

THE STATE OF TEXAS §  
COUNTY OF BRAZORIA §  
CITY OF MANVEL §



**NOTICE OF A MEETING**  
**MANVEL PLANNING DEVELOPMENT AND ZONING COMMISSION**  
**October 23, 2023**

**NOTICE IS HEREBY GIVEN**  
**6:15 P.M.**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Planning Development and Zoning Commission will convene a regular meeting at the Manvel City Hall, located at 20031 Hwy 6, Manvel Tx 77578 for the purpose of discussing and if appropriate, take action with respect to the following items:

**NOTE:** The PD&Z Commission of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. They may discuss the items on this agenda in any order.

**This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 for further information.**

**CITY OF MANVEL MISSION STATEMENT**

*"The City of Manvel will continue to be a unique, vibrant, growth-managed community that will meet the needs of its citizens through the efforts of local government and civic-minded individuals by promoting well-planned development, cost-effective professional management, and competent and responsive municipal services."*

**Regular Session**

Position #1 Ryan Miller, Chair 03/2025  
Position #2 Kyle Marasckin, Vice-Chair 03/2025  
Position #3 Mary Ann Atkinson 03/2025  
Position #4 Kenneth Haynes 03/2025  
Position #5 Christy Kennard 03/2024  
Position #6 Dorothy Wynne 03/2024  
Position #7 Muhammed Alam 03/2024

**Public Comments: "Comment Card" Required**

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

**Consent PDZ**

All Consent Agenda items listed are considered to be routine by the Planning Development and Zoning Commission and will be approved by one motion. There will be no separate discussion of these items unless a Planning Development and Zoning Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

- A. Approve the Final Plat for Valencia Section 2;  
*BEING A SUBDIVISION OF 12.956 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING A PORTION OF OUTLOTS 175 AND 180 OF THE DR. A. A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACREAGE PROPERTY, A SUBDIVISION OF RECORD UNDER VOLUME 1, PAGES 71 & 72 AND VOLUME 3, PAGES 139 & 140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS (B.C.P.R.).*
- B. Approve the Final Plat for Valencia Section 4;  
*BEING A SUBDIVISION OF 21.112 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 14, 21, 22, 29, 30 AND 31 OF THE ALLISON RICHEY GULF COAST HOME COMPANY, PART OF SUBURBAN GARDENS SECTION 73, A SUBDIVISION OF RECORD IN VOLUME 2, PAGES 91-92, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.).*
- C. Approve the Final Plat for Meridiana Section 13A;  
*BEING A SUBDIVISION OF 17.22 ACRES OUT OF THE OLIVER HALL SURVEY, ABSTRACT 203; CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.*
- D. Approve the Final Plat for Meridiana Section 24A;  
*BEING A SUBDIVISION OF 18.64 ACRES OUT OF THE OLIVER HALL SURVEY, ABSTRACT 203, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.*
- E. Approve the Final Plat for Pomona Section 26;  
*BEING A SUBDIVISION OF 29.564 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. CO. SURVEY, SECTION 78 (A.K.A.) J.S. TALMAGE SURVEY, ABSTRACT 563, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 22, 23, 32, 33, AND 41-44, SECTION 78 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOLUME 2, PAGE 98, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.).*
- F. Approve the meeting minutes to date.

**Regular Agenda**

- A. Consideration and possible action to approve the Preliminary Plat for Valencia Lake B;  
*BEING A SUBDIVISION OF 8.460 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, (A.K.A.) MARY V. O'DONNELL SURVEY, ABSTRACT 483, BRAZORIA COUNTY, TEXAS, ALSO BEING A PORTION OF OUTLOTS 180, AND 195 OF THE DR. A.A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACREAGE PROPERTY, A SUBDIVISION RECORDED IN VOL. 1, PGS. 71-72, AND VOL. 3, PGS. 139-140 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.).*
- B. Consideration and possible action to approve and forward with recommendation to City Council, Ordinance 2023-O-40;  
*AN ORDINANCE AMENDING CHAPTER 77 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, SAME BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ARTICLE I. "IN GENERAL" PERTAINING TO DEFINITIONS AND PROCESS OF REZONING; BY AMENDING ARTICLE II. "DISTRICT REGULATIONS" PERTAINING TO AN EXEMPTION TO MINIMUM LOT AREA REQUIREMENT FOR NON-CONFORMING LOTS RESULTING FROM RIGHT-OF-WAY DEDICATION WITHIN OPEN-SINGLE-FAMILY RESIDENTIAL DISTRICT; AMENDING FENCE REQUIREMENTS; AND SECTIONS PERTAINING TO BUILDING MATERIAL REQUIREMENTS FOR BUILDING FACADES TO ACCURATELY REFLECT HOUSE BILL 2439, WHICH ENACTED CHAPTER 3000 OF THE TEXAS LOCAL GOVERNMENT CODE; MAKING OTHER CHANGES TO RECTIFY TYPOGRAPHIC ERRORS THROUGHOUT THE ORDINANCE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.*



**October 23, 2023 PLANNING DEVELOPMENT AND ZONING MEETING**

- C. Consideration and possible action to direct staff to provide Applicants written statements of the conditions for any conditional approvals, and the reasons for disapproval of any plans or plats that were not approved, per Texas Local Government Code §212.0091.
- D. Consideration and possible action to approve excused committee member absences.

**Adjourn**

**CERTIFICATION**

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Planning Development and Zoning Commission is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on 10/20/2023 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



TAMMY BELL, CITY SECRETARY  
CITY OF MANVEL, TEXAS

**NOTICE OF POSSIBLE QUORUM**

A quorum of the Manvel City Council may be in attendance at the 10/23/2023 meeting of the Manvel Planning, Development, and Zoning Commission. If such be the case, this notice shall serve as notice of meeting pursuant to the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. There will be no official City business or action of the aforementioned bodies taken during the meeting.



# City of Manvel

P. O. Box 187  
20025 Hwy 6  
Manvel, Texas 77578

(281) 489-0630  
Fax (281) 489-0634

## AGENDA REQUEST

**REQUEST MUST BE MADE 7 CALENDAR DAYS PRIOR TO MEETING**

Meeting Requested: (Please check applicable meeting)

|                                |                                     |              |                          |      |                          |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|
| Planning, Development & Zoning | <input checked="" type="checkbox"/> | City Council | <input type="checkbox"/> | Both | <input type="checkbox"/> |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|

Date of Request: October 23, 2023

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE FIRST AND THIRD MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND SECOND AND FOURTH MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT [www.cityofmanvel.com](http://www.cityofmanvel.com). THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Brian Edwards

Daytime Phone: 713.657.6010

Fax Number: \_\_\_\_\_

E-mail Address: bedwards@lja.com

Description of Request and Physical Address:

Consideration and possible action to approve Final plat for

Valencia Section 2 of 12.956 acres of land located in the H.T. & B.R.R. Company survey, Section 64,

Also known as the Mary V. O'donnell survey, Abstract 483, Brazoria county, Texas, more

particularly being a portion of Outlots 175 and 180 of the DR A. A. Luther Subdivision of the town

Manvel and surrounding acreage property, a subdivision of record under Volume 1, Pages 71

& 72 and Volume 3, pages 139 & 140, of the plat records of said Brazoria County, Texas(B.C.P.R.)

**Plats:**

Preliminary

Final

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
|-------------------------------------|

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE TURNED IN 7 CALENDAR DAYS PRIOR TO THE MEETING.

BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Jose Abraham

10/18/23

SIGNATURE

DATE



## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### **STAFF REPORT TO PLANNING, DEVELOPMENT AND ZONING COMMISSION** **PLAT APPLICATION**

|                                    |                                                                                                         |
|------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Plat Name:</b>                  | Valencia Section 2 - Final Plat                                                                         |
| <b>Applicant:</b>                  | Lacey Bell – LJA Engineering                                                                            |
| <b>PD&amp;Z Meeting Date:</b>      | October 23, 2023                                                                                        |
| <b>Submitted By:</b>               | Ellie Roohbakhsh, Associate Planner                                                                     |
| <b>Report Approved by:</b>         | Dan Johnson, Interim City Manager/ City Engineer<br>Jessica Rodriguez, Director of Development Services |
| <b>Recommendation of Approval:</b> | <u>YES</u>                                                                                              |

#### **BACKGROUND/ REVIEW NOTES**

- *This proposed plat is for a residential section within Valencia Master Planned Development established as a Planned Unit Development (PUD) in July 2021.*
- *A master plan for the development was approved by City Council in August 2022.*
- *An amendment to Valencia Master Plan was approved by the Planning Development and Zoning Commission on April 24, 2023,*
- *The acreage within this proposed plat includes part of the Chocolate Bayou on its west side; and is located on the west side of Pollard Boulevard extension along the south side of proposed Charlotte Street extension.*
- *The proposed plat subdivides a 12.956-acre tract into 46 residential lots, 3 Blocks, and 5 reserves for landscaping, open space, drainage, and park purposes.*
- *This section includes traditional single-family residential lots with a minimum lot width of 50 feet and minimum lot area of 6,000 square feet.*
- *This plat was previously submitted and approved in July 2023 and the applicant is submitting a revised plat due to change in ownership.*
- *The proposed plat layout generally conforms to the preliminary plat approved in September 2022.*

#### **STAFF RECOMMENDATION**

The City staff recommends approval of this proposed plat - *Valencia Section 2 - Final Plat.*









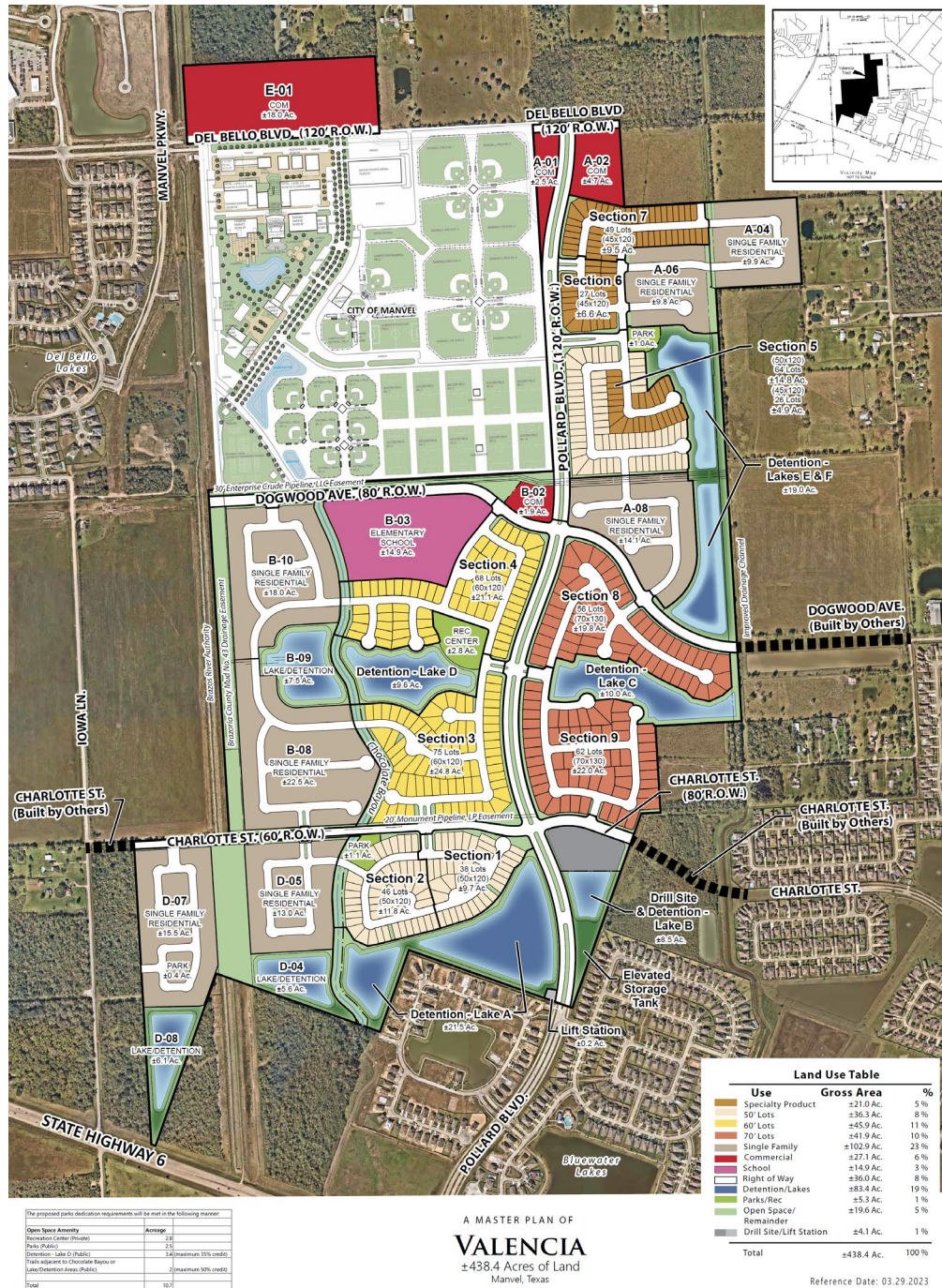




## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### Valencia Master Plan Amendment No. 1 (dated March 29, 2023)



| The proposed parks dedication requirements will be met in the following manner: |                            |
|---------------------------------------------------------------------------------|----------------------------|
| Open Space Amenity                                                              | Acreage                    |
| Recreation Center (Private)                                                     | ±2.8                       |
| Park (Public)                                                                   | ±2.0                       |
| Detention - Lake D (Public)                                                     | ±1.4 (maximum 35% credits) |
| Trails adjacent to Charlotte Express or Lake/Detention Areas (Public)           | ±2.0 (maximum 50% credits) |
| <b>Total</b>                                                                    | <b>±8.2</b>                |

#### PREPARED FOR: HILLWOOD RESIDENTIAL

NOTES:  
1) ALL LOCAL STREET WIDTHS ARE 40' WIDE.  
2) THE MASTER PLAN SHALL EXPIRE 3 YEARS AFTER COUNCIL APPROVAL, UNLESS CONSTRUCTION OF THE IMPROVEMENTS IN THE FINAL APPROVED CONSTRUCTION PLANS HAS COMMENCED.

#### A MASTER PLAN OF VALENCIA ±438.4 Acres of Land Manvel, Texas Project # 2791-09001

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS HAS APPROVED THE VALENCIA MASTER PLAN AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL, AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS MASTER PLAN THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

CITY CLERK:

This is to certify that the Planning, Development, and Zoning Commission of the City of Manvel, Texas, provided a recommendation of approval to the Valencia Master Plan in accordance with the terms of the Table of Uses and the ordinance of the City of Manvel in their meeting and authorize the recording of this Master Plan. This \_\_\_\_\_ day of \_\_\_\_\_ 2023.

Planning, Development, and Zoning Commission

Reference Date: 03.29.2023





STATE OF TEXAS  
COUNTY OF BRAZORIA

WE, 2023 FM VALENCIA DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH GARY TESCH, PRESIDENT, BEING AN OFFICER OF 2023 FM VALENCIA DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, AND BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, ACTING BY AND THROUGH JEFF PERRY, PRESIDENT, BEING AN OFFICER OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, OWNERS OF THE PROPERTY SUBDIVIDED IN THE PLAT OF VALENCIA SECTION 2, BEING 12.956 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING A PORTION OF OUTLOTS 175 AND 180 OF THE DR. A. A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACRES, A SUBDIVISION OF RECORD UNDER VOLUME 1, PAGES 71 & 72, AND VOLUME 3, PAGES 139 & 140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, (B.C.P.R.), DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID CORPORATION, ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH, THE STREETS, ALLEYS, PARKS AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND 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 UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

IN TESTIMONY WHEREOF, 2023 FM VALENCIA DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY GARY TESCH, ITS PRESIDENT, THEREUNTO AUTHORIZED,

THIS 9<sup>th</sup> DAY OF October, 2023.

BY: 2023 FM VALENCIA DEVELOPMENT, LLC,  
A TEXAS LIMITED LIABILITY COMPANY

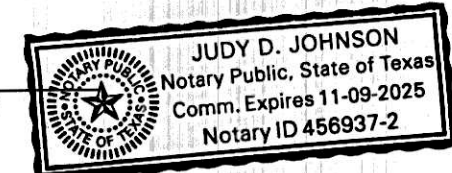
BY: Gary Tesch  
GARY TESCH, PRESIDENT

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GARY TESCH, PRESIDENT OF 2023 FM VALENCIA DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, 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 AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 9<sup>th</sup> DAY OF October, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



IN TESTIMONY WHEREOF, BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JEFF PERRY, ITS PRESIDENT, THEREUNTO AUTHORIZED,

THIS 11 DAY OF October, 2023.

BY: BRAZORIA COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 83

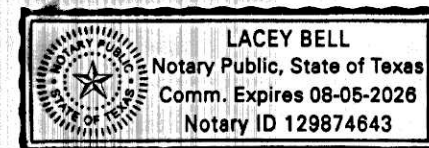
BY: Jeff Perry  
JEFF PERRY, PRESIDENT

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JEFF PERRY, PRESIDENT OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, 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 AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 11<sup>th</sup> DAY OF October, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



I, KEITH W. MONROE, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL BOUNDARY SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION ACCORDING TO THE STANDARDS OF PRACTICE OF THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS; THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST STREET INTERSECTION; THAT THE BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE/TANGENCY AND INTERIOR CORNERS OF THIS SUBDIVISION WERE NOT SET AT THE TIME THIS PLAT WAS SIGNED BY ME AND THAT THESE CORNERS ARE TO BE SET AFTER CONSTRUCTION OF THE PUBLIC INFRASTRUCTURE AND FINAL LOT GRADING WITHIN THE SUBDIVISION; AND THAT ALL PREVIOUSLY EXISTING PROPERTY MARKERS ARE SUFFICIENTLY DESCRIBED ON THIS DOCUMENT AS FOUND AND ALL SET MARKERS ARE A MINIMUM OF 5/8-INCH DIAMETER IRON ROD WITH SURVEYOR'S CAP (SEE NOTE 5).

THE INTERIOR CORNERS OF THIS SUBDIVISION WERE NOT SET AT THE TIME THIS PLAT WAS SIGNED AND SEALED BY ME. THESE CORNERS ARE EXPECTED TO BE SET AFTER CONSTRUCTION OF THE PUBLIC INFRASTRUCTURE AND FINAL GRADING WITHIN THE SUBDIVISION.

Keith W. Monroe  
KEITH W. MONROE, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 4797



9-27-2023

WE, THIRD COAST BANK, SSB, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS VALENCIA SECTION 2, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 2023038159 AND 2023038161 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

THIRD COAST BANK,  
A TEXAS STATE SAVINGS BANK

BY: Israhim Nass

PRINT NAME: Israhim Nass

TITLE: Vice President

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Israhim Nass, 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 10<sup>th</sup> DAY OF October, 2023.

Leslie K. Thompson  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



WE, DFH COVENTRY, LLC, A FLORIDA LIMITED LIABILITY COMPANY OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS VALENCIA SECTION 2, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 2023038160 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

DFH COVENTRY, LLC,  
A FLORIDA LIMITED LIABILITY COMPANY

BY: William D. McKinnie

PRINT NAME: William D. McKinnie

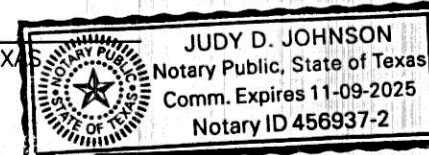
TITLE: Vice President

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED William D. McKinnie, 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 9<sup>th</sup> DAY OF October, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 NOTES:

1. DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR THE PURPOSES OF DRAINAGE WORK, PROVIDED BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 (B.C.C.R.D. #3) IS PROPERLY NOTIFIED.
2. ALL DRAINAGE EASEMENTS SHOWN HEREON SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF DRAINAGE FACILITIES. LANDSCAPING SHALL BE PERMITTED WITHIN THE DETENTION PONDS LOCATED WITHIN THIS SUBDIVISION.
3. MAINTENANCE OF DETENTION FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. B.C.C.R.D. #3 SHALL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY B.C.C.R.D. #3 OR SUB-REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO B.C.C.R.D. #3 WITH THEIR APPROVAL. B.C.C.R.D. #3 SHALL BE RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THEM, UNLESS B.C.C.R.D. #3 SPECIFICALLY CONTACTS OR AGREES TO MAINTAIN OTHER FACILITIES.
4. THE SIDES OF DRAINAGE CHANNELS AND DETENTION FACILITIES SHALL BE HYDROMULCH SEEDED.
5. OUTFALL STRUCTURES AND CULVERTS SHALL COMPLY WITH THE STORM SEWER SECTION OF THE BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 REGULATIONS. BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS ADOPTED THE BRAZORIA COUNTY DRAINAGE DISTRICT CRITERIA MANUAL AS ITS GUIDE. EROSION PROTECTION FOR OUTFALL STRUCTURES MUST BE REINFORCED CONCRETE. CONCRETE RUBBLE IS NOT ALLOWED.
6. B.C.C.R.D. #3 APPROVAL OF THE FINAL DRAINAGE PLANS AND FINAL PLAT (IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENTS, FEE STRIPS AND/OR ANY OTHER RIGHT-OF-WAY ACROSS THIRD PARTY DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLANS AND THE FINAL PLAT.
7. B.C.C.R.D. #3 PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITIES ARE OPERATING PROPERLY.
8. DETENTION IS REQUIRED BY B.C.C.R.D. #3 IN ORDER TO OFFSET ADDITIONAL STORM RUNOFF DUE TO THE INCREASED IMPERVIOUS COVER FROM THE DEVELOPMENT.

THIS IS TO CERTIFY THAT BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS APPROVED THIS PLAT OF "VALENCIA SECTION 2" AS SHOWN HEREON

THIS 3 DAY OF October, 2023.

Rich Kuzdzka  
RICK KUZDZKA  
COMMISSIONER

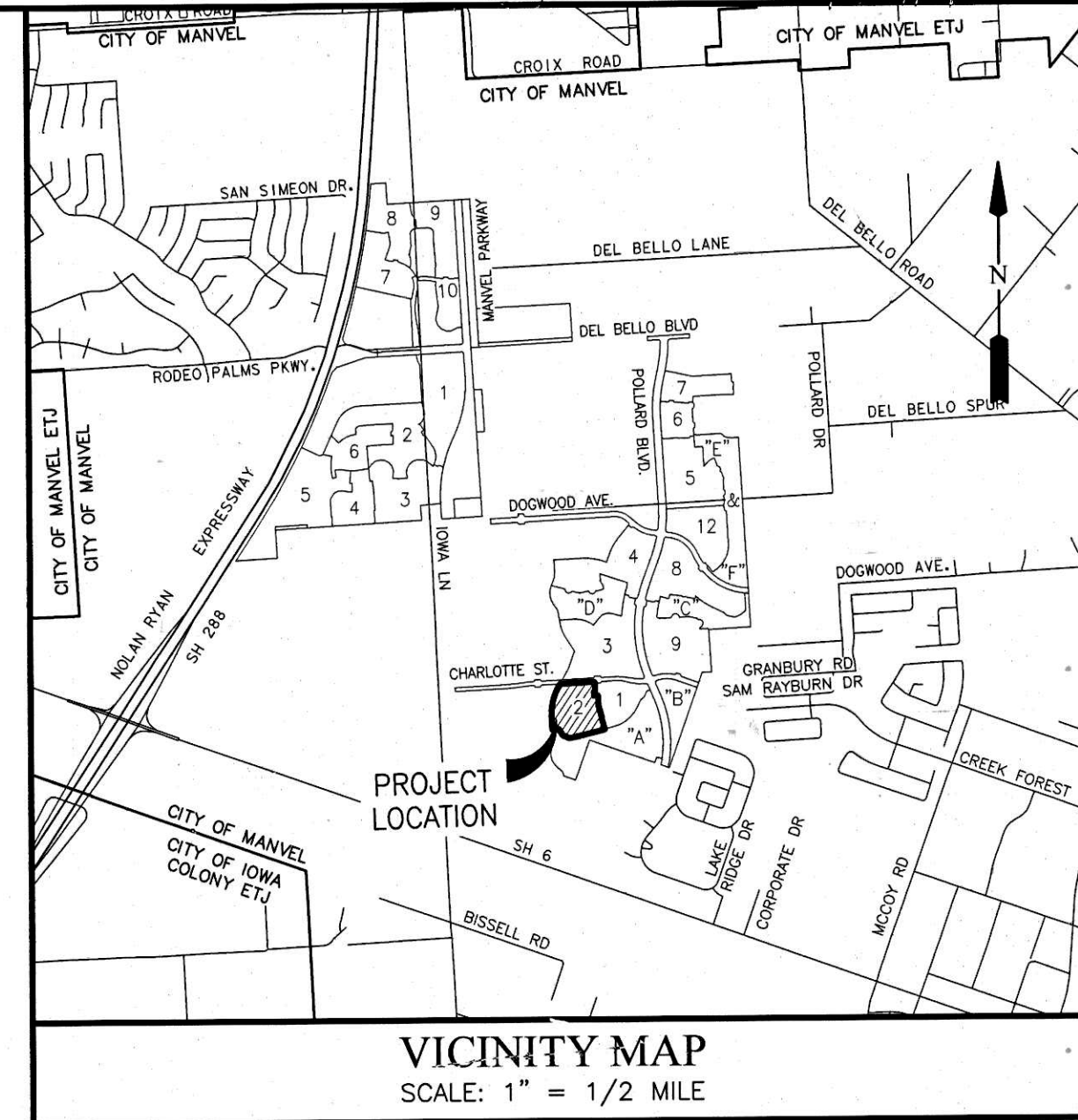
Alfred Proberg  
ALFRED PROBERG, JR.  
COMMISSIONER

Dong Nguyen  
DONG NGUYEN, P.E., C.F.M.  
DISTRICT ENGINEER

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS APPROVED THIS PLAT OF VALENCIA SECTION 2 IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

PLANNING, DEVELOPMENT, AND ZONING COMMISSION



VICINITY MAP  
SCALE: 1" = 1/2 MILE

KEY MAP NO. 653T

## FINAL PLAT OF VALENCIA SECTION 2

A SUBDIVISION OF 12.956 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING A PORTION OF OUTLOTS 175 AND 180 OF THE DR. A. A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACRES, A SUBDIVISION OF RECORD UNDER VOLUME 1, PAGES 71 & 72 AND VOLUME 3, PAGES 139 & 140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, (B.C.P.R.)

46 LOTS      5 RESERVES (2.684 ACRES)      3 BLOCKS

SEPTEMBER 27, 2023      JOB NO. 2791-4102P

OWNER:

BRAZORIA COUNTY  
MUNICIPAL UTILITY  
DISTRICT NO. 83,  
JEFF PERRY, PRESIDENT  
202 CENTURY SQUARE BLVD.,  
SUGAR LAND, TX 77478  
PH: 281-500-6050  
SURVEYOR:

2023 FM VALENCIA  
DEVELOPMENT, LLC,  
A TEXAS LIMITED LIABILITY COMPANY  
GARY TESCH, PRESIDENT  
7676 WOODWAY, SUITE 104  
HOUSTON, TEXAS 77063  
PH: 713-952-6767

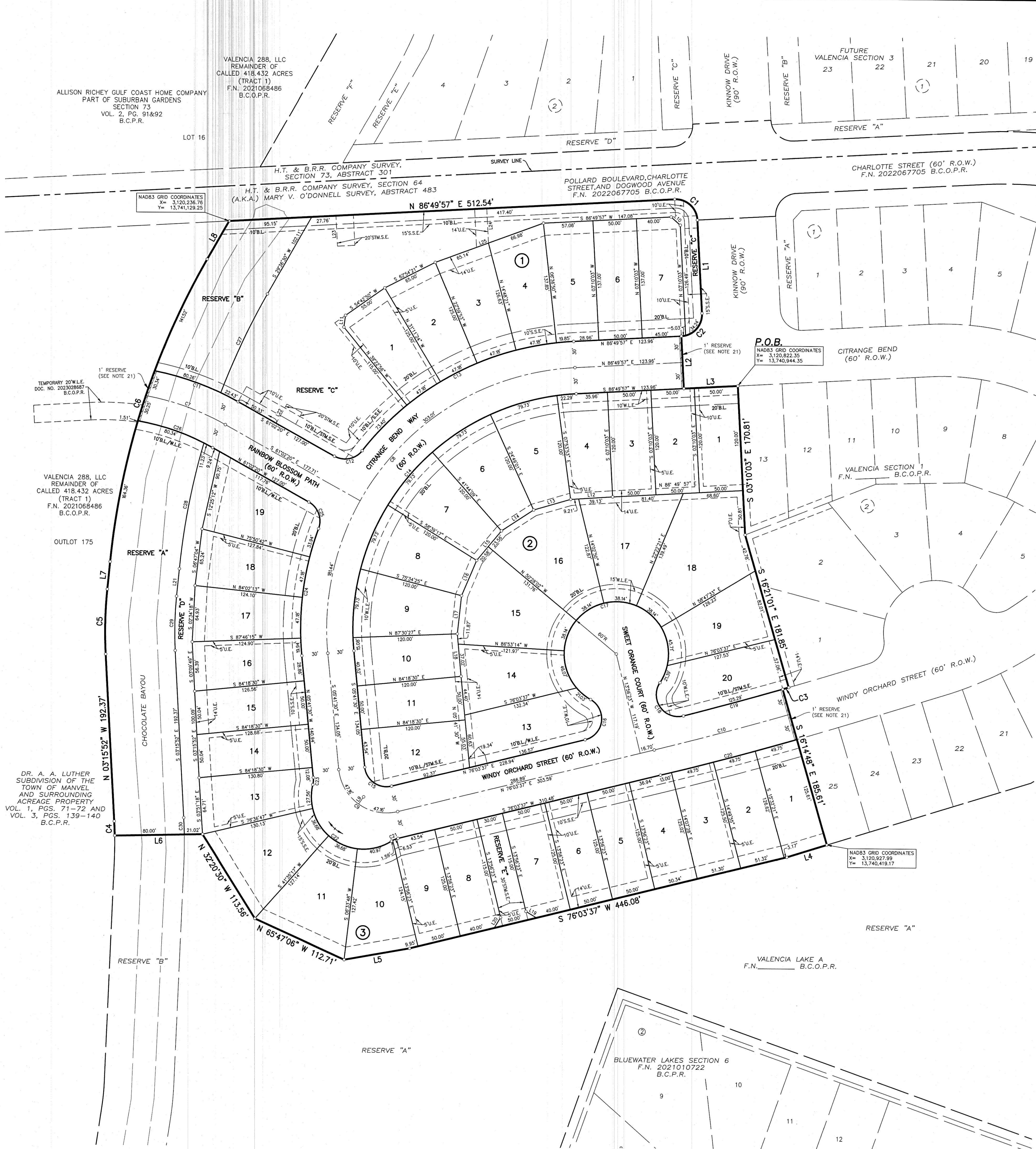
ENGINEER:

LJA Surveying, Inc.  
3600 W. Sam Houston Parkway S.  
Suite 175  
Houston, Texas 77042  
Phone 713.953.5200  
Fax 713.953.5026  
T.B.P.E.L.S. Firm No. 10194382

LJA Engineering, Inc.  
1904 W. Grand Parkway North  
Suite 100  
Katy, Texas 77449  
Phone 713.953.5200  
Fax 713.953.5026  
FRN-F-1386

SHEET 1 OF 3





| RESERVE TABLE |         |         |                                         |                       |
|---------------|---------|---------|-----------------------------------------|-----------------------|
| RESERVE       | ACREAGE | SQ.FT.  | TYPE                                    | MAINTENANCE/OWNERSHIP |
| A             | 0.860   | 37,443  | RESTRICTED TO DRAINAGE                  | BCCR3/BCMUD 83        |
| B             | 0.382   | 16,657  | RESTRICTED TO DRAINAGE                  | BCCR3/BCMUD 83        |
| C             | 1.144   | 49,839  | RESTRICTED TO LANDSCAPE/OPEN SPACE/PARK | HOA                   |
| D             | 0.210   | 9,133   | RESTRICTED TO LANDSCAPE/ OPEN SPACE     | HOA                   |
| E             | 0.088   | 3,850   | RESTRICTED TO LANDSCAPE/ OPEN SPACE     | HOA                   |
| TOTAL         | 2.684   | 116,922 |                                         |                       |

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | S 03°10'03" E | 107.00'  |
| L2         | S 03°10'03" E | 60.00'   |
| L3         | N 86°49'57" E | 62.01'   |
| L4         | S 72°46'26" W | 48.15'   |
| L5         | S 79°48'21" W | 76.54'   |
| L6         | S 88°46'47" W | 101.02'  |
| L7         | N 05°28'25" E | 31.63'   |
| L8         | N 29°36'30" E | 50.60'   |
| L9         | N 35°11'03" E | 10.00'   |
| L10        | N 48°10'03" W | 14.14'   |
| L11        | N 07°39'57" E | 13.63'   |
| L12        | S 86°13'36" W | 48.34'   |
| L13        | S 73°38'33" W | 44.13'   |
| L14        | S 56°43'25" W | 44.13'   |
| L15        | S 39°48'17" W | 44.13'   |
| L16        | S 22°53'09" W | 44.13'   |
| L17        | S 05°58'01" W | 44.13'   |
| L18        | S 05°25'04" E | 48.89'   |
| L19        | S 58°56'23" E | 14.14'   |
| L20        | S 31°03'37" W | 14.14'   |
| L21        | S 05°28'25" W | 31.63'   |
| L22        | S 28°57'40" W | 25.00'   |
| L23        | N 03°10'03" W | 35.00'   |
| L24        | N 03°10'03" W | 39.76'   |
| L25        | S 69°40'16" W | 132.11'  |

| CURVE TABLE |          |            |         |               |         |
|-------------|----------|------------|---------|---------------|---------|
| CURVE       | RADIUS   | DELTA      | ARC     | CHORD BEARING | CHORD   |
| C1          | 25.00'   | 90°00'00"  | 39.27'  | S 48°10'03" E | 35.36'  |
| C2          | 25.00'   | 90°00'00"  | 39.27'  | S 41°49'57" W | 35.36'  |
| C3          | 3970.00' | 0°06'13"   | 7.19'   | S 73°42'05" W | 7.19'   |
| C4          | 460.00'  | 2°02'39"   | 16.41'  | N 02°14'33" W | 16.41'  |
| C5          | 490.00'  | 8°44'17"   | 74.73'  | N 01°06'16" E | 74.66'  |
| C6          | 870.00'  | 24°08'05"  | 366.47' | N 17°32'27" E | 363.77' |
| C7          | 300.00'  | 18°39'06"  | 97.66'  | S 70°21'53" E | 97.23'  |
| C8          | 300.00'  | 92°31'27"  | 484.46' | S 40°34'13" W | 433.51' |
| C9          | 55.00'   | 98°14'53"  | 94.31'  | S 54°48'57" E | 83.17'  |
| C10         | 4000.00' | 2°18'25"   | 161.05' | N 74°54'24" E | 161.04' |
| C11         | 330.00'  | 17°49'46"  | 102.69' | S 69°57'13" E | 102.28' |
| C12         | 25.00'   | 81°05'14"  | 35.38'  | N 78°25'02" E | 32.50'  |
| C13         | 330.00'  | 48°57'32"  | 281.98' | N 62°21'11" E | 273.48' |
| C14         | 270.00'  | 92°31'27"  | 436.01' | S 40°34'13" W | 390.16' |
| C15         | 25.00'   | 98°14'53"  | 42.87'  | S 54°48'57" E | 37.81'  |
| C16         | 25.00'   | 137°01'21" | 59.79'  | N 07°32'56" E | 46.52'  |
| C17         | 60.00'   | 273°49'47" | 286.75' | N 75°57'10" E | 81.97'  |
| C18         | 25.00'   | 137°24'35" | 59.96'  | S 35°50'14" E | 46.59'  |
| C19         | 3970.00' | 1°42'16"   | 118.10' | N 74°36'20" E | 118.10' |
| C20         | 4030.00' | 2°18'25"   | 162.26' | S 74°54'24" W | 162.25' |
| C21         | 25.00'   | 183°37'11" | 8.12'   | S 66°45'01" W | 8.09'   |
| C22         | 60.00'   | 135°29'16" | 141.88' | N 54°48'57" W | 111.06' |
| C23         | 25.00'   | 183°37'11" | 8.12'   | N 03°37'06" E | 8.09'   |
| C24         | 330.00'  | 25°44'24"  | 148.25' | N 07°10'42" E | 147.01' |
| C25         | 25.00'   | 81°05'14"  | 35.38'  | N 20°29'43" W | 32.50'  |
| C26         | 270.00'  | 19°25'56"  | 91.57'  | N 70°45'18" W | 91.13'  |
| C27         | 790.00'  | 9°05'54"   | 125.45' | N 25°03'33" E | 125.32' |
| C28         | 790.00'  | 10°38'48"  | 146.80' | S 10°47'48" W | 146.59' |
| C29         | 410.00'  | 8°44'17"   | 62.53'  | S 01°06'16" W | 62.47'  |
| C30         | 540.00'  | 2°02'39"   | 19.27'  | S 02°14'33" E | 19.26'  |

| LOT AREA SUMMARY |        |         |        |         |        |
|------------------|--------|---------|--------|---------|--------|
| BLOCK 1          |        | BLOCK 2 |        | BLOCK 3 |        |
| LOT NO.          | SQ.FT. | LOT NO. | SQ.FT. | LOT NO. | SQ.FT. |
| 1                | 6,915  | 1       | 6,000  | 1       | 6,374  |
| 2                | 6,965  | 2       | 6,000  | 2       | 6,367  |
| 3                | 7,017  | 3       | 6,000  | 3       | 6,326  |
| 4                | 7,435  | 4       | 6,406  | 4       | 6,267  |
| 5                | 7,259  | 5       | 7,489  | 5       | 6,250  |
| 6                | 6,850  | 6       | 7,489  | 6       | 6,250  |
| 7                | 6,799  | 7       | 7,489  | 7       | 6,200  |
|                  |        | 8       | 7,489  | 8       | 6,200  |
|                  |        | 9       | 7,489  | 9       | 6,248  |
|                  |        | 10      | 6,274  | 10      | 7,773  |
|                  |        | 11      | 6,000  | 11      | 8,965  |
|                  |        | 12      | 7,461  | 12      | 9,110  |
|                  |        | 13      | 9,004  | 13      | 7,332  |
|                  |        | 14      | 7,743  | 14      | 6,487  |
|                  |        | 15      | 10,145 | 15      | 6,381  |
|                  |        | 16      | 10,213 | 16      | 6,597  |
|                  |        | 17      | 9,702  | 17      | 6,932  |
|                  |        | 18      | 12,808 | 18      | 7,027  |
|                  |        | 19      | 7,710  | 19      | 9,457  |
|                  |        | 20      | 8,408  | 20      | 50.64' |

FINAL PLAT OF  
VALENCIA SECTION 2

A SUBDIVISION OF 12.956 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING A PORTION OF OUTLOTS 175 AND 180 OF THE DR. A. A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACREAGE PROPERTY, A SUBDIVISION OF RECORD UNDER VOLUME 1, PAGES 71 & 72 AND VOLUME 3, PAGES 139 & 140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, (B.C.P.R.)

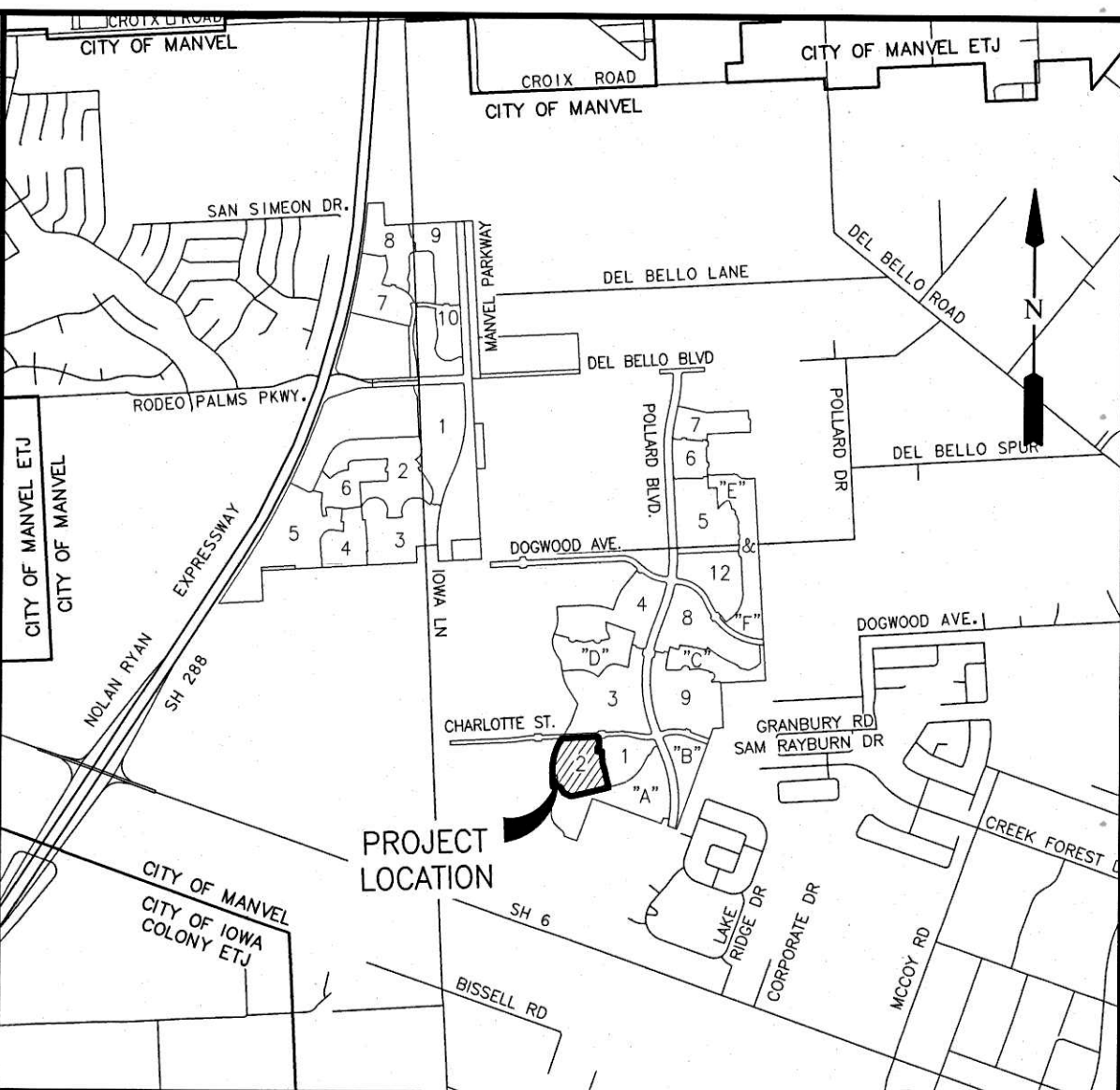
46 LOTS 5 RESERVES (2.684 ACRES) 3 BLOCKS  
SEPTEMBER 27, 2023 JOB NO. 2791-4102P

BRAZORIA COUNTY  
MUNICIPAL UTILITY  
DISTRICT NO. 83,  
JEFF PERRY, PRESIDENT  
202 CENTURY SQUARE BLVD.,  
SUGAR LAND, TX 77478  
PH: 281-500-6050  
SURVEYOR:

OWNER:  
2023 FM VALENCIA  
DEVELOPMENT, LLC,  
A TEXAS LIMITED LIABILITY COMPANY  
GARY TESCH, PRESIDENT  
7676 WOODWAY, SUITE 104  
HOUSTON, TEXAS 77063  
PH: 713-952-6767  
ENGINEER:

LJA Surveying, Inc.  
3600 W. Sam Houston Parkway S.  
Suite 175  
Houston, Texas 77042  
Phone 713.953.5200  
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Katy, Texas 77449  
Phone 713.953.5200  
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FRN-F-1386



VICINITY MAP  
SCALE: 1" = 1/2 MILE  
KEY MAP NO. 653T

LEGEND

- A.E. INDICATES AERIAL EASEMENT
- B.C.C.F. INDICATES BRAZORIA COUNTY CLERK'S FILE
- B.C.D.R. INDICATES BRAZORIA COUNTY DEED RECORDS
- B.C.O.R. INDICATES BRAZORIA COUNTY OFFICIAL RECORDS
- B.C.O.P.R. INDICATES BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
- B.C.P.R. INDICATES BRAZORIA COUNTY PLAT RECORDS
- B.L. INDICATES BUILDING LINE
- C.I.R. INDICATES CAPPED IRON ROD
- D.E. INDICATES DRAINAGE EASEMENT
- E.E. INDICATES ELECTRICAL EASEMENT
- F.N. INDICATES FILE NUMBER
- FND. INDICATES FOUND
- I.R. INDICATES IRON ROD
- NO. INDICATES NUMBER
- PD&Z INDICATES PLANNING, DEVELOPMENT & ZONING
- PG. INDICATES PAGE
- P.O.B. INDICATES POINT OF BEGINNING
- R.O.W. INDICATES RIGHT-OF-WAY
- S.S.E. INDICATES SANITARY SEWER EASEMENT
- STM.S.E. INDICATES STORM SEWER EASEMENT
- U.E. INDICATES UTILITY EASEMENT
- VOL. INDICATES VOLUME
- W.L.E. INDICATES WATER LINE EASEMENT
- INDICATES STREET NAME CHANGE



BEING 12.956 ACRES OF LAND LOCATED IN THE H.T. & B.R.R COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF OUTLOT 175 AND 180 OF THE DR. A. A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACREAGE PROPERTY, A SUBDIVISION OF RECORD UNDER VOLUME 1, PAGES 71 & 72 AND VOLUME 3, PAGES 139 & 140, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, (B.C.P.R.), MORE PARTICULARLY BEING A PORTION OF THAT CERTAIN CALLED 17.813 ACRE TRACT (DESCRIBED AS "TRACT 3") CONVEYED TO 2023 FM VALENCIA DEVELOPMENT, LLC, BY AN INSTRUMENT OF RECORD UNDER DOCUMENT NUMBER 2023038158, OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.O.P.R.), AND ALL OF THAT CERTAIN CALLED 1.275 ACRE TRACT CONVEYED TO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83 BY AN INSTRUMENT OF RECORD UNDER DOCUMENT NUMBER 2023000952, B.C.O.P.R., SAID 12.956 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83, 1993 ADJUSTMENT):

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEYING" SET FOR AN EASTERLY CORNER OF THE AFOREMENTIONED 17.813 ACRE TRACT, SAME ON THE SOUTH LINE OF THAT CERTAIN CALLED 0.3045 ACRE TRACT CONVEYED TO PHHO - SOWELL 112, LLC BY AN INSTRUMENT OF RECORD UNDER DOCUMENT NUMBER 2022068962, B.C.O.P.R.;

THENCE, SOUTH 03° 10' 03" EAST, ALONG THE EAST LINE OF SAID 17.813 ACRE TRACT 170.81 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET FOR CORNER;

THENCE, SOUTH 15° 21' 01" EAST, CONTINUING ALONG THE EAST LINE OF SAID 17.813 ACRE TRACT, 181.85 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET FOR CORNER, THE BEGINNING OF A NON-TANGENT CURVE;

THENCE, CONTINUING ALONG THE EAST LINE OF SAID 17.813 ACRE TRACT, 7.19 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 3,970.00 FEET, A CENTRAL ANGLE OF 00° 06' 13", AND A CHORD WHICH BEARS SOUTH 73° 42' 05" WEST, 7.19 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET FOR CORNER;

THENCE, SOUTH 16° 14' 48" EAST, CONTINUING ALONG THE EAST LINE OF SAID 17.813 ACRE TRACT, 185.61 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET FOR CORNER;

THENCE, SOUTH 72° 46' 26" WEST, CONTINUING ALONG THE EAST LINE OF SAID 17.813 ACRE TRACT, 48.15 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET FOR CORNER;

THENCE, SOUTH 76° 03' 37" WEST, CONTINUING ALONG THE EAST LINE OF SAID 17.813 ACRE TRACT, AT 11.50 FEET PASSING A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" MARKING THE EASTERLY CORNER OF SAID 17.813 ACRE TRACT, AND CONTINUING FOR A TOTAL DISTANCE OF 446.08 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 79° 48' 21" WEST, 76.54 FEET TO A POINT FOR CORNER;

THENCE, NORTH 65° 47' 06" WEST, 112.71 FEET TO A POINT FOR CORNER;

THENCE, NORTH 32° 20' 30" WEST, 113.56 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 88° 46' 47" WEST, AT 22.71 FEET PASSING THE SOUTHEAST CORNER OF THE AFOREMENTIONED 1.275 ACRE TRACT, AND CONTINUING ALONG THE SOUTH LINE OF SAID 1.275 ACRE TRACT FOR A TOTAL DISTANCE OF 101.02 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 1.275 ACRE TRACT, THE BEGINNING OF A NON-TANGENT CURVE;

THENCE, 16.41 FEET ALONG THE WEST LINE OF SAID 1.275 ACRE TRACT AND ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 02° 02' 39", AND A CHORD WHICH BEARS NORTH 02° 14' 33" WEST, 16.41 FEET TO A POINT FOR CORNER;

THENCE, NORTH 03° 15' 52" WEST, CONTINUING ALONG THE WEST LINE OF SAID 1.275 ACRE TRACT, 192.37 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, 74.73 FEET ALONG THE WEST LINE OF SAID 1.275 ACRE TRACT AND ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 490.00 FEET, A CENTRAL ANGLE OF 08° 44' 17", AND A CHORD WHICH BEARS NORTH 01° 06' 16" EAST, 74.66 FEET TO A POINT FOR CORNER;

THENCE, NORTH 05° 28' 25" EAST, CONTINUING ALONG THE WEST LINE OF SAID 1.275 ACRE TRACT, 31.63 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, 366.47 FEET ALONG THE WEST LINE OF SAID 1.275 ACRE TRACT AND ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 870.00 FEET, A CENTRAL ANGLE OF 24° 08' 05", AND A CHORD WHICH BEARS NORTH 17° 32' 27" EAST, 363.77 FEET TO A POINT FOR CORNER;

THENCE, NORTH 29° 36' 30" EAST, CONTINUING ALONG THE WEST LINE OF SAID 1.275 ACRE TRACT, 50.60 FEET TO A POINT FOR CORNER ON THE SOUTH RIGHT-OF-WAY LINE OF CHARLOTTE STREET (60 FEET WIDE) AS SHOWN ON POLLARD BOULEVARD, CHARLOTTE STREET, AND DOGWOOD AVENUE STREET DEDICATION, A SUBDIVISION OF RECORD UNDER DOCUMENT NUMBER 2022067705, B.C.O.P.R., SAME BEING THE NORTHWEST CORNER OF SAID 1.275 ACRE TRACT;

THENCE, NORTH 86° 49' 57" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF CHARLOTTE STREET, AT 93.78 FEET PASSING TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" MARKING THE NORTHEAST CORNER OF SAID 1.275 ACRE TRACT, AND THE NORTHWEST CORNER OF AFOREMENTIONED 17.813 ACRE TRACT, AND CONTINUING IN ALL, A TOTAL DISTANCE OF 512.54 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING ALONG THE COMMON LINE OF CHARLOTTE STREET AND SAID 17.813 ACRE TRACT, 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90° 00' 00", AND A CHORD WHICH BEARS SOUTH 48° 10' 03" EAST, 35.36 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET FOR CORNER, SAME BEING THE NORTHWEST CORNER OF THE AFOREMENTIONED 0.3045 ACRE TRACT;

THENCE, SOUTH 03° 10' 03" EAST, ALONG THE COMMON LINE OF SAID 17.813 ACRE TRACT AND SAID 0.3045 ACRE TRACT, 107.00 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING ALONG THE COMMON LINE OF SAID 17.813 ACRE TRACT AND SAID 0.3045 ACRE TRACT, 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90° 00' 00", AND A CHORD WHICH BEARS SOUTH 41° 49' 57" WEST, 35.36 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET FOR CORNER;

THENCE, SOUTH 03° 10' 03" EAST, CONTINUING ALONG THE COMMON LINE OF SAID 17.813 ACRE TRACT AND SAID 0.3045 ACRE TRACT, 60.00 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET FOR CORNER, SAME BEING THE SOUTHWEST CORNER OF SAID 0.3045 ACRE TRACT;

THENCE, NORTH 86° 49' 57" EAST, CONTINUING ALONG THE COMMON LINE OF SAID 17.813 ACRE TRACT AND SAID 0.3045 ACRE TRACT, 62.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.956 ACRES OF LAND.

NOTES:

1. THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS FOR THE STATE OF TEXAS, THE INCORPORATED LIMITS OF THE CITY OF MANVEL, AND BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3.

2. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY CHARTER TITLE COMPANY, ORDER NO. 2022-0695, DATED AUGUST 31, 2023. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.

3. ALL BEARINGS REFERENCED ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (1993 ADJUSTMENT). THE COORDINATES SHOWN ARE GRID AND CAN BE BROUGHT TO SURFACE BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 0.99986357.

4. ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS AND OPEN SPACES WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF MANVEL.

5. FIVE EIGHTHS INCH (5/8") IRON RODS THREE FEET (3') IN LENGTH WITH A PLASTIC CAP MARKED "LJA SURVEY" WILL BE SET ON ALL PERIMETER BOUNDARY CORNERS. CORNER MONUMENTS WILL BE SET AFTER CONSTRUCTION AND BEFORE RECORDATION OF THE ASSOCIATED SUBDIVISION PLAT.

6. BENCHMARK: BRAZORIA COUNTY LIDAR GROUND CONTROL POINT #609: A PK NAIL FLUSH WITH THE PAVEMENT AT CENTERLINE OF THE INTERSECTION OF PALMETTO STREET AND RODGERS ROAD. THE POINT IS LOCATED ±336' SOUTH OF THE INTERSECTION OF PALMETTO STREET AND SH 6.

ELEV. = 51.98 FEET, NAVD88 GEOID 2003 (B.C. LIDAR DATUM)

7. TBM-INDICATES TEMPORARY BENCHMARK: A 5/8" IRON ROD WITH CAP STAMPED "LJA ENG CONTROL" LOCATED AT THE NORTH SIDE OF RIDGE CREST LANE. THE POINT IS LOCATED ±107' EAST OF THE CENTERLINE OF POLLARD BOULEVARD AND ±19' NORTH OF THE CENTERLINE OF RIDGE CREST LANE.

ELEV. = 53.29 FEET, NAVD88 GEOID 2003 (B.C. LIDAR DATUM)

8. THIS TRACT LIES WITHIN ZONE "X" (UNSHADED) OF THE FEMA FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY, TEXAS, MAP REVISED DECEMBER 30, 2020, MAP NO. 48039C0110K. ZONE "X" (UNSHADED) IS DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.

9. ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE OWNER.

10. THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 18 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET, (2) 24 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN, (3) 12 INCHES ABOVE FINISHED GRADE.

11. ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF MANVEL AND BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3.

12. THIS PROPERTY IS LOCATED WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, THE INCORPORATED LIMITS OF THE CITY OF MANVEL, ALVIN INDEPENDENT SCHOOL DISTRICT, AND BRAZORIA COUNTY CONSERVATION & RECLAMATION DISTRICT NO. 3, AT THE TIME OF PLATTING.

13. ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF MANVEL AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.

14. BOUNDARY CLOSURE CALCULATIONS IS AT LEAST 1:15,000.

15. SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT OR LOT.

16. THE FINAL PLAT WILL EXPIRE TWO (2) YEARS AFTER FINAL APPROVAL BY PLANNING DEVELOPMENT AND ZONING COMMISSION, IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY PLANNING DEVELOPMENT AND ZONING COMMISSION.

17. BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION PONDS, HAVE BEEN CONSTRUCTED.

18. THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE BOUNDARY OF THIS PLAT.

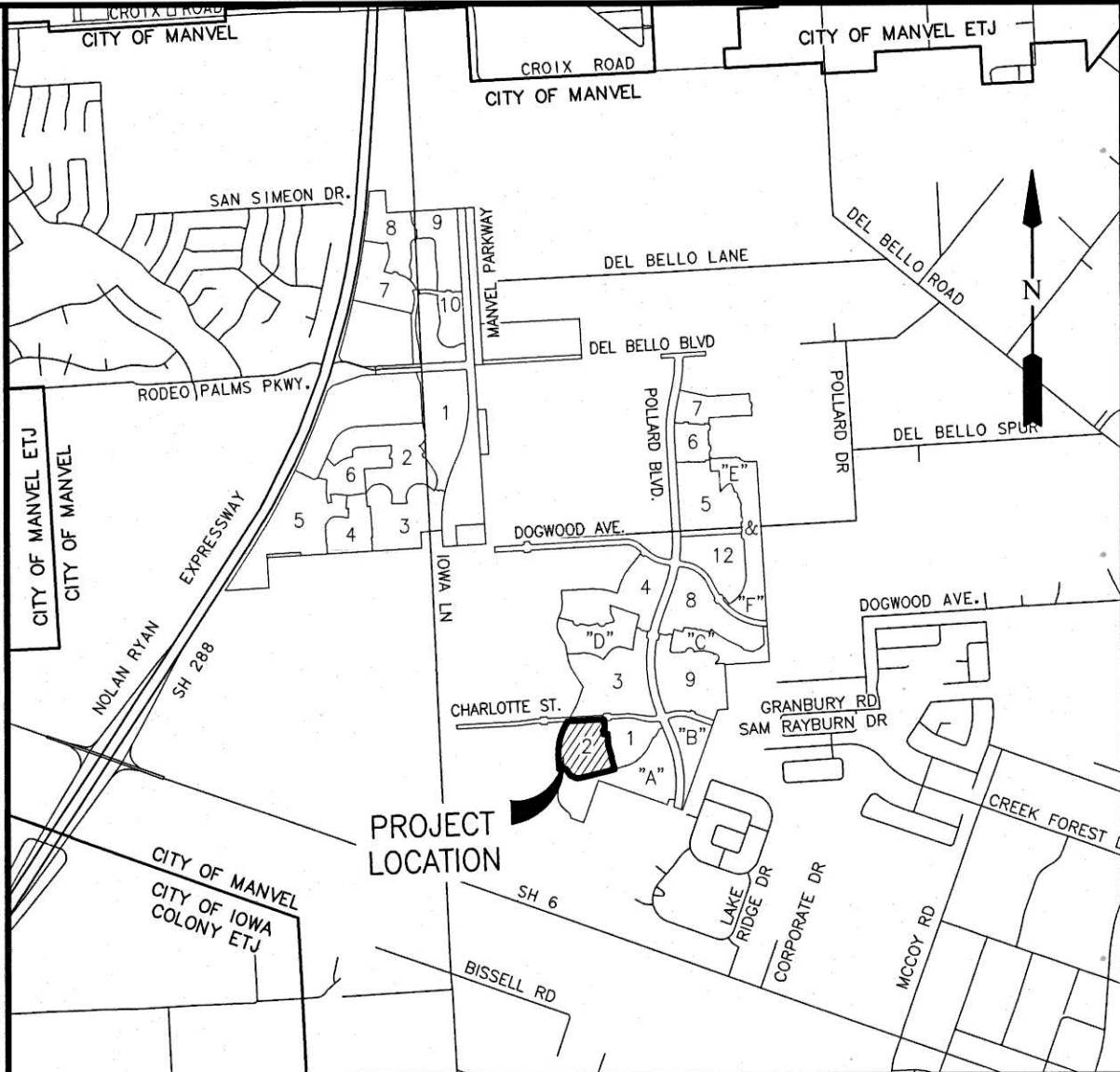
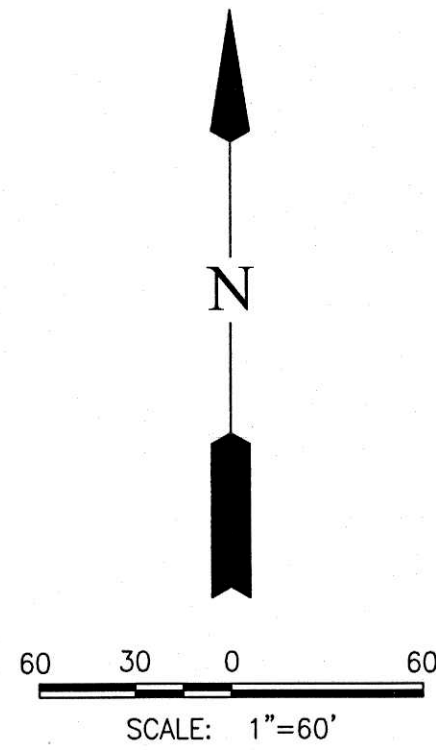
19. THE DEVELOPMENT REGULATIONS AND CITY PERMITS ARE REQUIRED ON ALL PROPERTY.

20. A 2-YEAR MAINTENANCE BOND WILL BE REQUIRED FOR CONSTRUCTED IMPROVEMENTS.

21. ONE-FOOT RESERVE DEDICATED TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE OR END OF STREETS WHERE SUCH STREETS ABUT ADJACENT PROPERTY, THE CONDITION OF THIS DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RESUBDIVIDED IN A RECORDED SUBDIVISION PLAT, THE ONE-FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND THE FEE TITLE THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS OR SUCCESSORS.

22. THE DEVELOPMENT REGULATIONS IN THE VALENCIA DEVELOPMENT AGREEMENT, APPROVED BY CITY OF MANVEL ORDINANCE NO. 2021-0-18, EFFECTIVE JULY 19, 2021, APPLY TO THIS PLAT.

23. FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT, THE MINIMUM SIDE YARD SETBACKS SHALL BE FIVE FEET, MINIMUM FRONT YARD SETBACKS SHALL BE 20 FEET FOR FRONT BUILDING LINE AND 25 FEET FOR GARAGES, AND MINIMUM CORNER SIDE YARD SETBACK SHALL BE TEN FEET. IF THE REAR PROPERTY LINE OF A CORNER PARCEL ABUTS THE SIDE PROPERTY LINE OF A NEIGHBORING PARCEL, THE STREET SIDE SETBACK OF THE CORNER PARCEL MUST BE A MINIMUM OF FIFTEEN FEET.



VICINITY MAP  
SCALE: 1" = 1/2 MILE

KEY MAP NO. 653T

## FINAL PLAT OF VALENCIA SECTION 2

A SUBDIVISION OF 12.956 ACRES OF LAND LOCATED IN THE H.T. & B.R.R COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING A PORTION OF OUTLOTS 175 AND 180 OF THE DR. A. A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACREAGE PROPERTY, A SUBDIVISION OF RECORD UNDER VOLUME 1, PAGES 71 & 72 AND VOLUME 3, PAGES 139 & 140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, (B.C.P.R.)

46 LOTS      5 RESERVES (2.684 ACRES)      3 BLOCKS

SEPTEMBER 27, 2023      JOB NO. 2791-4102P

OWNER:

BRAZORIA COUNTY  
MUNICIPAL UTILITY

DISTRICT NO. 83,

JEFF PERRY, PRESIDENT

202 CENTURY SQUARE BLVD.,

SUGAR LAND, TX 77478

PH: 281-500-6050

SURVEYOR:

2023 FM VALENCIA  
DEVELOPMENT, LLC,

A TEXAS LIMITED LIABILITY COMPANY

GARY TESCH, PRESIDENT

7676 WOODWAY, SUITE 104

HOUSTON, TEXAS 77063

PH: 713-952-6767

ENGINEER:

LJA Surveying, Inc.

3600 W. Sam Houston Parkway S. Phone 713.953.5200

Suite 175 Fax 713.953.5026

Houston, Texas 77042 T.B.P.E.L.S. Firm No. 10194382

LJA Engineering, Inc.

1904 W. Grand Parkway North Phone 713.953.5200

Suite 100 Fax 713.953.5026

Katy, Texas 77449 FRN-F-1386

SHEET 3 OF 3









# City of Manvel

P. O. Box 187  
20025 Hwy 6  
Manvel, Texas 77578

(281) 489-0630  
Fax (281) 489-0634

## AGENDA REQUEST

**REQUEST MUST BE MADE 7 CALENDAR DAYS PRIOR TO MEETING**

Meeting Requested: (Please check applicable meeting)

|                                |                                     |              |                          |      |                          |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|
| Planning, Development & Zoning | <input checked="" type="checkbox"/> | City Council | <input type="checkbox"/> | Both | <input type="checkbox"/> |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|

Date of Request: October 23, 2023

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE FIRST AND THIRD MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND SECOND AND FOURTH MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT [www.cityofmanvel.com](http://www.cityofmanvel.com). THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Brian Edwards

Daytime Phone: 713.657.6010

Fax Number: \_\_\_\_\_

E-mail Address: bedwards@lja.com

Description of Request and Physical Address:

Consideration and possible action to approve Final plat for

Valencia Section 4 of 21.112 acres of land located in the H.T. & B.R.R. Company survey, Section 73,

Abstract 301, Brazoria County, Texas, Being a portion of lots 14, 21, 22, 29, 30 and 31 of the

Allison Richey Gulf Coast Home Company, Part of Suburban Gardens Section 73, a subdivision

of record in Volume 2, 91-92, plat records of said Brazoria County, Texas(B.C.P.R.)

### Plats:

Preliminary

Final

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
|-------------------------------------|

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE TURNED IN 7 CALENDAR DAYS PRIOR TO THE MEETING.

BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Jose Abraham

October 23, 2023

SIGNATURE

DATE





## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### **STAFF REPORT TO PLANNING, DEVELOPMENT AND ZONING COMMISSION** **PLAT APPLICATION**

|                                    |                                                                                                         |
|------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Plat Name:</b>                  | Valencia Section 4 - Final Plat                                                                         |
| <b>Applicant:</b>                  | Lacey Bell – LJA Engineering                                                                            |
| <b>PD&amp;Z Meeting Date:</b>      | October 23, 2023                                                                                        |
| <b>Submitted By:</b>               | Ellie Roohbakhsh, Associate Planner                                                                     |
| <b>Report Approved by:</b>         | Dan Johnson, Interim City Manager/ City Engineer<br>Jessica Rodriguez, Director of Development Services |
| <b>Recommendation of Approval:</b> | <u>YES</u>                                                                                              |

#### **BACKGROUND/ REVIEW NOTES**

- *This proposed plat is for a residential section within Valencia Master Planned Development established as a Planned Unit Development (PUD) in July 2021.*
- *A master plan for the development was approved by City Council in August 2022.*
- *An amendment to Valencia Master Plan was approved by the Planning Development and Zoning Commission on April 24, 2023*
- *This proposed section is located at the southwest corner of the intersection of proposed Dogwood Ave and Pollard Blvd.*
- *The proposed plat subdivides a 21.112-acre tract into 68 residential lots, 6 Blocks, and 5 reserves for drainage, landscaping, open space, and amenity.*
- *This proposed section includes traditional single-family residential lots with minimum lot width of 60 feet and minimum lot area of 7,200 square feet.*
- *This plat was previously submitted and approved in May 2023, and revised plat is being submitted due to change in ownership.*
- *The proposed plat generally conforms to the preliminary plat approved in September 2022.*

#### **STAFF RECOMMENDATION**

The City staff recommends approval of this proposed plat - *Valencia Section 4 - Final Plat.*













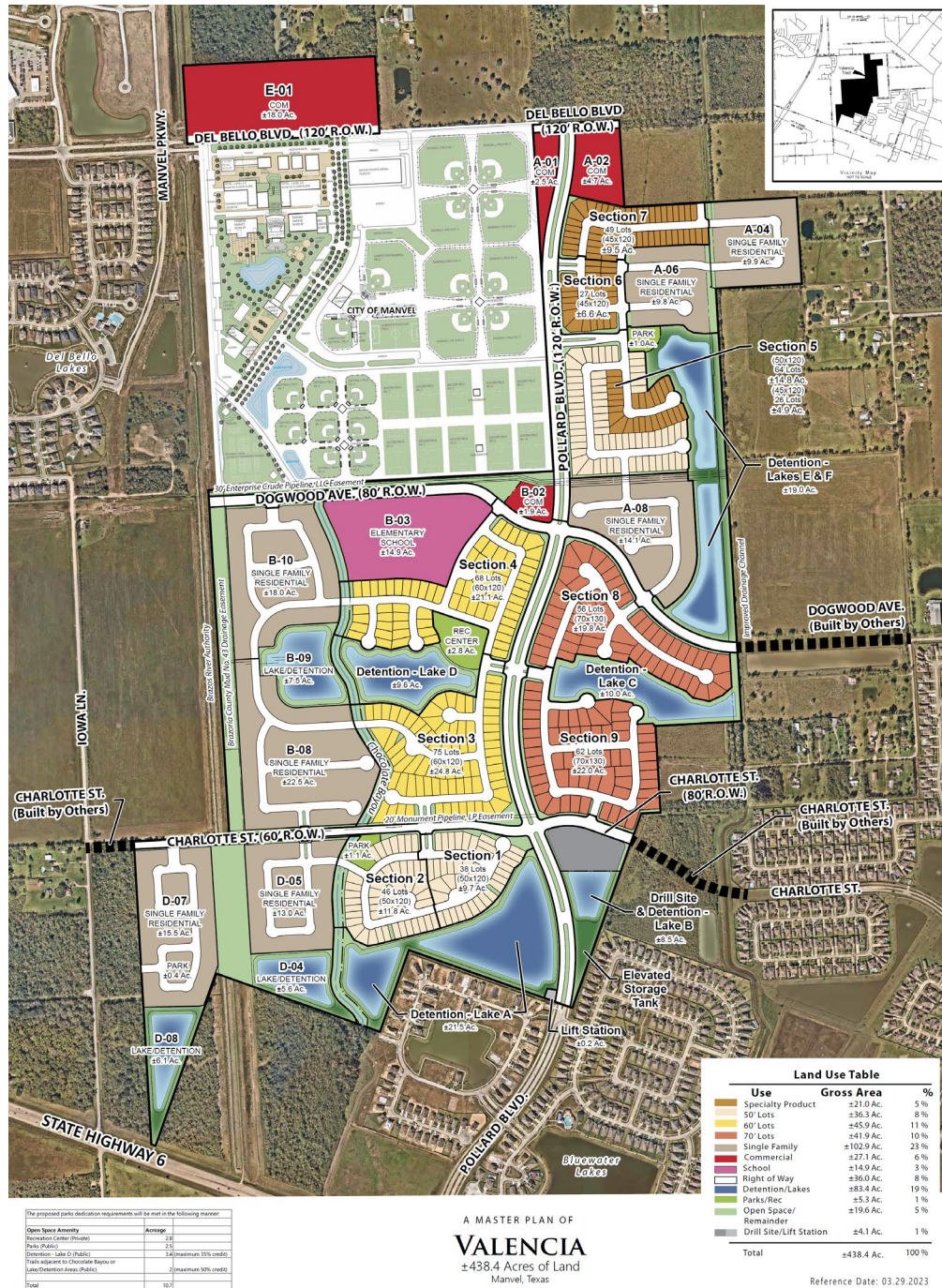




## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### Valencia Master Plan Amendment No. 1 (dated March 29, 2023)



| The proposed parks dedication requirements will be met in the following manner: |             |                       |
|---------------------------------------------------------------------------------|-------------|-----------------------|
| Open Space Amenity                                                              | Acreage     |                       |
| Recreation Center (Private)                                                     | 2.8         |                       |
| Park (Public)                                                                   | 1.0         |                       |
| Detention - Lake D (Public)                                                     | 1.4         | (maximum 35% credits) |
| Trails adjacent to Charlotte Express or Lake/Detention Areas (Public)           | 2.0         | (maximum 50% credits) |
| <b>Total</b>                                                                    | <b>10.2</b> |                       |

#### PREPARED FOR: HILLWOOD RESIDENTIAL

NOTES:  
1) ALL LOCAL STREET WIDTHS ARE 40' WIDE.  
2) THE MASTER PLAN SHALL EXPIRE 3 YEARS AFTER COUNCIL APPROVAL, UNLESS CONSTRUCTION OF THE IMPROVEMENTS IN THE FINAL APPROVED CONSTRUCTION PLANS HAS COMMENCED.

