

ORDINANCE NO. 2014-09

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT ("PDD") BEING APPROXIMATELY 34.86 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 11M-4 AND 12, JOSEPH PRUITT SURVEY; LOTS 296 AND 297, TOMBALL OUTLOTS; AND TRACTS 298A, 298B-1, 298C-1, 302A, 302B, 302E, 303A-1, 303C-1, 303D, 306B, & 311A, TOMBALL OUTLOTS; WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PDD TO BE KNOWN AS PLANNED DEVELOPMENT DISTRICT #6 (PDD-6); ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PDD-6; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

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Whereas, the owner of approximately 34.86 acres of land, legally described as Tracts 11M-4 and 12, Joseph Pruitt Survey; Lots 296 and 297, Tomball Outlots; and Tracts 298A, 298B-1, 298C-1, 302A, 302B, 302E, 303A-1, 303C-1, 303D, 306B, & 311A, Tomball Outlots; within the City of Tomball, Harris County, Texas, generally located northerly of FM 2920 between Snook Lane and FM 2978, has requested that the Property be rezoned; and

Whereas, the owner has presented an application to the City for a PDD to allow the development of Peck Station, a Mixed Use Planned Development; and

Whereas, the PDD application consists of an application for PDD (Exhibit "A"); a request letter (Exhibits "B"); and concept plan (Exhibit "C") attached to and made a part of this Ordinance; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days written notice of that hearing to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to change the zoning for the Property from the Single Family-9 to PDD-6; and

Whereas, the public hearing was held at least forty (40) calendar days after the City's receipt of the request for rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to change the zoning district classification for the Property from the Single Family-9 District to PDD-6, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification; and

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Single Family - 9 to PDD-6 subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball shall be revised and amended to show the designation of the Property as PDD-6, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification of the Property, to PDD-6 as described above.

Section 5. PDD-6 shall be subject to the following additional limitations, restrictions and covenants:

A. Compliance with Application and Site Plans. The granting of the PDD shall be conditioned upon the proposed improvements and land uses being located, constructed, and conducted upon the Property in substantial compliance with the application for PDD (Exhibit "A"); two request letters (Exhibits "B" and "C"); concept plan (Exhibit "D") made a part hereof for all purposes.

Section 1: SOUTHERN TRACT

1.1 Permitted Uses

A. First Use - Storm Water Management (No parking required)

B. Second Use – Up to 310 Multi-Family Units (Parking as per 1.5 below) and overflow parking as needed.

1.2 Height Regulations:

Maximum Height:

- A. Three (3) stories or forty-five (45) feet whichever is less for the main building(s).
- B. One (1) story for other accessory buildings, including detached garages, carports, gazebo, mail kiosks, laundry rooms, etc.
- C. Two (2) stories for Clubhouse.

1.3 Area Regulations:

A. Size of Lots:

- 1. Minimum Lot Area — Not to exceed twenty (20) dwelling units per acre (calculated on gross acreage), except with density bonuses up to twenty six (26) dwelling units per acre for covered parking as described in Off-street Parking, Section 39. The minimum lot (i.e., project) size shall be ten (10) acres.
- 2. Minimum Lot Width - One hundred twenty feet (120')
- 3. Minimum Lot Depth — Two hundred feet (200')

B. Size of Yards:

- 1. Minimum Front Yard — Twenty-five feet (25'). Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.
- 2. Minimum Side Yard:
 - a. Interior – Five feet (5')
 - b. Interior adjacent to property zoned for or adjacent to single family residential purposes — fifty (50') feet.
 - c. Side yard adjacent to a street — fifteen feet (15').
- 3. Minimum Rear Yard – Fifteen feet (15'). If adjacent to a single-family, Duplex (Two Family), patio home or single family attached district, then rear setbacks (within which parking is permitted) shall be fifty feet (50').
- 4. Minimum Building Separation Requirements
 - a. One-story buildings — Fifteen feet (15') for buildings without openings; twenty feet (20') for buildings with openings

b. Two-story buildings (or a two-story building adjacent to a one-story building) — Twenty feet (20') for buildings without openings; thirty-five feet (35') for buildings with openings.

c. Over two-story buildings (or an over two-story building adjacent to a one- or two-story building) — Thirty-five feet (35') for buildings with or without openings, or as required by the adopted building code, whichever is greater.

d. Between a main building and an accessory building — Ten feet (10'), or as required by the adopted building code, whichever is greater.

