustment. No development application that is dependent upon approval of the pending variance application shall be accepted for filing until a final decision has been reached on the variance application.
- (3) An application for a variance to a use in a zoning district for which an application for a zoning amendment is pending may not be accepted for filing until a final decision has been reached on the zoning amendment.
- (4) A variance application may not be accepted for filing until a plat of the property has been approved, unless determined otherwise by the Planning Director.

(c) Processing of Petitions and Decision.

- (1) The Zoning Board of Adjustment shall conduct a public hearing on the variance application in accordance with Chapter 1. Personal notice shall be provided in accordance with Chapter 1, Article 2 of this UDC.
- (2) The Zoning Board of Adjustment shall approve, conditionally approve, or deny the variance application.
- (3) A variance application shall be decided within forty-five (45) days of the official filing date, unless the application is tabled or there is a lack of quorum. In

either case, the ZBOA shall then have an additional forty-five (45) days to decide the application. Any additional time period that the ZBOA needs to decide an application must be agreed upon by the applicant, and the ZBOA shall decide the application within the agreed-upon timeframe.

- (4) The applicant for a variance bears the burden of proof to demonstrate that a variance to the standards applicable to a particular use should be granted.
- (5) The applicant shall be notified of the decision on the variance petition in the manner provided in Chapter 1 of this UDC.

(d) **Criteria for Approval.** In deciding the variance application, the Board shall apply the following criteria:

- (1) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land such that the strict application of the provisions of this Code to the proposed use would create an undue hardship or inequity upon or for the applicant, as distinguished from a mere inconvenience, in developing the land or deprive the applicant of the reasonable and beneficial use of the land;
- (2) The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
- (3) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- (4) Granting the variance application will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- (5) Granting the variance application will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;
- (6) The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;
- (7) The request for a variance is not based exclusively on the applicant's desire for increased financial gain from the property, or to reduce an existing financial hardship; and
- (8) The degree of variance requested is the minimum amount necessary to meet the needs of applicant and to satisfy the standards in this section.

(e) **Expiration and Extension.**

- (1) A variance to a standard applicable to a particular use shall expire within 90 days of the date the variance petition is granted, unless the property owner or applicant files a complete application for a building permit with the City within such period. The Board may extend the time for filing the building permit application for good cause shown, but in any event, the expiration date for the variance shall not be extended beyond one (1) year from the date the variance was granted.

(2) If the building permit expires, the variance also shall expire. If the building permit is extended, the variance also shall be extended.

Section 2.4.3.4 OT, Old Townsite District

(a) **Purpose.** The purpose of the Old Townsite District (OT) is to:

- (1) Promote good building and streetscape design.
- (2) Reinforce existing land use patterns and character.
- (3) Categorize area into zoning districts as per the UDC with modifications.
- (4) Promote downtown as a walkable, pedestrian friendly district.
- (5) Promote multiple types of development and uses.
- (6) Set forth general provisions and architectural regulations to ensure quality of streetscape and building construction.
- (7) Allow reduced parking ratios, shared parking and flexibility to encourage re-use of existing buildings.
- (8) Allow flexibility in building codes and façade requirements to encourage relocation and re-use of existing buildings.
- (9) Emphasize mixed uses and focus on the streetscape and public spaces to create pedestrian-friendly mixed-use developments.

(b) **Proposed Zoning Districts.** The OT is comprised of three zoning districts – Old Townsite General Business District (OT-GB), Old Townsite Single Family Dwelling District (OT-R), and Old Townsite Mixed Use District (OT-MU).

(1) **Old Townsite General Business District (OT-GB)**

a. **Development Standards.** All development standards of the General Business District (GB), Section 2.4.4.4 of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: For yards abutting Main Street and/or Broadway Street required front yard shall be determined by the existing street right of way. The minimum front yard required shall be such that the front setback line is at a distance of sixty feet (60') from the centerline of Broadway and/or Main Street. Zero feet (0') for yards abutting Main Street and/or Broadway Street with one hundred and twenty feet (120') right of way. Twenty-five feet (25') along other streets.

Minimum Rear Yard: Twenty feet (20'); Twenty-five feet (25') if abutting a residential zoning district; seven and a half feet (7.5') if abutting an alley.

Minimum Lot Width: Fifty feet (50')
Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

Maximum Height: None.

- b. **Permitted Uses.** All uses permitted in the GB zone, Section 2.4.4.4 of the UDC with the following exceptions:
Uses permitted in GB zone permitted on all floors, but required on first floor even for parking structures unless institutional / governmental uses are proposed.
Residential on upper floors allowed by a Conditional Use Permit (CUP).
Institutional / governmental uses permitted with City's approval by a CUP.
- c. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with Section 2.5.3.1 of the UDC with the following exceptions:
Minimum Front Setback – Accessory building shall be located behind the front building setback line established by the primary building.
Minimum Side Setback - Five feet (5').
Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.
Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.
- d. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under section 3.2.11.1) or courtyard spaces are provided along the street.
For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.
- e. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approvals from the City and in conformance with Development Guidelines specified below under Section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- f. **Outdoor Seating.** Outdoor seating for restaurants, may be permitted, as accessory and adjacent to the principal building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.

- g. **Parking.** On street parking shall be subject to the following:
1. No parking shall be permitted in the front yard.
 2. Non-residential uses in existing structures may be permitted to reduce by 50% the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.
 3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
 4. Stacked parking (parallel parking without the access aisle) for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area.
A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

) **Old Townsite Residential District (OT-R)**

- a. **Development Standards.** All development standards of the Single Family Dwelling District (R-4), Section 2.4.2.8 of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: Twenty feet (20').

Minimum Rear Yard: Twenty feet (20'); seven and a half feet (7.5') if abutting an alley.

Minimum Lot Width: Fifty feet (50')

Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

- b. **Permitted Uses.** All uses permitted in R-4 district, townhomes and duplexes.

~~All uses allowed in the OP district may be permitted with a Conditional Use Permit; all institutional uses allowed by a Conditional Use Permit.~~

- c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multi family developments and shall meet the following requirements:

In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities. Facilities, such as pedestrian ways and swimming pools, may be counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').

- d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of Chapter 2.5.3.1 of the UDC with the following exceptions:
- Minimum Front Setback – Seventy-five feet (75').
 - Minimum Side Setback - Three feet (3').
 - Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.
 - Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
 - Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.
- e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.
For lots with less that one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.
- f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approval from the City and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- g. **Outdoor Seating.** Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.
- h. **Parking.** On street parking shall be subject to the following:
1. No parking shall be permitted in the in the front yard.
 2. Non-residential uses in existing structures may be permitted to reduce by fifty percent (50%) the number of parking spaces required

by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.

3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(3) Old Townsite Mixed Use District (OT-MU)

- a. **Development Standards.** All development standards of the General Business District (GB) of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: Zero feet (0').

Minimum Rear Yard: Twenty feet (20'); seven and a half feet (7.5') if abutting an alley.

Minimum Side Yard: Five feet (5') for detached structures; 0 feet for attached structures

Minimum Lot Width: Fifty feet (50')

Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

Maximum Height: Forty feet (40') or 3 stories, whichever is lesser.

- b. **Permitted Uses.** All uses permitted in the Office and Professional District (OP), Townhouse Residential District (TH), and Single Family Dwelling District (R-4). Uses allowed in Multi Family District (MF) by a CUP

- c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multi family developments and shall meet the following requirements:

In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities. Facilities, such as pedestrian ways and swimming pools, may be counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').

- d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of section 2.5.3.1 the UDC with the following exceptions:
 - Minimum Front Setback – Accessory building shall be located behind front building setback line established by the principal building.
 - Minimum Side Setback – Three feet (3').
 - Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.
 - Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
 - Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.

- e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less that one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property. feet (25') wide driveway to access the rear of the property.

- f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with approval from City staff and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.

- g. **Outdoor Seating.** Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.

- h. **Parking.** On street parking shall be subject to the following:

1. No parking shall be permitted in the in the front yard.
2. Non-residential uses in existing structures may be permitted to provide 50% of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet parking the requirements of the UDC, unless specified herein.
3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(c) Development Requirements

All development requirements specified in the UDC will apply, with the following additional requirements and exceptions:

1. **Drive-Thru Facilities.** New drive-thru windows should not be located on the façade facing the primary streetscapes. Drive-thru facilities shall not hinder pedestrian flow or adjacent buildings and their functions.
2. **Utilities.**
 - a. For new building construction and significant building renovation (of over fifty percent of the value of the existing building and improvements) all utilities within the property shall be required to be underground, unless:
 1. The utility is required to be above ground to operate properly, or
 2. All above ground lines are located in the rear or other areas of the property where they are not prominently visible from the front of the property or any roadway, and all poles are wholly obscured, as determined by the Planning Director.
 - b. Location of above ground utility equipment shall avoid conflict with pedestrian movement and visually shield the equipment.
3. **Building Elevations.** Rear facing buildings and loading docks are prohibited on street façades for the following streets – Main, Broadway, Grand, Orange, Mykawa, Walnut, and Galveston.
4. **Concealed Equipment.** All equipment shall be located in rear yards or otherwise screened. Equipment shall include AC compressors and window and wall units, electric and utility meters and boxes, irrigation and pump pools, permanent barbecues, satellite dish antennas less than forty eight inches in (48")

in height or diameter, loading docks, service areas, trash disposal facilities and backflow devices. Antennas over forty-eight inches (48") shall require a CUP.

5. **Projecting Façade Elements.** Projecting façade elements include awnings, canopies, balconies, colonnades and arcades. These shall be permitted on city streets after approval by the City and on TX DOT ROW, if permitted by TXDOT and approved by City. The following requirements shall apply:
 - a. Not to project closer than two feet (2') to the curb.
 - b. Eight feet (8') minimum clearance between sidewalk and bottom of awning or canopy; ten feet (10') minimum clearance between sidewalk and bottom of balconies, colonnades and arcades.
 - c. May project in public ROW if approved by the City.
 - d. Eight feet (8') minimum depth of sidewalk from building face to the inside column of colonnade or arcade.
 - e. Minimum two feet (2') between outer column face of colonnade or arcade and curb.
6. **Façade Regulations.** Shall meet all requirements of the UDC, except that wood and hardy plank will be permitted for facades.
7. **Transparency Requirements.** For non-residential facades facing public street, park, plaza or public space a minimum of fifteen percent (15%) of overall façade must be transparent. For non-residential, a minimum of twenty five percent (25%) of façade wall area is required to have store front windows on ground floor.
For residential buildings (both single family and multi family) a minimum of 15% of façade is required to comprise of window area.
A lesser percentage of transparency for overall façade or store front windows for all buildings may be permitted by a CUP.
Remodeling or repair of existing buildings may be exempt from these requirements. Any new addition or construction shall be required to comply with these requirements.
8. **Windows, Skylights and Doors.** Windows, skylights and doors shall be oriented vertically for facades facing public areas including streets.
9. **Building Signs.** The following regulations shall be applicable to signs in the Old Townsite district:
 - a. The total area of all wall and freestanding signs shall not exceed 2 square feet per linear foot of building frontage, up to a maximum of 200 sq. ft. Maximum area of all ground signs shall not exceed 75 sq. ft. All other requirements of the UDC regarding signage shall be applicable.
 - b. Projecting signs and awning signs shall be permitted in addition to wall signs upon approval by the City (~~Recommend Planning and Building Departments~~). Projecting signs shall have a minimum of eight (8) feet clearance above finished grade. Projections shall not be allowed on City right-of-way. All other requirements of the UDC regarding signage shall be applicable.
 - c. A freestanding or monument sign shall have landscaping around its base.
 - d. Signs shall be constructed and/or finished using the following materials:

- i. Painted, enameled or powder-coated metal.
 - ii. Cold cathode tube (neon), limited to the face of the sign.
 - iii. Carved relief in stone, cast stone or brick.
 - iv. Wood or carved wood which is painted or sealed.
 - v. Any sign made of other materials not mentioned may be proposed for consideration and approved for usage on a one-on-one basis under a Conditional Use Permit (CUP).
- e. All sign components, including support structures, shall comply with the City of Pearland color palette approved specifically for the Old Townsite district, a copy of which shall be available in the City's Planning Office and is attached hereto as Appendix B.
 - f. A business that is affiliated with an entity that has a logo that is recognized on a regional, national, or international basis, as determined by the Planning Director, may use said logo in its signage without regard to the color palette, so long as the logo is limited to less than four square feet in size.
 - g. A-frame or sandwich board signs shall be allowed with the following restrictions:
 - i. No more than one shall be allowed per business, it shall be placed such that a minimum of four feet of clear sidewalk shall be maintained at all times, and shall be sufficiently weighted or anchored to prevent movement by wind or other elements.
 - ii. No such sign shall exceed eight square feet per face or four feet in height. The entire sign structure shall be included in the total sign area.
 - iii. Such signs are displayed only during the hours that the establishment is open for business.
 - h. Awning signs shall be allowed, and the maximum height of letters, graphic, and logos thereon shall be twelve inches.
 - i. Attached marquee signs shall be allowed with the following restrictions:
 - i. No more than one shall be allowed per business.
 - ii. No such sign shall exceed six feet in height or thirty-two square feet in sign area.

10. **Outdoor Activities or Uses.** No outdoor commercial activities or uses shall be permitted in any OTS District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.

- a. Outdoor Display and Outdoor Seating. Outdoor display and outdoor seating in all districts within the Old Townsite may be permitted by a CUP.
- 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 that is greater than twenty feet (20') in width.