#### A MASTER PLAN OF VALENCIA ±438.4 Acres of Land Manvel, Texas Project # 2791-09001

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS HAS APPROVED THE VALENCIA MASTER PLAN AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL, AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS MASTER PLAN THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

CITY CLERK

This is to certify that the Planning, Development, and Zoning Commission of the City of Manvel, Texas, provided a recommendation of approval to the Valencia Master Plan in accordance with the terms of the Table of Uses and the ordinance of the City of Manvel in their meeting and authorize the recording of this Master Plan. This \_\_\_\_\_ day of \_\_\_\_\_ 2023.

Planning, Development, and Zoning Commission

Reference Date: 03/29/2023





STATE OF TEXAS  
COUNTY OF BRAZORIA

WE, BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, ACTING BY AND THROUGH JEFF PERRY, PRESIDENT, BOARD OF DIRECTORS OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, AND 2023 FM VALENCIA DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH GARY TESCH, PRESIDENT, BEING AN OFFICER OF 2023 FM VALENCIA DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNERS OF THE PROPERTY SUBDIVIDED IN THE PLAT OF VALENCIA SECTION 4, BEING 21.112 ACRES OUT OF THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 14, 21, 22, 29, 30 AND 31 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SECTION 73, VOL. 2, PGS. 91-92, BRAZORIA COUNTY PLAT RECORDS, (B.C.P.R.), DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID CORPORATION, ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH, THE STREETS, ALLEYS, PARKS AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND 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 UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FIFTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED, HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

FURTHER, WE DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION OF VALENCIA SECTION 4 WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION AND DO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATE TO THE USE OF THE PUBLIC, ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

IN TESTIMONY WHEREOF, BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JEFF PERRY, ITS PRESIDENT, BOARD OF DIRECTORS, THEREUNTO AUTHORIZED.

THIS 11 DAY OF October, 2023.

BY: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83

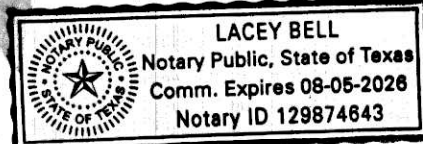
JEFF PERRY, PRESIDENT, BOARD OF DIRECTORS

STATE OF TEXAS  
COUNTY OF Harris

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JEFF PERRY, PRESIDENT, BOARD OF DIRECTORS OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, 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 AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 11 DAY OF October, 2023.

Lacey Bell  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



IN TESTIMONY WHEREOF, 2023 FM VALENCIA DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY GARY TESCH, ITS PRESIDENT, THEREUNTO AUTHORIZED.

THIS 9th DAY OF October, 2023.

BY: 2023 FM VALENCIA DEVELOPMENT, LLC,  
A TEXAS LIMITED LIABILITY COMPANY

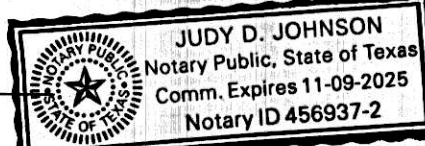
GARY TESCH, PRESIDENT

STATE OF TEXAS  
COUNTY OF Harris

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GARY TESCH, PRESIDENT OF 2023 FM VALENCIA DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, 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 AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 9 DAY OF October, 2023.

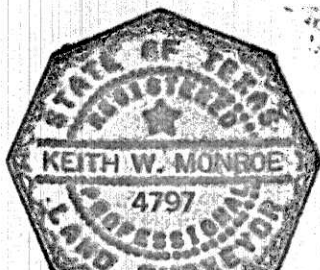
Quinn Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



I, KEITH W. MONROE, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACCURATE BOUNDARY SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION ACCORDING TO THE STANDARDS OF PRACTICE OF THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS; THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST STREET INTERSECTION; THAT THE BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE/TANGENCY AND INTERIOR CORNERS OF THIS SUBDIVISION WERE NOT SET AT THE TIME THIS PLAT WAS SIGNED BY ME AND THAT THESE CORNERS ARE TO BE SET AFTER CONSTRUCTION OF THE PUBLIC INFRASTRUCTURE AND FINAL LOT GRADING WITHIN THE SUBDIVISION; AND THAT ALL PREVIOUSLY EXISTING PROPERTY MARKERS ARE SUFFICIENTLY DESCRIBED ON THIS DOCUMENT AS FOUND AND ALL SET MARKERS ARE A MINIMUM OF 5/8-INCH DIAMETER IRON ROD WITH SURVEYOR'S CAP. (SEE NOTE 5)

THE INTERIOR CORNERS OF THIS SUBDIVISION WERE NOT SET AT THE TIME THIS PLAT WAS SIGNED AND SEALED BY ME. THESE CORNERS ARE EXPECTED TO BE SET AFTER CONSTRUCTION OF THE PUBLIC INFRASTRUCTURE AND FINAL GRADING WITHIN THE SUBDIVISION.

Keith W. Monroe  
KEITH W. MONROE, R.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 4797



9-27-2023

WE, THIRD COAST BANK, SSB, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS VALENCIA SECTION 4, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 2023038159 AND 2023038161 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

THIRD COAST BANK,  
A TEXAS STATE SAVINGS BANK

BY: [Signature]

PRINT NAME: Ibrahim Nisar

TITLE: Vice President

STATE OF TEXAS  
COUNTY OF Harris

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Ibrahim Nisar, 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 10th DAY OF October, 2023.

Leslie K Thompson  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



WE, DFH COVENTRY, LLC, A FLORIDA LIMITED LIABILITY COMPANY OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS VALENCIA SECTION 4, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 2023038160 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

DFH COVENTRY, LLC,  
A FLORIDA LIMITED LIABILITY COMPANY

BY: [Signature]

PRINT NAME: William D. McNamee

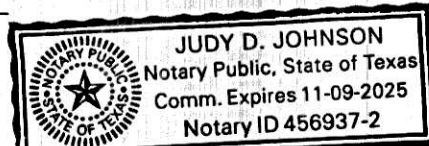
TITLE: Vice President

STATE OF TEXAS  
COUNTY OF Harris

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED William D. McNamee, 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 9th DAY OF October, 2023.

Quinn Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 NOTES:

- DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR THE PURPOSES OF DRAINAGE WORK, PROVIDED BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 (B.C.C.R.D. #3) IS PROPERLY NOTIFIED.
- ALL DRAINAGE EASEMENTS SHOWN HEREON SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF DRAINAGE FACILITIES. LANDSCAPING SHALL BE PERMITTED WITHIN THE DETENTION PONDS LOCATED WITHIN THIS SUBDIVISION.
- MAINTENANCE OF DETENTION FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. B.C.C.R.D. #3 SHALL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY B.C.C.R.D. #3 OR SUB-REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO B.C.C.R.D. #3 WITH THEIR APPROVAL. B.C.C.R.D. #3 SHALL BE RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THEM, UNLESS B.C.C.R.D. #3 SPECIFICALLY CONTACTS OR AGREES TO MAINTAIN OTHER FACILITIES.
- THE SIDES OF DRAINAGE CHANNELS AND DETENTION FACILITIES SHALL BE HYDROMULCH SEEDED.
- OUTFALL STRUCTURES AND CULVERTS SHALL COMPLY WITH THE STORM SEWER SECTION OF THE BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 REGULATIONS. BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS ADOPTED THE BRAZORIA COUNTY DRAINAGE DISTRICT CRITERIA MANUAL AS ITS GUIDE. EROSION PROTECTION FOR OUTFALL STRUCTURES MUST BE REINFORCED CONCRETE. CONCRETE RUBBLE IS NOT ALLOWED.
- B.C.C.R.D. #3 APPROVAL OF THE FINAL DRAINAGE PLANS AND FINAL PLAT (IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENTS, FEE STRIPS AND/OR ANY OTHER RIGHT-OF-WAY ACROSS THIRD PARTY DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLANS AND THE FINAL PLAT.
- B.C.C.R.D. #3 PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITIES ARE OPERATING PROPERLY.
- DETENTION IS REQUIRED BY B.C.C.R.D. #3 IN ORDER TO OFFSET ADDITIONAL STORM RUNOFF DUE TO THE INCREASED IMPERVIOUS COVER FROM THE DEVELOPMENT.

THIS IS TO CERTIFY THAT BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS APPROVED THIS PLAT OF "VALENCIA SECTION 4" AS SHOWN HEREON

THIS 3 DAY OF October, 2023.

Ricky Kuboczka  
RICKY KUBOCZKA, COMMISSIONER

Quinn Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Quinn Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Quinn Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

ALFRED FROBERG, JR.  
COMMISSIONER

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS APPROVED THIS PLAT OF VALENCIA SECTION 4 IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT

THIS      DAY OF      20    

PLANNING, DEVELOPMENT, AND ZONING COMMISSION

BEING 21.112 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 14, 21, 22, 29, 30, AND 31 OF THE ALLISON RICHEY GULF COAST HOME COMPANY, PART OF SUBURBAN GARDENS SECTION 73, A SUBDIVISION OF RECORD UNDER VOLUME 2, PAGES 91 & 92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, (B.C.P.R.), BEING ALL OF THAT CERTAIN CALLED 0.7302 ACRE TRACT CONVEYED TO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83 BY AN INSTRUMENT OF RECORD UNDER DOCUMENT NUMBER 2023017378, OF THE OFFICIAL PUBLIC RECORDS OF SAID BRAZORIA COUNTY, TEXAS (B.C.O.P.R.), AND A PORTION OF THAT CERTAIN CALLED 26.261 ACRE TRACT (DESCRIBED AS "TRACT 1") CONVEYED TO 2023 FM VALENCIA DEVELOPMENT, LLC, BY AN INSTRUMENT OF RECORD UNDER DOCUMENT NUMBER 2023038158, OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.O.P.R.), SAID 21.112 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83, 1993 ADJUSTMENT);

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET AT THE MOST NORTHERLY CORNER OF AFOREMENTIONED 26.261 ACRE TRACT, SAME BEING ON THE SOUTH LINE OF DOGWOOD AVENUE (WIDTH VARIES AT THIS POINT) AS SHOWN ON POLLARD BOULEVARD, CHARLOTTE STREET, AND DOGWOOD AVENUE STREET DEDICATION A SUBDIVISION OF RECORD UNDER DOCUMENT NUMBER 2022067705, B.C.O.P.R.;

THENCE, WITH THE COMMON LINE OF SAID 26.261 ACRE TRACT AND DOGWOOD AVENUE, SOUTH 50° 53' 45" EAST, 60.00 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING WITH SAID COMMON LINE, 47.12 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90° 00' 00", AND A CHORD WHICH BEARS NORTH 84° 06' 15" EAST, 42.43 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER;

THENCE, CONTINUING WITH SAID COMMON LINE, SOUTH 50° 53' 45" EAST, 10.08 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING WITH SAID COMMON LINE, 285.40 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 30° 16' 53", AND A CHORD WHICH BEARS SOUTH 66° 02' 12" EAST, 282.09 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER;

THENCE, CONTINUING WITH SAID COMMON LINE, SOUTH 81° 10' 38" EAST, 60.71 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING WITH SAID COMMON LINE, 48.41 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 92° 27' 52", AND A CHORD WHICH BEARS SOUTH 34° 56' 42" EAST, 43.33 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER ON THE WESTERLY LINE OF POLLARD BOULEVARD (120 FEET WIDE), THE BEGINNING OF A COMPOUND CURVE;

THENCE, WITH THE COMMON LINE OF SAID 26.261 ACRE TRACT AND POLLARD BOULEVARD, 307.46 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1,940.00 FEET, A CENTRAL ANGLE OF 09° 04' 50", AND A CHORD WHICH BEARS SOUTH 15° 49' 39" WEST, 307.14 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER;

THENCE, CONTINUING WITH SAID COMMON LINE, SOUTH 20° 22' 04" WEST, 405.39 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING WITH SAID COMMON LINE, 256.26 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2,060.00 FEET, A CENTRAL ANGLE OF 07° 39' 39", AND A CHORD WHICH BEARS SOUTH 16° 48' 14" WEST, 256.09 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER, THE BEGINNING OF A REVERSE CURVE;

THENCE, CONTINUING WITH SAID COMMON LINE, 46.05 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 87° 56' 37", AND A CHORD WHICH BEARS SOUTH 57° 12' 43" WEST, 41.66 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER;

THENCE, DEPARTING SAID COMMON LINE, WITH A SOUTHERLY LINE OF SAID 26.261 ACRE TRACT, NORTH 78° 48' 58" WEST, 95.22 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING WITH SAID SOUTHERLY LINE, 40.07 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 91° 50' 09", AND A CHORD WHICH BEARS NORTH 32° 53' 54" WEST, 35.92 FEET TO A POINT FOR CORNER;

THENCE, CONTINUING WITH SAID SOUTHERLY LINE, NORTH 76° 58' 49" WEST, 60.00 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, DEPARTING SAID SOUTHERLY LINE, 163.33 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 04° 07' 21", AND A CHORD WHICH BEARS NORTH 15° 04' 51" EAST, 163.29 FEET TO A POINT FOR CORNER, THE BEGINNING OF A REVERSE CURVE;

THENCE, 38.67 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88° 37' 36", AND A CHORD WHICH BEARS NORTH 27° 10' 17" WEST, 34.93 FEET TO A POINT FOR CORNER;

THENCE, NORTH 71° 29' 05" WEST, 433.51 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 04° 04' 45" EAST, 123.43 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 30° 41' 04" EAST, 65.10 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 17° 28' 00" EAST, 55.12 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 31° 16' 11" WEST, 14.14 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 76° 16' 11" WEST, 97.61 FEET TO A POINT FOR CORNER;

THENCE, NORTH 78° 31' 51" WEST, 20.00 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, 161.16 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 153° 53" EAST, AND A CHORD WHICH BEARS SOUTH 88° 25' 01" WEST, 116.90 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 76° 16' 11" WEST, 139.49 FEET TO A POINT FOR CORNER;

THENCE, NORTH 75° 55' 56" WEST, 122.64 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, 160.60 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 153° 21' 43", AND A CHORD WHICH BEARS NORTH 72° 11' 25" WEST, 116.77 FEET TO A POINT FOR CORNER;

THENCE, NORTH 75° 55' 56" WEST, AT A DISTANCE OF 143.39 FEET PASSING THE SOUTHEAST CORNER OF THE AFOREMENTIONED 0.7302 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF THAT CERTAIN CALLED 0.9798 ACRE TRACT CONVEYED TO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83 BY AN INSTRUMENT OF RECORD UNDER DOCUMENT NUMBER 2023017378, B.C.O.P.R., AND CONTINUING ALONG THE SOUTH LINE OF SAID 0.7302 ACRE TRACT COMMON TO THE NORTH LINE OF SAID 0.9798 ACRE TRACT FOR A TOTAL DISTANCE OF 217.43 FEET TO THE SOUTHWEST CORNER OF SAID 0.7302 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID 0.9798 ACRE TRACT;

THENCE, ALONG THE WEST LINE OF SAID 0.7302 ACRE TRACT THE FOLLOWING FOUR (4) COURSES:

1. NORTH 21° 33' 40" EAST, 78.58 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

2. 112.07 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 310.00 FEET, A CENTRAL ANGLE OF 20° 42' 51", AND A CHORD WHICH BEARS NORTH 11° 12' 14" EAST, 111.47 FEET TO A POINT FOR CORNER;

3. NORTH 00° 50' 49" EAST, 52.01 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

4. 166.08 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,200.00 FEET, A CENTRAL ANGLE OF 07° 55' 47", AND A CHORD WHICH BEARS NORTH 03° 07' 05" WEST, 165.95 FEET TO THE NORTHWEST CORNER OF SAID 0.7302 ACRE TRACT;

THENCE, NORTH 86° 55' 52" EAST, ALONG THE NORTH LINE OF SAID 0.7302 ACRE TRACT, AT 75.35 FEET PASSING A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR THE NORTHEAST CORNER OF SAID 0.7302 ACRE TRACT, SAME BEING THE MOST WESTERLY NORTHWEST CORNER OF THE AFOREMENTIONED 26.261 ACRE TRACT, AND CONTINUING ALONG THE NORTH LINE OF SAID 26.261 ACRE TRACT FOR A TOTAL DISTANCE OF 413.63 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR WEST CORNER OF THAT CERTAIN CALLED 0.0040 ACRE TRACT CONVEYED TO VALENCIA 288, LLC BY AN INSTRUMENT OF RECORD UNDER DOCUMENT NUMBER 2023016135, B.C.O.P.R.;

THENCE, NORTH 88° 31' 50" EAST, WITH THE NORTHERLY LINE OF SAID 26.261 ACRE TRACT AND ALONG THE SOUTH LINE OF SAID 0.0040 ACRE TRACT, 67.68 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER;

THENCE, SOUTH 87° 30' 06" EAST, CONTINUING WITH THE COMMON LINE OF SAID 26.261 ACRE TRACT AND SAID 0.0040 ACRE TRACT, 67.93 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER;

THENCE, SOUTH 83° 30' 01" EAST, CONTINUING WITH SAID COMMON LINE, 68.18 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER;

THENCE, SOUTH 79° 29' 01" EAST, CONTINUING WITH SAID COMMON LINE, 68.44 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER;

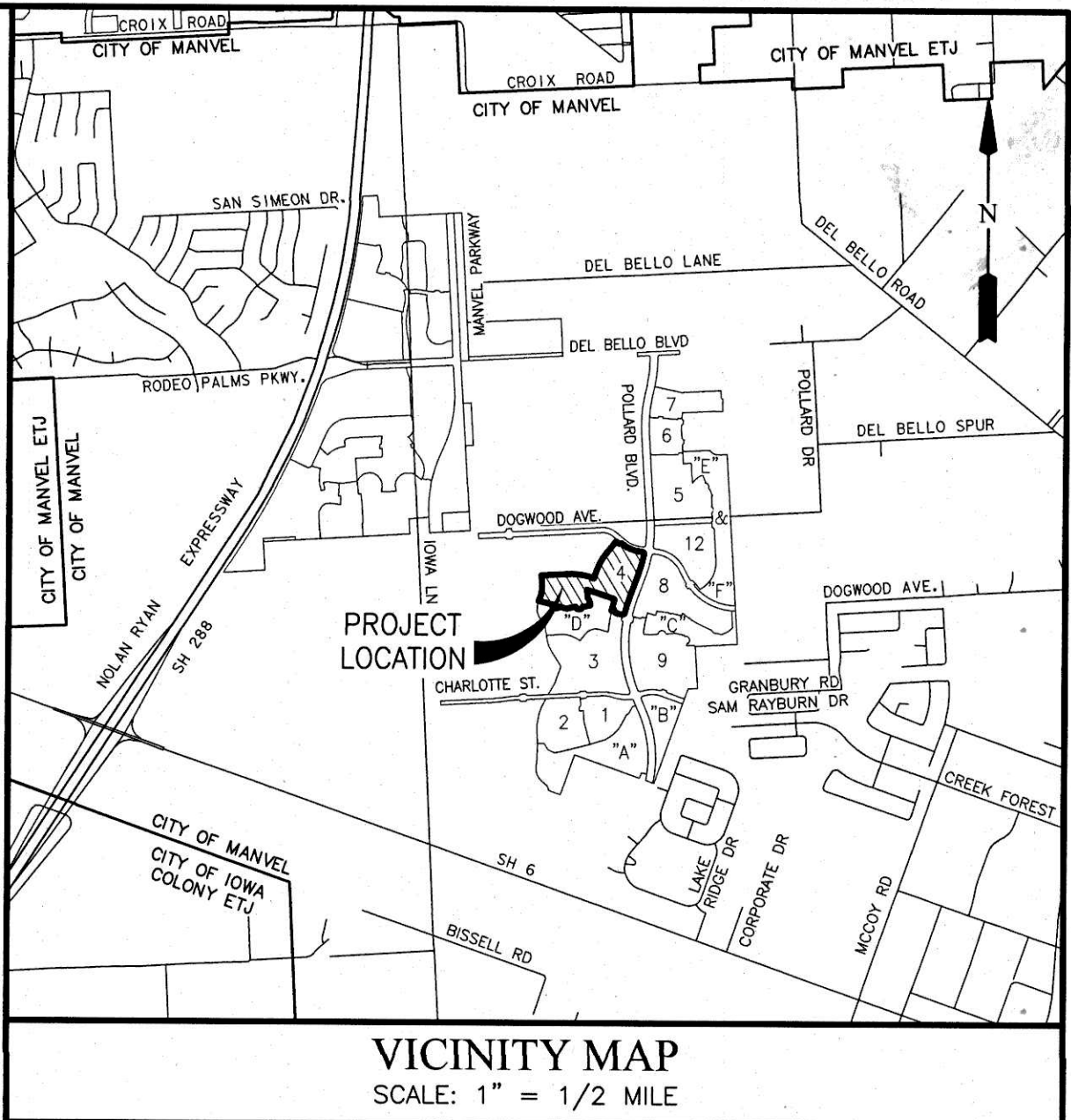
THENCE, SOUTH 75° 31' 07" EAST, CONTINUING WITH SAID COMMON LINE, 66.44 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER;

THENCE, SOUTH 71° 17' 23" EAST, CONTINUING WITH SAID COMMON LINE, 77.40 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR AN INTERIOR NORTH CORNER OF SAID 26.261 ACRE TRACT, SAME BEING THE EAST CORNER OF SAID 0.0040 ACRE TRACT;

THENCE, NORTH 18° 54' 12" EAST, ALONG THE NORTH-WESTERLY LINE OF SAID 26.261 ACRE TRACT, 130.74 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING ALONG THE NORTH-WESTERLY LINE OF SAID 26.261 ACRE TRACT, 292.63 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 830.00 FEET, A CENTRAL ANGLE OF 20° 12' 03", AND A CHORD WHICH BEARS NORTH 29° 00' 14" EAST, 291.12 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LIA SURVEY" SET FOR CORNER;

THENCE, CONTINUING ALONG THE NORTH-WESTERLY LINE OF SAID 26.261 ACRE TRACT, NORTH 39° 06' 15" EAST, 254.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 21.112 ACRES OF LAND.



VICINITY MAP  
SCALE: 1" = 1/2 MILE

KEY MAP NO. 653P

## FINAL PLAT OF VALENCIA SECTION 4

A SUBDIVISION OF 21.112 ACRES OF LAND LOCATED IN THE  
H.T. & B. R. R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA  
COUNTY, TEXAS, BEING A PORTION OF LOTS 14, 21, 22, 29, 30 AND 31 OF  
THE ALLISON RICHEY GULF COAST HOME COMPANY, PART OF SUBURBAN  
GARDENS SECTION 73, A SUBDIVISION OF RECORD IN VOLUME 2, PAGES 91-92,  
PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.).

68 LOTS      5 RESERVES (1.800 ACRES)      6 BLOCKS

SEPTEMBER 27, 2023      JOB NO. 2791-4104P

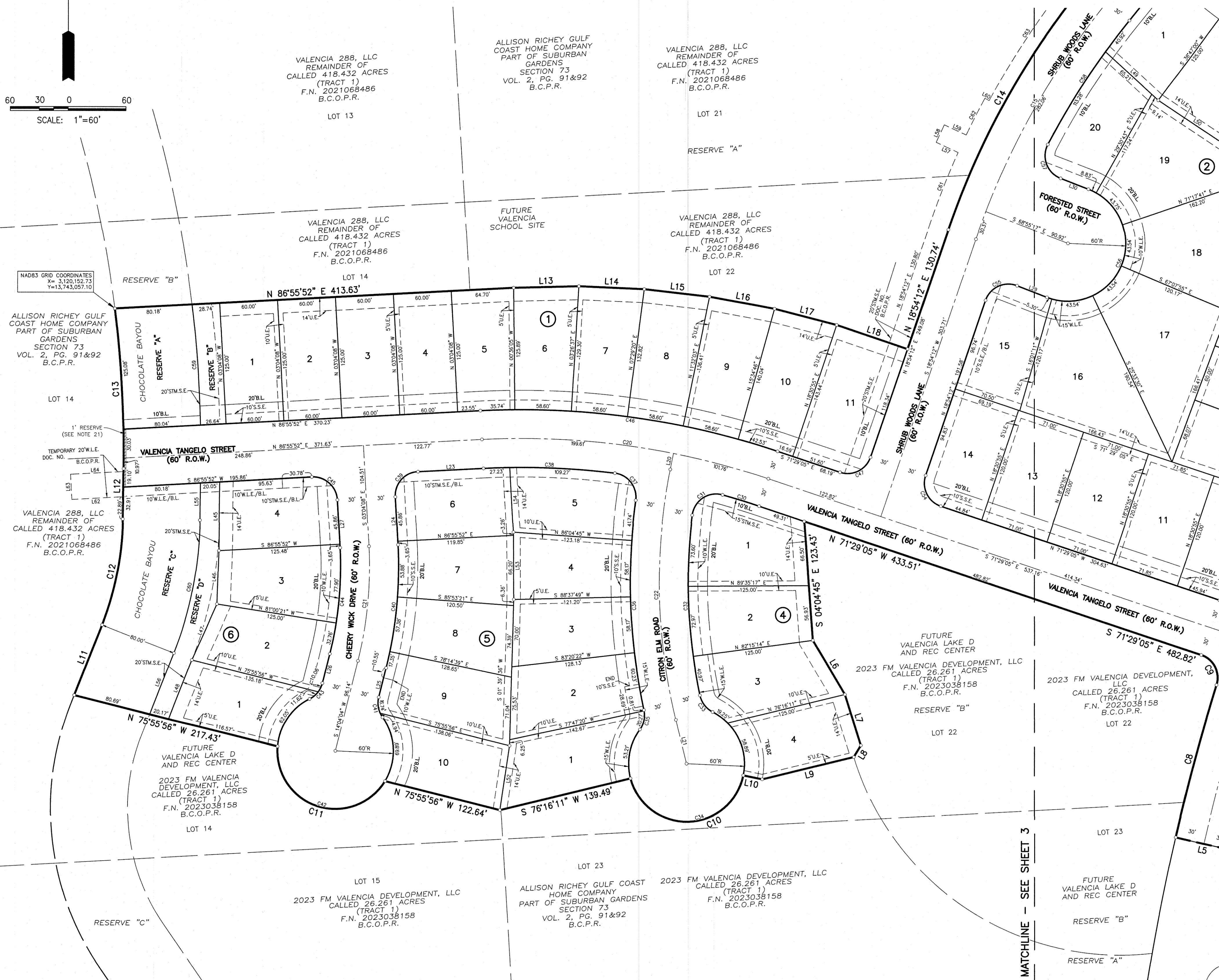
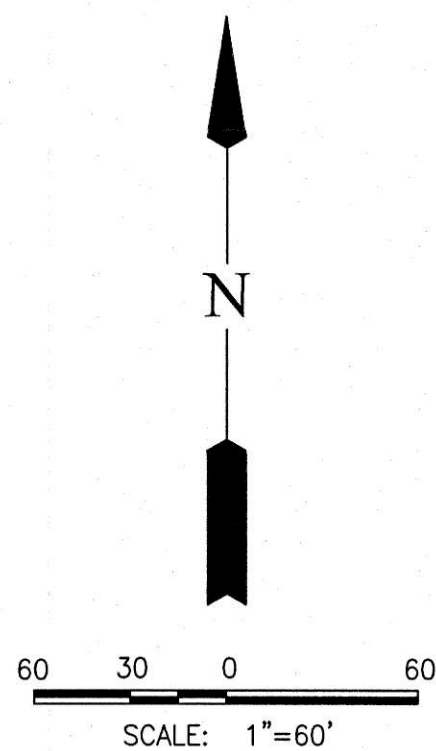
OWNERS:

BRAZORIA COUNTY  
MUNICIPAL UTILITY DISTRICT NO. 83  
JEFF PERRY, PRESIDENT, BOARD OF DIRECTORS  
202 CENTURY SQUARE BOULEVARD, SUGAR LAND, TEXAS 77478  
PH: 281-500-6050

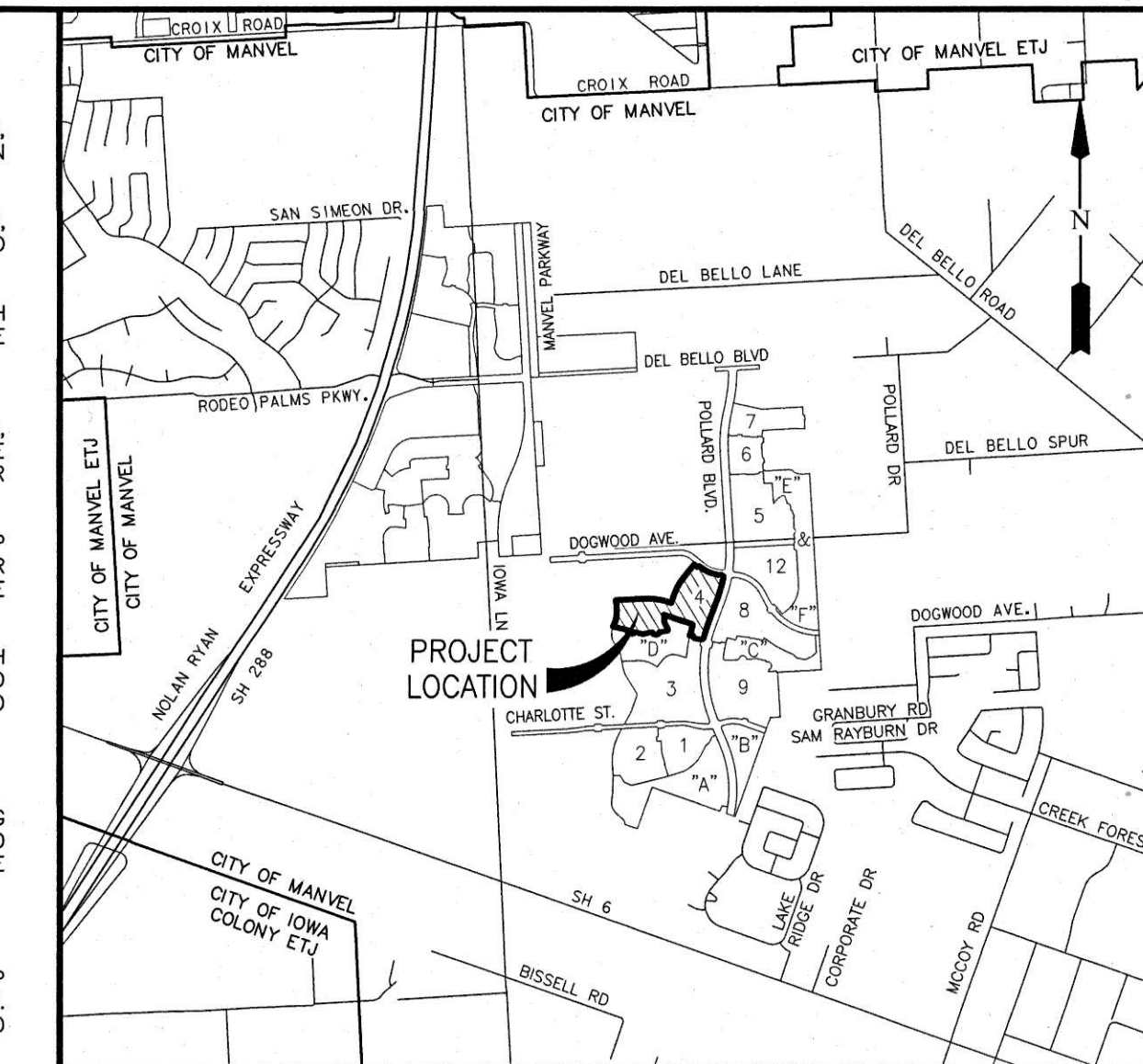
2023 FM VALENCIA  
DEVELOPMENT, LLC,  
A TEXAS LIMITED LIABILITY COMPANY  
GARY TESCH, PRESIDENT  
7676 WOODWAY, SUITE 104  
HOUSTON, TEXAS 77063  
PH: 713-952-6767

SURVEYOR:





- NOTES:
1. THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS FOR THE STATE OF TEXAS, THE INCORPORATED LIMITS OF THE CITY OF MANVEL, AND BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3.
  2. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY CHARTER TITLE COMPANY, ORDER NO. 2022-0786, DATED AUGUST 31, 2023. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
  3. ALL BEARINGS REFERENCED ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 1993 ADJUSTMENT. THE COORDINATES SHOWN ARE GRID AND CAN BE BROUGHT TO SURFACE BY DIVIDING BY AN ADJUSTMENT FACTOR OF 0.99986357.
  4. ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS, AND OPEN SPACES WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF MANVEL.
  5. FIVE EIGHTHS INCH (5/8") IRON RODS THREE FEET (3') IN LENGTH WITH A PLASTIC CAP MARKED "LJA SURVEY" WILL BE SET ON ALL PERIMETER BOUNDARY CORNERS. CORNER MONUMENTS WILL BE SET AFTER CONSTRUCTION AND BEFORE RECORDATION OF THE ASSOCIATED SUBDIVISION PLAT.
  6. BENCHMARK: BRAZORIA COUNTY LIDAR GROUND CONTROL POINT #609: A PK NAIL FLUSH WITH THE PAVEMENT AT CENTERLINE OF THE INTERSECTION OF PALMETTO STREET AND RODGERS ROAD. THE POINT IS LOCATED ±336' SOUTH OF THE INTERSECTION OF PALMETTO STREET AND SH 6.  
ELEV. = 51.98 FEET, NAVD88 GEOID 2003 (B.C. LIDAR DATUM)
  7. TBM-INDICATES TEMPORARY BENCHMARK: A 5/8" IRON ROD WITH CAP STAMPED "LJA ENG CONTROL" LOCATED AT THE NORTH SIDE OF RIDGE CREST LANE. THE POINT IS LOCATED ±107' EAST OF THE CENTERLINE OF POLLARD BOULEVARD AND ±19' NORTH OF THE CENTERLINE OF RIDGE CREST LANE.  
ELEV. = 53.29 FEET, NAVD88 GEOID 2003 (B.C. LIDAR DATUM)
  8. THIS TRACT LIES WITHIN ZONE "X" (UNSHADED) OF THE FEMA FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY, TEXAS, MAPS REVISED DECEMBER 30, 2020, MAP NOS. 4803900110K & 4803900130K. ZONE "X" (UNSHADED) IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.  
ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
  9. ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE OWNER.
  10. THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 18 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET, (2) 24 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN, (3) 12 INCHES ABOVE FINISHED GRADE.
  11. ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF MANVEL AND BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3.
  12. THIS PROPERTY IS LOCATED WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, THE INCORPORATED LIMITS OF THE CITY OF MANVEL, ALVIN INDEPENDENT SCHOOL DISTRICT, AND BRAZORIA COUNTY CONSERVATION & RECLAMATION DISTRICT NO. 3, AT THE TIME OF PLATTING.
  13. ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF MANVEL AND ASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
  14. BOUNDARY CLOSURE CALCULATIONS IS AT LEAST 1:15,000.
  15. SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT OR LOT.
  16. THE FINAL PLAT WILL EXPIRE TWO (2) YEARS AFTER FINAL APPROVAL BY PLANNING DEVELOPMENT AND ZONING COMMISSION, IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY PLANNING DEVELOPMENT AND ZONING COMMISSION.
  17. BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION PONDS, HAVE BEEN CONSTRUCTED.
  18. THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE BOUNDARY OF THIS PLAT.
  19. THE DEVELOPMENT REGULATIONS AND CITY PERMITS ARE REQUIRED ON ALL PROPERTY.
  20. A 2-YEAR MAINTENANCE BOND WILL BE REQUIRED FOR CONSTRUCTED IMPROVEMENTS.
  21. ONE-FOOT RESERVE DEDICATED TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE OR END OF STREETS WHERE SUCH STREETS ABUT ADJACENT PROPERTY, THE CONDITION OF THIS DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RESUBDIVIDED IN A RECORDED SUBDIVISION PLAT, THE ONE-FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND THE FEE TITLE THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS OR SUCCESSORS.
  22. THE VALENCIA DEVELOPMENT AGREEMENT, APPROVED BY CITY OF MANVEL ORDINANCE NO. 2021-0-18, EFFECTIVE JULY 19, 2021 APPLIES TO THIS PLAT.
  23. FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT THE MINIMUM SIDE YARD SETBACKS SHALL BE FIVE FEET, MINIMUM FRONT YARD SETBACKS SHALL BE 20 FEET FOR FRONT BUILDING LINE AND 25 FEET FOR GARAGES, AND MINIMUM CORNER SIDE YARD SETBACK SHALL BE TEN FEET. IF THE REAR PROPERTY LINE OF A CORNER PARCEL ABUTS THE SIDE PROPERTY LINE OF A NEIGHBORING PARCEL, THE STREET SIDE SETBACK OF THE CORNER PARCEL MUST BE A MINIMUM OF FIFTEEN FEET.



VICINITY MAP  
SCALE: 1" = 1/2 MILE  
KEY MAP NO. 653P

| LEGEND     |                                                   |
|------------|---------------------------------------------------|
| A.E.       | INDICATES AERIAL EASEMENT                         |
| B.C.C.F.   | INDICATES BRAZORIA COUNTY CLERK'S FILE            |
| B.C.D.R.   | INDICATES BRAZORIA COUNTY DEED RECORDS            |
| B.C.O.R.   | INDICATES BRAZORIA COUNTY OFFICIAL RECORDS        |
| B.C.O.P.R. | INDICATES BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS |
| B.C.P.R.   | INDICATES BRAZORIA COUNTY PLAT RECORDS            |
| B.L.       | INDICATES BUILDING LINE                           |
| C.I.R.     | INDICATES CAPPED IRON ROD                         |
| D.E.       | INDICATES DRAINAGE EASEMENT                       |
| E.E.       | INDICATES ELECTRICAL EASEMENT                     |
| F.N.       | INDICATES FILE NUMBER                             |
| FND.       | INDICATES FOUND                                   |
| I.R.       | INDICATES IRON ROD                                |
| NO.        | INDICATES NUMBER                                  |
| PG.        | INDICATES PAGE                                    |
| P.O.B.     | INDICATES POINT OF BEGINNING                      |
| R.O.W.     | INDICATES RIGHT-OF-WAY                            |
| S.S.E.     | INDICATES SANITARY SEWER EASEMENT                 |
| STM.S.E.   | INDICATES STORM SEWER EASEMENT                    |
| U.E.       | INDICATES UTILITY EASEMENT                        |
| VOL.       | INDICATES VOLUME                                  |
| W.L.E.     | INDICATES WATER LINE EASEMENT                     |

## FINAL PLAT OF VALENCIA SECTION 4

A SUBDIVISION OF 21.112 ACRES OF LAND LOCATED IN THE H.T. & B. R. R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 14, 21, 22, 29, 30 AND 31 OF THE ALLISON RICHEY GULF COAST HOME COMPANY, PART OF SUBURBAN GARDENS SECTION 73, A SUBDIVISION OF RECORD IN VOLUME 2, PAGES 91-92, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.).

68 LOTS      5 RESERVES (1.800 ACRES)      6 BLOCKS  
SEPTEMBER 27, 2023      JOB NO. 2791-4104P  
OWNERS:

BRAZORIA COUNTY  
MUNICIPAL UTILITY DISTRICT NO. 83  
JEFF PERRY, PRESIDENT, BOARD OF DIRECTORS  
202 CENTURY SQUARE BOULEVARD, SUGAR LAND, TEXAS 77478  
PH: 281-500-6050

2023 FM VALENCIA  
DEVELOPMENT, LLC,  
A TEXAS LIMITED LIABILITY COMPANY  
GARY TESCH, PRESIDENT  
7676 WOODWAY, SUITE 104  
HOUSTON, TEXAS 77063  
PH: 713-952-6767

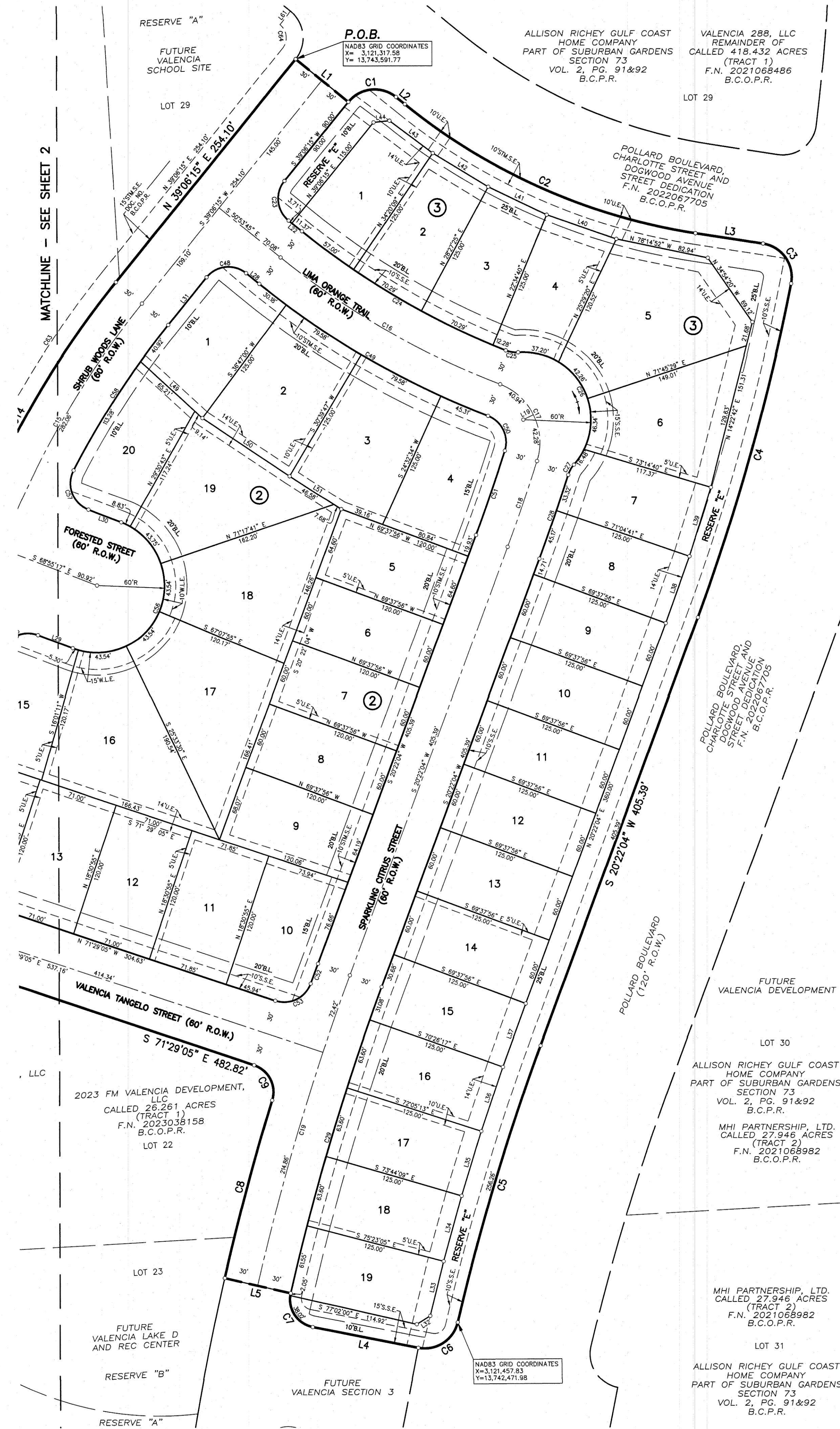
SURVEYOR:

LJA Surveying, Inc.  
3600 W. Sam Houston Parkway S.  
Suite 175  
Houston, Texas 77042  
Phone 713.953.5200  
Fax 713.953.5026  
T.B.P.E.L.S. Firm No. 10194382

ENGINEER:

LJA Engineering, Inc.  
1904 W. Grand Parkway North  
Suite 100  
Katy, Texas 77449  
Phone 713.953.5200  
Fax 713.953.5026  
FRN-F-1386





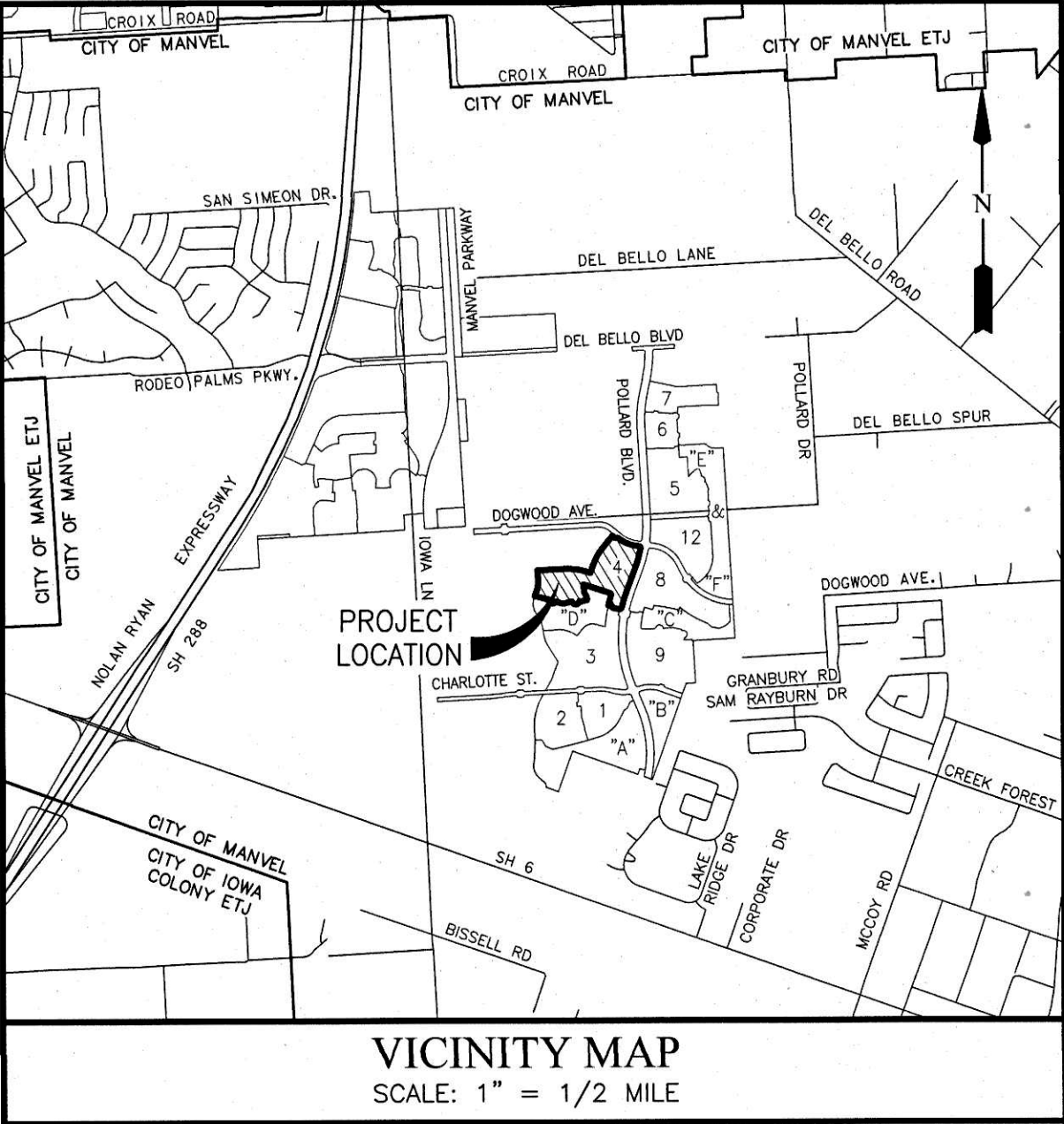
| RESERVE TABLE |         |        |                                          |                       |
|---------------|---------|--------|------------------------------------------|-----------------------|
| RESERVE       | ACREAGE | SQ.FT. | TYPE                                     | MAINTENANCE/OWNERSHIP |
| A             | 0.230   | 10,006 | RESTRICTED TO DRAINAGE/LANDSCAPE/AMENITY | BCCR3/BCMUD 83        |
| B             | 0.077   | 3,334  | RESTRICTED TO LANDSCAPE/OPEN SPACE       | HOA                   |
| C             | 0.433   | 18,840 | RESTRICTED TO DRAINAGE/LANDSCAPE/AMENITY | BCCR3/BCMUD 83        |
| D             | 0.125   | 5,428  | RESTRICTED TO LANDSCAPE/OPEN SPACE       | HOA                   |
| E             | 0.935   | 40,727 | RESTRICTED TO LANDSCAPE/OPEN SPACE       | HOA                   |
| TOTAL         | 1.800   | 78,335 |                                          |                       |

| CURVE TABLE |          |            |         |                       |
|-------------|----------|------------|---------|-----------------------|
| CURVE       | RADIUS   | DELTA      | ARC     | CHORD BEARING         |
| C1          | 30.00'   | 90°00'00"  | 47.12'  | N 84°06'15" E 42.43'  |
| C2          | 540.00'  | 30°16'53"  | 285.40' | S 66°02'12" E 282.09' |
| C3          | 30.00'   | 92°27'52"  | 48.41'  | S 34°56'42" E 43.33'  |
| C4          | 1940.00' | 9°04'50"   | 307.46' | S 15°49'39" W 307.14' |
| C5          | 2060.00' | 7°07'39"   | 256.26' | S 16°48'14" W 256.09' |
| C6          | 30.00'   | 87°56'37"  | 46.05'  | S 57°12'43" W 41.66'  |
| C7          | 25.00'   | 91°50'09"  | 40.07'  | N 32°53'54" W 35.92'  |
| C8          | 2270.00' | 4°07'21"   | 163.33' | N 15°04'51" E 163.29' |
| C9          | 25.00'   | 88°37'36"  | 38.67'  | N 27°10'17" W 34.93'  |
| C10         | 60.00'   | 153°53'44" | 161.16' | S 88°25'01" W 116.90' |
| C11         | 60.00'   | 153°21'43" | 160.60' | N 72°11'25" W 116.77' |
| C12         | 310.00'  | 20°42'51"  | 112.07' | N 11°12'14" E 111.47' |
| C13         | 1200.00' | 7°55'47"   | 166.08' | N 03°07'05" W 165.95' |
| C14         | 830.00'  | 20°12'03"  | 292.63' | N 29°00'14" E 291.12' |
| C15         | 800.00'  | 20°12'03"  | 282.06' | S 29°00'14" W 280.60' |
| C16         | 715.00'  | 18°02'46"  | 225.20' | S 59°55'08" E 224.27' |
| C17         | 55.00'   | 86°41'38"  | 83.22'  | S 25°35'42" E 75.51'  |
| C18         | 1760.00' | 2°36'57"   | 80.35'  | S 19°03'35" W 80.34'  |
| C19         | 2240.00' | 7°20'53"   | 287.27' | S 16°41'37" W 287.08' |
| C20         | 800.00'  | 21°35'03"  | 301.37' | S 82°16'36" E 299.59' |
| C21         | 400.00'  | 17°08'12"  | 119.64' | S 05°29'58" W 119.19' |
| C22         | 600.00'  | 24°57'27"  | 261.38' | S 01°15'06" E 259.29' |
| C23         | 25.00'   | 90°00'00"  | 39.27'  | S 05°53'45" E 35.36'  |
| C24         | 685.00'  | 17°33'12"  | 209.86' | S 59°40'21" E 209.04' |
| C25         | 25.00'   | 25°40'17"  | 11.20'  | S 81°17'05" E 11.11'  |
| C26         | 60.00'   | 135°52'08" | 142.28' | S 26°11'10" E 111.21' |
| C27         | 25.00'   | 23°53'34"  | 10.43'  | S 29°48'07" W 10.35'  |
| C28         | 1790.00' | 2°30'44"   | 78.49'  | S 19°06'42" W 78.48'  |
| C29         | 2210.00' | 7°20'53"   | 283.43' | S 16°41'37" W 283.23' |
| C30         | 770.00'  | 2°56'22"   | 39.50'  | N 72°57'15" W 39.50'  |
| C31         | 25.00'   | 98°35'23"  | 43.02'  | S 56°16'52" W 37.90'  |
| C32         | 570.00'  | 18°51'03"  | 187.54' | S 02°26'21" E 186.69' |

| CURVE TABLE |          |            |         |                       |
|-------------|----------|------------|---------|-----------------------|
| CURVE       | RADIUS   | DELTA      | ARC     | CHORD BEARING         |
| C33         | 25.00'   | 51°17'23"  | 22.38'  | S 37°30'34" E 21.64'  |
| C34         | 60.00'   | 27°19'37"  | 292.51' | S 76°30'33" W 77.67'  |
| C35         | 25.00'   | 48°18'38"  | 21.08'  | N 12°01'03" E 20.46'  |
| C36         | 630.00'  | 19°51'18"  | 218.32' | N 02°12'37" W 217.23' |
| C37         | 25.00'   | 90°37'44"  | 39.54'  | N 75°55'50" W 35.55'  |
| C38         | 770.00'  | 10°09'26"  | 136.50' | N 87°59'25" W 136.32' |
| C39         | 25.00'   | 90°00'00"  | 39.27'  | S 41°55'52" W 35.36'  |
| C40         | 430.00'  | 17°08'12"  | 128.61' | S 05°29'58" W 128.13' |
| C41         | 25.00'   | 49°40'47"  | 21.68'  | S 10°46'20" E 21.00'  |
| C42         | 60.00'   | 27°19'37"  | 292.54' | N 75°55'56" W 77.65'  |
| C43         | 25.00'   | 49°40'47"  | 21.68'  | N 38°54'27" E 21.00'  |
| C44         | 370.00'  | 17°08'12"  | 110.66' | N 05°29'58" E 110.25' |
| C45         | 25.00'   | 90°00'00"  | 39.27'  | N 48°04'08" W 35.36'  |
| C46         | 830.00'  | 21°35'03"  | 312.68' | S 82°16'36" E 310.83' |
| C47         | 25.00'   | 89°36'43"  | 39.10'  | N 63°42'34" E 35.24'  |
| C48         | 25.00'   | 90°00'00"  | 39.27'  | N 84°06'15" E 35.36'  |
| C49         | 745.00'  | 18°02'46"  | 234.65' | S 59°55'08" E 233.68' |
| C50         | 25.00'   | 86°41'38"  | 37.83'  | S 25°35'42" E 34.32'  |
| C51         | 1730.00' | 2°36'57"   | 78.98'  | S 19°03'35" W 78.98'  |
| C52         | 2270.00' | 0°28'45"   | 18.98'  | S 20°07'41" W 18.98'  |
| C53         | 25.00'   | 88°37'36"  | 38.67'  | S 64°12'07" W 34.93'  |
| C54         | 25.00'   | 90°23'17"  | 39.44'  | N 26°17'26" W 35.47'  |
| C55         | 25.00'   | 92°10'31"  | 40.22'  | N 64°59'28" E 36.02'  |
| C56         | 60.00'   | 180°00'00" | 188.50' | N 21°04'43" E 120.00' |
| C57         | 25.00'   | 96°33'05"  | 42.13'  | N 20°38'44" W 37.32'  |
| C58         | 770.00'  | 11°28'27"  | 154.20' | N 33°22'02" E 153.94' |
| C59         | 1280.00' | 5°35'54"   | 125.07' | N 04°01'57" W 125.02' |
| C60         | 390.00'  | 20°42'51"  | 141.00' | S 11°12'14" W 140.23' |
| C61         | 850.00'  | 5°18'58"   | 78.87'  | N 21°33'41" E 78.84'  |
| C62         | 850.00'  | 2°52'50"   | 42.73'  | N 27°00'28" E 42.73'  |
| C63         | 845.00'  | 10°39'22"  | 157.16' | N 33°46'34" E 156.93' |
| C64         | 15.00'   | 90°00'00"  | 23.56'  | N 05°53'45" W 21.21'  |

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | S 50°53'45" E | 60.00'   |
| L2         | S 50°53'45" E | 10.08'   |
| L3         | S 81°10'38" E | 60.71'   |
| L4         | N 78°48'58" W | 95.22'   |
| L5         | N 76°58'49" W | 60.00'   |
| L6         | S 30°41'04" E | 65.10'   |
| L7         | S 17°28'00" E | 55.12'   |
| L8         | S 31°16'11" W | 14.14'   |
| L9         | S 76°16'11" W | 97.61'   |
| L10        | N 78°31'51" W | 20.00'   |
| L11        | N 21°33'40" E | 78.58'   |
| L12        | N 00°50'49" E | 52.01'   |
| L13        | N 88°31'50" E | 67.68'   |
| L14        | S 87°30'06" E | 67.93'   |
| L15        | S 83°30'01" E | 68.18'   |
| L16        | S 79°29'01" E | 66.84'   |
| L17        | S 75°31'07" E | 66.44'   |
| L18        | S 71°17'23" E | 77.40'   |
| L19        | S 63°42'10" W | 10.00'   |
| L20        | S 11°13'38" W | 16.84'   |
| L21        | S 13°43'49" E | 46.82'   |
| L22        | S 50°53'45" E | 15.08'   |
| L23        | S 86°55'52" W | 67.77'   |
| L24        | S 03°04'08" E | 49.51'   |
| L25        | S 14°04'04" W | 31.33'   |
| L26        | N 14°04'04" E | 31.33'   |
| L27        | N 03°04'08" W | 49.51'   |
| L28        | S 50°53'45" E | 15.08'   |
| L29        | S 68°55'17" E | 33.23'   |
| L30        | N 68°55'17" W | 31.06'   |
| L31        | N 39°06'15" E | 54.10'   |
| L32        | N 58°02'07" E | 14.16'   |

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L33        | N 13°55'42" E | 50.00'   |
| L34        | N 15°26'23" E | 60.00'   |
| L35        | N 17°05'19" E | 60.00'   |
| L36        | N 18°44'15" E | 60.00'   |
| L37        | N 20°10'15" E | 60.00'   |
| L38        | N 19°48'49" E | 63.03'   |
| L39        | N 17°16'50" E | 63.62'   |
| L40        | N 70°46'22" W | 65.46'   |
| L41        | N 64°28'58" W | 57.44'   |
| L42        | N 58°36'13" W | 57.44'   |
| L43        | N 53°12'42" W | 47.96'   |
| L44        | N 84°06'15" E | 14.14'   |
| L45        | S 00°50'49" W | 71.02'   |
| L46        | S 02°04'00" W | 55.08'   |
| L47        | S 24°11'58" W | 63.78'   |
| L48        | S 21°33'40" W | 65.56'   |
| L49        | S 47°35'28" E | 74.35'   |
| L50        | N 56°16'37" W | 92.89'   |
| L51        | N 57°10'55" W | 54.26'   |
| L52        | S 08°29'03" W | 67.21'   |
| L53        | N 00°21'18" W | 69.46'   |
| L54        | S 03°04'08" E | 67.12'   |
| L55        | S 00°50'49" W | 38.39'   |
| L56        | S 21°33'40" W | 68.05'   |
| L57        | N 65°06'23" W | 25.00'   |
| L58        | N 24°53'32" E | 20.00'   |
| L59        | S 65°06'23" E | 25.00'   |
| L60        | S 61°33'07" E | 5.00'    |
| L61        | N 39°06'15" E | 15.00'   |
| L62        | S 86°55'52" W | 53.24'   |
| L63        | N 03°04'08" W | 26.00'   |
| L64        | N 86°55'52" E | 55.02'   |



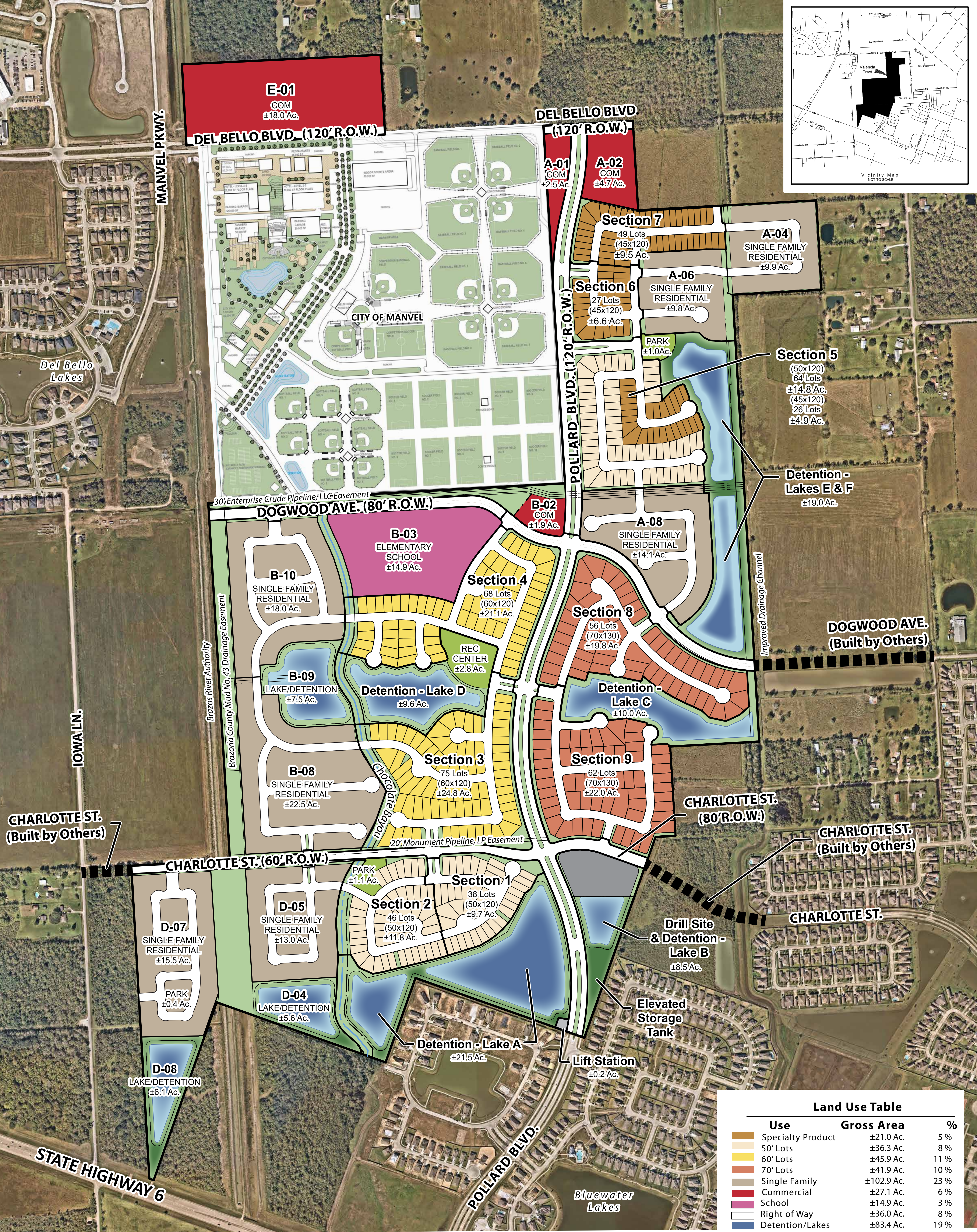
- LEGEND**
- A.E. INDICATES AERIAL EASEMENT
  - B.C.C.F. INDICATES BRAZORIA COUNTY CLERK'S FILE
  - B.C.D.R. INDICATES BRAZORIA COUNTY DEED RECORDS
  - B.C.O.R. INDICATES BRAZORIA COUNTY OFFICIAL RECORDS
  - B.C.O.P.R. INDICATES BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
  - B.C.P.R. INDICATES BRAZORIA COUNTY PLAT RECORDS
  - B.L. INDICATES BUILDING LINE
  - C.I.R. INDICATES CAPPED IRON ROD
  - D.E. INDICATES DRAINAGE EASEMENT
  - E.E. INDICATES ELECTRICAL EASEMENT
  - F.N. INDICATES FILE NUMBER
  - FND. INDICATES FOUND
  - I.R. INDICATES IRON ROD
  - NO. INDICATES NUMBER
  - PG. INDICATES PAGE
  - P.O.B. INDICATES POINT OF BEGINNING
  - R.O.W. INDICATES RIGHT-OF-WAY
  - S.S.E. INDICATES SANITARY SEWER EASEMENT
  - STM.S.E. INDICATES STORM SEWER EASEMENT
  - U.E. INDICATES UTILITY EASEMENT
  - VOL. INDICATES VOLUME
  - W.L.E. INDICATES WATER LINE EASEMENT
  - INDICATES STREET NAME CHANGE

| LOT AREA SUMMARY |        |                   |          |         |        |                   |          |         |        |                   |          |         |        |                   |          |         |        |                   |          |         |        |                   |          |
|------------------|--------|-------------------|----------|---------|--------|-------------------|----------|---------|--------|-------------------|----------|---------|--------|-------------------|----------|---------|--------|-------------------|----------|---------|--------|-------------------|----------|
| BLOCK 1          |        |                   |          | BLOCK 2 |        |                   |          | BLOCK 3 |        |                   |          | BLOCK 4 |        |                   |          | BLOCK 5 |        |                   |          | BLOCK 6 |        |                   |          |
| LOT NO.          | SQ.FT. | LOT WIDTH AT B.L. | LOT AREA | LOT NO. | SQ.FT. | LOT WIDTH AT B.L. | LOT AREA | LOT NO. | SQ.FT. | LOT WIDTH AT B.L. | LOT AREA | LOT NO. | SQ.FT. | LOT WIDTH AT B.L. | LOT AREA | LOT NO. | SQ.FT. | LOT WIDTH AT B.L. | LOT AREA | LOT NO. | SQ.FT. | LOT WIDTH AT B.L. | LOT AREA |
| 1                | 7,500  | 60.00'            | 60.00'   | 1       | 8,741  | 70.59'            | 70.59'   | 1       | 7,864  | 66.72'            | 66.72'   | 1       | 10,059 | 95.04'            | 95.04'   | 1       | 9,196  | 65.77'            | 65.77'   | 1       | 7,777  | 65.00'            | 65.00'   |
| 2                | 7,500  | 60.00'            | 60.00'   | 2       | 10,705 | 81.80'            | 81.80'   | 2       | 8,012  | 68.25'            | 68.25'   | 2       | 8,155  | 70.43'            | 70.43'   | 2       | 9,105  | 63.02'            | 63.02'   | 2       | 8,943  | 72.61'            | 72.61'   |
| 3                | 7,500  | 60.00'            | 60.00'   | 3       | 10,934 | 81.80'            | 81.80'   | 3       | 8,012  | 68.25'            | 68.25'   | 3       | 9,028  | 71.28'            | 71.28'   | 3       | 7,932  | 60.06'            | 60.06'   | 3       | 8,619  | 77.45'            | 77.45'   |
| 4                | 7,500  | 60.00'            | 60.00'   | 4       | 9,182  | 71.18'            | 71.18'   | 4       | 7,589  | 60.28'            | 60.28'   | 4       | 7,756  | 65.00'            | 65.00'   | 4       | 7,760  | 60.06'            | 60.06'   | 4       | 8,585  | 70.35'            | 70.35'   |
| 5                | 7,760  | 60.17'            | 60.17'   | 5       | 7,752  | 64.60'            | 64.60'   | 5       | 14,954 | 61.64'            | 61.64'   |         |        |                   |          | 5       | 8,675  | 67.71'            | 67.71'   |         |        |                   |          |
| 6                | 8,025  | 60.04'            | 60.04'   | 6       | 7,200  | 60.00'            | 60.00'   | 6       | 10,586 | 60.58'            | 60.58'   |         |        |                   |          | 6       | 8,364  | 70.35'            | 70.35'   |         |        |                   |          |
| 7                | 8,259  | 60.04'            | 60.04'   | 7       | 7,200  | 60.00'            | 60.00'   | 7       | 7,564  | 60.10'            | 60.10'   |         |        |                   |          | 7       | 7,769  | 60.12'            | 60.12'   |         |        |                   |          |
| 8                | 8,501  | 60.04'            | 60.04'   | 8       | 7,200  | 60.00'            | 60.00'   | 8       | 7,672  | 60.39'            | 60.39'   |         |        |                   |          | 8       | 8,121  | 60.13'            | 60.13'   |         |        |                   |          |
| 9                | 8,747  | 60.04'            | 60.04'   | 9       | 7,936  | 64.84'            | 64.84'   | 9       | 7,500  | 60.00'            | 60.00'   |         |        |                   |          | 9       | 9,068  | 65.25'            | 65.25'   |         |        |                   |          |
| 10               | 8,873  | 60.16'            | 60.16'   | 10      | 8,518  | 70.43'            | 70.43'   | 10      | 7,500  | 60.00'            | 60.00'   |         |        |                   |          | 10      | 8,202  | 66.90'            | 66.90'   |         |        |                   |          |
| 11               | 10,891 | 76.09'            | 76.09'   | 11      | 8,622  | 71.85'            | 71.85'   | 11      | 7,500  | 60.00'            | 60.00'   |         |        |                   |          |         |        |                   |          |         |        |                   |          |
|                  |        |                   |          | 12      | 8,520  | 71.00'            | 71.00'   | 12      | 7,500  | 60.00'            | 60.00'   |         |        |                   |          |         |        |                   |          |         |        |                   |          |
|                  |        |                   |          | 13      | 8,520  | 71.00'            | 71.00'   | 13      | 7,500  | 60.00'            | 60.00'   |         |        |                   |          |         |        |                   |          |         |        |                   |          |
|                  |        |                   |          | 14      | 8,216  | 69.33'            | 69.33'   | 14      | 7,500  | 60.00'            | 60.00'   |         |        |                   |          |         |        |                   |          |         |        |                   |          |
|                  |        |                   |          | 15      | 8,033  | 65.19'            | 65.19'   | 15      | 7,614  | 61.48'            | 61.48'   |         |        |                   |          |         |        |                   |          |         |        |                   |          |
|                  |        |                   |          | 16      | 13,672 | 60.74'            | 60.74'   | 16      | 7,734  | 63.02'            | 63.02'   |         |        |                   |          |         |        |                   |          |         |        |                   |          |
|                  |        |                   |          | 17      | 13,671 | 60.74'            | 60.74'   | 17      | 7,734  | 63.02'            | 63.02'   |         |        |                   |          |         |        |                   |          |         |        |                   |          |
|                  |        |                   |          | 18      | 12,525 | 60.74'            | 60.74'   | 18      | 7,734  | 63.02'            | 63.02'   |         |        |                   |          |         |        |                   |          |         |        |                   |          |
|                  |        |                   |          | 19      | 11,674 | 61.07'            | 61.07'   | 19      | 7,680  | 63.02'            | 63.02'   |         |        |                   |          |         |        |                   |          |         |        |                   |          |
|                  |        |                   |          | 20      | 8,533  | 68.21'            | 68.21'   |         |        |                   |          |         |        |                   |          |         |        |                   |          |         |        |                   |          |

**FINAL PLAT OF  
VALENCIA SECTION 4**

A SUBDIVISION OF 21.112 ACRES OF LAND LOCATED IN THE H.T. & B. R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 14, 21, 22, 29, 30 AND 31 OF THE ALLISON RICHEY GULF COAST HOME COMPANY, PART OF SUBURBAN GARDENS SECTION 73, A SUBDIVISION OF RECORD IN VOLUME 2, PAGES 91-92, PLAT





|                                                                                 |         |                      |
|---------------------------------------------------------------------------------|---------|----------------------|
| The proposed parks dedication requirements will be met in the following manner: |         |                      |
| Open Space Amenity                                                              | Acreage |                      |
| Recreation Center (Private)                                                     | 2.8     |                      |
| Parks (Public)                                                                  | 2.5     |                      |
| Detention - Lake D (Public)                                                     | 3.4     | (maximum 35% credit) |
| Trails adjacent to Chocolate Bayou or Lake/Detention Areas (Public)             | 2       | (maximum 50% credit) |
| Total                                                                           | 10.7    |                      |

PREPARED FOR:

# HILLWOOD RESIDENTIAL

© Copyright 2023 LJA Engineering, Inc. Drawings, written material, and design concepts provided is considered property of LJA & shall not be reproduced in part or whole in any form or format without written consent of LJA.

This exhibit is an illustrative representation for presentation purposes only and should not be used for computation or construction purposes. The information provided within should be considered a graphic representation to aid in determining plan components and relationships and is subject to change without notice. All property boundaries, easements, road alignments, drainage, flood plains, environmental issues and other information shown is approximate and should not be relied upon for any purpose. No warranties, express or implied, concerning the actual design, accuracy, location, and character of the facilities shown on this exhibit are intended.

