

Planning and Zoning Commission

AGENDA - MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 7, 2006, AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES July 17, 2006 – Regular Meeting

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – REMOVE FROM TABLE ZONE CHANGE No. 2006-23Z

B. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-23Z

A request by Osborne Development, applicant for Trinity Leasing, Ltd., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Planned Development District (PD), on the property Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 1,000 Feet North of FM 518 (Broadway Street)

C. CONSIDERATION & POSSIBLE ACTION – Final Plat of Villages of Towne Lake

A request by Robert A. Marlowe, Rekha Engineering, Inc., for Villages of Towne Lake, L.P., owner, for approval of a Final Plat subdivision of 34.9454 acres in the W. Zychlinski Subdivision zoned PUD for multi-family use including a reserve for drainage use and a Public Utility/Private Access Easement. The property is located east of S.H. 35 south of English Lake Drive, and is described as follows:

34.9454 acres of land located in the W. Zychlinski Subdivision, out of the A.C.H. & B. Survey Abstract No. 507 and the H. Stevens Survey Abstract No. 594, City of Pearland, Brazoria County, Texas.

D. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of The Lake at Shadow Creek Ranch

A request by A. Mahendra Rodrigo, P.E., GC Engineering, Inc., for Faith Development, LLC, owner, for approval of a Preliminary Plat subdivision of 18.5691 acres in the T.C.R.R. Company Survey zoned GB into 7 lots and two

Planning and Zoning Commission

reserves for landscaping, detention, drainage, and recreation. The property is located south of Shadow Creek Parkway and west of Business Center Drive and is described as follows:

18.5691 acres of land located in the T.C.R.R. Company Survey, Abstract No. 675, City of Pearland, Brazoria County, Texas.

E. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Southern Trails Phase One Section Nine

A request by Randy Riley, Kerry R. Gilbert & Associates, Inc., for C.L. Ashton Woods, L.P., owner, for approval of a Preliminary Plat subdivision of 30.1 acres zoned PUD into 110 lots for single-family residential and nine reserves for open space/utilities. The property is located south of Southern Trails Drive in Southern Trails and is described as follows:

30.1 acres of land out of the H.T. & B.R.R. Co. Survey, Section 84, A-538 and Section 80, A-564, City of Pearland, Brazoria County, Texas.

F. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Province Village

A request by Ralph Thomas, LJA Engineering & Surveying, Inc. for The Maverick Group, owner, for approval of a Preliminary Plat subdivision of 43.051 acres zoned PUD into 150 single-family residential lots and 20 reserve areas for other purposes. The property is located between Pearland Parkway and Country Club Drive east of Broadway and is described as follows:

43.051 acres of land out of the Thomas J. Green Survey, A-290, Harris County, and the W.D.C. Hall Survey, A-70, Brazoria County, A-23, Harris County, City of Pearland, Brazoria County and Harris County, Texas.

G. DISCUSSION ITEM: Upcoming P&Z Meetings on November 20, 2006, and December 18, 2006
Texas APA Conference-Corpus Christi, TX
October 18-21, 2006

H. NEXT MEETING August 21, 2006 JPH & Regular P&Z Meeting
September 4, 2006 Holiday/No P&Z Meeting

I. COMMUNICATIONS April, May & June 2006 Monthly Inspection
Report of City of Pearland Detention Pond

IV. ADJOURNMENT

SUMMARY OF AGENDA ITEMS
August 7, 2006

Council and
P&Z

6:00 p.m. Joint Workshop of the Unified Development Code –Modifications
6:00 p.m. Joint Workshop of the Land Use Study for the City of Pearland

Council will recess, and P&Z will move upstairs to the 2nd floor conference room

Council only

6:00 p.m. Workshop of the City Council in the Council Chambers
Meeting resumes regarding Update on Public Affairs Communications Methods; and,
The Proposed Budget for Fiscal Year 2007

P&Z only

6:30 p.m. P&Z Meeting in the 2nd Floor Conference Room

Council only

6:30 p.m. SPECIAL MEETING OF THE CITY COUNCIL

Council Agenda's are attached for you to view

AGENDA – WORKSHOP OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON AUGUST 7, 2006, AT 6:00 P. M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

- I. **CALL TO ORDER**
- II. **PURPOSE OF THE WORKSHOP:**
 1. **COUNCIL INPUT AND DISCUSSION:** REGARDING PROPOSED MODIFICATIONS TO THE UNIFIED DEVELOPMENT CODE.
Mr. Nick Finan, Assistant City Manager.
 2. **COUNCIL INPUT AND DISCUSSION:** REGARDING LAND USE STUDY FOR THE CITY OF PEARLAND. *Mr. Nick Finan, Assistant City Manager.*
 3. **COUNCIL INPUT AND DISCUSSION:** REGARDING UPDATE ON PUBLIC AFFAIRS COMMUNICATION METHODS. *Ms. Mattie Culver, Public Affairs Manager.*
 4. **COUNCIL INPUT AND DISCUSSION:** REGARDING THE PROPOSED BUDGET FOR FISCAL YEAR 2007 (OCTOBER 1, 2006 TO SEPTEMBER 30, 2007) FOR THE CITY OF PEARLAND. *Mr. Bill Eisen, City Manager.*

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

AGENDA – SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON AUGUST 7, 2006, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. PURPOSE OF THE MEETING:

- 1. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2006-115** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ACCEPTING THE 2006 CERTIFIED APPRAISAL ROLL AND ASSOCIATED NEW CONSTRUCTION VALUES FOR THE CITY OF PEARLAND. *Ms. Claire Manthei, Director of Finance.*

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

- 1. SECTION 551.074 – PERSONNEL MATTERS** – REGARDING THE CITY MANAGER'S APPOINTMENT OF PROJECT DIRECTOR. *Mr. Bill Eisen, City Manager.*
- 2. SECTION 551.087 – CONSULTATION WITH CITY ATTORNEY** – REGARDING ECONOMIC DEVELOPMENT INCENTIVES. *Mr. Bill Eisen, City Manager.*

NEW BUSINESS:

- 2. CONSIDERATION AND POSSIBLE ACTION** – REGARDING THE CITY MANAGER'S APPOINTMENT OF PROJECT DIRECTOR. *City Council.*
- 3. CONSIDERATION AND POSSIBLE ACTION** – REGARDING ECONOMIC DEVELOPMENT INCENTIVES. *City Council.*

III. ADJOURNMENT

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

PLANNING AND ZONING

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON August 7,, 2006, AT 6 : 30 P.M., IN THE 2nd Floor Conference Room, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The Regular Meeting was called to order at 7:52 pm. with the following present:

P & Z Chairperson Ruby Sandars
P & Z Vice-Chairperson Sheryl Greiner
P & Z Commissioner Neil West
P & Z Commissioner Henry Fuentes
P & Z Commissioner Susan Sherrouse
P & Z Commissioner Darrell Diggs
P & Z Commissioner Jerry Koza, Jr.

Also in attendance: Assistant City Manager 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 and Planning Administrative Secretary Judy Krajca.

II. APPROVAL OF MINUTES:

Dates: _____ P&Z

Jerry made the motion to approve the minutes, (w/staff comments) or (for the sake of discussion) and Neil seconded. (Chairperson Sandars stated _____ correction(s) needed to be made on the _____ minutes. Change is:) _____
date

The vote passed 5-0 to approve with corrections.

PLANNING AND ZONING

A
E

CONSIDERATION & POSSIBLE ACTION - Final Plat/
Preliminary Plat of Zone Change 2006

_____ read the Staff Report. There were
no/_____ outstanding items.

_____ made a motion to recommend approval,
(w/staff comments) or (for the sake of discussion) and
_____ seconded.

There was no discussion.

There was brief discussion.

There was much discussion. Topics discussed were:

Jerry

Henry

Remove from table
5-0

The vote was _____.
approved/denied/tabled.

This motion was

Reasons for denial were:

- 1.
- 2.
- 3.
- 4.
- 5.

PLANNING AND ZONING

B
E

CONSIDERATION & POSSIBLE ACTION - Final Plat/
Preliminary Plat of Zone Change 2006

Rata Krishnareo read the Staff Report. There were
no/ 0 outstanding items. Staff recommended

Jerry made a motion to recommend approval,
(w/staff comments) or (for the sake of discussion) and
Susan seconded.

- There was no discussion.
- There was brief discussion.
- There was much discussion. Topics discussed were:

Jerry asked about time frame.
Rata went over the diff. Phases
that would take place.

The ~~vote~~ was 5-0
~~approved/denied/taled.~~

This motion was

Reasons for denial were:

- 1.
- 2.
- 3.
- 4.
- 5.

PLANNING AND ZONING

C
E

CONSIDERATION & POSSIBLE ACTION - Final Plat/
Preliminary Plat of Village

RK read the Staff Report. There were
no/_____ outstanding items.

_____ made a motion to recommend approval,
(w/staff comments) or (for the sake of discussion) and
_____ seconded.

There was no discussion.

There was brief discussion.

There was much discussion. Topics discussed were:

Removed from agenda

*Withdrawn by
applicant*

Vote not necessary

The vote was _____
approved/denied/tabled.

This motion was _____

Reasons for denial were:

- 1.
- 2.
- 3.
- 4.
- 5.

Plats
P&Z

PLANNING AND ZONING

D
~~4~~

CONSIDERATION & POSSIBLE ACTION - Final Plat/
Preliminary Plat of Cake@SCR

RK read the Staff Report. There were
no/ 0 outstanding items. Staff recon

Neil made a motion to recommend approval,
(w/staff comments) or (for the sake of discussion) and
Jerry seconded.

~~There was no discussion.~~

There was brief discussion.

There was much discussion. Topics discussed were:

The vote was 5-0.
approved/denied/tabled.
Reasons for denial were:

- 1.
- 2.
- 3.
- 4.
- 5.

This motion was

PLANNING AND ZONING

DISCUSSION ITEMS:

- ③ Calendar Nov.
- ④ Dec.

④ Conf. discussion in Corpus Christi

③ Next Mtg. dates

IV. ADJOURNMENT

The meeting was adjourned at 8:19 p.m.

The vote was

Defention bones - Monday Insp. Rpt.

Ruby asked if
maybe Kola

could come &
talk to the
P&Z to
see what Cd.
enf looks for.

These minutes are respectfully submitted by:

Judy Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of _____
2005.

Ruby Sandars
Planning and Zoning Chairperson

PLANNING AND ZONING

**E. CONSIDERATION & POSSIBLE ACTION - Final Plat/
Preliminary Plat of Southern Trails**

R.K. read the Staff Report. There were no/ 0 outstanding items.

Derry made a motion to recommend approval, (w/staff comments) or (for the sake of discussion) and Henry seconded.

- There was no discussion.
- There was brief discussion.
- There was much discussion. Topics discussed were:

*1 outst. comment about
bldg. line - but RK
decided to leave it on
the Plat*

The 5-0 vote was 5-0. This motion was approved/denied/tabled.

- Reasons for denial were:
- 1.
 - 2.
 - 3.
 - 4.
 - 5.

Plats
P&Z

PLANNING AND ZONING

F. CONSIDERATION & POSSIBLE ACTION – Final Plat/
Preliminary Plat of _____

RK read the Staff Report. There were
no/_____ outstanding items.

_____ made a motion to recommend approval,
(w/staff comments) or (for the sake of discussion) and
_____ seconded.

There was no discussion.

There was brief discussion.

There was much discussion. Topics discussed were:

appl. w/d

The vote was _____
approved/denied/tabled.

This motion was

Reasons for denial were:

- 1.
- 2.
- 3.
- 4.
- 5.

no ~~vote~~ vote necessary

PLANNING & ZONING COMMISSION MEETING

DATE: August 07, 2006

NAME	COMPANY	ITEM OF INTEREST	COMMENTS
A. Mahendra Rodrigo	GC Engineering, Inc.	Preliminary Plat for Lake at shadow Creek Ranch	
Charles Wade	Osborne Development	Re Zoning	
Randy Riley	KERRY R. GILBERT ASSOCIATES, INC.	III (E)	

Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

November 2006

October

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

December

S	M	T	W	T	F	S
						1 2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

5

6



Planning & Zoning Meeting

7



Election Day

8

9

10

Friday Nite Live - Jamison Rec Center

11



Veterans' Day

Texas Recycles Day Recycle Center

12

13



City Council Meeting

14

15

16

17

Friday Nite Live - Jamison Rec Center

18

19

20

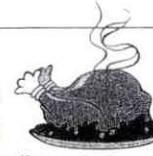


Planning & Zoning Meeting and Joint Public Hearing

21

22

23



Thanksgiving Day

24

City Facilities Closed

25

Parks & Rec Art Show - Community Center

Parks & Rec Art Show - Community Center

Parks & Rec Art Show - Community Center

No Trash Pick Up



26

27



City Council Meeting

28

29

30

City Hall Christmas Tree Lighting Ceremony - City Hall



Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

November

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

January

S	M	T	W	T	F	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

December 2006

3

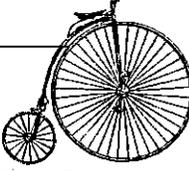
4 
Planning & Zoning Meeting

5

6

7
Zoning Board of Adjustments Meeting

8
Friday Nite Live - Jamison Rec Center

9 
Tour de Lites Bicycle Tour

Registration Begins for Winter/Spring Recreation Classes

10

11 
City Council Meeting

12

13

14

15
Friday Nite Live - Jamison Rec Center

16

17

18 
Planning & Zoning Meeting and Joint Public Hearing

19

20

21

22
City Facilities Closed

23

24/31
Christmas Eve - 24th

25 
Christmas Day

26

27

28

29

30

New Year's Eve - 31st

City Facilities Closed

No Trash Pick Up 



PLANNING AND ZONING COMMISSION

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JULY 17, 2006, AT 7:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The Regular Meeting was called to order at 8:50 p.m., with the following present:

P & Z Vice-Chairperson Sheryl Greiner
P & Z Commissioner Neil West
P & Z Commissioner Darrell Diggs
P & Z Commissioner Jerry Koza, Jr.
P & Z Commissioner Henry Fuyertes
P & Z Commissioner Susan Sherrouse

Also in attendance: Assistant City Manager Nick Finan, Planning Director Lata Krishnarao, Senior Planner Theresa Grahmann, Plans and Plat Administrator Richard Keller, Planner I Diana DuCroz, Planning Administrative Secretary Judy Krajca, and Assistant City Attorney Nghiem Doan

APPROVAL OF MINUTES

Commissioner Neil West made the motion to approve, and Commissioner Jerry Koza, Jr. seconded. The vote was 6-0 for approval.

NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO: 2006-6

A request by Rodney Slaton, applicant for Mahmud Hedayati, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse/Self Storage" facility in the General Business Retail District (GB), on the following property located on the East Side of Westminister Street, and Approximately 300 Feet North of FM 518 (Broadway Street)

Commissioner Sherrouse made a motion to approve with discussion, and Commissioner Fuyertes seconded.

Ms. Krishnarao stated that Council asked that the P&Z Commission address the buffering.

There was much discussion among the Commission and Staff on the buffering and fencing.

PLANNING AND ZONING COMMISSION

Commissioner Sherrouse amended her motion to approve with all UDC codes being applied. Commissioner Fuertes seconded.

Much discussion ensued regarding the masonry fence, wrought iron fence and masonry pillars all being 6 feet in height.

The Commission recommended two different options. Option A was presented asking for a 6 feet tall (minimum height) fence, solid masonry up front along Westminister, with a 10 feet landscape buffer between the street and the fence. The remaining three sides would have wrought iron fence with masonry pillars – 6 feet in height.

Commissioner Sherrouse amended her motion again to add Option B, and Commissioner Fuertes seconded.

Option B was a 6 feet tall wrought iron decorative fence along Westminister, with masonry pillars and a maintained landscape detention pond, and the three remaining sides with wrought iron fence and masonry pillars – 6 feet in height.

The vote was 6-0 for approval of the Conditional Use Permit with conditions that the owner chooses from either Option A or B.

B. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-28Z

A request by Richard Gonzalez, applicant for RMMA Investments, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) to Townhouse Residential District (TH), on the property located on the South Side of Walnut Street, and Approximately 400 Feet East of McLean Road.

Commissioner Diggs made the motion to approve for the sake of discussion, and Commissioner West seconded.

There was discussion pertaining to the old Oak trees being 75 years old, and the applicant wanting to preserve them as part of the landscaping. There was also discussion about plans for Walnut Street.

Deputy Attorney Doan suggested that the Commission act on what was known now, and not on what TxDOT may or may not do.

The vote was 6-0 for approval of the Zone Change.

PLANNING AND ZONING COMMISSION

C. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-29Z

A request by Monty Hudson, applicant for Jasvant C. Patel, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Office and Professional District (OP), on the property located on the West Side of Miller Ranch Road (County Road 93), and approximately 800 Feet North of FM 518 (Broadway Street),

Commissioner Koza, Jr. made the motion to approve, and Commissioner West seconded.

There was brief discussion pertaining to the best use of this property for the zoning, and height restrictions.

The vote was 6-0 for approval of the Zone Change.

D. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-27Z

A request by George Muthalaly, applicant for Moritz V. Craven, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 3 District (R-3) to Office and Professional District (OP), on the property located on the East Side of Wooten Road, and approximately 1,100 Feet North of FM 518 (Broadway Street).

Commissioner Diggs made the motion to approve for the sake of discussion, and Commissioner Koza, Jr. seconded.

Discussion began with there being a negative impact on the neighboring community, such as traffic, and service vehicles.

Commissioner Koza, Jr. stated that he was in favor of this zone change, but the detention being left as R-3 was not best. Commissioner Diggs agreed with Commissioner Koza, Jr. Commissioner Diggs asked who was responsible of the upkeep of the detention pond. Planning Director Krishnarao commented that staff will have to research it.

Ms. Krishnarao asked the Commission if they would rather the applicant come back with a Planned Development (PD). Mr. Muthalaly spoke of what they want and will be as creative as possible with the buffer and detention so that they do not bother the homeowners.

The vote was 2-4. The Zone Change was denied. Commissioner Fuertes and Commissioner Koza, Jr. voted for the motion to approve.

PLANNING AND ZONING COMMISSION

Commissioner's Greiner, Sherrouse, West and Diggs voted against the motion to approve. Reasons for denial were stated as the Office Profession District was too broad of use, and that a Planned Development (PD) would be better.

E. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-26Z

A request by Al Osborn (Osborn and Vane Architects), applicant for Donya, LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 4 District (R-4) to General Commercial District (GC), on the property Located Approximately 500 Feet West of Liberty Drive, and Approximately 300 Feet South of FM 518 (Broadway Street).

Commissioner West made the motion to approve, and Commissioner Koza, Jr. seconded.

There was no discussion.

Commissioner Diggs excused himself from the meeting at 9:56 p.m.

The vote was 5-0 for approval of the Zone Change.

F. CONSIDERATION & POSSIBLE ACTION – REMOVE FROM TABLE ZONE CHANGE No. 2006-23Z

Commissioner Koza, Jr. made the motion to remove from table, and Commissioner West seconded.

G. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-23Z (Revised document)

A request by Osborne Development, applicant for Trinity Leasing, Ltd., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Planned Development District (PD), on the property Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 1,000 Feet North of FM 518 (Broadway Street).

Commissioner West made the motion to approve for the sake of discussion, and Commissioner Koza, Jr. seconded.

There was discussion about the detention. The Commission asked to see a final conceptual document – Planned Development (PD).

PLANNING AND ZONING COMMISSION

Deputy Attorney Doan asked the Commission if they were okay with Phase I in case Phase 2 did not occur.

The Commission asked staff to define detention and amenities.

Vice-Chairperson Greiner and Commissioner Sherrouse recommended this be tabled again.

Commissioner Kozá, Jr. made the motion to table the Zone Change, and Commissioner Sherrouse seconded.

The vote was 5-0 for approval.

The Commission called for a brief recess at 10:25 p.m.

The Commission resumed at 10:41 p.m.

H. PUBLIC HEARING — Replat of Lots 1 and 2 Rawls Subdivision as Rios Subdivision

A request by Christian Offenburger, RPLS, Boundary One, LLC, for Abelio Rios, owner, for approval of a replat of Lots 1 and 2 of the Rawls Subdivision as the Rios Subdivision Final Plat in order to subdivide the two existing lots into three lots. The parcel is 0.663 acre and is located at Woody Road at Scott Street, and is described as follows:

0.663 acre of land, all of Lots 1 and 2, Rawls Subdivision as recorded in Volume 17, Page 399, B.C.P.R. in the H.T. & B.R.R. Company Survey Section 4, A-543, City of Pearland, Brazoria County, Texas.

Vice-Chairperson Greiner called the Public Hearing to order at 10:41 p.m. and read the purpose of the hearing.

There was no one present to speak for or against this replat.

Planner I DuCroz gave the staff report stating that a Replat requires a public hearing, as the applicant is subdividing the two existing lots into three lots.

The hearing was adjourned at 10:45 p.m.

I. CONSIDERATION & POSSIBLE ACTION — Final Plat of Rios Subdivision

A request by Christian Offenburger, RPLS, Boundary One, LLC, for Abelio Rios, owner, for approval of a replat of Lots 1 and 2 of the Rawls Subdivision as the Rios Subdivision Final Plat in order to subdivide the

PLANNING AND ZONING COMMISSION

two existing lots into three lots. The parcel is 0.663 acre and is located at Woody Road at Scott Street, and is described as follows:

0.663 acre of land, all of Lots 1 and 2, Rawls Subdivision as recorded in Volume 17, Page 399 B.C.P.R. in the H.T. & B.R.R. Company Survey Section 4, A-543, City of Pearland, Brazoria County, Texas.

Planner I DuCroz read the Staff Report. There was one outstanding item.

Commissioner Koza, Jr. made a motion to approve, and Commissioner Fuertes seconded.

Commissioner Fuertes made an amendment to the motion to approve with Staff's recommendations. Commissioner Koza, Jr. seconded.

The vote was 5-0 for approval with Staff's comments, regarding the street light on Scott Street.

J. CONSIDERATION & POSSIBLE ACTION – Final Plat of Shadow Creek Ranch Commercial Site No. 18B

A request by Jason R. Banda, LJA Engineering & Surveying, Inc. for CG-Shadow Creek Ranch Village LP, owner, for approval of a Final Plat of 12.121 acres for five commercial lots. The plat is located on Shadow Creek Parkway between Kirby Drive and S.H. 288, and is described as follows:

12.121 acres, being out of the T.C.R.R. Co. Survey, Section 4, Abstract 675, and the Obediah Pitts Survey, Abstract 717, City of Pearland, Brazoria County, Texas.

Planner I DuCroz stated that this Plat had been withdrawn.

K. CONSIDERATION & POSSIBLE ACTION – Final Right-of-Way Plat of Shadow Creek Ranch Discovery Bay Drive Extension

A request by Jason Banda, LJA Engineering & Surveying, Inc. for Shadow Creek Ranch Development Co, owner, for approval of a Final Right-of-Way Plat of 0.721 acres in Shadow Creek Ranch for a portion of Discovery Bay Drive. The property is located between Business Center Drive and S.H. 288, and is described as follows:

0.721 acres being out of the William Morris Survey, Abstract 344, City of Pearland, Brazoria County, Texas.

Planner I DuCroz read the Staff Report. There were no outstanding items.

PLANNING AND ZONING COMMISSION

Commissioner Fuertes made the motion to approve, and Commissioner Sherrouse seconded.

The vote was 5-0 for approval.

L. CONSIDERATION & POSSIBLE ACTION – Preliminary Right-of-Way Plat of Shadow Creek Ranch Broadway Extension

A request by Jason Banda, LJA Engineering & Surveying, Inc., for Pearland Investments, owner, for approval of a Preliminary Right-of-Way Plat of 12.241 acres in Shadow Creek Ranch for the extension of Broadway from Kingsley Drive west to the Fort Bend/Brazoria County line. The property is described as follows:

12.241 acres being out of the H.T. & B.R.R. Co., Section 83, Abstract 305, Brazoria County, Texas, the H.T. & B.R.R. Co., Section 83, Abstract 761, Fort Bend County, Texas, and the H.T. & B.R.R. Co. Survey, Section 84, Abstract 767, Fort Bend County, Texas, and the H.T. & B.R.R. Co. Survey, Section 82, Abstract 565, City of Pearland, Brazoria County, Texas.

Planner I DuCroz read the staff report. There was one outstanding item with the street light layout possibly needing to be revised.

Commissioner Sherrouse made the motion to approve with staff's comments, and Commissioner Koza, Jr. seconded.

The vote was 5-0 for approval with staff's comments.

M. CONSIDERATION & POSSIBLE ACTION – Waiver of Decision Time for Stable Stone Lane Final Plat

A request by Gerald Grissom, Brown & Gay Engineers, for a waiver of the decision time for the Final Plat of Stable Stone Lane until the August 21 P&Z meeting.

Planner I DuCroz stated that the applicant had asked for a Waiver, and that they were requesting an extension of time.

Commissioner West made the motion to approve the extension of time, and Commissioner Koza, Jr. seconded.

PLANNING AND ZONING COMMISSION

There was much discussion between Legal and Staff regarding the request of a waiver for an extension of time.

The vote was 5-0 for approval of the extension of time.

- N. NEXT MEETING** August 7, 2006 P&Z Meeting
- O. DISCUSSION ITEMS** Texas APA Conference-Corpus Christi, TX
October 18-21, 2006

ADJOURNMENT

The meeting was adjourned at 10:56 p.m.

These minutes are respectfully submitted by:

Judy D. Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of _____, A.D., 2006.

Ruby Sandars
P&Z Chairperson



CITY OF PEARLAND PLANNING & ZONING

MEMO

DATE: August 2, 2006

TO: Planning & Zoning Commission

FROM: Planning Staff (LK)

SUBJECT: Zone Change No. 2006-23Z – Proposed PD Generally Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 1,000 Feet North of FM 518 (Broadway Street).

The applicant is requesting a change in zoning on the subject property for a Planned Development District (PD). The subject property consists of approximately 11.6 acres of land. The applicant is seeking approval of a PD for a skilled nursing facility and an assisted living senior residential facility. The facility, which will include 160 residents and 70 staff, is proposed to be located on 1.9 acres. Approximately 50% of the site is proposed to be used for landscape and open space. The proposed open detention pond and open area, on the north west part of the property would serve as a buffer between this use and the adjoining residential subdivision. The subject property is currently undeveloped.

The Joint Public Hearing was held on June 19, 2006. The P & Z Commission at their meeting on June 19, 2006 and July 17th, 2006 tabled action on the application. A revised PD document has been attached for your review. All outstanding issues have been addressed.

Staff recommends approval of the PD.

Planned Development District (PD) Zoning Request

I. Introduction

A. Description of the Subject Property.

The property faces Miller Ranch Road and is the northernmost part of the abandoned cement plant. It is vacant except for a few concrete pilings and pads on the south and a green area of small cottonwood and scrub on the north. It forms an irregular rectangle (see exhibit A). The property begins 950 feet from the north ROW of Broadway (F.M. 518) and resides 637 feet along Miller Ranch Road (the only bordering street). The natural gas pipe-line comprises the southern border, the detention facility for Pearland Retail Fitness forms the southwest corner, the west boundary follows the regional drainage canal, the northernmost boundary borders a private lake, and a single family residence comprises the northeast corner.

B. Description of Proposed Development.

We propose to build two senior residential facilities. The first phase will be a Skilled Nursing Facility (SNF) and the second an Assisted Living Senior Residential Facility (AL) as per our proposed site plan (exhibit A).

C. Describe the area of land in acreage.

The total acreage is 11.64 acres. Of this approximately 3.8 acres offsets on the northwest corner. This area will be used primarily for a detention facility. It aligns with the planned detention facility for Pearland Retail Fitness on the south and the private lake on the north.

The balance is approximately 7.9 acres which will be utilized for our two construction projects.

D. Purpose and Intent of the PD district established therein.

Our single aim here is building these two senior residential facilities. We have no other purpose for this property. Under Office Professional (OP) base zoning with a PD overlay, both the SNF and the AL may be permitted as conditional uses. We request that every other classification of permitted and conditional use for the underlying zone of OP be excluded from our request. In summary, all we want is permission to build these two specific conditional uses under the base zoning of Office Professional.

These buildings will be homes for seniors and residential in essence. This meets a particular need in the Pearland area which the State of Texas recognized in issuing Osborne Development the waiver to develop the Skilled Nursing Facility. This building, in conjunction with the Assisted Living Residential Facility, will offer the most up-to-date care for the needs of the areas' seniors.

The PD district applied to this property will serve as an excellent transition from the retail/commercial at Broadway (e.g. Home Depot, Pearland Retail Fitness, and the proposed Hotel) to the residential area to the north.

II. Zoning and Land Use.

A. Describe the existing zoning districts and the boundaries of said districts.
 Currently the property in question as well as two contiguous parcels to the north are zoned R-1. Property west and across the drainage canal is zoned R-3 as well as the property across Miller Ranch Road to the east. Immediately to the south the single approximately 2 acre parcel is zoned R-1 with General Business covering the corner of Broadway and Miller Ranch Road.

B. Describe the base zoning district(s) to be overlaid, together with the boundaries of the district(s), and describe the areas in acreage of each different district.
 Our request, consistent with City of Pearland staff recommendation, is that the total acreage be zoned Office Professional with a Planned Development district overlay eliminating all Permitted uses except the SNF and the AL. Per City of Pearland staff recommendation the PD will follow the Common Open Space requirements of a MF zone.

In accordance with Pearland PD regulations, the location and arrangement of uses will be consistent with the Design Plan. Minor variations from the table below will be limited to possible modifications in building layout normal during the planning phase of development. Any such variations and Subsequent Development Applications will comply with the requirements of Uniform Development Code (UDC), unless specifically authorized by the Planning and Zoning Commission and/or City Council.

Land Use Summary

Use	Acres	Percentage Total Acres	Zoning District
Landscape and Open Space 20% or less Anticipated Variations	6.4	55%	OP
Detention 20% or less Anticipated Variations	1.44	12.5%	OP
Thoroughfares/ROW 10% or less Anticipated Variations	0.44	4%	OP
Internal Streets/Vehicular Circulation and parking 10% or less Anticipated Variations	1.46	12.5%	OP
Buildings 10% or less Anticipated Variations	1.9	16%	OP

III. Design standards applicable to the development.

All development standards and requirements of the UDC and City Ordinances (not repealed by the UDC) will be met, unless specifically mentioned in this Planned Development or authorized by the Planning and Zoning Commission and/or the City Council. Building elevations will maintain the residential look and character as shown in the exhibits in the original PD.

A. Phase One.

Pursuant to City of Pearland staff recommendations the PD will follow the Common Open Space requirements of a MF zone of 900 sq. ft. per unit. (Phase One: 900 sq. ft. x 60 room/units = 54,000 sq. ft. of Common Open Space.)

Phase One will include a walk path for the enjoyment of the residents of the Facility. There will be a 25' wide green space buffer with a screen between our property and the home immediately and north along Miller Ranch Road.

B. Phase Two.

Phase Two will also follow the Common Open Space requirements of a MF zone of 900 sq. ft. per unit. (Phase Two: 900 sq. ft. x 60 room/units = 54,000 sq. ft. of Common Open Space.)

Phase Two will include enhancement of the detention pond, created during Phase One, into an amenity for the enjoyment of the residents of the Facilities as shown on the Proposed Site Plan.

IV. Required dedications of land or public improvements.

The locations of driveways, ROW dedications and other Traffic requirements have been determined by a Traffic Impact Analysis (TIA). All requirements of the Thoroughfare Plan, TIA, the UDC and other City Ordinances will be complied with unless specifically mentioned in this Planned Development or authorized by the Planning and Zoning Commission and/or the City Council.

A. Phase One.

The City of Pearland's parkland dedication fee requirements for Phase One will be paid pursuant to city planning staff's recommendation for sixty (60) units, at \$750.00 per unit/room/suite. (60 rooms/units x \$750.00 = \$ 45,000.00)

B. Phase Two.

The City of Pearland's parkland dedication fee requirements for Phase Two will be paid at same rate per unit as Phase One, and prior to the start of construction of the AL. (60 rooms/units x \$750.00 = \$ 45,000.00)

V. Phasing schedule for the project.

All required off-site and on-site improvements will be completed for each phase before a building permit or CO is issued for that phase.

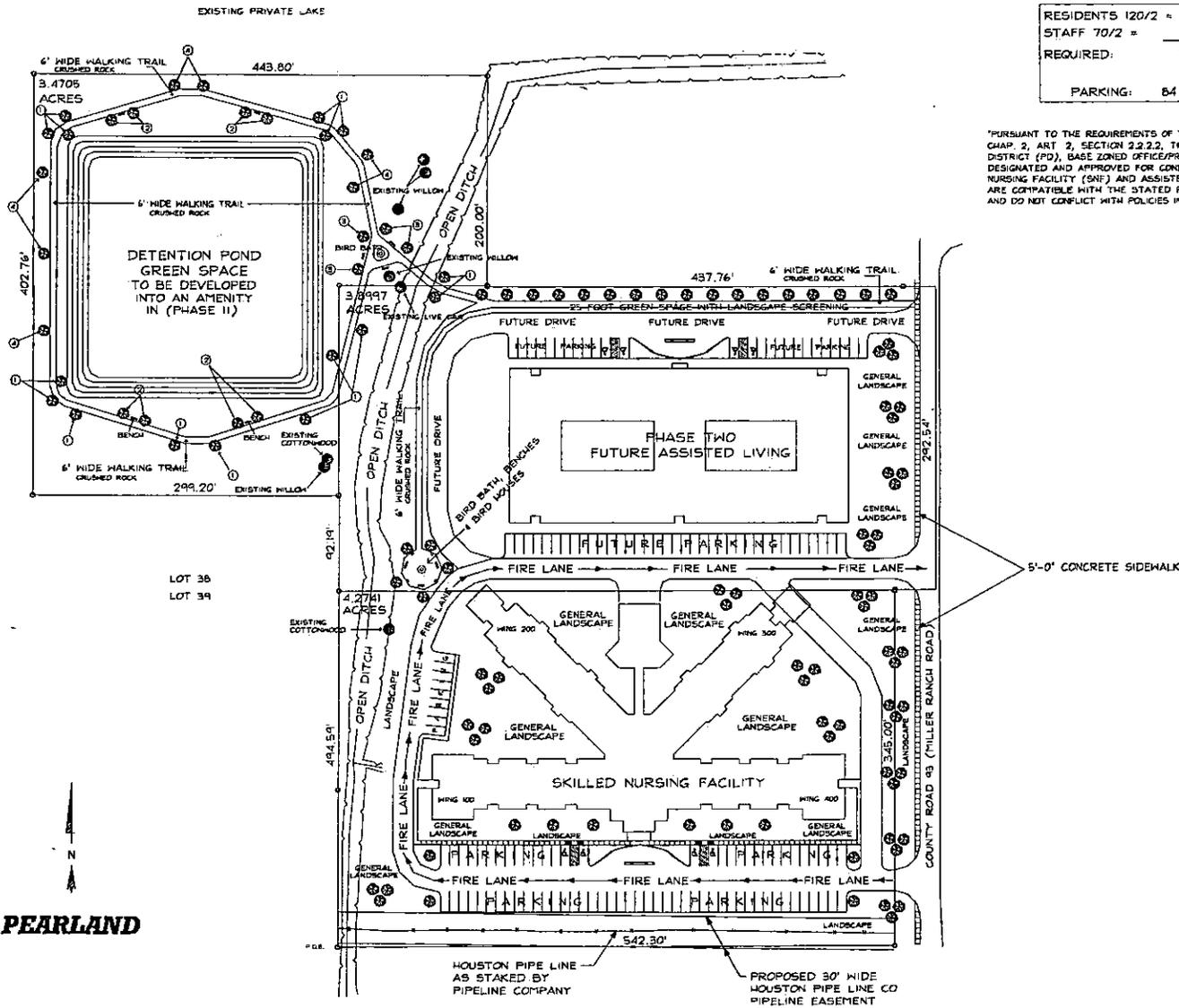
The SNF is the First Phase of the project. The SNF is possible because of a state of Texas waiver which holds a time-limit of completion. Texas Department of Aging and Disability Services (TDADS) requires this project be completed by June, 2007. Applications and Plans for platting and permitting of the construction of this building are in preparation.

Once substantial progress is made on Phase One, we will begin Phase Two, the Assisted Living Senior Residential Facility. This is scheduled for 2007.

Phase 1 (SNF)	
Square Footage	42,223
Number of Residents	120
Number of Employees	100+
Phase 2 (AL)	
Square Footage	40,565
Number of Residents	60
Number of Employees	40+

NEW TREE LEGEND

- ① CREEP MYRTLE
- ② BRADFORD PEAR
- ③ PURPLE PLUM
- ④ BANANA PALM



RESIDENTS 120/2 =	60 SPACES
STAFF 70/2 =	35 SPACES
REQUIRED:	70 SPACES
PARKING:	84 PROVIDED

"PURSUANT TO THE REQUIREMENTS OF THE CITY OF PEARLAND LOC. CHAP. 2, ART. 2, SECTION 2.2.2.2, THIS PLANNED DEVELOPMENT DISTRICT (PD), BASE ZONED OFFICE/PROFESSIONAL (OP), HAS BEEN DESIGNATED AND APPROVED FOR CONDITIONAL USE AS A SKILLED NURSING FACILITY (SNF) AND ASSISTED LIVING (AL). SAID USES ARE COMPATIBLE WITH THE STATED PURPOSES OF THE DISTRICT AND DO NOT CONFLICT WITH POLICIES IN THE COMPREHENSIVE PLAN."



PROPOSED SITE PLAN
11.6443 ACRES TOTAL

PRELIMINARY, NOT FOR CONSTRUCTION, BIDDING OR PERMITTING

SITE PLAN

SKILLED NURSING FACILITY
PEARLAND, TEXAS

OSBORNE DEW
ARCHITECT
5417 E 54TH STREET
DALLAS, TEXAS 75246 (416) 237-1100

DATE: 7/20/06
PROJECT: 11.6443 ACRES
08-01
40874
PL-01-DWG
C1

PRELIMINARY, NOT FOR CONSTRUCTION, BIDDING OR PERMITTING

ELEVATIONS

SKILLED NURSING FACILITY
PEARLAND, TEXAS

OSBORNE DEW.
ARCHITECT
3417 E. 54th STREET
HOUSTON, TEXAS 77030

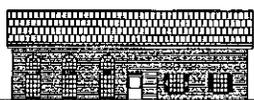
1/27/06
PROJECT NO.
06-0
100-1
PEARLAND



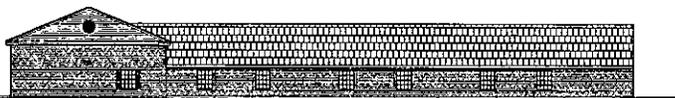
1 FRONT ELEVATION



WING 100



WING 400



WING 400 BACK



WING 100 BACK



WING 200 FRONT



WING 200 BACK



WING 300 BACK



WING 300 FRONT

PLAT APPLICATION

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

Please Check Type of Plat Requested:

- Preliminary Subdivision Plat*
- Final Subdivision Plat*
- Minor (Subdivision) Plat*
- Amending Plat*
- Master Plat*
- Preliminary Development Plat*
- Final Development Plat*
- Replat*

JUL 10 2006

SUBDIVISION NAME: VILLAGES OF TOWNE LAKE

NUMBER OF LOTS: 1

GENERAL LOCATION: S. OF PEARLAND HIGH SCHOOL

* A complete application must include all items shown on the corresponding checklist for each different type of plat.

PRIMARY CONTACT: ROBERTA A. MARLOWE - REKHA ENGINEERING, INC.
 MAILING ADDRESS: 5301 HOLLISTER, SUITE 190
 CITY, STATE, ZIP: HOUSTON, TX 77040
 PHONE: 713-895-8080 FAX: 713-895-7686
 E-MAIL ADDRESS: jake1@pdq.net

OWNER NAME: VILLAGES OF TOWNE LAKE, LP. - AARON Mc GUIRE
 MAILING ADDRESS: 7118 BROADWAY, SUITE 160
 CITY, STATE, ZIP: PEARLAND, TX 77581
 PHONE: 281-997-1500 FAX: 281-997-2886
 E-MAIL ADDRESS: _____

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

Owner's Signature: _____ Date: _____

Applicant's Signature: Robert A. Marlowe Date: 7/10/06

Fees Not Required for Staff Review Plats

FEE PAID: <u>200.00</u>	DATE PAID: <u>7-10-06</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>182822</u>
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Re-check fee

Application No.

**THE VILLAGES OF TOWNE LAKE
FINAL PLAT – STAFF REPORT**

P & Z MEETING DATE: August 7, 2006

APPLICANT: Bobby Marlowe, Rekha Engineering, for Villages of Towne Lake, LP, owner.

REQUEST: Final Plat of 34.9454 acres zoned PUD for a multifamily development. The PUD was approved on November 22, 2004, and the Preliminary Plat was approved on January 17, 2005. The PUD approval allows for a total of 252 apartment units, in 42 structures of 6 units each. On February 20, 2006, P&Z denied the Final Plat due to 22 outstanding items on the plat. On June 19, 2006, P&Z denied the Final Plat due to 14 outstanding items on the plat.

GENERAL LOCATION: The property is located east of Main Street south of Oiler Drive. See Vicinity Map below.

PROPERTY DESCRIPTION: The property is undeveloped.

ZONING: R-4, PUD. The proposed plat is consistent with the zoning.

SURROUNDING USES: To the north is the Towne Lake Estates subdivision. Commercial and industrial uses are located to the south and west. To the east are a series of lakes.

COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for Medium Density Residential. The existing zoning and proposed development are consistent with the Comprehensive Plan.

TRAFFIC AND TRANSPORTATION: The Traffic Impact Analysis has been approved.

UTILITIES AND INFRASTRUCTURE: Water and sewer service will be extended to the site by the developer.

STORMWATER MANAGEMENT: Stormwater detention will be provided offsite in a lake on the adjoining property.