11. Building and roof colors shall comply with the color palette described in this section. This shall include all portions of the building, including without limitation window/door trim, fascia, and soffit.

(d) **Development Recommendations**

1. **Mixed Use Development.** Mixed uses are encouraged on each block. Active uses such as shopping or dining are encouraged on street.
2. **Accentuate Primary Entrance.** Accentuate primary entrance (for both existing and new buildings) with architecture features such as:
 - Art
 - Breaking the building's rhythm
 - Detail work
 - Lighting
 - Projecting façade elements
 - Recessed entries
 - Signage
 - Shelter pedestrian as they enter and exit.
 - Well lit entrances.
3. **Response to Human Scale:** Developments are encouraged to address the scale of pedestrian, and create active storefronts by using lights, quality materials, and creative displays. Encourage lower floors to be architecturally different from but still compatible with the upper floors through level of detail and design.
4. **Alleys and Side Streets.** Alleys and side streets are encouraged to be the primary access for parking lots and loading docks behind the building.
5. **Landscape Features Permitted with City's Approval.** *(Need to determine the official/board or staff responsible)*
 - a. Flowerpots in street-scape.
 - b. Hanging baskets in new light poles.
 - c. Store owners to have option of creating planting beds.
 - d. City to work with property owners to place landscape features in appropriate places.

(e) **Relaxation of Building Codes.** To encourage re-use, rehabilitation of existing buildings (built prior to adoption of this ordinance) and relocation of buildings into the area the Building Official may approve relaxation of certain building codes as per the guidelines adopted by the City. *(Guidelines to be adopted by the City)*

(f) **Non-conforming Buildings.** Buildings constructed prior to the adoption of this ordinance (if removed or destroyed due to any cause) can be rebuilt on either the existing footprint or per this ordinance. Buildings constructed after the adoption of this ordinance will be required to comply with this ordinance.

- (g) **Street Amenities.** The City will formulate a streetscape plan as per the recommendations of the Old Townsite Plan. *(This plan needs to be adopted)*. Once the standards have been adopted the property owner will be responsible for installation of street furniture (lights, benches, signs, tree lighting, etc.) when the property is developed. The streetscape guidelines may include - street amenities, pedestrian lighting, street furniture, public art and signage.
- (h) Unless specified herein under Section 2.4.3.4, all other requirements of the UDC will apply.

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) Building Articulation:

- 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') 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') 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 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%)
- 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 and attached as Appendix A. 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.

(I) 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 (8') 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 be 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 2.5.3.1 Area Regulations for Accessory **Buildings Structures** (All Districts)

- (a) **Accessory Buildings In Relation to the Front & Side Yard.** Accessory buildings, including tool sheds, and greenhouses, shall not be permitted except as follows. Garages and carports shall adhere to the requirements in subsection (d) below.

(1) Barns and related structures necessary for farming and ranching purposes shall be exempt from this requirement on parcels or tracts of land that are ten (10) acres or greater in size.

Location of Accessory Structures on Smaller Lots. On properties less than one (1) acre in size and zoned or utilized for residential use, accessory structures shall only be permitted to locate as follows:

(1) Garages, carports, swimming pools and structures that typically accompany pools (such as bath houses, cabanas, and covered patios next to a pool), shall be entirely behind the imaginary line that incorporates the rearmost front face at least five (5) feet in length of the principal building. That portion of any such accessory structure that is located in front of the imaginary line that incorporates the forward-most rear face at least five (5) feet in length of the principal building shall comply with the side setback requirements applicable to the principal building.

(2) All other accessory structures shall be located behind the imaginary line that incorporates the forward-most rear face at least five (5) feet in length of the principal building, and shall be no closer than three feet (3') to a common property line and shall not encroach on any dedicated easements. (See Figure 2-4, on page 2-145.)

- (b) **Accessory Buildings In Relation to the Rear Yard.** Accessory buildings, as permitted herein, shall be allowed in rear yards; provided, however, that no accessory building may be closer than three feet (3') to a common property line and shall not encroach on any dedicated easements. (See Figure 2-4, on page 2-117.) Garages and carports shall adhere to the requirements in subsection (d) below.

Location of Accessory Structures on Larger Lots. On properties one (1) acre or greater in size and zoned or utilized for residential use, accessory structures shall be permitted anywhere on the property so long as such structures: (1) are set back at least one hundred (100) feet from the front property line; (2) are no closer than three feet (3') to a common property line; and (3) do not encroach on any dedicated easements.

- (c) **Screening for Accessory Buildings.** Accessory buildings in non-residential zoning districts shall be screened from public view in conformance with the requirements within Chapter 4, Article 2, Division 4 of this UDC.

- (d) **Garages and Carports.** Garages or carports that are connected to the main building only by a breezeway (see definition in Chapter 5) shall not be considered part of the main building, and shall be considered an accessory building. Garages and carports shall therefore adhere to all requirements of this Section 2.5.3.1, except that front, rear, and side yard setbacks shall meet the following:

- (1) Garages or carports accessed from an interior side yard shall have a minimum setback of twenty feet (20') from the side lot line.
- (2) Carports or garages accessed from a side or rear yard, facing a public street, or from a side or rear alley shall have a minimum distance equal to the required yard for the main building or twenty feet (20'), whichever is greater.
- (3) For these requirements, carports shall be measured from the roof nearest to the street or alley (see *Figure 2-3*).

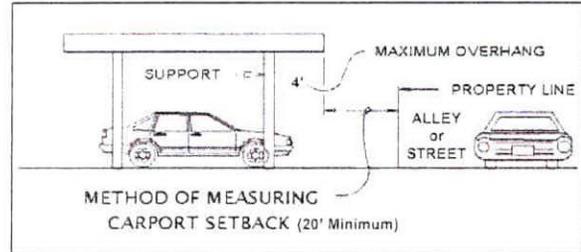


Figure 2-3: Carport Setback

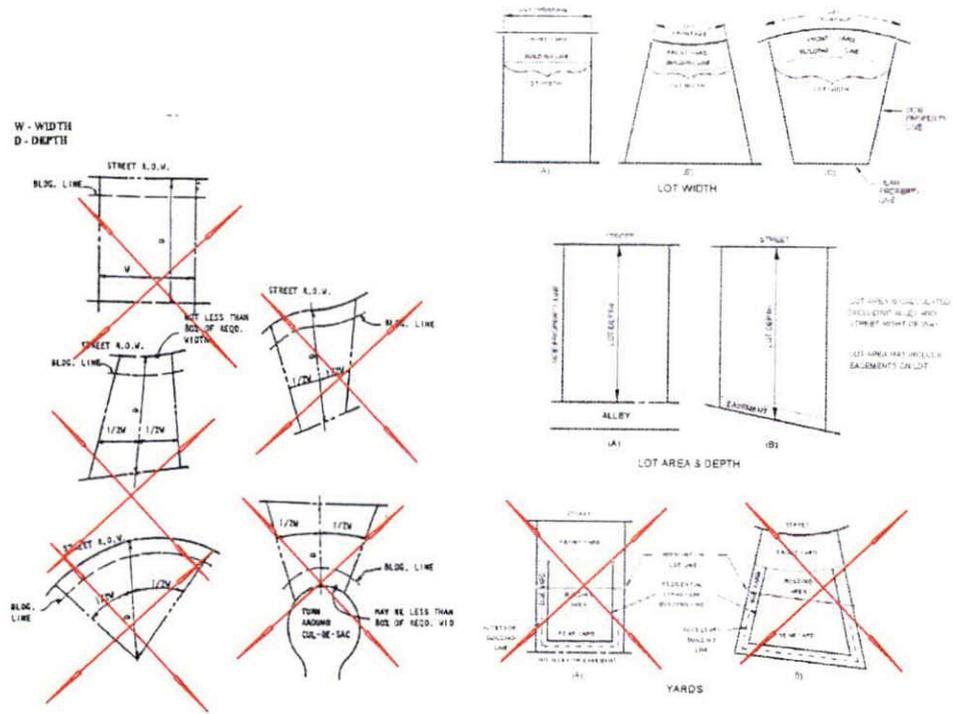
- (e) **Accessory Buildings Without a Main Building.** Accessory buildings are not permitted without a main structure except in the Suburban Development (SD) District.
- (f) **Height of Accessory Buildings.** Accessory buildings shall not exceed the height allowed in the specific zoning district, except taller accessory buildings (including accessory dwellings) may be allowed in certain zoning districts by Conditional Use Permit (CUP) (see Article 2, Division 3) if there is no adverse impact upon adjacent properties.
- (g) **Size of Accessory Buildings.** The total floor area of all accessory structures shall not exceed fifty percent (50%) of the square footage of the livable area of the residence on the premises, or five percent (5%) of the lot area, whichever is greater. This requirement shall not apply to swimming pools, or barns and related structures necessary for farming and ranching purposes.
- (h) **Number of Accessory Buildings.** There shall be no more than two three (2 3) accessory buildings on any residential lot, excluding swimming pools. Lots that are ten (10) acres or greater in size are exempt from this requirement.
- (i) **Trailers Used for Accessory Uses.** No permanent use of an accessory trailer(s) is permitted. Accessory uses for residential purposes (e.g., recreational vehicles, motor homes) are permitted, but for a period of time not to exceed sixty (60) days per calendar year. Trailers for nonresidential accessory uses are permitted with the following conditions:
 - (1) The trailer is an accessory use of an existing business.
 - (2) The trailer is designed for use as an accessory use, not as a primary use.
 - (3) The trailer does not occupy a required parking space.
 - (4) The accessory trailer shall not be permitted for more than fourteen (14) days for each six-month (6-month) period of time.
 - (5) The accessory trailer meets all of the requirements of the City's electrical codes if electricity is provided to said trailer.
 - (6) The trailer is not being used for advertising/signage purposes, as is prohibited in Chapter 4, Article 2, Division 5 of the UDC.

Article 6 – Supplemental Use Standards

Division 1 – Area, Building & Height Regulations

Section 2.6.1.1 Area & Building Regulations

(a) **Measuring Setbacks & Lot Dimensions.** All setback measurements shall be made in accordance with *Figure 2-4* and *Figure 2-5* (on the following page).



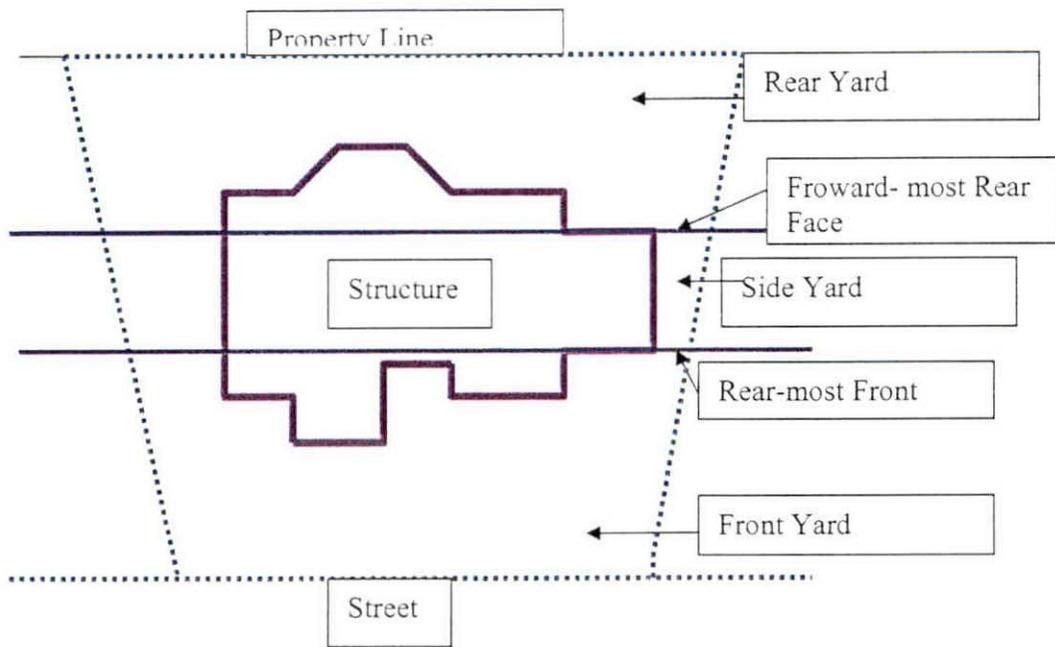


Figure 2-4: Measuring Setbacks and Lot Dimensions - 1

Section 2.6.1.2 Special Height Regulations

- (a) **Calculation of Height.** The vertical distance measured from grade at the front of the building to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.
- ~~(1) For the purposes of calculating the overall height of a structure, slope shall be calculated from the highest point of the building at natural grade to the lowest point of the building at natural grade, or the natural grade of an adjoining road, along a line that is, as close as possible, perpendicular to existing contours.~~
 - ~~(2) The height shall be measured from the highest parapet or roof ridge to natural grade or finish grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.~~
- (b) **Exceptions to Height Regulations.**
- (1) In districts where the height of buildings is restricted to two (2) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building.
 - (2) Water stand pipes and tanks, church steeples, domes and spires, ornamental cupolas, City or School District buildings, and institutional buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

Section 2.6.2.1 Applicability & Requirements

- (a) **Applicability.** The standards and criteria contained within this division are deemed to be minimum standards and shall apply to all new, altered or repaired construction of residential and nonresidential buildings within the City that are visible from the applicable thoroughfare, as referenced in *Table 2-2*, on which the building has frontage.
- (b) **Requirements.** The materials used on the exterior facades of all buildings within the City shall conform to the requirements referenced, and in accordance to the appropriate zoning district and roadway classification, in *Table 2-2*. "Roadway classification" refers to the way in which the applicable roadway is classified on the City's adopted Thoroughfare Plan.
 - (1) Minimum exterior wall standards (facade) shall be one hundred percent (100%) masonry or glass. These standards shall apply to any wall or portion of a wall visible from the roadway (private or public) or abutting residential zoning districts.
 - a. Existing buildings shall also conform to facade requirements upon a change of occupancy, occupant (if use has been abandoned per Section 2.7.3.6), or expansion exceeding (500) square feet in area of exterior dimensions of a nonresidential or multi-family structure for which a permit is required.
 - b. New and existing structures, including expansions, that are at least two hundred and fifty feet (250') from the specified roadways shall only be

*Table 2-2
Building Façade References By Roadway Classification
& Zoning District*

ROADWAY CLASSIFICATION	ZONING DISTRICTS	
	MF, C-MU, G/O-MU, OP, NS, GB, C, BP-288	M-1, M-2
Thoroughfare	(1)	(4)
Collector	(1)	(2) (4)
Other	(1) (2) (3)	(2) (3)

* Refer to individual zoning district regulations for façade material requirements for the Spectrum district, BP-288 district, OT District, and COD district.

required to meet these requirements within Subsection (3) below. The two hundred and fifty foot measurement shall be taken from the curb or the edge of the roadway pavement.

