

**NOTICE OF REGULAR PLANNING AND ZONING COMMISSION
MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, APRIL 14, 2014

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, April 14, 2014 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning and Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 10, 2014.

5.0 New Business:

- 5.1 Consideration to approve **MATTHEWS ADDITION PRELIMINARY PLAT**; Being a Subdivision of 61.77377 acres of land situated in the Joseph House Survey, Abstract No. 34 in Harris County, Texas, and Abstract No. 20 in Montgomery County, Texas.
- 5.2 Consideration to approve **1603 HICKS SUBDIVISION**; Being a Subdivision of 2.6409 acres of land situated in the Joseph House Survey, Abstract Number 34 of Harris County, Texas, and being a Replat of Lot 3 of Amending Plat of 249 at Hufsmith Subdivision; a Subdivision according to the map or plat thereof recorded in Clerk's File Number 509116, of the Map Records of Harris County, Texas, and being the same land as described in deed recorded under Clerk's File Number Y068948, of the Real Property Records of Harris County, Texas.
- 5.3 Consideration to approve **BRANIFF PLACE**; Being a Replat of Lots 32 and 33 of Revised Map of Tomball, City of Tomball, Recorded Under Vol. 4, Pg. 25 of the Map Records of Harris County, Texas, located in the William Hurd Survey, Abstract No. 371, Harris County, Texas.
- 5.4 Consideration to approve **DEWEYCASA PRELIMINARY PLAT**; Being a Subdivision of 0.731 acre, located in the Joseph House Survey, A-34, Harris County, Texas containing 0.731 acre.
- 5.5 Consideration to approve **PECK STATION FINAL PLAT**; A Subdivision of 34.4945 acres of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas; Being a Partial Replat of Lots 296, 297, 298, 302, 303, 308, 309, 310, & 311 of Tomball Townsite, Volume 2, Page 65 M.R.H.C.
- 5.6 Consideration to approve **RESERVE AT TOMBALL PARTIAL REPLAT NO. 1**; A 47.650 acre tract of land being a Partial Replat of Reserve at Tomball as recorded under Film Code No. 640133; H.C.M.R.; Being out of called 55.6484 acre tract recorded under Harris County Clerk's File No. 20100211861, and a called 4 acre tract recorded under H.C.C.F. No. Z177722 in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas.
- 5.7 Consideration to approve **STANOLIND FIRE STATION PRELIMINARY PLAT**; A 27.7034 acre tract of land being out of called 28.25 acre tract recorded under Harris County Clerk's File No. Y532630 in the Joseph Miller Survey, Abstract No. 50, City of Tomball, Harris County, Texas.
- 5.8 Consideration to approve **STANOLIND FIRE STATION FINAL PLAT**; A 27.7034 acre tract of land being out of a called 28.25 acre tract recorded under Harris County Clerk's File No. Y532630 in the Joseph Miller Survey, Abstract No. 50, City of Tomball, Harris County, Texas.

- 5.9 Consideration to approve **ZONING CASE P14-028**: Request by Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner, for a Conditional Use Permit to operate an accountant's office with one residential sleeping quarter. The property is approximately 0.68 acres, is legally described as Lot 2, Block 2, Brown-Hufsmith Commercial, is generally located south of Brown-Hufsmith Road between State Highway 249 and Quinn Road, and is located in the Office District.

- Conduct a Public Hearing on **ZONING CASE P14-028**

- 5.10 Consideration to approve **ZONING CASE P14-040**: Request by 2978 Panormus, LP to amend the City's Zoning Ordinance by rezoning approximately 34.4945 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, City of Tomball, Harris County, Texas, said 34.4945 acres being comprised of Harris County Appraisal District Tracts 12 and 11M-4, all of Lots 296, 297 and 302 and a portion of Lots 298, 303, 308, 309, 310 and 311 of Tomball Townsite, a subdivision as shown on map or plat recorded under Volume 2, Page 65 of the Harris County Map Records; generally located northerly of FM 2920 between Snook Lane and FM 2978, from the Commercial and Single-Family Residential-9 Districts to the Planned Development - 6 District to facilitate a mixed use development.

- Conduct a Public Hearing on **ZONING CASE P14-040**

- 5.11 Presentation of proposed updates to the Building Codes.

- 5.12 Discussion and Action regarding a recommendation of approval to the proposed updates to the Building Codes.

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of April 2014 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer_____

Doris Speer

City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: April 14, 2014

Topic:

Background:

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: April 14, 2014

Topic:

Background:

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
APPROVAL ☐ YES ☐ NO	READINGS PASSED ☐ 1 ST ☐ 2 ND	OTHER

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 10, 2014.

Background:**Origination:****Recommendation:****Funding:****Party(ies) responsible for placing this item on agenda:**

Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

03.10.14 P&Z Minutes

**MINUTES OF
REGULAR PLANNING & ZONING COMMISSION MEETING
CITY OF TOMBALL, TEXAS**

MONDAY, MARCH 10, 2014



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chair Tague at 6:00 p.m. Other members present were:

Commissioner Torres
Commissioner Anderson
Commissioner Roquemore
Commissioner Beauvais

Others present:

City Engineer – Lori Lakatos
City Secretary – Doris Speer

Draft

2.0 No Public Comments were received.

3.0 No Reports or Announcements were received. Chair Tague welcomed Commissioner Anderson to the Planning and Zoning Commission.

4.0 Motion was made by Commissioner Beauvais, second by Commissioner Roquemore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 13, 2014.

Motion carried unanimously.

5.0 New Business:

5.1 Consideration to approve **REPLAT OF THE POINT**; Being a Subdivision of 6.3636 Acres and being a Replat of The Point F.C. No. 644081 out of the Claude M. Pillot Survey, Abstract No. 632, City of Tomball, Harris County, Texas.

Lori Lakatos, City Engineer presented comments and recommendations.

Motion was made by Commissioner Beauvais, second by Commissioner Torres, to approve **REPLAT OF THE POINT**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to approve **PRELIMINARY PLAT PECK STATION**; A Subdivision of 34.4945 Acres of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas; Being a partial Replat of Lots 296, 297, 298, 302, 308, 309, 310, & 311 of Tomball Townsite Volume 2, Page 65 M.R.H.C.

Lori Lakatos, City Engineer presented comments and recommendations.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **PRELIMINARY PLAT PECK STATION**, with contingencies.

Motion carried unanimously.

- 6.0 Motion was made by Commissioner Torres, second by Commissioner Roquemore, to adjourn.

Motion carried unanimously.

Meeting adjourned at 6:06 p.m.

PASSED AND APPROVED this _____ day of _____ 2014.

Doris Speer, TRMC, CMC
City Secretary

Barbara Tague
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to approve **MATTHEWS ADDITION PRELIMINARY PLAT**; Being a Subdivision of 61.77377 acres of land situated in the Joseph House Survey, Abstract No. 34 in Harris County, Texas, and Abstract No. 20 in Montgomery County, Texas.

Background:

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Matthews Addition Preliminary Plat

STATE OF TEXAS
COUNTY OF HARRIS

WE, KEVIN L. BUTTS AND ANN BUTTS, RICHARD C. MATTHEWS AND JUDY V. MATTHEWS, OWNERS, HEREINAFTER REFERRED TO AS OWNERS OF THE 59.1235 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF MATTHEWS ADDITION, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-INCH DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN FEET (15') WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED AND DEPICTED UPON IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSES OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK, OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ADJUTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

WITNESS MY HAND IN THE CITY OF TOMBALL, TEXAS, THIS _____ DAY OF _____, 2014.

BY: _____ BY: _____
KEVIN L. BUTTS ANN BUTTS
OWNER OWNER

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KEVIN L. BUTTS AND ANN BUTTS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: _____

WITNESS MY HAND IN THE CITY OF TOMBALL, TEXAS, THIS _____ DAY OF _____, 2014.

BY: _____ BY: _____
RICHARD C. MATTHEWS JUDY V. MATTHEWS
OWNER OWNER

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RICHARD C. MATTHEWS AND JUDY V. MATTHEWS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: _____

I, EDILBERTO V. BARRIENTOS, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON PIPES OR RODS (OR OTHER SUITABLE PERMANENT METAL) HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTER (3/4) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET, AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE TEXAS STATE PLANE COORDINATES SYSTEM (NAD83), SOUTH CENTRAL ZONE NO. 4204.

"PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE."

EDILBERTO V. BARRIENTOS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5364

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 2014, AT _____ O'CLOCK _____ M., AND DULY RECORDED ON _____, 2014, AT _____ O'CLOCK _____ M., AND AT FILM CODE NO. _____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HARRIS COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

BY: _____ BY: _____
STAN STANART DEPUTY
EX OFFICIO CLERK OF
OF HARRIS COUNTY, TEXAS
CHAIRMAN OR VICE CHAIRMAN

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF MATTHEWS ADDITION IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZE THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

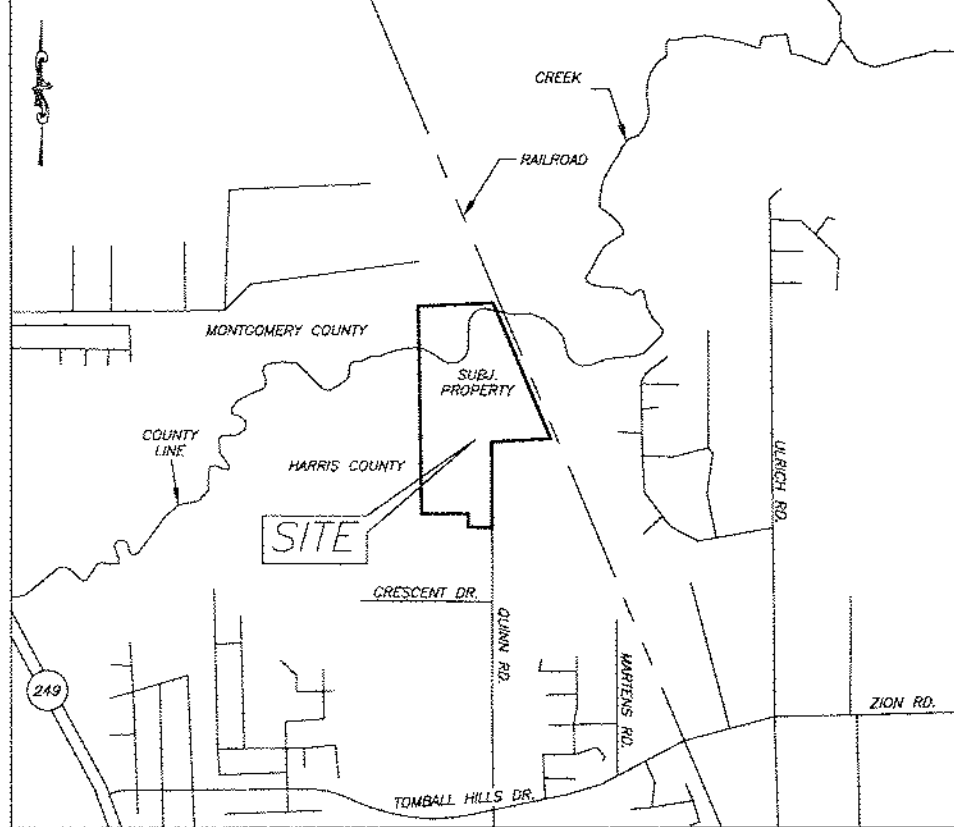
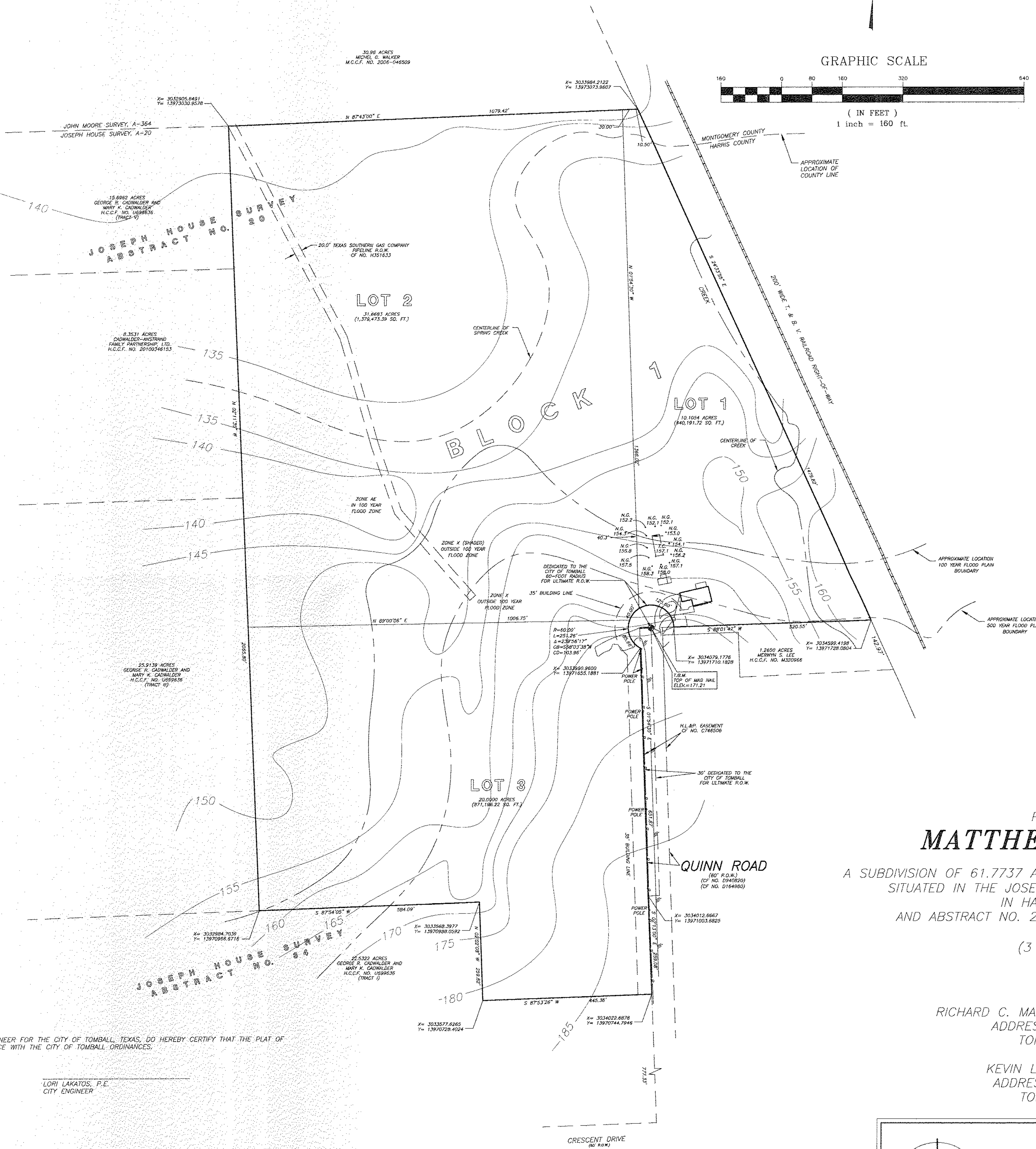
BY: _____ BY: _____
BARBARA TAGUE DARRELL ROQUEMORE
CHAIRMAN VICE CHAIRMAN

WE, THE CITY MANAGER AND CITY ENGINEER FOR THE CITY OF TOMBALL, TEXAS, DO HEREBY CERTIFY THAT THE PLAT OF MATTHEWS ADDITION IS IN CONFORMANCE WITH THE CITY OF TOMBALL ORDINANCES.

GEORGE SHACKELFORD LORI LAKATOS, P.E.
CITY MANAGER CITY ENGINEER

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL THE DEDICATED PUBLIC EASEMENTS AND CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

GRETCHEN FAGAN DORIS SPEER
MAYOR CITY SECRETARY



GENERAL NOTES:

1. THE COORDINATES SHOWN HEREON ARE BASED ON TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO THE SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE: 0.9989540885
2. "H.C.C.F." INDICATES HARRIS COUNTY CLERK'S FILE NUMBER.
3. "M.C.C.F." INDICATES MONTGOMERY COUNTY CLERK'S FILE NUMBER.
4. SITE DRAINAGE AND UTILITY PLANS FOR THE FUTURE DEVELOPMENT OF THIS RESERVE MUST BE APPROVED BY CITY OF TOMBALL PUBLIC INFRASTRUCTURE DEPARTMENT, ENGINEERING AND FLOOD CONTROL DIVISIONS AND THE DISTRICT ENGINEER.
5. PUBLIC EASEMENTS DEVOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO THE PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
6. ACCORDING TO FEMA FIRM PANEL NO. 48201C 0210 L (EFFECTIVE DATE JUNE 18, 2007) & 48339C 0495 F (EFFECTIVE DATE DECEMBER 19, 1990), THIS PROPERTY IS IN ZONE "X" AND ZONE "AE" AND IS WITHIN THE 0.2% ANNUAL CHANCE FLOOD PLAIN OR ACCORDING TO FEMA FIRM PANEL NO.
7. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
8. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
9. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
10. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
11. THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
12. PIPELINE RIGHT-OF-WAY GRANTED TO STANOLIND PIPE LINE COMPANY AS PER VOL. 940, PG. 149 & VOL. 990, PG. 251, H.C.D.R. (BLANKET EASEMENT)
13. PIPELINE RIGHT-OF-WAY GRANTED TO HUMBLE OIL & REFINING COMPANY AS PER VOL. 956, PG. 489 & VOL. 971, PGS. 54 & 55, H.C.D.R. (BLANKET EASEMENT)

PRELIMINARY PLAT: MATTHEWS ADDITION

A SUBDIVISION OF 61.7737 ACRES (2,690,861.43 SQUARE FEET) OF LAND
SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 34
IN HARRIS COUNTY, TEXAS
AND ABSTRACT NO. 20 IN MONTGOMERY COUNTY, TEXAS

(3 LOTS, 1 BLOCK)
MARCH, 2014

OWNERS:
RICHARD C. MATTHEWS AND JUDY V. MATTHEWS
ADDRESS: 31115 QUINN ROAD
TOMBALL, TEXAS 77375
281-351-1472
KEVIN L. BUTTS AND ANN BUTTS
ADDRESS: 31242 QUINN ROAD
TOMBALL, TEXAS 77375
832-647-6769

PRECISION SURVEYORS, INC.

PROFESSIONAL LAND SURVEYS

1-800-LANDSURVEY
www.precisionlandsurvey.com

281-496-1586 FAX 281-496-1867
950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079
210-829-4941 FAX 210-829-1555
1777 NE LOOP 410 SUITE 800 SAN ANTONIO, TEXAS 78217

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to approve **1603 HICKS SUBDIVISION**; Being a Subdivision of 2.6409 acres of land situated in the Joseph House Survey, Abstract Number 34 of Harris County, Texas, and being a Replat of Lot 3 of Amending Plat of 249 at Hufsmith Subdivision; a Subdivision according to the map or plat thereof recorded in Clerk's File Number 509116, of the Map Records of Harris County, Texas, and being the same land as described in deed recorded under Clerk's File Number Y068948, of the Real Property Records of Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

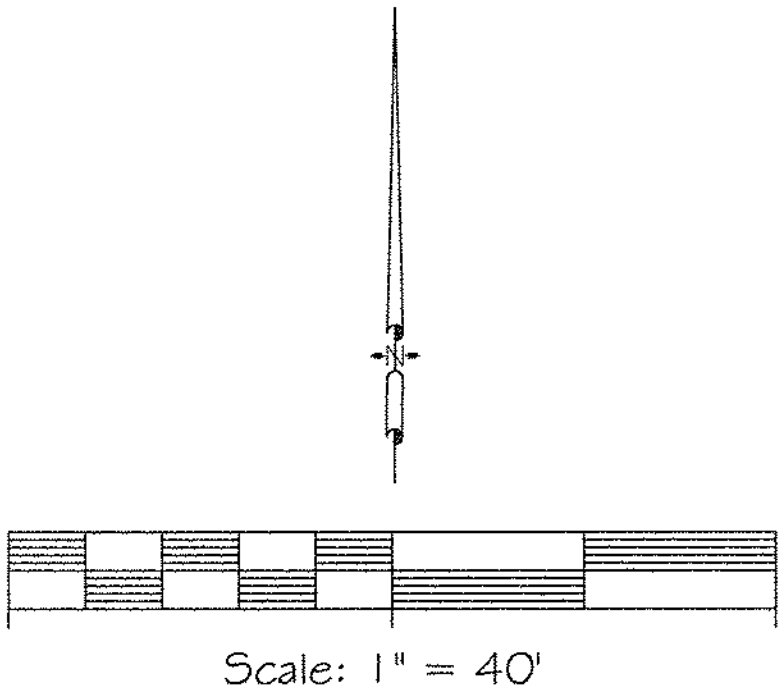
Party(ies) responsible for placing this item on agenda:

Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

1603 Hicks Subdivision Plat



I, Steven L. Crews, am authorized under the laws of the State Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference not found have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Steven L. Crews
Texas Registration Number 4141

LINE	BEARING	DISTANCE
L1	N 81°12'57" E	18.70'
L2	S 04°58'58" E	30.00'
L3	N 87°23'40" E	30.00'
L4	N 04°58'58" W	30.00'
L5	N 87°50'35" E	115.76'

Notes:
Public Easements:
Public Easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:
According to FEMA Firm Panel No. 48201C0230-L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3:
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:
This plat does not attempt to amend or remove any valid covenants or restrictions.

Note #5:
The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.

Note #6:
The Basis of Bearings for this plat is North line of the Amending Plat of 249 at Hufsmith Subdivision, recorded under Film Code Number 509116, M.R.H.C.T.

Note #7:
Electrical distribution easement recorded in Volume 5566, Page 154, D.R.H.C.T. does not affect subject property.

Note #8:
Subject to blanket electrical distribution easement recorded in Volume 951, Page 534, D.R.H.C.T.

D.R.H.C.T. = DEED RECORDS OF HARRIS COUNTY TEXAS
M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS
FC NO. = FILM CODE NUMBER
CF NO. = CLERK'S FILE NUMBER
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL
R.O.W. = RIGHT OF WAY

THE STATE OF TEXAS
COUNTY OF HARRIS

We, Maple Residential, Ltd., acting by and through JEFF STALLONES, its general partner, being officer of Maple Residential, Ltd., owners hereinafter referred to as owners of the 2.6409 acre tract described in the above and foregoing plat of 1603 HICKS SUBDIVISION, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents does dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, Maple Residential, Ltd., has caused these presents to be signed by Jeff Stallones, its manager, thereunto authorized, this _____ day of _____, 2014.

Maple Residential, Ltd.

By: _____
Jeff Stallones, its General Partner

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Jeff Stallones, General Partner of Maple Residential, Ltd., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2014.

Notary Public in and for the State of Texas
My Commission Expires: _____

We, CommunityBank of Texas, N.A., owner and holder of a lien against the property described in the plat known as 1603 HICKS SUBDIVISION, said lien being evidenced by instrument recorded in Clerk's File Number 20120180567 of the Real Property Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedication and restrions shown herein to said plat and we hereby confirm that we are the present owner of said lein and have not assigned the same nor any part thereof.

By: _____

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2014.

Notary Public in and for the State of Texas
My Commission Expires: _____

BLOCK 1
WAUKESHA PEARCE TOMBALL
FC NO. 641146
M.R.H.C.T.

LOT 1

LOT 2

AMENDING PLAT OF
249 AT HUFSMITH
SUBDIVISION
FC NO. 509116
M.R.H.C.T.

LOT 1

LOT 1

LOT 2

LOT 3

HICKS STREET
VOL. 92, PAGES 119-122 D.R.H.C.T.

30' x 30' LIFT STATION TO
THE CITY OF TOMBALL
CF NOS. U226513, U350633, & U780742, R.P.R.H.C.T.

Found Iron Rod
w/ Survey Cap
for Reference
S 35°56'29"W 0.65'

RESTRICTED
RESERVE "B"

LOT 3
1.9850 Acres
86,469.10 Sq. Feet

LOT 4
0.6559 Acre
28,571.22 Sq. Feet

RESTRICTED RESERVE "A"
FIRST BAPTIST CHURCH
OF TOMBALL
FC NO. 615002
M.R.H.C.T.

Owner:
MAPLE RESIDENTIAL, LTD.
46 Palmer Crest
Spring, Texas 77381
Phone: 713-899-4710

Surveyor:
C & C SURVEYING, INC.
7424 FM 1488, Suite A
Magnolia, Texas 77354
Office: 281-356-5172
FAX: 281-356-1935

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of 1603 HICKS SUBDIVISION in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2014.

By: _____
Barbara Tague
Chairman

By: _____
Darrell Roquemore
Vice Chairman

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinance.

George Shackelford, City Manager

Lori Lakatos, P.E.,
City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2014.

By: _____
Gretchen Fagan, Mayor

Doris Speer, City Secretary

Harris County Clerk Certificate of Filing:

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2014, at _____ o'clock _____M., and duly recorded on _____, 2014, at _____ o'clock _____M., and at Film Code No. _____ of the Map Records of Harris County for said County.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

1603 HICKS SUBDIVISION

Being a subdivision of 2.6409 acres of land situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, and being a replat of Lot 3 of AMENDING PLAT OF 249 AT HUFSMITH SUBDIVISION, a subdivision according to the map or plat thereof recorded in Clerk's File Number 509116, of the Map Records of Harris County, Texas, and being the same land as described in deed recorded under Clerk's File Number Y068948, of the Real Property Records of Harris County Texas.

2 LOTS, 1 BLOCK

APRIL 2014
Sheet 1 of 1

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to approve **BRANIFF PLACE**; Being a Replat of Lots 32 and 33 of Revised Map of Tomball, City of Tomball, Recorded Under Vol. 4, Pg. 25 of the Map Records of Harris County, Texas, located in the William Hurd Survey, Abstract No. 371, Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

Brandy Pate Harbolt, Engineering and Planning

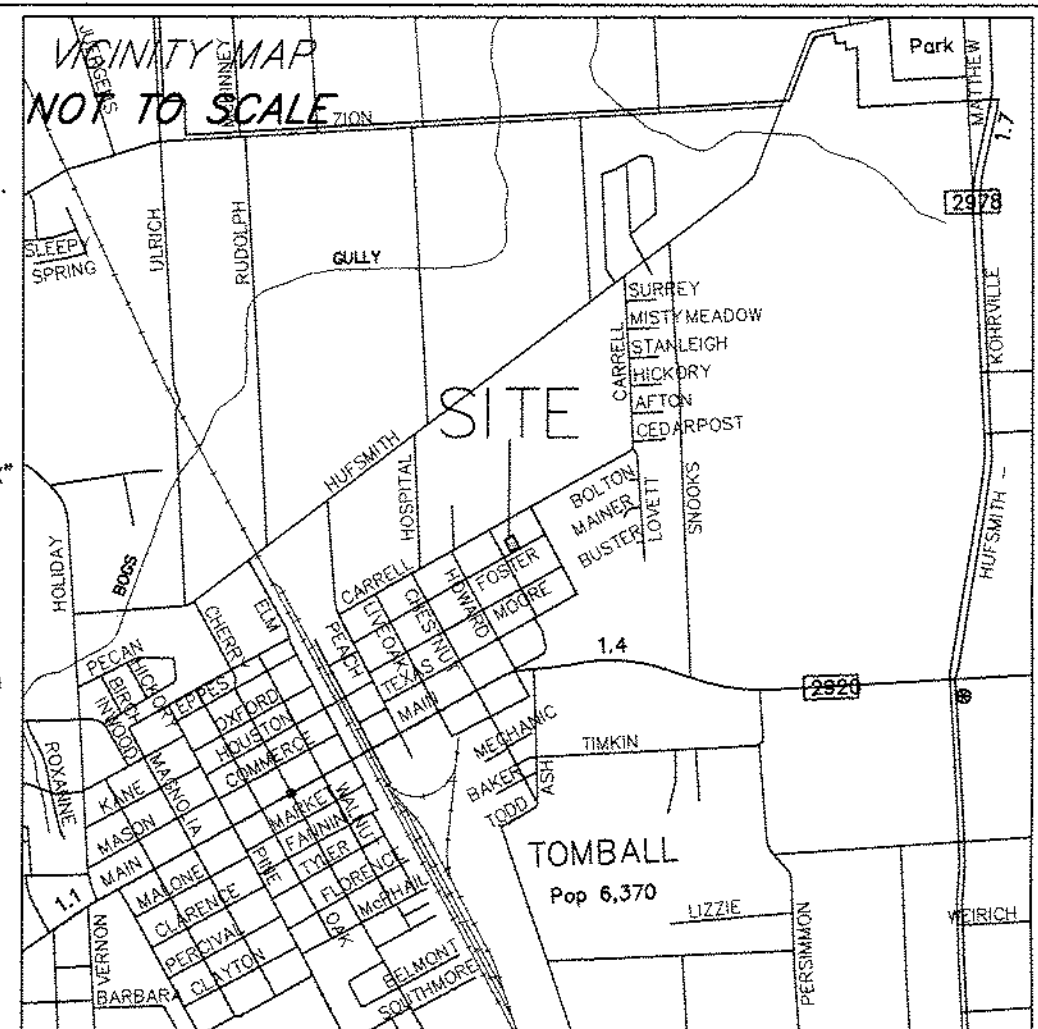
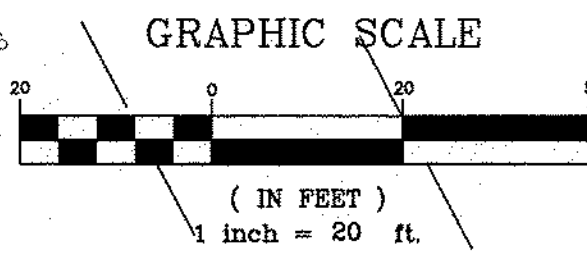
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Braniff Place Plat



- GENERAL NOTES:
1. All corners are shown as noted.
 2. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
 3. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
 4. No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas line, and 30 feet off centerline of high pressure gas lines.
 5. This plat does not attempt to amend or remove any valid covenants or restrictions.
 6. The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
 7. According to FEMA Firm Panel No. 48201C0230L, effective date of June 18, 2007, this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
 8. Public easement denoted on this plat are hereby dedicated to the public forever. Any public utility, including City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to the property within an easement arising out of the removal or relocation of any obstruction in the public easement.
 9. Subject to any and all Zoning Ordinances or proposed ordinances including but not limited to drilling ordinances under Clerk's File No. C-158845 of the Real Property Records of Harris County, Texas, and those by the City of Tomball, Texas.



LEGEND:

COUNTY CLERK'S FILE NUMBER	C.F.
OFFICIAL PUBLIC RECORDS REAL PROPERTY	O.P.R.P. H.C.T.
HARRIS COUNTY TEXAS	
SQUARE FEET	SQ.FT.
SET 5/8 INCH IRON ROD,	"S"
WITH CAP STAMPED "4833 TOWN & COUNTRY"	

Please be advised that this plat is approved pursuant to the Boundary Line Adjustment procedures set forth in Division 5 of Article II of Chapter 70 of the Code of Ordinances of the City of Tomball. Pursuant to said Division 5, not more than one (1) building shall be permitted on any lot created by virtue of a boundary line adjustment plat. Therefore, be advised that NO PERMIT WILL BE ISSUED BY THE CITY OF TOMBALL, TEXAS, TO AUTHORIZE THE CONSTRUCTION OR OCCUPANCY OF ANY BUILDING ON ANY LOT WITHIN THIS SUBDIVISION IF THE RESULT THEREOF WOULD BE THE EXISTENCE OF MORE THAN ONE BUILDING ON ANY SUCH LOT, UNLESS AND UNTIL A SUBDIVISION PLAT CONTAINING SUCH LOT IS SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION AND CITY COUNCIL OF THE CITY, IN ACCORDANCE WITH APPLICABLE REGULATIONS OF THE CITY GOVERNING PLATS AND THE SUBDIVISION OF LAND.

THIS CERTIFICATE IS VALID ONLY AS TO THE INSTRUMENT ON WHICH THE ORIGINAL SIGNATURE IS AFFIXED AND ONLY THEN TO THE EXTENT THAT SUCH INSTRUMENT IS NOT ALTERED OR CHANGED AFTER RECORDING.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

PLAT APPLICATION FOR NOTICE OF BOUNDARY LINE ADJUSTMENT
BRANIFF PLACE

BEING A REPLAT OF
LOTS 32 AND 33 OF
REVISED MAP OF TOMBALL,
CITY OF TOMBALL,
RECORDED UNDER VOL. 4, PG. 25
OF THE MAP RECORDS OF
HARRIS COUNTY, TEXAS
LOCATED IN THE
WILLIAM HURD SURVEY,
ABSTRACT No. 371,
HARRIS COUNTY, TEXAS

1 BLOCK 1 LOT
MARCH 2014

REASON FOR REPLAT: TO COMBINE LOTS
INTO ONE LOT

I, Catherine Braniff, owner of the property platted hereon, do hereby make notice of boundary line adjustment and express my desire to revise my property as described herewith.
Witness my hand in the City of Tomball, Harris County, Texas, on this _____ day of _____, 2014.

By: _____
Catherine Braniff

BEFORE ME, the undersigned authority, on this day personally appeared Catherine Braniff, known to me to be the person whose name is subscribed to the foregoing instrument and have acknowledged to me that they have executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2014

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

We, The City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball, do hereby certify that this plat complies with the City of Tomball Ordinance.