C. Minimum Floor Area per Dwelling Unit:

1. Efficiency unit — Five hundred (500) square feet per unit.

2. One-bedroom unit — Seven hundred twenty-five (725) square feet per unit.

3. Two- or more bedroom unit — Eight hundred (800) square feet for the first two bedrooms, plus an additional one hundred twenty-five (125) square feet for every bedroom over two (e.g., three-bedroom unit must have 925 square feet, etc.).

D. Maximum Lot Coverage: Fifty percent (50%) total, including main and accessory buildings, and pools.

E. Green Space/Recreational Areas. - A minimum of 50 percent of the gross platted area shall be open green space and common recreational areas. The minimum percentage of open space and common recreational areas may be reduced by the Planning and Zoning Commission at the time of site plan approval to 20 percent of the gross platted area, provided the area is intensively landscaped with underground irrigation systems and continuous maintenance is provided for. The open green space and common recreational areas shall be areas not be 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.

F. Screening - In addition to the requirements in Section 42, the following screening requirements shall apply to multiple family dwelling developments.

1. All refuse containers shall be opaquely screened on all four sides.

2. A minimum six-foot solid fence, wall, or other similar opaque screening device shall be constructed on the side or rear of any multiple family dwelling complex adjacent to a single-family zoned property

1.4 Special Requirements:

A. Fire Easements Accessible: All points on the exterior facades of all buildings shall be within one hundred fifty feet (150') of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses).

B. Fire Sprinkler System: All multi-family developments shall be provided with a fire sprinkler system in accordance with all other City ordinances.

C. A four-foot (4) wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhang for vehicles. 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.

D. Building Length: Buildings shall not exceed two hundred feet (200') in length.

E. Oversized Parking Areas: Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and are approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

F. Signage - Address Numbers: All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

G. Lighting: All parking areas shall have appropriate lighting and shall be positioned such that lights are shielded and do not adversely impact adjacent residential areas.

H. Gated/Secured Entrances: Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets as adopted.

I. Streets or driveways: Each multiple family dwelling complex shall have 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 driveways shall be lighted at night with a minimum intensity of two foot candles illumination.

1.5 Residential Districts – Off-Street Parking Provisions

A. Parking Regulations

1. Off-street parking. Each dwelling unit within a multifamily dwelling complex shall be provided with on-site off-street parking as follows:

- a. One parking space for each one bedroom unit;
- b. Two parking spaces for each two bedroom unit; and;
- c. Three parking spaces for each three bedroom unit.
- d. Supplemental overflow paved parking shall be provided as needed.

Northern Tract B –

1.1 Permitted Uses: (Refer to Attached Charts)

1.2 Height Regulations:

Maximum Height:

- A. Seventy feet (70') for main building(s),
- B. One (1) story for accessory buildings.

1.3 Area Regulations:

A. Size of Lots:

1. Minimum Lot Area — Ten thousand (10,000) square feet
2. Minimum Lot Width – Sixty feet (60')
3. Minimum Lot Depth – One hundred feet (100')

B. Size of Yards

1. Minimum Front Yard – Twenty five feet (25')
2. Minimum Side and Rear if adjacent to side street – Fifteen feet (15'),
 - a. Side and Rear - Ten feet (10')

b. Side and Rear Setback if adjacent to single family or single family zoned property – Fifty feet (50')

C. Maximum Lot Coverage: Sixty percent (60%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.).

F. Other Requirements

- a. No outside storage shall be permitted.
- b. No outside sales shall be permitted.
- c. All businesses operations shall be conducted indoors with the exception of outdoor display. Outdoor display shall be limited to a 30-foot radius area from the front entrance of a nonresidential use. No display may be located in an area designated as a parking or loading area or drive aisle.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 8. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex. Gov't. Code Ch. 551.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF APRIL, 2014.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF MAY 2014.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary