AGENDA – WORKSHOP OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, SEPTEMBER 16, 2013, AT 7:00 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 THE ANNUAL UNIFIED DEVELOPMENT CODE UPDATES (T-16.) *Mr. Harold Ellis, City Planner.*

2. **COUNCIL INPUT AND DISCUSSION:** REGARDING THE APPRAISAL BOARD DISTRICT'S NOMINATIONS FOR BRAZORIA COUNTY, HARRIS COUNTY, AND FORT BEND COUNTY. *Mr. Bill Eisen, City Manager.*

III. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1840 prior to the meeting so that appropriate arrangements can be made.

Workshop Item No. 1

1. **COUNCIL INPUT AND DISCUSSION:** REGARDING ANNUAL UNIFIED DEVELOPMENT CODE UPDATES (T-16.) *Mr. Harold Ellis, City Planner.*

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

AGENDA OF: September 16, 2013	**ITEM NO.:** Workshop Item No. 1
DATE SUBMITTED: August 28, 2013	**DEPT. OF ORIGIN: Planning**
PREPARED BY: Ian Clowes and Harold Ellis	**PRESENTOR: Harold Ellis**
REVIEWED BY: Mike Hodge	**REVIEW DATE: September 10, 2013**

SUBJECT: Annual Unified Development Code Updates (T-16)

EXHIBITS: Proposed Areas of Amendments and Recommended Language

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED:** N/A
AMOUNT AVAILABLE: N/A **PROJECT NO.:** N/A
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
☐ **Finance** ☐ **Legal** ☐ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

The City's Unified Development Code, initially adopted in February 2006, is reviewed annually. This review is based on input over the past year from citizens, developers, City Council, the Planning and Zoning Commission, board members, and city staff. Based on this input, Planning staff creates a list of proposed amendments to the Unified Development Code. This year's amendments, if approved, would result in the 16th amendment to the Unified Development Code.

As the Unified Development Code is the City of Pearland's local zoning ordinance, state law and city charter require a Joint Public Hearing with the Planning and Zoning Commission and City Council, followed by two readings of the ordinance by the City Council to approve any amendments.

In the City of Pearland, City Council has directed that the Planning and Zoning Commission review these amendments in detail and make a recommendation at the joint workshop. Therefore, as in the past, this year's amendment process

began with a series of workshops with the Commission. Workshops were conducted on July 15, August 5 and August 19, 2013, to discuss the proposed amendments. From these workshops, the Commission has recommended that staff amend the UDC as detailed in this report.

This year and for the purposes of this workshop, there are a total of sixteen (16) proposed amendments. As has been done in the past, we have separated the proposed amendments into three (3) separate categories: 1) *Clarification on existing UDC language*, which includes amendments 1-3; 2) *Land Use Matrix changes*, which includes amendments 4-9; and *General Unified Development Code changes*, which includes amendments 10-16.

Additions to the Unified Development Code are shown in red font and deletions are shown in red strikeout font. Current code language is *Italicized.*

Exhibit 1 Proposed Areas of Amendments and Recommended Language:

Clarification on existing UDC language

1. *Clarification of buffering along Thoroughfares:*

Section of be amended - Screening 4.2.4.1 (c) (1)

Proposed amendment:

This is a clarification to ensure that when a landscape reserve is shown to be located between a subdivision and a thoroughfare, a masonry wall is required as opposed to wood fencing, unless screening alternatives as discussed later in this report are proposed.

This clarification will ensure that proposed subdivisions comply with all screening requirements when abutting/visible from a thoroughfare.

Amendment:

4.2.4.1 (c) (1)

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

(1) Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to a major or secondary thoroughfare roadway as described in Chapter 3, or are separated from such thoroughfare by an alley, landscape or open space area/detention facility*, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line*

and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.

<u>Screening Alternatives:</u> Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may considered include:

a. *A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;*
b. *A combination of berms and living/landscaped screening;*
c. *A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or*
d. *Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and City Engineer find it to be in the public interest to approve the alternative screening device.*

Basis for Recommendation

This language clarification will avoid confusion in the interpretation of the requirement. The Planning and Zoning Commission concurred with this clarification.

2. *Clarification of the definition of Banner Signs:*

Section to be amended – Temporary Signs 4.2.5.5 (c) (Page 4-70) and **Definitions** 5.1.1.1 (a) (370)

Proposed amendment:

Adding further clarification to differentiate Banner Signs from Temporary Signs.

Staff has seen an influx of requests to place banner like signs either on poles, vehicles, or other structures in order to advertise a specific business or event. Some of these uses may be permitted under the temporary sign definition but should not be considered under the banner sign definition.

Amendment:

5.1.1.1 (a) (370)

(c) ***Banner Defined.*** *A banner is hereby defined to be a temporary sign as that term is defined Chapter 5 of this UDC that is designed to be attached or installed with rope, wire, or other temporary means* to a portion of the on premise building façade, *so as to allow ease of installation and removal.*

Basis for Recommendation:

This amendment will help clarify the definition of a banner as a temporary sign affixed to the façade of an on premise business and add an official definition of a *Banner Sign* to Chapter 5. The Planning and Zoning Commission concurred with this clarification.

3. *Clarification on Temporary Signs as they relate to Special and Off Premise Events:*

Section to be amended – On Premise Ground Signs 4.2.5.3 (b) (12) (Page 4-67) and **Temporary Signs** 4.2.5.5 (d) (3) (Page 4-71).

Proposed amendment:

Add the phrase *Temporary Sign* to the section regarding Special Events Sign and Off Premise Special Event Signs to clarify the type of sign as it is defined in the definition section of the Unified Development Code:

For these types of signs, we need to clarify that the permitted signs are different than Portable Signs or Marquee Signs.

The Unified Development Code currently has a definition for *Temporary Sign* but this type of sign is not appropriately referenced in the sign code.

Amendment:

4.2.5.3 (b) (12)

(12) Special Events Sign: Temporary *Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club and placed on real property where said event is to take place shall be allowed subject to the following conditions:*

a. *The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.*
b. *The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face.*
c. *Only one such sign is allowed per street frontage, with a maximum of three per property.*

d. Portable Signs as defined in section 5.1.1.1 (a) (389) are not considered Temporary Signs and will not be permitted.

4.2.5.5 (d) (3)

(3) Off-premise special events signs: Temporary *Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club may be placed off-premises of where said event is to take place shall be allowed subject to the following conditions:*

a. The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.

b. No more than ten signs not exceeding six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face are allowed within the City's limits, limited to one per street frontage. These signs shall be exempt from sign permit fees.

c. There is no quantity limit on signs not exceeding three and a half feet (3.5') in height or five square feet (5 ft^2) in area per sign face, except only one is allowed per lot.

d. Portable Signs as defined in section 5.1.1.1 (a) (389) are not considered Temporary Signs and will not be permitted.

Basis for Recommendation:

This amendment will help to provide clarity and consistency when interpreting sign requests. The Planning and Zoning Commission concurred with this clarification.

Land Use Matrix changes

4. *Combine Check Cashing use with Pawn Shop/Title Loan use and amend the definition accordingly:*

Section to be amended - Section proposed to be changed: 2.5.2.1 (a) (Page 2-184 and 2-142).

Proposed amendment:

Staff feels that these uses are similar in nature and thus should be combined and allowed/disallowed in the same zoning districts. By calling out the different uses, this allows for more clarity when determining the best land use category for an applicant's proposed use.

Currently, as *Check Cashing* is a separate land use category from *Pawn Shop, Payday Loan, and Gold Exchange*, the uses are permitted in different areas of

the City. A *Check Cashing* business is permitted by right in the Old Townsite General Business Zone, General Business, General Commercial, and M-1 and M-2 Industrial districts and with the approval of a Conditional Use Permit in the BP-288, Neighborhood Service, and S1, S2, and S3 Spectrum zones.

A *Pawn Shop, Payday Loan, and Gold Exchange,* is only permitted by right in the General Commercial and Light Industrial (M-1) zones. This proposal, while adding *Check Cashing* to the same category is to continue the use by right in the same categories and add it with the approval of a Conditional Use Permit in the Old Townsite General Business, BP-288, and General Business zones.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH		MH	SPD S1	SPD S2	SPD S3	SPD S4	SPD S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
~~Check Cashing Service~~												~~C~~	~~C~~	~~C~~						~~P~~				~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~
	~~Description: An establishment that cashes customers' checks for a fee.~~																												
	~~Parking: One space for 200 square feet of gross floor area.~~																												

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD S1	SPD S2	SPD S3	SPD S4	SPD S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Pawn Shop, Pay Day Loan (including Title Loans and Check Cashing) & Gold Exchange																				C				C		C	P	P	
	Description: An establishment that loans money in exchange for personal property pledged by the property owner to the business, or that buys such property from its owner for resale. Retail sales permitted, including sales of pre-owned items, provided that sales of such pre-owned items comply with all applicable law. This use includes establishments that primarily buy gold from customers, and institutions that loan money based on postdated checks and car titles, or cash personal/paychecks for a fee.																												
	Parking: One space per 300 square feet of gross floor area.																												

Other options for addressing the issue:

If council prefers to keep the uses separate, that can be done and discussions can occur with regards to where Council believes these uses are most appropriate in the City.

Basis for recommendation:

As *Check cashing* is considered to be a similar use as *Pawn Shop, Gold Exchange, and Title Loans* use and should be combined. Additionally, the

proposed amendment will give Council the ability to permit the uses in question in the General Business zone with the approval of a Conditional Use Permit and the proposed change provides additional clarity to the different types of loaning agencies. The Planning and Zoning Commission concurred with the amendment.

5. *Expand the Stable, Commercial use to allow riding schools:*

Section to be amended - Section to be changed: 2.5.2.1 (a) (Page 2-112)

Proposed amendment:

Currently this type of facility does not fit well into any existing category. Adding this use to the commercial stable category provides more clarity for the staff and potential applicant but also prevents staff from needing to add an additional use to the Land Use Matrix.

The proposal also includes adding the amended use in both General Business and General Commercial and by Conditional Use Permit in the Garden/O'day Mixed Use and Cullen Mixed Use zone. As the city has grown and matured, staff feels that these proposed zones would be a good fit for future facilities of this nature. The Conditional Use Permit in the mixed use zones allows for the Planning and Zoning and City Council to determine if the proposed site in either of those zones would be appropriate. It is not anticipated that the use of a riding school will be any more intensive than a commercial stable.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			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-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Stable/Riding Facility, Commercial																	C	C								P	P	P	P
	Description: A facility used for the rental of a stall space or spaces, or for the sale or rental of horses or mules. This also includes horseback riding, training, competition, and lessons.																												
	Parking: One space for each 5 horses that can be boarded at the maximum capacity on the property.																												

Other options for addressing the issue:

There was internal discussion with regards to classifying a riding facility as a *Private Club*, which is an existing use in the City's Land Use Matrix. However, as we already had a similar use, the *Stable, Commercial* in the Land Use Matrix, the most appropriate fit was to amend that use so as to provide the use with as much clarity as possible.

Basis for recommendation:

Staff recently received a request to enlarge an existing riding facility. In order to do so, the use needed to be formally classified in the Land Use Matrix. We discovered at that time that we did not have a use which addressed the specific operation in question. The Planning and Zoning Commission concurred with the amendment.

6. *Create a new use for Wine Bars in the Land Use Matrix:*

Section to be amended - Section proposed to be added: 2.5.2.1 (a) (Page 2-158)

Proposed amendment:

Wine bars have become a more popular use in the last couple of years. In general, the majority of requests have been for wine bars where little to no food is sold but would not be best classified as a traditional Bar or Tavern, as those establishments differ in operation (including types of beverages sold), as well as the zoning districts they are permitted in. Staff feels that a wine bar is a less intensive use than a tavern and thus would be appropriate in the General Business and General Commercial zone.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Wine Bar																	C	C		C	C					P	P	P	
	Description: A facility that derives up to 100% of its revenue from the sale of wine (not beer or liquor) for consumption on the premises where the drinks are sold.																												
	Parking: One space per 300 square feet of gross floor area.																												

Other options for addressing the issue:

Wine bars could be classified as *Tavern*, an existing use in the Land Use Matrix. However, a *Tavern* would be more restrictive with regards to where they are permitted to locate as they are not currently permitted by right in any zoning district in the City.

Basis for recommendation:

Staff believes that the *Wine Bar* use is less intense than a *Tavern* and would not be an intrusive use in the districts in which it is being proposed to be allowed by right. Council will have the ability to review requests where the use is being proposed to be allowed with the approval of a Conditional Use Permit. The Planning and Zoning Commission concurred with this request.

7. *Allow the self-service carwash use as part of primary use:*

Section to be amended - Section to be changed: 2.5.2.1 and 2.4.5.1 (d) (4)

Proposed amendment:

We have had a number of Conditional Use Permit cases recently that have been for self-service drive- thru carwashes that were secondary to a permitted primary use on the same lot in the General Business zone. The basis for requiring a Conditional Use Permit in the past was to insure that any potentially negative impacts were able to be mitigated for, such as unscreened bays facing a roadway. If requirements are added to the Unified Development Code which address any potentially negative impacts, the use may be able to be permitted by right, thus eliminating the Conditional Use Permit process for this use.