- NOTES:
- 1) ALL LOCAL STREET WIDTHS ARE 60' WIDE.
  - 2) THE MASTER PLAN SHALL EXPIRE 3 YEARS AFTER COUNCIL APPROVAL, UNLESS CONSTRUCTION OF THE IMPROVEMENTS IN THE FINAL APPROVED CONSTRUCTION PLANS HAS COMMENCED.

CITY COUNCIL

This is to certify that the Planning, Development, and Zoning Commission of the City of Manvel, Texas, provided a recommendation of approval to the Valencia Master Plan in conformance with the laws of the State of Texas and the ordinances of the City of Manvel as shown hereon and authorizes the recording of this Master Plan this \_\_\_\_ day of \_\_\_\_\_, 2023.

Planning, Development, and Zoning Commission

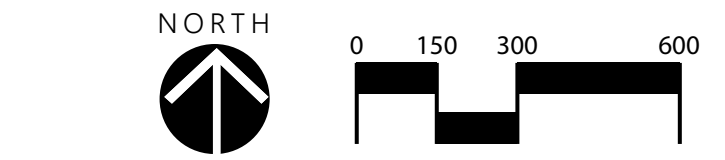
A MASTER PLAN OF

# VALENCIA

±438.4 Acres of Land  
Manvel, Texas  
Project #: 2791-09001

| Land Use Table          |            |       |
|-------------------------|------------|-------|
| Use                     | Gross Area | %     |
| Specialty Product       | ±21.0 Ac.  | 5 %   |
| 50' Lots                | ±36.3 Ac.  | 8 %   |
| 60' Lots                | ±45.9 Ac.  | 11 %  |
| 70' Lots                | ±41.9 Ac.  | 10 %  |
| Single Family           | ±102.9 Ac. | 23 %  |
| Commercial              | ±27.1 Ac.  | 6 %   |
| School                  | ±14.9 Ac.  | 3 %   |
| Right of Way            | ±36.0 Ac.  | 8 %   |
| Detention/Lakes         | ±83.4 Ac.  | 19 %  |
| Parks/Rec               | ±5.3 Ac.   | 1 %   |
| Open Space/Remainder    | ±19.6 Ac.  | 5 %   |
| Drill Site/Lift Station | ±4.1 Ac.   | 1 %   |
| Total                   | ±438.4 Ac. | 100 % |

Reference Date: 03.29.2023



RELATIONSHIPS | PROCESS | DESIGN





# City of Manvel

P. O. Box 187  
20025 HWY 6  
Manvel, Texas 77578

(281) 489-0630  
Fax (281) 489-0634

## AGENDA REQUEST

### REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

|                                |                                     |              |                          |      |                          |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|
| Planning, Development & Zoning | <input checked="" type="checkbox"/> | City Council | <input type="checkbox"/> | Both | <input type="checkbox"/> |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|

Date of Request: 09/25/2023 (10/23/2023 PD&Z Meeting)

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT [www.cityofmanvel.com](http://www.cityofmanvel.com). THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Jared Bowlin or Brad Sweitzer

Daytime Phone: 713-784-4500 Fax Number: 713-784-4577

E-mail Address: jbowlin@ehrainc.com or bsweitzer@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve Final Plat for Meridiana Section 13A, being  
a subdivision of 17.22 acres out of the Oliver Hall Survey, Abstract 203; City  
of Manvel, Brazoria County, Texas.

#### Plats:

Preliminary \_\_\_\_\_

Final x \_\_\_\_\_

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Kaitlin Gile  
SIGNATURE

09/25/2023  
DATE





## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### **STAFF REPORT TO PLANNING, DEVELOPMENT AND ZONING COMMISSION** **PLAT APPLICATION**

|                                    |                                                                                                         |
|------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Plat Name:</b>                  | Meridiana Section 13A - Final Plat                                                                      |
| <b>Applicant:</b>                  | Kaitlin Gile – EHRA                                                                                     |
| <b>PD&amp;Z Meeting Date:</b>      | October 23, 2023                                                                                        |
| <b>Submitted By:</b>               | Jose Abraham, City Planner                                                                              |
| <b>Report Approved by:</b>         | Dan Johnson, Interim City Manager/ City Engineer<br>Jessica Rodriguez, Director of Development Services |
| <b>Recommendation of Approval:</b> | <u>YES</u>                                                                                              |

#### **BACKGROUND/ REVIEW NOTES**

- *This proposed plat is a new residential section within Meridiana Master planned development. The development was established as an Open-Planned Unit Development (O-PUD) in 2009.*
- *The subject site is located within the City of Manvel and is part of Brazoria County Municipal Utility District (MUD) No. 57.*
- *The subject site is located along the western side of the Meridiana Parkway.*
- *The proposed section includes single family residential lots with minimum 60 feet lot width.*
- *This section includes 50-foot-wide right-of-ways. Please note that Meridiana PUD document allows 50-foot-wide right-of-way for residential streets providing access to lots that are less than 70 feet wide.*
- *The proposed plat subdivides a 17.22 acres tract into 57 residential lots, 5 Blocks, and 4 reserves for landscaping, open space, and utility purposes.*
- *The proposed plat generally conforms to the preliminary plat approved in September 2022.*

#### **STAFF RECOMMENDATION**

The City staff recommends approval of this proposed plat - *Meridiana Section 13A - Final Plat*.









## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### Plat Exhibit









STATE OF TEXAS  
COUNTY OF BRAZORIA

We, GR-MI, LTD., a Texas Limited Partnership, acting by and through Matt Lawson, President of Rise Communities, LLC, A Nevada Limited Liability Company, Authorized Agent for GR-MI, LTD., a Texas Limited Partnership, owner of the property subdivided in this plat, MERIDIANA SECTION 13A, do hereby make subdivision of said property for and on behalf of said GR-MI, LTD., a Texas Limited Partnership, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

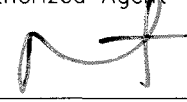
FURTHER, we do hereby certify that we are the owners of all property immediately adjacent to and adjoining the boundaries of the above and foregoing subdivision of MERIDIANA SECTION 13A where public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish and dedicate to the use of the public utilities forever all public utility easements shown in said adjacent acreage.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally on additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter easements from a plane sixteen feet (16'-0") above the ground level upward, located adjacent to and adjoining said public utility easement that are designated with aerial easements (U.E. & A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally on additional ten feet (10'-0") for ten feet (10'-0") back-to-back easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

IN TESTIMONY WHEREOF, GR-MI, LTD., a Texas Limited Partnership, has caused these presents to be signed by Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-MI, LTD., a Texas Limited Partnership, thereunto authorized by this 28th day of March, 2023.

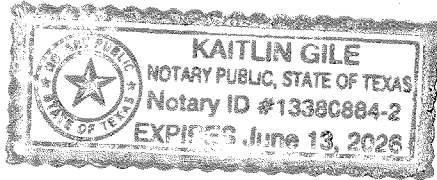
OWNER  
GR-MI, LTD., a Texas Limited Partnership  
By: Rise Communities, LLC,  
a Nevada Limited Liability Company,  
Authorized Agent

BY:   
Print Name: Matt Lawson  
Title: President

STATE OF TEXAS  
COUNTY OF HARRIS

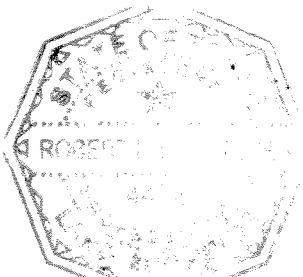
BEFORE ME, the undersigned authority, on this day personally appeared Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-MI, LTD., a Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 28th day of March, 2023.



Kaitlin Gile  
Notary Public in and for the  
State of Texas  
My Notary Commission Expires 6/13/26

I, Robert Boelsche, a Registered Professional Land Surveyor of the State of Texas, hereby certify that this subdivision is true and correct; was prepared from an actual boundary survey of the property made on the ground under my supervision and according to the standards of the Texas Board of Professional Land Surveyors; that the plat boundary corners have been tied to the nearest street intersection; that the boundary corners, angle points, points of curvature/tangency and interior corners of this subdivision were not set at the time this plat was signed by me and that these corners are to be set after construction of the public infrastructure and final lot grading within the subdivision; and that all previously existing property markers are sufficiently described on this document as found and all set markers are a minimum of 5/8-inch diameter iron rod with surveyor's cap.



Robert C. Boelsche  
Robert Boelsche, Registered Professional Land Surveyor  
Texas Registration No. 4446

**BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5:**

- Slab elevations (finished floor) shall be a minimum of 2 feet above natural ground.
- All drainage easements shown hereon shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of drainage facilities.
- All property shall drain into the drainage easement only through an approved drainage structure.
- All drainage easements and detention pond reserves shown on this plat will be maintained by the property owners and/or business owners; provided, however, and governmental entity have jurisdiction, including, without limitation, Brazoria County, Texas and Brazoria County Drainage District #5, shall have the right, but not the obligation to enter upon the drainage easements to perform maintenance operations at any time after the date hereof.
- The property identified in the foregoing plat lies within Brazoria County Drainage District #5.
- This rural commercial site employs a natural drainage system, which is intended to provide drainage for the site that is similar to that which existed under pre-development conditions. Thus, during large storm events, ponding of water should be expected to occur on the site to the extent it may have prior to development, but such ponding should not remain for an extended period of time.
- Land use within the subdivision is limited to an average imperviousness of no more than 72 percent. The drainage and/or detention system has been designed with the assumption that this average percent, imperviousness will not be exceeded. If this percentage is to be exceeded, a replat and/or redesign of the system may be necessary.
- Other than shown hereon, there are no pipeline easements or pipelines within the boundaries of this plan.
- All storm water drainage pipes, culverts, tiles or other (includes driveway culverts) will be minimum 24" I.D. or equal.
- Dedicated drainage easement(s) granted to Brazoria County Drainage District #5 for drainage maintenance purposes shall include 45 feet top of bank, plus the sum (footage) of both ditch side slopes and channel bottom and 45 feet of bank on the opposite bank.
- Dedicated ingress/egress accesses are granted to Brazoria County Drainage District #5 (see District Resolution No 2007-06 & 2007-07). Access will be gated and locked with Brazoria County Drainage District #5's lock.
- Prohibited use of "metal" pipe in storm water/sewer applications (See District Resolution No. 2007-08).
- Prohibited use of "rip rap" in storm water/sewer applications. (District Policy).
- Pipelines, utility lines and other crossing under any Brazoria County Drainage District #5 ditch require approval and permitting prior to construction.
- All dedicated storm sewer drainage and/or access easements to be granted to Brazoria County Drainage District #5 by the property owner will be initiated and recorded, at the property owner's expense, in Brazoria County, Texas with a "Recorded Document Number" affixed to said easement prior to final approval granted by Brazoria County Drainage District #5 Board of Commissioners.
- It will be the property owner's responsibility to verify if any Brazoria County Drainage District #5 "Dedicated" drainage easements are on or cross their property. If so, the property owner will comply as stated within the recorded easement.
- Project field start-up will start within 365 calendar days from date shown here. Continuous and reasonable field site work is expected. See Brazoria County drainage criteria manual section 1, Introduction, Sub-Section 1.5, Plat and Plan approval process, and drainage acceptance procedures; time limit for approval and Brazoria County Drainage District #5 Resolution 2011-1, allowable time(s) and procedures for starting-up approved projects.

This is to certify that the Planning, Development and Zoning Commission of the City of Manvel, Texas, has recommended approval of this plat of MERIDIANA SECTION 13A in conformance with laws of the State of Texas and the ordinances of the City of Manvel as shown hereon and authorizes the recording of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Planning, Development and Zoning Commission

APPROVED BY BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5

Lee Walden, P.E.,  
President  
Brandon Middleton  
Secretary/Treasurer

Kerry L. Osburn  
Vice President  
Nazari Sabji, P.E.  
District Engineer

Note: Project field start-up will start within 365 calendar days from date here shown. Continuous and reasonable field site work is expected.

BCDD5 REF ID # 220066

METES AND BOUNDS DESCRIPTION  
MERIDIANA SECTION 13A  
BEING 17.22 ACRES SITUATED IN THE  
OLIVER HALL SURVEY, ABSTRACT 203,  
BRAZORIA COUNTY, TEXAS

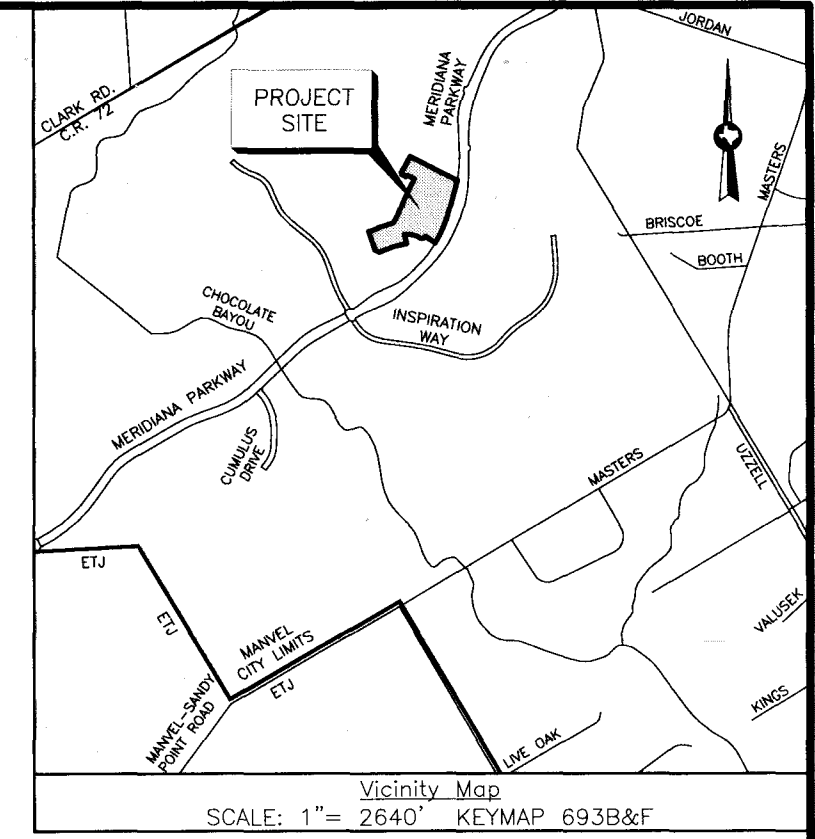
A 17.22 ACRE TRACT OF LAND SITUATED IN THE OLIVER HALL SURVEY, ABSTRACT NO. 203, BRAZORIA COUNTY, TEXAS, BEING OUT OF A CALLED 884.331 ACRE TRACT RECORDED UNDER BRAZORIA COUNTY CLERKS FILE NUMBER (B.C.C.F. NO.) 2006035182, SAID 17.22 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a 5/8-inch iron rod found at the original southeasterly corner of the said 884.331 acre tract, same being the northeasterly corner of Lot 1 of Lulling Stone Section One, a subdivision as per plat recorded in Volume 21, Page 267-270 of the Brazoria County Plat Records (B.C.P.R.);

THENCE, South 59°53'03" West, along the southerly line of said 884.331 acre tract for a distance of 2,439.14 feet to a point for corner;

THENCE, North 30°06'57" West, a distance of 509.67 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set in the westerly right-of-way line of Meridiana Parkway (Width Varies) based on the plat Meridiana Parkway Phase 6 as recorded under B.C.P.R. No. 2021001846 and marking the southeasterly corner and POINT OF BEGINNING of the herein described tract;

- THENCE, North 56°21'23" West, for a distance of 161.79 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner in the arc of a non-tangent curve;
- THENCE, in a southwesterly direction along the arc of said curve to the right having a radius of 50.00 feet, a central angle of 113°20'26", an arc length of 98.91 feet, and a chord bearing of South 82°06'08" West, for a distance of 83.55 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking a point of reverse curve;
- THENCE, in a northwesterly direction along the arc of said reverse curve to the left having a radius of 25.00 feet, a central angle of 23°08'36", an arc length of 10.10 feet, and a chord bearing of North 52°47'57" West, for a distance of 10.03 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking a point of compound curvature;
- THENCE, in northwesterly direction along the arc of said compound curve to the left having a radius of 375.00 feet, a central angle of 31°05'03", an arc length of 203.45 feet, and a chord bearing of North 79°54'47" West, for a distance of 200.96 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, South 13°11'34" East, for a distance of 132.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, South 79°57'43" West, for a distance of 62.04 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, South 76°48'26" West, for a distance of 124.47 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, South 69°13'41" West, for a distance of 200.23 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 65°22'45" West, for a distance of 68.07 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 17°37'05" West, for a distance of 269.60 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 72°22'55" East, for a distance of 132.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 17°37'05" West, for a distance of 8.32 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 72°02'36" East, for a distance of 223.99 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 28°26'34" East, for a distance of 122.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 21°52'17" East, for a distance of 234.65 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 25°22'15" East, for a distance of 178.36 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 27°30'36" East, for a distance of 130.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 62°29'24" West, for a distance of 100.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking a point of curvature;
- THENCE, in a southwesterly direction along the arc of said curve to the left having a radius of 25.00 feet, a central angle of 90°00'00", an arc length of 39.27 feet, and a chord bearing of South 72°30'36" West, for a distance of 35.36 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 62°29'24" West, for a distance of 50.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set in the arc of a non-tangent curve;
- THENCE, in a northwesterly direction along the arc of said curve to the left having a radius of 25.00 feet, a central angle of 90°00'00", an arc length of 39.27 feet, and a chord bearing of North 17°29'24" West, for a distance of 35.36 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 27°30'36" East, for a distance of 50.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, South 62°29'24" East, for a distance of 6.51 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, North 27°30'36" East, for a distance of 197.22 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- THENCE, South 62°30'17" East, for a distance of 723.21 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner in the westerly right-of-way of aforementioned Meridiana Parkway;
- THENCE, South 14°38'50" West, with the westerly right-of-way Meridiana Parkway for a distance of 422.07 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" found marking a point of curvature;
- THENCE, continuing along the westerly right-of-way Meridiana Parkway in a southwesterly direction along the arc of said curve to the right having a radius of 1,722.30 feet, a central angle of 16°19'31", an arc length of 490.73 feet, and a chord bearing of South 22°48'35" West, for a distance of 489.07 feet to the POINT OF BEGINNING and containing 17.22 acres of land.



**FINAL PLAT  
MERIDIANA SECTION 13A**

BEING A SUBDIVISION OF 17.22 ACRES OUT OF  
THE OLIVER HALL SURVEY, ABSTRACT 203;  
CITY OF MANVEL,  
BRAZORIA COUNTY, TEXAS.

57 LOTS 5 BLOCKS 4 RESERVES (19306 Acres)

OWNER  
GR-MI, LTD.  
A TEXAS LIMITED PARTNERSHIP  
1602 AVENUE D, SUITE 100  
KATY, TEXAS 77493  
PH (832) 437-7863

OCTOBER 13, 2023

ENGINEER/SURVEYOR

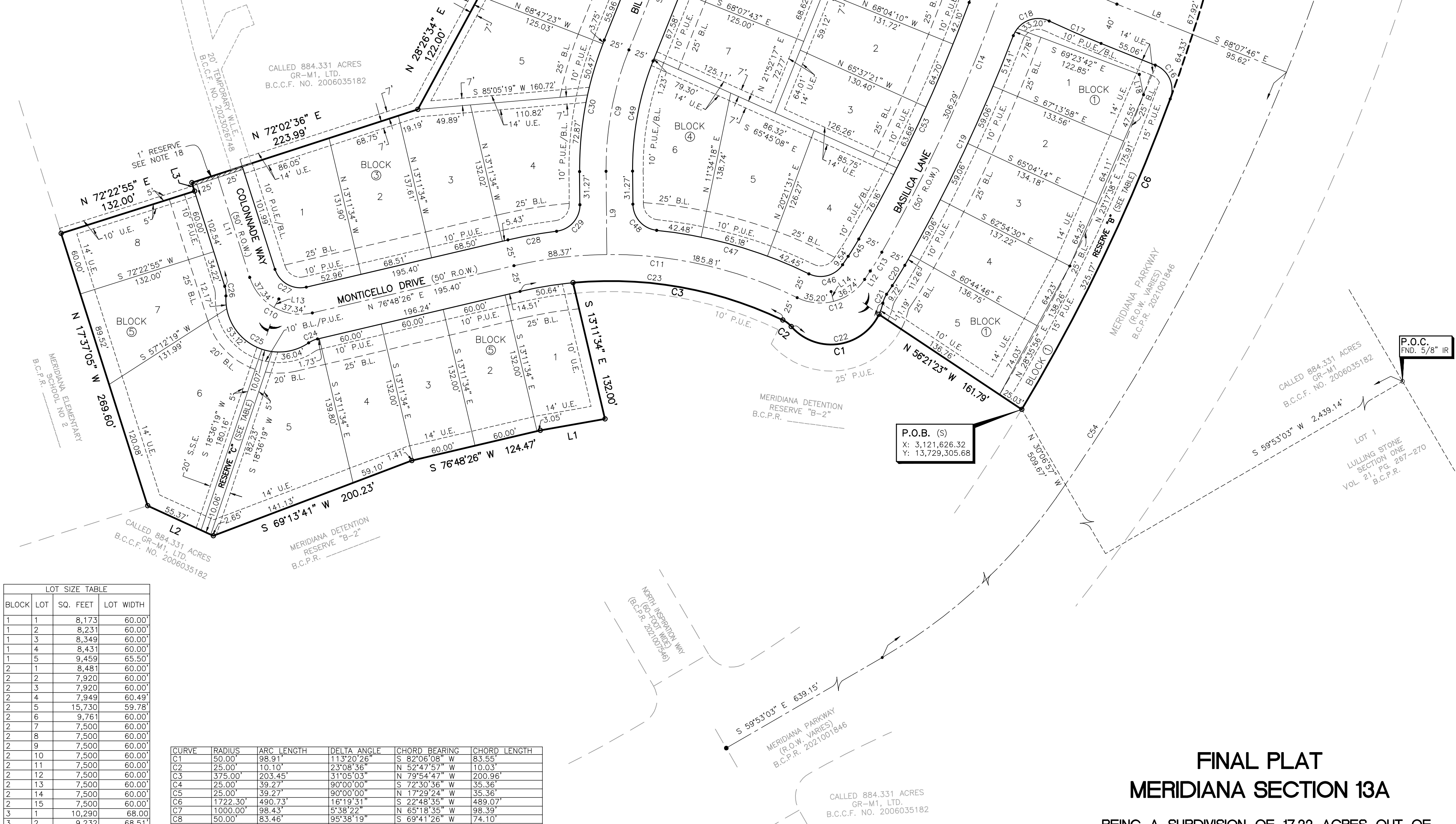


10011 MEADOWGLEN LN  
HOUSTON, TEXAS 77042  
713-784-4500  
WWW.EHRAINCO.COM  
TBPE No. F-726  
TBPELS No. 10092300



GENERAL NOTES:

1. Bearing orientation is based on the Texas State Plane Coordinate System of 1983, SouthCentral Zone as determined by GPS measurements. The coordinates shown herein 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: 0.99986742185.
2. According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No. 48039C0110K, dated December 30, 2020, a portion of the property lies within Unshaded Zone "X" (areas determined to be outside the 500-year floodplain).  
  
This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA.
3. B.C.C.F. NO. indicates Brazoria County Clerk's File Number.  
B.C.D.R. indicates Brazoria County Deed Record.  
B.C.P.R. indicates Brazoria County Plat Records.  
B.C.M.U.D. indicates Brazoria County Municipal Utility District.  
B.L. indicates Building Line.  
FND. indicates Found.  
NO. indicates Number.  
PG. indicates Page.  
P.O.B. indicates Point Of Beginning.  
P.O.C. indicates Point Of Commencing.  
P.U.E. indicates Public Utility Easement.  
R.O.W. indicates Right-of-Way.  
S.S.E. indicates Sanitary Sewer Easement.  
SQ. FT. indicates Square Feet.  
U.E. indicates Utility Easement.  
VOL. indicates Volume.  
W.L.E. indicates Water Line Easement.  
(I.R.) indicates Iron Rod.  
(F) indicates Found 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500"  
(S) indicates Set 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500"  
➤ indicates change in street name.
4. 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 any fences, buildings, plantings, or other obstructions.
5. The property subdivided in the foregoing plat lies in Brazoria County, the City of Manvel, Brazoria County M.U.D. No. 57, Alvin Independent School District, and Brazoria County Drainage District #5.
6. The terms and conditions of Ordinance numbers 2009-0-03, 2009-0-04, and 2009-0-05 of the City of Manvel, Texas dated February 23, 2009, may affect this plat, as well as the Administrative Changes regarding Ordinance # 2009-0-04, as approved on March 3, 2022.
7. All sidewalks shall be constructed in accordance with City of Manvel Ordinance No. 2009-0-04.
8. No residential, commercial, or industrial structure, other than structures necessary to operate the pipeline, shall be erected or moved to a location nearer than 50 feet to any pipeline, except for low pressure distribution system pipeline as defined in section 62-2, as per Manvel Ordinance Sec. 62-116a.
9. No residential, commercial, or industrial structures shall be permitted to be erected nearer than 150 feet from any oil or gas well or related facility other than structures necessary to operate the oil or gas well or facility, as per Manvel Ordinance Sec. 62-116b.
10. No building, plumbing, electrical, or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot, tract, or parcel of land within a subdivision for which a final, minor, or amending plat has not been approved by the city and filed of record. No building, plumbing, electrical, or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot, tract, or parcel of land within a subdivision in which the required storm drainage improvements, which may include detention ponds, have not been constructed and the permanent public improvements have not been approved and accepted by the city.
11. This final plat will expire two (2) years after final approval by the Planning, Development and Zoning Commission, if construction of the improvements has not commenced within the two-year initial period or the one-year extension period granted by the Planning, Development and Zoning Commission.
12. A two-year maintenance bond, in the amount of fifty percent (50%) of the cost of the infrastructure improvements, valid two (2) years from the date the infrastructure is accepted and/or approved by the City (within city if applicable and will be required before permits are issued).
13. All boundary corners for the plat shown herein are set 5/8-inch iron rods with cap stamped "E.H.R.A. 713-784-4500", unless otherwise noted.
14. The boundary for this plat has a closure in excess of 1:15,000.
15. The drainage on adjacent property will not be impacted by this development.
16. There are 0.00 acres of unencumbered open space within the boundary of this plat.
17. Development regulations and City permits are required on all property.
18. One-foot reserves dedicated to the public in fee as a buffer separation between the side or end of streets in subdivisions where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserves shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns, or successors (Where applicable).
19. Owners do hereby certify that they are the owners of all property immediately adjacent to the boundaries of the above and foregoing subdivision of Meridiana Section 13A where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish all building setback lines and dedicate to the use of the public, all public utility easements shown in said adjacent acreage.



| LOT SIZE TABLE |     |          |           |
|----------------|-----|----------|-----------|
| BLOCK          | LOT | SQ. FEET | LOT WIDTH |
| 1              | 1   | 8,173    | 60.00'    |
| 1              | 2   | 8,231    | 60.00'    |
| 1              | 3   | 8,349    | 60.00'    |
| 1              | 4   | 8,431    | 60.00'    |
| 1              | 5   | 9,459    | 60.00'    |
| 2              | 1   | 8,481    | 60.00'    |
| 2              | 2   | 7,920    | 60.00'    |
| 2              | 3   | 7,920    | 60.00'    |
| 2              | 4   | 7,949    | 60.49'    |
| 2              | 5   | 15,730   | 59.78'    |
| 2              | 6   | 9,761    | 60.00'    |
| 2              | 7   | 7,500    | 60.00'    |
| 2              | 8   | 7,500    | 60.00'    |
| 2              | 9   | 7,500    | 60.00'    |
| 2              | 10  | 7,500    | 60.00'    |
| 2              | 11  | 7,500    | 60.00'    |
| 2              | 12  | 7,500    | 60.00'    |
| 2              | 13  | 7,500    | 60.00'    |
| 2              | 14  | 7,500    | 60.00'    |
| 2              | 15  | 7,500    | 60.00'    |
| 3              | 1   | 10,290   | 68.00'    |
| 3              | 2   | 9,232    | 68.51'    |
| 3              | 3   | 9,343    | 68.50'    |
| 3              | 4   | 11,334   | 69.75'    |
| 3              | 5   | 11,299   | 69.00'    |
| 3              | 6   | 7,854    | 60.00'    |
| 3              | 7   | 7,500    | 60.00'    |
| 3              | 8   | 7,500    | 60.00'    |
| 3              | 9   | 8,240    | 60.88'    |
| 3              | 10  | 17,190   | 59.36'    |
| 3              | 11  | 12,007   | 59.59'    |
| 3              | 12  | 7,544    | 60.03'    |
| 3              | 13  | 7,546    | 60.00'    |
| 3              | 14  | 7,546    | 60.00'    |
| 3              | 15  | 9,818    | 60.34'    |
| 3              | 16  | 7,719    | 61.75'    |
| 3              | 17  | 7,719    | 61.75'    |
| 3              | 18  | 7,719    | 61.75'    |
| 3              | 19  | 7,719    | 61.75'    |
| 3              | 20  | 7,749    | 62.00'    |
| 3              | 21  | 10,047   | 57.16'    |
| 4              | 2   | 8,126    | 63.63'    |
| 4              | 3   | 8,202    | 63.73'    |
| 4              | 4   | 9,507    | 60.00'    |
| 4              | 5   | 9,898    | 60.00'    |
| 4              | 6   | 11,398   | 60.00'    |
| 4              | 7   | 8,772    | 68.62'    |
| 4              | 8   | 8,577    | 68.62'    |
| 4              | 9   | 9,344    | 69.68'    |
| 4              | 10  | 1,828    | 65.10'    |
| 4              | 11  | 7,920    | 60.00'    |
| 4              | 12  | 7,920    | 60.00'    |
| 4              | 13  | 7,920    | 60.00'    |
| 4              | 14  | 8,148    | 60.00'    |
| 4              | 15  | 13,426   | 59.96'    |
| 4              | 16  | 16,886   | 63.89'    |
| 4              | 17  | 9,412    | 60.50'    |
| 4              | 18  | 7,920    | 60.00'    |

LOT WIDTH IS MEASURED AT THE FRONT BUILDING SETBACK LINE

081-011-13

| CURVE | RADIUS    | ARC LENGTH | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|-----------|------------|-------------|---------------|--------------|
| C1    | 50.00'    | 98.91'     | 113°20'26"  | S 82°06'08" W | 83.55'       |
| C2    | 25.00'    | 50.10'     | 23°08'36"   | N 52°47'57" W | 10.03'       |
| C3    | 375.00'   | 203.45'    | 31°05'03"   | N 79°54'47" W | 200.96'      |
| C4    | 25.00'    | 39.27'     | 90°00'00"   | S 72°30'36" W | 35.36'       |
| C5    | 25.00'    | 39.27'     | 90°00'00"   | N 17°29'24" W | 35.36'       |
| C6    | 122.22'   | 400.73'    | 161°19'51"  | S 22°48'35" W | 489.07'      |
| C7    | 1000.00'  | 98.43'     | 5°38'22"    | N 65°18'35" W | 98.39'       |
| C8    | 50.00'    | 83.46'     | 95°38'19"   | S 69°41'26" W | 74.10'       |
| C9    | 300.00'   | 117.32'    | 22°24'20"   | S 10°40'07" W | 116.57'      |
| C10   | 50.00'    | 74.68'     | 85°34'29"   | S 60°24'20" E | 67.93'       |
| C11   | 400.00'   | 274.18'    | 39°16'26"   | S 83°33'21" E | 268.85'      |
| C12   | 50.00'    | 71.94'     | 82°26'14"   | N 74°51'44" E | 65.89'       |
| C13   | 300.00'   | 20.83'     | 3°58'58"    | N 31°39'18" E | 20.82'       |
| C14   | 1540.00'  | 403.69'    | 15°01'09"   | N 22°09'25" E | 402.53'      |
| C15   | 50.00'    | 67.32'     | 77°08'14"   | N 23°55'17" E | 62.35'       |
| C16   | 25.00'    | 35.52'     | 88°17'04"   | N 23°59'14" W | 34.82'       |
| C17   | 1040.00'  | 53.31'     | 2°56'13"    | N 66°39'40" W | 53.31'       |
| C18   | 25.00'    | 40.98'     | 93°55'21"   | S 66°50'47" W | 36.54'       |
| C19   | 1565.00'  | 239.86'    | 8°46'53"    | S 25°16'33" W | 239.62'      |
| C20   | 325.00'   | 22.58'     | 3°58'58"    | S 31°39'18" E | 22.58'       |
| C21   | 25.00'    | 9.18'      | 21°02'22"   | S 23°07'26" W | 9.13'        |
| C22   | 50.00'    | 110.10'    | 126°10'06"  | S 75°41'18" W | 89.17'       |
| C23   | 375.00'   | 254.09'    | 38°49'19"   | N 83°48'55" W | 249.26'      |
| C24   | 25.00'    | 9.18'      | 21°02'22"   | S 66°17'15" W | 9.13'        |
| C25   | 50.00'    | 111.40'    | 127°39'13"  | N 60°24'20" W | 89.75'       |
| C26   | 25.00'    | 9.18'      | 21°02'22"   | N 07°05'54" W | 9.13'        |
| C27   | 25.00'    | 87.34'     | 82°54'29"   | S 60°24'20" E | 83.96'       |
| C28   | 425.00'   | 46.58'     | 6°16'45"    | N 79°54'47" E | 46.55'       |
| C29   | 25.00'    | 36.49'     | 83°37'14"   | N 41°16'34" E | 33.33'       |
| C30   | 325.00'   | 122.69'    | 22°24'20"   | S 10°40'07" W | 126.28'      |
| C31   | 25.00'    | 8.20'      | 18°47'49"   | N 12°28'22" E | 8.16'        |
| C32   | 50.00'    | 116.27'    | 133°13'57"  | N 69°41'26" E | 91.79'       |
| C33   | 25.00'    | 8.20'      | 18°47'49"   | S 53°05'30" E | 8.16'        |
| C34   | 100.00'   | 11.91'     | 1°01'11"    | S 71°37'58" E | 11.78'       |
| C35   | 25.00'    | 36.38'     | 83°22'15"   | N 57°32'21" E | 33.25'       |
| C36   | 1515.00'  | 31.90'     | 11°21'23"   | N 15°15'02" E | 31.90'       |
| C37   | 35.00'    | 68.94'     | 77°08'14"   | N 31°39'18" W | 31.17'       |
| C38   | 25.00'    | 41.94'     | 96°06'55"   | S 63°48'46" W | 37.19'       |
| C39   | 960.00'   | 63.92'     | 3°48'53"    | N 66°13'20" W | 63.90'       |
| C40   | 25.00'    | 35.12'     | 80°28'54"   | N 24°04'26" W | 32.30'       |
| C41   | 100.00'   | 11.91'     | 1°01'11"    | N 15°24'26" E | 41.51'       |
| C42   | 25.00'    | 8.86'      | 20°19'01"   | N 24°48'21" E | 8.82'        |
| C43   | 50.00'    | 103.41'    | 118°29'37"  | N 24°16'58" W | 85.94'       |
| C44   | 25.00'    | 9.18'      | 21°02'22"   | N 73°02'35" W | 9.13'        |
| C45   | 275.00'   | 19.09'     | 3°58'35"    | S 31°39'18" W | 19.09'       |
| C46   | 25.00'    | 35.97'     | 82°26'14"   | S 74°51'44" W | 32.95'       |
| C47   | 425.00'   | 150.10'    | 20°14'09"   | N 74°02'13" W | 149.32'      |
| C48   | 25.00'    | 36.49'     | 83°37'14"   | N 42°20'41" E | 33.33'       |
| C49   | 275.00'   | 107.54'    | 22°24'20"   | N 10°40'07" E | 106.86'      |
| C50   | 25.00'    | 41.73'     | 95°38'19"   | N 69°41'26" E | 37.05'       |
| C51   | 100.00'   | 54.12'     | 1°01'11"    | S 57°19'19" E | 54.05'       |
| C52   | 25.00'    | 31.63'     | 72°29'32"   | S 15°54'28" E | 29.56'       |
| C53   | 1515.00'  | 246.65'    | 9°19'40"    | S 25°00'09" W | 246.37'      |
| C54   | 2,000.00' | 1,326.93'  | 38°00'50"   | S 40°52'39" W | 1,302.73'    |

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 79°57'43" W | 62.04'   |
| L2   | N 65°22'45" W | 68.07'   |
| L3   | N 17°37'05" W | 8.32'    |
| L4   | N 62°29'24" W | 100.00'  |
| L5   | N 62°29'24" W | 50.00'   |
| L6   | N 27°30'36" E | 50.00'   |
| L7   | S 62°29'24" E | 65.1'    |
| L8   | N 68°07'46" W | 76.92'   |
| L9   | S 00°32'03" E | 78.49'   |
| L10  | N 20°18'54" W | 6.81'    |
| L11  | S 17°37'05" E | 101.54'  |
| L12  | N 33°38'37" E | 9.54'    |
| L13  | N 29°35'40" E | 9.12'    |
| L14  | N 14°15'36" W | 9.57'    |
| L15  | S 65°40'35" W | 11.84'   |
| L16  | N 27°30'36" E | 50.00'   |
| L17  | S 52°09'14" E | 37.28'   |
| L18  | S 11°48'05" E | 19.64'   |
| L19  | N 63°49'20" E | 26.37'   |
| L20  | N 15°03'41" E | 54.96'   |

| MINIMUM FINISH FLOOR ELEVATION |           |
|--------------------------------|-----------|
| BLOCK/RESERVE                  | ELEVATION |
| BLOCKS 1-5                     | 49.5      |
| EXISTING ELEVATION INFORMATION |           |
| NATURAL GROUND                 | ELEVATION |
| 1% ANNUAL CHANCE FLOOD         | 47.5      |
| 0.2% ANNUAL CHANCE FLOOD       | 46.3      |

| RESERVE TABLE |                                             |                              |
|---------------|---------------------------------------------|------------------------------|
| RESERVE       | RESTRICTED TO                               | AREA                         |
| A             | LANDSCAPE, OPEN SPACE, AND UTILITY PURPOSES | 66,459 SQ.FT. / 1.5257 ACRE  |
| B             | LANDSCAPE, OPEN SPACE, AND UTILITY PURPOSES | 10,957 SQ.FT. / 0.2515 ACRE  |
| C             | LANDSCAPE, OPEN SPACE, AND UTILITY PURPOSES | 1,810 SQ.FT. / 0.0416 ACRE   |
| D             | LANDSCAPE, OPEN SPACE, AND UTILITY PURPOSES | 4,870 SQ.FT. / 0.1118 ACRE   |
| TOTAL         |                                             | 84,096 SQ.FT. / 1.9306 ACRES |

**FINAL PLAT**  
**MERIDIANA SECTION 13A**  
**BEING A SUBDIVISION OF 17.22 ACRES OUT OF THE OLIVER HALL SURVEY, ABSTRACT 203: CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.**  
**57 LOTS 5 BLOCKS 4 RESERVES (1.9306 Acres)**  
**OWNER**  
GR-MI, LTD.  
A TEXAS LIMITED PARTNERSHIP  
1602 AVENUE D, SUITE 100  
KATY, TEXAS 77493  
PH (832) 437-7863  
**OCTOBER 13, 2023**  
**ENGINEER/SURVEYOR**



10011 MEADOWGLEN LN  
HOUSTON, TEXAS 77042  
713-784-4500  
WWW.EHRAINC.COM  
TBPE No. F-726  
TBPELS No. 10092300



| Land Use Table                                                                    |               |      |
|-----------------------------------------------------------------------------------|---------------|------|
| Use                                                                               | Gross Area    | %    |
| Single Family (SF)                                                                | +/- 941 Ac.   | 57%  |
| Patio Home (PH)                                                                   | +/- 55 Ac.    | 3%   |
| Townhome (TH)                                                                     | +/- 36 Ac.    | 2%   |
| Village Center (VC)                                                               | +/- 38 Ac.    | 2%   |
| Commercial (C)                                                                    | +/- 13 Ac.    | 1%   |
| Institutional (I)                                                                 | +/- 73 Ac.    | 4%   |
| Rights-of-Way*                                                                    | +/- 99 Ac.    | 6%   |
| Parks & Open Space (P-OS)                                                         | +/- 408 Ac.   | 25%  |
| Drill Site                                                                        |               |      |
| Totals                                                                            | +/- 1,663 Ac. | 100% |
| * Includes proposed major thoroughfares, collectors, and neighborhood collectors. |               |      |

**Legend**

Private Gated Section

Public Section

Divided or Boulevard Entry  
(See Note 1)

Standard Entry  
(See Note 2)

- Notes**

1. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 14 feet shall be considered two points of access.

2. A standard entry is the right-of-way width determined by Table 2 (Page 17) or as otherwise stated in the adopted O-PUD document.

3. Public sections may become private gated sections without additional consideration. Road connections between private gated sections and public sections shall not be required. This note shall not apply to Section 20 and Section 26 as identified on this document.

4. The Clark Road ingress/egress from Section 20 and S Masters Road ingress/egress from Section 26B shall maintain a minimum public right-of-way width of 60-feet with no parking.

THIS GENERAL DEVELOPMENT PLAN APPROVED BY THE CITY OF MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION ON \_\_\_\_\_

PLANNING, DEVELOPMENT AND ZONING COMMISSION



| GDP AMENDMENTS              |            |
|-----------------------------|------------|
| Amendment #1 Approved:      | 05/18/2009 |
| Amendment #2 Tabled:        | 06/25/2018 |
| Amendment #3 Tabled:        | 07/09/2018 |
| Amendment #4 Tabled:        | 07/23/2018 |
| Amendment #5 Approved:      | 10/09/2018 |
| Amendment #6 Approved:      | 10/22/2018 |
| Amendment #7 Approved:      | 11/26/2018 |
| Amendment #8 Approved:      | 01/28/2019 |
| Amendment #9 Approved:      | 05/13/2019 |
| Amendment #10 Not Approved: | 06/10/2019 |
| Amendment #11 Approved:     | 07/08/2019 |
| Amendment #12 Not Approved: | 08/12/2019 |
| Amendment #13 Approved:     | 09/09/2019 |
| Amendment #14 Approved:     | 12/09/2019 |
| Amendment #15 Approved:     | 02/24/2020 |
| Amendment #16 Approved:     | 11/09/2020 |
| Amendment #17 Approved:     | 12/14/2020 |
| Amendment #18 Not Approved: | 04/12/2021 |
| Amendment #19 Not Approved: | 06/14/2021 |
| Amendment #20 Withdrawn:    | 11/16/2021 |







# City of Manvel

P. O. Box 187  
20025 HWY 6  
Manvel, Texas 77578

(281) 489-0630  
Fax (281) 489-0634

## AGENDA REQUEST

### REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

|                                |                                     |              |                          |      |                          |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|
| Planning, Development & Zoning | <input checked="" type="checkbox"/> | City Council | <input type="checkbox"/> | Both | <input type="checkbox"/> |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|

Date of Request: 09/25/2023 (10/23/2023 PD&Z Meeting)

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT [www.cityofmanvel.com](http://www.cityofmanvel.com). THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Jared Bowlin or Brad Sweitzer

Daytime Phone: 713-784-4500 Fax Number: 713-784-4577

E-mail Address: jbowlin@ehrainc.com or bsweitzer@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve Final Plat for Meridiana Section 24A, being  
a subdivision of 18.64 acres out of the Oliver Hall Survey, Abstract 203, City  
of Manvel, Brazoria County, Texas.

#### Plats:

Preliminary \_\_\_\_\_

Final x \_\_\_\_\_

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Kaitlin Gile  
SIGNATURE

09/25/2023  
DATE





## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### **STAFF REPORT TO PLANNING, DEVELOPMENT AND ZONING COMMISSION** **PLAT APPLICATION**

|                                    |                                                                                                         |
|------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Plat Name:</b>                  | Meridiana Section 24A - Final Plat                                                                      |
| <b>Applicant:</b>                  | Kaitlin Gile – EHRA                                                                                     |
| <b>PD&amp;Z Meeting Date:</b>      | October 23, 2023                                                                                        |
| <b>Submitted By:</b>               | Jose Abraham, City Planner                                                                              |
| <b>Report Approved by:</b>         | Dan Johnson, Interim City Manager/ City Engineer<br>Jessica Rodriguez, Director of Development Services |
| <b>Recommendation of Approval:</b> | <u>YES</u>                                                                                              |

#### **BACKGROUND/ REVIEW NOTES**

- *This proposed plat is a new residential section within Meridiana Master planned development. The development was established as an Open-Planned Unit Development (O-PUD) in 2009.*
- *The subject site is located within the City of Manvel and is part of Brazoria County Municipal Utility District (MUD) No. 57.*
- *The subject site is located along the southern side of the North Inspiration Way.*
- *The proposed section includes single family residential lots with minimum 55 feet lot width.*
- *The proposed plat subdivides an 18.64-acre tract into 78 residential lots, 2 Blocks, and 5 reserves for landscaping, open space, and utility purposes.*
- *The proposed plat generally conforms to the preliminary plat approved in October 2022.*

#### **STAFF RECOMMENDATION**

The City staff recommends approval of this proposed plat - *Meridiana Section 24A - Final Plat.*















STATE OF TEXAS  
COUNTY OF BRAZORIA

We, GR-MI, LTD., a Texas Limited Partnership, acting by and through Matt Lawson, President of Rise Communities, LLC, A Nevada Limited Liability Company, Authorized Agent for GR-MI, LTD., a Texas Limited Partnership, owner of the property subdivided in this plat, MERIDIANA SECTION 24A, do hereby make subdivision of said property for and on behalf of said GR-MI, LTD., a Texas Limited Partnership, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

FURTHER, we do hereby certify that we are the owners of all property immediately adjacent to and adjoining the boundaries of the above and foregoing subdivision of MERIDIANA SECTION 24A where public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish and dedicate to the use of the public utilities forever all public utility easements shown in said adjacent acreage.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter easements from a plane sixteen feet (16'-0") above the ground level upward, located adjacent to and adjoining said public utility easement that are designated with aerial easements (U.E. & A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

IN TESTIMONY WHEREOF, GR-MI, LTD., a Texas Limited Partnership, has caused these presents to be signed by Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-MI, LTD., a Texas Limited Partnership, thereunto authorized by this 28th day of June, 2023.

OWNER  
GR-MI, LTD., a Texas Limited Partnership  
By: Rise Communities, LLC,  
a Nevada Limited Liability Company,  
its Authorized Agent

BY: *[Signature]*  
Print Name: Matt Lawson  
Title: President

STATE OF TEXAS  
COUNTY OF HARRIS

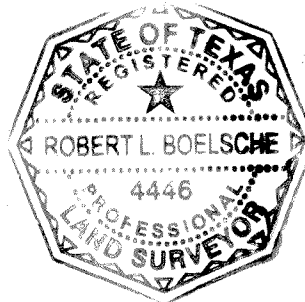
BEFORE ME, the undersigned authority, on this day personally appeared Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-MI, LTD., a Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 28th day of June, 2023.



*Kaitlin Gile*  
Notary Public in and for the  
State of Texas  
My Notary Commission Expires 6/13/26

I, Robert Boelsche, a Registered Professional Land Surveyor of the State of Texas, hereby certify that this subdivision is true and correct; was prepared from an actual boundary survey of the property made on the ground under my supervision according to the standards of practice of the Texas Board of Professional Land Surveyors; that the plat boundary corners have been tied to the nearest street intersection; that the boundary corners, angle points, points of curvature/tangency and interior corners of this subdivision were not set at the time this plat was signed by me and that these corners are to be set after construction of the public infrastructure and final lot grading within the subdivision; and that all previously existing property markers are sufficiently described on this document as found and all set markers are a minimum of 5/8- inch diameter iron rod with surveyor's cap.



*Robert L. Boelsche*  
Robert Boelsche, Registered Professional Land Surveyor  
Texas Registration No. 4446

This is to certify that the Planning, Development and Zoning Commission of the City of Manvel, Texas, has approved this plat of MERIDIANA SECTION 24A in conformance with laws of the State of Texas and the ordinances of the City of Manvel as shown hereon and authorizes the recording of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Planning, Development and Zoning Commission

METES AND BOUNDS DESCRIPTION  
MERIDIANA SECTION 24A  
BEING 18.64 ACRES SITUATED IN THE  
OLIVER HALL SURVEY, ABSTRACT 203,  
BRAZORIA COUNTY, TEXAS

A 18.64 ACRE TRACT OF LAND SITUATED IN THE OLIVER HALL SURVEY, ABSTRACT NO. 203, BRAZORIA COUNTY, TEXAS, BEING OUT OF A CALLED 884.331 ACRE TRACT RECORDED UNDER BRAZORIA COUNTY CLERKS FILE NUMBER (B.C.C.F. NO.) 2006035182, SAID 18.64 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" called for and found marking the northerly end of a 25' radius return in the easterly right-of-way line of North Inspiration Way as per the plat of Meridiana Parkway Phase 6 recorded under File Number 2021001846 Brazoria County Plat Records (B.C.P.R.), and marking the southeasterly corner of North Inspiration Way as per plot recorded under File Number 2021007546 of the B.C.P.R.;

THENCE, along the easterly right-of-way line North Inspiration Way as per said recorded plat the following five (5) courses and distances:

North 30°06'57" West, for a distance of 205.86 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" called for and found marking a point of curvature;

In a northwesterly direction along the arc of said curve to the right having a radius of 770.00 feet, a central angle of 11°48'04", an arc length of 158.60 feet, and a chord bearing of North 24°12'54" West, for a distance of 158.32 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" called for and found marking a point of tangency;

North 18°18'52" West, for a distance of 317.75 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" called for and found marking a point of curvature;

In a northwesterly direction along the arc of a curve to the left having a radius of 830.00 feet, an arc length of 464.29 feet, an angle of 32°02'51", and a chord bearing North 34°20'18" West, for a distance of 458.22 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" called for and found marking a point of tangency;

North 50°21'43" West, for a distance of 260.09 feet to a point for corner;

THENCE, South 39°38'17" West, crossing said North Inspiration Way, for a distance of 60.00 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner; and POINT OF BEGINNING of the herein described tract of land;

(1) THENCE, South 42°13'24" West, for a distance of 172.31 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(2) THENCE, South 27°43'17" West, for a distance of 340.07 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(3) THENCE, South 33°23'43" West, for a distance of 50.45 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(4) THENCE, South 38°23'18" West, for a distance of 348.29 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(5) THENCE, South 28°17'56" West, for a distance of 111.73 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(6) THENCE, South 15°20'17" West, for a distance of 107.33 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(7) THENCE, North 77°23'52" West, for a distance of 167.87 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(8) THENCE, North 55°58'39" West, for a distance of 184.09 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(9) THENCE, North 32°52'07" West, for a distance of 131.64 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(10) THENCE, North 70°59'56" West, for a distance of 137.09 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(11) THENCE, North 19°00'04" East, for a distance of 128.30 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(12) THENCE, North 23°23'02" West, for a distance of 46.28 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(13) THENCE, North 20°45'33" East, for a distance of 70.03 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(14) THENCE, North 44°37'34" East, for a distance of 320.96 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(15) THENCE, North 33°09'45" East, for a distance of 189.51 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(16) THENCE, North 21°39'45" East, for a distance of 237.13 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(17) THENCE, North 13°01'21" West, for a distance of 145.45 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

(18) THENCE, North 21°26'43" East, for a distance of 135.87 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set for corner;

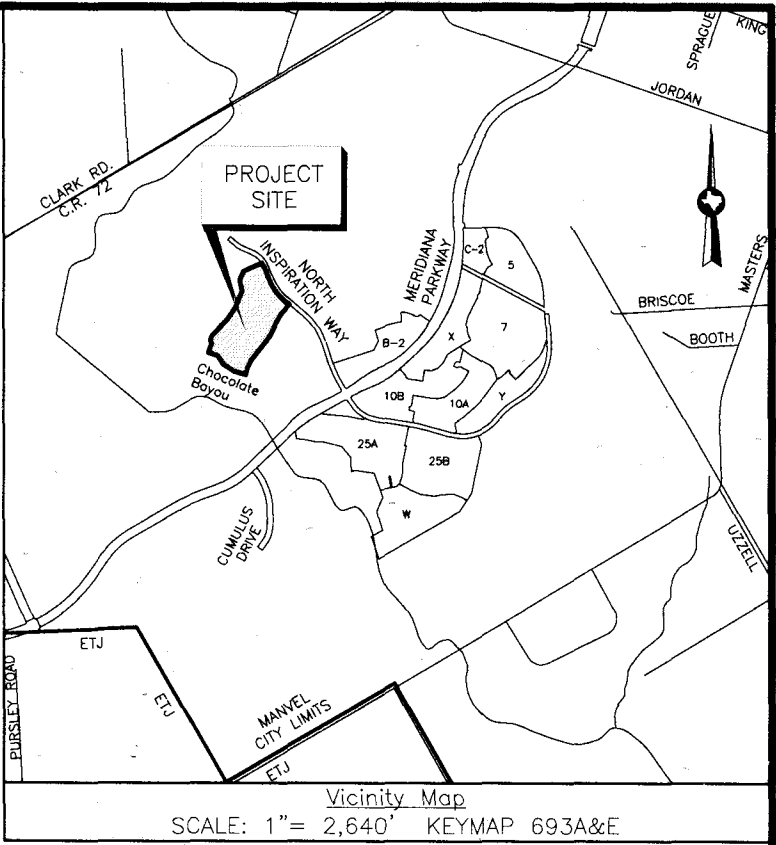
(19) THENCE, North 66°39'31" East, for a distance of 281.17 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking a point of curvature;

(20) THENCE, in a southerly direction along the arc of a curve to the right having a radius of 320.00 feet, an arc length of 59.88 feet, an angle of 10°43'18", and a chord bearing South 27°20'53" East, for a distance of 59.79 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" called for and found marking a point of tangency;

(21) THENCE, South 21°59'15" East, for a distance of 151.41 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking a point of curvature;

(22) THENCE, in a southeasterly direction along the arc of a curve to the left having a radius of 830.00 feet, an arc length of 411.04 feet, an angle of 28°22'28", and a chord bearing South 36°10'29" East, for a distance of 406.85 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" called for and found marking a point of tangency;

(23) THENCE, South 50°21'43" East, for a distance of 68.32 feet to the POINT OF BEGINNING and containing 18.64 acres of land.



#### BENCHMARK:

NCS MONUMENT # F 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND. ELEV.=52.00 (NAVD '86) 1991 ADJUSTMENT

## FINAL PLAT MERIDIANA SECTION 24A

BEING A SUBDIVISION OF 18.64 ACRES OUT OF  
THE OLIVER HALL SURVEY, ABSTRACT 203,  
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

78 LOTS 2 BLOCKS 5 RESERVES (0.8206 Acres)

#### OWNER

GR-MI, LTD.  
A TEXAS LIMITED PARTNERSHIP  
1602 AVENUE D, SUITE 100  
KATY, TEXAS 77493  
PH (832) 437-7863

OCTOBER 13, 2023

ENGINEER/SURVEYOR



10011 MEADOWGLEN LN  
HOUSTON, TEXAS 77042  
713-784-4500  
WWW.EHRAINCO.COM  
TBPE No. F-726  
TBPELS No. 10092300



[illegible]

| LOT TABLE |     |          |           |
|-----------|-----|----------|-----------|
| BLOCK     | LOT | SQ. FEET | LOT WIDTH |
| 2         | 18  | 7,063    | 55.00'    |
| 2         | 19  | 6,895    | 55.00'    |
| 2         | 20  | 7,062    | 55.00'    |
| 2         | 21  | 7,241    | 55.00'    |
| 2         | 22  | 7,119    | 55.00'    |
| 2         | 23  | 7,164    | 55.00'    |
| 2         | 24  | 6,917    | 55.00'    |
| 2         | 25  | 6,932    | 55.00'    |
| 2         | 26  | 7,113    | 55.00'    |
| 2         | 27  | 7,294    | 55.00'    |
| 2         | 28  | 7,367    | 55.27'    |

| LINE TABLE |                 |          |
|------------|-----------------|----------|
| LINE       | BEARING         | DISTANCE |
| 1          | S 22° 24' W     | 1.1      |
| 2          | S 32° 24' W     | 50.45    |
| 3          | S 28° 17' 56" W | 111.73   |
| 4          | S 28° 17' 56" W | 111.73   |
| 5          | N 77° 52' 57" W | 167.87   |
| 6          | N 72° 52' 07" W | 131.64   |
| 7          | N 70° 00' 00" W | 131.09   |
| 8          | N 70° 00' 00" W | 28.30    |
| 9          | N 23° 02' 02" W | 46.28    |
| 10         | N 20° 45' 53" E | 70.03    |
| 11         | N 20° 45' 53" E | 70.03    |
| 12         | N 21° 26' 43" E | 135.87   |
| 13         | S 21° 59' 15" E | 151.41   |
| 14         | S 21° 59' 15" E | 151.41   |
| 15         | S 39° 38' 17" W | 60.00    |
| 16         | S 39° 38' 17" W | 60.00    |
| 17         | S 39° 38' 17" W | 30.00    |
| 18         | S 30° 06' 57" E | 85.13    |
| 19         | S 30° 06' 57" E | 85.13    |
| 20         | N 0° 00' 32" W  | 4.63     |
| 21         | S 81° 19' 45" W | 10.96    |
| 22         | S 81° 19' 45" W | 10.96    |
| 23         | S 25° 59' 23" W | 94.23    |
| 24         | S 25° 59' 23" W | 100.00   |
| 25         | S 41° 22' 04" E | 122.59   |
| 26         | S 41° 22' 04" E | 122.59   |
| 27         | S 05° 05' 05" E | 33.52    |

| RESERVE | RESERVE TABLE                                            |                              |  | MAINTENANCE |
|---------|----------------------------------------------------------|------------------------------|--|-------------|
|         | RESTRICTED TO LANDSCAPE, OPEN SPACE AND UTILITY PURPOSES | AREA                         |  |             |
| A       | LANDSCAPE, OPEN SPACE AND UTILITY PURPOSES               | 12,177 SQ.FT. / 0.2795 ACRES |  | BC MUD 57   |
| B       | LANDSCAPE, OPEN SPACE AND UTILITY PURPOSES               | 1,374 SQ.FT. / 0.0315 ACRES  |  | BC MUD 57   |
| C       | LANDSCAPE, OPEN SPACE AND UTILITY PURPOSES               | 1,270 SQ.FT. / 0.0292 ACRES  |  | BC MUD 57   |
| D       | LANDSCAPE, OPEN SPACE AND UTILITY PURPOSES               | 13,644 SQ.FT. / 0.3132 ACRES |  | BC MUD 57   |
| E       | LANDSCAPE, OPEN SPACE AND UTILITY PURPOSES               | 7,283 SQ.FT. / 0.1672 ACRES  |  | BC MUD 57   |
| TOTAL   |                                                          | 35,748 SQ.FT. / 0.8206 ACRES |  |             |

SHEET 2 of 2



| Land Use Table                                                                    |               |      |
|-----------------------------------------------------------------------------------|---------------|------|
| Use                                                                               | Gross Area    | %    |
| Single Family (SF)                                                                | +/- 941 Ac.   | 57%  |
| Patio Home (PH)                                                                   | +/- 55 Ac.    | 3%   |
| Townhome (TH)                                                                     | +/- 36 Ac.    | 2%   |
| Village Center (VC)                                                               | +/- 38 Ac.    | 2%   |
| Commercial (C)                                                                    | +/- 13 Ac.    | 1%   |
| Institutional (I)                                                                 | +/- 73 Ac.    | 4%   |
| Rights-of-Way*                                                                    | +/- 99 Ac.    | 6%   |
| Parks & Open Space (P-OS)                                                         | +/- 408 Ac.   | 25%  |
| Drill Site                                                                        |               |      |
| Totals                                                                            | +/- 1,663 Ac. | 100% |
| * Includes proposed major thoroughfares, collectors, and neighborhood collectors. |               |      |

**Legend**

Private Gated Section

Public Section

Divided or Boulevard Entry  
(See Note 1)

Standard Entry  
(See Note 2)

- Notes**

1. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 14 feet shall be considered two points of access.

2. A standard entry is the right-of-way width determined by Table 2 (Page 17) or as otherwise stated in the adopted O-PUD document.

3. Public sections may become private gated sections without additional consideration. Road connections between private gated sections and public sections shall not be required. This note shall not apply to Section 20 and Section 26 as identified on this document.

4. The Clark Road ingress/egress from Section 20 and S Masters Road ingress/egress from Section 26B shall maintain a minimum public right-of-way width of 60-feet with no parking.

THIS GENERAL DEVELOPMENT PLAN APPROVED BY THE CITY OF MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION ON \_\_\_\_\_

PLANNING, DEVELOPMENT AND ZONING COMMISSION



| GDP AMENDMENTS              |            |
|-----------------------------|------------|
| Amendment #1 Approved:      | 05/18/2009 |
| Amendment #2 Tabled:        | 06/25/2018 |
| Amendment #3 Tabled:        | 07/09/2018 |
| Amendment #4 Tabled:        | 07/23/2018 |
| Amendment #5 Approved:      | 10/09/2018 |
| Amendment #6 Approved:      | 10/22/2018 |
| Amendment #7 Approved:      | 11/26/2018 |
| Amendment #8 Approved:      | 01/28/2019 |
| Amendment #9 Approved:      | 05/13/2019 |
| Amendment #10 Not Approved: | 06/10/2019 |
| Amendment #11 Approved:     | 07/08/2019 |
| Amendment #12 Not Approved: | 08/12/2019 |
| Amendment #13 Approved:     | 09/09/2019 |
| Amendment #14 Approved:     | 12/09/2019 |
| Amendment #15 Approved:     | 02/24/2020 |
| Amendment #16 Approved:     | 11/09/2020 |
| Amendment #17 Approved:     | 12/14/2020 |
| Amendment #18 Not Approved: | 04/12/2021 |
| Amendment #19 Not Approved: | 06/14/2021 |
| Amendment #20 Withdrawn:    | 11/16/2021 |



# Meridiana General Development Plan: Amendment #21

Brazoria County, TX

November 19, 2021

SCALE: 1" = 600'



10211 MEADOWGLEN LANE  
HOUSTON, TEXAS 77042  
713.368.4500  
WWW.EHRAINC.COM  
TYPE No. F-726  
TBLPL No. 10092300

ENGINEERING THE FUTURE

EHRA JOB NO.  
081-011-150

No warranty or representation of intended use, design or proposed improvements are made herein. All plans for land or facilities are subject to change without notice.





# City of Manvel

P. O. Box 187  
20025 Hwy 6  
Manvel, Texas 77578

(281) 489-0630  
Fax (281) 489-0634

## AGENDA REQUEST

**REQUEST MUST BE MADE 7 CALENDAR DAYS PRIOR TO MEETING**

Meeting Requested: (Please check applicable meeting)

|                                |                                     |              |                          |      |                          |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|
| Planning, Development & Zoning | <input checked="" type="checkbox"/> | City Council | <input type="checkbox"/> | Both | <input type="checkbox"/> |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|

Date of Request: October 23, 2023

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE FIRST AND THIRD MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND SECOND AND FOURTH MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT [www.cityofmanvel.com](http://www.cityofmanvel.com). THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Brian Edwards

Daytime Phone: 713.380.4420 Fax Number: \_\_\_\_\_

E-mail Address: bedwards@lja.com

### Description of Request and Physical Address:

Consideration and possible action to approve the Final Plat of Pomona Section 26, being a subdivision of 29.564 acres of land located in the H.T. & B.R.R. Co. Survey,

Section 78 (A.K.A.) J.S. Talmage Survey, Abstract 563, Brazoria County, Texas, being a portion of lots 22, 23, 32, 33, and 41 - 44, Section 78 of the Allison Richey Gulf

Coast Home Company part of Suburban Gardens, a subdivision of record in volume 2, Page 98, Plat Records of Brazoria County, Texas (B.C.P.R.).

### Plats:

Preliminary \_\_\_\_\_

Final ✓

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE TURNED IN 7 CALENDAR DAYS PRIOR TO THE MEETING.

BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Jose Abraham

10/18/23

SIGNATURE

DATE





## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### **STAFF REPORT TO PLANNING, DEVELOPMENT AND ZONING COMMISSION** **PLAT APPLICATION**

|                                    |                                                                                                         |
|------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Plat Name:</b>                  | Pomona Section 26 - Final Plat                                                                          |
| <b>Applicant:</b>                  | Lacey Bell – LJA Engineering                                                                            |
| <b>PD&amp;Z Meeting Date:</b>      | October 23, 2023                                                                                        |
| <b>Submitted By:</b>               | Ellie Roohbakhsh, Associate Planner                                                                     |
| <b>Report Approved by:</b>         | Dan Johnson, Interim City Manager/ City Engineer<br>Jessica Rodriguez, Director of Development Services |
| <b>Recommendation of Approval:</b> | <u>YES</u>                                                                                              |

#### **BACKGROUND/ REVIEW NOTES**

- *This proposed plat is for a new residential section within Pomona Master Development located within the City's Extra Territorial Jurisdiction. A Development Agreement for Pomona was entered into in 2006.*
- *The acreage within this proposed plat includes part of the Mustang Bayou on its north side, and is located on the east side of future Kirby Drive extension and south of Pomona Parkway.*
- *The proposed plat subdivides a 29.564-acre tract into 51 residential lots, 2 blocks, and 4 reserves for open space, Brazoria County Drainage District 4, and Brazos Valley Irrigation Company.*
- *The proposed section includes single-family residential lots with a minimum of 60 feet-wide lots.*
- *The proposed plat generally conforms to the preliminary plat approved in June 2023.*

#### **STAFF RECOMMENDATION**

The City staff recommends approval of this proposed plat - *Pomona Section 26 - Final Plat*.





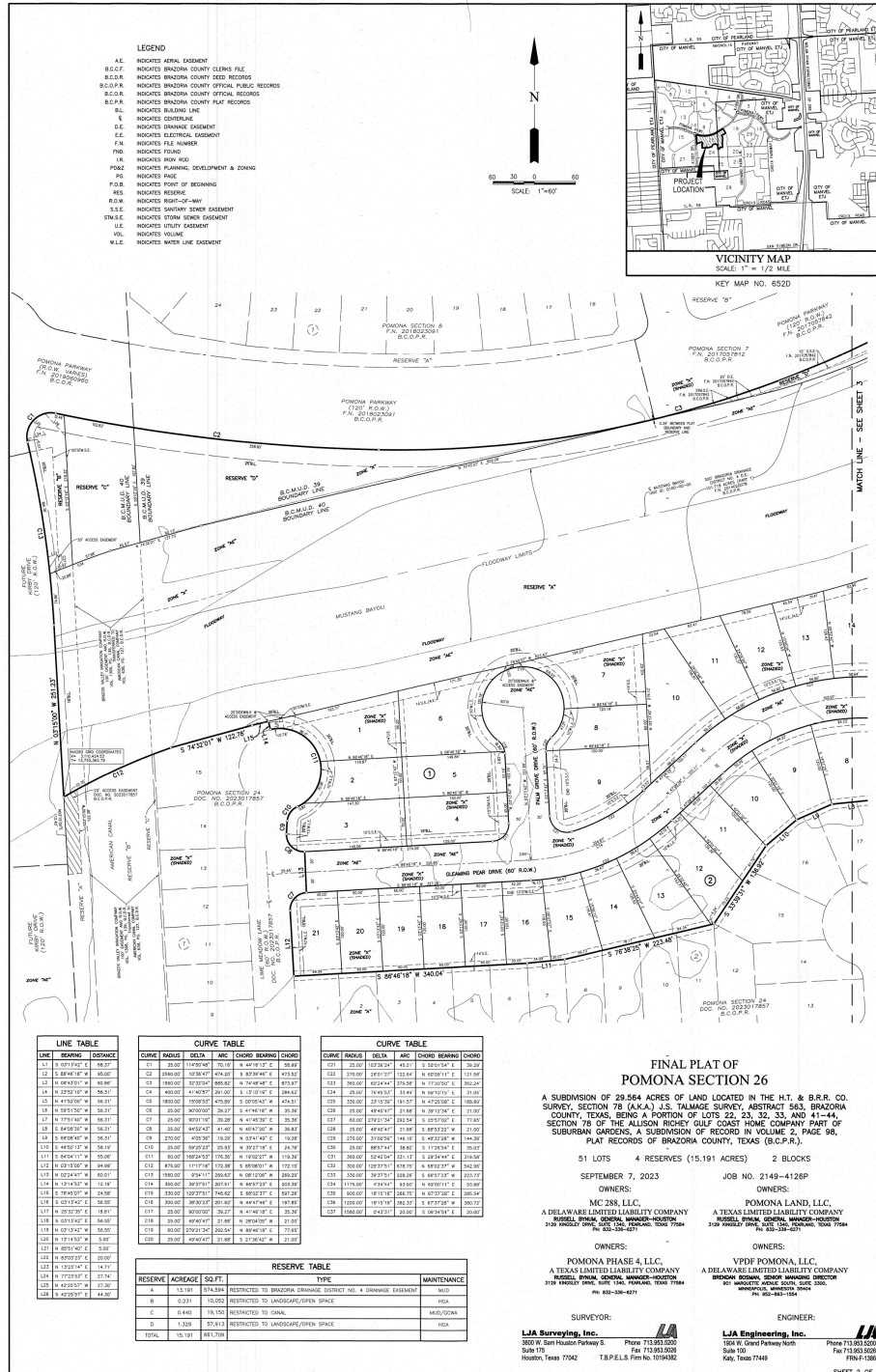




## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### Plat Exhibit



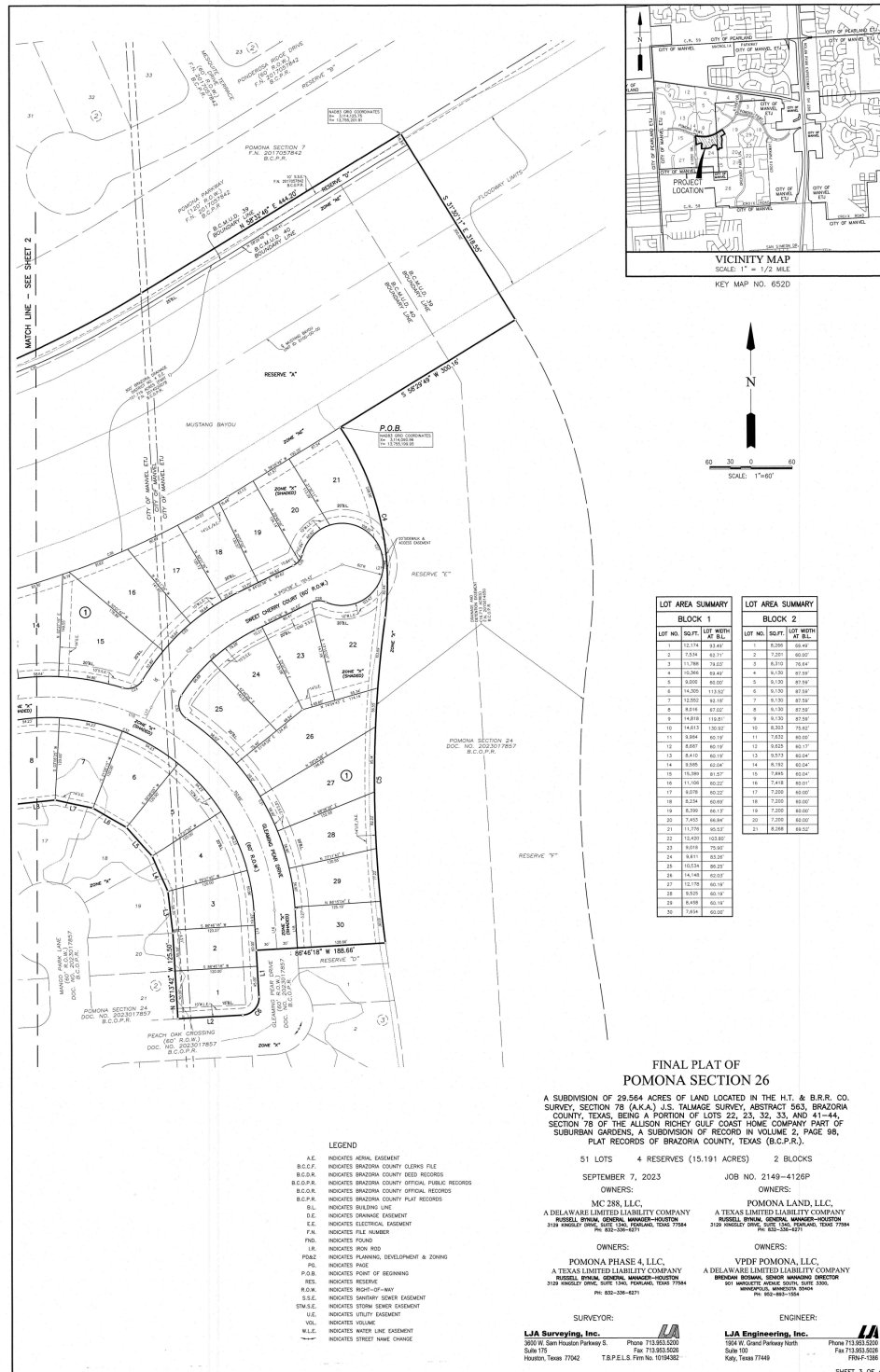




## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### Plat Exhibit













STATE OF TEXAS  
COUNTY OF BRAZORIA

WE, VPDF POMONA LLC, A DELAWARE LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH VP FINDERS 2 HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, SOLE MEMBER, ACTING BY AND THROUGH VARDE PARTNERS, INC., A DELAWARE CORPORATION, MANAGER, ACTING BY AND THROUGH BRENDAN BOSMAN, SENIOR MANAGING DIRECTOR, AND POMONA PHASE 4, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH RUSSELL BYNUM, GENERAL MANAGER-HOUSTON, AND MC 288, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH RUSSELL BYNUM, GENERAL MANAGER-HOUSTON, AND POMONA LAND, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH RUSSELL BYNUM, GENERAL MANAGER-HOUSTON, OWNERS OF THE PROPERTY SUBDIVIDED IN THE PLAT OF POMONA SECTION 26, BEING 29.564 ACRES OUT OF THE H.T. & B.R.R. CO. SURVEY, SECTION 78 (A.K.A.) J.S. TALMAGE SURVEY, ABSTRACT 563, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 22, 23, 32, 33, AND 41-44, SECTION 78 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOLUME 2, PAGE 98, PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID CORPORATION, ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH, THE STREETS, ALLEYS, PARKS AND EASEMENTS SHOWN HEREON FOREVER AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND 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 UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED, HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

FURTHER, WE DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION OF POMONA SECTION 26 WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION AND DO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATE TO THE USE OF THE PUBLIC, ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

IN TESTIMONY WHEREOF, VPDF POMONA LLC, A DELAWARE LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH VP FINDERS 2 HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, SOLE MEMBER, ACTING BY AND THROUGH VARDE PARTNERS, INC., A DELAWARE CORPORATION, ITS MANAGER HAS CAUSED THESE PRESENTS TO BE SIGNED BY BRENDAN BOSMAN, SENIOR MANAGING DIRECTOR OF VARDE PARTNERS, INC., A DELAWARE CORPORATION, THEREUNTO AUTHORIZED.