- c. Subsection (b)(1)b. above shall not apply to the following:
 - 1. Any building that contains a single business and that has a footprint of eighty thousand (80,000) square feet or more.

2. Any building that contains multiple businesses and that has a footprint of eighty thousand (80,000) square feet or more.
 3. Multiple buildings and/or multiple businesses on a single site or parcel of land.
 4. Any collection of buildings that is classified by the City as a shopping center, business park, or integrated business development and that is not otherwise specified in Subsection 1, 2, or 3 above.
- d. The Planning and Zoning Commission may make an exception to the requirements of Subsection (b)(1) above for franchise businesses that have an established theme. In order to make such exception, the franchise business cannot have varied from the established theme in any other instance or other city. Such information shall be provided by the City Planning Director and/or the franchise business representative.
 - e. Other exemptions from (b)(1) for existing structures are provided within Subsection (d)(2) below.
- (2) Buildings built prior to January 1, 2001 are exempt from the (facade) requirements of this section unless required by the adopted Building Code.
 - (3) Minimum exterior wall standards (facade) shall be a minimum of 24-gauge or heavier architectural panels (wall systems) unless otherwise approved by the Building Official. Corrugated metal is prohibited.
 - a. Within a GC (General Commercial) zoning district and where more than sixty percent (60%) of the existing nonresidential structures along both sides of the same street and lying between the two nearest intersecting streets do not comply with the minimum facade standards, architectural panels (wall systems) shall be insulated panels with a rock or rock-like coating or comply.
 - (4) Unless one of the following exceptions applies, masonry, stucco or EIFS materials shall be required on ~~one hundred fifty~~ percent (~~400~~ 50%) of the front façade of any building that faces onto a thoroughfare or collector. Side facades of such buildings shall be a minimum of 24-gauge or heavier architectural panels (wall systems) unless otherwise approved by the Building Official ~~fifty percent (50%) masonry, stucco, or EIFS~~. The portion that is higher than six (6) feet from grade of any wall or portion of a wall used to screen an industrial use from property located in a residential zoning district shall be masonry, stucco, or EIFS.
 - a. The building is exempt under (2) above.
 - b. New and existing structures, including expansions, that are at least two hundred and fifty feet (250') from the specified roadways shall only be required to meet these requirements within (3) above. The two hundred and fifty foot measurement shall be taken from the curb or the edge of the roadway pavement.

(c) **Materials Permitted.**

- (1) Allowed by Right: For the purpose of this section masonry materials allowed by right are brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, and split face block, stucco and EIFS (exterior insulation and finish systems).
- (2) May Be Allowed by CUP: New technologies not addressed or contemplated by these regulations may also be allowed by CUP, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein.
- (3) Trim Materials: Architectural metal may be utilized for window and door trim, fascia, or soffit.

(d) Exemptions.

- (1) New and existing structures within industrial zoning districts, M-1 Light Industrial district or the M-2 Heavy Industrial district, located along Mykawa Road between Orange Street and Scott Lane, and between the railroad tracks and Hatfield Road, including the triangular piece bounded by the railroad tracks, McHard Road and Mykawa Road, shall be exempt from any of the façade material requirements herein.
- (2) Existing Structures:
 - a. Existing structures that would otherwise be required to be brought into compliance with this division of the UDC may be exempt from such compliance upon issuance of a CUP.
 - b. The applicant/developer may submit a bond (in an amount agreed upon by the City) or enter into a written agreement (contract) with the City to give the applicant/developer a specific time period of time within which to bring an existing structure into compliance with this division of the UDC. The City Manager or his/her designee shall be the responsible official for approval of such bond or agreement. In no case shall the agreed-upon period of time exceed five (5) years.

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.

Section 3.1.1.5 Stages of Plat Approval

- (a) **Subdivision Plats.** A subdivision plat may be approved in three stages:
- (1) Master Plat;
 - (2) Preliminary Subdivision Plat; and
 - (3) Final Subdivision Plat.
- (b) **Development Plats.** A development plat may be approved in ~~two~~ one stages:
- ~~(1) Preliminary Development Plat; and~~
 - ~~(2) Final Development Plat.~~
- (c) **Combined Applications.** ~~The following combined applications prohibited.~~
- ~~(1) An applicant may not submit applications for approval of a Preliminary Subdivision Plat and a Final Subdivision Plat simultaneously.~~
 - ~~(2) An applicant may not submit applications for approval of a Preliminary Development Plat and a Final Development Plat simultaneously.~~
- (d) **City Staff Review Required.** City staff shall review all plat applications in conformance with a checklist that is based on application forms and related requirements supplied by the Planning Department. City staff shall then accept or reject the plat applications. Plat applications that are deemed to be complete shall be accepted and forwarded to the appropriate body, as outlined in this UDC.

Division 4: ~~Preliminary~~ Development Plats

Section 3.1.4.1 Purpose and Effect

- (a) **Purpose.** The purpose of the ~~Preliminary~~ Development 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 needed to serve the intended development and the overall compliance of such development with applicable requirements of this Unified Development Code, that public improvements to serve the subdivision or development have been proposed in accordance with the City of Pearland's requirements, that all other requirements and conditions have been met or planned 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 being platted.

The Development Plat is applicable for an integrated business development that proposes a subdivision of any number of non-residential or multi-family residential lots, that require extension of municipal facilities only to serve the specific development being platted, and where delay in construction or deferral of municipal facilities does not affect the city or any other parcel.

- (b) **Applicability.** A Development Plat application under this division shall be required for any non-residential or multi-family land division except those that may be approved through the other platting procedures of Chapter 3.

~~**Exceptions.** A Preliminary Development Plat is not required when a Minor Subdivision Plat is submitted (Chapter 3, Article 1, Division 6).~~

- (c) **Effect.** Approval of a ~~Preliminary~~ Development Plat shall authorize the applicant Planning Director to record the plat, and further authorizes submittal of an application for a Site Preparation Permit, to submit construction plans for approval by the City Engineer under Division 8 of this Article, and an application for a building permit for any lot in the subdivision. Approval of a Preliminary Development Plat also shall authorize the applicant to seek approval of a Final Development Plat for the land subject to the Preliminary Development Plat. The installation of public improvements on the land subject to the development plat, however, may not begin prior to approval of a Site Preparation Permit (Chapter 4, Article 1, Division 2) for the land Development Plat.

Section 3.1.4.2 Application Requirements

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Preliminary Development Plat.
- (b) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (c) **Consent of Lienholders.** The applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas policy, 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. The Development Plat shall be acknowledged by all owners of any interest in the land, including lienholders. Said acknowledgement may be signed on the face of the plat in plain view by each lienholder, or it may be filed with the plat as a separate instrument bearing the notarized signatures of all lienholders, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such lienholder consent shall be subject to review and approval by the City Attorney.
- (d) **Accompanying Applications.** An application for a Preliminary Development Plat may shall be accompanied by an application for rezoning approval, including a request for a Planned Development District, or a Cluster Development Plan, where applicable or a Master Plat application. The rezoning application, the Cluster Development Plan and Master Plat application shall be decided first. The applicant must execute a waiver of the time period required for Preliminary Development Plat approval a site plan for the land subject to the plat and a general layout of the required public improvements, easements, access streets and parking layout.

Section 3.1.4.3 Decision

- (a) The Planning and Zoning Commission Director shall decide whether to approve, approve with conditions, or deny the Preliminary Development Plat application. The action of the Commission shall be noted on two copies of the Preliminary Development Plat, referenced and attached to any conditions determined. One copy shall be returned to the applicant and the other retained in the City's files. A notation of the action taken on each Preliminary Development Plat application and the reasons for the action shall be entered in the minutes of the Commission.

Section 3.1.4.4 Criteria for Approval

(a) The following criteria shall be used to determine whether the application for a Preliminary Development Plat shall be approved, approved with conditions, or denied:

- (1) The Preliminary Development Plat is consistent with all zoning requirements for the property, and any approved development agreement;
- (2) The plat conforms to the general layout of the approved Master Plat if applicable and a site plan accompanying the Development Plat application, if any, and is consistent with the phasing plan approved therein, if any;
- (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities to serve the development site conform to the master facilities plans for such facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans, and a general layout of the required public improvements, access streets and parking layout have been approved by City Engineer, as shown on the accompanying site plan, and in accordance with Section 4.2.1.2 (b)(8);
- (4) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities are adequate to serve the development and meet the standards of this Chapter;
- (5) Easements or rights-of-way for all public water, sanitary sewer, roadway and drainage facilities have been designated;
- (6) Fire lanes access easements or street rights-of-way have been provided for access to all fire hydrants and fire department connections;
- (7) Easements have been designated for all landscaped buffers and open space;
- (8) The ownership, maintenance, and allowed uses of all designated easements have been stated on the plat;
- (9) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county, or drainage district rules, where the land is located in whole or in part within a drainage district; and,
- (10) The plat is consistent with the adopted Comprehensive Plan, except where application of the Plan conflicts with state law;
- (11) The final layout of the subdivision and development meets all standards for adequacy of public facilities contained in this Chapter;
- (12) The plat conforms to design requirements and construction standards as set forth in the Engineering Criteria Manual; and

(13) The plat conforms to the subdivision application checklist.

Section 3.1.4.5 Expiration and Extension

- (a) The approval of a Preliminary Development Plat application shall remain in effect for a period of two (2) years from the approval date ~~a complete application was officially submitted to the City~~, during which period the applicant shall submit and receive approval for a Final Development Plat building permit for at least part of the land development subject to the Preliminary Development Plat. If a ~~Final Development Plat application~~ building permit has not been approved within the two(2)-year period, the Preliminary Development Plat approval, unless extended in accordance with Article 2, Division 5 of Chapter 1, shall expire and the plat shall be null and void.

Section 3.1.4.6 Revisions Following Approval of Preliminary to Development Plat

- (a) **Minor Changes.** Minor changes in the design of the development subject to a Preliminary Development Plat may be incorporated in an application for approval of a Final Development Plat without the necessity of filing a new application for approval of a Preliminary Development Plat. Minor changes shall include adjustment in street or alley alignments, lengths, and paving details, provided that such changes are consistent with any approved prior applications.

Following Approval. An applicant may apply for modification of a Development Plat to reflect changes arising after approval from the installation of public improvements, provided that the approved Development Plat has not been recorded and that approval of the modified Development Plat occurs prior to expiration of approval of the Development Plat application. If the approved Development Plat has been recorded, revisions may only be approved under Division 7 of this Article.

- (b) **Amendments.** All other proposed changes to the design of the development subject to a Preliminary Development Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Development Plat before approval of a Final Development Plat.

After Denial or Conditional Approval. Following conditional approval or denial of a Development Plat application, the applicant may submit a revised Development Plat application, together with any revised construction plans, for approval by the Planning Director.

Section 3.1.4.7 Recordation

- (a) The property owner shall submit the approved Development Plat, following any required revisions, to the Planning Director, who shall cause the Development Plat to be recorded in the real property records of the county in which the land is located.
- (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 required by the City Engineer), together with a letter stating the contractors' compliance with Division 8 of this Article, and bearing a 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 Development Plat, revised to reflect the "as built" plans or record drawings, in the format and number as may be required by the Planning 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 Development Plat, the property owner shall submit in the format and number as set forth in the Engineering Design Criteria Manual, the approved Development Plat, revised to reflect any changes as a result of construction of improvements.
- (d) **Update of Lienholder Consent.** 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.

Division 5: Final Subdivision Plats and Final Development Plats

Section 3.1.5.1 Purpose, Applicability, Exceptions and Effect

- (a) **Purpose.** The purpose of a Final Subdivision Plat or a Final Development 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 or Final Development 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 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 3.1.5.2 Application Requirements

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Final Subdivision Plat ~~or a Final Development Plat~~.
- (b) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (c) **Consent of Lienholders.** The applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas policy, 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. The Final Subdivision Plat ~~or a Final Development Plat~~ shall be acknowledged by all owners of any interest in the land, including lienholders. Said acknowledgement may be signed on the face of the plat in plain view by each lienholder, or it may be filed with the plat as a separate instrument bearing the notarized signatures of all lienholders, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such lienholder consent shall be subject to review and approval by the City Attorney.