By: _____ George Shackelford, City Manager
By: _____ Lori Lakatos, P.E. City Engineer

I, David Strauss, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

David J. Strauss,
Registered Professional Land Surveyor No. 4833

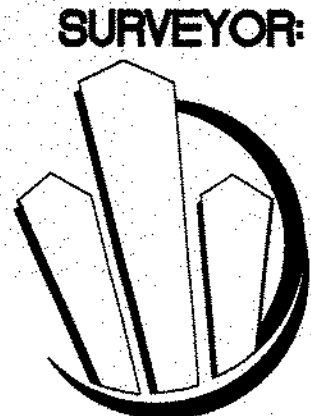
I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2014, at _____ o'clock _____ M., and duly recorded on _____, 2014, at _____ o'clock _____ M., and at Film Code Number No. _____ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
Of Harris County, Texas

By: _____
Deputy

OWNER/DEVELOPER:
CATHERINE BRANIFF
62 SAWBRIDGE CIRCLE, THE WOODLANDS, TX 77389
TELEPHONE NO. 713-208-7108



TOWN & COUNTRY SURVEYORS, LLC
26307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281) 465-8730
FAX (281) 465-8731

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to approve **DEWEYCASA PRELIMINARY PLAT**; Being a Subdivision of 0.731 acre, located in the Joseph House Survey, A-34, Harris County, Texas containing 0.731 acre.

Background:

Origination:

Recommendation:

Funding:

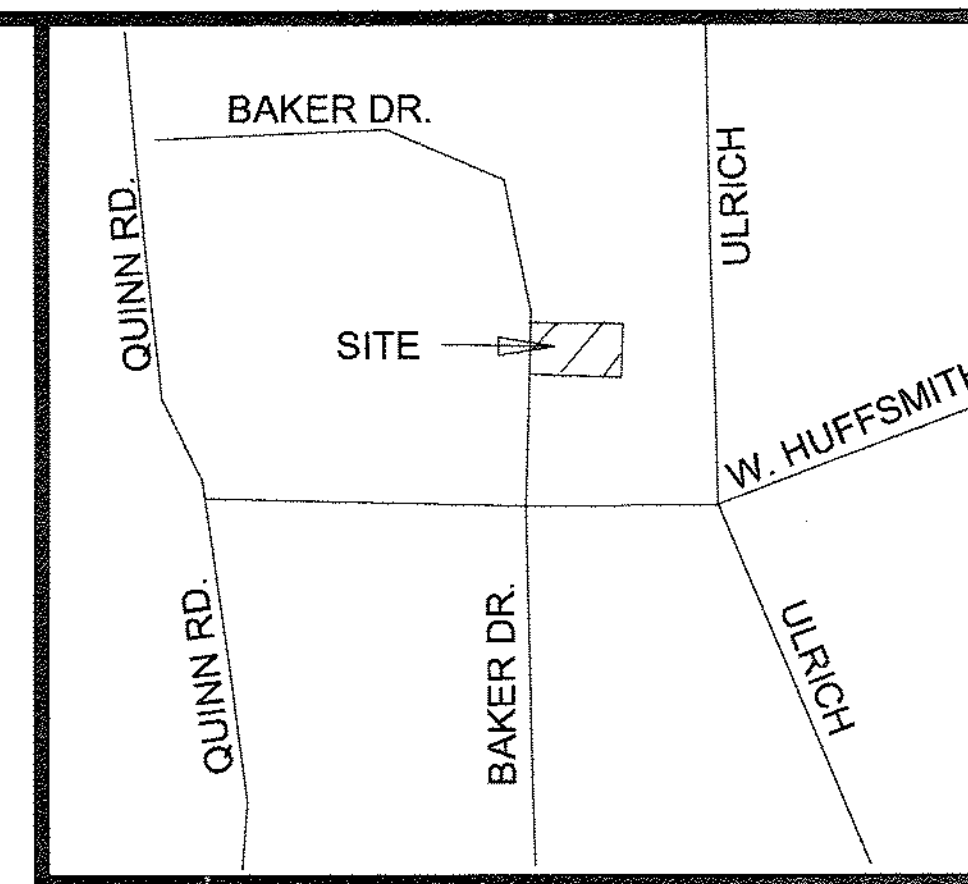
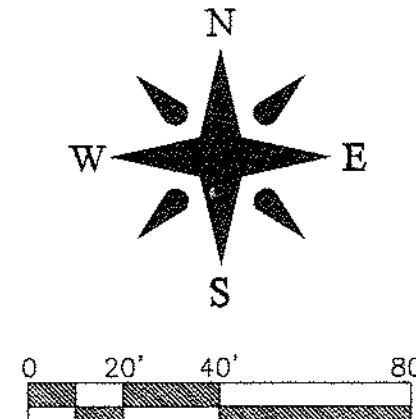
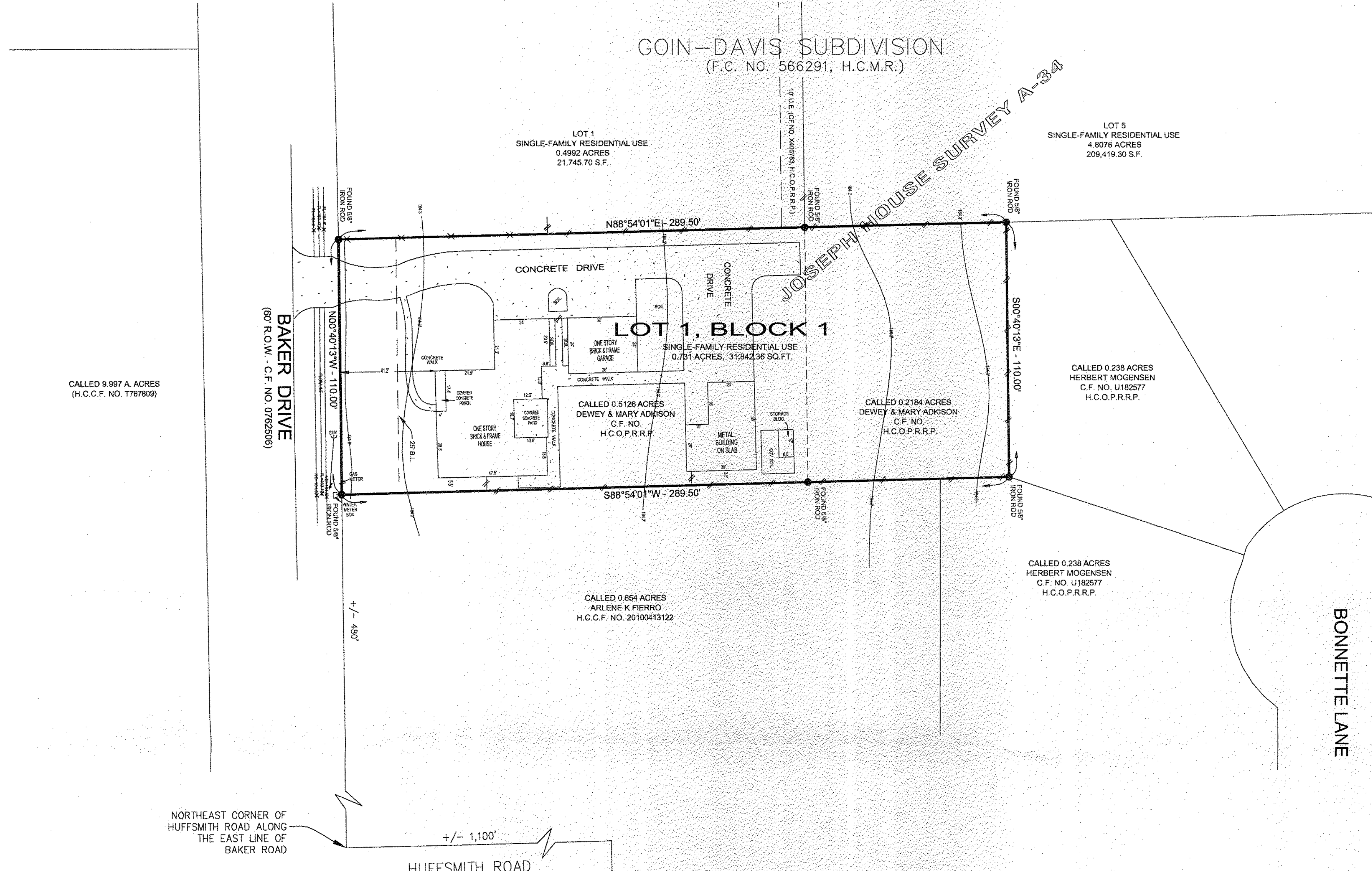
Party(ies) responsible for placing this item on agenda:

Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

DeweyCasa Preliminary Plat



VICINITY MAP
N.T.S.

- NOTES:
1. ALL BEARINGS SHOWN HEREON ARE BASED ON A RECORD CALL S88°54'01"W ALONG SOUTH LINE OF THE GOIN-DAVIS PLAT SUBDIVISION RECORDED AT F.C. NO. 566291, H.C.M.R.
 2. TRACT SUBJECT TO EXXON MULTI-PURPOSE EASEMENTS) AS SET FORTH IN INSTRUMENT RECORDED IN CLERK'S FILE NO. F783769 AND H415957, AND IN VOLUME 947, PAGE 206.
 3. TRACT SUBJECT TO AN UNLOCATED PIPELINE EASEMENT IN FAVOR OF HUMBLE PIPELINE CO. (EXXON) AS SET FORTH IN VOLUME 967, PAGE 114, AND VOLUME 1266, PAGE 260, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.
 4. ELEVATIONS SHOWN HEREON ARE BASED ON RM 100355 LOCATED ON TOP OF A CONCRETE DRAINAGE HEADWALL, WITH A PUBLISHED ELEVATION OF 179.94 FEET.
 5. ALL VISIBLE EXISTING PIPELINES OR PIPELINE EASEMENTS THROUGH THE SUBDIVISION HAVE BEEN SHOWN WITHIN THE LIMITS OF THE SUBDIVISION.
 6. THERE ARE NO VISIBLE EXISTING OIL/GAS WELLS (PLUGGED, ABANDONED AND/OR ACTIVE) WITHIN THE LIMITS OF THE SUBDIVISION.
 7. REFERENCE COMMITMENT FOR TITLE INSURANCE ISSUED STEWART TITLE COMPANY, G.F. NO. 1420178992 HAVING AN EFFECTIVE DATE OF MARCH 14, 2014. NO FURTHER RESEARCH FOR EASEMENTS OR ENCUMBRANCES WAS PERFORMED BY ROBINSON SURVEYING, INC.
 8. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF IT'S RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN OF THIS PLAT. NEITHER THE CITY OF TOMBALL OR ANY PUBLIC UTILITY SHALL BE RESPONSIBLE FOR THE REPLACING OR REIMBURSING THE PROPERTY OWNER DUE TO REMOVAL OR RELOCATION OF ANY OBSTRUCTION ON THE PUBLIC EASEMENTS.
 9. ACCORDING TO FEMA FIRM PANEL NO. 48201C 0230 L (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN ZONE "X" AND WITHIN / NOT IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN OR ACCORDING TO FEMA F.I.R.M. 48201C 0230 L DATED JUNE 18, 2007, THIS PROPERTY IS IN ZONE "X" AND WITHIN THE 1% ANNUAL FLOOD PLAIN CHANCE.
 10. ALL OIL-GAS PIPELINES OR PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
 11. ALL OIL-GAS WELLS WITH OWNERSHIP (PLUGGED ABANDONED, AND-OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
 12. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL-GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
 13. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
 14. THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE ANY BUILDING LINES REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.

STATE OF TEXAS
COUNTY OF HARRIS

I, DEWEY ADKISON & MARY ADKISON, HEREIN AFTER REFERRED TO AS OWNERS OF THE 0.731 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF DEWEYCASA MACHINING, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAN OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS, OR PERMANENT ACCESS EASEMENTS), ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENT 5' IN WIDTH FROM A PLANE 20' ABOVE THE GROUND UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE, HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS (1-3/4) SQUARE FEET (18" DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN (15) FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL ALLEYS, CREEKS, GULLIES, RAVINES, DRAINS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF HOUSTON, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DEWEY ADKISON AND MARY ADKISON, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

By: _____
OWNER DEWEY ADKISON

By: _____
OWNER MARY ADKISON

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DEWEY ADKISON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS AN ACT AND DEED OF SAID CORPORATION

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES : _____

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARY ADKISON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS AN ACT AND DEED OF SAID CORPORATION

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES : _____

I, THOMAS G. ROBINSON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON RODS, SAID RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTER (3/4) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

THOMAS G. ROBINSON
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 1874

THIS IS TO CERTIFY THAT THE TOMBALL PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT OF QUICKTURN MACHINING IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL, AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT

THIS _____ DAY OF _____, 2014.

BY: _____ TOM CROFOOT, CHAIRMAN

BY: _____ LORI WALLACE, VICE CHAIRMAN

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL, AS SHOWN HEREON, AND AUTHORIZED THE RECORDING OF THIS PLAT

THIS _____ DAY OF _____, 2014.

BY: _____ GRETCHEN FAGAN

BY: _____ DORIS SPEER, CITY SECRETARY

WE, THE CITY MANAGER AND THE CITY ENGINEER FOR THE CITY OF TOMBALL, DO HEREBY DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CITY OF TOMBALL ORDINANCES.

BY: _____ GEORGE SCHACKELFORD, CITY MANAGER

BY: _____ LORI LAKAUDS, P.E. & DIRECTOR OF ENGINEERING & PLANNING

I, BEVERLY B. KAUFMAN, CLERK OF THE COUNTY COURT OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE

ON, _____, 2014, AT _____ O'CLOCK _____ M., AND DULY RECORDED

ON, _____, 2014, AT _____ O'CLOCK _____ M., AND IN FILM CODE

NO. _____ OF THE MAPS RECORDS OF HARRIS COUNTY FOR SAID COUNTY

WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

STAN STANART
CLERK OF THE COUNTY COURT
HARRIS COUNTY, TEXAS

By: _____
DEPUTY

SURVEYOR: ROBINSON SURVEYING, INC.

P.O. BOX 11925
SPRING, TEXAS 77391-1925
PHONE (832) 236-8210
lrobinson@consolidated.net

PRELIMINARY PLAT

DEWEYCASA

BEING A SUBDIVISION OF 0.731 ACRE (31,842.36 SQ.FT.),
LOCATED IN THE JOSEPH HOUSE SURVEY,
A-34, HARRIS COUNTY, TEXAS
CONTAINING 0.731 ACRE

1 LOT 0 RESERVES 1 BLOCK

APRIL, 2014

OWNER: DEWEY ADKISON & MARY ADKISON
727 BAKER STREET. TOMBALL, TEXAS
TEL: (713) 309-5065

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to approve **PECK STATION FINAL PLAT**; A Subdivision of 34.4945 acres of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas; Being a Partial Replat of Lots 296, 297, 298, 302, 303, 308, 309, 310, & 311 of Tomball Townsite, Volume 2, Page 65 M.R.H.C.

Background:

The Planning and Zoning Commission approved the Peck Station Preliminary Plat with contingencies on March 10, 2014. Comments have been addressed and the Final Plat is being presented to the Planning and Zoning Commission for approval consideration.

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

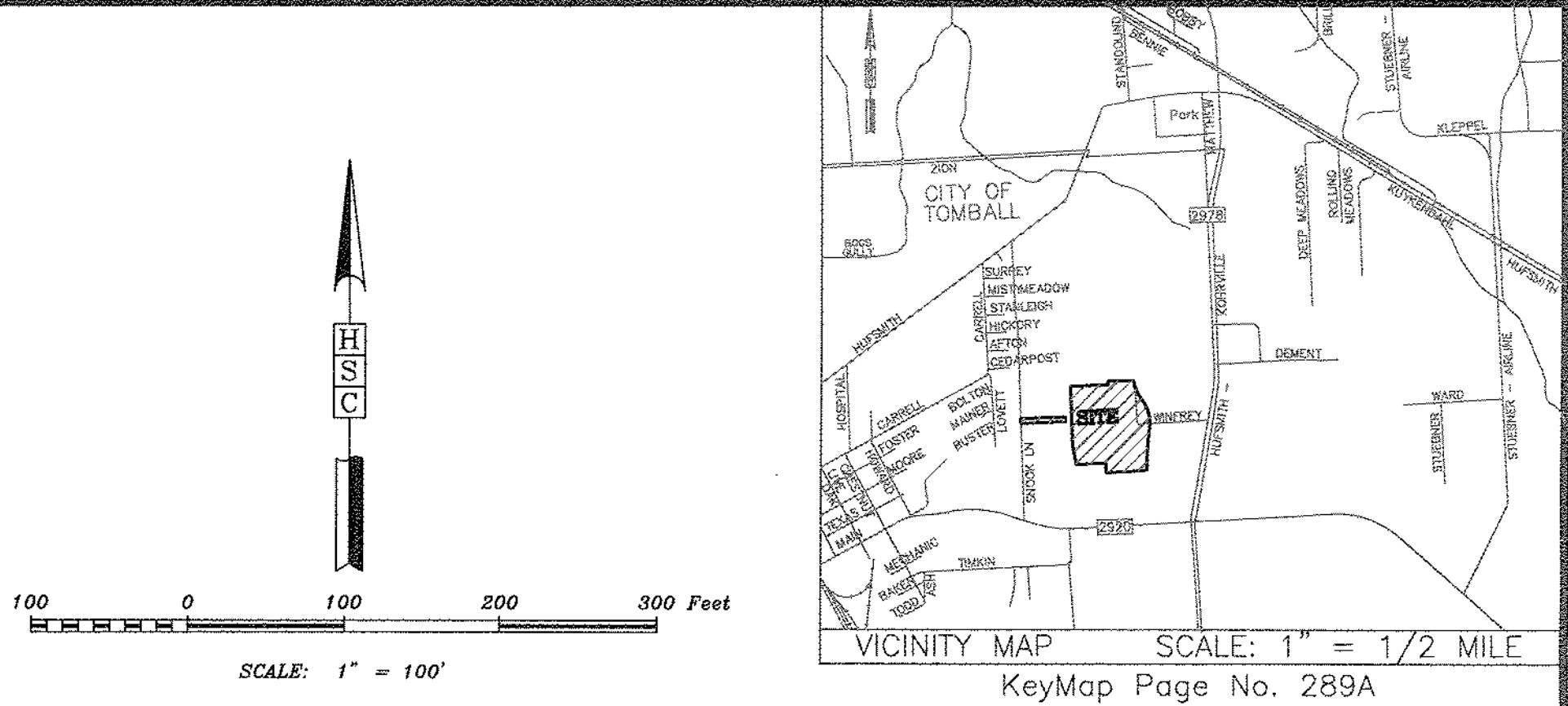
Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Peck Station Final Plat 1 of 2

Peck Station Final Plat 2 of 2



STATE OF TEXAS

COUNTY OF HARRIS

We, 2978 PANORMUS, L.P., a Texas limited partnership, acting by and through Jerry A. Hayley, Member of Dark Developments, LLC its Co-General Partner, being an officer of Dark Developments, LLC, Co-General Partner of 2978 PANORMUS, L.P., a Texas limited partnership, Owners, hereinafter referred to as Owners of the 34.4945 acre tract described in the above and foregoing plat of PECK STATION, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions, and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Houston, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the 2978 PANORMUS, L.P., a Texas limited partnership, has caused these presents to be signed by, Jerry A. Hayley, Member of Dark Developments, LLC, its Co-General Partner, thereunto authorized, this ____ day of _____, 2014.

2978 PANORMUS, L.P., a Texas limited partnership
By: Dark Developments, LLC, its Co-General Partner

By: _____
Jerry A. Hayley, Member

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, Jerry A. Hayley, Member of Dark Developments, LLC, Co-General Partner of 2978 PANORMUS, L.P., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
____ day of _____, 2014

Notary Public in and for the State of Texas

My Commission expires:

I, Harry H. Hovis IV, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'), except where corners were found; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.

Harry H. Hovis IV
Texas Registration No. 4827

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of PECK STATION in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 2014.

By: _____ By: _____
Chairman Vice Chairman

By: _____
Secretary

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinances.

By: _____ By: _____
George Shackelford Lori Lakatos, P.E. CFM
City Manager City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all of the dedicated public easements in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 2014.

By: _____ By: _____
Gretchen Fagan Doris Speer
Mayor City Secretary

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2014, at _____ o'clock ____M., and duly recorded on _____, 2014, at _____ o'clock ____M., and at Film Code Number _____ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

NOTES

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells ownership (plugged, abandoned and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The building lines shown on this plat shall be in addition to and shall not limit or replace any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to FEMA Firm Map Number 48201C0230L, Panel Number 480315 0230 L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (South Central Zone No. 4204), derived from CORS site R001.
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor: 0.99994870.
- B.L. indicates Building Line, COT U.E. indicates City of Tomball Utility Easement, F.C. indicates Film Code, U.E. indicates Utility Easement, STM. S.E. indicates Storm Sewer Easement, S.S.E. indicates Sanitary Sewer Easement, W.L.E. indicates Water Line Easement.
- The square footage shown hereon is based on a mathematically closed figure and does not indicate the accuracy of the survey.

PECK STATION
A SUBDIVISION OF 34.4945 ACRES OF
LAND SITUATED IN THE JESSE PRUITT
SURVEY, ABSTRACT NO. 629, CITY OF
TOMBALL, HARRIS COUNTY, TEXAS
BEING A PARTIAL REPLAT OF LOTS 296,
297, 298, 302, 303, 308, 309, 310 & 311
OF TOMBALL TOWNSITE
VOLUME 2, PAGE 65 M.R.H.C.
4 RESERVES, 2 BLOCKS

REASON FOR REPLAT: TO CREATE 2 RESERVES, TO CREATE
PECK STATION PARKWAY & TO ABANDON A PORTION OF A
30' RIGHT-OF-WAY (HUFFSMITH-KOHR)
VOLUME 2, PAGE 65 M.R.H.C.

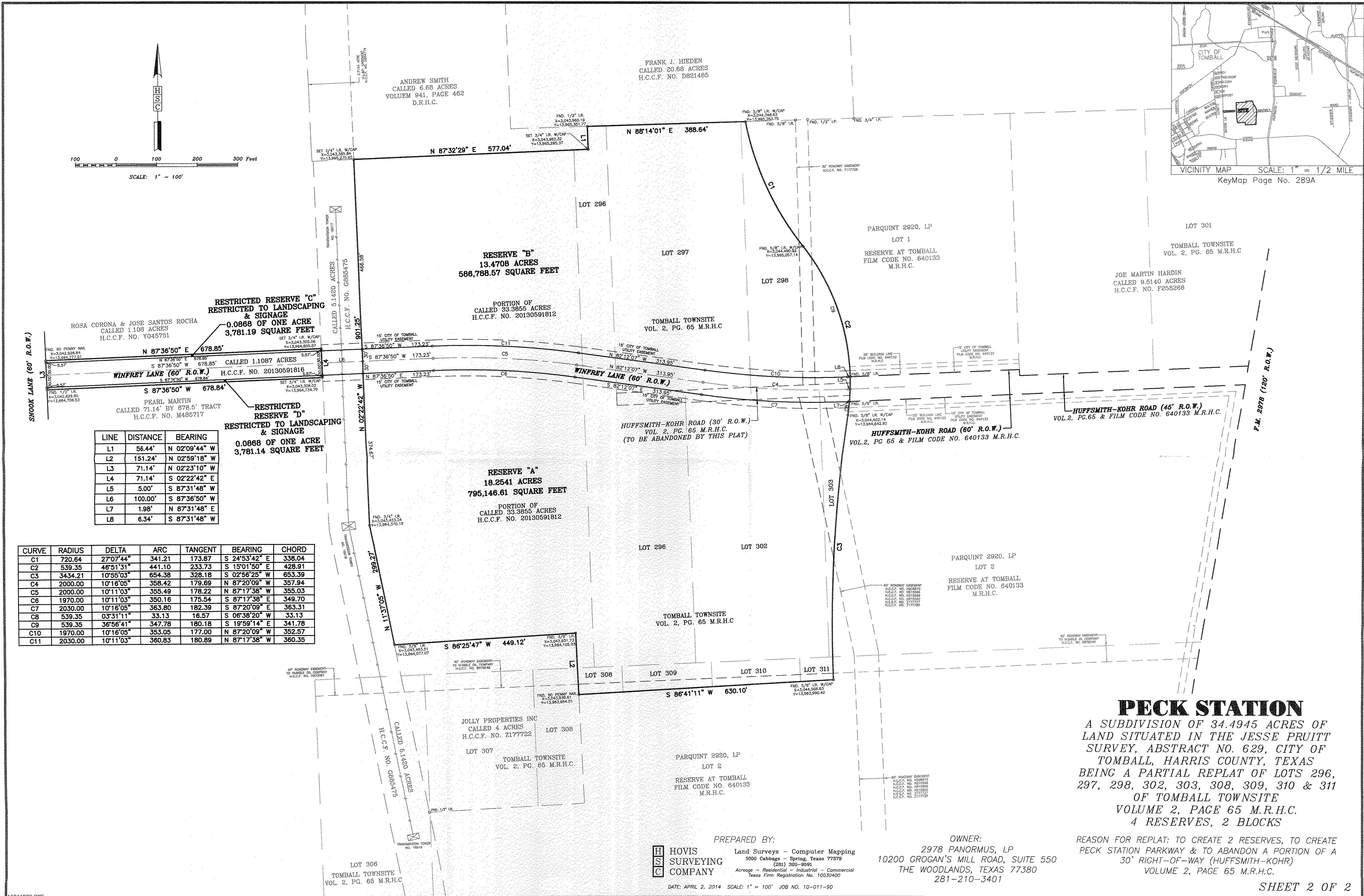
SHEET 1 OF 2

H HOVIS
S SURVEYING
C COMPANY

PREPARED BY:
Land Surveys - Computer Mapping
5000 Cabbage - Spring, Texas 77379
(281) 320-9591
Acreage - Residential - Industrial - Commercial
Texas Firm Registration No. 10030400

OWNER:
2978 PANORMUS, LP
10200 GROGAN'S MILL ROAD, SUITE 550
THE WOODLANDS, TEXAS 77380
281-210-3401

DATE: APRIL 2, 2014 SCALE: 1" = 100' JOB NO. 10-011-90



Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to approve **RESERVE AT TOMBALL PARTIAL REPLAT NO. 1**; A 47.650 acre tract of land being a Partial Replat of Reserve at Tomball as recorded under Film Code No. 640133; H.C.M.R.; Being out of called 55.6484 acre tract recorded under Harris County Clerk's File No. 20100211861, and a called 4 acre tract recorded under H.C.C.F. No. Z177722 in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Reserve at Tomball Partial Replat No. 1 - 1 of 2

Reserve at Tomball Partial Replat No. 1 - 2 of 2

DWG INFO: F:\WORK\17-001-01\DWG\RESERVE AT TOMBALL-REPLAT.DWG SHEET--002 4/4/2014 7:35:37 PM TOM WHITLEY

PROPERTY DESCRIPTION

A 47.2650 acre (2,058,862.88 square foot) tract of land being all of Lot 2, Reserve At Tomball, as recorded under Film Code Number 640133, of the Harris County Map Records, and a portion of called 4 acre tract of land described in a deed from Mandeep Singh to Jolly Properties, Inc., as recorded under Harris County Clerk's File Number Z177722, in the Jesse Pruitt Survey, A-629 in Harris County, Texas, said 47.2650 acre tract being more particularly described by metes and bounds as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone (NAD83) as determined by GPS observations):

BEGINNING a 5/8-inch iron rod with "CLR" cap found lying in the north right-of-way line of FM 2920 (120 feet wide), at the southwest corner of Lot 3, Reserve At Tomball, the most southerly southeast corner of said Lot 2, and the most southerly southeast corner hereof;

THENCE South 86 degrees 41 minutes 59 seconds West, along the north right-of-way line of said FM 2920, a distance of 1,031.45 feet to a 5/8-inch iron rod found at the southeast corner of a called 5.1420 acre tract conveyed to Houston Lighting & Power Company by deeds recorded under H.C.C.F. Nos. G885475 and G908192, the southwest corner of said Lot 2, and the southwest corner hereof;

THENCE North 11 degrees 36 minutes 34 seconds West, with the east line of said called 5.1420 acre tract and the west line of said Lot 2, at a distance of 605.33 feet pass a 5/8-inch iron rod with "CLR" cap found for the southwest corner of said called 4 acre tract and the most westerly northwest corner of said Lot 2, and continue with the east line of said called 5.1420 acre tract and the west line of said called 4 acre tract, for a total distance of 876.21 feet to a 5/8-inch iron rod with "CLR" cap set for most westerly northwest corner hereof;

THENCE North 86 degrees 41 minutes 41 seconds East, at a distance of 426.47 feet pass a 5/8-inch iron rod with "CLR" cap found in the east line of said called 4 acre tract, for the southwest corner of a called 33.3852 acre tract conveyed to Fellowship of The Woodlands Church, Inc. by deed recorded under H.C.C.F. No. 20080516594 and for a northwesterly corner of said Lot 2, and continue for a total distance of 1056.57 feet to a 5/8-inch iron rod found at the southeast corner of said called 33.3852 acre tract, an interior corner of said Lot 2, and an interior corner hereof;

THENCE Northerly along the east line of said called 33.3852 acre tract, the west line of said Lot 2, and a curve to the right through a central angle of 10 degrees 55 minutes 03 seconds to a 5/8-inch iron rod with cap found at the point of reverse curvature of a curve to the left, said curve having a radius of 3,434.21 feet, an arc length of 654.38 feet, and a long chord bearing North 02 degrees 56 minutes 55 seconds East, a distance of 653.39 feet;

THENCE Northwesterly along the east line of said called 33.3852 acre tract, the west line of said Lot 2, and with a curve to the left through a central angle of 03 degrees 31 minutes 14 seconds, to a 5/8-inch iron rod with "CLR" cap found in the south right-of-way line of Huffsmith-Kohr Road (60 feet wide), as recorded under Film Code Number 640133, of the Harris County Map records, said curve having a radius of 539.35 feet, an arc length of 33.14 feet, and a long chord bearing North 06 degrees 38 minutes 48 seconds East, a distance of 33.13 feet;

THENCE North 87 degrees 32 minutes 18 seconds East along the northerly line of said Lot 2 and the south right-of-way line of said Huffsmith-Kohr Road (60 feet wide), a distance of 975.90 feet to a 5/8-inch iron rod with "CLR" cap found in the west right-of-way line of FM 2978 (120 feet wide) as recorded in Volume 2, Page 65; H.C.M.R., Volume 7725, Page 587; H.C.D.R., and Volume 7813, Page 82; H.C.D.R., for the most easterly northeast corner of said Lot 2, and the most easterly northeast corner hereof;

THENCE South 09 degrees 34 minutes 58 seconds West along the east line of said Lot 2, and the west right-of-way of said FM 2978 (120 feet wide), a distance of 1,294.24 feet to a 5/8" iron rod with cap found at the northeast corner of a called 0.352 acre tract of land conveyed to Exxon Mobil Corporation by deed recorded under H.C.C.F. No. Y772398, the most easterly southeast corner of said Lot 2, and the most easterly southeast corner hereof;

THENCE South 86 degrees 40 minutes 43 seconds West, along the common boundary line of said Lot 2 and said called 0.352 acre tract, a distance of 202.56 feet to a P.K. nail found in asphalt at the northwest corner of said called 0.352 acre tract, for an interior corner of said Lot 2, and an interior corner hereof;

THENCE South 09 degrees 35 minutes 15 seconds West along the common boundary line of said called 0.352 acre tract, and said Lot 2, a distance of 77.73 feet to a 5/8-inch iron with cap found at the northwest corner of a called 40,000.05 square feet tract of land conveyed to Exxon Corporation by deed recorded under H.C.C.F. No. K204591, the southwest corner of said called 0.352 acre tract, the northeast corner of Restricted Reserve "A", Block 1, Tomball East Gate Center, as recorded under Film Code Number 542107, H.C.M.R., a southeast corner of said Lot 2, and a southeast corner hereof;

THENCE South 86 degrees 40 minutes 43 seconds West, with the north line of said Restricted Reserve "A", Tomball East Gate Center and the south line of said Lot 2, at a distance of 179.99 feet pass a 5/8-inch iron rod found for the northwest corner of said Restricted Reserve "A", Tomball East Gate Center, and the northeast corner of said Lot 3, and continue with the south line of said Lot 2 and the north line of said Lot 3, for a total distance of 439.97 feet a 5/8-inch iron rod with cap found for the northwest corner of said Lot 3, and interior corner of said Lot 2, and an interior corner hereof;

THENCE South 02 degrees 31 minutes 01 seconds East along the west line of said Lot 3 and an easterly line of said Lot 2, a distance of 197.31 feet to the **POINT OF BEGINNING** and containing a computed area of 47.2650 acres (2,058,862.88 square feet) of land.

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

We, **PARQUINT 2920, LP**, hereinafter referred to as owner of the 47.2650 acre tract described in the above and foregoing plat of **RESERVE AT TOMBALL PARTIAL REPLAT NO. 1**, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purpose and considerations therein express, and do hereby bind ourselves our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property with the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby covenant and agree that all the property with the boundaries of this plat and adjacent to any drainage easement, ditch gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, plantings, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly in this easement except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, **PARQUINT 2920, LP**, has caused these presents to be signed by Michael H. Richmond, thereunto authorized, attested by _____ and its common seal hereunto affixed this _____ day of _____, 2014.

PARQUINT 2920, LP
a Texas Limited Partnership

BY: **PARQUINT 2920, GP, LLC**
Its General Partner

BY: **PAR Real Estate Holdings, LLC**
Its Manager

BY: _____
Michael H. Richmond
President

ATTEST:

BY: _____

NAME: _____

TITLE: _____

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared Michael H. Richmond, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said **PAR REAL ESTATE HOLDINGS, LLC**.