THIS 4 DAY OF OCTOBER, 2023.

BY: VPDF POMONA, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY

BY: VP FINDERS 2 HOLDINGS, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY,  
SOLE MEMBER

BY: VARDE PARTNERS, INC.,  
A DELAWARE CORPORATION,  
MANAGER

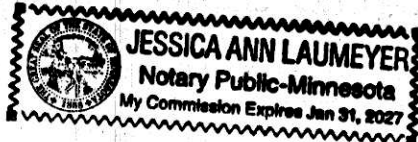
BY: Brendan Bosman  
BRENDAN BOSMAN, SENIOR MANAGING DIRECTOR

STATE OF MINNESOTA  
COUNTY OF WASHINGTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BRENDAN BOSMAN, 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 AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 4 DAY OF OCTOBER, 2023.

Notary Public  
NOTARY PUBLIC IN AND FOR THE STATE OF MINNESOTA



IN TESTIMONY WHEREOF, POMONA PHASE 4, LLC, A TEXAS LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY RUSSELL BYNUM, ITS GENERAL MANAGER-HOUSTON, THEREUNTO AUTHORIZED.

THIS 27 DAY OF SEPTEMBER, 2023.

BY: POMONA PHASE 4, LLC,  
A TEXAS LIMITED LIABILITY COMPANY

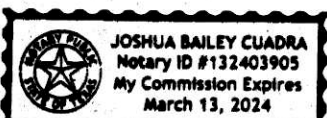
BY: Russell Bynum  
RUSSELL BYNUM, GENERAL MANAGER-HOUSTON

STATE OF Texas  
COUNTY OF Brazoria

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RUSSELL BYNUM, 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 AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 27 DAY OF SEPTEMBER, 2023.

Billy Gub  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



IN TESTIMONY WHEREOF, MC 288, LLC, A DELAWARE LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY RUSSELL BYNUM, ITS GENERAL MANAGER-HOUSTON, THEREUNTO AUTHORIZED.

THIS 27 DAY OF SEPTEMBER, 2023.

BY: MC 288, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY

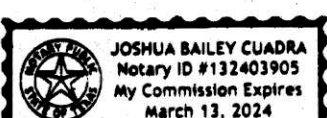
BY: Russell Bynum  
RUSSELL BYNUM, GENERAL MANAGER-HOUSTON

STATE OF Texas  
COUNTY OF Brazoria

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RUSSELL BYNUM, 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 AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 27 DAY OF SEPTEMBER, 2023.

Billy Gub  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



IN TESTIMONY WHEREOF, POMONA LAND, LLC, A TEXAS LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY RUSSELL BYNUM, ITS GENERAL MANAGER-HOUSTON, THEREUNTO AUTHORIZED.

THIS 27 DAY OF SEPTEMBER, 2023.

BY: POMONA LAND, LLC,  
A TEXAS LIMITED LIABILITY COMPANY

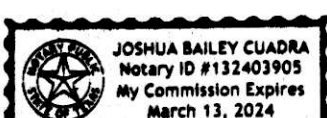
BY: Russell Bynum  
RUSSELL BYNUM, GENERAL MANAGER-HOUSTON

STATE OF Texas  
COUNTY OF Brazoria

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RUSSELL BYNUM, 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 AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 27 DAY OF SEPTEMBER, 2023.

Billy Gub  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



WE, TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS POMONA SECTION 26, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 2021061693, 2020018766, 2021061699, 2020018767, 2020018766, 2020018797, AND 2023037191 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

TEXAS CAPITAL BANK,  
NATIONAL ASSOCIATION

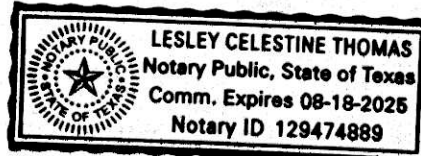
BY: Tom Miller  
PRINT NAME: TOM MILLER  
TITLE: ASSISTANT VICE PRESIDENT

STATE OF TEXAS  
COUNTY OF Brazoria

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Tom Miller, 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 10 DAY OF OCTOBER, 2022.

Lesley Celestine Thomas  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



I, KEITH W. MONROE, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL BOUNDARY SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION ACCORDING TO THE STANDARDS OF PRACTICE OF THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS; THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST STREET INTERSECTION; THAT THE BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE/TANGENCY AND INTERIOR CORNERS OF THIS SUBDIVISION WERE NOT SET AT THE TIME THIS PLAT WAS SIGNED BY ME AND THAT THESE CORNERS ARE TO BE SET AFTER CONSTRUCTION OF THE PUBLIC INFRASTRUCTURE AND FINAL LOT GRADING WITHIN THE SUBDIVISION; AND THAT ALL PREVIOUSLY EXISTING PROPERTY MARKERS ARE SUFFICIENTLY DESCRIBED ON THIS DOCUMENT AS FOUND AND ALL SET MARKERS ARE A MINIMUM OF 5/8-INCH DIAMETER IRON ROD WITH SURVEYOR'S CAP. (SEE-NOTE-5)

THE INTERIOR CORNERS OF THIS SUBDIVISION WERE NOT SET AT THE TIME THIS PLAT WAS SIGNED AND SEALED BY ME. THESE CORNERS ARE EXPECTED TO BE SET AFTER CONSTRUCTION OF THE PUBLIC INFRASTRUCTURE AND FINAL GRADING WITHIN THE SUBDIVISION.

Keith W. Monroe  
KEITH W. MONROE, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 4797



BRAZORIA DRAINAGE DISTRICT NO. 4 NOTES:

1. ANY GOVERNMENTAL BODY FOR PURPOSES OF DRAINAGE WORK MAY USE DRAINAGE EASEMENTS AND FEE STRIPS PROVIDED THE DISTRICT IS PROPERLY NOTIFIED.
2. PERMANENT STRUCTURES, INCLUDING FENCES AND PERMANENT LANDSCAPING, SHALL NOT BE ERECTED IN A DRAINAGE EASEMENT, ACCESS EASEMENT, OR FEE STRIP.
3. MAINTENANCE OF DETENTION FACILITIES IS THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. THE DISTRICT WILL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY THE DISTRICT, OR SUB REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO THE DISTRICT WITH THE DISTRICT'S APPROVAL. THE DISTRICT IS RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THE DISTRICT UNLESS THE DISTRICT SPECIFICALLY CONTRACTS OR AGREES TO MAINTAIN OTHER FACILITIES.
4. CONTRACTOR SHALL NOTIFY THE DISTRICT'S INSPECTOR AT LEAST FORTH-EIGHT (48) HOURS BEFORE BEGINNING WORK AND TWENTY-FOUR (24) HOURS BEFORE PLACING ANY CONCRETE.
5. THE DISTRICT'S PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITY AND DRAINAGE SYSTEM ARE OPERATING PROPERLY.
6. APPROPRIATE COVER FOR THE SIDE SLOPES, BOTTOM, AND MAINTENANCE BERM SHALL BE ESTABLISHED PRIOR TO ACCEPTANCE OF THE CONSTRUCTION BY THE DISTRICT. AT LEAST 95% GERMINATION OF THE GRASS MUST BE ESTABLISHED PRIOR TO ACCEPTANCE OF CONSTRUCTION BY THE DISTRICT.
7. NO BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT WITHIN THIS DEVELOPMENT UNTIL THE DETENTION FACILITY HAS BEEN CONSTRUCTED AND APPROVED BY THE DISTRICT.
8. THE DISTRICT'S APPROVAL OF THE FINAL DRAINAGE PLAN (AND FINAL PLAT IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENTS, FEE STRIPS, AND/OR ANY OTHER RIGHTS-OF-WAY ACROSS THIRD PARTIES' PROPERTIES FOR PURPOSES OF MOVING EXCESS RUNOFF TO THE DISTRICT'S DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLAN AND FINAL PLAT.
9. DRAINAGE EASEMENTS SHALL BE USED ONLY FOR THE PURPOSES OF CONSTRUCTING, OPERATING, MAINTAINING, REPAIRING, REPLACING, AND RECONSTRUCTING OF A DRAINAGE FACILITY, AND ANY AND ALL RELATED EQUIPMENT AND FACILITIES TOGETHER WITH ANY AND ALL NECESSARY INCIDENTALS AND APPURTENANCES THERETO IN, UPON, OVER, ACROSS, AND THROUGH THE EASEMENT AREA. THE DISTRICT'S SUCCESSORS, ASSIGNS, AGENTS, EMPLOYEES, WORKMEN, AND REPRESENTATIVES SHALL AT ALL PRESENT AND FUTURE TIMES, HAVE THE RIGHT AND PRIVILEGE OF INGRESS AND EGRESS IN, UPON, OVER, ACROSS, AND THROUGH THE EASEMENT AREA.
10. ACCESS EASEMENTS SHALL BE USED FOR INGRESS AND EGRESS TO THE DISTRICT'S DRAINAGE FACILITIES AND SHALL BE KEPT CLEAR OF ANY AND ALL OBSTRUCTIONS.
11. AN AS-BUILT CERTIFICATE AND AS-BUILT SURVEY ARE REQUIRED TO BE SUBMITTED TO THE DISTRICT BEFORE A CERTIFICATE OF COMPLIANCE CAN BE ISSUED. CONTACT THE DISTRICT'S INSPECTOR FOR FURTHER CLARIFICATION.
12. ALL DRAINAGE PLANS AND PLATS SHALL BE IN CONFORMANCE WITH THE DISTRICT'S RULES, REGULATIONS & GUIDELINES. BOARD APPROVAL OF A DRAINAGE PLAN OR PLAT DOES NOT CONSTITUTE PERMISSION TO DEVIATE. DEVIATION FROM THE DISTRICT'S RULES, REGULATIONS & GUIDELINES IS ONLY AUTHORIZED AND ALLOWED BY A SEPARATE REQUEST FOR VARIANCE WHICH WAS APPROVED BY THE BOARD. ANY BOARD APPROVED VARIANCES SHALL BE REFERENCED ON THE PLAN COVER PAGE AND ON THE APPROPRIATE SHEET WHERE APPLICABLE. THE USE OF THE TERM "GUIDELINES" HEREIN DOES NOT AFFECT THE MANDATORY NATURE OF THESE RULES, REGULATIONS & GUIDELINES.

APPROVED BY THE BOARD OF COMMISSIONERS ON 05/03/2022

BRAZORIA DRAINAGE DISTRICT NO. 4

DR  
DISTRICT ENGINEER

THE ABOVE HAVE SIGNED THESE PLANS AND/OR PLAT BASED ON THE RECOMMENDATION OF THE DISTRICT'S ENGINEER WHO HAS REVIEWED ALL SHEETS PROVIDED AND FOUND THEM TO BE IN GENERAL COMPLIANCE WITH THE DISTRICT'S "RULES, REGULATIONS, AND GUIDELINES". THIS APPROVAL IS ONLY VALID FOR THREE HUNDRED SIXTY-FIVE (365) CALENDAR DAYS. AFTER THAT TIME RE-APPROVAL IS REQUIRED. PLEASE NOTE, THIS DOES NOT NECESSARILY MEAN THAT ALL THE CALCULATIONS PROVIDED IN THESE PLANS AND/OR PLATS HAVE BEEN COMPLETELY CHECKED AND VERIFIED. IN THE EVENT OF ANY CONFLICT OR INCONSISTENCY BETWEEN THE DISTRICT'S "RULES, REGULATIONS AND GUIDELINES" AND THESE APPROVED DRAINAGE PLANS AND/OR PLAT, THE DISTRICT'S "RULES, REGULATIONS & GUIDELINES" SHALL GOVERN AND PREVAIL. ANY APPROVED VARIANCES SHALL BE ITEMIZED ON THE COVER SHEET AND PLACED ON THE APPROPRIATE SHEET WHERE APPLICABLE. PLANS SUBMITTED HAVE BEEN PREPARED, SIGNED AND SEALED BY A PROFESSIONAL ENGINEER LICENSED TO PRACTICE ENGINEERING IN THE STATE OF TEXAS AND PLAT HAS BEEN SIGNED AND SEALED BY A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF TEXAS, WHICH CONVEYS THE ENGINEER'S AND/OR SURVEYOR'S RESPONSIBILITY AND ACCOUNTABILITY.

BDD4 REF. ID: #22-000076

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS APPROVED THIS PLAT OF POMONA SECTION 26 IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

PLANNING, DEVELOPMENT, AND ZONING COMMISSION

## FINAL PLAT OF POMONA SECTION 26

A SUBDIVISION OF 29.564 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. CO. SURVEY, SECTION 78 (A.K.A.) J.S. TALMAGE SURVEY, ABSTRACT 563, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 22, 23, 32, 33, AND 41-44, SECTION 78 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOLUME 2, PAGE 98, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.).

51 LOTS      4 RESERVES (15.191 ACRES)      2 BLOCKS

SEPTEMBER 7, 2023

OWNERS:

MC 288, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY  
RUSSELL BYNUM, GENERAL MANAGER-HOUSTON  
3129 KINGSLEY DRIVE, SUITE 1340, PEARLAND, TEXAS 77584  
PH: 832-336-6271

OWNERS:

POMONA PHASE 4, LLC,  
A TEXAS LIMITED LIABILITY COMPANY  
RUSSELL BYNUM, GENERAL MANAGER-HOUSTON  
3129 KINGSLEY DRIVE, SUITE 1340, PEARLAND, TEXAS 77584  
PH: 832-336-6271

SURVEYOR:

LJA Surveying, Inc.  
3600 W. Sam Houston Parkway S.  
Suite 175  
Houston, Texas 77042  
Phone 713.953.5200  
Fax 713.953.5026  
T.B.P.E.L.S. Firm No. 10194382

ENGINEER:

LJA Engineering, Inc.  
1904 W. Grand Parkway North  
Suite 100  
Katy, Texas 77449  
Phone 713.953.5200  
Fax 713.953.5026  
FRN-F-1386

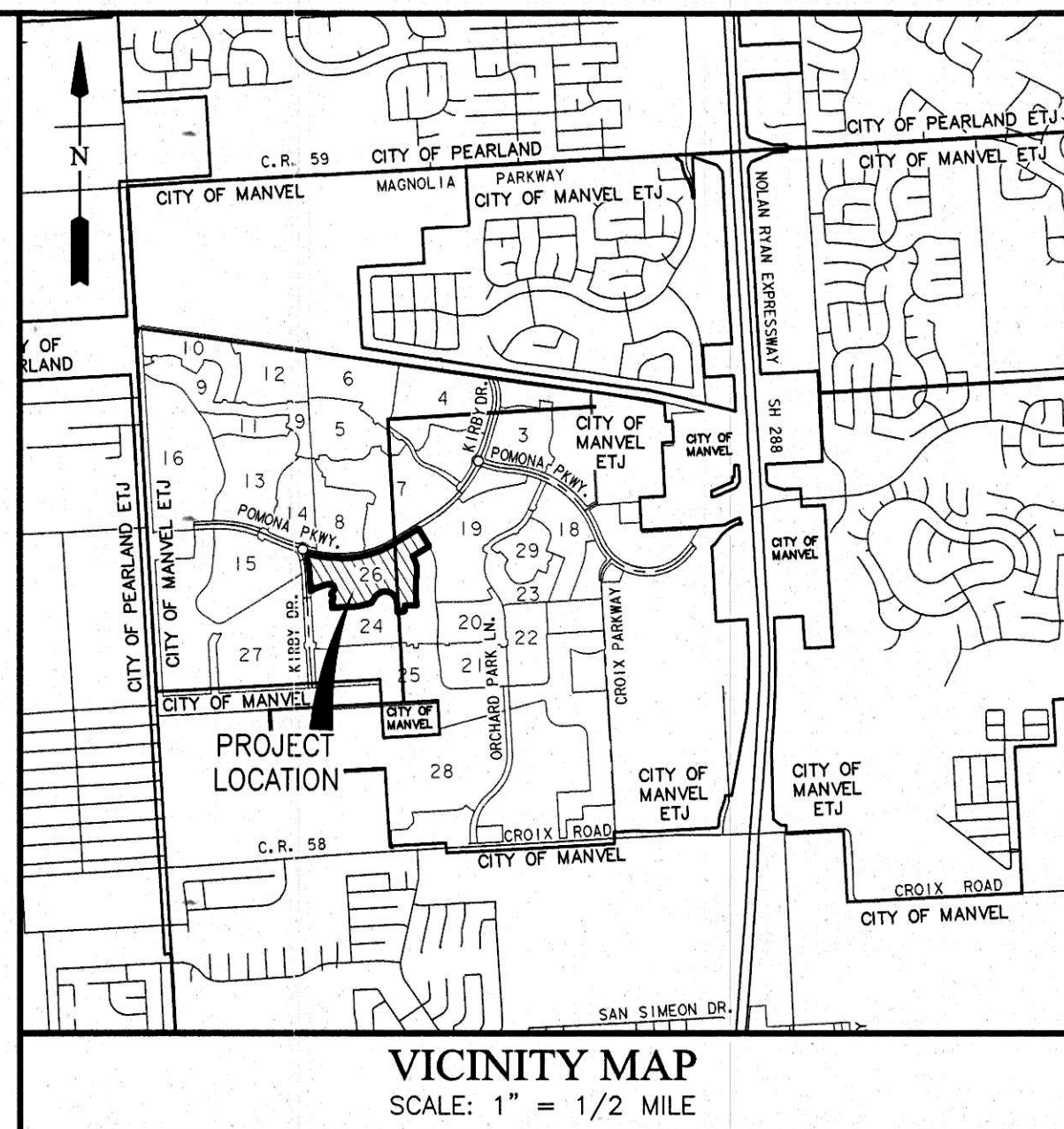
SHEET 1 OF 4

DIR. SURV. MYLAR CHECK: 9/20/2023

Path Name : C:\Users\lucast\AppData\Local\Temp\AcPublish\_1024A\Pomona26.dwg Date Time : Thu, 14 Sep 2023 2:11pm User: lucast AppId: l... 1024A Pomona26.dwg



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| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | S 0°13'42" E  | 68.37    |
| L2         | S 86°46'18" W | 95.00'   |
| L3         | N 06°43'01" W | 60.86    |
| L4         | N 23°52'10" W | 56.31'   |
| L5         | N 41°52'00" W | 56.31'   |
| L6         | N 59°51'50" W | 56.31'   |
| L7         | N 77°51'40" W | 56.31'   |
| L8         | S 84°08'30" W | 56.31'   |
| L9         | S 66°08'40" W | 56.31'   |
| L10        | S 49°01'13" W | 58.19'   |
| L11        | S 84°04'11" W | 55.06'   |
| L12        | N 0°13'00" W  | 94.99    |
| L13        | N 02°24'47" W | 65.01'   |
| L14        | N 13°41'53" W | 12.19'   |
| L15        | S 76°45'07" W | 24.58'   |
| L16        | S 0°13'42" E  | 56.55'   |
| L17        | N 25°32'35" E | 18.81    |
| L18        | S 0°13'42" E  | 56.55'   |
| L19        | N 0°13'42" E  | 56.55'   |
| L20        | N 13°41'53" W | 5.00'    |
| L21        | N 85°51'40" E | 5.00'    |
| L22        | N 83°03'23" E | 20.00'   |
| L23        | N 13°23'14" E | 14.71'   |
| L24        | N 77°23'53" E | 27.74'   |
| L25        | N 42°25'57" E | 27.30'   |
| L26        | N 42°25'57" E | 44.30'   |

| CURVE TABLE |          |            |         |               |         |
|-------------|----------|------------|---------|---------------|---------|
| CURVE       | RADIUS   | DELTA      | ARC     | CHORD BEARING | CHORD   |
| C1          | 35.00'   | 115°48'40" | 70.16'  | N 46°13'13" E | 58.99'  |
| C2          | 2560.00' | 10°36'47"  | 474.20' | S 83°36'46" E | 473.52' |
| C3          | 1560.00' | 32°32'50"  | 885.82' | N 74°48'48" E | 873.97' |
| C4          | 490.00'  | 01°40'57"  | 291.00' | S 13°10'19" E | 284.62' |
| C5          | 1800.00' | 15°08'53"  | 475.89' | S 00°05'43" W | 474.51' |
| C6          | 25.00'   | 90°00'00"  | 39.27'  | S 41°46'18" W | 35.36'  |
| C7          | 25.00'   | 90°01'19"  | 39.28'  | N 45°43'59" E | 35.36'  |
| C8          | 25.00'   | 94°52'43"  | 41.40'  | N 45°47'20" W | 36.83'  |
| C9          | 270.00'  | 05°36'36"  | 19.29'  | N 03°41'49" E | 19.28'  |
| C10         | 25.00'   | 58°25'23"  | 25.93'  | S 52°27'16" E | 24.78'  |
| C11         | 60.00'   | 168°24'53" | 176.36' | N 19°02'27" W | 119.39' |
| C12         | 875.00'  | 11°17'16"  | 173.38' | S 65°08'01" W | 172.10' |
| C13         | 1560.00' | 9°54'11"   | 269.63' | N 08°12'06" W | 269.29' |
| C14         | 300.00'  | 39°37'31"  | 201.51' | N 66°57'23" S | 203.39' |
| C15         | 330.00'  | 129°37'51" | 746.62' | S 68°02'37" E | 597.26' |
| C16         | 300.00'  | 38°30'23"  | 201.62' | N 44°47'46" E | 197.85' |
| C17         | 25.00'   | 90°00'00"  | 39.27'  | N 41°45'18" E | 35.36'  |
| C18         | 25.00'   | 49°40'47"  | 21.68'  | N 28°04'05" W | 21.00'  |
| C19         | 60.00'   | 279°21'34" | 292.54' | N 86°46'18" E | 77.65'  |
| C20         | 25.00'   | 49°40'47"  | 21.68'  | S 21°36'42" W | 21.00'  |

| CURVE TABLE |          |            |         |               |         |
|-------------|----------|------------|---------|---------------|---------|
| CURVE       | RADIUS   | DELTA      | ARC     | CHORD BEARING | CHORD   |
| C21         | 25.00'   | 103°36'24" | 45.21'  | S 59°01'54" E | 39.29'  |
| C22         | 270.00'  | 20°16'27"  | 122.64' | N 60°09'11" E | 121.58' |
| C23         | 360.00'  | 60°24'44"  | 339.58' | N 77°20'50" E | 362.24' |
| C24         | 25.00'   | 76°45'53"  | 37.94'  | N 69°10'15" E | 31.05'  |
| C25         | 330.00'  | 33°15'39"  | 191.57' | N 47°25'08" E | 188.89' |
| C26         | 25.00'   | 49°40'47"  | 21.68'  | N 39°12'34" E | 21.00'  |
| C27         | 60.00'   | 29°04'34"  | 292.54' | S 25°57'02" E | 77.65'  |
| C28         | 25.00'   | 49°40'47"  | 21.68'  | S 85°53'22" W | 21.00'  |
| C29         | 270.00'  | 37°00'59"  | 146.16' | S 48°32'28" W | 144.38' |
| C30         | 25.00'   | 88°57'44"  | 38.82'  | S 11°26'54" E | 35.03'  |
| C31         | 360.00'  | 52°42'04"  | 331.13' | S 29°34'44" E | 319.58' |
| C32         | 300.00'  | 129°37'51" | 678.75' | N 68°02'37" W | 542.96' |
| C33         | 330.00'  | 39°37'51"  | 228.26' | S 66°57'23" W | 223.73' |
| C34         | 1175.00' | 34°44'34"  | 93.93'  | N 69°00'11" E | 93.88'  |
| C35         | 900.00'  | 18°15'18"  | 86.75'  | N 67°37'28" E | 285.54' |
| C36         | 1200.00' | 18°15'18"  | 382.33' | S 67°37'28" W | 380.72' |
| C37         | 1580.00' | 0°43'31"   | 200.30' | S 06°34'51" E | 200.20' |

| RESERVE TABLE |         |         |                                                                  |             |
|---------------|---------|---------|------------------------------------------------------------------|-------------|
| RESERVE       | ACREAGE | SQ.FT.  | TYPE                                                             | MAINTENANCE |
| A             | 13.191  | 574,594 | RESTRICTED TO BRAZORIA DRAINAGE DISTRICT NO. 4 DRAINAGE EASEMENT | MUD         |
| B             | 0.231   | 10,052  | RESTRICTED TO LANDSCAPE/OPEN SPACE                               | HOA         |
| C             | 0.440   | 19,150  | RESTRICTED TO CANAL                                              | MUD/GCWA    |
| D             | 1.329   | 57,913  | RESTRICTED TO LANDSCAPE/OPEN SPACE                               | HOA         |
| TOTAL         | 15.191  | 661,709 |                                                                  |             |

A SUBDIVISION OF 29.564 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. CO. SURVEY, SECTION 78 (A.K.A.) J.S. TALMAGE SURVEY, ABSTRACT 563, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 22, 23, 32, 33, AND 41--44, SECTION 78 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOLUME 2, PAGE 98, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.).

51 LOTS      4 RESERVES (15.191 ACRES)      2 BLOCKS

SEPTEMBER 7, 2023

OWNERS:

MC 288, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY  
RUSSELL BYNUM, GENERAL MANAGER-HOUSTON  
3129 KINGSLEY DRIVE, SUITE 1340, PEARLAND, TEXAS 77584  
PH: 832-336-6271

OWNERS:

**POMONA PHASE 4, LLC,  
A TEXAS LIMITED LIABILITY COMPANY  
RUSSELL BYNUM, GENERAL MANAGER-HOUSTON  
3129 KINGSLEY DRIVE, SUITE 1340, PEARLAND, TEXAS 77584  
PH: 832-336-6271**

SURVEYOR:

**LJA Surveying, Inc.**  
3600 W. Sam Houston Parkway  
Suite 175  
Houston, Texas 77042

JOB NO. 2149-4126P

OWNERS:

**POMONA LAND, LLC,**  
**A TEXAS LIMITED LIABILITY COMPANY**  
**RUSSELL BYNUM, GENERAL MANAGER-HOUSTON**  
 3129 KINGSLEY DRIVE, SUITE 1340, PEARLAND, TEXAS 77584  
 PH: 832-336-6271

OWNERS:

**VPDF POMONA, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY  
BRENDAN BOSMAN, SENIOR MANAGING DIRECTOR  
901 MARQUETTE AVENUE SOUTH, SUITE 3300,  
MINNEAPOLIS, MINNESOTA 55404  
PH: 952-893-1554**

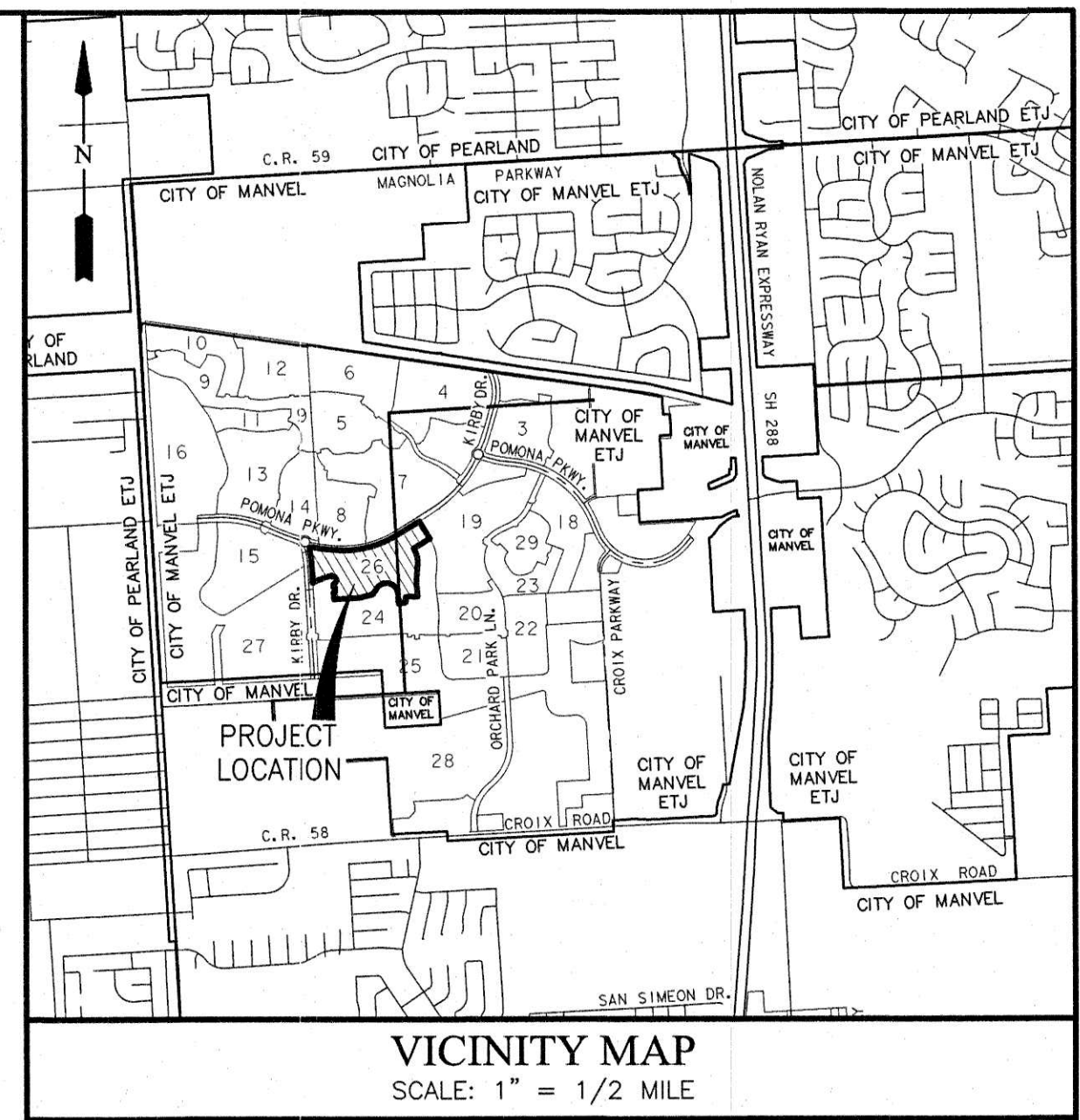
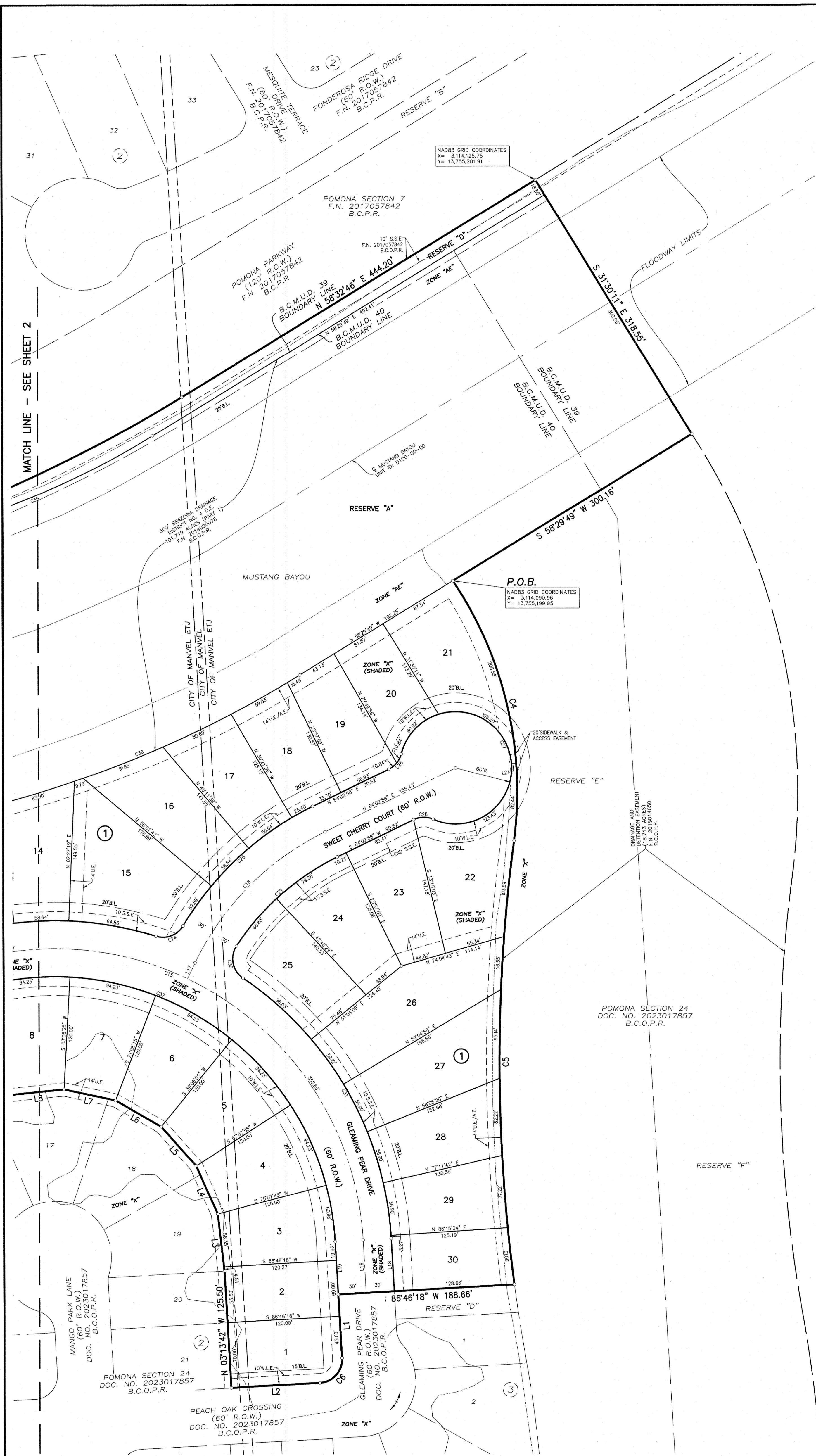
ENGINEER:

**LJA Engineering, Inc.**  
1904 W. Grand Parkway North  
Suite 100  
Katy, Texas 77449

SHEET 2 OF 4

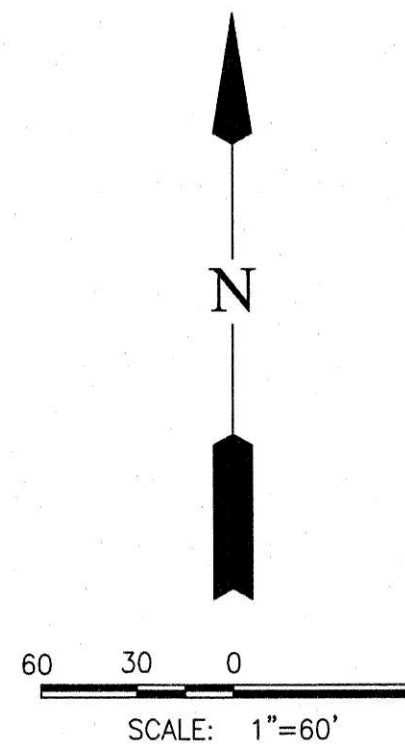
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VICINITY MAP  
SCALE: 1" = 1/2 MILE

KEY MAP NO. 652D



LOT AREA SUMMARY

| BLOCK 1 |         |                   |  |
|---------|---------|-------------------|--|
| LOT NO. | SQ. FT. | LOT WIDTH AT B.L. |  |
| 1       | 12,174  | 93.49'            |  |
| 2       | 7,534   | 62.71'            |  |
| 3       | 11,788  | 79.03'            |  |
| 4       | 10,366  | 69.49'            |  |
| 5       | 9,000   | 60.00'            |  |
| 6       | 14,305  | 113.52'           |  |
| 7       | 12,552  | 92.18'            |  |
| 8       | 8,016   | 67.02'            |  |
| 9       | 14,818  | 119.81'           |  |
| 10      | 14,613  | 130.92'           |  |
| 11      | 9,984   | 60.19'            |  |
| 12      | 8,687   | 60.19'            |  |
| 13      | 8,410   | 60.19'            |  |
| 14      | 9,585   | 62.04'            |  |
| 15      | 15,289  | 81.57'            |  |
| 16      | 11,106  | 60.22'            |  |
| 17      | 9,078   | 60.22'            |  |
| 18      | 8,234   | 60.69'            |  |
| 19      | 8,399   | 66.13'            |  |
| 20      | 7,453   | 66.84'            |  |
| 21      | 11,776  | 95.53'            |  |
| 22      | 12,420  | 103.80'           |  |
| 23      | 9,018   | 75.90'            |  |
| 24      | 9,611   | 83.26'            |  |
| 25      | 10,534  | 86.25'            |  |
| 26      | 14,148  | 62.03'            |  |
| 27      | 12,178  | 60.19'            |  |
| 28      | 9,525   | 60.19'            |  |
| 29      | 8,458   | 60.19'            |  |
| 30      | 7,654   | 60.00'            |  |

LOT AREA SUMMARY

| BLOCK 2 |         |                   |  |
|---------|---------|-------------------|--|
| LOT NO. | SQ. FT. | LOT WIDTH AT B.L. |  |
| 1       | 8,266   | 69.49'            |  |
| 2       | 7,201   | 60.00'            |  |
| 3       | 8,310   | 76.64'            |  |
| 4       | 9,130   | 87.59'            |  |
| 5       | 9,130   | 87.59'            |  |
| 6       | 9,130   | 87.59'            |  |
| 7       | 9,130   | 87.59'            |  |
| 8       | 9,130   | 87.59'            |  |
| 9       | 9,130   | 87.59'            |  |
| 10      | 8,303   | 75.62'            |  |
| 11      | 7,632   | 60.00'            |  |
| 12      | 9,625   | 60.17'            |  |
| 13      | 9,573   | 60.04'            |  |
| 14      | 8,192   | 60.04'            |  |
| 15      | 7,895   | 60.04'            |  |
| 16      | 7,418   | 60.01'            |  |
| 17      | 7,200   | 60.00'            |  |
| 18      | 7,200   | 60.00'            |  |
| 19      | 7,200   | 60.00'            |  |
| 20      | 7,200   | 60.00'            |  |
| 21      | 8,268   | 69.52'            |  |

LEGEND

- A.E. INDICATES AERIAL EASEMENT
- B.C.C.F. INDICATES BRAZORIA COUNTY CLERKS FILE
- B.C.D.R. INDICATES BRAZORIA COUNTY DEED RECORDS
- B.C.O.P.R. INDICATES BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
- B.C.O.R. INDICATES BRAZORIA COUNTY OFFICIAL RECORDS
- B.C.P.R. INDICATES BRAZORIA COUNTY PLAT RECORDS
- B.L. INDICATES BUILDING LINE
- D.E. INDICATES DRAINAGE EASEMENT
- E.E. INDICATES ELECTRICAL EASEMENT
- F.N. INDICATES FILE NUMBER
- FND. INDICATES FOUND
- I.R. INDICATES IRON ROD
- PD&Z INDICATES PLANNING, DEVELOPMENT & ZONING
- PG. INDICATES PAGE
- P.O.B. INDICATES POINT OF BEGINNING
- RES. INDICATES RESERVE
- R.O.W. INDICATES RIGHT-OF-WAY
- S.S.E. INDICATES SANITARY SEWER EASEMENT
- STM.S.E. INDICATES STORM SEWER EASEMENT
- U.E. INDICATES UTILITY EASEMENT
- VOL. INDICATES VOLUME
- W.L.E. INDICATES WATER LINE EASEMENT
- INDICATES STREET NAME CHANGE

## FINAL PLAT OF POMONA SECTION 26

A SUBDIVISION OF 29.564 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. CO. SURVEY, SECTION 78 (A.K.A.) J.S. TALMAGE SURVEY, ABSTRACT 563, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 22, 23, 32, 33, AND 41-44, SECTION 78 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOLUME 2, PAGE 98, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.).

51 LOTS      4 RESERVES (15.191 ACRES)      2 BLOCKS

SEPTEMBER 7, 2023

JOB NO. 2149-4126P

OWNERS:

OWNERS:

MC 288, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY  
RUSSELL BYNUM, GENERAL MANAGER-HOUSTON  
3129 KINGSLEY DRIVE, SUITE 1340, PEARLAND, TEXAS 77584  
PH: 832-336-6271

POMONA LAND, LLC,  
A TEXAS LIMITED LIABILITY COMPANY  
RUSSELL BYNUM, GENERAL MANAGER-HOUSTON  
3129 KINGSLEY DRIVE, SUITE 1340, PEARLAND, TEXAS 77584  
PH: 832-336-6271

OWNERS:

OWNERS:

POMONA PHASE 4, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY  
RUSSELL BYNUM, GENERAL MANAGER-HOUSTON  
3129 KINGSLEY DRIVE, SUITE 1340, PEARLAND, TEXAS 77584  
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VPDF POMONA, LLC,  
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BRENDAN BOSMAN, SENIOR MANAGING DIRECTOR  
901 MARQUETTE AVENUE SOUTH, SUITE 3300,  
MINNEAPOLIS, MINNESOTA 55404  
PH: 952-893-1554

SURVEYOR:

ENGINEER:

**LJA Surveying, Inc.**  
3600 W. Sam Houston Parkway S.  
Suite 175  
Houston, Texas 77042

Phone 713.953.5200  
Fax 713.953.5026  
T.B.P.E.L.S. Firm No. 10194382

**LJA Engineering, Inc.**  
1904 W. Grand Parkway North  
Suite 100  
Katy, Texas 77449

Phone 713.953.5200  
Fax 713.953.5026  
FRN-F-1386



| POMONA DEVELOPMENT – LOT SUMMARY TABLE |          |          |          |          |          |          |          |          |          |          |          |          |          |            |
|----------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|------------|
| LOT SIZES                              | 40'x110' | 42'x125' | 45'x125' | 50'x110' | 50'x120' | 55'x120' | 60'x120' | 60'x125' | 65'x120' | 65'x125' | 70'x130' | 75'x130' | 80'x130' | TOTAL LOTS |
| SECTION 1                              | -----    | -----    | -----    | -----    | -----    | 6 LOTS   | -----    | -----    | 7 LOTS   | -----    | -----    | 5 LOTS   | -----    | 18 LOTS    |
| SECTION 2                              | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 99 LOTS  | -----    | -----    | -----    | -----    | 99 LOTS    |
| SECTION 3                              | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 48 LOTS  | -----    | 48 LOTS    |
| SECTION 4                              | -----    | -----    | -----    | -----    | -----    | 137 LOTS | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 137 LOTS   |
| SECTION 5                              | -----    | -----    | -----    | -----    | -----    | 55 LOTS  | -----    | -----    | 20 LOTS  | -----    | -----    | 6 LOTS   | -----    | 81 LOTS    |
| SECTION 6                              | -----    | -----    | -----    | 107 LOTS | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 107 LOTS   |
| SECTION 7                              | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 49 LOTS  | -----    | -----    | 49 LOTS    |
| SECTION 8                              | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 59 LOTS  | -----    | -----    | -----    | -----    | 59 LOTS    |
| SECTION 9                              | -----    | -----    | -----    | -----    | -----    | 76 LOTS  | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 76 LOTS    |
| SECTION 10                             | -----    | -----    | -----    | 76 LOTS  | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 76 LOTS    |
| SECTION 11                             | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 36 LOTS  | -----    | -----    | -----    | 36 LOTS    |
| SECTION 12                             | -----    | -----    | -----    | -----    | 74 LOTS  | 10 LOTS  | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 84 LOTS    |
| SECTION 13                             | -----    | -----    | -----    | -----    | -----    | -----    | 70 LOTS  | -----    | -----    | -----    | -----    | -----    | -----    | 70 LOTS    |
| SECTION 14                             | -----    | -----    | -----    | -----    | -----    | 42 LOTS  | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 42 LOTS    |
| SECTION 15                             | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 50 LOTS  | -----    | 34 LOTS  | 84 LOTS    |
| SECTION 16                             | -----    | -----    | -----    | -----    | 118 LOTS | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 118 LOTS   |
| SECTION 17                             | -----    | -----    | -----    | -----    | -----    | -----    | 94 LOTS  | -----    | -----    | -----    | -----    | -----    | -----    | 94 LOTS    |
| SECTION 18                             | -----    | -----    | -----    | -----    | 2 LOTS   | 2 LOTS   | 7 LOTS   | -----    | -----    | -----    | -----    | 2 LOTS   | 13 LOTS  | 13 LOTS    |
| SECTION 19                             | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 29 LOTS  | -----    | 35 LOTS  | 64 LOTS    |
| SECTION 20                             | -----    | -----    | -----    | -----    | -----    | 61 LOTS  | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 61 LOTS    |
| SECTION 21                             | -----    | -----    | -----    | -----    | 76 LOTS  | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 76 LOTS    |
| SECTION 22                             | -----    | -----    | -----    | -----    | -----    | -----    | 17 LOTS  | 53 LOTS  | -----    | -----    | -----    | -----    | -----    | 70 LOTS    |
| SECTION 23                             | -----    | -----    | -----    | -----    | -----    | -----    | 4 LOTS   | 42 LOTS  | -----    | -----    | -----    | -----    | -----    | 46 LOTS    |
| SECTION 24                             | -----    | -----    | -----    | -----    | -----    | 100 LOTS | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 100 LOTS   |
| SECTION 25                             | -----    | -----    | -----    | -----    | 121 LOTS | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 121 LOTS   |
| SECTION 26                             | -----    | -----    | -----    | -----    | -----    | -----    | 51 LOTS  | -----    | -----    | -----    | -----    | -----    | -----    | 51 LOTS    |
| SECTION 27                             | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 36 LOTS  | -----    | 57 LOTS  | 93 LOTS    |
| SECTION 28                             | 124 LOTS | 58 LOTS  | 58 LOTS  | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 240 LOTS   |
| SECTION 29                             | -----    | -----    | -----    | -----    | -----    | -----    | -----    | 45 LOTS  | -----    | -----    | -----    | -----    | -----    | 45 LOTS    |
| TOTAL LOTS                             | 124 LOTS | 58 LOTS  | 58 LOTS  | 183 LOTS | 391 LOTS | 489 LOTS | 243 LOTS | 140 LOTS | 185 LOTS | 36 LOTS  | 115 LOTS | 108 LOTS | 128 LOTS | 2,258 LOTS |

BEING 29.564 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. CO. SURVEY, SECTION 78 (A.K.A.) J.S. TALMAGE SURVEY, ABSTRACT 563, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 22, 23, 32, 33, AND 41--44, SECTION 78 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOLUME 2, PAGE 98, PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS (B.C.P.R.), ALSO BEING A PORTION OF THAT CERTAIN CALLED 382.586 ACRE TRACT CONVEYED TO POMONA LAND, LLC, BY INSTRUMENT OF RECORD IN FILE NUMBER 2017030819, OF THE OFFICIAL PUBLIC RECORDS OF SAID BRAZORIA COUNTY (B.C.O.P.R.), A PORTION OF THAT CERTAIN CALLED 971.956 ACRE TRACT CONVEYED TO MC 288, LLC (DESCRIBED AS PART 1), BY INSTRUMENT OF RECORD IN FILE NUMBER 2013052984, B.C.O.P.R., AND A PORTION OF THAT CERTAIN CALLED 136.648 ACRE TRACT (DESCRIBED AS TRACT 3), CONVEYED TO POMONA PHASE 4, LLC, BY AN INSTRUMENT OF RECORD IN FILE NUMBER 2018052949, B.C.O.P.R., AND A PORTION OF THAT CERTAIN CALLED 65.773 ACRE TRACT CONVEYED TO VPDF POMONA, LLC, BY INSTRUMENT OF RECORD IN FILE NUMBER 2022017900, B.C.O.P.R., SAID 29.564 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83 (1993 ADJUSTMENT));

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA ENG" PREVIOUSLY FOUND FOR THE NORTHEASTERLY CORNER OF SAID 65.773 ACRES TRACT, SAME BEING THE NORTHWEST CORNER OF A CALLED 16.713 ACRES DRAINAGE AND DETENTION EASEMENT OF RECORD IN FILE NUMBER 2015014650, B.C.O.P.R., AND ON THE SOUTHERLY LINE OF A CALLED 101.719 ACRE DRAINAGE EASEMENT (DESCRIBED AS PART 1), CONVEYED TO BRAZORIA DRAINAGE DISTRICT NO. 4, BY INSTRUMENT OF RECORD IN FILE NUMBER 2014020078, B.C.O.P.R.;

THENCE, WITH THE COMMON LINE OF THE EASTERLY LINE OF SAID 65.773 ACRES, AND THE WESTERLY LINE OF SAID 16.713 ACRES, 291.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 41° 40' 57", AND A CHORD WHICH BEARS SOUTH 13° 10' 19" EAST, 284.62 FEET TO A POINT FOR CORNER, THE BEGINNING OF A REVERSE CURVE;

THENCE, CONTINUING ALONG SAID COMMON LINE, 475.89 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1800.00 FEET, A CENTRAL ANGLE OF 15° 08' 53", AND A CHORD WHICH BEARS SOUTH 00° 05' 43" WEST, 474.51 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 86° 46' 18" WEST, DEPARTING SAID COMMON LINE, 188.66 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 03° 13' 42" EAST, 68.37 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, 39.27 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90° 00' 00", AND A CHORD WHICH BEARS SOUTH 41° 46' 18" WEST, 35.36 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 86° 46' 18" WEST, 95.00 FEET TO A POINT FOR CORNER;

THENCE, NORTH 03° 13' 42" WEST, 125.50 FEET TO A POINT FOR CORNER;

THENCE, NORTH 06° 43' 01" WEST, 60.86 FEET TO A POINT FOR CORNER;

THENCE, NORTH 23° 52' 10" WEST, 56.31 FEET TO A POINT FOR CORNER;

THENCE, NORTH 41° 52' 00" WEST, 56.31 FEET TO A POINT FOR CORNER;

THENCE, NORTH 59° 51' 50" WEST, 56.31 FEET TO A POINT FOR CORNER;

THENCE, NORTH 77° 51' 40" WEST, 56.31 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 84° 08' 30" WEST, 56.31 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 66° 08' 40" WEST, 56.31 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 49° 50' 13" WEST, 58.19 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 33° 39' 31" WEST, 136.92 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 76° 38' 25" WEST, 223.48 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 84° 04' 11" WEST, 55.06 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 86° 46' 18" WEST, 340.04 FEET TO A POINT FOR CORNER;

THENCE, NORTH 03° 15' 00" WEST, 94.99 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, 39.28 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90° 01' 19", AND A CHORD WHICH BEARS NORTH 41° 45' 39" EAST, 35.36 FEET TO A POINT FOR CORNER;

THENCE, NORTH 02° 24' 47" WEST, 60.01 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, 41.40 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 94° 52' 43", AND A CHORD WHICH BEARS NORTH 45° 47' 20" WEST, 36.83 FEET TO A POINT FOR CORNER, THE BEGINNING OF A COMPOUND CURVE;

THENCE, 19.29 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 04° 05' 36", AND A CHORD WHICH BEARS NORTH 03° 41' 49" EAST, 19.28 FEET TO A POINT FOR CORNER, THE BEGINNING OF A COMPOUND CURVE;

THENCE, 25.93 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 59° 25' 23", AND A CHORD WHICH BEARS NORTH 35° 27' 18" EAST, 24.78 FEET TO A POINT FOR CORNER, THE BEGINNING OF A REVERSE CURVE;

THENCE, 176.36 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 168° 04' 11", AND A CHORD WHICH BEARS NORTH 19° 02' 27" WEST, 119.39 FEET TO A POINT FOR CORNER;

THENCE, NORTH 13° 14' 53" WEST, 12.19 FEET TO A POINT FOR CORNER, ON THE NORTHERLY LINE OF THE AFOREMENTIONED 65.773 ACRE TRACT, SAME BEING THE SOUTHERLY LINE OF THE AFOREMENTIONED 101.719 ACRES;

THENCE, SOUTH 76° 45' 07" WEST, ALONG SAID COMMON LINE, 24.58 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 74° 32' 01" WEST, CONTINUING ALONG SAID COMMON LINE, 122.78 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, WITH SAID COMMON LINE, PASSING AT AN ARC LENGTH OF 29.37 FEET, THE NORTHWEST CORNER OF SAID 65.773 ACRE TRACT, AND CONTINUING ALONG THE SOUTHERLY LINE OF SAID 101.719 ACRES A TOTAL ARC LENGTH OF 172.38 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 875.00 FEET, A CENTRAL ANGLE OF 11° 17' 16", AND A CHORD WHICH BEARS SOUTH 65° 08' 01" WEST, 172.10 FEET TO A POINT FOR CORNER;

THENCE, NORTH 03° 15' 00" WEST, DEPARTING THE SOUTHERLY LINE OF SAID 101.719 ACRES, 251.23 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, 269.63 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1560.00 FEET, A CENTRAL ANGLE OF 09° 54' 11", AND A CHORD WHICH BEARS NORTH 08° 12' 06" WEST, 269.29 FEET TO A POINT FOR CORNER, THE BEGINNING OF A REVERSE CURVE, SAME BEING ON THE SOUTHERLY LINE OF POMONA PARKWAY STREET DEDICATION NO. 2, A SUBDIVISION OF RECORD IN FILE NUMBER 2019060960, B.C.P.R.;

THENCE, WITH THE SOUTHERLY LINE OF SAID POMONA PARKWAY STREET DEDICATION NO. 2, 70.16 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 114° 50' 48", AND A CHORD WHICH BEARS NORTH 44° 16' 13" EAST, 58.99 FEET TO A POINT FOR CORNER, THE BEGINNING OF A REVERSE CURVE;

THENCE, CONTINUING WITH THE SOUTHERLY LINE OF SAID POMONA PARKWAY STREET DEDICATION NO. 2, PASSING AT AN ARC LENGTH OF 115.29 FEET, THE SOUTHWEST CORNER OF POMONA SECTION 8, A SUBDIVISION OF RECORD AT FILE NUMBER 2018023091, B.C.P.R., 65.773 ACRE TRACT CONVEYED TO MH PARTNERSHIP, LTD, BY INSTRUMENT OF RECORD IN FILE NUMBER 2021084483 AND CONTINUING ALONG THE COMMON LINE OF SAID POMONA SECTION 8, AND SAID 382.586 ACRES A TOTAL ARC LENGTH OF 474.20 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2,560.00 FEET, A CENTRAL ANGLE OF 36° 47", AND A CHORD WHICH BEARS SOUTH 83° 36' 46" EAST, 473.52 FEET TO A POINT FOR CORNER, THE BEGINNING OF A COMPOUND CURVE;

THENCE, WITH SAID COMMON LINE, PASSING AT AN ARC LENGTH OF 404.90 FEET, THE SOUTHEAST CORNER OF SAID POMONA SECTION 8, AND THE SOUTHWEST CORNER OF POMONA SECTION 7, A SUBDIVISION OF RECORD IN FILE NUMBER 2017057842, B.C.P.R., AND CONTINUING WITH THE COMMON LINE OF THE SOUTHERLY LINE OF SAID POMONA SECTION 7, AND SAID 382.586 ACRES, A TOTAL ARC LENGTH OF 885.82 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1560.00 FEET, A CENTRAL ANGLE OF 32° 32' 04", AND A CHORD WHICH BEARS NORTH 74° 48' 48" EAST, 873.97 FEET TO A POINT FOR CORNER;

THENCE, NORTH 58° 32' 46" EAST, CONTINUING ALONG THE COMMON LINE OF SAID POMONA SECTION 7, AND SAID 382.586 ACRES, 444.20 FEET TO THE NORTHWEST CORNER OF POMONA SECTION 19, A SUBDIVISION OF RECORD IN FILE NUMBER 2022000516, B.C.P.R.

THENCE, SOUTH 31° 30' 11" EAST, DEPARTING SAID COMMON LINE, ALONG THE WESTERLY LINE OF SAID POMONA SECTION 19, 318.55 FEET TO A POINT FOR CORNER, SAME BEING THE NORTHEAST CORNER OF THE AFOREMENTIONED 16.713 ACRES, SAME BEING ON THE SOUTHERLY LINE OF THE AFOREMENTIONED 101.719 ACRES;

THENCE, SOUTH 58° 29' 49" WEST, DEPARTING THE WESTERLY LINE OF SAID POMONA SECTION 19, ALONG THE NORTHERLY LINE OF SAID 16.713 ACRES, AND THE SOUTHERLY LINE OF SAID 101.719 ACRES, 300.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 29.564 ACRES OF LAND.

NOTES:

- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS FOR THE STATE OF TEXAS, BRAZORIA COUNTY, AND THE INCORPORATED LIMITS OF THE CITY OF MANVEL.
- THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY CHARTER TITLE COMPANY, ORDER NO. 2022-0251, DATED SEPTEMBER 8, 2023. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
- ALL BEARINGS REFERENCED ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. THE COORDINATES SHOWN ARE GRID AND CAN BE BROUGHT TO SURFACE BY DIVIDING BY AN ADJUSTMENT FACTOR OF 0.99886547.
- ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS AND OPEN SPACES WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF MANVEL OR BRAZORIA COUNTY.

- FIVE EIGHTHS INCH (5/8") IRON RODS THREE FEET (3') IN LENGTH WITH A PLASTIC CAP MARKED "LJA SURVEY" WILL BE SET ON ALL PERIMETER BOUNDARY CORNERS. CORNER MONUMENTS WILL BE SET AFTER CONSTRUCTION AND BEFORE RECORDATION OF THE ASSOCIATED SUBDIVISION PLAT.

- BENCHMARK: A BRASS DISK STAMPED W 668 RESET, LOCATED 2.35 MILES NORTHEASTERLY ALONG F.M. 521 FROM THE INTERSECTION OF STATE HIGHWAY 6 IN ARCOLA, AND APPROXIMATELY 0.40 MILE SOUTH WESTERLY FROM THE CROSSING OF THE AMERICAN CANAL AND F.M. 521, AT FRESNO. THE BRASS DISK IS IN THE EASTERLY RIGHT-OF-WAY OF F.M. 521, AT THE JUNCTION OF DALLAS ROAD, SET IN THE TOP OF A CONCRETE HEADWALL, 39.0 FEET EAST OF THE CENTERLINE OF F.M. 521, 13.0 FEET SOUTH OF THE CENTERLINE OF DALLAS ROAD, AND 1.8 FEET EAST OF THE WEST END OF THE CONCRETE HEADWALL, AND IS APPROXIMATELY LEVEL WITH THE HIGHWAY AND THE ROAD.

ELEV. = 71.52 FEET, NGVD-29 (1978 ADJ.)

- BDD4 BENCHMARK: A BRASS DISK STAMPED "WU-1" SET ON THE DOWNSTREAM SIDE OF A CONCRETE BRIDGE AT COUNTY ROAD 84 AND MUSTANG BAYOU AT STREAM CENTERLINE, EAST SIDE OF COUNTY ROAD 84, IN KEY MAP 652D NEAR UNIT D100-00-00.

ELEV. = 62.31 FEET, NAVD-88 (2001 ADJ) (ADD 1.65 FEET FOR NGVD-29 (1978 ADJ))

- TBM INDICATES TEMPORARY BENCHMARK: A BRASS DISK IN CONCRETE LOCATED +/- 607 FEET WEST OF THE SOUTH BOUND SERVICE ROAD OF STATE HWY 288 AND +/- 55 FEET NORTH OF THE NORTHERLY EDGE OF PAVEMENT OF COUNTY ROAD 101.

ELEV. = 63.64 FEET, NGVD-29 (1978 ADJ.)

- THIS TRACT LIES PARTIALLY IN ZONE "AE", PARTIALLY IN ZONE "X" (SHADED), AND PARTIALLY IN UNSHADED ZONE "X" OF THE FEMA FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY, TEXAS, MAP REVISED DECEMBER 30, 2020, MAP NO. 48039C0020K AND BY LETTER OF MAP REVISION BASED ON FILL (LOMR-F) DATED JANUARY 17, 2023, CASE NO. 23-06-0490A. THIS TRACT LIES PARTIALLY WITHIN THE 100-YEAR FLOODPLAIN.

LOTS HAVE BEEN REMOVED FROM THE FLOOD PLAIN AND LIE WITHIN ZONE "X" (SHADED) BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY LETTER OF MAP REVISION BASED ON FILL (LOMR-F) DATED JANUARY 17, 2023, CASE NO. 23-06-0490A.

ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.

- ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE OWNER.

- THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 18 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET (2) 24 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN. (3) 12 INCHES ABOVE FINISHED GRADE.

- ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE INCORPORATED LIMITS OF THE CITY OF MANVEL AND BRAZORIA DRAINAGE DISTRICT NO. 4.

- THIS PROPERTY IS LOCATED WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICTS NO. 39 AND 40, THE INCORPORATED LIMITS OF THE CITY OF MANVEL, THE CITY OF MANVEL ETJ, ALVIN INDEPENDENT SCHOOL DISTRICT AND BRAZORIA DRAINAGE DISTRICT NO. 4, AT THE TIME OF PLATTING.

- ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF MANVEL AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.

- BOUNDARY CLOSURE CALCULATIONS IS AT LEAST 1:15,000.

- SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT OR LOT.

- THE FINAL PLAT WILL EXPIRE TWO (2) YEARS AFTER FINAL APPROVAL BY PD&Z, IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY PD&Z.

- THE MINIMUM SETBACK AND MINIMUM LOT FRONTAGE REQUIREMENTS ARE BASED ON THE MASTER PLAT INCLUDED AS EXHIBIT "A" WITHIN THE SECOND AMENDMENT TO DEVELOPMENT AGREEMENT EFFECTIVE APRIL 17, 2023 AND RECORDED IN FILE NO. 2023017853, B.C.O.P.R.

- FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT MINIMUM SIDE YARD SETBACKS SHALL BE FIVE FEET, MINIMUM FRONT YARD SETBACKS SHALL BE 20 FEET FOR FRONT BUILDING LINE AND 25-FEET FOR GARAGES, AND MINIMUM SIDE YARDS SETBACKS FOR CORNER LOTS SHALL BE 20-FEET. SIDE YARD SETBACKS FOR CORNER LOTS THAT ARE ONLY ADJACENT TO OTHER SIDE YARDS SHALL HAVE A MINIMUM SIDE YARD SETBACK OF 15 FEET.

- BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION PONDS, HAVE BEEN CONSTRUCTED.

- THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE BOUNDARY OF THIS PLAT.

- THE DEVELOPMENT REGULATIONS AND CITY PERMITS ARE REQUIRED ON ALL PROPERTY.

- THE FOLLOWING DEVELOPMENT AGREEMENTS WITH THE CITY OF MANVEL APPLY TO THIS PLAT:

DEVELOPMENT AGREEMENT, EFFECTIVE MARCH 13, 2006

- 1ST AMENDMENT TO THE DEVELOPMENT AGREEMENT, EFFECTIVE SEPTEMBER 9, 2013

- 2ND AMENDMENT TO THE DEVELOPMENT AGREEMENT, EFFECTIVE JANUARY 26, 2015

- 3RD AMENDMENT TO THE DEVELOPMENT AGREEMENT, EFFECTIVE MARCH 1, 2016

- 4TH AMENDMENT TO THE DEVELOPMENT AGREEMENT, EFFECTIVE AUGUST 22, 2016

- 5TH AMENDMENT TO THE DEVELOPMENT AGREEMENT, EFFECTIVE JUNE 4, 2018

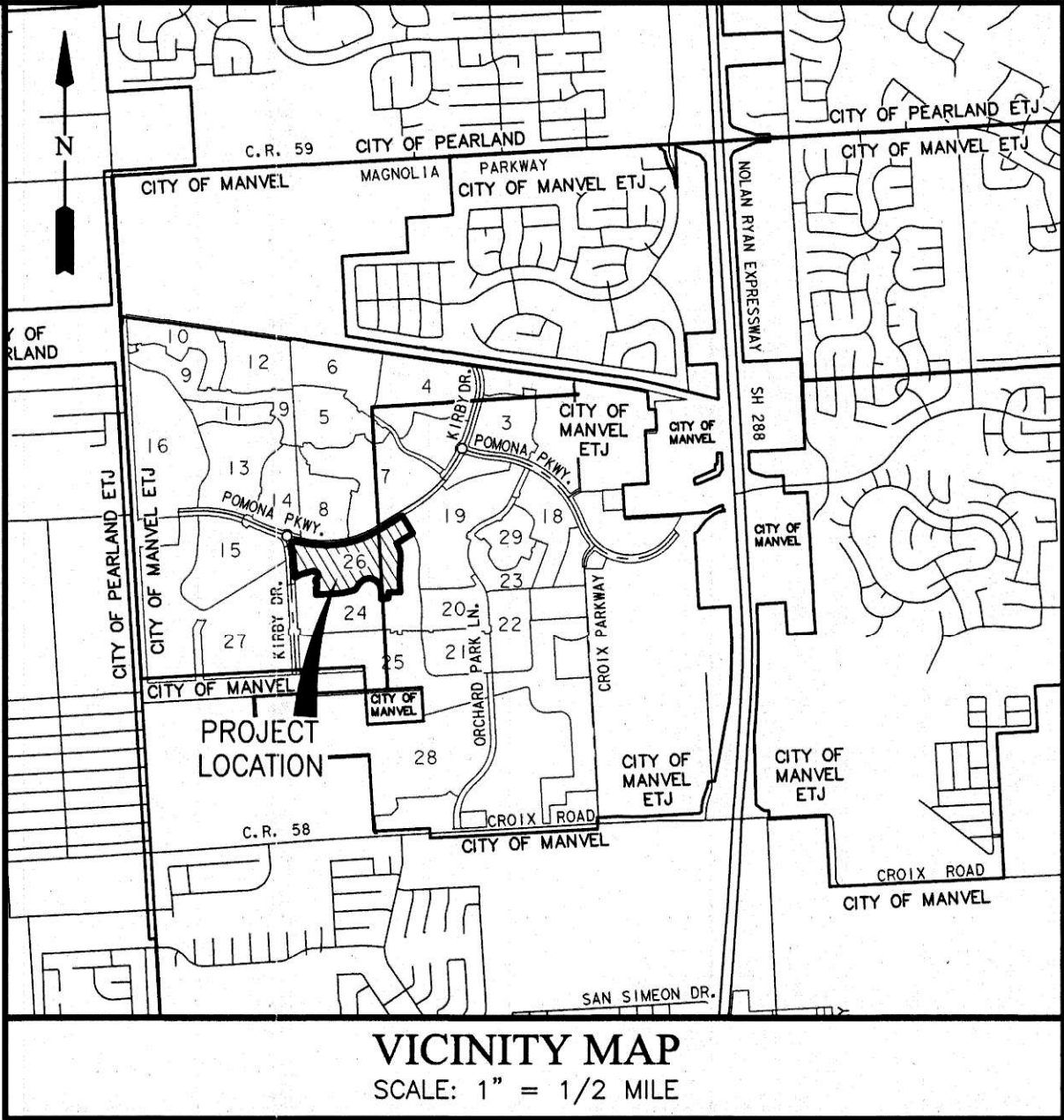
- 6TH AMENDMENT TO THE DEVELOPMENT AGREEMENT, EFFECTIVE DECEMBER 16, 2019

- 7TH AMENDMENT TO THE DEVELOPMENT AGREEMENT, EFFECTIVE MARCH 15, 2021

- 8TH AMENDMENT TO THE DEVELOPMENT AGREEMENT, EFFECTIVE DECEMBER 6, 2021

- 9TH AMENDMENT TO THE DEVELOPMENT AGREEMENT, EFFECTIVE APRIL 17, 2023

24. A 2-YEAR MAINTENANCE BOND WILL BE REQUIRED FOR CONSTRUCTED IMPROVEMENTS.





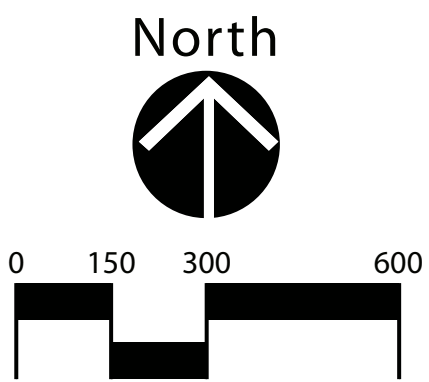


| Project Lot Allocation |       |            |
|------------------------|-------|------------|
| LOT SIZES              | Total | % of Total |
| 40' X 110'             | 123   | 5.4%       |
| 42' X 120'             | 58    | 2.6%       |
| 45' X 120'             | 58    | 2.6%       |
| 50' X 120'             | 574   | 25.4%      |
| 55' X 120'             | 489   | 21.7%      |
| 60' X 120'             | 383   | 16.9%      |
| 65' X 120'             | 221   | 9.8%       |
| 70' X 130'             | 114   | 5.1%       |
| 75' X 130'             | 108   | 4.8%       |
| 80' X 130'             | 129   | 5.7%       |
|                        | 2,257 | 100.0%     |

Prepared For:  
**HILLWOOD COMMUNITIES**  
Reference Date: 08.10.2021  
**LJA**  
PLANNING & LANDSCAPE ARCHITECTURE  
3600 W. Sam Houston Pkwy S, Suite 600  
Houston, Texas 77042  
713.953.5200

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This exhibit is an illustrative representation for presentation purposes only and should not be used for computation or construction purposes. The information provided within should be considered a graphic representation to aid in determining plan components and relationships and is subject to change without notice. All property boundaries, easements, road alignments, drainage, flood plains, environmental issues and other information shown is approximate and should not be relied upon for any purpose. No warranties, express or implied, concerning the actual design, accuracy, location, and character of the facilities shown on this exhibit are intended.