Section 3.1.5.3 Decision

- (a) **Decision.** The Planning and Zoning Commission shall decide whether to approve, approve with conditions, or deny the Final Subdivision Plat ~~or Final Development Plat~~ application.
- (b) **Certification.** A notation of the action taken on each Final Subdivision Plat ~~or Final Development Plat~~ application and the reasons therefore shall be entered in the minutes of the Planning and Zoning Commission. The Director's notification to the applicant under Article 2, Division 2 of Chapter 1 following approval of a Final Subdivision Plat ~~or Final Development Plat~~ shall constitute certification that the plat has been approved by the Commission.

Section 3.1.5.4 Criteria for Approval

(a) The following criteria shall be used to determine whether the application for a Final Subdivision Plat ~~or a Final Development Plat~~ shall be approved, approved with conditions or denied:

(1) Prior Approved Preliminary Subdivision Plat ~~or Preliminary Development Plat~~:

- a. The Final Subdivision Plat ~~or Final Development Plat~~, conforms to the approved Preliminary Subdivision Plat ~~or Preliminary Development Plat~~, as applicable, except for minor changes authorized under divisions 3 or 4 of this Article and that may be approved without the necessity of revising the approved Preliminary Subdivision Plat ~~or Preliminary Development Plat~~;
- b. All conditions imposed at the time of approval of the Preliminary Subdivision Plat ~~or Preliminary Development Plat~~, as applicable, have been satisfied;
- c. Required public improvements have been installed, conform to the approved construction plans, and have been approved for acceptance by the City Engineer;
- d. Where the City Engineer has authorized public improvements to be deferred, the subdivision improvement agreement and surety have been executed and submitted by the property owner in conformity with Division 8 of this Article;
- e. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Chapter; and
- f. The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county, or drainage district rules, where the land is located in whole or in part within a drainage district.
- g. The plat conforms to design requirements and construction standards as set forth in the Engineering Design Criteria Manual.
- h. The plat conforms to the subdivision application checklist.

(2) No Prior Approved Preliminary Subdivision Plat ~~or Preliminary Development Plat~~:

- a. The Final Subdivision Plat ~~or Final Development Plat~~ conforms to all criteria for approval of a Preliminary Subdivision Plat ~~or Preliminary Development Plat~~, as applicable;
- b. The construction plans conform to the requirements of Chapter 3;
- c. The subdivision improvement agreement and surety for installation of public improvements have been prepared and executed by the property owner in conformity with Division 8 of this Article 1;
- d. The final layout of the subdivision or developments meets all standards for adequacy of public facilities contained in Article 2 of this Unified Development Code; and

- e. The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county, or drainage district rules, where the land is located in whole or in part within a drainage district.
- f. The plat conforms to the subdivision application checklist.

Section 3.1.5.5 Revisions to Final Subdivision Plat ~~or Final Development Plat~~

- (a) **Following Approval.** An applicant may apply for modification of an approved Final Subdivision Plat ~~or Final Development Plat~~ to reflect changes arising from installation of public improvements thereafter, provided that the approved Final Subdivision Plat ~~or Final Development Plat~~ has not been recorded and that approval of the modified Final Subdivision Plat ~~or Final Development Plat~~ occurs prior to expiration of approval of the initial Final Subdivision Plat ~~or Final Development Plat~~ application. If the approved Final Subdivision Plat ~~or Final Development Plat~~ has been recorded, revisions may only be approved under Division 7 of this Article.
- (b) **After Denial or Conditional Approval.** Following conditional approval or denial of a Final Subdivision Plat ~~or Final Development Plat~~ application, the applicant may submit a revised Final Subdivision Plat ~~or Final Development Plat~~ application, together with any revised construction plans, for approval by the Planning and Zoning Commission, provided that the revised application is approved prior to the original expiration date of any approved Preliminary Subdivision Plat ~~or Preliminary Development Plat~~, as applicable, for the same land.

Section 3.1.5.6 Expiration and Extension

- (a) The approval of a Final Subdivision Plat ~~or Final Development Plat~~ application shall remain in effect for a period of two (2) years from the date a complete application was officially submitted to the City, during which period the applicant shall submit any required revisions for approval and record the plat. If the Final Subdivision Plat ~~or Final Development Plat~~ has not been recorded within the two-year (2-year) period, the Final Subdivision Plat ~~or Final Development Plat~~ approval, unless extended in accordance with Article 2, Division 5 of Chapter 1, shall expire and the applicable plat shall be deemed null and void.

Section 3.1.5.7 Plat Recordation

- (a) **Procedure.** After approval of the Final Subdivision Plat ~~or Final Development 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 ~~or Final Development 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 ~~or Final Development 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 ~~or Final Development 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 ~~or Final Development Plat~~, the property owner shall submit in the format and number as set forth in the Engineering Design Criteria Manual, of the approved Final Subdivision Plat ~~or Final Development 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 Preliminary 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 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 shall have an additional 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 approved Preliminary Development Plat, or the proposed Final Subdivision Plat or proposed Final 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 ~~or Final Development 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 rights-of-way offered for dedication to the public under an approved Preliminary or Final Subdivision Plat, or under an approved Preliminary or Final Development Plat for which a Site Preparation Permit also has been approved.

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 3.1.8.4 Security for Completion of Improvements

- (a) **Security.** Whenever the obligation to install public improvements to serve a subdivision or development is deferred until after approval of the Final Subdivision Plat or **recordation of the** Development Plat, the property owner shall provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of one of the following:
- (1) A cash escrow with the City;
 - (2) An irrevocable letter of credit drawn upon a state or national bank that has a regular business office in the state of Texas that:
 - a. Is of a term sufficient to cover the completion, maintenance and warranty periods, but not less than two (2) years, and
 - b. Authorizes the City to draw upon the letter of credit by presenting to the issuer only a sight draft and a certificate signed by an authorized representative of the City attesting to the City's right to draw funds under the letter of credit;
 - (3) A construction funding agreement under which funds for the construction of the required improvements are escrowed in Texas with an office of a state or national bank, under which:
 - a. The City has the irrevocable right to withdraw funds, and
 - b. The subdivider may be permitted to draw funds to make payments towards the construction of the improvements as progress is verified; or
 - (4) A first and prior lien on the property.
 - (5) Another similar type of agreement that provides security and/or ensure completion of public improvements and that is approved by the City Attorney.
- (b) **Amount and Acceptability.** The security shall be issued in the amount of one hundred and twenty-five percent (125%) of the cost estimate approved by the City Engineer for all public improvements associated with the subdivision. The security shall be subject to the approval of the City Attorney.
- (c) **Security for Construction in Extraterritorial Jurisdiction.** Where the land to be platted lies within the extraterritorial jurisdiction of the City, the security shall be in a form and contain such terms as are consistent with the interlocal agreement between the City and the county in which the land is located. In cases where the requirements governing the form and terms of the security are defined in such an agreement, they will supersede any conflicting provisions of Subsections (a) and (b).
- (d) **Partial Release.** If, in the opinion of the City Engineer, the public improvements have commenced in good faith, a release for construction on up to five percent of the residential lots may be issued. A lot must have permanent street access installed to it prior to this release.
- (e) **Remedies.** In addition to all other remedies authorized in Article 2, Division 6 of Chapter 1, where a subdivision improvement agreement has been executed and security has been posted and required public improvements have not been installed in accordance with the terms of the agreement, the City may:

- (1) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- (2) Obtain funds under the security and complete the improvements itself or through a third party; or
- (3) Assign its right to receive funds under the security to any third party, including a subsequent owner of the development in exchange for the subsequent owner's agreement and posting of security to complete the public improvements serving the tract.

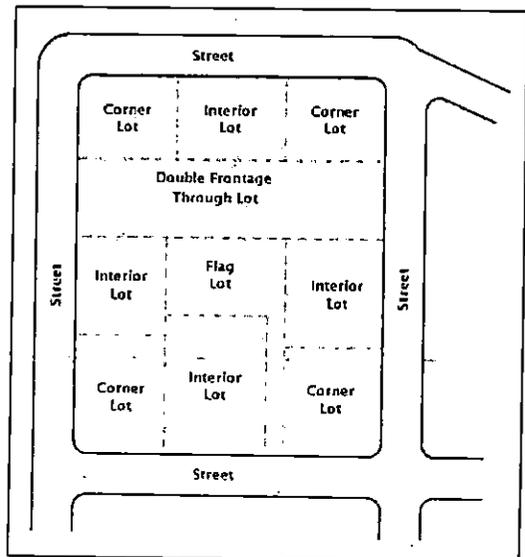
Section 3.2.1.1 General Policy

- (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 been completed and accepted by the City, and all other applicable requirements of the UDC are met.

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 thoroughfare, 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 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, 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 ~~of a structure~~ shall trigger the improvements required under (a) (3) and (a) (5). An expansion of a structure 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 4.2.1.2 Minimum Requirements & Standards

(a) **Minimum Requirements for Off-Street Parking.** Requirements are as follows:

- (1) Parking on grass or other non-paved area in any zoning district is prohibited except for agricultural machinery or equipment in the SD or RE zoning districts.
- (2) For any multiple-family, duplex, or townhome dwelling unit or condominium where leasing offices are provided on the site, visitor parking must be provided as per the office parking requirements outlined in this section. Where clubhouses are provided on the site, appropriate off-street parking must be provided as per the eating and drinking establishments requirements outlined in this section.
- (3) For residence halls, fraternity buildings, and sorority buildings, additional parking spaces may be required by the Planning and Zoning Commission for fraternity and sorority buildings as a condition of the Site Plan approval where the building does not provide permanent sleeping facilities for all members of the organization.
- (4) The requirements for schools within *Table 4-1* shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events including visiting of parents or other personnel. Such requirements will be calculated based on the applicable parking requirements for the individual uses.
- (5) For any restaurant, eating and/or drinking establishment where permanent outdoor seating areas including decks, patios, or other unenclosed spaces are provided, those areas shall be included in the calculation of gross floor area and total number of seats. Establishments having only outdoor dining consisting of fewer than sixteen (16) seats shall provide a minimum of four (4) parking spaces.
- (6) In addition to required parking spaces, a day care center or pre-elementary school shall provide a driveway having a length sufficient for temporary parking of at least three (3) vehicles whereby the temporary parking spaces do not block access to the other required off-street parking spaces. In lieu of the driveway required herein, a day care center or pre-elementary school located within a development with shared parking, such as a multiple-occupancy center or an integrated business development, may provide three (3) clearly designated temporary parking spaces located not more than one hundred feet (100') from the main entrance of the day care center or pre-elementary school.
- (7) Parking requirements for recreation and amusement facilities that have any combination of the outdoor uses listed in *Table 4-1* on the same premises shall be calculated based on the sum of the minimum requirements for the individual uses proportionate to the indoor and outdoor areas allocated for each use.
- (8) For developments within Development plats, as permitted under Chapter 3, Article 1, Division 4, where access and frontage is provided by access easements, the following requirements will apply:
 - a. Minimum access easement width of twenty-six feet (26');

- b. Fifty feet (50') of separation between the adjoining street curb line and the edge of the entrance to the first parking bay;
- c. Twenty-four feet (24') aisle width between adjoining parking bays, or the parking bay and edge of the parking lot;
- d. Thirty-six foot (36') minimum depth of parking bays containing two rows of parking;
- e. Ten-foot (10') minimum width raised islands at each end of each parking bay and along the both sides of access easement, separating the parking bays from access easements or drive aisles; and
- f. Four-foot wide sidewalks should be provided along both sides of all access easements and at other areas designated for pedestrian access.