Notary Public in and for the State of Texas
My commission expires _____

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of **RESERVE AT TOMBALL PARTIAL REPLAT NO. 1** in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorize the recording of this plat this _____ day of _____, 2014.

By: _____ By: _____
Barbara Tague, Chairman Darrell Roquemore, Vice Chairman

We, the City Manager and City Engineer for the City of Tomball, Texas, do hereby certify that the plat of **RESERVE AT TOMBALL PARTIAL REPLAT NO. 1** is in conformance with the City of Tomball ordinances.

George Shackelford Lori Lakatos, PE
City Manager City Engineer

This is to certify that the City accepts the Planning and Zoning Commission's authorized approval and acceptance of all the dedicated public easements and conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2014.

Gretchen Fagan Doris Speer
Mayor City Secretary

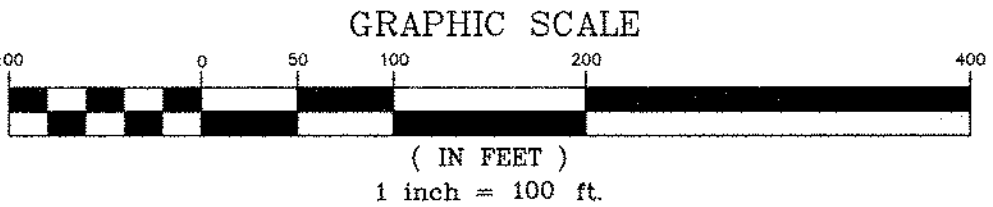
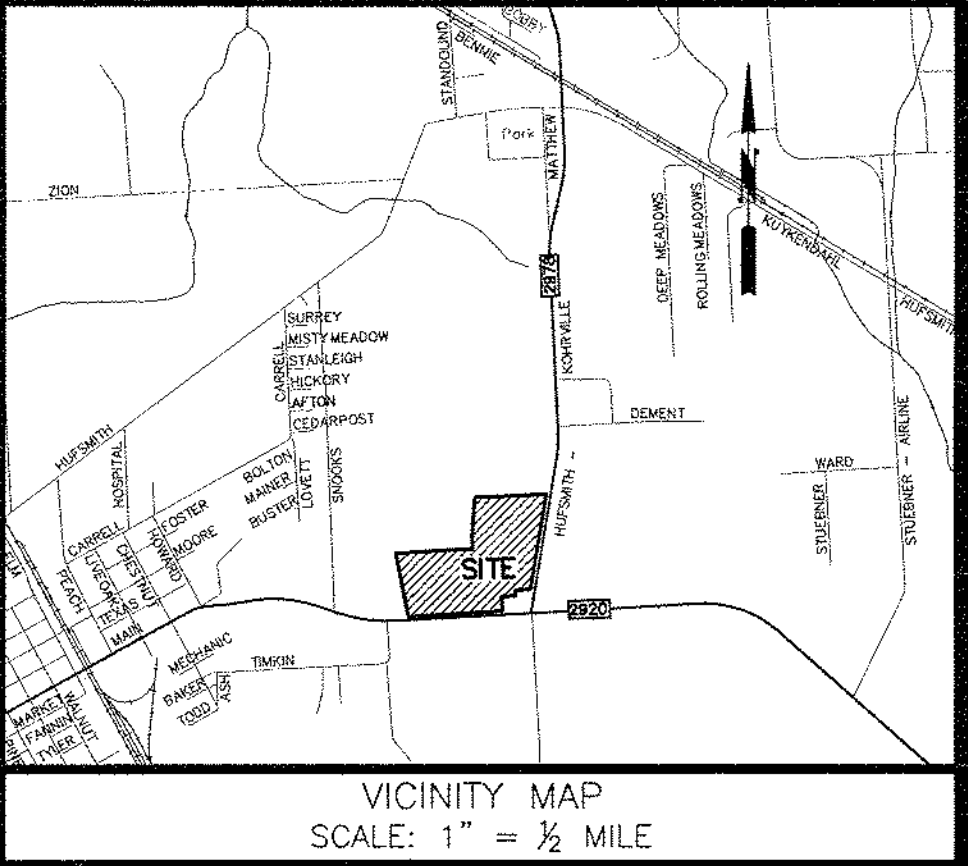
STATE OF TEXAS §
COUNTY OF HARRIS §

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the written instrument with its certificate of authentication was filed for registration in my office on _____, 2014 at _____ o'clock _____ M., and at Film Code _____ of the Map Records of Harris County for said county and duly recorded on _____, 2014, at _____ o'clock _____ M.

Witness my hand and seal of office, at Harris County, Texas, the day and date last above written.

Stan Stanart
County Clerk
Harris County, Texas

By: _____
Deputy



NOTES:

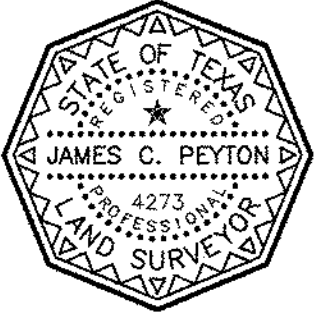
Flood Information:
According to FEMA Firm Panel No. 48201C0230L (effective date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements' shown on this plat. Neither the City of Tomball nor any public utility shall be responsible for the replacing or reimbursing the property owner due to removal or relocation of any obstruction on the public easements.

1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
3. No building or structure shall be constructed across any pipelines, building lines, and / or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
4. This plat does not attempt to remove any valid restrictions or covenants.
5. The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
6. All visible easements and easements of record as reflected on title commitment from Stewart Title of Montgomery County, File No.: 103804, issued December 02, 2010, are shown hereon.
7. Bearings shown hereon are based on the Texas State Plane Coordinate System South Central Zone NAD 83.

I, James C. Peyton, am authorized by the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron rods having an outside diameter of not less than three-fourths (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner.



James C. Peyton, RPLS
Registered Professional Land Surveyor No. 4273

RESERVE AT TOMBALL PARTIAL REPLAT NO. 1

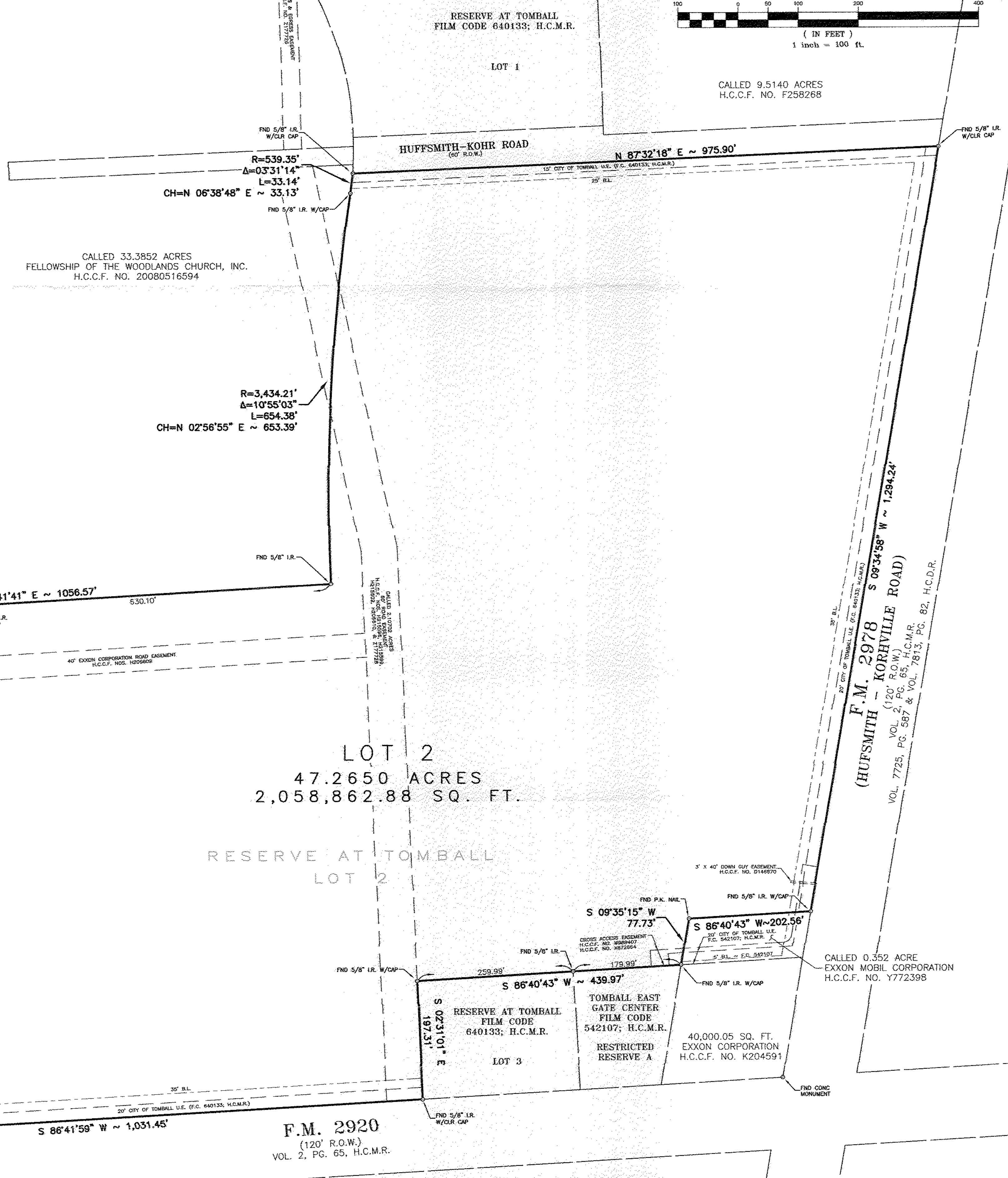
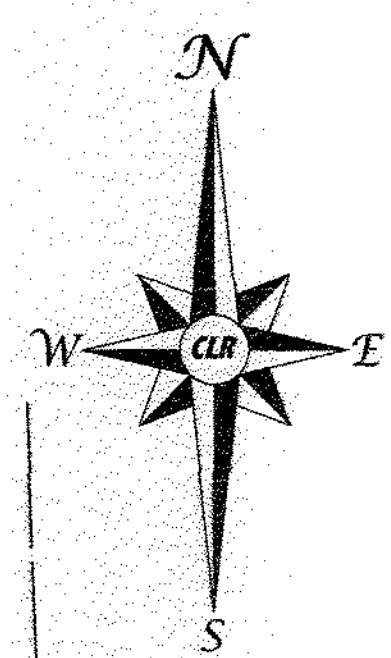
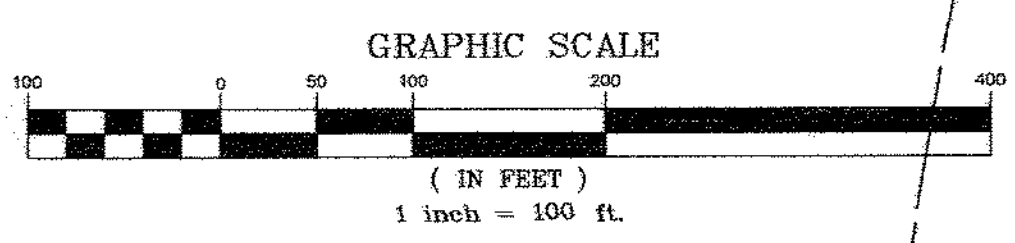
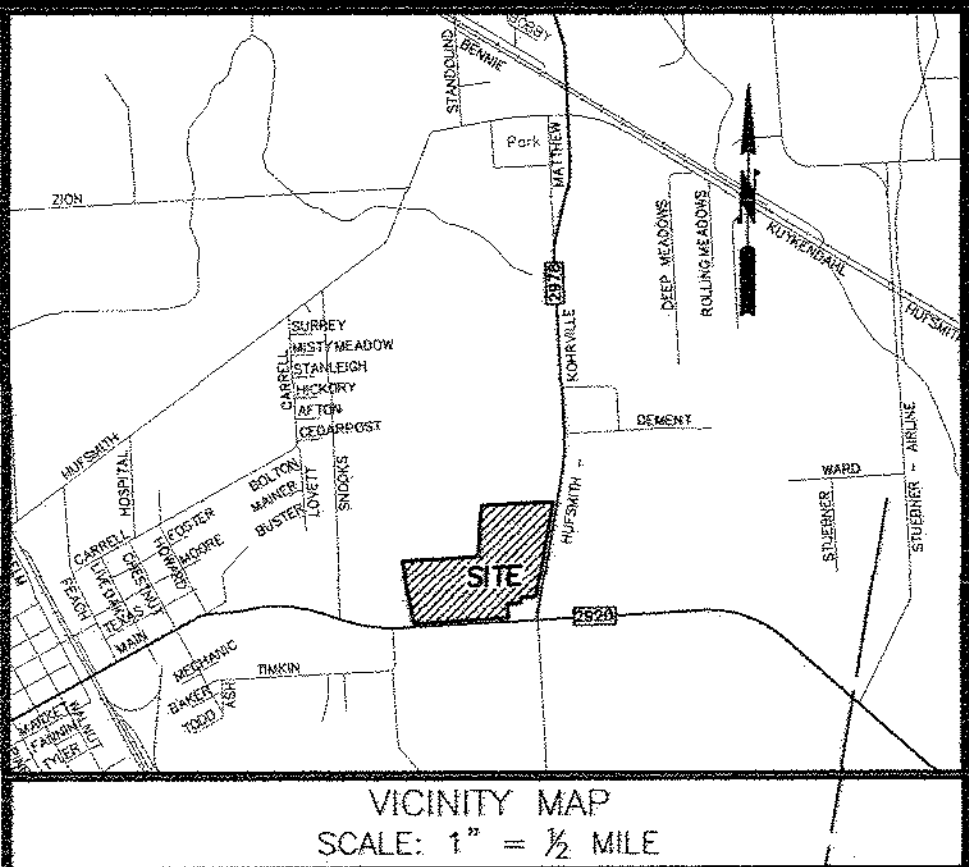
A 47.2650 ACRE TRACT OF LAND
BEING A PARTIAL REPLAT OF RESERVE AT TOMBALL
AS RECORDED UNDER FILM CODE NO. 640133; H.C.M.R.
BEING OUT OF A CALLED 55.6484 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. 20100211861, AND
A CALLED 4 ACRE TRACT RECORDED UNDER H.C.C.F. NO. Z177722
IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER:

SURVEYOR / ENGINEER:

PARQUINT 2920, LP,
1330 Lake Robbins Dr., Suite 100
The Woodlands, TX 77380
832-375-2520

CLR, Inc.
Engineers • Surveyors • GIS
TBPE Firm Reg. No. 275
TBPLS Firm No. 10028900
19530 FM-362, Waller, Texas 77484 Phone: (713) 462-0993



RESERVE AT TOMBALL PARTIAL REPLAT NO. 1

A 47.2650 ACRE TRACT OF LAND
BEING A PARTIAL REPLAT OF RESERVE AT TOMBALL
AS RECORDED UNDER FILM CODE NO. 640133; H.C.M.R.
BEING OUT OF A CALLED 55.6484 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. 20100211861, AND
A CALLED 4 ACRE TRACT RECORDED UNDER H.C.C.F. NO. Z177722
IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

LEGEND	
U.E.	UTILITY EASEMENT
C.T.U.E.	CITY OF TOMBALL UTILITY EASEMENT
B.L.	BUILDING LINE
F.C.	FILM CODE
H.C.C.F.	HARRIS COUNTY CLERK'S FILE
H.C.M.R.	HARRIS COUNTY MAP RECORD
H.C.D.R.	HARRIS COUNTY DEED RECORD

OWNER:
PARQUINT 2920, LP
1330 Lake Robbins Dr., Suite 100
The Woodlands, TX 77380
832-375-2520

SURVEYOR / ENGINEER:
CLR, Inc.
Engineers • Surveyors • GIS
19530 FM-362, Waller, Texas 77484 Phone: (713) 462-0993
TBPE Firm Reg. No. 275
TBPLS Firm No. 10038900

DWG INFO: F:\WORK\11-01-01\DWG\RESERVE AT TOMBALL REPLAT.DWG SHEET2-MAP 4/4/2014 7:52:07 PM TOM WHITLEY

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to approve **STANOLIND FIRE STATION PRELIMINARY PLAT**; A 27.7034 acre tract of land being out of called 28.25 acre tract recorded under Harris County Clerk's File No. Y532630 in the Joseph Miller Survey, Abstract No. 50, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

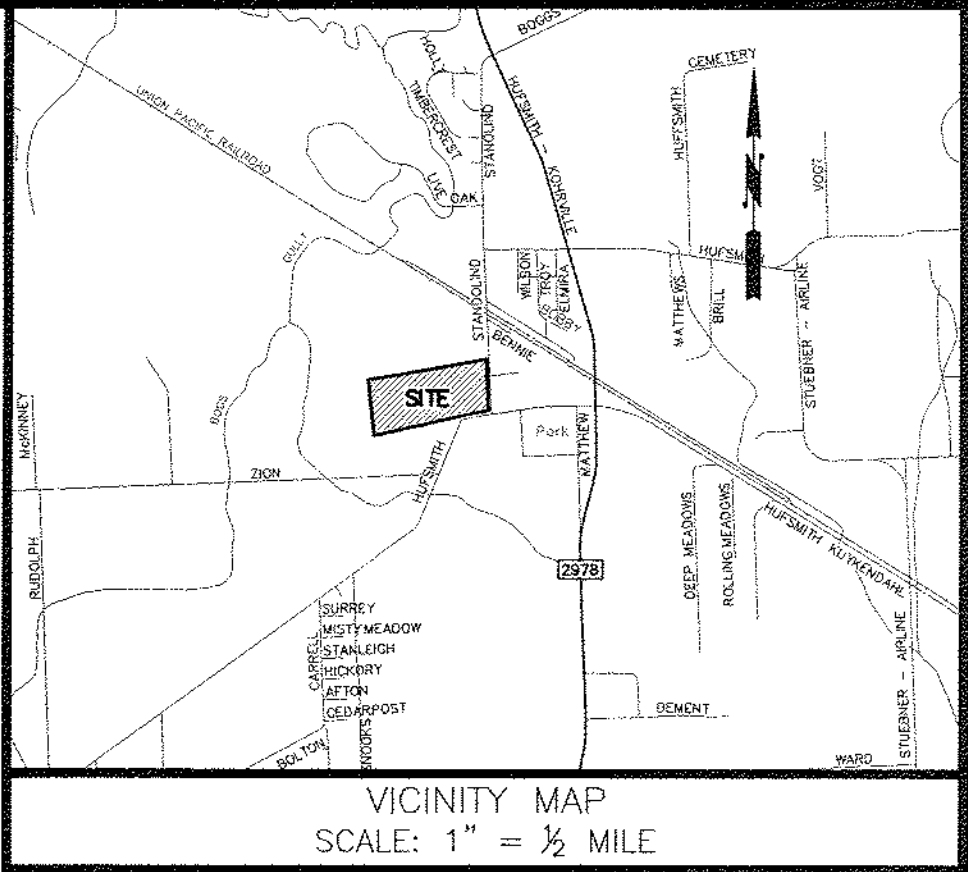
Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Stanolind Fire Station Preliminary Plat 1 of 2

Stanolind Fire Station Preliminary Plat 2 of 2



PROPERTY DESCRIPTION

A 27.7034 acre (1,206,761.42 square foot) tract of land being all of a called 28.25 acre tract of land described in a deed from BP Pipelines (North America) Inc. to TEPPCO Crude Pipeline, L.P., as recorded under Harris County Clerk's File Number Y562630, in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas, said 27.7034 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone, NAD83):

BEGINNING at a PK Nail in asphalt found at the intersection of the north right-of-way of Hufsmith Road (width varies) and the described centerline of Stanolind Road (undetermined width) for the southeast corner of said called 28.25 acre tract, and southeast corner hereof;

THENCE, South 77 degrees 55 minutes 23 seconds West, with the north right-of-way line of said Hufsmith Road at 499.64 feet passing a 5/8-inch iron rod found at an angle point in the northwesterly right-of-way line of said Hufsmith Road for the northeast corner of a called 10 acre tract of land described in a deed to John M. Bang, as recorded under Harris County Clerk's File Number G548117, continuing with the north line of said called 10 acre tract, at a distance of 1306.04 feet passing a 5/8-inch iron rod found for the northwest corner of said called 10 acre tract and for the northeast corner of a called 2.343 acre tract of land described in a deed to Houston Lighting & Power Company, as recorded under Harris County Clerk's File Number G987804, continuing with the north line of said called 2.343 acre tract, for a total distance of 1625.84 feet to a 1/2-inch iron rod with "Gullet & Assoc." cap found for an interior corner of said called 2.343 acre tract, the southwest corner of said called 28.25 acre tract, and the southwest corner hereof;

THENCE, North 06 degrees 38 minutes 33 seconds West, with an interior line of said called 2.343 acre tract, at a distance of 62.40 feet passing a point for the most northerly northeast corner of said called 2.343 acre tract and for the southeast corner of a called 3.3688 acre tract of land described in a deed to Melvin O. Pitchford, et ux, as recorded under Harris County Clerk's File Number J163569, continuing with the east line of said called 3.3688 acre tract, at a distance of 566.28 feet passing a point for the northeast corner of said called 3.3688 acre tract and for the southeast corner of the residue of a called 4.3537 acre tract of land described in a deed to Melvin O. Pitchford, et ux, as recorded under Harris County Clerk's File Number H622174, continuing with the east line of said called 4.3537 acre tract, at a distance of 711.77 feet passing a point for the northeast corner of the residue of said called 4.3537 acre tract and for the southeast corner of a called 3.00 acre tract of land described in a deed to Terry Don Smith, et ux, as recorded under Harris County Clerk's File Number V040128, from which a found 5/8-inch iron rod with cap bears North 08 degrees 23 minutes East, a distance of 2.07 feet, and a found 1/2-inch iron rod bears North 65 degrees 08 minutes West, a distance of 1.05 feet, continuing with the east line of said called 3.00 acre tract, for a total distance of 769.39 feet to a 6-inch metal post cut off at ground level found for the southwest corner of a called 5.578 acre tract of land (Tract I) described in a deed to Richard Earl Eggleston and Meredith Moore, as recorded under Harris County Clerk's File Number U891936, the northwest corner of said called 28.25 acre tract, and the northwest corner hereof;

THENCE, North 80 degrees 20 minutes 52 seconds East, with the south line of said called 5.578 acre tract, at a distance of 297.83 feet passing a 5/8-inch iron rod found for the southeast corner of said called 5.578 acre tract and for the southwest corner of a called 0.928 acre tract of land (Tract II) described in a deed to Richard Earl Eggleston and Meredith Moore, as recorded under Harris County Clerk's File Number U891936, continuing with the south line of said called 0.928 acre tract, at a distance of 1643.53 feet passing a 6 inch concrete fence post found for the southeast corner of said called 0.928 acre tract, and continuing for a total distance of 1670.00 feet to a PK Nail in asphalt found in the described centerline of said Stanolind Road for the northeast corner of said called 28.25 acre tract, and the northeast corner hereof;

THENCE, South 02 degrees 38 minutes 33 seconds East, with the easterly line of said called 28.25 acre tract and along the described centerline of said Stanolind Road, a distance of 704.81 feet to a the **POINT OF BEGINNING** and containing a computed area of 27.7034 acres (1,206,761.42 square feet) of land.

NOTES:

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown to the best knowledge and belief of the Surveyor.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown to the best knowledge and belief of the Surveyor.
- No building or structure shall be constructed across any pipelines, building lines, and / or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to remove any valid restrictions or covenants.
- The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- All visible easements and easements of record as reflected on title commitment from Stewart Title Guaranty Company, File No.: 1320174350, issued February 19, 2014, are shown hereon.
- Bearings shown hereon are based on the Texas State Plane Coordinate System South Central Zone NAD 83.
- This plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure.
- The areas shown hereon have been carried to the number of decimal places required by the City of Tomball, which exceeds the precision prescribed by the Texas Board of Professional Land Surveying.

STATE OF TEXAS §
COUNTY OF HARRIS §

We, **TEPPCO CRUDE PIPELINE, L.P.**, owner, hereinafter referred to as owners of the 27.703 acre tract described in the above and foregoing plat of **STANOLIND FIRE STATION**, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposed and considerations therein express; and do hereby bind ourselves our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property with the boundanes of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, Owners certify and covenant that they have complied with or will comply with existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County.

IN TESTIMONY WHEREOF, **TEPPCO CRUDE PIPELINE, L.P.**, has caused these presents to be signed by _____ and its hereunto authorized, attested by _____ and its common seal hereunto affixed this _____ day of _____, 2014.

TEPPCO CRUDE PIPELINE, L.P.,
a Texas Limited Partnership

BY: _____

ATTEST:

BY: _____

NAME: _____

TITLE: _____

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Michael H. Richmond, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposed and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said **TEPPCO CRUDE PIPELINE, L.P.**

Notary Public in and for the State of Texas
My commission expires _____

Flood Information:

The subject property lies within Zone "X" (unshaded), Zone "X" (shaded), and Zone "AE" as per F.E.M.A. Flood Insurance Rate Map No. 48201C0230L, dated June 18, 2007. Zone "X" (unshaded) is defined in this case as "Areas determined to be outside the 0.2% annual chance floodplain". Zone "X" (shaded) is defined in this case as "Areas of 0.2% annual chance flood; areas of 1% chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood". Zone "AE" is defined in this case as "Special flood hazard areas subject to inundation by the 1% annual chance flood event", and the base flood elevation has been determined to be 171.5'. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. The flood hazard area is subject to change as detailed studies occur and/or as watershed or channel conditions change. This flood statement shall not create liability on the part of this surveyor.

Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any public utility shall be responsible for the replacing or reimbursing the property owner due to removal or relocation of any obstruction on the public easements.

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of **STANOLIND FIRE STATION** in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorize the recording of this plat this _____ day of _____, 2014.

By: _____ By: _____
Barbara Tague, Chairman Darrell Roquemore, Vice Chairman

We, the City Manager and City Engineer for the City of Tomball, Texas, do hereby certify that the plat of **STANOLIND FIRE STATION** is in conformance with the City of Tomball ordinances.

George Shackelford Lori Lakatos, PE
City Manager City Engineer

This is to certify that the City accepts the Planning and Zoning Commission's authorized approval and acceptance of all the dedicated public easements and conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2014.

Gretchen Fagan Doris Spear
Mayor City Secretary

I, Arthur L. Storey, Jr., County Engineer of Harris County, hereby certify that the plat of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court and that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other Court adopted drainage requirements.

Arthur L. Storey, Jr., P.E.
County Engineer

I, Stan Stanart, County Clerk of Harris County and ex officio clerk of the Harris County Commissioners' Court, do hereby certify that the within instrument was approved at a legally convened meeting of the Harris County Commissioners' Court held on _____, 2014 by an order entered into the minutes of the court.

Stan Stanart
County Clerk of Harris County, Texas

By: _____
Deputy

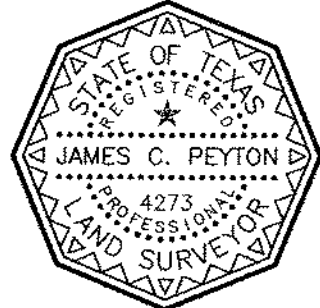
I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2014, at _____ o'clock __M., and duly recorded on _____, 2014, at _____ o'clock __M., and at Film Code No. _____ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
Harris County, Texas

By: _____
Deputy

I, James C. Peyton, am authorized by the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron rods having an outside diameter of not less than three-fourths (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner.



James C. Peyton, RPLS
Registered Professional Land Surveyor No. 4273

PRELIMINARY PLAT
STANOLIND FIRE STATION

A 27.7034 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y532630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019

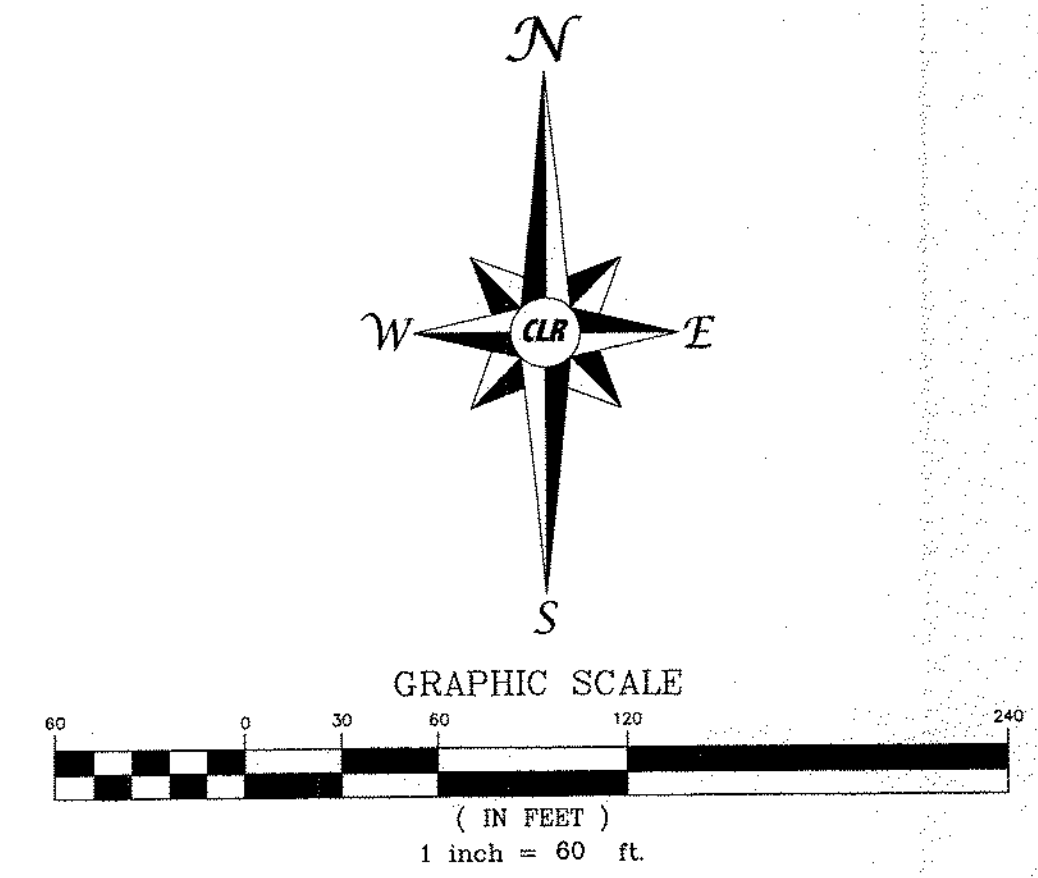
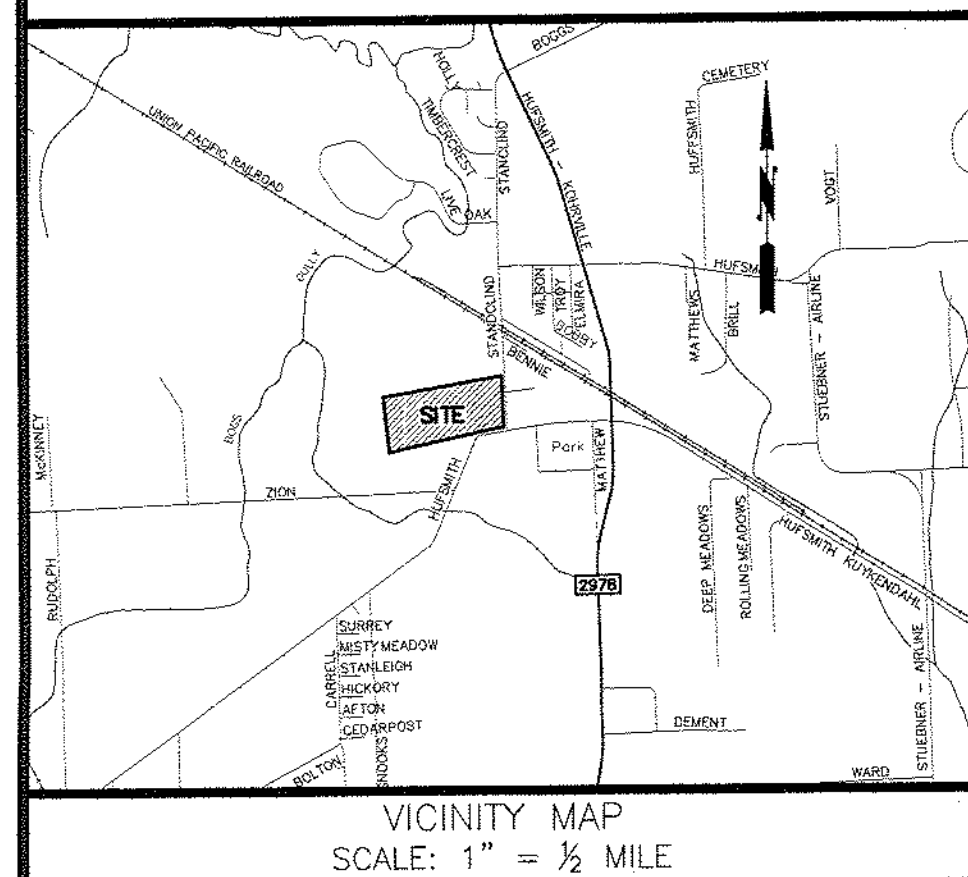
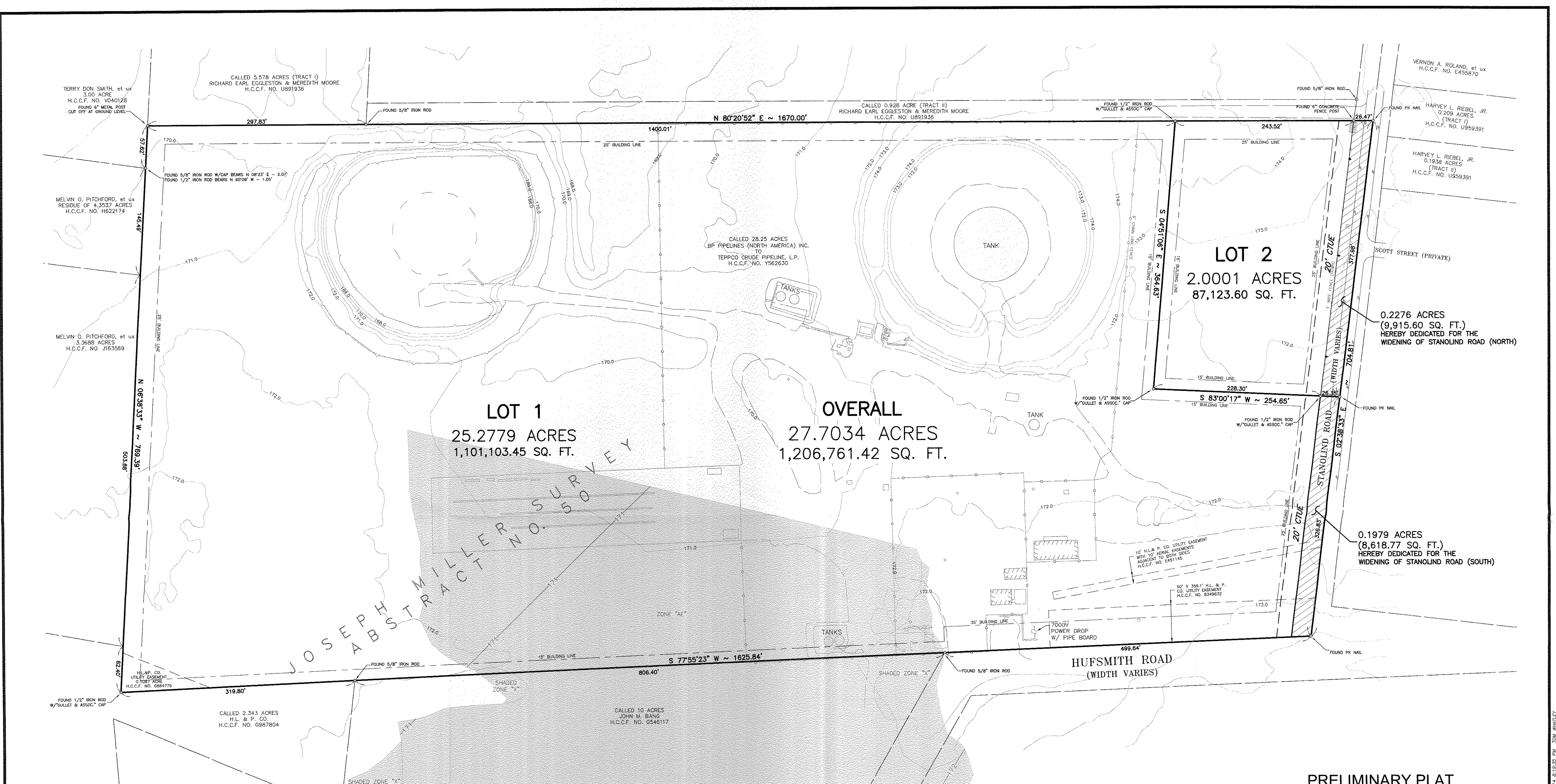
CLR, Inc.
Engineers • Surveyors • GIS
19630 FM-362, Waller, Texas 77484
Phone: (713) 462-0993 Fax: (713) 462-2732