NOTE: The drainage & detention shown on this plan have not been fully analyzed by the engineer nor reviewed or approved by any governmental agency and are subject to change. Once the engineering analysis has been completed, the areas needed for drainage could change to meet the requirements of the governing agencies. The information provided on this exhibit should be considered a graphic representation to aid in determining plan components and relationships only.





THE STATE OF TEXAS       §  
COUNTY OF BRAZORIA     §  
CITY OF MANVEL           §



**MANVEL PLANNING DEVELOPMENT AND ZONING COMMISSION  
NOTICE IS HEREBY GIVEN  
6:00 P.M.**

**MINUTES 10/10/2023**

**Regular Session**

Position #1 Ryan Miller, Chair 03/2025  
Position #2 Kyle Marasckin, Vice-Chair 03/2025  
Position #3 Mary Ann Atkinson 03/2025  
Position #4 Kenneth Haynes 03/2025  
Position #5 Christy Kennard 03/2024  
Position #6 Dorothy Wynne 03/2024  
Position #7 Muhammed Alam 03/2024

PDZ Member Ryan Miller called the meeting of the PDZ to order at 6:00 p.m.  
Those in attendance were:

**Present:** Mary Ann Atkinson  
Kenneth Haynes  
Kyle Marasckin  
Ryan Miller

**Absent:** Christy Kennard  
Dorothy Wynne  
Muhammed Alam

**Also Present:** Daniel Johnson, City Manager  
Robert Gervais, City Attorney  
Tammy Bell, City Secretary  
Jessica Rodriguez, Director of Development Services  
Jose Abraham, City Planner

**Pledge**

**Public Comments: "Comment Card" Required**

**Consent PDZ**

- A. Approve a six-month preliminary plat extension for Del Bello Lakes Section Nine;  
*BEING A SUBDIVISION OF 12.7 ACRES OF LAND OUT OF THE H.T. & B.R.R. SURVEY,  
A-460, BRAZORIA COUNTY, TEXAS.*



- B. Approve the meeting minutes to date.

PDZ Member Kyle Marasckin made the motion to approve the Consent Agenda. PDZ Member Ryan Miller seconded the motion.

**The motion carried with a vote: 4/0**

Yes: Ryan Miller, Kyle Marasckin, Mary Ann Atkinson, Kenneth Haynes  
No: None  
Absent: Christy Kennard, Dorothy Wynne, Muhammed Alam  
Abstained: None

**Regular Agenda**

- A. Consideration and possible action to approve the Preliminary Plat of Hampton Business Park;  
*BEING A SUBDIVISION OF 13.82 ACRES / 602,164 SQ.FT. SITUATED IN THE H.T. & B.R.R. CO. SURVEY, ABSTRACT NO. 298, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.*

Jose Abraham, City Planner, provided an overview to PD&Z of several deficiencies pertaining to Chapter 62, Subdivision Ordinance, Design Criteria Manual. Staff is not recommending approval.

PDZ Member Mary Ann Atkinson made the motion to approve. PDZ Member Kenneth Haynes seconded the motion.

**The motion FAILED with a vote: 0/4**

Yes: None  
No: Ryan Miller, Kyle Marasckin, Mary Ann Atkinson, Kenneth Haynes  
Absent: Christy Kennard, Dorothy Wynne, Muhammed Alam  
Abstained: None

- B. Consideration and possible action to approve an Extended Stay Permit for a recreational vehicle (RV) located at 5714 Masters Road.

Jose Abraham, City Planner, provided an overview to PD&Z. Staff is not recommending approval.

PDZ Member Kyle Marasckin made the motion to approve. PDZ Member Ryan Miller seconded the motion.

**The motion FAILED with a vote: 0/4**

Yes: None  
No: Ryan Miller, Kyle Marasckin, Mary Ann Atkinson, Kenneth Haynes  
Absent: Christy Kennard, Dorothy Wynne, Muhammed Alam  
Abstained: None

- C. Consideration and possible action to direct staff to provide Applicants written statements of the conditions for any conditional approvals, and the reasons for disapproval of any plans or plats that were not approved, per Texas Local Government Code §212.0091.

PDZ Member Ryan Miller made the motion to approve. PDZ Member Mary Ann Atkinson seconded the motion.

**The motion carried with a vote: 4/0**



Yes: Ryan Miller, Kyle Marasckin, Mary Ann Atkinson, Kenneth Haynes  
No: None  
Absent: Christy Kennard, Dorothy Wynne, Muhammed Alam  
Abstained: None

**D. Discussion on amendment of bylaws.**

Robert Gervais, City Attorney -

Will be bringing some minor changes forward after discussion and asks PD&Z Members to review the bylaws and provide feedback on any changes they would like to see.

**E. Consideration and possible action to approve excused committee member absences.**

PDZ Member Mary Ann Atkinson made the motion to approve. PDZ Member Kenneth Haynes seconded the motion.

**The motion carried with a vote: 4/0**

Yes: Ryan Miller, Kyle Marasckin, Mary Ann Atkinson, Kenneth Haynes  
No: None  
Absent: Christy Kennard, Dorothy Wynne, Muhammed Alam  
Abstained: None

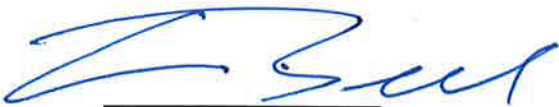
**Adjourn**

PDZ Member Kenneth Haynes made the motion to adjourn the meeting at 6:20 p.m. PDZ Member Kyle Marasckin seconded the motion.

**The motion carried with a vote: 4/0**

Yes: Ryan Miller, Kyle Marasckin, Mary Ann Atkinson, Kenneth Haynes  
No: None  
Absent: Christy Kennard, Dorothy Wynne, Muhammed Alam  
Abstained: None

**CERTIFICATION**



TAMMY BELL, CITY SECRETARY  
CITY OF MANVEL, TEXAS





# City of Manvel

P. O. Box 187  
20025 Hwy 6  
Manvel, Texas 77578

(281) 489-0630  
Fax (281) 489-0634

## AGENDA REQUEST

**REQUEST MUST BE MADE 7 CALENDAR DAYS PRIOR TO MEETING**

Meeting Requested: (Please check applicable meeting)

|                                |                                     |              |                          |      |                          |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|
| Planning, Development & Zoning | <input checked="" type="checkbox"/> | City Council | <input type="checkbox"/> | Both | <input type="checkbox"/> |
|--------------------------------|-------------------------------------|--------------|--------------------------|------|--------------------------|

Date of Request: October 23, 2023

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE FIRST AND THIRD MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND SECOND AND FOURTH MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT [www.cityofmanvel.com](http://www.cityofmanvel.com). THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Brian Edwards

Daytime Phone: 713.380.4420 Fax Number: \_\_\_\_\_

E-mail Address: bedwards2lja.com

**Description of Request and Physical Address:**

Consideration and possible action to approve the Preliminary Plat of Valencia Lake B, A subdivision of 8.460 acres of land located in the H.T. & B.R.R. company

Survey, Section 64, (A.K.A) Mary V. O'Donnell Survey, Abstract 483, Brazoria County, Texas, Also being a portion of Outlots 180, and 195 of the DR. A.A. Luther Subdivision

of the town of Manvel and surrounding acreage property, a subdivision recorded in Vol. 1, PGS. 71 - 72, and Vol. 3, PGS. 139 - 140 of the Brazoria County Plat Records

(B.C.P.R.)

**Plats:**

Preliminary ☒

Final ☐

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE TURNED IN 7 CALENDAR DAYS PRIOR TO THE MEETING.

BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Jose Abraham  
SIGNATURE

10/18/2023  
DATE





## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### **STAFF REPORT TO PLANNING, DEVELOPMENT AND ZONING COMMISSION** **PLAT APPLICATION**

|                                    |                                                                                                         |
|------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Plat Name:</b>                  | Valencia Lake B - preliminary Plat                                                                      |
| <b>Applicant:</b>                  | Lacey Bell – LJA Engineering                                                                            |
| <b>PD&amp;Z Meeting Date:</b>      | October 23, 2023                                                                                        |
| <b>Submitted By:</b>               | Ellie Roohbakhsh, Associate Planner                                                                     |
| <b>Report Approved by:</b>         | Dan Johnson, Interim City Manager/ City Engineer<br>Jessica Rodriguez, Director of Development Services |
| <b>Recommendation of Approval:</b> | <a href="#"><u>Conditional Approval</u></a>                                                             |

#### **BACKGROUND/ REVIEW NOTES**

- *This proposed plat includes a drill site and detention facility within Valencia Master Planned Development established as a Planned Unit Development (PUD) in July 2021.*
- *A master plan for the development was approved by City Council in August 2022.*
- *An amendment to Valencia Master Plan was approved by the Planning Development and Zoning Commission on April 24, 2023,*
- *The proposed site is located at the southeast corner of the intersection of proposed Charlotte Street and Pollard Blvd.*
- *This proposed plat subdivides 8.46 acre of land into 1 Block and 4 reserves for landscaping, open space, drill site, detention, lake, amenity, and storage tank.*
- *This plat was previously submitted and approved in August 2023. The approval has expired since therefore is being submitted again.*
- *This submittal provided additional details that results in a deficiency listed below as a condition.*

#### **STAFF RECOMMENDATION**

The City staff recommends approval of the *Valencia Lake B Preliminary Plat* with one (1) condition. The condition includes:

1. The proposed plat includes a drilling site. Revise Note 22 to elaborate that drilling within the drilling site shall be confined to Reserve A” and all drilling activity shall be in conformance with Chapter 35, Article V of the City of Manvel Code of Ordinances (Section 62-38. (a)(8)).









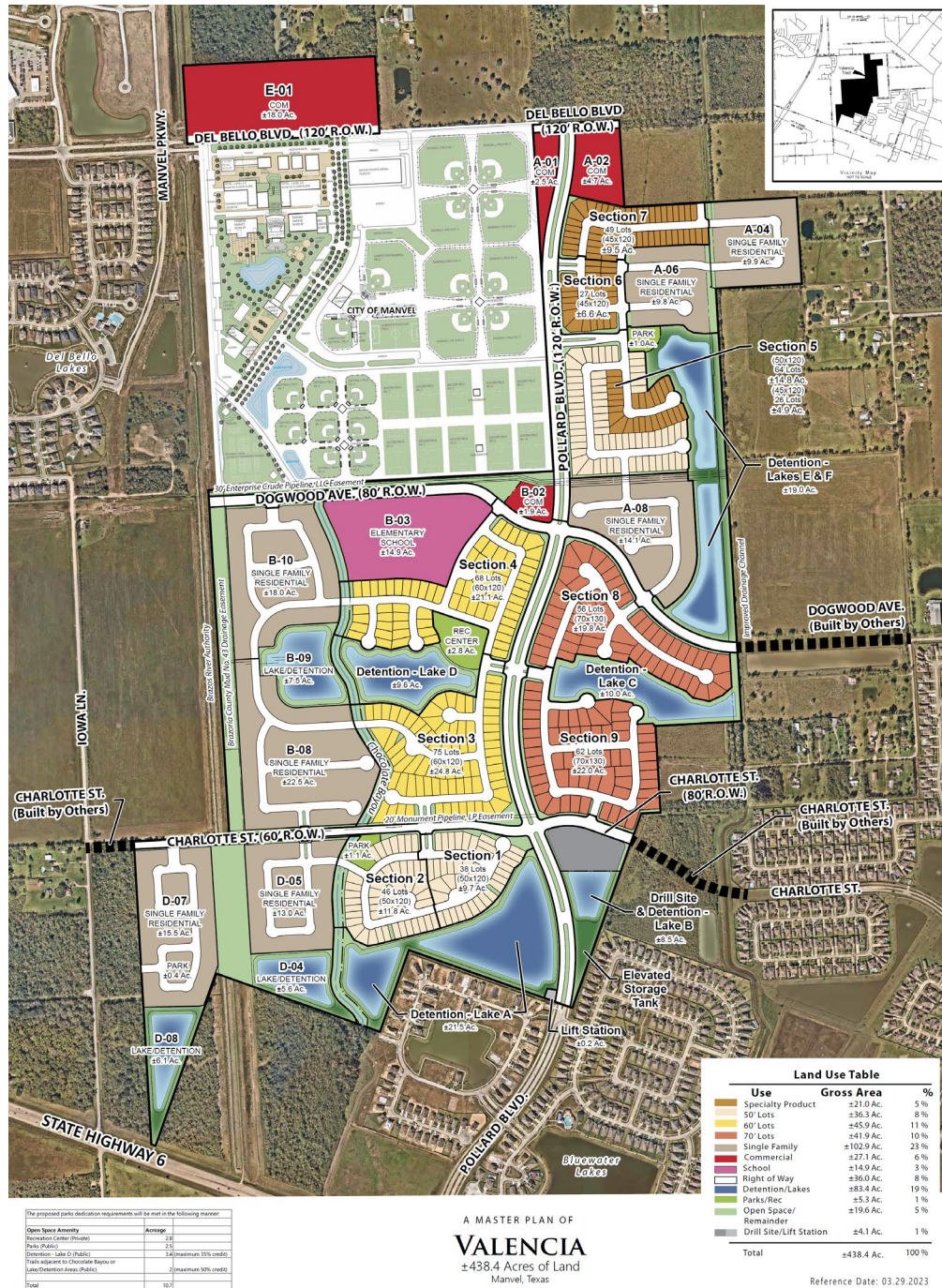




## DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

### Valencia Master Plan Amendment No. 1 (dated March 29, 2023)



| The proposed parks dedication requirements will be met in the following manner: |                            |
|---------------------------------------------------------------------------------|----------------------------|
| Open Space Amenity                                                              | Acreage                    |
| Recreation Center (Private)                                                     | ±2.8                       |
| Park (Public)                                                                   | ±2.0                       |
| Detention - Lake D (Public)                                                     | ±1.4 (maximum 35% credits) |
| Trails adjacent to Charlotte Express or Lake/Detention Areas (Public)           | ±2.0 (maximum 50% credits) |
| <b>Total</b>                                                                    | <b>±8.2</b>                |

#### PREPARED FOR: HILLWOOD RESIDENTIAL

NOTES:  
1) ALL LOCAL STREET WIDTHS ARE 40' WIDE.  
2) THE MASTER PLAN SHALL EXPIRE 3 YEARS AFTER COUNCIL APPROVAL, UNLESS CONSTRUCTION OF THE IMPROVEMENTS IN THE FINAL APPROVED CONSTRUCTION PLANS HAS COMMENCED.

#### A MASTER PLAN OF VALENCIA ±438.4 Acres of Land Manvel, Texas Project # 2791-09001

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS HAS APPROVED THE VALENCIA MASTER PLAN AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL, AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS MASTER PLAN THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

CITY CLERK

This is to certify that the Planning, Development, and Zoning Commission of the City of Manvel, Texas, provided a recommendation of approval to the Valencia Master Plan in accordance with the terms of the Table of Uses and the ordinance of the City of Manvel in their meeting and authorize the recording of this Master Plan. This \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Planning, Development, and Zoning Commission

Reference Date: 03/29/2023





STATE OF TEXAS  
COUNTY OF BRAZORIA

WE, VALENCIA 288, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH BRIAN CARLOCK, SENIOR VICE PRESIDENT, BEING AN OFFICER OF VALENCIA 288, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNERS OF THE PROPERTY SUBDIVIDED IN THE PLAT OF VALENCIA DRILL SITE AND LAKE B, 8.460 ACRES OF LAND LOCATED IN THE H.T. & B. R.R. COMPANY SURVEY, SECTION 64, (A.K.A.) MARY V. O'DONNELL SURVEY, ABSTRACT 483, BRAZORIA COUNTY, TEXAS, ALSO BEING A PORTION OF OUTLOTS 180 AND 195 OF THE DR. A.A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACREAGE PROPERTY, A SUBDIVISION RECORDED IN VOL. 1, PGS. 71-72, AND VOL. 3, PGS. 139-140 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID CORPORATION, ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH, THE STREETS, ALLEYS, PARKS AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND 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 UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

FURTHER, WE DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION OF VALENCIA DRILL SITE AND LAKE B WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION AND DO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATE TO THE USE OF THE PUBLIC, ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

IN TESTIMONY HERETO, VALENCIA 288, LLC, A TEXAS LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY BRIAN CARLOCK, ITS SENIOR VICE PRESIDENT, THEREUNTO AUTHORIZED,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: VALENCIA 288, LLC,  
A TEXAS LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_  
BRIAN CARLOCK, SENIOR VICE PRESIDENT

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BRIAN CARLOCK, SENIOR VICE PRESIDENT OF VALENCIA 288, LLC, A TEXAS LIMITED LIABILITY COMPANY, 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 AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

WE, SIMMONS BANK, AN ARKANSAS STATE BANK, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS VALENCIA DRILL SITE AND LAKE B, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 2021070896 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

SIMMONS BANK  
AN ARKANSAS STATE BANK

BY: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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 THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF \_\_\_\_\_

I, KEITH W. MONROE, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL BOUNDARY SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION ACCORDING TO THE STANDARDS OF PRACTICE OF THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS; THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST STREET INTERSECTION; THAT THE BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE/TANGENCY AND INTERIOR CORNERS OF THIS SUBDIVISION WERE NOT SET AT THE TIME THIS PLAT WAS SIGNED BY ME AND THAT THESE CORNERS ARE TO BE SET AFTER CONSTRUCTION OF THE PUBLIC INFRASTRUCTURE AND FINAL LOT GRADING WITHIN THE SUBDIVISION; AND THAT ALL PREVIOUSLY EXISTING PROPERTY MARKERS ARE SUFFICIENTLY DESCRIBED ON THIS DOCUMENT AS FOUND AND ALL SET MARKERS ARE A MINIMUM OF 5/8-INCH DIAMETER IRON ROD WITH SURVEYOR'S CAP (SEE NOTE 5).

THE INTERIOR CORNERS OF THIS SUBDIVISION WERE NOT SET AT THE TIME THIS PLAT WAS SIGNED AND SEALED BY ME. THESE CORNERS ARE EXPECTED TO BE SET AFTER CONSTRUCTION OF THE PUBLIC INFRASTRUCTURE AND FINAL GRADING WITHIN THE SUBDIVISION.

KEITH W. MONROE, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 4797

BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 NOTES:

- DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR THE PURPOSES OF DRAINAGE WORK, PROVIDED BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 (B.C.C.R.D. #3) IS PROPERLY NOTIFIED.
- ALL DRAINAGE EASEMENTS SHOWN HEREON SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF DRAINAGE FACILITIES. LANDSCAPING SHALL BE PERMITTED WITHIN THE DETENTION PONDS LOCATED WITHIN THIS SUBDIVISION.
- MAINTENANCE OF DETENTION FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. B.C.C.R.D. #3 SHALL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY B.C.C.R.D. #3 OR SUB-REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO B.C.C.R.D. #3 WITH THEIR APPROVAL. B.C.C.R.D. #3 SHALL BE RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THEM, UNLESS B.C.C.R.D. #3 SPECIFICALLY CONTACTS OR AGREES TO MAINTAIN OTHER FACILITIES.
- THE SIDES OF DRAINAGE CHANNELS AND DETENTION FACILITIES SHALL BE HYDROMULCH SEEDED.
- OUTFALL STRUCTURES AND CULVERTS SHALL COMPLY WITH THE STORM SEWER SECTION OF THE BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 REGULATIONS. BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS ADOPTED THE BRAZORIA COUNTY DRAINAGE DISTRICT CRITERIA MANUAL AS ITS GUIDE. EROSION PROTECTION FOR OUTFALL STRUCTURES MUST BE REINFORCED CONCRETE. CONCRETE RUBBLE IS NOT ALLOWED.
- B.C.C.R.D. #3 APPROVAL OF THE FINAL DRAINAGE PLANS AND FINAL PLAT (IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENTS, FEE STRIPS AND/OR ANY OTHER RIGHT-OF-WAY ACROSS THIRD PARTY DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLANS AND THE FINAL PLAT.
- B.C.C.R.D. #3 PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITIES ARE OPERATING PROPERLY.
- DETENTION IS REQUIRED BY B.C.C.R.D. #3 IN ORDER TO OFFSET ADDITIONAL STORM RUNOFF DUE TO THE INCREASED IMPERVIOUS COVER FROM THE DEVELOPMENT.

THIS IS TO CERTIFY THAT BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS APPROVED THIS PLAT OF "VALENCIA DRILL SITE AND LAKE B" AS SHOWN HEREON

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

RICKY KUBECZKA, COMMISSIONER

JODY SCHIBI, COMMISSIONER

ALFRED FROBERG, JR.  
COMMISSIONER

DONG NGUYEN, P.E., C.F.M.  
DISTRICT ENGINEER

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS APPROVED THIS PLAT OF VALENCIA DRILL SITE AND LAKE B IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

PLANNING, DEVELOPMENT, AND ZONING COMMISSION

BEING 8.460 ACRES OF LAND LOCATED IN THE H.T.& B.R.R. COMPANY SURVEY, SECTION 64, (A.K.A.) MARY V. O'DONNELL SURVEY, ABSTRACT 483, MORE PARTICULARLY BEING A PORTION OF OUTLOTS 180 AND 195 OF THE DR. A. A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACREAGE PROPERTY, A SUBDIVISION OF RECORD UNDER VOLUME 1, PAGES 71 & 72 AND VOLUME 3, PAGES 139 & 140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS (B.C.P.R.), AND A PORTION OF THE REMAINDER OF THAT CERTAIN CALLED 418.432 ACRE TRACT CONVEYED TO VALENCIA 288, LLC AND DESCRIBED AS TRACT 1 BY AN INSTRUMENT OF RECORD UNDER DOCUMENT NUMBER 2021088486 OF THE OFFICIAL PUBLIC RECORDS OF SAID BRAZORIA COUNTY, TEXAS (B.C.O.P.R.), SAID 8.460 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND AS FOLLOWS (ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83, 1993 ADJUSTMENT);

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" PREVIOUSLY SET FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF POLLARD BOULEVARD (120' RIGHT-OF-WAY), AS SHOWN ON POLLARD BOULEVARD, CHARLOTTE STREET, AND DOGWOOD AVENUE STREET DEDICATION; A SUBDIVISION OF RECORD UNDER DOCUMENT NUMBER 2022067705, B.C.O.P.R., SAME BEING THE NORTHEAST CORNER OF POLLARD BOULEVARD (120' RIGHT-OF-WAY), AS SHOWN ON POLLARD BOULEVARD STREET DEDICATION, A SUBDIVISION OF RECORD UNDER DOCUMENT NUMBER 2018017864, B.C.O.P.R., AND THE NORTHWEST CORNER OF RESERVE "B" OF BLUEWATER LAKES SECTION 2, A SUBDIVISION OF RECORD UNDER DOCUMENT NUMBER 2018017804, B.C.O.P.R., SAID POINT LYING ON THE SOUTH LINE OF THE AFOREMENTIONED 418.432 ACRE TRACT, THE BEGINNING OF A CURVE;

THENCE, ALONG THE EASTERLY AND SOUTHERLY RIGHT-OF-WAY LINES OF POLLARD BOULEVARD AND CHARLOTTE STREET (80' RIGHT-OF-WAY) AS SHOWN ON SAID POLLARD BOULEVARD, CHARLOTTE STREET, AND DOGWOOD AVENUE STREET DEDICATION THE FOLLOWING SIX (6) COURSES:

1. DEPARTING THE SOUTH LINE OF SAID 418.432 ACRE TRACT AND ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,860.00 FEET, AN ARC LENGTH OF 1,137.45 FEET, A CENTRAL ANGLE OF 35° 02' 17", AND A CHORD WHICH BEARS NORTH 05° 28' 10" WEST, 1,119.81 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" PREVIOUSLY SET FOR CORNER;

2. NORTH 22° 59' 19" WEST, 215.54 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

3. 49.74 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 95° 00' 00", AND A CHORD WHICH BEARS NORTH 24° 30' 41" EAST, 44.24 FEET TO A POINT FOR CORNER;

4. NORTH 72° 00' 41" EAST, 16.09 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

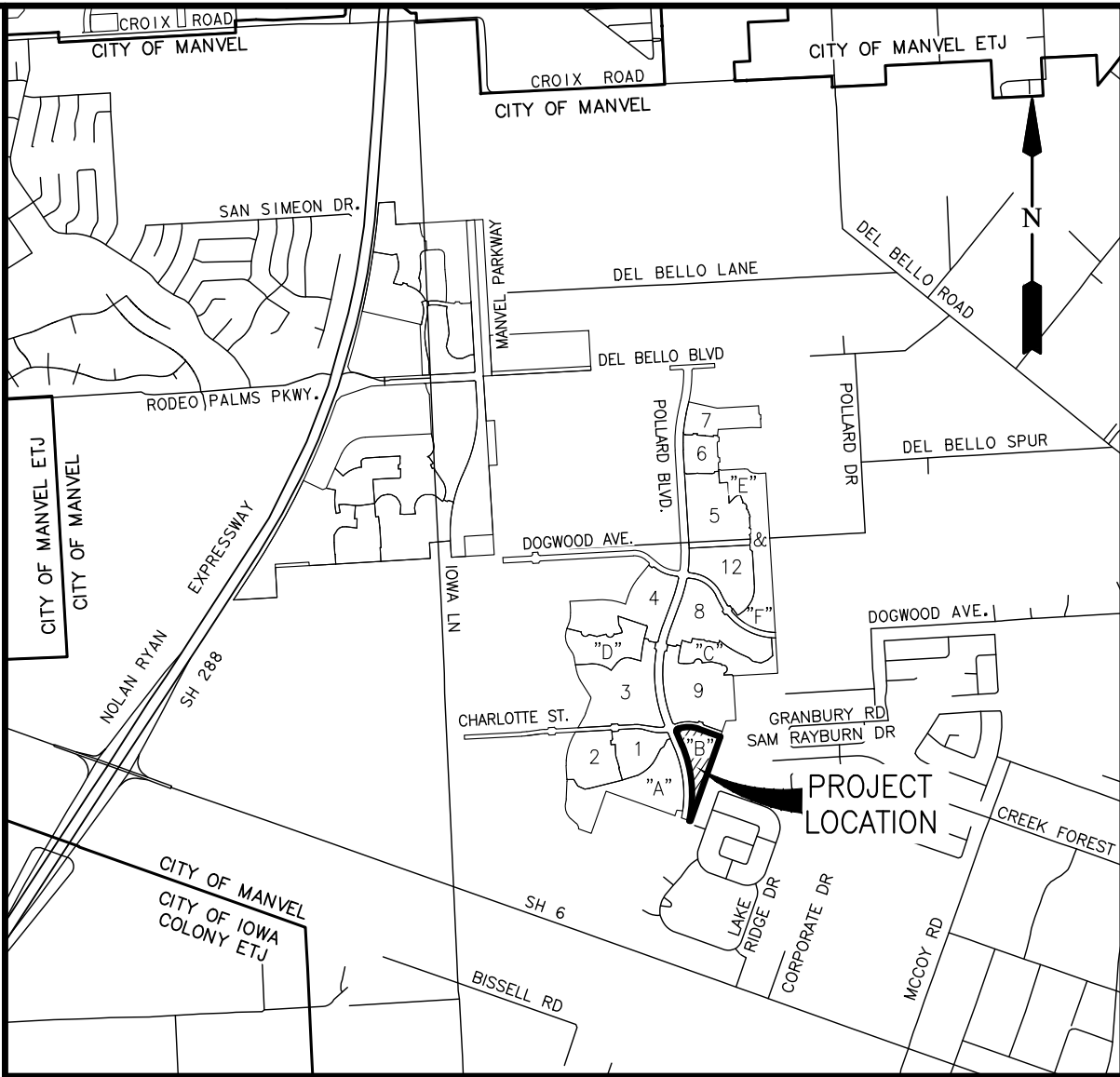
5. 301.21 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 37° 31' 02", AND A CHORD WHICH BEARS SOUTH 89° 13' 48" EAST, 295.86 FEET TO A POINT FOR CORNER;

6. SOUTH 70° 28' 17" EAST, 340.27 FEET TO THE SOUTHEAST CORNER OF SAID CHARLOTTE STREET, SAID POINT LYING ON THE EAST LINE OF THE AFOREMENTIONED 418.432 ACRE TRACT, SAME BEING THE NORTHWESTERLY LINE OF A 40 FOOT RIGHT-OF-WAY AS SHOWN ON THE AFOREMENTIONED DR. A. A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACREAGE PROPERTY;

THENCE, SOUTH 19° 31' 43" WEST, ALONG SAID COMMON LINE, 662.93 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "S ADAMS RPLS 3666" FOUND FOR AN ANGLE POINT;

THENCE, SOUTH 19° 30' 15" WEST, CONTINUING ALONG SAID COMMON LINE, 659.85 FEET TO A 1-INCH IRON PIPE FOUND FOR A SOUTH CORNER OF SAID 418.432 ACRE TRACT, SAID POINT LYING ON THE NORTH LINE OF THE AFOREMENTIONED RESERVE "B";

THENCE, NORTH 70° 28' 49" WEST, DEPARTING THE NORTHWESTERLY LINE OF SAID 40 FOOT RIGHT-OF-WAY AND ALONG THE SOUTH LINE OF SAID 418.432 ACRE TRACT AND THE NORTH LINE OF SAID RESERVE "B", 18.42 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.460 ACRES OF LAND.



VICINITY MAP  
SCALE: 1" = 1/2 MILE

KEY MAP NO. 653T

## PRELIMINARY PLAT OF VALENCIA LAKE B

A SUBDIVISION OF 8.460 ACRES OF LAND LOCATED IN THE H.T. & B. R.R. COMPANY SURVEY, SECTION 64, (A.K.A.) MARY V. O'DONNELL SURVEY, ABSTRACT 483, BRAZORIA COUNTY, TEXAS, ALSO BEING A PORTION OF OUTLOTS 180, AND 195 OF THE DR. A.A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACREAGE PROPERTY, A SUBDIVISION RECORDED IN VOL. 1, PGS. 71-72, AND VOL. 3, PGS. 139-140 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.)

0 LOTS      4 RESERVES (8.460 ACRES)      1 BLOCK

OCTOBER 10, 2023

JOB NO. 2791-6102

OWNER:

**VALENCIA 288, LLC,**  
A TEXAS LIMITED LIABILITY COMPANY  
**BRIAN CARLOCK, SENIOR VICE PRESIDENT**  
3000 TURTLE CREEK BOULEVARD, DALLAS, TEXAS 75219  
PH: 214-303-5535

SURVEYOR:

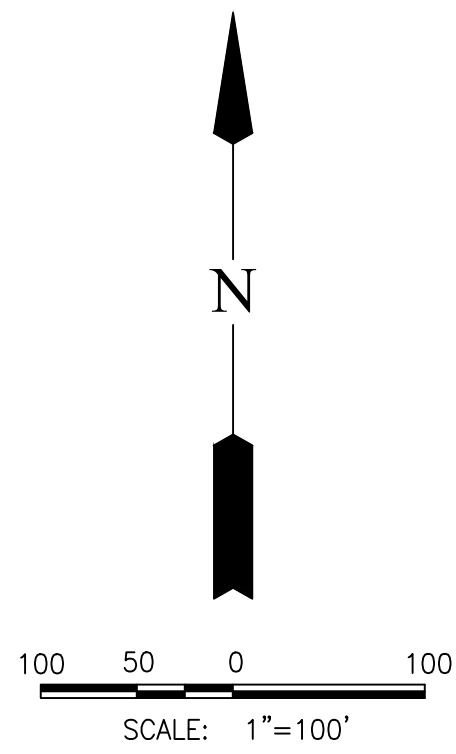
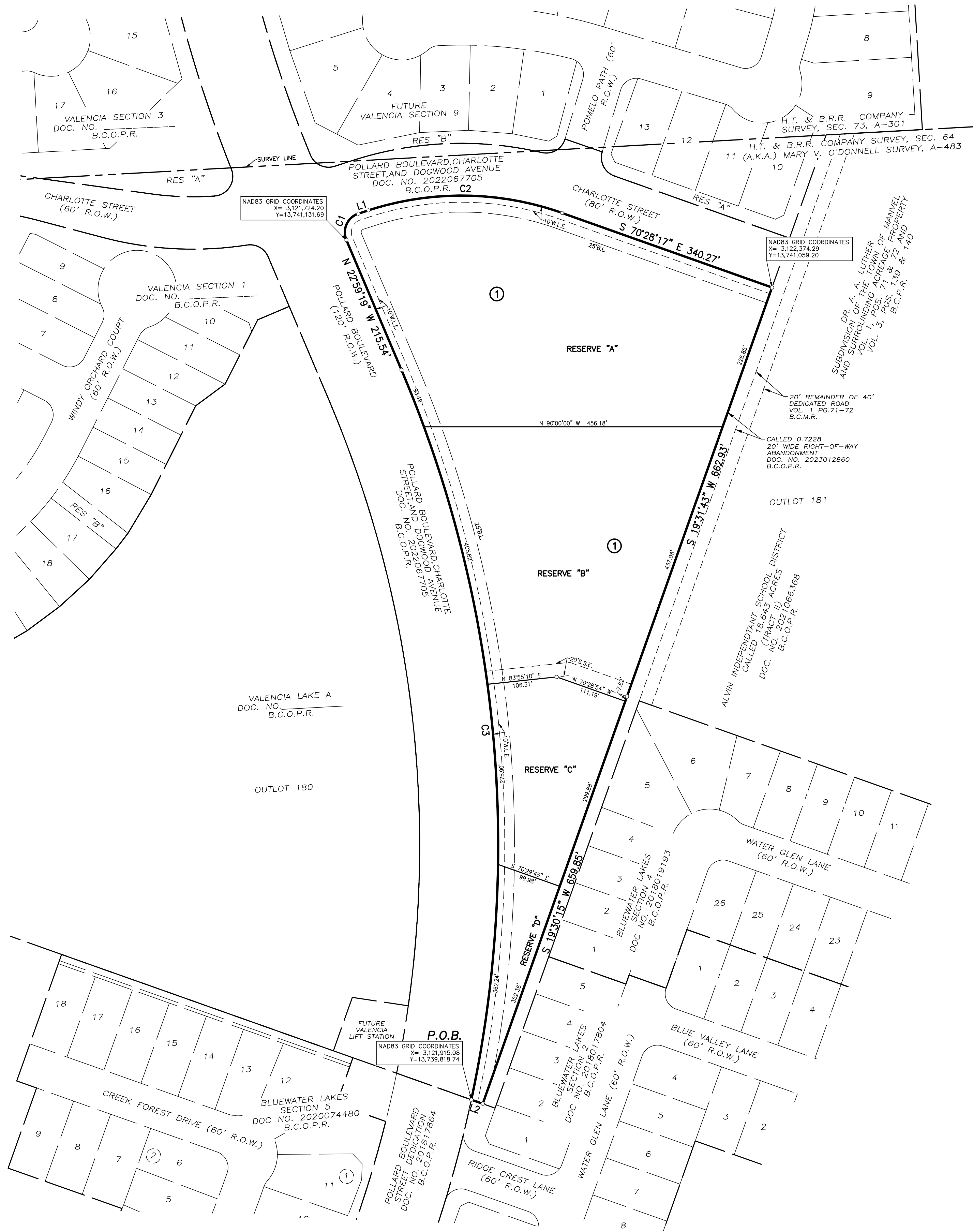
**LJA Surveying, Inc.**  
3600 W. Sam Houston Parkway S.      Phone 713.953.5200  
Suite 175      Fax 713.953.5026  
Houston, Texas 77042      T.B.P.E.L.S. Firm No. 10194382

ENGINEER:

**LJA Engineering, Inc.**  
1904 W. Grand Parkway North      Phone 713.953.5200  
Suite 100      Fax 713.953.5026  
Katy, Texas 77449      FRN-F-1386

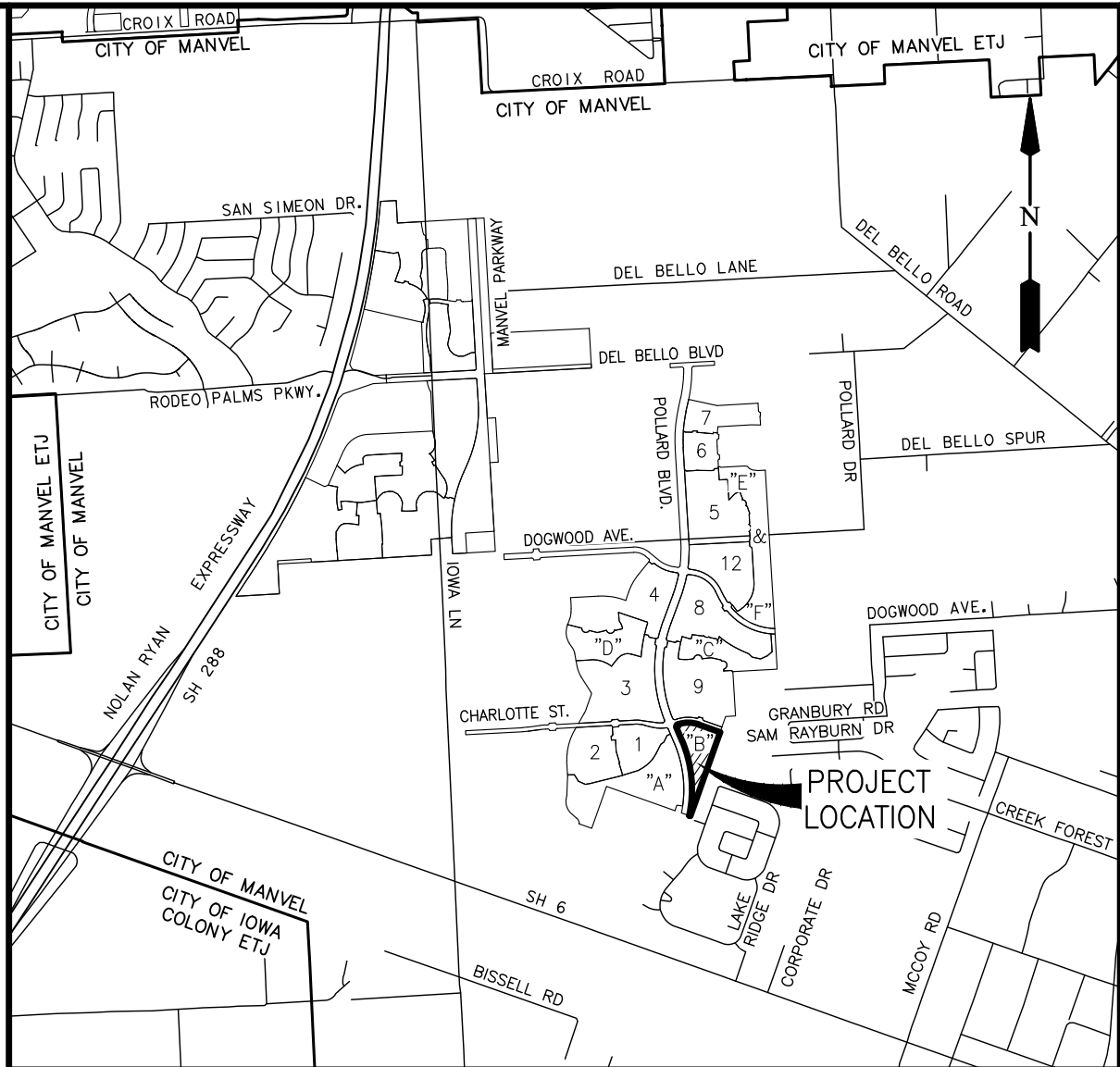
SHEET 1 OF 2





NOTES:

- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS FOR THE STATE OF TEXAS, THE INCORPORATED LIMITS OF THE CITY OF MANVEL, AND BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3.
- THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY CHARTER TITLE COMPANY, ORDER NO. 2023-0021, DATED JANUARY 17, 2023. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
- ALL BEARINGS REFERENCED ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (1993 ADJUSTMENT). THE COORDINATES SHOWN ARE GRID AND CAN BE BROUGHT TO SURFACE BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 0.99986357.
- ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS AND OPEN SPACES WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF MANVEL.
- FIVE EIGHTHS INCH (5/8") IRON RODS THREE FEET (3') IN LENGTH WITH A PLASTIC CAP MARKED "LJA SURVEY" WILL BE SET ON ALL PERIMETER BOUNDARY CORNERS, CORNER MONUMENTS WILL BE SET AFTER CONSTRUCTION AND BEFORE RECORDATION OF THE ASSOCIATED SUBDIVISION PLAT.
- BENCHMARK: BRAZORIA COUNTY LIDAR GROUND CONTROL POINT #609: A PK NAIL FLUSH WITH THE PAVEMENT AT CENTERLINE OF THE INTERSECTION OF PALMETTO STREET AND RODGERS ROAD. THE POINT IS LOCATED ±336' SOUTH OF THE INTERSECTION OF PALMETTO STREET AND SH 6.  
ELEV. = 51.98 FEET, NAVD88 GEOID 2003 (B.C. LIDAR DATUM)
- TBM-INDICATES TEMPORARY BENCHMARK: A 5/8" IRON ROD WITH CAP STAMPED "LJA ENG CONTROL" LOCATED AT THE NORTH SIDE OF RIDGE CREST LANE. THE POINT IS LOCATED ±107' EAST OF THE CENTERLINE OF POLLARD BOULEVARD AND ±19' NORTH OF THE CENTERLINE OF RIDGE CREST LANE.  
ELEV. = 53.29 FEET, NAVD88 GEOID 2003 (B.C. LIDAR DATUM)
- THIS TRACT LIES WITHIN ZONE "X" (UNSHADED) OF THE FEMA FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY, TEXAS, MAP REVISED DECEMBER 30, 2020, MAP NO. 4803900130K, ZONE "X" (UNSHADED) IS DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."
- ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
- ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE OWNER.
- THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 18 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET, (2) 24 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN, (3) 12 INCHES ABOVE FINISHED GRADE.
- ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF MANVEL AND BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3.
- THIS PROPERTY IS LOCATED WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, THE INCORPORATED LIMITS OF THE CITY OF MANVEL, ALVIN INDEPENDENT SCHOOL DISTRICT, AND BRAZORIA COUNTY CONSERVATION & RECLAMATION DISTRICT NO. 3, AT THE TIME OF PLATTING.
- ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF MANVEL AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
- BOUNDARY CLOSURE CALCULATIONS IS AT LEAST 1:15,000.
- SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT OR LOT.
- THE FINAL PLAT WILL EXPIRE TWO (2) YEARS AFTER FINAL APPROVAL BY PD&Z, IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY PD&Z.
- BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION PONDS, HAVE BEEN CONSTRUCTED.
- THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE BOUNDARY OF THIS PLAT.
- THE DEVELOPMENT REGULATIONS AND CITY PERMITS ARE REQUIRED ON ALL PROPERTY.
- A 2-YEAR MAINTENANCE BOND WILL BE REQUIRED FOR CONSTRUCTED IMPROVEMENTS.
- THE VALENCIA DEVELOPMENT AGREEMENT, APPROVED BY CITY OF MANVEL ORDINANCE NO. 2021-0-18, EFFECTIVE JULY 19, 2021 APPLIES TO THIS PLAT.
- RESERVE "A" IS SUBJECT TO 4.000 ACRE DRILL SITE AS RECORDED IN FILE NO.S 2021068488 AND 2021068489 B.C.O.P.R.



VICINITY MAP  
SCALE: 1" = 1/2 MILE

KEY MAP NO. 653T

LEGEND

- |            |                                                   |
|------------|---------------------------------------------------|
| A.E.       | INDICATES AERIAL EASEMENT                         |
| B.C.C.F.   | INDICATES BRAZORIA COUNTY CLERK'S FILE            |
| B.C.D.R.   | INDICATES BRAZORIA COUNTY DEED RECORDS            |
| B.C.O.R.   | INDICATES BRAZORIA COUNTY OFFICIAL RECORDS        |
| B.C.O.P.R. | INDICATES BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS |
| B.C.P.R.   | INDICATES BRAZORIA COUNTY PLAT RECORDS            |
| B.L.       | INDICATES BUILDING LINE                           |
| C.I.R.     | INDICATES CAPPED IRON ROD                         |
| D.E.       | INDICATES DRAINAGE EASEMENT                       |
| E.E.       | INDICATES ELECTRICAL EASEMENT                     |
| F.N.       | INDICATES FILE NUMBER                             |
| FND.       | INDICATES FOUND                                   |
| I.R.       | INDICATES IRON ROD                                |
| NO.        | INDICATES NUMBER                                  |
| PG.        | INDICATES PAGE                                    |
| P.O.B.     | INDICATES POINT OF BEGINNING                      |
| R.O.W.     | INDICATES RIGHT-OF-WAY                            |
| S.S.E.     | INDICATES SANITARY SEWER EASEMENT                 |
| STM.S.E.   | INDICATES STORM SEWER EASEMENT                    |
| U.E.       | INDICATES UTILITY EASEMENT                        |
| VOL.       | INDICATES VOLUME                                  |
| W.L.E.     | INDICATES WATER LINE EASEMENT                     |

PRELIMINARY PLAT OF  
VALENCIA LAKE B

A SUBDIVISION OF 8.460 ACRES OF LAND LOCATED IN THE H.T. & B. R.R. COMPANY SURVEY, SECTION 64, (A.K.A.) MARY V. O'DONNELL SURVEY, ABSTRACT 483, BRAZORIA COUNTY, TEXAS, ALSO BEING A PORTION OF OUTLOTS 180, AND 195 OF THE DR. A.A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL AND SURROUNDING ACREAGE PROPERTY, A SUBDIVISION RECORDED IN VOL. 1, PGS. 71-72, AND VOL. 3, PGS. 139-140 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.)

0 LOTS      4 RESERVES (8.460 ACRES)      1 BLOCK

OCTOBER 10, 2023      JOB NO. 2791-6102

OWNER:

**VALENCIA 288, LLC,**  
A TEXAS LIMITED LIABILITY COMPANY  
**BRIAN CARLOCK, SENIOR VICE PRESIDENT**  
3000 TURTLE CREEK BOULEVARD, DALLAS, TEXAS 75219  
PH: 214-303-5535

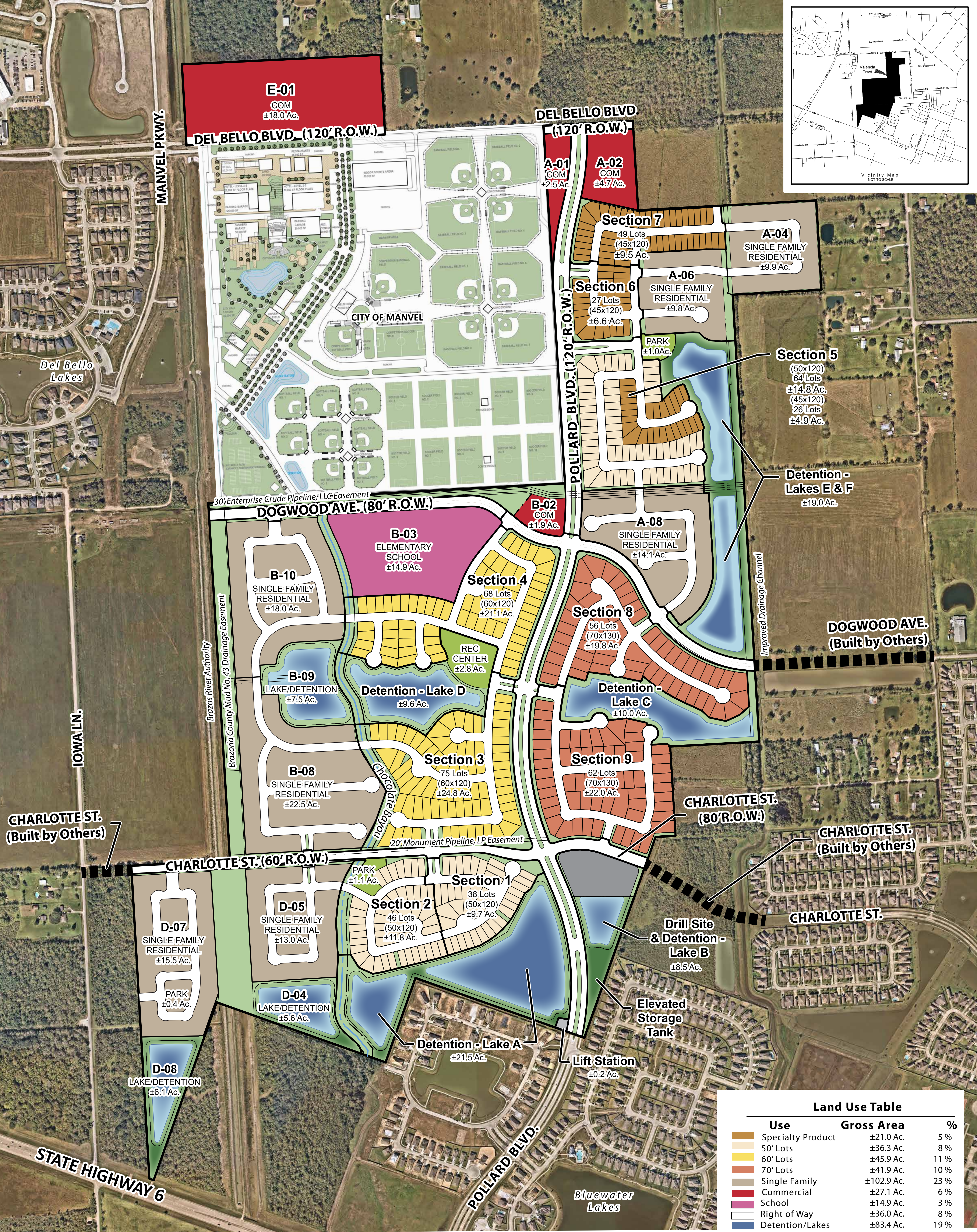
SURVEYOR:

**LJA Surveying, Inc.**  
3600 W. Sam Houston Parkway S.      Phone 713.953.5200  
Suite 175      Fax 713.953.5026  
Houston, Texas 77042      T.B.P.E.L.S. Firm No. 10194382

ENGINEER:

**LJA Engineering, Inc.**  
1904 W. Grand Parkway North      Phone 713.953.5200  
Suite 100      Fax 713.953.5026  
Katy, Texas 77449      FRN-F-1386





|                                                                                 |                          |  |
|---------------------------------------------------------------------------------|--------------------------|--|
| The proposed parks dedication requirements will be met in the following manner: |                          |  |
| Open Space Amenity                                                              | Acreage                  |  |
| Recreation Center (Private)                                                     | 2.8                      |  |
| Parks (Public)                                                                  | 2.5                      |  |
| Detention - Lake D (Public)                                                     | 3.4 (maximum 35% credit) |  |
| Trails adjacent to Chocolate Bayou or Lake/Detention Areas (Public)             | 2 (maximum 50% credit)   |  |
| Total                                                                           | 10.7                     |  |

PREPARED FOR:

# HILLWOOD RESIDENTIAL

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This exhibit is an illustrative representation for presentation purposes only and should not be used for computation or construction purposes. The information provided within should be considered a graphic representation to aid in determining plan components and relationships and is subject to change without notice. All property boundaries, easements, road alignments, drainage, flood plains, environmental issues and other information shown is approximate and should not be relied upon for any purpose. No warranties, express or implied, concerning the actual design, accuracy, location, and character of the facilities shown on this exhibit are intended.

- NOTES:
- 1) ALL LOCAL STREET WIDTHS ARE 60' WIDE.
  - 2) THE MASTER PLAN SHALL EXPIRE 3 YEARS AFTER COUNCIL APPROVAL, UNLESS CONSTRUCTION OF THE IMPROVEMENTS IN THE FINAL APPROVED CONSTRUCTION PLANS HAS COMMENCED.

CITY COUNCIL

This is to certify that the Planning, Development, and Zoning Commission of the City of Manvel, Texas, provided a recommendation of approval to the Valencia Master Plan in conformance with the laws of the State of Texas and the ordinances of the City of Manvel as shown hereon and authorizes the recording of this Master Plan this \_\_\_\_ day of \_\_\_\_\_, 2023.

Planning, Development, and Zoning Commission

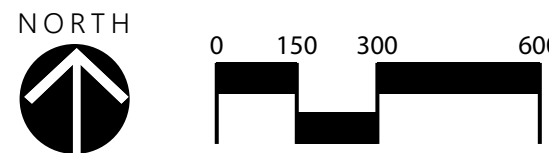
A MASTER PLAN OF

# VALENCIA

±438.4 Acres of Land  
Manvel, Texas  
Project #: 2791-09001

| Land Use Table          |            |       |
|-------------------------|------------|-------|
| Use                     | Gross Area | %     |
| Specialty Product       | ±21.0 Ac.  | 5 %   |
| 50' Lots                | ±36.3 Ac.  | 8 %   |
| 60' Lots                | ±45.9 Ac.  | 11 %  |
| 70' Lots                | ±41.9 Ac.  | 10 %  |
| Single Family           | ±102.9 Ac. | 23 %  |
| Commercial              | ±27.1 Ac.  | 6 %   |
| School                  | ±14.9 Ac.  | 3 %   |
| Right of Way            | ±36.0 Ac.  | 8 %   |
| Detention/Lakes         | ±83.4 Ac.  | 19 %  |
| Parks/Rec               | ±5.3 Ac.   | 1 %   |
| Open Space/Remainder    | ±19.6 Ac.  | 5 %   |
| Drill Site/Lift Station | ±4.1 Ac.   | 1 %   |
| Total                   | ±438.4 Ac. | 100 % |

Reference Date: 03.29.2023



RELATIONSHIPS | PROCESS | DESIGN





# MANVEL PD&Z

## DATA SHEET

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**MEETING DATE: October 23, 2023**

**TOPIC:** Text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning*, to amend and include requirements and provisions pertaining to fences; building façade materials; minimum lot size exemption in Open-single-family district, and the process for rezoning. This amendment also rectifies typographic errors identified throughout the document.

**BACKGROUND:** This proposed amendment to the zoning ordinance pertains to multiple topics, all of which are located within Article I and Article II. The topics pertaining to this proposed amendment can be summarized as follows:

- Amendment to Article I provides definitions for newly introduced terminologies. The amendment includes definitions for the terms; Community Fence, Fence, Rot Board, Sight Distance Triangle, and Top Cap.
- A subsection pertaining to Rezoning is being included in Article II, Section 77-25. *Official Zoning map; establishment of districts and boundaries*. The new subsection specifies that rezoning shall conform to the provisions and requirements of Chapter 211 of the Texas Local Government Code; the City of Manvel Comprehensive Plan; and the Zoning Ordinance. It also provides general requirement for rezoning applications. Staff is recommending inclusion of this subsection because it is common practice to include the provision of rezoning within the zoning ordinance. This subsection may be further elaborated upon completion of the Comprehensive Plan update process.
- A minimum lot size exemption is being provided for Open-single-family residential (O-SFR) district (Section 77-27 in Article II). This exemption only applies to existing conforming lots that becoming non-conforming due to reduced lot area resulting from required right-of-way dedication for development. To be eligible for this exemption, the resulting reduced lot area must not be less than 0.85 acres and for lots not served by public water and sewer system, the reduction in lot area does not restrict installation of on-site sewage facility. Staff is recommending this amendment because, currently there are several one-acre or larger tracts within O-SFR district that become non-conforming upon dedication of the required right-of-way. Without this exemption, a variance to the lot-size requirement will be required for development on these lots. The proposed exemption would make the process of home-building on these individual lots easier, faster, and without having to pay the zoning variance fees.
- Section. 77-43. *Fences.*, is being expanded to include exemptions, restrictions and construction standards for fences based on input from City Council. Recently, concerns about substandard residential fences resulting from developers not following construction related best practices was brought to staff's attention. Specifically, that wooden fences constructed without concrete footing for fence posts and rot boards would accelerate deterioration of the fence and put undue burden of premature maintenance on homeowners. The proposed amendment includes permit and inspection requirement for fences and establishes specific design and construction standards for wooden fences to address this concern. The proposed amendment also provides general standards for fences; location related restrictions; fence permit exemptions (agricultural fences, new



fences approved through the building permit process, and regular maintenance and minor repairs); and fence maintenance requirements.

- Subsection 77-51.(i) *Building façade requirements* is proposed to be removed. This subsection specified building material related façade requirement for non-residential buildings. The 2019 House Bill (HB) 2439 which enacted Chapter 3000 of the Texas Local Government Code prohibits cities from adopting standards that directly or indirectly limits the use of building material approved for use by a national model code published within the last three code cycles. Since HB 2439 being effective, this subsection has not been enforced. Recently, staff received input from City Council that even though state law supersedes in this matter, adjusting our ordinances to reflect state law makes requirements crystal clear for the community. Removing this subsection will eliminate the chances of being in violation or the perception of being in violation of state law.

The public hearing notice requirement for this proposed zoning amendment was met through the provisions of Section 211.007(d) of the Texas Local Government Code, which allowed a joint public hearing by Planning, Development, and Zoning Commission and the City Council in lieu of sending notices to each property owner within 200 feet, as mandated by the *City of Austin V Acuna* case. The City Council passed Resolution No. 2023-R-25 calling the aforementioned joint public hearing to be conducted on October 23, 2023.

**RECOMMENDATION:** City staff recommends approval to the proposed text amendment located in *Manvel Code of Ordinances*, Chapter 77, *Zoning*, to amend Article I. – *In General*, and Article II. – *District Regulations*, as presented.

**ATTACHMENTS:** Proposed Zoning Ordinance Text Amendment Redline Version; Proposed Zoning Ordinance Text Amendment Clean Version; and Ordinance No. 2023-O-40.

## FUNDING ISSUES

- ☒ **Not applicable**  
☐ **Not budgeted**  
☐ **Full amount already budgeted**  
☐ **Funds to be transferred from Acct.#**

**SUBMITTING STAFF MEMBER**  
Jose Abraham, City Planner/ Zoning Official

**FINANCE DIRECTOR APPROVAL** \_\_\_\_\_

**CITY MANAGER APPROVAL** \_\_\_\_\_



## Chapter 77 ZONING<sup>1</sup>

### ARTICLE I. IN GENERAL<sup>2</sup>

#### Sec. 77-1. Short title.

This chapter shall be known and may be cited as "The City of Manvel Zoning Ordinance."

(Ord. No. 2020-O-15, § 2, 10-19-2020)

#### Sec. 77-2. Purpose.

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, and general welfare of the city, and its inhabitants. Such regulations and districts have been designated to lessen congestion on the streets; to secure safety from fire, panic, and other dangers; to facilitate adequate provisions of transportation, particularly in times of natural disaster when timely evacuation is critical for the protection of life; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions of water, sewage, schools, parks, and other public requirements. Regulations have been adopted with reasonable consideration of the character of the districts and their suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Ord. No. 2020-O-15, § 2, 10-19-2020)

#### Sec. 77-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "building" shall

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<sup>1</sup>State law reference(s)—Municipal zoning authority, V.T.C.A., Local Government Code § 211.001 et seq.; zoning commission, V.T.C.A., Local Government Code § 211.007; comprehensive plan, V.T.C.A., Local Government Code § 213.002; board of adjustment, V.T.C.A., Local Government Code §§ 211.008-211.013; zoning districts, V.T.C.A., Local Government Code § 211.005; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903; municipality may regulate parking on private property, V.T.C.A., Local Government Code § 431.001; regulation of amateur radio antennas by municipalities, V.T.C.A., Local Government Code § 250.002.

**Federal law references**—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 322(c)(7); limited Federal preemption of state and local zoning laws affecting amateur radio facilities, *Memorandum Opinion and Order*, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

<sup>2</sup>Editor's note(s)—Ord. No. 2020-O-15, § 2, adopted Oct. 19, 2020, amended art. I in its entirety to read as herein set out. Former art. I, §§ 77-1—77-3, pertained to similar subject matter, and derived from Ord. No. 2014-O-21, § 2, adopted Aug. 11, 2014.



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include the meaning of the word "structure"; the word "lot" shall include the meaning of the word "plot"; and the term "used for" shall include the meaning of the terms "designed for" or "intended for."

*Accessory use* means a use of a building or land which serves an incidental function to the principal use of a building, structure, or land.

*Administratively complete application* means any application containing all the required documents listed on any application in the appropriate format, the correct number of copies, paid fees, and any required signatures when submitted to the city, in a final form to be deemed complete for processing.

*Adult day care* means a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping management plan based on an intentionally structured relationship providing organization and stability.

*Adult entertainment business* shall have the same meaning as "sexually oriented business" as that term is defined in V.T.C.A., Local Government Code § 243.001 et seq., and shall include, but not be limited to, an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Such uses shall be allowed only as specifically authorized under the terms of this article. The determination of what constitutes an adult entertainment business shall be made by the police chief or his designee, and such determination shall be appealable to the zoning board of adjustment.

*Alley* means minor ways that are used primarily for vehicle service access to the back or the side of properties otherwise abutting a street.

*Americans with Disabilities Act* means a law enacted in 1990, which is intended to make American society more accessible to persons with disabilities.

*Apartments* means a structure containing three or more dwelling units with common walls, including units that are located one over the other.

*Applicant* means any developer that submits an administratively complete application.

*Automobile/vehicle sales and rentals* means a business which provides for the sale or rental of new or used automobiles and other vehicles, including automobiles, trailers, recreational vehicles, travel trailers, water craft and other similar land or water-form vehicles, but shall not include auto or motor vehicle repair work, except minor reconditioning of automobiles or motor vehicles to be displayed, sold or rented on the premises; provided, however, such term shall not include the sale or rental of salvaged parts, nor shall it include the storage of either new or used automobiles or motor vehicles that are not on display or for sale or rent.

*Bar/lounge* means a place of business whose revenues from mixed drink liquor service are more than 20 percent and whose revenues from food service are less than 80 percent of the total gross revenues of the establishment.

*Building, accessory or structure* means a structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use.

*City* means the City of Manvel, Texas.

*Community fence* means a fence located at the perimeter of a residential neighborhood, visible to the public and maintained by a Home Owners Association or Municipal Utility District. Residential fences owned and maintained by an individual are not considered community fence.

*Council* means the city council of the city.



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*Corner lot side yard setback* means the open space extending from the front yard to the rear yard and lying between the side lot line adjacent to the public right of way or easement and the closest point of the building or structure on a lot at the junction of and abutting two or more intersecting streets.

*Developer* means any person or entity that develops land within the city. This term shall be synonymous with the term "subdivider" in cases where the subdivision of land is involved.

*Development plat* means a plan for a development project that is not part of and does not require the subdivision of property.

*Family* means two or more persons related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit with a single kitchen facility. The term "single kitchen facility" shall not exclude one outdoor kitchen facility per single housekeeping unit with one kitchen.

*Fence* means a constructed vertical structure, barrier or partition of any material or combination of materials erected to enclose, screen, or separate outdoor areas, and which has no roof or overhead covering. A masonry wall with a foundation serving the purpose of enclosing, screening, or separating outdoor areas is considered a fence.

*Front of building* means the part of side which contains the principal entrance of the side adjacent to a public roadway.

*Game-room* means a business or commercial establishment or building or location wherein machines or apparatus may be played or operated by the insertion of a coin or slug and on which games or tests of skill, chance or ability are played, including pinball machines, and any machine initiating games of sport, shooting or guiding objects, or any machine designed for amusement or relaxation, but not including machines for vending food, drink and tobacco products, music playing or recording or apparatus commonly known as kiddie rides.

*Garage* means an accessory building or a part of a main building comprised of a minimum of 200 square feet, enclosed on all sides, with an overhead door, and capable of enclosing one or more vehicles.

*Garage sales, also referred to by such names as "back yard sale," "yard sale," or "porch sale,"* shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes (see section 77-33(c)).

*Gross square feet* means the entire floor area of a building, including uninhabitable space such as bathrooms, closets, halls, and similar areas.

*Guest quarters* means an attached or detached building or secondary living area of residential use that provides living quarters for guest of the occupants of the ~~principle~~ principal residence, and:

- (1) Contains no kitchen or cooking facility;
- (2) Is clearly subordinate and incidental to the ~~principle~~ principal residence on the same building site; and
- (3) Is not rented or leased, whether compensation be direct or indirect.

*Home business* means a business operation that takes place in a home.

*HUD-Code manufactured home* means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

*Legal nonconforming land use* means a land use that lawfully existed immediately prior to the effective date of these regulations and not listed as a permitted use in the zoning district in which it is located.



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*Legal nonconforming structure* means a structure that was lawfully existing prior to the effective date of these regulations, but as of the effective date of these regulations, the site of the use, the structure in which the use is situated, does not comply with these regulations.

*Lot* means a physically undivided tract or parcel of land having frontage on a public or private street, which is, or in the future may be offered for sale, conveyance, transfer or improvement, and which is designated as a separate and distinct tract and identified by numerical or letter identification on a duly and properly recorded subdivision plat.

*Lot, tract, or parcel* means a designated area of land established by a properly recorded subdivision plat or otherwise permitted by law to be separately owned, used, developed, or built upon.

*Lot Line* means the boundary of a lot separating it from an abutting lot.

*Mobile home or manufactured home* means a structure constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

*Off-street parking* means a concrete parking surface other than a street or alley accessible from an approved driveway approach and upon which vehicles may be parked.

*Open-planned unit development plan* means a development plan for a project located within the open-planned unit development district.

*Parking aisle* means the area of a parking lot or off-street parking area which provides vehicular access to parking spaces (stalls). The term "parking aisle" does not include the words "driveway" or "access point".

*Parking space* means an area designated for the parking of motor vehicles, and connected to an approved driveway approach, street, parking aisle, access easement, or other accessway.

*Patio home/zero lot line home* means a single-family home built on a separate lot with building setbacks on the front, rear and one side.

*Planned unit development plan* means a development plan for a project located within the planned unit development district.

*Planning commission* means a commission appointed by the council that is responsible for certain planning and zoning items, as provided in the zoning ordinance and applicable state law.

*Plat* means an instrument prepared by a registered professional land surveyor in conformity with the provisions of Chapter 62, Subdivisions, used to describe subdivided land, with ties to permanent landmarks or monuments, approved by the city or a governmental entity with jurisdiction of the land in accordance with V.T.C.A., Local Government Code § 212.023, and recorded in the Brazoria County Property Records.

*Principal building or use* means the primary use and chief purpose of a premises or building.

*Restaurant* means a place of business whose revenues from food sales are 80 percent or more and whose revenues for mixed drink liquor service are 20 percent or less.

*Rot board*, is a horizontal board installed along the bottom of the fence panel which runs along the base of the entire fence panel for a finished look and added protection. Rot Boards are also commonly known as base-boards and kick-boards.

*Setback* means a minimum distance that is required from a lot line to a building or structure.

*Single-family residence* means a residence that is to be occupied by only one family.



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*Sight distance triangle* means the triangle formed on any corner lot measured from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. Except for single-family residential accessways, a sight triangle at the intersection of a public street and a private access way shall have sides of 15 feet along the accessway and 25 feet along the public street. In order to minimize sight obstructions, no parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance triangle so as not to impede vision between a height of two feet six inches, and ten feet above the center line grades of the intersecting streets and/or drives.

*State* means the State of Texas.

*Structure* means anything constructed or erected with a fixed location upon, under, or above the ground or attached to something having a fixed location on the ground.

*Tavern* means a place of business, which includes the sale of beer and wine beverages, but does not provide mixed drink liquor sales.

*Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the content of the information as sent and received.

*Top Cap* is a horizontal element of a wood fence included to cover the top end of pickets and posts. A privacy fence with a top cap is commonly referred to as a cap and trim fence.

*Tower or tower structure* means a fixed, freestanding or guyed, uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are by way of example but not limitation, towers or tower structures: guyed or freestanding monopole structures, lattice or open framed structures, antennae sports, water towers, and other similar self-supporting, trussed, or open framed structures.

*Zoning board of adjustment* means a board appointed by the council that is responsible for certain zoning items, as provided in the zoning regulations and applicable state law.

*Zoning official* means the person appointed by council to administer and enforce the zoning regulations of the city.

(Ord. No. 2020-O-15, § 2, 10-19-2020)

**Secs. 77-4—77-24. Reserved.**

## ***ARTICLE II. DISTRICT REGULATIONS<sup>3</sup>***

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<sup>3</sup>Editor's note(s)—Ord. No. 2020-O-15, § 3, Oct. 19, 2020, amended art. II in its entirety to read as herein set out. Former art. II, §§ 77-25—77-36, 77-39—77-40, 77-42—77-54, pertained to similar subject matter, and derived from Ord. No. 2014-O-21, § 3, adopted Aug. 11, 2014; Ord. No. 2014-O-43, §§ 4, 2, 3, adopted Nov. 17, 2014; Ord. No. 2015-O-13, § 3, adopted April 27, 2015.



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## Sec. 77-25. Official zoning map; establishment of districts and boundaries.

- (a) *Official zoning map.* The boundaries of the zoning districts of the city are shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article.

This official zoning map shall be identified by the signature of the mayor, attested by the city secretary and shall be on file in the office of the city secretary.

If changes are made in zoning district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the council.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this article. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this article.

- (b) *For the purposes of this chapter, the city is hereby divided into districts, as follows:*

|                 |                                                       |
|-----------------|-------------------------------------------------------|
| District O-SFR: | Open-Single-Family Residential                        |
| District SFR:   | Single-Family Residential                             |
| District PUD:   | Planned Unit Development (underlying zoning controls) |
| District MF:    | Multi-family                                          |
| District LC:    | Light Commercial                                      |
| District HC:    | Heavy Commercial                                      |
| District HCMH:  | HUD-Code Manufactured Home                            |
| District HMU:   | Highway Mixed Use                                     |

- (c) *Rezoning.*

- (1) Rezoning is the process of changing the zoning designation of a lot or parcel on the official zoning map from one zoning district to another.
- (2) Rezoning shall conform to the provisions and requirements of Chapter 211 of the Texas Local Government Code, the City of Manvel Comprehensive Plan, and this Zoning Ordinance.
- (3) Applications for a rezoning shall be on a form approved by the Zoning Official and may be initiated by motion of the City Council or by Petition of the owner(s) of the property which is the subject of the proposed zoning change.
- (4) Applications for rezoning shall be accompanied with detailed legal description, survey, or plat.
- (5) The City Engineer may require a traffic impact study for rezoning proposals that may result in increased traffic volumes with significant impact on the capacity and/or safety of the street system.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## Sec. 77-26. Permitted uses.

- (a) *Use of land and building.* Buildings, structures, land, or premises shall be used only in accordance with the uses specifically permitted in the zoning district classification for the site subject to compliance with parking



regulations, height, and area requirements, special conditions and other requirements of the zoning ordinance.

- (b) *Permitted use table.* The permitted uses in each specific zoning district are shown by means of symbols in the permitted use tables as follows.

The letter "P" in the zoning district column opposite the listed permitted use means the use is permitted as a use of right in that district. The letter "S" in the zoning district column opposite the listed use means the use is permitted in that zoning district only by obtaining a specific use permit as set forth in section 77-50. No primary use shall be permitted in any district unless the letter "P" or the letter "S" appears opposite the listed permitted use. The letter "O" in the zoning district column means that the permitted use is for office functions only.

Parking requirements are in section 77-45.