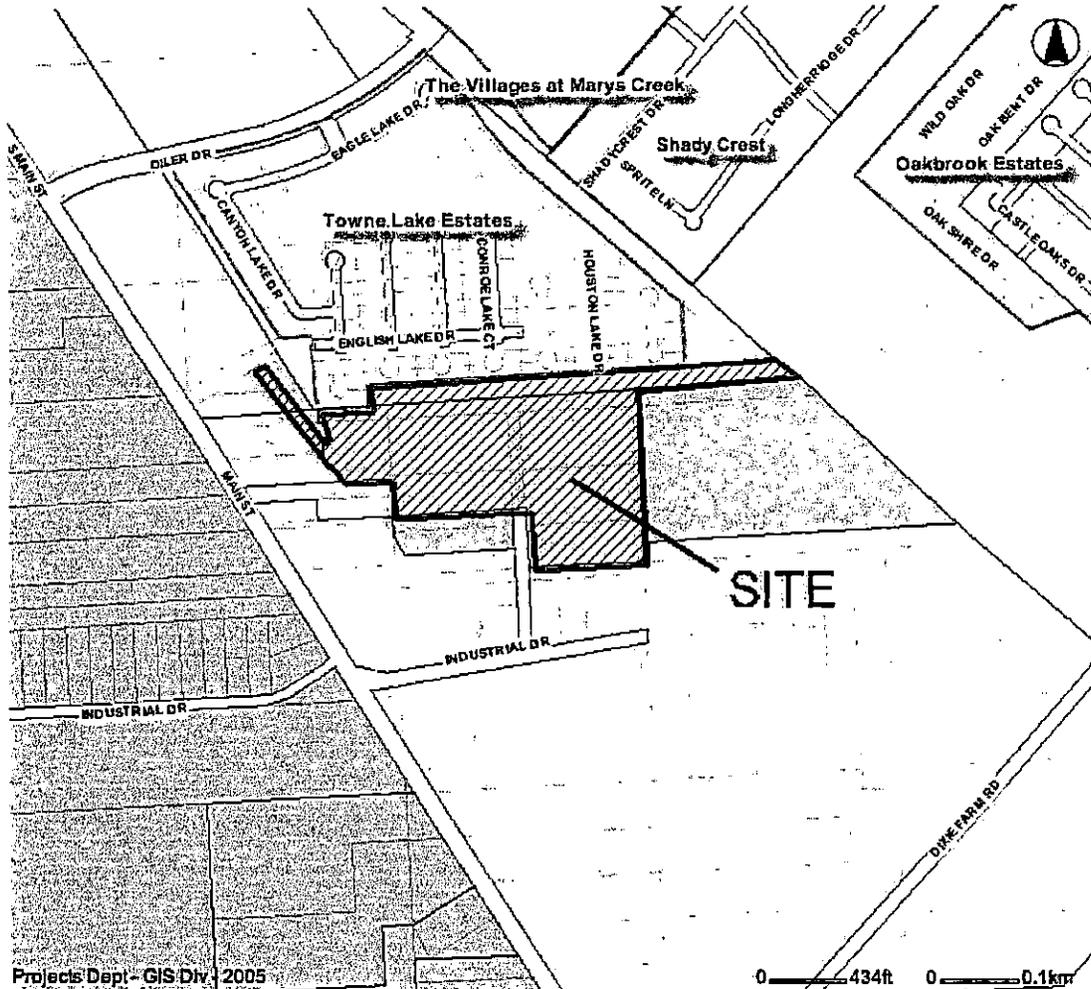
PARKS, OPEN SPACE, AND TREES: Surveyor found no Class I or Class II trees on this property. Parkland will be provided offsite in accordance with an agreement with the City of Pearland.

OUTSTANDING ITEMS:

none

ATTACHMENTS:

1. Application Form
2. Final Plat



Projects Dept - GIS Div, 2005

0 0.434km 0 0.1km

PLAT APPLICATION

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

Please Check Type of Plat Requested:

- Preliminary Subdivision Plat*
- Final Subdivision Plat*
- Minor (Subdivision) Plat*
- Amending Plat*
- Master Plat*
- Preliminary Development Plat*
- Final Development Plat*
- Replat*

JUL 31 2006

SUBDIVISION

NAME: THE LAKE AT SHADOW CREEK RANCH

NUMBER OF LOTS: 7

GENERAL

LOCATION: 18.5691 ACRES LOCATED IN THE T.C.R.R.
COMPANY - SURVEY, ABSTRACT 675
CITY OF PEARLAND, BRAZORIA COUNTY,
TEXAS

* A complete application must include all items shown on the corresponding checklist for each different type of plat.

PRIMARY CONTACT: A. MAHENDRA RODRIGO, P.E.

MAILING ADDRESS: 4201 WEST BROADWAY

CITY, STATE, ZIP: PEARLAND, TEXAS 77581

PHONE: (281)412-7008 FAX: (281)412-4623

E-MAIL ADDRESS: mrodrigo@gc-engineering.com

OWNER NAME: MR. DAN NIP, C.P.A.

MAILING ADDRESS: 11205 BELLAIRE BLVD., SUITE B33

CITY, STATE, ZIP: HOUSTON, TEXAS 77072

PHONE: (281)568-8388 FAX: (281)568-8338

E-MAIL ADDRESS: dnip888@sbcglobal.net

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

Owner's Signature: Mahendra Rodrigo for Dan Nip Date: July 30, 2006

Applicant's Signature: [Signature] Date: July 30, 2006

Fees Not Required for Staff Review Plats

FEES PAID: <u>957.10</u>	DATE PAID: <u>7-10-06</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>181058</u>
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Application No.

**THE LAKE AT SHADOW CREEK RANCH
PRELIMINARY PLAT – STAFF REPORT**

P & Z MEETING DATE: August 7, 2006

APPLICANT: A. Mahendra Rodrigo, P.E., GC Engineering, Inc., for Faith Development, L.L.C., owner.

REQUEST: Preliminary Plat of 18.5691 acres zoned GB for subdivision into seven lots and two reserves for draining, recreation, and landscaping.

GENERAL LOCATION: The property is located south of Shadow Creek Parkway west of Business Center Drive.

PROPERTY DESCRIPTION: The property is undeveloped with an existing pond.

ZONING: GB, The proposed plat is consistent with the zoning.

SURROUNDING USES: Property will adjoin a school site to the west and south with thoroughfares on the north and east.

COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for Medium Density Residential.

TRAFFIC AND TRANSPORTATION: The Traffic Impact Analysis has been submitted.

UTILITIES AND INFRASTRUCTURE: Water and sewer service available.

STORMWATER MANAGEMENT: Stormwater detention will be provided onsite in a detention reserve.

PARKS, OPEN SPACE, AND TREES: not applicable, no protected trees onsite

OUTSTANDING ITEMS:

1.) Label 25' W.S.E.

ATTACHMENTS:

1. Application Form
2. Preliminary Plat

PLAT APPLICATION

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

Please Check Type of Plat Requested:

- Preliminary Subdivision Plat*
- Final Subdivision Plat*
- Minor (Subdivision) Plat*
- Amending Plat*
- Master Plat*
- Preliminary Development Plat*
- Final Development Plat*
- Replat*

~~RETRACTED~~
~~RETRACTED~~

JUN 05 2006

SUBDIVISION

NAME: SOUTHERN TRAILS PHASE I SECTION NINE

NUMBER OF LOTS: 110 LOTS (60' X 120' TYP.)

GENERAL

LOCATION: SOUTH OF SOUTHERN TRAILS DR.,
EAST OF ALMEDA SCHOOL ROAD

* A complete application must include all items shown on the corresponding checklist for each different type of plat.

PRIMARY CONTACT: KERRY R. GILBERT ASSOCIATES, L.L.C.

MAILING ADDRESS: 15810 PARK TERN PLACE, STE. 160

CITY, STATE, ZIP: HOUSTON, TEXAS 77084

PHONE: (281) 579-0340 FAX: (281) 579-8212

E-MAIL ADDRESS: LANDPLAT@KPGA.COM

OWNER NAME: C. L. ASHTON WOODS, L.P.

MAILING ADDRESS: 11375 W. SAM HOUSTON PARKWAY #100

CITY, STATE, ZIP: HOUSTON, TEXAS 77031

PHONE: (281) 561-7773 FAX: (281) 561-7774

E-MAIL ADDRESS: _____

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

Owner's Signature: Berley Ulman Date: 6/5/06

Applicant's Signature: [Signature] Date: 6/5/06

Fees Not Required for Staff Review Plats

FEE PAID: <u>1060⁰⁰</u>	DATE PAID: <u>6-8-06</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>161211</u>
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Application No.

**SOUTHERN TRAILS PHASE ONE SECTION NINE
PRELIMINARY PLAT – STAFF REPORT**

P & Z MEETING DATE: August 7, 2006

APPLICANT: Randy Riley, Kerry R. Gilbert & Associates, Inc., for C.L. Ashton Woods, LP, owner.

REQUEST: Preliminary Plat of 30.1 acres zoned PUD for a single-family residential development. The PUD was approved in February of 2004.

GENERAL LOCATION: The property is located south of Southern Trails Drive.

PROPERTY DESCRIPTION: The property is undeveloped.

ZONING: R-1, PUD. The proposed plat is consistent with the zoning.

SURROUNDING USES: Property will adjoin other single-family units of the Southern Trails PUD on the west and north with a detention reserve to the east and undeveloped property to the south.

COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for Low Density Residential. The existing zoning and proposed development are consistent with the Comprehensive Plan.

TRAFFIC AND TRANSPORTATION: The Traffic Impact Analysis has been approved.

UTILITIES AND INFRASTRUCTURE: Water and sewer service will be extended to the site by the developer.

STORMWATER MANAGEMENT: Stormwater detention will be provided offsite in a detention reserve on the adjoining property.

PARKS, OPEN SPACE, AND TREES: Park fees will be paid prior to final plat approval.

OUTSTANDING ITEMS:

- 1.) Remove building lines

ATTACHMENTS:

1. Application Form
2. Preliminary Plat

2929 Briarpark Drive Phone 713.953.5200
Suite 600 Fax 713.953.5026
Houston, Texas 77042-3703 www.ljaengineering.com

*Rec'd 7-31-06
JK*

July 31, 2006

Mr. Richard Keller
City of Pearland
3523 Liberty Drive
Pearland, Texas 77581

Re: Preliminary Plat Province Village
LJA Job No. 1938-0002 (2.0)

Dear Mr. Keller:

This is a request to withdraw the referenced Preliminary Plat from the upcoming Planning & Zoning agenda for re-submittal at a later date.

Per our conversation on Friday, July 28, 2006, it is my understanding that withdrawal of the plat from the agenda on or before July 31, 2006, will allow us to resubmit at a later date without losing any fees or incurring additional costs. Furthermore, if we were to instead request an extension of time, we would be required to pay additional fees for not addressing all staff review comments.

Please advise me if there are any concerns regarding this matter.

Sincerely,



Ralph Thomas
Senior Platting Coordinator

RT/lb

Copy: Brandy R. Lang, P.E., LJA Engineering & Surveying, Inc.
Omar Escobar, LJA Engineering & Surveying, Inc.



Texas APA Conference, October 18-21, 2006 - Registration Form



Register online and save \$25 at www.planning.org/chapters/conferences.html. (Credit card payments only).
Mail checks to: American Planning Association, 94343 Eagle Way, Chicago, IL 60678-9430
Fax 312-786-6735 (our fax line is open through October 2nd) - Purchase Orders will not be accepted

The conference hotel is the Omni Hotel - Bayfront in Corpus Christi. To make reservations, call 361-887-1600 and request the American Planning Association Conference rate. You must make your own reservations. Early registration ends September 7th. Regular registration must be received by deadline of October 2nd. Late registration is on-site, and incurs a late-registration fee of \$45.00 after October 2nd. Cancellation/Changes must be received in writing by mail or fax or emailed to registrationchanges@planning.org by October 2nd. There is a \$25.00 processing fee for cancellations.

NO CASH REFUNDS ON SITE

Step 1: Name and Address:

_____		_____	
APA ID Number		Section Name	
_____		_____	
First Name	MI	Last Name	

Home Address			

City	State	Zip	

Employer/Agency or School Name			

Employer/Agency or School Address		Suite #	
_____		_____	
City	State	Zip	

First Name for Badge	

Title	

Guest name (if applicable)	

Home Phone Number	

Office Phone Number	Fax Number
_____	_____
Preferred E-Mail Address	

Send correspondence to:	() Home () Employer

Step 2: Basic Registration	Early	Regular
Circle the registration fee that applies	by	by
Payment must be received by	Sept. 7 th	Oct. 2 nd
Full Conference		
APA Member	\$335	\$375
Non APA Member	\$375	\$415
includes conference sessions both lunches and all events. (Save \$25 by registering on-line)		

Full Conference for Planning Officials		
APA Member	\$365	\$405
Non APA Member	\$405	\$445
Price includes conference sessions, Planning Commissioner Track sessions, course materials, both luncheons and all events (Save \$25 by registering on-line)		

Full Conference for Full Time Students		
Student APA members and non-members	\$80	\$105
Price includes conference, Planning Commissioner Track sessions, Opening reception, and Foundation luncheon		

Thursday Only - Partner Organization Day	\$150	\$175
Price includes conference & Planning Commissioner Track sessions for Thursday Oct 19 th only and Foundation luncheon		

Friday Only - Planning Officials Day	\$150	\$175
Price includes conference & Planning Commissioner Track sessions for Friday, Oct 20 th only and Awards luncheon		

Step 3: Events: Extra Tickets
Indicate the number of additional tickets you need for your guests.

Opening Reception	_____	x\$35=\$_____
Foundation Luncheon	_____	x\$35=\$_____
Awards Luncheon	_____	x\$35=\$_____
South Wind - Lexington	_____	x\$35=\$_____
East Wind - Surf Club	_____	x\$35=\$_____

Events Extra Tickets Subtotal \$_____

Step 4: Mobile Workshops & Tours
Limit of ONE ticket per workshop. Select workshops desired.
Guest tickets may not be purchased in advance, guest tickets may be purchased on-site at the conference, space permitting.

_____ Workshop 1 \$30	_____ Walking Tour 1	-0-
_____ Workshop 2 \$30	_____ Walking Tour 2	-0-
_____ Workshop 3 \$30	_____ Walking Tour 3	-0-
_____ Workshop 4 \$30	_____ GIS (Wed. AM)	\$25
	_____ GIS (Wed. PM)	\$25
	_____ AICP Workshop (Wed)	\$40

Mobile Workshops & Tours Subtotal \$_____

Step 5: Method of Payment

Mail form with remittance made payable to the American Planning Association at 94343 Eagle Way, Chicago, IL 60678-9430.

Purchase Orders will not be accepted.

Basic Registration: Subtotal (Step 2)	\$_____
Events: Extra Tickets: Subtotal (Step 3)	\$_____
Mobile Workshops & Tours: Subtotal (Step 4)	\$_____
Total Cost	\$_____

Check # _____ (payable to: American Planning Association)

_____ MasterCard
_____ Visa
_____ American Express

_____ Credit card number _____ Expiration Date

_____ Cardholder's Signature required

Employee's Name: Betty Foreman
Department: Engineering

City of Pearland Detention Pond

April 2006 Monthly Inspection Report

- **Detention Ponds Inspected in April 2006**

% Passing Monthly Inspection (8 out of 14 = 57.0%)

- **Year-To-Date (From May 2005 thru April 2006)**

Total ponds passing the initial inspection (93 out of 139 = 67 %)
Total ponds failed in the initial inspection (46 out of 139 = 33 %)

Total ponds, failed initial inspection, but have completed work (27 of 46 = 63%)
Total ponds, failed initial inspection, still requiring action (16 of 46 = 35%)

D #	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
123	Sunset Meadows	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006		
120	River Walk (2 ponds)	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006		
36	Cypress Village I & II	4/17/2006	Fail	Mow bottom			
28	Ashton Park	4/17/2006	Fail	Repair inlet NE corner	4/25/2006		
21	American Eagle Public Storage	4/17/2006	Pass	OK			
30	Barclay	4/17/2006	Fail	Mow slopes & top	4/25/2006		
37	DCG	4/17/2006	Fail	Mow	4/25/2006		
29	Associated Credit Union	4/17/2006	Pass	OK			
35	COP, east of Centennial Park	4/17/2006	Pass	OK			
38	Dry Clean	4/17/2006	Pass	OK			
34	Centennial Village	4/17/2006	Pass	OK			
33	Canterbury	4/17/2006	Pass	OK			
32	Cabot Cove	4/17/2006	Pass	OK			
31	BDD4 @ Fite Road	4/17/2006	Pass	OK			
0	Pearland Pavillion	3/27/2006	Fail	Mow bottom (all)	3/31/2006	4/30/2006	Work not completed
92	Home Depot @ Dixie Farm Road	3/27/2006	Fail	Mow pond bottom (all)	3/31/2006	4/30/2006	Work completed
25	Village Groove (2 ponds)	3/9/2006	Pass	OK			
24	Sunrise Offsite	3/9/2006	Pass	OK			
26	Walker Estates	3/9/2006	Pass	OK			
27	Westside Dental	3/9/2006	Pass	OK			
19	Shadow Creek Ranch (4 ponds)	3/9/2006	Pass	OK			
23	Sunrise Lakes (3 ponds)	3/9/2006	Pass	OK			
22	South Hampton	3/9/2006	Pass	OK			
20	Sonic Drive-In	3/9/2006	Fail	Repair Fence, Clean up tras	3/16/2006	3/24/2006	Work completed
18	Sawyers Pond	2/10/2006	Pass	OK			
38	Pearland Park Estates	2/10/2006	Pass	OK			
37	Holiday Inn Express	2/10/2006	Pass	OK			
36	Crystal Lake	2/10/2006	Pass	OK			
35	Avalon Terrace	2/10/2006	Pass	OK			
10	Home Depot @ Wooten Road	2/10/2006	Pass	OK			
11	Hampton Inn/Joseph's Grille	2/10/2006	Pass	OK			
30	Robin Cove	2/10/2006	Pass	OK			
12	K & G Pilgrim	2/10/2006	Pass	OK			
13	O'day @ FM 518	2/10/2006	Pass	OK			
14	Pearland Plaza	2/10/2006	Pass	OK			
17	Rollac (2 ponds)	2/10/2006	Pass	OK			
15	Pine Oaks	2/10/2006	Pass	OK			

D#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
6	Choice Oaks	1/27/2006	Pass	OK			
127	Fite Road (fenced area)	1/27/2006	Pass	OK			
128	Hazeldale Estates	1/27/2006	Pass	OK			
5	Broadway West @ Wooten Rd.	1/27/2006	Pass	OK			
139	Golfcrest Country Club with ditch	1/27/2006	Pass	OK			
3	Albertson's West Pond	1/27/2006	Pass	OK			
4	Autumn Lakes	1/27/2006	Pass	OK			
134	CVS Sherwood	1/27/2006	Fail	Mow & hydromulch slopes	1/30/2006	3/9/2006	Sent violation letter on 1/30/06; Sent Court affidavit to Courts 03/16/06
7	Colony Parks	1/27/2006	Pass	OK			
1	2009 (at Hatfield Rd.)	1/27/2006	Pass	OK			
2	Albertson's East Pond	1/27/2006	Pass	OK			
122	Sunset Lakes 3	12/29/2005	Pass	OK			
117	PISD @ Pearland Parkway	12/29/2005	Pass	OK			
118	Randalls @ Pearland Parkway	12/29/2005	Pass	OK			
121	River Mist	12/29/2005	Fail	Mow pond bottom	1/16/2006	1/20/2006	Work is completed
124	Towne Lakes (2 ponds)	12/29/2005	Pass	OK			
125	Villages @ Marys Creek	12/29/2005	Pass	OK			
129	Rehoboth (southwest)	12/29/2005	Fail	Mow pond bottom	1/16/2006	1/25/2006	Work is completed
126	Lawrence Place	12/29/2005	Pass	OK			
115	Pine Hollow Reserve A	12/29/2005	Pass	OK			
119	Rehoboth (east)	12/29/2005	Pass	OK			
104	Ellis Professional	11/22/2005	Pass	OK			
105	Brittany Estate	11/22/2005	Pass	OK			
106	Car Wash @ Sherwood Place	11/22/2005	Pass	OK			
107	Casa Ole	11/22/2005	Pass	OK			
108	Clear Creek Park	11/22/2005	Pass	OK			
109	DDS	11/22/2005	Pass	OK			
110	DyCor	11/22/2005	Pass	OK			
111	Faith Community	11/22/2005	Pass	OK			
112	Independence Park	11/22/2005	Pass	OK			
113	Moody Bank	11/22/2005	Pass	OK			
114	Pearland Clinic	11/22/2005	Pass	OK			
133	Equestrian Center	11/22/2005	Pass	OK			
103	Central Office Park	11/22/2005	Pass	OK			
98	Walmart @ Dixie Farm Road	10/25/2005	Pass	OK			
91	Chevron @ Dixie Farm Road	10/25/2005	Pass	OK			
93	Oakbrook	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed

D.#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
94	Oakbrook 1	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed
95	Oakbrook Estates (2 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005	11/18/2005	Work is completed
97	Rustic Oaks	10/25/2005	Pass	OK			
99	Willow Lake	10/25/2005	Pass	OK			
100	Woodcreek	10/25/2005	Pass	OK			
101	Sunrise Lakes (3 ponds)	10/25/2005	Pass	OK			
96	Pine Hollow (4 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005	12/7/2005	Work is completed
69	Villa Verde (2 ponds)	9/22/2005	Fail	Mow the front pond	10/25/2005	11/18/2005	Work is completed
116	Pine Hollow Reserve D	9/11/2005	Fail	Mow	9/12/2005	9/22/2005	Work is completed
47	Sunset Lakes (2 ponds)	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
89	Turbocare	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
81	McHard Overpass (3 ponds)	9/10/2005	Pass	OK			
102	Landing @ Green Tee	9/10/2005	Fail	Mow pond, clean outlet	9/29/2005	11/4/2005	Work is completed
90	Industrial Polymers	9/10/2005	Fail	Mow the pond	10/25/2005	11/18/2005	Work is completed
88	Eagle Transmission	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
86	West Pond	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
85	St. Helen Church	9/10/2005	Pass	OK			
84	Racetrack @ N. Main St.	9/10/2005	Fail	Mow the pond	9/29/2005	11/18/2005	Court affidavit will be issued
87	Speed Shore	9/10/2005	Pass	OK			
82	Pearland Clinic	9/10/2005	Pass	OK			
74	Greenwood	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
80	Old Kmart @ N. Main St.	9/10/2005	Pass	OK			
79	Links @ Green Tee with ditch	9/10/2005	Fail	Mow the pond	10/25/2005	11/18/2005	Work is completed
78	Lowe's	9/10/2005	Pass	OK			
77	Lakes @ Highland Glen	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
76	Kemlon	9/10/2005	Pass	OK			
75	Hazeldale Estates	9/10/2005	Pass	OK			
83	PISD @ Slider Drive	9/10/2005	Pass	OK			
66	Crosspoint	8/6/2005	Fail	Mow	8/16/2005	9/22/2005	Work is completed
61	Bellavita (2 ponds)	8/6/2005	Pass	OK			
62	Best Western (Nam Huynh)	8/6/2005	Fail	Mow	8/16/2005	9/22/2005	Court affidavit was issued on 10/06/2005
63	Blockbuster @ N. Main St.	8/6/2005	Fail	Clean all outlet	8/16/2005	9/22/2005	Work is completed
64	Clear Creek Park	8/6/2005	Pass	OK			
65	Creekside	8/6/2005	Pass	OK			
67	East Pond	8/6/2005	Pass	OK			
68	North Pond	8/6/2005	Pass	OK			
70	Briarglenn	8/6/2005	Pass	OK			

D #	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
72	Dixie Woods	8/6/2005	Pass	OK			
73	Green Tee Sec. 7	8/6/2005	Fail	Mow and grub	9/2/2005	11/18/2005	Court affidavit will be issued
132	Brianwood Estates	8/6/2005	Pass	OK			
57	West Oaks Centre	7/2/2005	Pass	OK			
59	Westwood Village	7/2/2005	Fail	Mow bottom of pond			Work is completed
131	South Gate	7/2/2005	Pass	OK			
60	Willowick 2	7/2/2005	Pass	OK			
71	West Oak Village SW	7/2/2005	Fail	Mow bottom of pond	7/12/2005	8/15/2005	Court affidavit was issued on 8/18/05
8	Exxon at Cullen Blvd. & FM 518	7/2/2005	Fail	Mow the entire pond	7/12/2005	8/15/2005	Court affidavit was issued on 8/18/05
50	Springfield	7/2/2005	Fail	Mow bottom of pond			Work is completed
56	West Oaks	7/2/2005	Pass	OK			
55	Walgreen at Harkey Road	7/2/2005	Fail	Mow bottom of pond	7/12/2005	8/15/2005	Court affidavit was issued on 8/18/05
53	Village of Edgewater (2 ponds)	7/2/2005	Pass	OK			
52	SWEC	7/2/2005	Pass	OK			
51	Sutherland at Manvel Road	7/2/2005	Pass	OK			
40	Exxon at Veterans Rd.	5/25/2005	Pass	OK			
41	Goodyear at Weschester Circle	5/25/2005	Pass	OK			
42	KwikKar	5/25/2005	Pass	OK			
43	West Oaks South	5/25/2005	Pass	OK			
44	Park Village Estates	5/25/2005	Fail	Mow pond bottom			Work is completed
45	Parks @ Walnut Bend	5/25/2005	Pass	OK			
46	Pearland Farms	5/25/2005	Pass	OK			
58	West Oaks Village (3 ponds)	5/25/2005	Fail	Mow pond bottom	6/8/2005	8/15/2005	Court affidavit was issued on 8/26/04, plea agreement
49	Sherlock Storage	5/25/2005	Pass	OK			
39	Easy Clean	5/25/2005	Pass	OK			
48	PISD at McLean Rd.	5/25/2005	Pass	OK			
16	La Paloma	4/27/2005	Fail	Remove debris	4/27/2005	6/2/2005	Work is completed
54	Walgreen at FM 865 and FM 518	4/12/2005	Fail	Mow top and bottom	4/29/2005	6/14/2005	Work is completed

Employee's Name: Betty Foreman
Department: Engineering

City of Pearland Detention Pond

May 2006 Monthly Inspection Report

- **Detention Ponds Inspected in May 2006**

% Passing Monthly Inspection (10 out of 11 = 91 %)

- **Year-To-Date (From June 2005 thru May 2006)**

Total ponds passing the initial inspection (94 out of 139 = 68%)

Total ponds failed in the initial inspection (45 out of 139 = 32%)

Total ponds, failed initial inspection, but have completed work (30 out of 45 = 66.7%)

Total ponds, failed initial inspection, still requiring action (15 out of 45 = 33.3%)

48	PISD at McLean Rd.	5/15/2006	Pass	OK		
45	Parks @ Walnut Bend	5/15/2006	Pass	OK		
46	Pearland Farms	5/15/2006	Pass	OK		
49	Sherlock Storage	5/15/2006	Pass	OK		
58	West Oaks Village (3 ponds)	5/15/2006	Fail	Mow pond bottom	5/18/2006	5/30/2006 Work Complete
39	Easy Clean	5/15/2006	Pass	OK		
40	Exxon at Veterans Rd.	5/15/2006	Pass	OK		
41	Goodyear at Weschester Circle	5/15/2006	Pass	OK		
42	KwikKar	5/15/2006	Pass	OK		
43	West Oaks South	5/15/2006	Pass	OK		
44	Park Village Estates	5/15/2006	Pass	OK		Work is completed
123	Sunset Meadows	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006	5/30/2006 Work Complete
120	River Walk (2 ponds)	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006	Work Complete
29	Associated Credit Union	4/17/2006	Pass	OK		
28	Ashton Park	4/17/2006	Fail	Repair inlet NE corner	4/25/2006	Work Complete
31	BDD4 @ Fite Road	4/17/2006	Pass	OK		
21	American Eagle Public Storage	4/17/2006	Pass	OK		
36	Cypress Village I & II	4/17/2006	Fail	Mow bottom	4/25/2006	Work Complete
33	Canterbury	4/17/2006	Pass	OK		
34	Centennial Village	4/17/2006	Pass	OK		
35	COP, east of Centennial Park	4/17/2006	Pass	OK		
38	Dry Clean	4/17/2006	Pass	OK		
32	Cabot Cove	4/17/2006	Pass	OK		
30	Barclay	4/17/2006	Fail	Mow slopes & top	4/25/2006	Work Complete
37	DCG	4/17/2006	Fail	Mow	4/25/2006	Work Complete
0	Pearland Pavillion	3/27/2006	Fail	Mow bottom (all)	3/31/2006	4/30/2006
92	Home Depot @ Dixie Farm Road	3/27/2006	Fail	Mow pond bottom (all)	3/31/2006	4/30/2006
26	Walker Estates	3/9/2006	Pass	OK		
24	Sunrise Offsite	3/9/2006	Pass	OK		
22	South Hampton	3/9/2006	Pass	OK		
27	Westside Dental	3/9/2006	Pass	OK		
20	Sonic Drive-In	3/9/2006	Fail	Repair Fence, Clean up tras	3/16/2006	3/24/2006 Work completed
19	Shadow Creek Ranch (4 ponds)	3/9/2006	Pass	OK		
23	Sunrise Lakes (3 ponds)	3/9/2006	Pass	OK		
25	Village Groove (2 ponds)	3/9/2006	Pass	OK		
136	Crystal Lake	2/10/2006	Pass	OK		
135	Avalon Terrace	2/10/2006	Pass	OK		

ID #	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
130	Robin Cove	2/10/2006	Pass	OK			
137	Holiday Inn Express	2/10/2006	Pass	OK			
11	Hampton Inn/Joseph's Grille	2/10/2006	Pass	OK			
138	Pearland Park Estates	2/10/2006	Pass	OK			
12	K & G Pilgrim	2/10/2006	Pass	OK			
13	O'day @ FM 518	2/10/2006	Pass	OK			
14	Pearland Plaza	2/10/2006	Pass	OK			
15	Pine Oaks	2/10/2006	Pass	OK			
17	Rollac (2 ponds)	2/10/2006	Pass	OK			
18	Sawyers Pond	2/10/2006	Pass	OK			
10	Home Depot @ Wooten Road	2/10/2006	Pass	OK			
1	2009 (at Hatfield Rd.)	1/27/2006	Pass	OK			
134	CVS Sherwood	1/27/2006	Fail	Mow & hydromulch slopes	1/30/2006	3/9/2006	Sent violation letter on 1/30/06; Sent Court affidavit to Courts 03/16/06
3	Albertson's West Pond	1/27/2006	Pass	OK			
4	Autumn Lakes	1/27/2006	Pass	OK			
139	Golfcrest Country Club with ditch	1/27/2006	Pass	OK			
2	Albertson's East Pond	1/27/2006	Pass	OK			
6	Choice Oaks	1/27/2006	Pass	OK			
7	Colony Parks	1/27/2006	Pass	OK			
5	Broadway West @ Wooten Rd.	1/27/2006	Pass	OK			
128	Hazeldale Estates	1/27/2006	Pass	OK			
127	Fite Road (fenced area)	1/27/2006	Pass	OK			
117	PISD @ Pearland Parkway	12/29/2005	Pass	OK			
129	Rehoboth (southwest)	12/29/2005	Fail	Mow pond bottom	1/16/2006	1/25/2006	Work is completed
115	Pine Hollow Reserve A	12/29/2005	Pass	OK			
118	Randalls @ Pearland Parkway	12/29/2005	Pass	OK			
119	Rehoboth (east)	12/29/2005	Pass	OK			
121	River Mist	12/29/2005	Fail	Mow pond bottom	1/16/2006	1/20/2006	Work is completed
124	Towne Lakes (2 ponds)	12/29/2005	Pass	OK			
125	Villages @ Marys Creek	12/29/2005	Pass	OK			
126	Lawrence Place	12/29/2005	Pass	OK			
122	Sunset Lakes 3	12/29/2005	Pass	OK			
112	Independence Park	11/22/2005	Pass	OK			
104	Ellis Professional	11/22/2005	Pass	OK			
103	Central Office Park	11/22/2005	Pass	OK			
106	Car Wash @ Sherwood Place	11/22/2005	Pass	OK			
107	Casa Ole	11/22/2005	Pass	OK			

#	Name of Pond	Inspection Date	Pass/Fail	Comment	Close Date	Reopen Date	Work Description
08	Clear Creek Park	11/22/2005	Pass	OK			
09	DDS	11/22/2005	Pass	OK			
14	Pearland Clinic	11/22/2005	Pass	OK			
11	Faith Community	11/22/2005	Pass	OK			
13	Moody Bank	11/22/2005	Pass	OK			
33	Equestrian Center	11/22/2005	Pass	OK			
05	Brittany Estate	11/22/2005	Pass	OK			
10	DyCor	11/22/2005	Pass	OK			
93	Oakbrook	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed
94	Oakbrook 1	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed
95	Oakbrook Estates (2 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005	11/18/2005	Work is completed
96	Pine Hollow (4 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005	12/7/2005	Work is completed
97	Rustic Oaks	10/25/2005	Pass	OK			
98	Walmart @ Dixie Farm Road	10/25/2005	Pass	OK			
99	Willow Lake	10/25/2005	Pass	OK			
00	Woodcreek	10/25/2005	Pass	OK			
01	Sunrise Lakes (3 ponds)	10/25/2005	Pass	OK			
91	Chevron @ Dixie Farm Road	10/25/2005	Pass	OK			
69	Villa Verde (2 ponds)	9/22/2005	Fail	Mow the front pond	10/25/2005	11/18/2005	Work is completed
16	Pine Hollow Reserve D	9/11/2005	Fail	Mow	9/12/2005	9/22/2005	Work is completed
84	Racetrack @ N. Main St.	9/10/2005	Fail	Mow the pond	9/29/2005	11/18/2005	Court affidavit will be issued
81	McHard Overpass (3 ponds)	9/10/2005	Pass	OK			
02	Landing @ Green Tee	9/10/2005	Fail	Mow pond, clean outlet	9/29/2005	11/4/2005	Work is completed
90	Industrial Polymers	9/10/2005	Fail	Mow the pond	10/25/2005	11/18/2005	Work is completed
89	Turbocare	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
88	Eagle Transmission	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
87	Speed Shore	9/10/2005	Pass	OK			
86	West Pond	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
82	Pearland Clinic	9/10/2005	Pass	OK			
83	PISD @ Slider Drive	9/10/2005	Pass	OK			
47	Sunset Lakes (2 ponds)	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
80	Old Kmart @ N. Main St.	9/10/2005	Pass	OK			
79	Links @ Green Tee with ditch	9/10/2005	Fail	Mow the pond	10/25/2005	11/18/2005	Work is completed
78	Lowe's	9/10/2005	Pass	OK			
77	Lakes @ Highland Glen	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
76	Kemlon	9/10/2005	Pass	OK			
75	Hazeldale Estates	9/10/2005	Pass	OK			

ID#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
74	Greenwood	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
85	St. Helen Church	9/10/2005	Pass	OK			
62	Best Western (Nam Huynh)	8/6/2005	Fail	Mow	8/16/2005	9/22/2005	Court affidavit was issued on 10/06/2005
132	Briarwood Estates	8/6/2005	Pass	OK			
73	Green Tee Sec. 7	8/6/2005	Fail	Mow and grub	9/2/2005	11/18/2005	Court affidavit will be issued
72	Dixie Woods	8/6/2005	Pass	OK			
70	Briarglenn	8/6/2005	Pass	OK			
68	North Pond	8/6/2005	Pass	OK			
67	East Pond	8/6/2005	Pass	OK			
66	Crosspoint	8/6/2005	Fail	Mow	8/16/2005	9/22/2005	Work is completed
65	Creekside	8/6/2005	Pass	OK			
63	Blockbuster @ N. Main St.	8/6/2005	Fail	Clean all outlet	8/16/2005	9/22/2005	Work is completed
61	Bellavita(2 ponds)	8/6/2005	Pass	OK			
64	Clear Creek Park	8/6/2005	Pass	OK			
50	Springfield	7/2/2005	Fail	Mow bottom of pond			Work is completed
60	Willowick 2	7/2/2005	Pass	OK			
71	West Oak Village SW	7/2/2005	Fail	Mow bottom of pond	7/12/2005	8/15/2005	Court affidavit was issued on 8/18/05
59	Westwood Village	7/2/2005	Fail	Mow bottom of pond			Work is completed
57	West Oaks Centre	7/2/2005	Pass	OK			
8	Exxon at Cullen Blvd. & FM 518	7/2/2005	Fail	Mow the entire pond	7/12/2005	8/15/2005	Court affidavit was issued on 8/18/05
56	West Oaks	7/2/2005	Pass	OK			
55	Walgreen at Harkey Road	7/2/2005	Fail	Mow bottom of pond	7/12/2005	8/15/2005	Court affidavit was issued on 8/18/05
53	Village of Edgewater (2 ponds)	7/2/2005	Pass	OK			
52	SWEC	7/2/2005	Pass	OK			
131	South Gate	7/2/2005	Pass	OK			
51	Sutherland at Marvel Road	7/2/2005	Pass	OK			
16	La Paloma	4/27/2005	Fail	Remove debris	4/27/2005	6/2/2005	Work is completed
54	Walgreen at FM 865 and FM 518	4/12/2005	Fail	Mow top and bottom	4/29/2005	6/14/2005	Work is completed

Employee's Name: Betty Foreman
Department: Engineering

City of Pearland Detention Pond

June 2006 Monthly Inspection Report

- **Detention Ponds Inspected in June 2006**

% Passing Monthly Inspection (12 out of 13 = 92 %)

- **Year-To-Date (From July 2005 thru June 2006)**

Total ponds passing the initial inspection (99 out of 139 = 71%)

Total ponds failed in the initial inspection (40 out of 139 = 29%)

Total ponds, failed initial inspection, but have completed work (34 out of 40 = 85%)

Total ponds, failed initial inspection, still requiring action (6 out of 40 = 15%)

D #	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
56	West Oaks	6/30/2006	Pass	OK			
8	Exxon at Cullen Blvd. & FM 518	6/30/2006	Pass	OK			
71	West Oak Village SW	6/30/2006	Pass	OK			
60	Willowick 2	6/30/2006	Pass	OK			
59	Westwood Village	6/30/2006	Pass	OK			
57	West Oaks Centre	6/30/2006	Pass	OK			
55	Walgreen at Harkey Road	6/30/2006	Pass	OK			
53	Village of Edgewater (2 ponds)	6/30/2006	Pass	OK			
52	SWEC	6/30/2006	Pass	OK			
51	Sutherland at Manvel Road	6/30/2006	Pass	OK			
50	Springfield	6/30/2006	Pass	OK			
132	Briarwood Estates	6/30/2006	Fail	Mow top and bottom	7/6/2006	7/20/2006	Violation letter sent 7/06/06 (Code enforcement rec complaints)
131	South Gate	6/30/2006	Pass	OK			
46	Pearland Farms	5/15/2006	Pass	OK			
39	Easy Clean	5/15/2006	Pass	OK			
58	West Oaks Village (3 ponds)	5/15/2006	Fail	Mow pond bottom	5/18/2006	8/15/2006	Court affidavit was issued on 8/26/04, plea agreement
49	Sherlock Storage	5/15/2006	Pass	OK			
48	PISD at McLean Rd.	5/15/2006	Pass	OK			
45	Parks @ Walnut Bend	5/15/2006	Pass	OK			
44	Park Village Estates	5/15/2006	Pass	OK			Work is completed
43	West Oaks South	5/15/2006	Pass	OK			
42	KwikKar	5/15/2006	Pass	OK			
41	Goodyear at Weschester Circle	5/15/2006	Pass	OK			
40	Exxon at Veterans Rd.	5/15/2006	Pass	OK			
120	River Walk (2 ponds)	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006	5/15/2006	Work Complete
123	Sunset Meadows	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006	5/15/2006	Work Complete
31	BDD4 @ Fite Road	4/17/2006	Pass	OK			
32	Cabot Cove	4/17/2006	Pass	OK			
21	American Eagle Public Storage	4/17/2006	Pass	OK			
28	Ashton Park	4/17/2006	Fail	Repair inlet NE corner	4/25/2006		Work Complete
30	Barclay	4/17/2006	Fail	Mow slopes & top	4/25/2006		Work Complete
35	COP, east of Centennial Park	4/17/2006	Pass	OK			
34	Centennial Village	4/17/2006	Pass	OK			
36	Cypress Village I & II	4/17/2006	Fail	Mow bottom	4/25/2006	5/15/2006	Work complete
37	DCG	4/17/2006	Fail	Mow	4/25/2006		Work Complete
33	Canterbury	4/17/2006	Pass	OK			
38	Dry Clean	4/17/2006	Pass	OK			

ID#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
29	Associated Credit Union	4/17/2006	Pass	OK			
92	Home Depot @ Dixie Farm Road	3/27/2006	Fail	Mow pond bottom (all)	3/31/2006	4/30/2006	Work Complete
01	Pearland Pavilion	3/27/2006	Fail	Mow bottom (all)	3/31/2006	4/30/2006	2nd violation letter sent 7/06/06
19	Shadow Creek Ranch (4 ponds)	3/9/2006	Pass	OK			
20	Sonic Drive-In	3/9/2006	Fail	Repair Fence, Clean up tras	3/16/2006	3/24/2006	Work completed
23	Sunrise Lakes (3 ponds)	3/9/2006	Pass	OK			
24	Sunrise Offsite	3/9/2006	Pass	OK			
26	Walker Estates	3/9/2006	Pass	OK			
27	Westside Dental	3/9/2006	Pass	OK			
25	Village Groove (2 ponds)	3/9/2006	Pass	OK			
22	South Hampton	3/9/2006	Pass	OK			
136	Crystal Lake	2/10/2006	Pass	OK			
17	Rollac (2 ponds)	2/10/2006	Pass	OK			
15	Pine Oaks	2/10/2006	Pass	OK			
14	Pearland Plaza	2/10/2006	Pass	OK			
13	O'day @ FM 518	2/10/2006	Pass	OK			
12	K & G Pilgrim	2/10/2006	Pass	OK			
11	Hampton Inn/Joseph's Grille	2/10/2006	Pass	OK			
10	Home Depot @ Wooten Road	2/10/2006	Pass	OK			
135	Avalon Terrace	2/10/2006	Pass	OK			
137	Holiday Inn Express	2/10/2006	Pass	OK			
130	Robin Cove	2/10/2006	Pass	OK			
18	Sawyers Pond	2/10/2006	Pass	OK			
138	Pearland Park Estates	2/10/2006	Pass	OK			
5	Broadway West @ Wooten Rd.	1/27/2006	Pass	OK			
139	Golfcrest Country Club with ditch	1/27/2006	Pass	OK			
4	Autumn Lakes	1/27/2006	Pass	OK			
3	Albertson's West Pond	1/27/2006	Pass	OK			
134	CVS Sherwood	1/27/2006	Fail	Mow & hydromulch slopes	1/30/2006	3/9/2006	Sent violation letter on 1/30/06; Sent Court affidavit to Courts 03/16/06
6	Choice Oaks	1/27/2006	Pass	OK			
128	Hazeldale Estates	1/27/2006	Pass	OK			
127	Fite Road (fenced area)	1/27/2006	Pass	OK			
1	2009 (at Hatfield Rd.)	1/27/2006	Pass	OK			
7	Colony Parks	1/27/2006	Pass	OK			
2	Albertson's East Pond	1/27/2006	Pass	OK			
124	Towne Lakes (2 ponds)	12/29/2005	Pass	OK			
115	Pine Hollow Reserve A	12/29/2005	Pass	OK			

J#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Work Completed
17	PISD @ Pearland Parkway	12/29/2005	Pass	OK			
18	Randalls @ Pearland Parkway	12/29/2005	Pass	OK			
19	Rehoboth (east)	12/29/2005	Pass	OK			
22	Sunset Lakes 3	12/29/2005	Pass	OK			
25	Villages @ Marys Creek	12/29/2005	Pass	OK			
26	Lawrence Place	12/29/2005	Pass	OK			
29	Rehoboth (southwest)	12/29/2005	Fail	Mow pond bottom	1/16/2006	1/25/2006	Work is completed
21	River Mist	12/29/2005	Fail	Mow pond bottom	1/16/2006	1/20/2006	Work is completed
109	DDS	11/22/2005	Pass	OK			
114	Pearland Clinic	11/22/2005	Pass	OK			
133	Equestrian Center	11/22/2005	Pass	OK			
113	Moody Bank	11/22/2005	Pass	OK			
110	DyCor	11/22/2005	Pass	OK			
108	Clear Creek Park	11/22/2005	Pass	OK			
107	Casa Ole	11/22/2005	Pass	OK			
106	Car Wash @ Sherwood Place	11/22/2005	Pass	OK			
105	Brittany Estate	11/22/2005	Pass	OK			
104	Ellis Professional	11/22/2005	Pass	OK			
103	Central Office Park	11/22/2005	Pass	OK			
112	Independence Park	11/22/2005	Pass	OK			
111	Faith Community	11/22/2005	Pass	OK			
101	Sunrise Lakes (3 ponds)	10/25/2005	Pass	OK			
91	Chevron @ Dixie Farm Road	10/25/2005	Pass	OK			
93	Oakbrook	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed
94	Oakbrook 1	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed
95	Oakbrook Estates (2 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005	11/18/2005	Work is completed
96	Pine Hollow (4 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005	12/7/2005	Work is completed
97	Rustic Oaks	10/25/2005	Pass	OK			
98	Walmart @ Dixie Farm Road	10/25/2005	Pass	OK			
100	Woodcreek	10/25/2005	Pass	OK			
99	Willow Lake	10/25/2005	Pass	OK			
69	Villa Verde (2 ponds)	9/22/2005	Fail	Mow the front pond	10/25/2005	11/18/2005	Work is completed
116	Pine Hollow Reserve D	9/11/2005	Fail	Mow	9/12/2005	9/22/2005	Work is completed
86	West Pond	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
79	Links @ Green Tee with ditch	9/10/2005	Fail	Mow the pond	10/25/2005	11/18/2005	Work is completed
80	Old Kmart @ N. Main St.	9/10/2005	Pass	OK			
81	McHard Overpass (3 ponds)	9/10/2005	Pass	OK			

#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
2	Pearland Clinic	9/10/2005	Pass	OK			
3	PISD @ Slider Drive	9/10/2005	Pass	OK			
6	Lowe's	9/10/2005	Pass	OK			
15	St. Helen Church	9/10/2005	Pass	OK			
7	Lakes @ Highland Glen	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
17	Speed Shore	9/10/2005	Pass	OK			
18	Eagle Transmission	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
19	Turbocare	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
20	Industrial Polymers	9/10/2005	Fail	Mow the pond	10/25/2005	11/18/2005	Work is completed
22	Landing @ Green Tee	9/10/2005	Fail	Mow pond, clean outlet	9/29/2005	11/4/2005	Work is completed
34	Racetrack @ N. Main St.	9/10/2005	Fail	Mow the pond	9/29/2005	11/18/2005	Court affidavit will be issued
76	Kernlon	9/10/2005	Pass	OK			
75	Hazeldale Estates	9/10/2005	Pass	OK			
74	Greenwood	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
47	Sunset Lakes (2 ponds)	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
38	North Pond	8/6/2005	Pass	OK			
51	Bellavita (2 ponds)	8/6/2005	Pass	OK			
32	Best Western (Nam Huynh)	8/6/2005	Fail	Mow	8/16/2005	9/22/2005	Court affidavit was issued on 10/06/2005
53	Blockbuster @ N. Main St.	8/6/2005	Fail	Clean all outlet	8/16/2005	9/22/2005	Work is completed
54	Clear Creek Park	8/6/2005	Pass	OK			
55	Creekside	8/6/2005	Pass	OK			
57	East Pond	8/6/2005	Pass	OK			
72	Dixie Woods	8/6/2005	Pass	OK			
73	Green Tee Sec. 7	8/6/2005	Fail	Mow and grub	9/2/2005	11/18/2005	Court affidavit will be issued
70	Briarglenn	8/6/2005	Pass	OK			
66	Crosspoint	8/6/2005	Fail	Mow	8/16/2005	9/22/2005	Work is completed
16	La Paloma	4/27/2005	Fail	Remove debris	4/27/2005	6/2/2005	Work is completed
54	Walgreen at FM 865 and FM 518	4/12/2005	Fail	Mow top and bottom	4/29/2005	6/14/2005	Work is completed

PLANNING AND ZONING COMMISSION

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON AUGUST 7, 2006, AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

DONE.

CALL TO ORDER

The Regular Meeting was called to order at 7:52 p.m., with the following present:

See changes
in RED.

P & Z Chairperson Ruby Sandars
P & Z Commissioner Neil West
P & Z Commissioner Jerry Koza, Jr.
P & Z Commissioner Henry Fuertes
P & Z Commissioner Susan Sherrouse

tag
8-10-06

Also in attendance: Planning Director Lata Krishnarao, Senior Planner Theresa Grahmann, Plans and Plat Administrator Richard Keller, and Planning Administrative Secretary Judy Krajca

APPROVAL OF MINUTES

Commissioner Jerry Koza, Jr. made the motion to approve, and Commissioner Neil West seconded. The vote was 5-0 for approval.

NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Remove from table Zone Change No. 2006-23Z

Commissioner Koza, Jr. made the motion to remove from table, and Commissioner Fuertes seconded.

The vote was 5-0 to remove item from table.

B. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-23Z (Revised document)

A request by Osborne Development, applicant for Trinity Leasing, Ltd., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Planned Development District (PD), on the property Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 1,000 Feet North of FM 518 (Broadway Street).

PLANNING AND ZONING COMMISSION

Planning Director Lata Krishnarao read the Staff Report. There were no outstanding issues, and Staff recommended approval of the Zone Change.

Commissioner Koza, Jr. made a motion to approve for the sake of discussion, and Commissioner Sherrouse seconded.

Commissioner Koza, Jr. asked Ms. Krishnarao about the time frame. Ms. Krishnarao went over the different phases that would take place.

*of the construction
of these
facilities*

There was no further discussion on this zone change.

The vote was 5-0. This motion was approved.

C. CONSIDERATION & POSSIBLE ACTION – Final Plat of Villages of Towne Lake

A request by Robert A. Marlowe, Rekha Engineering, Inc., for Villages of Towne Lake, L.P., owner, for approval of a Final Plat subdivision of 34.9454 acres in the W. Zychlinski Subdivision zoned PUD for multi-family use including a reserve for drainage use and a Public Utility/Private Access Easement. The property is located east of S.H. 35 south of English Lake Drive, and is described as follows:

34.9454 acres of land located in the W. Zychlinski Subdivision, out of the A.C.H. & B. Survey Abstract No. 507 and the H. Stevens Survey Abstract No. 594, City of Pearland, Brazoria County, Texas.

Plans and Plat Administrator informed the Commission that the applicant had withdrawn their plat, prior to the meeting.

No action was taken.

D. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of the Lake at Shadow Creek Ranch

A request by A. Mahendra Rodrigo, P.E., GC Engineering, Inc., for Faith Development, LLC, owner, for approval of a Preliminary Plat subdivision of 18.5691 acres in the T.C.R.R. Company Survey zoned GB into 7 lots and two reserves for landscaping, detention, drainage, and recreation. The property is located south of Shadow Creek Parkway and west of Business Center Drive and is described as follows:

18.5691 acres of land located in the T.C.R.R. Company Survey, Abstract No. 675, City of Pearland, Brazoria County, Texas.

PLANNING AND ZONING COMMISSION

Plans and Plat Administrator Richard Keller read the Staff Report. There were no outstanding items, and Staff recommended approval.

Commissioner West made the motion to approve, and Commissioner Koza, Jr. seconded.

There was no discussion.

The vote was 5-0 for approval.

E. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Southern Trails Phase One Section Nine

A request by Randy Riley, Kerry R. Gilbert & Associates, Inc., for Ashton Woods, L.P., owner, for approval of a Preliminary Plat subdivision of 30.1 acres zoned PUD into 110 lots for single-family residential and nine reserves for open space/utilities. The property is located south of Southern Trails Drive in Southern Trails and is described as follows:

30.1 acres of land out of the H.T. & B.R.R. Co. Survey, Section 84, A-538 and Section 80, A-564, City of Pearland, Brazoria County, Texas.

Plans and Plat Administrator Richard Keller read the Staff Report. There were no outstanding items. Mr. Keller stated there was one comment he had about the building line, but decided to leave it on the plat.

There was no further discussion.

The vote was 5-0 for approval.

F. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Province Village

A request by Ralph Thomas, LJA Engineering & Surveying, Inc. for The Maverick Group, owner, for approval of a Preliminary Plat subdivision of 43.051 acres zoned PUD into 150 single-family residential lots and 20 reserve areas for other purposes. The property is located between Pearland Parkway and Country Club Drive east of Broadway and is described as follows:

43.051 acres of land out of the Thomas J. Green Survey, A-290, Harris County, and the W.D.C. Hall Survey, A-70, Brazoria County, A-23, Harris County, City of Pearland, Brazoria County and Harris County, Texas.

Plans and Plat Administrator informed the Commission that the applicant had withdrawn their plat, prior to the meeting.

PLANNING AND ZONING COMMISSION

No action was taken.

- G. **DISCUSSION ITEMS** Upcoming P&Z Meetings on November 20, 2006 and December 18, 2006. The Commission voiced that they can meet on these days as long as Council meets. In the past, Joint Public Hearings are not held the ~~second~~ ^{third} Monday of the month in December. Also discussed was the Texas APA Conference in Corpus Christi, Texas on October 18-21, 2006.
- H. **NEXT MEETING** August 21, 2006 JPH & P&Z Meeting
September 4, 2006 No Meeting/Holiday
- I. **COMMUNICATIONS** April, May & June 2006 Monthly Inspection Report of the City of Pearland Detention Pond was briefly discussed. Chairperson Sandars asked if the Director of Inspection Services, Kola Olayiwola could come and talk to the Commission on what the Code Enforcement Officers look for.

ADJOURNMENT

The meeting was adjourned at 8:19 p.m.

These minutes are respectfully submitted by:

Judy D. Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of _____, A.D., 2006.

Ruby Sandars
P&Z Chairperson

Planning and Zoning Commission

AGENDA - MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 7, 2006, AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES July 17, 2006 – Regular Meeting

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – REMOVE FROM TABLE ZONE CHANGE No. 2006-23Z

B. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-23Z

A request by Osborne Development, applicant for Trinity Leasing, Ltd., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Planned Development District (PD), on the property Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 1,000 Feet North of FM 518 (Broadway Street)

C. CONSIDERATION & POSSIBLE ACTION – Final Plat of Villages of Towne Lake

A request by Robert A. Marlowe, Rekha Engineering, Inc., for Villages of Towne Lake, L.P., owner, for approval of a Final Plat subdivision of 34.9454 acres in the W. Zychlinski Subdivision zoned PUD for multi-family use including a reserve for drainage use and a Public Utility/Private Access Easement. The property is located east of S.H. 35 south of English Lake Drive, and is described as follows:

34.9454 acres of land located in the W. Zychlinski Subdivision, out of the A.C.H. & B. Survey Abstract No. 507 and the H. Stevens Survey Abstract No. 594, City of Pearland, Brazoria County, Texas.

D. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of The Lake at Shadow Creek Ranch

A request by A. Mahendra Rodrigo, P.E., GC Engineering, Inc., for Faith Development, LLC, owner, for approval of a Preliminary Plat subdivision of 18.5691 acres in the T.C.R.R. Company Survey zoned GB into 7 lots and two

Planning and Zoning Commission

reserves for landscaping, detention, drainage, and recreation. The property is located south of Shadow Creek Parkway and west of Business Center Drive and is described as follows:

18.5691 acres of land located in the T.C.R.R. Company Survey, Abstract No. 675, City of Pearland, Brazoria County, Texas.

E. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Southern Trails Phase One Section Nine

A request by Randy Riley, Kerry R. Gilbert & Associates, Inc., for C.L. Ashton Woods, L.P., owner, for approval of a Preliminary Plat subdivision of 30.1 acres zoned PUD into 110 lots for single-family residential and nine reserves for open space/utilities. The property is located south of Southern Trails Drive in Southern Trails and is described as follows:

30.1 acres of land out of the H.T. & B.R.R. Co. Survey, Section 84, A-538 and Section 80, A-564, City of Pearland, Brazoria County, Texas.

F. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Province Village

A request by Ralph Thomas, LJA Engineering & Surveying, Inc. for The Maverick Group, owner, for approval of a Preliminary Plat subdivision of 43.051 acres zoned PUD into 150 single-family residential lots and 20 reserve areas for other purposes. The property is located between Pearland Parkway and Country Club Drive east of Broadway and is described as follows:

43.051 acres of land out of the Thomas J. Green Survey, A-290, Harris County, and the W.D.C. Hall Survey, A-70, Brazoria County, A-23, Harris County, City of Pearland, Brazoria County and Harris County, Texas.

G. DISCUSSION ITEM: Upcoming P&Z Meetings on November 20, 2006, and December 18, 2006
Texas APA Conference-Corpus Christi, TX
October 18-21, 2006

H. NEXT MEETING August 21, 2006 JPH & Regular P&Z Meeting
September 4, 2006 Holiday/No P&Z Meeting

I. COMMUNICATIONS April, May & June 2006 Monthly Inspection
Report of City of Pearland Detention Pond

IV. ADJOURNMENT

PLANNING AND ZONING COMMISSION

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JULY 17, 2006, AT 7:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The Regular Meeting was called to order at 8:50 p.m., with the following present:

P & Z Vice-Chairperson Sheryl Greiner
P & Z Commissioner Neil West
P & Z Commissioner Darrell Diggs
P & Z Commissioner Jerry Koza, Jr.
P & Z Commissioner Henry Fuertes
P & Z Commissioner Susan Sherrouse

Also in attendance: Assistant City Manager Nick Finan, Planning Director Lata Krishnarao, Senior Planner Theresa Grahmann, Plans and Plat Administrator Richard Keller, Planner I Diana DuCroz, Planning Administrative Secretary Judy Krajca, and Assistant City Attorney Nghiem Doan

APPROVAL OF MINUTES

Commissioner Neil West made the motion to approve, and Commissioner Jerry Koza, Jr. seconded. The vote was 6-0 for approval.

NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. 2006-6

A request by Rodney Slaton, applicant for Mahmud Hedayati, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse/Self Storage" facility in the General Business Retail District (GB), on the following property located on the East Side of Westminster Street, and Approximately 300 Feet North of FM 518 (Broadway Street)

Commissioner Sherrouse made a motion to approve with discussion, and Commissioner Fuertes seconded.

Ms. Krishnarao stated that Council asked that the P&Z Commission address the buffering.

There was much discussion among the Commission and Staff on the buffering and fencing.

PLANNING AND ZONING COMMISSION

Commissioner Sherrouse amended her motion to approve with all UDC codes being applied. Commissioner Fuertes seconded.

Much discussion ensued regarding the masonry fence, wrought iron fence and masonry pillars all being 6 feet in height.

The Commission recommended two different options. Option A was presented asking for a 6 feet tall (minimum height) fence, solid masonry up front along Westminister, with a 10 feet landscape buffer between the street and the fence. The remaining three sides would have wrought iron fence with masonry pillars – 6 feet in height.

Commissioner Sherrouse amended her motion again to add Option B, and Commissioner Fuertes seconded.

Option B was a 6 feet tall wrought iron decorative fence along Westminister, with masonry pillars and a maintained landscape detention pond, and the three remaining sides with wrought iron fence and masonry pillars – 6 feet in height.

The vote was 6-0 for approval of the Conditional Use Permit with conditions that the owner chooses from either Option A or B.

B. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-28Z

A request by Richard Gonzalez, applicant for RMMA Investments, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) to Townhouse Residential District (TH), on the property located on the South Side of Walnut Street, and Approximately 400 Feet East of McLean Road.

Commissioner Diggs made the motion to approve for the sake of discussion, and Commissioner West seconded.

There was discussion pertaining to the old Oak trees being 75 years old, and the applicant wanting to preserve them as part of the landscaping. There was also discussion about plans for Walnut Street.

Deputy Attorney Doan suggested that the Commission act on what was known now, and not on what TxDOT may or may not do.

The vote was 6-0 for approval of the Zone Change.

PLANNING AND ZONING COMMISSION

C. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-29Z

A request by Monty Hudson, applicant for Jasvant C. Patel, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Office and Professional District (OP), on the property located on the West Side of Miller Ranch Road (County Road 93), and approximately 800 Feet North of FM 518 (Broadway Street),

Commissioner Koza, Jr. made the motion to approve, and Commissioner West seconded.

There was brief discussion pertaining to the best use of this property for the zoning, and height restrictions.

The vote was 6-0 for approval of the Zone Change.

D. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-27Z

A request by George Muthalaly, applicant for Moritz V. Craven, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 3 District (R-3) to Office and Professional District (OP); on the property located on the East Side of Wooten Road, and approximately 1,100 Feet North of FM 518 (Broadway Street).

Commissioner Diggs made the motion to approve for the sake of discussion, and Commissioner Koza, Jr. seconded.

Discussion began with there being a negative impact on the neighboring community, such as traffic, and service vehicles.

Commissioner Koza, Jr. stated that he was in favor of this zone change, but the detention being left as R-3 was not best. Commissioner Diggs agreed with Commissioner Koza, Jr. Commissioner Diggs asked who was responsible of the upkeep of the detention pond. Planning Director Krishnarao commented that staff will have to research it.

Ms. Krishnarao asked the Commission if they would rather the applicant come back with a Planned Development (PD). Mr. Muthalaly spoke of what they want and will be as creative as possible with the buffer and detention so that they do not bother the homeowners.

The vote was 2-4. The Zone Change was denied. Commissioner Fuentes and Commissioner Koza, Jr. voted for the motion to approve.

PLANNING AND ZONING COMMISSION

Commissioner's Greiner, Sherrouse, West and Diggs voted against the motion to approve. Reasons for denial were stated as the Office Profession District was too broad of use, and that a Planned Development (PD) would be better.

E. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-26Z

A request by Al Osborn (Osborn and Vane Architects), applicant for Donya, LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 4 District (R-4) to General Commercial District (GC), on the property Located Approximately 500 Feet West of Liberty Drive, and Approximately 300 Feet South of FM 518 (Broadway Street).

Commissioner West made the motion to approve, and Commissioner Koza, Jr. seconded.

There was no discussion.

Commissioner Diggs excused himself from the meeting at 9:56 p.m.

The vote was 5-0 for approval of the Zone Change.

F. CONSIDERATION & POSSIBLE ACTION – REMOVE FROM TABLE ZONE CHANGE No. 2006-23Z

Commissioner Koza, Jr. made the motion to remove from table, and Commissioner West seconded.

G. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2006-23Z (Revised document)

A request by Osborne Development, applicant for Trinity Leasing, Ltd., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Planned Development District (PD), on the property Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 1,000 Feet North of FM 518 (Broadway Street).

Commissioner West made the motion to approve for the sake of discussion, and Commissioner Koza, Jr. seconded.

There was discussion about the detention. The Commission asked to see a final conceptual document – Planned Development (PD).

PLANNING AND ZONING COMMISSION

Deputy Attorney Doan asked the Commission if they were okay with Phase I in case Phase 2 did not occur.

The Commission asked staff to define detention and amenities.

Vice-Chairperson Greiner and Commissioner Sherrouse recommended this be tabled again.

Commissioner Koza, Jr. made the motion to table the Zone Change, and Commissioner Sherrouse seconded.

The vote was 5-0 for approval.

The Commission called for a brief recess at 10:25 p.m.

The Commission resumed at 10:41 p.m.

H. PUBLIC HEARING – Replat of Lots 1 and 2 Rawls Subdivision as Rios Subdivision

A request by Christian Offenburger, RPLS, Boundary One, LLC, for Abelio Rios, owner, for approval of a replat of Lots 1 and 2 of the Rawls Subdivision as the Rios Subdivision Final Plat in order to subdivide the two existing lots into three lots. The parcel is 0.663 acre and is located at Woody Road at Scott Street, and is described as follows:

0.663 acre of land, all of Lots 1 and 2, Rawls Subdivision as recorded in Volume 17, Page 399 B.C.P.R. in the H.T. & B.R.R. Company Survey Section 4, A-543, City of Pearland, Brazoria County, Texas.

Vice-Chairperson Greiner called the Public Hearing to order at 10:41 p.m. and read the purpose of the hearing.

There was no one present to speak for or against this replat.

Planner I DuCroz gave the staff report stating that a Replat requires a public hearing, as the applicant is subdividing the two existing lots into three lots.

The hearing was adjourned at 10:45 p.m.

I. CONSIDERATION & POSSIBLE ACTION – Final Plat of Rios Subdivision

A request by Christian Offenburger, RPLS, Boundary One, LLC, for Abelio Rios, owner, for approval of a replat of Lots 1 and 2 of the Rawls Subdivision as the Rios Subdivision Final Plat in order to subdivide the

PLANNING AND ZONING COMMISSION

two existing lots into three lots. The parcel is 0.663 acre and is located at Woody Road at Scott Street, and is described as follows:

0.663 acre of land, all of Lots 1 and 2, Rawls Subdivision as recorded in Volume 17, Page 399 B.C.P.R. in the H.T. & B.R.R. Company Survey Section 4, A-543, City of Pearland, Brazoria County, Texas.

Planner I DuCroz read the Staff Report. There was one outstanding item.

Commissioner Koza, Jr. made a motion to approve, and Commissioner Fuertes seconded.

Commissioner Fuertes made an amendment to the motion to approve with Staff's recommendations. Commissioner Koza, Jr. seconded.

The vote was 5-0 for approval with Staff's comments, regarding the street light on Scott Street.

J. CONSIDERATION & POSSIBLE ACTION – Final Plat of Shadow Creek Ranch Commercial Site No. 18B

A request by Jason R. Banda, LJA Engineering & Surveying, Inc. for CG-Shadow Creek Ranch Village LP, owner, for approval of a Final Plat of 12.121 acres for five commercial lots. The plat is located on Shadow Creek Parkway between Kirby Drive and S.H. 288, and is described as follows:

12.121 acres, being out of the T.C.R.R. Co. Survey, Section 4, Abstract 675, and the Obediah Pitts Survey, Abstract 717, City of Pearland, Brazoria County, Texas.

Planner I DuCroz stated that this Plat had been withdrawn.

K. CONSIDERATION & POSSIBLE ACTION – Final Right-of-Way Plat of Shadow Creek Ranch Discovery Bay Drive Extension

A request by Jason Banda, LJA Engineering & Surveying, Inc. for Shadow Creek Ranch Development Co, owner, for approval of a Final Right-of-Way Plat of 0.721 acres in Shadow Creek Ranch for a portion of Discovery Bay Drive. The property is located between Business Center Drive and S.H. 288, and is described as follows:

0.721 acres being out of the William Morris Survey, Abstract 344, City of Pearland, Brazoria County, Texas.

Planner I DuCroz read the Staff Report. There were no outstanding items.

PLANNING AND ZONING COMMISSION

Commissioner Fuertes made the motion to approve, and Commissioner Sherrouse seconded.

The vote was 5-0 for approval.

L. CONSIDERATION & POSSIBLE ACTION – Preliminary Right-of-Way Plat of Shadow Creek Ranch Broadway Extension

A request by Jason Banda, LJA Engineering & Surveying, Inc., for Pearland Investments, owner, for approval of a Preliminary Right-of-Way Plat of 12.241 acres in Shadow Creek Ranch for the extension of Broadway from Kingsley Drive west to the Fort Bend/Brazoria County line. The property is described as follows:

12.241 acres being out of the H.T. & B.R.R. Co., Section 83, Abstract 305, Brazoria County, Texas, the H.T. & B.R.R. Co., Section 83, Abstract 761, Fort Bend County, Texas, and the H.T. & B.R.R. Co. Survey, Section 84, Abstract 767, Fort Bend County, Texas, and the H.T. & B.R.R. Co. Survey, Section 82, Abstract 565, City of Pearland, Brazoria County, Texas.

Planner I DuCroz read the staff report. There was one outstanding item with the street light layout possibly needing to be revised.

Commissioner Sherrouse made the motion to approve with staff's comments, and Commissioner Koza, Jr. seconded.

The vote was 5-0 for approval with staff's comments.

M. CONSIDERATION & POSSIBLE ACTION – Waiver of Decision Time for Stable Stone Lane Final Plat

A request by Gerald Grissom, Brown & Gay Engineers, for a waiver of the decision time for the Final Plat of Stable Stone Lane until the August 21 P&Z meeting.

Planner I DuCroz stated that the applicant had asked for a Waiver, and that they were requesting an extension of time.

Commissioner West made the motion to approve the extension of time, and Commissioner Koza, Jr. seconded.

PLANNING AND ZONING COMMISSION

There was much discussion between Legal and Staff regarding the request of a waiver for an extension of time.

The vote was 5-0 for approval of the extension of time.

- N. NEXT MEETING** August 7, 2006 P&Z Meeting
- O. DISCUSSION ITEMS** Texas APA Conference-Corpus Christi, TX
October 18-21, 2006

ADJOURNMENT

The meeting was adjourned at 10:56 p.m.

These minutes are respectfully submitted by:

Judy D. Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of _____, A.D., 2006.

Ruby Sandars
P&Z Chairperson

Remove item

from

table



CITY OF PEARLAND PLANNING & ZONING

MEMO

DATE: August 2, 2006

TO: Planning & Zoning Commission

FROM: Planning Staff (LK)

SUBJECT: Zone Change No. 2006-23Z – Proposed PD Generally Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 1,000 Feet North of FM 518 (Broadway Street).

The applicant is requesting a change in zoning on the subject property for a Planned Development District (PD). The subject property consists of approximately 11.6 acres of land. The applicant is seeking approval of a PD for a skilled nursing facility and an assisted living senior residential facility. The facility, which will include 160 residents and 70 staff, is proposed to be located on 1.9 acres. Approximately 50% of the site is proposed to be used for landscape and open space. The proposed open detention pond and open area, on the north west part of the property would serve as a buffer between this use and the adjoining residential subdivision. The subject property is currently undeveloped.

The Joint Public Hearing was held on June 19, 2006. The P & Z Commission at their meeting on June 19, 2006 and July 17th, 2006 tabled action on the application. A revised PD document has been attached for your review. All outstanding issues have been addressed.

Staff recommends approval of the PD.

Planned Development District (PD) Zoning Request

I. Introduction

A. Description of the Subject Property.

The property faces Miller Ranch Road and is the northernmost part of the abandoned cement plant. It is vacant except for a few concrete pilings and pads on the south and a green area of small cottonwood and scrub on the north. It forms an irregular rectangle (see exhibit A). The property begins 950 feet from the north ROW of Broadway (F.M. 518) and resides 637 feet along Miller Ranch Road (the only bordering street). The natural gas pipe-line comprises the southern border, the detention facility for Pearland Retail Fitness forms the southwest corner, the west boundary follows the regional drainage canal, the northernmost boundary borders a private lake, and a single family residence comprises the northeast corner.

B. Description of Proposed Development.

We propose to build two senior residential facilities. The first phase will be a Skilled Nursing Facility (SNF) and the second an Assisted Living Senior Residential Facility (AL) as per our proposed site plan (exhibit A).

C. Describe the area of land in acreage.

The total acreage is 11.64 acres. Of this approximately 3.8 acres offsets on the northwest corner. This area will be used primarily for a detention facility. It aligns with the planned detention facility for Pearland Retail Fitness on the south and the private lake on the north.

The balance is approximately 7.9 acres which will be utilized for our two construction projects.

D. Purpose and Intent of the PD district established therein.

Our single aim here is building these two senior residential facilities. We have no other purpose for this property. Under Office Professional (OP) base zoning with a PD overlay, both the SNF and the AL may be permitted as conditional uses. We request that every other classification of permitted and conditional use for the underlying zone of OP be excluded from our request. In summary, all we want is permission to build these two specific conditional uses under the base zoning of Office Professional.

These buildings will be homes for seniors and residential in essence. This meets a particular need in the Pearland area which the State of Texas recognized in issuing Osborne Development the waiver to develop the Skilled Nursing Facility. This building, in conjunction with the Assisted Living Residential Facility, will offer the most up-to-date care for the needs of the areas' seniors.

The PD district applied to this property will serve as an excellent transition from the retail/commercial at Broadway (e.g. Home Depot, Pearland Retail Fitness, and the proposed Hotel) to the residential area to the north.

II. Zoning and Land Use.

A. Describe the existing zoning districts and the boundaries of said districts.
 Currently the property in question as well as two contiguous parcels to the north are zoned R-1. Property west and across the drainage canal is zoned R-3 as well as the property across Miller Ranch Road to the east. Immediately to the south the single approximately 2 acre parcel is zoned R-1 with General Business covering the corner of Broadway and Miller Ranch Road.

B. Describe the base zoning district(s) to be overlaid, together with the boundaries of the district(s), and describe the areas in acreage of each different district.

Our request, consistent with City of Pearland staff recommendation, is that the total acreage be zoned Office Professional with a Planned Development district overlay eliminating all Permitted uses except the SNF and the AL. Per City of Pearland staff recommendation the PD will follow the Common Open Space requirements of a MF zone.

In accordance with Pearland PD regulations, the location and arrangement of uses will be consistent with the Design Plan. Minor variations from the table below will be limited to possible modifications in building layout normal during the planning phase of development. Any such variations and Subsequent Development Applications will comply with the requirements of Uniform Development Code (UDC), unless specifically authorized by the Planning and Zoning Commission and/or City Council.

Land Use Summary

Use	Acres	Percentage Total Acres	Zoning District
Landscape and Open Space 20% or less Anticipated Variations	6.4	55%	OP
Detention 20% or less Anticipated Variations	1.44	12.5%	OP
Thoroughfares/ROW 10% or less Anticipated Variations	0.44	4%	OP
Internal Streets/Vehicular Circulation and parking 10% or less Anticipated Variations	1.46	12.5%	OP
Buildings 10% or less Anticipated Variations	1.9	16%	OP

III. Design standards applicable to the development.

All development standards and requirements of the UDC and City Ordinances (not repealed by the UDC) will be met, unless specifically mentioned in this Planned Development or authorized by the Planning and Zoning Commission and/or the City Council. Building elevations will maintain the residential look and character as shown in the exhibits in the original PD.

A. Phase One.

Pursuant to City of Pearland staff recommendations the PD will follow the Common Open Space requirements of a MF zone of 900 sq. ft. per unit. (Phase One: 900 sq. ft. x 60 room/units = 54,000 sq. ft. of Common Open Space.)

Phase One will include a walk path for the enjoyment of the residents of the Facility. There will be a 25' wide green space buffer with a screen between our property and the home immediately and north along Miller Ranch Road.

B. Phase Two.

Phase Two will also follow the Common Open Space requirements of a MF zone of 900 sq. ft. per unit.

(Phase Two: 900 sq. ft. x 60 room/units = 54,000 sq. ft. of Common Open Space.)

Phase Two will include enhancement of the detention pond, created during Phase One, into an amenity for the enjoyment of the residents of the Facilities as shown on the Proposed Site Plan.

IV. Required dedications of land or public improvements.

The locations of driveways, ROW dedications and other Traffic requirements have been determined by a Traffic Impact Analysis (TIA). All requirements of the Thoroughfare Plan, TIA, the UDC and other City Ordinances will be complied with unless specifically mentioned in this Planned Development or authorized by the Planning and Zoning Commission and/or the City Council.

A. Phase One.

The City of Pearland's parkland dedication fee requirements for Phase One will be paid pursuant to city planning staff's recommendation for sixty (60) units, at \$750.00 per unit/room/suite.
(60 rooms/units x \$750.00 = \$ 45,000.00)

B. Phase Two.

The City of Pearland's parkland dedication fee requirements for Phase Two will be paid at same rate per unit as Phase One, and prior to the start of construction of the AL.
(60 rooms/units x \$750.00 = \$ 45,000.00)

V. Phasing schedule for the project.

All required off-site and on-site improvements will be completed for each phase before a building permit or CO is issued for that phase.

The SNF is the First Phase of the project. The SNF is possible because of a state of Texas waiver which holds a time-limit of completion. Texas Department of Aging and Disability Services (TDADS) requires this project be completed by June, 2007. Applications and Plans for platting and permitting of the construction of this building are in preparation.

Once substantial progress is made on Phase One, we will begin Phase Two, the Assisted Living Senior Residential Facility. This is scheduled for 2007.

Phase 1 (SNF)	
Square Footage	42,223
Number of Residents	120
Number of Employees	100+
Phase 2 (AL)	
Square Footage	40,565
Number of Residents	60
Number of Employees	40+

PRELIMINARY, NOT FOR CONSTRUCTION, BIDDING OR PERMITTING

SITE PLAN

SKILLED NURSING FACILITY
PEARLAND, TEXAS

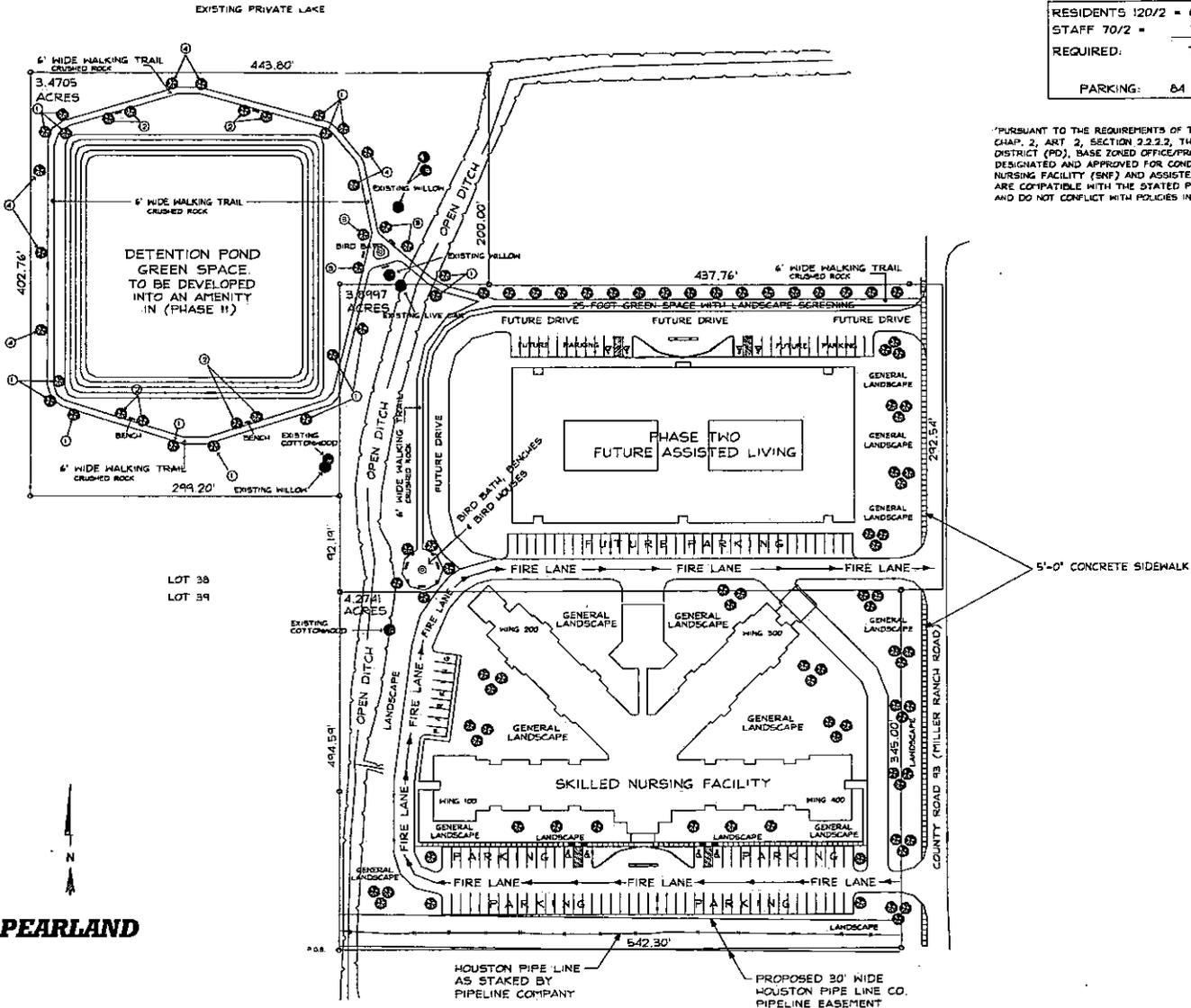
OSBORNE DEV.
ARCHITECTS
5417 E SATTI STREET
DUBOIS, MISSISSIPPI 39230-1140

DATE: 7/20/06
PROJECT: 06-13
SHEET: 1 OF 12
SCALE: AS SHOWN

C1

RESIDENTS 120/2 =	60 SPACES
STAFF 70/2 =	35 SPACES
REQUIRED:	70 SPACES
PARKING:	84 PROVIDED

"PURSUANT TO THE REQUIREMENTS OF THE CITY OF PEARLAND UDC, CHAP. 2, ART. 2, SECTION 2.2.2.2, THIS PLANNED DEVELOPMENT DISTRICT (PD), BASE ZONED OFFICE/PROFESSIONAL (OP), HAS BEEN DESIGNATED AND APPROVED FOR CONDITIONAL USE AS A SKILLED NURSING FACILITY (SNF) AND ASSISTED LIVING (AL). SAID USES ARE COMPATIBLE WITH THE STATED PURPOSES OF THE DISTRICT AND DO NOT CONFLICT WITH POLICIES IN THE COMPREHENSIVE PLAN."



- NEW TREE LEGEND**
- ① CREPE MYRTLE
 - ② BRADFORD PEAR
 - ③ PURPLE PLUM
 - ④ BANANA PALM



PROPOSED SITE PLAN
11.6443 ACRES TOTAL

PRELIMINARY, NOT FOR CONSTRUCTION, BIDDING OR PERMITTING

ELEVATIONS

SKILLED NURSING FACILITY
PEARLAND, TEXAS

OSBORNE DESIGN
ARCHITECTS
3417 E. 54TH STREET
HOUSTON, TEXAS 77056
PHONE: 281.281.1100 FAX: 281.281.1101

DATE: 04-27-06
PROJECT NO: 04-07
SHEET NO: 04-02
PLAN: DWG



1 FRONT ELEVATION



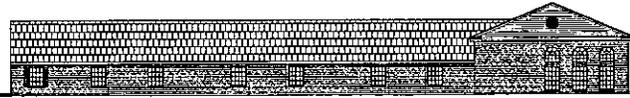
WING 100



WING 400



WING 400 BACK



WING 100 BACK



WING 200 FRONT



WING 200 BACK



WING 300 BACK



WING 300 FRONT

PLAT APPLICATION

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

Please Check Type of Plat Requested:

- Preliminary Subdivision Plat*
- Final Subdivision Plat*
- Minor (Subdivision) Plat*
- Amending Plat*
- Master Plat*
- Preliminary Development Plat*
- Final Development Plat*
- Replat*

JUL 10 2006

SUBDIVISION
NAME: VILLAGES OF TOWNE LAKE

NUMBER OF LOTS: 1

GENERAL
LOCATION: S. OF PEARLAND HIGH SCHOOL

* A complete application must include all items shown on the corresponding checklist for each different type of plat.

PRIMARY CONTACT: ROBERT A. MARLOWE - REVIA ENGINEERING, INC.
 MAILING ADDRESS: 5301 HOLLISTER, SUITE 190
 CITY, STATE, ZIP: HOUSTON, TX 77040
 PHONE: 713-895-8080 FAX: 713-895-7686
 E-MAIL ADDRESS: jake1@pdq.net

OWNER NAME: VILLAGES OF TOWNE LAKE, LP. - AARON McGUIRE
 MAILING ADDRESS: 7918 BROADWAY, SUITE 160
 CITY, STATE, ZIP: PEARLAND, TX 77581
 PHONE: 281-997-1500 FAX: 281-997-2886
 E-MAIL ADDRESS: _____

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

Owner's Signature: _____ Date: _____

Applicant's Signature: Robert A. Marlowe Date: 7/10/06

Fees Not Required for Staff Review Plats

FEE PAID: <u>200.00</u>	DATE PAID: <u>7-10-06</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>182822</u>
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Re-check fee

Application No. _____

THE VILLAGES OF TOWNE LAKE
FINAL PLAT – STAFF REPORT

P & Z MEETING DATE: August 7, 2006

APPLICANT: Bobby Marlowe, Rekha Engineering, for Villages of Towne Lake, LP, owner.

REQUEST: Final Plat of 34.9454 acres zoned PUD for a multifamily development. The PUD was approved on November 22, 2004, and the Preliminary Plat was approved on January 17, 2005. The PUD approval allows for a total of 252 apartment units, in 42 structures of 6 units each. On February 20, 2006, P&Z denied the Final Plat due to 22 outstanding items on the plat. On June 19, 2006, P&Z denied the Final Plat due to 14 outstanding items on the plat.

GENERAL LOCATION: The property is located east of Main Street south of Oiler Drive. See Vicinity Map below.

PROPERTY DESCRIPTION: The property is undeveloped.

ZONING: R-4, PUD. The proposed plat is consistent with the zoning.

SURROUNDING USES: To the north is the Towne Lake Estates subdivision. Commercial and industrial uses are located to the south and west. To the east are a series of lakes.

COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for Medium Density Residential. The existing zoning and proposed development are consistent with the Comprehensive Plan.

TRAFFIC AND TRANSPORTATION: The Traffic Impact Analysis has been approved.

UTILITIES AND INFRASTRUCTURE: Water and sewer service will be extended to the site by the developer.

STORMWATER MANAGEMENT: Stormwater detention will be provided offsite in a lake on the adjoining property.

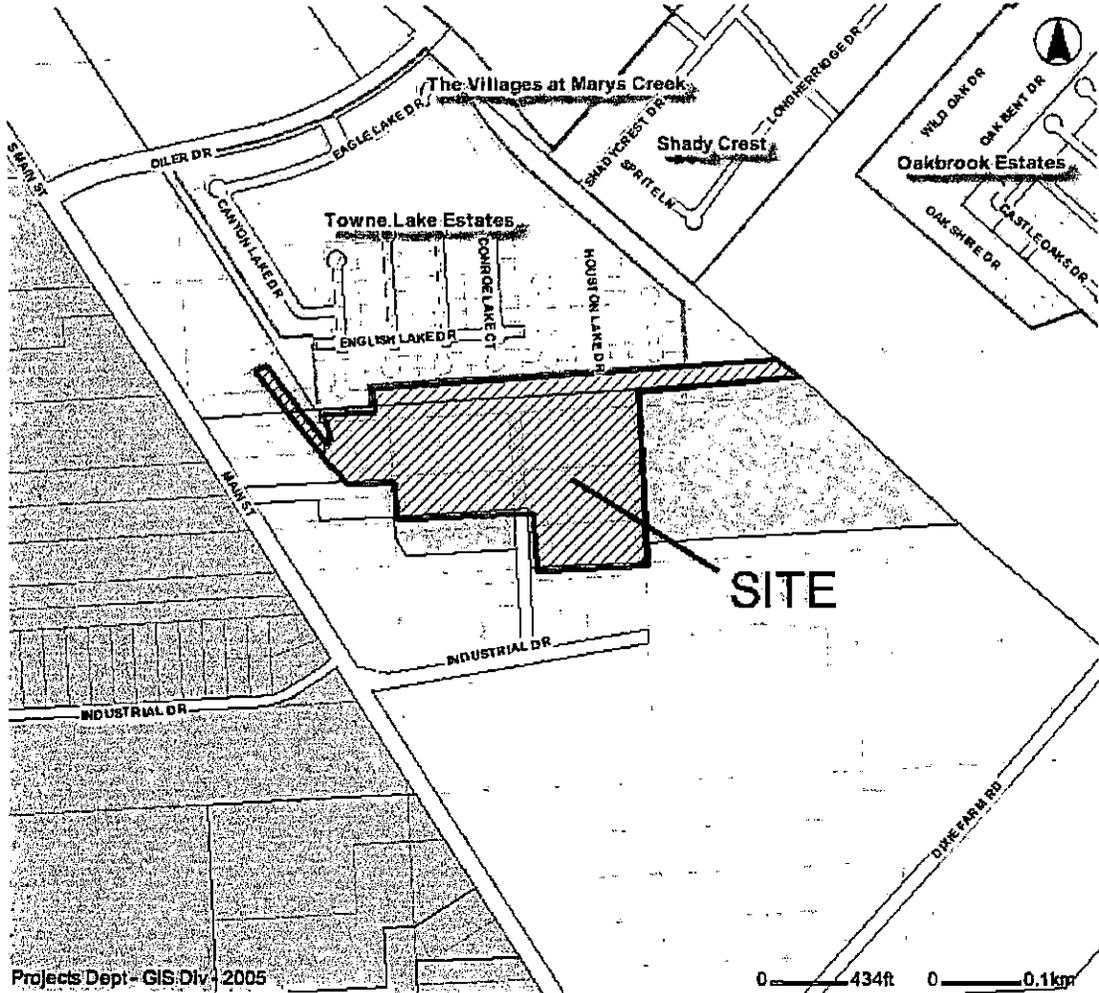
PARKS, OPEN SPACE, AND TREES: Surveyor found no Class I or Class II trees on this property. Parkland will be provided offsite in accordance with an agreement with the City of Pearland.

OUTSTANDING ITEMS:

none

ATTACHMENTS:

1. Application Form
2. Final Plat



Projects Dept - GIS Div - 2005

0 434ft 0 0.1km

PLAT APPLICATION

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

Please Check Type of Plat Requested:

- Preliminary Subdivision Plat*
- Final Subdivision Plat*
- Minor (Subdivision) Plat*
- Amending Plat*
- Master Plat*
- Preliminary Development Plat*
- Final Development Plat*
- Replat*

JUL 31 2006

SUBDIVISION

NAME: THE LAKE AT SHADOW CREEK RANCH

NUMBER OF LOTS: 7

GENERAL

LOCATION: 18.5691 ACRES LOCATED IN THE T.C.R.R.
COMPANY - SURVEY, ABSTRACT 675
CITY OF PEARLAND, BRAZORIA COUNTY,
TEXAS

* A complete application must include all items shown on the corresponding checklist for each different type of plat.

PRIMARY CONTACT: A. MAHENDRA RODRIGO, P.E.

MAILING ADDRESS: 4201 WEST BROADWAY

CITY, STATE, ZIP: PEARLAND, TEXAS 77581

PHONE: (281)412-7008 FAX: (281)412-4623

E-MAIL ADDRESS: mrodrigo@gc-engineering.com

OWNER NAME: MR. DAN NIP, C.P.A.

MAILING ADDRESS: 11205 BELLAIRE BLVD., SUITE B33

CITY, STATE, ZIP: HOUSTON, TEXAS 77072

PHONE: (281)568-8388 FAX: (281)568-8338

E-MAIL ADDRESS: dnip888@sbcglobal.net

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

Owner's Signature: Mahendra Rodrigo for Dan Nip Date: July 30, 2006

Applicant's Signature: [Signature] Date: July 30, 2006

Fees Not Required for Staff Review Plats

FEE PAID: <u>957.10</u>	DATE PAID: <u>7-10-06</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>181058</u>
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Application No.

THE LAKE AT SHADOW CREEK RANCH
PRELIMINARY PLAT – STAFF REPORT

P & Z MEETING DATE: August 7, 2006

APPLICANT: A. Mahendra Rodrigo, P.E., GC Engineering, Inc., for Faith Development, L.L.C., owner.

REQUEST: Preliminary Plat of 18.5691 acres zoned GB for subdivision into seven lots and two reserves for draining, recreation, and landscaping.

GENERAL LOCATION: The property is located south of Shadow Creek Parkway west of Business Center Drive.

PROPERTY DESCRIPTION: The property is undeveloped with an existing pond.

ZONING: GB, The proposed plat is consistent with the zoning.

SURROUNDING USES: Property will adjoin a school site to the west and south with thoroughfares on the north and east.

COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for Medium Density Residential.

TRAFFIC AND TRANSPORTATION: The Traffic Impact Analysis has been submitted.

UTILITIES AND INFRASTRUCTURE: Water and sewer service available.

STORMWATER MANAGEMENT: Stormwater detention will be provided onsite in a detention reserve.

PARKS, OPEN SPACE, AND TREES: not applicable, no protected trees onsite

OUTSTANDING ITEMS:

1.) Label 25' W.S.E.

ATTACHMENTS:

1. Application Form
2. Preliminary Plat

PLAT APPLICATION

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

Please Check Type of Plat Requested:

- Preliminary Subdivision Plat*
- Final Subdivision Plat*
- Minor (Subdivision) Plat*
- Amending Plat*
- Master Plat*
- Preliminary Development Plat*
- Final Development Plat*
- Replat*

~~SENT~~
~~REVIEW~~

JUN 05 2006

SUBDIVISION

NAME: SOUTHERN TRAILS PHASE I SECTION NINE

NUMBER OF LOTS: 110 LOTS (60' X 120' TYP.)

GENERAL

LOCATION: SOUTH OF SOUTHERN TRAILS DR.,
EAST OF ALMEDA SCHOOL ROAD

* A complete application must include all items shown on the corresponding checklist for each different type of plat.

PRIMARY CONTACT: KERRY R. GILBERT ASSOCIATES, INC.
MAILING ADDRESS: 15810 PARK TERN PLACE, STE. 160
CITY, STATE, ZIP: HOUSTON, TEXAS 77084
PHONE: (281) 579-0340 FAX: (281) 579-8212
E-MAIL ADDRESS: LANDPLAN@KPGA.COM

OWNER NAME: C. L. ASTON WOODS, L.P.
MAILING ADDRESS: 11375 W. SAM HOUSTON PARKWAY #100
CITY, STATE, ZIP: HOUSTON, TEXAS 77031
PHONE: (281) 561-7773 FAX: (281) 561-7774
E-MAIL ADDRESS: _____

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

Owner's Signature: Berley Ulmer Date: 6/5/06

Applicant's Signature: [Signature] Date: 6/5/06

Fees Not Required for Staff Review Plats

FEE PAID: <u>1060⁰⁰</u>	DATE PAID: <u>6-8-06</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>161211</u>
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Application No. _____

**SOUTHERN TRAILS PHASE ONE SECTION NINE
PRELIMINARY PLAT – STAFF REPORT**

P & Z MEETING DATE: August 7, 2006

APPLICANT: Randy Riley, Kerry R. Gilbert & Associates, Inc., for C.L. Ashton Woods, LP, owner.

REQUEST: Preliminary Plat of 30.1 acres zoned PUD for a single-family residential development. The PUD was approved in February of 2004.

GENERAL LOCATION: The property is located south of Southern Trails Drive.

PROPERTY DESCRIPTION: The property is undeveloped.

ZONING: R-1, PUD. The proposed plat is consistent with the zoning.

SURROUNDING USES: Property will adjoin other single-family units of the Southern Trails PUD on the west and north with a detention reserve to the east and undeveloped property to the south.

COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for Low Density Residential. The existing zoning and proposed development are consistent with the Comprehensive Plan.

TRAFFIC AND TRANSPORTATION: The Traffic Impact Analysis has been approved.

UTILITIES AND INFRASTRUCTURE: Water and sewer service will be extended to the site by the developer.

STORMWATER MANAGEMENT: Stormwater detention will be provided offsite in a detention reserve on the adjoining property.

PARKS, OPEN SPACE, AND TREES: Park fees will be paid prior to final plat approval.

OUTSTANDING ITEMS:

- 1.) Remove building lines

ATTACHMENTS:

1. Application Form
2. Preliminary Plat

LJA Engineering & Surveying, Inc.



2929 Briarpark Drive Phone 713.953.5200
Suite 600 Fax 713.953.5026
Houston, Texas 77042-3703 www.ljaengineering.com

*Rec'd
7-31-06
JK*

July 31, 2006

Mr. Richard Keller
City of Pearland
3523 Liberty Drive
Pearland, Texas 77581

Re: Preliminary Plat Province Village
LJA Job No. 1938-0002 (2.0)

Dear Mr. Keller:

This is a request to withdraw the referenced Preliminary Plat from the upcoming Planning & Zoning agenda for re-submittal at a later date.

Per our conversation on Friday, July 28, 2006, it is my understanding that withdrawal of the plat from the agenda on or before July 31, 2006, will allow us to resubmit at a later date without losing any fees or incurring additional costs. Furthermore, if we were to instead request an extension of time, we would be required to pay additional fees for not addressing all staff review comments.

Please advise me if there are any concerns regarding this matter.

Sincerely,

Ralph Thomas
Senior Platting Coordinator

RT/lb

Copy: Brandy R. Lang, P.E., LJA Engineering & Surveying, Inc.
Omar Escobar, LJA Engineering & Surveying, Inc.



Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

November 2006

October

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

December

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24 ³¹	25	26	27	28	29	30

1

2

Zoning Board of Adjustments Meeting

Dinner Theater - Community Center

3

Senior Citizen Dance - Community Center

Friday Nite Live - Jamison Rec Center

4

Kid Fish Fest



5

6



Planning & Zoning Meeting

7



Election Day

8

9

10

Friday Nite Live - Jamison Rec Center

11



Veterans' Day

Texas Recycles Day
Recycle Center

12

13



City Council Meeting

14

15

16

17

Friday Nite Live - Jamison Rec Center

18

19

20



Planning & Zoning Meeting and Joint Public Hearing

21

22

23



Thanksgiving Day

24

City Facilities Closed

25

Parks & Rec Art Show - Community Center

Parks & Rec Art Show - Community Center

Parks & Rec Art Show - Community Center

City Facilities Closed

No Trash Pick Up



26

27



City Council Meeting

28

29

30

City Hall Christmas Tree Lighting Ceremony - City Hall



Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

November

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

January

S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

December 2006

3

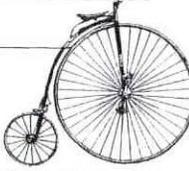
4 
Planning & Zoning Meeting

5

6

7
Zoning Board of Adjustments Meeting

8
Friday Nite Live - Jamison Rec Center

9 
Tour de Lites Bicycle Tour

10

11 
City Council Meeting

12

13

14

15
Friday Nite Live - Jamison Rec Center

16

17

18 
Planning & Zoning Meeting and Joint Public Hearing

19

20

21

22
City Facilities Closed

23

24/31
Christmas Eve - 24th

25 
Christmas Day

26

27

28

29

30

New Year's Eve - 31st 

City Facilities Closed
No Trash Pick Up 





Texas APA Conference, October 18-21, 2006 - Registration Form



Register online and save \$25 at www.planning.org/chapters/conferences.html. (Credit card payments only).

Mail checks to: American Planning Association, 94343 Eagle Way, Chicago, IL 60678-9430

Fax 312-786-6735 (our fax line is open through October 2nd) - Purchase Orders will not be accepted

The conference hotel is the Omni Hotel - Bayfront in Corpus Christi. To make reservations, call 361-887-1600 and request the American Planning Association Conference rate. You must make your own reservations. Early registration ends September 7th. Regular registration must be received by deadline of October 2nd. Late registration is on-site, and incurs a late-registration fee of \$45.00 after October 2nd. Cancellation/Changes must be received in writing by mail or fax or emailed to registrationchanges@planning.org by October 2nd. There is a \$25.00 processing fee for cancellations.

NO CASH REFUNDS ON SITE

Step 1: Name and Address:

APA ID Number	Section Name
First Name	MI Last Name
Home Address	
City	State Zip
Employer/Agency or School Name	
Employer/Agency or School Address	Suite #
City	State Zip

First Name for Badge	
Title	
Guest name (if applicable)	
Home Phone Number	
Office Phone Number	Fax Number
Preferred E-Mail Address	
Send correspondence to: () Home () Employer	

Step 2: Basic Registration	Early	Regular
Circle the registration fee that applies	by	by
Payment must be received by	Sept. 7 th	Oct. 2 nd
Full Conference		
APA Member	\$335	\$375
Non APA Member	\$375	\$415
includes conference sessions both lunches and all events. (Save \$25 by registering on-line)		

Full Conference for Planning Officials		
APA Member	\$365	\$405
Non APA Member	\$405	\$445
Price includes conference sessions, Planning Commissioner Track sessions, course materials, both luncheons and all events (Save \$25 by registering on-line)		

Full Conference for Full Time Students		
Student APA members and non-members	\$80	\$105
Price includes conference, Planning Commissioner Track sessions, Opening reception, and Foundation luncheon		

Thursday Only - Partner Organization Day	\$150	\$175
Price includes conference & Planning Commissioner Track sessions for Thursday Oct 19 th only and Foundation luncheon		

Friday Only - Planning Officials Day	\$150	\$175
Price includes conference & Planning Commissioner Track sessions for Friday, Oct 20th only and Awards luncheon		

Step 3: Events: Extra Tickets

Indicate the number of additional tickets you need for your guests.

Opening Reception	x\$35=\$	
Foundation Luncheon	x\$35=\$	
Awards Luncheon	x\$35=\$	
South Wind - Lexington	x\$35=\$	
East Wind - Surf Club	x\$35=\$	

Events Extra Tickets Subtotal \$ _____

Step 4: Mobile Workshops & Tours
 Limit of ONE ticket per workshop. Select workshops desired. Guest tickets may not be purchased in advance, guest tickets may be purchased on-site at the conference, space permitting.

_____ Workshop 1 \$30	_____ Walking Tour 1	-0-
_____ Workshop 2 \$30	_____ Walking Tour 2	-0-
_____ Workshop 3 \$30	_____ Walking Tour 3	-0-
_____ Workshop 4 \$30	_____ GIS (Wed. AM)	\$25
	_____ GIS (Wed. PM)	\$25
	_____ AICP Workshop (Wed)	\$40

Mobile Workshops & Tours Subtotal \$ _____

Step 5: Method of Payment

Mail form with remittance made payable to the American Planning Association at 94343 Eagle Way, Chicago, IL 60678-9430.

Purchase Orders will not be accepted.

Basic Registration: Subtotal (Step 2)	\$ _____
Events: Extra Tickets: Subtotal (Step 3)	\$ _____
Mobile Workshops & Tours: Subtotal (Step 4)	\$ _____
Total Cost	\$ _____

Check # _____ (payable to: American Planning Association)

_____ MasterCard

_____ Visa

_____ American Express

Credit card number _____ Expiration Date _____

Cardholder's Signature required _____

Events Extra Tickets Subtotal \$ _____

Employee's Name: Betty Foreman
Department: Engineering

City of Pearland Detention Pond

April 2006 Monthly Inspection Report

- **Detention Ponds Inspected in April 2006**

% Passing Monthly Inspection (8 out of 14 = 57.0%)

- **Year-To-Date (From May 2005 thru April 2006)**

Total ponds passing the initial inspection (93 out of 139 = 67 %)
Total ponds failed in the initial inspection (46 out of 139 = 33 %)

Total ponds, failed initial inspection, but have completed work (27 of 46 = 63%)

Total ponds, failed initial inspection, still requiring action (16 of 46 = 35%)

#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
23	Sunset Meadows	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006		
20	River Walk (2 ponds)	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006		
36	Cypress Village I & II	4/17/2006	Fail	Mow bottom			
28	Ashton Park	4/17/2006	Fail	Repair inlet NE corner	4/25/2006		
21	American Eagle Public Storage	4/17/2006	Pass	OK			
30	Barclay	4/17/2006	Fail	Mow slopes & top	4/25/2006		
37	DCG	4/17/2006	Fail	Mow	4/25/2006		
29	Associated Credit Union	4/17/2006	Pass	OK			
35	COP, east of Centennial Park	4/17/2006	Pass	OK			
38	Dry Clean	4/17/2006	Pass	OK			
34	Centennial Village	4/17/2006	Pass	OK			
33	Canterbury	4/17/2006	Pass	OK			
32	Cabot Cove	4/17/2006	Pass	OK			
31	BDD4 @ Fite Road	4/17/2006	Pass	OK			
0	Pearland Pavillion	3/27/2006	Fail	Mow bottom (all)	3/31/2006	4/30/2006	Work not completed
92	Home Depot @ Dixie Farm Road	3/27/2006	Fail	Mow pond bottom (all)	3/31/2006	4/30/2006	Work completed
25	Village Groove (2 ponds)	3/9/2006	Pass	OK			
24	Sunrise Offsite	3/9/2006	Pass	OK			
26	Walker Estates	3/9/2006	Pass	OK			
27	Westside Dental	3/9/2006	Pass	OK			
19	Shadow Creek Ranch (4 ponds)	3/9/2006	Pass	OK			
23	Sunrise Lakes (3 ponds)	3/9/2006	Pass	OK			
22	South Hampton	3/9/2006	Pass	OK			
20	Sonic Drive-In	3/9/2006	Fail	Repair Fence, Clean up tras	3/16/2006	3/24/2006	Work completed
18	Sawyers Pond	2/10/2006	Pass	OK			
38	Pearland Park Estates	2/10/2006	Pass	OK			
37	Holiday Inn Express	2/10/2006	Pass	OK			
36	Crystal Lake	2/10/2006	Pass	OK			
35	Avalon Terrace	2/10/2006	Pass	OK			
10	Home Depot @ Wooten Road	2/10/2006	Pass	OK			
11	Hampton Inn/Joseph's Grille	2/10/2006	Pass	OK			
30	Robin Cove	2/10/2006	Pass	OK			
12	K & G Pilgrim	2/10/2006	Pass	OK			
13	O'day @ FM 518	2/10/2006	Pass	OK			
14	Pearland Plaza	2/10/2006	Pass	OK			
17	Rollac (2 ponds)	2/10/2006	Pass	OK			
15	Pine Oaks	2/10/2006	Pass	OK			

D#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
6	Choice Oaks	1/27/2006	Pass	OK			
127	Fite Road (fenced area)	1/27/2006	Pass	OK			
128	Hazeldale Estates	1/27/2006	Pass	OK			
5	Broadway West @ Wooten Rd.	1/27/2006	Pass	OK			
139	Golfcrest Country Club with ditch	1/27/2006	Pass	OK			
3	Albertson's West Pond	1/27/2006	Pass	OK			
4	Autumn Lakes	1/27/2006	Pass	OK			
134	CVS Sherwood	1/27/2006	Fail	Mow & hydromulch slopes	1/30/2006	3/9/2006	Sent violation letter on 1/30/06; Sent Court affidavit to Courts 03/16/06
7	Colony Parks	1/27/2006	Pass	OK			
1	2009 (at Hatfield Rd.)	1/27/2006	Pass	OK			
2	Albertson's East Pond	1/27/2006	Pass	OK			
122	Sunset Lakes 3	12/29/2005	Pass	OK			
117	PISD @ Pearland Parkway	12/29/2005	Pass	OK			
118	Randalls @ Pearland Parkway	12/29/2005	Pass	OK			
121	River Mist	12/29/2005	Fail	Mow pond bottom	1/16/2006	1/20/2006	Work is completed
124	Towne Lakes (2 ponds)	12/29/2005	Pass	OK			
125	Villages @ Marys Creek	12/29/2005	Pass	OK			
129	Rehoboth (southwest)	12/29/2005	Fail	Mow pond bottom	1/16/2006	1/25/2006	Work is completed
126	Lawrence Place	12/29/2005	Pass	OK			
115	Pine Hollow Reserve A	12/29/2005	Pass	OK			
119	Rehoboth (east)	12/29/2005	Pass	OK			
104	Ellis Professional	11/22/2005	Pass	OK			
105	Brittany Estate	11/22/2005	Pass	OK			
106	Car Wash @ Sherwood Place	11/22/2005	Pass	OK			
107	Casa Ole	11/22/2005	Pass	OK			
108	Clear Creek Park	11/22/2005	Pass	OK			
109	DDS	11/22/2005	Pass	OK			
110	DyCor	11/22/2005	Pass	OK			
111	Faith Community	11/22/2005	Pass	OK			
112	Independence Park	11/22/2005	Pass	OK			
113	Moody Bank	11/22/2005	Pass	OK			
114	Pearland Clinic	11/22/2005	Pass	OK			
133	Equestrian Center	11/22/2005	Pass	OK			
03	Central Office Park	11/22/2005	Pass	OK			
98	Walmart @ Dixie Farm Road	10/25/2005	Pass	OK			
91	Chevron @ Dixie Farm Road	10/25/2005	Pass	OK			
93	Oakbrook	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed

ID #	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up	Inspection	Final Action
94	Oakbrook 1	10/25/2005	Fail	Mow pond bottom	10/27/2005		12/7/2005	Work is completed
95	Oakbrook Estates (2 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005		11/18/2005	Work is completed
97	Rustic Oaks	10/25/2005	Pass	OK				
99	Willow Lake	10/25/2005	Pass	OK				
100	Woodcreek	10/25/2005	Pass	OK				
101	Sunrise Lakes (3 ponds)	10/25/2005	Pass	OK				
96	Pine Hollow (4 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005		12/7/2005	Work is completed
69	Villa Verde (2 ponds)	9/22/2005	Fail	Mow the front pond	10/25/2005		11/18/2005	Work is completed
116	Pine Hollow Reserve D	9/11/2005	Fail	Mow	9/12/2005		9/22/2005	Work is completed
47	Sunset Lakes (2 ponds)	9/10/2005	Fail	Mow the pond	9/29/2005		11/4/2005	Work is completed
89	Turbocare	9/10/2005	Fail	Mow the pond	9/29/2005		11/4/2005	Work is completed
81	McHard Overpass (3 ponds)	9/10/2005	Pass	OK				
102	Landing @ Green Tee	9/10/2005	Fail	Mow pond, clean outlet	9/29/2005		11/4/2005	Work is completed
90	Industrial Polymers	9/10/2005	Fail	Mow the pond	10/25/2005		11/18/2005	Work is completed
88	Eagle Transmission	9/10/2005	Fail	Mow the pond	9/29/2005		11/4/2005	Work is completed
86	West Pond	9/10/2005	Fail	Mow the pond	9/29/2005		11/4/2005	Work is completed
85	St. Helen Church	9/10/2005	Pass	OK				
84	Racetrack @ N. Main St.	9/10/2005	Fail	Mow the pond	9/29/2005		11/18/2005	Court affidavit will be issued
87	Speed Shore	9/10/2005	Pass	OK				
82	Pearland Clinic	9/10/2005	Pass	OK				
74	Greenwood	9/10/2005	Fail	Mow the pond	9/29/2005		11/4/2005	Work is completed
80	Old Kmart @ N. Main St.	9/10/2005	Pass	OK				
79	Links @ Green Tee with ditch	9/10/2005	Fail	Mow the pond	10/25/2005		11/18/2005	Work is completed
78	Lowe's	9/10/2005	Pass	OK				
77	Lakes @ Highland Glen	9/10/2005	Fail	Mow the pond	9/29/2005		11/4/2005	Work is completed
76	Kemlon	9/10/2005	Pass	OK				
75	Hazeldale Estates	9/10/2005	Pass	OK				
83	PISD @ Slider Drive	9/10/2005	Pass	OK				
66	Crosspoint	8/6/2005	Fail	Mow	8/16/2005		9/22/2005	Work is completed
61	Bellavita (2 ponds)	8/6/2005	Pass	OK				
62	Best Western (Nam Huynh)	8/6/2005	Fail	Mow	8/16/2005		9/22/2005	Court affidavit was issued on 10/06/2005
63	Blockbuster @ N. Main St.	8/6/2005	Fail	Clean all outlet	8/16/2005		9/22/2005	Work is completed
64	Clear Creek Park	8/6/2005	Pass	OK				
65	Creekside	8/6/2005	Pass	OK				
67	East Pond	8/6/2005	Pass	OK				
68	North Pond	8/6/2005	Pass	OK				
70	Briarglenn	8/6/2005	Pass	OK				

D#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up	Inspection	Final Action
72	Dixie Woods	8/6/2005	Pass	OK				
79	Green Tee Sec. 7	8/6/2005	Fail	Mow and grub	9/2/2005		11/18/2005	Court affidavit will be issued
132	Briarwood Estates	8/6/2005	Pass	OK				
57	West Oaks Centre	7/2/2005	Pass	OK				
59	Westwood Village	7/2/2005	Fail	Mow bottom of pond				Work is completed
131	South Gate	7/2/2005	Pass	OK				
60	Willowick 2	7/2/2005	Pass	OK				
71	West Oak Village SW	7/2/2005	Fail	Mow bottom of pond	7/12/2005		8/15/2005	Court affidavit was issued on 8/18/05
8	Exxon at Cullen Blvd. & FM 518	7/2/2005	Fail	Mow the entire pond	7/12/2005		8/15/2005	Court affidavit was issued on 8/18/05
50	Springfield	7/2/2005	Fail	Mow bottom of pond				Work is completed
56	West Oaks	7/2/2005	Pass	OK				
55	Walgreen at Harkey Road	7/2/2005	Fail	Mow bottom of pond	7/12/2005		8/15/2005	Court affidavit was issued on 8/18/05
53	Village of Edgewater (2 ponds)	7/2/2005	Pass	OK				
52	SWEC	7/2/2005	Pass	OK				
51	Sutherland at Marvel Road	7/2/2005	Pass	OK				
40	Exxon at Veterans Rd.	5/25/2005	Pass	OK				
41	Goodyear at Weschester Circle	5/25/2005	Pass	OK				
42	KwikKar	5/25/2005	Pass	OK				
43	West Oaks South	5/25/2005	Pass	OK				
44	Park Village Estates	5/25/2005	Fail	Mow pond bottom				Work is completed
45	Parks @ Walnut Bend	5/25/2005	Pass	OK				
46	Pearland Farms	5/25/2005	Pass	OK				
58	West Oaks Village (3 ponds)	5/25/2005	Fail	Mow pond bottom	6/8/2005		8/15/2005	Court affidavit was issued on 8/26/04, plea agreement
49	Sherlock Storage	5/25/2005	Pass	OK				
39	Easy Clean	5/25/2005	Pass	OK				
48	PISD at McLean Rd.	5/25/2005	Pass	OK				
16	La Paloma	4/27/2005	Fail	Remove debris	4/27/2005		6/2/2005	Work is completed
54	Walgreen at FM 865 and FM 518	4/12/2005	Fail	Mow top and bottom	4/29/2005		6/14/2005	Work is completed

Employee's Name: Betty Foreman
Department: Engineering

City of Pearland Detention Pond

May 2006 Monthly Inspection Report

- **Detention Ponds Inspected in May 2006**

% Passing Monthly Inspection (10 out of 11 = 91 %)

- **Year-To-Date (From June 2005 thru May 2006)**

Total ponds passing the initial inspection (94 out of 139 = 68%)
Total ponds failed in the initial inspection (45 out of 139 = 32%)

Total ponds, failed initial inspection, but have completed work (30 out of 45 = 66.7%)
Total ponds, failed initial inspection, still requiring action (15 out of 45 = 33.3%)

ID #	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
48	PISD at McLean Rd.	5/15/2006	Pass	OK			
45	Parks @ Walnut Bend	5/15/2006	Pass	OK			
46	Pearland Farms	5/15/2006	Pass	OK			
49	Sherlock Storage	5/15/2006	Pass	OK			
58	West Oaks Village (3 ponds)	5/15/2006	Fail	Mow pond bottom	5/18/2006	5/30/2006	Work Complete
39	Easy Clean.	5/15/2006	Pass	OK			
40	Exxon at Veterans Rd.	5/15/2006	Pass	OK			
41	Goodyear at Weschester Circle	5/15/2006	Pass	OK			
42	KwikKar	5/15/2006	Pass	OK			
43	West Oaks South	5/15/2006	Pass	OK			
44	Park Village Estates	5/15/2006	Pass	OK			Work is completed
123	Sunset Meadows	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006	5/30/2006	Work Complete
120	River Walk (2 ponds)	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006		Work Complete
29	Associated Credit Union	4/17/2006	Pass	OK			
28	Ashton Park	4/17/2006	Fail	Repair inlet NE corner	4/25/2006		Work Complete
31	BDD4 @ Fite Road	4/17/2006	Pass	OK			
21	American Eagle Public Storage	4/17/2006	Pass	OK			
36	Cypress Village I & II	4/17/2006	Fail	Mow bottom	4/25/2006		Work Complete
33	Canterbury	4/17/2006	Pass	OK			
34	Centennial Village	4/17/2006	Pass	OK			
35	COP, east of Centennial Park	4/17/2006	Pass	OK			
38	Dry Clean	4/17/2006	Pass	OK			
32	Cabot Cove	4/17/2006	Pass	OK			
30	Barclay	4/17/2006	Fail	Mow slopes & top	4/25/2006		Work Complete
37	DCG	4/17/2006	Fail	Mow	4/25/2006		Work Complete
0	Pearland Pavillion	3/27/2006	Fail	Mow bottom (all)	3/31/2006	4/30/2006	
92	Home Depot @ Dixie Farm Road	3/27/2006	Fail	Mow pond bottom (all)	3/31/2006	4/30/2006	
26	Walker Estates	3/9/2006	Pass	OK			
24	Sunrise Offsite	3/9/2006	Pass	OK			
22	South Hampton	3/9/2006	Pass	OK			
27	Westside Dental	3/9/2006	Pass	OK			
20	Sonic Drive-In	3/9/2006	Fail	Repair Fence, Clean up tras	3/16/2006	3/24/2006	Work completed
19	Shadow Creek Ranch (4 ponds)	3/9/2006	Pass	OK			
23	Sunrise Lakes (3 ponds)	3/9/2006	Pass	OK			
25	Village Groove (2 ponds)	3/9/2006	Pass	OK			
136	Crystal Lake	2/10/2006	Pass	OK			
135	Avalon Terrace	2/10/2006	Pass	OK			

ID #	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up	Inspection	Final Action
130	Robin Cove	2/10/2006	Pass	OK				
137	Holiday Inn Express	2/10/2006	Pass	OK				
11	Hampton Inn/Joseph's Grille	2/10/2006	Pass	OK				
138	Pearland Park Estates	2/10/2006	Pass	OK				
12	K & G Pilgrim	2/10/2006	Pass	OK				
13	O'day @ FM 518	2/10/2006	Pass	OK				
14	Pearland Plaza	2/10/2006	Pass	OK				
15	Pine Oaks	2/10/2006	Pass	OK				
17	Rollac (2 ponds)	2/10/2006	Pass	OK				
18	Sawyers Pond	2/10/2006	Pass	OK				
10	Home Depot @ Wooten Road	2/10/2006	Pass	OK				
1	2009 (at Hatfield Rd.)	1/27/2006	Pass	OK				
134	CVS Sherwood	1/27/2006	Fail	Mow & hydromulch slopes	1/30/2006		3/9/2006	Sent violation letter on 1/30/06; Sent Court affidavit to Courts 03/16/06
3	Albertson's West Pond	1/27/2006	Pass	OK				
4	Autumn Lakes	1/27/2006	Pass	OK				
139	Golfcrest Country Club with ditch	1/27/2006	Pass	OK				
2	Albertson's East Pond	1/27/2006	Pass	OK				
6	Choice Oaks	1/27/2006	Pass	OK				
7	Colony Parks	1/27/2006	Pass	OK				
5	Broadway West @ Wooten Rd.	1/27/2006	Pass	OK				
128	Hazeldale Estates	1/27/2006	Pass	OK				
127	Fite Road (fenced area)	1/27/2006	Pass	OK				
117	PISD @ Pearland Parkway	12/29/2005	Pass	OK				
129	Rehoboth (southwest)	12/29/2005	Fail	Mow pond bottom	1/16/2006		1/25/2006	Work is completed
115	Pine Hollow Reserve A	12/29/2005	Pass	OK				
118	Randalls @ Pearland Parkway	12/29/2005	Pass	OK				
119	Rehoboth (east)	12/29/2005	Pass	OK				
121	River Mist	12/29/2005	Fail	Mow pond bottom	1/16/2006		1/20/2006	Work is completed
124	Towne Lakes (2 ponds)	12/29/2005	Pass	OK				
125	Villages @ Marys Creek	12/29/2005	Pass	OK				
126	Lawrence Place	12/29/2005	Pass	OK				
122	Sunset Lakes 3	12/29/2005	Pass	OK				
112	Independence Park	11/22/2005	Pass	OK				
104	Ellis Professional	11/22/2005	Pass	OK				
103	Central Office Park	11/22/2005	Pass	OK				
106	Car Wash @ Sherwood Place	11/22/2005	Pass	OK				
107	Casa Ole	11/22/2005	Pass	OK				

Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow up inspection	Final Action
08 Clear Creek Park	11/22/2005	Pass	OK			
09 DDS	11/22/2005	Pass	OK			
14 Pearland Clinic	11/22/2005	Pass	OK			
11 Faith Community	11/22/2005	Pass	OK			
13 Moody Bank	11/22/2005	Pass	OK			
133 Equestrian Center	11/22/2005	Pass	OK			
105 Brittany Estate	11/22/2005	Pass	OK			
10 DyCor	11/22/2005	Pass	OK			
93 Oakbrook	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed
94 Oakbrook 1	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed
95 Oakbrook Estates (2 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005	11/18/2005	Work is completed
96 Pine Hollow (4 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005	12/7/2005	Work is completed
97 Rustic Oaks	10/25/2005	Pass	OK			
98 Walmart @ Dixie Farm Road	10/25/2005	Pass	OK			
99 Willow Lake	10/25/2005	Pass	OK			
100 Woodcreek	10/25/2005	Pass	OK			
101 Sunrise Lakes (3 ponds)	10/25/2005	Pass	OK			
91 Chevron @ Dixie Farm Road	10/25/2005	Pass	OK			
69 Villa Verde (2 ponds)	9/22/2005	Fail	Mow the front pond	10/25/2005	11/18/2005	Work is completed
116 Pine Hollow Reserve D	9/11/2005	Fail	Mow	9/12/2005	9/22/2005	Work is completed
84 Racetrack @ N. Main St.	9/10/2005	Fail	Mow the pond	9/29/2005	11/18/2005	Court affidavit will be issued
81 McHard Overpass (3 ponds)	9/10/2005	Pass	OK			
102 Landing @ Green Tee	9/10/2005	Fail	Mow pond, clean outlet	9/29/2005	11/4/2005	Work is completed
90 Industrial Polymers	9/10/2005	Fail	Mow the pond	10/25/2005	11/18/2005	Work is completed
89 Turbocare	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
88 Eagle Transmission	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
87 Speed Shore	9/10/2005	Pass	OK			
86 West Pond	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
82 Pearland Clinic	9/10/2005	Pass	OK			
83 PISD @ Slider Drive	9/10/2005	Pass	OK			
47 Sunset Lakes (2 ponds)	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
80 Old Kmart @ N. Main St.	9/10/2005	Pass	OK			
79 Links @ Green Tee with ditch	9/10/2005	Fail	Mow the pond	10/25/2005	11/18/2005	Work is completed
78 Lowe's	9/10/2005	Pass	OK			
77 Lakes @ Highland Glen	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
76 Kemlon	9/10/2005	Pass	OK			
75 Hazeldale Estates	9/10/2005	Pass	OK			

DA	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up	Inspection	Final Action
74	Greenwood	9/10/2005	Fail	Mow the pond	9/29/2005		11/4/2005	Work is completed
85	St. Helen Church	9/10/2005	Pass	OK				
62	Best Western (Nam Huynh)	8/6/2005	Fail	Mow	8/16/2005		9/22/2005	Court affidavit was issued on 10/06/2005
132	Briarwood Estates	8/6/2005	Pass	OK				
73	Green Tee Sec. 7	8/6/2005	Fail	Mow and grub	9/2/2005		11/18/2005	Court affidavit will be issued
72	Dixie Woods	8/6/2005	Pass	OK				
70	Briarglenn	8/6/2005	Pass	OK				
68	North Pond	8/6/2005	Pass	OK				
67	East Pond	8/6/2005	Pass	OK				
66	Crosspoint	8/6/2005	Fail	Mow	8/16/2005		9/22/2005	Work is completed
65	Creekside	8/6/2005	Pass	OK				
63	Blockbuster @ N. Main St.	8/6/2005	Fail	Clean all outlet	8/16/2005		9/22/2005	Work is completed
61	Bellavita(2 ponds)	8/6/2005	Pass	OK				
64	Clear Creek Park	8/6/2005	Pass	OK				
50	Springfield	7/2/2005	Fail	Mow bottom of pond				Work is completed
60	Willowick 2	7/2/2005	Pass	OK				
71	West Oak Village SW	7/2/2005	Fail	Mow bottom of pond	7/12/2005		8/15/2005	Court affidavit was issued on 8/18/05
59	Westwood Village	7/2/2005	Fail	Mow bottom of pond				Work is completed
57	West Oaks Centre	7/2/2005	Pass	OK				
8	Exxon at Cullen Blvd. & FM 518	7/2/2005	Fail	Mow the entire pond	7/12/2005		8/15/2005	Court affidavit was issued on 8/18/05
56	West Oaks	7/2/2005	Pass	OK				
55	Walgreen at Harkey Road	7/2/2005	Fail	Mow bottom of pond	7/12/2005		8/15/2005	Court affidavit was issued on 8/18/05
53	Village of Edgewater (2 ponds)	7/2/2005	Pass	OK				
52	SWEC	7/2/2005	Pass	OK				
131	South Gate	7/2/2005	Pass	OK				
51	Sutherland at Marvel Road	7/2/2005	Pass	OK				
16	La Paloma	4/27/2005	Fail	Remove debris	4/27/2005		6/2/2005	Work is completed
54	Walgreen at FM 865 and FM 518	4/12/2005	Fail	Mow top and bottom	4/29/2005		6/14/2005	Work is completed

Employee's Name: Betty Foreman
Department: Engineering

City of Pearland Detention Pond

June 2006 Monthly Inspection Report

- **Detention Ponds Inspected in June 2006**

% Passing Monthly Inspection (12 out of 13 = 92 %)

- **Year-To-Date (From July 2005 thru June 2006)**

Total ponds passing the initial inspection (99 out of 139 = 71%)

Total ponds failed in the initial inspection (40 out of 139 = 29%)

Total ponds, failed initial inspection, but have completed work (34 out of 40 = 85%)

Total ponds, failed initial inspection, still requiring action (6 out of 40 = 15%)

D#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
-56	West Oaks	6/30/2006	Pass	OK			
8	Exxon at Cullen Blvd. & FM 518	6/30/2006	Pass	OK			
71	West Oak Village SW	6/30/2006	Pass	OK			
60	Willowick 2	6/30/2006	Pass	OK			
59	Westwood Village	6/30/2006	Pass	OK			
57	West Oaks Centre	6/30/2006	Pass	OK			
55	Walgreen at Harkey Road	6/30/2006	Pass	OK			
53	Village of Edgewater (2 ponds)	6/30/2006	Pass	OK			
52	SWEC	6/30/2006	Pass	OK			
51	Sutherland at Manvel Road	6/30/2006	Pass	OK			
50	Springfield	6/30/2006	Pass	OK			
132	Briarwood Estates	6/30/2006	Fail	Mow top and bottom	7/6/2006	7/20/2006	Violation letter sent 7/06/06 (Code enforcement rec complaints)
131	South Gate	6/30/2006	Pass	OK			
46	Pearland Farms	5/15/2006	Pass	OK			
39	Easy Clean	5/15/2006	Pass	OK			
58	West Oaks Village (3 ponds)	5/15/2006	Fail	Mow pond bottom	5/18/2006	8/15/2005	Court affidavit was issued on 8/26/04, plea agreement
49	Sherlock Storage	5/15/2006	Pass	OK			
48	PISD at McLean Rd.	5/15/2006	Pass	OK			
45	Parks @ Walnut Bend	5/15/2006	Pass	OK			
44	Park Village Estates	5/15/2006	Pass	OK			Work is completed
43	West Oaks South	5/15/2006	Pass	OK			
42	KwikKar	5/15/2006	Pass	OK			
41	Goodyear at Weschester Circle	5/15/2006	Pass	OK			
40	Exxon at Veterans Rd.	5/15/2006	Pass	OK			
120	River Walk (2 ponds)	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006	5/15/2006	Work Complete
123	Sunset Meadows	4/21/2006	Fail	Mow Bottom all ponds	4/25/2006	5/15/2006	Work Complete
31	IBDD4 @ Fite Road	4/17/2006	Pass	OK			
32	Cabot Cove	4/17/2006	Pass	OK			
21	American Eagle Public Storage	4/17/2006	Pass	OK			
28	Ashton Park	4/17/2006	Fail	Repair inlet NE corner	4/25/2006		Work Complete
30	Barclay	4/17/2006	Fail	Mow slopes & top	4/25/2006		Work Complete
35	COP, east of Centennial Park	4/17/2006	Pass	OK			
34	Centennial Village	4/17/2006	Pass	OK			
36	Cypress Village I & II	4/17/2006	Fail	Mow bottom	4/25/2006	5/15/2006	Work complete
37	IDCG	4/17/2006	Fail	Mow	4/25/2006		Work Complete
33	Canterbury	4/17/2006	Pass	OK			
38	Dry Clean	4/17/2006	Pass	OK			

ID#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
29	Associated Credit Union	4/17/2006	Pass	OK			
92	Home Depot @ Dixie Farm Road	3/27/2006	Fail	Mow pond bottom (all)	3/31/2006	4/30/2006	Work Complete
0	Pearland Pavilion	3/27/2006	Fail	Mow bottom (all)	3/31/2006	4/30/2006	2nd violation letter sent 7/06/06
19	Shadow Creek Ranch (4 ponds)	3/9/2006	Pass	OK			
20	Sonic Drive-In	3/9/2006	Fail	Repair Fence, Clean up tras	3/16/2006	3/24/2006	Work completed
23	Sunrise Lakes (3 ponds)	3/9/2006	Pass	OK			
24	Sunrise Offsite	3/9/2006	Pass	OK			
26	Walker Estates	3/9/2006	Pass	OK			
27	Westside Dental	3/9/2006	Pass	OK			
25	Village Groove (2 ponds)	3/9/2006	Pass	OK			
22	South Hampton	3/9/2006	Pass	OK			
136	Crystal Lake	2/10/2006	Pass	OK			
17	Rollac (2 ponds)	2/10/2006	Pass	OK			
15	Pine Oaks	2/10/2006	Pass	OK			
14	Pearland Plaza	2/10/2006	Pass	OK			
13	O'day @ FM 518	2/10/2006	Pass	OK			
12	K & G Pilgrim	2/10/2006	Pass	OK			
11	Hampton Inn/Joseph's Grille	2/10/2006	Pass	OK			
10	Home Depot @ Wooten Road	2/10/2006	Pass	OK			
135	Avalon Terrace	2/10/2006	Pass	OK			
137	Holiday Inn Express	2/10/2006	Pass	OK			
130	Robin Cove	2/10/2006	Pass	OK			
18	Sawyers Pond	2/10/2006	Pass	OK			
138	Pearland Park Estates	2/10/2006	Pass	OK			
5	Broadway West @ Wooten Rd.	1/27/2006	Pass	OK			
139	Golfcrest Country Club with ditch	1/27/2006	Pass	OK			
4	Autumn Lakes	1/27/2006	Pass	OK			
3	Albertson's West Pond	1/27/2006	Pass	OK			
134	CVS Sherwood	1/27/2006	Fail	Mow & hydromulch slopes	1/30/2006	3/9/2006	Sent violation letter on 1/30/06; Sent Court affidavit to Courts 03/16/06
6	Choice Oaks	1/27/2006	Pass	OK			
128	Hazeldale Estates	1/27/2006	Pass	OK			
127	Fite Road (fenced area)	1/27/2006	Pass	OK			
1	2009 (at Hatfield Rd.)	1/27/2006	Pass	OK			
7	Colony Parks	1/27/2006	Pass	OK			
2	Albertson's East Pond	1/27/2006	Pass	OK			
124	Towne Lakes (2 ponds)	12/29/2005	Pass	OK			
115	Pine Hollow Reserve A	12/29/2005	Pass	OK			

#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
17	PISD @ Pearland Parkway	12/29/2005	Pass	OK			
18	Randalls @ Pearland Parkway	12/29/2005	Pass	OK			
19	Rehoboth (east)	12/29/2005	Pass	OK			
22	Sunset Lakes 3	12/29/2005	Pass	OK			
25	Villages @ Marys Creek	12/29/2005	Pass	OK			
26	Lawrence Place	12/29/2005	Pass	OK			
29	Rehoboth (southwest)	12/29/2005	Fail	Mow pond bottom	1/16/2006	1/25/2006	Work is completed
21	River Mist	12/29/2005	Fail	Mow pond bottom	1/16/2006	1/20/2006	Work is completed
09	DDS	11/22/2005	Pass	OK			
14	Pearland Clinic	11/22/2005	Pass	OK			
33	Equestrian Center	11/22/2005	Pass	OK			
13	Moody Bank	11/22/2005	Pass	OK			
10	DyCor	11/22/2005	Pass	OK			
08	Clear Creek Park	11/22/2005	Pass	OK			
07	Casa Ole	11/22/2005	Pass	OK			
06	Car Wash @ Sherwood Place	11/22/2005	Pass	OK			
05	Brittany Estate	11/22/2005	Pass	OK			
04	Ellis Professional	11/22/2005	Pass	OK			
03	Central Office Park	11/22/2005	Pass	OK			
12	Independence Park	11/22/2005	Pass	OK			
11	Faith Community	11/22/2005	Pass	OK			
01	Sunrise Lakes (3 ponds)	10/25/2005	Pass	OK			
91	Chevron @ Dixie Farm Road	10/25/2005	Pass	OK			
93	Oakbrook	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed
94	Oakbrook 1	10/25/2005	Fail	Mow pond bottom	10/27/2005	12/7/2005	Work is completed
95	Oakbrook Estates (2 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005	11/18/2005	Work is completed
96	Pine Hollow (4 ponds)	10/25/2005	Fail	Mow pond bottom	10/28/2005	12/7/2005	Work is completed
97	Rustic Oaks	10/25/2005	Pass	OK			
98	Walmart @ Dixie Farm Road	10/25/2005	Pass	OK			
00	Woodcreek	10/25/2005	Pass	OK			
99	Willow Lake	10/25/2005	Pass	OK			
69	Villa Verde (2 ponds)	9/22/2005	Fail	Mow the front pond	10/25/2005	11/18/2005	Work is completed
16	Pine Hollow Reserve D	9/11/2005	Fail	Mow	9/12/2005	9/22/2005	Work is completed
86	West Pond	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
79	Links @ Green Tee with ditch	9/10/2005	Fail	Mow the pond	10/25/2005	11/18/2005	Work is completed
80	Old Kmart @ N. Main St.	9/10/2005	Pass	OK			
81	McHard Overpass (3 ponds)	9/10/2005	Pass	OK			

#	Name of Pond	Inspection Date	Pass/Fail	Comment	Letter Sent	Follow-up Inspection	Final Action
82	Pearland Clinic	9/10/2005	Pass	OK			
83	PISD @ Slider Drive	9/10/2005	Pass	OK			
78	Lowe's	9/10/2005	Pass	OK			
85	St. Helen Church	9/10/2005	Pass	OK			
77	Lakes @ Highland Glen	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
87	Speed Shore	9/10/2005	Pass	OK			
88	Eagle Transmission	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
89	Turbocare	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
90	Industrial Polymers	9/10/2005	Fail	Mow the pond	10/25/2005	11/18/2005	Work is completed
02	Landing @ Green Tee	9/10/2005	Fail	Mow pond, clean outlet	9/29/2005	11/4/2005	Work is completed
84	Racetrack @ N. Main St.	9/10/2005	Fail	Mow the pond	9/29/2005	11/18/2005	Court affidavit will be issued
76	Kemlon	9/10/2005	Pass	OK			
75	Hazeldale Estates	9/10/2005	Pass	OK			
74	Greenwood	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
47	Sunset Lakes (2 ponds)	9/10/2005	Fail	Mow the pond	9/29/2005	11/4/2005	Work is completed
68	North Pond	8/6/2005	Pass	OK			
61	Bellavita (2 ponds)	8/6/2005	Pass	OK			
62	Best Western (Nam Huynh)	8/6/2005	Fail	Mow	8/16/2005	9/22/2005	Court affidavit was issued on 10/06/2005
63	Blockbuster @ N. Main St.	8/6/2005	Fail	Clean all outlet	8/16/2005	9/22/2005	Work is completed
64	Clear Creek Park	8/6/2005	Pass	OK			
65	Creekside	8/6/2005	Pass	OK			
67	East Pond	8/6/2005	Pass	OK			
72	Dixie Woods	8/6/2005	Pass	OK			
73	Green Tee Sec. 7	8/6/2005	Fail	Mow and grub	9/2/2005	11/18/2005	Court affidavit will be issued
70	Briarglenn	8/6/2005	Pass	OK			
66	Crosspoint	8/6/2005	Fail	Mow	8/16/2005	9/22/2005	Work is completed
16	La Paloma	4/27/2005	Fail	Remove debris	4/27/2005	6/2/2005	Work is completed
54	Walgreen at FM 865 and FM 518	4/12/2005	Fail	Mow top and bottom	4/29/2005	6/14/2005	Work is completed

H. STEVENS SURVEY, A-594

S89°58'00"W
973.11'

GEO. C. SMITH SURVEY, A-551
B.D.D.NO. 4 - DITCH #B-106-00-00

SET 5/8" I.R.

FORGOTTEN ANGELS, INC
A TEXAS NON-PROFIT CORPORATION
B.C.C.F. NO. 2005002608
O.R.B.C.T.
DETENTION POND AGREEMENT
B.C.C.F. NO. 2005002606
O.R.B.C.T.

JUL 28 2006

FINAL PLAT
OF
THE VILLAGES OF TOWNE LAKE

A SUBDIVISION OF 34.9335 ACRES OF LAND IN THE W. ZYCHLINSKI SUBDIVISION, VOLUME 29, PAGE 9 OF THE BRAZORIA COUNTY DEED RECORDS, SAME ALSO BEING OUT OF THE A.C.H. & B. SURVEY A-507, AND THE H. STEVENS SURVEY, A-594, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

1 RESERVE

1 LOT

1 BLOCK

DATE:
JULY 28, 2006

ENGINEER AND SURVEYOR:
REKHA ENGINEERING INC.

OWNER:
VILLAGES OF TOWNE LAKE, L.P.
A TEXAS LIMITED PARTNERSHIP
BY LESCO ENTERPRISES, INC.
A TEXAS CORPORATION
RENEE'L. McGUIRE - MANAGER
7918 BROADWAY, SUITE 160
PEARLAND, TEXAS 77581
281-997-1500



5301 Hollister, Suite 190
Houston, Texas 77040
713-895-8080
713-895-8081
Fax: 713-895-7686
Job No. 0606-2148
Contact: John H. English, Sr. Vice President

(SHEET C-50 OF PLAN SET) SHEET 1 OF 2

PRELIMINARY PLAT OF

THE LAKE AT SHADOW CREEK RANCH

A SUBDIVISION OF 18.5691 ACRES LOCATED IN THE
T.C.R.R. COMPANY-SURVEY, ABSTRACT 675
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

7 LOTS, 2 RESRICTED RESERVES (10.3455 AC), 1 BLOCK

JULY 28, 2006

JUL 31 2006

OWNER:

FAITH DEVELOPMENT, L.L.C.

DAN NIP, C.P.A.
11205 BELLAIRE BLVD., SUITE B33
HOUSTON, TEXAS 77072
PH: 281-568-8388
FAX: 281-568-8338

LEINHOLDER: METRO BANK, NA
9600 BELLAIRE BLVD.
HOUSTON, TEXAS 77036
CONTACT: MING BURDETT
PH: 713-414-3783
FAX: 713-414-3625

ENGINEER:



GC ENGINEERING, INC.

4201 WEST BROADWAY
PEARLAND, TEXAS 77581
PH: 281-412-7008, EXT: 104
FAX: 281-412-4623

CONTACT: A. MAHENDRA RODRIGO, P.E.

SHEET 1 OF 1

Y GROUP, INC.

SURVEYORS
D, TEXAS
1998

WILSON, R.P.L.S.

BEING 30.1± ACRES OF LAND
CONTAINING 110 LOTS (60' X 120' TYP.) AND
NINE RESERVES IN SIX BLOCKS.

JUL 31 2006

OUT of THE
**H.T. & B.R.R. CO. SURVEY, SEC.84 A-538 &
SEC.80 A-564**

CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, ALSO BEING OUT OF ALLISON-RICHEY
GULF COAST HOME COMPANY SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 98 B.C.P.R.

SURVEYOR / CONSULTING ENGINEER:

PATE ENGINEERS, INC.

SUMMER ADAMS, R.P.L.S.

ALAN McKEE, P.E. (713) 462-3178

13333 NORTHWEST FREEWAY, SUITE 300

HOUSTON, TEXAS 77040

KERRY R. GILBERT & ASSOCIATES, INC.

MR. RANDY RILEY, (281) 579-0340

15810 PARK TEN PLACE, SUITE 160

HOUSTON, TEXAS 77084

OWNER:

L ASHTON WOODS LP.

MRS. BECKY ULLMAN (281) 561-7773

11375 W. SAM HOUSTON PARKWAY #100

HOUSTON, TEXAS 77031

PLANNER:

KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants

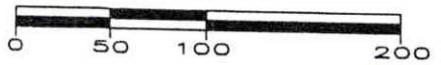
15810 Park Ten Place

Suite 160

Houston, Texas 77084

(281)579-0340

SCALE: 1" = 100'



JULY 30, 2006

KGA# 06101

KERRY R. GILBERT

AGENDA – WORKSHOP OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON AUGUST 7, 2006, AT 6:00 P.M., IN THE COUNCIL CHAMBERS OF CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

- I. **COUNCIL INPUT AND DISCUSSION:** Regarding proposed amendments to the Unified Development Code (UDC).
- II. **ADJOURNMENT**

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

**See the back of
your binder
for the packet labeled
UDC**

AGENDA – WORKSHOP OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON AUGUST 7, 2006, AT 6:00 P.M., IN THE COUNCIL CHAMBERS OF CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

- I. **COUNCIL INPUT AND DISCUSSION:** Regarding Land Use Study for the City of Pearland
- II. **ADJOURNMENT**

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

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

AGENDA OF: August 7, 2006	ITEM NO. _____
DATE SUBMITTED: July 28, 2006	DEPT. OF ORIGIN: Planning & Zoning
PREPARED BY: Theresa Grahmann, Senior Planner	PRESENTER: Nick Finan
SUBJECT: Land Use Study	
EXHIBITS: Supporting Documents and Maps	
EXPENDITURE REQUIRED: None	
AMOUNT BUDGETED: N/A	
ACCOUNT NO. N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO. N/A	
FUNDS AVAILABLE _____ (Finance Department Approval)	

EXECUTIVE SUMMARY

In the recent past, changes in zoning of industrial-zoned land to other zoning districts has triggered discussions regarding the importance of retaining industrial-zoned land and the overall land use composition in Pearland. The Planning Department was directed to research three areas, as follows:

1. How much land within the City of Pearland is zoned for different uses?
2. How does Pearland's composition compare with other cities?
3. Is there an ideal composition?

The Planning Department has analyzed the existing zoning map to determine how much land within the City is zoned for residential, commercial, and industrial districts. The attached map separates these districts by color.

The following table explains which zoning district were included in which category, and the percentage of land that is zoned in each category.

Residential Zoning Districts

R-E	Single-Family Estate District	
SR-15	Suburban Residential-15 District	
SR-12	Suburban Residential-12 District	
R-1	Single-Family Residential-1 District	
R-2	Single-Family Residential-2 District	
R-3	Single Family Residential-3 District	
R-4	Single-Family Residential-4 District	
TH	Townhouse Residential District	
MF	Multiple-Family Residential District	
MH	Manufactured Home Park District	51%

Commercial Zoning Districts

OP	Office & Professional District	
BP-288	Business Park 288 District	
NS	Neighborhood Service District	
GB	General Business Retail District	
GC	General Commercial District	12%

Industrial Zoning Districts

M-1	Light Industrial District	
M-2	Heavy Industrial District	10%

Mixed Use Zoning Districts

SPD	Spectrum District	
C-MU	Cullen-Mixed Use District	
G/O-MU	Garden/O'Day-Mixed Use District	6%

Planned Unit Developments 21%

Other Cities By Comparison

City of League City

(population approximately 62,000)

The City of League City indicated that their zoning and land use was evaluated as part of the review of their Comprehensive Plan and Zoning Ordinance. Their land area is 32,659 acres inside the city limits. Their land use percentages are as follows:

Residential	69%
Commercial	16%
Industrial	1%
Tax-exempt (government, schools, etc.)	13%
Agricultural	68%

City of Seguin

(population approximately 28,000)

Residential	29%
Commercial	7%
Industrial	11%
Tax-exempt (government, schools, etc.)	13%
Agricultural	49%

Ideal Composition

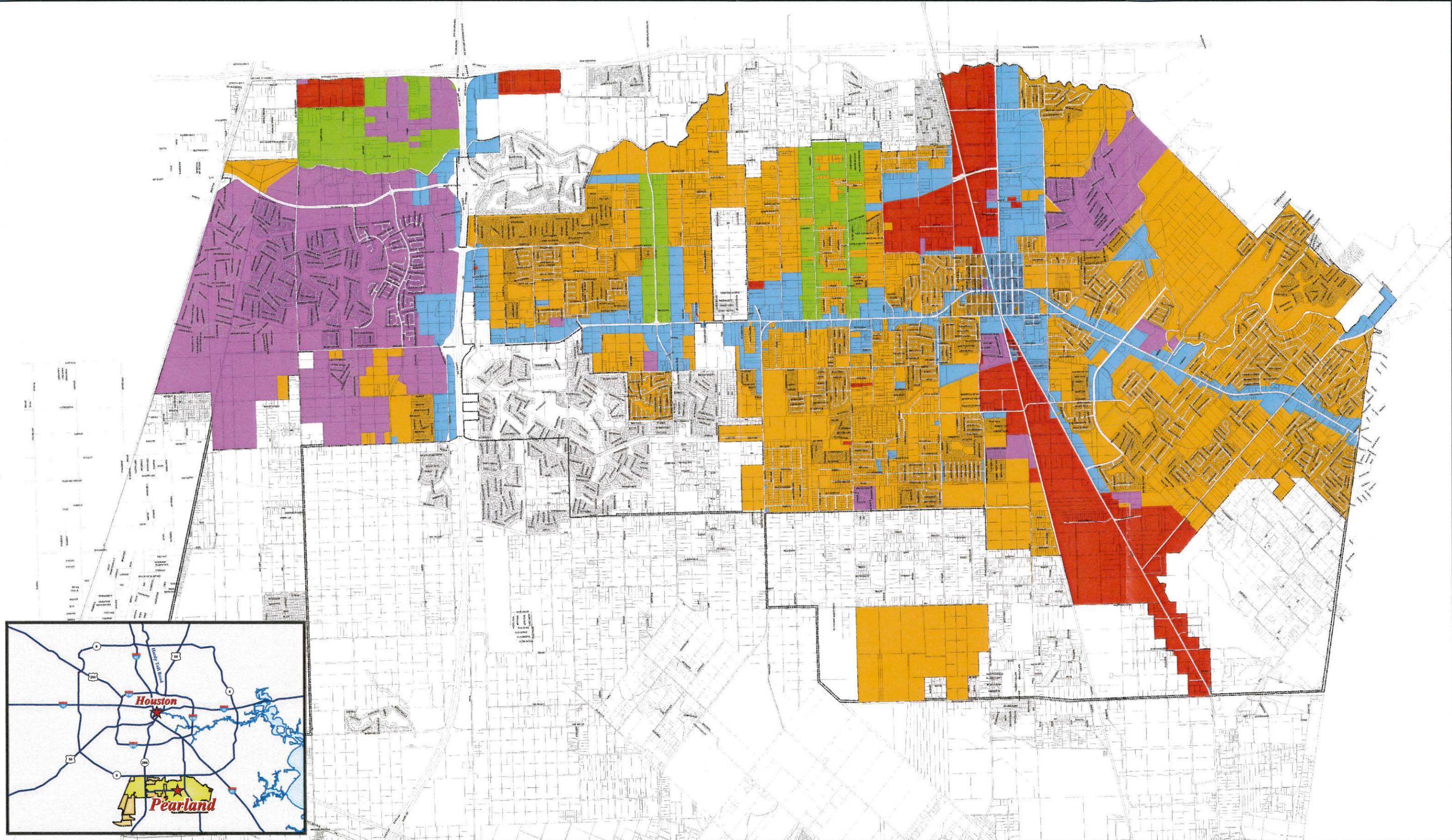
In order to determine the appropriate mix of land use for the community, we should first look at the economic conditions in the City of Pearland and some of the surrounding areas. A lot of small communities at one time developed Industrial Parks that they thought was the "silver" bullet for economic growth. However, most of these types of jobs have transferred overseas. The economy is now more service, biotechnology, and other type of jobs that are not considered heavy industry.

Lot of older cities over zoned areas for industrial uses. If we believe this to be the case in the City of Pearland, then the answer may be the re-evaluation of the comprehensive plan with the idea of rezoning the area for other uses. We also need to see if the area that is zoned for industrial uses really can be for that use. Industrial uses are in real need of good transportation system, (close to freeways and major thoroughfares), large parcels of basically flat terrain, source of power, skilled labor, raw materials for the manufactured goods, and good utilities.

The City's future land use should be based on land-use projections based on population and economic forecasts for the community and the region. In most standard cities, housing consist of about 70 to 80 percent of the land use. Further studies would be required by consultants to ascertain what the ideal mix for Pearland needs to be based on population and economic forecasts, future services to be provided for the community, tax rates, etc, to be determined by the community in general.

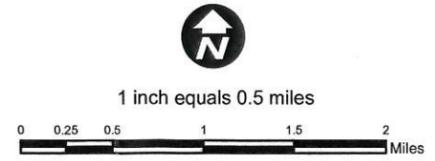
RECOMMENDED ACTION:

Discuss. Provide further direction to Staff.



City of Pearland Zoning Districts

- Commercial - 12%
- Industrial - 10%
- Mixed Use - 6%
- PUD - 21%
- Residential - 51%



THE ZONING DISTRICT DESIGNATIONS AND BOUNDARIES REFLECTED ON THIS MAP ARE REPRESENTATIONAL OF THE OFFICIAL, LEGALLY DESCRIBED DISTRICT BOUNDARIES. WHERE UNCERTAINTY EXISTS WITH RESPECT TO THE BOUNDARIES OF ANY OF THE DISTRICTS SHOWN ON THIS MAP, REFER TO THE ADOPTED ORDINANCE ESTABLISHING THE DISTRICT OR "RULES OF INTERPRETATION OF DISTRICT BOUNDARIES" PROVIDED IN THE CITY OF PEARLAND DEVELOPMENT CODE.

THIS MAP HAS BEEN PRODUCED FROM VARIOUS SOURCES. EVERY EFFORT HAS BEEN MADE TO ENSURE THE ACCURACY OF THIS MAP. HOWEVER, THE CITY OF PEARLAND ASSUMES NO LIABILITY OR DAMAGES DUE TO ERRORS OR OMISSIONS.

MAP PREPARED ON: JUNE 2006
(GIS)

View online maps at www.cityofpearland.com

**AGENDA ITEM –
JOINT WORKSHOP ON AUGUST 7, 2006**

**PROPOSED CHANGES TO THE UNIFIED DEVELOPMENT
CODE**

REDLINE VERSION (EDITED PAGES ONLY)

**Proposed modifications have been shown in red colored text.
Strikeouts indicate deletions, text in red and underlined text indicate
additions.**

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

AGENDA OF: August 7, 2006	ITEM NO. _____
DATE SUBMITTED: July 31, 2006	DEPARTMENT OF ORIGIN: Planning
PREPARED BY: Lata Krishnarao	PRESENTOR: Nick Finan
SUBJECT: Joint Workshop regarding proposed modifications to Unified Development Code.	
EXHIBITS: Proposed Unified Development Code Changes - Draft, Redline Version (Only Edited Pages) – Draft.	
EXPENDITURE REQUIRED: None	
AMOUNT BUDGETED: N/A	
ACCOUNT NO. N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO. N/A	
FUNDS AVAILABLE _____ (Finance Department Approval)	

EXECUTIVE SUMMARY

This is a joint workshop to discuss the proposed modifications to the Unified Development Code adopted on February 27th, 2006.

At the time of adoption, it was discussed that periodic modifications would be required to the UDC in response to the changing requirements of the City and the Development Community, and to clarify some sections where discrepancies and inconsistencies were discovered.

The redline version of edited pages have been included with this request and will be discussed in detail at the workshop.

In general, some of the modifications include:

1. Chapter 1 - clarification of posting requirements, appeals procedure, and vested rights petition dates.
2. Chapter 2 – clarification of net density for cluster zoning, pre-requisites for each application, expiration of building permit, buffer requirements for TH district,

standards for multi-family in Spectrum, landscaping requirements for other streets in Spectrum, roof form in Spectrum, standards for recesses in Spectrum, outdoor storage screening for M-1, changes to landscaping standards in Corridor Overlay District to be consistent, revisions to the Corridor Overlay District to exempt PISD facilities from certain sections, building façade articulation, modifications to land use table, roof pitches for residential structures, and setbacks for flag lots.

- 3. Chapter 3 – clarification of utilities under minor plats, installation of underground utilities before building permit, trigger for sidewalk installation, and lot frontage and access through easements.**
- 4. Chapter 4 – clarification to paving for off-street parking, driveway for day cares, parking table – add multi-use centers and shopping centers, shared parking standards, modifications to landscaping requirements for consistency, screening clarifications, height requirements for fences in side and rear yards, and signage clarifications.**
- 5. Definitions – addition and clarification of certain terms.**

RECOMMENDED ACTION

Conduct the workshop.



UNIFIED DEVELOPMENT CODE

CHAPTER 1: GENERAL PROVISIONS

Section 1.1.2.2 Director of Planning

- (a) **Responsible Official.** The Director of Planning is the responsible official for the following types of development applications and relief petitions:
- (1) Petition for amending the Comprehensive Plan;
 - (2) Petition for a zoning map amendment, including a petition for creation of an overlay district, or Planned Development (PD) district;
 - (3) Application for a Conditional Use Permit;
 - (4) Application for a Cluster Development Plan;
 - (5) Application for a special exception;
 - (6) Application for change in status of a nonconformity;
 - (7) Application for a Subdivision Master Plat, Preliminary Subdivision Plat, Preliminary Development Plat, Final Subdivision Plat, Final Development Plat, Minor Subdivision Plat, and replat;
 - ~~(8) Application for a sign permit;~~
 - (98) Appeal of a decision on any application for which the Director is the responsible official;
 - ~~(409)~~ Variance petition for any application for which the Director is the responsible official;
 - ~~(140)~~ Vested rights petition for any decision where the Director is the responsible official for the application for which the vested rights petition is filed;
- (b) **Initial Decision-Maker.** The Director of Planning is the initial decision-maker for the following types of development applications and relief petitions, subject to appeal as provided in this Chapter 1:
- (1) Application for a Minor Subdivision Plat;
 - (2) Application for a sign permit;
 - (3) Vested rights petition for any decision for which the Director is the initial decision-maker.

Section 1.1.2.4 Building Official

(a) **Responsible Official and Initial Decision-Maker.** The building official is the responsible official for and shall initially decide the following types of applications:

- (1) Building permit;
- (2) Certificate of occupancy; **and**
- (3) Water and sewer impact fees; **and**
- (4) Application for a sign permit.**

(b) **Initial Decision-Maker on Appeals.** The Building Official is the initial decision-maker for appeals of the following application, subject to further appeal as provided for in this Chapter 1:

- (1) Certificate of Occupancy;

Section 1.2.2.4 Posting Notice on Property

- (a) Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance from the terms of this UDC ~~or requesting a zoning change~~ shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested. Such sign(s) shall be located as follows:
- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City Manager or his/her designee.
 - (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
 - (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
 - (4) In the case of a variance request, on the subject property at least ten (10) days prior to the hearing of such variance request by the Zoning Board of Adjustment, and to remain continuously on said property until final action by the Board or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a decision by the Zoning Board of Adjustment shall constitute a withdrawal of the request.
 - (5) In the case of a zoning change request or a request for a CUP, on the subject property at least ten (10) days prior to the hearing of such ~~zoning change~~ request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (b) The signs shall be of a size, type, and message content as determined by the City, but shall advise that a variance, CUP, or zoning change has been requested and shall list the telephone number of the Planning Department for more information. The City is hereby authorized to establish size, type and message requirements for such signs and to distribute such requirements to applicants.
- (c) Upon making an application for a variance, CUP, or zoning change, the applicant shall place sign(s) as required by this section. The City shall inspect such sign(s) to ensure compliance as required by this section.
- (d) In the case of a variance request, after the variance request is approved by the Zoning Board of Adjustment, denied by the Zoning Board of Adjustment, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- (e) In the case of a zoning change request or a request for a CUP, after the ~~zoning change~~ request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- (f) It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a variance, CUP, or zoning change has been requested.
- (g) In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the appropriate body shall be postponed to a date in the future which would allow time for compliance.

- (h) The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- (i) The owner or applicant shall promptly notify the Planning Department of any sign required by this section which becomes lost, stolen or vandalized. In the case of a variance request **or a request for a CUP**, the Zoning Board of Adjustment shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs. In the case of a zoning change request **or a request for a CUP**, the Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

Section 1.3.1.1 Purpose, Applicability and Effect

- (a) **Purpose.** The purpose of an appeal is to contest an initial decision on a development application based upon alleged misapplication of the criteria for approval of the application. An appeal shall not be used as a means of amending, varying or otherwise modifying the standards of this Code that apply to the development application.
- (b) **Applicability.** Unless otherwise provided by this Code, any final administrative decision on a development application by a City official, including a determination by the responsible official that a proposed development is exempt from one or more development applications, may be appealed to the board or commission designated in the regulations establishing the procedure by which the decision was made. For administrative decisions on applications authorized in Chapters 4, appeal shall be to the Zoning Board of Adjustment, ~~except sign permits which shall be appealed to the City Council (Section 4.1.2.6)~~. Final decisions on a development application by a board or commission may be appealed to the City Council only if expressly provided for in the regulations establishing the procedure by which the decision was made.
- (c) **Effect.** The granting of an appeal supersedes the decision from which appeal was taken, and results in approval, conditional approval or denial of the development application for which approval was sought.

Section 1.3.3.2 Petition Requirements

- (a) **Who May Petition.** A vested rights petition may be filed by a property owner or the owner's authorized agents, including the applicant, with any development application identified in Section 1.3.2.1, or by the holder of a permit subject to expiration pursuant to Section 1.2.5.8.
- (b) **Form of Petition.** The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the development application under Texas Local Government Code, Chapter 245 or successor statute, or pursuant to Texas Local Government Code, Section 43.002 or successor statute, that requires the City to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:
- (1) A narrative description of the grounds for the petition;
 - (2) A copy of each approved or pending development application **or permit (the "Vesting Permit")** which is the basis for the contention that the City may not apply current standards to the development application which is the subject of the petition;
 - (3) The date of submittal of the application for the **Vesting Ppermit**, or of a development plan pursuant to which the **Vesting Ppermit** was subsequently filed, if **the submittal date is** different from the official filing date.
 - (4) The date the project for which the application for the **Vesting Ppermit** was submitted was commenced.
 - (5) Identification of all standards otherwise applicable to the development application from which relief is sought;
 - (6) Identification of any current standards which petitioner agrees can be applied to the development application at issue;
 - (7) A narrative description of how the application of current standards affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size shown on the development application for which the petition is filed; and
 - (8) A copy of any prior vested rights determination involving the same land.
 - (9) Where the petitioner alleges that a permit subject to expiration under Section 1.2.5.8 should not be terminated, a description of the events constituting progress toward completion of the project for which the permit subject to expiration was approved.
- (c) **Time for Filing Petition.** A vested rights petition shall be filed with a development application for which a vested right is claimed, except that the petition may be filed before the date of expiration of any permit when filed pursuant to Section 1.2.5.8. Where more than one application is authorized to be filed by this Unified Development Code, the petition may be filed simultaneously for each application.

Section 1.3.3.3 Processing of Petitions and Decision

- (a) **Responsible Official.** The responsible official for a vested rights petition is the responsible official for processing the development application with which the petition is associated, except where a petition is submitted pursuant to Section 1.2.5.8. Where multiple applications are submitted, and there is more than one responsible official, the decision of each responsible official shall be coordinated with that of any other responsible official on the vested rights petition. The responsible official shall promptly forward a copy of the vested rights petition to the City Attorney following acceptance.
- (b) **Initial Decision.** If the responsible official is the decision-maker on the application, the official shall determine whether the relief requested in the vested rights petition should be granted in whole or in part, and shall formulate a written report summarizing the official's reasoning and setting forth the decision on the petition, which shall be delivered to the applicant within ten (10) business days ~~of~~ from the date the vested rights petition is accepted for filing.
- (c) **Decision by Commission or Board on Petition.** If the development application is to be decided by the Planning and Zoning Commission or another board or commission, the Director shall submit a report in the form of a recommendation to the decision-maker. The commission or board shall render a decision on the vested rights petition in conjunction with its decision on the development application.
- (d) **Decision by City Council.** Where the City Council is the final decision-maker on the development application, or for any petition submitted pursuant to Section 1.2.5.8, the petitioner may submit a written request that the vested rights petition be immediately forwarded to the Council for a determination. The request must be accompanied by a waiver of the time for decision on the application imposed under this Unified Development Code pending decision by the Council on the petition, which shall stay further proceedings on the application. Upon receipt of the request, the responsible official shall prepare a recommendation and forward the matter to the Council for decision, which shall decide the petition within thirty (30) calendar days of the petitioner's request. If no written request for Council referral is filed, the Council shall decide the vested rights petition with its decision on the development application.
- (e) **Appeal of Decision on Petition.** The petitioner or any interested person may appeal the responsible official's or the commission's or board's decision on the vested rights petition within ten (10) working days of the date of such decision to the City Council in accordance with the procedures in Division 1 of this Article 3. An appeal under this Subsection stays acceptance of filing of any related development applications. The Council shall decide the petition within thirty (30) days of receipt of the notice of appeal.



UNIFIED DEVELOPMENT CODE

CHAPTER 2: ZONING REGULATIONS

(b) Application Requirements.

- (1) The Planning Director shall be the responsible official for a special exception.
- (2) An application for a special exception shall be accompanied by the following:
 - a. All information required for a zoning variance;
 - b. A statement describing in detail how the proposed exception meets the applicable standards.
 - c. Completed application form and required fees

(c) Processing of Application and Decision.

- (1) The Zoning Board of Adjustment shall conduct a public hearing on the application in accordance with Article 2, Division 3 of Chapter 1. Personal notice shall be provided in accordance with Chapter 1, Article 2 of this UDC.
- (2) The Zoning Board of Adjustment shall approve, conditionally approve, or deny the special exception.
- (3) An application for approval of a special exception shall be decided within thirty (30) days of the official filing date.

(d) Criteria for Approval.

- (1) In deciding whether to approve, conditionally approve or deny the application for a special exception, the Board shall apply the standards in Article 7 of this Chapter 1 governing the special exception. In addition, the Board shall consider whether the special exception will substantially and adversely affect the use of adjacent or neighboring property.
 - (2) The Board may impose such conditions on the application for special exception as are necessary to prevent harm to adjacent or neighboring property.
- (e) Expiration.** The special exception shall expire one (1) year after the Board approves or conditionally approves the application unless the applicant obtains all necessary construction permits or otherwise performs the tasks authorized by the approved special exception within such period.

Section 2.2.5.2 Variances

(a) Purpose, Applicability and Effect.

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

or modified, and authorizes the decision-maker to evaluate the application using the varied standard, for the duration of the variance.

(b) Application Requirements.

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

(c) Processing of Petitions and Decision.

- (1) The Zoning Board of Adjustment shall conduct a public hearing on the variance application in accordance with Chapter 1. Personal notice shall be provided in accordance with Chapter 1, Article 2 of this UDC.
- (2) The Zoning Board of Adjustment shall approve, conditionally approve, or deny the variance application.
- (3) A variance application shall be decided within forty-five (45) days of the official filing date, unless the application is tabled or there is a lack of quorum. In either case, the ZBOA shall then have an additional forty-five (45) days to decide the application. Any additional time period that the ZBOA needs to decide an application must be agreed upon by the applicant, and the ZBOA shall decide the application within the agreed-upon timeframe.
- (4) The applicant for a variance bears the burden of proof to demonstrate that a variance to the standards applicable to a particular use should be granted.
- (5) The applicant shall be notified of the decision on the variance petition in the manner provided in Chapter 1 of this UDC.

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

- (1) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land such that the strict application of the provisions of this Code to the proposed use would create an undue hardship or inequity upon or for the applicant, as distinguished from a mere inconvenience, in developing the land or deprive the applicant of the reasonable and beneficial use of the land;

Article 3 – Zoning Regulations

Division 1 – Purpose

Section 2.3.1.1 Purpose of Regulations & Districts

- (a) **Accordance with the TLGC.** The zoning regulations and districts contained in this Chapter are established in accordance with an adopted comprehensive plan (and related updates), as authorized by Chapter 211 of the Texas Local Government Code, for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the City limits. The zoning regulations and districts contained in this Chapter have been designed to lessen the congestion in the streets, to secure safety from fire, panic and other dangers, to ensure adequate light and air, to prevent the overcrowding of land and thus avoid undue concentration of population, and to facilitate the adequate provision of transportation, water supply, wastewater treatment, schools, parks and other public requirements. They are established with reasonable consideration for, among other things, the character of each zoning district and its peculiar suitability for the particular uses specified, conserving the value of buildings and environmentally sensitive features, and encouraging the most appropriate use of land throughout the City.

Division 2 – Zoning Map

Section 2.3.2.1 Division of the City into Districts & Related Map

- (a) **Division.** The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the City, which may also be cited as the “Zoning Map”, which is adopted as a part of this Code as fully as if the same were set forth herein in detail.

Section 2.3.2.2 The Official Zoning District Map

- ¶ **Official Map.** The Zoning Map shall be maintained as an electronic file in the office of the Planning Director and labeled as “Official Zoning Map of the City of Pearland, Texas”. This map shall be the official Zoning Map and shall bear the signature of the mayor, attested by the City Clerk, shall bear the seal of the City, and shall contain the following certification: “This is to certify that this is the Official Zoning Map referred to in Chapter 4 of the Unified Development Code, **Ordinance No. 2000T of the City of Pearland, Texas, adopted on the 27th day of February, 2006**, as amended by official action of the City Council”. In case of any question, this version of the map shall be controlling.

- ¶ **Maintenance of Official Map.** The official Zoning Map shall be maintained in the office of the Planning Director. The map shall be used for reference and shall be

maintained up-to-date by incorporating all subsequent amendments enacted by official action of the City Council. The Planning Director will use all reasonable means to protect the official Zoning Map from damage, and to ensure the accurate restoration of the map file if damage or destruction of the original file occurs.

†† **Changes or Amendments Reflected on the Map.** Any changes or amendments made to the zoning district boundaries shall be incorporated into the Zoning Map file promptly after the amendment has been approved by the City Council. The Planning Director shall maintain a descriptive log of amendments to the map using the following format: "On the ___th day of _____, _____, by official action of the City Council of Pearland, Texas, the following change(s) was made on the City's official Zoning Map: _____ (enter a brief description of the nature of the change), Ordinance No. _____, effective date _____, _____". Each descriptive entry for an amendment to the official map shall be signed by the Planning Director. The Planning Director will use all reasonable means to ensure that no changes are made to the official Zoning Map without authorization by official action of the City Council.

†† **Replacement of the Official Zoning District Map.** In the event that the official Zoning Map file becomes damaged, destroyed, lost or difficult to interpret for any reason, the City Council may adopt, by ordinance following a public hearing, a new official Zoning Map which shall replace and supersede the prior Zoning Map, but which shall not, in effect, amend or otherwise change the original official Zoning Map or any subsequent amendment thereto.

Section 2.3.2.3 Zoning District Boundaries

†† **Rules of Interpretation.** The zoning district boundary lines shown on the Zoning Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

†† **Boundaries shown as approximately following the centerlines of streets, highways or alleys shall be construed to follow the centerlines (conflicts with other one highlighted below).**

†† Boundaries shown as approximately following platted lot lines shall be construed as following the lot lines.

†† Boundaries shown as approximately following City limits shall be construed as following the City limits.

†† Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.

†† Boundaries shown as following shorelines shall be construed to follow the shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainageways shall be construed to follow the centerlines, and in the event of change in any such centerlines shall be construed to move with the centerlines.

- Ⓢ Boundaries shown as parallel to, or extensions of, features described in subsections "1" through "5" above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.
 - Ⓢ **The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street (conflicts with other one highlighted above).**
 - Ⓢ Where physical features on the ground are at variance with information shown on the Zoning Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections "1" through "8" above, then the Zoning Board of Adjustment shall interpret the zoning district boundaries.
 - Ⓢ If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "SD" (Suburban Development District) in the same manner as provided for newly annexed territory.
- (b) Zoning changes which are still valid and which were made between the effective date of the previous Zoning Ordinance (Ordinance No. ____, as amended), adopted on _____, and the effective date of this Code are indicated in approximate locations on the Zoning Map. For exact legal descriptions, refer to the adopting ordinances for each particular zoning change.

Division 3 – Compliance & Application

Section 2.3.3.1 Compliance & Application of Zoning Regulations

- (a) **Compliance Hereafter.** All land, buildings, structures or appurtenances thereon located within the City of Pearland, Texas which are occupied, used, constructed, erected, removed, placed, demolished, or converted after the effective date of this ordinance shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties provided in Chapter 1 of this Ordinance. This shall be deemed to include only the portion of the building, structure or land which is actually newly occupied, newly used, erected, constructed, reconstructed, moved or structurally altered after the effective date of this Ordinance. **All of the standards and regulations prescribed by this Ordinance shall be considered as the minimum requirement unless explicitly stated otherwise.** No building shall hereafter be erected or altered:
- (1) To have more narrow or smaller front, side or rear yards than those required by this Ordinance;
 - (2) To exceed the maximum height allowed by this Ordinance;
 - (3) To occupy a greater percentage of lot area than allowed by this Ordinance; or

- (2) Along all roadways adjacent to a manufactured home park, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.
- (n) **Single-Family Uses.** Any single-family development that occurs within the MH Zoning District shall meet the requirements of the R-3 Zoning District.
- (o) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MH Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.
- (p) **Multiple-Family Uses.** Any multiple-family development that occurs within the MH Zoning District shall meet the requirements of the MF Zoning District.
- (q) **Street Right-of-Way.** All streets within the site shall have a sixty-foot (60') minimum right-of-way to provide sufficient access for oversized vehicles. Such roadways shall be designed and constructed consistent with the City's standards for minor collector streets.
- (r) **Mobile/Manufactured Home Space Improvements.**
- (1) Paving - All wheels of structural supports shall be placed on an approved foundation as set forth by the Building Inspection Department.
 - (2) Sanitary Facilities - Refer to requirements within Section 4.2.6.7 of this UDC.
 - (3) Anchoring Devices - Each mobile home space shall be provided with tie-down anchors as provided by State and Federal Regulations.
 - (4) Utilities - All utility service shall be underground.
- (s) **Other Regulations.** The development shall conform with all applicable provisions of the Mobile Home Ordinance No. 179 (and subsequent amendments) of the City of Pearland and all other applicable City and State Regulations.
- (t) **Mobile Home Replacement.** A mobile home as defined herein is one that was constructed before July, 1976. A manufactured home as defined herein is one that has been constructed after July, 1976. Any mobile home that is deemed a legal, conforming use and that is in need of replacement shall only be replaced with a manufactured home constructed after July, 1976.

Division 3 – Mixed Use Zoning Districts

Section 2.4.3.1 SPD, Spectrum District

- (a) **Purpose.** The purpose of the Spectrum District is to provide a visually cohesive district that allows for diverse land uses within one overall District and to provide a zoning district that is consistent with the recommendations within the City's adopted *2004 Comprehensive Plan Update*. The Spectrum District is comprised of five (5) Sub-Districts that provide areas for these different land uses in a compatible manner.

The requirements for development within each district are contained herein. The Sub-Districts are as follows:

- (1) District S1: The Beltway District: The S1 Sub-District is intended for nonresidential development that typically desires high visibility from major thoroughfares. Retail uses such as shops and restaurants should be the primary uses within this Sub-District. A "mall-like" setting, either indoor or outdoor, would be ideal for these locations. Pedestrian circulation should be a prime consideration. In addition, science and technology related office uses (also referred to as "tech-flex") and/or "Class A" office uses developed within a business park or corporate campus would also be appropriate. In addition, development should respect natural features such as creeks and drainageways by integrating such features into the overall design of the site(s).
- (2) District S2: The Mixed Use District: The S2 Sub-District is appropriate for a variety of land uses, including hotels, a conference center/convention center, tourism-oriented uses, commercial, light industrial, and science and technology related uses. This wide variety of acceptable uses is intended to allow for optimum market flexibility for development within the S2 area. Any commercial and/or light industrial uses developed should be within a business park or corporate campus with buildings and parking situated such that a feeling of open space is created, and business activities should take place wholly within buildings. Development should also respect natural features such as creeks and drainageways by integrating such features into the overall design of the site(s). Walkability and pedestrian-orientation is important for this site due to its central location within the overall Spectrum District.
- (3) District S3: The Mixed Use--High Density Residential District: The S3 Sub-District is intended for Traditional Neighborhood Design (TND), which is characterized by a vertical mix of nonresidential and residential uses, with retail and/or office uses on the ground floor and residential uses above. In addition, consistent with other areas of the Spectrum District, commercial, and light industrial science and technology related uses developed within a business park or corporate campus would also be appropriate within the S3 area. Compatibility with residential uses should be an important design consideration.
- (4) District S4: The Light Industrial and Science & Technology District: The S4 Sub-District is intended for light industrial uses that may have some business activity that takes place outside and/or some outside storage of materials. To maintain the quality of the Spectrum District, however, such outside activity and/or storage should be screened. The S4 Sub-District should provide positive transition between development within the S5 Sub-District (discussed below) and the S2 Sub-District. Design guidelines should ensure that businesses provide an aesthetically pleasing view from the planned roadways.
- (5) District S5: The Light & Heavy Industrial District: The S5 Sub-District is intended for light or heavy industrial development that may have outside business activity and outside storage. Much of the development to the south and west of the Spectrum District area is characterized by heavy commercial and industrial businesses, and the S5 Sub-District should provide transition

between these existing uses and the development within the S4 Sub-District. Design guidelines should be established to ensure that future development provides an aesthetically pleasing view from the planned roadways.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. Minimum Lot Size - One (1) acre (43,560 square feet).

b. Minimum Lot Width - One hundred feet (100').

c. Minimum Lot Depth - Two hundred feet (200').

(2) Size of Yards:

a. Minimum Front Yard - Fifty-five feet (55') along Kirby Drive; fifty feet (50') along Spectrum Drive; twenty feet (20') along all other roadways

b. Minimum Side Yard - Twenty-five feet (25')

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

d. Landscaped Buffer Permitted - The landscaped buffer required within the Spectrum District may be located within the required front yard area.

(d) **Exterior Materials Standards:** The front facades of all structures facing onto a thoroughfare or collector shall be a minimum seventy percent (70%) masonry, as defined in Subsection (1) below. The side facades of such structures shall be a minimum fifty percent (50%) masonry. The following materials meet the masonry requirements within the Spectrum District.

(1) Primary Exterior Materials:

a. The primary exterior materials permitted shall be limited to the following:

1. Brick Masonry
2. Concrete Masonry Units
3. Glass Block
4. Pre-Cast Concrete
5. Cast Stone (and stone veneer)
6. Tilt-Slab
7. Stucco
8. Wall Panel Systems,
9. Spandrel Wall Systems

(2) Coloration:

a. All coloration of exterior materials shall conform to the Spectrum Materials Color Charts, available in the City's Planning Department.

b. Corporate trademark colors can only be used as accent colors and shall be limited to a maximum of one percent of the total exterior surface. Such

colors may be applied to subordinate building elements (such as canopies, subordinate entry forms, and architectural details).

(e) **Perimeter Fencing:** Perimeter fencing shall be used to provide security and/or visual separation of sites at individual property lines and shall meet the following requirements.

(1) Permitted Materials:

- a. Solid masonry,
- b. Stucco,
- c. Wrought iron,
- d. Living/landscaped screen,
- e. Chain link when such fencing is not visible from any thoroughfare or collector and when such fencing is visually covered by live landscaping elements or screened with a living/landscaped screen.

(2) Standards: When a perimeter wall is used as a screening wall, it shall be a masonry wall.

(3) Prohibited Materials:

- a. Barbed wire and similar materials (in quality and appearance),
- b. Pre-engineered interlocking concrete systems,
- c. Wood.

(4) Use & Location: Perimeter fences shall not enclose the yard space of any property between the building and Spectrum Drive or Kirby Drive. Fences fronting these roads shall not be closer to the street than the building line adjacent to the applicable street.

(f) **Screening:** Screening shall meet or exceed the following requirements.

(1) Standards:

a. Required - Screening walls are required for the following:

1. Service loading dock areas
2. Outside storage
3. Refuse and/or recycling areas and containers
4. Mechanical and utility equipment areas
5. Roof apparatus (including ventilation, HVAC, or other such equipment) **to be completely enclosed by a screening device to match the color of the building**

b. Height

- a. Detached screening walls shall be a maximum height of eight feet (8').
- b. Attached screening walls shall be a maximum height of fourteen feet (14').

c. Use - Gates for screening enclosures shall be solid metal on a metal frame, and shall be kept closed when the screened area is not in use.

(2) Materials & Characteristics:

- a. Materials - Screening walls that are attached to the primary structure shall be constructed of the same finish material as the dominant exterior material of the primary structure.
- b. Detached Screening - Areas to be screened (except parking areas) that are detached from the primary structure:
 - 1. By a distance of more than thirty feet (30') shall be screened with masonry walls that conform to the masonry material standards of this Spectrum District.
 - 2. By a distance of more than fifty feet (50') may be screened with an evergreen landscape screen comprised of plant materials that form a one hundred percent opaque screen.
- c. Parking Area Screening - Parking area screening shall be accomplished with a berm and/or planted edge of evergreen shrubs and trees. Berms used for parking lot screening shall not exceed four feet (4') in height and shall have a slope from the street of four feet (4') in height to one foot (1') in distance (4':1'). The total parking lot edge concealed by drifts of planted shrubs shall not be less than seventy-five percent (75%).
- d. Roof-Mounted Utility Equipment - Roof-mounted utility equipment shall be screened with a material that is consistent in color and finish of the structure upon which the equipment is located.
- e. Variation of Screening Walls Required - All screening walls that are twenty feet (20') in length or longer provide some horizontal variation in the wall that is equal to at least three feet (3') in depth for every twenty feet (20') in length

(g) Landscaping Requirements.

- (1) Landscape Buffer: The required minimum landscape buffer shall be provided along the street rights-of-way according to the following:
 - a. Along Kirby Drive - A minimum thirty-foot (30') landscape buffer shall be provided along the street R.O.W.
 - b. Along Spectrum Drive - A minimum twenty-foot (20') landscape buffer shall be provided along the street R.O.W.
 - c. Along State Highway 288 - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.
 - d. Along Beltway 8 - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.
 - e. Screening walls and parking areas shall not be located within this landscape buffer.
 - f. Retaining walls may be constructed along the perimeter of this landscape buffer.
- (2) Berms: Berms shall only be located within the landscape buffer when they are used to screen parking areas. In such cases, berms shall have maximum slope from the street of four feet (4') in height to one foot (1') in distance (4:1).
- (3) Retaining Structures: Retaining walls, planter walls, and other retaining structures shall be constructed of the same material as the primary on-site structure.

(4) Natural Drainage: Natural drainage patterns shall be maintained where possible. Grass swales or storm sewer pipes shall be used in landscape areas. Open, concrete channels or flumes shall not be permitted.

(5) Parking Lot Landscaping:

a. Landscaping & Screening

1. The requirements for landscaped areas herein may be met by one large landscaped area or by smaller landscaped areas throughout the parking area.
2. Landscaped areas shall be provided at a ratio of twenty-five (25) square feet per space. Landscape areas shall not be provided such that areas are only around the perimeter of the parking lot.
3. Landscape islands shall be a minimum of six feet (6') in width and one hundred and seventy (170) square feet in area, measured by the inside curb dimension.
4. The design of landscaping areas shall allow a minimum clearance of four feet (4') between the front edge of the curb and the trunk of trees planted within such areas.
5. Parking spaces shall be within one hundred feet (100') from a landscaped parking island.
6. Parking area landscaping shall be designed with asymmetrical geometries that lend informality to the overall aesthetic; large landscape islands with varying geometries are preferred to a rhythmic pattern of a single small island every few spaces.
7. Parking area screening shall conform to the requirements of subsection (f)(2)c. of this District.

b. Canopy Trees

1. Canopy trees shall be provided at a ratio of one (1) canopy tree per three thousand (3,000) square feet of the total parking lot square footage.
2. Canopy trees shall be planted within the landscaped areas (those required above). If sufficient space is not available within the landscaped areas, canopy trees may be located along the parking lot perimeter.

(6) Street Landscaping: Along the street right-of-way frontage of any parcel and within the required landscape buffer, one (1) two-inch (2") caliper tree shall be planted for every fifty feet (50') of frontage. Trees may be clustered together, however, the number of trees required shall not decrease.

(7) Detention/Retention Facilities: Such facilities shall be incorporated into each development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.

(8) Irrigation: All landscape areas shall be properly irrigated.

(h) Building Layout.

(1) Primary Structures: Primary structures must have their most significant architectural elements facing the street.

(2) Outside the Required Landscaped Buffer: All structures located within the Spectrum District shall be located outside of the required landscaped buffer.

(3) Structures With Loading Areas and/or Service Bays:

a. The loading areas and/or service bays of a structure shall be located to the side of the structure that does not face the roadway, with the following exception.

b. When any structure with loading areas and/or service bays is on a lot that consists of an entire block, bays that must face the street must not face the more major roadway. Major and minor roadways shall be identified on the Site Plan for the tract to be developed.

(4) Accessory Structures: Accessory structures shall not be located in the front yard of any site unless such structures are intended as guard or other security structure.

(i) **Site Access.**

(1) Access Within One Site: Adequate access from different areas within a site shall be provided such that vehicles are not required to enter the street to move from one area to another on the same site.

(2) Access From Site-to-Site: Adequate access between sites shall be provided such that vehicles are not required to enter the street to move from one site to another site; cross-access shall be required.

(3) General: Access shall be provided in accordance with the City's Engineering Design Criteria Manual.

(j) **Parking.**

(1) Parking Area Locational Requirements:

a. A ten-foot (10') landscape edge shall be provided between the parking area and the building. This requirement does not apply to loading/unloading areas.

b. Parking lots may be constructed within the building setback area, but shall not be constructed within the landscape buffer.

c. Parking structures shall not be constructed within the building setback area or within the landscape buffer.

(2) General: Parking shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.

(k) **Sidewalks.** Sidewalks and pedestrian access shall be required for the development of all lots within the Spectrum District, and shall meet the requirements of Chapter 3, Article 2, Division 7 of this UDC.

(1) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of a public right-of-way. This easement may be within the required landscaped buffer.

(2) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the State Highway 288 frontage.

Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.

- (3) Construction Criteria: Construction criteria for the required sidewalk:
- a. Minimum six feet (6') wide.
 - b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
 - c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
 - d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
 - e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.
 - f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.

- (4) Connection to the Building: A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. The connecting sidewalk shall be accessible, readily visible, and paved.

(l) Lighting.

- (1) Uniformity: Standards, poles, and fixtures shall be a single color, uniform in design throughout the site. When development is adjacent to Kirby Drive and/or Spectrum Drive, lighting shall be uniform along the roadway(s).
- (2) Prohibited Poles: Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.
- (3) Height: Standards, poles, and fixtures shall be no taller than the height of the building being served.
- (4) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.
- (3) Accent Lighting:
 - a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.
 - b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(m) Building Design.

- (1) Building Form: All portions of a structure shall have a unified design treatment. For example, a structure with an office portion and a warehousing portion should be consistently designed such that the office portion is not visibly different on the exterior of the structure.
- (2) Roof Form:

a. Roof Type

1. ~~The dominant roof form for all buildings less than six (6) stories within the Spectrum District shall be a flat roof.~~
2. ~~Flat roofs may be a conventional built up roof system or membrane roof system.~~
3. ~~Pitched, arched, or shed roof forms are limited to subordinate architectural masses.~~

b. Pitched, Arched, or Shed Roofs - Buildings or portions of a building over six (6) stories shall have a flat, pitched, arched, or shed roof.

c. Roof-to-Wall Connections

1. Roof-to-wall connections that replicate the qualities of residential or smaller scale construction are not permitted; therefore, residentially scaled overhangs and soffits are not permitted.
2. Flat roofs shall be concealed with a solid parapet. Building walls capped with a gravel stop are not permitted.

d. Coloring - Roof systems, other than flat roofs behind closed parapets, shall conform to the Roof/Metal Finishes Color Chart, available in the City's Planning Department.

e. Prohibited Exterior Treatment - No roof shingles are permitted (concrete, slate, asphalt, wood, asbestos, or clay) except for retail uses where such roofing is part of a corporate or thematic design.

(3) Definition of Building Entrances:

a. Recesses, Protected Doorway - The door for public access in to the structure shall be architecturally **projected (or recessed)** from the structure within an architectural expression of entry.

[Does not specify how much projection or recess. Items 1 and 2 are from the Corridor Overlay District.]

1. All nonresidential structures fifty thousand (50,000) square feet in size or greater shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.

2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') in vertical or horizontal length.

b. Coordinated With Landscaping - All public entries into the structure must bear a relationship to the landscape development of the site. Pathways leading to the entry must be articulated within the landscape design, through the use of such devices as a widened pathway with accent planting, a plaza, or a water feature.

- c. Pedestrian Relationship - Architectural devices such as decorative paving, banners, flags, sculptures, decorative walls, or other special architectural details of the building meant for the close view of the entry participant shall be used to enhance entrances.

(n) **Retail Arcades/Canopies:** Retail uses shall provide pedestrian arcades or canopies in front of retail structures.

(1) Arcades - Arcades shall:

- a. Have a minimum depth of ten feet (10'),
- b. Be supported by masonry columns clad with the same material as the dominant exterior material of the retail use behind, and
- c. Be an extension of the architectural character of the retail spaces by having architectural tie ins such as bands, opening articulation, and/or rhythmic modulation of openings.

(2) Canopies - Canopies may be provided in lieu of arcades if the canopy maintains a pitched or curved roof form, has the same depth dimension as an arcade, and is supported by masonry supports clad with the dominant exterior material of the retail use.

(o) **Glass.** Windows and other wall openings must be defined by function and structure and must be consistent in form, pattern, articulation, and color.

(1) Reflective glass shall not be permitted; glass shall not have a reflectivity that exceeds twenty-seven percent (27%)

(2) Glass shall have a character of transparency. Tinted glass may be used, however, the tinting shall not reduce the light transmission to less than thirty-five percent (35%).

(p) **Signage.**

(1) General Standards: The following standards shall apply to all signs.

a. Permitted Signs

- 1. On-Premise Ground Signs, for the purpose of business identification
- 2. On-Premise Building Signs, for the purpose of business identification
- 3. On-Site Directional Signs
- 4. On-Site Information Signs

b. Prohibited Signs

- 1. Roof-mounted signs
- 2. Signs extending above a roofline or parapet wall
- 3. Signs attached to exterior glass

c. Unified Design - Signs within one development shall conform to a unified design.

(2) Ground Sign Standards:

- a. One (1) ground sign shall be permitted for each site.

- b. Sites with multiple street frontage shall be permitted one (1) sign per street frontage.
- c. Signs shall be constructed of the same material as the site/building identified;
- d. Signs shall be surrounded by a landscape bed(s) that extend a minimum of three feet (3') from the base of the ground sign structure

(3) Building Signs:

- a. The total area of all building signs on the front facade of a structure shall be equal to a maximum of thirty percent (30%) of the total front façade area.
- b. The total area of all building signs on facades other than the front façade (i.e., back and side facades) shall be equal to a maximum of 15% of the total front façade area.

(q) **Special Requirements by Sub-District.**

(1) Height: Permitted heights within the Spectrum District are as follows:

- a. District S1, The Beltway District - Maximum of ten (10) stories
- b. District S2, The Mixed Use District - Maximum of six (6) stories
- c. District S3, The Mixed Use–High Density Residential District
 - 1. Maximum of six (6) stories for structures with nonresidential uses only
 - 2. Minimum of four (4) stories for structures with a mixture of residential and nonresidential uses
- d. District S4, The Light Industrial and Science & Technology District - Maximum of four (4) stories
- e. District S5, The Light & Heavy Industrial District - Maximum of four (4) stories

(2) Outside Storage: Outside storage is permitted within the S-4 Sub-District and the S-5 Sub-District, and shall be screened in accordance with the requirements of Subsection (f) of this Spectrum District.

(3) Residential Uses: Residential uses are permitted within the S3 Sub-District with the following requirements.

- a. Setbacks – There shall be no front yard setback; the width of the required sidewalk (see below) shall provide adequate setback.
- b. Sidewalk – A sidewalk that is a minimum of eight feet (8') in width shall be provided along all street rights-of-way.
- c. Mixed Uses Required – Residential uses are permitted only as a component of a mixed use structure, wherein retail and/or office uses are located on the first and/or second floor of the structure.

d. Common Open Space/Density – refer to the requirements in the Multi-Family District (MF)

(4) Science & Technology Related Uses - Landscaping: All structures used for science, technology, and/or industrial buildings shall be required to have landscaping elements incorporated around a minimum of thirty percent (30%) of

- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) **Size of Lots:**
 - a. Minimum Lot Size - Twelve thousand and five hundred (12,500) square feet.
 - b. Minimum-Lot Width - One hundred feet (100').
 - c. Minimum Lot Depth - One hundred feet (100').
 - (2) **Size of Yards:**
 - a. Minimum Front Yard - Twenty-five feet (25')
 - b. Minimum Side Yard - Ten feet (10')
 - c. Minimum Rear Yard - Ten feet (10')
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.** No outdoor commercial activities or uses shall be permitted in the OP District without a temporary permit issued by the City's Building Official. Refer to the City Building Code.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 4 of this UDC.
- (h) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s).
- (j) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (k) **Adjacent to a Single-Family Use or Zoning District.** When an office/professional development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

Section 2.4.4.2 BP-288, Business Park District-288

- (a) **Purpose.** The Business Park District-288 (BP-288) is intended to permit large office complexes/campuses and retail development in locations with good visibility and

roadway access; visibility and access are inherently provided by State Highway 288. These regulations are also intended to create high quality development that enhances the City's image as a desirable place to live, work, and shop.

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

- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
- (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**

(1) Size of Lots:

- a. Minimum Lot Size - One (1) acre (43,560 square feet).
- b. Minimum Lot Width - One hundred and fifty feet (150').
- c. Minimum Lot Depth - Two hundred feet (200').

(2) Size of Yards:

- a. Minimum Front Yard - Twenty-five feet (25')
- b. Minimum Side Yard - Twenty feet (20')
- c. Minimum Rear Yard - Twenty feet (20')

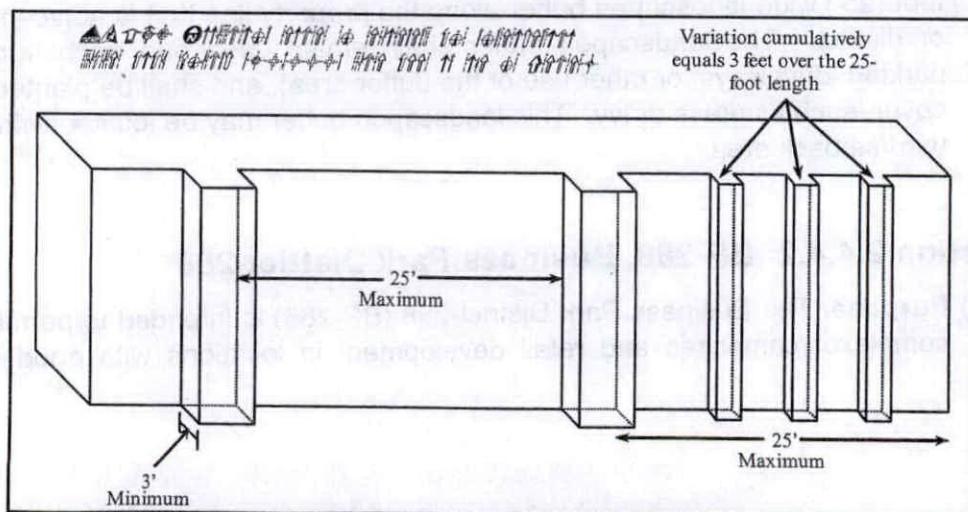
(d) **Height Restrictions.** No building shall exceed sixty-five feet (65') in height. Additional height may be approved through a Conditional Use Permit (CUP).

(e) **Building Facade Standards.** Requirements are applicable to all structures **and facades visible from State Highway 288**, except single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.

(1) Building Articulation:

a. Building articulation, as defined within Chapter 5 of this UDC, shall be provided as follows:

1. All nonresidential structures fifty thousand (50,000) square feet in size or greater shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.
2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1')



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

Section 2.4.4.6 M-1, Light Industrial District

- (a) **Purpose.** The Light Industrial District (M-1) is intended to permit a wide variety of light industrial, manufacturing, wholesale and service type uses.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
 - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
 - (1) Size of Lots:
 - a. Minimum Lot Size - Forty thousand (40,000) square feet in area.
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - One hundred and fifty feet (150').
 - (2) Size of Yards:
 - a. Minimum Front Yard - Thirty-five feet (35')
 - b. Minimum Side Yard - Twenty-five feet (25')
 - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height.
- (e) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (f) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.
- (g) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (h) **Special Conditions.**
 - (1) Landscaped Open Area:
 - a. At least ten percent (10%) of the gross lot area shall be maintained as permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.
 - b. Adjacent to a Single-Family Use or Zoning District - When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer

along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located within the required yard/setback area.

(2) Materials Storage:

- a. No materials storage, including but not limited to waste materials, raw materials, construction materials, and salvaged materials or finished product storage, shall be permitted unless screened by a ~~solid~~ **an opaque** wall or fence not less than eight feet (8') in height, **or a dense vegetative screen not less than eight feet (8') in height.**
 - b. City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said materials storage or finished product storage and uses is required for industrial zoning districts adjacent to residentially zoned property.
 - c. Materials shall not be stored or stacked higher than the height of the screening wall. Refer to screening wall requirements within Chapter 4, Article 2, Division 4 of this UDC.
- (i) **Performance Standards.** No land or building shall be used or occupied within this district which does not comply with the following standards relating to radioactivity and electromagnetic disturbances, noise, vibrators, odors and glare.
- (1) Radioactivity or Electromagnetic Disturbance: No activity shall be permitted which emits dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
 - (2) Direct or Sky-Reflected Glare: No glare shall be permitted whether from floodlights or from high temperature processes such as combustion or welding or otherwise.
 - (3) Compliance With Other Regulations. All industries will comply with any appropriate federal and/or state standard as well as any others specified by this UDC or any other City Codes, such as adopted noise or hours of operation regulations.

Section 2.4.4.7 M-2, Heavy Industrial District

- (a) **Purpose.** The Heavy Industrial District (M-2) is intended to permit any manufacturing, assembly, processing, storage and/or distribution, sale and repair incidental to industrial use allowed by law.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
 - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**

(1) Size of Lots:

- a. Minimum Lot Size - Forty thousand (40,000) square feet in area.
- b. Minimum Lot Width - One hundred and fifty feet (150').
- c. Minimum Lot Depth - One hundred and fifty feet (150').

(2) Size of Yards:

- a. Minimum Front Yard - Thirty-five feet (35')
- b. Minimum Side Yard - Twenty-five feet (25')
- c. Minimum Rear Yard - Twenty-five feet (25')

(d) **Height Restrictions.** No building shall exceed sixty feet (60') in height.

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

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

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

(h) **Special Conditions.**

(1) Landscaped Open Area:

- a. At least ten percent (10%) of the gross lot area shall be maintained as permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.
- b. Adjacent to a Single-Family Use or Zoning District - When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area. The exception to this requirement shall be when an M-2 industrial development is established adjacent to an M-1 industrial development.

(2) Materials Storage:

- a. No materials storage, including but not limited to waste materials, raw materials, construction materials, and salvaged materials or finished product storage, shall be permitted unless screened by ~~a solid~~ **an opaque** wall or fence not less than eight feet (8') in height, **or a dense vegetative screen not less than eight feet (8') in height.**
- b. City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said materials storage or finished product storage and uses is required for industrial zoning districts adjacent to residential zoned property.

Section 2.4.5.1 COD, Corridors Overlay District

(a) Purpose.

(1) The Corridors Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.

(2) The Corridors Overlay District (COD) is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards which are more restrictive. In the event of a conflict between the standards of the COD and the regulations of the underlying zoning district, the standards described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the COD will continue to prevail.

(b) **District Boundaries.** The COD standards apply to the future development and use of all land with lot frontage on either side of the street right-of-way along the following specified major thoroughfares:

- (1) Pearland Parkway: Dixie Farm Road to northern City limits
- (2) Oiler Drive: SH 35 to Pearland Parkway
- (3) McHard Road: SH 35 to Pearland Parkway
- (4) Main Street: For the full length of the roadway within the City limits
- (5) Broadway Road: For the full length of the roadway within the City limits, except within the Old Townsite District
- (6) Magnolia Road: For the full length of the roadway within the City limits, except within the Old Townsite District
- (7) Kirby Drive
- (8) Dixie Farm Road
- (9) Beltway 8
- (10) Bailey Avenue
- (11) Massey Ranch Road

(c) Lot and Setback Standards.

- (1) The minimum front yard building setback adjacent to a specified major thoroughfare shall be twenty-five feet (25').
- (2) The minimum setback for all off-street parking, maneuvering and loading areas from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
- (3) The minimum setback for all screening walls and fences, including residential subdivision fences, from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
- (4) The minimum setback for any outside storage area (where permitted by the underlying zoning district) from the right-of-way line of a specified major thoroughfare shall be one hundred and fifty feet (150'), unless such area is screened to one hundred percent (100%) opacity with a screening wall that matches the primary on-site building or with live vegetation.
- (5) No buildings, parking areas, or other impervious structures (except as noted herein), are permitted within the recognized floodway, as identified by the City Engineer, or within fifty feet (50') of the high bank, whichever is greater, of a creek or other drainage way proposed as a linear park in the City's Park Master Plan.

- a. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.
- (6) Buildings, parking areas, or other visual obstructions shall not be located in any required visibility triangle.
- (7) The required setback area as described above shall be landscaped, and shall meet the requirements of Subsection (g) of this Section 2.4.5.1.

(d) **Building Facade Standards.** Requirements are applicable to all structures except singlefamily detached dwellings, **only for sides facing the specified streets listed in Section 2.4.5.1 (b).** A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.

(1) Building Articulation:

- a. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:
 1. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
 2. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
 3. Incorporate details that create shade and cast shadows to provide visual relief.
- b. Building articulation shall be provided as specified in the following:
 1. All nonresidential structures fifty thousand (50,000) square feet in size or greater, **except Public Educational Facilities**, shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.
 2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') in vertical or horizontal length.

(2) Building Materials:

- a. All structures shall conform to the requirements in Article 6, Division 2 of this chapter.
- b. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.
- c. A minimum twenty-five percent (25%) of an exterior wall facing the specified major thoroughfare shall be transparent, **except for Public Educational Facilities, which are exempt from this requirement.**
- d. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have similar architectural design, color, and materials.

(3) Building colors shall be provided in accordance with an approved color palette, available in the City's Planning Office. **However, window or door trim, fascia, soffit or portions of the facade shall be exempt as long as the total area of these elements do not exceed 20% of the building façade of each side.**

(e) **Access and Off-Street Parking Standards.** Access and off-street parking shall be provided in conformance with the City's Engineering Design Criteria Manual (EDCM).

- b. Bicycle parking shall be conveniently provided for all uses allowed in the following zoning districts: Office and Professional, Neighborhood Service, Business Park-288, General Business, and General Commercial.
- c. Each required bicycle parking space shall include a means to secure individual bicycles.

(g) Landscaping Standards.

- (1) Minimum Percentage of Landscaping in the Required Setback Area: A minimum of fifteen percent (15%) of the required setback area shall consist of landscaped open areas with a permeable surface.
- (2) Minimum Percentage of Landscaping Generally: A minimum of fifteen percent (15%) of the gross lot area shall consist of landscaped open areas.
 - a. Landscaping elements shall be established along the outside (i.e., the side nearest the right-of-way) of all required screening elements (refer to Subsection (h) below).
- (3) Tree Requirements: Trees are required along all specified major thoroughfares as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot adjacent to the specified roadways:
 - a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.
 - b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.
 - c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
 - d. At the time of planting, a minimum of 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 six feet (6') shall be provided between individual trees.
- (4) Required Interior Site Landscaping:
 - a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
 - b. No parking space shall be greater than fifty feet (50') from a tree. Each island shall contain at least one (1) tree. For Public Educational Facilities, no parking space shall be greater than sixty (60') from a tree and the tree requirement may be waived by the Planning Director on islands adjacent to student drop-off points if the Planning Director determines that such tree would cause a safety hazard.
- (5) Irrigation System: A mechanical irrigation system is required to be installed and maintained.
- (6) Adjacent to a Single-Family Use or Zoning District: When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area and may count toward (g)(1) above.

(h) Lighting Standards.

(1) Vehicular Circulation & Parking Areas:

- a. High pressure sodium or metal halide fixtures shall be used with no direct glare onto adjacent properties or public streets. The glare from such fixtures shall be shielded from adjacent properties and/or public streets.
- b. Minimum light level within the parking area shall be 0.5 foot candles when the attendant facility is in use.
- c. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site and no taller than the height of the building being served.
- d. Creosote treated wooden poles are prohibited.
- e. Street lights along the specified corridor shall conform to the standard fixture adopted by the City. Installation of such fixture or payment in lieu of installation shall be required prior to acceptance of subdivision improvements by the City or issuance of a certificate of occupancy, as applicable.

(2) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wallmounted fixtures shall be no greater than twelve feet (12') above grade.

(3) Accent Lighting:

- a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.
- b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(i) Screening Standards.

(1) Site Elements Required to Be Screened: The following site elements shall be screened from the public view from all specified major thoroughfares:

a. *Mechanical and Utility Equipment*

1. Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque.
2. Roof-mounted equipment shall be screened with materials that are one hundred percent (100%) opaque. Appropriate screening includes an extension of the wall, such as a parapet wall, on which the equipment is mounted.

b. *Vehicle Loading and Unloading Areas*

1. Screens shall incorporate shrubbery having year-round foliage and/or a wall or architectural element of the building that is a minimum of six feet (6') in height and is a maximum of seventy-five percent (75%) opaque.

c. *Refuse, Refuse Containers, and Recycling Containers*

1. Screens shall consist of a solid wall or architectural element of the building that is a minimum six feet (6') in height.

(2) Screening Elements Required: All screening walls visible from a public street shall be:

- a. Constructed of masonry materials that are consistent with the color and design of the primary on-site structure.
- b. Consistent in color and design with the building architecture.
- c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Screening Elements Prohibited: No fence or wall visible from a public street shall be:

- a. Greater than eight feet (8') in height.
- b. Located within any required visibility triangle.

c. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. Exceptions:

1. The exception to this is that barbed wire may be used solely to control livestock.

2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and at a minimum distance of one hundred feet (100') from a public right-of-way. All other fences within Public Educational Facilities shall be constructed of materials consistent in color, design, and architecture to the primary on-site structure.

(4) Residential Subdivision Fences:

a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.

b. If visible from a street right-of-way, fences shall be constructed of masonry materials. However, large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more, shall be permitted to be screened with wood rail fencing.

(j) **Buffering Standards.**

(1) Site Elements Required to Be Buffered: The following site elements shall be visually buffered from the public view from all specified major thoroughfares:

a. *Parking Areas* - Outdoor parking areas that are visible from any street right-of-way.

b. *Fuel Pumps* - Fuel pumps located between the street and the building.

c. *Drive-Up Windows* - Vehicle drive-up windows facing the street.

(2) Buffering Elements Required: Required buffering shall be a maximum of three feet (3') in height shall be provided by way of one or more of the following:

a. Freestanding masonry wall.

b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming if unseen from the street.

c. Shrubbery having year-round foliage.

(k) **Outdoor Activities or Uses.** The following shall apply when the incidental display of merchandise out of doors is permitted within the base zoning district.

(1) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten feet (10'), and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.

(2) The temporary sale of Christmas trees and products associated with celebration of holidays or national events On any property in the general business district, the temporary sale of goods in relation to special events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of religious the holiday celebration. The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to one (1) event per calendar year, not to exceed a sale

period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:

- a. That there is an adequate off-street parking area, approved by the City; and
- b. That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.

(3) No other type of outdoor activity or use shall be permitted in the COD District without a temporary permit issued by the City's Building Official. Refer to the City Building Code.

(k) Sidewalk Standards.

(1) Location: The required sidewalk along all specified major thoroughfares may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line. Sidewalks shall not be required for development along Beltway 8 frontage roads.

(2) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.

(3) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the major thoroughfare street frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.

(4) Construction Criteria: Construction criteria for the required sidewalk:

- a. Minimum six feet (6') wide.
- b. Minimum eight-foot (80°) centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
- c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
- d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
- e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.
- f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.

(5) A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. This connecting sidewalk shall be accessible, readily visible, and paved.

(l) **Utilities.** All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not be prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are prominent shall be made by the Planning Director.

Definition:

Public Educational Facilities:

Public Educational facilities shall mean facilities that are used to provide instruction or education by primary or secondary schools or institutions of higher education that receive public funding. Private schools, day cares and other similar uses, and facilities not used for instructional purposes such as administrative and service facilities shall not be included in this definition.

Le

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+ Refer to the Old Townsite Downtown Development District Plan Regulating Code.