2 LOTS

SCALE: 1"=60'

APRIL, 2014

SHEET 1 OF 2



AREA TABLE		
	ACRES	SQ. FT.
LOT 1	25.2779	1,101,103.45
LOT 2	2.0001	87,123.60
STANOLIND DEDICATION NORTH	0.2276	9,915.60
STANOLIND DEDICATION SOUTH	0.1979	8,618.77
TOTAL	27.7034	1,206,761.42

PRELIMINARY PLAT
STANOLIND FIRE STATION

A 27.7034 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y532630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019

SURVEYOR / ENGINEER:
CLR, Inc.
Engineers • Surveyors • GIS
19530 FM-362, Waller, Texas 77484
Phone: (713) 462-0993 Fax: (713) 462-2732

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to approve **STANOLIND FIRE STATION FINAL PLAT**; A 27.7034 acre tract of land being out of a called 28.25 acre tract recorded under Harris County Clerk's File No. Y532630 in the Joseph Miller Survey, Abstract No. 50, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

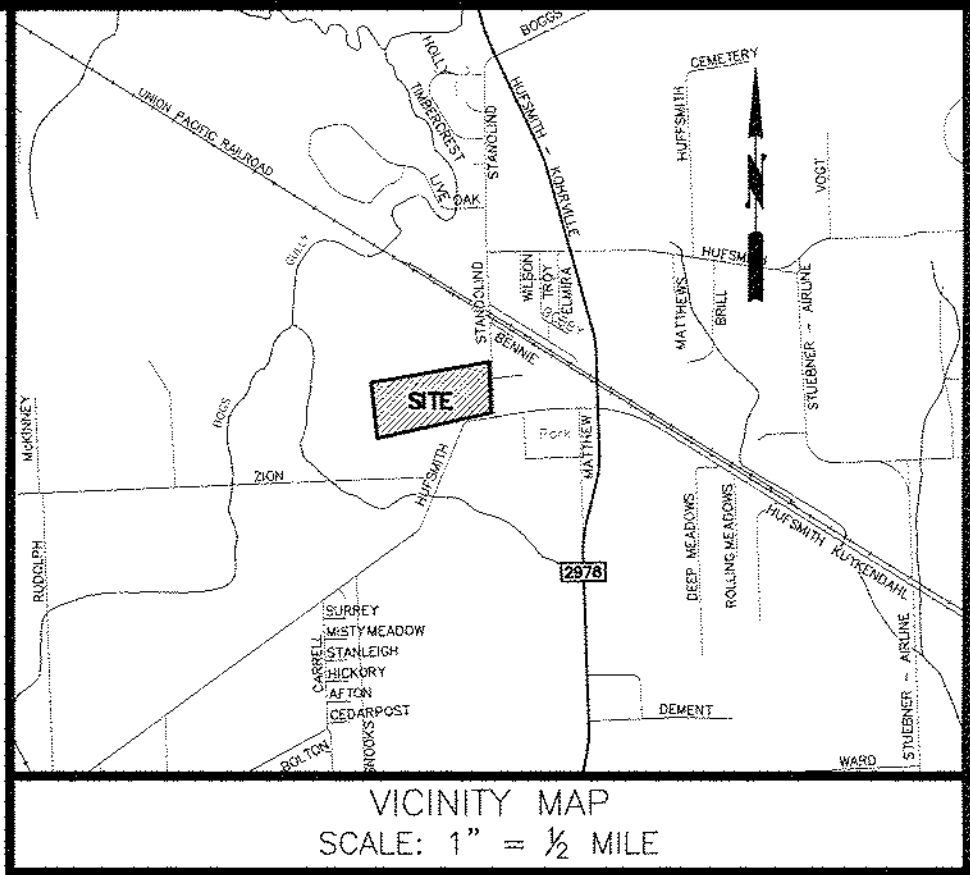
Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Stanolind Fire Station Final Plat 1 of 2

Stanolind Fire Station Final Plat 2 of 2



Flood Information:
The subject property lies within Zone "X" (unshaded), Zone "X" (shaded), and Zone "AE" as per F.E.M.A. Flood Insurance Rate Map No. 48201C0230L, dated June 18, 2007. Zone "X" (unshaded) is defined in this case as "Areas determined to be outside the 0.2% annual chance floodplain". Zone "X" (shaded) is defined in this case as "Areas of 0.2% annual chance flood; areas of 1% chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood". Zone "AE" is defined in this case as "Special flood hazard areas subject to inundation by the 1% annual chance flood event", and the base flood elevation has been determined to be 171.5'. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. The flood hazard area is subject to change as detailed studies occur and/or as watershed or channel conditions change. This flood statement shall not create liability on the part of this surveyor.

Public Easements:
Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any public utility shall be responsible for the replacing or reimbursing the property owner due to removal or relocation of any obstruction on the public easements.

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2014, at _____ o'clock __M., and duly recorded on _____, 2014, at _____ o'clock __M., and at Film Code No. _____ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
Harris County, Texas

By: _____
Deputy

By: _____
Barbara Tague, Chairman

By: _____
Darrell Roquemore, Vice Chairman

We, the City Manager and City Engineer for the City of Tomball, Texas, do hereby certify that the plat of **STANOLIND FIRE STATION** is in conformance with the City of Tomball ordinances.

George Shackelford
City Manager

Lori Lakatos, PE
City Engineer

This is to certify that the City accepts the Planning and Zoning Commission's authorized approval and acceptance of all the dedicated public easements and conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2014.

Gretchen Fagan
Mayor

Doris Speer
City Secretary

I, Arthur L. Storey, Jr., County Engineer of Harris County, hereby certify that the plat of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court and that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other Court adopted drainage requirements.

Arthur L. Storey, Jr., P.E.
County Engineer

I, Stan Stanart, County Clerk of Harris County and ex officio clerk of the Harris County Commissioners' Court, do hereby certify that the within instrument was approved at a legally convened meeting of the Harris County Commissioners' Court held on _____, 2014 by an order entered into the minutes of the court.

Stan Stanart
County Clerk of Harris County, Texas

By: _____
Deputy

FINAL PLAT STANOLIND FIRE STATION

A 27.7034 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y532630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: _____ SURVEYOR / ENGINEER: _____

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019

CLR, Inc.
Engineers • Surveyors • GIS
19530 FM-362, Waller, Texas 77484
Phone: (713) 462-0993 Fax: (713) 462-2732

2 LOTS
SCALE: 1"=60' APRIL, 2014 SHEET 1 OF 2

NOTES:

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown to the best knowledge and belief of the Surveyor.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown to the best knowledge and belief of the Surveyor.
- No building or structure shall be constructed across any pipelines, building lines, and / or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to remove any valid restrictions or covenants.
- The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- All visible easements and easements of record as reflected on title commitment from Stewart Title Guaranty Company, File No.: 1320174350, issued February 19, 2014, are shown hereon.
- Bearings shown hereon are based on the Texas State Plane Coordinate System South Central Zone NAD 83.
- This plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure.
- The areas shown hereon have been carried to the number of decimal places required by the City of Tomball, which exceeds the precision prescribed by the Texas Board of Professional Land Surveying.

STATE OF TEXAS §
COUNTY OF HARRIS §

We, **TEPPCO CRUDE PIPELINE, L.P.**, owner, hereinafter referred to as owners of the 27.703 acre tract described in the above and foregoing plat of **STANOLIND FIRE STATION**, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein express, and do hereby bind ourselves our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property with the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, Owners certify and covenant that they have complied with or will comply with existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County.

IN TESTIMONY WHEREOF, **TEPPCO CRUDE PIPELINE, L.P.**, has caused these presents to be signed by _____ and its thereunto authorized, attested by _____ and its common seal hereunto affixed this _____ day of _____, 2014.

TEPPCO CRUDE PIPELINE, L.P.
a Texas Limited Partnership

BY: _____

ATTEST:

BY: _____

NAME: _____

TITLE: _____

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Michael H. Richmond, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said **TEPPCO CRUDE PIPELINE, L.P.**

Notary Public in and for the State of Texas
My commission expires _____

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-028**: Request by Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner, for a Conditional Use Permit to operate an accountant's office with one residential sleeping quarter. The property is approximately 0.68 acres, is legally described as Lot 2, Block 2, Brown-Hufsmith Commercial, is generally located south of Brown-Hufsmith Road between State Highway 249 and Quinn Road, and is located in the Office District.

- Conduct a Public Hearing on **ZONING CASE P14-028**

Background:

Origination:

Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P14-028 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
APRIL 14, 2014
&
CITY COUNCIL
APRIL 21, 2014**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, April 14, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 21, 2014, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P14-028: Request by Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner, for a Conditional Use Permit to operate an accountant's office with one residential sleeping quarter. The property is approximately 0.68 acres, is legally described as Lot 2, Block 2, Brown-Hufsmith Commercial, is generally located south of Brown-Hufsmith Road between State Highway 249 and Quinn Road, and is located in the Office District.

ZONING CASE P14-040: Request by 2978 Panormus, LP to amend the City's Zoning Ordinance by rezoning approximately 34.4945 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, City of Tomball, Harris County, Texas, said 34.4945 acres being comprised of Harris County Appraisal District Tracts 12 and 11M-4, all of Lots 296, 297 and 302 and a portion of Lots 298, 303, 308, 309, 310 and 311 of Tomball Townsite, a subdivision as shown on map or plat recorded under Volume 2, Page 65 of the Harris County Map Records; generally located northerly of FM 2920 between Snook Lane and FM 2978, from the Commercial and Single-Family Residential-9 Districts to the Planned Development - 6 District to facilitate a mixed use development.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball,

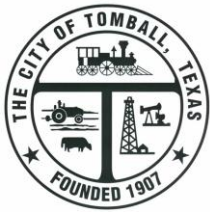
TX 77375. Further information may be obtained by contacting the Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@tomballtx.gov.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of April 2014 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P14-028

APPLICANT: Stutt Cox Builders, Inc., on behalf of Ronald and Amy Haffner

LOCATION: South of Brown-Hufsmith Road between State Highway 249 and Quinn Road

PROPOSAL: Request for a Conditional Use Permit to operate an accountant's office with one residential sleeping quarter. The property is approximately 0.68 acres, is legally described as Lot 2, Block 2, Brown-Hufsmith Commercial, and is located in the Office District.

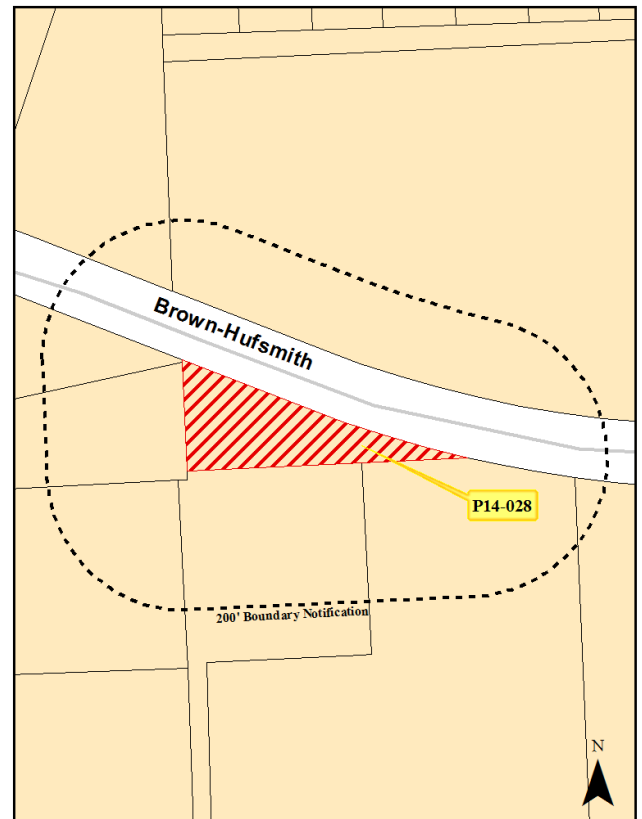
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning & Zoning Commission
Public Hearing:**

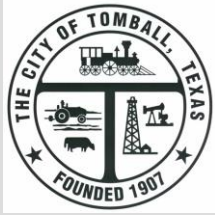
Monday, April 14, 2014, 6:00 PM

City Council Public Hearing:

***Monday, April 21, 2014, 6:00 PM**

**The Public Hearings will be held in the
City Council Chambers, City Hall
401 Market Street, Tomball, Texas**

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Hearing Date: April 14, 2014

Rezoning Case: P14-028

Property Owner(s): Ronald and Amy Haffner

Applicant(s): Stutts Cox Builders, Inc.

Legal Description: Lot 2, Block 2, Brown-Hufsmith Commercial

Location: South of Brown Road between State Highway 249 and Quinn Road (Exhibit "A")

Area: 0.68 acres

Comp Plan Designation: Employment/Office (Exhibit "B")

Present Zoning and Use: Office District (Exhibit "C") / Undeveloped

Proposed Use(s): Professional and general business office with one residential unit

Request: CUP to allow an accountant's office with one residential unit.

Adjacent Zoning & Land Uses:

North: Planned Development – 1 (PD-1) and General Retail Districts / Brown Road and undeveloped land

South: PD-1 and SF-20-E Districts / Single-family residences

West: PD-1 and General Retail Districts / Single-family residences and undeveloped land

East: PD-1 District / Brown Road (Exhibit "D")

BACKGROUND

On August 20, 2013, City staff met with the applicant, Stutts Cox Builders, Inc., to discuss the possible construction of an accountant's office with residential quarters at the subject site. City staff informed the applicant that the property was zoned PD-1 District which allows for "Office w/Residential look," per the original Zoning Ordinance and Map adopted by the City on February 4, 2008. On December 2, 2013, City Council rezoned the subject site from the PD-1 District to the Office District and amended the Zoning Ordinance allowing a "Residential Use" with a CUP in the Office District.

Additionally, at the August 20, 2013, meeting, the applicant expressed their desire to construct their proposed building 25 feet from the side and rear property lines. City staff informed the applicant that this would be in violation of the Zoning Ordinance and that they would be required to get side and rear building setback variances from the Board of Adjustments. On January 9, 2014, the Board of Adjustments approved their requests to allow a 25-foot rear setback where a 60-foot rear setback is required in Section 25.4.B.3 of the Zoning Ordinance and to allow a 25-foot side setback where a 35-foot side setback is required in Section 25.4.B.2 of the Zoning Ordinance.

After the rezoning, text amendment, and variances were approved, the applicant submitted their CUP application (Exhibit “E”) and Concept Plan (Exhibit “F”) to allow for an accountant’s office with one residential unit on February 26, 2014. The Concept Plan proposes numerous site improvements, including a 3,500-square foot building, 10-foot landscape buffer encircling the property, 17 trees, paved and curbed driving and parking areas, and 12 parking stalls. The hours of operation will be from 8:30 am to 5:30 pm. Because the site is not proposed to be used at night, drive aisle lighting is not proposed, nor required.

ANALYSIS

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.”

When considering applications for a CUP, the City shall, on the basis of the Concept Plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

- 1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;**

The Comprehensive Plan identifies the subject site as “Employment/Office” which is “where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” Although residential uses are not specifically mentioned in the “Employment/Office” section of the Comprehensive Plan, this project’s low-intensity residential component is not anticipated to be detrimental to the Comprehensive Plan’s goals, objectives, and policies. Therefore, the proposed accountant’s office with one residential unit appears to be consistent with the Comprehensive Plan.

- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

Per the Zoning Ordinance, the Office District “is established to create an appropriate setting for low intensity office and professional uses. The district can be used as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping, this district may be located in close proximity to residential districts. Permitted uses should be compatible with adjacent residential areas by limiting heights to one (1) or two (2) stories, and shall not include uses that create excessive amounts of traffic, noise, trash, or late-night business operations. Traffic generated by uses in this district shall not be encouraged to travel through residential areas. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and similar in scale with residential uses and adjacent property.”

The development is planned to be low intensity in nature. It is designed to be compatible with the surrounding residential uses and provides a reasonable transition between Brown Road and the adjacent residences. In addition, it is not anticipated to create excessive

amounts of traffic, noise, trash, or late-night business operations and vehicular traffic will not normally travel through adjacent residential areas. The design and use of the office is intended to be compatible with intent of the PD-1 District in the immediate vicinity. Therefore, the proposed office/residential uses, and associated Concept Plan, appear to be consistent with the general purpose and intent of the Office District.

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;

Should the CUP application be approved, the applicant will be required to submit a full Site Plan application, and supporting documents, to the City for review and approval before construction. The site improvements proposed on the Concept Plan appear to be generally consistent with the Zoning Ordinance.

4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;

The design of the proposed office is intended to be compatible with the requirements of the PD-1 District, which is immediately adjacent to the site. As a result, the proposed uses and Concept Plan appear to be compatible with, and preserve the character and integrity of, the adjacent uses.

5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

The proposed uses and Concept Plan do not appear to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on April 3, 2014. No public comment forms have been received as of April 10, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-028 subject to the following two (2) Conditions of Approval:

- 1) The site shall be developed and operated in substantial compliance with Exhibit "F." If the site is not developed or operated in substantial compliance with Exhibit "F," the Conditional Use Permit shall be revoked.
- 2) The site shall be prohibited from having outdoor storage, sales, or displays. If the site is found to be utilizing outdoor storage, sales, or displays, the Conditional Use Permit shall be revoked.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. Conditional Use Permit Application
- F. Concept Plan

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

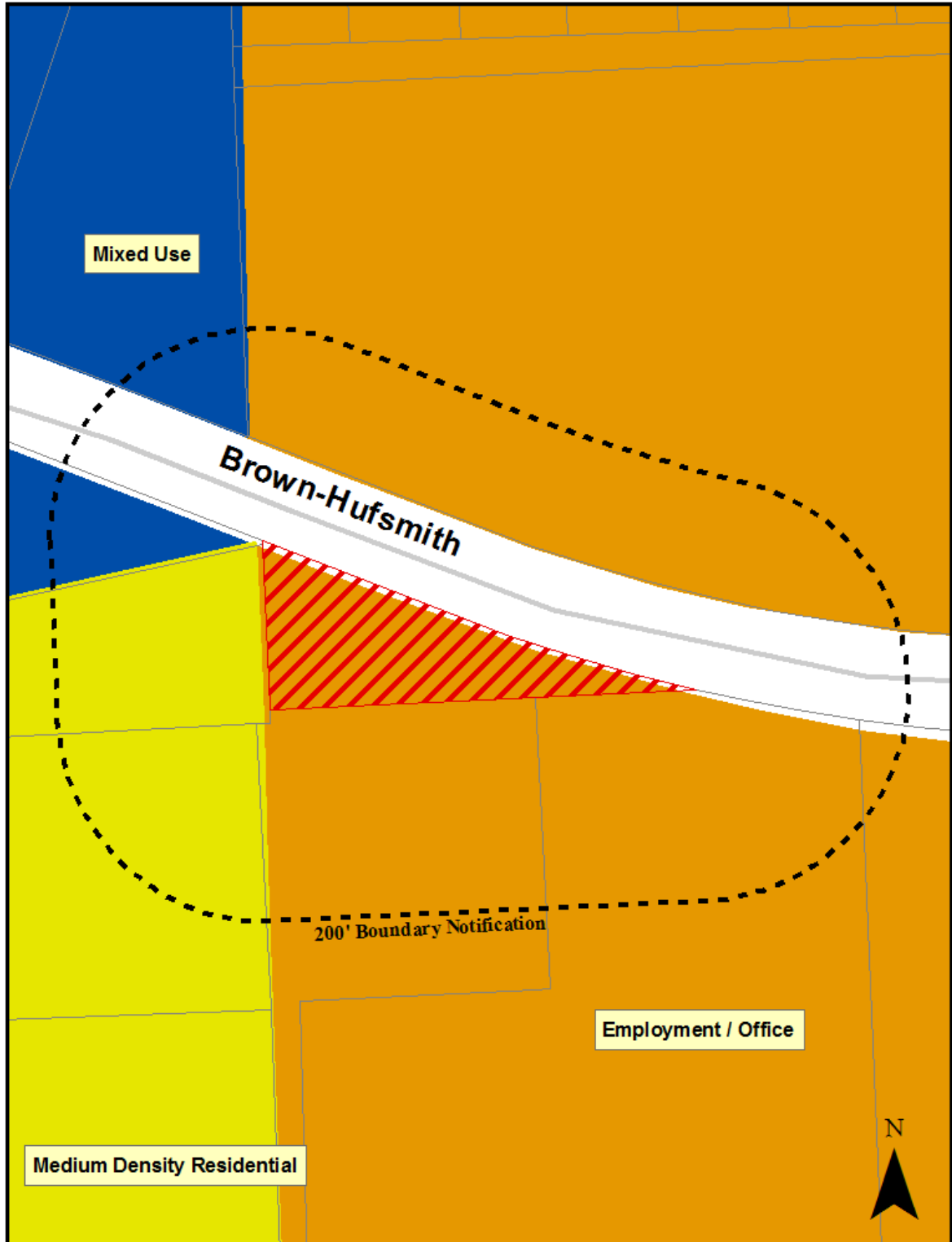
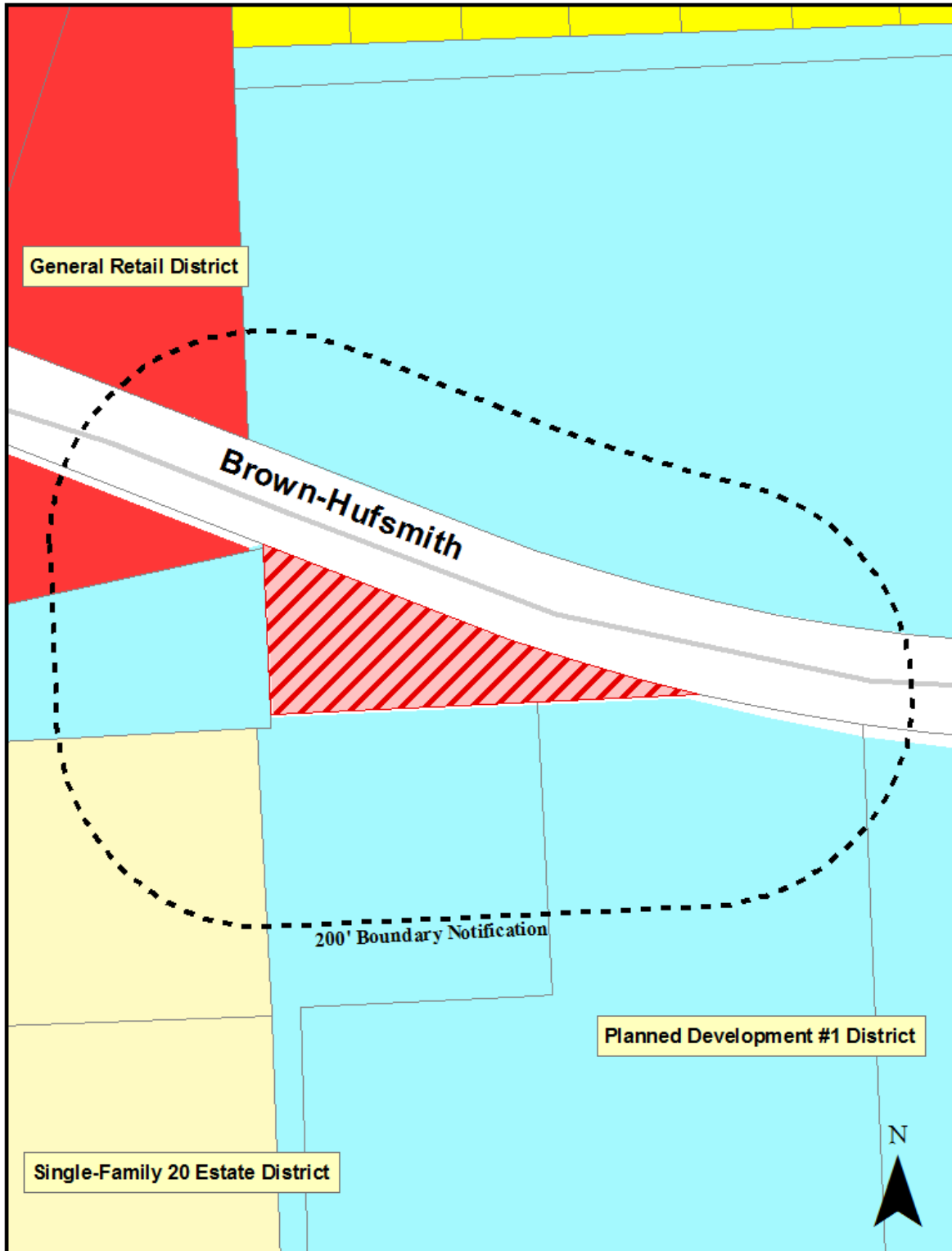


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Figure 1: Subject site and single-family residence to the east and south.



Figure 2: Undeveloped land to the north.



Figure 3: Single-family residence to the west.

Exhibit "E"
Conditional Use Permit Application

Revised 1/20/09



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Engineering & Planning Department

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant ALLAN COX
Name: STUTTS COX BUILDERS, Inc Title: SEC-TRANS
Mailing Address: PO BOX 1026 City: TOMBALL State: TX
Zip: 77377-1026
Phone: (281) 255-8900 Fax: (281) 754-4661 Email: secox@sbcglobal.net

Owner RON & AMY TAFFNER
Name: RON & AMY TAFFNER Title: OWNERS
Mailing Address: 14011 PARK DR., Suite B City: TOMBALL State: TX
Zip: 77377
Phone: (281) 381-5469 Fax: (281) 357-5378 Email: ron@tomballcdns.com

Engineer/Surveyor (if applicable)
Name: E.E.C. Surveying, Inc. Title: _____
Mailing Address: 7424 FM 1488, Suite A City: Magnolia State: TX
Zip: 77054
Phone: (281) 356-5172 Fax: (281) 356-1935 Email: one survey station @ sbcglobal.net

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

3,500 sq Office Building, 1 story, store
Description of Proposed Project: + Hardie Siding - 2,300 sq office, 1,200 sq residence.
Physical Location of Property: 500' East of W 249 - South of Brown Rd.
(General Location - approximate distance to nearest existing street corner)
Legal Description of Property: Joseph House Survey, Abstract 34, Tract 2 8 0.68 ac
Harris County, Brown - Uniform in Connection
[Survey: Abstract No. and Tracts; or platted Subdivision Name with Lots Block]
IICAD Identification Number: 1308830020002 Acreage: 0.68
Current Use of Property: VACANT
Proposed Use of Property: Office for CPA Firm

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X Bon Haffner 2/25/14
Signature of Applicant Date

X [Signature] 2/25/14
Signature of ~~Owner~~ CONTRACTOR Date



STUTTS COX BUILDERS INC.

GENERAL CONTRACTORS

February 25, 2014

TO: City of Tomball
Engineering and Planning Department

Re: Haffner Property – Brown Road – Tract 2 - 0.68 acres

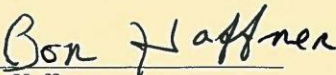
This 0.68 acre tract resulted from splitting the original tract by the land acquisition process to acquire the property needed to construct the extension of Brown Road from SH 249 to Quinn Road. This tract, tract 2, is shown on the recorded plat, Brown-Hufsmith Commercial, filed May 14, 2008 in the Harris County Records. This 0.68 acre pie shaped property is located on the south side of the new Brown Road extension approximately 500 yards east of the intersection of SH 249 and Brown Road.

The property owners, Ron and Amy Haffner, live near Kerrville, Texas but continue to maintain their accounting business in Tomball. This 3,500 sf building will allow the owners to move out of their rental property and establish a more permanent business environment with the layout they require. The Haffner's utilize electronic communications to manage most accounting and management functions, however, they find it necessary to stay overnight in Tomball 60 to 90 days per year, especially during tax season; thus the need for living quarters. This building plan provides five office spaces, a break room, conference room, restrooms and a 1,200 sf living quarters for the Haffner's.

This site has been rezoned to Office District to allow living quarters and the standard setbacks have been reduced by the BOA to allow building and parking to fit the site; decision memos from Zoning and the BOA are included. The single story structure will have a large porch and be constructed from stone and Hardie siding; "Hill Country" style, in order to meld into the neighborhood residential community. The business utilizes between four and eight workers during the normal business day and serves no more than two or three clients at one time, causing little traffic and no outside noise in the ample parking areas. The Owners have a quiet and clean business.

This building is the best use for this property and an ideal fit with the two adjacent residential properties. Long term, this building is the best for the City, the neighborhood and the Owners.