- (c) *Uses not listed.* Primary uses not listed in the permitted use table may be permitted by the zoning official in any district where similar uses are permitted. The function and location requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with the permitted uses in the district, and similar in traffic-generating capacity, noise, vibration, dust, odor, glare and heat producing circumstance.
- (d) *Accessory use.* A use which is customarily incidental to that of the primary existing use, which is located on the same lot or premises as the primary existing use and which has the same zoning district classification shall be permitted as an accessory use without being separately listed as a permitted use.
- (e) *North American Industry Classification System (NAICS) Codes.* The activity descriptions in the (2007) NAICS Codes prepared by United States Executive Office of the president, office of management and budget, ( [www.census.gov/eos/www/naics/index.html](http://www.census.gov/eos/www/naics/index.html) ) shall be used to determine the primary establishment uses when reference is made to the tables to a designated standard industrial classification. Annually, staff shall determine if the manual has been revised. If the manual has been revised, such revisions and changes will be summarized in a written report and presented to the planning commission. The commission will make recommendations to the council regarding adoption of the revised changes to the zoning ordinance permitted uses.
- (f) *Permitted Use Table.*

Legend:

|      |                                |
|------|--------------------------------|
| OSFR | Open-Single-Family Residential |
| SFR  | Single-Family Residential      |
| MF   | Multi-family                   |
| LC   | Light Commercial               |
| HC   | Heavy Commercial               |
| HCMH | HUD-Code Manufactured Homes    |
| HMU  | Highway Mixed Use              |
| P    | Permitted use                  |
| S    | Specific use permit required   |
| O    | Office function only           |

| USE                                       | OSFR | SFR | LC | HC | MF | HCMH | HMU |
|-------------------------------------------|------|-----|----|----|----|------|-----|
| Adult entertainment business <sup>1</sup> |      |     |    | S  |    |      |     |
| Game room <sup>1</sup>                    |      |     |    | S  |    |      |     |



|                                                                         |   |   |   |   |   |   |   |
|-------------------------------------------------------------------------|---|---|---|---|---|---|---|
| 111 Crop production                                                     | P |   |   |   |   |   | P |
| 112 Animal production                                                   | P |   |   |   |   |   | P |
| 115 Support activities for agriculture and forestry                     |   |   | O | P | O |   | O |
| 21 Mining, quarrying and oil and gas extraction                         | S | S | S | S | S | S | S |
| 22 Utilities                                                            |   |   | O | S | O |   | O |
| 236 Construction of buildings                                           |   |   | O | P | O |   | O |
| 237 Heavy and civil engineering construction                            |   |   | O | P | O |   | S |
| 237130 Power and communication line and related structures construction | S | S | S | S | S | S | S |
| 238 Specialty trade contractors                                         |   |   | O | P | S |   | O |
| 311 Food manufacturing                                                  |   |   | O | P | O |   | O |
| 311811 Retail bakeries                                                  |   |   | P | P | P |   | P |
| 3121 Beverage manufacturing                                             |   |   | S | P | S |   | S |
| 313 Textile mills                                                       |   |   | O | P | O |   | O |
| 314 Textile product mills                                               |   |   | O | P | O |   | O |
| 315 Apparel manufacturing                                               |   |   | S | P | S |   | S |
| 316 Leather and allied product manufacturing                            |   |   | S | P | S |   | S |
| 321 Wood products manufacturing                                         |   |   | O | P | O |   | O |
| 321999 All other misc. wood                                             |   |   | S | P | S |   | S |
| 322 Paper manufacturing                                                 |   |   | O | P | O |   | O |
| 323 Printing and related support activities                             |   |   | P | P | P |   | P |
| 324 Petroleum and coal products manufacturing                           |   |   | O | S | O |   | O |



|                                                                 |  |  |   |   |   |  |   |
|-----------------------------------------------------------------|--|--|---|---|---|--|---|
| 325 Chemical manufacturing                                      |  |  | O | S | O |  | O |
| 326 Plastics and rubber products manufacturing                  |  |  | O | S | O |  | O |
| 327 Nonmetallic mineral products manufacturing                  |  |  | O | S | O |  | O |
| 331 Primary metal manufacturing                                 |  |  | O | S | O |  | O |
| 332 Fabricated metal product manufacturing                      |  |  | O | S | O |  | O |
| 333 Industrial machinery manufacturing                          |  |  | O | S | O |  | O |
| 334 Computer and electronic product manufacturing               |  |  | O | P | O |  | O |
| 335 Electrical equipment, appliance and component manufacturing |  |  | O | P | O |  | O |
| 336 Transportation equipment manufacturing                      |  |  | O | S | O |  | O |
| 337 Furniture and related product manufacturing                 |  |  | O | P | O |  | O |
| 339 Miscellaneous manufacturing                                 |  |  | O | P | O |  | O |
| 42 Wholesale                                                    |  |  | O | P | O |  | O |
| 441 Motor vehicle and parts                                     |  |  | S | S | S |  | S |
| 442 Furniture and home furnishing stores                        |  |  | P | P | P |  | P |
| 443 Electronics and appliance stores                            |  |  | P | P | P |  | P |
| 444 Building material, garden equipment and supplies dealers    |  |  | P | P | P |  | P |
| 445 Food and beverage stores                                    |  |  | P | P | P |  | P |



|                                                                    |  |  |   |   |   |  |   |
|--------------------------------------------------------------------|--|--|---|---|---|--|---|
| 445120 Convenience stores <sup>1</sup>                             |  |  | S | S | S |  | S |
| 446 Health and personal care stores                                |  |  | P | P | P |  | P |
| 447 Gasoline stations <sup>1</sup>                                 |  |  | S | S | S |  | S |
| 448 Clothing and clothing accessories stores                       |  |  | P | P | P |  | P |
| 451 Sporting goods, hobby, book and music stores                   |  |  | P | P | P |  | P |
| 452 General merchandise stores                                     |  |  | P | P | P |  | P |
| 452990 All other general merchandise stores <sup>1</sup>           |  |  | S | S | S |  | S |
| 453 Misc. store retailers                                          |  |  | P | P | P |  | P |
| 45393 Manufactured (mobile) home dealers                           |  |  | S | S | S |  | S |
| 453991 Tobacco stores                                              |  |  | S | S | S |  | S |
| 454 Non-store retailers                                            |  |  | S | P | S |  | S |
| 48 Transportation and warehousing                                  |  |  | O | P | O |  | O |
| 491 Postal Service                                                 |  |  | P | P | P |  | P |
| 492 Couriers and messengers                                        |  |  | S | P | S |  | S |
| 493 Warehouse and Storage                                          |  |  | S | P | S |  | S |
| 51 Information                                                     |  |  | S | P | S |  | S |
| 52 Finance and insurance                                           |  |  | P | P | P |  | P |
| 522291 Consumer lending                                            |  |  |   | P |   |  |   |
| 522298 All other nondepository credit intermediation               |  |  |   | S |   |  |   |
| 531 Real estate                                                    |  |  | P | P | P |  | P |
| 53112 Lessors of nonresidential buildings (except mini warehouses) |  |  | P | P | P |  | P |
| 53113 Lessors of mini warehouses and self-storage units            |  |  | S | P | S |  | S |



|                                                               |   |   |   |   |   |   |   |
|---------------------------------------------------------------|---|---|---|---|---|---|---|
| 5321 Automotive and equipment rental                          |   |   | S | P | S |   | S |
| 5322 Consumer good rental                                     |   |   | P | P | P |   | P |
| 532292 Recreational Goods Rental                              |   |   | S | P | S |   | S |
| 5323 General rental centers                                   |   |   | S | P | S |   | S |
| 5324 Commercial and industrial machinery and equipment rental |   |   | O | P | O |   | O |
| 54 Professional, scientific, and technical services           |   |   | P | P | P |   | P |
| 5412 Accounting, tax preparation, bookkeeping and payroll     |   |   | P | P | P |   | P |
| 54194 Veterinary services                                     |   |   | P | P | P |   | P |
| 55 Management of companies and enterprises                    |   |   | P | P | P |   | P |
| 561 Administrative and support services                       |   |   | P | P | P |   | P |
| 562 Waste management and remediation services                 |   |   | O | P | O |   | O |
| 6111 Elementary and secondary schools                         | S | S | S | S | S | S | S |
| 6112 Junior colleges                                          | S | S | S | S | S | S | S |
| 6113 Colleges, universities, and professional schools         | S | S | S | S | S | S | S |
| 6114 Business schools and computer and management training    |   |   | S | S |   |   | S |
| 6115 Technical and trade schools                              |   |   | S | S |   |   | S |
| 6116 Other schools and instruction                            |   |   | S | S | S |   | S |
| 6117 Educational support services                             |   |   | P | P | P |   | P |



|                                                                |   |   |   |   |   |   |   |
|----------------------------------------------------------------|---|---|---|---|---|---|---|
| 621 Ambulatory health care services <sup>1</sup>               |   |   | S | S | S |   | S |
| 622 Hospitals <sup>1</sup>                                     |   |   | S | S | S |   | S |
| 623 Nursing and residential care facilities <sup>1</sup>       |   |   | S | S | S |   | S |
| 623990 Other residential care facilities                       | S | S | S | S | S | S | S |
| 624 Social assistance                                          |   |   | P | P | P |   | S |
| 6244 Child day care services                                   |   |   | P | P | S |   | S |
| 71 Arts, entertainment, and recreation                         |   |   | P | S | P |   | P |
| 713 Amusement, gambling, recreation industries                 |   |   | S | S | S |   | S |
| 713940 Fitness and Sports Centers                              |   |   | P | P | P |   | P |
| 713990 All other amusement and recreational industries         | S | S | S | S | S | S | S |
| 721 Accommodations                                             |   |   | S | S | S |   | S |
| 7212 RV parks and recreational camps                           |   |   | S | S | S |   | S |
| 721191 bed and breakfast                                       | S | S | S | S | S | S | S |
| 722 Food services and drinking places                          |   |   | P | P | P |   | P |
| 72233 Mobile food services                                     |   |   | S | S | S |   | S |
| 7224 Drinking places (alcoholic beverages)                     |   |   | S | P | S |   | S |
| 8111 Automotive repairs and maintenance                        |   |   | S | P | S |   | S |
| 811122 Automotive glass replacement shop                       |   |   | P | P | P |   | P |
| 8112 Electronic and precision equipment repair and maintenance |   |   | P | P | P |   | P |
| 8113 Commercial and industrial machinery and equipment         |   |   |   | P |   |   |   |

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|-----------------------------------------------------------------------------|---|---|---|---|----------------|----------------|---|
| (except automotive and electronic repair)                                   |   |   |   |   |                |                |   |
| 8114 Personal and household goods repair and maintenance                    |   |   | S | P | S              |                | S |
| 812 Personal and laundry services                                           |   |   | P | P | P              |                | P |
| 812113 Nail salons                                                          |   |   | S | S | S              |                | S |
| 81219 Other personal care services                                          |   |   | S | S | S              |                | S |
| 812210 Funeral homes and funeral services                                   |   |   | S | P | S              |                | S |
| 812220 Cemeteries and crematories                                           | S | S | S | S | S              |                | S |
| 813110 Religious organizations                                              | S | S | S | S | S              | S              | S |
| 813410 Civil and social organizations                                       | S | S | S | P | S              |                | S |
| 814 Private households                                                      | P | P |   |   | P* See § 77-30 | P* See § 77-34 | P |
| 92 Public administration                                                    | P | P | P | P | P              | P              | P |
| <sup>1</sup> See Section 77-50. - Uses Requiring Specific Use Permit (SUP). |   |   |   |   |                |                |   |

For business descriptions visit the NAICS website.  
<http://www.census.gov/eos/www/naics/>  
 2007 NAICS

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-27. Open-single-family residential (O-SRFSFR) district.**

- (a) *Land uses allowed.* Uses permitted in the open-single-family residential (O-SFR) district, are set forth in section 77-26(f), permitted use table. Only one single-family detached residence is permitted per platted lot, tract or parcel.
- (b) *Minimum lot size.*
  - (1) The minimum lot area is one acre.
  - (2) The minimum front lot width is 120 feet measured at the front setback line.
  - (3) *Minimum lot size exemption.* Existing conforming lots that becoming non-conforming due to reduced lot area resulting from required right-of-way dedication for development shall be considered a conforming lot if:



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- a. The resulting reduced lot area is not less than 0.85 acres, and
  - b. For lots not served by public water and sewer system, the reduction in lot area does not restrict installation of an on-site sewage facility in conformance to Article IV.- On-site Sewage Facilities of the City of Manvel Code of Ordinances.

(c) *Setbacks, minimum.*

- (1) *Principal structure.* The minimum front yard setback shall be 25 feet. The minimum side, corner side and rear yard setbacks shall be 20 feet.
- (2) *Accessory structure.* The minimum side, corner side and rear yard setback shall be ten feet.

(d) *Parking.* A minimum of one off-street parking space is required per dwelling unit.

(e) *Maximum building height.* The maximum height of any building in the open single-family residential district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

**Sec. 77-28. Single-family residential (SFR) district.**

(a) *Land uses allowed.* Uses permitted in the single-family residential (SFR) district, are set forth in section 77-26(f), permitted use table. Only one single-family detached residence is permitted per platted lot, tract or parcel.

(b) *Minimum lot size.*

- (1) Minimum lot area is 6,300 square feet.
- (2) The minimum front lot width is 60 feet measured at the front setback line.
- (3) Minimum lot width for a cul-de-sac lot is 20 feet measured at the street edge and 60 feet measured at the setback line.

(c) *Setbacks, minimum.*

- (1) *Front yard:* The minimum front yard setback shall be 25 feet.
- (2) *Side yard:* The minimum side yard setback shall be five feet.
- (3) *Corner side yard:* The minimum corner side yard setback shall be ten feet.
- (4) *Rear yard:* The minimum rear yard setback shall be 15 feet for the principal structure.
- (5) *Accessory structure.* The minimum side and rear yard setback shall be five feet and corner side setback shall be ten feet. Accessory structures shall not extend past the front line of the principal structure.

(d) *Parking.* A minimum of one off-street parking space in an enclosed garage is required per dwelling unit.

(e) *Maximum building height.* The maximum height of any building in the open-single-family residential district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.

(Ord. No. 2020-O-15, § 3, 10-19-2020)



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## Sec. 77-29. Planned unit development (PUD) district.

- (a) *Purpose.* The purpose of a planned unit development district (PUD) is to promote diversity and creativity in site design. The PUD process is provided as an option to encourage unique developments which may combine a mixture of residential and non-residential land uses and building functions. The PUD allows flexibility in the application of development standards by permitting departures from the conventional siting, setback, and density requirements of a particular zoning district in the interest of achieving site development not otherwise possible.

The purpose of the PUD is to:

- (1) Encourage greater innovative design for new development;
- (2) Allow for a mixture of compatible land use and building functions;
- (3) Promote the highest and best use of the land;
- (4) Protect open space and areas identified as needing additional review based on environmental conditions;
- (5) Facilitate adequate provisions for roads and public facilities;
- (6) Promote alternative transportation methods for circulation and connectivity;
- (7) Protect and enhance natural, historic, and traditional community features; and
- (8) Promote a physical form in the community that supports the vision of the city.

By allowing flexibility in the application of development standards, this process will promote developments that will benefit both the citizens that live, work, and play within the city and visitors coming to the city.

All PUD applications shall be developed in compliance with the standards of the major thoroughfare plan, the city's comprehensive plan and vision statement. The future land use element of the comprehensive plan shall also be considered in all PUD applications. A planned unit development manual ("PUD Manual") establishing the procedural process and requirements for application and approval of a PUD may be adopted and amended from time to time by resolution of the council.

- (b) *Effect of ordinance on prior PUD approvals.* The ordinance from which this section was derived and the city's PUD manual shall not apply to any PUD application approved by council prior to the city's adoption of the ordinance from which this section was derived. In the event that a previously approved PUD is modified or requires a series of approvals, the application or modification will be evaluated under the rules in effect of the time of the original to the extent required by V.T.C.A., Government Code ch. 245, as amended, or other municipal ordinance.
- (c) *Underlying zoning.* PUDs are created as an overlay district and the underlying zoning classification shall remain in place. The establishment of a PUD overlay district will supersede the underlying zoning classification unless the PUD expires or is terminated; in which case the underlying zoning classification and related regulations will be enforced. PUDs may be located in any zoning districts, pursuant to the terms and provisions of the ordinance from which this section was derived.
- (d) *PUD development size requirements.* All PUDs shall meet the size requirements listed in Table 77-29.1. All land within a PUD shall be contiguous unless divided by an existing railroad or publicly owned or regulated right-of-way.

Table 77-29.1. PUD Minimum/Maximum Acreage Requirements

| Planned Unit Development Project Size | Project Acreage<br>Not Less Than: | Project Acreage<br>Not More Than: |
|---------------------------------------|-----------------------------------|-----------------------------------|
|---------------------------------------|-----------------------------------|-----------------------------------|

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|                        |           |                |
|------------------------|-----------|----------------|
| Small PUD Development  | 10 acres  | 40 acres       |
| Medium PUD Development | 40 acres  | 160 acres      |
| Large PUD Development  | 160 acres | Not Applicable |

- (e) *Eligible applicants.* PUD applications may be initiated by a property owner(s) or the city. If the ownership of the land is not under a single ownership, then all owners shall either join in the application or provide a letter of consent to submit with the PUD application. In the event the city is the applicant for a PUD, consent of the property owners is not required.
- (f) *PUD approval process.* All PUDs shall meet the detailed requirements listed in the PUD manual and are summarized below:
- (1) *Pre-application conference.* Prior to the submittal of a PUD application, the applicant shall attend a pre-application meeting with the development review committee (DRC).
  - (2) *Formal application submittal.* The applicant shall file a formal submittal of the PUD application and accompanying documentation to the city.
  - (3) *Planning commission review.* The planning commission will conduct a public hearing on all completed PUD applications in accordance with public notification procedures contained in V.T.C.A., Government Code ch. 211, as it may be amended. Prior to consideration of the PUD application by council, the planning commission will provide its final report recommendation to council for action.
  - (4) *Final approval.* Council is the final decision making authority for all PUD applications. Following the receipt of the final report from the planning commission, council shall consider the application in accordance with V.T.C.A., Government Code ch. 211, as it may be amended.
  - (5) *PUD review criteria.* A PUD application shall be evaluated based on the following criteria:
    - a. The proposal is unique in design to warrant the use of a PUD and the development is not possible using the existing zoning regulation of the property;
    - b. The project depicts creative land development, providing a variety in the development patterns of the city which conform to the intended purpose of the city's comprehensive plan and vision statement;
    - c. Mixed uses and building functions if proposed shall be complementary, and pose minimal impact to adjacent uses or functions;
    - d. Development within the PUD encourages the use of alternative transportation circulation between structures and open spaces, including pedestrian and bicyclist;
    - e. Landscaping areas shall visually enhance the structures within the development and conform to the city's comprehensive plan and vision statement; and
    - f. The proposed project is in compliance with the minimum development requirements described in the PUD Manual.
- (g) *Administration.* The council shall administer the provisions of this section. Council, or its designated agent, may prepare or modify development policies or minimum standards within the PUD Manual deemed essential to the effective administration of this section.

The city reserves the right to waive one or more of the required items of a PUD application as deemed necessary due to the size of the PUD, proposed use, or availability of existing infrastructure in the immediate area; and retains the authority to request additional information deemed necessary to provide a thorough review of the application.



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- (h) *Zoning map.* Every PUD approval shall be considered an amendment to the zoning ordinance for the property involved, and as such will be indicated on the official city zoning map with the approval date and ordinance number.
  - (i) *Modification of approved PUDs.* A modification of an approved PUD which does not deviate more than ten percent from the approved table of land use acreage and/or building function square footage, may be reviewed and action taken by the planning commission without further action by council. Requests for modification of an approved PUD shall be considered in accordance with the procedures outlined in the PUD Manual.
  - (j) *Monitoring PUD development.* The owner or owner's designee shall submit an annual progress report to the city on the PUD anniversary date (the date of final approval of the PUD). The progress report shall provide the percentage of project completed, expected completion date of uncompleted portion, and status of the development.

In the event the owner or designee fails to provide the annual progress report, all permits and plat recordation approval may be frozen and no further permits will be issued or recordation of plats allowed. Should the owner fail to submit the required progress report, the planning commission may consider recommending to the council that the PUD be terminated. If the council determines that an approved PUD is not being developed in accordance with the conditions of approval, the council may terminate the PUD.

- (k) *PUD approval.* PUD approvals shall be valid from the date of council approval in the following manner: a small PUD shall be valid for four years; a medium PUD shall be valid for eight years; and a large PUD shall be valid for 12 years. All development of a PUD must be completed within the original approved timeframe.
- (l) *Extension of PUD approval.* PUD extensions may be requested if the project is not completely constructed by the end of the original approval timeline in accordance with the PUD Manual. The owner or designee may apply for multiple two-year extensions provided that building permits have been issued or subdivision plats have been recorded within the time limit of approval. Extensions shall be requested for and approved prior to the expiration of the original PUD approval.
- (m) *Dedications and improvements.*
  - (1) All public dedications and improvements, including (but not limited to) rights-of-way, easements, streets and roads, alleys, pedestrian way, bikeways, sidewalks, storm drainage facilities, sewer systems, and water and electrical distribution systems, shall be provided in accordance with the requirements of this Code and the PUD Manual.
  - (2) In conjunction with the open space requirements in section 62-109, each PUD shall dedicate a public safety site to the city for future municipal uses. The amount of acreage required is specified in the PUD Manual.
- (n) *Issuance of permits.* The approval of a subdivision plat, or the issuance of building or other development permits for the development of an approved PUD may be delayed or issued contingent upon the applicant's providing for adequate access, storm drainage facilities, water and sanitary sewer supply systems, and electrical power supply systems.
- (o) *Open planned unit development (O-PUD).*
  - (1) Development plan. Any property that is currently zoned under the former open planned unit development (O-PUD) district may be developed according to the development plan approved by the council upon recommendation by the planning commission.
    - a. At a minimum, a development plan shall include the following:
      - 1. Scale;
      - 2. North arrow;



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3. Owner, applicant, engineer, architect and surveyor information;
  4. Name of title of project;
  5. Property lines;
  6. Existing and proposed easements and rights of way;
  7. Roads, driveways, sidewalks, parking, loading areas, and water bodies;
  8. Trash receptacle areas;
  9. All proposed land uses, buildings and structures;
  10. Façade treatments;
  11. Area map of adjacent uses;
  12. Existing trees (tree survey for all trees over four-inch caliper);
  13. Proposed landscaping including plant materials, location, and plant sizes;
  14. Open spaces, parks, trails;
  15. Signage plans including sign locations, materials, colors, and dimensions of such signs;
  16. Detention areas;
  17. Lighting plans; and
  18. Identification of adequate water, sewer, and storm sewer facilities.
- b. Setbacks—Setbacks shall be as specified in the development plan. There is no minimum setback.
  - c. Minimum development size or minimum lot size—There is no minimum project development size in the O-PUD district; there is no minimum lot size in the O-PUD district.
  - d. Maximum building height—The maximum height of any building in the O-PUD district shall not exceed 90 feet measured from the finished grade to the highest point of the roof, not including projections such as chimneys.
- ~~2~~(2) *Land uses.* All uses allowed in the open single-family residential (O-SFR), single-family residential (SFR), and light commercial (LC) district shall be allowed in O-PUD.
- ~~3~~(3) *Recommendation.* The planning commission shall make a recommendation to the council on whether to approve or deny the open planned unit development plan. In order for the open planned unit development plan to be approved, the council must adopt an ordinance which includes all pertinent written and graphic maps and materials identifying the development project.
- ~~4~~(4) *Open planned unit development plan conditions of approval.* Plan approval in the O-PUD district is subject to conditions of approval by the planning commission and the council which are deemed necessary to make the project in conformance with the required findings of approval.
- ~~5~~(5) *Findings of approval.* In order for an open planned unit development plan to be approved in the O-PUD district, the planning commission and the council must make written findings that the development conforms with the following findings of approval:
- a. Development within the district encourages pedestrian circulation between structures and open spaces;
  - b. Where a mixture of uses are planned within the district, they shall be complementary in function, shall encourage complementary use, and shall be planned to pose minimal impact on each others quality of life;



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- c. Vehicular circulation within the district shall be pedestrian friendly, emphasizing slow vehicular speeds, and safe crosswalks where necessary;
  - d. Development within the district shall emphasize professionally designed, constructed, and maintained landscape areas with shaded pedestrian gathering areas, landscaped parking lots, and landscaping which visually enhances all structures within the district;
  - e. Open space, either active or passive, shall be included and shall be designed and located in a manner to best serve the prospective users;
  - f. Signage within the district shall comply with all city regulations governing signs, shall not compete with view of buildings, shall not impede pedestrian or vehicular flow, and shall use natural products to the greatest extent possible;
  - g. Development within the zone shall be visually and functionally compatible with surrounding developed property.

~~6-(6)~~ *Future revisions.* Future revisions to the open planned unit development plan may only be approved following a recommendation by the planning commission and adoption of an ordinance by council.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-30. Multi-family (MF) district.**

- (a) *Land uses allowed.* Uses permitted in a MF, multi-family district, are set forth in section 77-26(f), permitted use table. This is the only district permitting apartments as a permitted use.
- (b) *Setbacks, minimum.*
  - (1) All setbacks adjacent to a street shall be a minimum of 25 feet.
  - (2) Rear or side yard setbacks not adjacent to a street shall be a minimum of 15 feet and ten feet for accessory structures.
- (c) *Density.*
  - (1) *Apartment density.* Apartments shall have a maximum density of 15 units per gross acre.
  - (2) *Condominiums, townhomes, and patio homes shall have a maximum density of seven units per gross acre.*
- (d) *Maximum building height.* The maximum height of any building in the multifamily district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-31. Light-commercial (LC) district.**

- (a) *Land uses allowed.* Uses permitted in a LC, light-commercial district, are set forth in section 77-26(f), permitted use table.
- (b) *Minimum lot size.*
  - (1) The minimum lot width is 60 feet measured at the setback line.
  - (2) The minimum lot depth is 100 feet measured at the setback line.



- 
- (c) *Setbacks.*
    - (1) Minimum front yard setback is 25 feet.
    - (2) Minimum rear yard setback is ten feet.
    - (3) Minimum side yard and corner side yard is five feet.
    - (4) Accessory structure. A minimum side and rear yard setback of five feet and corner side setback of ten feet. Accessory structures shall not extend past the front line of the principal structure.
  - (d) *Maximum building height.* The maximum height of any building in the light commercial district may not exceed 60 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.
  - (e) Open storage and display of new or used cars for sale shall only be permitted where in compliance with section 77-52.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-32. Heavy-commercial (HC) district.**

- (a) *Land uses allowed.* Uses permitted in a HC, heavy-commercial district, are set forth in section 77-26(f), permitted use table.
- (b) *Lot size.* The minimum lot size is one acre with 120 feet of frontage.
- (c) *Setbacks.* A minimum front yard setback of 25 feet is required. The minimum side and rear yard setback shall be 20 feet. Accessory structures shall not extend past the front line of the principal structure. A minimum side, corner side, and rear yard setback of 10 feet shall be required.
- (d) *Maximum building height.* The maximum height of any building in the heavy commercial district shall not exceed 70 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.
- (e) *Open storage and display of new or used cars for sale shall only be permitted where in compliance with section 77-52*

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-33. Commercial activities; garage sales.**

- (a) *Permanent structure required.* Except as herein provided, every business within the city must be operated out of a permanent, stationary, site-built building.
- (b) *Restroom facilities.* Every business within the city must provide permanent restroom facilities on-site available for use by the customers of that business. These facilities shall be located within the same building as the business. Restroom facilities shall be in compliance with all applicable state, county and city building and health code provisions, including restroom facilities for handicapped individuals, for the size and type of business to be conducted at that location.
- (c) *Garage sales.* Garage sales shall be allowed at private residences as provided in this section.
  - (1) As used herein, the term "garage sale" also referred to by such names as "back yard sale," "estate sale," "yard sale," or "porch sale," shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes. "Occupant" shall mean either the owner-occupant of the premises whereon such sale is to be



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conducted, or the tenant of the owner, provided such tenant is actually residing upon such premises, and dependent members of the immediate family of such owner, occupant, or tenant.

- (2) Garage sale regulations. No person other than the occupant shall conduct a garage sale. No permit or fee shall be required however there shall be a maximum of six garage sales per calendar year. No garage sale shall be conducted for a period in excess of 72 consecutive hours.
- (3) The garage sale shall be conducted in such a manner by the occupant so as not to create a disturbance or become a traffic hazard or nuisance in the neighborhood.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-34. HUD-Code manufactured home (HCMH) district.**

In addition to any city regulations of mobile homes and HUD-Code manufactured homes, the following regulations shall also apply in the HUD-Code manufactured district:

- (1) *Existing mobile homes.* An existing mobile home may only be replaced by a HUD-Code manufactured home, as defined by these regulations;
- (2) *Non HUD-Code manufactured homes.* Mobile homes that are not HUD-Code manufactured homes may not be installed within the city;
- (3) *Lots that have a primary building.* HUD-Code manufactured homes shall not be permitted as accessory buildings on a lot, which has a primary building;
- (4) *Lots with other residences.* HUD-Code manufactured homes shall not be located on a lot with any other residence;
- (5) *Compatibility.* Skirting or screening materials shall be compatible with the design of the HUD-Code manufactured home;
- (6) *Attachment.* Skirting or screening materials shall be attached to the HUD-Code manufactured home to prevent the passage of animals beneath the home;
- (7) *Removal.* Tires, wheels, axles, towing and like mechanisms shall be removed from the HUD-Code manufactured home and placed out of sight of the public;
- (8) *Land uses allowed.* Uses permitted in a HCMH, HUD-Code manufactured home district, are set forth in section 77-26(f), permitted use table. This is the only district permitting HUD-Code manufactured homes as a permitted use.
- (9) *Maximum building height.* The maximum height of any building in the HUD-code manufactured home district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys;
- (10) *Parking.* A minimum of one off-street parking space is required per dwelling unit;
- (11) *Minimum lot size.*
  - a. The minimum lot width is 120 feet measured at the setback line.
  - b. The minimum lot area is one acre.
- (12) *Setbacks, minimum.*
  - a. *Front yard:* 25 feet.
  - b. *Side yard:* five feet.



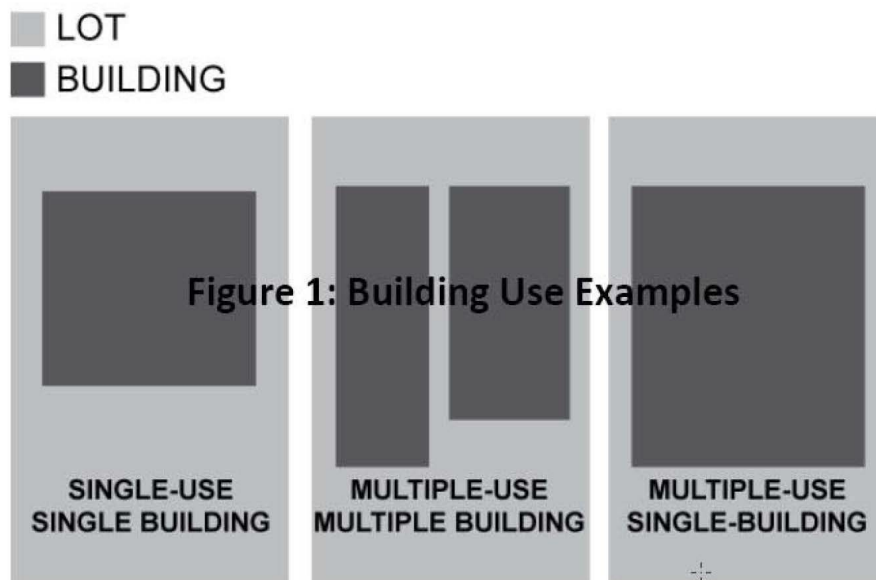
- c. *Corner side:* 10 feet.
  - d. *Rear yard:* 15 feet for the principal structure.
  - e. *Accessory structure:* Five feet for the side and rear yard and ten feet for the corner yard. An accessory structure may not extend past the front line of the principal structure.
- (13) *Replacement.* Replacement of existing mobile homes or HUD-Code manufactured homes. Nothing in this section shall preclude the replacement of an existing mobile home or HUD-Code manufactured home in any zoning district with a HUD-Code manufactured home. The mobile home or HUD-Code manufactured home that is being replaced shall be removed within 30 days from placement of the new HUD-Code manufactured home.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-35. Highway mixed-use (HMU) district.**

- (a) *Purpose.* The purpose of the highway mixed-use district (HMU) is to allow a mixture of residential and non-residential development along state highways or farm-to-market roads, as designated by the Texas Department of Transportation, either as a single use or multiple-uses within the same building or located on the same lot (see Figure 1: Building Use Examples). It is the intent of this section to allow a use in existence at the time that the HMU is adopted to remain as a conforming building use, even if the use was non-conforming in the existing zoning district prior to the adoption of the HMU.

**Figure 1: Building Use Examples**



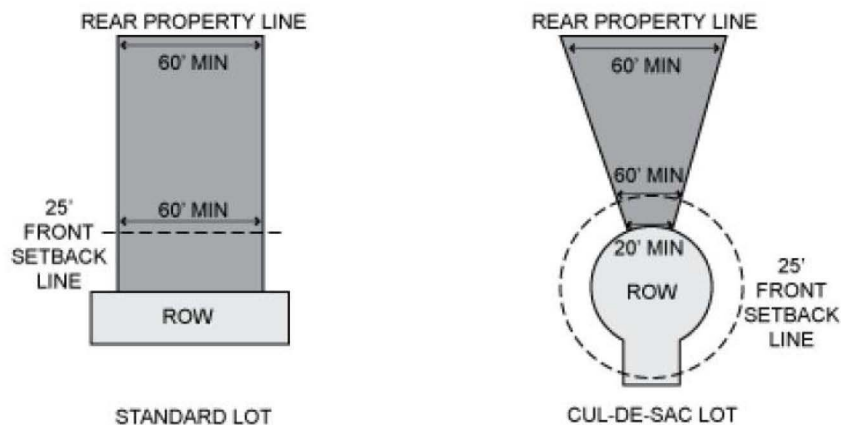
- (b) *Location.* Properties with the zoning designation of HMU district must be located adjacent to at least one side of a state highway or farm-to-market road. To be eligible to be zoned or rezoned as HMU, a property must be within 700 feet from the state highway or farm-to-market road right-of-way line. In the event a parcel is bisected by the 700 foot distance limitation, the current zoning district will remain in place for the portion of the parcel that is located outside the HMU. However, when considering specific parcel physical characteristics such as size, width, and shape or physical barriers such as, but not limited to, drainage facilities within or adjacent to specific parcels, the council may deviate from the 700-foot distance, either less or more, to accommodate parcel-specific characteristics. Additionally, when considering multiple contiguous



parcels under the same ownership, with at least one parcel being adjacent to one side of a state highway or farm-to-market road, the council may deviate from the required adjacency of all parcels to accommodate the multiple contiguous parcels and single ownership characteristic.

- (c) *Land uses allowed.* Uses permitted in a HMU, highway mixed-use district, are set forth in section 77-26(f), Permitted use table. Only one single-family detached residence is permitted per platted lot, tract or parcel.
- (d) *Minimum lot size.* (See Figure 2: Lot Size Measurements)
  - (1) The minimum lot area is 6,300 square feet.
  - (2) The minimum lot width is 60 feet measured as a straight line at all points between the front building setback line and the rear property line(s).
  - (3) The minimum lot width for a cul-de-sac lot is 20 feet measured at the street right-of-way (ROW) line and 60 feet measured as a straight line at all points between the front building setback line and the rear property line(s).

**Figure 2: Lot Size Measurements**

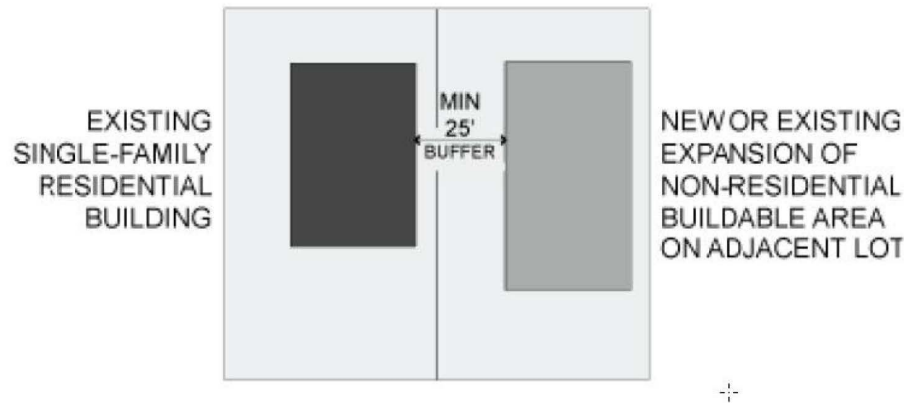


- (e) *Setbacks, minimum.*
  - (1) Minimum front yard building setback is 25 feet measured as a straight line from the front property line.
  - (2) Minimum rear yard building setback is 15 feet for the principle building measured as a straight line from the rear property line.
  - (3) Minimum side yard building setback is ten feet measured as a straight line from any side property line.
  - (4) Minimum corner side yard building setback is ten feet measured as a straight line from the corner side street right-of-way.
  - (5) Minimum side and rear yard building setbacks for an accessory structure are five feet and the minimum corner side yard building setback is ten feet measured as a straight line from any side or rear property line. Accessory structures cannot extend past the front line of the principle building or between the building and the street ROW.
- (f) *Buffers for existing single-family residential.*
  - (1) All new non-residential development or non-residential redevelopment or expansion is required to provide a minimum 25-foot wide open space buffer from all adjacent primary single-family residential buildings existing at the time the HMU is designated by council (see Figure 3: Single-Family Residential Buffer Example).



- (2) Buffers required in subsection (f)(1) above, will no longer be required if:
- The pre-existing single-family building is expanded, and such floor area expansion or addition is greater than 35 percent of the original building square footage or greater than 800 square feet;
  - The use of the pre-existing single-family building is completely changed to a non-residential use; or
  - The pre-existing single-family building is removed completely.

**Figure 3: Single-Family Residential Buffer Example**



(g) *Parking.*

- Refer to section 77-45, parking, for on-site parking requirements for this section.
- All new non-residential buildings within the HMU will locate parking behind the primary building but not between the primary building and the street ROW.

(h) *Building height.*

- Maximum height for any single-family residential building will not exceed 40 feet measured from the finished grade to the highest point in the roof with a maximum of three stories, but not to include ancillary structures such as chimneys.
- Maximum building height for any non-residential building will not exceed 60 feet measured from the finished grade to the highest point in the roof with a maximum of five stories, but not to include ancillary structures such as chimneys.
- Maximum building height for any building containing a combination of residential and non-residential uses will not exceed 60 feet measured from the finished grade to the highest point in the roof with a maximum of five stories, but not to include ancillary structures such as chimneys.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

**Sec. 77-36. State Highway 6 overlay (SH-6) district.**

- (a) *Purpose.* The purpose of the State Highway 6 (S.H. 6) overlay district is to manage critical visual elements and to promote future development that showcases S.H. 6 as a high-quality, mixed-use, multi-modal transportation corridor in Manvel. This overlay is intended to direct development in the S.H. 6 corridor toward compliance with the comprehensive plan.



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As an overlay district, the requirements specified herein are in addition to the existing zoning districts, and as such, do not replace any current zoning or any specific requirements of the existing zoning districts.

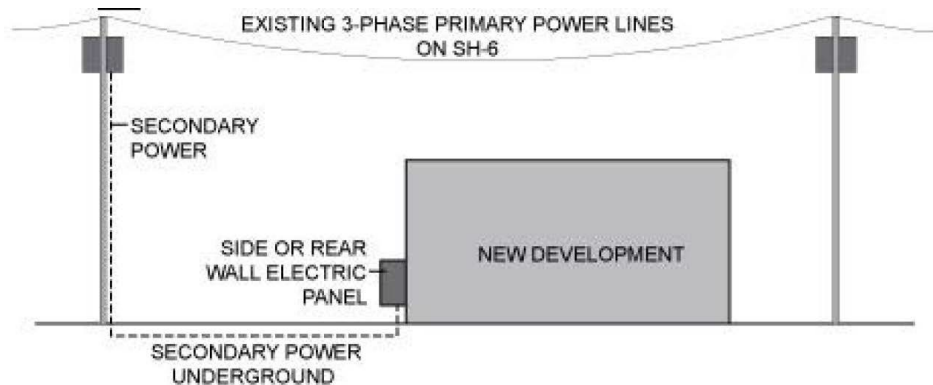
- (b) *Location.* The S.H. 6 overlay district will extend along S.H. 6 from the eastern city limit to the western city limit at a depth of 700 feet from the right-of-way along both sides of S.H. 6. In the event a parcel is bisected, the current zoning district will remain in place for the portion of the parcel that is located outside the S.H. 6 overlay district, and the S.H. 6 overlay requirements will not.
- (c) *Exterior building materials.*
  - (1) All building façades must be constructed of a minimum of 90 percent masonry materials on all non-transparent portions of all exterior walls. The percentage of masonry materials is calculated on a per façade basis. Permitted masonry materials include:
    - a. Stone;
    - b. Brick;
    - c. Concrete;
    - d. Hollow clay tile;
    - e. Decorative concrete block or tile;
    - f. Glass block;
    - g. True stucco.The use of any material that is not specified on the above permitted masonry materials list is prohibited.
  - (2) Up to the remaining ten percent of all exterior walls on non-transparent portions of the building may be constructed of materials not listed in the permitted masonry materials list but under no circumstances will the following prohibited materials be allowed:
    - a. Sheet metal material; coated, galvanized, or uncoated with a metal thickness less than one-quarter inch;
    - b. Smooth concrete masonry units (CMU) or block, painted or un-painted;
    - c. Exterior insulation finish systems (EIFS);
    - d. Plywood or oriented strand board (OSB).
  - (3) No more than 75 percent of any façade may consist of glass
- (d) *Parking.*
  - (1) Refer to section 77-45, parking.
- (e) *Dumpster/mechanical screening.*
  - (1) Exterior trash receptacles and recycle bins should be located behind a building and not visible from S.H. 6. If an exterior trash receptacle or recycle bin cannot be located behind a building, it must be enclosed on all sides with screening material at least as high as the top of the receptacle/bin and composed of the same materials as used in the building façade. The enclosure gate must be of solid metal painted to match the color of the enclosure material(s).
  - (2) All building systems and mechanical equipment must be screened from public view by being located at the rear of a building, on the roof out of public view, or fully screened by the same materials as used in the building façade.



(f) *Electric, phone, utility and cable line location.*

- (1) When determined by the utility provider as physically possible, all new three-phase (primary) overhead power lines will be located at the rear of new developed property.
- (2) Secondary power connections for new development and substantial improvement from existing power poles will be placed underground.
- (3) Electrical panel boxes will not be located on a building façade facing S.H. 6.

**Figure H.1: Electric, Phone, Utility, and Cable Line Location**



(g) *Vehicular access and circulation.*

- (1) All developments must provide public access easements (PAE) allowing reciprocal travel between adjacent parcels that meet the following minimum standards:
  - a. The PAE must be a minimum 25 feet in width;
  - b. The PAE must be continuous between property lines;
  - c. The PAE must be paved;
  - d. No parking or loading activity within, or with direct access to, the 25-foot minimum PAE is permitted; and
  - e. All PAEs within a property must connect to each other and a connection must also be made to any existing PAE located on the property line of an adjacent development.
- (2) Perpendicular PAEs (providing circulation and access perpendicular to S.H. 6):
  - a. All developments located within the S.H. 6 overlay district must provide at least one PAE, approximately perpendicular to S.H. 6, from the front property line to the rear property line if any part of the proposed development is more than 1,000 feet from either an existing perpendicular PAE that intersects S.H. 6 or an existing paved public street that intersects S.H. 6.
  - b. Perpendicular PAEs must not be more than 1,000 feet apart.
- (3) Parallel PAEs (providing circulation and access parallel to S.H. 6):
  - a. All developments within the S.H. 6 overlay district must provide at least one PAE, approximately parallel to S.H. 6; from one side property line to the opposite side property line located no more than 700 feet from S.H. 6.
  - b. Parallel PAEs are not required on parcels less than 300 feet deep from S.H. 6.



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- (4) In heavy commercial zones only, in lieu of a PAE, an emergency access easement (EAE) between adjacent properties is required and must meet the following standards:
    - a. The gates must be 20 feet wide, marked as emergency access, and equipped with a Knox box.
    - b. The EAE must be an improved hard surface incorporated into the fire lanes and able to accommodate emergency vehicles.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Secs. 77-37, 77-38. Reserved.**

Editor's note(s)—Former § 77-37 was renumbered as § 77-54 by Ord. No. 2010-O-31, § 3, adopted Dec. 13, 2010. Ord. No. 2014-O-21, § 3, adopted Aug. 11, 2014, repealed § 77-38, which pertained to unspecified land uses and derived from Ord. No. 2001-14, § 15, 6-28-2001.

### **Sec. 77-39. Prohibited land uses.**

Notwithstanding any other provision of this chapter to the contrary, the zoning official, the planning commission, and the zoning board of adjustment shall have no authority to rule that the following uses are allowed under any zoning district with the city; and the following uses are hereby explicitly prohibited:

- (1) Mobile home;
- (2) Manufactured homes in any district other than a manufactured home district.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-40. Underground utility lines.**

Utility lines serving new buildings or other facilities, including signs and outdoor lighting, outside of the utility easement, shall be placed underground from the building, sign, outdoor lighting, or other facility, prior to occupancy of a new building.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-41. Reserved.**

Editor's note(s)—Ord. No. 2012-O-21, § 3, adopted Aug. 13, 2012, repealed § 77-41, which pertained to noise levels in land uses, and derived from Ord. No. 2001-14, § 17, 6-28-2001.

### **Sec. 77-42. Selling merchandise in public right-of-way.**

No merchandise, materials, goods, wares, vehicles, or services may be sold in any public right-of-way.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-43. Fences.**

- (1) *Permit Required.* A fence permit is required to authorize the construction, reconstruction, modification, enlargement, extension, or alteration of a fence. Upon completion of construction, the fence shall be



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inspected by the city to ensure compliance with the provisions of this ordinance and other applicable codes. An application for fence permit shall include the following:

- a. Location of the fence identified on a survey, plat, or an approved site plan;
- b. Drawings showing construction details and dimensions necessary to show compliance to the requirements of this section. Engineer stamped drawings, by a professional engineer licensed in the State of Texas, are required for masonry fences and fences that exceed six feet in height; and
- c. If necessary, photographs to explain the scope of work.

(2) *Exemptions.*

- a. A fence permit is not required for regular maintenance and minor repair but such maintenance and repair must conform to the standards of this section.
- b. A fence permit is not required for agricultural fences on agricultural properties that are at least two acres in size.
- c. A separate fence permit is not required for a new fence that has been reviewed and approved as part of a Building Permit application.

(3) *Location restrictions.*

- a. No fence shall be built on any lot or tract outside the surveyed lot lines;
- b. No fence shall be built by a private party on public land without the specific prior approval of the public entity. Removal of any such fence or wall shall be at the expense of the private party;
- c. Fences shall not limit or obstruct the flow of water in natural drainage courses, or drainageways created within easements; and
- d. Placement of a fence within sight distance triangles is prohibited.

(4) *Design and construction standards.*

- a. *Single-family residential zoning districts.* Fences in any single-family residential zoning district, shall not exceed six feet in height, except when located on a major thoroughfare where fences shall not exceed eight feet in height. **Community fences shall have a minimum height of six feet.**
- b. *Other zoning districts.* Fences in other zoning districts shall not exceed eight feet in height. **Residential uses in other zoning districts, including Planned Unit Development (PUD), must conform to fence standards for single-family zoning district.**
- c. ~~(c) Acreage properties.~~ Barbed wire fences are only allowed on **agricultural acreage** properties that are at least two acres in size. The barbed wire portion of the fence shall not exceed 52 inches as measured from the natural ground.
- d. Opaque privacy fences restricting visibility of a vacant property completely from the abutting street are prohibited. Fences along front or street side of a vacant property shall be designed to allow visibility from the abutting street.
- e. Wooden fence construction shall include, fence posts with concrete footing and rot boards. The total height of wooden fences may exceed the maximum allowed height by six inches. Top cap, not exceeding two inches in height may be added to wood fences and shall not contribute to total fence height calculation.
- f. The finished side of all fences, including community fences, shall face outward (posts and supports faced inward to the lot) toward adjacent right-of-way.



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g. All concrete footing required in the construction of community fences or any masonry fence shall be designed by a professional engineer licensed in the State of Texas.

- (5) *Maintenance.* All fences constructed under the provisions of this ordinance shall be kept in good repair. All fences must be maintained to be free from rot, mildew, termite infestation, rust, vandalism, and other sources of physical or visual damage.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-44. Trees, landscaping, fencing and screening.**

The following regulations shall apply to all new land development projects, except new single-family residential:

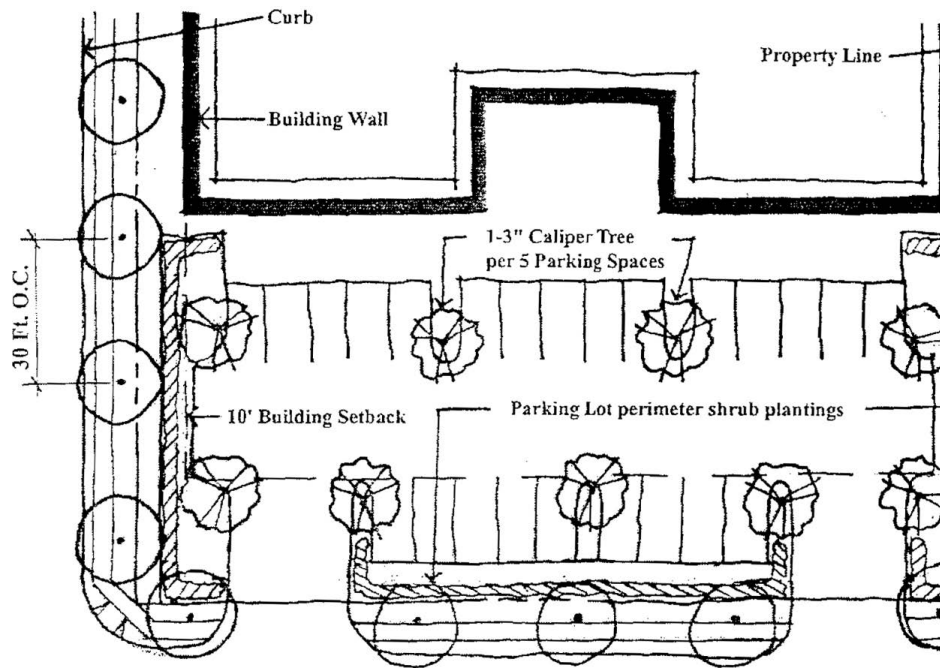
(1) *Trees.*

- a. Preservation required of existing street trees. Trees located in any public street right-of-way must be preserved and may not be removed without prior written approval of the zoning official.
- b. Retention of existing trees. Where appropriate, new development should be located to take advantage of existing mature trees. The protection and retention of existing trees which are at least 1½ inches in caliper shall be credited to the tree planting requirements except for street tree planting requirements.
- c. Protection of existing trees. Trees that are to be protected and retained shall be protected during construction. The tree protection area shall not be used for the parking or storage of any soil, vehicles, equipment, or materials. No waste or surplus products of any nature shall be disposed of within or near the tree preservation area. Grade changes around existing trees are limited to three inches.
- d. Planting of new street trees. Street trees shall be reasonably regularly spaced with at least one tree for each 30 feet of street frontage for each street on which the property fronts.
  1. Street trees shall be planted within the right-of-way line with adjustments in spacing allowed for driveways, streetlights, visibility triangles, transit shelters, and utility or traffic control appurtenances. If sufficient street trees to meet the requirement already exist along the frontage of a site, no additional trees are required, provided they are protected and retained in accordance with these regulations.
  2. The minimum planting size for street trees is 1½ inches in caliper measured at the base of the tree.
- e. Planting of trees and shrubs for new parking lots. Trees for new parking lots shall total at least one tree for each five parking spaces and at the end of each parking row. Trees and landscaping must be located within the parking area in areas protected by a curb or other vehicle obstruction. Such trees shall be a minimum of 1½ inches in caliper measured at the base of the tree. Shrub plantings shall be placed along the perimeter of a parking lot in an amount to provide a visible screen for the parking lot. The shrubs must be maintained at a maximum height of 36 inches for safety and visibility purposes.

Example:

### **REQUIRED STREET AND PARKING LOT TREES AND SHRUBS**





Scale: 1 inch = 30 feet

- (2) *Maintenance of landscaping.* All landscaping must be perpetually maintained in good health by the property owner on which the landscaping lies or by the adjacent property owner. In the case of street trees planted within the right-of-way, the owner of the adjacent property shall have the responsibility for tree maintenance. Trees lost for any reason, with the exception of street or utility work, shall be replaced by the property owner within six months. Replacement trees must be a minimum of three-inch caliper. The responsibility for replacement of trees removed because of natural disaster, vehicular accident, or other similar circumstance, is that of the adjacent property owner regardless of whether that owner is reimbursed by the responsible party.
- (3) *Planting areas.*
  - a. *Site areas.* All site areas not covered by buildings or paving shall be planted with trees, shrubs, grass, ground covers or other plant materials. Special ground covering materials are permissible in playgrounds or active sports areas or other areas as determined by the city zoning official.
  - b. *Landscape plans.* Landscape plans shall be submitted to the city zoning official at the time of submittal of all other construction plans for all new construction. In the open-planned unit development district landscape plans shall be submitted to the city zoning official prior to consideration of the plan by the planning commission.
  - c. *Irrigation.* All planting areas shall be irrigated. Irrigation plans must be submitted with the landscaping plans and all irrigation materials shall be installed prior to occupancy of the building.
- (4) *Land uses requiring landscape screening and/or fencing.*
  - a. *Air conditioning and other mechanical equipment.* Ground mounted mechanical equipment of all types must be fenced or screened from pedestrian view. This requirement does not apply to traffic control equipment boxes, telecommunication housings (smaller than three feet by six feet) or similar public facilities.



- b. *Utility facilities.* All utility facilities must be screened from pedestrian view subject to a screening and buffering plan approved by the zoning official.
- c. *Parking lots.* All parking lots for nonresidential uses must be landscaped according to these regulations.
- d. *Drive-through facilities.* Where drive-through lanes or stacking bays and/or service windows are within 50 feet of a side or rear property line that adjoins an existing residential use, a six-foot-high wooden fence must be constructed and retained adjacent to the property line.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-45. Parking.**

(a) *Number of spaces required.* The required number of parking spaces are as follows:

| Land Use                                | Amount of Parking                                                                                  |
|-----------------------------------------|----------------------------------------------------------------------------------------------------|
| Single-family residential               | 1 enclosed garage space per unit                                                                   |
| Apartments                              | 1 per one bedroom unit<br>2 per two bedroom unit<br>2 per three/four bedroom unit                  |
| Office (not medical)                    | 1 per 200 gross square feet                                                                        |
| Medical office (medical, dental, vet)   | 1 per 300 gross square feet                                                                        |
| Retail                                  | 1 per 250 gross square feet                                                                        |
| Restaurant                              | 1 per 250 gross square feet                                                                        |
| Tavern                                  | 1 per 200 gross square feet                                                                        |
| Auto sales/manufactured home sales      | 1 per 400 gross square feet<br>of showroom and office area                                         |
| Auto repair                             | 1 per auto repair bay plus<br>1 per 200 gross square feet of office area                           |
| Hotel/motel                             | 1 per two sleeping rooms plus<br>1 per 200 gross square feet of office area                        |
| Theater/auditorium/church/assembly hall | 1 per 4 seats                                                                                      |
| Industrial/manufacturing                | 1 per 500 gross square feet of work area plus<br>1 per 200 gross square feet of office area        |
| Warehouse                               | 1 per 2,000 gross square feet of warehouse area plus<br>1 per 200 gross square feet of office area |
| Schools (elementary, middle school)     | 1 per 20 students                                                                                  |
| Schools (high school)                   | 1 per 4 students                                                                                   |
| College or University                   | 1 per 2 students                                                                                   |
| Trade or Vocational School              | 1 per student and<br>1 per employee                                                                |

(b) *Americans with Disabilities Act (ADA).* Parking for land uses, which require handicapped parking spaces shall be provided in the amount stipulated by the Americans with Disabilities Act or other applicable law.

(c) *Shared parking.*



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- (1) Shared parking is encouraged and intended to make use of parking areas that are not used during certain parts of the day. Shared parking is permitted only with a written agreement between the subject landowners. Such agreement shall be maintained in the office of the city secretary.
  - (2) Property on which shared parking is proposed shall be no further than 300 feet from the boundary of the principal property, as measured along public rights-of-way, such as streets or sidewalks.
  - (3) No more than 75 percent of the total amount of parking spaces required for the principal use shall be shared parking spaces.
  - (4) Required handicapped parking spaces shall not be used in the calculation for shared parking spaces.
  - (d) *Parking space dimensions.*
    - (1) The minimum size of a car parking space shall be ten feet wide and 20 feet long for residential or commercial land uses.
    - (2) The minimum size of a handicapped parking space shall be as required by the Americans with Disabilities Act.
    - (3) Compact car parking spaces shall not be credited to the overall parking calculation requirement.
  - (e) *Parking lot aisle dimensions.*
    - (1) The minimum unobstructed aisle width for angled parking shall be 18 feet with the maximum angle being 60 degrees or 15 feet with the maximum angle being 45 degrees.
    - (2) The minimum unobstructed aisle width for 90 degree perpendicular parking shall be 24 feet.
  - (f) *Vehicular backing.* No parking space shall be designed so as to require a vehicle to back onto a public street or across a sidewalk, except for residential parking spaces.
  - (g) *Replacing existing parking.* Additions or remodels of an existing land use shall not replace area that is devoted to parking, unless additional offstreet parking is constructed in conformance with this section.
  - (h) *Parking requirements for unspecified land uses.* If parking for a specified use is not identified in the subsection (a) table above, the zoning official shall determine the parking requirements based on the most closely associated land use.
  - (i) *Mixed/comboination of land uses.* Where a mixed or combination of land uses is proposed, parking shall be calculated based on the respective requirements of each land use. Shared parking is encouraged, if appropriate.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-46. Gun ranges.**

Gun ranges shall be allowed in the appropriate zoning district, as set forth in section 77-26(f), permitted use table.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-47. Animals.**

Animals, including but not limited to, livestock like cows, horses, donkeys, sheep, goats, buffalo, and exotic animals such as emu, peacock, camels, and lions are not allowed on property less than one acre in size, with the



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exception of Future Farmers of America (FFA) or 4-H animal-related land uses intended for education or competition.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-48. Nonconforming land uses and structures.**

- (a) *Purpose.* The purpose of this section shall be as follows:
  - (1) To regulate the continuing existence of nonconforming land uses and structures by prohibiting their enlargement;
  - (2) To preclude the re-establishment of nonconforming land uses and structures after their abandonment;
  - (3) To allow the continued use and normal maintenance of nonconforming land uses and structures; and
  - (4) To regulate development that is not in compliance with the city's development regulations
- (b) *Applicability.* The burden of establishing that any nonconforming land use and nonconforming structure legally existed prior to the effective date of these regulations is the sole burden of the owner.
- (c) *Authority to continue.*
  - (1) A nonconforming land use or nonconforming structure may continue to exist as long as it remains otherwise lawful, subject to the city's regulations.
  - (2) No accessory land use or accessory structure shall continue after the principal use or structure has been terminated.
- (d) *Maintenance, repair and structural safety.* Normal interior and exterior maintenance and incidental repair may be performed on any nonconforming land use or nonconforming structure. Nothing in this article shall be construed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a city official who declares a structure to be unsafe and orders its restoration to a safe condition.
- (e) *Enlargement and improvement of a nonconforming land use or structure.* A nonconforming land use or structure shall not be enlarged, expanded or extended unless such enlargement, expansion, or extension complies with the city's regulations and the zoning official determines that such enlargement will not result in an increase in the degree of noncompliance with the city's regulations; provided, however, that a nonconforming residential use located in the light commercial (LC) district may be expanded if such expansion does not exceed 50 percent of the current use and the zoning official determines that the expansion complies with all other requirements of this chapter.
- (f) *Abandonment.* When the use of a nonconforming land use or structure ceases for a continuous period of 180 days or more, it shall not be reestablished or resumed. After abandonment, any subsequent use of the property must conform to all of the city's regulations. The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the zoning official that during such period the owner or agent has:
  - (1) Maintained the property in accordance with all city regulations and did not intend to discontinue the use; or
  - (2) Has been actively and continuously marketing the land or structure for sale or lease.
- (g) *Change of land use.* A nonconforming land use may not be changed to any land use other than an allowed land use.
- (h) *Damage or destruction of a structure.* If greater than 50 percent of the floor area of a legal nonconforming structure or structure containing a legal nonconforming land use, is damaged or destroyed by fire or other



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casualty, the structure may not be reconstructed and the land use may not be resumed, unless it complies with all applicable city regulations.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-49. Calculation of measurements.**

- (a) *Minimum requirements.* When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50-foot strip, the resulting fraction of 1.37 is rounded up to two required trees.
- (b) *Maximum limits.* When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 3,000 square feet is applied to an 8,000 square foot site, the resulting fraction of 2.67 is rounded down to two allowed dwelling units.
- (c) *Underground structures.* Structures or portions of structures that are entirely underground shall not be included in any measurement.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-50. Uses requiring specific use permit (SUP).**

- (a) Certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides council and planning commission the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning commission judgment relative to the location and site plan of the proposed use are required.
- (b) The council, after receiving the recommendation of the planning commission, may by ordinance, grant a specific use permit for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.
- (c) Where provided for in section 77-26(f), permitted use table, a specific use permit shall be required before that specific use can be permitted within the district specified. A building permit or certificate of occupancy shall not be issued for any use to be located in a zoning district which permits that use, unless a specific use permit has been issued in accordance with the provisions of this section.
- (d) Application procedure. An application for a specific use permit shall be filed with the city. The application shall be accompanied by a conceptual site plan that, complete application, and fees that will become a part of the specific use permit, if approved. Verification of all information contained in the conceptual site plan shall be required to be certified by an engineer and/or surveyor, as applicable, as a condition for the granting of any specific use permit. The accompanying conceptual site plan shall provide the following information:
  - (1) Data describing all processes and activities involved with the proposed use.
  - (2) Boundaries of the area covered by the site plan.



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- (3) The location of existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roofline, gross floor area and the location of building entrances and exits.
  - (4) The location of existing drainage ways, and significant natural features.
  - (5) Proposed landscaping and screening buffers.
  - (6) The location of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities.
  - (7) The location and type of each wall, fence, and other types of screening.
  - (8) The location, height and size of all proposed signs.
  - (9) Show all existing or proposed water, sewer and electrical.
  - (10) Show all dedicated easements.
- (e) Criteria for approval. In considering any application for a specific use permit, the planning commission and the council shall hold public hearings as with any amendment request and consider the following criteria:
- (1) Conformance of the proposed use with the city's comprehensive plan and land use policies;
  - (2) The character of the neighborhood, the zoning and use of nearby properties, and the extent to which the proposed use would be compatible;
  - (3) The suitability of the property for the uses permitted by right;
  - (4) The extent to which the proposed use would detrimentally affect nearby property, including, but not limited to, sound, light, traffic, aesthetics, odor, dust, vibration, and dangerous or hazardous activity;
  - (5) The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or present parking problems in the vicinity of the property;
  - (6) The extent to which approval of the use would harm the value of nearby properties;
  - (7) Whether the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
  - (8) The extent that adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
  - (9) Whether the design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
  - (10) The extent that directional lighting will be provided so as not to disturb or adversely affecting the general public or adjacent developments;
  - (11) Whether there is sufficient landscaping and screening to insure harmony and compatibility with adjacent property; and
  - (12) Any other any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.
- (f) Use of property permitted by a specific use permit must commence within one year from the date of approval, unless extended by action of the council.
- (g) In addition to other conditions the council may impose, the following conditions shall apply to the land uses specified below:



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- (1) *Accommodations.* The conditions for hotel (except casino hotels) and motels and all other traveler accommodation shall include:
- a. Hotels (except casino hotels) and motels as defined by NAICS No. 721110 in section 77-26, permitted uses, shall include the following conditions:
    - 1. All guest rooms are accessed via interior hallway;
    - 2. All interior hallways accessed from a central lobby;
    - 3. A minimum 1,000 square feet dedicated to meeting and event space;
    - 4. The use of a kitchenette is not permitted;
    - 5. Maintain a copy of guest registration information for a minimum 30 days which includes guest photographic identification, guest vehicle license plate number, guest permanent address, guest bill including method of payment, guest check-in and check-out dates and times, and number of persons staying in the room(s);
    - 6. Install and maintain security cameras in each interior hallway, lobby, parking lots, and exterior door;
    - 7. Require all guests to enter through a central lobby after 11:00 p.m.; and
    - 8. A hotel owner, operator, or manager must be present and accessible in person on a 24-hour basis.
  - b. All other traveler accommodation as defined by NAICS No. 721199 in section 77-26, permitted uses, shall include the following conditions:
    - 1. Maintain a copy of guest registration information for a minimum 30 days which includes guest photographic identification, guest vehicle license plate number, guest permanent address, guest bill including method of payment, guest check-in and check-out dates and times, and number of persons staying in the room(s);
    - 2. Install and maintain security cameras in the central lobby, parking lots, and exterior doors;
    - 3. A facility operator, owner, or manager must be present and accessible in person on a 24-hour basis; and
    - 4. Require all guests to enter through a central area after 11:00 p.m.
- (2) *Adult entertainment business.* The conditions for an adult entertainment business shall include:
- a. A business license; and
  - b. A minimum of 500 feet from any school, day care, place of worship, or residential neighborhood or other district.
- (3) *All other general merchandise stores.* All other general merchandise store as defined by NAICS No. 452990, Permitted Uses, shall include the following conditions:
- a. There shall be a minimum separation distance between "dollar/general store" uses of two miles. The distance shall be measured from the nearest dollar/general store property line to the nearest dollar/general store property line; and
  - b. A minimum 10 percent gross floor area shall be dedicated to fresh produce, meat, and dairy products.
- (4) *Ambulatory health care services.* Ambulatory health care services as defined by NAICS No. 621, Permitted Uses, shall include the following conditions:



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- a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
    - b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
    - c. All doors shall remained unlocked and accessible during normal business hours.
  - (5) *Convenience stores.* Convenience stores as defined by NAICS No. 445120, Permitted Uses, shall include the following condition:
    - a. A convenience store shall not be located within two miles of an existing convenience store and gasoline station. The distance shall be measured from property line to property line.
  - (6) *Game room.* The conditions for a game room shall include:
    - a. A business license;
    - b. A minimum of 300 feet from any place of worship, daycare, school, or hospital; and
    - c. All doors shall remain unlocked and accessible during normal business hours.
  - (7) *Gasoline stations.* Gasoline stations as defined by NAICS No. 447, Permitted Uses, shall include the following condition:
    - a. A gasoline station shall not be located within two miles of an existing gasoline station and convenience store. The distance shall be measured from property line to property line.
  - (8) *Hospitals.* Hospitals as defined by NAICS No. 622 in section 77-26, permitted uses, shall include the following conditions:
    - a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
    - b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside;
    - c. All doors shall remained unlocked and accessible during normal business hours.
  - (9) *Nursing and residential care facilities.* Nursing and residential care facilities as defined by NAICS No. 623 in section 77-26, permitted uses, shall include the following conditions:
    - a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
    - b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside;
    - c. All doors shall remained unlocked and accessible during normal business hours.
  - (10) *Other personal care services.* Other personal care services as defined by NACIS No. 81219 in section 77-26, permitted uses, shall include the following conditions:
    - a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP.
    - b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
    - c. All doors shall remained unlocked and accessible during normal business hours.
  - (11) *Place of worship, private school, or governmental agency with an oversized sign.* The conditions include:
    - a. A minimum of 2,000 feet when the main structure is located 200-feet from the State Highway 288 right-of-way;



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- b. An approved site plan; and
  - c. Approved sign permit application.
- (h) *Time limit.* A specific use permit issued under this section shall expire one year after its date of issuance if construction or use authorized there under is not substantially under way prior to the expiration of said one-year period. If prior to the expiration of such one-year period, the owner of property to which a specific use permit applies in writing, for an extension. The council after recommendation from the planning commission may grant such extension for one additional year.
- (i) *Revocation.* A specific use permit may be revoked or modified, after notice and hearing, for either of the following reasons:
- (1) The specific use permit was obtained or extended by misrepresentation, fraud or deception; or
  - (2) That one of more of the conditions imposed by the permit has not been met or has been violated.
- (j) *Amendments.* The procedure for amendment of a specific use permit shall be the same as for a new application provided however, that the city manager may approve minor variations from the original permit which do not increase density, change in traffic patterns, or result in any increase in external impact on adjacent properties or neighborhoods.
- (k) *Application fee.* An application fee is required for the processing of each specific use permit request.
- (l) *Religious institutions, private school, or governmental agency signs.* Consistent with section 53-17, where the main structure of a property of a religious institution, private school or governmental agency lies within 2,000 feet of the S.H. 288 right-of-way, a sign that exceeds the height and/or area requirements of the sign ordinance may be permitted by the council by approval of a specific use permit incorporating an approved site plan and sign drawings. The procedure and criteria for approval of this section shall apply to an application for this type of specific use permit.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-51. Plan review, landscaping and building facade requirements.**

- (a) *Site plan review.* All site plans and drainage studies shall be approved administratively by the building official, fire marshal, and city engineer and shall be submitted to the appropriate drainage district for non-residential development within the city limits.
- (b) *Building setback lines.* Building setback lines shall be determined by the property's zoning district.
- (c) *Landscape site plan.* Prior to the construction and erection of a nonresidential building or structure, a landscape plan shall be submitted to the zoning official for the consideration by the planning commission. The landscape plan shall contain as a minimum the following information:
- (1) A conceptual plan of the landscaping identifying the general layout and description of the trees and plans specified.
  - (2) The plans should contain dimensions and elevations of special structural elements, such as building facades, walls, planters, foundations, berms, walkways, irrigating systems and property boundaries.
  - (3) Building outlines, parking areas (in accordance with the standards and specification adopted by the commissioner of licensing and regulation of the Texas Department of Transportation, relating to the identification and dimensions of parking spaces for persons with disabilities, as amended, or as otherwise required by federal or state law) and arrangements, fences and structural features to be constructed on the site shall be on the plan.



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- (4) Landscape plans shall be prepared at the shall of one inch equals 40 feet and on a sheet size of 24 inches times 36 inches. The plan sheets shall contain a scale, north arrow, name and address of the licensed landscape architect, designer or architect and the site owner and/or developer. The plans shall also identify the development and provide a brief description of the property and its location.
- (5) Plan shall also include names of owners and/or business of adjacent property owners.
- (d) *Minimum landscape requirements.* Up to ten percent of the entire area of the side not covered by buildings and not a part of the right-of-way or dedicated public streets or three percent of the gross area of the site, whichever is greater, shall be required as landscaping to meet the requirements of this section:
- (1) Trees with a minimum two-inch caliper measured 12 inches from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch for each 15 feet of frontage. Where intensity of site development makes planting the required trees impractical, an alternate plan may be developed with the approval of the planning commission.
- (2) Landscaping and/or decorative fence shall screen outside storage areas, loading docks, garbage collection bins and delivery entrances from adjacent property and public street right-of-way.
- (3) Landscaping shall be located so as not to interfere with the act of parking or with parking area maintenance and so as not to create a traffic hazard by obscuring driver or pedestrian vision of the intersections of walkways, driveways, collector lanes and streets or any combination thereof. Landscaping is discouraged within three meters of the state highway right-of-way due to utilities. Plans are required for any type of landscape development on Texas Department of Transportation right-of-way and must be submitted to:
- Director of Maintenance  
Post Office Box 1386  
Houston, TX 77251
- (4) Reserved.
- (5) Artificial plants and trees shall not be considered in the satisfaction of the outside landscape requirements.
- (e) *Maintenance.* The owner and tenant of landscaped premises and their agents, if any, shall be jointly and severally responsible for the use of high-quality, hardy and drought-tolerant plant materials. These plants materials must be maintained in a healthy, growing condition at all times. Regular weeding, mowing of grass, irrigation, fertilizing, pruning and other maintenance of all plantings such as free of refuse and debris is required. Any plant that dies must be replaced with another living plant. Failure to maintain the landscaped premises, after written notice allowing up to 60 days to bring the premises into conformance, shall be grounds for the revocation of the certificate of occupancy by the city building official.
- (f) *Landscape construction.* Prior to issuing a certificate of occupancy, all approved landscaping must be in place, or if seasonal considerations prohibit the completion of the planting of landscape material, a temporary certificate of occupancy may be issued for such time as is reasonable to complete the landscape planting.
- (g) *Permits.* Building permits and all other necessary permits shall be obtained from the city before construction begins.
- (h) *Inspections.* The city inspectors shall inspect each phase of construction and certify that the building is constructed according to the city and the standard building code. (A schedule of which may be obtained at city hall).
- (i) ~~*Building facade requirements.*~~
- ~~(1) *Applicability.* All nonresidential building facades within the city must be constructed of a minimum of 90 percent masonry materials on all non-transparent portions of all exterior walls. The percentage of~~



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masonry materials is calculated on a per facade basis. A facade shall mean the front or principal side of a building. Permitted masonry materials include:

- a. ~~Stone;~~
- b. ~~Brick;~~
- c. ~~Concrete;~~
- d. ~~Hollow clay tile;~~
- e. ~~Decorative concrete block or tile;~~
- f. ~~Glass block;~~
- g. ~~True stucco; and~~
- h. ~~Insulated concrete forms (ICF).~~

The use of any material that is not specified on the above permitted masonry materials list is prohibited.

Planning commission may consider approval of any alternate material that is consistent with the approved materials and that serves to further the goals of structural stability, product longevity, and durability.

All existing structures in place at the date of the adoption of this ordinance and not in compliance with these adopted regulations will be considered as non-conforming structures. Nonconforming structures will be allowed to remain in violation of this ordinance as long as the structure does not lose its nonconformity as specified by section 77-48 of the City Code.

(2) ~~Remainder.~~ Up to the remaining ten percent of all exterior walls on non-transparent portions of the building may be constructed of materials not listed in the permitted masonry materials list, including but not limited to fiber cement siding, but under no circumstances will the following prohibited materials be allowed:

- a. ~~Sheet metal material; coated, galvanized, or uncoated with a metal thickness less than one-quarter inch;~~
- b. ~~Smooth concrete masonry units (CMU) or block, painted or unpainted;~~
- c. ~~Exterior insulation finish systems (EIFS);~~
- d. ~~Plywood or oriented strand board (OSB).~~

(3) ~~Glass.~~ No more than 75 percent of any facade may consist of glass.

(4) ~~Heavy commercial exception.~~ Notwithstanding subsection (i)(1), for a building facade in an area zoned heavy commercial (HC), the rear of the structure does not have to be constructed of a minimum of 90 percent masonry materials, where the rear of the structure is not clearly visible from a roadway.

(5) ~~Color palette.~~ The color palette for nonresidential developments, other than industrial developments, at least partially located within 1,000 feet of the center line of the right-of-way of a major thoroughfare as indicated on the city's major thoroughfare plan, condominiums, and multifamily developments shall be as follows:

- a. ~~Primary materials and colors for building and structure exteriors and fencing:~~

~~Architectural masonry unit, brick: Beige, brown, burgundy, gray, rust, red, rose, sage.~~

~~Stone: Beige, brown, cream, tan.~~

- b. ~~Materials and colors for visible roofing:~~



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~~Standing-seam metal, slate, or concrete tile: Black, bronze, brown, gray.~~

~~Half-barrel clay tile: Rust, gray.~~

~~c. Accent exterior colors:~~

~~Beige, black, bronze, buff, cream, forest green, gray, olive, rose, rust, sage, sand, sepia, tan, terracotta, white, a business identity color, as provided by subsection (i)(6) below.~~

~~(6) Business identity colors. Business identity colors may be incorporated into the architectural design of a building as provided for herein:~~

~~a. Business identity colors shall complement the building design.~~

~~b. Business identity colors shall not dominate the building design and shall not be designed to create an advertisement of the building itself.~~

~~c. Business identity colors shall be exempt from subsection (i)(5)(c).~~

~~d. A maximum of five percent of each exterior wall may consist of business identity colors. Business identity colors located on awnings are excluded from the calculation of the maximum percentage of business identity colors allowed on each exterior wall.~~

- (j) *Enforcement of violations and penalties.* Any construction that is erected in violation of this section shall not be issued a certificate of occupancy, shall not be permitted utility service and shall be fined not less than \$5.00 nor more than \$200.00 for each offense. Each day that a violation exists shall constitute a separate offense.
- (kj) *Grandfather clause.* Buildings pre-dating the passage of this section shall be grandfathered to their existing conditions unless they impact health, safety and welfare. They are encouraged to update their facilities when possible. For expansion and/or additions they must comply with subsection (1).
- (Hk) *Variance and appeals clause.* If there shall be any special circumstances connected with any provision of this section, the individual shall have the right to a hearing before the city planning commission to request a variance. This request for a variance must be submitted in writing 72 hours accompanied with any and all pertinent documentation for the city planning commission to review before the hearing. A determination will be made by the commission that granting this variance will not result in increased flood issues, additional threats to public safety, public expense, create nuisances, cause fraud or conflict with existing laws or other ordinances. If the commission should deny the requested variance, the individual shall have the right to appeal the request variance to the council who will have the final judgment in this matter.

When seeking a variance from the city planning commission, it is necessary to bring documentation to explain your circumstances, such as:

- (1) A deed of ownership of the property.
- (2) Paid tax receipt of last year's taxes.
- (3) What is the function of the building?
- (4) What is the setback distance?
- (5) How will the building aesthetics fit in with the surrounding area?
- (6) Is there a general theme that needs to be followed?
- (7) The building is within 600 feet of what thoroughfares?
- (8) Will there be ample parking?
- (9) What utilities, if any, are available?



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- (10) Is there a large vehicle access?
  - (11) Is there a fire hydrant nearby?
  - (12) A copy of the drainage district's drainage study.
  - (13) Is the property in the flood plain?
  - (14) Will this type of business impede traffic?
  - (15) Landscape plan? Who will be responsible for the upkeep?

(~~##~~) *Severability clause.* In the event any section, paragraph, clause, phrase, provision, sentence, or part of this section or the application of the same to any person or circumstance shall for any reasonable adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this section as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the council of the City of Manvel, Texas declares that it would have passed each 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.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-52. Open storage and display of items.**

- (a) *Open storage and display of items not for sale.* Open storage and display of items which are not for sale shall be permitted only when incidental to the principal land use located on the same property and must comply with the following:
  - (1) Items may not extend past the front line of the building;
  - (2) Items may not be located in any required parking or landscaping areas;
  - (3) Items must be behind a fence or wall;
  - (4) Materials shall not be visible or protrude above the height of the fence or wall;
  - (5) Mobile homes, manufactured homes, and HUD-code manufactured homes may not be stored in any zoning district;
  - (6) Storage cargo/shipping containers shall be prohibited, except that the temporary use of such containers may be permitted for up to 30 days total per calendar year.
  - (7) Hay and similar items are exempt from this section.
- (b) *Open storage and display of items for sale.*
  - (1) Boats, recreational vehicles, campers, jet-skis, and similar type of vehicles may not be stored in front of the front line of a building of a commercial or residential land use unless such items are for sale as part of a continuous business operation, in which case the items must be set back 25 feet from the front property line and ten feet from any and all side property lines;
  - (2) Open storage and display of merchandise for sale or display is permitted only when incidental to a commercial or residential use located on the same property and must not be located in any required parking or landscaping areas and must be set back at least 25 feet from the front property line and ten feet from any and all side property lines. Open storage and display of merchandise for sale or display on property located in the heavy commercial district may extend to the property lines but only when the storage items are behind a chain linked fence or wall of at least six feet in height;



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- (3) Mobile homes, manufactured homes, and HUD-Code manufactured homes may not be stored and displayed as an item for sale in any zoning district;
  - (4) Storage cargo/shipping containers shall be prohibited, except that the temporary use of such containers may be permitted for up to 30 days total per calendar year. Exemption, heavy commercial district when used as part of the business operation;
  - (5) Commercial temporary uses permitted by section 77-54 are exempt from this subsection (b);
  - (6) Automobiles, trucks, boats, recreational vehicles, campers, jet-skis, and similar type of vehicles stored or displayed for sale, new or used, shall be on at least four inches of paved asphalt or concrete. Storage and display of items is prohibited within parking and fire lanes as designated by the fire marshal. Nothing herein shall be construed to prohibit the private sale, by owner, of a personally-owned vehicle, boat, trailer, or recreational vehicle, provided such is in operating condition, and when parked, is parked on an all-weather surface on the owner's residential property.
  - (7) Garage sales shall be limited to six per calendar year as permitted by section 77-33(c). More than six per calendar year shall constitute commercial use.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-53. Home business.**

The city recognizes that home businesses are becoming a more common method of employment. Home businesses help alleviate traffic, help decrease the cost of doing business, allow people to work who might otherwise be unable to work, and are appropriate within residential areas, subject to certain provisions which are established to maintain the character, quality of life and property values of existing residential areas. A home business does not include a resident occasionally working from home where the resident has a place of business at another location. A home business in a residential home shall be approved by the zoning official if it complies with all of the following standards:

- (1) The home business shall be within the principal residence or a permitted accessory building;
- (2) The home business shall not occupy more than 50 percent of the gross floor area of the principal residence;
- (3) There shall be no exterior indication that the home business is taking place, except that one nonilluminated sign is allowed with a maximum area of two square feet;
- (4) Home businesses include:
  - a. Consultant;
  - b. Accountant;
  - c. Lawyer;
  - d. Seamstress;
  - e. Hairdresser;
  - f. Writer, artist, musician;
  - g. Realtor;
  - h. Collections/billing;
  - i. Therapist;
  - j. Day care, with specific use permit;



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- k. Teacher/tutor;
  - l. Caterer/cook;
  - m. Other traditional home occupations, with specific use permit.
- (5) All parking for home businesses shall be off-street. A permit for a home business is only valid so long as the home business remains in compliance with this section.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-54. Temporary commercial business.**

Commercial temporary uses, including, but not limited to, carnivals, circuses, Christmas tree sales, plant sales, pumpkin sales, and agricultural products sales, are allowed in any zone, except residential zones, subject to the following conditions:

- (1) An application must be made to the zoning official, and the appropriate fee paid;
- (2) The zoning official shall approve the application if it is demonstrated that the commercial temporary use conforms to the intent of the comprehensive plan and these regulations, and that the use will not constitute a nuisance or be detrimental to the character or welfare of the community;
- (3) Commercial temporary uses may be approved for a period not to exceed a total of 60 total days per year;
- (4) The temporary commercial sale of vehicles is not authorized under this section;
- (5) The temporary commercial sale of mobile homes, manufactured homes, or HUD-Code manufactured homes is not authorized under this section;
- (6) Christmas tree sales, plant sales, pumpkin sales, agricultural products sales, are allowed in any zone subject to the above conditions.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Secs. 77-55—77-71. Reserved.**

## **ARTICLE III. ADMINISTRATION<sup>4</sup>**

### **Sec. 77-72. Planning commission.**

- (a) *Planning commission established.* The planning commission of the city (the "commission" or "PD&Z") is hereby created pursuant to the authority provided in V.T.C.A., Local Government Code § 211.007.
- (b) *Number of members; appointment; term.*

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<sup>4</sup>Editor's note(s)—Ord. No. 2020-O-15, § 4, adopted Oct. 19, 2020, amended art. III in its entirety to read as herein set out. Former art. III, §§ 77-72—77-81, pertained to similar subject matter, and derived from Ord. No. 2001-14, §§ 27—37, adopted June 28, 2001; Ord. No. 2006-O-34, §§ 2—9, adopted Feb. 12, 2007; Ord. No. 2012-O-18, § 1, adopted Aug. 13, 2012; Ord. No. 2014-O-20, § 2, adopted June 23, 2014; Ord. No. 2014-O-21, § 4, adopted Aug. 11, 2014; Ord. No. 2015-O-24, § 2, adopted July 27, 2015.



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- (1) The commission shall be composed of seven members. Each member of the commission shall be a resident of the city and shall have no outstanding debts owed to the city.
  - (2) Subject to the provisions of subsection (4) below, new PD&Z members will be required to attend two consecutive PD&Z meetings, submit an application to the city secretary, and allow for a background check.
  - (3) Each member of the commission shall serve for a period of two consecutive years. A staggered drawing for one-year or two-year terms will initially be established for each current member. Staggered terms to be in effect and commence upon approval of these bylaws. A member of the PD&Z commission may serve more than one term, provided that the member is nominated/appointed in the same manner set forth in this subsection.
  - (4) Initially, upon the effective date of this section, the members of the commission shall remain in effect as they are prior to the approval of this section and subject to the staggering of terms required and as mentioned in subsection (3) above.
- (c) *Removal; compensation.*
- (1) Each member of the commission may be removed by a majority vote of the council, each such removed member shall be notified in writing of council's action.
  - (2) Members of the commission shall serve without compensation.
- (d) *Vacancies.* Vacancies on the commission shall be filled subject to provisions established under subsection (b)(2). Any member of the commission appointed in the manner prescribed in this paragraph shall serve until the end of the term of the PD&Z member to whom the replacement position is made.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

## **Sec. 77-73. Zoning board of adjustment/zoning official.**

- (a) The zoning board of adjustment shall have the authority to:
- (1) Exercise the appropriate power, authority, duties, and procedures pursuant to the laws of the state, and applicable ordinances of the city.
  - (2) To hear and decide where it is alleged there is error in any order, requirement, decision or determination by the zoning official in the enforcement of these regulations. Any person may appeal a decision of the zoning official to the zoning board of adjustment as provided under state law. Such appeal shall be filed with the city secretary no later than 30 days after the date a decision is made, in writing, by the zoning official. If such person or persons fails to file such petition within the 30-day period, then the decision of the zoning official shall become final and binding.
  - (3) To authorize variances from these regulations where it is determined that the granting of a variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done.
- (b) The zoning board of adjustment shall consist of five members.
- (c) Each case before the zoning board of adjustment shall be heard by at least 75 percent of its members.
- (d) The concurring vote of 75 percent of the members of the board is necessary to:
- (1) Reverse an order, requirement, decision, or determination of an administrative official;
  - (2) Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or



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- (3) Authorize a variation from the terms of a zoning ordinance.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

#### **Sec. 77-74. Variances.**

- (a) The zoning board of adjustment shall not grant a variance unless it shall, in each case, make specific written findings based directly upon the particular evidence presented to it which support written conclusions that:
- (1) The granting of a variance is necessary to secure appropriate development of a parcel of land which differs from other parcels in the zone by being of such restricted area, shape or slope that it cannot be appropriately developed without modification;
  - (2) The granting of a variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood; and
  - (3) The variance desired will not be contrary to the general purpose and intent of these regulations.
- (b) The board of adjustment may establish reasonable stipulations of approval or modifications to a plan proposed with a variance, in order to minimize the impact of the variance on surrounding property, preserve the character of the area or protect property in the area.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

#### **Sec. 77-75. Appeal of a decision of the zoning board of adjustment.**

Any person may appeal a decision of the zoning board of adjustment to a court of competent jurisdiction. Such petition shall be filed with the court no later than ten days after the filing of the board's decision with the city clerk. If such person or persons fails to file such petition within such ten-day period of time, then the decision of the board of adjustment shall become final and binding.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

#### **Sec. 77-76. Effect of filing an appeal.**

- (a) The filing of a notice of an appeal shall stay any proceedings in furtherance of the action appealed from unless the zoning official rendering such decision, determination or interpretation certifies in writing to the board of adjustment and the applicant that a stay poses an imminent peril to life or property, in which case the appeal will not stay further proceedings. The board may review such certification and grant or deny a stay of the proceedings.
- (b) The zoning board of adjustment may reverse, affirm or modify the decision, determination or interpretation appealed from and in so modifying such decision, determination or interpretation, the board of adjustment shall be deemed to have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.
- (c) All decisions made by the zoning board of adjustment shall be provided in writing to the applicant and shall include the following, at a minimum: the action taken by the zoning board of adjustment; any correction or compliance that is necessary to bring a project into conformance; the subsequent procedures or steps that may or shall be taken; and the location, time, date for taking subsequent procedures or steps.



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(Ord. No. 2020-O-15, § 4, 10-19-2020)

**Sec. 77-77. Fees.**

All applicable fees shall be established with the adoption of a resolution by the council following a recommendation by the planning commission. The planning commission shall review all applicable fees annually or at any other appropriate time for the purpose of determining whether the fees appropriately cover the costs associated with the work being performed by the city or its consultants. Following the annual review, the planning commission shall make its recommendation to the council.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

**Sec. 77-78. Limitation on all land and structures.**

No land within the city shall be used or occupied and no structures shall be erected or used or occupied except in conformity with these regulations and upon the performance of all conditions set forth herein. However, a structure or use lawfully existing at the date of adoption of these regulations may be occupied as a nonconforming use under the procedures and requirements of these regulations.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

**Sec. 77-79. Zoning at time of annexation.**

- (a) The default zoning district for any area annexed into the city for full purposes shall be open single-family residential (O-SFR). Notwithstanding the foregoing, the council may establish a different zoning district for land being annexed into the city, based on the city's comprehensive plan, at the same time as the land is annexed into the city limits.
- (b) The city shall allow continuation of prior land use in the annexed area where required by the V.T.C.A., Local Government Code § 43.002.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

**Sec. 77-80. Conflict with other ordinances or regulations.**

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

**Sec. 77-81. Penalty.**

Any person who shall violate any provision of this article 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. 2020-O-15, § 4, 10-19-2020)



## Chapter 77 ZONING<sup>1</sup>

### ARTICLE I. IN GENERAL<sup>2</sup>

#### Sec. 77-1. Short title.

This chapter shall be known and may be cited as "The City of Manvel Zoning Ordinance."

(Ord. No. 2020-O-15, § 2, 10-19-2020)

#### Sec. 77-2. Purpose.

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, and general welfare of the city, and its inhabitants. Such regulations and districts have been designated to lessen congestion on the streets; to secure safety from fire, panic, and other dangers; to facilitate adequate provisions of transportation, particularly in times of natural disaster when timely evacuation is critical for the protection of life; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions of water, sewage, schools, parks, and other public requirements. Regulations have been adopted with reasonable consideration of the character of the districts and their suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Ord. No. 2020-O-15, § 2, 10-19-2020)

#### Sec. 77-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "building" shall

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<sup>1</sup>State law reference(s)—Municipal zoning authority, V.T.C.A., Local Government Code § 211.001 et seq.; zoning commission, V.T.C.A., Local Government Code § 211.007; comprehensive plan, V.T.C.A., Local Government Code § 213.002; board of adjustment, V.T.C.A., Local Government Code §§ 211.008-211.013; zoning districts, V.T.C.A., Local Government Code § 211.005; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903; municipality may regulate parking on private property, V.T.C.A., Local Government Code § 431.001; regulation of amateur radio antennas by municipalities, V.T.C.A., Local Government Code § 250.002.

**Federal law references**—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 322(c)(7); limited Federal preemption of state and local zoning laws affecting amateur radio facilities, *Memorandum Opinion and Order*, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

<sup>2</sup>Editor's note(s)—Ord. No. 2020-O-15, § 2, adopted Oct. 19, 2020, amended art. I in its entirety to read as herein set out. Former art. I, §§ 77-1—77-3, pertained to similar subject matter, and derived from Ord. No. 2014-O-21, § 2, adopted Aug. 11, 2014.



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include the meaning of the word "structure"; the word "lot" shall include the meaning of the word "plot"; and the term "used for" shall include the meaning of the terms "designed for" or "intended for."

*Accessory use* means a use of a building or land which serves an incidental function to the principal use of a building, structure, or land.

*Administratively complete application* means any application containing all the required documents listed on any application in the appropriate format, the correct number of copies, paid fees, and any required signatures when submitted to the city, in a final form to be deemed complete for processing.

*Adult day care* means a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping management plan based on an intentionally structured relationship providing organization and stability.

*Adult entertainment business* shall have the same meaning as "sexually oriented business" as that term is defined in V.T.C.A., Local Government Code § 243.001 et seq., and shall include, but not be limited to, an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Such uses shall be allowed only as specifically authorized under the terms of this article. The determination of what constitutes an adult entertainment business shall be made by the police chief or his designee, and such determination shall be appealable to the zoning board of adjustment.

*Alley* means minor ways that are used primarily for vehicle service access to the back or the side of properties otherwise abutting a street.

*Americans with Disabilities Act* means a law enacted in 1990, which is intended to make American society more accessible to persons with disabilities.

*Apartments* means a structure containing three or more dwelling units with common walls, including units that are located one over the other.

*Applicant* means any developer that submits an administratively complete application.

*Automobile/vehicle sales and rentals* means a business which provides for the sale or rental of new or used automobiles and other vehicles, including automobiles, trailers, recreational vehicles, travel trailers, water craft and other similar land or water-form vehicles, but shall not include auto or motor vehicle repair work, except minor reconditioning of automobiles or motor vehicles to be displayed, sold or rented on the premises; provided, however, such term shall not include the sale or rental of salvaged parts, nor shall it include the storage of either new or used automobiles or motor vehicles that are not on display or for sale or rent.

*Bar/lounge* means a place of business whose revenues from mixed drink liquor service are more than 20 percent and whose revenues from food service are less than 80 percent of the total gross revenues of the establishment.

*Building, accessory or structure* means a structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use.

*City* means the City of Manvel, Texas.

*Community fence* means a fence located at the perimeter of a residential neighborhood, visible to the public and maintained by a Home Owners Association or Municipal Utility District. Residential fences owned and maintained by an individual are not considered community fence.

*Council* means the city council of the city.



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*Corner lot side yard setback* means the open space extending from the front yard to the rear yard and lying between the side lot line adjacent to the public right of way or easement and the closest point of the building or structure on a lot at the junction of and abutting two or more intersecting streets.

*Developer* means any person or entity that develops land within the city. This term shall be synonymous with the term "subdivider" in cases where the subdivision of land is involved.

*Development plat* means a plan for a development project that is not part of and does not require the subdivision of property.

*Family* means two or more persons related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit with a single kitchen facility. The term "single kitchen facility" shall not exclude one outdoor kitchen facility per single housekeeping unit with one kitchen.

*Fence* means a constructed vertical structure, barrier or partition of any material or combination of materials erected to enclose, screen, or separate outdoor areas, and which has no roof or overhead covering. A masonry wall with a foundation serving the purpose of enclosing, screening, or separating outdoor areas is considered a fence.

*Front of building* means the part of side which contains the principal entrance of the side adjacent to a public roadway.

*Game-room* means a business or commercial establishment or building or location wherein machines or apparatus may be played or operated by the insertion of a coin or slug and on which games or tests of skill, chance or ability are played, including pinball machines, and any machine initiating games of sport, shooting or guiding objects, or any machine designed for amusement or relaxation, but not including machines for vending food, drink and tobacco products, music playing or recording or apparatus commonly known as kiddie rides.

*Garage* means an accessory building or a part of a main building comprised of a minimum of 200 square feet, enclosed on all sides, with an overhead door, and capable of enclosing one or more vehicles.

*Garage sales, also referred to by such names as "back yard sale," "yard sale," or "porch sale,"* shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes (see section 77-33(c)).

*Gross square feet* means the entire floor area of a building, including uninhabitable space such as bathrooms, closets, halls, and similar areas.

*Guest quarters* means an attached or detached building or secondary living area of residential use that provides living quarters for guest of the occupants of the principal residence, and:

- (1) Contains no kitchen or cooking facility;
- (2) Is clearly subordinate and incidental to the principal residence on the same building site; and
- (3) Is not rented or leased, whether compensation be direct or indirect.

*Home business* means a business operation that takes place in a home.

*HUD-Code manufactured home* means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

*Legal nonconforming land use* means a land use that lawfully existed immediately prior to the effective date of these regulations and not listed as a permitted use in the zoning district in which it is located.



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*Legal nonconforming structure* means a structure that was lawfully existing prior to the effective date of these regulations, but as of the effective date of these regulations, the site of the use, the structure in which the use is situated, does not comply with these regulations.

*Lot* means a physically undivided tract or parcel of land having frontage on a public or private street, which is, or in the future may be offered for sale, conveyance, transfer or improvement, and which is designated as a separate and distinct tract and identified by numerical or letter identification on a duly and properly recorded subdivision plat.

*Lot, tract, or parcel* means a designated area of land established by a properly recorded subdivision plat or otherwise permitted by law to be separately owned, used, developed, or built upon.

*Lot Line* means the boundary of a lot separating it from an abutting lot.

*Mobile home or manufactured home* means a structure constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

*Off-street parking* means a concrete parking surface other than a street or alley accessible from an approved driveway approach and upon which vehicles may be parked.

*Open-planned unit development plan* means a development plan for a project located within the open-planned unit development district.

*Parking aisle* means the area of a parking lot or off-street parking area which provides vehicular access to parking spaces (stalls). The term "parking aisle" does not include the words "driveway" or "access point".

*Parking space* means an area designated for the parking of motor vehicles, and connected to an approved driveway approach, street, parking aisle, access easement, or other accessway.

*Patio home/zero lot line home* means a single-family home built on a separate lot with building setbacks on the front, rear and one side.

*Planned unit development plan* means a development plan for a project located within the planned unit development district.

*Planning commission* means a commission appointed by the council that is responsible for certain planning and zoning items, as provided in the zoning ordinance and applicable state law.

*Plat* means an instrument prepared by a registered professional land surveyor in conformity with the provisions of Chapter 62, Subdivisions, used to describe subdivided land, with ties to permanent landmarks or monuments, approved by the city or a governmental entity with jurisdiction of the land in accordance with V.T.C.A., Local Government Code § 212.023, and recorded in the Brazoria County Property Records.

*Principal building or use* means the primary use and chief purpose of a premises or building.

*Restaurant* means a place of business whose revenues from food sales are 80 percent or more and whose revenues for mixed drink liquor service are 20 percent or less.

*Rot board*, is a horizontal board installed along the bottom of the fence panel which runs along the base of the entire fence panel for a finished look and added protection. Rot Boards are also commonly known as base-boards and kick-boards.

*Setback* means a minimum distance that is required from a lot line to a building or structure.

*Single-family residence* means a residence that is to be occupied by only one family.



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*Sight distance triangle* means the triangle formed on any corner lot measured from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. Except for single-family residential accessways, a sight triangle at the intersection of a public street and a private access way shall have sides of 15 feet along the accessway and 25 feet along the public street. In order to minimize sight obstructions, no parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance triangle so as not to impede vision between a height of two feet six inches, and ten feet above the center line grades of the intersecting streets and/or drives.

*State* means the State of Texas.

*Structure* means anything constructed or erected with a fixed location upon, under, or above the ground or attached to something having a fixed location on the ground.

*Tavern* means a place of business, which includes the sale of beer and wine beverages, but does not provide mixed drink liquor sales.

*Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the content of the information as sent and received.

*Top Cap* is a horizontal element of a wood fence included to cover the top end of pickets and posts. A privacy fence with a top cap is commonly referred to as a cap and trim fence.

*Tower or tower structure* means a fixed, freestanding or guyed, uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are by way of example but not limitation, towers or tower structures: guyed or freestanding monopole structures, lattice or open framed structures, antennae sports, water towers, and other similar self-supporting, trussed, or open framed structures.

*Zoning board of adjustment* means a board appointed by the council that is responsible for certain zoning items, as provided in the zoning regulations and applicable state law.

*Zoning official* means the person appointed by council to administer and enforce the zoning regulations of the city.

(Ord. No. 2020-O-15, § 2, 10-19-2020)

**Secs. 77-4—77-24. Reserved.**

## ***ARTICLE II. DISTRICT REGULATIONS<sup>3</sup>***

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<sup>3</sup>Editor's note(s)—Ord. No. 2020-O-15, § 3, Oct. 19, 2020, amended art. II in its entirety to read as herein set out. Former art. II, §§ 77-25—77-36, 77-39—77-40, 77-42—77-54, pertained to similar subject matter, and derived from Ord. No. 2014-O-21, § 3, adopted Aug. 11, 2014; Ord. No. 2014-O-43, §§ 4, 2, 3, adopted Nov. 17, 2014; Ord. No. 2015-O-13, § 3, adopted April 27, 2015.



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## **Sec. 77-25. Official zoning map; establishment of districts and boundaries.**

- (a) *Official zoning map.* The boundaries of the zoning districts of the city are shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article.

This official zoning map shall be identified by the signature of the mayor, attested by the city secretary and shall be on file in the office of the city secretary.

If changes are made in zoning district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the council.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this article. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this article.

- (b) *For the purposes of this chapter, the city is hereby divided into districts, as follows:*

|                 |                                                       |
|-----------------|-------------------------------------------------------|
| District O-SFR: | Open-Single-Family Residential                        |
| District SFR:   | Single-Family Residential                             |
| District PUD:   | Planned Unit Development (underlying zoning controls) |
| District MF:    | Multi-family                                          |
| District LC:    | Light Commercial                                      |
| District HC:    | Heavy Commercial                                      |
| District HCMH:  | HUD-Code Manufactured Home                            |
| District HMU:   | Highway Mixed Use                                     |

- (c) *Rezoning.*

- (1) Rezoning is the process of changing the zoning designation of a lot or parcel on the official zoning map from one zoning district to another.
- (2) Rezoning shall conform to the provisions and requirements of Chapter 211 of the Texas Local Government Code, the City of Manvel Comprehensive Plan, and this Zoning Ordinance.
- (3) Applications for a rezoning shall be on a form approved by the Zoning Official and may be initiated by motion of the City Council or by Petition of the owner(s) of the property which is the subject of the proposed zoning change.
- (4) Applications for rezoning shall be accompanied with detailed legal description, survey, or plat.
- (5) The City Engineer may require a traffic impact study for rezoning proposals that may result in increased traffic volumes with significant impact on the capacity and/or safety of the street system.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-26. Permitted uses.**

- (a) *Use of land and building.* Buildings, structures, land, or premises shall be used only in accordance with the uses specifically permitted in the zoning district classification for the site subject to compliance with parking



regulations, height, and area requirements, special conditions and other requirements of the zoning ordinance.

- (b) *Permitted use table.* The permitted uses in each specific zoning district are shown by means of symbols in the permitted use tables as follows.

The letter "P" in the zoning district column opposite the listed permitted use means the use is permitted as a use of right in that district. The letter "S" in the zoning district column opposite the listed use means the use is permitted in that zoning district only by obtaining a specific use permit as set forth in section 77-50. No primary use shall be permitted in any district unless the letter "P" or the letter "S" appears opposite the listed permitted use. The letter "O" in the zoning district column means that the permitted use is for office functions only.

Parking requirements are in section 77-45.

- (c) *Uses not listed.* Primary uses not listed in the permitted use table may be permitted by the zoning official in any district where similar uses are permitted. The function and location requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with the permitted uses in the district, and similar in traffic-generating capacity, noise, vibration, dust, odor, glare and heat producing circumstance.
- (d) *Accessory use.* A use which is customarily incidental to that of the primary existing use, which is located on the same lot or premises as the primary existing use and which has the same zoning district classification shall be permitted as an accessory use without being separately listed as a permitted use.
- (e) *North American Industry Classification System (NAICS) Codes.* The activity descriptions in the (2007) NAICS Codes prepared by United States Executive Office of the president, office of management and budget, ( [www.census.gov/eos/www/naics/index.html](http://www.census.gov/eos/www/naics/index.html) ) shall be used to determine the primary establishment uses when reference is made to the tables to a designated standard industrial classification. Annually, staff shall determine if the manual has been revised. If the manual has been revised, such revisions and changes will be summarized in a written report and presented to the planning commission. The commission will make recommendations to the council regarding adoption of the revised changes to the zoning ordinance permitted uses.
- (f) *Permitted Use Table.*

Legend:

|      |                                |
|------|--------------------------------|
| OSFR | Open-Single-Family Residential |
| SFR  | Single-Family Residential      |
| MF   | Multi-family                   |
| LC   | Light Commercial               |
| HC   | Heavy Commercial               |
| HCMH | HUD-Code Manufactured Homes    |
| HMU  | Highway Mixed Use              |
| P    | Permitted use                  |
| S    | Specific use permit required   |
| O    | Office function only           |

| USE                                       | OSFR | SFR | LC | HC | MF | HCMH | HMU |
|-------------------------------------------|------|-----|----|----|----|------|-----|
| Adult entertainment business <sup>1</sup> |      |     |    | S  |    |      |     |
| Game room <sup>1</sup>                    |      |     |    | S  |    |      |     |



|                                                                         |   |   |   |   |   |   |   |
|-------------------------------------------------------------------------|---|---|---|---|---|---|---|
| 111 Crop production                                                     | P |   |   |   |   |   | P |
| 112 Animal production                                                   | P |   |   |   |   |   | P |
| 115 Support activities for agriculture and forestry                     |   |   | O | P | O |   | O |
| 21 Mining, quarrying and oil and gas extraction                         | S | S | S | S | S | S | S |
| 22 Utilities                                                            |   |   | O | S | O |   | O |
| 236 Construction of buildings                                           |   |   | O | P | O |   | O |
| 237 Heavy and civil engineering construction                            |   |   | O | P | O |   | S |
| 237130 Power and communication line and related structures construction | S | S | S | S | S | S | S |
| 238 Specialty trade contractors                                         |   |   | O | P | S |   | O |
| 311 Food manufacturing                                                  |   |   | O | P | O |   | O |
| 311811 Retail bakeries                                                  |   |   | P | P | P |   | P |
| 3121 Beverage manufacturing                                             |   |   | S | P | S |   | S |
| 313 Textile mills                                                       |   |   | O | P | O |   | O |
| 314 Textile product mills                                               |   |   | O | P | O |   | O |
| 315 Apparel manufacturing                                               |   |   | S | P | S |   | S |
| 316 Leather and allied product manufacturing                            |   |   | S | P | S |   | S |
| 321 Wood products manufacturing                                         |   |   | O | P | O |   | O |
| 321999 All other misc. wood                                             |   |   | S | P | S |   | S |
| 322 Paper manufacturing                                                 |   |   | O | P | O |   | O |
| 323 Printing and related support activities                             |   |   | P | P | P |   | P |
| 324 Petroleum and coal products manufacturing                           |   |   | O | S | O |   | O |



|                                                                 |  |  |   |   |   |  |   |
|-----------------------------------------------------------------|--|--|---|---|---|--|---|
| 325 Chemical manufacturing                                      |  |  | O | S | O |  | O |
| 326 Plastics and rubber products manufacturing                  |  |  | O | S | O |  | O |
| 327 Nonmetallic mineral products manufacturing                  |  |  | O | S | O |  | O |
| 331 Primary metal manufacturing                                 |  |  | O | S | O |  | O |
| 332 Fabricated metal product manufacturing                      |  |  | O | S | O |  | O |
| 333 Industrial machinery manufacturing                          |  |  | O | S | O |  | O |
| 334 Computer and electronic product manufacturing               |  |  | O | P | O |  | O |
| 335 Electrical equipment, appliance and component manufacturing |  |  | O | P | O |  | O |
| 336 Transportation equipment manufacturing                      |  |  | O | S | O |  | O |
| 337 Furniture and related product manufacturing                 |  |  | O | P | O |  | O |
| 339 Miscellaneous manufacturing                                 |  |  | O | P | O |  | O |
| 42 Wholesale                                                    |  |  | O | P | O |  | O |
| 441 Motor vehicle and parts                                     |  |  | S | S | S |  | S |
| 442 Furniture and home furnishing stores                        |  |  | P | P | P |  | P |
| 443 Electronics and appliance stores                            |  |  | P | P | P |  | P |
| 444 Building material, garden equipment and supplies dealers    |  |  | P | P | P |  | P |
| 445 Food and beverage stores                                    |  |  | P | P | P |  | P |



|                                                                    |  |  |   |   |   |  |   |
|--------------------------------------------------------------------|--|--|---|---|---|--|---|
| 445120 Convenience stores <sup>1</sup>                             |  |  | S | S | S |  | S |
| 446 Health and personal care stores                                |  |  | P | P | P |  | P |
| 447 Gasoline stations <sup>1</sup>                                 |  |  | S | S | S |  | S |
| 448 Clothing and clothing accessories stores                       |  |  | P | P | P |  | P |
| 451 Sporting goods, hobby, book and music stores                   |  |  | P | P | P |  | P |
| 452 General merchandise stores                                     |  |  | P | P | P |  | P |
| 452990 All other general merchandise stores <sup>1</sup>           |  |  | S | S | S |  | S |
| 453 Misc. store retailers                                          |  |  | P | P | P |  | P |
| 45393 Manufactured (mobile) home dealers                           |  |  | S | S | S |  | S |
| 453991 Tobacco stores                                              |  |  | S | S | S |  | S |
| 454 Non-store retailers                                            |  |  | S | P | S |  | S |
| 48 Transportation and warehousing                                  |  |  | O | P | O |  | O |
| 491 Postal Service                                                 |  |  | P | P | P |  | P |
| 492 Couriers and messengers                                        |  |  | S | P | S |  | S |
| 493 Warehouse and Storage                                          |  |  | S | P | S |  | S |
| 51 Information                                                     |  |  | S | P | S |  | S |
| 52 Finance and insurance                                           |  |  | P | P | P |  | P |
| 522291 Consumer lending                                            |  |  |   | P |   |  |   |
| 522298 All other nondepository credit intermediation               |  |  |   | S |   |  |   |
| 531 Real estate                                                    |  |  | P | P | P |  | P |
| 53112 Lessors of nonresidential buildings (except mini warehouses) |  |  | P | P | P |  | P |
| 53113 Lessors of mini warehouses and self-storage units            |  |  | S | P | S |  | S |



|                                                               |   |   |   |   |   |   |   |
|---------------------------------------------------------------|---|---|---|---|---|---|---|
| 5321 Automotive and equipment rental                          |   |   | S | P | S |   | S |
| 5322 Consumer good rental                                     |   |   | P | P | P |   | P |
| 532292 Recreational Goods Rental                              |   |   | S | P | S |   | S |
| 5323 General rental centers                                   |   |   | S | P | S |   | S |
| 5324 Commercial and industrial machinery and equipment rental |   |   | O | P | O |   | O |
| 54 Professional, scientific, and technical services           |   |   | P | P | P |   | P |
| 5412 Accounting, tax preparation, bookkeeping and payroll     |   |   | P | P | P |   | P |
| 54194 Veterinary services                                     |   |   | P | P | P |   | P |
| 55 Management of companies and enterprises                    |   |   | P | P | P |   | P |
| 561 Administrative and support services                       |   |   | P | P | P |   | P |
| 562 Waste management and remediation services                 |   |   | O | P | O |   | O |
| 6111 Elementary and secondary schools                         | S | S | S | S | S | S | S |
| 6112 Junior colleges                                          | S | S | S | S | S | S | S |
| 6113 Colleges, universities, and professional schools         | S | S | S | S | S | S | S |
| 6114 Business schools and computer and management training    |   |   | S | S |   |   | S |
| 6115 Technical and trade schools                              |   |   | S | S |   |   | S |
| 6116 Other schools and instruction                            |   |   | S | S | S |   | S |
| 6117 Educational support services                             |   |   | P | P | P |   | P |



|                                                                |   |   |   |   |   |   |   |
|----------------------------------------------------------------|---|---|---|---|---|---|---|
| 621 Ambulatory health care services <sup>1</sup>               |   |   | S | S | S |   | S |
| 622 Hospitals <sup>1</sup>                                     |   |   | S | S | S |   | S |
| 623 Nursing and residential care facilities <sup>1</sup>       |   |   | S | S | S |   | S |
| 623990 Other residential care facilities                       | S | S | S | S | S | S | S |
| 624 Social assistance                                          |   |   | P | P | P |   | S |
| 6244 Child day care services                                   |   |   | P | P | S |   | S |
| 71 Arts, entertainment, and recreation                         |   |   | P | S | P |   | P |
| 713 Amusement, gambling, recreation industries                 |   |   | S | S | S |   | S |
| 713940 Fitness and Sports Centers                              |   |   | P | P | P |   | P |
| 713990 All other amusement and recreational industries         | S | S | S | S | S | S | S |
| 721 Accommodations                                             |   |   | S | S | S |   | S |
| 7212 RV parks and recreational camps                           |   |   | S | S | S |   | S |
| 721191 bed and breakfast                                       | S | S | S | S | S | S | S |
| 722 Food services and drinking places                          |   |   | P | P | P |   | P |
| 72233 Mobile food services                                     |   |   | S | S | S |   | S |
| 7224 Drinking places (alcoholic beverages)                     |   |   | S | P | S |   | S |
| 8111 Automotive repairs and maintenance                        |   |   | S | P | S |   | S |
| 811122 Automotive glass replacement shop                       |   |   | P | P | P |   | P |
| 8112 Electronic and precision equipment repair and maintenance |   |   | P | P | P |   | P |
| 8113 Commercial and industrial machinery and equipment         |   |   |   | P |   |   |   |

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| (except automotive and electronic repair)                                   |   |   |   |   |                |                |   |
| 8114 Personal and household goods repair and maintenance                    |   |   | S | P | S              |                | S |
| 812 Personal and laundry services                                           |   |   | P | P | P              |                | P |
| 812113 Nail salons                                                          |   |   | S | S | S              |                | S |
| 81219 Other personal care services                                          |   |   | S | S | S              |                | S |
| 812210 Funeral homes and funeral services                                   |   |   | S | P | S              |                | S |
| 812220 Cemeteries and crematories                                           | S | S | S | S | S              |                | S |
| 813110 Religious organizations                                              | S | S | S | S | S              | S              | S |
| 813410 Civil and social organizations                                       | S | S | S | P | S              |                | S |
| 814 Private households                                                      | P | P |   |   | P* See § 77-30 | P* See § 77-34 | P |
| 92 Public administration                                                    | P | P | P | P | P              | P              | P |
| <sup>1</sup> See Section 77-50. - Uses Requiring Specific Use Permit (SUP). |   |   |   |   |                |                |   |

For business descriptions visit the NAICS website.  
<http://www.census.gov/eos/www/naics/>  
 2007 NAICS

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-27. Open-single-family residential (O-SFR) district.**

- (a) *Land uses allowed.* Uses permitted in the open-single-family residential (O-SFR) district, are set forth in section 77-26(f), permitted use table. Only one single-family detached residence is permitted per platted lot, tract or parcel.
- (b) *Minimum lot size.*
  - (1) The minimum lot area is one acre.
  - (2) The minimum front lot width is 120 feet measured at the front setback line.
  - (3) *Minimum lot size exemption.* Existing conforming lots that becoming non-conforming due to reduced lot area resulting from required right-of-way dedication for development shall be considered a conforming lot if:



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- a. The resulting reduced lot area is not less than 0.85 acres, and
  - b. For lots not served by public water and sewer system, the reduction in lot area does not restrict installation of an on-site sewage facility in conformance to Article IV.- On-site Sewage Facilities of the City of Manvel Code of Ordinances.
- (c) *Setbacks, minimum.*
- (1) *Principal structure.* The minimum front yard setback shall be 25 feet. The minimum side, corner side and rear yard setbacks shall be 20 feet.
  - (2) *Accessory structure.* The minimum side, corner side and rear yard setback shall be ten feet.
- (d) *Parking.* A minimum of one off-street parking space is required per dwelling unit.
- (e) *Maximum building height.* The maximum height of any building in the open single-family residential district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.
- (Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-28. Single-family residential (SFR) district.**

- (a) *Land uses allowed.* Uses permitted in the single-family residential (SFR) district, are set forth in section 77-26(f), permitted use table. Only one single-family detached residence is permitted per platted lot, tract or parcel.
- (b) *Minimum lot size.*
- (1) Minimum lot area is 6,300 square feet.
  - (2) The minimum front lot width is 60 feet measured at the front setback line.
  - (3) Minimum lot width for a cul-de-sac lot is 20 feet measured at the street edge and 60 feet measured at the setback line.
- (c) *Setbacks, minimum.*
- (1) *Front yard:* The minimum front yard setback shall be 25 feet.
  - (2) *Side yard:* The minimum side yard setback shall be five feet.
  - (3) *Corner side yard:* The minimum corner side yard setback shall be ten feet.
  - (4) *Rear yard:* The minimum rear yard setback shall be 15 feet for the principal structure.
  - (5) *Accessory structure.* The minimum side and rear yard setback shall be five feet and corner side setback shall be ten feet. Accessory structures shall not extend past the front line of the principal structure.
- (d) *Parking.* A minimum of one off-street parking space in an enclosed garage is required per dwelling unit.
- (e) *Maximum building height.* The maximum height of any building in the open-single-family residential district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.
- (Ord. No. 2020-O-15, § 3, 10-19-2020)



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## Sec. 77-29. Planned unit development (PUD) district.

- (a) *Purpose.* The purpose of a planned unit development district (PUD) is to promote diversity and creativity in site design. The PUD process is provided as an option to encourage unique developments which may combine a mixture of residential and non-residential land uses and building functions. The PUD allows flexibility in the application of development standards by permitting departures from the conventional siting, setback, and density requirements of a particular zoning district in the interest of achieving site development not otherwise possible.

The purpose of the PUD is to:

- (1) Encourage greater innovative design for new development;
- (2) Allow for a mixture of compatible land use and building functions;
- (3) Promote the highest and best use of the land;
- (4) Protect open space and areas identified as needing additional review based on environmental conditions;
- (5) Facilitate adequate provisions for roads and public facilities;
- (6) Promote alternative transportation methods for circulation and connectivity;
- (7) Protect and enhance natural, historic, and traditional community features; and
- (8) Promote a physical form in the community that supports the vision of the city.

By allowing flexibility in the application of development standards, this process will promote developments that will benefit both the citizens that live, work, and play within the city and visitors coming to the city.

All PUD applications shall be developed in compliance with the standards of the major thoroughfare plan, the city's comprehensive plan and vision statement. The future land use element of the comprehensive plan shall also be considered in all PUD applications. A planned unit development manual ("PUD Manual") establishing the procedural process and requirements for application and approval of a PUD may be adopted and amended from time to time by resolution of the council.

- (b) *Effect of ordinance on prior PUD approvals.* The ordinance from which this section was derived and the city's PUD manual shall not apply to any PUD application approved by council prior to the city's adoption of the ordinance from which this section was derived. In the event that a previously approved PUD is modified or requires a series of approvals, the application or modification will be evaluated under the rules in effect of the time of the original to the extent required by V.T.C.A., Government Code ch. 245, as amended, or other municipal ordinance.
- (c) *Underlying zoning.* PUDs are created as an overlay district and the underlying zoning classification shall remain in place. The establishment of a PUD overlay district will supersede the underlying zoning classification unless the PUD expires or is terminated; in which case the underlying zoning classification and related regulations will be enforced. PUDs may be located in any zoning districts, pursuant to the terms and provisions of the ordinance from which this section was derived.
- (d) *PUD development size requirements.* All PUDs shall meet the size requirements listed in Table 77-29.1. All land within a PUD shall be contiguous unless divided by an existing railroad or publicly owned or regulated right-of-way.

Table 77-29.1. PUD Minimum/Maximum Acreage Requirements

| Planned Unit Development Project Size | Project Acreage<br>Not Less Than: | Project Acreage<br>Not More Than: |
|---------------------------------------|-----------------------------------|-----------------------------------|
|---------------------------------------|-----------------------------------|-----------------------------------|

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|                        |           |                |
|------------------------|-----------|----------------|
| Small PUD Development  | 10 acres  | 40 acres       |
| Medium PUD Development | 40 acres  | 160 acres      |
| Large PUD Development  | 160 acres | Not Applicable |

- (e) *Eligible applicants.* PUD applications may be initiated by a property owner(s) or the city. If the ownership of the land is not under a single ownership, then all owners shall either join in the application or provide a letter of consent to submit with the PUD application. In the event the city is the applicant for a PUD, consent of the property owners is not required.
- (f) *PUD approval process.* All PUDs shall meet the detailed requirements listed in the PUD manual and are summarized below:
- (1) *Pre-application conference.* Prior to the submittal of a PUD application, the applicant shall attend a pre-application meeting with the development review committee (DRC).
  - (2) *Formal application submittal.* The applicant shall file a formal submittal of the PUD application and accompanying documentation to the city.
  - (3) *Planning commission review.* The planning commission will conduct a public hearing on all completed PUD applications in accordance with public notification procedures contained in V.T.C.A., Government Code ch. 211, as it may be amended. Prior to consideration of the PUD application by council, the planning commission will provide its final report recommendation to council for action.
  - (4) *Final approval.* Council is the final decision making authority for all PUD applications. Following the receipt of the final report from the planning commission, council shall consider the application in accordance with V.T.C.A., Government Code ch. 211, as it may be amended.
  - (5) *PUD review criteria.* A PUD application shall be evaluated based on the following criteria:
    - a. The proposal is unique in design to warrant the use of a PUD and the development is not possible using the existing zoning regulation of the property;
    - b. The project depicts creative land development, providing a variety in the development patterns of the city which conform to the intended purpose of the city's comprehensive plan and vision statement;
    - c. Mixed uses and building functions if proposed shall be complementary, and pose minimal impact to adjacent uses or functions;
    - d. Development within the PUD encourages the use of alternative transportation circulation between structures and open spaces, including pedestrian and bicyclist;
    - e. Landscaping areas shall visually enhance the structures within the development and conform to the city's comprehensive plan and vision statement; and
    - f. The proposed project is in compliance with the minimum development requirements described in the PUD Manual.
- (g) *Administration.* The council shall administer the provisions of this section. Council, or its designated agent, may prepare or modify development policies or minimum standards within the PUD Manual deemed essential to the effective administration of this section.

The city reserves the right to waive one or more of the required items of a PUD application as deemed necessary due to the size of the PUD, proposed use, or availability of existing infrastructure in the immediate area; and retains the authority to request additional information deemed necessary to provide a thorough review of the application.



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- (h) *Zoning map.* Every PUD approval shall be considered an amendment to the zoning ordinance for the property involved, and as such will be indicated on the official city zoning map with the approval date and ordinance number.
  - (i) *Modification of approved PUDs.* A modification of an approved PUD which does not deviate more than ten percent from the approved table of land use acreage and/or building function square footage, may be reviewed and action taken by the planning commission without further action by council. Requests for modification of an approved PUD shall be considered in accordance with the procedures outlined in the PUD Manual.
  - (j) *Monitoring PUD development.* The owner or owner's designee shall submit an annual progress report to the city on the PUD anniversary date (the date of final approval of the PUD). The progress report shall provide the percentage of project completed, expected completion date of uncompleted portion, and status of the development.

In the event the owner or designee fails to provide the annual progress report, all permits and plat recordation approval may be frozen and no further permits will be issued or recordation of plats allowed. Should the owner fail to submit the required progress report, the planning commission may consider recommending to the council that the PUD be terminated. If the council determines that an approved PUD is not being developed in accordance with the conditions of approval, the council may terminate the PUD.

- (k) *PUD approval.* PUD approvals shall be valid from the date of council approval in the following manner: a small PUD shall be valid for four years; a medium PUD shall be valid for eight years; and a large PUD shall be valid for 12 years. All development of a PUD must be completed within the original approved timeframe.
- (l) *Extension of PUD approval.* PUD extensions may be requested if the project is not completely constructed by the end of the original approval timeline in accordance with the PUD Manual. The owner or designee may apply for multiple two-year extensions provided that building permits have been issued or subdivision plats have been recorded within the time limit of approval. Extensions shall be requested for and approved prior to the expiration of the original PUD approval.
- (m) *Dedications and improvements.*
  - (1) All public dedications and improvements, including (but not limited to) rights-of-way, easements, streets and roads, alleys, pedestrian way, bikeways, sidewalks, storm drainage facilities, sewer systems, and water and electrical distribution systems, shall be provided in accordance with the requirements of this Code and the PUD Manual.
  - (2) In conjunction with the open space requirements in section 62-109, each PUD shall dedicate a public safety site to the city for future municipal uses. The amount of acreage required is specified in the PUD Manual.
- (n) *Issuance of permits.* The approval of a subdivision plat, or the issuance of building or other development permits for the development of an approved PUD may be delayed or issued contingent upon the applicant's providing for adequate access, storm drainage facilities, water and sanitary sewer supply systems, and electrical power supply systems.
- (o) *Open planned unit development (O-PUD).*
  - (1) Development plan. Any property that is currently zoned under the former open planned unit development (O-PUD) district may be developed according to the development plan approved by the council upon recommendation by the planning commission.
    - a. At a minimum, a development plan shall include the following:
      - 1. Scale;
      - 2. North arrow;



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3. Owner, applicant, engineer, architect and surveyor information;
  4. Name of title of project;
  5. Property lines;
  6. Existing and proposed easements and rights of way;
  7. Roads, driveways, sidewalks, parking, loading areas, and water bodies;
  8. Trash receptacle areas;
  9. All proposed land uses, buildings and structures;
  10. Façade treatments;
  11. Area map of adjacent uses;
  12. Existing trees (tree survey for all trees over four-inch caliper);
  13. Proposed landscaping including plant materials, location, and plant sizes;
  14. Open spaces, parks, trails;
  15. Signage plans including sign locations, materials, colors, and dimensions of such signs;
  16. Detention areas;
  17. Lighting plans; and
  18. Identification of adequate water, sewer, and storm sewer facilities.
- b. Setbacks—Setbacks shall be as specified in the development plan. There is no minimum setback.
  - c. Minimum development size or minimum lot size—There is no minimum project development size in the O-PUD district; there is no minimum lot size in the O-PUD district.
  - d. Maximum building height—The maximum height of any building in the O-PUD district shall not exceed 90 feet measured from the finished grade to the highest point of the roof, not including projections such as chimneys.
- (2) *Land uses.* All uses allowed in the open single-family residential (O-SFR), single-family residential (SFR), and light commercial (LC) district shall be allowed in O-PUD.
  - (3) *Recommendation.* The planning commission shall make a recommendation to the council on whether to approve or deny the open planned unit development plan. In order for the open planned unit development plan to be approved, the council must adopt an ordinance which includes all pertinent written and graphic maps and materials identifying the development project.
  - (4) *Open planned unit development plan conditions of approval.* Plan approval in the O-PUD district is subject to conditions of approval by the planning commission and the council which are deemed necessary to make the project in conformance with the required findings of approval.
  - (5) *Findings of approval.* In order for an open planned unit development plan to be approved in the O-PUD district, the planning commission and the council must make written findings that the development conforms with the following findings of approval:
    - a. Development within the district encourages pedestrian circulation between structures and open spaces;
    - b. Where a mixture of uses are planned within the district, they shall be complementary in function, shall encourage complementary use, and shall be planned to pose minimal impact on each others quality of life;



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- c. Vehicular circulation within the district shall be pedestrian friendly, emphasizing slow vehicular speeds, and safe crosswalks where necessary;
  - d. Development within the district shall emphasize professionally designed, constructed, and maintained landscape areas with shaded pedestrian gathering areas, landscaped parking lots, and landscaping which visually enhances all structures within the district;
  - e. Open space, either active or passive, shall be included and shall be designed and located in a manner to best serve the prospective users;
  - f. Signage within the district shall comply with all city regulations governing signs, shall not compete with view of buildings, shall not impede pedestrian or vehicular flow, and shall use natural products to the greatest extent possible;
  - g. Development within the zone shall be visually and functionally compatible with surrounding developed property.
- (6) *Future revisions.* Future revisions to the open planned unit development plan may only be approved following a recommendation by the planning commission and adoption of an ordinance by council.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-30. Multi-family (MF) district.**

- (a) *Land uses allowed.* Uses permitted in a MF, multi-family district, are set forth in section 77-26(f), permitted use table. This is the only district permitting apartments as a permitted use.
- (b) *Setbacks, minimum.*
  - (1) All setbacks adjacent to a street shall be a minimum of 25 feet.
  - (2) Rear or side yard setbacks not adjacent to a street shall be a minimum of 15 feet and ten feet for accessory structures.
- (c) *Density.*
  - (1) *Apartment density.* Apartments shall have a maximum density of 15 units per gross acre.
  - (2) *Condominiums, townhomes, and patio homes shall have a maximum density of seven units per gross acre.*
- (d) *Maximum building height.* The maximum height of any building in the multifamily district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-31. Light-commercial (LC) district.**

- (a) *Land uses allowed.* Uses permitted in a LC, light-commercial district, are set forth in section 77-26(f), permitted use table.
- (b) *Minimum lot size.*
  - (1) The minimum lot width is 60 feet measured at the setback line.
  - (2) The minimum lot depth is 100 feet measured at the setback line.



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- (c) *Setbacks.*
    - (1) Minimum front yard setback is 25 feet.
    - (2) Minimum rear yard setback is ten feet.
    - (3) Minimum side yard and corner side yard is five feet.
    - (4) Accessory structure. A minimum side and rear yard setback of five feet and corner side setback of ten feet. Accessory structures shall not extend past the front line of the principal structure.
  - (d) *Maximum building height.* The maximum height of any building in the light commercial district may not exceed 60 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.
  - (e) Open storage and display of new or used cars for sale shall only be permitted where in compliance with section 77-52.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-32. Heavy-commercial (HC) district.**

- (a) *Land uses allowed.* Uses permitted in a HC, heavy-commercial district, are set forth in section 77-26(f), permitted use table.
- (b) *Lot size.* The minimum lot size is one acre with 120 feet of frontage.
- (c) *Setbacks.* A minimum front yard setback of 25 feet is required. The minimum side and rear yard setback shall be 20 feet. Accessory structures shall not extend past the front line of the principal structure. A minimum side, corner side, and rear yard setback of 10 feet shall be required.
- (d) *Maximum building height.* The maximum height of any building in the heavy commercial district shall not exceed 70 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.
- (e) *Open storage and display of new or used cars for sale shall only be permitted where in compliance with section 77-52*

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-33. Commercial activities; garage sales.**

- (a) *Permanent structure required.* Except as herein provided, every business within the city must be operated out of a permanent, stationary, site-built building.
- (b) *Restroom facilities.* Every business within the city must provide permanent restroom facilities on-site available for use by the customers of that business. These facilities shall be located within the same building as the business. Restroom facilities shall be in compliance with all applicable state, county and city building and health code provisions, including restroom facilities for handicapped individuals, for the size and type of business to be conducted at that location.
- (c) *Garage sales.* Garage sales shall be allowed at private residences as provided in this section.
  - (1) As used herein, the term "garage sale" also referred to by such names as "back yard sale," "estate sale," "yard sale," or "porch sale," shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes. "Occupant" shall mean either the owner-occupant of the premises whereon such sale is to be



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conducted, or the tenant of the owner, provided such tenant is actually residing upon such premises, and dependent members of the immediate family of such owner, occupant, or tenant.

- (2) Garage sale regulations. No person other than the occupant shall conduct a garage sale. No permit or fee shall be required however there shall be a maximum of six garage sales per calendar year. No garage sale shall be conducted for a period in excess of 72 consecutive hours.
- (3) The garage sale shall be conducted in such a manner by the occupant so as not to create a disturbance or become a traffic hazard or nuisance in the neighborhood.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-34. HUD-Code manufactured home (HCMH) district.**

In addition to any city regulations of mobile homes and HUD-Code manufactured homes, the following regulations shall also apply in the HUD-Code manufactured district:

- (1) *Existing mobile homes.* An existing mobile home may only be replaced by a HUD-Code manufactured home, as defined by these regulations;
- (2) *Non HUD-Code manufactured homes.* Mobile homes that are not HUD-Code manufactured homes may not be installed within the city;
- (3) *Lots that have a primary building.* HUD-Code manufactured homes shall not be permitted as accessory buildings on a lot, which has a primary building;
- (4) *Lots with other residences.* HUD-Code manufactured homes shall not be located on a lot with any other residence;
- (5) *Compatibility.* Skirting or screening materials shall be compatible with the design of the HUD-Code manufactured home;
- (6) *Attachment.* Skirting or screening materials shall be attached to the HUD-Code manufactured home to prevent the passage of animals beneath the home;
- (7) *Removal.* Tires, wheels, axles, towing and like mechanisms shall be removed from the HUD-Code manufactured home and placed out of sight of the public;
- (8) *Land uses allowed.* Uses permitted in a HCMH, HUD-Code manufactured home district, are set forth in section 77-26(f), permitted use table. This is the only district permitting HUD-Code manufactured homes as a permitted use.
- (9) *Maximum building height.* The maximum height of any building in the HUD-code manufactured home district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys;
- (10) *Parking.* A minimum of one off-street parking space is required per dwelling unit;
- (11) *Minimum lot size.*
  - a. The minimum lot width is 120 feet measured at the setback line.
  - b. The minimum lot area is one acre.
- (12) *Setbacks, minimum.*
  - a. *Front yard:* 25 feet.
  - b. *Side yard:* five feet.



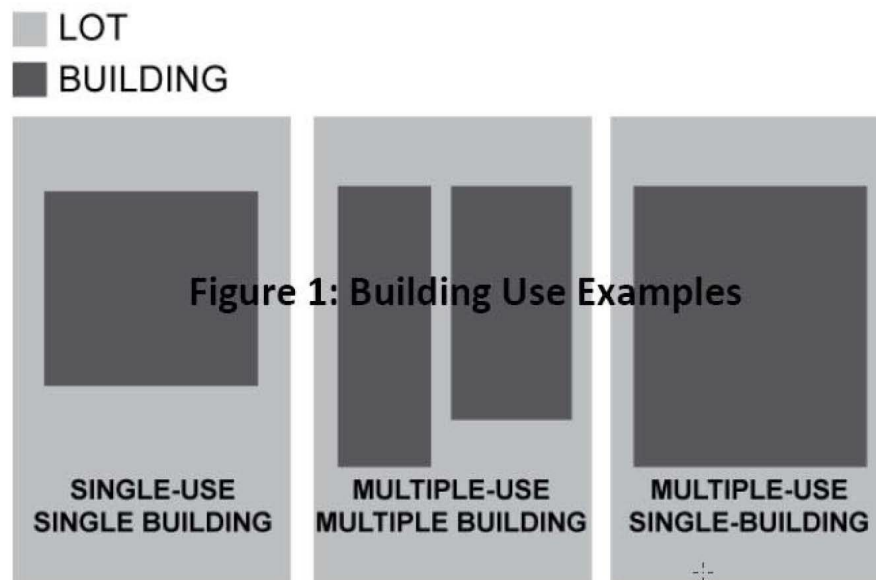
- c. *Corner side:* 10 feet.
  - d. *Rear yard:* 15 feet for the principal structure.
  - e. *Accessory structure:* Five feet for the side and rear yard and ten feet for the corner yard. An accessory structure may not extend past the front line of the principal structure.
- (13) *Replacement.* Replacement of existing mobile homes or HUD-Code manufactured homes. Nothing in this section shall preclude the replacement of an existing mobile home or HUD-Code manufactured home in any zoning district with a HUD-Code manufactured home. The mobile home or HUD-Code manufactured home that is being replaced shall be removed within 30 days from placement of the new HUD-Code manufactured home.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### Sec. 77-35. Highway mixed-use (HMU) district.

- (a) *Purpose.* The purpose of the highway mixed-use district (HMU) is to allow a mixture of residential and non-residential development along state highways or farm-to-market roads, as designated by the Texas Department of Transportation, either as a single use or multiple-uses within the same building or located on the same lot (see Figure 1: Building Use Examples). It is the intent of this section to allow a use in existence at the time that the HMU is adopted to remain as a conforming building use, even if the use was non-conforming in the existing zoning district prior to the adoption of the HMU.

**Figure 1: Building Use Examples**



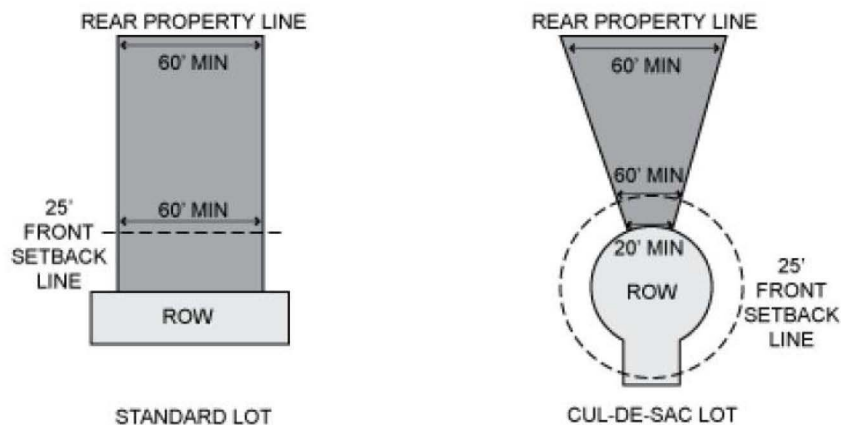
- (b) *Location.* Properties with the zoning designation of HMU district must be located adjacent to at least one side of a state highway or farm-to-market road. To be eligible to be zoned or rezoned as HMU, a property must be within 700 feet from the state highway or farm-to-market road right-of-way line. In the event a parcel is bisected by the 700 foot distance limitation, the current zoning district will remain in place for the portion of the parcel that is located outside the HMU. However, when considering specific parcel physical characteristics such as size, width, and shape or physical barriers such as, but not limited to, drainage facilities within or adjacent to specific parcels, the council may deviate from the 700-foot distance, either less or more, to accommodate parcel-specific characteristics. Additionally, when considering multiple contiguous



parcels under the same ownership, with at least one parcel being adjacent to one side of a state highway or farm-to-market road, the council may deviate from the required adjacency of all parcels to accommodate the multiple contiguous parcels and single ownership characteristic.

- (c) *Land uses allowed.* Uses permitted in a HMU, highway mixed-use district, are set forth in section 77-26(f), Permitted use table. Only one single-family detached residence is permitted per platted lot, tract or parcel.
- (d) *Minimum lot size.* (See Figure 2: Lot Size Measurements)
  - (1) The minimum lot area is 6,300 square feet.
  - (2) The minimum lot width is 60 feet measured as a straight line at all points between the front building setback line and the rear property line(s).
  - (3) The minimum lot width for a cul-de-sac lot is 20 feet measured at the street right-of-way (ROW) line and 60 feet measured as a straight line at all points between the front building setback line and the rear property line(s).

**Figure 2: Lot Size Measurements**

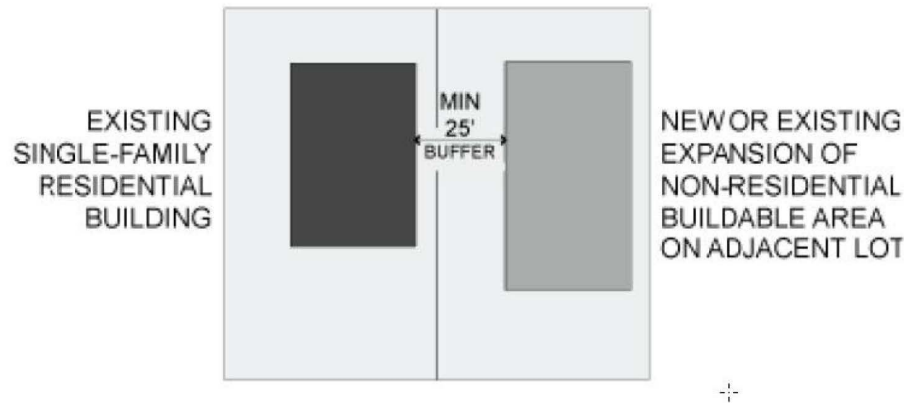


- (e) *Setbacks, minimum.*
  - (1) Minimum front yard building setback is 25 feet measured as a straight line from the front property line.
  - (2) Minimum rear yard building setback is 15 feet for the principle building measured as a straight line from the rear property line.
  - (3) Minimum side yard building setback is ten feet measured as a straight line from any side property line.
  - (4) Minimum corner side yard building setback is ten feet measured as a straight line from the corner side street right-of-way.
  - (5) Minimum side and rear yard building setbacks for an accessory structure are five feet and the minimum corner side yard building setback is ten feet measured as a straight line from any side or rear property line. Accessory structures cannot extend past the front line of the principle building or between the building and the street ROW.
- (f) *Buffers for existing single-family residential.*
  - (1) All new non-residential development or non-residential redevelopment or expansion is required to provide a minimum 25-foot wide open space buffer from all adjacent primary single-family residential buildings existing at the time the HMU is designated by council (see Figure 3: Single-Family Residential Buffer Example).



- (2) Buffers required in subsection (f)(1) above, will no longer be required if:
- The pre-existing single-family building is expanded, and such floor area expansion or addition is greater than 35 percent of the original building square footage or greater than 800 square feet;
  - The use of the pre-existing single-family building is completely changed to a non-residential use; or
  - The pre-existing single-family building is removed completely.

**Figure 3: Single-Family Residential Buffer Example**



(g) *Parking.*

- Refer to section 77-45, parking, for on-site parking requirements for this section.
- All new non-residential buildings within the HMU will locate parking behind the primary building but not between the primary building and the street ROW.

(h) *Building height.*

- Maximum height for any single-family residential building will not exceed 40 feet measured from the finished grade to the highest point in the roof with a maximum of three stories, but not to include ancillary structures such as chimneys.
- Maximum building height for any non-residential building will not exceed 60 feet measured from the finished grade to the highest point in the roof with a maximum of five stories, but not to include ancillary structures such as chimneys.
- Maximum building height for any building containing a combination of residential and non-residential uses will not exceed 60 feet measured from the finished grade to the highest point in the roof with a maximum of five stories, but not to include ancillary structures such as chimneys.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

**Sec. 77-36. State Highway 6 overlay (SH-6) district.**

- (a) *Purpose.* The purpose of the State Highway 6 (S.H. 6) overlay district is to manage critical visual elements and to promote future development that showcases S.H. 6 as a high-quality, mixed-use, multi-modal transportation corridor in Manvel. This overlay is intended to direct development in the S.H. 6 corridor toward compliance with the comprehensive plan.



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As an overlay district, the requirements specified herein are in addition to the existing zoning districts, and as such, do not replace any current zoning or any specific requirements of the existing zoning districts.

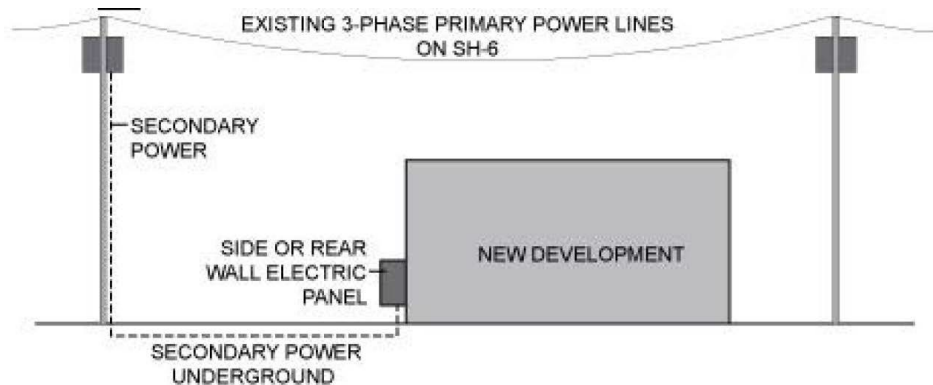
- (b) *Location.* The S.H. 6 overlay district will extend along S.H. 6 from the eastern city limit to the western city limit at a depth of 700 feet from the right-of-way along both sides of S.H. 6. In the event a parcel is bisected, the current zoning district will remain in place for the portion of the parcel that is located outside the S.H. 6 overlay district, and the S.H. 6 overlay requirements will not.
- (c) *Exterior building materials.*
  - (1) All building façades must be constructed of a minimum of 90 percent masonry materials on all non-transparent portions of all exterior walls. The percentage of masonry materials is calculated on a per façade basis. Permitted masonry materials include:
    - a. Stone;
    - b. Brick;
    - c. Concrete;
    - d. Hollow clay tile;
    - e. Decorative concrete block or tile;
    - f. Glass block;
    - g. True stucco.The use of any material that is not specified on the above permitted masonry materials list is prohibited.
  - (2) Up to the remaining ten percent of all exterior walls on non-transparent portions of the building may be constructed of materials not listed in the permitted masonry materials list but under no circumstances will the following prohibited materials be allowed:
    - a. Sheet metal material; coated, galvanized, or uncoated with a metal thickness less than one-quarter inch;
    - b. Smooth concrete masonry units (CMU) or block, painted or un-painted;
    - c. Exterior insulation finish systems (EIFS);
    - d. Plywood or oriented strand board (OSB).
  - (3) No more than 75 percent of any façade may consist of glass
- (d) *Parking.*
  - (1) Refer to section 77-45, parking.
- (e) *Dumpster/mechanical screening.*
  - (1) Exterior trash receptacles and recycle bins should be located behind a building and not visible from S.H. 6. If an exterior trash receptacle or recycle bin cannot be located behind a building, it must be enclosed on all sides with screening material at least as high as the top of the receptacle/bin and composed of the same materials as used in the building façade. The enclosure gate must be of solid metal painted to match the color of the enclosure material(s).
  - (2) All building systems and mechanical equipment must be screened from public view by being located at the rear of a building, on the roof out of public view, or fully screened by the same materials as used in the building façade.



