

PLANNING & ZONING COMMISSION

REGULAR MEETING PLANNING AND ZONING COMMISSION CITY OF PEARLAND

June 20, 2005 AT 6:30 P.M.
IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING

IN COUNCIL CHAMBERS OF CITY HALL
3519 LIBERTY DRIVE, PEARLAND, TX

I. CALL TO ORDER

II. APPROVAL OF MINUTES: June 6, 2005 – Regular Meeting

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 1232

A request by Mayra Palacios, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Estate Lot Single Family Dwelling District (R-E), on the following described property, to wit:

Legal Description: 1.00 acres of land out of and a part of Lot 168 of the Zychlinski Subdivision in Section 27 of the H.T. & B.R.R. Company Survey, Abstract 308, according to the map or plat thereof recorded in Volume 29, Page 9, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Located on the South Side of Keis Road, and East of Wells Drive

B. CONSIDERATION & POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 1233

A request by Byron Stephen Sutherland, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District (GB), on the following described property, to wit:

Legal Description: 0.5238 acres of land out of Lot 1 of the Allison Richey Gulf Coast Home Company Subdivision of Section 10, Tract 1 E, H.T. & B.R.R. Company Survey, Abstract 505, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Stone Road, and South of Brookside Road.

PLANNING & ZONING COMMISSION

C. CONSIDERATION & POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. 1231

A request by Mary Frances Lentz, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Commercial District (C), on the following described property, to wit:

Legal Description: 20 acres, being Tract 61 and 62, Abstract 234, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Located on the West Side of Roy Road, and North of FM 518 (Broadway Street)

D. CONSIDERATION & POSSIBLE ACTION – Zone Change Application No. 1234

A request by Kerry R. Gilbert and Associates, Inc. applicant for WCF Development, LLC, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) and Office and Professional District (OP) to Commercial District (C), on the following described property, to wit:

Legal Description: 9.6167 acres of land being all of Lot 2 in Block 21, and 14.3755 acres of land being all of Lot 3 and a portion of Lot 4 in Block 20, and 4.6323 acres being out of a portion of Lot 1 in Block 20 and Lot 3 in Block 21, all situated in the T.C.R.R. Company Survey, Section 4, Abstract 675, of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens Subdivision, according to the plat thereof recorded in Volume 2, Page 99, of the Brazoria County Map Records, City of Pearland, Brazoria County, Texas

General Location: Generally Located at the Northwest Corner of SH 288 and FM 518 (Broadway Street)

E. CONSIDERATION & POSSIBLE ACTION – SPECIFIC USE PERMIT APPLICATION NO. 145

A request by Paul Marcaccio, applicant for West Oaks Homeowners Association, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for an Unscheduled/New Recreational Use, and more specifically, a subdivision homeowners association recreation center, in the Suburban Development District (SD(S)), on the following described property, to wit:

Legal Description: 0.855 acres of land, Block 1, of the West Oaks Recreation Center Phase A, Abstract 241, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

PLANNING & ZONING COMMISSION

General Location: Located at 6601 Old Oaks Boulevard

F. CONSIDERATION & POSSIBLE ACTION – Specific Use Permit Application No. 146

A request by Edwards and Kelcey, applicant for Southwestern Bell Communications, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Telephone Exchange Switching Relay and Transmitting Equipment, in the Suburban Development District (SD(S)), on the following described property, to wit:

Legal Description: 0.0413 acres of land out of Lot 22, Section 8, Abstract 504, Allison Richey Gulf Coast Home Company Subdivision, City of Pearland, Brazoria County, Texas

General Location: Located at 2633 Roy Road

G. CONSIDERATION & POSSIBLE ACTION - Specific Use Permit Application No. 147

A request by Edwards and Kelcey, applicant for the Southwestern Bell Communications, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Telephone Exchange Switching Relay and Transmitting Equipment, in the Neighborhood Service District (NS(S)), on the following described property, to wit:

Legal Description: 0.057 acres out of the south one-half of Lot 30 of the Allison Richey Gulf Coast Home Company Subdivision, Section 21, H.T. & B.R.R. Company Survey, Abstract 309, City of Pearland, Brazoria County, Texas

General Location: Located at 8301-A Fite Road

H. CONSIDERATION & POSSIBLE ACTION – Amending Plat of Villa Verde Section Three

A request by Robert A. Marlowe, Rekha Engineering, Inc., for approval of an Amending Plat of villa Verde Section three to change the dimensions of two lots and to revise the location of the city limits. The plat is located southeast of Scarsdale Boulevard in Harris County, and is described as follows:

34.7337 acres of land out of the W.C.C. Hall Survey, Abstract No. 23, City of Pearland, Harris County, Texas

PLANNING & ZONING COMMISSION

I. CONSIDERATION & POSSIBLE ACTION – Final Plat of Medellin Addition

A request by Chuck Davis, C.L. Davis & Co., for Charles and Hazel Medellin, for a Final Plat subdivision of 2.451 acres located in the E.T.J. for 3 residential lots. The property is located between Rustic Lane (C.R.131) and Glenview Drive, south of the Sunset Meadows subdivision near the Galveston County line, and is described as follows:

2.451 acres out of Lot 77 West Friendswood Subdivision, Perry & Austin League, A-111, (Vol. 01, Pg. 96 B.C.P.R.), Brazoria County, Texas.

J. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Emerald Stone

A request by Kathy Denton, JKC & Associates, for approval of a Preliminary Plat of 10.4696 acres zoned R-2 for 28 residential lots. The plat is located on the east side of O-Day Road at Dublin Lane, and is described as follows:

10.4696 acres of land situated in the H.T. & B.R.R. Company Survey, Section 6, Abstract 544, City of Pearland, Brazoria County, Texas.

- a. **VARIANCE REQUEST:** Consider a Variance to Sec. 27-4(A)(3)(m)1 of the Subdivision Ordinance Regarding Cul-De-Sac Length and Width in the Emerald Stone Subdivision to allow 36 feet of pavement width in a 60-foot-wide right-of-way for a distance of 268.70 feet with the remaining 596.30 feet of Dublin Lane being reduced to 28-foot-wide pavement in a 50-foot-wide right-of-way.
- b. **VARIANCE REQUEST:** Consider a Variance to Sec. 27-4(A)(3)(m)1 of the Subdivision Ordinance Regarding Cul-De-Sac Length and Width to permit a landscape median 6 feet wide and 30 feet long in the center of Dublin Lane at the entrance to the subdivision.

K. DISCUSSION ITEM – UNIFIED DEVELOPMENT CODE – CHAPTER 3 AND 4

L. DISCUSSION ITEM - P & Z COMMISSIONERS ATTENDANCE REPORT

IV. NEXT MEETING DATES: July 18, 2005 – JPH and Regular Meeting

V. ADJOURNMENT

PLANNING & ZONING COMMISSION

MINUTES
REGULAR MEETING
CITY OF PEARLAND PLANNING AND ZONING COMMISSION
JUNE 6, 2005 AT 6:30 P.M.
SECOND FLOOR CONFERENCE ROOM
CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TX

I. CALL TO ORDER

The Regular Meeting was called to order at 6:30 pm. with the following present:

P & Z Chairperson Ruby Sandars
P & Z Commissioner David Ransom
P & Z Commissioner Neil West
P & Z Commissioner Peter Dumont

Also in attendance: Executive Director of Community Services Nick Finan, Planning Director Lata Krishnarao, Senior Planner Theresa Grahmann, Plans and Plat Administrator Richard Keller, Planner 1 Diana DuCroz, Deputy City Attorney Nghiem Doan.

II. APPROVAL OF MINUTES: May 16, 2005 – Regular Meeting

Commissioner Ransom made a motion to approve the minutes, Commissioner Dumont seconded.

The voting was 4-0 for approval.

III. NEW BUSINESS

The Public Hearing for the Residential Replat was called to order at 6:35 p.m.

A. CONDUCT A PUBLIC HEARING – RESIDENTIAL REPLAT

A request by Kenneth Jackson, applicant for Larry and Ladonna Randle, owners, for approval of a Partial Replat of 2.488 acres in the Hickory Place Subdivision as the Randle Place Final Plat, for one lot for residential use. The subject property is located at 1326 Byran Court, and is described as follows:

Legal Description: 2.488 acres of land out of the H.T & B.R.R. Co Survey, Abstract 310, City of Pearland, Brazoria County, Texas.

Planner I Diana DuCroz gave Staff presentation.

Ladonna Randle stated that they were just waiting to do the replat so they could build a home.

There were no public comments.

The Public Hearing adjourned at 6:40 p.m.

PLANNING & ZONING COMMISSION

B. CONSIDERATION & POSSIBLE ACTION – PARTIAL REPLAT OF HICKORY PLACE SUBDIVISION/FINAL PLAT OF RANDLE PLACE

A request by Kenneth Jackson, applicant for Larry and Ladonna Randle, owners, for approval of a Partial Replat of 2.488 acres in the Hickory Place Subdivision as the Randle Place Final Plat, for one lot for residential use. The subject property is located at 1325 Bryan Court, and is described as follows:

Legal Description: 2.488 acres of land out of the H.T & B. R.R. Co. Survey, Abstract 310, City of Pearland, Brazoria County, Texas.

Commissioner Dumont made a motion to approve, Commissioner West seconded.

The voting was 4-0 for approval.

C. CONSIDERATION & POSSIBLE ACTION – AMENDING FINAL RIGHT-OF-WAY PLAT OF SHADOW CREEK RANCH PORTION OF BISCAYNE BAY DRIVE AND WINDWARD BAY DRIVE

A request by Jason R. Banda, LJA Engineering & Surveying, Inc. for Pearland Investments, LLP, for approval of an Amending Final Right-of-Way Plat of 6.877 acres in Shadow Creek Ranch to change a street name from Spinnaker Bay to Windward Bay Drive. The final plat was originally approved on March 21, 2005. The plat is located in the southwestern section of Shadow Creek Ranch in Brazoria County, and is described as follows:

Legal Description: 6.877 acres, being out of the H.T. & B.R.R. Company Survey, Section 83, Abstract 305, City of Pearland, Brazoria County, Texas.

Planner I Diana DuCroz gave the Staff Report. There were two outstanding items. One, all references to Spinnaker Bay needs to be corrected, and a stated reason for the amending plat should state the old and new street name to avoid confusion.

Commissioner Ransom made a motion to approve with Staff's comments. Commissioner Dumont seconded.

Commissioner Ransom asked why this did not require a Public Hearing. Plan & Plats Administrator Keller explained that this was an amending plat, not a replat.

The voting was 4-0 for approval.

D. CONSIDERATION & POSSIBLE ACTION – AMENDING PLAT OF SHADOW CREEK RANCH SF-38B

A request by Jason R. Banda, LJA Engineering & Surveying, Inc. for Pearland Investments, LLP, for approval of an Amending Plat of Shadow Creek Ranch SF-38B to change a street name from Shady Gate Lane to Southport Drive. The final plat was originally approved on December 6, 2004. The plat is located the north side of Trinity Bay Drive between Biscayne Bay Drive and Kingsley Drive in Shadow Creek Ranch and is described and is described as follows:

PLANNING & ZONING COMMISSION

Legal Description: 33.548 acres, being out of the H.T. & B.R.R. Co. Survey, Section 83, Abstract 305, City of Pearland, Brazoria County, Texas.

Planner I Diana DuCroz gave the Staff report. There were two outstanding items a reference to Spinnaker Bay Drive needs to be corrected and the stated reason for the amending plat should show the old and new street names.

Commissioner Ransom made a motion to approve with Staff's comments. Commissioner Dumont seconded.

The voting 4-0 for approval.

E. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOW CREEK RANCH SF-55A

A request by Jason R. Banda, LJA Engineering & Surveying, Inc. for Pearland Investments, LLP, for approval of a Preliminary Plat subdivision of 12,479 acres in Shadow Creek Ranch and zoned SCR-PUD R-6 for 46 residential lots, with 5 reserves of 0.788 acres for landscaping and open space. The plat is located in the southwest corner of Shadow Creek Ranch in Fort Bend County adjacent to FM-521, and is described as follows:

Legal Description: 12.479 acres, being out of the F. Hooper Survey, Abstract 198, City of Pearland, Fort Bend County, Texas.

Planner I Diana DuCroz gave the Staff report. There were outstanding items, but are minor.

Commissioner Ransom made a motion to approve with Staff's comments, Commissioner Dumont seconded.

The voting 4-0 for approval.

F. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOW CREEK RANCH SF-55B

A request by Jason R. Banda, LJA Engineering & Surveying, Inc. for Pearland Investments, LLP, for approval of a Preliminary Plat subdivision of 21.050 acres in Shadow Creek Ranch and zoned SCR-PUD R-6 for 88 residential lots, with 2 reserves of 0.667 acres for landscaping and open space. The plat is located in the southwest corner of Shadow Creek Ranch in Fort Bend County adjacent to FM 521, and is described as follows:

Legal Description: 21.050 acres, being out of the F. Hooper Survey, Abstract 198, City of Pearland, Fort Bend County, Texas.

PLANNING & ZONING COMMISSION

Planner I Diana DuCroz gave the Staff report. The only outstanding item is to add a street name change symbol.

Commissioner Ransom made a motion to approve with Staff's comments, Commissioner Dumont seconded.

The voting 4-0 for approval.

G. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOW CREEK RANCH LIBRARY SITE

A request by Jason R. Banda, LJA Engineering & Surveying, Inc. for Pearland Investments, LLP, for approval of a Preliminary Plat subdivision of 3.224 acres in Shadow Creek Ranch and zoned SCR-PUD Institutional/Community Facility for one lot for a library. The plat is located in the north side of Shadow Creek Parkway, and is described as follows:

3.224 acres, being out of the T.C.R.R. co. Survey, Section 3, Abstract 678, County, Texas.

Planner 1 Diana DuCroz gave the Staff report. There were no outstanding items.

Commissioner Ransom made the motion to approve, Commissioner Dumont seconded.

The voting 4-0 for approval.

H. CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF VILLAGES OF MARY'S CREEK SECTION 1 PHASE 2

A request by Kevin Price for VMC Partners, Ltd, for approval of a Final Plat of Section 1 Phase 2 of 30.0979 acres zoned Low Density Single Family (R-1) into 689 residential lots with three reserves of 6.6617 acres for drainage and open space. The property is located between Pearland Parkway and Mary's Creek southeast of Independence Park, and is described as follows:

A subdivision of 30.0979 acres located in the Warren D.C. Hall League, Abstract 70, City of Pearland, Brazoria County, Texas

Planner I Diana DuCroz gave the Staff report. There was only one outstanding item, needing confirmation of drainage mitigation.

Commissioner Ransom made a motion to approve with Staff's comments, Commissioner Dumont seconded.

Planning & Zoning Chairperson Sandars asked Mr. Price if he was aware of the drainage mitigation. Mr. Price stated he was aware.

The voting 4-0 for approval.

I. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SAVANNAH LANDING SECTION FOUR

PLANNING & ZONING COMMISSION

A request by Randall Riley, Kerry R. Gilbert & Associates, for Savannah Development, Ltd., for approval of a Preliminary Plat subdivision of 9.997 acres in Savannah for 22 residential lots, with three reserves for landscaping and open space. The property is located in the City of Pearland E.T. J., east of Savannah Landing Lane in the northwest section of Savannah, and is described as follows:

Being 9.997 acres of land out of the A.C.H. & B. Survey, A-403, Brazoria County, Texas.

Planner I Diana DuCroz gave the Staff report. There were two outstanding items. Add a lot area and a lot width table to the final plat, and remove the one-foot reserve strips.

Commissioner Ransom made a motion to approve with Staff's comments, Commissioner Dumont seconded.

The voting 4-0 for approval.

J. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF EMERALD STONE

A request by Kathy Denton, JKC & Associates for approval of a Preliminary Plat of 10.4696 acres zoned R-2 for 28 residential lots. The plat is located on the east side of O'Day Road at Dublin Lane, and is described as follows:

10.46696 acres of land situated in the H.T. & B.R.R. Company Survey, Section 6, Abstract 544, City of Pearland, Brazoria County, Texas.

J (A). VARIANCE REQUEST – Consider a Variance to the Subdivision Ordinance regarding the length of a Cul-de-sac street in the Emerald Stone Subdivision

Planner I Diana DuCroz gave the Staff report. Ms. DuCroz explained the plat and the variance request. Ms. DuCroz also explained the applicant was asking for a variance to exceed the Cul-de-sac length of 600 ft as required by the Subdivision ordinance.

Kathy Denton, JKC & Associates explained why they were asking for the variance to the length of the Cul-de-sac.

Commissioner Ransom made a motion to approve with Staff's comments for discussion, Commissioner Dumont seconded.

Planner I DuCroz explained that there were two other outstanding items on the plat. The minimum side and rear setbacks from O'Day Road, which is 20 ft, needs to be corrected for the final plat. And lots 1 and 2 are double frontage lots that will require 10 ft planting screen easements and needs to be on the final plat.

Commission Ransom asked if this is where a variance would be addressed.

Planning Director Krishnarao stated only if the Commission finds a hardship.

Kathy Denton stated that 28 lots does not require 36 ft wide streets, and takes away from the residential feel of the subdivision.

PLANNING & ZONING COMMISSION

Planning Director Krishnarao explained those standards were established for safety purposes.

There was a discussion between Staff/Commissioners/applicant regarding the length of the street.

Commissioner West stated that he would be in favor of tabling this so the applicant could go and redesign this subdivision. The applicant explained that they have gone back and forth several times and this is the best design available.

Director of Community Development Finan explained that the Commissioners could approve less than what is being asked for.

There was more discussion regarding the length and width of the streets.

The voting was 0-4. The plat and variance were denied.

K. REMOVE FROM TABLE – SPECIFIC USE PERMIT APPLICATION NO. 144

Commissioner Ransom made a motion to remove from the table, Commissioner Dumont seconded.

The voting 4-0 for approval.

L. CONSIDERATION & POSSIBLE ACTION – REMOVE FROM TABLE SPECIFIC USE PERMIT APPLICATION NO. 144

A request by Office West Realty Company, applicant for Pearland Storage Facility, L.C., owners, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Storage and Mini-Warehouse in the Commercial District (C(S)), on the following described property, to wit:

2.370 acre tract on the H.T. & B.R.R. Company Survey, Abstract 542, being part of the south one-half of Lot 58 of the W. Zychlinski Subdivision, Section Two as recorded in Volume 29, Page 43 of the Brazoria County Deed Records, and is part of the remainder of a 9.6659 acre tract described in a deed to Pearland Storage Facility, L.C., as recorded in Clerk's File Number 93-020900 of the Brazoria County Official Records, City of Pearland, Brazoria County, Texas (Generally Located on the East side of State Highway 35 (Main Street), and on the North side of Future McHard Road)

Planning Director Krishnarao handed out the Pearland Parkway Corridor overlay district regulations. Ms. Krishnarao stated there were two questions regarding landscaping and whether this falls under the overlay district regulations. The answers are yes; this property would have to abide by the corridor overlay district regulations. In regards to non-conforming developments, the applicant could ask for a variance which would have to be considered by the Zoning Board of Adjustments, or would have to comply with the overlay district regulations.

Commissioner West asked if this was a common ownership with the other property on Main Street. Chris Bynum stated that right now is not under a common ownership at this time.

RECEIVED

JUN 10 2005
Pd. \$150.00
OK



FINAL PLAT SUBMITTAL APPLICATION
AMENDING PLAT

DATE FILED: 6/10/05 P&Z MEETING DATE: 6/20/05

SUBDIVISION NAME/LOCATION: VILLA VERDE SECTION 3,
AMENDING PLAT NO. 1

Lot(s): 2, Block(s): 1, Reserve(s): 0

PRIMARY CONTACT(Print or Type): Robert A. Marlowe Phone: 713-895-8080

MAILING ADDRESS: REKHA Engineering, Inc 5301 Hollister, Ste 190
Houston, Texas 77040

OWNER NAME(Print or Type): Tom Markiewicz, Div. Pres Phone: 281-875-1000

MAILING ADDRESS: Lennar Homesland and Construction Ltd.
550 Greens Parkway, Suite 100 Houston, Texas 77067-4526

AGENT'S NAME(Print or Type): Robert A. Marlowe Phone: 713-895-8080

MAILING ADDRESS: REKHA Engineering, Inc 5301 Hollister, Ste 190
Houston, TX 77040

The following required documents must accompany the final plat when submitted to staff:

- 22 Folded Prints of Final Plat
- 2 sets of Final Plat mylars (3 sets if ETJ)
- Completed Checklist
- Current Title Report
- Any Variance Request(s) in Letter Form
- Certified Tax Certificates (no taxes can be due)
- Show Approval of Construction Plans
- Show Approval of Drainage Report
- Show Approval of Traffic Impact Analysis
- Park Fees (if required)
- TIA Fees
- Computer Disk
- Final Plat Staff Review Mark-Up
- Application fee (~~\$400 plus \$4 per lot~~ \$150.00 or ~~\$25 per acre~~)
- Utility Letters N/A

NOTE: ALL REQUIRED DOCUMENTS MUST BE SUBMITTED TO ENGINEERING DEPT. STAFF BY 9 A.M. THE MONDAY PRECEEDING THE PLANNING AND ZONING COMMISSION MEETING. INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED.

The undersigned hereby request approval by the Planning and Zoning Commission of the above identified subdivision plat.

Signature: _____
(Owner)

Signature: Robert A. Marlowe
(Agent)

Fee: \$ 150.00

Date Paid: 6/10/05

Receipt No.: 141539

AMENDING PLAT OF VILLA VERDE SECTION THREE

AMENDING PLAT – STAFF REPORT

P & Z MEETING DATE: June 20, 2005

APPLICANT: Robert A. Marlowe, Rekha Engineering, Inc.

REQUEST: Amending Plat of Villa Verde Section Three to correct the lot dimensions of Lots 6 and 7 of Block 4 and to revise the location of the city limits. The plat was originally approved on Jan 21, 2003, when a portion of the subdivision was located in the E.T.J. On April 25, 2005, this section was annexed and zoned R-2, Medium Density Residential.

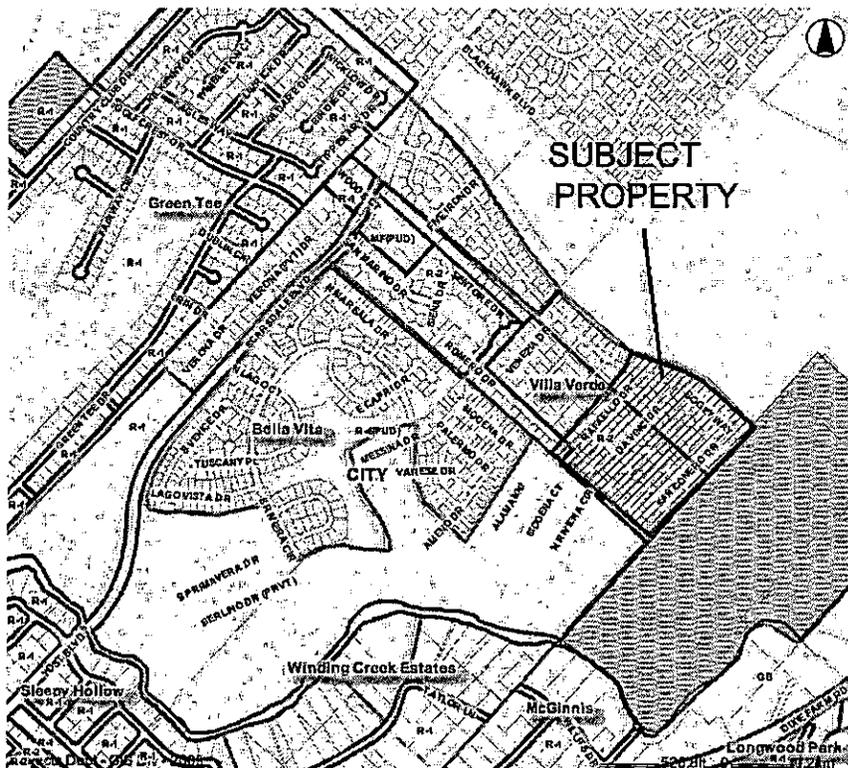
GENERAL LOCATION: Located southeast of Scarsdale Boulevard in Harris County, on the east end of Pearland. See Vicinity Map below.

OUTSTANDING ITEMS:

1. The stated purpose for the amending plat found above the title block should include the revision of the city limits.
2. The spelling of 'Scribner' should be corrected to 'Scrivener.'

ATTACHMENTS:

1. Application Form
2. Amending Plat





FINAL PLAT SUBMITTAL APPLICATION

Resubmitted 5/9/05

5/16/05

DATE FILED: 09/25/2005

P&Z MEETING DATE: ~~05/16/2005~~ Withdrawn

SUBDIVISION NAME/LOCATION: MEDELLIN ADDITION
PEARLAND, BRAZORIA COUNTY, TEXAS

Lot(s): 3, Block(s): 1, Reserve(s): 0

PRIMARY CONTACT(Print or Type): L.L. DAVIS Phone: 281-482-9490

MAILING ADDRESS: 1500 WINDING WAY
FRIENDSWOOD, TX 77546

OWNER NAME(Print or Type): CHARLES & HAZEL MEDALLIN Phone: 713-306-1451

MAILING ADDRESS: 200 RIVER BEND No. 704
GEORGETOWN, TX 78628

AGENT'S NAME(Print or Type): L.L. DAVIS Phone: 281-482-9490

MAILING ADDRESS: 1500 WINDING WAY
FRIENDSWOOD, TX 77546

The following required documents must accompany the final plat when submitted to staff:

- 22 Folded Prints of Final Plat
- 2 sets of Final Plat mylars (3 sets if ETJ) BEING SIGNED BY OWNERS
- Show Approval of Construction Plans
- Show Approval of Drainage Report
- Show Approval of Traffic Impact Analysis
- Park Fees (if required) pd
- Completed Checklist
- Current Title Report
- Any Variance Request(s) in Letter Form N/A
- Certified Tax Certificates (no taxes can be due)
- Final Plat Staff Review Mark-Up
- Application fee (\$400 plus \$4 per lot or \$25 per acre) pd

N/A

N/A

NOTE: ALL REQUIRED DOCUMENTS MUST BE SUBMITTED TO ENGINEERING DEPT. STAFF BY 9 A.M. THE MONDAY PRECEEDING THE PLANNING AND ZONING COMMISSION MEETING. INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED.

The undersigned hereby request approval by the Planning and Zoning Commission of the above identified subdivision plat.

Signature: _____ (Owner)

Signature: _____ (Agent)

Fee: \$ 412.⁰⁰

Date Paid: 4/25/05

Receipt No.: ?

MEDELLIN ADDITION
FINAL PLAT – STAFF REPORT

P & Z MEETING DATE: June 20, 2005

APPLICANTS: Chuck Davis, C.L. Davis & Co., for Charles and Hazel Medellin

REQUEST: Final Plat subdivision of 2.4511 acres in the E.T.J. into 3 residential lots, ranging in size from 16,602 to 67,519 square feet. The Preliminary Plat was approved March 21, 2005.

GENERAL LOCATION: The property is located between Rustic Lane (C.R. 131) and Glenview Drive, south of the Sunset Meadows subdivision near the Galveston County line. See Vicinity Map below.

PROPERTY DESCRIPTION: Proposed Lot 1 contains an existing single family residence, with numerous trees on site. Two new lots for single family homes will be created on the northern undeveloped portion of the property.

ZONING: The property is located in the E.T.J. and is therefore unzoned. The owners have submitted a request for annexation and, if granted, the property will be zoned at that time. The proposed use is low-density residential.

SURROUNDING USES: All surrounding areas are single family residential of varying densities. The Sunset Meadows subdivision to the north within the City Limits is zoned High Density Single Family (R-3).

COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for medium density residential, or lots from 4,000 to 6,000 square feet in size. Medium Density residential also permits low density residential. This plat is consistent with the Comprehensive Plan.

TRAFFIC AND TRANSPORTATION: No traffic impact analysis is required because of the low volume of estimated trip generation. A 33.57-ft-wide strip will be dedicated as right-of-way for Rustic Lane, which is designated as a minor collector street requiring a 60-ft-wide right-of-way. A four-ft-wide sidewalk along Glenview and six-ft-wide sidewalk along Rustic Lane will be provided at the time of development.

UTILITIES AND INFRASTRUCTURE: Water and sewer will be provided by the City.

STORMWATER MANAGEMENT: Stormwater detention will be addressed when building site plans are submitted.

PARKS AND OPEN SPACE: Park fees are not required at this time as the tract is not presently within the city limits.

OUTSTANDING ITEMS: None.

ATTACHMENTS:

1. Application Form
2. Final Plat





PRELIMINARY PLAT SUBMITTAL APPLICATION

DATE FILED: _____ P&Z MEETING DATE: 4/4/05 6/6/05

SUBDIVISION NAME/LOCATION: Emerald Stone

Lot(s): 27, Block(s): 2, Reserve(s): 4

PRIMARY CONTACT(Print or Type): JKC & Associates Phone: 281-309-9100

MAILING ADDRESS: 2820 FM 517 East
Dickinson TX 77539

OWNER NAME(Print or Type): Investcorp 1, LTD Phone: 713-899-5399

MAILING ADDRESS: 8313 Southwest Freeway #231
Houston, TX 77074

AGENT'S NAME(Print or Type): A. Monroe Kelsay (JKC & Assoc) Phone: 281-309-9100

MAILING ADDRESS: 2820 Fm 517 East
Dickinson, TX 77539

The following required documents must accompany the preliminary plat when submitted to staff:

- 22 folded prints of Preliminary Plat
- 3 copies of preliminary drainage report
- Traffic Impact Analysis (if required)
- Application fee (\$400 plus \$6 per lot or \$30 per acre)
- Title Report or Certificate of Title
- Staff Review Mark-Up
- Tree Survey (same scale as plat)
- Completed Checklist
- Variance request(s) submitted in letter form

NOTE: ALL REQUIRED DOCUMENTS MUST BE SUBMITTED TO ENGINEERING DEPT. STAFF BY 9 A.M. THE MONDAY PRECEEDING THE PLANNING AND ZONING COMMISSION MEETING. INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED.

The undersigned hereby request approval by the Planning and Zoning Commission of the above identified subdivision plat

Signature: _____
(Owner)

Signature: A. Monroe Kelsay
(Agent)

Fee: \$ 562.00 Date Paid: 3/28/05 Receipt No.: 95452

EMERALD STONE

PRELIMINARY PLAT – STAFF REPORT

P & Z MEETING DATE: June 20, 2005

APPLICANT: Kathy Denton, JKC & Associates

REQUEST: Preliminary Plat subdivision of 10.4696 acres zoned R-2, Medium Density Single Family, for 28 residential lots, with five reserves of 3.55 acres for detention, drainage, and landscaping. The applicant is requesting two variances from the cul-de-sac requirements of Subdivision Code Sec. 27-4 (A)(3)(m)1, which are explained below. The applicant has submitted several letters regarding the variance requests, which are included with this report.

Please note that Variance A, Variance B, and the Preliminary Plat should each be voted on individually.

GENERAL LOCATION: The property is located on the east side of O'Day Road at Dublin Lane, north of Broadway. See Vicinity Map below.

PROPERTY DESCRIPTION: The property is currently undeveloped and contains numerous trees.

ZONING: The current zoning is R-2, Medium Density Single Family, which calls for a minimum lot size of 7,000 square feet and minimum lot width of 70 ft. The proposed plat is consistent with the zoning.

SURROUNDING USES: The zoning to the north, east, and south is R-2. To the west across O'Day Road is a mixture of SD, Suburban Development, and R-1, Low Density Single Family, zones. Surrounding properties are vacant or developed with residential uses, including the Country Meadow Mobile Home Park to the north.

COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for the Garden/O'Day Mixed Use District. The proposed medium-density residential use is consistent with this designation.

TRAFFIC AND TRANSPORTATION: A Traffic Impact Analysis will not be required.

UTILITIES: Water and sewer service are available to the site.

STORMWATER MANAGEMENT: Stormwater detention will be provided onsite.

PARKS, OPEN SPACE, AND TREES: The applicant submitted a tree survey for review by the City's Urban Forester. The property contains ten trees, mainly water oaks. A tree disposition plan will be required at the time of final plat review. Park fees will also be required.

VARIANCE REQUESTS: The applicant is requesting two separate variances from the cul-de-sac requirements in Section 27-4(A)(3)(m)1 of the Subdivision Code. At the meeting, the applicant will address the hardship for the variances. Each variance should be voted on independently.

CODE REQUIREMENTS: Subdivision Code Sec. 27-4(A)(3)(m)1 *Dead End Streets* requires the following:

1. Cul-de-sacs (dead end streets with turnaround) shall not be longer than six hundred (600) feet from the centerline of the intersecting street measured along the centerline of said street to the center of the circular turnaround.

Exception: (dead end streets with turnaround) may be extended to a maximum length of one thousand two hundred (1,200) feet if platted and constructed with a minimum sixty (60) foot right-of-way and thirty-six (36) foot pavement sections (back of curb to back of curb) or if an acceptable all weather emergency access street fitted with 911 locks is provided at the end of the cul-de-sac turnaround.

VARIANCE REQUEST A: Variance from Sec. 27-4 (A)(3)(m)1 to allow 36 feet of pavement width in a 60-foot-wide right-of-way for a distance of 268.70 feet starting from O'Day Road, with the remaining 596.30 feet of the cul-de-sac being reduced to 28 feet of pavement in a 50-foot-wide right-of-way.

VARIANCE REQUEST B: Variance from Sec. 27-4 (A)(3)(m)1 to permit a landscape median six feet wide and 30 feet long in the center of Dublin Lane at the entrance to the subdivision.

DISCUSSION:

Staff found three similar cases in recent years in which a cul-de-sac over 600 feet in length was platted and approved. In all three cases – Summerfield Sec 1 at Silverlake, Barclay Place, and Walker Estates – the cul-de-sac was platted and constructed with a 60 foot right-of-way and 36 feet of pavement. Each of these cul-de-sacs is roughly 1100 to 1200 feet in length.

Based on comments from Engineering staff, the paving should conform to the standard cross-sections found in the Engineering Design Criteria Manual. A standard minor collector street requires 36 feet of pavement with no obstructions. Adding a median would require the street to conform to the boulevard standard, which is two 25-foot-wide lanes (one on each side of the median) within an 80-foot-wide right-of-way.

OUTSTANDING ITEMS:

1. A variance will need to be approved for the cul-de-sac to exceed 600 feet in length with a width of less than 60 feet of right-of-way and 36 feet of pavement. If the variance requests are denied, the plat should be approved with a condition that the cul-de-sac dimensions conform to the requirements of the Subdivision Code.

15 June, 2005

Mr. Doug Kneupper, P.E.
City of Pearland, Engineer's Office
3519 Liberty Drive
Pearland, TX 77581

**RE: Preliminary Plat Submittal
Emerald Stone Subdivision**

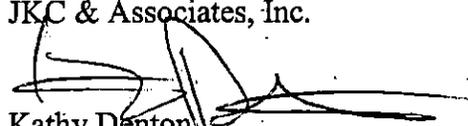
Dear Mr. Kneupper,

We are submitting Emerald Stone to be included on the agenda for the next Planning and Zoning meeting. Accompanying this letter are the following items for your review.

Twenty-Two (22) copies of the Preliminary Plat (folded)
Two (2) Variance request.

Please call me at (281) 309-9100 if you have any additional questions. Thank you for your time and consideration.

Sincerely,
JKC & Associates, Inc.


Kathy Denton

15 June, 2005

Mr. Doug Kneupper, P.E.
City of Pearland, Engineer's Office
3519 Liberty Drive
Pearland, TX 77581

**RE: Revised Variance Request
Emerald Stone Subdivision**

Dear Mr. Kneupper,

We are requesting a variance to the required centerline length and width of pavement for a cul-de-sac street. The pavement width, for Dublin Lane (cul-de-sac) in the proposed Emerald Stone Subdivision, has been revised to 36 feet wide section in a 60 foot wide right-of-way for a distance of 268.70 feet with the remaining 596.30 feet of pavement being reduced to a 28 feet wide section in a 50 foot right-of-way. The reason for this variance request is to allow the developer the opportunity to save as many of the large trees located on this site as possible while meeting the required drainage criteria and maintaining the necessary lot count needed to develop this site.

Please call me at (281) 309-9100 if you have any additional questions. Thank you for your time and consideration.

Sincerely,
JKC & Associates, Inc.



Kathy Denton

15 June, 2005

Mr. Doug Kneupper, P.E.
City of Pearland, Engineer's Office
3519 Liberty Drive
Pearland, TX 77581

**RE: Variance Request
Emerald Stone Subdivision**

Dear Mr. Kneupper,

We would like to request a variance on the pavement width in the proposed Emerald Stone Subdivision. The pavement width is 36 feet wide at the entrance to the subdivision and we would like to construct a 6 foot wide by 30 foot long landscape median in the center of the pavement. This median will not block any driveways in the proposed subdivision and the Homeowners will maintain the landscaping.

Please call me at (281) 309-9100 if you have any additional questions. Thank you for your time and consideration.

Sincerely,
JKC & Associates, Inc.



Kathy Denton

June 16, 2005

City of Pearland
Planning & Zoning Commission
3519 Liberty Drive
Pearland, TX 77581

Re: Emerald Stone Subdivision

Dear Commissioners,

I am writing this to inform each of you of the reasons for seeking a variance for the above referenced project. I have been working on this project for some time now and have done all I can to stay out of the forefront because of my position with the City of Pearland. We have made every effort to abide by all ordinances of the City, while at the same time maximize our project. However, we are asking for a variance on our street width. Our hardships are the following:

1. The detention pond for this project must be located where we have designed it because of the supporting topographical study that was performed. The land drains to that side of the property.
2. The project has existing developed tracts to the north and south. The north is an existing trailer park. This makes putting the detention pond on the north even more important. We cannot tie into either of these developments with streets.
3. The tract of land immediately to the east is undeveloped and we do not own it. We have attempted to buy it, but the owner is unwilling to sell at this time. Our intentions were to develop all the way to Hatfield Rd. By ordinance, we could stub out Dublin with a hammerhead at the end for a turn around, but there is no ordinance that forces the land to the east to tie-in when developed. That would leave a very undesirable situation for the eventual residents of Emerald Stone.
4. The detention pond is taking up 30%+ of our project because the outfall at O'Day Rd. is shallow. Therefore, we must use more land area to detain the run off.
5. Perhaps the biggest hardship is a few trees on the property. We have designed the project to save about 5 protected trees, including a 62" oak. It has been our intention to save this tree. We have come up with a design that could meet the ordinance, but it would require us to remove that tree, possibly others.
6. We must tie into Dublin across O'Day Rd. Because of spacing requirements, this was the only option. We could have designed small cul-de-sac streets off Dublin had we been able to utilize a different entry point.

7. We will supply a statement in the HOA deed restrictions that there will be no parking next to the median at the entrance to the subdivision.

As you can see, we have looked at this project from every angle. We believe this project will deliver a quality development to the City. With our current design, all the lots exceed the requirements for R-2 lots. The gross density of this project is 2.8 lots per acre, below the required density for an R-2 development.

It has been our intent to give the future homeowners a lot they can be proud of and use. If the street is any wider, it is the homeowner that loses. I will be in attendance for the meeting Monday night if you have any questions. I sincerely ask for your support of this variance request.

Best regards,



Kevin Cole
Project Manager

ORDINANCE NO. 741-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, SUBDIVISIONS, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, FOR THE PURPOSE OF ESTABLISHING GUIDELINES FOR GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS FOR CUL-DE-SACS AND LENGTHS OF DEAD-END STREETS; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

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

Section 1. That Section 27-4 (A)(3)(m)1, of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is hereby amended to read as follows:

- "1. Cul-de-sacs (dead end streets with turnaround) shall not be longer than six hundred (600) feet from the centerline of the intersecting street measured along the center line of said street to the center of the circular turnaround (cul-de-sac) and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet except where other curb and gutter development is used the street property line diameter shall be at least one hundred twenty (120) feet.

Exception: (dead end streets with turnaround) may be extended to a maximum length of one thousand two hundred (1,200) feet if platted and constructed with a minimum sixty (60) foot right-of-way and thirty-six (36) foot pavement sections (back of curb to back of curb) or if an acceptable all weather emergency access street fitted with 911 locks is provided at the end of the cul-de-sac turnaround. All roadway and property line diameters referenced above (Section 27-4 (A)(3)(m)1 shall apply."

Section 2. That Section 27-6 (D)(5), of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is hereby amended to read as follows:

- "(5) *Length of dead-end streets.* No dead-end private street shall extend further than three hundred (300) feet for multi-family developments and six hundred (600) feet for single family detached developments from the centerline of the intersecting public or private street measured along the center line of said private street to the center of the circular turnaround (cul-de-sac) or the outer limit of the paving in the T-type or L-type turn-around configuration.

of permits for any lots upon which a residence building exists and was in existence prior to passage of this subdivision chapter, nor to prohibit the repair, maintenance or installation of any street or public utility services for, or to abutting any lot, the last recorded conveyance of which prior to passage of these regulations was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of these regulations.

(3) Variances. The commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings hereinbelow required, the commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the commission finds:

- (a) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land; and
- (b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (c) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- (d) That the granting of the variance will not have the effect of preventing the orderly subdivision of

other land in the area in accordance with the provisions of these regulations. Such findings of the commission together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these regulations so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

(B) *Schedule of fees.* Subdivision plats submitted to the city for approval must be accompanied by a check made payable to the city for an amount specified in the schedule of fees as determined by the city council from time to time and on file in the office of the city secretary.

(C) *Preliminary Plat (Plan Plat).*

(1) Following the preapplication conference all persons desiring to subdivide a tract of land within the area above described shall first prepare or cause to be prepared a preliminary plat which shall be filed with the city, together with other supplementary information as specified below:

(2) The preliminary plat shall be at a minimum scale of one hundred (100) feet to the inch and shall show the following:

(a) Title of the plat should show:

1. The proposed name of the subdivision (check for duplication).
2. The legal description of the location of the subdivision.
3. The total acreage and total number of lots and blocks.
4. The name of the owner (and address unless given in letter of transmittal). If the owner

Chapter 4: Site Development

Article I – Development Procedures & Requirements

Division I – Site Plans

Section 4.1.1 Purpose & Applicability

(a) ~~Purpose:~~ This Section establishes a review process for ~~proposed nonresidential, mixed-use and higher density residential developments, and Planned Developments (PDs) and Conditional Use Permits (CUPs)~~all types of development, except single-family in a platted subdivision. The purpose of a Site Plan approval is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction. Approval of the Site Plan, final plat, Landscape Plan, building façade plan (as applicable in specific zoning districts), and engineering construction plans are is required prior to site construction.

1. Exemptions & Exceptions: Site plan review shall not be required for single-family detached or two-family residential developments, unless the proposed subdivision will include a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.) or a golf course, or unless the proposed subdivision will have private (not public) streets. In these instances, Site Plan submission and approval will be required for the private amenity or facility, the golf course clubhouse/hospitality area, and the gated (restricted access) entrances.

(b) ~~Applicability:~~ Submission and approval of a Site Plan shall be required for all nonresidential (including churches, schools, etc. within residential areas), Old Townsite, mixed-use, townhouse, single-family attached, and multi-family residential projects. The Planning Director shall be the responsible official for processing of a Site Plan.

1. Building Permit Issuance: Site plans shall be submitted prior to or in conjunction with a building permit application. No building permit shall be issued until a Site Plan, if required, and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the Site Plan and engineering/construction plans, as approved by the City.

~~2. Exemptions & Exceptions: Site plan review shall not be required for single-family detached or two-family residential developments, unless the proposed subdivision will include a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.) or a golf course, or unless the proposed subdivision will have private (not public) streets. In these instances, Site Plan submission and approval will be required for the private amenity or facility, the golf course clubhouse/hospitality area, and the gated (restricted access) entrances.~~



- (c). **Extent of Area That Should Be Included In a Site Plan:** When the overall development project is to be developed in phases, the Site Plan area shall include only the portion of the overall property that is to be developed/constructed.

Section 4.1.1.2 Submission & Contents

- (a) **Procedures & Submission Requirements For Site Plan Approval:** Submission of an application for Site Plan approval shall be preceded by a pre-application conference with the City (see Section 1.2.1.5). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for Site Plan review applications. All applications and related contents shall be submitted consistent with these requirements, a checklist of which shall be supplied by the Planning Department. The Site Plan shall be prepared by a qualified civil engineer, land planner, architect or surveyor, at a scale no smaller than one inch equals one hundred feet (1" = 100') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). [Editor's Note: The following list can be included on an application form instead of included herein.] The Site Plan shall include, but not be limited to, the following:

- (1) Size: Site development plans shall be prepared on one or more standard sheets of sizes of 30" x 42" or 24" x 36" and at an engineering scale of 1"=100' or larger. If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). Site development plans shall be prepared by a registered engineer, architect, or landscape architect.

(2) General Information:

- a. North arrow;
- b. Total site acreage;
- c. Submission date;
- d. Scale (written and graphic);
- e. Vicinity map;
- f. Names, addresses, and telephone numbers of designer, engineer, developer, and owner;
- g. A boundary survey of the site with the location of proposed land uses;
- h. Adjacent subdivision names and property lines; and
- i. Adjacent land uses and structures.

(3) Structures:

- a. Location, dimensions, and use of all existing facilities and proposed building sites;
- b. Setback and separation distances between building sites;
- c. Proposed construction type and facade materials for all multi-family and non-residential buildings;
- d. Proposed density of each use; and
- e. Proposed location of screening along public roadways shown on the Concept Plan

(4) Streets and Sidewalks:

- a. ~~Location and width of all rights-of-way and easements;~~
- b. ~~Location and dimensions of all pavement and curbing;~~
- c. ~~Location and width of all sidewalks;~~
- d. ~~Location and width of all ingress/egress points;~~
- e. ~~Location and width of all medians and median breaks; and~~
- f. ~~Location of any special traffic regulation facilities.~~

~~(5) Off-Street Parking and Loading Areas:~~

- a. ~~Number, location, and dimension of spaces;~~
- b. ~~Type of surface material of parking facility;~~
- c. ~~Dimension of aisles, driveways, maneuvering areas, and curb return radii;~~
- d. ~~Distance between spaces and adjacent rights-of-way;~~
- e. ~~Location of all existing and proposed fire lanes and hydrants; and~~
- f. ~~Proposed lighting diagram.~~

~~(6) Landscaping:~~

- a. ~~Location and size of major tree groupings and existing hardwood trees of 6" caliper or greater noting whether they are to be removed or retained;~~
- b. ~~Location and size of proposed plant materials, including paving, together with type and species of plants;~~
- c. ~~Number and type of each landscape element;~~
- d. ~~Height and type of all fencing or buffering;~~
- e. ~~Height of all planters, sculptures, and decorative screens;~~
- f. ~~Location and type of trash receptacle screening;~~
- g. ~~Location and type of lighting for streets, signage, and parking areas; and~~
- h. ~~Location of visibility triangles where required.~~

~~(7) Drainage:~~

- a. ~~Direction of water flow;~~
- b. ~~Quantity of on and off-site water generation;~~
- c. ~~Topographic contours at a minimum of 0.5-foot (half-foot) intervals;~~
- d. ~~Points of concentrated water discharge;~~
- e. ~~Areas where special design and construction may be necessary due to slope or soil conditions; and~~
- f. ~~Location and design of all water detention and drainage areas;~~
- g. ~~Drainage ways, creeks, and limits of the 100-year floodplain and floodway as shown on current FEMA mapping or the City's master drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.~~

~~(8) Utilities: The proposed method of providing water and sewer service.~~

~~(9) Traffic Impact Analysis (TIA): An updated traffic impact analysis.~~

Section 4.1.1.3 Review, Approval, Appeal & Revisions

~~(a) Principles & Standards for Site Plan Review & Evaluation: The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the City, and to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances. The Director of Planning, or his/her designee, and the Building Official shall review the Site Plan for compliance with all applicable City ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long range plans for the future development of Pearland; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare; with respect to the following:~~

- ~~(1) The plan's compliance with all provisions of the zoning regulations, other chapters of this UDC, and other applicable ordinances.~~
- ~~(2) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.~~
- ~~(3) The relationship of the development to adjacent uses in terms of harmonious design, façade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.~~
- ~~(4) The provision of a safe and efficient vehicular and pedestrian circulation system.~~
- ~~(5) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.~~
- ~~(6) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.~~
- ~~(7) The coordination of streets so as to arrange a convenient system consistent with the *Thoroughfare Plan* of the City of Pearland, as amended.~~
- ~~(8) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.~~
- ~~(9) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.~~
- ~~(10) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.~~
- ~~(11) Protection and conservation of soils from erosion by wind or water or from excavation or grading.~~
- ~~(12) Protection and conservation of water courses and areas that are subject to flooding.~~
- ~~(13) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.~~
- ~~(14) Consistency with the Comprehensive Plan of the City of Pearland, as amended.~~

(bii) **Review & Approval of a Site Plan:**

- (1) City Staff Review & Approval of Site Plans: Upon official submission of a complete application of a Site Plan for approval, the Director of Planning, or his/her designee, and the Building Official, or his/her designee shall review the development proposal in terms of its compliance with these and other applicable City regulations. Following City staff review of the plan and supporting documents, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected plan to the Director of Planning (or designee) within ~~ten~~ twenty-one (21) calendar days of the initial City staff review. Upon further review and finding that all revisions have been made in conformance with aforementioned discussions, ~~City staff~~ the Planning Director, upon consultation with the Building Official, may approve, approve subject to certain conditions, or not approve the Site Plans.
- (2) City Staff Review of Site Plans for PDs and CUPs: Site Plans for a Planned Development (PD) or a Conditional Use Permit (CUP) will be processed according to the procedures prescribed for those applications in Chapter 2, Division 2 and 3, respectively.
- (3) Appeal of City Staff Decision: The applicant or property owner may appeal the decision of the Planning Director to the Planning and Zoning Commission by filing a written Notice of Appeal in the office of the Planning Director no later than ten (10) calendar days after the date upon which the Planning Director denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning and Zoning Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed.
- (4) Final Approval in Case of Appeal: The Planning and Zoning Commission shall determine final approval or disapproval of all Site Plan applications.

(eb) **Revisions to the Approved Site Plan:**

- (1) Minor Revisions/Amendments: It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the Director of Planning, or his/her designee, shall have the authority to approve minor modifications to an approved Site Plan (which shall be submitted as an "amended Site Plan" which substantially conforms to the previously approved Site Plan). Submission materials and requirements for approval of an amended Site Plan shall be as determined by the Director of Planning, or his/her designee.
- (2) Major Revisions: In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a "revised Site Plan" must be resubmitted, reviewed, and approved by the Director of Planning (or his/her designee). Revised Site Plans for Planned Developments (PDs) and Conditional Use Permits (CUPs) must be resubmitted and reviewed by the Director of Planning (or his/her designee) and must be reconsidered by the Planning and Zoning Commission and/or the City Council in accordance with the procedures set forth in Chapter 2, Divisions 2 and 3, as applicable.



(c) Standards for Site Plan Review & Evaluation: The Director of Planning, or his/her designee, and the Building Official, or his/her designee, shall review the Site Plan for compliance with all applicable City ordinances with respect to the following:

- (1) The plan's compliance with all provisions of chapters 2, 3, and 4 of this UDC, and other applicable ordinances.
- (2) The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
- (3) The provision of a safe and efficient vehicular and pedestrian circulation system (driveways, TIA, etc.).
- (4) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- (5) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
- (6) The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City of Pearland, as amended.
- (7) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary.
- (8) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
- (9) Protection and conservation of water courses and areas that are subject to flooding.
- (10) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

(d) Effect of Review/Approval: The Site Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, Landscape Plan, building facade plans, building permits, etc.) application for a building permit for the site.

Section 4.1.1.4 Expiration & Extension

(a) Validity & Lapse of Site Plan Approval:

- (1) The approved Site Plan shall be valid for a period of six (6) months from the date of final approval unless a complete application for a building permit has been submitted within such period (i.e., 180 calendar days) beyond the date of Site Plan approval by City staff or by the Planning & Zoning Commission. By 12:01 a.m. on the 181st day following City staff approval or Council approval of the plan, the applicant must have completed a City required "progress benchmark" as set forth below. If this is not accomplished, then the approved Site Plan shall expire and shall become null and void.

Approved Plan → Next "Progress Benchmark"
Site Plan → Engineering release and commencement of construction of public improvements, and/or application for a

~~building permit for at least one of the buildings on the approved Site Plan within six months (180 calendar days) following approval of the Site Plan.~~

- (2) Extension & Reinstatement Procedure: Prior to the lapse of approval for a Site Plan, the applicant may petition the City (in writing) to extend the plan approval. ~~Such petition shall be considered at a public meeting before the Planning and Zoning Commission, and an extension may be granted by City Council at such meeting.~~ Editor's Note: The extension can be approved by City staff. If no petition for extension of Site Plan approval is submitted, then the plan shall be deemed to have expired and shall become null and void. Any new request for Site Plan approval shall be deemed a "new project", and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.
- (b) Determination of Extension. ~~The Planning Director may extend the Site Plan for a period not to exceed six (6) months, taking into consideration~~ In determining whether to grant a request for extension, the Planning and Zoning Commission shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the Site Plan at that point in time.
- (c) Number of Extensions & Time Period. ~~If granted an extension, a Site Plan shall be permitted one (1) extension only for a period not to exceed six (6) months.~~

Division 2 – Construction Permits

Section 4.1.2.1 General Provisions

- (a) **Terminology.** The terms "construction permit" or "building permit" refer to any authorization to construct, alter or place a structure on a lot, tract or parcel. The terms exclude an authorization to construct a capital improvement to be dedicated to the public in support of a proposed land use, the grading of land, the removal of vegetation, and other activities authorized to prepare a development site for construction of a structure.
- (b) **Effect.** Approval of a construction permit authorizes the property owner to place or construct the structure on the lot, tract or parcel in accordance with the terms of the permit. Approval of a construction permit confirms that the application conforms to all requirements of this Unified Development Code pertaining to the construction of the proposed structure.
- (c) **Rules of Priority Among Construction Permits.** The following rules of priority apply among construction permits.
- (1) A floodplain permit shall be approved prior to a building permit.
 - (2) A building permit shall be approved prior to a certificate of occupancy.
 - (3) Where a building permit is required, an application for a sign permit may accompany the application for a building permit, provided that the building permit application is decided first.



- (d) **Prior Approvals.** An application for a construction permit is the last step in the development process. All zoning approvals, subdivision plats and site preparation permits needed for development shall be approved before an application for a construction permit may be approved.

Section 4.1.2.2 Site Preparation Permit

(a) **Purpose, Applicability, Exceptions and Effect.**

- (1) **Purpose:** The purpose of a Site Preparation Permit shall be assure that preparatory construction activities on the development site will meet City standards prior to soil disturbance, construction or placement of a structure on the tract, parcel or lot. A Site Preparation Permit application may consist of a series of schematic drawings designed to satisfy one or more criteria governing the decision on the permit.
- (2) **Applicability:** Approval of a Site Preparation Permit is required prior to any non-exempt development of land within the City limits or within the City's extraterritorial jurisdiction.
- (3) **Exceptions:** The requirements of a Site Preparation Permit do not apply in whole or in part to the following activities or land uses:
- a. Clearing that is necessary only for surveying purposes.
 - b. Construction or placement of a single-family dwelling, duplex dwelling or industrialized home on a legally platted lot, except for the following:
 1. Landscaping, open space and tree preservation standards;
 2. Public facilities standards related to subsurface sewage disposal; or
 3. Floodplain improvement standards.
 - c. ~~Let Infrastructure or lot~~ improvements authorized under approved construction plans for a finally platted subdivision or development plat, ~~and~~ provided that no soil disturbance or construction activities occur prior to approval of such plans.
 - d. ~~Any land subject to an approved development plat;~~
 - e. ~~Any structure that is to be replaced or enlarged up to a maximum amount equal to fifty percent (50%) of the structure's original floor area; and~~
 - f. Agricultural uses.
- (4) **Effect:** Approval of a Site Preparation Permit authorizes site preparatory activities other than construction or placement of a structure on the land, subject to the terms of the permit and for the duration of the permit. Approval of a Site Preparation Permit also authorizes the property owner to apply for a ~~construction~~ building permit.

(b) **Application Requirements.**

- (1) **Responsible Official:** The ~~Engineering Director~~ City Engineer shall be the responsible official for a Site Preparation Permit.
- (2) **Submittal:** All applications shall be submitted on a form supplied by the Engineering Department with the required information as stated on the application form.
- (3) **Prior Approvals:** An application for a Site Preparation Permit shall not be approved unless a final subdivision or development plat has been approved for the land. Inside

city limits, the property subject to the Site Preparation Permit shall be appropriately zoned for the intended use.

- (4) Accompanying Applications: A Site Preparation Permit may be accompanied by an application for a ~~construction~~ building permit for the same land, provided that the Site Preparation Permit shall be decided first.

(c) Processing of Application & Decision.

- (1) Decision: The ~~Engineering Director~~ City Engineer shall initially approve the application for a Site Preparation Permit, approve the application with conditions, or deny the application, subject to appeal as provided in Chapter 1, Article 3, Division I of this UDC.
- (2) Notification: The Director shall notify the applicant of his/her decision in accordance with Chapter 1, Article 2, Division 2 of this UDC.
- (3) Time for Decision: The application for a Site Preparation Permit shall be decided within thirty (30) working days of the official filing date.
- (4) Revised Permit Application: If the conditions of approval require revision to the Site Preparation Plan, a properly revised Site Preparation Plan shall be submitted to the Director within ten (10) working days of receipt of the notice of decision. The Director shall have an additional twenty (20) working days to approve or deny the revised application.

(e) Criteria for Approval. The following criteria shall be used to determine whether the application for a Site Preparation Permit shall be approved, approved with conditions, or denied:

- (1) The Site Preparation Permit is consistent with the zoning for the property, where applicable, and with the approved final plat.
- (2) The Site Preparation Permit is consistent with any approved petitions or applications for the same property, including any permits required pursuant to Ordinance No. 817 as amended;
- (3) Where not excepted or satisfied through approval of prior development applications, the following standards in ~~Chapter 4~~ the UDC and the City Code of Ordinances have been satisfied:
 - a. ~~Zoning district regulations in which the property is located (if inside the City limits)~~ The cut and fill standards in the City's adopted Building Code have been met [Editor's Note: City please insert reference to applicable sections of the Building Code];
 - b. ~~Special dimensional and design standards applicable within an overlay district, if applicable, to which the use is subject~~ The erosion and sedimentation standards contained in Ordinance [Editor's Note: City please insert reference to applicable sections of the City Code] have been met;
 - c. ~~Conditional Use Permit (CUP) requirements or Planned Development (PD) requirements, when applicable; and~~
 - d. ~~Any standards imposed as conditions for approval of a variance or special exception.~~
 - e. ~~c.~~ If construction plans have not been approved, no disturbance of the soil more than six inches (6") below existing grade shall be permitted;



~~f.d. No cutting or clearing of existing trees—in caliper shall be permitted until a Site Plan in accordance with Article 1, Division 1 of this Chapter has been approved. Clearing brush or debris from the site is permitted, provided proper erosion control techniques are implemented prior to such activities. The Site Preparation Permit is consistent with tree preservation and mitigation requirements in Division 2 of Article 3 of this Chapter.~~

(f) Appeals & Relief Procedures.

- (1) Appeal: The applicant for a Site Preparation Permit or any interested person may appeal the decision of the ~~Engineering Director~~ City Engineer to the Building Board of Adjustments in accordance with Chapter 1, Article 3, Division 1 of this UDC. The Board may sustain, modify or reverse the City Engineer's decision. The Board may sustain, modify or reverse the Director's decision.
- (2) Waiver Petition: A petition seeking to vary standards applicable to the Site Preparation Permit shall be filed, processed and decided by the Building Board of Adjustments in accordance with Chapter 1, Article 3, Division 4 of this UDC prior to the decision on the Site Preparation Permit.
- (3) Vested Rights Petition: Where an applicant claims exemption from one or more requirements applicable to a Site Preparation Permit under this Unified Development Code on grounds of vested rights, the applicant may submit a vested rights petition to the City Engineer prepared, and appealed if applicable, in accordance with Chapter 1, Article 3, Division 3 of this UDC.

(f) Expiration & Extension.

- (1) Time of Expiration: A Site Preparation Permit expires if development authorized by the permit has not commenced on the property subject to the permit within ninety (90) days after final approval of the permit. The Site Preparation Permit may be revoked if a building permit or other permit authorizing construction of a structure on the property has not been issued within one (1) year after the date of approval of the permit, or, if no permit is required, construction of a structure has not commenced on the development site within such period.
- (2) Extension: A Site Preparation Permit may be extended for a period not to exceed an additional ninety (90) days by the responsible official, within which development authorized by the permit on the property subject to the permit must be commenced. The date for issuance of a construction permit or commencement of construction of a structure may be extended by the responsible official for a period not to exceed one (1) year.

Section 4.1.2.3 Building Permit

- (a) Applicability. An application for a building permit is required within the City limits, or where provided for in a development agreement, in the City's extraterritorial jurisdiction, prior to placement, construction or alternation of a building or structure.
- (b) Effect. Approval of an application for a building permit authorizes the property owner to construct, alter or place a structure on the lot, tract or parcel. Approval of an application for a building permit also authorizes the property owner, upon completion of a structure intended for human occupancy, to make application for a certificate of occupancy.

(c) **Application Requirements.**

(1) Responsible Official: The Building Official shall be the responsible official for a building permit.

(2) Contents: All applications shall be submitted on a form supplied by the Building Official's office with the required information as stated on the application form.

(d) **Decision.** The Building Official shall approve, conditionally approve or deny the application for a building permit. ~~The Building Official shall decide the application for a building permit within 30 days of the official filing date.~~

(e) **Appeals.** The applicant or any interested person may appeal the Building Official's decision on the building permit application to the Building Board of Adjustments & Appeals, in accordance with Article 3 of Chapter 1, other than an appeal arising under the Building Code or other construction codes included or adopted in sections ___ of the City Code, in which case the appeal shall be made to the Construction Board ~~(Editor's Note: Proper title?)~~. The Board of Adjustment shall decide the appeal in accordance with Article 2, Division 5 of Chapter 2.

(f) **Criteria for Approval**Reference. ~~The Building Official shall apply the following criteria in deciding the application for a building permit~~Refer to the City's adopted Building Code for further information.

(1) ~~The application generally conforms to all prior approved development applications for the property and any variance petition authorizing variation from the standards otherwise applicable to the permit.~~

(2) ~~The location of the structure on the property is in accordance with all prior approved development applications.~~

(3) ~~The proposed plan for construction or alteration conforms to the Building Code and other applicable construction codes adopted by the City.~~

(4) ~~All applicable fees, including impact fees, have been paid.~~

(g) **Expiration and Extension.**

(1) ~~A building permit expires if construction, alteration or placement of the structure authorized by the permit has not commenced on the property within 90 days after final approval of the permit. The building permit shall expire within one (1) year of the date of approval if a certificate of occupancy for the structure has not been approved, or if the structure is not intended for human occupation, the construction, alteration or placement of the structure on the property has not been completed, within such period.~~

(2) ~~The Building Official may extend the time for commencing construction, alteration or placement of a structure for a period not to exceed 90 days, and the time for obtaining approval of a certificate of occupancy or completing construction, alteration or placement of the structure for a period of one (1) year, or reinstate the permit for a one year period, in accordance with Article 2, Division 5 of Chapter 1.~~



Section 4.1.2.4 Certificates of Occupancy

- (a) **Applicability.** An application for a certificate of occupancy is required within the City limits, or where authorized by a development agreement, in the City's extraterritorial jurisdiction, after the construction, alteration or placement of a structure on a lot, tract or parcel and prior to habitation or any use of the structure, or any occupation of a manufactured home rental community. A certificate of occupancy also is required prior to a change in the use of any structure if the use is a different use based upon the land uses listed in Article 5, Division 2 of Chapter 4 2 (Land Use Matrix).
- (b) **Effect.** Approval of a certificate of occupancy authorizes habitation or other occupancy of the structure in accordance with the terms of the certificate.
- (c) **Application Requirements.**
- (1) **Responsible Official:** The Building Official shall be the responsible official for a certificate of occupancy.
 - (2) **Contents:** All applications shall be submitted on a form supplied by the Building Official's office with the required information as stated on the application form.
- (d) **Decision.** The Building Official shall approve or deny the application for a certificate of occupancy. ~~The Building Official shall decide the application for a certificate of occupancy within 30 days of the official filing date.~~
- (e) **Record Reference.** Refer to the City's adopted Building Code for further information. ~~A record of all certificates of occupancy shall be kept on file in the offices of the Building Official, and copies shall be furnished upon request to any person in accordance with state laws governing public information.~~
- (f) **Posting of Certificate.** ~~Except for single family structures, the approved certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.~~
- (g) **Appeal.** ~~The applicant or any interested person may appeal the Building Official's decision on the certificate of occupancy to the Board of Adjustment in accordance with Article 3 of Chapter 1, other than an appeal contesting compliance with the Building Code or other construction codes included or adopted in section ___ of the City Code, in which case such appeal shall be made to the Construction Board. The Board shall decide the appeal in accordance with Article 2, Division 5 of Chapter 2.~~
- (h) **Criteria for Approval.** ~~The Building Official or the Board of Adjustment on appeal shall apply the following criteria in deciding the application for a certificate of occupancy:~~
- (1) ~~The location of the structure on the property is in accordance with the approved application for the building permit;~~
 - (2) ~~Where a change of use in an existing structure is proposed, the use conforms to the use regulations governing the property;~~
 - (3) ~~Where occupancy of a manufactured home rental community is proposed, the community has been designed and constructed in conformity with the requirements of Chapter 4, Article 2, Division 6.~~



~~(4) The structure, following inspection by the Building Official, was built in conformity with the Building Code, as incorporated in the City Code of Ordinances, as may be modified from time to time.~~

~~(5) There are no outstanding permit requirements.~~

~~(i) **Revocation of Certificate.** The Building Official may institute proceedings to revoke a certificate of occupancy under Article 2, Division 6 of Chapter 1, whenever the official determines that the certificate has been issued in error, or on the basis of incorrect information supplied, or that the use, dimensions, or other feature of the structure authorized for occupancy, or any portion thereof, is in violation of any provision of this Unified Development Code or the Building Code or other construction codes included or adopted in ___ of the City Code.~~

Section 4.1.2.5 Floodplain Permit

~~(a) **Purpose/Reference.** The purpose of a Floodplain Permit is to authorize the construction, location, alteration or change of use for a structure in an area of special flood hazard or in any other 100-year floodplain. Refer to the City's adopted Flood Hazard Prevention Ordinance, Ordinance No. 532 and No. 532-4, as amended.~~

~~(b) **Applicability.** Approval of a Floodplain Permit is required prior to construction of any structure in an area of special flood hazard, or in any other 100-year floodplain located within the City limits or the City's extraterritorial jurisdiction. For land located in the City's extraterritorial jurisdiction, authorization for construction is granted by the Floodplain Administrator for the county in which the property is located under interlocal agreement. [Editor's Note: Need to verify interlocal agreement structure.]~~

~~(c) **Effect.** Within the City limits, approval of a Floodplain Permit authorizes the property owner to seek approval of an application for a building permit or certificate of occupancy, in the case of a change in use for a structure. Outside the City limits, approval of a Floodplain Permit authorizes the property owner to construct, alter, or place a structure in the floodplain in accordance with the terms of the permit.~~

~~(d) **Responsible Official.** The City Engineer, acting in the capacity of Floodplain Administrator, is the responsible official for an application for a Floodplain Permit.~~

~~(e) **Contents of Application.** All applications shall be submitted on a form supplied by the Building Official's office with the required information as stated on the application form.~~

~~(f) **Decision.** The City Engineer shall approve, conditionally approve or deny the application for a Floodplain Permit, unless the application is accompanied by a variance petition, in which case the Director shall prepare a report and recommendation to the Planning and Zoning Commission for decision on the application and petition.~~

~~(g) **Time for Decision.** The application for a Floodplain Permit shall be decided within ten (10) working days of the official filing date if the City Engineer decides the application. Where a petition for variance has been filed, the application and the variance petition shall be decided by the Commission within thirty (30) days of the official filing date.~~

~~(h) **Appeal.** Any interested person may appeal the City Engineer's decision on a Floodplain Permit to the Planning and Zoning Commission in accordance with Article 3, Division 1 of Chapter 1. The appeal shall be supported by the statement of a registered professional~~



engineer. The Commission shall decide the appeal in accordance with Article 3, Division 1 of Chapter 1.

- ~~(i) Variances.~~ The applicant may file a petition for a variance to the standards applicable to a Floodplain Permit. The variance petition shall be forward to the Planning and Zoning Commission for decision, together with the application for a Floodplain Permit. In deciding the variance petition, the Commission shall take into consideration the following factors and may include any conditions that assure safety from flooding:
- ~~(1) Any increase in flood levels in any designated floodway would result during the base flood discharge;~~
 - ~~(2) The danger to life and property due to flooding or erosion damage;~~
 - ~~(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;~~
 - ~~(4) The danger that materials may be swept onto other lands to the injury of others;~~
 - ~~(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
 - ~~(6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities including sewer, gas, electrical and water systems;~~
 - ~~(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and~~
 - ~~(8) The necessity of a waterfront location for the proposed use, where applicable.~~
- ~~(j) Notification of Variances Granted.~~ The City Engineer shall notify the property owner in writing of the granting of any variance pursuant to Article 2, Division 2 of Chapter 1. The notice shall contain the statement that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The City Engineer also shall report granting of any variances for uses in areas of special flood hazard to the Federal Emergency Management Agency upon request.
- ~~(k) Vested Rights Petition.~~ The applicant may file a vested rights petition with the application for a Floodplain Permit. The petition shall be decided in accordance with the procedures in Article 3, Division 3 of Chapter 1.
- ~~(l) Criteria for Approval.~~ The City Engineer, or the Planning and Zoning Commission on appeal, shall decide whether to approve, conditionally approve or deny a Floodplain Permit application based upon the following criteria:
- ~~(1) The application is consistent with the approved Site Preparation Permit and Site Plan, if any;~~
 - ~~(2) The application meets the standards of Section 4.1.2.5(c).~~
- ~~(m) Expiration.~~ Floodplain Permit, unless extended or reinstated under Article 2, Division 5 of Chapter 1, shall expire one (1) year from the date of approval if construction has not commenced, or two (2) years from the date of approval, if construction has not been completed.

Section 4.1.2.6 Sign Permit

- (a) **Purpose.** The purpose of a sign permit is to authorize the display, erection, rebuilding, expansion or relocation of any non-exempt sign authorized under the UDC on-premise or off-premise sign.
- (b) **Applicability.** A sign permit is required within the City limits for ~~on-premise and off-premise~~ all non-exempt signs, and for off-premise signs in the City's extraterritorial jurisdiction.
- (1) All signs, whether or not a sign permit is required under this section, shall comply with all other City Codes, including the Electrical and Building Codes.
 - (2) Electrical permits pursuant to the electrical code in the City's code of ordinances are also required for electric signs, except those designed to be plugged into an existing electric outlet.
- (c) **Exemptions.** The following signs and activities do not require a sign permit:
- (1) Temporary window displays consisting of merchandise or posters.
 - (2) Signs advertising the sale or lease of real property on which they are located. These real estate signs shall not exceed thirty-two (32) square feet in area per sign face and shall not exceed six feet (6') in height above ground level.
 - (3) Signs that were previously permitted and in existence before the effective date of this UDC.
 - (4) Balloons not exceeding thirty-six inches (36") in greatest dimension.
 - (5) On-premise temporary signs advertising new subdivisions or model homes when such signs do not exceed thirty-two (32) square feet in area per sign face. A maximum of one (1) such sign per street frontage is permitted.
 - (6) Signs facing the interior of athletic stadiums or fields or facing the exterior of athletic stadiums or fields operated by nonprofit organizations or governmental entities.
 - (7) Unlit signs up to thirty-two (32) square feet in area per sign face, on the premises of a governmental, religious, educational or other noncommercial institution, which function solely as community information signs and do not advertise a product or for-profit service.
 - (8) A sign that has as its purpose the protection of life and property.
 - (9) A sign or marker giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers, or water lines or other public utilities.
 - (10) A sign erected by an agency of the state or a political subdivision of the state, which may or may not be located on public property.
 - (11) On-site directional and informational signs not exceeding two (2) square feet.
 - (12) One unlighted or indirectly lighted sign with names and/or street numbers so long as the area of such sign does not exceed one (1) square foot for each dwelling unit.
 - (13) Bulletin boards not over sixteen (16) square feet per face in area for public, charitable or religious institutions when the same are located on the premises of such institutions.

- (14) One temporary construction sign denoting the type of business to occupy the premises, architect, engineer, financial institution, contractor, or other principal parties when placed upon the site under construction and not exceeding thirty-two (32) square feet in area per sign face and not exceeding six feet (6') above ground level. One additional temporary sign not exceeding thirty-two (32) square feet in area per sign face stating the opening date of the business, or a similar message (e.g., "coming soon", "grand opening", "now open", etc.) may be placed on-site no sooner than six (6) months prior to the issuance of a certificate of occupancy.
- (15) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other non-combustible materials.
- (16) Signs that are displayed on vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name or the type of business, that are located on moving vans, delivery trucks, trailers and other commercial vehicles; but only if the primary purpose of such vehicles is not for the display of the signs thereon, and only if such vehicles are parked or stored in properly designated and paved parking spaces that are located in areas appropriate to their use as commercial or delivery vehicles, such as service areas or locations close to the business building(s) away from public traffic.
- (17) Signs displayed on a vehicle for the sole purpose of advertising the vehicle for sale, lease or hire.
- (18) Signs consisting of a plaque or historical marker commemorating a person, event, structure, or site.
- (19) Governmental signs.
- (20) Temporary signs customarily associated with a recognized national, state, local or religious holiday.
- (21) Signs on vending machines, gasoline pumps and amusement equipment pertaining to the function of the facilities.
- (22) Signs carried by humans.
- (23) Temporary signs, except for banner signs over public rights of way.
- (24) Unlighted signs or electric signs plugged into an existing electric outlet, in first or second story windows provided that the signs do not exceed fifty percent (50%) of the window's size (window signs are included in the total on-premise attached sign calculation).
- (25) Flags, emblems and insignia of any governmental body, decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such and which do not exceed thirty-five feet (35') in height and one hundred (100) square feet in area.
- (26) Signs announcing special events for nonprofit organizations and service groups. These signs may be posted up to fourteen (14) days prior to the subject event and shall be removed within five days after the event. Signs of this type posted on private property shall require the consent of the property owner. No such signs shall be posted on public property unless the event is being sponsored by an organization partially or wholly funded by public funds or a governmental agency or being sponsored by a group or organization using publicly owned facilities. No such signs



shall be allowed under any circumstances in a public right-of-way. These signs shall not exceed thirty-two (32) square feet in area per sign face.

(2726) On-site signs advertising the sale of fresh fruit, vegetables, or other produce grown and harvested on the same property on which the sale is to take place, as long as the fruit, vegetables, or produce has not been substantially altered. Substantial alteration includes, without limitation, cooking, canning, baking, and use in jams, jellies, preserves, and candies. These signs may only be displayed during those periods of time when the produce advertised is actually available for purchase. These signs must be constructed of durable, all-weather material, and may not exceed three (3) square feet in size. Only one such sign shall be allowed per two hundred feet (200') of property frontage on the street or right-of-way along which the signs are to be displayed.

(2827) Change in the sign copy on an existing sign or the replacement of a nonstructural panel or sign face within a fixed frame, provided that the change does not create an off-premise sign from a sign previously classified as on-premise, or vice versa.

(2928) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes.

(3029) Unlit political signs less than thirty-six (36) square feet in size and less than eight feet (8') in height, and in accordance with Chapter 216 of the Texas Local Government Code.

(d) Effect of Approval. Approval of a sign permit authorizes the placement, construction, repair or other activity authorized by the permit in accordance with its terms.

(e) Application Requirements.

(1) Responsible Official: The ~~Director of Planning~~Building Official or his/her designee is the responsible official for a sign permit.

(2) Contents: An application for a sign permit shall be prepared in accordance with application forms available in the ~~Planning~~Community Development Department, office and shall contain at a minimum the following:

a. ~~Name, address and telephone number of the person or company which will own the sign.~~

b. ~~Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.~~

c. ~~Two (2) sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences and sidewalks.~~

d. ~~Two (2) sets of plans and specifications showing method of construction and attachment to the building or ground, size, type, height, construction materials, wind load calculations and such other information as the Planning Director may require.~~

e. ~~Name, address and telephone number of the person, firm, corporation, or association erecting the sign.~~

f. ~~Zoning classification of the property.~~

g. ~~Such other information as the Planning Director shall require to show compliance with this and all other ordinances of the City.~~



(f) Decision.

- (1) Approval, Denial, Appeal: The Planning Director shall either approve, conditionally approve or deny the application for a sign permit. If a variance petition has been submitted to the ~~Planning and Zoning Commission~~ City Council, the Director shall suspend the Director's decision until after the petition is decided.
- (2) Time for Decision: The Planning Director shall make a decision on the permit within five (5) working days after the official filing date, or, if a variance petition is pending, within five (5) working days of the date the Director is notified of the ~~Planning and Zoning Commission~~ City Council's decision on the petition.
- (3) Amendments: After the approval of a sign permit, an applicant shall not be required to submit an amended application, if proposed amendments do not involve changes to the location, sign type, electrification or increase in size or height of the sign.

(g) Appeal & Relief Procedures.

- (1) Appeal: The applicant may appeal the Planning Director's decision on a sign permit to the ~~City Council~~ Board of Adjustment (BOA) in accordance with Chapter ~~2~~, Article ~~2~~, Division 1. The ~~Council~~ BOA shall decide the appeal in accordance with Chapter ~~2~~, Article ~~2~~ the same.
- (2) Variiances: The applicant may file a petition for variances to the standards applicable to a sign permit in accordance with Chapter 2, Article 2, Division ~~1~~ to the BOA. The Board of Adjustments' decision on the petition shall be in accordance with the criteria in Chapter 2, Article 2.
- (3) Vested Rights Petition: The applicant may file a vested rights petition with the application for a sign permit. The petition shall be decided in accordance with the procedures in Chapter 1, Article 3, Division 3.

(h) Criteria for Approval. The Planning Director, or the ~~City Council~~ BOA on appeal, shall decide whether to approve, conditionally approve or deny a sign permit application based upon the following criteria.

- (1) The application is consistent with any building permit required to establish the use to which the sign is appurtenant;
 - (2) The application conforms to the approved Site Plan for the land on which the sign is to be placed;
 - (3) The application conforms to any special sign standards contained in overlay districts or planned development districts authorized under Chapter 2 of this UDC, variances granted by the Planning and Zoning Commission;
 - (4) The application meets the sign standards in ~~Chapter 1, Article 2~~ Article 2, Division 5 of this Chapter 4.
- (i) Expiration. A sign permit shall expire within ninety (90) days of approval of the permit, if construction or other authorized activity has not commenced on the sign. If a sign permit is issued in conjunction with a building permit, the sign permit shall expire upon expiration of the building permit, and the sign must be completed at the time the structure is completed. If a conforming on-premise sign is removed for a period of six (6) months, a new sign permit shall be required.



(j) **Extension and Reinstatement.** The Planning Director may grant an extension of the expiration date or reinstate an expired sign permit for a period not to exceed one hundred and eighty (180) days pursuant to Chapter 1, Article 2, Division 5.

(k) **Sign Registration.**

~~(1) **Conforming Signs:** All pre-existing signs that were registered with the City within one hundred and twenty (120) days of August 23rd, 1993 shall be deemed conforming if the Building Official issued a "Notice of Registration of a Conforming Sign."~~

~~(2) **Nonconforming Signs:**~~

~~a. Any current nonconforming sign that was registered within one hundred and twenty (120) days of August 23rd, 1993 and was issued a permit entitled "Sign Registration Exempt Nonconforming Use", but was conforming prior to August 23rd, 1993 shall be subject to the requirements of Chapter 2, Article 7.~~

~~b. All nonconforming signs constructed prior to August 23rd, 1993 must be removed or brought into conformance with this UDC.~~

~~e. Any nonconforming sign constructed after August 23rd, 1993 shall be subject to the requirements of Chapter 2, Article 7.~~

Article 2 – Development Standards

Division 1 – Parking

Section 4.2.1.1 Off-Street Parking Spaces Required

- (a) In all zoning districts, off-street parking spaces shall be provided in accordance with the requirements of this division at the time any building or structure is erected or structurally altered, or whenever there is a change to a new use with respect to the standards of this division.
- (b) It is the intent of these regulations to prevent the reduction of existing off-street parking and loading spaces to less than the minimum amounts that would be required if the existing use of the structure had been established or erected in full compliance with the provision herein.
- (c) No Certificate of Occupancy shall be issued, no use shall be established or changed, and no structure shall be erected, enlarged, or reconstructed unless the off-street parking and loading spaces are provided in the minimum amount and maintained in the manner specified in these regulations, provided, however:
 - (1) For the enlargement of a structure or for the expansion for a use of a structure or land there shall be required only the number of off-street loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and
 - (2) For a change in the use of a structure or land, the number of off-street parking and loading spaces required shall be equal to the number required for the new use.
- (d) In all zoning categories parking and loading areas shall not be used for refuse containers, for the repair, storage, dismantling, or servicing of vehicles or equipment, for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas.

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 in the SD or RE zoning districts.
- (2) ~~Single family attached and detached dwelling units (including manufactured or industrialized housing unit): 2 parking spaces per dwelling unit.~~
- (3) ~~For any multiple-family, duplex, or two-family dwelling unit or condominium in any zoning district or for any structure altered into a multiple-family dwelling from any other classification, off-street parking spaces shall be provided in accordance with the following schedule. For each:~~
 - a. ~~Efficiency unit – 1½ spaces.~~
 - b. ~~One bedroom unit – 2 spaces.~~
 - c. ~~Two bedroom unit – 2½ spaces.~~

Parking requirements have been integrated into a table (Table 4-1) as requested by the City. Refer to page 4-24.



~~d. Three-bedroom unit, or more bedrooms—1 space per bedroom.~~

~~e. For any multiple-family, duplex, or townhome dwelling unit or condominium~~
Where ~~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.

~~(4) Group home: 4 spaces.~~

~~(5) Residential care facility: 1 space per each two persons capacity.~~

~~(6) Elementary schools—1 space per 20 students and 0 space per staff faculty member.~~

~~(7) Junior high schools—1 space per 15 students and 1 space per staff faculty member.~~

~~(8) High schools and vocational schools: 1 space for every 3 students, faculty and staff, based on maximum design capacity.~~

~~(9) All other schools: 1 space for each classroom plus 1 for each 15 students.~~

~~(10) Libraries, laboratories, and student centers: 1 space for each 300 square feet of floor area.~~

~~(11) Lodging houses and boarding houses: 1 space per each 2 persons capacity of overnight sleeping facilities.~~

~~(12) Residence~~ For residence halls, fraternity buildings, and sorority buildings, 1 space per person capacity of permanent sleeping facilities. 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.

~~(13) The requirements for schools within Table 4-1 Subsections (7) through (10) of this section 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 ordinance applicable parking requirements for the individual uses.~~

~~(14) Dance, assembly and exhibition halls without fixed seats: 1 space for each 100 square feet used for assembly or dancing.~~

~~(15) Theaters, school auditoriums, churches, assembly halls, sports arena, stadiums, and other places of public assembly: 1 space for each 4 seats of capacity in the main auditorium, sanctuary, or other area containing fixed seating.~~

~~(16) 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.~~

~~(17) Office and professional uses outside the Village District, unless otherwise described in this section, including but not limited to financial institutions, real estate offices, insurance agents, law offices, architects' offices, stock brokers, research services, administrative or professional offices, etc.: 1 space for each 300 square feet of gross floor area.~~

- ~~(18) Retail and other commercial uses outside the central business area, unless otherwise described in this section, including but not limited to department stores, clothing stores, grocery stores, pharmacies, convenience stores, bookstores, auto parts stores, general merchandise stores, business support services, laundry services, product repair services, barber and beauty shops, etc.: 1 space for each 200 square feet of gross floor area.~~
- ~~(19) Restaurants~~ For any restaurant, eating and/or drinking establishments: 1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less. Where ~~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.
- ~~(20) Take-out or drive-through eating establishments having 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.~~
- ~~(21) 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.~~
- ~~(22) Hospital: 1 parking space for each bed.~~
- ~~(23) Sanatorium, convalescent home, home for the aged or similar institution: 1 parking space for each 2 beds.~~
- ~~(24) Medical or dental clinic: 4 spaces for each treatment room.~~
- ~~(25) Bowling alley: 5 parking spaces for each bowling lane.~~
- ~~(26) Mortuary or funeral home: 1 parking space for each 50 square feet of floor space in slumber room parlors or individual funeral service rooms.~~
- ~~(27) In addition to required parking spaces, a Day care center or pre-elementary school: 1 space per 300 square feet of gross floor area, shall provide plus a driveway providing with separate points of ingress and egress to the premises and 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.~~
- ~~(28) Manufacturing plants, medical or research laboratories: 1 for each 1.5 employees in the maximum work shift.~~
- ~~(29) Warehouses: 1 space for each 2,000 square feet of gross floor area excluding office space. Off-street parking requirements for the office area of the use shall be determined in accordance with Subsection (17) of this section.~~
- ~~(30) 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.~~
- ~~(31) Vehicle repair facilities: 1 space for each 200 square feet of floor area devoted to vehicle repair, excluding office space. Off-street parking requirements for the office area of the use shall be determined in accordance with Subsection (17) of this section.~~
- ~~(32) Bus depot: 1 for each 100 square feet of floor area.~~



- (33) Lumberyard and building material sales and service facility: 1 space for each 300 square feet of gross floor area and 1 space per 3,000 square feet of outside storage area.
- (34) Recreation and amusement facilities occurring primarily outdoors, either separately or jointly, as the principal permanent use of the premises, as follows:
- a. Arcade: 1 space per 200 square feet of gross floor area.
 - b. 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.
 - c. Tennis and other sport courts: 2 spaces per court.
 - d. Golf course: 1 space per 150 square feet of gross floor area of indoor facilities, plus 5 spaces per green.
 - e. Miniature golf: 1 space per 200 square feet of gross floor area of indoor facilities, plus 1 1/2 spaces per hole.
 - f. Driving/archery/shooting range: 1 space per 200 feet of gross floor area of indoor facilities, plus 1 space per tee or target.
 - g. 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.
 - h. Go-carts and all-terrain vehicles: 1 space per 2 vehicles, plus 1 space per 4 spectator seats.
 - i. Rodeo, circus, auto/motorecycle racing: 1 space per 3 spectator seats.
 - p. Fairground, exhibition, carnival: 1 space per 500 square feet of outdoor site area, plus 1 space per 4 fixed spectator seats.
- q. Parking requirements for recreation and amusement facilities that have Any combination of the outdoor uses listed in this subsection 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.
- (35) Banks, savings and loans or credit unions: 1 space per 200 square feet of gross floor area.
- (36) Self storage or mini-warehouse: 4 spaces plus one space per 10,000 square feet of storage area.
- (37) Convenience store: 1 space per 200 square feet of gross floor area plus 1 space for each gasoline/diesel pump.
- (38) Any other use not listed: 1 space per 165 square feet of gross floor area (also see Subsection (b) below.

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 163 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	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
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



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

Type of Use	Number of Spaces Required
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
Office and professional uses outside the Old Town site District	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)(3)	1 parking space for each 100 square feet of gross floor area, or 1 space for each 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	1 parking space for each 2 beds
School auditorium	2 parking spaces per dwelling unit
Self-storage or mini-warehouse	4 spaces plus one space per 10,000 square feet of storage area
Single-family attached and detached dwelling units (including manufactured or industrialized housing unit)	1 space for each 4 seats of capacity in the main area containing fixed seating



Table 4-1 Required Number of Parking Spaces By Type of Use	
Type of Use	Number of Spaces Required
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 30 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.

Added stacking requirements as requested by the City.

- (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.

- (bc) **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.
- (ed) **Parking on the Same Lot Required.** Except as provided in Chapter 1, Article 1 for circumstances that may be approved by the 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.
- (de) **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.

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

- ~~(e) Off-Street Parking for Small Vehicles. Any use other than single family or duplex dwellings may provide up to twenty five percent (25%) of the total off street parking requirement in small or compact vehicle spaces. [Editor's Note: Optional - policy discussion needed.]~~



Section 4.2.1.3 Design & Construction Standards

- (a) **Public Street Parking.** A public street shall not be classified as off-street parking in computing the parking requirements for any use.
- (b) **Truck or Bus Parking Areas.** Parking spaces used for the parking of trucks or buses shall not be counted toward meeting the requirements of this section.
- (c) **Fractional Spaces Resulting from Parking Calculations.** When the computation for the number of parking spaces required under this chapter results in the requirements of a fractional space, the fractional space requirement shall be satisfied by adding 1 additional space to the whole space total.
- (d) **Dimensional Standards.** All required or provided off-street parking areas shall be designed in accord with the following dimensional standards:
 - (1) **Standard Parking Spaces:** A stall or area containing a rectangular space measuring no less than nine feet wide by 18 feet deep, except for parallel spaces which shall be a minimum of eight feet by 23 feet, in accord with the following dimensions or interpolation thereof for parking angles not indicated:

*Table 4-23
Required Parking Dimensions*

Parking Angle (degrees)	Stall Width (feet)	Aisle Length Per Stall (feet)	Depth of Stall Perpendicular to Aisle (feet)	Aisle Width (feet)	
				One-Way	Two-Way
0 parallel	8.0	23.0	8.0	12.0	24.0
30	9.0	18.0	16.8	11.0	22.0
45	9.0	12.7	19.1	13.0	22.0
60	9.0	10.4	20.1	18.0	23.0
90	9.0	9.0	18.0	24.0	24.0

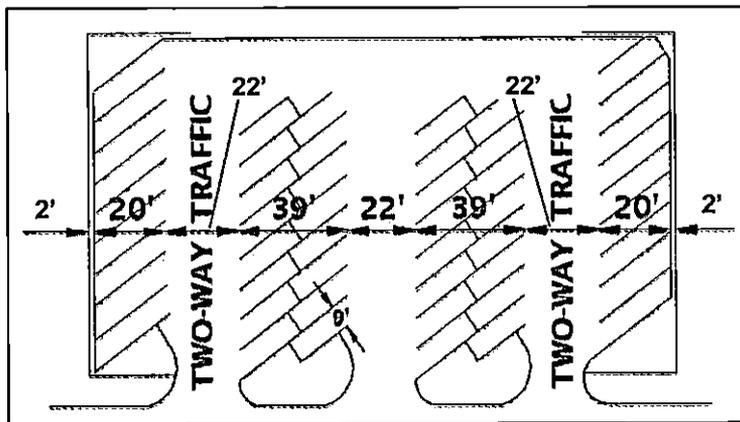


Figure 4-1: Example - 45 Degree Layout with Two-Way Traffic



(2) Small Vehicle Spaces: ~~[Editor's Note: Optional — policy discussion needed.]~~ All small vehicle spaces shall be marked and designated as being for the use. A stall or area containing a rectangular space measuring no less than seven and one-half feet wide by 15 feet deep, except for parallel spaces which shall be a minimum of 20 feet long, in accordance with the following dimensions or interpolation thereof indicated:

Parking Angle (degrees)	Stall Width (feet)	Aisle Length Per Stall (feet)	Depth of Stall Perpendicular to Aisle (feet)	Aisle Width (feet)	
				One-Way	Two-Way
0-parallel	7.5	20.0	7.5	11.0	20.0
30	7.5	15.0	14.0	10.0	20.0
45	7.5	10.6	15.9	12.0	20.0
60	7.5	8.7	16.7	15.0	20.0
90	7.5	7.5	15.0	20.0	20.0

(3) Accessible Parking Spaces for Persons with Disabilities:

- a. Off-street parking spaces shall be reserved for the physically disabled in an amount not less than that required by the Americans with Disabilities Act accessibility guidelines.
 - b. Each parking space reserved for the physically disabled shall conform to the identification requirements of the state department of licensing and regulation promulgated under state law, and the design specifications enumerated in the Americans with Disabilities Act accessibility guidelines.
 - c. Current copies of both the state and federal regulations are available in the Department of Community Services.
 - d. State law offenses for improper use of parking spaces reserved for the disabled upon private property shall apply within the City. Any peace officer and the designated City official enforcing parking regulations may issue citations for improper use.
- (e) Parking Spaces/Areas Serving Uses other ~~Other than Than~~ Single-family Family or Duplex. All parking areas and spaces serving uses other than single-family or duplex dwellings shall be designed and constructed so as to have free ingress and egress at all times and so that the perimeter of the parking area (lot) is bounded by a raised or ribbon curb(s).
- (f) Parking Spaces/Areas Serving Residential Uses. All parking areas and spaces required to serve residential uses shall be maintained such that they are open and accessible for parking use. In the case of a parking lot, it shall be designed and constructed so that the perimeter of the parking area (lot) is bounded by a raised or ribbon curb(s).



- (g) **Vehicles Backing Into Public Streets and Sidewalks.** No parking space or parking area shall be designed so as to require a vehicle to back into a public street or across a public sidewalk, except in the case of one- and two-family dwelling units. All maneuvering shall be on-site. All spaces adjacent to a property line shall have curbs or wheel stops to prevent vehicles from extending beyond the property line.

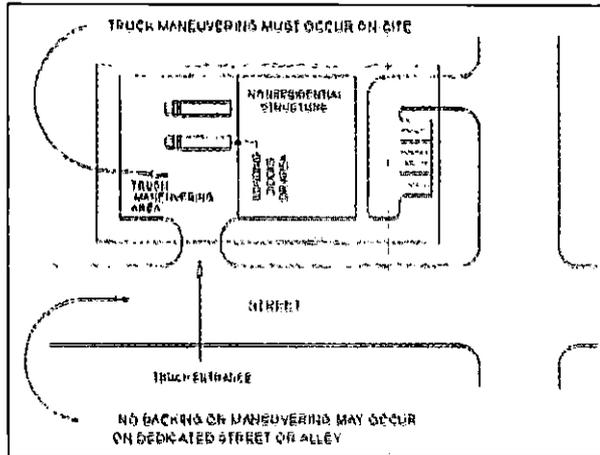


Figure 4-2: Off-Street Maneuvering for Loading Areas

- (h) **Maneuvering Areas and Public Alleys.** When off-street parking facilities are located adjacent to a public alley, the width of the alley may be assumed to be a portion of the maneuvering space requirement.
- (i) **Off-Street Parking Facilities Not Required Herein.** When off-street parking facilities are provided in excess of minimum amounts specified in this division, or when off-street parking facilities are provided, but not required by this chapter, the off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space specified in this division.
- (j) **Paving of Parking Areas for Permanent, Principal Uses.** All required or provided parking areas for permanent, principal uses, including outdoor display areas for the sale or rental of vehicles, shall be paved according to City standards and specifications for all-weather surfaces as provided in this UDC. Parking lanes in parking lots must be clearly marked by paint, buttons, or other approved material, except that areas used solely for display of vehicles for sale or rental are not required to have marked parking lanes. Vehicle storage areas which are fenced or screened, and are not open to the public, are exempt from these requirements.
- (k) **Dead Ends and Turnaround Space.** No parking area serving a use other than single-family or duplex dwellings shall be designed or constructed which ends in a dead end, unless turnaround space of at least nine feet in depth is provided.
- (l) **Entrances and Exits.** All entrances or exits to a parking area shall be designed and constructed in accordance with Chapter 3, Article 2, Division 7 (Driveways).
- (m) **Setback Required.** All parking areas or parking spaces serving uses other than single-family or duplex dwellings shall be set back a minimum of two feet (2') from any public right-of-way.
- (n) **Lighting.** Any lighting used to illuminate any off-street parking area shall be designed and constructed so as to be reflected downward and away from any adjoining property or street.
- (o) **Nonconforming Uses and Structures.** Any use of property existing at the time of adoption of these regulations and standards that does not conform with the regulations and standards prescribed in this division shall be deemed a nonconforming use and subject to the terms and conditions of Chapter 2, Article 7 of this Code. When any nonconforming structure is structurally altered, adequate parking spaces which meet the requirements of the regulations and standards adopted in this section shall be required for the entire structure and use.

- (p) **Issuance of Occupancy Permit(s).** No occupancy permit shall be issued until the terms and conditions of this chapter have been met, as approved by the Building Official.

Section 4.2.1.4 Off-Street Parking Lot Construction - Subbase

(a) **Subbase for Parking Areas.**

- (1) Generally: This section governs the placement and compaction of all materials obtained for utilization in the construction of off-street parking lots.

(2) Construction Methods:

- a. The area shall be cleared of stumps, brush, logs, rubbish, trees and shrubs, except trees and shrubs in certain areas designated for preservation. Those trees, shrubs and other landscape features specifically designated by the responsible official for preservation shall be carefully protected from abuse, marring and damage during construction.
- b. Stump holes or other small excavations in the limits of the construction shall be backfilled with suitable material and thoroughly tamped by approved methods before commencing embankment construction. The surface of the ground, including plowed loosened ground or surface roughened by small washes or otherwise, shall be restored by blading or other methods, and, where indicated on plans or required by the ~~Engineering Director~~ City Engineer, the ground surface thus prepared shall be compacted by sprinkling and rolling.
- c. Except as otherwise required by the plans, all parking lots shall be constructed in layers approximately parallel to the finished grade of the roadbed, and unless variations are otherwise specified and approved by the ~~Engineering Director~~ City Engineer, each layer shall be so constructed as to provide a uniform slope of one-fourth inch per foot.

(3) Earth Fill:

- a. Earth fill means a material composed principally of material other than rock which shall consist of accepted material from approved sources.
- b. Except as otherwise specified, earth embankment filling shall be constructed in successive layers for the full width of the individual parking lot cross section and in lengths as are best suited to the sprinkling and compaction methods utilized.
- c. Layers of embankment may be formed by utilizing equipment which will spread the material as it is dumped, or they may be formed by being spread by blading or other acceptable methods from piles or windrows dumped from excavating or hauling equipment in amounts that provide even distribution.
- d. Each layer of earth fill shall be uniform as to material, density and moisture content before beginning compaction. Where layers of unlike materials abut each other, each layer shall be feather-edged for at least 100 feet or the material shall be so mixed as to prevent abrupt changes in the soil. No material placed in the embankment by dumping in a pile or windrow shall be incorporated in a layer in that position, but all piles or windrows shall be moved by blading or similar methods.
- e. Compaction of embankments shall be obtained by the method described as "ordinary compaction".

- (4) Ordinary Compaction: When the ordinary compaction method is specified, the following shall apply. "Depth" means the depth of material achieved upon compaction until there is no evidence of further compaction, in accordance with the provisions governing "rolling". Prior to and in conjunction with the rolling operation, each layer shall be brought to the moisture content ordered by the City's Engineering Department and shall be kept leveled with suitable equipment to ensure uniform compaction over the entire layer.

Section 4.2.1.5 Off-Street Parking Lot Construction – Flexible Base

(a) Flexible Base for Parking Areas.

- (1) Generally: For off-street parking lot pavements, flexible base shall consist of a foundation course of composed of crushed stone or other stone materials six inches in depth for the surface course or other base courses, and shall be constructed as specified in this section in one or more courses in conformity with the typical sections shown on plans or grades established by a geotechnical engineer. Concrete parking lots may not require flexible base if approved by the City Engineer.
- (2) Material: The material shall consist of argillaceous limestone, calcareous or calcareous clay particles, with or without stone, conglomerate, gravel, sand or other granular materials. The material shall be a graded material that has sufficient fine material to bind the base. The material sources shall be subject to approval by the ~~Engineering Director~~ City Engineer.
- (3) Construction Methods:
- a. Immediately before placing the base material, the subgrade shall be checked as to conformity with grade and section.
 - b. Materials deposited upon the subgrade shall be spread and shaped the same day unless otherwise approved by the ~~Engineering Director~~ City Engineer in writing. If inclement weather or other unforeseen circumstances render impractical the spreading of the material during the first 24-hour period, the material shall be scarified and spread in a manner subject to approval by the ~~Engineering Director~~ City Engineer. The material will be sprinkled, if directed, and will then be bladed, dragged and shaped to conform to typical sections as shown on the plans. All areas and "nests" of segregated coarse or fine material shall be corrected or removed and replaced with well-graded material, as directed by the ~~Engineering Director~~ City Engineer. If additional binder is considered desirable or necessary after the material is spread and shaped, it shall be furnished and applied in an amount subject to approval by the ~~Engineering Director~~ City Engineer. The binder material shall be spread by harrowing, brooming or other approved methods.
 - c. When the plans indicate that the ordinary compaction method is to be used, the following applies: The course shall be sprinkled as required and rolled as directed until a uniform compaction is secured. Throughout this entire operation, the shape of the course shall be maintained by blading, and the surface upon completion shall be smooth and in conformity with the typical sections shown on plans and to the established lines and grades. In that area on which pavement is to be placed, any deviation in excess of one-fourth inch in cross section and in a length of 16 feet measured longitudinally shall be corrected by loosening, adding or removing material, reshaping and recompacting by



sprinkling and rolling to avoid ponding of water. All irregularities, depressions or weak spots which develop shall be corrected immediately by scarifying the areas affected, adding suitable material as required, reshaping and recompacting by sprinkling and rolling.

Section 4.2.1.6 Off-Street Parking Lot Construction – All-Weather Surface

(a) All-Weather Surface for Parking Areas.

- (1) Portland Cement Concrete: This off-street parking lot surface shall consist of a pavement or base of Portland cement concrete, with or without monolithic curbs, constructed as specified in this section on the prepared subgrade or other base course in conformity with the thickness and typical cross sections shown on plans and to the lines and grades established subject to approval by the City Engineer. Concrete shall be considered of satisfactory quality if it meets the following:
 - a. It is designed with the intention of producing a minimum average flexural strength (modulus of rupture) of 650 pounds per square inch, at the age of seven days using a standard testing machine in which the load is applied at the center of the beam span; the coarse aggregate factor shall not exceed 0.85; unless otherwise shown on the plans, the concrete shall contain not less than five sacks of cement per cubic yard of concrete; the water-cement ratio shall not exceed 6.25 gallons/sack; concrete specimens shall be prepared, cured and tested as outlined in the state transportation department bulletin G-11; and the number of tests required shall be in accordance with the guide schedule of minimum sampling and testing requirements; and
 - b. It is mixed, placed, finished and cured in accordance with standard requirements utilized in proper concrete construction.
- (2) Concrete Structure: The slabs shall consist of a minimum of five inches (5") of concrete, reinforced with a six-inch by six-inch by ten-gauge wire mesh placed two inches above the prepared subbase or base material.
- (3) Hot-Mixed Asphaltic Concrete:
 - a. An asphaltic concrete surface shall consist of a base course, a leveling-up course, a surface course or any combination of these courses as shown on the plans, each to be composed of a compacted mixture of mineral aggregate and asphaltic material. The pavement shall be constructed on the previously completed and approved subbase, base or existing pavement (asphaltic or Portland cement) as specified in this division and in accordance with the construction plans.
 - b. The mineral aggregate shall be composed of a coarse aggregate and a fine aggregate bound together by asphalt cement or oil asphalt. The grade of asphaltic material shall be type D of either hot mix-hot lay or hot mix-cold lay variety. The application for surface pavement shall be no less than four inches (4") thick after proper compaction. The contractor shall notify the ~~Engineering Director~~ City Engineer of the source of the asphaltic material prior to the start of the project, and the source will be subject to the Director's approval.
 - c. Proper compaction shall be attained to the satisfaction of the ~~Engineering Director~~ City Engineer through utilization of specified rollers or other approved rollers.

- (4) Masonry Paving Units: Pervious or impervious masonry paving units shall be installed and maintained according to the manufacturer's recommendations for the anticipated traffic load. Masonry paving units shall not be used without obtaining a permit from the Building Official based upon review of construction plans and specifications, provided that no separate permit for the use of masonry paving units is required when the use is in connection with a building permit for construction activity on the same lot.
- (5) Other Pervious Materials: Pervious materials may be used upon approval by the ~~Engineering Director~~ City Engineer.

Division 2 – Landscaping

Section 4.2.2.1 Purpose

- (a) **Orderly, Safe and Healthful Development.** For the purpose of providing for the orderly, safe and healthful development of land located within the City limits and promoting the health, safety and general welfare of the community, it is necessary to establish requirements for the installation and maintenance of landscaping elements and other site improvements in off-street parking areas and other developed properties.
- (b) **Mitigation of Adverse Effects.** Paved surfaces, automobiles, buildings and other improvements all produce great increases in air temperatures, a problem especially noticeable in this coastal region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from erosion and flooding.
- (c) **Natural Environment and Ecological Balance.** Preserving and improving the natural environment and maintaining a working ecological balance are significant concerns to the community. The fact that landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements benefits the health, welfare and general well being of the community and, therefore, it is proper that the use of the landscape elements be required.
- (d) **Oxygen, Heat, Glare, Water Runoff.** Landscape installation is required within off-street paved surface areas to regenerate oxygen and to reduce heat, glare, water runoff and other conditions connected with the construction of structures or paved areas within the parcel.

Section 4.2.2.2 Enforcement

- (a) **Responsible Official and Responsibilities.** The Planning Director shall be the responsible official for this division. The Director is charged with administering this division and securing compliance with this division. In furtherance of this responsibility, the Director shall:
 - (1) Make inspections as needed to effectuate the purposes and intent of this division, and initiate appropriate action to bring about compliance with this division if the inspections disclose any instance of noncompliance.

- (2) Investigate any complaints of alleged violations of this division, and maintain a record in the planning department office of the disposition of the complaints.
 - (3) Issue notices of violation, and order, as set out in this section, the correction of all violations of this division found to exist on any premises.
 - (4) State in the notice of violation a time limit for compliance with this division as set out in subsection (c) of this section.
 - (5) Refuse to issue an occupancy certificate where the requirements of this division have not been met. A temporary occupancy certificate may be issued where provisions have been made for landscaping installation at the most advantageous time for planting, not to exceed 6 months from the date of issuance.
 - (6) Request the assistance of the City Attorney in taking appropriate legal action upon the failure of the responsible party to comply with the notice of violation at the time specified therein.
- (b) **Authorization.** The Director is authorized and directed to lawfully enter all premises at reasonable times to perform inspections to determine compliance with the provisions of this division.
- (c) **Action after Determination of Violation.** When the Director determines that a violation of this division exists, the responsible official shall take action as follows:
- (1) Give written notice of the violation to the management, agent or owner shown on the most recent tax roll of the City.
 - (2) The notice shall include:
 - a. A description of the location of the property involved, either by address or by legal description;
 - b. A statement indicating the nature of the violation and the reason why the notice of violation is being issued;
 - c. The section of this division upon which the notice of violation is based;
 - d. A description of the actions that are required to correct the violation;
 - e. A time limit for correction of the violation, which will not be less than ten days nor more than 90 days from the date of the written notice;
 - f. The name of the person to whom the notice of violation is directed;
 - g. A statement that failure to comply with the requirements of the notice will result in the City taking enforcement procedures in order to secure compliance; and
 - h. A description of the procedures available for review of the action of the Director as set out in this division.
- (c) **Notice.**
- (1) Notices of violation shall be personally delivered, or sent by certified mail, return receipt requested, and (if possible) by posting a copy of the notice in a conspicuous place on the premises.
 - (2) The Director shall maintain a record of the manner of service of the notice.
 - (3) If the order is not complied with within the time specified in the order, the Director shall use all available means of enforcement in order to secure compliance.

- (4) When any notice has been issued and the notice becomes an order within the terms of this division, the responsible official shall cause to be placed in a conspicuous place on the premises a notice which shall read substantially as follows:

These premises are in violation of the requirements of the City of Pearland landscaping requirements (Chapter 4 of the Pearland Unified Development Code). This notice is to remain as placed here until the requirements of the ordinance have been complied with. It is unlawful to remove this notice until the requirements have been complied with.

Section 4.2.2.3 Applicability to New and Existing Developed Areas

(a) New Development or New Structures.

- (1) The requirements and standards for the installation and maintenance of landscape elements and site improvements as set forth in this division shall apply to all multiple-family and nonresidential developed areas within the City limits; provided, however, that the requirements and standards shall not apply to the ~~Village~~ Old Townsite District of the City as described in Chapter 2, unless new off-street parking is added, in which case the parking area shall conform to these regulations. All other new multiple-family and nonresidential development and construction of new structures shall comply with this division.
- (2) If other divisions of this chapter would otherwise permit land coverage by building development that would conflict with this division, this division shall supersede and prevail over the other requirements.
- (3) If a principal use and some or all of the parking area, required or otherwise, serving the principal use are located on separate parcels, the landscape installation required in this division shall prevail as to all the property with the result that an equivalent percentage of the area of all parcels utilized by a principal use shall be landscaped in compliance with this division.
- (4) If more landscaping is required in any zoning district, overlay zoning district, or PD district, the greater standards shall apply.

(b) Existing Development Areas; Nonconformance.

- (1) All property with existing development on the effective date of the ordinance from which this division derives which is not in compliance with this division shall be considered nonconforming and allowed to continue until the time a building permit is granted to reconstruct or enlarge an existing structure on the property to an extent exceeding one thousand (1,000) square feet of the exterior dimensions of the structure. At that time, this division shall apply to the previous existing parcel areas as well as any new paved areas, and the areas shall be brought into compliance. A plan showing existing and new development and the proposed landscaping shall be submitted in accordance with this division. In order to encourage early landscaping in existing paved areas and the preservation of trees that are already established and growing in these areas an additional credit shall be given in accordance with Division 3 of this Chapter.
- (2) No structure existing on the effective date of this Code from which this division derives shall be required to be altered or moved in order to comply with this division except for reconstruction.

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 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.

{Editor's Note: Different percentages for different land uses needs a policy discussion.}

Land Use	Percent Landscaped Area Required
Multiple-Family	15
Office and Professional Uses	10
Mixed Use	10
Retail and Commercial	10
Industrial or Manufacturing	5
All Other Nonresidential Uses	5
<u>Note: Percentages are based on the total gross lot area.</u>	

- (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 in Class I or II of the Guidelines 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. {Editor's Note: City please verify references here.}
- (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, as required by the Planning and Zoning Commission.
 - (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 (2535%) 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 article 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.
- (e) Interior of Parking Areas. Interior landscaping shall be required by the Planning and Zoning Commission 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. 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 one tree island that is a minimum of 50 square feet shall be provided within 100 feet (100') of every parking space. Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet. Tree islands must be protected from vehicle intrusion by curbs or similar structures. Two feet of the tree island may be counted as part of the required depth of the abutting parking space. The total caliper inches shall equal one inch (1") for each five (5) parking spaces. 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.

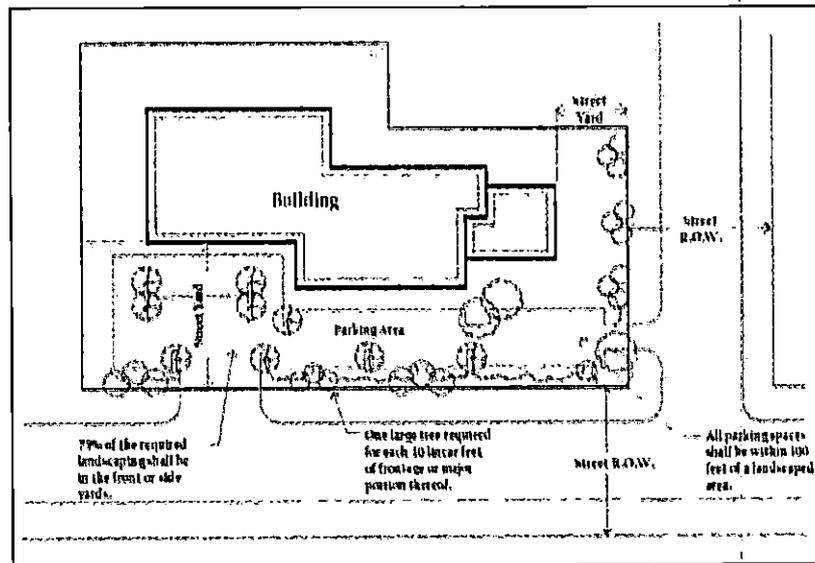


Figure 4-3: Landscaping Requirements

- (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 *Table 4-4* 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) All outdoor parking areas having spaces for more than twenty (20) vehicles shall have landscaping within the perimeter of the parking areas equal in area to not less than five percent (5%) of the total paved parking area.
 - (2) No parking space shall be located more than one hundred feet (100') from a portion of the required landscaping.
 - (3) 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 ten feet (10') wide, and shall allow at least four feet 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 in front of the front building line with a minimum three-inch (3") caliper, measured at twelve inches (12") above the root ball, and a minimum six feet (6') in height at the time of planting.
 - (2) Optional 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: Trees are required along all streets within single-family developments as follows:

- a. Large shade trees with a minimum three-inch (3") 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.
- d. 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.
- e. At the time of planting, a minimum of twenty feet (20') shall be provided between individual trees.

Section 4.2.2.5 General Requirements

- (a) **Installation.** All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards.
- (b) **Maintenance.** The owner of the building, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered sufficiently to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material needed to meet the requirements of this division. Should a tree die or be removed for which credit has been obtained pursuant to this Unified Development Code, trees sufficient to equal the area credited shall be required. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree is retained; such substitution shall require the approval of the Planning Director.
- (c) **Planting Criteria.**
 - (1) **Trees:** Trees planted for credit under Subsection (c) of this section shall be a minimum of two inches in caliper, measured six inches above ground level, and six feet in height when measured immediately after planting. Trees shall have an average mature crown greater than 15 feet. Trees having an average mature crown less than 15 feet may be substituted by grouping the trees so as to create at maturity the equivalent of a 15-foot crown if the drip line area is maintained.
 - (2) **Shrubs, Vines and Ground Cover:** Shrubs, vines and ground cover planted pursuant to this division should be good, healthy nursery stock. Shrubs must be, at a minimum, a one-gallon container size at the time of planting.
 - (3) **Grass:** Grass areas are encouraged to be planted in species normally grown as permanent lawns in the City, including St. Augustine, Zoysia, Bermuda or other appropriate grass. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion.
 - (4) **Xeriscape Landscaping:** The use of xeriscape landscaping techniques shall require approval from the Parks Director.
 - (5) **Synthetic Lawns or Plants:** Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

- (56) Soils: New landscaped areas should be prepared so as to achieve a soil depth of at least six inches. The six-inch soil depth should consist of 75% soil blended with 25% compost.
- (67) Architectural Planters: The use of architectural planters may be permitted in fulfillment of landscape requirements.
- (78) Landscape Irrigation:
 - a. All required landscaping areas shall be 100% irrigated by one of, or a combination of, the following methods:
 - 1. An automatic underground irrigation system;
 - 2. A drip irrigation system;
 - 3. A hose attachment within 100 feet of all plant material, provided, however, that a hose attachment within 200 feet of all plant material in non-street yards shall be sufficient.
 - b. All irrigation systems shall be designed and sealed in accordance with the Texas Licensed Irrigators Act and shall be professionally installed.
 - c. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

(d) **Construction Phase.**

- (1) No more than 25% of the drip line zone of trees to be preserved shall be paved with concrete, asphalt, or other impervious material. There shall be no trenching around the border of and no fill shall be placed within the drip line zone of a tree to be preserved.
- (2) Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved.
- (3) The permanent vegetation shall be installed on the construction site as soon as utilities are in place and final grades are achieved. Final grading and removal of vegetation shall not occur more than 30 days prior to scheduled paving.

(e) **Removal of Diseased or Dangerous Trees and Vegetation.**

- (1) Upon direction from the Planning Director, a property owner may be required to treat or remove trees suffering from transmittable diseases or pests or allow the City to do so, charging the actual cost thereof to the property owner.
- (2) The Planning Director may require the removal of a tree or part of a tree or any other vegetation that is within or overhanging a public right-of-way or easement if the tree or vegetation:
 - a. Is diseased or infested and in danger of falling;
 - b. Is creating a traffic hazard or sight distance hazard for traffic on a public street; or
 - c. Is interfering with safe and proper maintenance of the right-of-way or easement.

Section 4.2.2.6 Landscape Plan Approval

- (a) **Landscape Plan(s) Required.** Appropriate plans showing proposed landscape development, including figures to show compliance with this division, shall be submitted to the Planning and Community Services Department. A Landscape Plan drawn to scale shall

include dimensions and distances and clearly delineate any existing and proposed landscape development. The Landscape Plan shall also include detailed drawings of the entire off-street parking area, the location of proposed buildings, the name and location of proposed plant materials and the location of water sources.

- (b) **Submittal.** This plan shall be submitted by the owner of the property or the manager or agent of the owner.
- (c) **Approval.** This plan must be approved prior to the issuance of a building permit.
- (d) **Submittal with Other Required Drawings.** A Landscape Plan(s) may be submitted in conjunction with other required drawings such as a Site Plan, or other requirements as stated in Chapter 1.

Section 4.2.2.7 Variances or Appeals

- (a) Requests for variances or relief of these requirements shall be in accordance with Chapter 1, Article 3.

Section 4.2.2.8 Requests for Extension of Time

- (a) The Planning Director shall be authorized to grant up to two extensions of up to six months each for the purpose of installing landscaping plants, trees, or other living material. The extensions, if approved, shall be based on the criteria that the required landscaping would more appropriately be installed at a later time due to weather conditions, an off-season time of year for planting, or other extenuating circumstance that will allow the newly installed landscaping the best chance of living.

Division 3 – Tree Preservation

Section 4.2.3.1 Intent

- (a) The intent of this division is to encourage site planning which furthers the preservation of trees and natural areas by these methods; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the unnecessary removal of trees; require on-site replacement of trees that must be removed and require off-site replacement of trees that cannot be replaced on-site, either by direct planting or through a 'tree trust.' It is the further intent of this division to achieve the following broader objectives:

- (1) Protect healthy trees and preserve the natural ecological environmental and aesthetic qualities of the City.
- (2) Protect and increase the value of residential and commercial properties within the City.
- (3) Prohibit the indiscriminate clear cutting of property.
- (4) Maintain and enhance a positive image for the attraction of new business enterprises to the City.

Noted by the City as a question for Council – should this section be referred to as "mitigation"?

Section 4.2.3.2 Definitions

- (a) For the purpose of this division, certain words or terms applicable hereto are defined as hereinafter provided. Words and terms used in this division, but not defined in this division shall have the meanings ascribed thereto in Chapter 5 of this UDC, or other ordinances in the City. Words and terms defined in two ordinances shall be read in harmony unless there exists an irreconcilable conflict in which case the definition contained in this division shall control, including the building pad, driveway and pool, as shown on the Site Plan.
- (1) Building Pad: The actual foundation area of a building and a twelve-foot area around the foundation necessary for construction and grade transitions.
 - (2) Circumference: Is measured four and one-half (4 1 / 2) feet above the ground using an ordinary tape measure or diameter tape. Measurement is taken just above or below any unusual swells in the trunk, as closely as possible to the four and one-half (4 1 / 2) foot level. For multiple-trunk trees, the trunk circumference is deemed to equal the circumference of the largest trunk plus half the circumference of each additional trunk. Measurements should be accurate to the nearest one-half (1 / 2) inch.
 - (3) Criteria Manual: The manual to be used and interpreted by City personnel in accordance with the tree protection and preservation ordinance (attached to Ord. No. 772 as attachment A and incorporated herein for all purposes), for the City's urban forest preservation and enhancement.
 - (4) Critical Root Zone: The area within the drip line of the tree. As a practical matter, this is the acute portion of the tree's root system. Approximately ninety-nine (99) percent of the tree's root mass occurs within the top three (3) feet of the soil and most of the fine feeder roots which collect moisture and nutrients are located in the top four (4) inches of the soil. Typically, a tree's root system extends as much as two (2) to three (3) times the distance from the trunk to the drip line.
 - (5) Damage or Damaged: To 'damage' a tree means to take any action which could result in a tree's death, either immediately or after a period of two (2) years. Some examples of such action, which are not intended to limit this definition, are as follows: severing the main trunk or large branches or roots, girdling, poisoning, carving, mutilating, touching with live wires, piercing with nails or spikes, crushing or exposing the roots, digging or drilling any hole larger than three (3) cubic feet (a trench) within the critical root zone, covering a substantial part of the critical root zone or compacting a substantial part of the soil in the critical root zone.
 - (6) DBH (Diameter Breast Height): The diameter of the tree measured four and one-half (4 1 / 2) feet above the ground using a diameter tape.
 - (7) Drip Line: An imaginary circle drawn around a tree, extending the same distance outward from the trunk to the trees branch limit.
 - (8) Located: A tree is 'located' within a given buildable area if any part of the trunk or critical root zone is within the buildable area at ground level.
 - (9) Official: The City Manager or his/her designee.
 - (10) Qualified Tree: Any tree listed in Class I or II of the Criteria Manual which has a trunk diameter of at least two (2) inches measured six (6) inches above ground.
 - (11) Temporary Fencing: It shall be the duty of each person who applies for a building permit for construction or for any major development to provide temporary fencing in



accordance with this division. The Tree Disposition Plan shall specify protective fencing of the critical root zone whenever reasonably practicable, unless the Tree Disposition Plan specifies otherwise: (a) a six-foot high fence must surround each protected tree or group of protected trees, effectively preventing persons, machinery, trash, material, and other items from occupying the area within the protective fencing, and (b) the fence may incorporate existing fences or walls as well as temporary fencing. A separate fence permit is not required for construction of a fence under this section, if a building permit for the work is in effect and a Tree Disposition Plan has been approved.

- (12) Tree: A woody plant having one well-defined stem or trunk, a defined crown and a mature height of at least eight (8) feet. Trees defined, protected and/or regulated by this division of the UDC are classified as Class I and Class II trees as set forth in the criteria manual attached to Ord. No. 772. *[Editor's Note: City please verify reference.]*
- a. Large tree means a tree with a circumference of nineteen (19) inches or more. In case a tree is removed, it is presumed to have been a large tree if the diameter of the stump is six (6) inches or greater, measured in any direction.
 - b. Multiple trunk tree means a tree with two (2) or more trunks visibly connected above the ground.
 - c. Replacement tree means any tree meeting the minimum criteria for replacement trees as set out in the criteria manual.
 - d. Significant tree means a tree with a circumference of thirty-six (36) inches or more. In case a tree is removed, it is presumed to have been a significant tree if the diameter of the stump is twelve (12) inches or greater, measured in any direction.
 - e. Heritage tree means a significant tree located on a state designated historical site, within the ~~Village~~Old Townsite District, or within the floodplain.
 - f. Protected tree means:
 1. Any tree within:
 - The front yard or front of the building site,
 - The side yard (of corner sites),
 - Right-of-way area.
 2. Any significant tree within the City.
 3. When there is a permit in effect for development or predevelopment activity on any subject site, "protected tree" includes all large trees located on that subject site.
- (13) Tree Disposition Plan: Specifies how large trees and critical root zones will be protected from development and pre-development activity. It may specify large trees to be relocated, removed, or replaced. The Tree Disposition Plan must depict for any buildable area: (a) every large tree located in the buildable area, and (b) every large tree located elsewhere which has thirty (30) percent or more of its critical root zone in such buildable area.
- (14) Tree Survey: A tree survey is an on-the-ground survey containing the location of trees, their circumferences, types (species), and crown areas (drip line). The tree survey must depict for any given buildable area: (a) every large tree located in the buildable area, and (b) every large tree located elsewhere which has thirty (30) percent or more of its critical root zone in such buildable area.



- (15) Visibility Triangle: The area at a street corner lying within a triangle beginning at the precise intersection point of the curbs of each of the two (2) streets forming the corner and extending twenty (20) feet along each curb line away from the curb intersection point, with the third side being determined by drawing a straight line connecting the ends of such twenty-foot extensions. If there is no curb on such a street, the twenty-foot line shall follow the central flow line of the ditch paralleling the uncurbed street. The visibility triangle may include both public and private property.
- (16) Urban Forester: A resource professional, charged with the responsibility of planning, establishing, protecting, and managing trees and associated plants, individually, in small groups, and under forest conditions within the City, with full authority to enforce Ordinance No. 772 of the Code of Ordinances of the City of Pearland (Tree Protection and Preservation Ordinance) for violations of the same.
- (17) Tree Trust: A capital project fund created for the purpose of purchasing, growing, and/or maintaining trees and associated plants within the City limits. Said fund is to be expended in conformance with a tree propagation program drafted by the urban forester and approved by City Council, annually.

Section 4.2.3.3 Tree Removal Permit

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

Section 4.2.3.4 Applicability

- (a) The terms and provisions of this division shall apply to real properties, persons and trees as follows:
 - (1) Properties which are regulated by this division:
 - a. Any real property for which a final plat has not been submitted on the date of acceptance of this division.
 - b. Any real property for which a permit to construct has not been issued on the effective date of acceptance of this division.
 - c. Any real property located within the Village Old Townsite District, the floodplain, or which has been designated by the State of Texas as an historical site.
 - d. All municipal/public domain property.
 - (2) With the exception of those persons who own or control real property located within the Village Old Townsite District, the floodplain, or an historical site, duly designated as such by the State of Texas, the following persons are exempt from the provisions of this division only to the extent of their control over the particular class of properties and trees described below. Persons exempt from the provisions shall not be required to submit a Tree Disposition Plan or tree survey in the circumstances described.
 - a. An employee of a public utility or an authorized contractor working in a dedicated public right-of-way, drainage or utility easement may in the course of



business, remove or prune that portion of a tree which prohibits the safe construction, repair or maintenance of a service line or facility. Trees must be pruned according to specifications set forth by the National Association of Arborists.

- b. The resident of a single-family home may remove all or a portion of a tree which exists on the lot of record on which the single-family home is built.
- (b) Those persons who own or control real property located within the ~~Village~~Old Townsite District, the floodplain, or an historical site, duly designated as such by the State of Texas, are exempt from the provisions of this division and shall not be required to submit a Tree Disposition Plan or tree survey to the extent that said owners may trim branches of heritage trees so long as said branches are less than or equal to one (1) inch in diameter. The trimming of branches of heritage trees larger than one (1) inch in diameter require prior approval of the City's urban forester in accordance with this division. Additional alterations to heritage trees, including but not limited to the removal of same, shall be regulated by this division.
- (c) All persons involved in the planting or transplanting of trees shall be exempt from the terms and provisions of this section only in relation to those trees planted and grown for the sale or intended sale to the general public.
- (d) Any person may remove all or a portion of a tree which has disrupted a public utility service due to tornado, storm, flood, or other act of God, but only that portion of the tree which is necessary to safely restore normal utility service.
- (e) Any person may, after appropriate documentation and following the City's expeditious approval, remove all or a portion of a tree which poses a hazard or harm to persons or property directly adjacent to same tree.

Section 4.2.3.5 Approval Process and Administrative Procedures

- (a) **Responsible Official.** The City Manager or his/her designee is responsible for the review and approval or disapproval of all Tree Disposition Plans. The plan shall be submitted in accordance with the requirements specified herein:
- (b) **Residential Subdivisions.** The City Manager or his/her designee shall determine from a review of the Tree Disposition Plan, survey, grading and drainage plans the following:
 - (1) The trees outside of the exempted areas of right-of-way, easement and buildable area which are slated for removal.
 - (2) The extent of tree replacement in accordance with Section 4.2.3.7 of this division.
 - (3) Final approval of the subdivision plat by the planning and zoning commission shall constitute approval of a Tree Disposition Plan for the street and utility construction phase of the subdivision.
- (c) **Platted Lots.** The City Manager or his/her designee shall review building permits and applications for platted lots.
 - (1) No building permit shall be issued unless the applicant signs an application or permit request which states that all construction activities shall meet the requirements of this division of the UDC.



- (2) If the application is made in conjunction with a Site Plan submitted for approval, the application will be considered as part of the Site Plan and no permit shall be issued without Site Plan approval.
- (c) **Appeals.** Any decision made by the City Manager or his/her designee with regard to the Tree Disposition Plan may be appealed by the applicant to the Planning and Zoning Commission. All actions of the Commission are final.
- (d) **Permit Validity.** Tree Disposition Plans accepted in connection with an application for a building permit, subdivision plat and Site Plan shall be valid for the period of validity of the accompanying application.

Section 4.2.3.6 Submittal Requirements

- (a) The City Manager or his/her designee shall establish administrative procedures necessary to facilitate the implementation and enforcement of this division. These procedures shall include the following:
 - (1) Tree disposition plan/tree survey must be submitted and approved prior to the removal or destruction of any tree.
 - (2) An application involving a limited portion of a site may be based on an exhibit showing only that portion of the site.
 - (3) Aerial photographs interpretation may supplant the ground survey for preliminary analyses of large scale developments, such as subdivisions, utility corridors, and golf courses, at the discretion of the City. Large-scale developments are also required to include impact areas where existing trees are located.
 - (4) The items required on a submitted exhibit include the following:
 - a. Title block includes street address; legal description (lot and block, subdivision name); date or revised date, north arrow, graphic and written scale; name, address, telephone number of owner or person preparing the exhibit.
 - b. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setbacks, easements and service connections, all property dimensions with references to property lines.
 - c. Existing and proposed site elevations, grades and major contours. Construction details of permanent grade changes around all trees.
 - d. Tree disposition plan showing location of all existing trees, graphically differentiating between the trees to remain and those to be removed. Trees located off-site with critical root zones located within the construction site shall also be included. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration.
 - e. Proposed general areas or locations of the replacement trees.
 - f. Listing of all trees on-site and their condition.
 - g. Listing of all off-site trees where critical root zones will be impacted.
 - h. Tree information required shall be summarized in legend form on the plan and shall include:
 1. The list of trees to be removed and the reason for removal.
 2. The total diameter of trees to be removed.



3. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See the criteria manual for replacement tree list.)
4. Tree protection notes and details shall be included on site plans, subdivision plans or Landscape Plans and always included with the bid documents given to the contractor.

Section 4.2.3.7 Tree Replacement Requirements

- (a) In the event that it is necessary to remove a tree which is located on the buildable site, the applicant, as a condition to issuance of a building permit, shall be required to replace the tree(s) being removed with quality trees as defined herein. This mitigative measure is not meant to supplant good site planning.
- (b) A sufficient number and diameter of replacement trees shall be planted in order to equal the total diameter inches or fraction thereof of trees slated for removal. If this is not feasible, the permittee must either:
 - (1) Plant and maintain off-site replacement trees, subject to the provisions of the criteria manual; or
 - (2) Provide replacement trees by means of replacement inches obtained through a tree trust, as set forth in the criteria manual.
- (c) Examples.
 - (1) A total of eighteen (18) inch diameter to be removed shall be replaced with six (6) three-inch diameter trees.
 - (2) A total of nineteen (19) inch diameter to be removed shall be replaced with seven (7) three-inch trees or five (5) three-inch trees and one (1) four-inch tree.
- (d) American Association of Nurserymen Standards. Replacement trees shall meet the American Association of Nurserymen Standards. The minimum size of replacement tree is designated in the criteria manual. (See criteria manual.)
- (e) Qualified Trees Under This Division. To be a 'qualified tree' under the ordinance, a tree must comply with the definition of 'qualified tree' set out in this division.
- (f) Standard of Review. The City Manager or his/her designee shall use reasonable best efforts to determine the type and number of replacement trees required in an attempt to minimize any burden resulting from this division.
- (g) Replacement Inch Certificates. If a tree trust issues an effective 'replacement inch' certificate to the City, the 'replacement inches' described in the certificate are treated the same as trees actually planted as of the date of the certificate. A certificate may be conditioned so that it would only become effective if the applicant fails to plant other trees by the specified planting date. To be effective, the "replacement inch" certificate must state unconditionally:
 - (1) The name of the applicant and the project to which the 'replacement inches' apply;
 - (2) The tree trust will plant the specified 'replacement inches' within reasonable proximity of the subject site, and within the City limits, on or before a specified



- planting date, which must fall within three hundred sixty-five (365) days following the date of the certificate;
- (3) That the 'replacement inches' will be planted and maintained in accordance with the provisions of this division and the criteria manual; and
 - (4) That all costs have been paid.
- (h) **Replacement Inch Credits.** An owner of a site in the City who plants a Class I or Class II tree on that site is eligible to receive credit for future "replacement inches." The owner may use the credit to offset the number of "replacement inches" assessed for protected trees removed from the same site at any time in the future. Credits are subject to the following:
- (1) **Issuance:** Credits are only available for trees registered with the City within thirty (30) days following the day they are planted. Registration requires application and proof of planting. The registration form shall specify the size and species of each tree planted and its location on the site.
 - (2) **Measurement:** The number of replacement inches actually credited is determined by the City at the time an offset is requested, based on the health and size of the previously-registered trees and apply the provisions of the criteria manual regarding calculation of replacement inches.
 - (3) **Transferability:** Credits are not transferable to another site but may be claimed by subsequent owners of the same site.
 - (4) **Records:** The City is not responsible for keeping registration or other records of credit. A person claiming a credit must present documents to show that the credit is available and applicable.

Section 4.2.3.8 Tree Protection

- (a) The following procedures shall apply to all types of construction projects which involve development around trees. The following procedures are deemed appropriate in the situations noted; however, unique circumstances may allow modifications if deemed necessary by the City Manager or his/her designee.
- (1) **Prohibited Activities:** The following activities shall be prohibited within the limits of the drip line of any tree which is subject to the requirements of this division.
 - a. **Material Storage** - No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the drip line of any tree.
 - b. **Equipment Cleaning/Liquid Disposal** - No equipment may be cleaned or other liquids deposited within the limits of the drip line of any tree. This would include but not limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
 - c. **Tree Attachments** - No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
 - d. **Vehicular Traffic** - No vehicle, construction equipment or parking is allowed within the limits of the drip line of any tree.
 - e. **Trespassing** - Trespass into protective fencing is prohibited.



- (2) Pre-Construction Activities: The following procedures shall be followed prior to construction.
- a. Tree Flagging - All trees to be removed from the construction site shall be flagged with bright red vinyl tape wrapped around the main trunk at a height of four (4) feet or more such that the tape is visible to workers on foot or operating heavy equipment.
 - b. Protective Fencing - Unless otherwise specified in the applicable tree disposition conditions, each protected tree to be preserved must be fenced during development or pre-development activity.
 1. Fencing Criteria - The Tree Disposition Plan shall specify protective fencing of the critical root zone whenever reasonably practicable, unless a different area is prescribed in accordance with the criteria manual. Unless the tree disposition conditions specify otherwise:
 - A six-foot or higher fence must surround each protected tree or group of protected trees, effectively preventing persons, machinery, trash, material and other items from occupying the area within the protective fencing;
 - The fence must be constructed of durable, high visibility materials supported on poles or fence posts set firmly in the ground;
 - The fence must be able to resist intrusions and impacts likely to be encountered on a construction site;
 - The fence may incorporate existing fences or walls as well as temporary fencing; and
 - Each fence must display a prominent bilingual warning sign as set forth in the criteria manual.
 2. Fence Permit - A separate fence permit is not required for construction of a fence under this section, if a permit for the work is in effect and includes tree disposition conditions.
 3. Trash, Storage Prohibited - It shall be unlawful for any person to use the area within the protective fencing, required by this section, for trash disposal, storage, vehicle parking or any other use that could adversely affect tree roots.
 - c. Bark Protection - In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree.
 - d. Construction Pruning - In cases where a tree has a low canopy or limbs may be broken during the course of construction, the obtrusive limb(s) may be cut. Pruning shall be done according to the National Association of Arborists standards.
 - e. Mulch - In areas where construction of protection fencing is prohibitive, the addition of four (4) inches of shredded mulch or wood chips covered by a sheet of three-quarter-inch plywood is necessary to reduce the risk of severe soil compaction. The mulch shall be spread on-site or removed following the completion of the project.



- f. Watering - Trees which are being protected should receive supplemental water during times of drought or low rainfall. As a rule of thumb a weekly application of approximately fifty (50) gallons of water per one-inch diameter applied slowly to the root zone will be sufficient.
- g. Improvement Within the Critical Root Zone of a Protected Tree - Design constraints dictate that trees slated for preservation have some encroachment on their critical root zone. The following is the minimum design criteria which is allowed within the critical root zone of a protected tree. Development exceeding the criteria would put the tree at risk and therefore it could no longer be considered a protected tree. In such a case, replacement trees shall be required.
- h. Grade Changes - In the event that grade changes must be made around a protected tree or group of trees, the following shall be implemented in order to maintain oxygen and water exchange within the tree's critical root zone.
 - 1. A minimum of seventy-five (75) percent of the critical root zone shall be preserved at natural grade with natural ground cover or landscaping for the tree to be considered a protected tree.
 - 2. No cut or fill greater than two (2) inches shall be located closer to the tree trunk than one-half of the radius of the critical root zone radius distance.
 - 3. Increase grade: Soil grade within the critical root zone of trees should not be increased more than one (1) to two (2) inches per year. Any increase above this can be very detrimental to the tree. Any attempts to protect trees from the detrimental effects of increased grade, must be approved by the City Manager or his/her designee.
 - 4. Decrease grade: Provide retaining walls outside the drip line to mitigate cuts.
- i. Boring of Utilities - One bore may be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight (48) inches.
- j. Trenching - Irrigation systems shall be designed to avoid trenching across the critical root zone of any large tree.
- k. Paving - A maximum of twenty-five (25) percent of the critical root zone of a protected tree may be covered with impervious material. The pavement and the cut and fill for the pavement shall not exceed one-half of the critical root zone radius distance.

Section 4.2.3.9 Tree Planting Regulations

- (a) **Easements and Rights-of-Way.** The location of replacement trees shall not be an area such that the mature canopy or roots of the tree will interfere with any public utility. No tree shall be planted within ten (10) feet of a fire hydrant.
- (b) **Off-Site Planting of Replacement Trees.** Replacement trees should be planted on the site or easement from which the existing trees are to be removed. If this is not feasible, an applicant may initiate a proposal to plant trees off-site. This may be approved if the planting site is in reasonable proximity to the project area.

- (c) **Plantings After Project Completion.** Replacement trees shall be planted prior to the issuance of the certificate of occupancy or project release. Optimum planting times do not always correspond with project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before project release, a fiscal security is posted in the amount equal to the prevailing rate for installed trees with a one (1) year guarantee, plus fifteen (15) percent to cover administrative cost.
- (d) **Visibility Triangle.** It shall be unlawful for any person to plant, grow or maintain any plant material, except a tree, within a visibility triangle, if the plant has, or probably will have, a height greater than three (3) feet above the street. It shall be unlawful for any person to plant, grow or maintain a tree which has branches or foliage within or above the visibility triangle at a height lower than fifteen (15) feet above the street. It is presumed that a person who owns or controls real property within the City maintains all trees and plants on that property. The City may enter a visibility triangle and remove growths prohibited by this section, and there shall be no liability to others for taking or not taking such action.
- (e) **Critical Root Zone.** Planting or growing areas shall be graded so as to retain water on the critical root zone.

Section 4.2.3.10 Violations/Enforcement

- (a) **Removal, Damaging, Killing of Protected Trees.** Except as authorized by Tree Disposition Plan filed and approved under this division, it shall be unlawful, at any time, for a person to remove, damage or kill a protected tree within the City, or for a person who owns or controls any existing or potential buildable site, to cause or allow a protected tree to be removed, damaged or killed if it is located within the buildable area.
- (b) **Conditions.** It shall be unlawful for any person who applies for or receives a permit regulated by this division to fail or refuse to comply with a condition of the permit or this division. Any related permit for the building site in question may be withheld until the condition is complied with to the satisfaction of the City Manager or his/her designee or any other City staff members who are called upon to enforce this division.
- (d) **Building Inspectors.** All City building inspectors shall monitor for compliance of the tree protection and preservation ordinance and have the authority to shut down a job for infractions. Protective fencing shall be inspected prior to construction.
- (e) **Violations & Penalties.** Violations of and penalties for noncompliance with this division shall be in conformance with Chapter 1, Article 2, Division 6 of this UDC.

Division 4 – Screening & Fencing

Section 4.2.4.1 Screening

- (a) **Nonresidential and Multiple-Family Screening Required (New Construction)**
 - (1) **Requirement Criteria.** This section shall apply to the following:
 - a. Any nonresidential use that is separated by only a street or has a side or rear contiguous to any residential use other than multiple-family.



- b. Any multiple-family use that is separated by only a street or has a side or rear contiguous to any residential district other than multiple-family.

(2) The following shall apply in either case outlined above:

- a. The nonresidential or multiple-family use shall construct an opaque screening fence-wall a minimum of six feet in height, but not to exceed eight feet in height. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition. Any sections of this Code concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or thoroughway.
- b. There shall be a 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses. The requirement may be reduced to 15 feet if the nonresidential use is an office/professional use.
- c. Prior to construction of buffers, complete plans showing type of material, depth of beam and structural support shall be submitted to the Building Inspection Division for analysis to determine whether or not:
 - 1. The screen will withstand the pressures of time and nature; and
 - 2. The screen adequately accomplishes the purpose for which it was intended.
- d. The Building Official shall determine if the buffer meets the requirements of this section.

(3) Any required landscaping (refer to Division 2) shall be placed on the residential side of any required screening wall. If the screening wall exists previous to the development of the nonresidential or multiple-family use (as applicable), required landscaping may be placed on the nonresidential or multiple-family (as applicable) side of such wall.

- (b) Parking Area Screening Along Major and Secondary Thoroughfares. *Editor's Note: Needs policy discussion.* Landscaping shall be required for the screening of parking areas along major thoroughfares or secondary thoroughfares when nonresidential parking areas are located on the nonresidential lot such that they are adjacent to such roadways (i.e., there is no building between the parking area and the lot line adjacent to the roadway). In such case, parking areas shall be screened by a continuous hedge of shrubs that are maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.

- (c) Residential Screening Along Arterial-Major and Secondary Roadways Thoroughfares (Applies to the City & ETJ).

- (1) Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to an arterial major or secondary thoroughfare roadway as described in Chapter 32, or are separated from an arterial roadway such thoroughfare by an alley, or back up to an arterial roadway such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.



- (2) Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's ~~ECSTM~~EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the ~~Engineering Director~~City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may be considered include:
 - a. A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;
 - b. A combination of berms and living/landscaped screening;
 - c. A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or
 - d. Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and ~~Engineering Director~~City Engineer find it to be in the public interest to approve the alternative screening device.
- (3) Time Required for Opacity: Any required screening device shall be, or shall achieve, at least six feet in height and at least ninety percent opacity within three years of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be in conformance with Division 2 and/or Division 3 of this article.
- (4) Maintenance Easement: A wall/screening maintenance easement at least five feet in width shall be dedicated to the City or to a property owners association on the private lot side and adjacent to the entire length of the screening wall or device.
- (5) Installation: The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with Division 2 and/or Division 3 of this article. Failure to properly install all components of a required screening wall or device within the prescribed time frame, shall constitute a violation of this Unified Development Code, and shall authorize the ~~Engineering Director~~City Engineer to refuse acceptance of the subdivision public improvements.
- (6) Design of Walls: All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the ~~Engineering Director~~City Engineer. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. The use of wood is prohibited.
- (7) Height of Screening: The height of required screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than eight feet. Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum eight-foot height by up to two feet for a total maximum height of 10 feet for these features, provided that such taller elements comprise no more than 10% of the total wall length in elevation view.
- (8) Other Easements: Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any other applicable utility provider(s).

(d) General Screening.

- (1) The following requirements shall be in addition to the foregoing landscaping and planting requirements:
 - a. All loading spaces and docks, outside storage areas, refuse containers/areas, mechanical equipment, and the rear of nonresidential uses/structures on double frontage lots, must be screened from view from the street or public rights-of-way.
 - b. Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. In any case in which a fence/wall is constructed to provide screening, landscaping elements shall be incorporated along a majority of the fence/wall. Also, in the case of roof-mounted mechanical equipment, parapet roof structures are approved for screening such equipment.
 - c. If a nonresidential use is adjacent to a residential use other than multiple-family, such nonresidential use shall be screened in accordance with Section 4.2.4.1(a) and shall include a vegetative buffer.

Section 4.2.4.2 Fencing

(a) Fences in Residential Areas, Except Multiple-Family.

- (1) Height of Fences in the Front Yard: Any fence or wall located to the rear of the minimum required front yard line shall not exceed six feet in height.

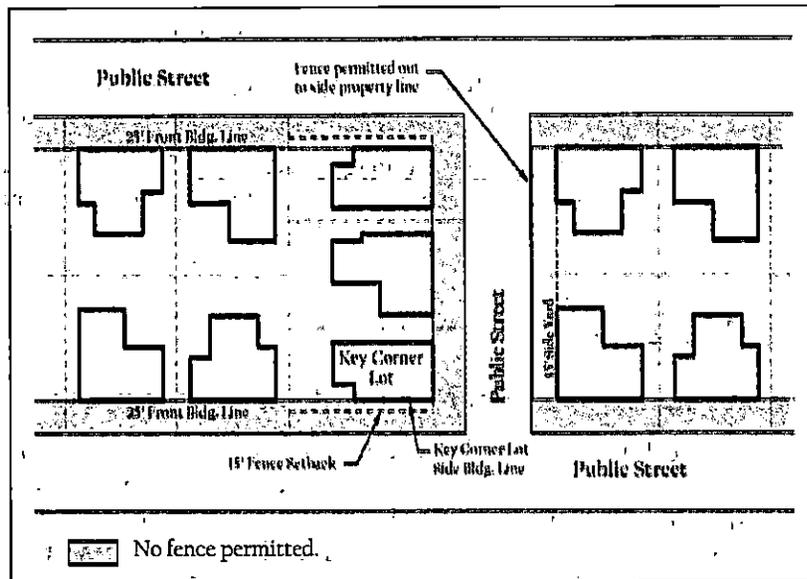


Figure 4-4: Fences in Front Yards

- a. Materials Permitted - Fences may be constructed of wood, decorative metal, chain link or woven wire mesh, and other materials traditionally used in private fence construction. New and innovative materials such as plastics, PVCs, metal panel or metal slat, "honeycomb", cementitious fiber board (e.g., "WoodCrete"), and



other similar materials may be approved for use by the City's Building Official if the material is proven to be sturdy, durable and relatively maintenance-free.

- b. Fences Permitted in Front Yard(s) Adjacent to a Public Street - Except as provided by (3) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot which is adjacent to a public street. No residential fence shall be closer than 15 feet to a public street; however, in cases where the side or rear building line of the yards on continuous corner lots adjoin (i.e., the side yard lot is not a key corner lot), the fence may be constructed out to the property line of the side yard, such that the street side yard may be included as part of the lot's rear yard area. (See Figure 4-4 on the following ~~previous~~ page.)
 - c. Decorative Fences - Decorative fences with openings not less than 50% of the fence area and not exceeding four feet in height are permitted in front yards. Chain link, woven wire mesh metal panel, or similar materials are not considered decorative fencing, and are therefore not allowed in front yards.
- (2) Perimeter Fencing: Above-ground electrical fencing (does not include underground "virtual fencing", which is allowed), wire mesh (such as hog wire, chicken wire) and barbed wire are prohibited as perimeter fencing except on parcels or lots of two acres or greater in size in the Suburban Development (SD) zoning district and Residential Estate (RE) zoning district.
 - (3) Barbed Wire Fencing: Permanent barbed wire fences shall be prohibited in districts where used for purposes other than for the control of livestock
 - (4) Gates for Vehicular Access: Gates designed for vehicular access shall be set back from the property line a minimum of 24 feet.
 - (45) Permit Required: All new, reconstructed, or replaced fences require permits.
 - (56) Fences within Public Easements: Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement.
 - (67) Fences within Drainage Easements: Fences within a drainage easement should be constructed in a manner to not restrict the flow of drainage water.

Division 5 – Signage

Section 4.2.5.1 General Standards & Requirements

- (a) Applicability. All signs shall be erected, displayed, altered and reconstructed in conformance with this ~~chapter~~ division. Where the requirements of this ~~chapter~~ division for a particular sign are different than comparable requirements contained in any other law, ordinance or regulation, the requirements and standards that are more restrictive shall apply. Special sign standards apply within the Spectrum and Old Townsite zoning districts, as outlined in the applicable sections of Chapter 2.
- (b) Exempted Signs. See Section 4.1.2.6.(c) for all ~~exempted signs~~ exempt from the requirements to obtain a sign permit.
- (c) Prohibited Signs. The following signs are expressly prohibited:

- (1) Signs having any visible part that moves, swings or rotates, except for banners and flags, and swinging signs up to ten square feet in area constructed of rigid material hanging by hinges or other flexible connection.
- ~~(2) Signs containing flashing, blinking or traveling lights, except for automatic changing signs which function as community information signs and that do not change or flash more than once every ten (10) seconds. Automatic changing signs shall not include flashing or blinking lights or text.~~
- (32) Signs emitting odor, visible matter or audible sound.
- (43) Permanent portable signs (temporary portable signs are regulated by Section 4.2.5.4).
- (54) Inflatable signs and balloons, except as allowed in Section 4.2.5.4 greater than thirty six inches (36") in greatest dimension.
- (65) Portable signs.
- (76) Signs attached to a mobile structure, such as a vehicle or trailer used as an on-premise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service.
- (87) Signs, papers, other materials, or paint, stenciling, or writing of any name, number (except house numbers), or other marking on any sidewalk, curb, gutter, street, utility pole, trees, public building, fence or structure unless authorized by this UDC.
- (98) Signs illuminated to any intensity greater than two hundred (200) lamberts. The restrictions of luminance shall be determined from any other premise or from any public right-of-way other than an alley. Lights shall be shielded to prevent the source of lighting from being directly visible from residential property.
- (109) Sign, or any portion thereof, erected upon or over public right of way or public property, except as specifically authorized by this UDC. Unauthorized signs located upon or over public rights of way or public property may be immediately removed by the City Building Official.
- (110) Signs and advertising devices which move, flash, rotate, blink, change color, or are animated; or have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, scrolling or changing message by means of lights or illumination are prohibited, provided however, this section shall not be deemed to prohibit devices displaying only, not including devices displaying time, and temperature and messages spelled out electronically.
- (121) Signs and advertising devices which produce noises discernible from more than one hundred fifty feet (150').
- (132) Signs in a floodway zone without the approval of the Building Official.
- (1413) Off-premise signs, unless specifically authorized by this UDC.
- (1514) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character that would offend public morals or decency.
- (1615) Signs placed on the side or rear of any building or property when such signs face upon a contiguous residential area.



(1716) Signs containing or having attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except in accordance with Section 4.2.5.4.

(17) Freestanding signs, as defined in Chapter 5 of this UDC.

(fd) Location Restrictions Requirements. All signs are subject to the following general location restrictions requirements:

- (1) No sign shall be maintained at any location where it may interfere with the view of or be confused with any traffic control sign or signal.
- (2) No sign shall be located on or project over public property, a street right-of-way, or a public utility easement, except governmental signs, bench signs, subdivision identification signs, temporary banner signs and permitted signs in the Village Old Townsite (zoning) District.
- (3) All signs shall maintain a clearance of at least eight feet (8') when located over a public sidewalk and at least twelve feet (12') when located over a driveway.
- (4) No sign, except a governmental sign or a single freestanding ground sign, shall be located within a sight triangle.
- (5) Only signs required in the interest of public safety and direction may occupy a required off-street parking or loading space or obstruct any driveway or sidewalk.
- (6) New signs and signs being structurally altered shall maintain clearance from the public utility facilities, shall not substantially interfere with drainage and shall not be located in a utility or drainage easement. Signs shall maintain ten feet (10') of vertical and horizontal clearance from all electrical lines
- (7) Only governmental signs or temporary holiday signs may be located on the roof of any building or accessory structure.
- (8) Signs are permitted on sidewalks only within the Village Old Townsite District provided that a minimum path of five feet (5') in width remains clear of any obstacles.
- (9) No on-premise free standing sign shall be located within seventy-five feet (75') of another on-premise free standing sign on the same side of the street or highway.
- (10) A non-commercial sign, as defined in Chapter 5 of this UDC (i.e., a sign that does not advertise a business), shall be permitted wherever an on-premise attached or freestanding commercial sign is allowed under this division, except as otherwise expressly provided herein.

(ge) Abandonment.

- (1) Freestanding signs and ground signs which no longer advertise a bona fide business conducted, or a product sold, on the premise containing the sign are subject to removal on the first anniversary of the date the business, person or activity that the sign identifies or advertises ceases to operate on the premises. If the premises containing the sign is leased, the sign is subject to removal on the second anniversary of the date that the most recent tenant ceases to operate on the premises. Free-standing pole signs which no longer advertise a bona fide business conducted, or a product sold, shall be removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within thirty (30) days after written notification to do so from the Building Official.



- (2) The Building Official shall give written notice to the owner of the premises containing the abandoned sign to remove the sign within ninety (90) days after notification is received. In the Building Official's sole discretion, he or she may require that the owner of the premises containing an abandoned ground sign to install blank faces on the ground sign in lieu of removal. ~~Ground signs which no longer advertise a bona fide business conducted, or a product sold, shall have blank faces installed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within thirty (30) days after written notification to do so from the Building Official.~~
- (3) Upon the owner's failure to comply with the instructions of such notice within the time specified in such order, the Building Official is authorized to file a complaint in Municipal Court and/or cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

(g) Construction & Maintenance Standards.

- (1) Compliance With Codes: All permanent signs shall comply with the City building and electrical codes.
- (2) Certification Required: ~~The design of freestanding all permanent signs requiring a sign permit over twenty five feet (25') in height above ground level shall be certified by a professional engineer for structural integrity.~~
- (3) Electric Signs: Electric signs shall have an accessible disconnect switch and shall be labeled to indicate the voltage and amperage of electrical circuits connected to the sign.
- (4) Maintenance Required: All signs, together with all supports, braces, guys and anchors shall be kept in good repair by the owner of the sign or the person in charge of the premises. Failure to keep a sign in good repair as defined in the Pearland Building Code shall be deemed cause for removal (in accordance with Section 4.2.5.7) if the owner of the sign or person in charge thereof fails to make such repairs within thirty (30) days of notice of deficiencies from the Building Official.
- (5) Safety Hazard: A sign determined to be a hazard to public health and safety shall be subject to enforcement under Section 4.2.5.7 of this division.

Section 4.2.5.2 On-Premise Attached Signs

(a) **Standards.** Permanent on-premises attached signs are subject to the following standards:

- (1) Extension: Attached signs shall not extend vertically more than four feet (4') above the highest point of the roofline adjacent to the facade. Attached signs shall not extend into a required building setback area.
- (2) Zoning Districts Allowed: Attached signs are permitted for each façade that faces a street in the following zoning districts: the Multiple-Family (MF) district, all mixed use districts (SPD, C-MU, G/O-MU, and ~~V~~DOT), and all nonresidential districts.
- (3) Area: The area of attached signs is limited according to the land use of the premises as follows:

- a. Multiple-family residential uses, residential condominiums and group quarters may have identification signs having a total aggregate area of up to five percent (5%) of the area of the facade on which they are located;
- b. Office/professional and institutional uses may have signs with a total aggregate area of up to ten percent (10%) of the area of the facade on which they are located;
- c. All other nonresidential uses may have signs, including window signs, with a total aggregate area of up to twenty percent (20%) of the area of the facade on which they are located; and
- d. Premises containing two or more uses having different standards under this section shall have the allowable area determined by the use allowing the greater area.

Section 4.2.5.3 On-Premise ~~Free-Standing~~ 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-premises ~~free-standing~~ ground signs are subject to the following standards:

- (1) Number Allowed: The number of on-premise ~~freestanding~~ ground signs on one (1) site is limited to one (1) per street frontage. All on-premise ~~free-standing~~ ground signs shall be ground signs. The following are not counted in this limitation:
 - a. Additional directional signs up to twelve (12) square feet in area each, provided the number of these signs does not exceed the number of driveways; and,
 - b. Subdivision identification signs in accordance with this division.
- (2) Maximum Height: The maximum height of any on-premise ground signs shall not exceed eight feet (8') (refer to Figure 4-5 on the following page), except as follows:

a. Lots/businesses with street frontage in excess of six hundred (600) linear feet may have one (1) multi-tenant sign per street frontage that does not exceed fifteen feet (15') in height; and,

b. 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.

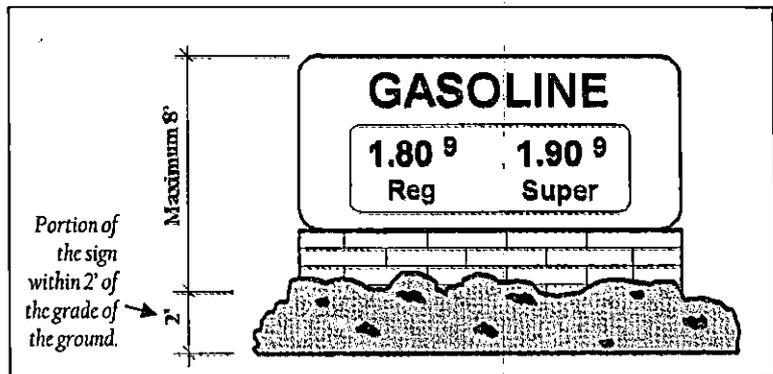


Figure 4-5
Measuring the Height of a Ground Sign

(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, C, M-1, and M-2 zoning districts – one hundred (100) square feet;
 5. Mixed use districts (SPD, C-MU, G/O-MU, and VDOT) – 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.

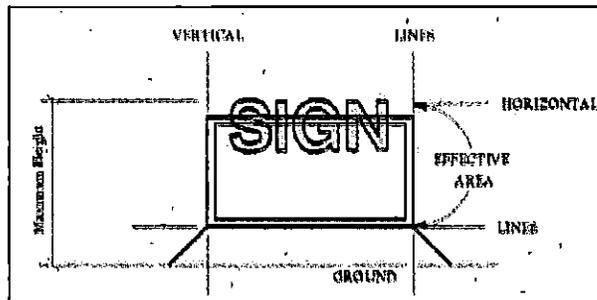


Figure 4-6
Measuring the Effective Sign Area

- 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 4-6). 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.

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

(4) Multi-Tenant Premises: A multi-tenant premises may have a sign having an area up to the following:

- a. ~~One hundred (100) square feet, plus twenty (20) square feet per tenant advertised on the sign, or two hundred (200) square feet, whichever is greater, when located in the State Highway 288 corridor; or~~
- b. ~~One hundred (100) square feet, plus ten (10) square feet per tenant advertised on the sign, or one hundred and fifty (150) square feet, whichever is greater, in all other locations.~~
- e. ~~Each tenant may have a different size sign; each sign does not have to be the same size.~~

(55) Subdivision Identification Signs: ~~A subdivision identification(s) sign up to that is a maximum of one hundred and twenty (120) square feet in area per sign and four feet (4') in height may be displayed on private property or in the public right-of-way at a street entrance to the subdivision, in addition to other freestanding ground signs permitted by this division. If located in the right-of-way, the sign is subject to the following:~~



- a. The sign may not encroach into the right-of-way of an intersecting street;
- b~~a~~. The size, material, and location of the sign shall be indicated on the construction plans for the subdivision and should be indicated on the Final Subdivision Plat or Final Development Plat; and,
- e~~b~~. There shall not be more than two (2) such signs per street entrance to the subdivision.

Section 4.2.5.4 Multi-Tenant Signs

(a) Applicability. 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., except as follows:

- (1) A use or business shall be permitted to erect an on-premise ground sign when such use or business has at least one hundred and fifty feet (150') of frontage.
- (2) A use or business that erects an on-premise ground sign shall not be listed on any multi-tenant sign.

(b) Standards. Permanent multi-tenant signs are subject to the following standards:

- (1) Type: All multi-tenant signs shall be ground signs.
- (2) Number Allowed: The number of multi-tenant signs on one (1) site is limited to one (1) per six hundred (600) linear feet (or less) of street frontage. The cumulative street frontage shall be calculated for corner lots. The following are not counted in this limitation:
 - a. Additional directional signs up to twelve (12) square feet in area each, provided the number of these signs does not exceed the number of driveways; and,
 - b. Subdivision identification signs in accordance with Section 4.2.5.3.
- (3) Maximum Height: The maximum height of any on-premise sign shall not exceed fifteen feet (15'). 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 (refer to Figure 4-5).
- (4) Maximum Sign Area: A multi-tenant sign shall have a maximum sign area according to the following:
 - a. One hundred (100) square feet, plus twenty (20) square feet per tenant advertised on the sign, or two hundred (200) square feet, whichever is greater, when located in the State Highway 288 corridor; or
 - b. One hundred (100) square feet, plus ten (10) square feet per tenant advertised on the sign, or one hundred and fifty (150) square feet, whichever is greater, in all other locations.
 - c. Each tenant may have a different size sign; each sign does not have to be the same size.
 - d. 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 4-6). 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.

(5) Location: No multi-tenant sign shall be closer than ten feet (10') to any property line.

Section 4.2.5.45 Temporary Signs

- (a) **General.** Temporary signs are subject to the limitations indicated in this section, as well as the location restrictions in Section 4.2.5.1(f).
- (b) **Area Limitations.** Temporary signs shall not exceed the following area limitations:
- (1) State Highway 288: Ninety-six (96) square feet each for premises within the State Highway 288 corridor.
 - (2) Other Premises: Thirty-two (32) square feet each for all other premises.
 - (3) Banner Signs: Unless otherwise provided, fifty (50) square feet.
- (c) **Banner Defined.** A banner is hereby defined to be a temporary sign as that term is defined Chapter 5 of this UDC that is designed to be attached or installed with rope, wire, or other temporary means so as to allow ease of installation and removal.
- (1) Use or Display of Banners: Except for temporary signs that do not require permits, the use or display of banners is hereby prohibited unless a permit for such use is obtained from the Planning Director or his designee. A banner permit may be issued only in the following circumstances:
- a. Any premise or nonresidential occupancy requesting a temporary sign larger than thirty-two (32) square feet may display one (1) banner sign per street frontage (also see Subsection 4.2.5.4(d) for total number allowed) announcing a grand opening of a new business. Display of such sign is limited to a maximum of thirty (30) days per opening. The privilege to begin display of such sign expires three (3) months after the issuance of a certificate of occupancy. Use of grand opening signs only applies to new ownership or occupancy (i.e., use). At least one-half ($\frac{1}{2}$) of all readable copy on the banner must state "Grand Opening" or "Now Open."
 - b. Inflatable signs, including balloons, a maximum of twelve feet (12') in greatest dimension, shall be permitted, but shall be limited to holiday-related signs that are displayed for a maximum of thirty (30) days per display period and a maximum of five (5) display periods per year.
 - c. Any non-profit organization or governmental entity may display banner signs containing a message directly related to a special event provided, however, that such banners may be displayed no more than fourteen (14) days prior to the event and must be removed within three (3) days after the conclusion of the event. Displays under this classification will be limited to three (3) per year.
 - eq. Banners may be allowed for the temporary identification of a business if the business owner provides the Planning Director written evidence that a permanent sign order has been executed and the business owner is awaiting installation of said permanent sign. As a temporary identification device, the banner must meet size, dimension, lettering, and layout specifications for building-mounted signs and must be securely fastened on a minimum of six (6) locations to the fascia. If the banner meets these conditions, it will be permitted for identification purposes for a period not to exceed thirty (30) days.

- dg. Any premise or non-residential occupancy may use banners to advertise sales events fourteen (14) times per year for a total duration of twenty-four (24) days inclusive. The occupant has the option of dividing the total days among the fourteen (14) events, with the minimum duration of display being one (1) day.
- (2) Location: Any banner permitted in accordance with this Ordinance shall be displayed at the permittee's normal place of business or operation and shall be affixed to that side of the building facing the street on which the permittee is addressed.
 - (3) Cost & Display Period: The cost for a banner permit shall be Ten Dollars (\$10.00), and shall be paid at the time of application. Each application shall include the period of display for the banner to be permitted, including the day that the display will start and the day when it will cease. The display period shall be continuous and uninterrupted by periods of non-display. A separate permit shall be required for each period of display of the banner. Multiple periods of display will not be allowed on one permit.
 - (4) Violation: Banners used or displayed in violation of this section shall be subject to removal by the Building Official or his/her designee.
 - (5) TxDOT District 12 Guidelines: Banners displayed pursuant to the Texas Department of Transportation (TxDOT) District 12 guidelines for the temporary installation of banners over state rights-of-way shall be exempt from the terms of this division.
- (d) Number of Temporary Signs Permitted on One Premises. The number of temporary signs other than political signs displayed on one premises at any given time is limited to one (1) sign per street frontage and a maximum of two (2) signs per lot.
- (e) Permits Not Required. Permits are not required for temporary signs, except for banner signs over public rights-of-way, which shall be limited to community information signs.
- (f) Time Durations Permitted. Temporary signs are subject to the following limitations of the duration of their use:
- (1) Political Signs: Political signs larger than thirty-six (36) square feet or eight feet in height pertaining to a candidate or issue in an election. No more than sixty (60) days before the election nor more than seven (7) days after the election.
 - (2) Construction Signs: During the period of construction.
 - (3) Real Estate Signs: During the period in which the subject property is for sale or lease. This shall not apply to residential uses that have individual units for sale or lease on a continuous basis, such as multiple-family uses.
 - (4) All Other Temporary Signs: Ninety days within a calendar year.

Section 4.2.5.5 Signs on Utility Poles

- (a) Placement of Signs on Utility Poles Prohibited. It is unlawful for any person to attach or cause to be attached any advertisement, handbill, circular, poster or piece of paper to any public utility pole located within the City.
- (b) Presumption Regarding Person Attaching Sign. In any prosecution charging a violation of this section, it is presumed that the primary beneficiary of any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole is the person who attached or caused the attachment to the pole. The term "primary beneficiary" means a



person(s) or legal entity(s) that benefits from the advertisement, handbill, circular, poster or piece of paper.

- (c) **Authority to Remove.** The Planning Director or his/her designee shall have the authority to remove any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole within the City.

Section 4.2.5.6 Replacement & Repair of Signs

- (1) When any sign, or a substantial part of it, is blown down, destroyed, or taken down or removed for any purpose other than changing the letters, symbols or other matter on the sign, it may not be replaced, re-erected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this ordinance UDC.
- (2) For purposes of Subsection (1) of this section, a sign or substantial part of it is considered to have been destroyed only if the costs of repairing the sign is more than sixty percent (60%) of the cost of erecting a replacement sign of the same type at the same location.

Section 4.2.5.7 Unsafe Signs

- (a) **Authority to Remove.** If the Building Official shall find that any sign is unsafe and is a menace to the public, he shall give notice to the permittee thereof in the same manner as is provided in the Building Code for notice of unsafe buildings. If the permittee fails to remove or repair the sign within the time provided in such notice, such sign may be removed at the expense of the permittee. The Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

Division 6 – Manufactured/Mobile Home Parks & Recreational Vehicle Parks

Section 4.2.6.1 Applicability

- (a) This division is applicable in the City limits and in the extraterritorial jurisdiction of the City.

Section 4.2.6.2 Site Design Requirements

- (a) **Site Requirements:** Any mobile home or manufactured housing park constructed after the effective date of the ordinance from which this section derives and for any extension or addition to any existing mobile home or manufactured housing park shall be done in compliance with the following site requirements:
- (1) **Location:** A mobile home or manufactured housing park within the City limits shall be located only on sites having the applicable zoning classification as defined in Chapter 2 pertaining to zoning.
- (2) **Minimum Requirements:**
- a. **Space Requirements** - Each mobile home or manufactured home space shall provide a minimum area of 3,200 square feet. No mobile home or manufactured home



space shall have dimensions less than forty feet (40') on the narrow dimension or eighty feet (80') on the long dimension.

b. Open Space Requirements

1. The minimum front yard setback shall be ten feet from the nearest corner of the mobile home or manufactured home to the front line of the mobile home or manufactured home space.
2. No mobile home or manufactured home shall be closer than five feet to any end lot line nor closer than ten feet (10') to the lot line adjoining a public street.
3. For other structures on each space, the minimum front yard setback shall be at least ten feet.
4. The minimum distances between mobile homes shall be ten feet end-to-end and twenty feet (20') side-to-side.

c. Height Regulations

1. The height limit for any structure intended for occupancy in the mobile home or manufactured housing park shall be 25 feet.
2. The average height of the mobile home or manufactured home frame above the ground elevation will conform to Section 5.a of the state mobile home or manufactured home tiedown standards and the building code.

d. Soil and Ground Cover - Exposed ground surfaces in all parts of every mobile home or manufactured housing park shall be paved, covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.

e. Drainage - The ground surface in all parts of a manufactured housing park shall be graded and equipped to drain all surface water away from pad sites.

f. Accessory Buildings - An accessory building is a subordinate building, detached from the main building, without separate utilities and not used for commercial purposes or rented. In a residential district, it may be used as a washroom, a storage room for domestic storage belonging to the owner or tenant only or a space for one or more automobiles owned by the owner, tenant or guests. In districts other than residential, an accessory building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

Section 4.2.6.3 Access, Traffic Circulation, and Parking

(a) **Internal Streets and Signage.** Internal streets, no-parking-area signs, and street name signs in a mobile home or manufactured home park shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilities for common use of the manufactured housing park's residents. Internal streets shall be kept open and free of obstruction in order that police and fire vehicles may have access to any areas of the mobile home or manufactured housing park.

(b) **Signs Prohibiting Parking Required.** On all sections of internal streets on which parking is prohibited under this article, the owner or agent shall erect metal signs; type, size, height and location shall be approved by the Director of Public Works prior to installation.

(c) **Internal Street Construction and Maintenance.** All internal streets shall be constructed and maintained by the owner or agent. All internal streets shall be free of cracks, holes and



other hazards. Internal streets shall be constructed on hard-surfaced, all-weather material and shall be approved by the Director of Public Works.

- (d) **Access to Each Home or Space.** An internal street or common access route shall be provided to each mobile home or manufactured home space. This street shall have a minimum width of thirty feet (30') if off-street parking is provided in the ratio of two parking spaces for each mobile home or manufactured home space. The internal street shall be continuous and connect with other internal streets or with a public street or shall be provided with a cul-de-sac having a minimum diameter of ninety-five feet (95').
- (e) **Parking Requirements.** Two spaces per mobile home or manufactured home space shall be provided for parking, and each parking space shall be hard-surfaced with all-weather material, located to eliminate interference with access to parking areas provided for other mobile homes or manufactured homes and for public parking in the park.
- (f) **Unobstructed Access.** Internal streets shall permit unobstructed access to within at least two hundred feet (200') of any portion of each mobile home or manufactured home. Speed bumps constructed to maintain safe speed of vehicles moving within the manufactured housing park shall not be considered as obstructions. Speed bumps are to be constructed at four to one inclination, not to exceed four inches (4") in height. Speed bumps shall be painted with fluorescent paint.
- (g) **Intersections With Public Streets.** Interior streets shall intersect adjoining public streets at approximately ninety (90) degrees with a curblin radius of twenty feet (20') at a location which will eliminate or minimize interference with traffic on those public streets.
- (h) **Common Area Parking Area Required.** A minimum parking area of one hundred and fifty (150) square feet per mobile home or manufactured home space shall be provided in a common area for storage of boats or vehicles in excess of two (2) per mobile home or manufactured home space and for visitors' vehicles to minimize on-street parking and to facilitate movement of emergency vehicles into and through the park.

Section 4.2.6.4 Street Lighting

- (a) **Lighting Within the Park.** Street lighting within the mobile home or manufactured housing park shall be provided by the developer along internal streets. Light standards shall have a height and spacing to ensure that an average illumination level of not less than two-tenths footcandles shall be maintained.

Section 4.2.6.5 Fire Safety Standards

- (a) **Storage and Handling of Liquefied Petroleum Gases** Reference. See the City's adopted Fire Code. In mobile home or manufactured housing parks in which liquefied petroleum gases are stored and dispensed, their handling and storage shall comply with requirements of the City plumbing and fire codes as applicable.
- (b) **Storage and Handling of Flammable Liquids.** In parks in which gasoline, fuel, oil or other flammable liquids are stored and/or dispensed, their handling and storage shall comply with the City fire code.
- (c) **Access for Fire Fighting.** Approaches to all mobile homes shall be kept clear for fire fighting.



- ~~(d) Fire Fighting Instruction. The mobile home or manufactured housing park owner or agent shall be responsible for instructing the owner's staff in the use of the manufactured housing park's fire protection equipment and in their specific duties if a fire occurs.~~
- ~~(e) Water Supply Facilities for Fire Department Operation. The manufactured housing park owner shall provide standard City fire hydrants located within five hundred feet (500') of all mobile home or manufactured home spaces, measured along the driveways or streets.~~
- ~~(f) Rubbish Disposal. The mobile home or manufactured housing park owner or agent shall provide an adequate system of collection and safe disposal of rubbish, approved by the Director.~~
- ~~(g) Removal of Dry Brush, Leaves and Weeds. The mobile home or manufactured housing park owner or agent shall be responsible for maintaining the entire area of the manufactured housing park free of dry brush, leaves and weeds.~~

Section 4.2.6.6 Recreational Area

- (a) All mobile home or manufactured housing parks shall have a recreational area amounting to five percent (5%) total area of the park.

Section 4.2.6.7 Water Supply

- (a) **Required.** An accessible, adequate, safe and potable supply of water shall be provided in each mobile home or manufactured housing park. Connection shall be made to the public supply of water. The public supply shall be adequate both for domestic requirements and for fire fighting requirements established by the City.
- (b) **Water Distribution System.**
 - (1) The water supply system of the mobile home or manufactured housing park shall be connected by pipes to all mobile homes, buildings and other facilities requiring water.
 - (2) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and City regulations and requirements.
- (c) **Individual Connections.** Individual connections shall be in accordance with requirements of the City plumbing code, as applicable.

Section 4.2.6.8 Sewage Disposal

- (a) **Requirements.** For sewage disposal in a mobile home or manufactured housing park, the following shall apply:
 - (1) **Approval Required:** All proposed sewage disposal facilities shall be approved by the ~~Engineering Director~~ City Engineer or other responsible official prior to construction. The use of septic tanks for the disposal of sewage shall not be approved except when City sewer facilities are not available.
 - (2) **Sewer Lines:** All sewer lines shall be in accordance with the City plumbing code, as applicable.



(3) Individual Sewer and Water Connections:

- a. All materials used for sewer connections shall be in accordance with City plumbing code, as applicable.
- b. Provision shall be made for plugging the sewer riser when no mobile home or manufactured home occupies the space. Surface drainage shall be diverted away from the riser.

Section 4.2.6.9 Electrical and Telephone Distribution System

- (a) All electrical wiring in the mobile home or manufactured housing park shall be in accordance with the City's adopted Electrical Code (as amended) and the requirements of the electric utility provider. All telephone lines in the manufactured housing park shall be installed underground.

Section 4.2.6.10 Service Buildings and Other Community Service Facilities.

- (a) **Applicability.** This section shall apply to service buildings, recreation buildings and other community service facilities in a mobile home or manufactured housing park, such as:
 - (1) Management offices, repair shops and storage areas;
 - (2) Sanitary facilities;
 - (3) Laundry facilities;
 - (4) Indoor recreation areas; and
 - (5) Commercial uses supplying essential goods or services for the benefit and convenience of manufactured housing park occupancy.
- (b) **Barbecue Pits, Fireplaces, Stoves and Incinerators.** Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance, both on the property on which it is used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Section 4.2.6.11 Fuel Supply and Storage

- (a) Liquefied petroleum gas systems shall be installed only if an available natural gas system is more than 1,000 feet from the mobile home or manufactured housing park. The liquefied petroleum gas systems shall be maintained in accordance with applicable codes of the City governing these systems and regulations of the State Railroad Commission pertaining thereto.



Section 4.2.6.12 Register of Occupancy

- (a) **Maintenance of a Register.** The owner or agent of a mobile home or manufactured housing park shall maintain a register of park occupancy which shall contain the following information:
- (1) Name and park address of manufactured housing park residents.
 - (2) Dates of arrival and departure.

Section 4.2.6.13 Skirting Required; Maintenance of Additions

- (a) Skirting shall be required for each mobile home or manufactured home in a mobile home or manufactured housing park. Skirting and other additions, when installed, shall be maintained in good repair.

Section 4.2.6.14 Recreational Vehicle Parks

- (a) **Size and Marking of Units or Sites.** Each unit or site reserved for the accommodation of any recreational vehicle shall have an area of not less than 576 square feet, exclusive of driveways, and shall be at least twenty-four feet (24') wide. It shall be defined clearly by proper markers at each corner, shall be level, paved, and well drained. Any area in the City limits proposed for use as a recreational vehicle park must be zoned for a district that permits the use of land for a recreation vehicle park.
- (b) **Location.** No recreational vehicle shall be placed or erected closer than five feet from the property line separating the recreational vehicle park from adjoining property, measuring from the nearest point of the recreational vehicle.
- (c) **Drainage.** All land used as a recreational vehicle park shall be located on well-drained sites of ample size, free from heavy or dense growth or brush or weeds. The land shall be free from marsh and shall be graded or storm sewered to ensure rapid drainage during and following rain.
- (d) **Water Supply.** Each site used as a recreational vehicle park shall be provided with a connection and an adequate supply of water of safe, sanitary quality, approved by the City. Where water from other sources than that of the municipal supply is proposed to be used, the source of the supply shall first be approved by the City.
- (e) **Collection and Removal of Waste and Garbage; Sewer System.** Each recreational vehicle park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage and shall provide a proper and acceptable sewer system, either by connection to the City sewer system where it is available or to a septic tank, all of which shall comply with all laws and regulations prescribed by the health officer. If individual sewer connections at each park space are not provided, then a centralized dump station for disposal of waste and garbage shall be provided.
- (f) **Sanitary Facilities.**
- (1) **Requirements:** Each recreational vehicle park upon which two (2) or more recreational vehicles are erected or placed and where private conveniences for each site are not provided shall provide, at locations described in this section, toilets, urinals, washbasins, slop basins, showers or baths, water faucets or spigots in accordance with the following:



- a. One (1) toilet or stool for the female sex for every ten (10) units or fractions thereof.
 - b. One (1) toilet or stool and one (1) urinal stall for the male sex for every twenty (20) units or fractions thereof.
 - c. One (1) lavatory or washbasin for each toilet room having three (3) toilets or fractions thereof shall be provided.
 - d. One (1) shower or bathtub shall be provided for each sex for each ten (10) units or fractions thereof.
 - e. All toilets, basins and showers shall be placed in properly constructed buildings located not more than three hundred feet (300') from any recreational vehicle unit served.
 - f. Buildings shall be well lighted at all times, day or night, well ventilated with screened openings, and constructed of moisture-proof material to permit rapid and satisfactory cleaning, scouring and washing.
 - g. The floors shall be of concrete or other impervious material, elevated not less than four inches above grade, and each room shall be provided with floor drains.
 - h. Slop sinks or basins with water supply shall be provided to serve each four units and shall be constructed in accordance with design, size and material approved by the health officer.
- (2) Toilet and Bathing Facilities: Toilet and bathing facilities shall be in separate rooms or partitioned apart in any manner as to provide privacy and promote cleanliness. Each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain onto the shower floor.
- (3) Materials and Cleanliness Requirements: Toilet floors shall be of impervious material, painted white or a light color and kept clean at all times. Shower stalls shall be of tile, plaster, cement or some other impervious material and shall be kept clean at all times. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be painted white or some light color and kept clean at all times. The floor of any bathroom, other than the shower stall, shall be of some impervious material. The walls of the bathroom, other than the shower stall, shall be papered with canvas and wallpaper and kept clean at all times.
- (g) Registration of Guests. Each person engaging accommodations for any recreational vehicle shall register and give the following information to the manager, operator or person in charge thereof:
- (1) Name.
 - (2) Residence.
 - (3) Automobile and recreational vehicle license plate number and the state in which each is registered.

Planning and Zoning Commission Attendance Log – 2005

P = Present
A = Absent

<u>Meeting Date</u>	<u>Type of Meeting</u>	<u>Ruby Sandars</u>	<u>Todd Iocco</u>	<u>David Ransom</u>	<u>Sheryl Greiner</u>	<u>Neil West</u>	<u>Peter Dumont</u>	<u>Joe McWhorter</u>
January 3	Regular Meeting	P	P	P	A	A	P	P
January 17	JPH and Regular Mtg.	P	A	P	P	P	P	P
February 7	Regular Meeting	P	A	P	P	P	P	A
February 21	JPH and Regular Mtg.	P	P	P	A	P	P	P
March 7	Regular Meeting	P	P	P	P	P	A	A
March 21	JPH and Regular Mtg.	P	P	A	A	P	P	P
April 4	Regular Meeting	P	A	P	P	P	Late	P
April 18	JPH and Regular Mtg.	P	P	P	Left Early	P	P	P
May 2	Regular Meeting	P	A	P	A	P	A	P
May 16	JPH and Regular Mtg.	P	P	P	P	P	P	A
June 6	Regular Meeting	P	A	P	A	P	P	A
June 13	Workshop	P	P/Late	A	P	P	P	A
June 20	JPH and Regular Mtg.	P	A	P	P	P	P	P
June 27								

AGENDA

REGULAR MEETING PLANNING AND ZONING COMMISSION CITY OF PEARLAND, TEXAS

June 20, 2005 AT 6:30 P.M.,
IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING

IN COUNCIL CHAMBERS OF CITY HALL
3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – June 6, 2005 Regular Meeting
- III. NEW BUSINESS:

A. CONSIDERATION AND POSSIBLE ACTION – Zone Change Application No. 1232

A request by Mayra Palacios, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Estate Lot Single Family Dwelling District (R-E), on the following described property, to wit:

Legal Description: 1.00 acres of land out of and a part of Lot 168 of the Zychlinski Subdivision in Section 27 of the H.T. & B.R.R. Company Survey, Abstract 308, according to the map or plat thereof recorded in Volume 29, Page 9, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Located on the South Side of Keis Road, and East of Wells Drive

B. CONSIDERATION AND POSSIBLE ACTION – Zone Change Application No. 1233

A request by Byron Stephen Sutherland, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District (GB), on the following described property, to wit:

Legal Description: 0.5238 acres of land out of Lot 1 of the Allison Richey Gulf Coast Home Company Subdivision of Section 10, Tract 1E, H.T. & B.R.R. Company Survey, Abstract 505, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Stone Road, and South of Brookside Road

AGENDA



C. CONSIDERATION AND POSSIBLE ACTION – Zone Change Application No. 1231

A request by Mary Frances Lentz, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Commercial District (C), on the following described property, to wit:

Legal Description: 20 acres, being Tract 61 and 62, Abstract 234, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Located on the West Side of Roy Road, and North of FM 518 (Broadway Street)

D. CONSIDERATION AND POSSIBLE ACTION – Zone Change Application No. 1234

A request by Kerry R. Gilbert and Associates, Inc., applicant for WCF Development, LLC, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) and Office and Professional District (OP) to Commercial District (C), on the following described property, to wit:

Legal Description: 9.6167 acres of land being all of Lot 2 in Block 21, and 14.3755 acres of land being all of Lot 3 and a portion of Lot 4 in Block 20, and 4.6323 acres being out of and a portion of Lot 1 in Block 20 and Lot 3 in Block 21, all situated in the T.C.R.R. Company Survey, Section 4, Abstract 675, of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens Subdivision, according to the plat thereof recorded in Volume 2, Page 99, of the Brazoria County Map Records, City of Pearland, Brazoria County, Texas

General Location: Generally Located at the Northwest Corner of SH 288 and FM 518 (Broadway Street)

Handwritten notes:
table
PUD
75 ft
to build
some
25' landscape

Handwritten notes:
limited
no outside storage
150 ft of residential

E. CONSIDERATION AND POSSIBLE ACTION – Specific Use Permit Application No. 145

A request by Paul Marcaccio, applicant for West Oaks Homeowners Association, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for an Unscheduled/New Recreational Use, and more specifically, a subdivision homeowners association recreation center, in the Suburban Development District (SD(S)), on the following described property, to wit:

Legal Description: 0.855 acres of land, Block 1, of the West Oaks Recreation Center Phase A, Abstract 241, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Located at 6601 Old Oaks Boulevard

Handwritten notes:
OK
[initials]

AGENDA

F. CONSIDERATION AND POSSIBLE ACTION – Specific Use Permit Application No. 146

A request by Edwards and Kelcey, applicant for Southwestern Bell Communications, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Telephone Exchange Switching Relay and Transmitting Equipment, in the Suburban Development District (SD(S)), on the following described property, to wit:

Legal Description: 0.0413 acres of land out of Lot 22, Section 8, Abstract 504, Allison Richey Gulf Coast Home Company Subdivision, City of Pearland, Brazoria County, Texas

General Location: Located at 2633 Roy Road

G. CONSIDERATION AND POSSIBLE ACTION – Specific Use Permit Application No. 147

A request by Edwards and Kelcey, applicant for Southwestern Bell Communications, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Telephone Exchange Switching Relay and Transmitting Equipment, in the Neighborhood Service District (NS(S)), on the following described property, to wit:

Legal Description: 0.057 acres out of the south one-half of Lot 30 of the Allison Richey Gulf Coast Home Company Subdivision, Section 21, H.T. & B.R.R. Company Survey, Abstract 309, City of Pearland, Brazoria County, Texas

General Location: Located at 8301-A Fite Road

H. CONSIDERATION AND POSSIBLE ACTION – Amending Plat of Villa Verde Section Three

A request by Robert A. Marlowe, Rekha Engineering, Inc., for approval of an Amending Plat of Villa Verde Section Three to change the dimensions of two lots and to revise the location of the city limits. The plat is located southeast of Scarsdale Boulevard in Harris County, and is described as follows:

34.7337 acres of land out of the W.D.C. Hall Survey, Abstract No. 23, City of Pearland, Harris County, Texas.

AGENDA

I. CONSIDERATION AND POSSIBLE ACTION – Final Plat of Medellin Addition

A request by Chuck Davis, C.L. Davis & Co., for Charles and Hazel Medellin, for a Final Plat subdivision of 2.451 acres located in the E.T.J. for 3 residential lots. The property is located between Rustic Lane (C.R. 131) and Glenview Drive, south of the Sunset Meadows subdivision near the Galveston County line, and is described as follows:

2.451 acres out of Lot 77 West Friendswood Subdivision, Perry & Austin League, A-111, (Vol. 01, Pg. 96 B.C.P.R.), Brazoria County, Texas.

J. CONSIDERATION AND POSSIBLE ACTION – Preliminary Plat of Emerald Stone

A request by Kathy Denton, JKC & Associates, for approval of a Preliminary Plat of 10.4696 acres zoned R-2 for 28 residential lots. The plat is located on the east side of O'Day Road at Dublin Lane, and is described as follows:

10.4696 acres of land situated in the H.T. & B.R.R. Company Survey, Section 6, Abstract 544, City of Pearland, Brazoria County, Texas.

a. **VARIANCE REQUEST:** Consider a Variance to Sec. 27-4(A)(3)(m)1 of the Subdivision Ordinance Regarding Cul-De-Sac Length and Width in the Emerald Stone Subdivision to allow 36 feet of pavement width in a 60-foot-wide right-of-way for a distance of 268.70 feet with the remaining 596.30 feet of Dublin Lane being reduced to 28-foot-wide pavement in a 50-foot-wide right-of-way.

b. **VARIANCE REQUEST:** Consider a Variance to Sec. 27-4(A)(3)(m)1 of the Subdivision Ordinance Regarding Cul-De-Sac Length and Width to permit a landscape median 6 feet wide and 30 feet long in the center of Dublin Lane at the entrance to the subdivision.

K. DISCUSSION ITEM – Unified Development Code - Chapter 3 and Chapter 4.

L. DISCUSSION ITEM – Planning and Zoning Commissioners Attendance Report.

AGENDA

IV. NEXT MEETING DATES:

**July 18, 2005 – Regular Meeting
July 18, 2005 – JPH and Regular Meeting**

V. 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.

Posted this _____ day of _____, 2005.

Removed this _____ day of _____, 2005.

PLANNING & ZONING COMMISSION MEETING

DATE: June 20, 2005

NAME	COMPANY	ITEM OF INTEREST	COMMENTS
Kevin Cole		J	

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