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts						Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5												
Primary Agricultural Uses																												
Agricultural Field Crops	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	☐	P	P	P	P	P	P	P	P	P	P
Agricultural Animal Husbandry	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	☐	P	P	P	P	C	P	P			
Animal Husbandry																		☐										
Bulk Grain and/or Feed Storage	P																	☐						C	P	P		
Farm (Ranch, Livestock)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	☐	P	P	P	P	P	P	P	P	P	
Feed & Grain Store/Farm Supply Store																		☐					C	P	P	P		
Flour and Other Grain Mills																		☐							P	P		
Livestock – Wholesale																		☐							P	P		
Livestock Sales																		☐							P	P		
Crops or Orchard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	☐	P	P	P	P	P	P	P	P	P	
Stable, Commercial																		☐							P	P		
Stable (Private, Principal or Accessory Use)		C	C															☐							P	P		
Primary Residential Uses																												
Boarding or Rooming House										P								☐						P	P			
Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family)									P	P	P							☐										
Dwelling - HUD-Code Manufactured(Mobile) Home										P								☐							C	C		

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												S1	S2	S3	S4	S5													
Servant, Guest , Caretakers or Security Quarters	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	<input type="checkbox"/>	C	C	C	C	C	C	C	C		
Social & Recreational Building, including homeowner's association amenity centers	C	C	C	C	C	C	C	C	C	P	P			P			P	P	<input type="checkbox"/>	P	P	P	P	P					
Entertainment & Recreational Uses																													
Billiard/Pool Facility (Three or More Tables)												C					C	C	<input type="checkbox"/>	C	C	C	P	P					
Bingo Facility												C					C	C	<input type="checkbox"/>	C	C	C	P	P					
Bowling Alley (Air-Conditioned and Sound Proofed)												C					C	C	<input type="checkbox"/>	C	C	C	P	P					
Commercial Amusement, Indoor												P					C	C	<input type="checkbox"/>	C	C	C	P	P					
Commercial Amusement, Outdoor												C					C	C	<input type="checkbox"/>	C	C	C	P	P					
Commercial Amusement, Temporary	C																		<input type="checkbox"/>						C	P			
Country Club	C	C	C	C	C	C	C	C	C	P	P		P	P	P		P	P	<input type="checkbox"/>	P	P	P	P	P					
Dinner Theatre												C					C	C	<input type="checkbox"/>	C	C	C	P	P					
Driving Range (Golf)												C	C	C			C	C	<input type="checkbox"/>	C	C	C	P	P					
Drag Strip/Race Track																			<input type="checkbox"/>						C	C	C		
Fairgrounds																			<input type="checkbox"/>										
Golf Course (Miniature)												C	C	C	C	C	C	C	<input type="checkbox"/>	C	C	C	P						

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												S1	S2	S3	S4	S5										
Golf Course (Private)												C	C	C	C	C	C	C	<input type="checkbox"/>	C	C	C	P			
Golf Course (Public)												C	C	C	C	C	C	C	<input type="checkbox"/>	C	C	C	P			
Park and/or Playground (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<input type="checkbox"/>	P	P	P	P			
Park and/or Playground (Public; Municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<input type="checkbox"/>	P	P	P	P	P		
Private Club																			<input type="checkbox"/>	C		P	P	P		
Recreation Center (Private, For Profit)												C	C	P	P	P		C	C	<input type="checkbox"/>	C	P	P	P	P	
Rodeo Grounds	C																		<input type="checkbox"/>						P	
Skating Rink	C											C							<input type="checkbox"/>	C	C	C	P	P		
Swimming Pool, Commercial	C											C							<input type="checkbox"/>	C	C	C	P	P		
Swimming Pool, Private (Use Only By Resident)	P	P	P	P	P	P	P	P	P	P	P			P			P	P	<input type="checkbox"/>	P	P	P	P	P		
Tennis or Swim Club (Private, For Profit)	C	C	C	C	C	C	C	C	C			P	P	P			P	P	<input type="checkbox"/>	P	P	P	P	P		
Tennis Court (Private/Not Lighted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	<input type="checkbox"/>	P	P	P	P	P		
Tennis Court (Private/Lighted)	P	P	C	C	C	C	C	C	C	C	C	C	C	C			C	C	<input type="checkbox"/>	C	C	C	C	P		
Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}	C																		<input type="checkbox"/>						C	

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												S1	S2	S3	S4	S5											
Funeral Home																		☐			C	C	C	P	C		
Health Club (Physical Fitness; Indoors Only)												P	P	P			C	C	☐	C	P	C	P	P	C		
Hotel/Motel												P	P	P	C				☐	P	C		P	P			
Laundromat (Self-Service Laundry)										C								☐	C		C	P	P	P			
Laundry/Dry Cleaning (Retail Only - Drop Off/Pick Up)											P	P	P			P	P	☐	C	C	P	P	P				
Mailing Service (Private)											P	P	P			C	C	☐	P	P	P	P	P	C			
Martial Arts School/Studio											P	C	C					☐		C	C	P	P	P	P		
Pharmacy (Retail Only)											P	P	P			P	P	☐	P	P	P	P	P	P			
Rehabilitation Care Facility (Halfway House)																		☐	C		C	P	P	P			
Rehabilitation Care Institution (Commercial)																		☐	C		C	P	P	P			
Seamstress or Dressmaker (Retail Only)											P	P	P			P	P	☐	P	P	P	P	P				
Studio - Tattoo or Body Piercing																		☐						C	C	C	
Retail & Business Service Uses																											

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												S1	S2	S3	S4	S5											
Antique Shop (No outside storage)												C	C	C				P	P	☐	P	P	P	P	P	P	C
Antique Shop (With outside storage)												C	C	C				C	C	☐	C	C	C	C	P	C	
Apparel Shop												P	C	C				C	C	☐	C	P	P	P	P	C	
Animal Hospital (No Outside Pens)																				☐				C	P	C	
Art Museum and/or Dealer												P	P	P				P	P	☐	C	C	C	P	P	C	
Art Studio and/or Gallery												C	C	C				P	P	☐	C	C	P	P	P	C	
Art Supply Store												P	P	P				C	C	☐	P	P	P	P	P	C	
Bakery or Confectionery Shop (Retail Sales, Inside Service Only)												P	P	P				P	P	☐	P	P	P	P	P	C	
Bakery or Confectionery Shop (Retail Sales, With Drive-Thru Service)												C	C	C				C	C	☐	C	C	C	P	P	C	
Bakery (Wholesale)																				☐					P	C	
Book/Stationery Shop (Retail Only)												P	P	P				P	P	☐	P	P	P	P	P	C	
Business Service Retail (Provides wares and/or service in support of professional occupations)												C	C	C				C	C	☐	C	C	C	P	P	C	
Café												P	P	P				P	P	☐	P	P	P	P	P	C	
Cafeteria												C	C	C				C	C	☐	P	P	P	P	P	C	

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												S1	S2	S3	S4	S5										
Camera Shop (Retail Only)												P	P	P			C	C	<input type="checkbox"/>	P	P	P	P	P	C	
Cigars, Tobacco Shop (Retail Only)												C							<input type="checkbox"/>	C	P	C	P	P	C	
Carpenter Shop												P	C	C			P	P	<input type="checkbox"/>	C	C	C	P	P	C	
Catering Service												P	C	C			P	P	<input type="checkbox"/>	C	C	C	P	P	C	
Coffee, Donut and Similar Food Sales Shop (For On- or Off-Site Consumption)												P	P	P			P	P	<input type="checkbox"/>	P	P	P	P	P	C	
Computer Sales												P	C	C			C	C	<input type="checkbox"/>	C	P	C	P	P	C	
Consignment Shop												P	C	C			C	C	<input type="checkbox"/>	C	P	P	P	P	C	
Convenience Store (With Gasoline Sales)												C					C	C	<input type="checkbox"/>	C	C	C	P	P	C	
Convenience Store (Without Gasoline Sales)												C	C	C			C	C	<input type="checkbox"/>	C	C	P	P	P	C	
Copy/Printing Shop												P	P	P			C	C	<input type="checkbox"/>	P	P	P	P	P	C	
Department Store (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing)												P	P	P					<input type="checkbox"/>		P		P	P	C	
Drapery/Blind Shop												P	P	P			P	P	<input type="checkbox"/>	P	P	P	P	P	C	
Electronic Goods Store (Retail Only)												P	P	P			C	C	<input type="checkbox"/>	C	P	C	P	P	C	
Florist Shop (Retail Only)												P	P	P			P	P	<input type="checkbox"/>	P	P	P	P	P	C	
Food Store/Supermarket												P	P	P					<input type="checkbox"/>			C	P	P	C	

Legend

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	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2			
												S1	S2	S3	S4	S5													
Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)												P	P	P			C	C	☐			P				P	P	C	
Furniture Repair and Upholstering (No Outside Storage)																			☐							C	P	C	
Garage and/or Yard Sales	P	P	P	P	P	P	P	P	P	P	P						P	P	☐	C	C	C	C	C	C	C	C	C	
Garden Shop & Outside Plant Sales (i.e., Plant Nursery)																			☐	C	C	C	C	P	P	C			
Gift or Card Shop (Retail Only)												P	P	P			P	P	☐	P	P	P	P	P	P	P	C		
Handicraft & Art Object Sales Shop												P	P	P			P	P	☐	P	P	P	P	P	P	P	C		
Hardware Store												C	C	C			C	C	☐	C	C	C	C	P	P	C			
Hobby Shop (Retail Only)												P	P	P					☐			P	P	P	C				
Home Improvement Center												P	C	C					☐			C	C	C	P	C			
Ice Cream/Yogurt Shop (For On- or Off-Site Consumption)												P	P	P			P	P	☐	P	P	P	P	P	P	C			
Itinerant Vendor/Seasonal Vending												C	C	C			C	C	☐	C	C	C	C	C	C	C			
Jewelry Store												P	P	P			C	C	☐			P	P	P	P	C			
Key Shop																			☐			P	P	P	C				
Market - Open Air (i.e., Flea Market)												C	C	C					☐						C	P	C		
Meat and Fish Market (Retail Only)												C	C	C					☐			C	C	P	C				

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												S1	S2	S3	S4	S5										
Medical Appliances & Sales																		<input type="checkbox"/>		P		P	P	C		
Motion Picture Theater (Indoors)												P	P	P	P	P			<input type="checkbox"/>				P	P	C	
Optical Shop												P	P	P	P	P			<input type="checkbox"/>	P	P	P	P	P	C	
Outside Display {See related regulations in applicable zoning districts}												C	C	C					<input type="checkbox"/>			C	P	P	C	
Paint, Wallpaper Shop (Retail Only)												P	P	P			P	P	<input type="checkbox"/>	P	P	P	P	P	C	
Pet Shop-Small Animals, Birds or Fish												P	P	P					<input type="checkbox"/>			P	P	P	C	
Personal Custom Services, Tailor, Millinery, Etc.												P	P	P					<input type="checkbox"/>			P	P	P	C	
Pharmacy/Drug Store (Retail Only)												P	P	P			P	P	<input type="checkbox"/>	P	P	P	P	P	C	
Piano and Musical Instruments (Retail Only)												P	P	P					<input type="checkbox"/>			P	P	P	C	
Restaurant (With Drive-In and/or Drive-Thru Service)												C	C	C				C	<input type="checkbox"/>			C	P	P	C	
Restaurant (With No Drive-In or Drive-Thru Service)												P	P	P			C	C	<input type="checkbox"/>			C	P	P	C	
Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed; No Outside Storage)												P	P	P			C	C	<input type="checkbox"/>	P	P	P	P	P	C	

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												S1	S2	S3	S4	S5																		
Shoe Store (Retail Only)												P	P	P				C	C	<input type="checkbox"/>									P	P	P	C		
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)																			C	C	<input type="checkbox"/>									C	P	P	C	
Stone Monuments - Retail Sales Only																			C	C	<input type="checkbox"/>											C	C	
Studio, Decorator & Display of Art Objects												P	P	P				C	C	<input type="checkbox"/>									C	P	P	C		
Studio, Photographer, Artist, Music, Drama, Dance												P	P	P				C	C	<input type="checkbox"/>									C	P	P	C		
Studio, Health Reducing or Similar Service												P	P	P				C	C	<input type="checkbox"/>									C	P	P	C		
Tavern																				<input type="checkbox"/>										P	P	C		
Variety Store																		C	C	C									P	P	P	C		
Video Rental and/or Sales												P	P	P				C	C	<input type="checkbox"/>									C	P	P	C		
Institutional/ Governmental Uses																																		
Adult Day Care (Business)	See "Family Home Adult Care"																																	
Antenna (Commercial)	See Telecommunications Regulations, Chapter 2, Article 5, Division 5 of the UDC																																	
Antenna (Non-Commercial)	See Telecommunications Regulations, Chapter 2, Article 5, Division 5 of the UDC																																	

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												S1	S2	S3	S4	S5											
Assisted Living Facility											C			C			C	C	<input type="checkbox"/>	C	P	C	P	P			
Auction House																			<input type="checkbox"/>	C	P	C	P	P			
Child Day Care Center (Business)												P	P	P			C	C	<input type="checkbox"/>	C	P	C	P	P			
Child Day Nursery	P	P	P	P	P	P	P	P	C	C	P						P	P	<input type="checkbox"/>	P	P	P	P	P			
Church/Temple/Place of Worship	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	<input type="checkbox"/>	C	P	C	P	P			
Civic Center (Municipal)													P	P					<input type="checkbox"/>	C	P	P	P	P			
Civic Club													P	P					<input type="checkbox"/>	C	P	P	P	P			
Community /Group Home	P	P	P	P	P	P	P	P	P	P	P								<input type="checkbox"/>	P		P					
Community or Social Buildings	C	C	C	C	C	C	C	C	C	C	C		P	P			C	C	<input type="checkbox"/>	P		P					
Convent or Monastery	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<input type="checkbox"/>	P	P	P	P	P			
Day Camp (For Children)	C										C	C							<input type="checkbox"/>	P		P	P	P			
Day Care	See "Child Day Care Center (Business)"																										
Day Nursery	See "Child Day Nursery"																										
Exhibition Hall	C																		<input type="checkbox"/>		P			P	P	P	
Fraternal Organization	C	C	C	C	C	C	C	C	C	C	C	C	C	C					<input type="checkbox"/>	P	P	P	P	P			
Fraternity or Sorority House	C	C	C	C	C	C	C	C	C	C	C	C	C	C					<input type="checkbox"/>	P	P	P	P	P			
Governmental Building or Use (County, State or Federal)	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	C	C	C	<input type="checkbox"/>	P	P	P	P	P	P	P	P
Home for Alcoholic, Narcotic or Psychiatric Patients											C								<input type="checkbox"/>	C	C		C	C			
Hospice (Defined Under Household Care Facility)	P	P	P	P	P	P	P	P	P	P	P								<input type="checkbox"/>	P		P					

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	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5										
Hospital (Non-Profit)											C	C			C	C			☐	C	P	C	P	P	P	P
Hospital (For Profit)											C	P			P	P			☐	C	P	C	P	P	P	P
Institution of Religious, Educational or Philanthropic Nature	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	☐	P	P	P	P	P		
Library, Public											C		P	P					☐	P	P	P	P	P		
Mortuary/Cemetery (Including Masoleum/Crematorium)																	C		☐				P	P		
Municipal Public Administration Offices	C	C			C	C	C	C		C	C		P						☐	P		P	P	P	P	P
Museum (Indoors Only)													P	C					☐	P	P	P	P	P		
Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)										P				C					☐	C	C	C	C	P		
Penal or Correctional Institutions																			☐						P	P
Public Assembly (Auditorium, Gymnasium, Stadiums etc.)													P						☐		C		P	P	P	P
Rectory/Parsonage	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	☐	P	P	P	P	P		
Retirement Housing for the Elderly	See "Assisted Living Facility"																									
School - College or University	C	C	C	C	C	C	C	C	C	P	C		P	P	P	P			☐	P	P	P	P	P		
School - Elementary (Public or Parochial)	C	C	C	C	C	C	C	C	C	P	C		C	C	C				☐	P	P	P	P	P		
School - High School (Public or Parochial)	C	C	C	C	C	C	C	C	C	P	C		C	C	C				☐	P	P	P	P	P		

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												S1	S2	S3	S4	S5										
Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	<input type="checkbox"/>	C	C	C	C	C	P	P	
Sanitary Landfill (Private)																		<input type="checkbox"/>						C	C	
Sanitary Landfill (Public)																		<input type="checkbox"/>						C	C	
Railroad Team Track or Freight Depot																		<input type="checkbox"/>					P	P	P	
Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<input type="checkbox"/>	P	P	P	P	P	P	P	
Satellite Dish (greater than 4' in diameter)(See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC)																		<input type="checkbox"/>	C	C	C	C	C	C	C	
Telephone Business Office														P				<input type="checkbox"/>	P	P	P	P	P	P	P	
Telephone Exchange Switching Relay & Transmitting Equipment	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	<input type="checkbox"/>	C	C	C	C	C	C	C	
Utility Shops or Storage, Yards and Building																		<input type="checkbox"/>					C	P	P	

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												S1	S2	S3	S4	S5										
Laboratory, Scientific or Research <i>{Defined Under Scientific and Industrial Research Laboratories}</i>															P	P	C	C	<input type="checkbox"/>	C	P	C	C	P	P	P
Laboratory, Medical or Dental															P	P	C	C	<input type="checkbox"/>	C	P	C	P	P	P	P
Lawnmower Sales and/or Repair																			<input type="checkbox"/>				C	P	C	
Liquified Petroleum Storage & Sales																			<input type="checkbox"/>					C	C	C
Loading or Storage Tanks															C	C			<input type="checkbox"/>					C	P	P
Locksmith																			<input type="checkbox"/>				C	P	P	P
Lumber Mill/Yard																			<input type="checkbox"/>					P	P	P
Manufactured Home Display, Sales and/or Rental (New or Used)																			<input type="checkbox"/>					P	P	P
Mattress Making and/or Renovating																			<input type="checkbox"/>					P	P	P
Milk Depot - Wholesale																			<input type="checkbox"/>					P	P	P
Mini-Warehouse/Self Storage																			<input type="checkbox"/>				C	C	C	C
Moving and Storage Company																			<input type="checkbox"/>				C	C	P	P
News Printing																			<input type="checkbox"/>				C	C	P	P
Office Warehouse Storage or Sales <i>(Defined Under Storage or Wholesale Warehouse)</i>															C	P			<input type="checkbox"/>					C	P	P
Outside Storage																			<input type="checkbox"/>				C	C	P	P
Pawn Shop																			<input type="checkbox"/>					P	P	
Pet and Animal Grooming Shop												C	C	C					C	<input type="checkbox"/>				P	P	

- (b) **Use After Abandonment.** If the owner of an abandoned tower or antenna wishes to use the abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this article as if the tower or antenna were a new tower or antenna.

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

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

Section 2.5.5.9 Public Property

- (a) **Exempt.** Antennas or towers located on property owned, leased or otherwise controlled by a City, State, or Federal entity are exempt from the requirements of this article.

Division 6 – Requirements Applicable to Specific Land Uses

Section 2.5.6.1 Industrialized Housing

- (a) **Requirements for Industrialized Housing.** Industrialized homes in any residential zoning district shall meet all of the requirements of the district in which the industrialized home is located, and shall:
- (1) Have a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred feet (500') of the lot on which the industrialized housing is proposed to be located as determined by the most recent certified tax appraisal roll for each county in which the properties are located (i.e., Brazoria, Harris, or Fort Bend county);
 - (2) Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with any single-family dwelling located within five hundred feet (500') of the lot on which the industrialized housing is proposed to be located;
 - (3) Comply with aesthetic standards, building setbacks, side and rear yard offsets, subdivision standards, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings in the zoning district in which the industrialized home is located; and
 - (4) Be securely affixed to a permanent foundation.
- (b) **The Meaning of "Value".** For the purposes of subsection (a) above, "value" means the taxable value of the industrialized home and the lot after the installation of the industrialized home.

Section 2.5.6.2 Non-Residential Uses in Residential Zoning Districts

- (a) **Purpose.** Standards for nonresidential uses located within residential districts are set forth to minimize conflicts between land uses within residential areas.
- (b) **Nonresidential Use Regulations Within Residential Zoning Districts.** Any nonresidential use located within a residential zoning district and/or permitted by the Land Use Matrix to locate within a residential zoning district shall comply with the regulations prescribed for the Neighborhood Service (NS) District, unless otherwise specified within this UDC.

Section 2.5.6.3 Residential Anti-Monotony Regulations

- (a) **Purpose.** Standards for addressing the issue of monotony in residential neighborhoods are set forth to promote the ideal of visually interesting residential areas. These standards are intended to encourage high-quality and innovative designs for the exterior of local homes and yard areas that in turn encourage viable neighborhoods of enduring aesthetic value.
- (b) **Applicability.**
 - (1) Any and all requirements within this Section 2.5.6.3 shall apply to any residential subdivision plat hereinafter the adoption date of this UDC, the ___ date of _____, 200_.
 - (2) Any and all requirements within this Section 2.5.6.3 shall conform to the Texas Local Government Code provisions of Section 211.016, and shall not apply to any residential subdivision plat under the second anniversary of the later of the following:
 - a. The date the plat was approved; or
 - b. The date the City of Pearland accepts the subdivision improvements offered for public dedication.
 - (3) Only residential subdivision plats for townhome (but not duplex) developments and multiple-family developments shall be exempt from the requirements within this Section 2.5.6.3.
- (c) **Requirements Related to Residential Floor Plans.** Where the development application indicates a residential development comprised of seventy-five (75) or more lots, a minimum of eight (8) front facades must be utilized, and no single front facade shall be duplicated within four (4) lots or tracts.
- ~~(d) **Minimum Roof Pitch.** A minimum 6:12 roof pitch is required for each primary structure.~~
- (e) **Varying Front Yards, Living Space Areas, & Garage Locations.** The following shall be applied cumulatively to residential developments with twenty (20) or more platted lots.
 - (1) **Front Yards Varied:** Variations of the front yard setback shall be allowed such that a maximum of one-third (1/3) of the platted lots are permitted to decrease the setback a maximum of five feet (5').



UNIFIED DEVELOPMENT CODE

CHAPTER 3: SUBDIVISION REGULATIONS

Section 3.1.1.3 Exemptions

(a) **Subdivision Plat Exemptions.** The following land divisions are exempt from the requirements of this article that apply to subdivision plats:

- (1) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;
- (2) Use of existing cemeteries complying with all State and local laws and regulations;
- (3) A division of land created by order of a court of competent jurisdiction;
- (4) A division of land that results in the creation of two or more parcels, each of which is greater than five (5) acres inside the City limits, or each of which is greater than ten (10) acres within the City's extraterritorial jurisdiction for areas subject to an interlocal agreement between the City and the County, when each parcel has direct access to an existing public street, and no dedication of public facilities is required under this Unified Development Code in connection with the division; and
- (5) Creation of a remainder tract.

(b) **Development Plat Exemptions.** The following development activities are exempt from the requirements of this article that apply to development plats:

- (1) Any development activity associated with a subdivision plat that conforms to the subdivision requirements set forth in this chapter;
- (2) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;
- (3) Use of existing cemeteries complying with all State and local laws and regulations;
- (4) Bona fide agricultural activities;
- (5) Construction of agricultural accessory structures and related development activities; and
- (6) Construction of a single-family dwelling and related accessory structures and development activities on a lot for which a final or minor subdivision plat has been approved.

Section 3.1.1.4 Time for Decision

(a) **Time Period for Action.** All plat applications shall be acted upon within thirty (30) days from the official filing date unless a waiver is submitted in accordance with Subsection (b) below.

(b) **Waiver Requests.** An applicant may request in writing a waiver of the decision time. Such waivers when granted shall operate to toll the official filing date of the plat until the date that the waiver is approved. The waiver request shall contain a statement of the reasons for the waiver and the time for which a waiver is sought. No waiver shall be granted for a period less than the number of days until the Commission's next regularly scheduled meeting nor longer than thirty (30) days. Waiver requests must be received by the responsible official on or before the seventh (7th) calendar day prior to the Planning and Zoning Commission meeting at which action is to be taken on the plat application. Waiver requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the plat application at such meeting as scheduled. Only one (1) waiver may be granted per plat.

Section 3.1.5.2 Application Requirements

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

Section 3.1.6.1 Purpose, Applicability and Effect

(a) **Purpose.** The purpose of a Minor Subdivision Plat is to simplify divisions of land under certain circumstances by authorizing administrative approval of a plat.

(b) **Applicability.** An application for approval of a Minor Subdivision Plat may be filed only in accordance with state law, when all of the following circumstances apply:

- (1) The proposed division results in four or fewer lots;
- (2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Unified Development Code; and
- (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision, however, right-of-way widening and easements shall be permitted as part of a Minor Subdivision Plat. The term "municipal facilities" shall not include water lines for firefighting purposes and fire hydrants connected thereto which are located in easements on private property.

(c) **Effect.** Approval of a Minor Subdivision Plat authorizes the Planning Director to record the plat, and further authorizes submittal of an application for a Site Preparation Permit for any lot in the subdivision.

Section 3.1.6.3 Decision

(a) The Director shall decide whether to approve, approve with conditions, or deny the Minor Subdivision Plat application, except as provided in (b).

(b) The Planning and Zoning Commission shall decide whether to approve, approve with conditions, or deny a Minor Subdivision Plat application containing any lot that does not have frontage on a public road. In reaching its decision, the Planning and Zoning Commission shall consider any guiding principles promulgated by the City Council.

Section 3.2.1.1 General Policy

(a) **Adequate Service for Areas Proposed for Development.** Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities. Land shall not be approved for platting or development unless and until **adequate all** public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or offsite. **No building permit shall be issued until all public facilities planned to serve the proposed development are completed and accepted by the City. Upon submission of security pursuant to Section 3.1.8.4 of the UDC and recordation of final subdivision plat, a permit may be issued for site work limited to clearing, grading, and installation of underground utilities (public or private) within the land proposed for development. As used in this section, "underground utilities" shall include water, wastewater, drainage, and dry utilities.**

(b) **Responsibilities of the Developer.** The developer shall be responsible for the following:

- (1) Phasing of development or improvements in order to ensure the provision of adequate public facilities;
- (2) Extensions of public facilities and roadways (including any necessary on-site and offsite facilities) to connect to existing public facilities;
- (3) Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the facilities (whether on-site or off-site);
- (4) Providing proof to the City of adequate public facilities;
- (5) Making provisions for future expansion of the public facilities as needed to serve future developments, subject to the City's oversize participation policies, if applicable;
- (6) Providing for all operations and maintenance of the public facilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the facilities;
- (7) Providing all fiscal security required for the construction of the public facilities;
- (8) Obtaining approvals from the applicable utility providers other than the City; and
- (9) Complying with all requirements of the utility providers, including the City and applicable drainage districts.

Section 3.2.6.2 Adequacy of Streets and Thoroughfares

- (a) **Responsibility for Adequacy of Streets and Thoroughfares.** The property owner shall assure that the subdivision is served by adequate streets and thoroughfares, and shall be responsible for the costs of rights-of-way and street improvements, in accordance with the following policies and standards, and subject to the City's cost participation policies on oversized facilities.
- (b) **General Adequacy Policy.** Every subdivision shall be served by improved streets and thoroughfares adequate to accommodate the vehicular, bicycle and pedestrian traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be properly related to the City's Thoroughfare Plan, road classification system, Comprehensive Plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.
- (c) **Road Network.** New subdivisions shall be supported by a road network having adequate capacity, ingress/egress, and safe and efficient traffic circulation. The adequacy of the road network for developments of two hundred (200) or more dwelling units, or for developments generating two thousand (2,000) or more "one-way" trips per day, or for developments involving collector or arterial streets not appearing on the City's adopted Thoroughfare Plan, shall be demonstrated by preparation and submission, prior to or along with the preliminary plat application, of a traffic impact analysis prepared in accordance with this Article 2, Division 8 (Traffic Impact Analysis), which takes into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property.
 - (1) In the event the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the City Engineer Director of Engineering may require a demonstration of adequacy pursuant to this article for additional phases or portions of the property as a condition of approval for the proposed preliminary plat.

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Division 10 – Parks & Open Space

Section 3.2.10.1 Parkland Dedication & Fees

The Parks, Recreation and Beautification Board reviewed and approved and recommended the changes to the Parks Ordinance on February 9, 2006. These changes are recommended to the ordinance:

THE CITY COUNCIL HAD A WORKSHOP ON JULY 24, 2006

- (a) Such dedication shall be at the rate of one acre of land per each 50 dwelling units on the plat. (This is reducing the rate from 100 to 50) In essence, this would double the requirement for green space.
- (b) 211/2-6 Approval of parkland proposed to be dedicated (c) (2) Three acres per 50 dwelling units; changing it from the 100 ratio
- (c) (Add a # 3 that states) If a major trail connection is made to connect the community that is in the hike and bike plan, up to a 50% credit may be given only for the 8ft trail and easement constructed for parkland.
- (d) (Add a #4 that states) In determining the amount of credit, the following criteria shall be used:
 - a. Exceeding the open space requirements by more than 30 % 10%
 - b. Providing swimming pools(s) 10%
 - c. Natural open space (Not entry ways- 5 acres minimum usable natural habitat approved by the Parks Director) 10%
 - d. Providing volleyball, basketball and or/ tennis courts 10%
 - e. Providing walking/jogging trails 10%
 - f. Provide lake amenities with recreational usage/ piers etc 10 %

Portions of the following would be replaced appropriately.

(b) Parkland Dedication.

(1) Generally: The City of Pearland has determined that recreational areas in the form of public parks and open spaces are necessary for the well being of the residents of the City. The City has further determined that a reasonable connection exists between the subdivision of residential property and the need for additional parkland to serve new residents of the community. It is the intent of this section, therefore, to require a reasonable method for the dedication of public parkland, or the payment of a fee in lieu of property dedication, that is directly related to the need for high quality park land and open space sites for the use and enjoyment of the citizens of Pearland.

(2) Criteria for Land Dedication: All residential subdivisions, regardless of type, shall be required to dedicate suitable land for park or open space development in the amount of one (1) acre per one hundred (100) units or lots.

(3) Calculation: Residential units shall be calculated based on the actual number of single-family, duplex and townhouse lots platted in the subdivision. Multiple-family and condominium units shall be calculated on the maximum allowed density of the zoning district in which the lot is located. If the subdivision is located outside of the City limits, multiple-family units shall be calculated at the rate of 24 dwelling units per acre, and condominium units shall be calculated at the rate of 12 dwelling units per

acre, unless deed restrictions are filed restricting the property to a lesser density.

(4) Exemption from dedication requirements: Parkland dedication requirements shall not apply to either the subdivision of commercial, industrial or other non-residential lots, or to the replatting of previously platted residential lots, where such lots were subject to parkland dedication requirements at the time of the prior subdivision.

(5) Criteria for Park and Open Space Dedication: Land dedicated for parks or open spaces shall be appropriate for the intended purpose. The following criteria shall apply to land proposed for parkland or open space dedication:

a. At least fifty percent (50%) of the parkland that is required to be dedicated (based on the previously described calculation) shall be acceptable in terms of design, location, etc., for use as an area of active recreation.

b. Drainage ditches, power line easements, pipeline easements, and similar sites shall not be accepted for parkland dedication, unless the Planning and Zoning Commission finds, after consultation with the Director of Parks and Recreation, that the land has exceptional recreational value that warrants its acceptance as parkland or open space. If this finding is made, such areas may account for a maximum of fifty percent (50%) of the parkland dedication.

c. Detention/retention facilities may be accepted for parkland dedication when the Planning and Zoning Commission finds, after consultation with the Director of Parks and Recreation, that the facilities have been incorporated into the design of the development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.

d. The dedication of land within the 100-year floodplain may be acceptable, provided the land consists of the native floodplain that is unaltered by channelization or other man-made stormwater control facilities.

e. All parkland and open space dedication shall be consistent with the goals, objectives and policies of the City's adopted Park Plan (as amended).

f. The parkland shall be located in the same park benefit zone as the subdivision fulfilling the park donation requirement.

g. The parkland shall be clearly visible to public safety vehicles and the neighborhood residents.

h. Pedestrian or vehicular access to the parkland shall be available from one (1) or more streets. Street frontage shall be required to ensure public access to the parkland and adequate on-site parking, if appropriate.

i. The parkland shall be of suitable width, depth, topography and size to permit the development and/or construction of facilities listed herein and as described in the adopted Parks Plan. This requirement may vary from subdivision to subdivision depending upon the specific need being served by the dedication.

j. Potable water, sanitary sewer, and electrical power shall be readily available to the parkland from an adjacent street right-of-way or public utility easement.

k. The parkland shall be free of easements, pipelines, overhead utilities, and other conditions which prohibit the effective use of the property as a neighborhood park.

l. The subdivider shall remove all dead tress, trash, refuse, and water materials from the dedicated parkland prior to its acceptance.

m. The parkland shall have adequate drainage as determined by the City Engineer, who shall review all construction plans for any detention or retention proposed to be built on the property.

(6) Fee in lieu of Dedication: A cash fee for the purchase of offsite parkland may be paid in lieu of all or part of the dedication of onsite parkland. The cash fee in lieu of parkland shall be paid prior to the recordation of the final plat or prior to the issuance of a

building permit where a plat is not required. Fees in lieu of dedication may be accepted if either of the following conditions apply:

- a. If requested by the subdivider, and reviewed by the Director of Parks and Recreation, the Planning and Zoning Commission may allow the option of the payment of a fee over the dedication of land within the subdivision; or
- b. If the Director of Parks and Recreation recommends to the Planning and Zoning Commission that land proposed for dedication by the subdivider is either unsuitable for parkland due to its size or general physical characteristics, or the proposed dedication is not consistent with the goals, policies and objectives of the City's adopted Parks Plan, as amended.

(7) **Park Benefit Areas/Zones:** The City shall establish a separate parkland and open space account. The funds in the account shall be earmarked solely for the acquisition and development of parkland either in the same park benefit area in which the subdivision is located, or for regional parks and open space that will benefit all of the citizens of Pearland. The City shall expend cash contributions within ten (10) years of the date any such contribution is made.

(8) **Parkland Conveyance:**

- a. Land proposed for dedication as public parkland or open space shall be designated on the final plat and shown as "Parkland dedicated to the City of Pearland." The acreage of the land included in the dedication shall also be shown on the plat. All land designated as parkland shall be included in a separate lot, or multiple lots, that are shown on the plat.
- b. Park and recreation facilities in the City shall be dedicated to the City. Park and recreation facilities in the City's police jurisdiction shall be dedicated to the City. If the City does not wish to accept the dedication of public parkland in its ETJ, it shall be dedicated to the county, municipal utility district, or a homeowners' association (as defined), subject to acceptance by such entity.
- c. The subdivider shall be obligated to survey corner markers at the corners of all parkland lots in accordance with the standards set forth in this Article, Division 11.
- d. Prior to the City's acceptance of the subdivision improvements, the subdivider shall deliver a warranty deed to the City conveying fee simple title of all parkland shown on the final plat.

(9) **Method of Park Dedication:** The proper method of park donation for a subdivision subject to the park donation requirement shall be determined by the City prior to the approval of the Final Subdivision Plat, and shall be based upon the size of the subdivision, as follows:

- a. *500 Dwelling Units or More* – The Final Subdivision Plat of any subdivision subject to this division of the UDC that establishes five hundred (500) or more dwelling units shall include dedication of land to the City for zone parks and neighborhood park purposes. Such dedication shall be at the rate of one (1) acre of land per each one hundred (100) dwelling units on the Final Subdivision Plat.
- b. *100 to 499 Dwelling Units* – For any subdivision subject to this division of the UDC that establishes one hundred (100) to four hundred and ninety-nine (499), the City Council, in consultation with the Park Director, shall have the sole discretion to accept either a dedication of land on the Final Subdivision Plat at the above rate, or to require payment of cash in lieu thereof in the amount provided by Subsection (b)(6) above.
- c. *Fewer than 100 Dwelling Units* – The City declares that development of a park less than one (1) acre in size is impractical and creates unreasonable and unnecessary maintenance and operating expenditures. Therefore, if the proposed subdivision

contains less than one hundred (100) dwelling units, the subdivider shall be required to pay cash in lieu thereof in the amount provided by Subsection (b)(6) above. No plat showing a dedication of less than one (1) acre shall be approved unless the dedicated property may reasonably be developed in conjunction with adjacent park property.

(10) Parkland Improvements: The City shall be responsible for making any improvements, as it deems necessary, to parkland after it is dedicated and conveyed by the subdivider. Park improvements shall be consistent with the intended use of the park and the overall goals, policies and objectives of the City, as stated in the adopted parks plan of the City, as amended.

a. During the platting of the subdivision, the subdivider may elect to fund certain park improvements that would benefit the character and quality of the subdivision.

b. The developer may request to combine land, fees, or improvements to the park area by the addition of playgrounds, swimming pools, tennis courts or other similar recreational amenities. The Director of Parks and Recreation shall review the developer's request and make final recommendation to the Planning and Zoning Commission for approval.

c. Where this is done, the subdivider shall be entitled to a partial credit on the total amount of parkland that is required for dedication. The Director of Planning and the Director of Parks and Recreation shall determine the total dollar value of the proposed parkland improvements and advise the Commission regarding a suggested equivalent acreage reduction in parkland dedication.

d. Financial guarantees for the completion of parkland improvements by the subdivider shall be handled in the same manner as infrastructure improvements.

(11) Improvements to Existing Public Park Sites: Construction of improvements to existing public park sites located within the same park benefit zone as the subdivision fulfilling the park donation requirement, subject to the following conditions.

a. Such improvements shall be constructed in accordance with a Site Plan. The Site Plan shall include, at a minimum, a topographic element including proposed grading, landscaping and beautification elements, site facilities, recreation facilities, and existing and proposed utilities. The Site Plan shall be drawn at a scale of one inch (1") to twenty feet (20') (or other suitable scale). All approved improvements shall be designed in compliance with the EDCM standards applicable to such improvements. Additionally, the subdivider shall include details related to materials, equipment, methods of construction, warranties, assurances, and indemnifications. All proposed improvements shall be subject to the approval of the City's Parks Director.

b. The Site Plan shall be approved by the City's Parks Director prior to the filing of the Final Subdivision Plat.

c. Improvements proposed in the Site Plan may include one or more of the following park improvements. Any improvements proposed by the subdivider, but not included in this list, and/or any improvements which are deemed necessary at the site, may be rejected by the City. In addition, the City's Parks Director may approved the provision of any improvement not shown on this list in such improvement is in compliance with the findings and recommendations of the Parks Plan.

1. Playgrounds (provisions for handicapped access must be made);
2. Practice athletic fields;
3. Volleyball courts;
4. Basketball courts;

5. Tennis courts;
6. Multi-purpose trails and walkways;
7. Benches and picnic tables;
8. Water amenities.

d. All improvements constructed pursuant to this division of the UDC are subject to final acceptance by the Parks Director. If any or all of the improvements are deemed unacceptable, the subdivider shall make up that portion of the park donation requirements that would have been satisfied by the unacceptable improvements by payment of a cash donation prior to the final acceptance of the subdivision by the City.

(12) Expenditure of Collected Funds:

a. *Special Fund* - There is hereby established a special fund for the deposit of all sums paid in lieu of parkland dedication under this division of the UDC. This fund shall be known as the parkland dedication fund. Monies placed in this fund may not be utilized for any other general business activity of the City. Monies may be expended from this fund only for the following:

1. The purchase, lease, or other acquisition of parkland and open space;
2. The improvement preparation and maintenance of such areas and sites;
3. The installation of utilities to such sites;
4. The construction of landscaping, play equipment or recreation improvements on such sites; or
5. Attendant engineering and planning costs associated with such park activities.

b. *Right to Refund* - The City shall account for all sums paid in lieu of parkland dedication under this division with reference to the individual plats involved. Any fins paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition and/or development of City parks. Such funds shall be considered to be spent on a "first in, first out" basis. If not so expended, the subdivider or the owner of the subdivision on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage or area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be forfeited.

Section 3.2.11.1 Sidewalks

- (a) **Required in Subdivisions.** Sidewalks are required along both sides of all streets, in accordance with the City's adopted Thoroughfare Plan, in all subdivisions (residential or nonresidential).
- (b) **Installation.** Sidewalks shall be installed as follows:
- (1) Sidewalks shall be located on the front of lots and along the street sides of corner lots.
 - (2) Sidewalks shall be constructed in compliance with the width and location requirements indicated in the City of Pearland EDCM.
- (c) **Requirements for Sidewalks in Existing Platted Subdivisions.** Sidewalks are required on all existing vacant lots, all lots where an existing building undergoes expansion greater than 500 square feet, and on all lots that are planned for redevelopment, in accordance with Subsection (1) above.
- (d) **Width Along Street Types.** Sidewalks at least six feet (6') in width shall be installed along both sides of thoroughfares and collectors in accordance with the City's adopted Thoroughfare Plan. Sidewalks at least four feet (4') in width shall be installed along both sides of all other streets in accordance with the City's adopted Thoroughfare Plan.
- (e) **Completion of Construction Required Prior to Issuance of a Certificate of Occupancy.** Construction of required sidewalks shall be complete prior to the issuance of a Certificate of Occupancy when a new building or development is occurring. In the case of building expansion greater than 500 square feet, sidewalk construction shall be complete prior to issuance of building permit for said expansion.
- (f) **Exception to These Requirements.** Sidewalks shall not be required along any side of a minor street that abuts residential property that utilizes open ditches for the drainage of stormwater.

Section 3.2.14.2 Lots - Determination and Regulation of Size

(a) **Zoning District Requirements, If Applicable.** Lots shall conform to the minimum requirements of the established zoning district, if located within the City's corporate limits.

(b) **General Shape and Layout.** The size, width, depth, shape and orientation of lots, and the minimum building setback lines shall be designed to assure the adequate provision of public facilities and the purpose of these subdivision regulations (within this Chapter 3 of the UDC), taking into consideration the location and size of the subdivision and the nature of the proposed uses.

(c) **Irregularly-Shaped Lots.** Irregularly-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district (if within the City's limits), and shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection when alleys are present (minimum 20-foot alley frontage). In general, triangular, severely elongated (in excess of a 3 to 1 depth to width ratio) or tapered, or flag lots shall not be permitted, except as provided in Section 2.6.1.1 (b) (1). Lot depth and width shall be measured as shown in Chapter 2, *Figure 2-4*, The City reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended or which is so oddly shaped as to create a hinderance to the logical lot layout of surrounding properties.

(d) **Side Lot Line Configuration.** Side lot lines shall be at ninety degree (90) angles or radial to street right-of-way lines to the greatest extent possible. The City reserves the right to disapprove any lot which, in its sole opinion, is shaped or oriented in such a fashion as to be unsuitable or undesirable for the purpose intended, or which is not attractively or appropriately oriented toward its street frontage.

(e) **Double Frontage Lots.** Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from major thoroughfares, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, are not screened, and/or are provided access directly onto a major thoroughfare, building setback lines shall be established for each street side, and rear yard screening shall be provided in accordance with Chapter 4, Article 2, Division 4. Residential lots shall not back onto any residential street or collector street within a residential area or neighborhood, and shall not have more than one-half of its perimeter boundaries along streets.

(f) **Extra Depth and Width in Certain Cases.** Additional depth shall be required by the Planning and Zoning Commission when a lot

in a residential area backs up to a railroad right-of-way, a high pressure gasoline, oil or gas pipeline, an electric transmission line (69 kv or higher), an arterial street, an industrial area, or other land use that has a depreciating effect on the residential use of the property and where no marginal access street or other street is provided at the rear of the lot. A depth in excess of 140 feet shall not be required. Where a lot sides to any of the uses listed in this subsection, additional width shall be required by the Commission, but a width in excess of 75 feet shall not be required.

(g) **Lots Adjacent To or In Floodplains.** Subdivision of property in a designated floodplain must meet the requirements for floodplain management in the City's adopted Flood Hazard Prevention Ordinance and/or Chapter 30 of the City Code, as applicable.

(h) **Landscaping and Buffering.** The design of lots shall take into consideration the requirements of Chapter 4 pertaining to landscaping and buffering, specifically in situations where the subdivision will be adjacent to areas of different land uses or when residential densities or different land uses or various residential densities will be developed within the subdivision.

(i) **Building Lines.** Front building lines shall be shown for all lots on all plats submitted for land within the City's ETJ.

(j) **Access.** Each lot shall have access to a public street by direct frontage on such street. The minimum required frontage of a lot shall be equal to the minimum lot width allowed for the zoning district in which the lot is located. The Planning and Zoning Commission may approve a minor subdivision plat containing lots that do not have frontage on a public street, as long as such lots (1) are pre-existing and the plat does not include a division of land that creates any new lots lacking frontage on a public street; (2) have existing access to a public street via permanent, valid access easements that are recorded in the county real property records; and (3) are zoned for single family residential use. As used in this section, the term "pre-existing" shall mean that, on the later of March 9, 1981 or the date the property was annexed into the City, the property was in the same configuration, as indicated by deed records, as is being shown on the minor subdivision plat.



UNIFIED DEVELOPMENT CODE

CHAPTER 4: SITE DEVELOPMENT

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 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.
- (e) **Reference.** Refer to the City's adopted Building Code for further information.

Section 4.1.2.5 Floodplain Permit

- (a) **Reference.** Refer to the City's adopted Flood Hazard Prevention Ordinance, Ordinance No. 532 and No. 532-4, as amended.

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.
- (b) **Applicability.** A sign permit is required within the City limits for 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) Inflatable signs, including balloons, a maximum of twelve feet (12') in greatest dimension, 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.
- (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) 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).

(24) 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.

(25) 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.

(26) 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.

- (27) 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.
- (28) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes.
- (29) 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.
- (30) Builder/subdivision signs as permitted in Section 4.2.5.3.

(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 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 Community Development Department.

(f) **Decision.**

- (1) Approval, Denial, Appeal: The Building Official shall either approve, conditionally approve or deny the application for a sign permit. If a variance petition has been submitted to the City Council, the Community Development Director shall suspend the Building Official's decision until after the petition is decided.
- (2) Time for Decision: The Building Official 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 Building Official is notified of the 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 Building Official's decision on a sign permit to the ~~City Council~~ **Zoning Board of Adjustment (ZBA)** in accordance with Chapter 1, Article 3, Division 1. The Council shall decide the appeal in accordance with the same.
- (2) 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 Building Official, or the City Council 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.;
 - (4) The application meets the sign standards in 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 Building Official 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.

Division 3 – Improvements Required Upon Expansion

Section 4.1.3.1 Purpose & Applicability

- (a) **Purpose.** This Section outlines when an expansion to an existing, developed property shall result in the required improvements of this UDC being met.
- (b) **Applicability – Existing, Developed Property.** Submission and approval of a Site Plan in accordance with Article 1, Division 1 of this Chapter 4 shall be required when an expansion to an existing, developed property trigger the required improvements of this UDC.
- (c) **Non-Applicability – New Development.** Nothing in this division shall preclude a new development occurring on previously undeveloped property from having to comply with the required improvements within this division or in any other portion of this UDC.
- (d) **Special Exceptions.** For nonconforming existing developments to comply with improvements addressed within this division, there may also be special exceptions granted by the Zoning Board of Adjustment, as outlined in Chapter 2, Article 7 of this UDC.

Section 4.1.3.2 Improvements & Related Triggers

(a) **Required Improvements.** The following improvements required by this UDC shall be adhered to when an expansion triggers such improvements:

- (1) Facade Materials: As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.
- (2) Sidewalks: As required within the applicable zoning district (Chapter 2) and/or in Chapter 3, Article 2, Division 11.
- (3) Parking: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 1.
- (4) Landscaping: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 2.
- (5) Screening/Fencing: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 3, Division 4.

(b) **Triggers.** Expansions to an existing property that meet the following shall trigger all of the improvements outlined in (a) above, unless otherwise specified:

- (1) Structure Square Footage: An expansion of a structure that is equal to or more than one thousand (1,000) square feet.
- (2) Structure or Property Value: An expansion **or improvement** of a structure that improves the appraised value of the structure or property by more than fifty percent (50%).
- (3) Parking Spaces Increase: An increase in the number of parking spaces equal to or more than twenty percent (20%). In this case, façade material requirements shall not be required.

Article 2 – Development Standards

Division 1 – Parking

Section 4.2.1.1 Off-Street Parking Spaces Required

- (a) Development within the Old Townsite (OT) district shall not be required to comply with this Section of the UDC.
- (b) 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.
- (c) 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.

- (d) 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.
- (e) In all zoning districts, 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

¶¶ 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) **Add: for parking areas for the storage of vehicles for sale, or service vehicles used for a business, shall be on a paved area.**
- (2) For any multiple-family, duplex, or townhome dwelling unit or condominium where leasing offices are provided on the site, visitor parking must be provided as per the office parking requirements outlined in this section. Where clubhouses are provided on the site, appropriate off-street parking must be provided as per the eating and drinking establishments requirements outlined in this section.
- (3) For residence halls, fraternity buildings, and sorority buildings, additional parking spaces may be required by the Planning and Zoning Commission for fraternity and sorority buildings as a condition of the Site Plan approval where the building does not provide permanent sleeping facilities for all members of the organization.
- (4) The requirements for schools within *Table 4-1* shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events including visiting of parents or other personnel. Such requirements will be calculated based on the applicable parking requirements for the individual uses.
- (5) For any restaurant, eating and/or drinking establishment where permanent outdoor seating areas including decks, patios, or other unenclosed spaces are provided, those areas shall be included in the calculation of gross floor area and total number of seats. Establishments having only outdoor dining

consisting of fewer than sixteen (16) seats shall provide a minimum of four (4) parking spaces.

- (6) In addition to required parking spaces, a day care center or pre-elementary school shall provide a driveway ~~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.
- (7) Parking requirements for recreation and amusement facilities that have any combination of the outdoor uses listed in *Table 4-1* on the same premises shall be calculated based on the sum of the minimum requirements for the individual uses proportionate to the indoor and outdoor areas allocated for each use.
- (8) Development within the Old Townsite (OT) district shall not be required to comply with this Section of the UDC, nor with *Table 4-1*. There shall be no off-street parking required for development in the OT district.

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

Type of Use	Number of Spaces Required
All other places of public assembly not specified	1 space for each 4 seats of capacity in the main area containing fixed seating
All other schools not specified	1 space for each classroom plus 1 for each 15 students
All other uses not specified - Also see Section 4.2.1.2(c)	1 space per 165 square feet of gross floor area
Assembly hall	1 space for each 4 seats of capacity in the main area containing fixed seating
Auto parts store	1 space for each 200 square feet of gross floor area
Bank, savings and loan or credit union	1 space per 200 square feet of gross floor area
Barber and/or beauty shop	1 space for each 200 square feet of gross floor area
Bookstore	1 space for each 200 square feet of gross floor area
Bowling alley	5 parking spaces for each bowling lane
Bus depot	1 for each 100 square feet of floor area
Business support service	1 space for each 200 square feet of gross floor area
Church	1 space for each 4 seats of capacity in the main area containing fixed seating
Clothing store	1 space for each 200 square feet of gross floor area
Conference center/convention center	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, based on maximum design capacity whichever is less

*Table 4-1 (Cont'd)
Required Number of Parking Spaces By Type of Use*

Convenience store	1 space for each 200 square feet of gross floor area plus 1 space for each gasoline/diesel pump
Dance, assembly and exhibition halls without fixed seats	1 space for each 100 square feet used for assembly or dancing
Day care center or pre-elementary school - Also see Section 4.2.1.2(a)(6)	1 space per 300 square feet of gross floor area
Department store	1 space for each 200 square feet of gross floor area
Elementary school	1 space per 20 students and 1 space per staff faculty member
Funeral home or mortuary	1 parking space for each 50 square feet of floor space in slumber room parlors or individual funeral service rooms
General merchandise store	1 space for each 200 square feet of gross floor area
Grocery store	1 space for each 200 square feet of gross floor area
Group home	4 spaces
High school and/or vocational school	1 space for every 3 students, faculty and staff, based on maximum design capacity
Hospital	1 space per bed
Hotel or motel	1 parking space for each sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein
Junior high school	1 space per 15 students and 1 space per staff faculty member
Laundry service	1 space for each 200 square feet of gross floor area
Library	1 space for each 300 square feet of floor area
Lodging houses and boarding houses	1 space per each 2 persons capacity of overnight sleeping facilities
Manufacturing plant	1 for each 1.5 employees in the maximum work shift
Medical or research laboratory	1 for each 1.5 employees in the maximum work shift
Medical or dental clinic	4 spaces for each treatment room
Multiple-family, duplex, or townhome dwelling unit or condominium - Requirements below [Also see Section 4.2.1.2(a)(2)]	
Efficiency unit	1½ spaces
One-bedroom unit	2 spaces
Two-bedroom unit	2½ spaces
Three-bedroom unit, or more bedrooms	1 space per bedroom
Multi-Use Occupancy	1 space for each 165 square feet of gross floor area
Office and professional uses	1 space for each 300 square feet of gross floor area
Pharmacy	1 space for each 200 square feet of gross floor area
Product repair service	1 space for each 200 square feet of gross floor area
Recreation and amusement facility - Requirements below [Also see Section 4.2.1.2(a)(7)]	
Arcade	1 space per 200 square feet of gross floor area
Driving/archery/shooting range	1 space per 200 feet of gross floor area of indoor facilities, plus 1 space per tee or target
Fairground, exhibition, carnival	1 space per 500 square feet of outdoor site area, plus 1 space per 4 fixed spectator seats
Go-carts and all-terrain vehicles	1 space per 2 vehicles, plus 1 space per 4 spectator seats
Golf course	1 space per 150 square feet of gross floor area of indoor facilities, plus 5 spaces per green

Table 4-1 (Cont'd)
Required Number of Parking Spaces By Type of Use

Miniature golf	1 space per 200 square feet of gross floor area of indoor facilities, plus 1 1/2 spaces per hole
Rodeo, circus, auto/motorcycle racing	1 space per 3 spectator seats
Skateboarding, water slide	1 space per 200 feet of gross floor area of indoor facilities, plus 1 space per 2 persons design capacity of outdoor facilities
Sport fields, swimming pool, private parks and playgrounds	1 space per 100 square feet of gross floor area of indoor facilities plus 1 space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable
Tennis and other sport courts	2 spaces per court
Residence halls, fraternity buildings, and sorority buildings - Also see Section 4.2.1.2(a)(3)	1 space per person capacity of permanent sleeping facilities
Residential care facility	1 space per each two persons capacity
Restaurant, eating and/or drinking establishment - Also see Section 4.2.1.2(a)(5)	4 spaces, plus 1 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 institution	1 parking space for each 2 beds
School auditorium	1 space for each 4 seats of capacity in the main area containing fixed seating
Self-storage or mini-warehouse	4 spaces plus one space per 10,000 square feet of storage area
Shopping Centers, Malls, and Multi-Occupancy Uses over 3 acres in size	1 space for each 200 square feet of floor area
Single-family attached and detached dwelling units (including manufactured or industrialized housing unit)	2 parking spaces per dwelling unit
Sports arena	1 space for each 4 seats of capacity in the main area containing fixed seating
Stadiums	1 space for each 4 seats of capacity in the main area containing fixed seating
Student center	1 space for each 300 square feet of floor area
Take-out or drive-through eating establishment with no indoor dining	1 parking space for each 50 square feet of floor space used or designated as customer service and waiting area, or 4 spaces, whichever is greater
Theater	1 space for each 4 seats of capacity in the main area containing fixed seating
Vehicle repair facility (office spaces calculated based on office requirements)	1 space for each 200 square feet of floor area devoted to vehicle repair, excluding office space
Vehicle sales or rental dealer	1 parking space for employees and customers per 3,000 square feet of open sales lot and enclosed floor area devoted to the sale, display, or rental of motor vehicles, mobile homes, or trailers
Warehouse (office spaces calculated based on office requirements)	1 space for each 2,000 square feet of gross floor area excluding office space

(b) **Minimum Requirements for Off-Street Stacking.** Off-street stacking requirements for drive-through facilities shall be as follows.

- (1) A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- (2) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.
- (3) For retail operations, other than restaurants, banks and kiosks that provide drive-up service, including pharmacy and dry cleaners, a minimum of three (3) stacking spaces for each service window shall be provided.
- (4) For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish and drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes and streets.
- (5) For each automated self-service car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
- (6) For each wand-type self-service car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area and shade structure is provided, outside of circulation aisles, for these activities.
- (7) For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.
- (8) For restaurants with drive-thru service, a minimum of five (5) stacking spaces shall be provided for the first (or only) window, and if applicable, a minimum of two (2) stacking spaces for each subsequent window.

(c) **New or Unclassified Uses.** When a proposed land use is not classified in this section, the parking requirements will be based on the minimum standard which applies to a specified use which is most closely related to the proposed land use, as determined by the Director, based on parking studies prepared by qualified professionals.

(d) **Parking on the Same Lot Required:** Except as provided in Chapter 1, Article 1 for circumstances that may be approved by the Board of Adjustment as a special exception, all required off-street parking spaces shall be located on the same lot or tract as the principal use being served by the parking area. All required parking shall be on a paved surface. In such cases where parking is located on a separate lot, the following is required:

- (1) The parking provided on a separate lot shall be conveniently usable without unreasonable:
 - a. Hazard to pedestrians;

- b. Hazard to vehicular traffic;
- c. Traffic congestion; or,
- d. Detriment to the appropriate use of other properties in the vicinity;
- e. **Parking must be located within a conforming parking lot not more than 500 feet away from the use for which the parking is being used.**

(2) A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned, including the owner/agent of the principal use utilizing the parking and the owner/agent of the lot on which the parking is to be provided. Such written agreement shall assure the continued availability of and access to (i.e., via an easement, etc.) the off-street parking area for the principal use it is intended to serve.

(e) **Off-Street Loading Requirements.** In all zoning districts there shall be provided, in connection with appropriate allowable uses, off-street loading facilities in accordance with the following: Any department store, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, which has an aggregate gross floor area of 10,000 square feet or more, arranged, intended or designed for the use shall be provided with off-street truck loading or unloading berths at least 12 feet wide, 14 feet high and 35 feet long in accordance with the following table. There shall be sufficient space to ensure that all maneuvering required to utilize the loading space will not include street right-of-way.

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

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

- (5) Other Pervious Materials: Pervious materials may be used upon approval by the 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.

(d) **Notice.**

- (1) Notices of violation shall be personally delivered, or sent by certified mail, return receipt requested, and (if possible) by posting a copy of the notice in a conspicuous place on the premises.
- (2) The Director shall maintain a record of the manner of service of the notice.
- (3) If the order is not complied with within the time specified in the order, the Director shall use all available means of enforcement in order to secure compliance.

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

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

Section 4.2.2.3 Applicability to New and Existing Developed Areas

(a) New Development or New Structures.

- (1) The requirements and standards for the installation and maintenance of landscape elements and site improvements as set forth in this division shall apply to all multiple-family and nonresidential developed areas within the City limits; provided, ~~however, that the requirements and standards shall not apply to the 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 five hundred (500) square feet of the exterior dimensions of the structure. At that time, this division shall apply to the previous existing parcel areas as well as any new paved areas, and the areas shall be brought into compliance. A plan showing existing and new development and the proposed landscaping shall be submitted in accordance with this division. In order to encourage early landscaping in existing paved areas and the preservation of trees that are already established and growing in these areas an additional credit shall be given in accordance with Division 3 of this Chapter.

- (2) No structure existing on the effective date of this Code from which this division derives shall be required to be altered or moved in order to comply with this division except for reconstruction.
- (3) Also see Article 1, Division 3 of this Chapter for further requirements related to structural and parking-related expansions.

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.
- (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

*Table 4-4
Required Landscaping By Land Use Type*

<i>Land Use</i>	<i>Percent Landscaped Area Required</i>
Multiple-Family	15
Office and Professional Uses	10
Mixed Use	10
Retail and Commercial	10
Industrial or Manufacturing	5
All Other Nonresidential Uses	5

Note: Percentages are based on the total gross lot area.

with a minimum two inch (2") caliper measured twelve inches (12") from the ground shall be provided along street frontage(s) with the total caliper inches equal to one

inch (1") for each fifteen feet (15') of frontage. Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').

(d) **Screening of Parking Areas.** Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property.

(1) Front yard parking areas and side yard parking areas fronting on a street right of way shall be screened from the right-of-way by a continuous hedge or berm.

(2) The side yard of any lot that contains a parking area abutting a property used or zoned for a nonresidential use shall provide a screen of hedges, berms, or fences so as to provide a screen for a minimum of thirty-five percent (35%) of the length of the parking lot. The required side lot screening may be grouped and dispersed randomly.

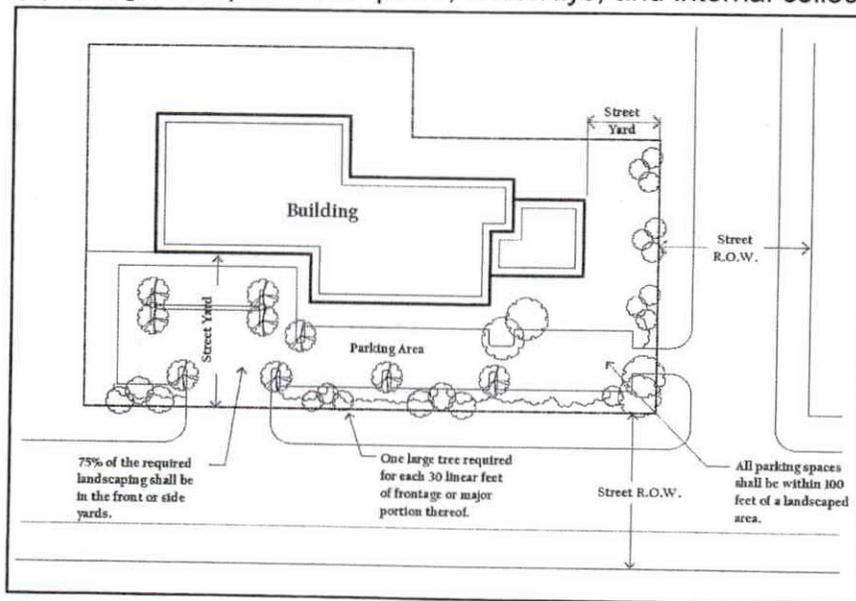
(3) Screening between nonresidential and residential lots shall be provided in conformance with Division 4 of this Article.

(4) The minimum number of shrubs shall be equal to the total caliper inches of street trees required under this division multiplied by five (5). Shrubs and berms shall be maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.

(5) A nonresidential development that has a shared parking area with an adjacent nonresidential development shall not be required to screen such shared parking area in relation to the abutting side yard. The alternate side yard, however, shall be screened in accordance with Subsection (d)(2) above.

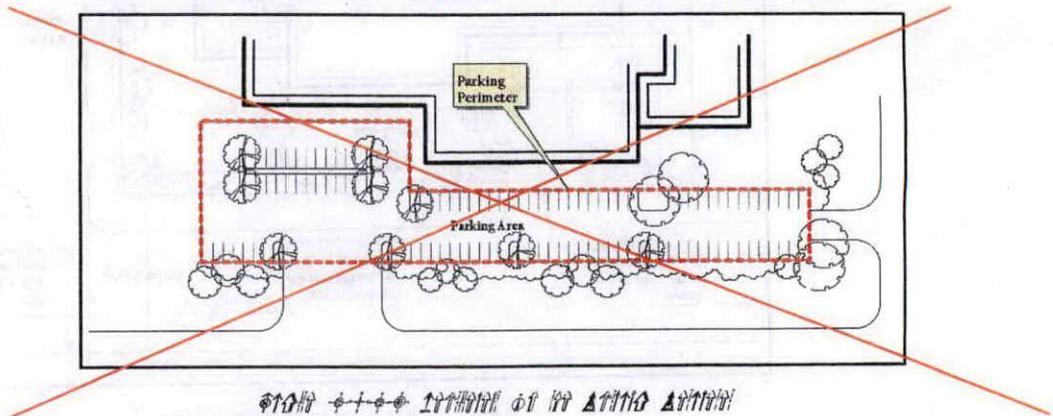
(6) Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').

(e) **Interior of Parking Areas.** Interior landscaping shall be required to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in



limiting points of ingress and egress, and in separating parking pavement from street alignments.

- (1) In addition to street trees required under Subsection (c) above, trees in Class I or II of the Guidelines with a minimum two inch (2") caliper shall be provided within or adjacent to the parking area at one tree island that is a minimum of 50 square feet shall be provided within 100 feet (100') of every parking space.
 - (2) Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').
 - (3) Tree islands must be protected from vehicle intrusion by curbs or similar structures. Two feet (2') of the tree island may be counted as part of the required depth of the abutting parking space.
 - (4) The total caliper inches shall equal one inch (1") for each five (5) parking spaces.
 - (5) Caliper inches of street and parking lot trees may be provided by planting a combination of trees that exceed the minimum two inch (2") caliper.
- (f) **Large Tracts.** On large tracts of land, exceptions to this division may be granted by the Planning Director to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this division is met, and it is located along rights-of-way or in strategic environmentally sensitive areas.
- (g) **Landscaping On-Site and Related Location.**
- (1) The landscaped area required by *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. Refer to *Figure 4-4*, which illustrates how the parking perimeter shall be measured.~~



- (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 be a minimum of 36 square feet and a minimum 6 feet wide** ~~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 two-inch (2") caliper, measured at twelve inches (12") above the root ball, and a minimum six feet (6') in height at the time of planting.
 - (2) Additional Requirements: Each single-family lot shall have at least three (3) out of the following four (4) options:
 - a. Two (2) ornamental trees a minimum six feet (6') in height at the time of planting;
 - b. Four (4) evergreen shrubs, equal in size to at least a five-gallon-container-size shrub;
 - c. Eight (8) small shrubs, equal in size to at least a two-gallon-container-size shrub; and
 - d. Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by building(s) and/or driveway area(s).
 - (3) Street Tree Requirements: Trees are required along all streets within single-family developments as follows **(in addition to the requirements in (1) and (2) above):**
 - a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each forty feet (40') of frontage.
 - b. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
 - 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.

Division 3 – Tree Mitigation

REPLACE PORTIONS OF Section 4.2.3.7 : WORKSHOP HELD BY CITY COUNCIL ON JULY 10, 2006

Parks Board recommends the following changes to the Tree Preservation Ordinance to bring it in line with the standards of neighboring communities:

- (A) Unless exempted from the ordinance, no person shall remove a tree without written permission to do so.
- (B) General tree (greater than 12 inches and less than 24 inches in diameter) replacement requirement shall be at a 2:1 ratio as opposed to the current requirement of 50% mitigation.
- (C) Heritage tree (greater than 24 inches in diameter) replacement shall be at a 3:1 ration as opposed to the 1:1 ratio. Such replacement trees must be at least 6 inches in diameter.
- (D) Parks Board is proposing at least 25 % of the replacement trees to be placed on public property with proper approval from the Pars and Planning Director. Existing regulations require mitigation on the affected property.
- (E) The developer should be given credit for preserving trees located in a driveway by working with staff to relocate the driveway so it does not impact the canopy of the trees or driveway spacing requirements. The tree must be 10 inches in diameter or above for consideration.
- (F) The developer should be given credit for parking space requirements or an amount agreed to by both the Planning and Parks Directors if preserving trees larger than 11 inches in diameter. The agreement can be up to 15% of the amount of the landscaping requirement to preserve the existing trees
- (G) The ordinance currently places a caliper value inch at \$100.00. Parks Board is recommending the fee be raised to \$200 per caliper inch due to the market value of the trees in our community.

Section 4.2.3.7 Tree Replacement Requirements

(a) In the event that it is necessary to remove a Protected Tree, the applicant, as a condition to issuance of a building permit, shall be required to replace the tree(s) being removed with replacement trees as defined herein. This mitigative measure is not meant to supplant good site planning.

(b) Tree Replacements Required.

(1) The owner and the homebuilder/developer of any lot or tract of land that removes or has removed any Protected Tree twelve inches (12") in diameter (37.68" in circumference) and up to twenty-four inches (24") in diameter (75.36" in circumference), according to the tree survey made a part of a building permit application or plat submittal, shall be required to replace each such tree removed with an approved tree planted on the lot or tract which is no less than two inches (2") in diameter (6.28" in circumference). Planted trees shall be any of the tree species listed on the Tree Replacement Tree List in Appendix A of the Criteria Manual (a copy of the Criteria Manual is available in the City Park and Recreation Department). The total number of replacement inches which must be replaced in accordance with this

Paragraph is fifty percent (50%) of the total number of diameter inches removed.

(2) The owner and the homebuilder/developer of any lot or tract of land that removes or has removed any Heritage Tree greater than twenty-four inches (24") in diameter (75.36" in circumference) and up to thirty-six inches (36") in diameter (113.04 in circumference), according to the Tree Survey made a part of a building permit application or plat submittal, shall be required to replace each tree removed with an approved tree planted on the lot or tract which is no less than two inches (2") in diameter (6.28" in circumference). Such planted trees shall be any of the tree species listed on the Tree Replacement Tree List in Appendix A of the Criteria Manual (a copy of the Criteria Manual is available in the City Park and Recreation Department). The total number of replacement inches which must be replaced in accordance with this Paragraph is one hundred percent (100%) of the total number of diameter inches removed.

(3) The owner and the homebuilder/developer of any lot or tract of land that removes or has removed any Heritage Tree greater than thirty-six inches (36") in diameter (113.04" in circumference), according to the Tree Survey made apart of a building permit application or plat submittal, shall be required to replace each tree removed with an approved tree planted on the lot or tract which is no less than two inches (2") in diameter (6.28" in circumference). Such planted trees shall be any of the tree species listed on the Tree Replacement Tree List in Appendix A of the Criteria Manual (a copy of the Criteria Manual is available in the City Park and Recreation Department). The total number of replacement inches which must be replaced in accordance with this Paragraph is one hundred and fifty percent (150%) of the total number of diameter inches removed.

(4) A sufficient number and diameter of replacement trees shall be planted on the subject site in order to equal the total diameter inches, as determined above. If this is not feasible, the permittee may, upon approval by the City Manager or his designee, plant and maintain off-site replacement trees in accordance with this division.

Section 4.2.4.3

BARBED WIRE FENCING

Pages 4-47 & 4-48

b. *Fences Permitted in Front Yard(s) Adjacent to a Public Street* - Except as provided by Subsection c (*Decorative Fences*) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot which is adjacent to a public street. No residential fence shall be closer than 15 feet to a public street; however, in cases where the side or rear building line of the yards on continuous corner lots adjoin (i.e., the side yard lot is not a key corner lot), the fence may be constructed out to the property line of the side yard, such that the street side yard may be included as part of the lot's rear yard area. (See *Figure 4-5*.)

c. *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) *Fences within Public Easements*: Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement.

(4) *Fences within Drainage Easements*: Fences within a drainage easement should be constructed in a manner to not restrict the flow of drainage water.

(b) **Fences in Non-Residential Areas/Districts.**

(1) *Barbed Wire Fencing*: Permanent barbed wire or similar fences shall be prohibited in districts where used for purposes other than for the control of livestock. Barbed wire shall be permitted as an accessory material to another type of fence in industrial zoning districts (M-1 and M-2), **and for City facilities upon approval by City Council**, when the barbed wire material is located along the top of a fence, beginning at a height of at least six feet (6') from ground level.

(2) *Gates for Vehicular Access*: Gates designed for vehicular access shall be set back from the property line a minimum of twenty-four feet (24').

(3) *Permit Required*: All new, reconstructed, or replaced fences require permits.

(4) *Fences within Public Easements*: Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement.

(5) *Fences within Drainage Easements*: Fences within a drainage easement should be constructed in a manner to not restrict the flow of drainage water.

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 division. Where the requirements of this 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 signs exempt from the requirements to obtain

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 facade that faces a street~~ **for all facades** in the following zoning districts: the Multiple-Family (MF) district, all mixed

use districts (SPD, C-MU, G/O-MU, and OT), and all nonresidential districts.

(3) Area: The area of attached signs is limited according to the land use of the premises as follows:

a. Multiple-family residential uses, residential condominiums and group quarters may have identification signs having a total aggregate area of up to five percent (5%) of the area of the facade on which they are located;

b. Office/professional and institutional uses may have signs with a total aggregate area of up to ten percent (10%) of the area of the 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 **if the facade faces the street; and fifteen percent (15%) for other facades;**

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 Ground Signs

(a) **Applicability.** An on-premise ground sign shall be permitted only on lots with one (1) use or business. A multi-tenant sign shall be required on lots with more than one (1) use or business in conformance with Section 4.2.5.4.

(b) **Standards.** Permanent on-premise ground signs are subject to the following standards:

(1) Number Allowed: The number of on-premise ground signs on one (1) site is limited to one (1) per street frontage of at least one hundred feet (100'). The following are not counted in this limitation:

a. Additional directional signs up to two (2) square feet in area each, provided the number of these signs does not exceed the number of driveways; and,

b. Subdivision 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 4-6* on the following page). The portion of the base of the sign within two feet (2') of the grade of the ground shall not be included in the height calculation.

(3) Maximum Sign Area:

a. The maximum effective sign area per side per sign shall not exceed the following:

1. MF, MH and OP zoning districts – thirty-five (35) square feet;

2. NS zoning district – fifty (50) square feet;

(3) 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;

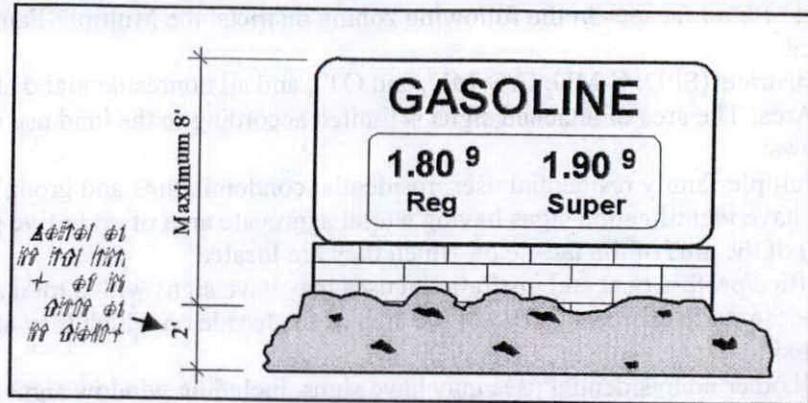


Figure 4-6
Measuring the Height of a Sign

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 OT) – unless otherwise specified within the SPD or OT regulations, fifty (50) square feet for nonresidential uses; not permitted for residential uses;
6. Planned Developments (PD) – as specified on the Site Plan, if different from the base zoning district.
7. **Non-residential uses in residential districts – 50 square feet.**

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

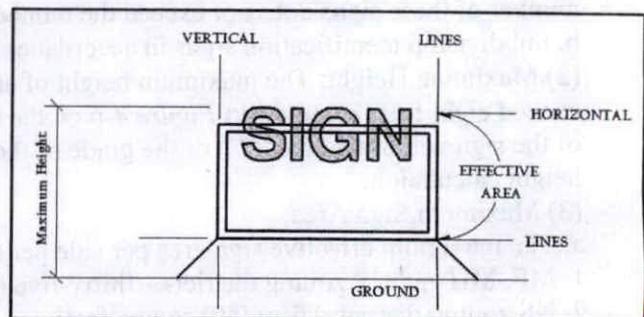


Figure 4-7
Measuring the Effective Sign Area

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

(5) Builder/Subdivision Sign:

a. One builder/subdivision sign may be located at the main entrance of any new subdivision.



UNIFIED DEVELOPMENT CODE

CHAPTER 5: DEFINITIONS

- flood without cumulatively increasing the water surface elevation more than a designated height. (See Figure 5-3 above.)
- (186) **FLOOR AREA:** The sum total area of all climate controlled floors as calculated from measurements to outside walls.
- (187) **FOOD STORE/SUPERMARKET:** A retail market primarily selling consumable goods that are not to be eaten on the premises. Prepared food and other items and/or services may be sold only in limited quantities as a secondary or accessory use.
- (188) **FRANCHISED PRIVATE UTILITY:** A utility such as one distributing heat, electricity, telephone, cable television or similar service and requiring a franchise to operate in the City of Pearland.
- (189) **FRATERNAL ORGANIZATION:** An organized group having a restricted membership and specific purpose related to the welfare of the members. Examples include common organizations such as the Elks, Masons, Knights of Columbus, or a labor union.
- (190) **FRATERNITY OR SORORITY HOUSE:** A building other than a hotel that is occupied only by individuals enrolled in a college or university located within the City and persons to attend the house and supervise activities of the fraternity or sorority. Except for the attendants, each resident is a member of a fraternity or sorority that is recognized by the college or university and chartered by a state or national organization.
- (191) **FRONTAGE:** The linear distance of the property line measured along all abutting street rights-of-way. **Clarify that it is the distance between side property lot lines.**
- (192) **FRONT PORCH:** see porch
- (193) **FUNERAL HOME:** A place for the storage of human bodies prior to their burial or cremation, which may also be used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
- (194) **GARDEN SHOP & OUTSIDE PLANT SALES:** (Also referred to as *Plant Nursery*.) An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.
- (195) **GARDEN WALL:** A masonry wall defining a property line or delineating a private area.
- (196) **GASOLINE SERVICE STATION:** An establishment where gasoline is sold and dispensed into motor vehicle tanks.
- (197) **GATEWAY:** A marker for a point of arrival or entrance.
- (198) **GOLF COURSE (PRIVATE):** An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses, and which is owned and operated by a private business entity.
- (199) **GOLF COURSE (PUBLIC):** An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses, and which is owned and operated by the City of Pearland.

- (226) **LANDSCAPED:** Adorned or improved by contouring land and placing thereon live flowers, shrubs, trees, grass, other vegetation, water features, and/or pervious rock material.
- (227) **LANDSCAPED AREA:** The area of a developed site/lot that is required by this UDC to consist of landscaping materials, trees and/or groundcover. Refer to Chapter 2 and Chapter 4 for specific requirements.
- (228) **LAUNDROMAT (SELF-SERVICE LAUNDRY):** A facility where patrons wash, dry or dry clean clothing and other fabrics in machines that are operated by the patron.
- (229) **LAUNDRY/DRY CLEANING (RETAIL ONLY - DROP OFF/PICK UP):** A facility used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering, dry cleaning, or cleaning elsewhere, and for the pressing and distribution of any such articles or goods that have been subjected to any such process.
- (230) **LIGHT INDUSTRIAL USE:** A use engaged in the processing, manufacturing, compounding, assembling, packaging, treatment, or fabrication of materials and products, from previously manufactured materials. Such use is capable operating in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, odor, etc.
- (231) **LIGHT LOAD VEHICLE:** A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than 32 feet in length), campers and other similar vehicles but not including automobiles and motorcycles.
- (232) **LIGHT MANUFACTURING:** Process(es) which does not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which does not generate noise or vibration at the boundary of the district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.
- (233) **LOCAL UTILITY LINE (Above-Ground or Below-Ground):** The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.
- (234) **LODGING:** Premises available for daily and weekly renting of bedrooms.
- (235) **LOT:** An undivided tract or parcel of land shown and designated with a tract or lot number on a duly recorded subdivision or development plat. A lot is or may be offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract, or lot number or symbol in a duly approved subdivision plat that has been properly filed of record.
- (236) **LOT COVERAGE:** The amount of impervious cover (see definition) on a lot.
- (237) **LOT, FLAG: Add definition.**
- (238) **LOT MEASUREMENT:** Refer to Chapter 2, Article 6, Division 1 for diagrams related to these definitions.
- a. **Lot Area** - The net area of the lot, expressed in square feet or acreage and shall not include portions of any public street or alley, but may include easements.

- b. **Lot Area, Flag Lot:** Add definition – exclude the area of the pole with 30' wide accessway.
 - c. **Lot Depth** - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear (the mean horizontal distance between the front and rear lot line).
 - d. **Lot Depth, Flag Lot:** Define – exclude depth of the pole.
 - e. **Lot Width** - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.
 - f. **Lot, Double Frontage** - Any lot, not a corner lot, with frontage on two streets that are parallel to each other or within 45 degrees of being parallel to each other.
 - g. **Lot, Flag-Shaped** - An irregularly shaped lot that takes its sole access via a long, narrow strip of land connecting the principal building site to a public street.
 - h. **Lot, Irregular** - Any lot not having equal front and rear lot lines or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than 90 degrees.
 - i. **Lot Line:** the boundary that legally and geometrically demarcates a lot.
 - j. **Lot, Thumbnail (or Eyebrow)** - A partial cul-de-sac bulb, usually with a central angle of 180 degrees or less.
- (239) **MAIN BUILDING:** The building on a lot which are occupied by the primary (main) use.
- (240) **MANUFACTURED HOME:** See *Dwelling – HUD-Code Manufactured Home*.
- (241) **MANUFACTURED HOME DISPLAY, SALES AND/OR RENTAL (NEW OR USED):** The offering for sale, rental, storage, or display of new or previously owned (i.e., used) manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- (242) **MANUFACTURED HOME/MOBILE HOME SPACE:** A division of a parcel of land into a single lot for use by a single manufactured home or mobile home, as applicable.
- (243) **MANUFACTURING, PROCESSING and FABRICATION:** Activities or facilities including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, planing mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, precision instruments manufacturing, and research laboratory.
- (244) **MARQUEE:** A roof-like structure projecting over the entrance to a building. It may also project over a sidewalk adjacent and parallel to the front wall of a building.
- (245) **MASONRY:** Brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block and stucco. EIFS (exterior insulation and finish systems) shall be included within this definition only for the purposes of masonry trim.
- (246) **MASTER PLAT:** The initial plat for a subdivision to be developed in phases that delineates the sequence and timing of development within the proposed subdivision,

and that is reviewed and decided under Chapter 3, Article 1, Division 2 of this Unified Development Code.

- (247) **METAL:** 24-gauge or heavier architectural panels (wall systems) with concealed fasteners and no exposed seams. Corrugated metal, exposed fasteners, and exposed seams are not included in this definition. Other materials (i.e., from technological advances) may be considered metal by the City when such materials are deemed to be the same or better in quality and appearance.
- (248) **MINI-WAREHOUSE/SELF-STORAGE:** Small individual storage units for rent or lease, restricted solely to the storage of items, such as motor vehicles, trailers, boats, bulky household goods, and sundry personal property. There is no conduct of sales, business or any other activity within the individual storage units.
- (249) **MINOR SUBDIVISION PLAT:** A plat dividing land into no more than four (4) lots that may be administratively approved under certain circumstances under Chapter 3, Article 1, Division 6 of this Unified Development Code.
- (250) **MOBILE HOME:** See *Dwelling – Mobile Home*.
- (251) **MOLDINGS:** An embellishment in strip form, made of wood or other structural material, that is used to decorate or finish a surface.
- (252) **MULLIONS:** A vertical member, as of stone or wood, dividing a window or other opening.
- (253) **MOTION PICTURE THEATER (INDOORS):** An indoor establishment charging admission to the general public for the privilege of observing a live, televised, or motion picture performance.
- (254) **MULTIPLE BUILDING COMPLEX:** More than one (1) principal structure on a building lot.
- (255) **MULTIPLE-OCCUPANCY or MULTI-TENANT:** One or more adjacent premises containing two or more occupancies, each having main entrances directly from the exterior of a common building or complex of buildings and utilizing common facilities for vehicular access, parking, landscaping, etc.
- (256) **MUNICIPAL FACILITIES:** Refer to Chapter 3 – subdivisions – as in Section 3.1.6.1 (b)(3). Exclude private utilities, private fire lanes on public easements.
- (257) **NET DENSITY:** The number of dwelling units per nets acre. Net density calculations are made using net acreage, exclusive of thoroughfare rights-of-way and retention/detention areas, and public or private streets that are platted or are to be platted as part of the development of the property. Clarify – referenced on page 2-18.
- (258) **NONCONFORMING LOT:** A lot that does not conform to the regulations of Chapter 2 of this Code. See Section 2.7.2.3 for further information.
- (259) **NONCONFORMING STRUCTURE:** A structure that does not conform to the regulations of Chapter 2 of this Code. See Section 2.7.2.2 for further information.
- (260) **NONCONFORMING USE:** A use of property that does not conform to the regulations of Chapter 2 of this Code. See Section 2.7.2.1 for further information.

- (294) **POLICE STATION:** Any public service building of the municipal government that is used in the provision of police protection services, including the housing of police personnel and related automobiles.
- (295) **PLAZA:** An unroofed public open space designed for pedestrians that is open to public sidewalks on at least one side.
- (296) **PORCH, (FRONT PORCH):** The ground floor platform attached to the front or side of the main building.
- (297) **PRELIMINARY DEVELOPMENT PLAT:** A plat that illustrates and thereby assures the adequacy of public facilities needed to serve the intended development and the overall compliance of such development with applicable requirements of the Unified Development Code and that is reviewed and decided prior to approval of a Final Development Plat under Chapter 3, Article 1, Division 4 of this Unified Development Code.
- (298) **PRELIMINARY SUBDIVISION PLAT:** A plat that illustrates and thereby assures the general layout of a proposed subdivision, the adequacy of public facilities needed to serve the proposed subdivision, and the overall compliance of the land division with applicable requirements of the Unified Development Code and that is reviewed and decided prior to approval of a Final Subdivision Plat under Chapter 3, Article 1, Division 3 of this Unified Development Code.
- (299) **PREMISES:** A parcel or tract of land or one or more platted lots under the same ownership and use, together with the buildings and structures located thereon.
- (300) **PRIVATE OPEN SPACE:** Private property under common ownership designated for recreational use, including a private park, play lot, plaza or ornamental area intended for use or enjoyment of property owners within a subdivision. Open space does not include streets, alleys, utility easements, public parks or required setbacks.
- (301) **PROJECT COVERAGE:** The total amount of impermeable surfaces (impervious cover) of an entire proposed development, as opposed to the lot-by-lot amount defined for the impervious cover calculation.
- (302) **PROJECTING FAÇADE ELEMENTS:** Building elements which attach to the outside of the primary building envelope. Projecting façade elements can include stoops, porches, bay windows, awnings, canopies, second-floor balconies, colonnades, or arcades.
- (303) **PROPANE SALES (RETAIL):** Retail sales of gaseous substances commonly used for household purposes such as propane or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.
- (304) **PUBLIC ART:** Art that is visually or physically accessible to the public (within the public realm e.g. a Street) and that is acquired by City funds, donated to the City, or provided by a private entity as a community benefit, including monuments and statues, building ornament, and visible public infrastructure such as bridges, etc.
- (305) **PUBLIC IMPROVEMENTSS:** Include those owned and/or operated by the City. Exclude dry utilities such as gas, phone, cable etc. (Referred to in Section 3.2.1.1.a.)

- (306) **PUBLIC OPEN SPACE:** Property that is owned by or dedicated to the City and that is designated for recreational use, including a park, play lot, plaza or ornamental area intended for use or enjoyment of citizens. Open space does not include streets, alleys, utility easements, public parks or required setbacks.
- (307) **PUBLIC RIGHT-OF-WAY:** A strip of land used or intended to be used, wholly or in part, as a public street, alley, crosswalk way, sidewalk or drainageway.
- (308) **PUBLIC VIEW:** Areas that can be seen from any public street.
- (309) **PUBLIC EDUCATIONAL FACILITES:** As refereed to in Corridor Overlay District – Section 2.4.5.1.
- (310) **RECONSTRUCTION:** Rehabilitation or replacement of a structure which either has been damaged, altered or removed or which is proposed to be altered or removed to an extent exceeding fifty percent (50%) of the replacement cost of the structure at the time of the damage, alteration or removal.
- (311) **RECORD DRAWINGS:** See *As-Built/Record Drawings*.
- (312) **RECORDED PLAT:** A development plat or a subdivision plat that has been finally approved by the City and that has been filed with the applicable County after meeting all City requirements for recordation under Chapter 3, Article 1, Division 5 of this Unified Development Code.
- (313) **RECREATION CENTER (PRIVATE, FOR PROFIT):** An indoor business establishment used for recreation and social activities.
- (314) **RECREATIONAL VEHICLE (RV):** A vehicle that is:
- Built on a single chassis;
 - Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - Designed to be self-propelled or permanently tow-able by a light-duty truck; and
 - Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- (315) **REFUSE CONTAINER:** Any container, including dumpster, used as temporary storage of routinely collected waste.
- (316) **REFUSE DUMP:** A place reserved or used for the dumping or accumulation of refuse or discarded matter.
- (317) **REGISTERED FAMILY HOME:** See *Child Day Nursery*.
- (318) **REHABILITATION CARE FACILITY (HALFWAY HOUSE):** A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.
- (319) **REHABILITATION CARE INSTITUTION (BUSINESS):** A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

- (424) **WHOLESALE DISTRIBUTOR:** An establishment or place of business primarily engaged in the selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or engaged in acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- (425) **WRECKING OR SALVAGE YARD:** A yard or building where motor vehicles, parts of motor vehicles, building materials, or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as scrap or processed metal.
- (426) **YARD:** Open space on the lot or building plot on which a building is situated, between the property line and the setback line, which is open and unobstructed to the sky by any structure except as herein provided. In measuring a yard for compliance with this ordinance, the minimum horizontal distance between the lot line (street R.O.W. line) and the main building shall be used.
- (427) **YARD, FRONT:** The open (unoccupied, unobstructed) space located in front of the front building line of the principal building(s), calculated as the minimum horizontal distance between the front property line and the front building line of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.
- (428) **YARD, FRONT, FLAG LOTS: To be defined - distance between the front property line (excluding the pole) and the front of the building.**
- (429) **YARD, REAR:** The open (unoccupied, unobstructed) space located behind the rear building line of the principal building(s), calculated as the minimum horizontal distance between the rear property line and the rear building line of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.
- (430) **YARD, SIDE:** The open (unoccupied, unobstructed) space located on either side of the principal building(s), calculated as the minimum horizontal distance between the side property line and the side building line of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.