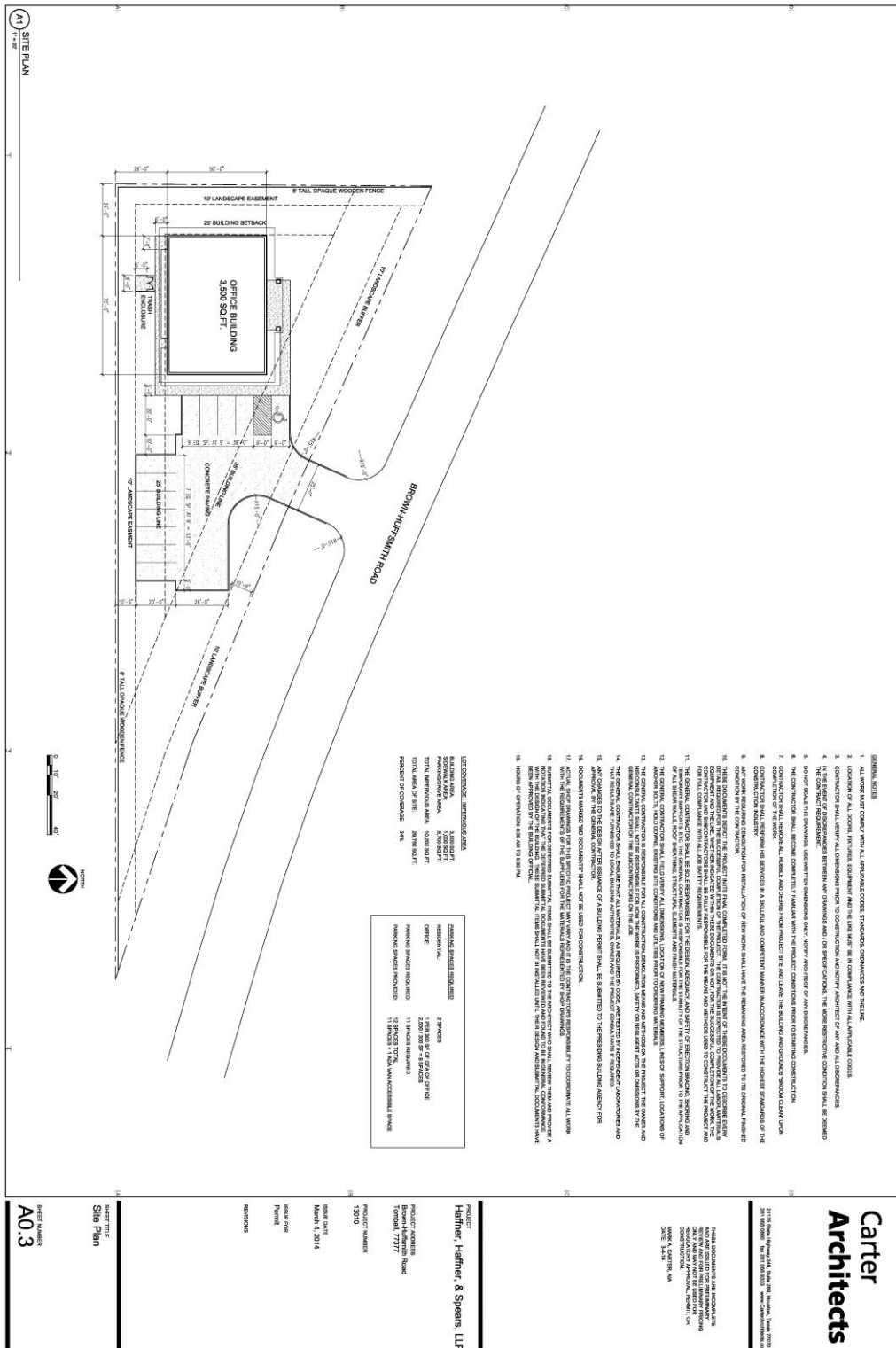
We thank you in advance for your consideration for the Conditional Use Permit.


Ron Haffner

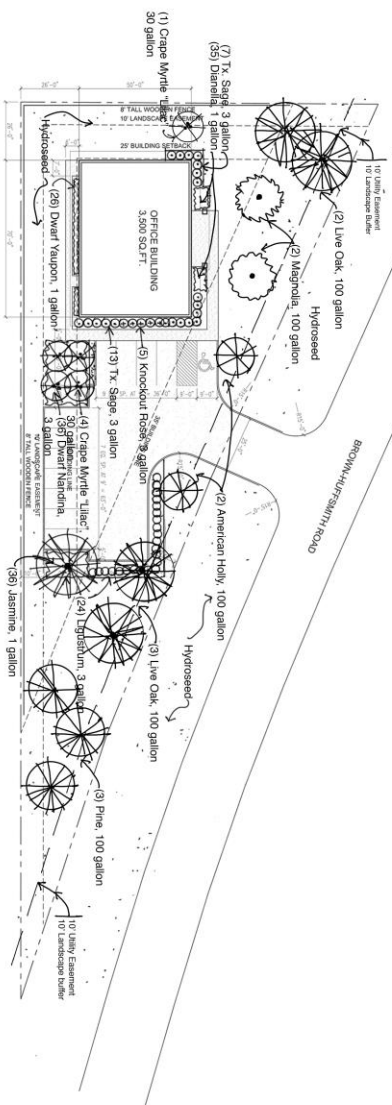

Allan Cox, Sec - Treas
Stutts Cox Builders, Inc.

P.O. BOX 1026 · TOMBALL, TX 77377-1026 · 281-255-8100 · FAX 281-754-4661
CELL 713-201-4275 · SCCOX@SBCGLOBAL.NET

Exhibit “F” Concept Plan



Category	Item	Value	Unit	Notes
General Information	Country/Region	United States		
	City/State	Los Angeles, CA		
	Organization	California State University		
	Department	Department of Mathematics		
Course Details	Course Number	MATH 101		
	Section Number	001		
	Section Title	Calculus I		
	Section Description	Calculus I: Derivatives and Integrals		
Instructor Information	Instructor Name	Dr. John Doe		
	Instructor Title	Associate Professor		
	Instructor Email	john.doe@csu.edu		
	Instructor Phone	(310) 555-1234		
Student Information	Student Name	John Doe		
	Student ID	123456789		
	Student Email	john.doe@student.csu.edu		
	Student Phone	(310) 555-9876		
Course Covers	Calculus I	Yes		
	Calculus II	No		
	Calculus III	No		
	Calculus IV	No		
Other Information	Other Information			
	Other Information			
	Other Information			
	Other Information			

[illegible][illegible][illegible]

Town Center Landscape Inc.
PO Box 144
Tomball, TX 77377
Phone 281-237-1951 Fax 281-351-2839

PROJECT
Haffner, Haffner, & Spears, LLP
3.5.14

ISSUE DATE

**ISSUE FOR
Review and Permit
Not for Construction**

REVISIONS

3/17/14 revised plan per comments
3/19/14 revised plans per comments

Landscape Plan

L 1.0

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-040**: Request by 2978 Panormus, LP to amend the City's Zoning Ordinance by rezoning approximately 34.4945 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, City of Tomball, Harris County, Texas, said 34.4945 acres being comprised of Harris County Appraisal District Tracts 12 and 11M-4, all of Lots 296, 297 and 302 and a portion of Lots 298, 303, 308, 309, 310 and 311 of Tomball Townsite, a subdivision as shown on map or plat recorded under Volume 2, Page 65 of the Harris County Map Records; generally located northerly of FM 2920 between Snook Lane and FM 2978, from the Commercial and Single-Family Residential-9 Districts to the Planned Development - 6 District to facilitate a mixed use development.

- Conduct a Public Hearing on **ZONING CASE P14-040**

Background:

Origination:

2978 Panormus, LP

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P14-040 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
APRIL 14, 2014
&
CITY COUNCIL
APRIL 21, 2014**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, April 14, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 21, 2014, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P14-028: Request by Stutt Cox Builders, Inc., on behalf of Ronald and Amy Haffner, for a Conditional Use Permit to operate an accountant's office with one residential sleeping quarter. The property is approximately 0.68 acres, is legally described as Lot 2, Block 2, Brown-Hufsmith Commercial, is generally located south of Brown-Hufsmith Road between State Highway 249 and Quinn Road, and is located in the Office District.

ZONING CASE P14-040: Request by 2978 Panormus, LP to amend the City's Zoning Ordinance by rezoning approximately 34.4945 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, City of Tomball, Harris County, Texas, said 34.4945 acres being comprised of Harris County Appraisal District Tracts 12 and 11M-4, all of Lots 296, 297 and 302 and a portion of Lots 298, 303, 308, 309, 310 and 311 of Tomball Townsite, a subdivision as shown on map or plat recorded under Volume 2, Page 65 of the Harris County Map Records; generally located northerly of FM 2920 between Snook Lane and FM 2978, from the Commercial and Single-Family Residential-9 Districts to the Planned Development - 6 District to facilitate a mixed use development.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball,

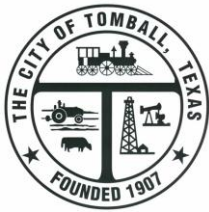
TX 77375. Further information may be obtained by contacting the Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@tomballtx.gov.

CERTIFICATION

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Brandy Pate
Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P14-040

APPLICANT: 2978 Panormus, LP

LOCATION: Northerly of FM 2920 between Snook Lane and FM 2978

PROPOSAL: Request to amend the City's Zoning Ordinance by rezoning approximately 34.4945 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, City of Tomball, Harris County, Texas, said 34.4945 acres being comprised of Harris County Appraisal District Tracts 12 and 11M-4, all of Lots 296, 297 and 302 and a portion of Lots 298, 303, 308, 309, 310 and 311 of Tomball Townsite, a subdivision as shown on map or plat recorded under Volume 2, Page 65 of the Harris County Map Records; from the Commercial and Single-Family Residential-9 Districts to the Planned Development - 6 District to facilitate a mixed use development.

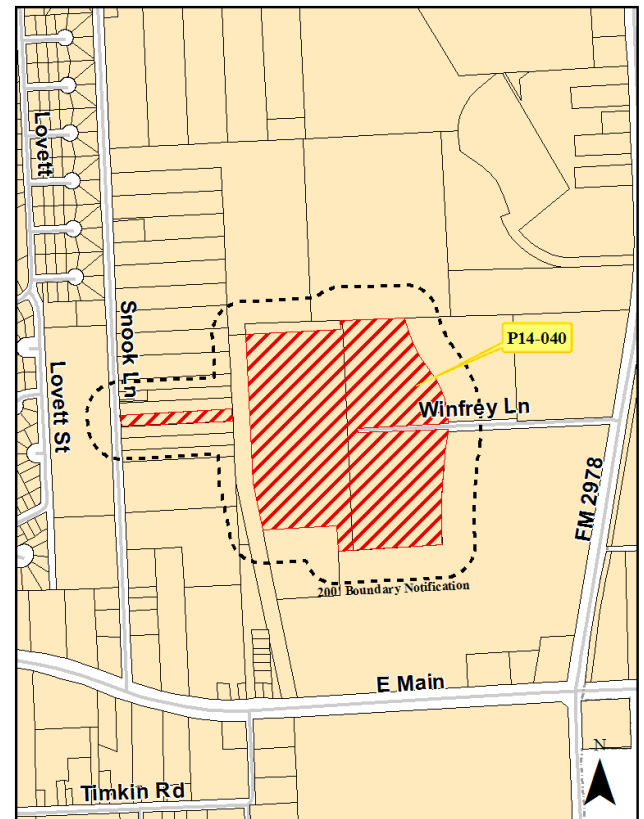
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning & Zoning Commission
Public Hearing:**

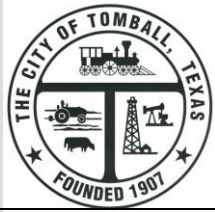
Monday, April 14, 2014, 6:00 PM

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Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: April 14, 2014

Rezoning Case: P14-040

Property Owner(s): 2978 Panormus, LP

Applicant(s): 2978 Panormus, LP

Legal Description: Harris County Appraisal District Tracts 12 and 11M-4, all of Lots 296, 297 and 302 and a portion of Lots 298, 303, 308, 309, 310 and 311 of Tomball Townsite, a subdivision as shown on map or plat recorded under Volume 2, Page 65 of the Harris County Map Records

Location: Northerly of FM 2920 between Snook Lane and FM 2978 (Exhibit "A")

Area: 34.4945 acres

Present Zoning and Use: Commercial and Single-Family Residential-9 (SF-9) Districts (Exhibit "C") / Vacant

Comp Plan Designation: Mixed Use (Exhibit "B")

Proposed Zoning and Use: Planned Development #6 District / Mixture of hotel, multi-family, retail, restaurant, commercial, and other uses listed on the Concept Plan (Exhibit "D")

Adjacent Zoning & Land Uses:

- **North:** SF-9 and Commercial / Agricultural, residential, and vacant
- **South:** SF-9 and Commercial / Residential and vacant
- **West:** Planned Development #2 District / Snook Lane and vacant
- **East:** SF-9 and Commercial / Vacant
- **Between Tract 11M-4 & Remainder of Subject Site:** SF-9 / High-voltage electricity transmission line

BACKGROUND

On January 13, 2014, City staff met with 2978 Panormus, LP to discuss the development of a mixed use facility on an approximately 34.5 acre tract located northerly of FM 2920 between Snook Lane and FM 2978. The property owners would like to have hotel, multi-family, retail, restaurant, and commercial uses, amongst others, at the subject site.

On March 5, 2014, the City received a PDD (Exhibit "E") application from the property owners. The Concept Plan submitted with the application shows that Tract 11M-4 will be dedicated to the City of Tomball for the construction of an east-west road (Peck Station Parkway) connecting Snook Lane and FM 2978, the portion north of Peck Station Parkway will be used for commercial purposes and the like, and the portion south of Peck Station

Parkway will be used for multi-family purposes. The property owners are proposing numerous elements to ensure the quality of the development, including multiple pedestrian walking/connectivity facilities; landscaping; screening/buffering; limitations on outdoor sales, display, and storage; and superior building façade materials.

ANALYSIS

There are a number of land uses in the area. To the north of the subject site are agricultural and single-family residential uses and vacant land; to the south is a single-family residence and vacant land; to the west is Snook Lane and vacant land; to the east is vacant land; and between Tract 11M-4 and the remainder of the site is a high-voltage electricity transmission line (Exhibit “F”). Although there are single-family residential uses in the vicinity of the subject site, the Concept Plan and development standards proposed for this development appear to minimize land use incompatibilities.

There are also a number of zoning districts in the area. To the north, south, and east of the subject site are the SF-9 and Commercial Districts; to the west is Planned Development #2 District which is intended to be developed as townhomes; and between Tract 11M-4 and the remainder of the site is the SF-9 District. A Planned Development District “accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options, or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.” Although there are single-family residential districts in the vicinity of the subject site, the Concept Plan and development standards proposed for this development appear to minimize zoning district incompatibilities.

The Comprehensive Plan identifies the site as “Mixed Use.” According to the Comprehensive Plan, “Mixed Use is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner.” The proposed rezoning to a mixed use Planned Development District appears to be consistent with the Comprehensive Plan.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission shall consider the following factors:

A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.

Although there are single-family residential uses in the vicinity of the subject site, the Concept Plan and development standards proposed for this development appear to minimize land use incompatibilities.

B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

The proposed rezoning is not anticipated to negatively impact public streets, water supply, sanitary sewers, or other utilities to the area.

Huey Kinchen, Tomball Independent School District Superintendent, informed City staff on April 9, 2014 that there may not be sufficient school capacity to handle the kindergarten thru 4th grade students this development may produce but that there appears to be sufficient school capacity to handle the 5th graders thru 12th graders.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

There are no other tracts, vacant or occupied, in the vicinity or elsewhere in the City zoned PDD intended for the same purpose as proposed by the property owner.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.**

There has been no development City-wide or within the vicinity in a PDD intended for the same purpose as proposed by the applicant.

- E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.**

If the proposed zoning change were approved, there should be few if any affects on other areas designated for similar developments.

- F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.**

The proposed zone change is not anticipated to substantially affect the public health, safety, morals, or general welfare.

- G. Whether the request is consistent with the Comprehensive Plan.**

The Comprehensive Plan identifies the site as "Mixed Use." According to the Comprehensive Plan, "Mixed Use is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner." The proposed rezoning to a mixed use Planned Development District appears to be consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on April 3, 2014. No public comment forms have been received as of April 10, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning consideration sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-040.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Concept Plan
- E. Rezoning Application
- F. Site Photos

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

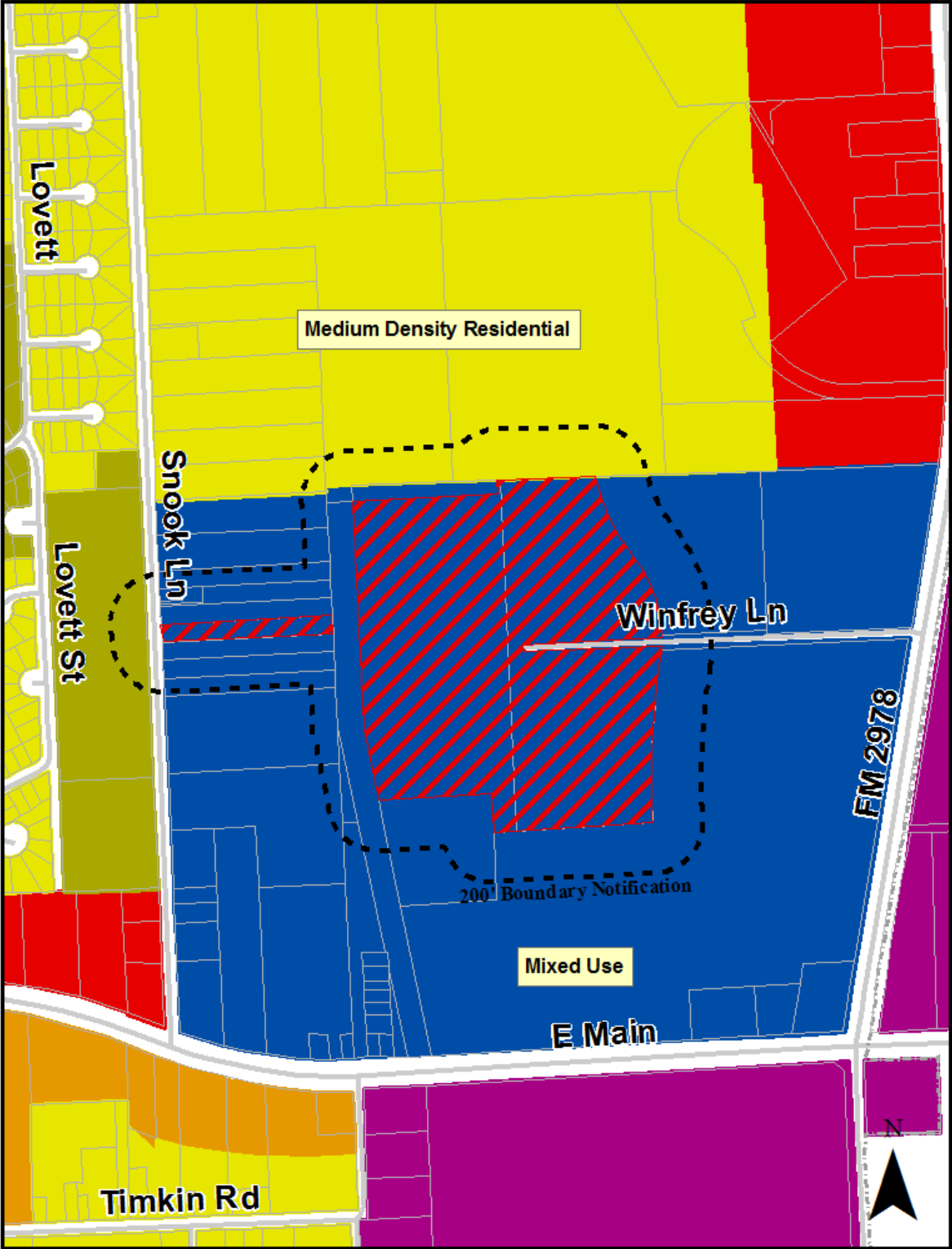
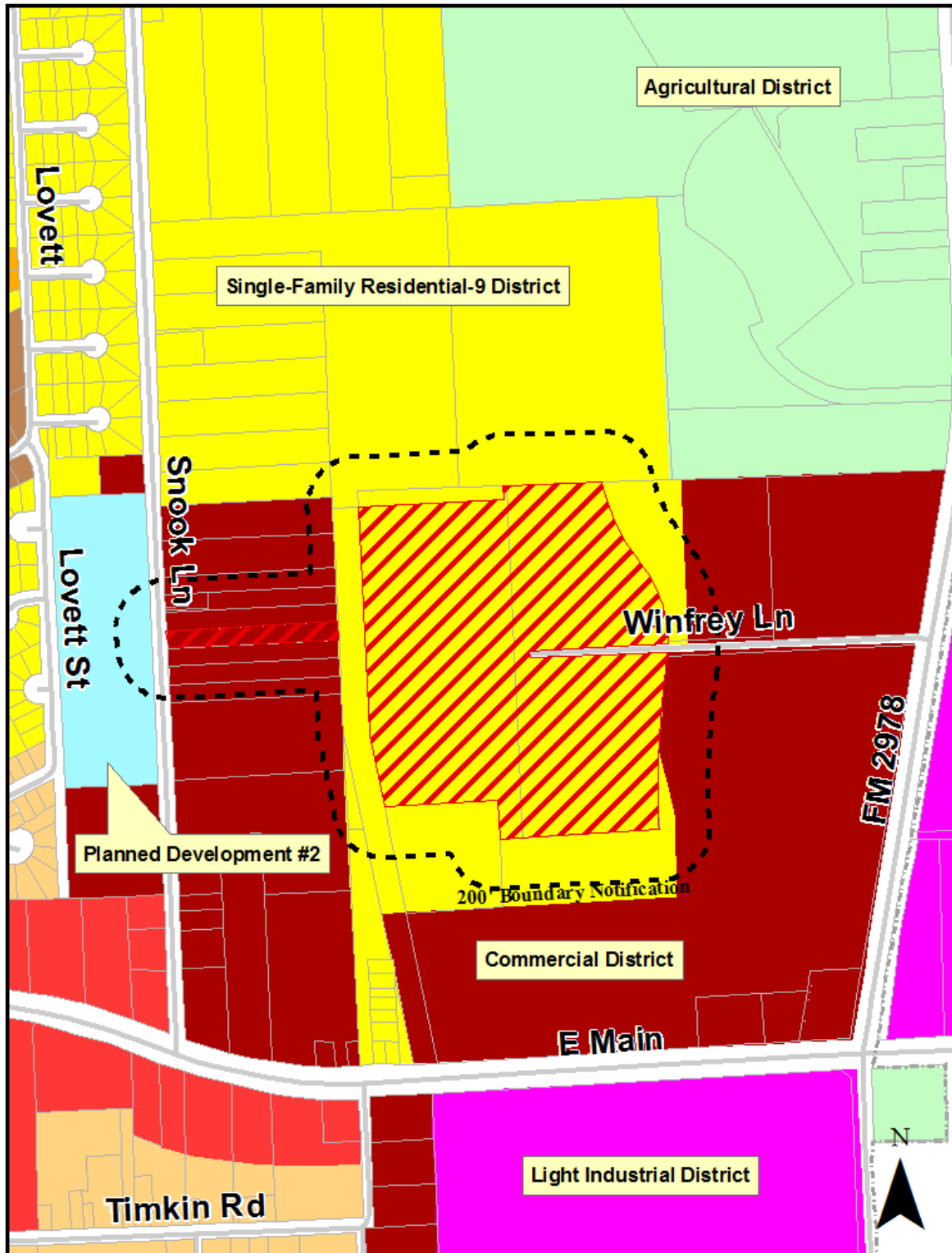


Exhibit "C"
Zoning Map



PROPOSED PLANNED DEVELOPMENT
PECK STATION SUBDIVISION

WITHIN
THE CITY OF TOMBALL, TEXAS

SHEET INDEX

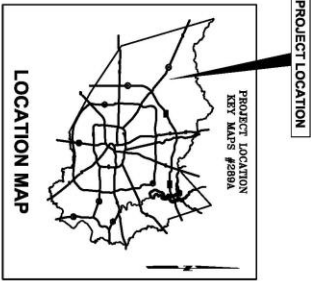
- 1 COVER SHEET
- 2 PLAN EXHIBIT
- 3 CONCEPT PLAN
- 4 NOTES PAGE
- 5 ELEVATIONS



DPK Engineering LLC
Land Development - Site Development - Municipal

32719 Windsor Terrace
Fulshear, Texas 77441
Office and Fax: 281-346-2816
Cell: 281-300-1869
Firm Registration No. F9323

APRIL 2014



PECK STATION

[illegible]

A photograph of a large, modern resort building with multiple wings and a large swimming pool in the foreground. The building features a mix of stone and wood siding, and the pool area is landscaped with greenery and lounge chairs.

AUTHORIZED SIGNATURE BY DR. P. KELLY A.E. ON April 1, 2014	SUBMITTED BY: EDC SUBMITTING
	
TOMBALL EASTGATE PLANNED DEVELOPMENT	

TOMBALL PLANNED DEVELOPMENT

Exhibit "E"
Rezoning Application



Revised 1/20/09

**Application for
Planned Development**
Engineering & Planning Department



The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: 2978 Panormus, LP Title: Jerry A. Hayley, Co-General Partner
Mailing Address: 10200 Grogan's Mill Road, Suite 550 City: The Woodlands State: TX
Zip: 77380
Phone: (281) 367-1194 Fax: (281) 292-0658 Email: jahayley64@gmail.com

Owner

Name: 2978 Panormus, LP Title: Damon Palermo, Co-General Partner
Mailing Address: 10200 Grogan's Mill Road, Suite 550 City: The Woodlands State: TX
Zip: 77380
Phone: (281) 210-3401 Fax: () Email: dpalermo@palemocrea.com

Engineer/Surveyor (if applicable) Surveyor information on next page.

Name: DPK Engineering LLC Title: David Kelly - Owner
Mailing Address: 3322 Wellspring Lake Dr. City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: () Email: david.kelly@dpkengineering.com

Description of Proposed Project: 34 Acre Mixed Use Development

900' North and 900' West of the northwest corner of FM 2920 and FM 2978; and on along the east line of Snook Ln, approximately 1,500 north of FM 2920.

Physical Location of Property: _____
[General Location -- approximate distance to nearest existing street corner]

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.ci.tomball.tx.us

34.4945 Acres out of the Jesse Pruitt Survey, A-629, Harris County, Texas
Legal Description of Property: See Attached Legal Description
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

044-055-000-0109, 044-055-000-0150 &
HCAD Identification Number: 035-290-000-0296 Acreage: 34.4945 Acres

Current Use of Property: Vacant

Proposed Use of Property: A mix of hotel, multi-family, retail, restaurant and other commercial uses (this is more specifically addressed in the Planned Development Application).

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

Engineer/Surveyor (if applicable)

Name: Hovis Surveying Company Title: Mary McKenzie
Mailing Address: 5000 Cabbage City: Spring State: TX
Zip: _____
Phone: (281) 320-9591 Fax: (281) 376-1726 Email: hovis@hovissurveying.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X		<u>March 4, 2014</u>
	Signature of Applicant	Date
X		<u>March 2014</u>
	Signature of Owner	Date

**2978 PANORMUS, LP
10200 Grogan's Mill Road, Suite 550
The Woodlands, Texas 77380**

Planned Development District - Request Letter

March 6, 2014

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

Reference: The rezoning of approximately 34.4 acres of land located near the northwest corner of FM 2920 and FM 2978, west of the Winfrey Lane ROW, in Tomball, Texas, (the "Property").

City of Tomball Staff,

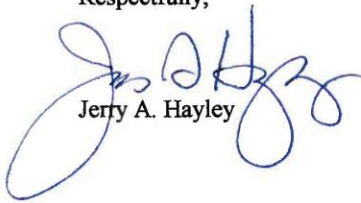
2978 Panormus, LP (the "Owners") respectfully request that the City of Tomball consider the rezoning of the Property (being the composite of two individual tracts) known as "Peck Station" from its current Single-Family Residential-9 District zoning designation to a Planned Development District ("PDD") which would be a Mixed Use Development. The City's Zoning Ordinance defines Single Family Residential-9 District as an area restricted to "low density detached, single family residences on lots of not more than 9,000 square feet". By virtue of the passage of time and area land economics, the current zoning designation does not represent the highest and best use of the Property. It is our opinion, that our request is strengthened by the conclusions of the Comprehensive Plan, commissioned by the City in December of 2009, which determined the Future Land Use for the Property to be Mixed Use. The Comprehensive Plan defines Mixed Use as an area that "includes a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner".

The proposed uses contemplated under the PDD will be consistent with the Comprehensive Plan's definition of Mixed Use, will be subject to the rules and guidelines set forth and will be assets to the community as a whole. The varying and complementary uses when complete will not only create a well-planned and integrated business environment; they will generate jobs and significant economic development for the nascent commercial district taking shape along Tomball's eastern city limits. With the resulting tie-in between FM 2978 and Snook Lane, Peck Station will positively route traffic and become the likely impetus for development of adjacent properties.

Permitting the uses considered within the attached PDD application, will encourage thoughtful and productive growth on the Property in a manner which is consistent with, or more stringent than, the City of Tomball's zoning ordinances.

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jerry A. Hayley".

Jerry A. Hayley

A handwritten signature in blue ink, appearing to read "Damon P. Palermo".

Damon P. Palermo

**Exhibit “F”
Site Photos**



Figure 1: East and north of subject site.



Figure 2: East of subject site; subject site is wooded area.



Figure 3: East and south of subject site.



Figure 4: View of subject site from Snook Lane.



Figure 5: Single-family residence to the north.



Figure 6: Single-family residence to the south.



Figure 7: Vacant land to the west of subject site.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 14, 2014

Topic:

Presentation of proposed updates to the Building Codes.

Background:

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 14, 2014

Data Sheet

Topic:

Discussion and Action regarding a recommendation of approval to the proposed updates to the Building Codes.

Background:**Origination:****Recommendation:****Funding:****Party(ies) responsible for placing this item on agenda:**

Brandy Pate Harbolt, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Chapter 14 Proposed Revisions_Redline Version

Chapter 14

BUILDINGS AND BUILDING REGULATIONS*

* **Cross References:** Street numbering, ch. 14; civil emergencies, ch. 22; emergency services, ch. 26; environment, ch. 30; fire prevention and protection, ch. 34; floods, ch. 38; health and sanitation, ch. 42; manufactured homes and trailers, ch. 46; solid waste, ch. 62; streets, sidewalks and other public places, ch. 66; subdivisions, ch. 70; utilities, ch. 82.

Article I. In General

Sec. 14-1. Fire district.
Sec. 14-2. Fencing of swimming pools, related structures.
Secs. 14-3--14-7A. Reserved.
Sec. 14-8. Maximum sound levels.
Sec. 14-9. Maximum glare.
Sec. 14-10. Reserved.
Sec. 14-11. Release of pollutants.
Secs. 14-12--14-34. Reserved.

Article II. Building Code

Sec. 14-35. International Building Code adopted.
Sec. 14-36. Amendments to the International Building Code.
Secs. 14-37--14-64. Reserved.

Article III. Air Conditioning and Mechanical Work

Sec. 14-65. International Mechanical Code adopted.
Sec. 14-66. Amendments to the International Mechanical Code.
Sec. 14-67. Work done by homeowners.
Sec. 14-68. Issuance of registration certificates generally.
Sec. 14-69. Transfer of registration.
Sec. 14-70. Expiration of registration.
Sec. 14-71. Renewal registration.
Sec. 14-72. Work restricted.
Sec. 14-73. Issuance of permits restricted.
Sec. 14-74. Misuse of city registration.
Sec. 14-75. Supervision of work.
Sec. 14-76. Payroll records.
Sec. 14-77. Suspension, withholding or revocation.
Secs. 14-78--14-99. Reserved.

Article IV. Electricity

Division 1. Generally

Sec. 14-100. Definitions.
Sec. 14-101. Liability for damages.
Sec. 14-102. Reserved.
Sec. 14-103. Unfranchised public utilities.
Sec. 14-104. Penalty for violation.
Secs. 14-105--14-114. Reserved.

Division 2. Electrical Inspector

Sec. 14-115. Office established.
Sec. 14-116. Qualifications.
Sec. 14-117. Appointment.
Sec. 14-118. Office may be combined.

Sec. 14-119. Conflict of interest.
Sec. 14-120. Interfering with electricians in business.
Sec. 14-121. Duties generally.
Sec. 14-122. Right of entry.
Sec. 14-123. Disconnect service.
Sec. 14-124. Decision of questions.
Sec. 14-125. Review of decisions.
Sec. 14-126. Records.
Secs. 14-127--14-139. Reserved.

Division 3. Electricians

Subdivision 1. Generally

Sec. 14-140. Work restricted.
Sec. 14-141. Homeowners.
Sec. 14-142--14-146. Reserved.
Sec. 14-147. Supervision of work.
Secs. 14-148--14-164. Reserved.

Subdivision II. Electrical Board

Sec. 14-165. Created.
Sec. 14-166. Composition.
Sec. 14-167. Appointment.
Sec. 14-168. Terms.
Sec. 14-169. Removal.
Sec. 14-170. Compensation.
Sec. 14-171. Officers.
Sec. 14-172. Quorum.
Sec. 14-173. Reserved.
Sec. 14-174. Appeal from action.
Secs. 14-175--14-184. Reserved.

Subdivision III. Master Electrician

Sec. 14-185. License required.
Sec. 14-186--14-193. Reserved.
Sec. 14-194. Insurance.
Sec. 14-195. Issuance of permits restricted.
Sec. 14-196. Misuse of license.
Secs. 14-197--14-209. Reserved.

Subdivision IV. Journeyman Electrician

Sec. 14-210. License required.
Sec. 14-211--14-214. Reserved.
Sec. 14-215. Display.
Secs. 14-216--14-229. Reserved.

Subdivision V. Apprentice Electrician Registration

Sec. 14-230. License required.
Secs. 14-231--14-233. Reserved.
Sec. 14-234. Display.
Secs. 14-235--14-244. Reserved.

Division 4. Permits and Inspections

Sec. 14-245. Permit required.
Sec. 14-246. Exceptions-enumerated.
Sec. 14-247. Same-Compliance.
Secs. 14-248--14-250. Reserved.
Sec. 14-251. Emergencies.
Sec. 14-252. Application.
Sec. 14-253. Checking of plans and specifications.