The Auto Wash - Self Serve will still be listed as a standalone use in the land use matrix and would continue to require a Conditional Use Permit in the General Business zone if not associated with a permitted primary use.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Gasoline Station (With or Without Auto Wash - Self Serve)																	C			P					P	P	P	P	P
	Description: An establishment where gasoline is sold and dispensed into motor vehicle tanks and may have an attached or detached auto wash use. The attached or detached auto wash must be an automated wash tunnel and does not include self serve wand style auto washes.																												
	Parking: One space per employee plus spaces required to satisfy projected peak parking demand.																												

(4) For any type of use that requires openings in the facade for vehicle entry or exit: These openings must not face a public roadway unless adequately screened to minimize the visual impact on the roadway. The screening should the meet the requirements 2.4.5.1 (i) (b), 2.4.5.1. (2), and 2.4.5.1 (3) (c) (a).

Other options for addressing the issue:

If Council is more comfortable addressing each carwash associated with a permitted primary use on a case-by-case basis, staff can continue processing them as such. If the Council has other conditions which they believe will help mitigate any potential negative impacts, those conditions may also be added to the Unified Development Code as conditions for allowing the auto-washes by right.

Basis for recommendation:

With the language above, added to the Corridor Overlay District section of the Unified Development Code, that states no bay doors shall be permitted to face the thoroughfare without adequate screening, staff believes that necessity for a Conditional Use Permit for an auto-wash, self-serve, is alleviated. The Planning and Zoning Commission concurred with this amendment.

8. Separate new and used car sales in the land use matrix:

Section to be amended - Section to be changed: 2.5.2.1

Proposed amendment:

The proposal is to separate new and used car sales and require used car sales to obtain a Conditional Use Permit prior to obtaining a Certificate of Occupancy. This will allow the City Council to look at each site and determine what, if any, improvements need to be completed prior to issuance of a Certificate of Occupancy.

Recently we have had a number of used car lots open up throughout the city. The majority of these have opened on sites that do not currently comply with the Unified Development Code and no site improvements are triggered or undertaken. This has led to further deterioration of the sites as the intensity of the used car sales use exceeds that of previous uses on these sites.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Auto Sales/Dealer ~~(~~New - ~~In Building~~, (Auto Servicing ~~and Used Auto Sales~~ as accessory uses only) Combined auto lease																				C						P	P	P	P
	Description: A paved area for the display for sale of new motorized ~~and non-motorized~~ vehicles accompanied by an on-site office with staffing during normal business hours.																												
	Parking: One space per 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.																												

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Auto Sales/Dealer Used - (Auto Servicing as accessory uses only)																				C						C	C	C	C
	Description: A paved area for the display for sale of used motorized vehicles accompanied by an on-site office with staffing during normal business hours.																												
	Parking: One space per 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.																												

Other options for addressing the issue:

The land use matrix does not currently separate new and used car sales and the existing land use designations can remain the same if we do not proceed with this amendment.

Basis for recommendation:

Staff believes we will continue to have requests to convert structures not designed for used car sales into those types of facilities without giving the City Council the ability to review these requests and request site improvements which may make the site better suited for the proposed use. The Planning and Zoning Commission concurs with this amendment.

9. Require a CUP for the operation of Bail Bonds offices:

Section to be amended - Section to be changed: 2.5.2.1

Proposed amendment:

The proposal calls for a CUP in all zones in order to allow P&Z and City Council to determine whether this particular, potentially sensitive use, should be permitted in a specific location.

With the relocation of the Police Department to the Public Safety Building, there is potential for an influx of bail bonds offices in the Cullen/Broadway corridor. Currently these operations are permitted by right in the BP-288, General Business and General Commercial zones.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Office, Parole-Probation, Bail Bonds												C	C	C	C	C	C	C		C	C	C	C	~~P~~ C	C	~~P~~ C	~~P~~ C	C	
	Description: An office for conducting the supervision of recently paroled convicts for the purpose of successful integration into society. This use includes entities that issue bail bonds.																												
	Parking: One space for each 300 square feet of gross floor area																												

Other options for addressing the issue:

As previously mentioned, the land use matrix does not currently permit the use by right in the BP-288, General Business, and General Commercial zones. If Council is uncomfortable requiring a Conditional Use Permit in all zones, Council may which to continue to allow the use in the General Commercial zone, but still require a Conditional Use Permit in the less intense commercial zones, such as General Business and BP-288.

Basis for recommendation:

As discussed above, Staff has seen an increase in activity with regards to inquiries about where this particular use is permitted. We believe that by addressing the issue now, we may be able to make sure this use is not permitted in an area where it may not be best suited.

10. Human Signs:

Section to be amended - Section to be changed/added: **General Exceptions** 4.2.5.9 (b) (7) and **Temporary Signs** 4.2.5.5 (d) (4)

Proposed amendment:

Amend the section of the sign code that discusses human signs by adding moderate restrictions on how human signs can be displayed throughout the city.

This is in response to a substantial increase in the use of human signs throughout the city including costumed characters. The concerns discussed at the past workshop included traffic safety concerns, including hazards such as driver distraction caused by the signs, as well as the signs being a general visual nuisance.

The City of Webster adopted a human sign code this past May. The majority of the City of Pearland proposed language was taken from The City of Webster's ordinance with a few additional restrictions. Webster does not regulate the size or the movements of such signs. We are proposing both size restrictions and movement restrictions in order to limit possible roadway distractions. We also are limiting the location and the number per lot. Webster allows one sign per business and must be displayed at the business. We are proposing to permit only one human sign per individual lot per month and signs must not be located on any paved area of a public or private street, public medians or public swale. This will prevent a large shopping center located on one individual lot from having multiple human signs out in the ROW at the same time.

Amendment:

Section 4.2.5.9 (b) (7)

Remove Human Signs from the Exempted Signs Section and move it to the temporary signs section (below)

Section 4.2.5.9 General Exemptions

(a) ***Generally.*** *Notwithstanding any other provision in this UDC to the contrary, the following signs shall be exempt from all sign requirements contained in the UDC except for location restrictions, unless modified below, and any requirement for the sign specifically listed herein.*

(b) ***Exemptions.***

~~*(7) Human Signs. Signs carried or wholly supported by humans are allowed so long as they do not exceed thirty-two square feet (32 ft^2) in size.*~~

Section 4.2.5.5 (d) (4)

Section 4.2.5.5 Temporary Signs

(d) ***Other Temporary Signs.*** *The following signs shall be allowed, subject to any conditions set forth below.*

(7) Human signs are permitted within the city limits. Human signs are defined as a person wearing a costume or holding a sign while outside for the purpose of advertising a business, product, service, person, event or issue. Human signs are not permitted on any paved area of a public or private street, public medians or public swale. All human signs are also subject to the following:

a. A permit for up to 10 consecutive days of display per month is required. Only one such permit for one human sign will be issued to an individual lot per month.
b. Sign holders must be standing (not seated) on the sidewalk or on private property. The use of podiums, chairs, ladders, risers, silts, vehicles, roofs, or any other structure or device is prohibited.
c. The maximum size of any sign being held is six square feet.
d. Signs are not permitted to be shaken, swung, oscillated, waved, rotated, twirled or thrown.
e. No electronic displays of any type including lights, video, LED, or reader boards are allowed.

Other options for addressing the issue:

If necessary, other options may be researched based on Council input and discussion at the workshop.

Basis for recommendation:

This is a proposed amendment which has been discussed in the past with prior Unified Development Code amendments. As this issue has become more prevalent in the region as a whole, cities are beginning to regulate how to address the issue. This issue has been discussed in the past by City Council, and regulating human signs is supported by the Eyes of Pearland. The Planning and Zoning Commission also concurs with this amendment.

11. Fencing along Corridor Overlay District (COD), Screening and Fence Type:

Section to be amended - Section proposed to be amended: **Corridor Overlay Zoning District** 2.4.5.1 (i) (3) and Section 2.4.5.1 (i) (5)

Proposed amendments:

Add clarifying language with regard to front yard fence height requirements, and allow additional fencing and landscaping options for repairing or replacing existing fences.

An example of this would be the residential lots which front onto Dixie Farm Rd. Since the front yards are located along the roadway, they would not be permitted to install privacy fences but would be able to install fences not exceeding 4' in height which are decorative in nature. This amendment is meant to clarify an existing requirement.

Additionally, new subdivision fences which abut the COD are required to be constructed of masonry materials or wood rail fencing for larger lot subdivisions. The code is not clear on what developed or vacant single family lots that are not part of a subdivision, with an existing subdivision fence, may do when it comes to constructing, replacing or repairing fences. A recent example of this situation is occurring along Bailey where as a result of the widening, existing fences need to be relocated or rebuilt. The amendment allows for other types of fencing with landscaping.

Amendment:

2.4.5.1 (i) (3)

3) *Screening Elements Prohibited:* *No fence or wall visible from a public street shall be:*
   a. *Greater than eight feet (8') in height* unless regulated by section 4.2.4.3 (a) (2) (b).
   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, fiberglass panels, or* wood (unless completely screened with vegetation per Section 2.4.5.1 (i) (3) (c) (2) (A) (i), with a 3' landscape planting area. Landscape alternatives may be approved by the Planning Director or designee.

2.4.5.1 (i) (5)

5) *Residential ~~Subdivision~~ Fences:*

a. *Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.*

b. *If visible from a street right-of-way, fences shall be constructed of masonry materials.*

(i) For large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more or single lots not part of a platted subdivision, wood rail fencing may be used if it is not more than 25% opaque.

(ii) In situations where single family parcels exist and where a subdivision fence or wall does not currently exist, wood fencing may be used if it is completely screened from view of the roadway by shrubs per Section 2.4.5.1 (i) (3) (c) (2) (A) (i), with a 3' landscape planting area. Landscape alternatives may be approved by the Planning Director or designee.

Basis for recommendation:

Staff believes that this amendment will help clarify existing requirements and also provide additional fencing options. Currently a fence abutting a Corridor Overlay District would not be permitted to be constructed of wood. This amendment will allow wood as a material as long it is screened with landscaping. This request stems from recent cases where fence permit applicants were unclear on what the height requirements were and what screening options were required for different types of fencing. The Planning and Zoning Commission concurs with this amendment.

12. *Fencing along Corridor Overlay District (COD), Definition's*

Sections to be amended - Sections proposed to be amended: **General Definitions** 5.1.1.1 (a)

Proposed amendment:

As we are proposing amendments which pertain to subdivision and wood rail fences (above), we believe definitions for these types of fences should be added for clarification purposes.

Amendment:

Adding 5.1.1.1 (a) (184) (185) and amending subsequent numbers:

(184) FENCE, SUBDIVISION: A cohesive fence which is typically built by and at the cost of the developer at the time of initial subdivision development. These fences surround the development and are also typically maintained by a home

owners association and are often regulated by recorded deed restrictions with design requirements.

(185) FENCE, WOOD RAIL: A fence constructed of narrow, or split wood timbers, placed between upright supporting posts and with a maximum opacity of 25%.

Basis for recommendation:

This amendment is in conjunction with the prior amendment and provides additional clarification. The Planning and Zoning Commission concurs with this request.

13. *Remove or limit asphalt parking as an allowable paving material:*

Section to be amended - Section to be amended: **Off-Street Parking Lot Construction - Subbase** 4.2.1.4 and Section 4.2.1.5 **Off-Street Parking Lot Construction – Base Course**, and Section 4.2.1.6 **Off-Street Parking Lot Construction – All-Weather Surface**

Proposed amendment:

This item was initially discussed with the Commission on July 15th. Based on recent applications for asphalt parking lots, which are currently allowed in the Unified Development Code, staff is recommending that the City limit or eliminate asphalt as an allowable material for paving. Not only is asphalt less aesthetically pleasing, it is significantly less durable than concrete.

The Commission initially indicated that they would like to see the material limited as well, but was concerned with removing it as an allowed use all together and requested staff research further options.

The Engineering Department has researched further options and believes that the durability concern will be addressed by adding language to the Unified Development Code which requires asphalt, if used, to be constructed with the same sub-base as concrete.

Amendment:

4.2.1.4

(3) Embankment:

a. Embankment material shall be consistent with the City of Pearland (COP) specification section for Bedding, Backfill, and Embankment Material.

b. Except as otherwise specified, embankment filling shall be constructed in successive layers for the full width of the individual parking lot cross section

and in lengths as are best suited to the sprinkling and compaction methods utilized.

c. *Layers of embankment may be formed by utilizing equipment which will spread the material as it is dumped, or they may be formed by being spread by blading or other acceptable methods from piles or windrows dumped from excavating or hauling equipment in amounts that provide even distribution.*

d. *Each layer of* embankment *fill shall be uniform as to material, density and moisture content before beginning compaction. Where layers of unlike materials abut each other, each layer shall be feather-edged for at least 100 feet or the material shall be so mixed as to prevent abrupt changes in the soil. No material placed in the embankment by dumping in a pile or windrow shall be incorporated in a layer in that position, but all piles or windrows shall be moved by blading or similar methods.*

e. *Compaction of embankments shall be obtained by the method described as "ordinary compaction".*

(4) *Ordinary Compaction:* *When the ordinary compaction method is specified, the following shall apply. "Depth" means the depth of material achieved upon compaction until there is no evidence of further compaction, in accordance with the provisions governing "rolling". Prior to and in conjunction with the rolling operation, each layer shall be* compacted to a minimum of 95% maximum dry density within ±3% of the optimum, unless otherwise specified by the Design Engineer *and shall be kept leveled with suitable equipment to ensure uniform compaction over the entire layer.*

(5) All parking lot pavements shall consist of a minimum 6 inch of Class A, Lime Treated Subgrade compacted to a minimum of 95% maximum dry density within ±3% of the optimum.

4.2.1.5

Base Course for Parking Areas.

(1) *Generally:* *For off-street parking lot pavements, flexible base shall consist of a foundation course composed of crushed stone or other stone materials as specified in the COP specification section for base course for pavement and in conformity with the typical sections shown on plans or grades established by the* Design *Engineer. Concrete parking lots* do *not require base* course.

(2) *Material*: One of the following materials; crushed stone, recycled crushed concrete base, cement-stabilized crushed stone, cement-stabilized bank-run gravel, recycled crushed stone and hot mixed asphalt base, can be used as specified in the COP specification section for Base Course for Pavement. *The material shall be a graded material that has sufficient fine material to bind the base. The material sources shall be subject to approval by the City Engineer.*

(3) *Construction Methods*:

a. *Immediately before placing the base material, the subgrade shall be checked as to conformity with* dry density, moisture content, *grade and section.*

b. *Materials deposited upon the subgrade shall be spread and shaped the same day unless otherwise approved by the City Engineer in writing. If inclement weather or other unforeseen circumstances render impractical the spreading of the material during the first 24-hour period, the material shall be scarified and spread in a manner subject to approval by the City Engineer. The material will be sprinkled, if directed, and will then be bladed, dragged and shaped to conform to typical sections as shown on the plans. All areas and "nests" of segregated coarse or fine material shall be corrected or removed and replaced with well-graded material, as directed by the City Engineer. If additional binder is considered desirable or necessary after the material is spread and shaped, it shall be furnished and applied in an amount subject to approval by the City Engineer. The binder material shall be spread by harrowing, brooming or other approved methods.*

c. The base course shall be compacted in accordance to COP specification section for Base Course for Pavement with a minimum of 95% dry density with moisture content within ±3% of the optimum, unless otherwise specified by the Design Engineer.

4.2.1.6

All-Weather Surface for Parking Areas.

(1) *Portland Cement Concrete:* *This off-street parking lot surface shall consist of a pavement of Portland cement concrete, with or without monolithic curbs, constructed as specified in this section on the prepared subgrade or other base course in conformity with the thickness and typical cross sections shown on plans and to the lines and grades established subject to approval by the City Engineer. Alternative pavement materials may be used for parking surfaces upon approval of the Building Official and the City Engineer. The paving material or concrete shall be considered of satisfactory quality if it meets the* requirement specified in the COP specification section for Concrete Pavement.

The following guidelines can be used for concrete parking lot upon verified by the Design Engineer and approved by the City engineer.

Component	Material Thickness (Inches)		
	Automobile Parking Area (EAL[1]<6)	Driveways (Light Duty) (EAL = 6-20)	Driveways and Truck Traffic Areas (Medium Duty) (EAL =21-75)
Portland Cement Concrete (Min Comp. Strength 3500 psi)	5	6	7
Lime Treated Subgrade	6	6	6
Reinf. Steel (Grade 60)	#3@18" c/c eachway	#3@12" c/c eachway	#4@18" c/c eachway
[1] Equivalent daily 18-kip single-axle load applications			

The above guideline is not intended as a substitute for geotechnical recommendation of a design professional and professional judgment.

(2) *Hot-Mixed Asphaltic Concrete:*

a. *An asphaltic concrete surface shall consist of* a lime treated subgrade, *a base course, a surface course* and leveling up surface *as needed and as shown on the plans, each to be composed of a compacted mixture of mineral aggregate and asphaltic material. The pavement shall be constructed on the previously completed and approved subbase, base or existing pavement (asphaltic or Portland cement) as specified in this division and in accordance with the construction plans.*

b. *The mineral aggregate shall be composed of a coarse aggregate and a fine aggregate bound together by* asphaltic material. *The grade of asphaltic material shall be type D of either hot mix-hot lay or hot mix-cold lay variety.* The material used for Hot-mix asphalt concrete shall be in accordance to the COP specification for Asphaltic Concrete Pavement. *The contractor shall notify the City Engineer of the source of the asphaltic material prior to the start of the project, and the source will be subject to the City Engineer's approval.*

c. *Proper compaction shall be attained to the satisfaction of the City Engineer through utilization of specified rollers or other approved rollers* as specified in the COP specification section for Asphaltic Concrete Pavement.

d. The following guidelines can be used for asphalt concrete parking lot upon verified by the Design Engineer and approved by the City engineer.

Component	Material Thickness (Inches)		
	Automobile Parking Area (EAL[1]<6)	Driveways (Light Duty) (EAL = 6-20)	Driveways and Truck Traffic Areas (Medium Duty) (EAL =21-75)
Hot Mix Asphalt Concrete	2	2	2.5
Base Course	6	8	10
Lime Treated Subgrade	6	6	6
[1] Equivalent daily 18-kip single-axle load applications			

The above guideline is not intended as a substitute for geotechnical recommendation of a design professional and professional judgment.

(3) *Masonry Paving Units: Pervious or impervious masonry paving units shall be installed and maintained according to the manufacturer's recommendations for the anticipated traffic load. Masonry paving units shall not be used without obtaining a permit from the Building Official based upon review of construction plans and specifications, provided that no separate permit for the use of masonry paving units is required when the use is in connection with a building permit for construction activity on the same lot.*

Other options for addressing the issue:

One option which was discussed with the Commission pertained to limiting asphalt parking in certain zoning districts and/or within the Corridor Overlay Districts.

Basis for recommendation:

Staff believes the current regulations in the Unified Development Code should be amended. The proposed amendment will help to address the concern that asphalt is not as durable as other paving materials. If asphalt is used and constructed in a more durable manner, aesthetic concerns will also be minimized. The Planning and Zoning Commission concurs with this request.

14. *Require that all utilities throughout the city be underground:*

Section to be amended – Sections to be amended: **Townhouse Residential District** 2.4.2.9 (j), **Multiple-Family Residential District** 2.4.2.10 (r), **Garden/O'Day Mixed Use District** 2.4.3.3 (j), **Cullen-Mixed Use District** 2.4.3.2. (i), **General Commercial** 2.4.4.6 (k), **General Business Retail District** 2.4.4.5 (m), **Neighborhood Service District** 2.4.4.4 (l), **Office & Professional District** 2.4.4.2 (l)

Proposed amendment:

Add a section under each of the indicated zoning districts which do not already require underground electrical utility lines which states no overhead utilities shall be extended to the property unless in the rear of the property and not prominently visible. Currently the City requires underground utilities in the Corridor Overlay Districts, and several other zoning districts, as indicated on the following chart.

At this time we are recommending adding the underground requirement to additional commercial, mixed use, and higher density residential zoning districts only. Below is a chart which further illustrates which zoning districts currently require underground utilities for new development as well as the districts that are being suggested to have the requirement added to:

Underground Utility Requirement

Zoning District			
GC	*Proposed*	**SP1**	Required
GB	*Proposed*	**SP2**	Required
NS	*Proposed*	**SP3**	Required
OP	*Proposed*	**SP4**	Required
BP-288	Required	**SP5**	Required
C-MU	*Proposed*	**MF**	*Proposed*
G/O MU	*Proposed*	**MH**	Required
OT-GB	Required	**TH**	*Proposed*
OT-MU	Required	**PD**	Varies
OT-R	Required	**COD***	Required

*Corridor Overlay District

The language below is the language currently used in the Unified Development Code in the districts which currently require underground electrical utilities.

Amendment:

> ***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 thview of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are noticeable shall be made by the Planning Director*

Basis for recommendation:

In light of recent cases which have resulted in new prominently visible above ground utility poles, there has been discussion on whether the City should require new poles and lines to be located underground in more areas of the City. This is being discussed not only for aesthetic reasons but also public safety concerns. The topic of this proposed amendment has been discussed at City Council in the past and the Planning and Zoning Commission concurs with the amendment as proposed.

15. Prohibit Temporary Buildings for permanent Commercial Use:

Section to be amended - Sections proposed to be amended: **General Definitions** 5.1.1.1 (a) and **Corridor Overlay Zoning District** 2.4.5.1 (n)

Proposed amendment:

The purpose of this proposed amendment is to prevent the use of temporary buildings being located on commercial property for permanent use. This is not meant to prohibit the use of commercial construction trailers used during the construction process. At this time staff's recommendation is to add a definition to the UDC for temporary commercial buildings and add language to the Corridor Overlay District section that prohibits the use of these types of structures. This recommendation and definition comes from from examples of definitions and regulations from cities throughout the country and from discussions with local planners from surrounding communities.

The proposed definition below is a combined effort between the Planning and Building Departments, as well as other research on the topic.

Amendment:

5.1.1.1 (a)

(68) BUILDING, TEMPORARY (COMMERCIAL): Any building or structure that is designed to be transportable in one or more sections, on either a permanent or temporary chassis, and which may or may not be designed to be placed on a permanent or temporary foundation. This definition does not include temporary construction trailers permitted as a *Contractor's Temporary On-Site Construction Office*, as defined in Section 2.5.2.1 of the Unified Development Code unless associated with a Special Event permit and or permitted outdoor activity or use in applicable zoning district.

Section 2.4.5.1 (n)

(d) No temporary building shall be permitted for any type of use.

Basis for recommendation:

The reason for the amendment is that the City has seen a few cases in which temporary buildings have been left on site for permanent use. The City responded to those cases by asking the property owner to apply a masonry material to the façade, as required by the UDC. As stucco is considered a masonry material, property owners have added a layer of stucco to a temporary building, which then meets the requirements of the code, but in reality, there is still a temporary building on site. The Pearland Economic Development Corporation and the Planning and Zoning Commission concur with this amendment.

16. *Proposed Amendments to allowable uses in the Spectrum S4 and S5 zoning districts.*

Section to be amended – Section 2.5.2.1 Land Use Matrix

Proposed amendment:

A Joint Workshop was conducted with City Council and the Planning and Zoning Commission on December 3, 2012 where amendments to the City's Land Use Matrix was proposed which involved adding additional allowable land uses to the Spectrum S4 and S5 zoning districts. As discussed at the workshop, these zones were established in 2004 and it was envisioned that the area would attract medical related uses and therefore medical manufacturing and uses in the medical field were permitted. In the past few years, the City has witnessed a demand for visible and accessible sites that would permit other similar manufacturing uses, in a controlled and pleasing environment. At the time of the December 2012 workshop, City Council and the Planning and Zoning Commission concurred with adding the additional land uses.

Amendment:

Land Use Matrix

P=Permitted C=Conditional Use Permit T=Temporary Commercial Permit

Proposed changes area highlighted in yellow.

(11-20-12)

Types of Uses	*SP4*	*SP5*	*M-1*	*M2*
Accessory Dwelling				
Accessory Structure (Business or Industry)	*P*	*P*	*P*	*P*
Accessory Structure (Residential)				
Adult Day Care Center(Business)				
Agricultural Animal Husbandry	*C*	*C*	*P*	*P*
Agricultural Field Crops, Orchards	*P*	*P*	*P*	*P*
Airport, Heliport/Helipad or Landing Field	*C*	*C*	*C*	*C*
All-Terrain Vehicle (Go-Carts & Motor Cycles) Dealer/Sales	*P*	*P*	*P*	*P*
Ambulance Service	*~~C~~P*	*~~C~~P*	*P*	
Animal Hospital (No Outside Pens)			*C*	
Animal Processing			*P*	*P*

Types of Uses	SP4	SP5	M-1	M2
Antenna (Commercial or Non-commercial) See Telecommunications Regulations				
Antique Shop ☐ (No outside storage)			C	
Antique Shop ☐ (With outside storage)			C	
Apparel Shop			C	
Appliance Repair ☐			P	P
Art Museum and/or Dealer, or Studio			C	
Asphalt Batching Plant			P	P
Asphalt/Concrete Batching Plant ☐			P	P
Assisted Living Facility ☐				
Astrology, Hypnotist or Psychic Arts			C	
Auction House				
Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair) ☐			P	
Auto Assembly or Auto Parts Manufacturing	P	P	P	P
Auto Glass Repair/Tinting			P	P
Auto Interior Shop/Upholstery			P	P
Auto Parts Sale (With Outside Storage or Display)			P	P
Auto Parts Sales (Indoors Only; With Repair Bays)			P	P
Auto Rental ☐			P	P
Auto Repair (Major) ☐			P	P
Auto Repair (Minor) ☐			P	P
Auto Sales/Dealer ☐ (New- In Building, Auto Servicing and Used Auto Sales as accessory uses only)			P	P
Auto Wash (Full Service/Detail Shop) ☐			P	P
Auto Wash (Self-Service) ☐			P	P
Auto Wrecker Service			P	P
Automatic Teller Machine (ATM)	P	P	P	
Automobile Driving School (including Defensive Driving)	P	P	P	
Bakery (Wholesale) ☐			C	
Bakery or Confectionery Shop (Retail Sales, Inside Service Only)	P	P		
Barber/Beauty Shop/Tanning Studios (No Related School/College)			C	
Barber/Cosmetology School/College	P	P	P	
Bed & Breakfast Inn ☐	P	P		
Bio-Tech, High-Tech Manufacturing	~~C~~P	~~C~~P		

Types of Uses	SP4	SP5	M-1	M2
Boarding or Rooming House				
Boat Sales (New/Repair)			P	P
Building Material Sales	~~C~~P	P	P	P
Bulk Grain and/or Feed Storage			P	P
Bus or Truck Storage			P	P
Cabinet Business	P	P	P	P
Cafeteria			C	
Cannery Wholesale			P	P
Catering Service			C	
Cattle Feedlot (CAFO)			C	C
Cellular Communications Tower	C	C	C	C
Check Cashing Service			P	
Chemical Packing and/or Blending			C	C
Child Day Care Center (Business)				
Child Day Nursery				
Church/Temple/Place of Worship	P	P		
Cigars, Tobacco Shop (Retail Only)			C	
Civic Center (Municipal)				
Civic Club				
Cleaning, Dyeing or Laundry Plant, Commercial			P	P
Clinic, Medical or Dental	C	C	C	
Clothing Manufacturing	~~C~~P	P	P	P
Commercial Amusement, Indoor				
Commercial Amusement, Outdoor				
Commercial Extraction of Soil, Sand, and Gravel	C	C	C	C
Commercial Transit Terminal			P	P
Community /Group Home				
Community or Social Buildings				
Consignment Shop			C	
Construction Contractor with Storage Yard			P	P
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)	P	P	P	P
Convenience Store (Without Gasoline Sales)			C	
Convent or Monastery	P	P		
Copy/Printing Shop			C	
Country Club, Private & Public Golf Course	P			
Credit Agency	P	P	C	
Dance Hall or Night Club				

Types of Uses	SP4	SP5	M-1	M2
Day Camp (For Children)				
Department Store (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing)			C	
Dinner Theatre				
Drag Strip/Race Track			C	C
Drive-In Theater				
Dumps and Landfills				C
Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family)				P
Dwelling - HUD-Code Manufactured(Mobile) Home			C	C
Dwelling - Industrialized Home				
Dwelling - Mobile Home				
Dwelling - Multiple-Family				
Dwelling - Patio Home				
Dwelling - Single-Family Detached	P	P		
Dwelling - Town House				
Dwelling - Two-Family				
Electric Power Generating Plant			C	C
Electrical Substation	~~C~~P	P	C	C
Emergency Care Clinic	C	C	C	
Exhibition Hall or Public Assembly			P	P
Explosives Manufacturer and/or Storage				C
Extended Stay Hotel/Motel	C			
Exterminator Service/Company (No outdoor sales or storage)				
Fairgrounds or Rodeo Grounds			C	C
Farm (Ranch, Livestock)	P	P	P	P
Farm Accessory Building	P	P	P	P
Feed & Grain Store/Farm Supply Store			P	P
Financial Institution (No Motor Bank Services)	P	P	C	
Financial Institution (With Motor Bank Services)	P	P	C	
Flour and Other Grain Mills			P	P

Types of Uses	SP4	SP5	M-1	M2
Food Store/Supermarket ☐			C	
Franchised Private Utility ☐ (Other than those listed)	~~C~~P	P	P	P
Fraternal Organization ☐				
Fraternity or Sorority House ☐				
Funeral Home ☐			C	
Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)			C	
Furniture/Appliances - Open Storage & Retail Sale			P	P
Gaming Establishment ☐			C	C
Garage and/or Yard Sales			C	
Garden Shop & Outside Plant Sales (i.e., Plant Nursery)			C	
Gas Transmission & Metering Station	C	P	P	P
Gasoline Station ☐			P	P
General Retail Store, other than listed			C	
Governmental Building or Use (County, State or Federal)	C	C	P	P
Gravestone/Tombstone Sales			P	P
Guest, Caretakers or Security Quarters	P	P	C	C
Gym/Health Club (Physical Fitness; Indoors Only)			C	
Hardware Store ☐			C	
Hazardous Emissions				C
Heating & Air-Conditioning Sales/Services		C	P	P
Heavy Machinery Sales, Storage & Repair ☐			P	P
Heavy Manufacturing Process	P	P		P
Home for Alcoholic, Narcotic or Psychiatric Patients				
Home Sales office-temp(for new subdivision)				
Hospice (Defined Under Household Care Facility)				
Hospital (For Profit) ☐	P	P	P	P
Hospital (Non-Profit) ☐	C	C	P	P
Hotel/Motel ☐			C	
Institution of Religious, Educational or Philanthropic Nature	P	P		
Jewelry Store			C	
Laboratory, Medical or Dental	P	P	P	P

Types of Uses	SP4	SP5	M-1	M2
Laundromat (Self-Service Laundry)			P	
Library, Public, or Museum				
Light Manufacturing Process	~~C~~P	~~C~~P	P	P
Limousine/Taxi Service			P	P
Liquefied Petroleum Storage & Sales			C	C
Livestock Sales, Wholesale			P	P
Locksmith			P	P
Lumber Mill/Yard			P	P
Manufactured Home Display, Sales and/or Rental (New or Used)			P	P
Manufacturer of Chlorine or Other Toxic Gasses				C
Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law but excluding those listed in Section 2.4.4.6 and Section 2.4.4.7 of this UDC				P
Market - Open Air (i.e., Flea Market)			C	
Medical Appliances & Sales			C	
Medical Device Assembly	P	P	P	P
Metal, Machine or Wood Shop	P	P	P	P
Milk Depot - Wholesale			P	P
Mini-Warehouse/Self Storage			C	C
Minor Concrete Batching Operation & Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)				P
Mortuary/Cemetery (Including Mausoleum/Crematorium)				
Motorcycle Sales/Dealer (New/Repair)			P	P
Moving and Storage Company			P	P
Municipal Public Administration Offices	P	P	**P**	**P**
News Printing/Book Binding			P	P
Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)				
Office (Other than listed)	P	P	C	
Office Warehouse Storage or Sales(Defined Under Storage or Wholesale Warehouse)	P	P	P	P

Types of Uses	SP4	SP5	M-1	M2
Office, Parole-Probation, Bail Bonds	C	C	C	
Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)	C	C	C	
Office/Clinic, Veterinarian (No Animal Hospital, With Outside Pens)	C	C	C	
Off-site Detention Facility	C	C	C	C
Off-Street Parking Incidental to Nonresidential Main Use			P	P
Off-Street Parking Incidental to Residential Main Use			P	P
Onsite Detention Facility	P	P	P	P
Outside Display {See related regulations in applicable zoning districts}			C	
Outside Storage			P	P
Park and/or Playground (Private)	~~P~~ C	~~P~~ C		
Park and/or Playground (Public; Municipal)	~~P~~ C	~~P~~ C		
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity	C	C	P	P
Pawn Shop, Pay Day Loan, Gold Exchange			P	
Penal or Correctional Institutions			P	P
Pet and Animal Grooming Shop				
Petrochemical or Petroleum Product Extraction	C	C	C	C
Petroleum Products Bulk Storage (Wholesale)			C	C
Petroleum Refining, Manufacturer, or Bulk Storage	C	C		C
Piano and Musical Instruments (Retail Only)			C	
Pipe Processing or Storage Yard			C	P
Plumbing or Carpenter Shop (No Outside Storage)	P	P	P	P
Printing Equipment, Supplies and Repairs			P	P
Private Club			C	C
Propane Sales (Retail)			P	P
Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}	C	C	P	P
Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}	C	C	P	P
Railroad Team Tracks, Freight, Depot or Docks			P	P

Types of Uses	SP4	SP5	M-1	M2
Railroad, Bus, Light Rail Passenger Station (Public)	C	C	P	P
Recreation Center (Private, For Profit)				
Rehabilitation Care Facility (Halfway House)			P	
Rehabilitation Care Institution (Commercial)			P	
Reproduction of Blueprints				
Restaurant (With Drive-In and/or Drive-Thru Service)			C	
Restaurant (With No Drive-In or Drive-Thru Service)			C	
Sanitary Landfill (Private)			C	C
Sanitary Landfill (Public)			C	C
Satellite Dish (greater than 4' in diameter)(See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC)	P	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
School – Elementary, Junior High, High (Public or Parochial)	C			
School - Other Than Public or Parochial	C			
Seamstress or Dressmaker (Retail Only)				
Security Monitoring Company (No Outside Storage)	P	P	C	
Sheltered Care Facility				
Shopping Center See applicable use categories				
Sign Shop			C	
Social & Recreational Building, including homeowners association neighborhood recreation centers				
Stable, Commercial			P	P
Stone Monuments – Fabrication and Outdoor Storage			C	
Stone Monuments - Retail Sales Only (indoors)			C	

Types of Uses	SP4	SP5	M-1	M2
Storage of Used Lumber and Building Materials			P	P
Studio - Tattoo or Body Piercing			C	C
Studio for Radio and/or Television (No Tower)			P	P
Studio or Learning Center for Fine or Performing Arts			P	P
Swimming Pool, Commercial				
Swimming Pool, Private (Use Only By Resident)				
Tavern			C	
Taxidermist			P	P
Telemarketing Agency			C	
Telephone Exchange Switching Relay & Transmitting Equipment	~~C~~P	~~C~~P	C	C
Temporary Outdoor Amusement/Activity*	T	T	T	T
Tennis Court (Private/ Lighted)				
Tennis or Swim Club (Private, For Profit)				
Tire Retreading and Capping			P	P
Tire Sales (Outdoors, With Open Storage)			P	P
Tool and Machinery Rental (with Outdoor Storage)			P	P
Transfer Station (Refuse/Pick-up)			P	P
Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}				
Truck and Bus Rental			P	P
Truck or Freight Terminal			P	P
Upholstery Business(with Outdoor Storage)			P	P
Utility Shops or Storage, Yards and Building			P	P
Warehouse & Distribution Facility	P	P	P	P
Wholesale Trade - Nondurable Goods	P	P	P	P
Wrecking or Salvage Yard (Auto, Steel, or Building Materials			C	P

Basis for recommendation:

Staff believes that the proposed revision to the land use matrix will facilitate location of additional uses in the area. The development guidelines in the SP4 and SP5 zoning districts will ensure that the intent of the Comprehensive Plan is maintained, specifically – “mixture of architectural and design characteristics that are aesthetically pleasing”.

This area currently lacks appropriate public utilities and infrastructure to accommodate future industrial development. Ideally the public will partner with private developers to improve the infrastructure in the area. Due to the significant public investment that has already been committed to in this area and the additional public and private investment that will be needed in the future, it is important that we ensure high quality development that will provide the tax base to support the investment. The Pearland Economic Development Corporation concurs with this amendment.

Recommended action:

Conduct the workshop and provide staff with direction.

AGENDA – WORKSHOP OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, DECEMBER 3, 2012, AT 6:00 P.M., COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. PURPOSE OF THE WORKSHOP

A. COMMISSION INPUT AND DISCUSSION: REGARDING THE PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE AND ZONING MAP REGARDING SPECTRUM (SP4 AND SP5) ZONES. *Ms. Lata Krishnarao, Director of Community Development.*

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.

I, Judy Brown, Office Coordinator of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 30th day of November, 2012, A.D., at 5:30 p.m.

_____
Judy Brown, Office Coordinator

Agenda removed _____ day of December 2012.

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

AGENDA OF: December 3, 2012	**ITEM NO.:**
DATE SUBMITTED: November 16, 2012	**DEPARTMENT OF ORIGIN: Community Dev.**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Mike Hodge	**REVIEW DATE: November 20, 2012**

SUBJECT: Proposed amendments to the UDC and Zoning map regarding Spectrum (SP4 and SP5) zones

EXHIBITS: Maps showing the current zoning and aerial view.

EXPENDITURE REQUIRED: **AMOUNT BUDGETED:**
AMOUNT AVAILABLE: **PROJECT NO.:**
ACCOUNT NO.:

ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:
☐ **Finance** ☐ **Legal** ☐ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

In light of the recent developments in the Spectrum area (also known as Lower Kirby District) and the recent zone change request on Riley Road, staff has been reviewing the zoning and the permitted uses for properties located in the Spectrum area. The area of focus is specifically located west of Kirby Road, south of Beltway 8 and north and south of Spectrum Boulevard/Riley Road.

The proposed changes encompass two areas:

1. The rezoning of the property (approximately 45 acres) located west of Hooper Road and north of Spectrum Boulevard from M-1 to SP5.

   Since the design standards in SP5 encourage a higher quality development, as compared to M-1, it is staff's belief that that the future development on this tract per SP5 standards will be better compatible to the existing/proposed developments on Kirby Road and Spectrum Boulevard. SP-5 zone would

ensure that the frontage on Hooper Road is developed in a manner that would complement the development on east side of Hooper (zoned SP1) and present a higher quality facade along Beltway 8.

2. Permitted uses in SP4 and SP5 districts.

   Staff is proposing to modify the land use matrix to allow additional uses in SP4 and SP5 zones. At the time these zones were formulated in 2004, it was envisioned that the area would attract medical related uses. Therefore medical manufacturing and uses in the medical field were permitted. In the past few years, the city has witnessed a demand for visible and accessible sites that would permit other similar manufacturing uses, in a controlled and pleasing environment.

   Staff believes that the proposed revision to the land use matrix will facilitate location of such additional uses in this area. The development guidelines in the SP4 and SP5 zoning districts will ensure that the intent of the Comprehensive Plan is maintained, specifically – “mixture of architectural and design characteristics that are aesthetically pleasing”.

   This area currently lacks appropriate public utilities and infrastructure to accommodate future industrial development. Ideally the public will partner with private developers to improve the infrastructure in the area. Due to the significant public investment that has already been committed to this area and the additional public and private investment that will be needed in the future, it is important that we ensure high quality development that will provide the tax base to support the investment.

RECOMMENDED ACTION

Consider the proposed changes.

Land Use Matrix

P=Permitted C=Conditional Use Permit T=Temporary Commercial Permit

Proposed changes area highlighted in yellow.

(11-20-12)

Types of Uses	***SP4***	***SP5***	***M-1***	***M2***
Accessory Dwelling				
Accessory Structure (Business or Industry)	*P*	*P*	*P*	*P*
Accessory Structure (Residential)				
Adult Day Care Center(Business)				
Agricultural Animal Husbandry	*C*	*C*	*P*	*P*
Agricultural Field Crops, Orchards	*P*	*P*	*P*	*P*
Airport, Heliport/Helipad or Landing Field	*C*	*C*	*C*	*C*
All-Terrain Vehicle (Go-Carts & Motor Cycles) Dealer/Sales	*P*	*P*	*P*	*P*
Ambulance Service	~~*C*~~*P*	~~*C*~~*P*	*P*	
Animal Hospital (No Outside Pens)			*C*	
Animal Processing			*P*	*P*
Antenna (Commercial or Non-commercial) See Telecommunications Regulations				
Antique Shop (No outside storage)			*C*	
Antique Shop (With outside storage)			*C*	
Apparel Shop			*C*	
Appliance Repair			*P*	*P*
Art Museum and/or Dealer, or Studio			*C*	
Asphalt Batching Plant			*P*	*P*
Asphalt/Concrete Batching Plant			*P*	*P*
Assisted Living Facility				
Astrology, Hypnotist or Psychic Arts			*C*	
Auction House				
Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair)			*P*	
Auto Assembly or Auto Parts Manufacturing	*P*	*P*	*P*	*P*
Auto Glass Repair/Tinting			*P*	*P*
Auto Interior Shop/Upholstery			*P*	*P*
Auto Parts Sale (With Outside Storage or Display)			*P*	*P*

Types of Uses	***SP4***	***SP5***	***M-1***	***M2***
Auto Parts Sales (Indoors Only; With Repair Bays)			*P*	*P*
Auto Rental			*P*	*P*
Auto Repair (Major)			*P*	*P*
Auto Repair (Minor)			*P*	*P*
Auto Sales/Dealer (New- In Building, Auto Servicing and Used Auto Sales as accessory uses only)			*P*	*P*
Auto Wash (Full Service/Detail Shop)			*P*	*P*
Auto Wash (Self-Service)			*P*	*P*
Auto Wrecker Service			*P*	*P*
Automatic Teller Machine (ATM)	*P*	*P*	*P*	
Automobile Driving School (including Defensive Driving)	***P***	*P*	*P*	
Bakery (Wholesale)			*C*	
Bakery or Confectionery Shop (Retail Sales, Inside Service Only)	*P*	*P*		
Barber/Beauty Shop/Tanning Studios (No Related School/College)			*C*	
Barber/Cosmetology School/College	*P*	*P*	*P*	
Bed & Breakfast Inn	*P*	*P*		
Bio-Tech, High-Tech Manufacturing	~~*C*~~*P*	~~*C*~~*P*		
Boarding or Rooming House				
Boat Sales (New/Repair)			*P*	*P*
Building Material Sales	~~*C*~~*P*	*P*	*P*	*P*
Bulk Grain and/or Feed Storage			*P*	*P*
Bus or Truck Storage			*P*	*P*
Cabinet Business	*P*	*P*	*P*	*P*
Cafeteria			*C*	
Cannery Wholesale			*P*	*P*
Catering Service			*C*	
Cattle Feedlot (CAFO)			*C*	*C*
Cellular Communications Tower	*C*	*C*	*C*	*C*
Check Cashing Service			*P*	
Chemical Packing and/or Blending			*C*	*C*
Child Day Care Center (Business)				
Child Day Nursery				
Church/Temple/Place of Worship	*P*	*P*		
Cigars, Tobacco Shop (Retail Only)			*C*	

Types of Uses	SP4	SP5	M-1	M2
Civic Center (Municipal)				
Civic Club				
Cleaning, Dyeing or Laundry Plant, Commercial			P	P
Clinic, Medical or Dental	C	C	C	
Clothing Manufacturing	~~C~~P	P	P	P
Commercial Amusement, Indoor				
Commercial Amusement, Outdoor				
Commercial Extraction of Soil, Sand, and Gravel	C	C	C	C
Commercial Transit Terminal			P	P
Community /Group Home				
Community or Social Buildings				
Consignment Shop			C	
Construction Contractor with Storage Yard			P	P
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)	P	P	P	P
Convenience Store (Without Gasoline Sales)			C	
Convent or Monastery	P	P		
Copy/Printing Shop			C	
Country Club, Private & Public Golf Course	P			
Credit Agency	P	P	C	
Dance Hall or Night Club				
Day Camp (For Children)				
Department Store (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing)			C	
Dinner Theatre				
Drag Strip/Race Track			C	C
Drive-In Theater				
Dumps and Landfills				C
Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family)				P
Dwelling - HUD-Code Manufactured(Mobile) Home			C	C
Dwelling - Industrialized Home				
Dwelling - Mobile Home				

Types of Uses	SP4	SP5	M-1	M2
Dwelling - Multiple-Family				
Dwelling - Patio Home				
Dwelling - Single-Family Detached	P	P		
Dwelling - Town House				
Dwelling - Two-Family				
Electric Power Generating Plant			C	C
Electrical Substation	~~C~~P	P	C	C
Emergency Care Clinic	**C**	C	C	
Exhibition Hall or Public Assembly			P	P
Explosives Manufacturer and/or Storage				C
Extended Stay Hotel/Motel	C			
Exterminator Service/Company (No outdoor sales or storage)				
Fairgrounds or Rodeo Grounds			C	C
Farm (Ranch, Livestock)	P	P	P	P
Farm Accessory Building	P	P	P	P
Feed & Grain Store/Farm Supply Store			P	P
Financial Institution (No Motor Bank Services)	P	P	C	
Financial Institution (With Motor Bank Services)	P	P	C	
Flour and Other Grain Mills			P	P
Food Store/Supermarket			C	
Franchised Private Utility (Other than those listed)	~~C~~P	P	P	P
Fraternal Organization				
Fraternity or Sorority House				
Funeral Home			C	
Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)			C	
Furniture/Appliances - Open Storage & Retail Sale			P	P
Gaming Establishment			C	C
Garage and/or Yard Sales			C	
Garden Shop & Outside Plant Sales (i.e., Plant Nursery)			**C**	
Gas Transmission & Metering Station	C	P	P	P
Gasoline Station			P	P

Types of Uses	SP4	SP5	M-1	M2
General Retail Store, other than listed			C	
Governmental Building or Use (County, State or Federal)	C	C	P	P
Gravestone/Tombstone Sales			P	P
Guest, Caretakers or Security Quarters	P	P	C	C
Gym/Health Club (Physical Fitness; Indoors Only)			C	
Hardware Store			C	
Hazardous Emissions				C
Heating & Air-Conditioning Sales/Services		C	P	P
Heavy Machinery Sales, Storage & Repair			P	P
Heavy Manufacturing Process	P	P		P
Home for Alcoholic, Narcotic or Psychiatric Patients				
Home Sales office-temp(for new subdivision)				
Hospice (Defined Under Household Care Facility)				
Hospital (For Profit)	P	P	P	P
Hospital (Non-Profit)	C	C	P	P
Hotel/Motel			C	
Institution of Religious, Educational or Philanthropic Nature	P	P		
Jewelry Store			C	
Laboratory, Medical or Dental	P	P	P	P
Laundromat (Self-Service Laundry)			P	
Library, Public, or Museum				
Light Manufacturing Process	~~C~~P	~~C~~P	P	P
Limousine/Taxi Service			P	P
Liquefied Petroleum Storage & Sales			C	C
Livestock Sales, Wholesale			P	P
Locksmith			P	P
Lumber Mill/Yard			P	P

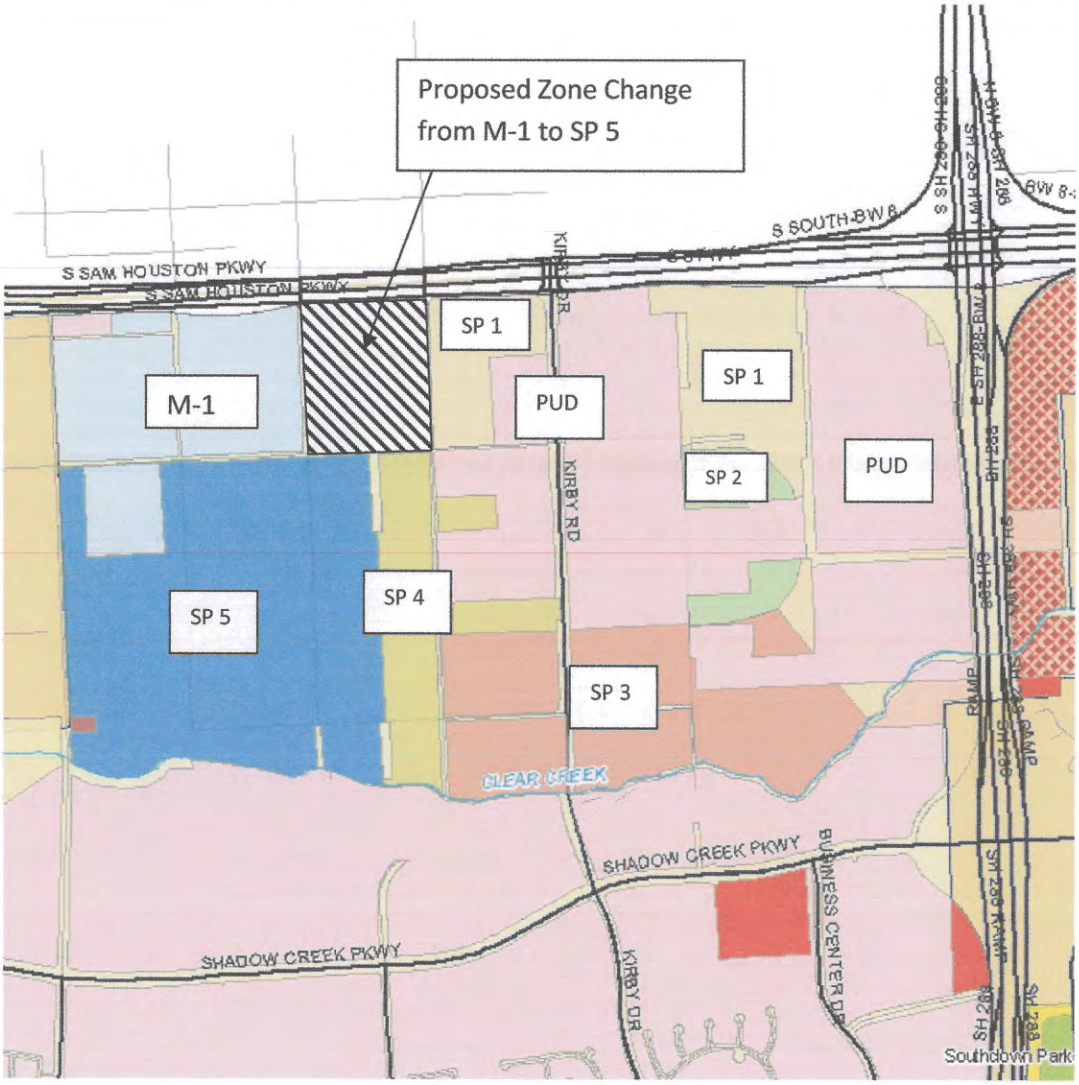
Types of Uses	***SP4***	***SP5***	***M-1***	***M2***
Manufactured Home Display, Sales and/or Rental (New or Used)			*P*	*P*
Manufacturer of Chlorine or Other Toxic Gasses				*C*
Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law but excluding those listed in Section 2.4.4.6 and Section 2.4.4.7 of this UDC				*P*
Market - Open Air (i.e., Flea Market)			*C*	
Medical Appliances & Sales			*C*	
Medical Device Assembly	*P*	*P*	*P*	*P*
Metal, Machine or Wood Shop	*P*	*P*	*P*	*P*
Milk Depot - Wholesale			*P*	*P*
Mini-Warehouse/Self Storage			*C*	*C*
Minor Concrete Batching Operation & Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)				*P*
Mortuary/Cemetery (Including Mausoleum/Crematorium)				
Motorcycle Sales/Dealer (New/Repair)			*P*	*P*
Moving and Storage Company			*P*	*P*
Municipal Public Administration Offices	*P*	*P*	***P***	***P***
News Printing/Book Binding			*P*	*P*
Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)				
Office (Other than listed)	*P*	*P*	*C*	
Office Warehouse Storage or Sales(Defined Under Storage or Wholesale Warehouse)	*P*	*P*	*P*	*P*
Office, Parole-Probation, Bail Bonds	*C*	*C*	*C*	
Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)	*C*	*C*	*C*	
Office/Clinic, Veterinarian (No Animal Hospital, With Outside Pens)	***C***	***C***	***C***	
Off-site Detention Facility	*C*	*C*	*C*	*C*

Types of Uses	***SP4***	***SP5***	***M-1***	***M2***
Off-Street Parking Incidental to Nonresidential Main Use			*P*	*P*
Off-Street Parking Incidental to Residential Main Use			*P*	*P*
Onsite Detention Facility	*P*	*P*	*P*	*P*
Outside Display {See related regulations in applicable zoning districts}			*C*	
Outside Storage			*P*	*P*
Park and/or Playground (Private)	*~~P~~ C*	*~~P~~ C*		
Park and/or Playground (Public; Municipal)	*~~P~~ C*	*~~P~~ C*		
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity	*C*	*C*	*P*	*P*
Pawn Shop, Pay Day Loan, Gold Exchange			*P*	
Penal or Correctional Institutions			*P*	*P*
Pet and Animal Grooming Shop				
Petrochemical or Petroleum Product Extraction	*C*	*C*	*C*	*C*
Petroleum Products Bulk Storage (Wholesale)			*C*	*C*
Petroleum Refining, Manufacturer, or Bulk Storage	*C*	*C*		*C*
Piano and Musical Instruments (Retail Only)			*C*	
Pipe Processing or Storage Yard			*C*	*P*
Plumbing or Carpenter Shop (No Outside Storage)	*P*	*P*	*P*	*P*
Printing Equipment, Supplies and Repairs			*P*	*P*
Private Club			*C*	*C*
Propane Sales (Retail)			*P*	*P*
Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}	*C*	*C*	*P*	*P*
Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}	*C*	*C*	*P*	*P*
Railroad Team Tracks, Freight, Depot or Docks			*P*	*P*

Types of Uses	***SP4***	***SP5***	***M-1***	***M2***
Railroad, Bus, Light Rail Passenger Station (Public)	*C*	*C*	*P*	*P*
Recreation Center (Private, For Profit)				
Rehabilitation Care Facility (Halfway House)			*P*	
Rehabilitation Care Institution (Commercial)			*P*	
Reproduction of Blueprints				
Restaurant (With Drive-In and/or Drive-Thru Service)			*C*	
Restaurant (With No Drive-In or Drive-Thru Service)			*C*	
Sanitary Landfill (Private)			*C*	*C*
Sanitary Landfill (Public)			*C*	*C*
Satellite Dish (greater than 4' in diameter)(See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC)	*P*	*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*
School – Elementary, Junior High, High (Public or Parochial)	***C***			
School - Other Than Public or Parochial	***C***			
Seamstress or Dressmaker (Retail Only)				
Security Monitoring Company (No Outside Storage)	***P***	***P***	***C***	
Sheltered Care Facility				
Shopping Center *See applicable use categories*				
Sign Shop			*C*	
Social & Recreational Building, including homeowners association neighborhood recreation centers				

Types of Uses	***SP4***	***SP5***	***M-1***	***M2***
Stable, Commercial			*P*	*P*
Stone Monuments – Fabrication and Outdoor Storage			*C*	
Stone Monuments - Retail Sales Only (indoors)			*C*	
Storage of Used Lumber and Building Materials			*P*	*P*
Studio - Tattoo or Body Piercing			*C*	*C*
Studio for Radio and/or Television (No Tower)			*P*	*P*
Studio or Learning Center for Fine or Performing Arts			*P*	*P*
Swimming Pool, Commercial				
Swimming Pool, Private (Use Only By Resident)				
Tavern			*C*	
Taxidermist			*P*	*P*
Telemarketing Agency			*C*	
Telephone Exchange Switching Relay & Transmitting Equipment	*~~C~~P*	*~~C~~P*	*C*	*C*
*Temporary Outdoor Amusement/Activity**	*T*	*T*	*T*	*T*
Tennis Court (Private/ Lighted)				
Tennis or Swim Club (Private, For Profit)				
Tire Retreading and Capping			*P*	*P*
Tire Sales (Outdoors, With Open Storage)			*P*	*P*
Tool and Machinery Rental (with Outdoor Storage)			*P*	*P*
Transfer Station (Refuse/Pick-up)			*P*	*P*
Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}				
Truck and Bus Rental			*P*	*P*
Truck or Freight Terminal			*P*	*P*
Upholstery Business(with Outdoor Storage)			*P*	*P*
Utility Shops or Storage, Yards and Building			*P*	*P*

Types of Uses	***SP4***	***SP5***	***M-1***	***M2***
Warehouse & Distribution Facility	*P*	*P*	*P*	*P*
Wholesale Trade - Nondurable Goods	*P*	*P*	*P*	*P*
Wrecking or Salvage Yard (Auto, Steel, or Building Materials			*C*	*P*



Vicinity Map - Pearland, TX

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

NORTH

DETAILED ZONING MAP WITH RECENT DEVELOPMENTS

NORTH

AERIAL MAP WITH RECENT DEVELOPMENTS

NORTH

Workshop Item No. 2

2. **COUNCIL INPUT AND DISCUSSION:** REGARDING THE APPRAISAL BOARD DISTRICT'S NOMINATIONS FOR BRAZORIA COUNTY, HARRIS COUNTY, AND FORT BEND COUNTY. *Mr. Bill Eisen, City Manager.*

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

AGENDA OF: 9-16-13	**ITEM NO.:** Workshop Item No. 2
DATE SUBMITTED: 9-12-13	**DEPARTMENT OF ORIGIN: Finance**
PREPARED BY:Claire Bogard	**PRESENTOR: Bill Eisen**
REVIEWED BY: Bill Eisen	**REVIEW DATE: 9/12/13**

SUBJECT: Appraisal Board District Nominations

EXHIBITS: Notifications from Brazoria County Appraisal District
Background on Current City Representatives

EXPENDITURE REQUIRED: **AMOUNT BUDGETED:**
AMOUNT AVAILABLE: **PROJECT NO.:**
ACCOUNT NO.:

ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:
☒ **Finance** ☐ **Legal** ☐ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

Every two years the City Council is asked to submit a nomination for a candidate or candidates for each of the three appraisal boards: Brazoria, Harris, and Fort Bend County. The board seats are for two-year terms and the term will be expiring on December 31, 2013.

To nominate, the governing body must adopt a resolution nominating the candidates by formal action with submission to the Chief Appraiser no later than around October 15, 2013. A ballot will then be prepared and around December 15, 2013 a resolution must be submitted, naming the person or persons whom City Council has voted for. The City of Pearland has 420 votes out of 5000 for Brazoria County, 5 votes in Fort Bend County and in Harris County, the municipalities nominate and vote for one member on the Board.

In previous years, City Council nominated Jo Knight for Brazoria County and Mr. Ed Heathcott for Harris County. In 2011, the City nominated Lee Duggan III for Fort Bend County, however he withdrew from consideration and Council voted for Mr. Al Abramczyk. All three have expressed their desire to serve again if nominated.

At the time of nomination in 2011, Council expressed an interest in considering additional nominees in addition to the current representatives that are up for reappointment. This workshop would give Council additional time to discuss additional nominees and/or a nomination process prior to October 15, 2013, when nominees are due.

.

RECOMMENDED ACTION

Review and discussion on appraisal district board nomination process and nominees.

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD
Ryan Cade
Ro'Vin Garrett
William Hasse
Rubye Jo Knight
Glenn Salyer
Susie Tyler

CHIEF APPRAISER
Cheryl Evans
500 North Chenango
Angleton, Texas 77515
979-849-7792
Fax 979-849-7984

MEMO

To: All Voting Taxing Units

From: Cheryl Evans, Chief Appraiser

Subject: 2013 Board of Directors Election For Years 2014 – 2015

Date: August 30, 2013

Your taxing unit participates in selecting members of the Brazoria County Appraisal District's Board of Directors. The board is composed of five members who serve two-year terms, all of which expire December 31, 2013. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a non-voting director. This memorandum sets out the process of selecting directors for the two-year term that begins January 1, 2014.

Section 6.03, Property Tax Code, establishes the selection process for Appraisal District Directors.

Selection Procedures

The procedures for selecting members of the board of directors for the two –year term beginning on January 1, 2014 are as follows:

Nomination

Before **October 15, 2013,** the voting unit must **adopt a resolution nominating** from one to five candidate(s) by formal action. The presiding officer of the voting unit must submit the nominees name(s) and addresses to the Chief Appraiser.

Election

Before **October 30, 2013**, the Chief Appraiser will prepare a ballot listing the nominees in alphabetical order by last name.

Before **December 15, 2013** each voting unit must cast its vote by **written resolution** naming the person or persons for whom it votes, and submit a certified copy to the Chief Appraiser. ***Ballots received by the Chief Appraiser after December 15, 2013 may not be counted.***

The Chief Appraiser will count the votes, declare the results, and notify the five candidates who received the largest vote totals before December 31, 2013. The Chief Appraiser also notifies all taxing units (voting and non-voting) and all candidates (winners & losers) of the outcome. If a tie occurs, the Chief Appraiser must solve it through any method of chance.

To assist you in this process, I have enclosed the following:

1. A suggested form of resolution for the nomination(s) of a candidate(s) to the board of directors of the Brazoria County Appraisal District.
2. A calendar that lays out the procedures and dates for conducting the 2013 election.
3. Letter showing the number of votes your entity is entitled to cast in the ballot after candidate nominations are due. (See October 30 on the election calendar.)

Thanking you in advance for your help in carrying out this important task and I invite your questions or comments on the board selection process. Please do not hesitate to call me.

Enclosures (3)

BRAZORIA COUNTY APPRAISAL DISTRICT

2013 BOARD OF DIRECTORS ELECTION CALENDAR

Before Oct. 1 (August 30, 2013)	The chief appraiser notifies each voting taxing unit of the number of votes it may cast. Each voting unit may nominate one candidate for each position to be filled. Since the board of directors consists of five members, **the unit may nominate from one to five candidates.**
Before Oct. 15	The presiding officer of the unit submits the names and addresses of the nominees **by written resolution** to the chief appraiser.
Before Oct. 30	The chief appraiser prepares and submits to each voting taxing unit a ballot listing the nominees alphabetically by each candidate's last name and provides the number of votes it may cast, with a resolution sample.
Before Dec. 15	Each voting unit cast votes for any of the candidates on the ballot and submits to the chief appraiser **by written resolution.** The unit may cast all its votes for one candidate or may distribute the votes among any number of candidates.
Before Dec. 31	The chief appraiser counts the votes and certifies as winner the five candidates who received the largest vote totals. The chief appraiser notifies all taxing units (voting and non-voting) and all the candidates (winners and losers) of the outcome. If a tie occurs, the Chief Appraiser must resolve it through any method of chance.

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD
Ryan Cade
Ro'Vin Garrett
William Hasse
Rubye Jo Knight
Glenn Salyer
Susie Tyler

CHIEF APPRAISER
Cheryl Evans
500 N. Chenango
Angleton, Texas 77515
979-849-7792
Fax 979-849-7984

August 30, 2013

Honorable Tom Reid
Mayor of Pearland
3519 Liberty Drive
Pearland, TX 77581-5416

Dear Honorable Tom Reid,

In reference to the selection of the Appraisal District Board of Directors, your 2012 total tax levy was **$ 41,968,515.** This tax levy has entitled you to **420** votes for the five (5) directors to be elected to the Brazoria County Appraisal District.

Each voting taxing unit nominates **by resolution**, one to five candidate(s) to fill the five (5) positions of the Board of Directors. These nominations must be submitted to the Chief Appraiser before **October 15, 2013**.

Please address all submissions to Cheryl Evans, Chief Appraiser, at the above address.

Sincerely,

Cheryl Evans

Cheryl Evans
Chief Appraiser

CE/td

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD
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500 North Chenango
Angleton, Texas 77515
979-849-7792
Fax 979-849-7984

MEMO

To: All Voting Taxing Units

From: Cheryl Evans, Chief Appraiser

Cheryl Evans

Subject: 2013 Board of Directors Election For Years 2014 – 2015

Date: August 30, 2013

Senate Bill 359 of the 2013 Texas Legislature states that Junior College Districts are to be added as a voting member of appraisal districts for the selection of directors to serve on the appraisal district board. Effective immediately on 6/14/2013.

Section 6.03, Property Tax Code, establishes the selection process for Appraisal District Directors.

If you have any questions or concerns in this matter, please don't hesitate to call me.

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD
Ryan Cade
Ro'Vin Garrett
William Hasse
Rubye Jo Knight
Glenn Salyer
Susie Tyler

CHIEF APPRAISER
Cheryl Evans
500 North Chenango
Angleton, Texas 77515
979-849-7792
Fax 979-849-7984

MEMO

Cheryl Evans

To: All Voting Taxing Units

From: Cheryl Evans, Chief Appraiser

Subject: 2013 Board of Directors Election For Years 2014 – 2015

Date: August 19, 2013

Your taxing unit participates in selecting members of the Brazoria County Appraisal District's Board of Directors. The board is composed of five members who serve two-year terms, all of which expire December 31, 2013. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a non-voting director.

Section 6.03, Property Tax Code, establishes the selection process for Appraisal District Directors.

Enclosed is the calendar of events that will begin in September.

If you have any questions or concerns in this matter, please don't hesitate to call me.

BRAZORIA COUNTY APPRAISAL DISTRICT

2013 BOARD OF DIRECTORS ELECTION CALENDAR

Before Oct. 1 (August 30, 2013)	The chief appraiser notifies each voting taxing unit of the number of votes it may cast. Each voting unit may nominate one candidate for each position to be filled. Since the board of directors consists of five members, **the unit may nominate from one to five candidates.**
Before Oct. 15	The presiding officer of the unit submits the names and addresses of the nominees **by written resolution** to the chief appraiser.
Before Oct. 30	The chief appraiser prepares and submits to each voting taxing unit a ballot listing the nominees alphabetically by each candidate's last name and provides the number of votes it may cast, with a resolution sample.
Before Dec. 15	Each voting unit cast votes for any of the candidates on the ballot and submits to the chief appraiser **by written resolution.** The unit may cast all its votes for one candidate or may distribute the votes among any number of candidates.
Before Dec. 31	The chief appraiser counts the votes and certifies as winner the five candidates who received the largest vote totals. The chief appraiser notifies all taxing units (voting and non-voting) and all the candidates (winners and losers) of the outcome. If a tie occurs, the Chief Appraiser must resolve it through any method of chance.

Harris County Appraisal District

13013 Northwest Freeway
Houston TX 77040
Telephone: (713) 812-5800

P.O. Box 920975
Houston TX 77292-0975
Information Center: (713) 957-7800

Office of Chief Appraiser

Board of Directors
Glenn E. Peters, *Chair*
Toni Trumbull, *Secretary*
Ed Heathcott
Ray Holtzapple
Lawrence Marshall
Mike Sullivan

Chief Appraiser
Sands L. Stiefer
Deputy Chief Appraiser
Roland Altinger
Taxpayer Liaison Officer
Teresa S. Terry

August 1, 2013

Presiding Officers of Harris County Taxing Units

Ladies and Gentlemen:

It is almost time to select members of the Harris County Appraisal District's board of directors for 2014-2015. Recent legislation required the current board of directors to adopt a resolution modifying the method of selecting directors. The following documents are designed to walk you through the selection process.

- Change In Method of Selecting Directors for School Districts other than Houston ISD (all taxing units)
- Selection of Appraisal District Board Members (taxing units that participate in elections)
- Resolution 2013-1 Harris County Appraisal District Board of Directors (all taxing units)
- Senate Bill 359, 83rd Regular Legislative Session (all taxing units)
- Notice of special workshop for Junior College Districts (only Junior College Districts)

If you have any questions about the process for selecting directors or the resolution, please do not hesitate to contact my office.

Sincerely,

Sands L. Stiefer
Chief Appraiser

Harris County Appraisal District
Interoffice Memorandum

OFFICE OF CHIEF APPRAISER

TO: PRESIDING OFFICERS OF TAXING UNITS
SERVED BY THE HARRIS COUNTY APPRAISAL DISTRICT

FROM: SANDS STIEFER, CHIEF APPRAISER

SUBJECT: SELECTION OF APPRAISAL DISTRICT BOARD MEMBERS; CHANGE TO METHOD OF SELECTION FOR SCHOOL DISTRICTS OTHER THAN HOUSTON ISD

DATE: AUGUST 1, 2013

Your taxing unit participates in selecting members of the Harris County Appraisal District's board of directors. The board is composed of six members who serve two-year terms, all of which expire December 31, 2013. This memorandum describes the process of selecting directors for the two-year term that begins January 1, 2014. **Pursuant to Sec. 6.031, Tax Code, as amended by SB 359 from the most recent regular legislative session, I have enclosed a copy of a resolution enacted by the board of directors that provides for junior college districts to collectively participate in the selection of one of the six board members. This is your official notice of that change.**

Functions of the Board

The appraisal district appraises all property in the county for ad valorem tax purposes. The board of directors is the governing body for the district. This board employs the chief appraiser, sets general policies for the district, and adopts the budget for the district. By law, board members cannot communicate with the chief appraiser regarding appraisals. There is no compensation for service on the appraisal district board of directors; however, directors are reimbursed for travel expenses if incurred. The board of directors typically meets once a month.

Participating Units

The current method of selecting directors was established by resolutions of the county, cities, and school districts participating in the appraisal district in 1981. The method of selection was modified in 1991 after the law was changed to provide a voting entitlement to conservation and reclamation districts and has now been modified to provide a voting entitlement for junior college districts. Sec. 6.031, Tax Code, authorizes an appraisal district to vary both the size and the method of selecting its board members.

The six members of the Harris County Appraisal District's board of directors are selected as follows:

- One member appointed by the Harris County Commissioners Court.
- One member appointed by the Houston City Council.
- One member appointed by the board of trustees of the Houston Independent School District.
- One member appointed by votes of the city councils of the cities other than Houston. Each city council casts a single vote. The candidate who receives the most votes is elected.
- One member appointed by vote of the boards of trustees of the school districts other than Houston Independent School District and by the boards of directors of the junior colleges with territory in Harris County. Each school district board casts a single vote. The junior college districts collectively cast a single vote. The candidate who receives the most votes is elected.
- One member appointed by vote of the governing bodies of the conservation and reclamation districts that participate in the appraisal district. Each body casts a single vote. The candidate who receives the most votes is elected.

In the event the county appoints someone other than the county assessor-collector to the board, the county assessor-collector will serve ex officio in a non-voting capacity as a seventh member.

Board members whose terms expire December 31, 2013, are:

- Glenn Peters, Chairman, representing conservation and reclamation districts
- Toni Trumbull, Secretary, representing junior college districts and school districts other than Houston ISD
- Lawrence Marshall, representing Houston ISD
- Ed Heathcott, Member, representing cities & towns, except City of Houston
- Ray Holtzapple, Member, representing City of Houston
- Mike Sullivan, Member, representing Harris County

Eligibility Requirements

An individual must satisfy certain residency, employment, and conflict-of-interest requirements to be eligible to serve on the board of directors.

Residency: The candidate must be a resident of Harris County, and must have resided in the county for at least two years immediately preceding the date he or she takes office. The appraisal district's boundaries are the same as those for Harris County.

Employment: An employee of a taxing unit served by the appraisal district may not serve, with one exception. An employee may serve if the employee is also a member of the governing body or an elected official of a taxing unit that participates in the district. For example, a member of the governing body of a school district who is also a city employee would be *eligible* to serve on the appraisal district's board of directors. Elected officials or members of governing bodies who are not employed by taxing units are also *eligible* to serve on the board.

An individual is *ineligible* to serve on an appraisal district board of directors if the individual has engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district at any time during the preceding five years.

Conflict-of-interest: A candidate may not serve if the candidate is related to a person who is in the business of appraising property or represents property owners for a fee in proceedings in the appraisal district. Relatives barred are those within the second degree by consanguinity (blood) or affinity (marriage). These persons include: spouse; children; brothers and sisters; parents; grandparents; and grandchildren. The spouse's relatives in the same degree are included.

A candidate who contracts with the appraisal district for any purpose, or who contracts with a taxing unit served by the district for a property tax related purpose, may not serve. The same rule applies to candidates who have a substantial interest in businesses contracting with the appraisal district (for any purpose) or with the taxing unit (for property tax purposes). A candidate has a substantial interest if the candidate or the candidate's spouse has combined ownership of at least ten percent (10%) of the voting stock or shares of the business. A candidate also has a substantial interest if the candidate or the candidate's spouse is a partner, limited partner, or an officer of the business. These prohibitions on contracting continue for the duration of the affected director's term of office.

The appraisal district may not employ any person who is related to an appraisal district director within the second degree by affinity or the third degree by consanguinity. The provision applies to existing employees at the time the director takes office and to employees hired during the director's term.

Delinquent taxes: Texas law makes a person ineligible to serve as an appraisal district director if he or she has delinquent property taxes owing to any taxing unit 60 days after the person knew or should have known of the delinquency.

Selection Procedures

The procedures for selecting members of the board of directors for the two-year term beginning on January 1, 2014, are as follows:

For Cities and Towns Other Than the City of Houston

The cities and towns other than the City of Houston appoint one member by majority vote of their city council. The process for these cities and towns involves two steps: nomination and election.

Nomination

The city council of each city and town has the right to nominate a single candidate for the position. To nominate, the governing body must adopt a resolution nominating the candidate by formal action. The mayor, as presiding officer of the city council, must submit the nominee's name to the chief appraiser of the Harris County Appraisal District no later than Tuesday, **October 15, 2013.** The mayor must provide a certified copy of the resolution and may include a cover letter naming the nominee.

Election

Before Wednesday, October 30, 2013, the chief appraiser will prepare a ballot listing the nominees in alphabetical order. The chief appraiser will deliver a copy of the ballot to the mayor of each voting city or town.

No later than Monday, **December 16, 2013**, each city council must cast its vote for one of the nominees, formally adopt a resolution naming the person for whom it votes, and submit a certified copy to the chief appraiser. *Ballots received by the chief appraiser after December 16 may not be counted.*

The chief appraiser will count the votes, declare the results, and notify the winner, the nominees, and the managers of each city and town. A tie vote will be resolved by a method of chance chosen by the chief appraiser.

For Junior Colleges and School Districts Other Than the Houston Independent School District

With the exception described below for junior college districts, exactly the same procedure described for cities and towns above applies to the selection of the member who represents junior colleges and school districts other than Houston ISD. The board of trustees of the school districts must nominate and elect following the deadlines and procedures described above.

Under the provisions of SB 359, 83d Regular Session, 2013, and the enclosed resolution, the four junior college districts with territory in Harris County may participate in the selection of the member who represents school districts other than the Houston ISD and the junior colleges. However, the junior college districts collectively have the same voting authority as a single school district. See Sec. 6.031(b-1), Tax Code, as added by SB 359. The boards of trustees of junior college districts may each nominate a candidate following the deadlines and procedures described above. However, the four junior colleges collectively have a single vote in the election. Each board of trustees may cast a vote by resolution and file the resolution with the chief appraiser. The collective vote will be automatically cast for the candidate who receives the most votes from among the junior colleges. As an example, if one candidate receives three votes and another receives one vote, the junior colleges will be deemed to have collectively cast their vote for the candidate who received the three votes. See the enclosed resolution for more details.

For Conservation and Reclamation Districts

The procedure and timetable for selecting the member who represents the conservation and reclamation districts are the same as that described above for small cities and school districts.

The conservation and reclamation districts that participate in the appraisal district may cast a single vote. The candidate who receives the most votes is elected.

For Harris County, the City of Houston,
and the Houston Independent School District

By **December 5, 2013**, the governing body of each of these entities appoints a single person to represent it on the board. Each governing body must formally adopt a resolution naming the person who will serve as a board member and submit it to the chief appraiser at the address shown below:

Sands L. Stiefer
Chief Appraiser
Harris County Appraisal District
13013 Northwest Freeway
P. O. Box 920975
Houston, TX 77292-0975

To assist you in this process, I have enclosed a suggested form of resolution for the nomination of a candidate to the board of directors of the Harris County Appraisal District.

We invite your questions or comments on the board selection process. Please do not hesitate to call me at (713) 957-5274.

Sincerely,

Sands L. Stiefer, RPA
Chief Appraiser

Attachments
c: HCAD Board Members
Tax Assessors
Attorneys

Harris County Appraisal District
Interoffice Memorandum

OFFICE OF CHIEF APPRAISER

TO: PRESIDING OFFICERS OF TAXING UNITS
SERVED BY THE HARRIS COUNTY APPRAISAL DISTRICT

FROM: SANDS STIEFER, CHIEF APPRAISER

SUBJECT: CHANGE IN METHOD OF SELECTING DIRECTORS

DATE: AUGUST 1, 2013

Dear Presiding Officer:

Enclosed you will find a copy of Resolution 2013-1, which was adopted by the board of directors of the Harris County Appraisal District on July 17, 2013. The resolution was adopted in response to new legislation that required the change. As required by Sec. 6.031, Tax Code, I am delivering a copy of the resolution to you.

SB 359, from the recent legislative session, took effect June 14, 2013. The bill provides for participation by junior college districts in the selection of appraisal district directors. The bill applies for appointment to terms beginning in 2014. The bill requires that an appraisal district which changes its method of selecting directors must provide for participation by the junior college districts in a specific manner. Resolution 2013-1 so provides.

SB 359 specifically directs how the district should incorporate junior colleges into the process. Subsection (b-1), added to Sec. 6.031, Tax Code by the bill, provides:

> If an appraisal district increases the number of members on the board of directors of the district or changes the method or procedure for appointing the members as provided by this section, the board of directors by resolution ***shall*** provide for the junior college districts that participate in the appraisal district to ***collectively*** participate in the selection of directors in the same manner as the school district that imposes the lowest total dollar amount of property taxes in the appraisal district among all of the school districts with

> representation in the appraisal district. A resolution adopted under this section is not subject to rejection by a resolution opposing the change filed with the board of directors by a taxing unit under Subsection (a). (emphasis added).

The word "shall" indicates that subsection (b-1) is mandatory; "collectively" indicates that the four junior college districts collectively will have the same voting strength as the school district with the lowest tax levy in the district (currently Dayton ISD, which levies about $33,000 in property taxes within HCAD).

In HCAD's system, one board member represents the school districts other than HISD. Each of these school districts has a right to nominate a candidate and to cast a single vote in an election for the school district representative. To implement Sec. 6.031(b-1) without changing that process, the four junior college districts have been given the right to collectively nominate a candidate and to collectively cast a single vote in the school district election.

As noted above, this resolution is not subject to rejection by the taxing entities, as is normally the case when the board of directors of an appraisal district changes the board selection method by resolution. No action on your part is required. Junior college districts will receive additional instructions on how to participate in this year's director election process in early August. I have enclosed copies of the resolution and of SB 359. Please do not hesitate to contact me if you have questions.

Enclosures

xc: Board of Directors

RESOLUTION NO. 2013 - 01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT PROVIDING FOR THE COLLECTIVE PARTICIPATION OF JUNIOR COLLEGE DISTRICTS IN THE SELECTION OF DIRECTORS ON THE BOARD OF DIRECTORS OF SAID DISTRICT.

* * * * *

WHEREAS, the current Board of Directors of the Harris County Appraisal District is composed of six (6) members, one of whom is appointed by each of the following: Harris County, the City of Houston, the Houston Independent School District, all cities and towns, other than the City of Houston, participating in the District, all conservation and reclamation districts, and all school districts, other than the Houston Independent School District, participating in the District, all as authorized by and provided for in resolution 91-4 approved in 1991 by the Board of Directors of the Harris County Appraisal District; and

WHEREAS, Sec. 6.031(b-1), Tax Code, provides that if an appraisal district increases the number of members on the board of directors of the district or changes the method or procedure for appointing the members as provided by this section, the board of directors by resolution shall provide for the junior college districts that participate in the appraisal district to collectively participate in the selection of directors in the same manner as the school district that imposes the lowest total dollar amount of property taxes in the appraisal district among all of the school districts with representation in the appraisal district; and

WHEREAS, said Board of Directors deems it appropriate and in the public interest to exercise the authority granted to it by Section 6.031(b-1) of the Property Tax Code to provide for collective participation by the junior college districts; now, therefore

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT:

Section 1. That the facts and recitations set forth in the preamble hereof be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That this Resolution be, and it is hereby, adopted pursuant to authority granted to the Board of Directors by Section 6.031(a) and (b-1) of the Texas Property Tax Code.

Section 3. That, from and after the date of this resolution, the time and method for appointing the six (6) members of such Board of Directors shall be as follows:

A. Time and Method of Appointment to Regular Terms.

(1) Harris County, City of Houston, and Houston Independent School District.

Those members appointed by the County of Harris, the City of Houston, and the Houston Independent School District shall be appointed by a resolution duly adopted by the respective governing bodies of such

entities and delivered to the Chairman or Secretary of the Board of Directors of the District prior to December 1 of each such odd numbered year.

(2) Cities and Towns Other Than the City of Houston.

The member appointed by all incorporated cities and towns participating in the District, other than the City of Houston, shall be selected in the following manner:

Each such city and town may nominate, by resolution duly adopted by its governing body, one (1) candidate for the position on the Board of Directors to be filled by such cities and towns, The presiding officer of the governing body of each such City and town making such a nomination shall submit the name of its nominee to the Chief Appraiser of the Appraisal District prior to October 15 of each odd numbered year. Before October 30 of such year, the Chief Appraiser shall prepare a ballot, listing the candidates thus nominated alphabetically according to the first letter in each such candidate's surname, and shall deliver a copy of such ballot to the presiding officer of the governing body of each such city and town. The governing body of each such city and town shall be entitled to one vote for the candidate of its choice whose name appears on such ballot. Such vote shall be expressed by resolution of each such governing body and an official copy thereof shall be delivered by the presiding officer of such governing body to the Chief Appraiser of the District prior to December 1 of such year. The Chief Appraiser shall count the votes, declare the candidate who received the highest number of votes elected, and, prior to December 15 of such year, submit the results of such election to the governing body of each such city and town, to the candidates nominated, and to the Secretary of the Board of Directors of the District. The Chief appraiser shall resolve a tie vote by any method of chance,

(3) School Districts Other Than Houston Independent School District.

(a) The member appointed by all school districts participating in the District, other than the Houston Independent School District, shall be nominated and selected by the governing bodies of such school districts and collectively by the governing bodies of the junior colleges participating in the appraisal district, as described below, at the same time and in the same manner as the member selected by those cities and towns, other than the City of Houston, participating in the District.

(b) The governing body of each such school district shall be entitled to one vote for the candidate of its choice whose name appears on such ballot. Such vote shall be expressed by resolution of each such governing body and an official copy thereof shall be delivered by the

presiding officer of such governing body to the Chief Appraiser of the District prior to December 1 of such year.

(c) The governing bodies of each such junior college district shall be entitled to a single collective vote for the candidate of their choice whose name appears on such ballot. Such vote shall be expressed by resolution of each such governing body and an official copy thereof shall be delivered by the presiding officer of such governing body to the Chief Appraiser of the Appraisal District prior to December 1 of such year. The collective vote of the junior college districts is cast for the candidate who receives the most votes under this subsection. If two or more candidates receive an equal number of votes, the chief appraiser shall determine the candidate for whom the vote is cast by any method of chance.

(d) The Chief Appraiser shall count the votes, declare the candidate who received the highest number of votes elected, and, prior to December 15 of such year, submit the results of such election to the governing body of each such city and town, to the candidates nominated, and to the Secretary of the Board of Directors of the District. The Chief appraiser shall resolve a tie vote by any method of chance.

(4) Conservation and Reclamation Districts.

The member appointed by all conservation and reclamation districts participating in the District shall be nominated and selected by the governing bodies of such conservation and reclamation districts at the same time and in the same manner as the member selected by those cities and towns, other than the City of Houston, participating in the District,

B. Time and Method of Appointment to fill Vacancies On the Board,

In the event a vacancy occurs on the Board of Directors, the Chairman or Secretary of such Board shall give written notice thereof to the governing body or bodies of the taxing unit or units who appointed the person who vacated such position. Such notice shall be delivered to such taxing unit or units within ten (10) days after such vacancy occurs by the Board of Directors, Within seventy-five (75) days after receipt of such notification, the governing body or bodies of such taxing unit or units who initially appointed the person to the position vacated shall fill such position for the unexpired term. The method and procedure employed in appointing a person to fill such vacancy shall be the same as that employed in the appointment of the person who vacated such position,

Section 4. That the Secretary of the Board of Directors of the Harris County Appraisal District be, and the Secretary is hereby, directed to file an official copy of this Resolution with the Chief Appraiser of said District before August 1, 2013.

Section 5. That the Chief Appraiser be, and the Chief Appraiser is hereby, directed to deliver an official copy of this Resolution to each taxing unit participating in the Harris County Appraisal District before August 15, 2013

PASSED, APPROVED, AND ADOPTED this 17th day of July, 2013

Chairman, Board of Directors
Harris County Appraisal District

ATTEST:

Joni Trumbull

Secretary, Board of Directors
Harris County Appraisal District

AN ACT

relating to the selection of certain members of the board of directors of an appraisal district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (c) and (e), Section 6.03, Tax Code, are amended to read as follows:

(c) Members of the board of directors other than a county assessor-collector serving as a nonvoting director are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, the junior college districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are

imposing taxes and that participate in the district.

(e) The chief appraiser shall calculate the number of votes to which each taxing unit other than a conservation and reclamation district is entitled and shall deliver written notice to each of those units of its voting entitlement before October 1 of each odd-numbered year. The chief appraiser shall deliver the notice:

(1) to the county judge and each commissioner of the county served by the appraisal district;

(2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager; [~~and~~]

(3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts; and

(4) to the presiding officer of the governing body of each junior college district participating in the district and to the president, chancellor, or other chief executive officer of those junior college districts.

SECTION 2. Section 6.031, Tax Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If an appraisal district increases the number of

members on the board of directors of the district or changes the method or procedure for appointing the members as provided by this section, the board of directors by resolution shall provide for the junior college districts that participate in the appraisal district to collectively participate in the selection of directors in the same manner as the school district that imposes the lowest total dollar amount of property taxes in the appraisal district among all of the school districts with representation in the appraisal district. A resolution adopted under this section is not subject to rejection by a resolution opposing the change filed with the board of directors by a taxing unit under Subsection (a).

SECTION 3. The change in law made by this Act applies only to the selection of appraisal district directors for terms beginning on or after January 1, 2014. The change in law made by this Act does not affect the selection of appraisal district directors for terms beginning before that date.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 359 passed the Senate on March 13, 2013, by the following vote: Yeas 31, Nays 0; May 21, 2013, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2013, House granted request of the Senate; May 26, 2013, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 359 passed the House, with amendments, on May 17, 2013, by the following vote: Yeas 134, Nays 0, two present not voting; May 22, 2013, House granted request of the Senate for appointment of Conference Committee; May 26, 2013, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

_____
Date

_____
Governor

Fort Bend Central Appraisal District Memo

Date: September 12, 2013

To: City of Pearland

From: Glen Whitehead

RE: Sec. 6.03 Board of Directors

The conservation and reclamation districts have voted and selected Albert Glover as the candidate to be placed on the general election ballot. He received 46.15% of the 390 timely filed votes.

The current serving board members, Al Abramczyk, Jim Kij, Paul Stamatis and Rhonda Zacharias have agreed to serve another term if nominated and elected. Kraig Warren does not wish to serve another term.

The election calendar for the 2014-2015 Board of Directors election is as follows:

> The presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the chief appraiser **before** October 15.
>
> On October 18th a ballot will be sent to each voting entity listing each candidate in alphabetical order by their surname and their number of votes they have to cast.
>
> The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser **before** December 17.
>
> City of Pearland for this election has **5** votes to cast out of 5,000.
>
> The votes will be tallied on December 17th. The results will be announced at the next regular Board of Directors meeting. The five candidates who receive the largest cumulative vote totals will be declared elected.
>
> On December 20th formal notification of the results will be sent to each voting entity and all the candidates.
>
> On January 20, 2014 at 5:15 pm at the regular monthly meeting the Oath of Office and election of Officers will be given.

I want to remind everyone all votes must be done by resolution which has to be signed, dated and delivered to the chief appraiser no later than close of business on December 16. Any ballots received after that deadline will not be counted.

Biographical Sketch

Ed Heathcott

Born in Chicago, Ed grew up in Houston and attended West U Elementary. He graduated from Bellaire High School, Class of 1961, and received his BS in Mechanical Engineering from Lamar University, Beaumont, Texas, in 1966. His career has been in the manufacturing industry, primarily oil-related, at all levels from sales to ownership. This career took him to Belgium for two years and Oklahoma for eight. He is actively involved in his church, West University Baptist, where he serves as a deacon and in leadership roles. He and his wife, Renée, have been married since 1972 and have one daughter and three grandchildren. In 1999, he was first elected to the City Council of Jersey Village, serving one term before becoming Mayor in 2001. He served as Mayor until 2007 when he was term limited. In 2004, he served as President of the Texas Municipal League, Region 14. In 2005-06, he served as Secretary for the Harris County Mayors and Councils Association. He was elected to his first term on the Harris County Appraisal District in 2007 where he continues to serve. In 2008, he and Renée returned to West University Place. He is now retired and serving his second term as West University Place Councilman.

Harris County Appraisal District

13013 Northwest Freeway
Houston TX 77040
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P.O. Box 920975
Houston TX 77292-0975
Information Center: (713) 957-7800

Board of Directors
Glenn E. Peters, *Chair*
Toni Trumbull, *Secretary*
Ed Heathcott
Ray Holtzapple
Lawrence Marshall
Mike Sullivan
Chief Appraiser
Jim Robinson

Board of Directors

Chief Deputy & Chief Legal Officer
Sands L. Stiefer
Assistant Chief Appraisers
Roland Altinger
Guy Griscom
Chief Information Officer
Al Garcia
Director of Information & Assistance
Bonnie Hebert
Taxpayer Liaison Officer
Teresa S. Terry

September 12, 2013

Mayor Tom Reid
City of Pearland

Re: HCAD Board of Directors

Dear Mayor and Council:

I am nearing the end of my third term of service on the Harris County Appraisal District (HCAD) Board representing suburban cities. With this letter, I am seeking re-election for my fourth term commencing January 1, 2014.

By now you should have received a letter from HCAD with instructions as to how to submit a nominee for the ballot for your representative to serve on the Board of Directors. It would be my hope your city would place my name in nomination along with the other 33 cities I represent. To nominate, the governing body must adopt a resolution nominating the candidate by formal action. The mayor, as presiding officer of the city council, must submit the nominee's name to the Chief Appraiser of HCAD no later than **Tuesday, October 15, 2013**.

The Chief Appraiser of HCAD will then compile a list of nominees and draft a ballot which will be mailed to each city at the end of October. Each city must cast its vote by resolution for one of the nominees and this ballot must be returned to the Chief Appraiser no later than **Monday, December 16, 2013** in order to be counted.

It has been my privilege and honor to serve you these past six years and I seek your city's support in my re-election. Should you have any questions, please do not hesitate to call.

Sincerely,

Ed Heathcott
Cell 281-435-2446

RUBYE JO KNIGHT

Has lived in Pearland since 1971.

Ms. Knight worked 32 years in the tax assessor's office at Pearland ISD and became tax assessor/collector in 1984 or 1985 and worked in that position until her retirement in 2000. She also served as the City's tax assessor/collector during a portion of that time period.

Ms. Knight has served on the Brazoria County Appraisal Board for about 10-12 years. The City has nominated Ms. Knight in 2005, 2007, 2009, 2011 and in 2003 Ms. Knight and Mr. Frauenberger were nominated.

Pearland ISD has approved her nomination for the ballot for the term Jan, 2014 to Dec. 2015. Pearland ISD has 795 votes.