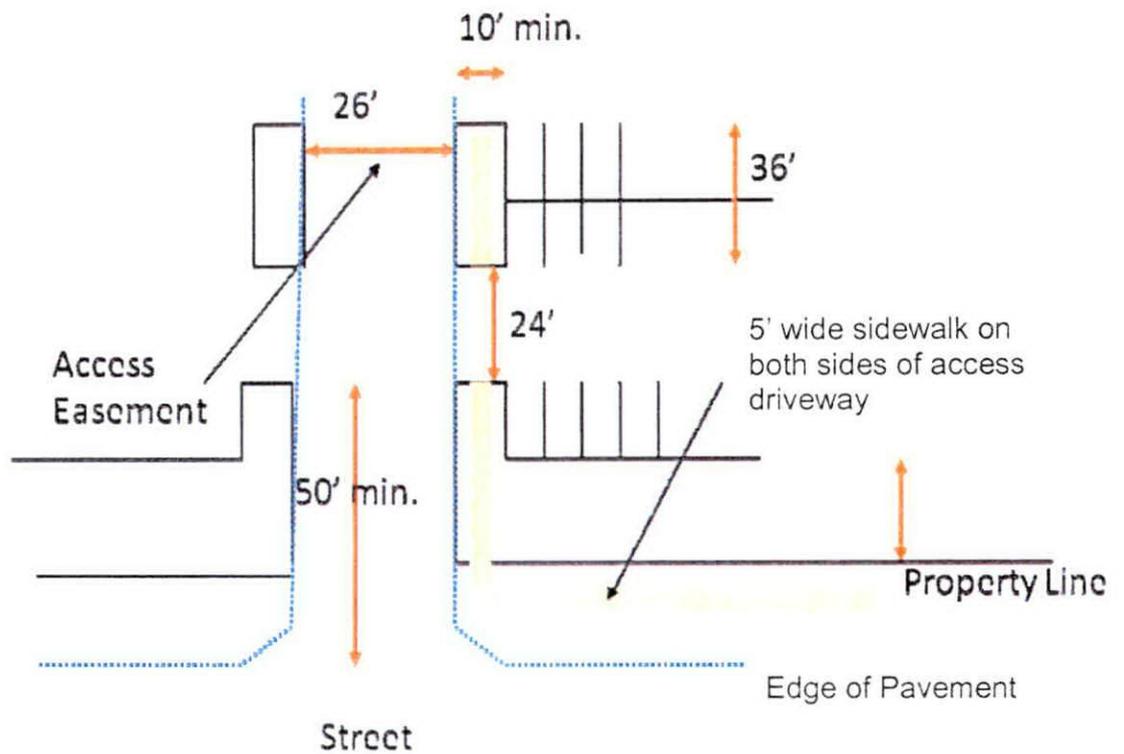


Figure 3-2

Table 4-1
Required Number of Parking Spaces By Type of Use

Type of Use	Number of Spaces Required
All other places of public assembly not specified	1 space for each 4 seats of capacity in the main area containing fixed seating
All other schools not specified	1 space for each classroom plus 1 for each 15 students

All other uses not specified - Also see Section 4.2.1.2(c)	1 space per 165 square feet of gross floor area
Assembly hall	1 space for each 4 seats of capacity in the main area containing fixed seating
Auto parts store	1 space for each 200 square feet of gross floor area
Bank, savings and loan or credit union	1 space per 200 square feet of gross floor area
Barber and/or beauty shop	1 space for each 200 square feet of gross floor area
Bookstore	1 space for each 200 square feet of gross floor area
Bowling alley	5 parking spaces for each bowling lane
Bus depot	1 for each 100 square feet of floor area
Business support service	1 space for each 200 square feet of gross floor area
Church	1 space for each 4 seats of capacity in the main area containing fixed seating
Clothing store	1 space for each 200 square feet of gross floor area
Conference center/convention center	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, based on maximum design capacity whichever is less
Convenience store	1 space for each 200 square feet of gross floor area plus 1 space for each gasoline/diesel pump
Dance, assembly and exhibition halls without fixed seats	1 space for each 100 square feet used for assembly or dancing
Day care center or pre-elementary school - Also see Section 4.2.1.2(a)(6)	1 space per 300 square feet of gross floor area
Department store	1 space for each 200 square feet of gross floor area
Elementary school	1 space per 20 students and 1 space per staff faculty member
Funeral home or mortuary	1 parking space for each 50 square feet of floor space in slumber room parlors or individual funeral service rooms
General merchandise store	1 space for each 200 square feet of gross floor area
Grocery store	1 space for each 200 square feet of gross floor area
Group home	4 spaces
High school and/or vocational school	1 space for every 3 students, faculty and staff, based on maximum design capacity
Hospital	1 space per bed

Hotel or motel	1 parking space for each sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein
Junior high school	1 space per 15 students and 1 space per staff faculty member
Laundry service	1 space for each 200 square feet of gross floor area
Library	1 space for each 300 square feet of floor area
Lodging houses and boarding houses	1 space per each 2 persons capacity of overnight sleeping facilities
Manufacturing plant	1 for each 1.5 employees in the maximum work shift
Medical or research laboratory	1 for each 1.5 employees in the maximum work shift
Medical or dental clinic	4 spaces for each treatment room
Multiple-family, duplex, or townhome dwelling unit or condominium - Requirements below [Also see Section 4.2.1.2(a)(2)]	
Efficiency unit	1½ spaces
One-bedroom unit	2 spaces
Two-bedroom unit	2½ spaces
Three-bedroom unit, or more bedrooms	1 space per bedroom
Multi-use Occupancy	1 space for each 200-465 square feet of gross floor area
Office and professional uses	1 space for each 300 square feet of gross floor area
Pharmacy	1 space for each 200 square feet of gross floor area
Product repair service	1 space for each 200 square feet of gross floor area
Recreation and amusement facility - Requirements below [Also see Section 4.2.1.2(a)(7)]	
Arcade	1 space per 200 square feet of gross floor area
Driving/archery/shooting range	1 space per 200 feet of gross floor area of indoor facilities, plus 1 space per tee or target
Fairground, exhibition, carnival	1 space per 500 square feet of outdoor site area, plus 1 space per 4 fixed spectator seats
Go-carts and all-terrain vehicles	1 space per 2 vehicles, plus 1 space per 4 spectator seats
Golf course	1 space per 150 square feet of gross floor area of indoor facilities, plus 5 spaces per green
Miniature golf	1 space per 200 square feet of gross floor area of indoor facilities, plus 1 1/2 spaces per hole
Rodeo, circus, auto/motorcycle racing	1 space per 3 spectator seats

Skateboarding, water slide	1 space per 200 feet of gross floor area of indoor facilities, plus 1 space per 2 persons design capacity of outdoor facilities
Sport fields, swimming pool, private parks and playgrounds	1 space per 100 square feet of gross floor area of indoor facilities plus 1 space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable
Tennis and other sport courts	2 spaces per court
Residence halls, fraternity buildings, and sorority buildings - Also see Section 4.2.1.2(a)(3)	1 space per person capacity of permanent sleeping facilities
Residential care facility	1 space per each two persons capacity
Restaurant, eating and/or drinking establishment - Also see Section 4.2.1.2(a)(5)	4 spaces, plus 1 space for each 100 square feet of gross floor area, or 4 seats, whichever is less
Retail uses not otherwise specified	1 space for each 200 square feet of gross floor area
Sanitarium, convalescent home, home for the aged or similar institution	1 parking space for each 2 beds
School auditorium	1 space for each 4 seats of capacity in the main area containing fixed seating
Self-storage or mini-warehouse	4 spaces plus one space per 10,000 square feet of storage area
Shopping centers, malls, and multi-occupancy uses over 3 acres in size	1 parking space per 200 square feet of floor space
Single-family attached and detached dwelling units (including manufactured or industrialized housing unit)	2 parking spaces per dwelling unit
Sports arena	1 space for each 4 seats of capacity in the main area containing fixed seating
Stadiums	1 space for each 4 seats of capacity in the main area containing fixed seating
Student center	1 space for each 300 square feet of floor area
Take-out or drive-through eating establishment with no indoor dining	1 parking space for each 50 square feet of floor space used or designated as customer service and waiting area, or 4 spaces, whichever is greater
Theater	1 space for each 4 seats of capacity in the main area containing fixed seating
Vehicle repair facility (office spaces calculated based on office requirements)	1 space for each 200 square feet of floor area devoted to vehicle repair, excluding office space
Vehicle sales or rental dealer	1 parking space for employees and customers per 3,000 square feet of open sales lot and

	enclosed floor area devoted to the sale, display, or rental of motor vehicles, mobile homes, or trailers
Warehouse (office spaces calculated based on office requirements)	1 space for each 2,000 square feet of gross floor area excluding office space

- (b) **Minimum Requirements for Off-Street Stacking.** Off-street stacking requirements for drive-through facilities shall be as follows.
- (1) A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
 - (2) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.
 - (3) For retail operations, other than restaurants, banks and kiosks that provide drive-up service, including pharmacy and dry cleaners, a minimum of three (3) stacking spaces for each service window shall be provided.
 - (4) For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish and drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes and streets.
 - (5) For each automated self-service car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
 - (6) For each wand-type self-service car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area and shade structure is provided, outside of circulation aisles, for these activities.
 - (7) For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.
 - (8) For restaurants with drive-thru service, a minimum of five (5) stacking spaces shall be provided for the first (or only) window, and if applicable, a minimum of two (2) stacking spaces for each subsequent window.
- (c) **New or Unclassified Uses.** When a proposed land use is not classified in this section, the parking requirements will be based on the minimum standard which applies to a specified use which is most closely related to the proposed land use, as determined by the Director, based on parking studies prepared by qualified professionals.
- (d) **Parking on the Same Lot Required.** Except as provided in Chapter 1, Article 1 for circumstances that may be approved by the Zoning Board of Adjustment as a special

exception, all required off-street parking spaces shall be located on the same lot or tract as the principal use being served by the parking area. All required parking shall be on a paved surface. In such cases where parking is located on a separate lot, the following is required:

- (1) The parking is provided on a separate, conforming parking lot located not more than 500 feet away from the premises of the use for which parking requirements the parking lot is fulfilling, and which shall be conveniently usable without unreasonable:
 - a. Hazard to pedestrians;
 - b. Hazard to vehicular traffic;
 - c. Traffic congestion; or,
 - d. Detriment to the appropriate use of other properties in the vicinity;
 - (2) A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned, including the owner/agent of the principal use utilizing the parking and the owner/agent of the lot on which the parking is to be provided. Such written agreement shall assure the continued availability of and access to (i.e., via an easement, etc.) the off-street parking area for the principal use it is intended to serve.
- (e) **Off-Street Loading Requirements.** In all zoning districts there shall be provided, in connection with appropriate allowable uses, off-street loading facilities in accordance with the following: Any department store, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, which has an aggregate gross floor area of 10,000 square feet or more, arranged, intended or designed for the use shall be provided with off-street truck loading or unloading berths at least 12 feet wide, 14 feet high and 35 feet long in accordance with the following table. There shall be sufficient space to ensure that all maneuvering required to utilize the loading space will not include street right-of-way.

<i>Table 4-2 Required Loading Spaces</i>	
<i>Table 4-2 Required Loading Spaces</i>	
Square Feet of Aggregate Gross Floor Area	Required Number of Berths
10,000 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
240,001 to 320,000	5
320,001 to 400,000	6
400,001 to 490,000	7

For each additional 90,000 over 490,000, additional berth	1
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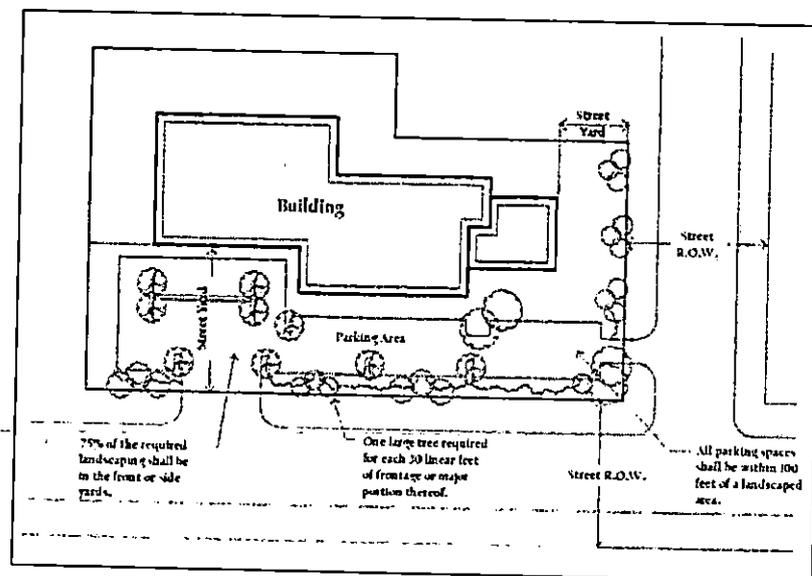
Section 4.2.2.4 Required Landscape Area Standards for Nonresidential, Multiple-Family, & Single-Family Development

- (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.

<i>Table 4-4 Required Landscaping By Land Use Type</i>	
<i>Land Use</i>	<i>Percent Landscaped Area Required</i>
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.
 - (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 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.
- (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.

Section 4.2.5.3 On-Premise Ground Signs

- (a) **Applicability.** An on-premise ground sign shall be permitted only on lots with one (1) use or business. A multi-tenant sign shall be required on lots with more than one (1) use or business in conformance with Section 4.2.5.4.
- (b) **Standards.** Permanent on-premise ground signs are subject to the following standards:
- (1) **Number Allowed:** The number of on-premise ground signs on one (1) site is limited to one (1) per street frontage of at least one hundred feet (100'). The following are not counted in this limitation:
 - a. Additional directional signs up to two (2) square feet in area each, provided the number of these signs does not exceed the number of driveways; and,
 - b. Subdivision, Builder, or Model Home Signs as described in (b) (5).
 - c. Subdivision identification signs as described in (b) (6).
 - d. For Sale/Lease signs as described in (b) (8).
 - e. Construction signs as described in (b) (9).
 - f. Business Opening signs as described in (b) (10).
 - g. Holiday signs as described in (b) (11).
 - h. Special event signs as described in (b) (12).
 - i. Marquee signs as described in (b) (13).
 - j. Government signs as described in (b) (14).
 - (2) **Maximum Height:** The maximum height of any on-premise ground signs shall not exceed eight feet (8') (refer to *Figure 4-6* on the following page). The portion of the base of the sign within two feet (2') of the grade of the ground shall not be included in the height calculation.
 - (3) **Maximum Sign Area:**
 - a. The maximum effective sign area per side per sign shall not exceed the following:
 1. MF, MH and OP zoning districts – thirty-five (35) square feet;
 2. NS zoning district – fifty (50) square feet;
 3. GB zoning district – seventy-five (75) square feet;
 4. BP-288, GC, M-1, and M-2 zoning districts – one hundred (100) square feet;
 5. Mixed use districts (SPD, C-MU, G/O-MU, and OT) – unless otherwise specified within the SPD or OT regulations, fifty (50) square feet for nonresidential uses; not permitted for residential uses;
 6. Planned Developments (PD) – as specified on the Site Plan, if different from the base zoning district;
 7. Non-residential uses in residential districts – thirty two (32) square feet. Other signs in residential districts are prohibited except where expressly allowed under this UDC.

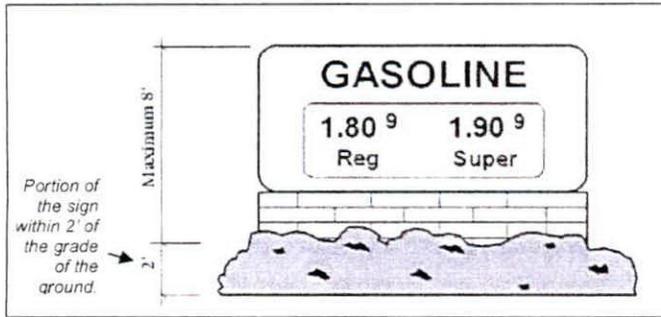


Figure 4-6
Measuring the Height of a Sign

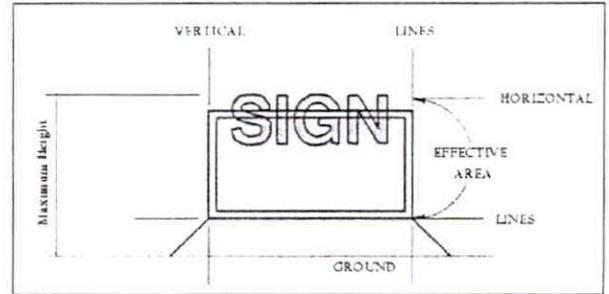


Figure 4-7
Measuring the Effective Sign Area

- b. The effective area shall be measured from the highest point on the sign to the elevation of the center of the base of the sign by the width at the highest point (refer to *Figure 4-7*). Changeable message signs or marquee signs may be part of a ground sign, but shall not cover more than seventy-five percent (75%) of the effective area.

(4) Location: No ground sign shall be closer than five feet (5') to any property line.

(5) Subdivision, Builder, or Model Home Sign: A sign advertising a new residential subdivision under active construction and sales or a model home therein shall be allowed subject to the following conditions:

- a. The sign must be located on: (1) a lot on which a model home is located; or (2) a lot, tract, or reserve that is not intended for sale and the maintenance of which is the responsibility of the builder, developer, or homeowners association.
- b. The sign may not exceed ten feet (10') in height or thirty-two square feet (32 square feet) in area per sign face.
- c. Only one sign in this category is allowed per three hundred feet (300') of local street frontage. Signs on model home lots do not count against this limit.
- d. "Active construction and sales" means: (1) the subdivision has lots for sale; (2) there is at least one (1) pending building permit for new construction of a home within the subdivision; and (3) there is a model home in the subdivision open during regular business hours where potential buyers may review and select available home floorplans, options, and upgrades.
- e. All signs erected pursuant to this subsection must be removed within five (5) years.

(6) Subdivision Identification Sign: A permanent subdivision identification(s) sign that is a maximum of one hundred and twenty (120) square feet in area per

sign may be displayed on private property at a street entrance to the subdivision, in addition to other ground signs permitted by this division. The sign is subject to the following:

- a. The size, material, and location of the sign shall be indicated on the construction plans for the subdivision;
- b. A "Reserve" shall be shown on the Final Subdivision Plat or Final Development Plat, indicating the location of the sign; and,
- b. There shall not be more than two (2) such signs per street entrance to the subdivision.

(7) Electronic Changeable Message Sign: An electronic changeable message sign that conforms to the size and locational requirements of this Section shall be permitted with adherence to the following:

- a. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of six (6) seconds. The scrolling of messages is permitted, but must also conform to the minimum of six (6) seconds static display.
- b. The flashing display (i.e., changeable message) portion shall not exceed twenty-five (25) percent of the total allowable effective sign area.
- c. The flashing display (i.e., changeable message) portion shall be limited to one (1) color, and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.
- d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.

(8) For Sale/Lease Sign: A sign advertising that certain real property or a portion thereof is for sale or lease shall be allowed subject to the following conditions:

- a. The sign may not contain any message unrelated to the property's being for sale or lease.
- b. For nonresidential properties, the sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face. For residential properties, the sign may not exceed four feet (4') in height or six square feet (6 ft²) in area per sign face.
- c. Only one such sign is allowed per parcel of real property.

(9) Construction Sign: A sign placed on non-residential real property undergoing construction or within one month before the commencement of construction shall be allowed subject to the following conditions:

- a. The sign may only identify the principal parties to the construction, including without limitation the contractor, architect, engineer, and any lending institution, and may not contain any other advertising.
- b. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face.

- c. Only one such sign is allowed per street frontage of the property, with a maximum of two per property.

(10)Business Opening Sign: A sign placed on non-residential real property announcing the opening for business of the non-residential use located thereon shall be allowed subject to the following conditions:

- a. The sign must be displayed continuously for not more than ninety (90) days during the permissible display period beginning upon issuance of the building permit and ending one month after issuance of the certificate of occupancy for the use.
- b. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face.
- c. Only one such sign is allowed per street frontage of the property, with a maximum of two per property.

(11)Holiday Sign: Signs placed on real property acknowledging, observing, or celebrating a recognized national, state, or local holiday without containing any other advertising shall be allowed subject to the following conditions:

- a. The signs may not be displayed for more than a total of ninety (90) days per calendar year.
- b. The sign may not exceed twelve feet (12') in height or sixty-four square feet (64 ft²) in area per sign face.
- c. Only two of such signs are allowed per street frontage for non-residential properties, with a maximum of four per property. There is no limit on number for residential properties.

(12)Special Events Sign: Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club and placed on real property 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. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face.
- c. Only one such sign is allowed per street frontage, with a maximum of three per property.

(13)Marquee Sign: Signs located on the premises of a religious, educational, or other noncommercial institution, which function solely to disseminate information about events, programs, or announcements related to the institution's purpose or function shall be allowed subject to the following conditions:

- a. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face.
- b. Only one such sign is allowed per property.

- (14) Government Sign: Signs erected by an entity of the state, county, or local governments and containing only information or advertising related to that entity's governmental function shall be allowed subject to the following conditions:
- a. The sign may not exceed twelve feet (12') in height or one hundred and fifty square feet (150 ft²) in area per sign face.
 - b. Only two such signs are allowed per street frontage of the property.

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.

...

(8) **ACCESSORY STRUCTURE (RESIDENTIAL):** A subordinate building that is either detached from or attached by only a breezeway to the primary on-site structure, and that is clearly incidental and secondary to the permitted on-site use, and which does not change the character thereof, including, but not limited to, garages, bathhouses, greenhouses, barns, tool sheds, or swimming pools.

...

(221) **IMPERVIOUS COVER:** The total amount of impermeable surfaces, including buildings, pavement, and rooftops, which prevent the infiltration of water into the soil.

- a. Any outside area that is covered with a roof structure, whether fully enclosed or not, shall be considered as part of the total amount of impermeable surfaces.
- b. Wooden decking – planks of wood with gaps (approximately 1/4-inch) in between – is not considered as part of the total amount of impermeable surfaces.
- c. However, other typical outdoor surfaces that do not allow for water infiltration, such as exposed aggregate surfacing or concrete porches, shall be considered as part of the total amount of impermeable surfaces.
- d. The portion of swimming pools designed to contain water shall not be considered as part of the total amount of impermeable surfaces.

...

(241) **LOT MEASUREMENT:** Refer to Chapter 2, Article 6, Division 1 for diagrams related to these definitions.

- a. **Lot Area** - The net area of the lot, expressed in square feet or acreage and shall not include portions of any public street or alley, but may include easements. For flag lots, the area of the lot that does not meet the applicable minimum lot width shall be excluded.
- b. **Lot Depth** - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear (the mean horizontal distance between the front and rear lot line). For flag lots, the distance between the midpoints of straight lines connecting the foremost points of the side lot lines where the lot satisfies the applicable minimum lot width and the rearmost points of the side lot lines in the rear.
- c. **Lot Width** - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard. The shortest distance, parallel the front property line, between the side lot lines.

measured at any point on the lot from the required front setback line to the required lot depth.

- d. **Lot, Double Frontage** - Any lot, not a corner lot, with frontage on two streets that are parallel to each other or within 45 degrees of being parallel to each other.
- e. **Lot, Flag** - a lot which has frontage and width at the building line that is less than the minimum required width, but which satisfies the required lot width at a point further away from the front property line than is the building line. The portion of the lot that has frontage but does not satisfy the minimum lot width but at a point further away from the front property line than is the building line is hereby designated the "pole" and the portion that meets the minimum lot width but at a point further away from the front property line than is the building line is designated as the "flag." No flag lot shall have more than one (1) pole portion, and said pole shall have a minimum length equal to the minimum lot depth for the zoning district in which the lot is located and a maximum length no greater than five hundred feet (500'). The entire flag portion of a flag lot shall meet the minimum lot width for that zoning district.
- f. **Lot, Irregular** - Any lot not having equal front and rear lot lines or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than 90 degrees.
- g. **Lot Line:** the boundary that legally and geometrically demarcates a lot.
- h. **Lot, Thumbnail (or Eyebrow)** - A partial cul-de-sac bulb, usually with a central angle of 180 degrees or less.

...
(350) SIGN, ATTACHED: Any sign attached to, applied on or supported by any part of a building or accessory structure, including awnings and other similar permanent attachments to the buildings. Also may be referred to as "building sign".
...

...
(398) SWIMMING POOL, PRIVATE (USE ONLY BY RESIDENT): A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with Article ___ of the City of Pearland Code of Ordinances ~~(Editor's Note: Cross references to be added.)~~. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
...

...
(431) YARD, FRONT: That portion of the yard located between the front property line and the a parallel imaginary straight line incorporating through the point nearest the front property line in the front-most face of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.
...

...
(433) YARD, REAR: That portion of the yard located between the rear property line and the an imaginary straight line parallel to the front property line incorporating through the point nearest the rear property line in the rear-most face of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.

...
(434) YARD, SIDE: That portion of the yard bounded by the front yard, the rear yard, the side property line, and the nearest side face facade of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.

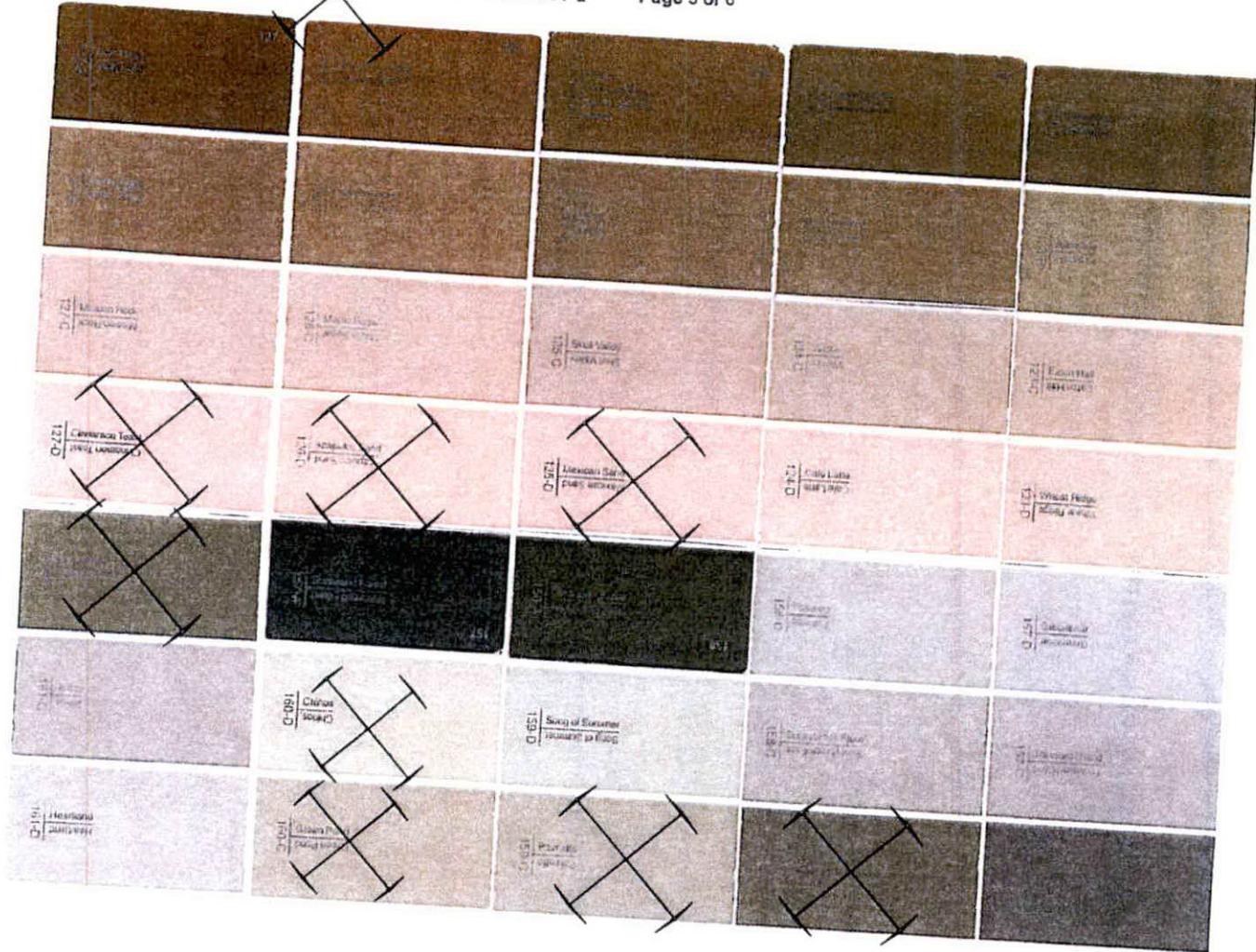
APPROVED COLOR PALETTE

For the Old Townsite (OTS) Districts

Approved in the Unified Development Code, Ordinance No. 20000T, and as amended by Ordinance No. 2000T-11, effective ____, 2009

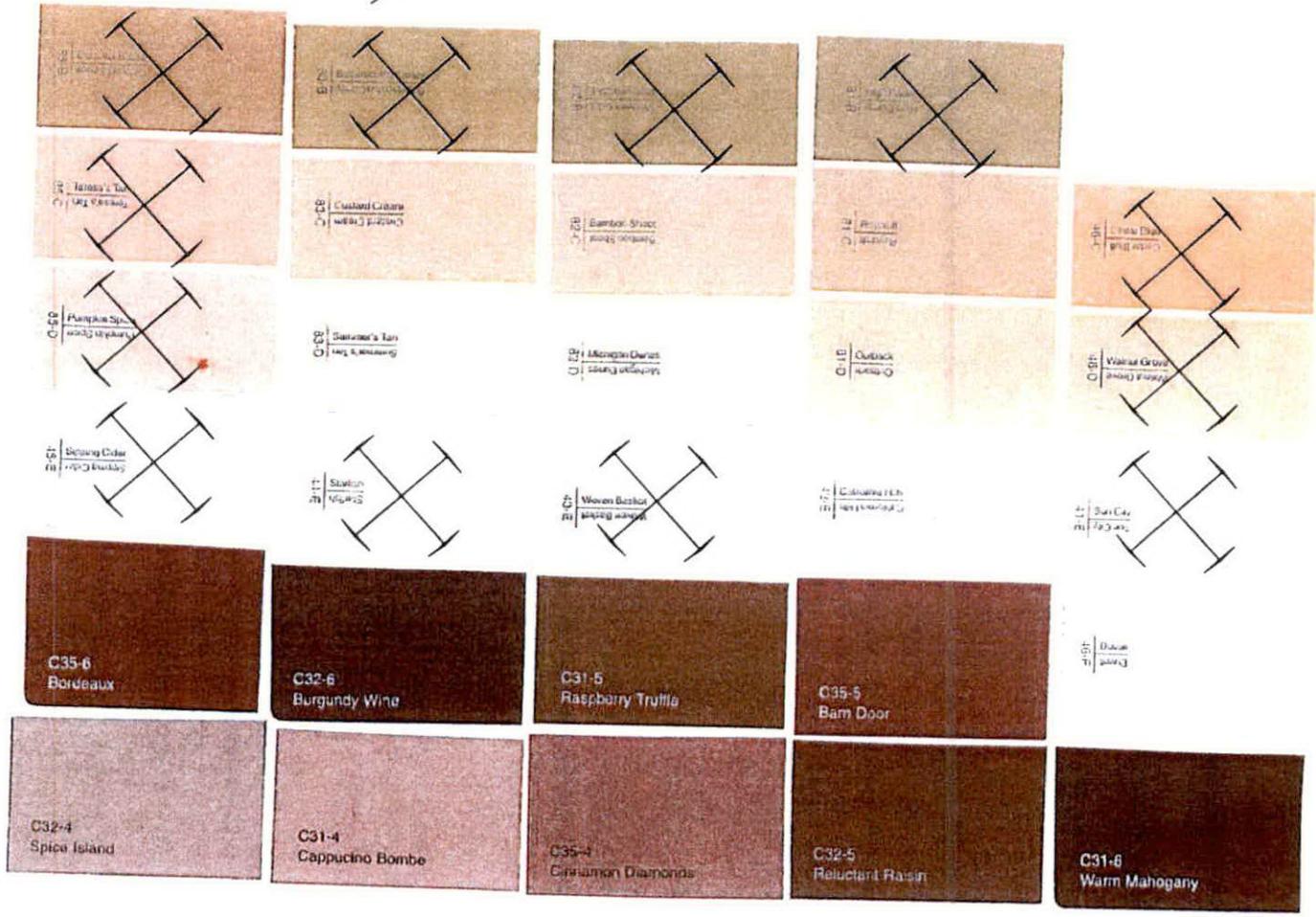
Please note that this document was reproduced from an original color palette. During reproduction, some of the colors may vary from the original color palette. If there is any question about the colors, please consult the original color palette in the Planning Department.

APPROVED COLOR PALETTE
 Referenced in UDC, Approved by Ord No. 2000T-2 Page 3 of 6



Approved Color Palette for Old Town Site, Approved by Ord No. 2000T-11

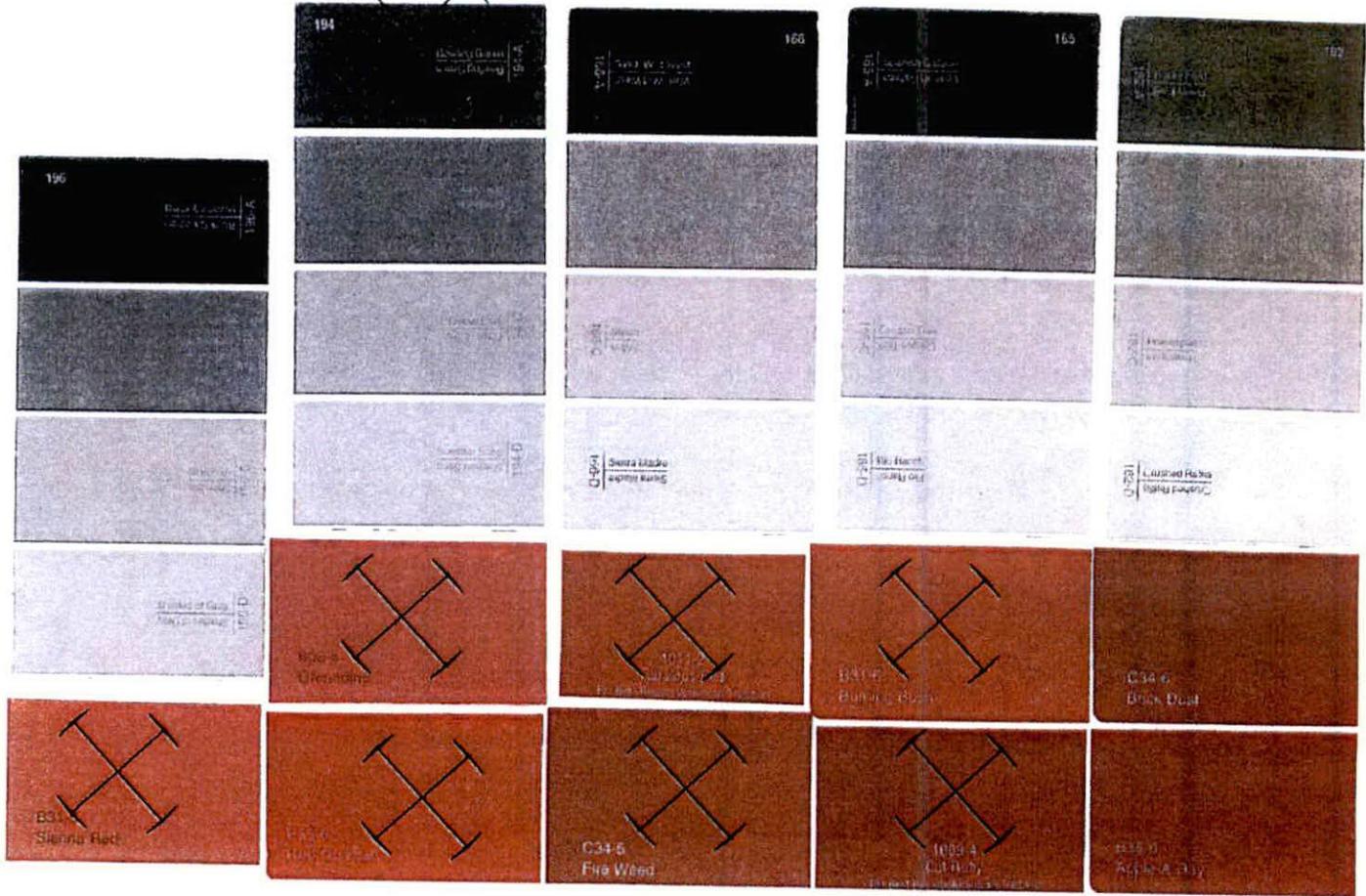
APPROVED COLOR PALETTE
 Referenced in UDC, Approved by Ord No. 2000T-2 Page 4 of 6



Approved Color Palette for Old Town Site, Approved by Ord No. 2000T-11

APPROVED COLOR PALETTE
 Referenced in UDC, Approved by Ord No. 2000T-2

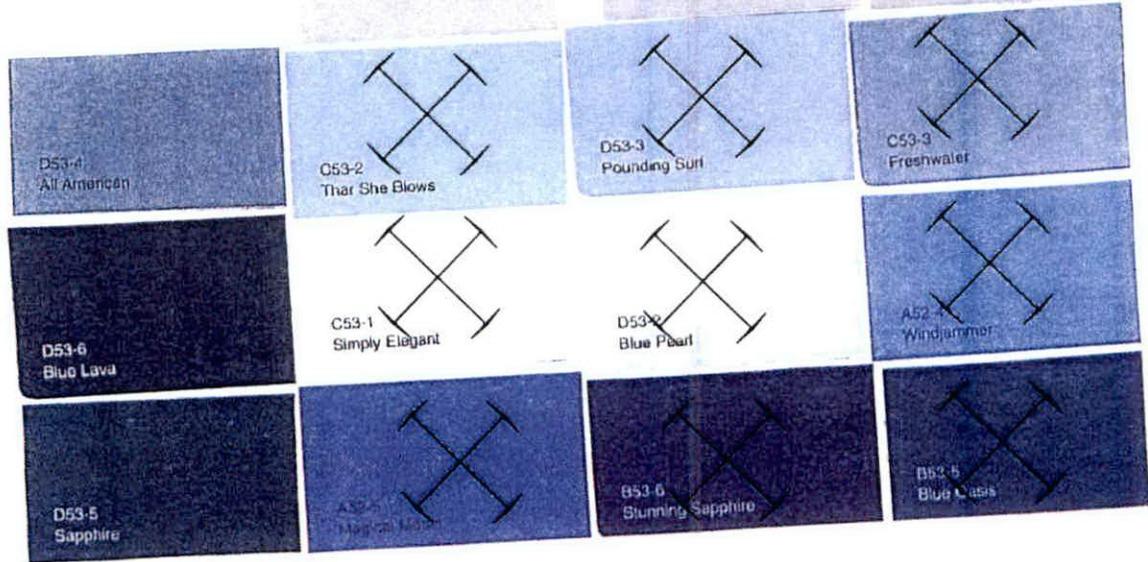
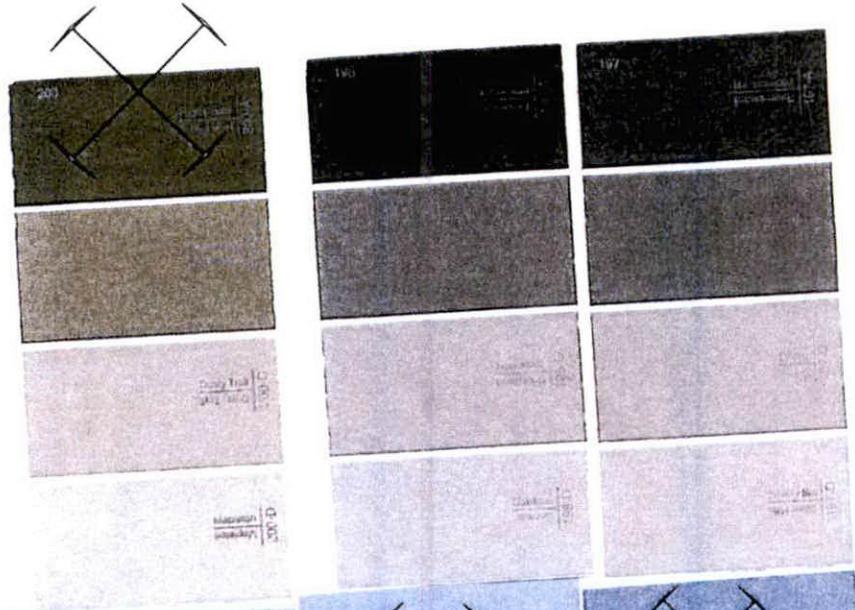
Page 5 of 6



Approved Color Palette for Old Town Site, Approved by Ord No. 2000T-11

APPROVED COLOR PALETTE
Referenced in UDC, Approved by Ord No. 2000T-2

Page 6 of 6



Approved Color Palette for Old Town Site, Approved by Ord No. 2000T-11

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JUNE 15, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The series of public hearings was called to order at 6:35 p.m. Mayor Tom Reid opened the hearing for the City Council, and P&Z Chairperson Henry Fuertes opened the hearing for the Planning and Zoning Commission, with the following present:

Mayor Tom Reid	P & Z Chairperson Henry Fuertes
Mayor Pro-Tem Helen Beckman	P & Z Vice-Chairperson Jerry Koza, Jr.
Council Member Woody Owens	P & Z Commissioner Neil West
Council Member Kevin Cole	P & Z Commissioner Ron Capehart
	P & Z Commissioner Susan Sherrouse

Also in attendance: City Manager Bill Eisen, Assistant City Manager Mike Hodge, Assistant City Manager Jon Branson, City Attorney Darrin Coker, Planning Director Lata Krishnarao, Senior Planner Angela Gantuah, City Engineer Narciso Lira, and Planning Administrative Secretary Judy Krajca.