Sec. 14-254. Fees.
Sec. 14-255. Temporary installations.
Secs. 14-256--14-260. Reserved.
Sec. 14-261. Display.
Sec. 14-262. Expiration.
Sec. 14-263. Refusal to finish installation.
Sec. 14-264. Suspension or revocation.
Secs. 14-265--14-268. Reserved.
Sec. 14-269. Certificate of approval.
Secs. 14-270--14-271. Reserved.
Sec. 14-272. Death of master electrician.
Secs. 14-273--14-283. Reserved.
Sec. 14-284. Continuing education.
Sec. 14-285. Adoption.
Secs. 14-286--14-292. Reserved.
Sec. 14-293. Special provisions.
Secs. 14-294--14-314. Reserved.

Article V. Housing

Division 1. Generally

Secs. 14-315--14-324. Reserved.

Division 2. Housing Code

Sec. 14-325. International Residential Code adopted.
Sec. 14-326. Conflicts.
Sec. 14-327. Enforcement.
Sec. 14-328. Amendments to the International Residential Code.
Sec. 14-329. Penalty for violation.
Secs. 14-330--14-339. Reserved.

Division 3. Substandard Buildings

Sec. 14-340. Reserved.
Sec. 14-341. Building standards commission.
Sec. 14-342. Enforcement of orders.
Sec. 14-343. Determination.
Sec. 14-344. Nuisance declared.
Sec. 14-345. Inspectors.
Sec. 14-346. Criteria for determination of repair, vacation or demolition.
Sec. 14-347. Procedure for condemnation.
Sec. 14-348. Emergency measures for condemnation.
Sec. 14-349. Notice of emergency measures.
Sec. 14-350. Lien against property.
Secs. 14-351--14-354. Reserved.

Division 4. Correctional Facilities

Sec. 14-355. Definitions.
Sec. 14-356. Permit required.
Sec. 14-357. Permit applications.
Sec. 14-358. Term of permit; renewal.
Sec. 14-359. Issuance or denial of permit.
Sec. 14-360. Transfer upon change.
Sec. 14-361. Revocation of permit.
Sec. 14-362. Other permit provisions.
Sec. 14-363. Notices.
Sec. 14-364. Penalty; continuing violations.
Sec. 14-365. Approval by city officials.
Sec. 14-366. Security and resident monitoring.
Secs. 14-367--14-389. Reserved.

Article VI. Plumbing and Gas

Division 1. Generally

Sec. 14-390. Compliance with plumbing license law required.
Sec. 14-391. Bond.
Secs. 14-392--14-404. Reserved.

Division 2. Codes

Sec. 14-405. International Plumbing Code adopted.
Sec. 14-406. Amendments to the International Plumbing Code.
Sec. 14-407. Penalty.
Secs. 14-408--14-429. Reserved.

Article VII. Building/Development Standards

Division 1. General Provisions

Sec. 14-430. Definitions.
Secs. 14-431--14-434. Reserved.

Division 2. Single-Family Residential

Sec. 14-435. Building lines.
Sec. 14-436. Lot requirements.
Sec. 14-437. Off-street parking/driveways.
Secs. 14-438, 14-439. Reserved.

Division 3. Duplexes

Sec. 14-440. Building lines.
Sec. 14-441. Lot requirements for duplexes.
Sec. 14-442. Off-street parking/driveways.
Secs. 14-443--14-449. Reserved.

Division 4. Townhomes

Sec. 14-450. Building lines.
Sec. 14-451. Lot requirements for townhomes.
Sec. 14-452. Off-street parking/driveways/streets.
Sec. 14-453. Density.
Sec. 14-454. Green space/recreational areas.
Sec. 14-455. Screening.
Sec. 14-456. Sidewalks.
Secs. 14-457--14-559. Reserved.

Division 5. Patio Homes

Sec. 14-460. Building lines.
Sec. 14-461. Lot requirements for patio homes.
Sec. 14-462. Lot coverage.
Sec. 14-462. Off-street parking/driveways/streets.
Sec. 14-463. Density.
Sec. 14-464. Green space/recreational areas.
Sec. 14-465. Screening.
Sec. 14-466. Sidewalks.
Secs. 14-467--14-469. Reserved.

Division 6. Multi-Family Developments

Sec. 14-470. Compliance required; application.
Sec. 14-471. Density.
Sec. 14-472. Height; stories.

Sec. 14-473. Spacing between buildings.
Sec. 14-474. Building lines.
Sec. 14-475. Off-street parking.
Sec. 14-476. Green space/recreational areas.
Sec. 14-477. Screening.
Sec. 14-478. Fire sprinkler system.
Sec. 14-479. Streets or driveways
Sec. 14-480. Sidewalks.
Sec. 14-481. Windows.
Secs. 14-482--14-485. Reserved.

Division 7. Commercial Properties

Sec. 14-486. Building lines for commercial properties.
Sec. 14-487. Off-street parking and design standards.
Secs. 14-488, 14-489. Reserved.

Division 8. Old Town Tomball

Sec. 14-490. Nonconforming commercial properties.

ARTICLE I.

IN GENERAL

Sec. 14-1. Fire district.

The fire district of the city shall be as shown and indicated on an official map thereof on file in the office of the city secretary.
(Code 1978, § 5-1)

Sec. 14-2. Fencing of swimming pools, related structures.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Poolside means the side of an object nearest to a swimming pool.

Private residential swimming pool means any swimming pool located on private property under the control of the head of household there residing, the use of which is limited to swimming or bathing by members of such head's family or their invited guests.

Public swimming pool means any swimming pool, other than a private residential swimming pool, used or designed to be used collectively by numbers of persons for swimming or bathing operations, whether the admission of such persons is free of charge or not.

Swimming pool or related structure means any structure, basin, chamber or tank containing an artificial body of water or other liquid having a depth of two feet or more at any point, including but not limited to private residential swimming pools, public swimming pools, oil vats, detention ponds, ponds, and any and all bodies of water or other liquid used for swimming, diving or recreational bathing. Expressly excluded from this definition are stock tanks and other open structures having at least one side with a three-to-one slope.

(b) *Enclosure required generally.* Every person in possession of land within the corporate limits of the city, either as owner, purchaser under contract, lessee, tenant, or licensee, upon which is situated a swimming pool or related structure shall, except as hereinafter set forth, at all times maintain upon the lot or premises on which the swimming pool or related structure is located, and completely surrounding the swimming pool or related structure, lot or premises, a fence, wall or other solid structure designed to prevent small children from inadvertently wandering into the swimming pool or related structure.

- (1) Such fence, wall or other solid structure shall not be less than four feet in height, with no openings therein, other than self-latching doors or gates, of a width greater than four inches, and without a fixed or detachable stile or ladder.
- (2) All gates or doors opening into such enclosure shall be equipped with self-closing and self-latching devices capable of automatically closing such gates or doors.
- (3) The self-latching devices shall be fixed to the gates or doors not less than 30 inches in height above the highest surface below such gate or door.

(c) *When permit not required.* If a swimming pool or related structure is in a patio, in a court or in a room which can be reached only through the living quarters of the person in possession of the land, there need be no other enclosure and such gates or doors as may be in such living quarters enclosure need not be equipped as required by subsection (b) of this section.

(d) *Exemption permit.* If a swimming pool or other related structure is so remote from populated areas that the space surrounding the pool would be a deterrent to keep small children from inadvertently wandering into the swimming pool or other structure, then upon determination by the city that the pool is located a sufficient distance away from populated areas, the city may issue a permit to the landowner exempting him from this section, such permit to be renewable every year from the date of issuance. Upon the date of issuance, the landowner must submit sufficient evidence that the area surrounding the pool has not become populated. If the area becomes populated, the city shall revoke the permit and require compliance with this section within 30 days following such revocation.

(e) *Use of structure.* A single-family dwelling house or accessory building may be used as part of the enclosure required by this section, whether fence, wall or other solid structure, around a private residential swimming pool.

(f) *Inspection, approval.* The final inspection and approval of a swimming pool for which a building permit is issued by the city shall be withheld until all requirements of this section have been complied with by the owner, purchaser under contract, lessee, tenant, or licensee, and so certified by the city administrator, or his duly authorized agent.

(g) *Compliance.* It shall be unlawful for any person to maintain any swimming pool in the city which is not enclosed in accordance with the requirements of this section or which does not have a valid permit exempting it from the operation of this section.
(Code 1978, § 5-2)

Secs. 14-3--14-7A. Reserved.

Editors Note: Ord. No. 2001-20, § 1, adopted January 7, 2002, repealed §§ 14-3--14-7A in their entirety. Formerly, §§

14-3--14-7A pertained to building lines for single-family detached dwellings, lot requirements for single-family detached dwelling, lot requirements for duplexes, building lines for commercial properties, commercial off-street parking and design standards, and nonconforming commercial properties, respectively, and derived from Code 1978, §§ 5-3--5-7; Ord. No. 99-12, § 1, adopted August 16, 1999; Ord. No. 99-18, § 1, adopted August 2, 1999; Ord. No. 99-38, §§ 1, 2, adopted February 21, 2000; Ord. No. 2000-02, §§ 1, 2, adopted January 17, 2000; Ord. No. 2000-08, § 1, adopted April 3, 2000; Ord. No. 2000-09, § 1, adopted April 17, 2000; Ord. No. 2000-31, §§ 1, 2, adopted December 18, 2000; Ord. No. 2001-10, § 1, adopted July 16, 2001.

Sec. 14-8. Maximum sound levels.

(a) All industrial or commercial businesses within the city limits shall conform to the maximum sound levels as set out below. Sound levels shall be measured with a sound level meter and an associated octave band analyzer, both manufactured in accordance with the specifications prescribed by the American Standards Association. Noise emission from any commercial or industrial operation shall not cause sound pressure levels greater than those listed in the table below, measured at any point at the commercial or industrial operation's boundary, either at ground level or at a habitable elevation, whichever is more restrictive.

Octave Band Center Frequency (HZ)	Sound Pressure Level (DB)*
31.5	83
63	68
125	58
250	52
500	47
1000	44
2000	39
4000	37
8000	35

*re: 0.0002 microbar

(b) The sound level produced by any industry shall not exceed the limits established in this section. (Code 1978, § 5-8)

Sec. 14-9. Maximum glare.

The maximum glare produced by any industry shall be limited to four footcandles of illumination intensity beyond the industrial or commercial tract boundary throughout the light frequency spectrum beginning with ultraviolet and ending through the infrared wavelengths. (Code 1978, § 5-9)

Sec. 14-10. Reserved.

Editors Note: Ord. No. 2001-20, § 1, adopted January 7, 2002, repealed § 14-10, which pertained to commercial fencing requirements and derived from Code 1978, § 5-10.

Sec. 14-11. Release of pollutants.

All industrial or commercial endeavors are hereby prohibited from releasing particulate matter, eye irritants, radiation, or odorous matter into the atmosphere or water. All industries are hereby prohibited from posing fire, explosion or chemical hazards, or producing toxic and/or noxious matter.

(Code 1978, § 5-11)

Secs. 14-12--14-14. Reserved.

Editors Note: Ord. No. 2001-20, § 1, adopted January 7, 2002, repealed §§ 14-12--14-14 in their entirety. Formerly, §§ 14-12--14-14 pertained to enforcement of land use restrictions, definitions, and paving of commercial sales or storage lots, respectively, and derived from Code 1978, § 5-12, Ord. No. 99-24, § 1, adopted November 1, 1999, and Ord. No. 2001-18, §§ 1, 2, adopted January 7, 2002, respectively.

Secs. 14-15--14-34. Reserved.

ARTICLE II.

BUILDING CODE*

* **Editors Note:** Ord. No. 2005-13, § 1, adopted December 19, 2005, repealed and reenacted article II in its entirety to read as herein set out. Formerly, article II, §§ 14-35--14-42 pertained to similar subject matter and derived from the Code of 1978, §§ 5-17--5-22; Ord. No. 97-07, § 1, adopted March 17, 1997; Ord. No. 2001-21, §§ 1--3, adopted January 7, 2002.

Cross References: Fire prevention code, § 34-71 et seq.

Sec. 14-35. International Building Code adopted.

The International Building Code, 2003~~12~~ Edition (non-residential), hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted. A copy of said Code is attached hereto and made a part hereof for all purposes, an authentic copy of which shall be kept on file with the city secretary.

(Ord. No. 2005-13, § 1, 12-19-05)

Sec. 14-36. Amendments to the International Building Code.

(a) Section 101.4.1 of said Code is hereby amended to read as follows:

101.4.1 Electrical. The provisions of the National Electrical Code, 2011~~1999~~ Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(b) Section 103 of said Code is hereby amended to provide as follows:

103 Department of Building Safety. The enforcement of this Code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Council and may be removed without cause by City Council. The building official may appoint deputies to assist him/her, subject to City Council approval. Said deputies shall serve at the pleasure of the City Council and may be removed without cause by City Council.

(c) Section 104 of said Code is hereby amended to provide as follows:

104 Powers and Duties of the Building Official.

104.1 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this Code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this Code.

104.3 Stop Orders. Whenever any work is being done contrary to the provisions of this Code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

(d) Section 105 of said Code is hereby amended and by adding a new Section 105.8 to provide as follows:

105.2. Work exempt from permit.

105.2.2. Fences not over 8 feet high.

105.8 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

(e) Section ~~108~~9.4 of said Code is hereby amended to provide as follows:

~~108~~9.4 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.

(f) Section ~~110~~1.1 of said Code is hereby amended to provide as follows:

~~110~~1.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this Code, or other ordinances of the City shall not be valid.

(g) Section ~~112~~3.1 of the Code is hereby amended to provide as follows:

~~112~~3.1 Appeals. Appeals of orders, decisions, or determinations made by the City's building official in

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interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

(h) Section 11~~2~~3.2 and 113.3 of the Code ~~is~~are hereby deleted in ~~its~~their entirety.

(i) Section 903, entitled "Automatic Sprinkler Systems" is hereby deleted in its entirety. Sprinkler systems are required as provided in the International Fire Code, 20~~12~~19 Edition, as adopted.

(j) Section 1507.8 of said Code is hereby amended to provide as follows:

1507.8 Wood Shingles and Shakes.

- (a) Allowed roof coverings of any structure regulated by this Code shall be as provided in this Section.
- (b) Wood shingles and shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or reproofing of any structure.
- (c) Existing structures which have wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade; however, owners shall have the option of installing any allowed Class A, Class B, or Class C roofing material, over the existing wood shingles and shakes, providing the existing roof structural system is adequate for modification. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the roof. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.

(k) Section 1507.9 of said Code is hereby deleted in its entirety.

(l) Appendices. The following Appendices contained in this Code are deleted in their entirety:

Appendix A, Employee Qualifications;

Appendix B, Board of Appeals;

Appendix D, Fire Districts;

Appendix E, Supplementary Accessibility Requirements;

Appendix H, Signs; and

Appendix I, Patio Covers.

The following Appendices are hereby adopted in their entirety:

Appendix C, Group U - Agricultural Buildings;

Appendix F, Rodent Proofing;

Appendix G, Flood-Resistant Construction;

Appendix J of said Code is hereby amended to provide as follows:

J106.1 Maximum Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 3 horizontal to 1 vertical (33 percent) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 2 horizontal to 1 vertical (50 percent) provided that all the following are met:
 - 1.1. It is not intended to support structures or surcharges.
 - 1.2. It is adequately protected against erosion.
 - 1.3. It is no more than 8 feet (2438 mm) in height.
 - 1.4. It is approved by the building official.
2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).

J107.6 Maximum Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 3 horizontal to 1 vertical (33 percent) shall be justified by soils reports or engineering data.

(Ord. No. 2005-13, § 1, 12-19-05)

Secs. 14-37--14-64. Reserved.

ARTICLE III.

AIR CONDITIONING AND MECHANICAL WORK*

* **Cross References:** Fire prevention code, § 34-71 et seq.

Sec. 14-65. International Mechanical Code adopted.

The *International Mechanical Code*, 2003~~12~~ Edition, hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted. A copy of said Code is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary." (Ord. No. 2001-24, § 1, 1-7-02)

Editors Note: Ord. No. 2001-24, § 1, adopted January 7, 2002, repealed and reenacted § 14-65 to read as herein set out. Formerly, § 14-65 pertained to mechanical code and derived from Code 1978, § 5-32.

Sec. 14-66. Amendments to the International Mechanical Code.

- (a) Section 103 of said Code is hereby amended to provide as follows:

103 Department of Building Safety. The enforcement of this Code shall be under the administrative and operational control of the building official. The building official shall be selected and serve in the position at the pleasure of the City Council and may be removed without cause by City Council. The building official may appoint deputies to assist him/her, subject to City Council approval. Said deputies shall serve at the pleasure of the City Council and may be removed without cause by the City Council.'

- (b) Sections 106.4.3 and 106.4.4 of said Code are deleted in their entirety and a new Section 106.4.3 is substituted therefor as follows:

106.4.3 Expiration: Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of such permit shall not exceed one and one-half (1- 1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.

- (c) Section 106 of said Code is amended by adding a new Section 106.5.4, to provide as follows:

106.5.4 State License. All persons performing work within the City governed by this Code shall be licensed by the State of Texas, and shall submit to the City proof of insurance as required by the State or by statute.

- (d) Said Code is amended by deleting Section 106.5 and Appendix B, entitled 'Permit Fee Schedule' as fees shall be charged in accordance with the City's Fee Schedule, as it may be amended from time to time.

- (e) Section 109 of said Code is hereby amended to provide as follows:

109. Means of Appeal. Appeals of orders, decisions, or determinations made by the building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on the particular subject under consideration.

(Ord. No. 2001-24, § 2, 1-7-02)

Editors Note: Ord. No. 2001-24, § 2, adopted January 7, 2002, repealed and reenacted § 14-66 to read as herein set out. Formerly, § 14-66 pertained to application of article and derived from Code 1978, § 5-33.

Sec. 14-67. Work done by homeowners.

A homeowner shall be permitted to do mechanical work on the dwelling he resides in, provided a permit is acquired for such work and the work is inspected and approved by the city.
(Code 1978, § 5-34)

Sec. 14-68. Work restricted.

No mechanical work shall be performed by any person not the holder of a state license, if it is required by the state to have a license, and having complied with all requirements of the state for the performance of such work.
(Code 1978, § 5-39)

Sec. 14-69. Issuance of permits restricted.

A holder of a master mechanical installer's license who is employed as a master for a person shall take out mechanical permits only for that person, and shall supervise, direct and control the mechanical work for which the mechanical permit is obtained. A master who is engaged in the mechanical business for himself shall take out mechanical permits for his business only and no mechanical permit shall be taken out by any master that he does not supervise, direct and control the mechanical work for which the permit was obtained.
(Code 1978, § 5-41)

Sec. 14-70. Misuse of city registration.

No master mechanical installer shall assign or in any other way convey his registration, the use thereof, or any rights thereunder, to anyone by power of attorney or any other process, or become involved in any type of agreement, assignment or use whereby the master will not have supervision, direction and control of the mechanical work for which the mechanical permit is obtained by the master.
(Code 1978, § 5-42)

Sec. 14-71. Supervision of work.

All mechanical work performed within the city shall be done under the control, supervision, direction and responsibility of a master. Any other worker who performs the mechanical work under the supervision, control and responsibility of the master shall be an employee of the master.
(Code 1978, § 5-43)

Sec. 14-72. Payroll records.

For purposes of enforcing this article, the mechanical inspector, or his designated representative, may examine the payroll records for the preceding 12 months of the master, during normal business hours. Should the master fail or refuse to make a full, true and accurate disclosure of his payroll records, the mechanical inspector may, after written notification by certified mail, withhold the issuance of mechanical permits to that master until such time as there has been a full, true and accurate disclosure of the payroll records. Violation of this section will be subject to the penalty as provided for violation of any city ordinance.

(Code 1978, § 5-44)

Sec. 14-73. Suspension, withholding or revocation.

(a) When given a ten-day notice by registered or certified mail, and after a hearing before a board appointed by the city council, where the person notified may be represented by an attorney at law of his choice, the holder of a license or certificate issued under the provisions of this article may have his license or certificate revoked or suspended by the city for any of the following reasons:

- (1) Habitual drunkenness or the use of narcotics.
- (2) Conviction of a crime involving moral turpitude.
- (3) Adjudication of insanity.
- (4) Fraud or misrepresentation in obtaining a registration or permit.
- (5) Violating on more than one occasion, either willfully or maliciously, or by reason of incompetence, any provision of this article or the Standard Mechanical Code or amendments thereto.
- (6) Conviction of defrauding any person from whom he has rendered or contracted to render service.
- (7) Securing permit for mechanical work not actually performed by the master or by licensed employees under his control, supervision and direction. This is intended to prevent a master from securing a permit for the purpose of evading the spirit and intent of this article by entering into any simulated scheme, transaction or device, whereby mechanical work will be done by persons who are not employees of the master, or employees of his employer.
- (8) Securing a permit under any pretext for any installation concerning which applicant has no valid contract. This is intended to prevent a master from securing a permit for the purpose of evading the spirit and intent of this article by simulated scheme, transaction or device, or performing mechanical work without a valid permit.

(b) The city may withhold the issuing or renewal of a license or registration certificate to an applicant by the same process used for revocation or suspension as described above.

(Code 1978, § 5-45)

Secs. 14-78--14-99. Reserved.

ARTICLE IV.

ELECTRICITY

DIVISION 1.

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GENERALLY

Sec. 14-100. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice electrician means the person undertaking electrical work under the direct, constant, personal supervision and control of either a licensed master electrician or a licensed journeyman electrician.

Electrical inspector means the building official or his designee as electrical inspector of the city charged with the enforcement of this article and all provisions of this Code and the pertaining city ordinances.

Electrical work means the installing, maintaining, altering, repairing or erecting of any electrical wiring, apparatus, devices, appliances, fixtures or equipment for which a permit is required by the provisions of this article, except poles and guy anchors installed by any electric, telephone, telegraph, signal and/or public service company as a part of its distribution system.

Journeyman electrician means those persons with four years substantiated electrical experience undertaking electrical work under the supervision, direction, and control of a licensed master electrician and who has been properly registered with the city. The term "journeyman electrician," however, shall not include an "apprentice electrician," and nothing in this definition shall be construed as prohibiting an apprentice electrician from doing electrical work under the direct, constant, personal supervision and control of either a licensed master or a licensed journeyman electrician.

Master electrician means the holder of a master electrician's license as provided in this article.

Sec. 14-101. Liability for damages.

The provisions of this article shall not be construed to relieve from or lessen the responsibility of any party owning, operating, or controlling any electric wiring, apparatus, devices, appliances, fixtures or equipment for damages to person or property caused by any defect therein, nor shall the city be held as assuming by this section any such liability by reason of the inspection authorized in this article, or the certificates of approval issued as provided in this article, or otherwise.

Sec. 14-102. Reserved.

Sec. 14-103. Unfranchised public utilities.

(a) No person or public service company that does not operate under a franchise granted by the city shall have the right to install any electrical conduit, wires, ducts, poles or equipment of any character for the transmission, distribution or utilization of electric energy, or for the operation of signals or the transmission of intelligence on, over or under the streets, in the city, without first obtaining from the city council a franchise right or grant for the particular installation so desired to be made, and any such installation so made under such franchise or grant shall be in strict conformity with all pertaining rules, regulations and ordinances of the city.

(b) Any installation of duct, conduit or wires under the public streets shall be in accordance with this article and other city ordinances covering the use of public places and streets.

Sec. 14-104. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of an offense, and shall be punished as provided in section 1-14 of this Code. Each day such violation continues shall be deemed a separate offense.

Secs. 14-105--14-114. Reserved.

DIVISION 2.

ELECTRICAL INSPECTOR

Sec. 14-115. Office established.

The office of the electrical inspector is hereby established in and for the city and shall be the City's Building Official or his designee.

Sec. 14-116. Appointment.

The electrical inspector shall be the City's Building Official or his designee.

Sec. 14-117. Office may be combined.

The chief electrical inspector may be the same person as the city building official.

Sec. 14-118. Conflict of interest.

It shall be unlawful for the electrical inspectors to engage in the business of the sale, installation or maintenance of electrical wiring, apparatus, devices, appliances, fixtures or equipment either directly or indirectly. They shall have no financial interest in any concern engaged in such business in the city at any time while holding the office of electrical inspector for the city.

Sec. 14-119. Interfering with electricians in business.

(a) It shall be unlawful for any person connected with the electrical inspection department of the city in any way whatsoever to solicit business of any kind for any master electrician, or assist or encourage the solicitation of any business for any master electrician.

(b) It shall be unlawful for any person connected with the electrical inspection department of the city to prevent or to assist in preventing any person from doing business with any master electrician whose license has not been suspended or revoked.

Sec. 14-120. Duties generally.

The electrical inspector shall, upon application, cause to be issued permits for the installation and alteration of electrical wiring, devices, appliances, fixtures, apparatus and equipment, and final inspections, and shall be responsible for inspection of all new electrical installations and re-inspections of all electrical installations, as provided for in this article.

Sec. 14-121. Right of entry.

The electrical inspector or his designee shall have the right to enter any building in the discharge of his official duties or for the purpose of making any inspection or re-inspection of the installation of electrical electric wiring, apparatus, devices, appliances, fixtures, and electrical equipment.

Sec. 14-122. Disconnect service.

The electrical inspectors are hereby empowered, in emergencies, to disconnect and to order the discontinuance of electrical services to any electric wiring, apparatus, device, appliance, fixture or equipment found to be dangerous to life or property within the provisions of this article until such wiring, apparatus, device, appliance, fixture or equipment and its installation has been made safe.

Sec. 14-123. Decision of questions.

The electrical inspector shall decide all questions not provided for in this article pertaining to the installation, operation, or maintenance of electric wiring and apparatus, subject to appeal to the city council.

Sec. 14-124. Review of decisions.

Any person aggrieved by any action of an electrical inspector may within ten days after such action file a petition, in writing, with the city council and thereupon the city council will render a decision within 15 days. The city council shall have the right to sustain, modify or reverse the action of any electrical inspector, provided, that until such time as the electrical inspector's action is reversed or modified by the city council, such action shall remain in effect. The decision of the city council shall be final.

Sec. 14-125. Records.

The electrical inspector shall keep complete records of all permits issued, inspections and re-inspections made, and other official work performed in accordance with the provisions of this article.

Secs. 14-126--14-139. Reserved.

DIVISION 3.

ELECTRICIANS

Subdivision 1.

Generally

Sec. 14-140. Work restricted.

No electrical work shall be performed by any person not holding a license required by the provisions of this division.

Sec. 14-141. Homeowners.

A homeowner shall be permitted to do electrical work on the dwelling he resides in, provided a permit is acquired for such work and the work is inspected and approved by the electrical inspector.

Secs. 14-142--14-146. Reserved.

Sec. 14-147. Supervision of work.

All electrical work performed within the city shall be under the control, supervision, direction, and responsibility of a master electrician licensed by the [sState of Texas](#). A journeyman or apprentice electrician shall perform the actual work under the supervision, control and responsibility of a master electrician.

Secs. 14-148--14-164. Reserved.

Secs. 14-173. Reserved.

Secs. 14-175--14-184. Reserved.

Subdivision III.

Master Electrician

Sec. 14-185. License required.

Except as otherwise provided by this article, it shall be unlawful for any person to perform or contract for electrical work within the city unless such person is licensed by the [sState of Texas](#) as a master electrician.

Secs. 14-186--14-192~~3~~. Reserved.

Sec. 193. Insurance

(a) For any permits to be issued, the applicant must provide evidence of holding a comprehensive general liability insurance policy (including products liability and completions operations coverage) with minimum limits of \$1,000,000.00 for death or bodily injury and \$250,000.00 for property damage, per occurrence. This policy must be issued by a carrier with a rating of B+ or better in the last published edition of Best's Insurance Reports-Property Casualty Volume (published by A. M. Best Company, Oldwich, New Jersey 08858). Proof of the coverage shall be provided in the form of a certificate issued by an authorized agent or employee of the company issuing the policy, that specifies coverage and identifies the insured. Each certificate shall provide that not less than 30 days' written notice shall be given to the city in the event of reduction or cancellation of the policy prior to the expiration date specified on the certificate, or lapse by nonrenewal.

(b) These insurance requirements would not apply to any permits obtained by homeowners as outlined in section 14-141.

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Sec. 14-194. Issuance of permits restricted.

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A master electrician shall take out electrical permits only under his own license, and shall supervise, direct and control the electrical work for which the electrical permit is obtained.

Sec. 14-195. Misuse of license.

No master electrician shall assign or in any other way convey his license, its use, or its rights, to anyone by power of attorney or any other process, or become involved in any type of agreement, assignment or use whereby the master electrician will not have supervision, direction and control of the electrical work for which he has obtained electrical permits.

Secs. 14-196--14-209. Reserved.

Subdivision IV.

Journeyman Electrician

Sec. 14-210. License required.

No person shall undertake any work as a journeyman electrician unless such person has first obtained the appropriate current [State of Texas](#) electrician license.

Secs. 14-211--14-214. Reserved.

Sec. 14-215. Display.

Every journeyman electrician shall carry his license while performing the acts which this license entitles him to perform.

(Ord. No. 2000-30, § 2, 1-2-01)

Secs. 14-216--14-229. Reserved.

Subdivision V.

Apprentice Electrician Registration

Sec. 14-230. License required.

No person shall undertake any work as an apprentice electrician unless such person has first obtained the appropriate current [State of Texas](#) electrician license.

Secs. 14-231--14-233. Reserved.

Sec. 14-233. Reserved.

Sec. 14-234. Display.

Every apprentice electrician shall carry his license while performing the acts which this license entitles him to perform.

Secs. 14-235--14-244. Reserved.

DIVISION 4.

PERMITS AND INSPECTIONS

Sec. 14-245. Permit required.

No wiring, poles, duct line, apparatus, devices, appliances, fixtures or equipment for the transmission, distribution or utilization of electrical energy for any purpose shall be installed within the city limits, nor shall any alteration or addition be made to any such existing wiring, poles, duct lines, apparatus, devices, appliances, fixtures or equipment without first securing a permit.

Sec. 14-246. Exceptions-enumerated.

(a) No permit shall be required for replacing fuses or lamps or the connection of portable equipment to suitable permanently installed receptacles or for repairs to portable appliances.

(b) No permit shall be required for replacing flush or snap switches, receptacles, light fixtures or minor repairs on permanently connected electrical appliances, replacement of small motors of same voltage, amperage, horsepower, but not to exceed three horsepower.

(c) No permit shall be required for the installation, maintenance or alteration of wiring poles and down guys, apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence, except where electrical work is done on the primary side of the source of power at a voltage over 50 volts and of more than 500 watts.

(d) No permit shall be required for the installation, maintenance or alteration of electric wiring, apparatus, devices, appliances or equipment to be installed by an electric public service company for the use of such company in the generation, transmission, distribution, sale or utilization of electrical energy. However, an electric public service company shall not do any wiring on a customer's premises other than wiring which is a part of the company's distribution system, including metering equipment wherever located and transformer vaults in which company's transformers are located, nor shall any of its employees do any work other than that done for such company as herein before provided for, by virtue of this exception.

(e) No permit shall be required for the installation of temporary wiring, apparatus, devices, appliances or equipment used by a recognized electrical training school or college.

(f) No permit shall be required for the installation and maintenance of railway crossing signal devices when such is performed by due authority of the railroad and in accordance with the standards of the American Railroad Association.

Sec. 14-247. Same-Compliance.

Where no permit is required for the installation or repair of wiring, apparatus, devices, or equipment for the transmission, distribution, or utilization of electrical energy for any purpose, the wiring, apparatus, devices or equipment shall be installed or repaired in conformity with the provisions of the version National Electric Code adopted by Council.

Secs. 14-248--14-250. Reserved.**Sec. 14-251. Emergencies.**

The electrical inspector may issue and enforce any rules or regulations he may deem necessary covering the granting of emergency permits.

Sec. 14-252. Application.

To obtain an electrical permit, the applicant shall first file an application in writing. Each application shall:

- (1) Identify and describe the work to be covered by the permit.
- (2) Describe the location of the proposed work by street address.
- (3) Show the use or occupancy of the building.
- (4) Be accompanied by plans and specifications as required by the electrical inspector. However, a permit may be issued covering part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been made complying with all pertinent requirements of this article. The holder of such permit may proceed without assurance that the permit covering the work in the entire building or structure will be granted.
- (5) Be signed by the master electrician.
- (6) The permit, when issued, shall be issued to the applicant to cover the proposed work as described and detailed. Any changes or additions must be covered by additional permits at the time changes are made.

Sec. 14-253. Checking of plans and specifications.

The application, plans, and specifications filed by an applicant for an electrical permit shall be checked by the electrical inspector. The issuance of a permit based upon these plans and specifications shall not prevent the electrical inspector from requiring the correction of errors. Such plans may be reviewed by other departments of the city to check compliance with laws and ordinances under their jurisdiction.

Sec. 14-254. Fees.

- (a) Before any permit shall be issued, under the provisions of this division, the applicant shall pay fees according to the established schedule.

(b) Ordinary fees will be doubled for any permit issued after the work has been started or after the work has been partially completed or concealed.

(c) In case it becomes necessary to make a re-inspection of any work, fees will be charged according to the established schedule.

Sec. 14-255. Temporary installations.

No permit for temporary use shall be valid for a longer period than 90 days unless required for construction purposes. At the end of 90 days, the electrical inspector may issue written instructions to the electric public service company to disconnect service to the temporary installation. A letter addressed to occupant" at the address of the temporary installation shall be deemed as being sufficient to notify the owner, if name and address of owner is not known to the electrical inspector.

Secs. 14-256--14-260. Reserved.

Sec. 14-261. Display.

Any permit for electrical work shall be displayed in a visible location.

Sec. 14-262. Expiration.

Every permit issued shall expire and become null and void if the building or work authorized by such permit is not commenced within 60 days from the date of the permit or if the building or work authorized by the permit has been suspended for a period of 180 days. Before such work can be restarted, a new permit shall be obtained.

Sec. 14-263. Refusal to finish installation.

Any electrical contractor who accepts payment for electrical work, then refuses to finish the work for which a permit was issued, shall, after written notification by the electrical inspector, and after being reviewed by the city council, be prohibited from pulling permits or performing new work within the city limits until such work is completed.

Sec. 14-264. Suspension or revocation.

The electrical inspector may, in writing, suspend or revoke an electrical permit issued under the provisions of this division whenever the permit is issued in error or on the basis of incorrect information supplied or when in violation of any ordinance, regulation or any of the provisions of this article.

Secs. 14-265--14-268. Reserved.

Sec. 14-269. Certificate of approval.

When the electrical work is found to be in compliance with this article, the electrical inspector shall give approval to the public utility company authorizing connection of the electrical service.

Secs. 14-270--14-271. Reserved.

Sec. 14-272. Death of master electrician.

After the death of a master electrician, for a period of 60 days, any person engaged in the electrical contractor business shall have the privilege of completing any work currently authorized under the master electrician's license.

Secs. 14-273--14-283. Reserved.

Sec. 14-284. Adoption.

(a) ~~The latest edition of the National Electrical Code prepared by the National Fire Protection Association, Inc., as adopted by the city council, will be in effect, copies of which are available for review in the building official's office and the city secretary's office.~~ With the passing of the Ordinance from which this article derives, the 2011 edition of the National Electrical Code, NFPA 70, prepared by the National Fire Protection Association, Inc., will be adopted.

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(b) In case of conflict between the provisions of the National Electrical Code and the provisions of this article, this article shall prevail.

Secs. 14-285--14-292. Reserved.

Sec. 14-293. Special provisions.

(a) Temporary power poles shall have a minimum of two 120-volt duplex receptacles and one 240-volt receptacle.

(b) Electrical metallic tubing (EMT) shall not be buried in ground nor embedded in concrete.

(c) Aluminum conductors are only permitted to be installed in the following circumstances;

(i) overhead between poles, and

(ii) for new commercial buildings, 5,000 square feet or larger, on all service entrance conductors and feeder conductors, both interior and exterior, sized 4/0 and larger, and

(iii) underground from pole to pole and from pole to outside electrical box that is not attached to a building or structure.

Secs. 14-294--14-314. Reserved.

ARTICLE V.

HOUSING

DIVISION 1.
GENERALLY

Secs. 14-315--14-324. Reserved.

DIVISION 2.
HOUSING CODE*

* **Cross References:** Fire prevention code, § 34-71 et seq.

Sec. 14-325. International Residential Code adopted.

The *International Residential Code*, 2003¹² Edition, hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted. A copy of said Code is attached to the ordinance from which this section derives and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.
(Ord. No. 2001-25, § 1, 1-7-02)

Editors Note: Ord. No. 2001-25, § 1, adopted January 7, 2002, repealed and reenacted § 14-325 to read as herein set out. Formerly, § 14-325 pertained to the adoption of the housing code and derived from Code 1978, § 11-16.

Sec. 14-326. Conflicts.

Upon any conflict with the provisions of the code adopted by this division and the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations, the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations shall prevail and be controlling.
(Code 1978, § 11-17)

Sec. 14-327. Enforcement.

The code adopted by this division shall be enforced by the building inspector.
(Code 1978, § 11-18)

Sec. 14-328. Amendments to the International Residential Code.

(a) Section R103 of said Code is hereby amended to provide as follows:

R103 Department of Building Safety. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Council and may be removed without cause by City Council. The building official may appoint deputies to assist him/her, subject to City Council approval. Said deputies shall serve at the pleasure of the City Council and may be removed without cause by City Council.

(b) Section R105.2. Work exempt from permit.

105.2.2. Fences not over 8 feet high.

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(b)(c) Section R105.5 of said Code is hereby amended to provide as follows:

R105.5 Expiration: No construction schedule. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1- 1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit. Section R103 of said Code is hereby amended to provide as follows:

(e)(d) Section R105 of said Code is hereby amended by adding a new Section

R105.10 to provide as follows:

R105.10 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City. Comprehensive general liability insurance covering all risks associated with the work, with a minimum bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

(e) Section R108 of the Code is amended by adding to section R108.2 the following provision:

R108.2 Schedule of permit fees. Fees shall be charged in accordance with the City's Fee Schedule, as it may be amended from time to time.

(f) Section R108 of said Code is hereby amended by adding a new Section R108.6 to provide as follows:

R108.6 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.

(g) Section R112.1 of the Code is hereby deleted and new Section 112.1 is substituted therefor as follows:

112.1. Appeals. Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

(h) Section R112.3 of the Code is hereby deleted in its entirety.

(h) Section R113 of the Code is deleted in its entirety and the penalty provision of this Ordinance is substituted in its place.

(i) Sections R905.7 and R905.8 of the Code are deleted in their entirety and a new Section R905.7 is substituted therefor as follows:

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R905.7 Wood Shingles and Shakes

(a) Allowed roof coverings of any structure regulated by this Code shall be as provided in this Section.

(b) Wood shingles and shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or re-roofing of any structure. Existing structures which have wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade; however, owners shall have the option of installing any allowed Class A, Class B, or Class C roofing material, over the existing wood shingles and shakes, provided that the existing roof structural system is adequate for modification. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the roof. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.

(k) Appendices. The following Appendices contained in the Code is deleted its entirety:

Appendix E, Manufactured Housing Used As Dwellings

Appendices B through D contained in the Code are hereby adopted.”

Sec. 14-329. Penalty for violation.

Any person who shall violate any provision of the code adopted by this division shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-14 of this Code.
(Code 1978, § 11-20)

Secs. 14-330--14-339. Reserved.

DIVISION 3.

SUBSTANDARD BUILDINGS

Sec. 14-340. Reserved.

Editors Note: Ord. No. 2005-03, § 1, adopted May 2, 2005, repealed § 14-340 in its entirety, which pertained to codes adopted, and derived from original codification.

Sec. 14-341. Building standards commission.

(a) The building standards commission is created, to be composed of five members. The members of the city planning commission shall serve in the role of the building standards commission in addition to their duties as a planning commission. When fulfilling their duties as the city's building standards commission, the commission shall give public notice through its posted agenda, and such other notice as may be required, in a

manner intended to notify the public of the role and duties the commission is fulfilling.

(b) In addition to the five members of the building standards commission, the city fire marshal and the building inspector shall be ex officio, nonvoting members of the commission. Any employee of the city designated by the city manager shall be authorized to act as substitute for the respective superior of their respective department or division as an ex officio member of the building standards commission.
(Code 1978, § 11-36; Ord. No. 92-04, § 1.0, 5-5-92)

Sec. 14-342. Enforcement of orders.

It shall be the duty of the city council to enforce the orders of the building standards commission or orders of the city council, if an appeal is made, which orders are to be enforced by the council filing action in the appropriate court of this state when so authorized by the council.
(Code 1978, § 11-33)

Sec. 14-343. Determination.

All buildings or structures, including but not limited to mobile homes or portable-type buildings, which have any or all of the following defects or lack of facilities shall be deemed substandard buildings or structures:

- (1) All buildings or structures that have become deteriorated through natural causes or by damage through exposure to the elements, especially wind, hail or rain, or damage through fire, to the extent that the roof, windows and doors, or portions of the house, building or structure which protect from the weather, will no longer reasonably protect from the weather.
- (2) All buildings or structures which constitute, or in which are maintained, fire hazards.
- (3) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand reasonable anticipated storms and/or hurricanes.
- (4) All buildings or structures so constructed or permitted to be so constructed as to constitute a menace to health or safety, including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease, including such conditions hazardous to safety as adequate bracing or the use of deteriorated materials.

(Code 1978, § 11-34)

Sec. 14-344. Nuisance declared.

All substandard buildings or structures within the term of this division which shall constitute a menace to the health, morals, safety or general welfare of its occupants or of the public are declared to be public nuisances and shall be ordered to be vacated, repaired or demolished as hereinafter provided.
(Code 1978, § 11-35)

Sec. 14-345. Inspectors.

It shall be the duty of the ex officio members of the building standards commission to inspect all buildings or structures reported to be or believed to be substandard and to present a report of such inspection to the commission, which shall, except in cases of emergency as hereinafter set forth, notify the proper party of the intention of such commission to hold its hearing and follow the procedure provided in section 14-348. (Code 1978, § 11-37)

Sec. 14-346. Criteria for determination of repair, vacation or demolition.

The following standards may be followed in substance by the building standards commission in ordering repair, vacation or demolition:

- (1) If the substandard building or structure can reasonably be repaired so that it will no longer be in a condition which is in violation of the terms of this division, it shall be ordered repaired.
- (2) If the substandard building or structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants or the public, it shall be ordered to be vacated.
- (3) In any case where a substandard building or structure is 50 percent damaged or decayed, it shall be demolished, and in all cases where a building cannot be repaired so that its existence will no longer be in violation of the terms of this division, it shall be demolished.

(Code 1978, § 11-38)

Sec. 14-347. Procedure for condemnation.

Where an emergency does not exist, the following steps may be taken in the condemnation of a substandard building:

- (1) When it shall come to the notice of the building standards commission that a building or structure in the city is substandard under the terms of this division, the commission may cite the owner of the building or structure or his authorized agent or representative to appear and show cause why such building should not be declared to be a substandard building and why he should not be ordered to vacate, repair or destroy such building or structure. The date of such hearing shall be not less than ten days after such citation shall have been made.
- (2) Such citation may be served by delivery of a copy thereof to the owner or the person in possession, or, if such premises be unoccupied, by attaching a copy of such citation in a place of prominence on such building or structure.
- (3) On the day set in such citation for the hearing, the hearing shall be had and on the basis of such hearing the building standards commission shall determine whether or not such building or structure is a substandard building or structure; then, in that event, the commission shall issue such orders as shall appear reasonably necessary to prevent the building or structure from being a hazard to life or property and to eliminate the building or structure's substandard qualities.
- (4) The owner of any substandard building or structure or his authorized representative may appeal from the decision of the building standards commission by giving notice thereof within ten days

from the date of the hearing to the city secretary and file with the city secretary a fee of \$10.00. Such appeal shall be to the city council, and upon the perfection of appeal the city council shall set a date for having before it and such appeal shall be by a trail de novo.

- (5) Pending appeal, such orders of the building standards commission as shall require vacation of the alleged substandard building or structure or such emergency measures as may have been ordered shall remain in effect, but all other orders of the commission shall be suspended in their operation.

(Code 1978, § 11-39)

Sec. 14-348. Emergency measures for condemnation.

When it shall appear that a building or structure in the city is a substandard building or structure under the terms of this division and that such building or structure or the manner of its use constitutes an immediate and serious danger to life or property, the condition shall be deemed a condition justifying the use of emergency measures, and the building standards commission, or a majority of the commissioners, may order any of the following emergency measures to be taken:

- (1) Immediate vacation of such building, structure and/or adjoining buildings or structures.
- (2) Vacation of the danger area around such building or structure.
- (3) Such emergency shoring-up and bracing of walls, roofs and supports as are required to render such buildings or structures safe.
- (4) The destruction of such walls, roofs and supports or the entire structure or so much thereof as cannot be braced or made secure.
- (5) The posting of notices on or near such building or structure notifying the public of such order and ordering all persons to keep out of such building or structure and the areas of danger surrounding it.

(Code 1978, § 11-40)

Sec. 14-349. Notice of emergency measures.

When any of the measures as set forth in section 14-348 are ordered to be taken, notice of such order shall be given as follows:

- (1) Such order shall be directed to the owner of such building or structure or his authorized representative, if such shall be known. Where notification can be accomplished without increasing the danger to life or property, notice shall be given by personal service on the owner, if known, of the building or structure or his representative.
- (2) If such notification would create such a delay as would materially increase the danger to life or property, then such notice need not be given.

(Code 1978, § 11-41)

Sec. 14-350. Lien against property.

If notification is unnecessary or if such notice is given and the owner or his representative shall refuse or fail to carry out the order of the building standards commission or shall fail to carry out such order satisfactorily in the judgment of the commission, then, in either of such events, the commission, upon approval of the mayor, may proceed to carry out such order, either by private contract or through an agency of the city, and all costs thus incurred shall constitute a valid lien against the property so affected.

(Code 1978, § 11-42)

Secs. 14-351--14-354. Reserved.

DIVISION 4.

CORRECTIONAL FACILITIES

Sec. 14-355. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Church means a building, whether situated within the city or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

Community center means a community facility, whether situated within the city or not, operated by an association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a state or national organization of like character, or a multiservice center, whether situated within the city or not.

Correctional facility means a facility for the housing and rehabilitation or training of adults on parole, early or prerelease, or any other form of executive, judicial or administrative release from a penal institution. Such a facility shall not include a facility which is:

- (1) Used primarily as a temporary holding facility;
- (2) Used primarily for persons arrested for or found guilty of misdemeanor offenses;
- (3) Located in or near court facilities; or
- (4) Used primarily to hold prisoners awaiting transfer to a state facility.

Director means the city manager and such employees of the city as he may designate to perform the duties of the director under this division.

Facility for the elderly means a nursing home for the elderly licensed by the state, a board and lodging

home for senior citizens registered with the state, or a nutrition site for the elderly operated by the city, whether situated in the city or not.

Licensed day-care center means a facility licensed by the state, whether situated within the city or not, that provides care, training, education, custody, treatment or supervision for more than 12 children under 14 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than 24 hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

Operator means the manager or other natural person principally in charge of a correctional facility.

Owner means the proprietor if a sole proprietorship, all general partners if a partnership, the corporation if a corporation, or a governmental entity.

Permit means a current, valid permit issued by the director pursuant to the terms of this division to an operator for a correctional facility.

Planning commission means the planning commission created by the city Charter in Charter section 10.01.

Public park or recreational facility means a publicly owned or controlled park or recreation facility operated for the benefit of the general public, whether situated in the city or not, and including but not limited to those park and playground properties placed under the direction and control of the city parks and recreation department.

Residential means pertaining to the use of land, whether situated within the city or not, for premises such as homes, townhomes, patio homes, mobile homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for nontransient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. A premises which is designed primarily for living, sleeping, cooking and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boardinghouses, nursing homes, hospitals and nursery schools shall not be considered to be residential.

School means a building, whether situated within the city or not, where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:

- (1) Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one through 12 classes are taught;
- (2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one through 12; and
- (3) Public and private institutions of higher education.

Tract means a contiguous parcel of land under common ownership, whether situated within the city or not.
(Ord. No. 91-12, § 2(11-50), 11-18-91)

Cross References: Definitions generally, § 1-2.

Sec. 14-356. Permit required.

(a) It shall be unlawful for any person to own or operate a correctional facility located within the city unless there is a permit for the correctional facility.

(b) It shall be unlawful for any person to own or operate a correctional facility located within the city unless the permit is posted at or near the principal public entrance to the correctional facility in such a manner that it will be conspicuous to all who enter the premises.

(c) In any prosecution under subsection (a) of this section, it shall be presumed that there was no permit at the time of the alleged offense, unless a permit was then posted as provided in subsection (b) of this section.
(Ord. No. 91-12, § 2(11-51), 11-18-91)

Sec. 14-357. Permit applications.

(a) Applications for a permit, whether original or renewal, must be made to the director by the intended operator of the correctional facility. Applications must be submitted by hand delivery to the office of the director during regular working hours (8:00 a.m. to 4:00 p.m., Monday through Friday, city holidays excepted). Application forms shall be supplied by the director. The intended operator shall be required to give the following information on the application form:

- (1) The name, street address, and mailing address if different, and state driver's license number of the intended operator;
- (2) The name and street address, and mailing address if different, of the owner;
- (3) The name under which the correctional facility is to be operated, a general description of the services to be provided, including the name of any federal, state or other governmental entity for which the services are to be provided, the classification of offenders to be served, the maximum number of beds which are permitted to be provided as well as the number of beds which are intended to be used, and if operated on behalf of a governmental entity, a copy of any existing contract or bid specifications for its operation, all security and resident monitoring plans required under state or federal law, and any additional security and monitoring measures which are to be implemented;
- (4) The telephone number of the correctional facility;
- (5) The address and legal description of the tract of land on which the correctional facility is to be located;
- (6) If the correctional facility is in operation, the date on which the owner acquired the correctional

facility for which the permit is sought, and the date on which the correctional facility began operations as a correctional facility at the location for which the permit is sought;

- (7) If the correctional facility is not in operation, the expected startup date, which shall be expressed in number of days from the date of issuance of the permit. If the expected startup date is to be more than ten days following the date of issuance of the permit, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same.
- (b) The application shall be accompanied by the following:
 - (1) Payment in full of a fee of \$350.00 for an original application, or \$100.00 for a renewal application, as applicable, by certified check, cashier's check or money order, which fee shall not be refundable under any circumstances;
 - (2) If the correctional facility is to be operated under an assumed name, a certified copy of the assumed name certificate filed in compliance with the Assumed Business or Professional Name Act, V.T.C.A., Business and Commerce Code § 36.01 et seq.;
 - (3) If the correctional facility is a state corporation, a certified copy of the articles of incorporation, together with all amendments thereto;
 - (4) If the correctional facility is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;
 - (5) If the correctional facility is a limited partnership formed under state law, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the secretary of state under the Texas Revised Limited Partnership Act, Vernon's Ann. Civ. St. art. 6132a-1;
 - (6) If the correctional facility is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto, filed in the office of the secretary of state under the Texas Revised Limited Partnership Act, Vernon's Ann. Civ. St. art. 6132a-1;
 - (7) Proof of the current fee ownership of the tract of land on which the correctional facility is to be situated in the form of a copy of the recorded deed;
 - (8) If the persons identified as the fee owners of the tract of land in subsection (7) of this subsection are not also the owners of the correctional facility, then the lease, purchase contract, purchase option contract, lease option contract or other documents evidencing the legally enforceable right of the owners or proposed owners of the correctional facility to have or obtain the use and possession of the tract or portion thereof that is to be used for the correctional facility for the purpose of the operation of the correctional facility;
 - (9) Any of subsections (2) through (8) of this subsection shall not be required for a renewal

application if the applicant states that the documents previously furnished the director with the original application or previous renewals thereof remain correct and current.

(c) A separate application and permit shall be required for each correctional facility.
(Ord. No. 91-12, § 2(11-52), 11-18-91)

Sec. 14-358. Term of permit; renewal.

Each permit issued under this division shall be valid for a period of one year and shall expire on the anniversary of its date of issuance, unless sooner revoked or surrendered. Each permit shall be subject to renewal as of its expiration date by the filing of a renewal application with the director. Renewal applications must be filed at least 20 days prior to the expiration date of the permit that is to be renewed.
(Ord. No. 91-12, § 2(11-53), 11-18-91)

Sec. 14-359. Issuance or denial of permit.

(a) Within 35 days of receipt of any application, either original or renewal, the director shall grant or deny the requested permit and give written notice to the applicant as to the decision.

(b) The director shall issue a permit to the applicant unless one or more of the following conditions exist:

- (1) The applicant's correctional facility is located within 2,000 feet of any church, community center, facility for the elderly, licensed day-care center, public park or recreation facility or school. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's correctional facility to the nearest point on the property line of such church, community center, facility for the elderly, licensed day-care center, public park or recreation facility or school;
- (2) The applicant's correctional facility is located within 2,000 feet of any other correctional facility for which there is a permit or which is by law exempt from the terms of this division. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's correctional facility to the nearest point on the property line of any other correctional facility;
- (3) Seventy-five percent or more of the tracts within a circular area are residential in character. The radius of such circular area shall be 2,000 feet, and the center of such circular area shall correspond to the midpoint of a line adjoining the two most distant points on the boundary of the tract on which the correctional facility is located;
- (4) The applicant failed to supply all of the information requested on the application;
- (5) The applicant gave materially false, fraudulent or untruthful information on the application;
- (6) The application or the correctional facility does not meet any other requirement of this division;

- (7) The operator has had a permit revoked for the same enterprise within the 180-day period next preceding the date that the application was filed;
- (8) The applicant has not demonstrated that the owner of the correctional facility owns or holds a lease for the property or the applicable portion thereof upon which the correctional facility will be situated or has a legally enforceable right to acquire the same; or
- (9) The applicant's correctional facility will or is intended to house more than 75 adults on parole, early or prerelease, or any other form of administrative release from a penal institution.

(c) Property uses and distances for original applications shall be determined as of the time that the application is filed. If a renewal application is timely filed as provided in section 14-358, the property uses and measurements for the renewal application shall be determined as of the time that the original application for the correctional facility was filed. If not timely filed, renewal applications shall be subject to the same fees and shall be treated in the same manner in all respects as original applications.

(d) If the director determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within 35 days of the receipt of its application by the director. An applicant may appeal the decision of the director regarding such denial by filing a written request for a hearing with the director within 15 days after he is given notice of such denial. The director's decision on the application shall be final unless an appeal is timely filed. The applicant's written request for a hearing shall set out the grounds on which the denial is challenged. An evidentiary hearing shall be conducted by the planning commission under rules consistent with this Code and with the nature of the proceedings, and which ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel.

(e) The planning commission shall conduct the hearing within 30 days after receipt of the applicant's written request for a hearing unless the applicant requests an extension in writing. The planning commission shall render a written decision, adopted by majority vote of those present at the hearing, and shall issue notice thereof to the applicant within ten days after the conclusion of the hearing. A tie vote of those present at the hearing shall constitute a denial of the appeal. The written decision of the planning commission shall be final unless an appeal is filed to city council pursuant to subsection (f) of this section.

(f) The applicant may appeal the decision of the planning commission to the city council by filing a written notice of appeal and all materials otherwise required by this Code for such an appeal with the city secretary within 15 days after the applicant is given notice of the planning commission's decision. A vote of city council shall be taken within 30 calendar days after the date on which the city secretary receives the notice of appeal. All parties shall be required to comply with the planning commission's decision during the pendency of the appeal; provided, however, that an applicant for a renewal or transfer permit shall be entitled to the issuance of a temporary permit pending the disposition of the appeal upon written demand therefor filed by the applicant with the director. Temporary permits issued under this subsection shall be valid until the 60th day after the decision becomes final. The decision of the city council shall be final.

(g) Failure of the director to give timely notice of his action on an application, or failure of the planning commission to timely conduct or give notice of its decision on an appeal from the director's decision, or failure of the city council to vote on an appeal from the decision of the planning commission within the limitations of time specified above, shall entitle the applicant for an original permit to the issuance of a

temporary permit upon written demand therefor filed by the applicant with the director. Such a temporary permit shall only be valid until the third day after the director gives notice of his action on the application, or the planning commission gives notice of its decision on the appeal, or the city council votes on the appeal, as applicable.
(Ord. No. 91-12, § 2(11-54), 11-18-91)

Sec. 14-360. Transfer upon change.

(a) A permit under this division is personal to the owner and operator designated in this application, provided it may be transferred pursuant to this section. A transfer application must be filed by the tenth day next following any change of the owner or operator designated on the application.

- (1) If a transfer application is not timely filed, the permit shall be invalid for any purpose relating to the operation of the correctional facility, and any transfer shall require the filing of an original permit application and be subject to the regulations applicable thereto.
- (2) For purposes of measurements between correctional facilities under subsection (b) of this section, a correctional facility for which the permit has become invalid by operation of this section shall be treated as though it had a permit until the permit is revoked pursuant to section 14-361 and any appeal therefrom to the city council has been concluded.

(b) The director shall prescribe a form on which permit transfer applications shall be made. The form shall include a statement that the original application remains correct as previously submitted in all respects except those that are amended therein. The transfer application shall be accompanied by a nonrefundable transfer fee of \$100.00. Transfer applications shall be filed in the same place and at the same time as original applications, and the fee shall be payable in the same manner as for original applications, as provided in section 14-356.

(c) Transfer applications shall be reviewed, issued and subject to appeal pursuant to section 14-359, except that subsections 14-359(1), (2), and (3) shall not apply, and they shall be issued for the remaining term of the permit to be transferred.
(Ord. No. 91-12, § 2(11-55), 11-18-91)

Sec. 14-361. Revocation of permit.

(a) The director shall have the authority to request the revocation of a permit for any one or more of the following reasons:

- (1) The operator of the correctional facility gave materially false, fraudulent or untruthful information on the original, renewal or transfer application form;
- (2) The correctional facility has not been open for operations for a period of 30 consecutive days, unless due to circumstances beyond the control of the owner, and the owner is proceeding with due diligence, given all attendant circumstances, to open or reopen the facility;
- (3) The permit was erroneously issued in contravention of the criteria of this division; or

- (4) The correctional facility or its operation has failed to comply with all applicable statutes and regulations.

(b) Prior to revocation of a permit, the director shall investigate the grounds alleged to determine whether probable cause for revocation may exist and, if so, shall notify the owner and operator in writing of the reasons for the proposed revocation and grant such owner and operator the opportunity to appear at an evidentiary hearing before the planning commission at a time and place specified within such notice. Such hearing shall be held not less than 15 days after the notice is given. Hearings shall be conducted under rules consistent with this Code and with the nature of the proceedings and which ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel. If, after the hearing, the planning commission finds by majority vote of those present at the hearing that the permit should be revoked, it shall issue a written order revoking such permit which shall be effective on the 60th day after notice thereof is given to the operator. A tie vote of those present at the hearing shall constitute a finding that the permit should be revoked.

(c) Any operator or owner who has complied with these rules shall have the right to appeal an order of the planning commission revoking a permit to the city council in accordance with the procedure set forth in subsection 14-359(f). The filing of an appeal of a revocation to the city council shall have the effect of superseding or suspending the order of the planning commission pending the disposition of the appeal to city council.

(d) A correctional facility shall be treated as having a permit for purposes of measurements under subsection 14-359(b)(2), pending the date for filing an appeal of a permit revocation, and if an appeal is filed, pending the disposition of the appeal by the city council.
(Ord. No. 91-12, § 2(11-56), 11-18-91)

Sec. 14-362. Other permit provisions.

- (a) A permit is valid only at the location for which it is issued.

(b) A permit may be cancelled upon written request of the owner or operator and surrender of the permit itself to the director. Permits shall be surrendered at the same place and at the same time as provided in subsection 14-357(a). The surrender of a permit shall be effective upon its filing in the office of the director.
(Ord. No. 91-12, § 2(11-57), 11-18-91)

Sec. 14-363. Notices.

(a) Any notice required or permitted to be given by the director or any other city office, division, department or other agency under this division to any applicant, operator or owner of a correctional facility may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application which has been received by the director, or any notice of address change which has been received by the director. Notices mailed as above shall be deemed given upon their deposit in the United States mail. If any notice given by mail is returned by the postal service, the director shall cause it to be posted at the principal entrance to the correctional facility.

(b) Any notice required or permitted to be given to the director by any person under this division shall not be deemed given until and unless it is received in the office of the director at the time and in the manner provided for filing of applications in subsection 14-357(a).

(c) It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the director in writing of any change of residence or mailing address.
(Ord. No. 91-12, § 2(11-58), 11-18-91)

Sec. 14-364. Penalty; continuing violations.

(a) Violation of any provision of this division shall be punishable by a fine of \$500.00. Each day any violation continues shall constitute and be punishable as a separate offense.

(b) The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a permit.
(Ord. No. 91-12, § 2(11-59), 11-18-91)

Sec. 14-365. Approval by city officials.

Whenever in connection with the establishment or continued operation of a correctional facility, another governmental entity, its prospective or current contractor, or any owner or operator desires an expression of the approval of city officials, other than that evidenced by a permit or pursuant to a formal agreement with that governmental entity, it shall be furnished by means of a resolution duly enacted by city council. No such resolution shall be deemed to modify or repeal any portion of this division. No expression of approval by city officials shall be deemed an approval by the city unless made in accordance with this section.
(Ord. No. 91-12, § 2(11-60), 11-18-91)

Sec. 14-366. Security and resident monitoring.

The director shall furnish a copy of all applications to the chief of police. The chief of police or his designees shall review all security and resident monitoring plans and make comments concerning any deficiencies to the owner, operator and governmental entity for which the facility is to be operated. The chief of police or his designees shall monitor all correctional facilities for compliance with the required security and resident monitoring plans and notify the owner, operator and applicable governmental entity of any alleged violations.
(Ord. No. 91-12, § 2(11-61), 11-18-91)

Secs. 14-367--14-389. Reserved.

ARTICLE VI.

PLUMBING AND GAS

DIVISION 1.

GENERALLY

Sec. 14-390. Compliance with plumbing license law required.

Before any person shall do any work or make any connections with the sewer or gas system in the city, or do any plumbing work connected or intended to be connected with the sewer or gas system, he shall be licensed as provided in the state plumbing license law, Vernon's Ann. Civ. St. art. 6243-101, as amended. (Code 1978, § 19-1)

~~Sec. 14-391. Bond.~~

~~Every master plumber doing business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of \$1,000.00 to indemnify the city or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this article. No plumbing permit shall be issued to any master plumber unless such bond has been delivered to the city and is in full force and effect.~~
(Code 1978, § 19-2)

Secs. 14-392--14-404. Reserved.

DIVISION 2.

CODES*

* **Editors Note:** Ord. No. 2001-26, § 1, adopted January 7, 2002, repealed and reenacted div. 2 to read as herein set out. Formerly, div. 2 pertained to similar subject matter and derived from Code 1978, §§ 19-16--19-19.

Cross References: Fire prevention code, § 34-71 et seq.

Sec. 14-405. International Plumbing Code adopted.

The *International Plumbing Code*, 2003¹² Edition, hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., and as amended herein, is hereby adopted. A copy of said Code is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.
(Ord. No. 2001-26, § 1, 1-7-02)

Sec. 14-406. Amendments to the International Plumbing Code.

(a) Section 103 of said Code is hereby amended to provide as follows:

103 Department of Plumbing Inspection. The enforcement of this Code shall be under the administrative and operational control of the building official. The building official shall be selected and serve in the position at the pleasure of the City Council and may be removed without cause by City Council. The building official may appoint deputies to assist him/her, subject to City Council approval. Said deputies shall serve at the pleasure of the City Council and may be removed without cause by the City Council.

(b) Section 104 of said Code is hereby amended to provide as follows:

104.7 Stop Work Orders. Whenever any work is being done contrary to the provisions of this Code, the Building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work. The building official shall issue all necessary notices or orders to ensure compliance with this code.

(c) Sections 106.5.3 and 106.5.4 of said Code are deleted in their entirety and a new Section 106.5.3 is substituted therefor as follows:

106.5.3 Expiration. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1- 1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.

(d) Section 106.6 of said Code is hereby amended to provide as follows:

106.6 Fees. Fees shall be charged in accordance with the City's Fee Schedule, as it may be amended from time to time. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.

(e) Section 106 of said Code is amended by adding a new Section 106.6.4, which provides as follows:

106.6.4 State License. All persons performing work in the City governed by this Code shall be licensed by the State of Texas, and shall submit to the City proof of insurance as required by the State or by statute.

(f) Section 109 of said Code is hereby amended to provide as follows:

109. Means of Appeal. Appeals of orders, decisions, or determinations made by the building official in interpreting or applying this Code shall be to ~~the City's Planning Commission, followed by~~ City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on the particular subject under consideration.

(g) Section 108 of said Code is deleted in its entirety and the penalty provision of this Ordinance is substituted in its place.

(h) Section 605 of said Code is amended by deleting any and all references to "polybutylene pipe and tubing." Installation of polybutylene pipe and tubing, or use for repair, is prohibited.

(i) Section 702 of said Code is amended by deleting any and all references to concrete pipe and asbestos-cement pipe and tubing. Installation of concrete pipe or asbestos-cement pipe and tubing, or use for repair, is prohibited.

(j) Appendix A, Plumbing Permit Fee Schedule, contained in the Code is deleted its entirety and Appendices B-~~FG~~ contained in said Code are hereby adopted.

Sec. 14-407. Penalty.

Any person who shall violate any provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

(Ord. No. 2001-26, § 2, 1-7-02)

Secs. 14-408--14-429. Reserved.

ARTICLE VII.

BUILDING/DEVELOPMENT STANDARDS*

* **Editors Note:** Ord. No. 2001-20, § 1, adopted January 7, 2002, repealed and reenacted art. VII, §§ 14-430--14-442, to read as herein set out. Formerly, art. VII pertained to construction and development standards for multiple family dwellings and derived from Ord. No. 2000-18, § 1, adopted September 5, 2000.

DIVISION 1.

GENERAL PROVISIONS

Sec. 14-430. Definitions.

For the purposes of this article, the following words, terms and phrases shall have the meanings set forth below.

Building shall mean a structure designed or built for the support, shelter, protection, housing, or enclosure of persons, animals, chattels, or property of any kind.

Building line shall mean an imaginary line, running parallel with applicable lot lines or street easements or roadway right-of-way lines, and beyond which no building or structure may be located other than fences, sidewalks, driveways, uncovered patios, swimming pools, or utility facilities placed by companies authorized to do so pursuant to franchise, license, or other authorization by the city or other governmental entity having jurisdiction thereover. Provided, however, no fence shall be authorized beyond a front building line and no swimming pool shall be authorized beyond a front or side building line, except as specifically authorized herein. In measuring a building line adjacent to a street easement or roadway right-of-way, the nearest boundary of the street easement or roadway right-of-way shall be used.

Multiple family dwelling shall mean a building designed and constructed to contain three or more independent dwelling units, which may share common passageways, vehicular access ways, and other essential facilities.

Street, arterial. A street designed as a principal traffic artery, more or less continuous across the city,

intended to connect remote parts of the city, and used primarily for fast or heavy volume traffic.

Street, collector. A street designed to carry traffic from local streets to the major system of arterial streets and highways.

Street, Local. A street used primarily for access to abutting properties and which is intended to serve traffic within a limited area.

Structure shall mean anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, whether above, below, or at grade.
(Ord. No. 2001-20, § 1, 1-7-02; Ord. No. 2004-10, § 1, 11-15-04)

Secs. 14-431--14-434. Reserved.

DIVISION 2.

SINGLE-FAMILY RESIDENTIAL

Sec. 14-435. Building lines.

(a) *Front.* The front building line shall not be less than 25 feet, except that where a lot faces an arterial street, the front building line shall be not less than 35 feet.

(b) *Side, generally.* The side building line, to include eaves and appurtenances, shall not be less than five feet from the side property line.

(c) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on an arterial street, such building line shall not be less than 25 feet.

(d) *Rear, generally.* The rear building line shall not be less than 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway; provided, however, if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the rear building line shall not be less than seven and one-half feet. In all cases, buildings must be constructed in relation to the rear property line so that there will at all times be 30 feet between the rear building lines.

(e) *Rear, on arterial street.* The rear building line where lots back on an arterial street shall not be less than 25 feet.

(f) *Encroachment by building eaves and air conditioning units.* Building eaves and air conditioning compressors may encroach not more than three feet beyond building lines other than front building lines on lots created by subdivision plats for single family residential use duly approved by the city and recorded with the county clerk of Harris or Montgomery County, Texas, as applicable, on or before November 1, 1999.
(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-436. Lot requirements.

(a) *Minimum width.* The minimum width of lots for single-family detached dwellings shall be 75 feet; radial lots shall have a minimum width of 75 feet at and for a distance of 30 feet behind the building line. No lot shall be created that has a front yard with less than 75 feet of frontage on the front street.

(b) *Minimum depth.* No single-family residential detached dwelling shall be constructed on a lot that is less than 120 feet in depth.

(c) *Minimum area.* No single-family residential detached dwelling shall be constructed on a lot that is less than 9,000 square feet in area.

(d) *Nonconforming lots.* Where a lawfully existing lot having less area, depth, or width than herein required existed in separate ownership on the effective date of the ordinance from which this article derives, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-437. Off-street parking/driveways.

(a) *Parking.* Each lot used for single-family detached dwelling purposes shall have constructed and maintained thereon two off-street parking spaces. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage. For the purposes of this subsection, the minimum dimensions of each parking space shall be 9 feet by 20 feet; provided, however, two spaces adjacent to the other shall be not less than 18 feet by 20 feet if side by side, and not less than 12 feet by 40 feet if aligned linearly.

(b) *Driveway, parking surface.* All driveways and parking areas shall have a topping, which is the same as the abutting street, or they may be concrete cement.

(Ord. No. 2001-20, § 1, 1-7-02)

Secs. 14-438, 14-439. Reserved.

DIVISION 3.

DUPLEXES

Sec. 14-440. Building lines.

(a) *Front.* The front building line shall not be less than 25 feet, except that where a lot faces an arterial street, the front building line shall not be less than 35 feet.

(b) *Side, generally.* The side building line, to include eaves and appurtenances, shall not be less than five feet.

(c) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less

than 15 feet, except that where a lot sides on an arterial street, such building line shall not be less than 25 feet.

(d) *Rear, generally.* The rear building line shall not be less than 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway; provided, however, if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, the rear building line shall not be less than seven and one-half feet. In all cases, buildings must be constructed in relation to the rear property line so that there will at all times be 30 feet between the rear building lines.

(e) *Rear, on arterial street.* The rear building line where a lot backs on an arterial street shall not be less than 25 feet.
(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-441. Lot requirements for duplexes.

(a) *Minimum width.* The minimum width of lots for duplexes shall be 85 feet. No lot shall be created that has a front yard with less than 85 feet of frontage on the front street.

(b) *Minimum depth.* No duplex dwelling shall be constructed on a lot that is less than 120 feet in depth.

(c) *Minimum area.* No duplex dwelling shall be constructed on a lot that is less than 10,200 square feet in area.
(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-442. Off-street parking/driveways.

(a) *Parking spaces.* Each lot used for duplex dwelling purposes shall have constructed and maintained thereon four off-street parking spaces. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports for each unit of the duplex shall not be considered as off-street parking spaces. For example, if each dwelling unit of a duplex has a three-car garage, two additional off-street parking spaces would be required in addition to that included within the garages. For the purposes of this subsection, the minimum dimensions of each parking space shall be nine feet by 20 feet; provided, however, two spaces adjacent to the other shall be not less than 18 feet by 20 feet if side by side, and not less than 12 feet by 40 feet if aligned linearly.

(b) *Driveway, parking surface.* The topping of all driveways and parking areas shall be the same as the abutting street, or they may be concrete cement.
(Ord. No. 2001-20, § 1, 1-7-02)

Secs. 14-443--14-449. Reserved.

DIVISION 4.

TOWNHOMES

Sec. 14-450. Building lines.

- (a) *Front.* The front building line shall not be less than 25 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet.
- (b) *Side, interior lots.* There shall be no side building line for a side of an interior lot which is adjacent to another townhome.
- (c) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on an arterial street, such building line shall not be less than 25 feet.
- (d) *Side, generally.* The side building line other than when adjacent to an interior lot line, to include eaves and appurtenances, shall not be less than five feet.
- (e) *Rear, generally.* The rear building line shall not be less than 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway; provided, however, if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, the rear building line shall not be less than seven and one-half feet. In all cases buildings must be constructed in relation to the rear property line so that there will at all times be 30 feet between the rear building lines.
- (f) *Rear, on arterial street.* The rear building line where a lot backs on an arterial street shall not be less than 25 feet.
(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-451. Lot requirements for townhomes.

- (a) *Minimum width.* The minimum width for townhome lots shall be 30 feet.
- (b) *Minimum depth.* The minimum depth for townhome lots shall be 120 feet.
- (c) *Minimum area.* No townhome shall be constructed on a lot that is less than 3,600 square feet in lot area.
- (d) *Minimum height.* No townhome shall be constructed with more than two stories, or greater than 25 feet in total height, including gables.
(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-452. Off-street parking/driveways/streets.

- (a) *Parking spaces.* Each lot used for townhome dwelling purposes shall have constructed and maintained thereon two off-street parking spaces. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports for each townhome unit shall not be considered as off-street parking spaces. For example, if each townhome unit has a two-car garage or two-car carport, two additional off-street parking spaces would be required in addition to that included within the garages and/or carports. For the purposes of this subsection, the minimum dimensions of each parking space shall be nine feet

by 20 feet; provided, however, two spaces adjacent to the other shall be not less than 18 feet by 20 feet if side by side, and not less than 12 feet by 40 feet if aligned linearly.

(b) *Paving.*

- (1) *Streets/driveways.* Each townhome complex shall have streets and driveways constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the city, and shall be at least 28 feet in width throughout. All streets and driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination.

- (2) *Parking areas.* The topping of all parking areas shall be the same as the abutting street or driveway, or shall be concrete cement.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-453. Density.

No townhome development shall contain more than 12 townhome units per acre.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-454. Green space/recreational areas.

A minimum of 30 percent of the gross platted area shall be open green space and common recreational areas. Said open green space and common recreational areas shall be areas not specifically designated or used as building sites for townhome units, buildings sites for utility or storage buildings, parking lots, garages, streets, or driveways within the townhome development. The actual surface area of open green space, such as lawns and landscaping, and common recreational areas, such as swimming pools and surrounding paved deck, tennis courts, community rooms, saunas, and other recreational areas, shall be considered in calculating the minimum requirement for open green space and common recreational areas. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space and common recreational areas.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-455. Screening.

The following screening requirements shall apply to townhome developments.

- (1) All commercial refuse containers shall be screened.
- (2) A six-foot solid fence, wall, or other similar screening device shall be constructed along the two sides and the rear of the complex.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-456. Sidewalks.

Sidewalks of concrete cement or other masonry construction shall be provided between the townhome units and all community facilities provided for residents in accordance with applicable city standards and

specifications.

(Ord. No. 2001-20, § 1, 1-7-02)

Secs. 14-557--14-559. Reserved.

DIVISION 5.

PATIO HOMES

Sec. 14-460. Building lines.

(a) *Front.* The front building line shall not be less than 25 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet.

(b) *Side, interior lots.* The side building line, to include eaves and appurtenances, shall not be less than five feet.

(c) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet.

(d) *Rear, generally.* The rear building line shall not be less than 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the rear building line shall not be less than seven and one-half feet. In all cases buildings must be constructed in relation to the rear property line so that there will at all times be 30 feet between the rear building lines.

(e) *Rear, on arterial street.* The rear building line where a lot back on an arterial street shall not be less than 25 feet.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-461. Lot requirements for patio homes.

(a) *Minimum width.* The minimum width of lots for patio homes shall be 40 feet.

(b) *Minimum depth.* The minimum depth of lots for patio homes shall be 100 feet.

(c) *Minimum area.* No patio home shall be constructed on a lot which contains less than 4,000 square feet in lot area.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-462. Lot coverage.

Not more than 60 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-462. Off-street parking/driveways/streets.

(a) *Parking.* Each lot used for patio home dwelling purposes shall have constructed and maintained thereon two off-street parking spaces. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage. For the purposes of this subsection, the minimum dimensions of each parking space shall be nine feet by 20 feet; provided, however, two spaces adjacent to the other shall be not less than 18 feet by 20 feet if side by side, and not less than 12 feet by 40 feet if aligned linearly.

(b) *Paving.*

(1) *Streets.* Each patio home development shall have streets constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the city, and shall be at least 28 feet in width throughout.

(2) *Driveways and parking areas.* All driveways and parking areas shall have a topping, which is the same as the abutting street, or they may be concrete cement.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-463. Density.

No patio home development shall contain more than ten patio home units per acre.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-464. Green space/recreational areas.

A minimum of 30 percent of the gross platted area shall be open green space. 'Open green space' is defined as, and limited to common areas of open space or landscaping and community recreational areas. Open green space does not include areas specifically designated or used as building sites for patio home units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development. The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space.

(Ord. No. 2001-20, § 1, 1-7-02; Ord. No. 2005-02, § 1, 3-7-05)

Sec. 14-465. Screening.

A fence, wall, or other similar screening device, of not less than six feet nor more than eight feet in height, shall be constructed and maintained along the two sides and the rear of each patio home development complex; provided, however, no such screening device shall be required adjacent to portions of the development which contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-466. Sidewalks.

Sidewalks of concrete cement or other masonry construction shall be provided along all streets within a patio home development in accordance with applicable city standards and specifications.

(Ord. No. 2001-20, § 1, 1-7-02)

Secs. 14-467--14-469. Reserved.

DIVISION 6.

MULTI-FAMILY DEVELOPMENTS

Sec. 14-470. Compliance required; application.

It shall be unlawful for any person to cause or permit the development, construction or occupancy of any multiple family dwelling, except as provided herein. Provided further, it shall be unlawful for any person to convert the use of any hotel, motel, motor court, or other similar temporary lodging facility into a multiple family dwelling except in compliance with the provisions hereof. Notwithstanding the foregoing, it shall be a defense to prosecution hereunder that a multiple family dwelling development was approved by the city prior to the date of adoption hereof.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-471. Density.

No multiple family dwelling development shall contain more than 20 units per acre.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-472. Height; stories.

No multiple family dwelling shall be constructed to a height which exceeds 45 feet above the natural grade, or which contains more than three stories.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-473. Spacing between buildings.

Each building within a multiple family dwelling complex shall be separated from other buildings by not less than 35 feet.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-474. Building lines.

The following minimum building lines shall be required for lots or tracts containing multiple family dwelling buildings, measured from the applicable property line; provided however if the lot is encumbered with a street easement or roadway right-of-way, such building line shall be measured from the boundary line of such

street easement or roadway right-of-way nearest the center of the lot.

- (1) *Front yard.* The front yard building line shall not be less than 25 feet, except that where a front yard faces an arterial street, the front building line shall not be less than 35 feet.
- (2) *Side yard, interior.* The interior side yard building line shall be not less than five feet, except that where an interior side lot line is adjacent to property restricted by a duly recorded subdivision plat to, or primarily used for, single family residential purposes, such interior side building line shall be not less than 25 feet.
- (3) *Side yard, street.* The side building line adjacent to a street shall be not less than 15 feet, except that where the side yard is adjacent to an arterial street such building line shall be not less than 25 feet.
- (4) *Rear yard; interior; alleyways.* The rear building line shall be not less than 15 feet. Provided, however, where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway. Provided further, if the rear property line abuts an alleyway having a width of 20 feet or less but more than 15 feet, then the rear building line shall be not less than five feet; and if the rear property line abuts an alleyway having a width of 15 feet or less, then the rear building line shall be not less than seven and one-half feet. In all cases, buildings shall be constructed in relation to the rear property line so that there shall at all times be not less than 30 feet between the rear building lines.
- (5) *Rear yard, major street.* A rear building line adjacent to an arterial street shall be not less than 25 feet.
- (6) *Zero lot line exception.* Notwithstanding the foregoing, except where an interior side or rear lot line is adjacent to restricted by a duly recorded subdivision plat to, or primarily used for, single family residential purposes, there shall be no required interior side rear building line if the wall adjoining such interior side or rear lot line, as applicable, is constructed with materials giving it a four-hour fire wall rating.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-475. Off-street parking.

(a) Except as provided in subsection (b), each dwelling unit within a multifamily dwelling complex shall be provided with on-site off-street parking as follows:

- (1) Two parking spaces for each one-bedroom unit;
- (2) Two and one-half parking spaces for each two-bedroom unit; and
- (3) Three parking spaces for each three-bedroom unit.

(b) In a multifamily dwelling complex restricted to senior citizen residents that meets the qualifications enumerated in subsection (c), each dwelling unit shall be provided with on-site street parking as

follows:

- (1) One and one-half parking spaces for each one-bedroom unit; and
- (2) One and seven-tenths parking spaces for each two- and three-bedroom unit.

(c) Qualification as a multifamily dwelling complex restricted to senior citizen residents must meet the following minimum criteria:

- (1) Shall be restricted to households in which all members are 62 years of age or older; or
- (2) Shall be restricted to households in which at least one member is 55 years of age or older; and
- (3) Shall, in any circumstance, be restricted by recorded agreement or covenant to occupancy by older persons as defined in the Federal Fair Housing Act, for a minimum of 30 years.

(d) If a multifamily dwelling complex for senior citizens fails to meet and maintain the minimum criteria described in subsection (c), then such dwelling complex will be required to immediately comply with the on-site off-street parking requirements applicable to standard multifamily dwelling complexes, as set forth in subsection (a).

(e) All parking areas shall be constructed of the same material as the adjoining street, or of concrete. No on-street parking shall be permitted. All parking areas shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other protection device in accordance herewith and in accordance with other applicable city specifications.

(Ord. No. 2001-20, § 1, 1-7-02; Ord. No. 2006-23, § 1, 12-4-06)

Sec. 14-476. Green space/recreational areas.

A minimum of 50 percent of the gross platted area shall be open green space and common recreational areas. Said open green space and common recreational areas shall be areas not specifically designated or used as building sites for dwelling units, buildings sites for utility or storage buildings, parking lots, garages, streets or driveways within the multiple family development. The actual surface area of open green space, such as lawns and landscaping, and common recreational areas, such as swimming pools and surrounding paved deck, tennis courts, community rooms, saunas, and other recreational areas, shall be considered in calculating the minimum requirement for open green space and common recreational areas. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space and common recreational areas.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-477. Screening.

The following screening requirements shall apply to multiple family dwelling developments.

- (1) All refuse containers shall be screened.

- (2) A six-foot solid fence, wall, or other similar screening device shall be constructed on the two sides and rear of any multiple family dwelling complex.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-478. Fire sprinkler system.

(a) The multiple family dwelling developer shall design and construct a fire sprinkler system so as to provide adequate water flow for fire protection.

(b) The water distribution system shall comply in all respects with applicable rules, regulations, and ordinances of the state and city.

(c) All materials and installations shall be in accordance with *American Water Works Association Standards* and with other applicable standards of the City, shall be class 150 or better, and shall be approved by the director of public works, or designee.

(d) Fire hydrants in multiple family dwelling complexes shall be spaced at intervals not to exceed 300 feet as measured along the street or driveways. All mains and laterals shall be looped. Streamer connections shall be national standard threads.

(e) The class and type of fittings and valves used in the water distribution system in multiple family dwelling complexes shall comply with applicable city codes. Each valve shall be of the double gate type, shall have a nonrising stem and shall operate counterclockwise to open. Valve boxes of a type approved by the city shall be installed on each valve.

(f) Before the water distribution system shall be put in service in a multiple family dwelling complex, it shall be subject to a static pressure test under the supervision of a designated city representative to determine if the system is free of leaks. The lines shall be subjected to pressure of 120 pounds per square inch for 25 hours and water loss shall be negligible. If the amount of water lost during the test is excessive, the developer shall find and repair the leak or leaks and retest the line until results are satisfactory.

(g) Before the system shall be put in service, it shall be sterilized by chlorination as directed by the designated city representative. After the initial chlorination, the line shall be drained and refilled and the city shall collect samples from the system and have them tested by a laboratory. The water samples shall comply with the state health department standards. The sterilization procedure shall be repeated until the water samples meet the health standards. The developer shall sterilize the water distribution system at no cost to the city.

(Ord. No. 2001-20, § 1, 1-7-02; Ord. No. 2006-13, § 1, 10-16-06)

Sec. 14-479. Streets or driveways

Each multiple family dwelling complex shall have streets and driveways constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the city, and shall be at least 28 feet in width throughout. All streets and driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-480. Sidewalks.

Sidewalks of concrete cement or other masonry construction shall be provided between the dwelling units and all community facilities provided for residents in accordance with applicable city standards and specifications. All walks shall be lighted at night with a minimum intensity of two foot-candles' illumination. (Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-481. Windows.

All multiple story buildings within a multiple family development complex shall be constructed so that there shall be no windows above the first floor on any sides which are adjacent to existing residential platted lots or existing single-family residences. (Ord. No. 2001-20, § 1, 1-7-02)

Secs. 14-482--14-485. Reserved.

DIVISION 7.

COMMERCIAL PROPERTIES

Sec. 14-486. Building lines for commercial properties.

(a) *Front.* The front building line shall not be less than 25 feet, except that where a lot faces an arterial street, the front building line shall not be less than 35 feet.

(b) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on an arterial street, the building lines shall not be less than 25 feet.

(c) *Rear, generally.* The rear building line shall not be less than 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of thirty feet (30'), between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot-wide alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the rear building line shall not be less than seven and one-half feet. In all cases buildings must be constructed in relation to the rear property line so that there will at all times be 30 feet between the rear building lines.

(d) *Rear, arterial street.* The rear building line where a lot backs on an arterial street shall not be less than 25 feet.

(e) *Side, interior.* The side building lines shall not be less than five feet.

(f) *Zero lot line.* If the wall adjoining the building line is constructed with materials giving it a four-hour firewall rating, then such building line may be zero, unless such wall abuts either an existing single-family residence or a platted single-family residential lot as set out in subsection (g) of this section.

(g) *Adjacent to single-family use.* No commercial building line shall be less than 25 feet on a side that abuts either an existing single-family residence, or a platted single-family residential lot, which does not

have an existing place of business located on such single-family residential lot.

(h) *Platted lots defined.* A platted lot is a distinct separate tract of land which is identified by a tract or lot symbol on a subdivision plat which has been approved by the city and properly recorded with the county clerk's office.

(i) *Exceptions for certain retail shopping center outbuildings fronting State Highway 249.* Notwithstanding any other provision of this section to the contrary, the building line for retail outbuildings adjacent to State Highway 249 and State Highway 249 bypass shall be ten feet if:

- (1) The retail outbuilding is within a shopping center development (a development comprised of retail businesses which share common parking and pedestrian areas and facilities for their clientele) which contains not less than one and one-fourth acres of land and which has not less than 240 feet of frontage on said State Highway 249 and State Highway 249 bypass;
- (2) The retail outbuilding contains not more than 100 square feet of floor area;
- (3) The retail outbuilding is located so as not to create a hazard to vehicular or pedestrian traffic on the shopping center site, the adjacent State Highway 249 and State Highway 249 bypass, or any other adjacent public or private street or property; limit spacing of said structures to no greater than one per 300 feet;
- (4) The retail outbuilding is located not less than 50 feet from any paved portion of State Highway 249 and State Highway 249 bypass, whether main lane or access road; and
- (5) The retail outbuilding is located so as to be a minimum of 300 feet from the closest retail outbuilding along either side of State Highway 249 and State Highway 249 bypass, measured in a straight line from the center fronts of each retail outbuilding.

(Ord. No. 2001-20, § 1, 1-7-02)

Sec. 14-487. Off-street parking and design standards.

(a) All commercial, institutional, governmental, and industrial establishments in the city, other than those within the "Old Town" area as set forth in Division 8 herein, shall provide parking as follows:

- (1) *General.* One space per 200 square feet for the ground floor, and one space per 300 square feet for the second floor level and up. "General" use shall include post offices; community, welfare, and health centers; optical shops; medical appliance stores; catering services; barber and beauty shops; custom cleaning shops; self service laundries; laundry or cleaning pickup and receiving stations; shoe repair, tailor, and custom sewing shops; travel bureaus; instructional art or art work studios; photography studios; inside retail sales stores; antique shops; retail food stores; bakery shops; book stores; camera shops; cigar-tobacco stores; clothing stores; drug stores; beverage stores; florist shops; pet shops; resale, hobby, and art supply stores; paint and wallpaper stores; appliance fix-it shops; tool and equipment rentals (inside display only); duplication shops; custom print shops; custom commercial engraving shops; retail stores that offer consumer goods for inside retail sales; and any other commercial activity having the same characteristics of the

above and not otherwise listed below.

- (2) *Restaurants, bars, lounges, taverns.* One space per 100 square feet of floor area.
- (3) *Drive-in restaurant.* One space per 50 square feet of floor area, with a minimum of 12 spaces.
- (4) *Lumber, brick, or building materials sales yard.* One space per 200 square feet of retail floor area, plus one space per 1000 square feet of site area exclusive of floor area.
- (5) *Sports complex.* One space per 40 square feet of seating area.
- (6) *Day care center.* One space per 500 square feet of floor area.
- (7) *Bowling alley.* Six spaces per lane.
- (8) *Theater, auditorium, or arena.* One space for every three seats.
- (9) *Sports club-health spa.* One space per 200 square feet of floor area.
- (10) *Hotel, motel.* One space per guest room, office, and lobby.
- (11) *Church.* One space for every three seats in sanctuary.
- (12) *Elementary school.* One space per 20 students.
- (13) *Middle school.* One space per 15 students.
- (14) *High school.* One space per three students.
- (15) *College.* One space per two students.
- (16) *Bank or savings and loan.* One space per 300 square feet of floor area.
- (17) *General office.* One space per 300 square feet of floor area.
- (18) *Medical clinic or doctor's office.* One space per 300 square feet of floor area.
- (19) *Veterinarian's office.* One space per 300 square feet of floor area.
- (20) *Nursing or convalescent home.* One space for every four beds, plus one space for each employee.
- (21) *Hospitals.* Three spaces for each bed.
- (22) *Funeral home or mortuary.* One space per 300 square feet of floor area, plus one space for each two seats in chapel.

- (23) *Library*. One space per 500 square feet of floor area, with a minimum of ten spaces.
- (24) *Feed store*. One space per 600 square feet of floor area.
- (25) *Swimming pool sales and supplies*. One space per 200 square feet of floor area, plus one space per 1,000 square feet of outside sales area.
- (26) *Equipment sales or rentals (Outside display)*. One space per 200 square feet of floor area, plus one space for each 1,000 square feet of site area exclusive of buildings.
- (27) *Concrete cement, asphalt patching, or recycling plant*. Five spaces.
- (28) *Furniture store*. One space per 500 square feet of floor area.
- (29) *Automotive related uses*.
- a. *Automotive or motorcycle display, sales and service*. One space per 200 square feet of floor area, with a minimum of five spaces.
 - b. *Auto glass, muffler, or seat cover shops*. One space per 200 square feet of retail floor area, plus one space per 500 square feet of service floor area, with a minimum of two spaces.
 - c. *Auto parts sales (inside only)*. One space per 200 square feet of sales floor area, plus one space per 500 square feet of storage floor area.
 - d. *Auto parts sales (outside display)*. One space per 500 square feet of site area exclusive of building, with a minimum of four spaces.
 - e. *Auto repair garage, auto painting, or body shop*. One space per 500 square feet of floor area, with a minimum of five spaces.
 - f. *Service station*. Three spaces for each service stall, plus one space for each employee on duty during largest shift.
- (30) *Other*. General warehouse, wholesale, light industrial, open bulk storage and manufacturing facilities shall provide the following parking and loading spaces:
- a. One and three-quarters space per two employees on largest shift; plus one space per local driver, salesman or service man; plus one space per each local company vehicle; or one space per 800 gross square feet of floor space, whichever is greater.
 - b. One truck loading space at least 12 feet in width, 15 feet in length, and 14 feet of height clearance on the property for the first 5,000 to 20,000 square feet of gross industrial or commercial floor area, plus one such truck loading space for each additional 20,000 square feet, or part thereof.

(b) Off-street parking facilities shall be maintained and continued so long as the main use continues.

(c) Conforming buildings and uses existing at the time of adoption of this section may be modernized, altered or repaired without providing additional off-street parking, provided there is no increase in area or capacity.

(d) Where a conforming building or use existed at the time of the adoption of this section and such building or structure is enlarged or increased in capacity by adding floor area, volume or seats, off-street parking as specified in this code shall be provided for the additional floor area, volume, capacity or seats so created or used.

(e) Whenever the use of a building or portion thereof changes, the new use shall meet the off-street parking requirements of this section prior to issuance of a certificate of occupancy or approval by the appropriate building inspectors.

(f) Off-street parking and loading areas shall be drained to prevent damage to abutting property and/or public streets and alleys and shall be paved with either concrete cement or asphalt.

(g) Off-street parking and loading facilities shall be separated from walkways, sidewalks, streets or alleys by a wall, fence or curbing or other approved protection device in accordance with city specifications.

(h) Location and design of entrances and exits shall be in accordance with city specifications. Landscaping, curbing or other barriers shall be provided along lot boundaries to control entrance and exits of vehicles or pedestrians.

(i) Minimum widths of interior drives shall be related to the angle of parking stalls and use of one-way or two-way traffic as follows:

Parking Angle (degree)	Width of Aisle (feet)	Traffic Direction
30	11	One-way
45	13	One-way
60	18	One-way
90	24	Two-way

(j) Required off-street parking areas shall have individual spaces marked by painted lines or curbs or other means to indicate individual spaces, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public or private street, walk, or alley, and so that any automobile may be parked and unparked without moving another. Signs or markers shall be used as necessary to ensure that preservation of the natural features as well as the efficient traffic operation of the parking area.

(k) All streets and driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination if off-street parking or loading facilities are to be used at night. The lighting shall be designed and installed to minimize glare on adjacent property.

(l) Where off-street parking spaces for ten or more automobiles are located closer than 40 feet to a

lot which either contains an existing single-family residence or is platted for residential use and when such parking spaces are not entirely screened visually from such a lot by an intervening building or structure, there shall be provided along the lot line a continuous screen with a minimum height of six feet. Such screen shall consist of a solid wall or fence.

(m) For the purposes of this section, parking and loading space shall be on the same site and under the same ownership. Parking and loading spaces shall not be on other sites or under other ownerships.

(n) Each commercial and industrial structure erected or altered in the city shall be provided with off-street loading and unloading facilities as specified above.

(o) Computing parking space requirements.

(1) Where fractional spaces result, the minimum parking spaces requirements shall be rounded upward to the next largest whole.

(2) The parking space requirements for a use not specifically described above shall be calculated based upon the requirements for the most similarly described use.

(3) A parking analysis and tabulation shall be required on the site plan for each development and shall be a part of the site plan submittal. Each analysis shall include an explanation of applicable parking requirements (as a minimum, include occupancy classification type, building square footages, and number of employees), total parking spaces required, total parking spaces provided, required and provided Americans With Disabilities Act (ADA) accessible spaces, and required and provided ADA van accessible spaces. When the director of public works, or designee determines necessary, an additional traffic impact study may be required to determine the impacts of a development on the off-site public street system.

(4) For mixed uses, the parking space requirements shall equal the sum of the requirements of the various uses computed separately.

(5) Service areas provided exclusively for the occupants of a building, including cafeterias, auditoriums, etc., are excluded from the calculation of "floor area" for determining required parking if the director of public works, or designee, determines these areas do not require parking capacity.

(6) "Floor area" shall mean the entire area located within the outside dimensions of a building, and the outside dimensions of the building shall be used to calculate the size of the "floor area."

(7) A parking space shall be a minimum of nine feet in width by 20 feet in length. Parking spaces shall not extend into the driving lanes, across property lines and/or public right-of-way lines.

(8) Driving widths of interior drives shall be in accordance to subsection 14-7(i) hereof. Driveway maneuverability to and from parking spaces shall be provided on dead-end parking drive isles.

(Ord. No. 2001-20, § 1, 1-7-02)

Secs. 14-488, 14-489. Reserved.

DIVISION 8.

OLD TOWN TOMBALL

Sec. 14-490. Nonconforming commercial properties.

(a) For purposes of this division, "Old Town Area" shall be defined to include all lots shown on the revised map filed of record with Harris County on July 8, 1912, a true and correct copy of which is on file in the office of the city secretary, and which is identified as the "Old Town Tomball Map."

(b) The provisions of this division shall apply to buildings and development located within the Old Town Area only. In the event of conflict between the provisions of this division and division 7 herein regarding buildings and development within such Old Town Area, the provisions of this division shall apply.

(c) Building lines.

(1) A commercial building that was constructed before August 16, 1999, and which does not comply with the building lines set forth in division 7 above, may expand in size provided it maintains a minimum ten-foot front building line and a minimum ten-foot side street building line, provided the owner demonstrates that the use as conducted and managed, or as proposed, has minimal non-compatibilities that have been integrated into the neighborhood. Factors to evaluate this may include:

- a. That the neighborhood residents patronize or are employed at the use (for non-residential uses).
- b. That management practices eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts.
- c. The uses' history of complaints against it.
- d. That the use has been maintained in good condition or that the nonconformity represents a disincentive for such maintenance.

(2) Commercial properties located on Main Street, Market Street, and Commerce Street may have a zero front building line, but must maintain a minimum ten-foot side street building line.

(d) Parking spaces and standards.

(1) Minimum required parking spaces.

- a. Off-street parking. For that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, the parking requirements for

all businesses shall be one space for each 800 square feet of building area. This parking requirement shall apply to all new construction and additions to existing buildings.

- b. Off-site parking. Use of off-site parking shall be permitted to satisfy the off-street parking requirements of this division said off-site parking is within the Old Town Area or blocks adjacent thereto. Provided further, no off-site parking space shall be designated for use by more than one business for the purposes of satisfying such requirements.
- c. On-street parking. In the area bounded by Main Street, Market Street, and Commerce Street, between Pine and Elm, one parking space credit shall be allowed for every 22 feet of development frontage less five feet reserve on either side of driveways and ten feet reserve on street intersections.

- (2) Off-street parking design standards. Required off-street parking areas within the Old Town Area shall have individual spaces marked by painted lines or curbs or other means to indicate individual spaces. Parking schemes which require the use of adjacent public or private streets for maneuvering incidental to such parking shall not be prohibited. This requirement shall apply to all parking required for new construction and/or additions to existing buildings.

(e) The building owner must include in his proposal measures for buffering, landscaping, or other site design, and any limitations necessary to address nuisance concerns, such as noise, to protect adjacent property owners.

(f) Vacant land, or lots or tracts formerly used as residential property, may be developed for commercial use without conforming to the building line requirements of this division if the property owner or his agent establishes the following:

- (1) Three or more properties within a three-block distance, whether on the same side of the street or across the street, have the same nonconformity;
 - (2) Proposed development plans for the property are no more nonconforming than existing properties on the same street and maintain the same character as existing buildings; and
 - (3) A new certificate of occupancy will be required for any new use of a new or existing building.
- (g) Lot requirements for single-family residences.
- (1) *Minimum width.* The minimum width of lots for single-family detached dwellings shall be 50 feet; radial lots shall have a minimum width of 50 feet at and for a distance of 30 feet behind the building line. No lot shall be created that has a front yard with less than 50 feet of frontage on the front street.
 - (2) *Minimum depth.* No single-family residential detached dwelling shall be constructed on a lot that is less than 100 feet in depth.
 - (3) *Minimum area.* No single-family residential detached dwelling shall be constructed on a lot that

is less than 5,000 square feet in area.

- (4) *Nonconforming lots.* Where a lawfully existing lot having less area, depth, or width than herein required existed in separate ownership on the effective date of Ord. No. 2004-09, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.

(h) Building lines for single-family detached dwellings shall be in accordance with the provisions of section 14-435.

- (i) Lot requirements for duplexes.

- (1) *Minimum width.* The minimum width of lots for duplexes shall be 75 feet, unless the lot has an area of at least 7,000 square feet, in which event the minimum width of the lot for duplexes shall be 50 feet.

- (2) *Minimum depth.* No duplex dwelling shall be constructed on a lot that is less than 100 feet in depth.

- (3) *Minimum area.* No duplex dwelling shall be constructed on a lot that is less than 7,000 square feet in area.

(j) Building lines for duplexes shall be in accordance with the provisions of section 14-440.
(Ord. No. 2001-20, § 1, 1-7-02; Ord. No. 2004-09, § 1, 11-1-04)