Council Members Steve Saboe and Felicia Kyle were not present.

Senior Planner Angela Gantuah explained the Joint Public Hearing process for the public, and explained that the Planning & Zoning Commission meeting would follow the Joint Public Hearing.

Mayor Tom Reid opened the public hearing for Zone Change No. 2009-06Z at 6:38p.m.

ZONE CHANGE NO. 2009-06Z

A request of Renee L. McGuire, applicant, for Green-Hollow Ltd., owner, for amendments to the Bellavita Planned Development, on the following described property, to wit:

Legal Description: 211.9140 acres located in the W.D.C. Hall Survey, A-23 Harris Co., TX (Bellavita at Green Tee)

General Location: Generally located north of Broadway Street and west of Dixie Farm Road.

P&Z Chairperson Henry Fuertes read the purpose of the hearing.

Senior Planner Angela Gantuah presented the staff report stating staff received numerous calls inquiring about the zone change, but no comments received. Staff recommends approval.

The applicant was not present to speak.

There was no one present to speak for or against the zone change.

Mayor Pro-Tem Helen Beckman commented that it sounds as if we are putting this into conformance.

P&Z Commissioner Neil West asked if this would affect the rear or side yard, or both. Senior Planner Angela Gantuah replied it would affect the rear yard setback only.

There was minimal discussion among the Council/Commission/Staff.

Mayor Tom Reid adjourned the public hearing for Zone Change No. 2009-06Z at 6:45 p.m.

Mayor Tom Reid opened the public hearing for Conditional Use Permit No. 2009-08 at 6:45p.m.

CONDITIONAL USE PERMIT NO. 2009-08

A request by BM Design LLC, applicant for JK Joseph Inc, owner, for approval of a conditional use permit to allow a gas station and retail suites in the Light Industrial (M-1) Zoning District, on the following described property, to wit:

Legal Description: Approximately 1.73 acre tract described in the Brazoria County Clerk's file No. 2007014638 and being the residue of 12.843 acre tract described in volume 1155, page 604 of the Brazoria County Deeds of Record, said 1.727 acre tract of the land also being situated in and part of lots 21 and 22, of the W. Zychlinski Subdivision, Section 4, E. B. Lyle Survey Abstract no 543, Brazoria County Texas.

General Location: Located 2070 Mykawa Road, Pearland, TX 77584

P&Z Chairperson Henry Fuyertes read the purpose of the hearing.

Senior Planner Angela Gantuah presented the staff report stating staff recommended approval. Staff received several public comment forms expressing concern with traffic, crime, neighborhood, and walk ability. Copies of these comments were passed out to the Council and Commission.

The applicant was present, but chose not to speak.

Mr. Ken Phillips of 3322 E. Walnut, Pearland, Texas spoke on behalf of Buck and Kelly Stevens who reside at a neighboring property stating they were not in favor of the CUP. Mr. Phillips expressed their concern of:

1. only 150 feet of frontage on Orange Street
2. unable to place a driveway on a corner lot
3. the lot needs to be 35 feet in width and this is only 25 feet,
4. does not comply with the UDC,
5. No detention pond and nothing proposed in the application

Mr. Jean Pierre Baizan of 1904 Mykawa, Pearland, Texas, also a neighbor to the north, expressed his concern with detention and traffic.

Mr. Mohammed Abdul Majid of 2626 Spencer Highway, #170, Pasadena, Texas 77504, the applicant, spoke of the driveway, detention, roads, and the site plan.

City Engineer Narciso Lira commented that with regards to the detention, the applicant has offered to do it with the storm sewer site on site. Engineering staff is currently reviewing the site plans, and once these are met, they will meet the Engineering Design Criteria. Regarding access and the driveway, it will function as a right in/right out. Mr. Lira also added that staff has received a Traffic Impact Analysis.

Council Member Kevin Cole stated the applicant has proposed retail in an M-1 zone and a gas station in a GB zone, but did not see the hair salon or insurance office that is mentioned in the staff report.

Senior Planner Angela Gantuah replied that she had spoken to the applicant and he was instructed to choose a use. He chose hair salon and insurance agency.

Council Member Cole stated that a CUP gives the Council/Commission opportunity to look at the market. At present, there are gas stations at Hwy 35 and Orange, and at Woody and Orange. Mr. Cole asked P&Z to think on this and see if there is a market need for this.

Council Member Owens asked questions of the City Engineer with regards to roads, drainage and detention, and traffic.

P&Z Chairperson Henry Fuertes stated he feels the traffic numbers would be higher and expressed concern with the surrounding M-1 zoning. Mr. Fuertes also expressed a concern with the parking issue and does not feel this is the best location.

P&Z Commissioner Neil West asked Mr. Ken Phillips what business his client would be happy with at this location. Mr. Phillips replied that it's not the use, but the traffic that concerns them.

Council Member Woody Owens stated he needs better information than has been given during this hearing, and still has concern with the traffic.

P&Z Chairperson Henry Fuertes excused himself from the meeting at 7:29 p.m.

Mayor Tom Reid adjourned the public hearing for Conditional Use Permit No. 2009-08 at 7:29 p.m., and P&Z Vice-Chairperson Jerry Koza, Jr. adjourned on behalf of the Planning and Zoning Commission.

Mayor Tom Reid opened the public hearing for Amendment to UDC T-11 at 7:31p.m.
AMENDMENT TO THE UNIFIED DEVELOPMENT CODE T-11

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T regarding reductions in M-1 and M-2 development requirements, change in parking requirement, accessory structures, and pools, etc.

P& Z Vice-Chairperson Jerry Koza, Jr. read the purpose into the record.

P&Z Chairperson Henry Fuertes returned at 7:32 p.m.

Planning Director Lata Krishnarao presented the staff report.

There was no one present to speak for or against the amendment.

Mayor Pro-Tem Helen Beckman commented on the definitions of yards and asked for clarification. Planning Director Krishnarao spoke briefly.

Council Member Woody Owens expressed concern with shared access and property to other business, and asked if speed bumps could be put in. Assistant City Manager Mike Hodge replied that speed bumps are desirable to keep people off of main thoroughfares.

Planning Director Krishnarao pointed out the signage section for the Old Town Site.

Mayor Tom Reid adjourned the public hearing for an Amendment to the Unified Development Code T-11 at 7:50 p.m.

ADJOURNMENT

Mayor Tom Reid adjourned the series of hearings at 7:50 p.m.

These minutes are respectfully submitted by:

Judy Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of _____
2009, A.D.

Mayor Tom Reid

Mayor opened series of PH @ 6:35

Mayor Helen

Woody Kevin

Henry Jerry Neil Susana Ron

Template for JPH Minutes

Darrin
Tom M. Hodge
Jon Branson
M B Eisen

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON **JUNE 15th**, 2009, AT **6:30** P.M., IN THE **COUNCIL CHAMBERS**, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

Angela read hearing process

Lata, Narciso, Angela, Judy Nghiem

CALL TO ORDER

The Mayor called the public hearing to order at 6:38 p.m. with the following present:

- | | |
|-----------------------------|---|
| Mayor Tom Reid | P & Z Chairperson Henry Fuentes |
| Mayor Pro-Tem Helen Beckman | P & Z Vice Commissioner Jerry Koza, Jr. |
| Council Member Kevin Cole | P & Z Commissioner Neil West |
| Council Member Felicia Kyle | P & Z Commissioner Susan Sherrouse |
| Council Member Woody Owens | P & Z Commissioner Darrell Diggs |
| Council Member Steve Saboe | P & Z Commissioner Ron Capehart |
| | P & Z Commissioner Charles Gooden, Jr. |

Also in attendance: City Manager Bill Eisen ; City Attorney Darrin Coker; Deputy City Attorney Nghiem Doan; Assistant City Manager Mike Hodge, Assistant City Manager Jon Branson, City Engineer Narciso Lira, Planning Director Lata Krishnarao; Senior Planner Angela Gantuah, Plans and Plat Administrator Richard Keller, Planning Technician Ian Clowes, and Planning Administrative Secretary Judy Krajca.

Senior Planner Angela Gantuah explained the Joint Public Hearing process for the attending public, and explained that the Planning & Zoning Commission Meeting will immediately follow the Joint Public Hearing.

PURPOSE OF HEARING

The Public Hearing for **Zone Change** No. **2009--Z 7** was called to order at ___:___ p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes.

A. Zone Change No. 2009-0 8 -Z Bellavita PD amendment

Chairperson Henry Fuertes read the purpose into the record.

Angela Santuah presented the Staff Report. *Staff recommends approval*

Staff received _____ Public Comment Forms.
Applicant was not present to speak.

There was _____ or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments:

*Helen - sounds as if we are putting this into conformance.
Neil - ^{will it} affect rear &/or sideyard
Angela - rear setback only*

There were no comments from the Council/Commission/Staff. *minimal*

There was brief discussion.

There was much discussion. Topics discussed were:

The Public Hearing for **Zone Change No. 2009-0 8 Z** was adjourned at 6:45 p.m.

ADJOURNMENT

The Joint Public Hearing adjourned at 6:45 p.m.

PURPOSE OF HEARING

The Public Hearing for CUP No. 2009-08 was called to order at 6:45 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes.

A. CUP No. 2009-08 -

Chairperson Henry Fuertes read the purpose into the record. ✓

Angelah Hartman presented the Staff Report. *Staff recommends approval*
Passed out Public comment forms.
Staff received Public Comment Forms. *traffic, crime, neighborhood busy, walkability.*
applicant present - but chose not to speak
There was or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments:

① Ken Phillips 3322 E Walnut Pearland, spoke on behalf of Buck & Kelly Stevens. only has 150' on Orange St.
• No driveway can be w/in a corner.
• Has to be 35' in width (this is only 25')
• does not comply w/ udc
• No detention pond (noting proposed in application)
is not in Favor

There were no comments from the Council/Commission/Staff.

There was brief discussion.

There was much discussion. Topics discussed were:

② Jean Pierre Baizan. Neighbor to North
1904 Mykawa
• detention
- traffic
③ Majd
2626 Spencer Hwy
Basalene 77504

The Public Hearing for CUP No. 2009-08 was adjourned at 7:29 p.m. *continued*

ADJOURNMENT

*Henry recused himself
Jerry adjourned for P&Z*

Neil asked Mr. Phillips what business would be happy w/ there.

The Joint Public Hearing adjourned at 7:29 p.m.

K. Phillips - it's not the use - but the traffic.

Woody - need better info than was given today. concern w/ traffic.

Angela

- driveway & detention
 - Rd's/detention
 - Site Plan
- } at time of site plan submittal & Eng. to review
- Eng. Design Criteria
 - Permits

K. Cole

- disagrees re: site plan, being a CUP - have opportunity to view ^{now}
- Where will detention go?

- Narciso - Detention
- offered to do it w/ storm sewer site (on site)
 - currently reviewing site plans
 - once these are met - they will meet criteria
 - access - @ driveway - @ close function as right in/right ad
 - Have TIA - collecting Pro Rata

K Cole - applicant proposed retail in M-1 & Gas station in GB. But do not see Hair Salon & Insur. office except in staff rpt.

Angela - she told applic. he had to pick a use. He chose hair salon / Insur. agency

Kevin - CUP gives us opportunity to look at market. one @ 35/orange and one @ woody & orange. Wants P&Z to think on this & market need for this

Woody - had Eng. questions re: roads, drainage, detention posed to Narciso. Also concern w/ traffic

Narciso - conversed w/ Mr. Owens

Henry - feels traffic # would be higher. Concern w/ traffic in this area w/ M-1 going around. concern w/ parking issues. Does not feel use is best for

→

PURPOSE OF HEARING

The Public Hearing for **AMENDMENT TO UDC T-11** ^{fe} was called to order at 7:31 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes.

Henry returned @ 7:32

A. AMENDMENT TO UDC T-11

Vice Jerry Kozal Jr.
Chairperson Henry Fuertes read the purpose into the record.

Lata Krishnarao presented the Staff Report. *\$ Spoke on behalf of applicant*

Staff received _____ Public Comment Forms.

There was _____ or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments:

*H. Beckman - definitions of yards asked for clarification. Lata spoke
Waxley - concern with shared ~~parking~~ access/property to other business. Driving too fast. Can speed bumps be put in?
Mike H. - these are desirable to keep people off of main thoroughfare
Neil - signs.
Lata - OTS has signage section Also, allows signs & awnings*

There were no comments from the Council/Commission/Staff. *Minimal discussion*
There was brief discussion.

There was much discussion. Topics discussed were:

The Public Hearing for **AMENDMENT TO UDC T-11** was adjourned at 7:50 p.m.

ADJOURNMENT

The Joint Public Hearing adjourned at 7:50 p.m.

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name:

JEAN-PIERRE BAIZAN

Full Address:

1904 MIKAWA RD

(include zip)

PEARLAND TX 77581

I wish to speak regarding Item No.

CUP 2008-08

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Mohammed Abdul Majid

Full Address: 2626 Spencen Hwy #170

(include zip) Pasadena, TX 77504

I wish to speak regarding Item No. CUP2009-08

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Kenneth R. Phillips *

Full Address: 3322 E. WINDMILL

(include zip) Pearland, TX

I wish to speak regarding Item No. 2

* for Buck & Kelli Stevens.