(f) *Electric, phone, utility and cable line location.*

- (1) When determined by the utility provider as physically possible, all new three-phase (primary) overhead power lines will be located at the rear of new developed property.
- (2) Secondary power connections for new development and substantial improvement from existing power poles will be placed underground.
- (3) Electrical panel boxes will not be located on a building façade facing S.H. 6.

**Figure H.1: Electric, Phone, Utility, and Cable Line Location**



(g) *Vehicular access and circulation.*

- (1) All developments must provide public access easements (PAE) allowing reciprocal travel between adjacent parcels that meet the following minimum standards:
  - a. The PAE must be a minimum 25 feet in width;
  - b. The PAE must be continuous between property lines;
  - c. The PAE must be paved;
  - d. No parking or loading activity within, or with direct access to, the 25-foot minimum PAE is permitted; and
  - e. All PAEs within a property must connect to each other and a connection must also be made to any existing PAE located on the property line of an adjacent development.
- (2) Perpendicular PAEs (providing circulation and access perpendicular to S.H. 6):
  - a. All developments located within the S.H. 6 overlay district must provide at least one PAE, approximately perpendicular to S.H. 6, from the front property line to the rear property line if any part of the proposed development is more than 1,000 feet from either an existing perpendicular PAE that intersects S.H. 6 or an existing paved public street that intersects S.H. 6.
  - b. Perpendicular PAEs must not be more than 1,000 feet apart.
- (3) Parallel PAEs (providing circulation and access parallel to S.H. 6):
  - a. All developments within the S.H. 6 overlay district must provide at least one PAE, approximately parallel to S.H. 6; from one side property line to the opposite side property line located no more than 700 feet from S.H. 6.
  - b. Parallel PAEs are not required on parcels less than 300 feet deep from S.H. 6.



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- (4) In heavy commercial zones only, in lieu of a PAE, an emergency access easement (EAE) between adjacent properties is required and must meet the following standards:
- a. The gates must be 20 feet wide, marked as emergency access, and equipped with a Knox box.
  - b. The EAE must be an improved hard surface incorporated into the fire lanes and able to accommodate emergency vehicles.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Secs. 77-37, 77-38. Reserved.**

Editor's note(s)—Former § 77-37 was renumbered as § 77-54 by Ord. No. 2010-O-31, § 3, adopted Dec. 13, 2010. Ord. No. 2014-O-21, § 3, adopted Aug. 11, 2014, repealed § 77-38, which pertained to unspecified land uses and derived from Ord. No. 2001-14, § 15, 6-28-2001.

### **Sec. 77-39. Prohibited land uses.**

Notwithstanding any other provision of this chapter to the contrary, the zoning official, the planning commission, and the zoning board of adjustment shall have no authority to rule that the following uses are allowed under any zoning district with the city; and the following uses are hereby explicitly prohibited:

- (1) Mobile home;
- (2) Manufactured homes in any district other than a manufactured home district.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-40. Underground utility lines.**

Utility lines serving new buildings or other facilities, including signs and outdoor lighting, outside of the utility easement, shall be placed underground from the building, sign, outdoor lighting, or other facility, prior to occupancy of a new building.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-41. Reserved.**

Editor's note(s)—Ord. No. 2012-O-21, § 3, adopted Aug. 13, 2012, repealed § 77-41, which pertained to noise levels in land uses, and derived from Ord. No. 2001-14, § 17, 6-28-2001.

### **Sec. 77-42. Selling merchandise in public right-of-way.**

No merchandise, materials, goods, wares, vehicles, or services may be sold in any public right-of-way.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-43. Fences.**

- (1) *Permit Required.* A fence permit is required to authorize the construction, reconstruction, modification, enlargement, extension, or alteration of a fence. Upon completion of construction, the fence shall be



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inspected by the city to ensure compliance with the provisions of this ordinance and other applicable codes. An application for fence permit shall include the following:

- a. Location of the fence identified on a survey, plat, or an approved site plan;
- b. Drawings showing construction details and dimensions necessary to show compliance to the requirements of this section. Engineer stamped drawings, by a professional engineer licensed in the State of Texas, are required for masonry fences and fences that exceed six feet in height; and
- c. If necessary, photographs to explain the scope of work.

(2) *Exemptions.*

- a. A fence permit is not required for regular maintenance and minor repair but such maintenance and repair must conform to the standards of this section.
- b. A fence permit is not required for agricultural fences on agricultural properties that are at least two acres in size.
- c. A separate fence permit is not required for a new fence that has been reviewed and approved as part of a Building Permit application.

(3) *Location restrictions.*

- a. No fence shall be built on any lot or tract outside the surveyed lot lines;
- b. No fence shall be built by a private party on public land without the specific prior approval of the public entity. Removal of any such fence or wall shall be at the expense of the private party;
- c. Fences shall not limit or obstruct the flow of water in natural drainage courses, or drainageways created within easements; and
- d. Placement of a fence within sight distance triangles is prohibited.

(4) *Design and construction standards.*

- a. *Single-family residential zoning districts.* Fences in any single-family residential zoning district, shall not exceed six feet in height, except when located on a major thoroughfare where fences shall not exceed eight feet in height. Community fences shall have a minimum height of six feet.
- b. *Other zoning districts.* Fences in other zoning districts shall not exceed eight feet in height. Residential uses in other zoning districts, including Planned Unit Development (PUD), must conform to fence standards for single-family zoning district.
- c. Barbed wire fences are only allowed on agricultural acreage properties that are at least two acres in size. The barbed wire portion of the fence shall not exceed 52 inches as measured from the natural ground.
- d. Opaque privacy fences restricting visibility of a vacant property completely from the abutting street are prohibited. Fences along front or street side of a vacant property shall be designed to allow visibility from the abutting street.
- e. Wooden fence construction shall include, fence posts with concrete footing and rot boards. The total height of wooden fences may exceed the maximum allowed height by six inches. Top cap, not exceeding two inches in height may be added to wood fences and shall not contribute to total fence height calculation.
- f. The finished side of all fences, including community fences, shall face outward (posts and supports faced inward to the lot) toward adjacent right-of-way.
- g. All concrete footing required in the construction of community fences or any masonry fence shall be designed by a professional engineer licensed in the State of Texas.



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- (5) *Maintenance.* All fences constructed under the provisions of this ordinance shall be kept in good repair. All fences must be maintained to be free from rot, mildew, termite infestation, rust, vandalism, and other sources of physical or visual damage.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-44. Trees, landscaping, fencing and screening.**

The following regulations shall apply to all new land development projects, except new single-family residential:

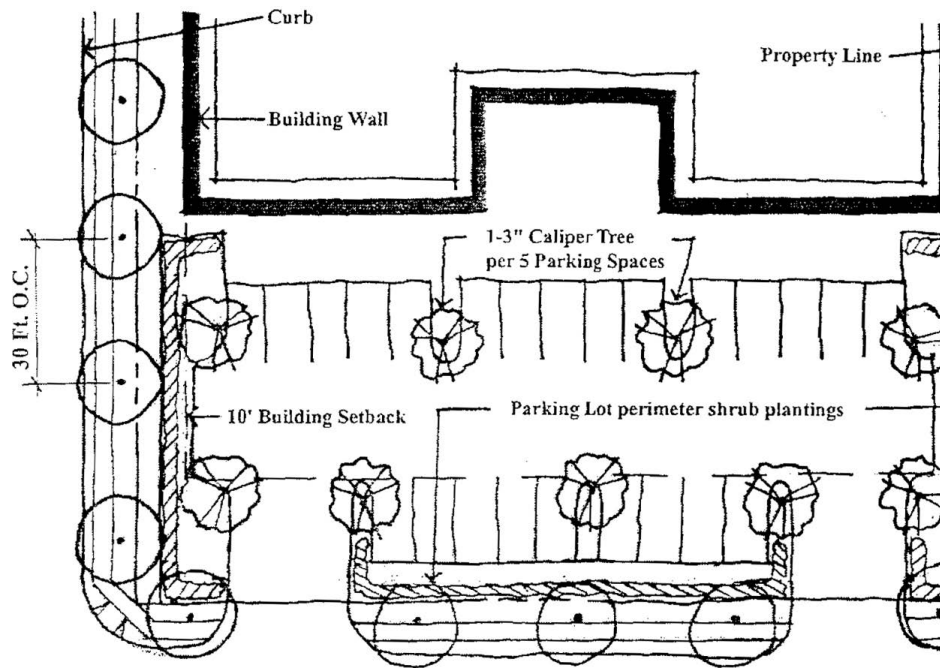
(1) *Trees.*

- a. Preservation required of existing street trees. Trees located in any public street right-of-way must be preserved and may not be removed without prior written approval of the zoning official.
- b. Retention of existing trees. Where appropriate, new development should be located to take advantage of existing mature trees. The protection and retention of existing trees which are at least 1½ inches in caliper shall be credited to the tree planting requirements except for street tree planting requirements.
- c. Protection of existing trees. Trees that are to be protected and retained shall be protected during construction. The tree protection area shall not be used for the parking or storage of any soil, vehicles, equipment, or materials. No waste or surplus products of any nature shall be disposed of within or near the tree preservation area. Grade changes around existing trees are limited to three inches.
- d. Planting of new street trees. Street trees shall be reasonably regularly spaced with at least one tree for each 30 feet of street frontage for each street on which the property fronts.
  1. Street trees shall be planted within the right-of-way line with adjustments in spacing allowed for driveways, streetlights, visibility triangles, transit shelters, and utility or traffic control appurtenances. If sufficient street trees to meet the requirement already exist along the frontage of a site, no additional trees are required, provided they are protected and retained in accordance with these regulations.
  2. The minimum planting size for street trees is 1½ inches in caliper measured at the base of the tree.
- e. Planting of trees and shrubs for new parking lots. Trees for new parking lots shall total at least one tree for each five parking spaces and at the end of each parking row. Trees and landscaping must be located within the parking area in areas protected by a curb or other vehicle obstruction. Such trees shall be a minimum of 1½ inches in caliper measured at the base of the tree. Shrub plantings shall be placed along the perimeter of a parking lot in an amount to provide a visible screen for the parking lot. The shrubs must be maintained at a maximum height of 36 inches for safety and visibility purposes.

Example:

#### **REQUIRED STREET AND PARKING LOT TREES AND SHRUBS**





Scale: 1 inch = 30 feet

- (2) *Maintenance of landscaping.* All landscaping must be perpetually maintained in good health by the property owner on which the landscaping lies or by the adjacent property owner. In the case of street trees planted within the right-of-way, the owner of the adjacent property shall have the responsibility for tree maintenance. Trees lost for any reason, with the exception of street or utility work, shall be replaced by the property owner within six months. Replacement trees must be a minimum of three-inch caliper. The responsibility for replacement of trees removed because of natural disaster, vehicular accident, or other similar circumstance, is that of the adjacent property owner regardless of whether that owner is reimbursed by the responsible party.
- (3) *Planting areas.*
  - a. *Site areas.* All site areas not covered by buildings or paving shall be planted with trees, shrubs, grass, ground covers or other plant materials. Special ground covering materials are permissible in playgrounds or active sports areas or other areas as determined by the city zoning official.
  - b. *Landscape plans.* Landscape plans shall be submitted to the city zoning official at the time of submittal of all other construction plans for all new construction. In the open-planned unit development district landscape plans shall be submitted to the city zoning official prior to consideration of the plan by the planning commission.
  - c. *Irrigation.* All planting areas shall be irrigated. Irrigation plans must be submitted with the landscaping plans and all irrigation materials shall be installed prior to occupancy of the building.
- (4) *Land uses requiring landscape screening and/or fencing.*
  - a. *Air conditioning and other mechanical equipment.* Ground mounted mechanical equipment of all types must be fenced or screened from pedestrian view. This requirement does not apply to traffic control equipment boxes, telecommunication housings (smaller than three feet by six feet) or similar public facilities.



- b. *Utility facilities.* All utility facilities must be screened from pedestrian view subject to a screening and buffering plan approved by the zoning official.
- c. *Parking lots.* All parking lots for nonresidential uses must be landscaped according to these regulations.
- d. *Drive-through facilities.* Where drive-through lanes or stacking bays and/or service windows are within 50 feet of a side or rear property line that adjoins an existing residential use, a six-foot-high wooden fence must be constructed and retained adjacent to the property line.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## Sec. 77-45. Parking.

(a) *Number of spaces required.* The required number of parking spaces are as follows:

| Land Use                                | Amount of Parking                                                                                  |
|-----------------------------------------|----------------------------------------------------------------------------------------------------|
| Single-family residential               | 1 enclosed garage space per unit                                                                   |
| Apartments                              | 1 per one bedroom unit<br>2 per two bedroom unit<br>2 per three/four bedroom unit                  |
| Office (not medical)                    | 1 per 200 gross square feet                                                                        |
| Medical office (medical, dental, vet)   | 1 per 300 gross square feet                                                                        |
| Retail                                  | 1 per 250 gross square feet                                                                        |
| Restaurant                              | 1 per 250 gross square feet                                                                        |
| Tavern                                  | 1 per 200 gross square feet                                                                        |
| Auto sales/manufactured home sales      | 1 per 400 gross square feet<br>of showroom and office area                                         |
| Auto repair                             | 1 per auto repair bay plus<br>1 per 200 gross square feet of office area                           |
| Hotel/motel                             | 1 per two sleeping rooms plus<br>1 per 200 gross square feet of office area                        |
| Theater/auditorium/church/assembly hall | 1 per 4 seats                                                                                      |
| Industrial/manufacturing                | 1 per 500 gross square feet of work area plus<br>1 per 200 gross square feet of office area        |
| Warehouse                               | 1 per 2,000 gross square feet of warehouse area plus<br>1 per 200 gross square feet of office area |
| Schools (elementary, middle school)     | 1 per 20 students                                                                                  |
| Schools (high school)                   | 1 per 4 students                                                                                   |
| College or University                   | 1 per 2 students                                                                                   |
| Trade or Vocational School              | 1 per student and<br>1 per employee                                                                |

(b) *Americans with Disabilities Act (ADA).* Parking for land uses, which require handicapped parking spaces shall be provided in the amount stipulated by the Americans with Disabilities Act or other applicable law.

(c) *Shared parking.*



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- (1) Shared parking is encouraged and intended to make use of parking areas that are not used during certain parts of the day. Shared parking is permitted only with a written agreement between the subject landowners. Such agreement shall be maintained in the office of the city secretary.
  - (2) Property on which shared parking is proposed shall be no further than 300 feet from the boundary of the principal property, as measured along public rights-of-way, such as streets or sidewalks.
  - (3) No more than 75 percent of the total amount of parking spaces required for the principal use shall be shared parking spaces.
  - (4) Required handicapped parking spaces shall not be used in the calculation for shared parking spaces.
  - (d) *Parking space dimensions.*
    - (1) The minimum size of a car parking space shall be ten feet wide and 20 feet long for residential or commercial land uses.
    - (2) The minimum size of a handicapped parking space shall be as required by the Americans with Disabilities Act.
    - (3) Compact car parking spaces shall not be credited to the overall parking calculation requirement.
  - (e) *Parking lot aisle dimensions.*
    - (1) The minimum unobstructed aisle width for angled parking shall be 18 feet with the maximum angle being 60 degrees or 15 feet with the maximum angle being 45 degrees.
    - (2) The minimum unobstructed aisle width for 90 degree perpendicular parking shall be 24 feet.
  - (f) *Vehicular backing.* No parking space shall be designed so as to require a vehicle to back onto a public street or across a sidewalk, except for residential parking spaces.
  - (g) *Replacing existing parking.* Additions or remodels of an existing land use shall not replace area that is devoted to parking, unless additional offstreet parking is constructed in conformance with this section.
  - (h) *Parking requirements for unspecified land uses.* If parking for a specified use is not identified in the subsection (a) table above, the zoning official shall determine the parking requirements based on the most closely associated land use.
  - (i) *Mixed/comboination of land uses.* Where a mixed or combination of land uses is proposed, parking shall be calculated based on the respective requirements of each land use. Shared parking is encouraged, if appropriate.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-46. Gun ranges.**

Gun ranges shall be allowed in the appropriate zoning district, as set forth in section 77-26(f), permitted use table.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-47. Animals.**

Animals, including but not limited to, livestock like cows, horses, donkeys, sheep, goats, buffalo, and exotic animals such as emu, peacock, camels, and lions are not allowed on property less than one acre in size, with the



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exception of Future Farmers of America (FFA) or 4-H animal-related land uses intended for education or competition.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-48. Nonconforming land uses and structures.**

- (a) *Purpose.* The purpose of this section shall be as follows:
  - (1) To regulate the continuing existence of nonconforming land uses and structures by prohibiting their enlargement;
  - (2) To preclude the re-establishment of nonconforming land uses and structures after their abandonment;
  - (3) To allow the continued use and normal maintenance of nonconforming land uses and structures; and
  - (4) To regulate development that is not in compliance with the city's development regulations
- (b) *Applicability.* The burden of establishing that any nonconforming land use and nonconforming structure legally existed prior to the effective date of these regulations is the sole burden of the owner.
- (c) *Authority to continue.*
  - (1) A nonconforming land use or nonconforming structure may continue to exist as long as it remains otherwise lawful, subject to the city's regulations.
  - (2) No accessory land use or accessory structure shall continue after the principal use or structure has been terminated.
- (d) *Maintenance, repair and structural safety.* Normal interior and exterior maintenance and incidental repair may be performed on any nonconforming land use or nonconforming structure. Nothing in this article shall be construed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a city official who declares a structure to be unsafe and orders its restoration to a safe condition.
- (e) *Enlargement and improvement of a nonconforming land use or structure.* A nonconforming land use or structure shall not be enlarged, expanded or extended unless such enlargement, expansion, or extension complies with the city's regulations and the zoning official determines that such enlargement will not result in an increase in the degree of noncompliance with the city's regulations; provided, however, that a nonconforming residential use located in the light commercial (LC) district may be expanded if such expansion does not exceed 50 percent of the current use and the zoning official determines that the expansion complies with all other requirements of this chapter.
- (f) *Abandonment.* When the use of a nonconforming land use or structure ceases for a continuous period of 180 days or more, it shall not be reestablished or resumed. After abandonment, any subsequent use of the property must conform to all of the city's regulations. The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the zoning official that during such period the owner or agent has:
  - (1) Maintained the property in accordance with all city regulations and did not intend to discontinue the use; or
  - (2) Has been actively and continuously marketing the land or structure for sale or lease.
- (g) *Change of land use.* A nonconforming land use may not be changed to any land use other than an allowed land use.
- (h) *Damage or destruction of a structure.* If greater than 50 percent of the floor area of a legal nonconforming structure or structure containing a legal nonconforming land use, is damaged or destroyed by fire or other



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casualty, the structure may not be reconstructed and the land use may not be resumed, unless it complies with all applicable city regulations.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-49. Calculation of measurements.**

- (a) *Minimum requirements.* When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50-foot strip, the resulting fraction of 1.37 is rounded up to two required trees.
- (b) *Maximum limits.* When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 3,000 square feet is applied to an 8,000 square foot site, the resulting fraction of 2.67 is rounded down to two allowed dwelling units.
- (c) *Underground structures.* Structures or portions of structures that are entirely underground shall not be included in any measurement.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-50. Uses requiring specific use permit (SUP).**

- (a) Certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides council and planning commission the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning commission judgment relative to the location and site plan of the proposed use are required.
- (b) The council, after receiving the recommendation of the planning commission, may by ordinance, grant a specific use permit for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.
- (c) Where provided for in section 77-26(f), permitted use table, a specific use permit shall be required before that specific use can be permitted within the district specified. A building permit or certificate of occupancy shall not be issued for any use to be located in a zoning district which permits that use, unless a specific use permit has been issued in accordance with the provisions of this section.
- (d) Application procedure. An application for a specific use permit shall be filed with the city. The application shall be accompanied by a conceptual site plan that, complete application, and fees that will become a part of the specific use permit, if approved. Verification of all information contained in the conceptual site plan shall be required to be certified by an engineer and/or surveyor, as applicable, as a condition for the granting of any specific use permit. The accompanying conceptual site plan shall provide the following information:
  - (1) Data describing all processes and activities involved with the proposed use.
  - (2) Boundaries of the area covered by the site plan.



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- (3) The location of existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roofline, gross floor area and the location of building entrances and exits.
  - (4) The location of existing drainage ways, and significant natural features.
  - (5) Proposed landscaping and screening buffers.
  - (6) The location of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities.
  - (7) The location and type of each wall, fence, and other types of screening.
  - (8) The location, height and size of all proposed signs.
  - (9) Show all existing or proposed water, sewer and electrical.
  - (10) Show all dedicated easements.
- (e) Criteria for approval. In considering any application for a specific use permit, the planning commission and the council shall hold public hearings as with any amendment request and consider the following criteria:
- (1) Conformance of the proposed use with the city's comprehensive plan and land use policies;
  - (2) The character of the neighborhood, the zoning and use of nearby properties, and the extent to which the proposed use would be compatible;
  - (3) The suitability of the property for the uses permitted by right;
  - (4) The extent to which the proposed use would detrimentally affect nearby property, including, but not limited to, sound, light, traffic, aesthetics, odor, dust, vibration, and dangerous or hazardous activity;
  - (5) The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or present parking problems in the vicinity of the property;
  - (6) The extent to which approval of the use would harm the value of nearby properties;
  - (7) Whether the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
  - (8) The extent that adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
  - (9) Whether the design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
  - (10) The extent that directional lighting will be provided so as not to disturb or adversely affecting the general public or adjacent developments;
  - (11) Whether there is sufficient landscaping and screening to insure harmony and compatibility with adjacent property; and
  - (12) Any other any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.
- (f) Use of property permitted by a specific use permit must commence within one year from the date of approval, unless extended by action of the council.
- (g) In addition to other conditions the council may impose, the following conditions shall apply to the land uses specified below:



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- (1) *Accommodations.* The conditions for hotel (except casino hotels) and motels and all other traveler accommodation shall include:
- a. Hotels (except casino hotels) and motels as defined by NAICS No. 721110 in section 77-26, permitted uses, shall include the following conditions:
    - 1. All guest rooms are accessed via interior hallway;
    - 2. All interior hallways accessed from a central lobby;
    - 3. A minimum 1,000 square feet dedicated to meeting and event space;
    - 4. The use of a kitchenette is not permitted;
    - 5. Maintain a copy of guest registration information for a minimum 30 days which includes guest photographic identification, guest vehicle license plate number, guest permanent address, guest bill including method of payment, guest check-in and check-out dates and times, and number of persons staying in the room(s);
    - 6. Install and maintain security cameras in each interior hallway, lobby, parking lots, and exterior door;
    - 7. Require all guests to enter through a central lobby after 11:00 p.m.; and
    - 8. A hotel owner, operator, or manager must be present and accessible in person on a 24-hour basis.
  - b. All other traveler accommodation as defined by NAICS No. 721199 in section 77-26, permitted uses, shall include the following conditions:
    - 1. Maintain a copy of guest registration information for a minimum 30 days which includes guest photographic identification, guest vehicle license plate number, guest permanent address, guest bill including method of payment, guest check-in and check-out dates and times, and number of persons staying in the room(s);
    - 2. Install and maintain security cameras in the central lobby, parking lots, and exterior doors;
    - 3. A facility operator, owner, or manager must be present and accessible in person on a 24-hour basis; and
    - 4. Require all guests to enter through a central area after 11:00 p.m.
- (2) *Adult entertainment business.* The conditions for an adult entertainment business shall include:
- a. A business license; and
  - b. A minimum of 500 feet from any school, day care, place of worship, or residential neighborhood or other district.
- (3) *All other general merchandise stores.* All other general merchandise store as defined by NAICS No. 452990, Permitted Uses, shall include the following conditions:
- a. There shall be a minimum separation distance between "dollar/general store" uses of two miles. The distance shall be measured from the nearest dollar/general store property line to the nearest dollar/general store property line; and
  - b. A minimum 10 percent gross floor area shall be dedicated to fresh produce, meat, and dairy products.
- (4) *Ambulatory health care services.* Ambulatory health care services as defined by NAICS No. 621, Permitted Uses, shall include the following conditions:



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- a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
    - b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
    - c. All doors shall remained unlocked and accessible during normal business hours.
  - (5) *Convenience stores.* Convenience stores as defined by NAICS No. 445120, Permitted Uses, shall include the following condition:
    - a. A convenience store shall not be located within two miles of an existing convenience store and gasoline station. The distance shall be measured from property line to property line.
  - (6) *Game room.* The conditions for a game room shall include:
    - a. A business license;
    - b. A minimum of 300 feet from any place of worship, daycare, school, or hospital; and
    - c. All doors shall remain unlocked and accessible during normal business hours.
  - (7) *Gasoline stations.* Gasoline stations as defined by NAICS No. 447, Permitted Uses, shall include the following condition:
    - a. A gasoline station shall not be located within two miles of an existing gasoline station and convenience store. The distance shall be measured from property line to property line.
  - (8) *Hospitals.* Hospitals as defined by NAICS No. 622 in section 77-26, permitted uses, shall include the following conditions:
    - a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
    - b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside;
    - c. All doors shall remained unlocked and accessible during normal business hours.
  - (9) *Nursing and residential care facilities.* Nursing and residential care facilities as defined by NAICS No. 623 in section 77-26, permitted uses, shall include the following conditions:
    - a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
    - b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside;
    - c. All doors shall remained unlocked and accessible during normal business hours.
  - (10) *Other personal care services.* Other personal care services as defined by NACIS No. 81219 in section 77-26, permitted uses, shall include the following conditions:
    - a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP.
    - b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
    - c. All doors shall remained unlocked and accessible during normal business hours.
  - (11) *Place of worship, private school, or governmental agency with an oversized sign.* The conditions include:
    - a. A minimum of 2,000 feet when the main structure is located 200-feet from the State Highway 288 right-of-way;



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- b. An approved site plan; and
  - c. Approved sign permit application.
- (h) *Time limit.* A specific use permit issued under this section shall expire one year after its date of issuance if construction or use authorized there under is not substantially under way prior to the expiration of said one-year period. If prior to the expiration of such one-year period, the owner of property to which a specific use permit applies in writing, for an extension. The council after recommendation from the planning commission may grant such extension for one additional year.
- (i) *Revocation.* A specific use permit may be revoked or modified, after notice and hearing, for either of the following reasons:
- (1) The specific use permit was obtained or extended by misrepresentation, fraud or deception; or
  - (2) That one of more of the conditions imposed by the permit has not been met or has been violated.
- (j) *Amendments.* The procedure for amendment of a specific use permit shall be the same as for a new application provided however, that the city manager may approve minor variations from the original permit which do not increase density, change in traffic patterns, or result in any increase in external impact on adjacent properties or neighborhoods.
- (k) *Application fee.* An application fee is required for the processing of each specific use permit request.
- (l) *Religious institutions, private school, or governmental agency signs.* Consistent with section 53-17, where the main structure of a property of a religious institution, private school or governmental agency lies within 2,000 feet of the S.H. 288 right-of-way, a sign that exceeds the height and/or area requirements of the sign ordinance may be permitted by the council by approval of a specific use permit incorporating an approved site plan and sign drawings. The procedure and criteria for approval of this section shall apply to an application for this type of specific use permit.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

## **Sec. 77-51. Plan review, landscaping and building facade requirements.**

- (a) *Site plan review.* All site plans and drainage studies shall be approved administratively by the building official, fire marshal, and city engineer and shall be submitted to the appropriate drainage district for non-residential development within the city limits.
- (b) *Building setback lines.* Building setback lines shall be determined by the property's zoning district.
- (c) *Landscape site plan.* Prior to the construction and erection of a nonresidential building or structure, a landscape plan shall be submitted to the zoning official for the consideration by the planning commission. The landscape plan shall contain as a minimum the following information:
- (1) A conceptual plan of the landscaping identifying the general layout and description of the trees and plans specified.
  - (2) The plans should contain dimensions and elevations of special structural elements, such as building facades, walls, planters, foundations, berms, walkways, irrigating systems and property boundaries.
  - (3) Building outlines, parking areas (in accordance with the standards and specification adopted by the commissioner of licensing and regulation of the Texas Department of Transportation, relating to the identification and dimensions of parking spaces for persons with disabilities, as amended, or as otherwise required by federal or state law) and arrangements, fences and structural features to be constructed on the site shall be on the plan.



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- (4) Landscape plans shall be prepared at the scale of one inch equals 40 feet and on a sheet size of 24 inches times 36 inches. The plan sheets shall contain a scale, north arrow, name and address of the licensed landscape architect, designer or architect and the site owner and/or developer. The plans shall also identify the development and provide a brief description of the property and its location.
- (5) Plan shall also include names of owners and/or business of adjacent property owners.
- (d) *Minimum landscape requirements.* Up to ten percent of the entire area of the site not covered by buildings and not a part of the right-of-way or dedicated public streets or three percent of the gross area of the site, whichever is greater, shall be required as landscaping to meet the requirements of this section:
- (1) Trees with a minimum two-inch caliper measured 12 inches from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch for each 15 feet of frontage. Where intensity of site development makes planting the required trees impractical, an alternate plan may be developed with the approval of the planning commission.
- (2) Landscaping and/or decorative fence shall screen outside storage areas, loading docks, garbage collection bins and delivery entrances from adjacent property and public street right-of-way.
- (3) Landscaping shall be located so as not to interfere with the act of parking or with parking area maintenance and so as not to create a traffic hazard by obscuring driver or pedestrian vision of the intersections of walkways, driveways, collector lanes and streets or any combination thereof. Landscaping is discouraged within three meters of the state highway right-of-way due to utilities. Plans are required for any type of landscape development on Texas Department of Transportation right-of-way and must be submitted to:
- Director of Maintenance  
Post Office Box 1386  
Houston, TX 77251
- (4) Reserved.
- (5) Artificial plants and trees shall not be considered in the satisfaction of the outside landscape requirements.
- (e) *Maintenance.* The owner and tenant of landscaped premises and their agents, if any, shall be jointly and severally responsible for the use of high-quality, hardy and drought-tolerant plant materials. These plants materials must be maintained in a healthy, growing condition at all times. Regular weeding, mowing of grass, irrigation, fertilizing, pruning and other maintenance of all plantings such as free of refuse and debris is required. Any plant that dies must be replaced with another living plant. Failure to maintain the landscaped premises, after written notice allowing up to 60 days to bring the premises into conformance, shall be grounds for the revocation of the certificate of occupancy by the city building official.
- (f) *Landscape construction.* Prior to issuing a certificate of occupancy, all approved landscaping must be in place, or if seasonal considerations prohibit the completion of the planting of landscape material, a temporary certificate of occupancy may be issued for such time as is reasonable to complete the landscape planting.
- (g) *Permits.* Building permits and all other necessary permits shall be obtained from the city before construction begins.
- (h) *Inspections.* The city inspectors shall inspect each phase of construction and certify that the building is constructed according to the city and the standard building code. (A schedule of which may be obtained at city hall).
- (i) *Enforcement of violations and penalties.* Any construction that is erected in violation of this section shall not be issued a certificate of occupancy, shall not be permitted utility service and shall be fined not less than



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\$5.00 nor more than \$200.00 for each offense. Each day that a violation exists shall constitute a separate offense.

- (j) *Grandfather clause.* Buildings pre-dating the passage of this section shall be grandfathered to their existing conditions unless they impact health, safety and welfare. They are encouraged to update their facilities when possible. For expansion and/or additions they must comply with subsection (1).
- (k) *Variance and appeals clause.* If there shall be any special circumstances connected with any provision of this section, the individual shall have the right to a hearing before the city planning commission to request a variance. This request for a variance must be submitted in writing 72 hours accompanied with any and all pertinent documentation for the city planning commission to review before the hearing. A determination will be made by the commission that granting this variance will not result in increased flood issues, additional threats to public safety, public expense, create nuisances, cause fraud or conflict with existing laws or other ordinances. If the commission should deny the requested variance, the individual shall have the right to appeal the request variance to the council who will have the final judgment in this matter.

When seeking a variance from the city planning commission, it is necessary to bring documentation to explain your circumstances, such as:

- (1) A deed of ownership of the property.
  - (2) Paid tax receipt of last year's taxes.
  - (3) What is the function of the building?
  - (4) What is the setback distance?
  - (5) How will the building aesthetics fit in with the surrounding area?
  - (6) Is there a general theme that needs to be followed?
  - (7) The building is within 600 feet of what thoroughfares?
  - (8) Will there be ample parking?
  - (9) What utilities, if any, are available?
  - (10) Is there a large vehicle access?
  - (11) Is there a fire hydrant nearby?
  - (12) A copy of the drainage district's drainage study.
  - (13) Is the property in the flood plain?
  - (14) Will this type of business impede traffic?
  - (15) Landscape plan? Who will be responsible for the upkeep?
- (l) *Severability clause.* In the event any section, paragraph, clause, phrase, provision, sentence, or part of this section or the application of the same to any person or circumstance shall for any reasonable adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this section as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the council of the City of Manvel, Texas declares that it would have passed each 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.

(Ord. No. 2020-O-15, § 3, 10-19-2020)



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## **Sec. 77-52. Open storage and display of items.**

- (a) *Open storage and display of items not for sale.* Open storage and display of items which are not for sale shall be permitted only when incidental to the principal land use located on the same property and must comply with the following:
- (1) Items may not extend past the front line of the building;
  - (2) Items may not be located in any required parking or landscaping areas;
  - (3) Items must be behind a fence or wall;
  - (4) Materials shall not be visible or protrude above the height of the fence or wall;
  - (5) Mobile homes, manufactured homes, and HUD-code manufactured homes may not be stored in any zoning district;
  - (6) Storage cargo/shipping containers shall be prohibited, except that the temporary use of such containers may be permitted for up to 30 days total per calendar year.
  - (7) Hay and similar items are exempt from this section.
- (b) *Open storage and display of items for sale.*
- (1) Boats, recreational vehicles, campers, jet-skis, and similar type of vehicles may not be stored in front of the front line of a building of a commercial or residential land use unless such items are for sale as part of a continuous business operation, in which case the items must be set back 25 feet from the front property line and ten feet from any and all side property lines;
  - (2) Open storage and display of merchandise for sale or display is permitted only when incidental to a commercial or residential use located on the same property and must not be located in any required parking or landscaping areas and must be set back at least 25 feet from the front property line and ten feet from any and all side property lines. Open storage and display of merchandise for sale or display on property located in the heavy commercial district may extend to the property lines but only when the storage items are behind a chain linked fence or wall of at least six feet in height;
  - (3) Mobile homes, manufactured homes, and HUD-Code manufactured homes may not be stored and displayed as an item for sale in any zoning district;
  - (4) Storage cargo/shipping containers shall be prohibited, except that the temporary use of such containers may be permitted for up to 30 days total per calendar year. Exemption, heavy commercial district when used as part of the business operation;
  - (5) Commercial temporary uses permitted by section 77-54 are exempt from this subsection (b);
  - (6) Automobiles, trucks, boats, recreational vehicles, campers, jet-skis, and similar type of vehicles stored or displayed for sale, new or used, shall be on at least four inches of paved asphalt or concrete. Storage and display of items is prohibited within parking and fire lanes as designated by the fire marshal. Nothing herein shall be construed to prohibit the private sale, by owner, of a personally-owned vehicle, boat, trailer, or recreational vehicle, provided such is in operating condition, and when parked, is parked on an all-weather surface on the owner's residential property.
  - (7) Garage sales shall be limited to six per calendar year as permitted by section 77-33(c). More than six per calendar year shall constitute commercial use.

(Ord. No. 2020-O-15, § 3, 10-19-2020)



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### **Sec. 77-53. Home business.**

The city recognizes that home businesses are becoming a more common method of employment. Home businesses help alleviate traffic, help decrease the cost of doing business, allow people to work who might otherwise be unable to work, and are appropriate within residential areas, subject to certain provisions which are established to maintain the character, quality of life and property values of existing residential areas. A home business does not include a resident occasionally working from home where the resident has a place of business at another location. A home business in a residential home shall be approved by the zoning official if it complies with all of the following standards:

- (1) The home business shall be within the principal residence or a permitted accessory building;
- (2) The home business shall not occupy more than 50 percent of the gross floor area of the principal residence;
- (3) There shall be no exterior indication that the home business is taking place, except that one nonilluminated sign is allowed with a maximum area of two square feet;
- (4) Home businesses include:
  - a. Consultant;
  - b. Accountant;
  - c. Lawyer;
  - d. Seamstress;
  - e. Hairdresser;
  - f. Writer, artist, musician;
  - g. Realtor;
  - h. Collections/billing;
  - i. Therapist;
  - j. Day care, with specific use permit;
  - k. Teacher/tutor;
  - l. Caterer/cook;
  - m. Other traditional home occupations, with specific use permit.
- (5) All parking for home businesses shall be off-street. A permit for a home business is only valid so long as the home business remains in compliance with this section.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

### **Sec. 77-54. Temporary commercial business.**

Commercial temporary uses, including, but not limited to, carnivals, circuses, Christmas tree sales, plant sales, pumpkin sales, and agricultural products sales, are allowed in any zone, except residential zones, subject to the following conditions:

- (1) An application must be made to the zoning official, and the appropriate fee paid;



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- (2) The zoning official shall approve the application if it is demonstrated that the commercial temporary use conforms to the intent of the comprehensive plan and these regulations, and that the use will not constitute a nuisance or be detrimental to the character or welfare of the community;
  - (3) Commercial temporary uses may be approved for a period not to exceed a total of 60 total days per year;
  - (4) The temporary commercial sale of vehicles is not authorized under this section;
  - (5) The temporary commercial sale of mobile homes, manufactured homes, or HUD-Code manufactured homes is not authorized under this section;
  - (6) Christmas tree sales, plant sales, pumpkin sales, agricultural products sales, are allowed in any zone subject to the above conditions.

(Ord. No. 2020-O-15, § 3, 10-19-2020)

**Secs. 77-55—77-71. Reserved.**

**ARTICLE III. ADMINISTRATION<sup>4</sup>**

**Sec. 77-72. Planning commission.**

- (a) *Planning commission established.* The planning commission of the city (the "commission" or "PD&Z") is hereby created pursuant to the authority provided in V.T.C.A., Local Government Code § 211.007.
- (b) *Number of members; appointment; term.*
  - (1) The commission shall be composed of seven members. Each member of the commission shall be a resident of the city and shall have no outstanding debts owed to the city.
  - (2) Subject to the provisions of subsection (4) below, new PD&Z members will be required to attend two consecutive PD&Z meetings, submit an application to the city secretary, and allow for a background check.
  - (3) Each member of the commission shall serve for a period of two consecutive years. A staggered drawing for one-year or two-year terms will initially be established for each current member. Staggered terms to be in effect and commence upon approval of these bylaws. A member of the PD&Z commission may serve more than one term, provided that the member is nominated/appointed in the same manner set forth in this subsection.
  - (4) Initially, upon the effective date of this section, the members of the commission shall remain in effect as they are prior to the approval of this section and subject to the staggering of terms required and as mentioned in subsection (3) above.
- (c) *Removal; compensation.*

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<sup>4</sup>Editor's note(s)—Ord. No. 2020-O-15, § 4, adopted Oct. 19, 2020, amended art. III in its entirety to read as herein set out. Former art. III, §§ 77-72—77-81, pertained to similar subject matter, and derived from Ord. No. 2001-14, §§ 27—37, adopted June 28, 2001; Ord. No. 2006-O-34, §§ 2—9, adopted Feb. 12, 2007; Ord. No. 2012-O-18, § 1, adopted Aug. 13, 2012; Ord. No. 2014-O-20, § 2, adopted June 23, 2014; Ord. No. 2014-O-21, § 4, adopted Aug. 11, 2014; Ord. No. 2015-O-24, § 2, adopted July 27, 2015.



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- (1) Each member of the commission may be removed by a majority vote of the council, each such removed member shall be notified in writing of council's action.
  - (2) Members of the commission shall serve without compensation.
  - (d) *Vacancies.* Vacancies on the commission shall be filled subject to provisions established under subsection (b)(2). Any member of the commission appointed in the manner prescribed in this paragraph shall serve until the end of the term of the PD&Z member to whom the replacement position is made.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

### **Sec. 77-73. Zoning board of adjustment/zoning official.**

- (a) The zoning board of adjustment shall have the authority to:
  - (1) Exercise the appropriate power, authority, duties, and procedures pursuant to the laws of the state, and applicable ordinances of the city.
  - (2) To hear and decide where it is alleged there is error in any order, requirement, decision or determination by the zoning official in the enforcement of these regulations. Any person may appeal a decision of the zoning official to the zoning board of adjustment as provided under state law. Such appeal shall be filed with the city secretary no later than 30 days after the date a decision is made, in writing, by the zoning official. If such person or persons fails to file such petition within the 30-day period, then the decision of the zoning official shall become final and binding.
  - (3) To authorize variances from these regulations where it is determined that the granting of a variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done.
- (b) The zoning board of adjustment shall consist of five members.
- (c) Each case before the zoning board of adjustment shall be heard by at least 75 percent of its members.
- (d) The concurring vote of 75 percent of the members of the board is necessary to:
  - (1) Reverse an order, requirement, decision, or determination of an administrative official;
  - (2) Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or
  - (3) Authorize a variation from the terms of a zoning ordinance.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

### **Sec. 77-74. Variances.**

- (a) The zoning board of adjustment shall not grant a variance unless it shall, in each case, make specific written findings based directly upon the particular evidence presented to it which support written conclusions that:
  - (1) The granting of a variance is necessary to secure appropriate development of a parcel of land which differs from other parcels in the zone by being of such restricted area, shape or slope that it cannot be appropriately developed without modification;
  - (2) The granting of a variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets,



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increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood; and

- (3) The variance desired will not be contrary to the general purpose and intent of these regulations.
- (b) The board of adjustment may establish reasonable stipulations of approval or modifications to a plan proposed with a variance, in order to minimize the impact of the variance on surrounding property, preserve the character of the area or protect property in the area.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

### **Sec. 77-75. Appeal of a decision of the zoning board of adjustment.**

Any person may appeal a decision of the zoning board of adjustment to a court of competent jurisdiction. Such petition shall be filed with the court no later than ten days after the filing of the board's decision with the city clerk. If such person or persons fails to file such petition within such ten-day period of time, then the decision of the board of adjustment shall become final and binding.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

### **Sec. 77-76. Effect of filing an appeal.**

- (a) The filing of a notice of an appeal shall stay any proceedings in furtherance of the action appealed from unless the zoning official rendering such decision, determination or interpretation certifies in writing to the board of adjustment and the applicant that a stay poses an imminent peril to life or property, in which case the appeal will not stay further proceedings. The board may review such certification and grant or deny a stay of the proceedings.
- (b) The zoning board of adjustment may reverse, affirm or modify the decision, determination or interpretation appealed from and in so modifying such decision, determination or interpretation, the board of adjustment shall be deemed to have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.
- (c) All decisions made by the zoning board of adjustment shall be provided in writing to the applicant and shall include the following, at a minimum: the action taken by the zoning board of adjustment; any correction or compliance that is necessary to bring a project into conformance; the subsequent procedures or steps that may or shall be taken; and the location, time, date for taking subsequent procedures or steps.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

### **Sec. 77-77. Fees.**

All applicable fees shall be established with the adoption of a resolution by the council following a recommendation by the planning commission. The planning commission shall review all applicable fees annually or at any other appropriate time for the purpose of determining whether the fees appropriately cover the costs associated with the work being performed by the city or its consultants. Following the annual review, the planning commission shall make its recommendation to the council.

(Ord. No. 2020-O-15, § 4, 10-19-2020)



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**Sec. 77-78. Limitation on all land and structures.**

No land within the city shall be used or occupied and no structures shall be erected or used or occupied except in conformity with these regulations and upon the performance of all conditions set forth herein. However, a structure or use lawfully existing at the date of adoption of these regulations may be occupied as a nonconforming use under the procedures and requirements of these regulations.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

**Sec. 77-79. Zoning at time of annexation.**

- (a) The default zoning district for any area annexed into the city for full purposes shall be open single-family residential (O-SFR). Notwithstanding the foregoing, the council may establish a different zoning district for land being annexed into the city, based on the city's comprehensive plan, at the same time as the land is annexed into the city limits.
- (b) The city shall allow continuation of prior land use in the annexed area where required by the V.T.C.A., Local Government Code § 43.002.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

**Sec. 77-80. Conflict with other ordinances or regulations.**

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

(Ord. No. 2020-O-15, § 4, 10-19-2020)

**Sec. 77-81. Penalty.**

Any person who shall violate any provision of this article 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. 2020-O-15, § 4, 10-19-2020)



**ORDINANCE NO. 2023-O-40**

**AN ORDINANCE AMENDING CHAPTER 77 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, SAME BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ARTICLE I. “IN GENERAL” PERTAINING TO DEFINITIONS AND PROCESS OF REZONING; BY AMENDING ARTICLE II. “DISTRICT REGULATIONS” PERTAINING TO AN EXEMPTION TO MINIMUM LOT AREA REQUIREMENT FOR NON-CONFORMING LOTS RESULTING FROM RIGHT-OF-WAY DEDICATION WITHIN OPEN-SINGLE-FAMILY RESIDENTIAL DISTRICT; AMENDING FENCE REQUIREMENTS; AND SECTIONS PERTAINING TO BUILDING MATERIAL REQUIREMENTS FOR BUILDING FACADES TO ACCURATELY REFLECT HOUSE BILL 2439, WHICH ENACTED CHAPTER 3000 OF THE TEXAS LOCAL GOVERNMENT CODE; MAKING OTHER CHANGES TO RECTIFY TYPOGRAPHIC ERRORS THROUGHOUT THE ORDINANCE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.**

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**WHEREAS**, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance; and

**WHEREAS**, the amendments generally include the addition and revision of certain definitions, providing for a minimum lot size exemption within open-single-family district for non-conforming lots resulting from required right-of-way dedication, design standards and permit requirement for fences; removal of building material requirements for building facades to accurately reflect house bill 2439, which enacted chapter 3000 of the Texas Local Government Code; and rectifying typographic errors throughout the document; and

**WHEREAS**, the Planning Commission (PD&Z) has issued its report and approved the amendments to the Zoning Ordinance herein; and

**WHEREAS**, the Planning Commission (PD&Z) and City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such



amendment to the zoning ordinance and both entities find that the adoption of this ordinance is in the best interest of the citizens of Manvel; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:**

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Chapter 77 of the Code of Ordinances of the City of Manvel, and same also being the Zoning Ordinance of the City, is hereby amended by amending Article I to read and provide as follows:

**“Chapter 77 - ZONING**

**ARTICLE I. IN GENERAL**

**Sec. 77-1. Short title.**

This chapter shall be known and may be cited as "The City of Manvel Zoning Ordinance."

**Sec. 77-2. Purpose.**

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, and general welfare of the city, and its inhabitants. Such regulations and districts have been designated to lessen congestion on the streets; to secure safety from fire, panic, and other dangers; to facilitate adequate provisions of transportation, particularly in times of natural disaster when timely evacuation is critical for the protection of life; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions of water, sewage, schools, parks, and other public requirements. Regulations have been adopted with reasonable consideration of the character of the districts and their suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

**Sec. 77-3. Definitions.**



The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "building" shall include the meaning of the word "structure"; the word "lot" shall include the meaning of the word "plot"; and the term "used for" shall include the meaning of the terms "designed for" or "intended for."

*Accessory use* means a use of a building or land which serves an incidental function to the principal use of a building, structure, or land.

*Administratively complete application* means any application containing all the required documents listed on any application in the appropriate format, the correct number of copies, paid fees, and any required signatures when submitted to the city, in a final form to be deemed complete for processing.

*Adult day care* means a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping management plan based on an intentionally structured relationship providing organization and stability.

*Adult entertainment business* shall have the same meaning as "sexually oriented business" as that term is defined in V.T.C.A., Local Government Code § 243.001 et seq., and shall include, but not be limited to, an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Such uses shall be allowed only as specifically authorized under the terms of this article. The determination of what constitutes an adult entertainment business shall be made by the police chief or his designee, and such determination shall be appealable to the zoning board of adjustment.

*Alley* means minor ways that are used primarily for vehicle service access to the back or the side of properties otherwise abutting a street.

*Americans with Disabilities Act* means a law enacted in 1990, which is intended to make American society more accessible to persons with disabilities.

*Apartments* means a structure containing three or more dwelling units with common walls, including units that are located one over the other.

*Applicant* means any developer that submits an administratively complete application.

*Automobile/vehicle sales and rentals* means a business which provides for the sale or rental of new or used automobiles and other vehicles, including automobiles, trailers, recreational vehicles, travel trailers, water craft and other similar land or water-form vehicles, but shall not include auto or motor vehicle repair work, except minor reconditioning of automobiles or motor vehicles to be displayed, sold or rented on the premises; provided, however, such term shall not include the sale or rental of salvaged parts, nor shall it include the storage of either new or used automobiles or motor vehicles that are not on display or for sale or rent.



*Bar/lounge* means a place of business whose revenues from mixed drink liquor service are more than 20 percent and whose revenues from food service are less than 80 percent of the total gross revenues of the establishment.

*Building, accessory or structure* means a structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use.

*City* means the City of Manvel, Texas.

*Community fence* means a fence located at the perimeter of a residential neighborhood, visible to the public and maintained by a Home Owners Association or Municipal Utility District. Residential fences owned and maintained by an individual are not considered community fence.

*Council* means the city council of the city.

*Corner lot side yard setback* means the open space extending from the front yard to the rear yard and lying between the side lot line adjacent to the public right of way or easement and the closest point of the building or structure on a lot at the junction of and abutting two or more intersecting streets.

*Developer* means any person or entity that develops land within the city. This term shall be synonymous with the term "subdivider" in cases where the subdivision of land is involved.

*Development plat* means a plan for a development project that is not part of and does not require the subdivision of property.

*Family* means two or more persons related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit with a single kitchen facility. The term "single kitchen facility" shall not exclude one outdoor kitchen facility per single housekeeping unit with one kitchen.

*Fence* means a constructed vertical structure, barrier or partition of any material or combination of materials erected to enclose, screen, or separate outdoor areas, and which has no roof or overhead covering. A masonry wall with a foundation serving the purpose of enclosing, screening, or separating outdoor areas is considered a fence.

*Front of building* means the part of side which contains the principal entrance of the side adjacent to a public roadway.

*Game-room* means a business or commercial establishment or building or location wherein machines or apparatus may be played or operated by the insertion of a coin or slug and on which games or tests of skill, chance or ability are played, including pinball machines, and any machine initiating games of sport, shooting or guiding objects, or any machine designed for amusement or relaxation, but not including machines for vending food, drink and tobacco products, music playing or recording or apparatus commonly known as kiddie rides.



*Garage* means an accessory building or a part of a main building comprised of a minimum of 200 square feet, enclosed on all sides, with an overhead door, and capable of enclosing one or more vehicles.

*Garage sales, also referred to by such names as "back yard sale," "yard sale," or "porch sale,"* shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes (see [section 77-33\(c\)](#)).

*Gross square feet* means the entire floor area of a building, including uninhabitable space such as bathrooms, closets, halls, and similar areas.

*Guest quarters* means an attached or detached building or secondary living area of residential use that provides living quarters for guest of the occupants of the [~~principle~~] principal residence, and:

- (1) Contains no kitchen or cooking facility;
- (2) Is clearly subordinate and incidental to the [~~principle~~] principal residence on the same building site; and
- (3) Is not rented or leased, whether compensation be direct or indirect.

*Home business* means a business operation that takes place in a home.

*HUD-Code manufactured home* means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

*Legal nonconforming land use* means a land use that lawfully existed immediately prior to the effective date of these regulations and not listed as a permitted use in the zoning district in which it is located.

*Legal nonconforming structure* means a structure that was lawfully existing prior to the effective date of these regulations, but as of the effective date of these regulations, the site of the use, the structure in which the use is situated, does not comply with these regulations.

*Lot* means a physically undivided tract or parcel of land having frontage on a public or private street, which is, or in the future may be offered for sale, conveyance, transfer or improvement, and which is designated as a separate and distinct tract and identified by numerical or letter identification on a duly and properly recorded subdivision plat.

*Lot, tract, or parcel* means a designated area of land established by a properly recorded subdivision plat or otherwise permitted by law to be separately owned, used, developed, or built upon.



*Lot Line* means the boundary of a lot separating it from an abutting lot.

*Mobile home or manufactured home* means a structure constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

*Off-street parking* means a concrete parking surface other than a street or alley accessible from an approved driveway approach and upon which vehicles may be parked.

*Open-planned unit development plan* means a development plan for a project located within the open-planned unit development district.

*Parking aisle* means the area of a parking lot or off-street parking area which provides vehicular access to parking spaces (stalls). The term "parking aisle" does not include the words "driveway" or "access point".

*Parking space* means an area designated for the parking of motor vehicles, and connected to an approved driveway approach, street, parking aisle, access easement, or other accessway.

*Patio home/zero lot line home* means a single-family home built on a separate lot with building setbacks on the front, rear and one side.

*Planned unit development plan* means a development plan for a project located within the planned unit development district.

*Planning commission* means a commission appointed by the council that is responsible for certain planning and zoning items, as provided in the zoning ordinance and applicable state law.

*Plat* means an instrument prepared by a registered professional land surveyor in conformity with the provisions of [Chapter 62](#), Subdivisions, used to describe subdivided land, with ties to permanent landmarks or monuments, approved by the city or a governmental entity with jurisdiction of the land in accordance with V.T.C.A., Local Government Code § 212.023, and recorded in the Brazoria County Property Records.

*Principal building or use* means the primary use and chief purpose of a premises or building.

*Restaurant* means a place of business whose revenues from food sales are 80 percent or more and whose revenues for mixed drink liquor service are 20 percent or less.

*Rot board* means a horizontal board installed along the bottom of the fence panel which runs along the base of the entire fence panel for a finished look and added protection. Rot Boards are also commonly known as base-boards and kick-boards.

*Setback* means a minimum distance that is required from a lot line to a building or structure.



*Single-family residence* means a residence that is to be occupied by only one family.

*Sight distance triangle* means the triangle formed on any corner lot measured from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. Except for single-family residential accessways, a sight triangle at the intersection of a public street and a private access way shall have sides of 15 feet along the accessway and 25 feet along the public street. In order to minimize sight obstructions, no parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance triangle so as not to impede vision between a height of two feet six inches, and ten feet above the center line grades of the intersecting streets and/or drives.

*State* means the State of Texas.

*Structure* means anything constructed or erected with a fixed location upon, under, or above the ground or attached to something having a fixed location on the ground.

*Tavern* means a place of business, which includes the sale of beer and wine beverages, but does not provide mixed drink liquor sales.

*Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the content of the information as sent and received.

*Top Cap* is a horizontal element of a wood fence included to cover the top end of pickets and posts. A privacy fence with a top cap is commonly referred to as a cap and trim fence.

*Tower or tower structure* means a fixed, freestanding or guyed, uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are by way of example but not limitation, towers or tower structures: guyed or freestanding monopole structures, lattice or open framed structures, antennae sports, water towers, and other similar self-supporting, trussed, or open framed structures.

*Zoning board of adjustment* means a board appointed by the council that is responsible for certain zoning items, as provided in the zoning regulations and applicable state law.

*Zoning official* means the person appointed by council to administer and enforce the zoning regulations of the city.

**Secs. 77-4—77-24. Reserved.”**

Section 3. Chapter 77 of the Code of Ordinances of the City of Manvel, and same also being the Zoning Ordinance of the City, is hereby amended by amending Article II to read and provide as follows:



## **“Chapter 77 - ZONING**

...

### **ARTICLE II. DISTRICT REGULATIONS**

#### **Sec. 77-25. - Official zoning map; establishment of districts and boundaries.**

(a) Official zoning map. The boundaries of the zoning districts of the city are shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article.

This official zoning map shall be identified by the signature of the mayor, attested by the city secretary and shall be on file in the office of the city secretary.

If changes are made in zoning district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the council.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this article. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this article.

(b) For the purposes of this chapter, the city is hereby divided into districts, as follows:

|                 |                                                       |
|-----------------|-------------------------------------------------------|
| District O-SFR: | Open-Single-Family Residential                        |
| District SFR:   | Single-Family Residential                             |
| District PUD:   | Planned Unit Development (underlying zoning controls) |
| District MF:    | Multi-family                                          |
| District LC:    | Light Commercial                                      |
| District HC:    | Heavy Commercial                                      |
| District HCMH:  | HUD-Code Manufactured Home                            |
| District HMU:   | Highway Mixed Use                                     |

(c) Rezoning.



(1) Rezoning is the process of changing the zoning designation of a lot or parcel on the official zoning map from one zoning district to another.

(2) Rezoning shall conform to the provisions and requirements of Chapter 211 of the Texas Local Government Code, the City of Manvel Comprehensive Plan, and this Zoning Ordinance.

(3) Applications for a rezoning shall be on a form approved by the Zoning Official and may be initiated by motion of the City Council or by Petition of the owner(s) of the property which is the subject of the proposed zoning change.

(4) Applications for rezoning shall be accompanied with detailed legal description, survey, or plat.

(5) The City Engineer may require a traffic impact study for rezoning proposals that may result in increased traffic volumes with significant impact on the capacity and/or safety of the street system.

#### **Sec. 77-26. - Permitted uses.**

(a) Use of land and building. Buildings, structures, land, or premises shall be used only in accordance with the uses specifically permitted in the zoning district classification for the site subject to compliance with parking regulations, height, and area requirements, special conditions and other requirements of the zoning ordinance.

(b) Permitted use table. The permitted uses in each specific zoning district are shown by means of symbols in the permitted use tables as follows.

The letter "P" in the zoning district column opposite the listed permitted use means the use is permitted as a use of right in that district. The letter "S" in the zoning district column opposite the listed use means the use is permitted in that zoning district only by obtaining a specific use permit as set forth in [section 77-50](#). No primary use shall be permitted in any district unless the letter "P" or the letter "S" appears opposite the listed permitted use. The letter "O" in the zoning district column means that the permitted use is for office functions only.

Parking requirements are in [section 77-45](#).

(c) Uses not listed. Primary uses not listed in the permitted use table may be permitted by the zoning official in any district where similar uses are permitted. The function and location requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with the permitted uses in the district, and similar in traffic-generating capacity, noise, vibration, dust, odor, glare and heat producing circumstance.

(d) Accessory use. A use which is customarily incidental to that of the primary existing use, which is located on the same lot or premises as the primary existing use and which has the same zoning district classification shall be permitted as an accessory use without being separately listed as a permitted use.



(e) North American Industry Classification System (NAICS) Codes. The activity descriptions in the (2007) NAICS Codes prepared by United States Executive Office of the president, office of management and budget, ( [www.census.gov/eos/www/naics/index.html](http://www.census.gov/eos/www/naics/index.html) ) shall be used to determine the primary establishment uses when reference is made to the tables to a designated standard industrial classification. Annually, staff shall determine if the manual has been revised. If the manual has been revised, such revisions and changes will be summarized in a written report and presented to the planning commission. The commission will make recommendations to the council regarding adoption of the revised changes to the zoning ordinance permitted uses.

(f) Permitted Use Table.

Legend:

|      |                                |
|------|--------------------------------|
| OSFR | Open-Single-Family Residential |
| SFR  | Single-Family Residential      |
| MF   | Multi-family                   |
| LC   | Light Commercial               |
| HC   | Heavy Commercial               |
| HCMH | HUD-Code Manufactured Homes    |
| HMU  | Highway Mixed Use              |
| P    | Permitted use                  |
| S    | Specific use permit required   |
| O    | Office function only           |



| USE                                                                     | OSFR | SFR | LC | HC | MF | HCMH | HMU |
|-------------------------------------------------------------------------|------|-----|----|----|----|------|-----|
| Adult entertainment business <sup>1</sup>                               |      |     |    | S  |    |      |     |
| Game room <sup>1</sup>                                                  |      |     |    | S  |    |      |     |
| 111 Crop production                                                     | P    |     |    |    |    |      | P   |
| 112 Animal production                                                   | P    |     |    |    |    |      | P   |
| 115 Support activities for agriculture and forestry                     |      |     | O  | P  | O  |      | O   |
| 21 Mining, quarrying and oil and gas extraction                         | S    | S   | S  | S  | S  | S    | S   |
| 22 Utilities                                                            |      |     | O  | S  | O  |      | O   |
| 236 Construction of buildings                                           |      |     | O  | P  | O  |      | O   |
| 237 Heavy and civil engineering construction                            |      |     | O  | P  | O  |      | S   |
| 237130 Power and communication line and related structures construction | S    | S   | S  | S  | S  | S    | S   |
| 238 Specialty trade contractors                                         |      |     | O  | P  | S  |      | O   |
| 311 Food manufacturing                                                  |      |     | O  | P  | O  |      | O   |



|                                                |  |  |   |   |   |  |   |
|------------------------------------------------|--|--|---|---|---|--|---|
| 311811 Retail bakeries                         |  |  | P | P | P |  | P |
| 3121 Beverage manufacturing                    |  |  | S | P | S |  | S |
| 313 Textile mills                              |  |  | O | P | O |  | O |
| 314 Textile product mills                      |  |  | O | P | O |  | O |
| 315 Apparel manufacturing                      |  |  | S | P | S |  | S |
| 316 Leather and allied product manufacturing   |  |  | S | P | S |  | S |
| 321 Wood products manufacturing                |  |  | O | P | O |  | O |
| 321999 All other misc. wood                    |  |  | S | P | S |  | S |
| 322 Paper manufacturing                        |  |  | O | P | O |  | O |
| 323 Printing and related support activities    |  |  | P | P | P |  | P |
| 324 Petroleum and coal products manufacturing  |  |  | O | S | O |  | O |
| 325 Chemical manufacturing                     |  |  | O | S | O |  | O |
| 326 Plastics and rubber products manufacturing |  |  | O | S | O |  | O |



|                                                                 |  |  |   |   |   |  |   |
|-----------------------------------------------------------------|--|--|---|---|---|--|---|
| 327 Nonmetallic mineral products manufacturing                  |  |  | O | S | O |  | O |
| 331 Primary metal manufacturing                                 |  |  | O | S | O |  | O |
| 332 Fabricated metal product manufacturing                      |  |  | O | S | O |  | O |
| 333 Industrial machinery manufacturing                          |  |  | O | S | O |  | O |
| 334 Computer and electronic product manufacturing               |  |  | O | P | O |  | O |
| 335 Electrical equipment, appliance and component manufacturing |  |  | O | P | O |  | O |
| 336 Transportation equipment manufacturing                      |  |  | O | S | O |  | O |
| 337 Furniture and related product manufacturing                 |  |  | O | P | O |  | O |
| 339 Miscellaneous manufacturing                                 |  |  | O | P | O |  | O |
| 42 Wholesale                                                    |  |  | O | P | O |  | O |
| 441 Motor vehicle and parts                                     |  |  | S | S | S |  | S |
| 442 Furniture and home                                          |  |  | P | P | P |  | P |



|                                                              |  |  |   |   |   |  |   |
|--------------------------------------------------------------|--|--|---|---|---|--|---|
| furnishing stores                                            |  |  |   |   |   |  |   |
| 443 Electronics and appliance stores                         |  |  | P | P | P |  | P |
| 444 Building material, garden equipment and supplies dealers |  |  | P | P | P |  | P |
| 445 Food and beverage stores                                 |  |  | P | P | P |  | P |
| 445120 Convenience stores <sup>1</sup>                       |  |  | S | S | S |  | S |
| 446 Health and personal care stores                          |  |  | P | P | P |  | P |
| 447 Gasoline stations <sup>1</sup>                           |  |  | S | S | S |  | S |
| 448 Clothing and clothing accessories stores                 |  |  | P | P | P |  | P |
| 451 Sporting goods, hobby, book and music stores             |  |  | P | P | P |  | P |
| 452 General merchandise stores                               |  |  | P | P | P |  | P |
| 452990 All other general merchandise stores <sup>1</sup>     |  |  | S | S | S |  | S |
| 453 Misc. store retailers                                    |  |  | P | P | P |  | P |
| 45393 Manufactured (mobile) home dealers                     |  |  | S | S | S |  | S |
| 453991 Tobacco stores                                        |  |  | S | S | S |  | S |



|                                                                    |  |  |   |   |   |  |   |
|--------------------------------------------------------------------|--|--|---|---|---|--|---|
|                                                                    |  |  |   |   |   |  |   |
| 454 Non-store retailers                                            |  |  | S | P | S |  | S |
| 48 Transportation and warehousing                                  |  |  | O | P | O |  | O |
| 491 Postal Service                                                 |  |  | P | P | P |  | P |
| 492 Couriers and messengers                                        |  |  | S | P | S |  | S |
| 493 Warehouse and Storage                                          |  |  | S | P | S |  | S |
| 51 Information                                                     |  |  | S | P | S |  | S |
| <u>52</u> Finance and insurance                                    |  |  | P | P | P |  | P |
| 522291 Consumer lending                                            |  |  |   | P |   |  |   |
| 522298 All other nondepository credit intermediation               |  |  |   | S |   |  |   |
| 531 Real estate                                                    |  |  | P | P | P |  | P |
| 53112 Lessors of nonresidential buildings (except mini warehouses) |  |  | P | P | P |  | P |
| 53113 Lessors of mini                                              |  |  | S | P | S |  | S |



|                                                               |   |   |   |   |   |   |   |
|---------------------------------------------------------------|---|---|---|---|---|---|---|
| warehouses and self-storage units                             |   |   |   |   |   |   |   |
| 5321 Automotive and equipment rental                          |   |   | S | P | S |   | S |
| 5322 Consumer good rental                                     |   |   | P | P | P |   | P |
| 532292 Recreational Goods Rental                              |   |   | S | P | S |   | S |
| 5323 General rental centers                                   |   |   | S | P | S |   | S |
| 5324 Commercial and industrial machinery and equipment rental |   |   | O | P | O |   | O |
| 54 Professional, scientific, and technical services           |   |   | P | P | P |   | P |
| 5412 Accounting, tax preparation, bookkeeping and payroll     |   |   | P | P | P |   | P |
| 54194 Veterinary services                                     |   |   | P | P | P |   | P |
| 55 Management of companies and enterprises                    |   |   | P | P | P |   | P |
| 561 Administrative and support services                       |   |   | P | P | P |   | P |
| 562 Waste management and remediation services                 |   |   | O | P | O |   | O |
| 6111 Elementary and secondary schools                         | S | S | S | S | S | S | S |

|                                                            |   |   |   |   |   |   |   |
|------------------------------------------------------------|---|---|---|---|---|---|---|
| 6112 Junior colleges                                       | S | S | S | S | S | S | S |
| 6113 Colleges, universities, and professional schools      | S | S | S | S | S | S | S |
| 6114 Business schools and computer and management training |   |   | S | S |   |   | S |
| 6115 Technical and trade schools                           |   |   | S | S |   |   | S |
| 6116 Other schools and instruction                         |   |   | S | S | S |   | S |
| 6117 Educational support services                          |   |   | P | P | P |   | P |
| 621 Ambulatory health care services <sup>1</sup>           |   |   | S | S | S |   | S |
| 622 Hospitals <sup>1</sup>                                 |   |   | S | S | S |   | S |
| 623 Nursing and residential care facilities <sup>1</sup>   |   |   | S | S | S |   | S |
| 623990 Other residential care facilities                   | S | S | S | S | S | S | S |
| 624 Social assistance                                      |   |   | P | P | P |   | S |
| 6244 Child day care services                               |   |   | P | P | S |   | S |



|                                                        |   |   |   |   |   |   |   |
|--------------------------------------------------------|---|---|---|---|---|---|---|
| 71 Arts, entertainment, and recreation                 |   |   | P | S | P |   | P |
| 713 Amusement, gambling, recreation industries         |   |   | S | S | S |   | S |
| 713940 Fitness and Sports Centers                      |   |   | P | P | P |   | P |
| 713990 All other amusement and recreational industries | S | S | S | S | S | S | S |
| 721 Accommodations                                     |   |   | S | S | S |   | S |
| 7212 RV parks and recreational camps                   |   |   | S | S | S |   | S |
| 721191 bed and breakfast                               | S | S | S | S | S | S | S |
| 722 Food services and drinking places                  |   |   | P | P | P |   | P |
| 72233 Mobile food services                             |   |   | S | S | S |   | S |
| 7224 Drinking places (alcoholic beverages)             |   |   | S | P | S |   | S |
| 8111 Automotive repairs and maintenance                |   |   | S | P | S |   | S |
| 811122 Automotive glass replacement shop               |   |   | P | P | P |   | P |
| 8112 Electronic and precision equipment                |   |   | P | P | P |   | P |

|                                                                                                  |   |   |   |   |                |                |   |
|--------------------------------------------------------------------------------------------------|---|---|---|---|----------------|----------------|---|
| repair and maintenance                                                                           |   |   |   |   |                |                |   |
| 8113 Commercial and industrial machinery and equipment (except automotive and electronic repair) |   |   |   | P |                |                |   |
| 8114 Personal and household goods repair and maintenance                                         |   |   | S | P | S              |                | S |
| 812 Personal and laundry services                                                                |   |   | P | P | P              |                | P |
| 812113 Nail salons                                                                               |   |   | S | S | S              |                | S |
| 81219 Other personal care services                                                               |   |   | S | S | S              |                | S |
| 812210 Funeral homes and funeral services                                                        |   |   | S | P | S              |                | S |
| 812220 Cemeteries and crematories                                                                | S | S | S | S | S              |                | S |
| 813110 Religious organizations                                                                   | S | S | S | S | S              | S              | S |
| 813410 Civil and social organizations                                                            | S | S | S | P | S              |                | S |
| 814 Private households                                                                           | P | P |   |   | P* See § 77-30 | P* See § 77-34 | P |



|                                                                             |   |   |   |   |   |   |   |
|-----------------------------------------------------------------------------|---|---|---|---|---|---|---|
| 92 Public administration                                                    | P | P | P | P | P | P | P |
| <sup>1</sup> See Section 77-50. – Uses Requiring Specific Use Permit (SUP). |   |   |   |   |   |   |   |

For business descriptions visit the NAICS website.

<http://www.census.gov/eos/www/naics/>

2007 NAICS

**Sec. 77-27. - Open-single-family residential (~~[O-SRF]~~ O-SFR) district.**

(a) Land uses allowed. Uses permitted in the open-single-family residential (O-SFR) district, are set forth in section 77-26(f), permitted use table. Only one single-family detached residence is permitted per platted lot, tract or parcel.

(b) Minimum lot size.

(1) The minimum lot area is one acre.

(2) The minimum front lot width is 120 feet measured at the front setback line.

(3) Minimum lot size exemption. Existing conforming lots that becoming non-conforming due to reduced lot area resulting from required right-of-way dedication for development shall be considered a conforming lot if:

a. The resulting reduced lot area is not less than 0.85 acres, and

b. For lots not served by public water and sewer system, the reduction in lot area does not restrict installation of an on-site sewage facility in conformance to Article IV.- On-site Sewage Facilities of the City of Manvel Code of Ordinances.

(c) Setbacks, minimum.

(1) Principal structure. The minimum front yard setback shall be 25 feet. The minimum side, corner side and rear yard setbacks shall be 20 feet.

(2) Accessory structure. The minimum side, corner side and rear yard setback shall be ten feet.

(d) Parking. A minimum of one off-street parking space is required per dwelling unit.

(e) Maximum building height. The maximum height of any building in the open single-family residential district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.

**Sec. 77-28. - Single-family residential (SFR) district.**

(a) Land uses allowed. Uses permitted in the single-family residential (SFR) district, are set forth in [section 77-26\(f\)](#), permitted use table. Only one single-family detached residence is permitted per platted lot, tract or parcel.

(b) Minimum lot size.

(1) Minimum lot area is 6,300 square feet.

(2) The minimum front lot width is 60 feet measured at the front setback line.

(3) Minimum lot width for a cul-de-sac lot is 20 feet measured at the street edge and 60 feet measured at the setback line.

(c) Setbacks, minimum.

(1) Front yard: The minimum front yard setback shall be 25 feet.

(2) Side yard: The minimum side yard setback shall be five feet.

(3) Corner side yard: The minimum corner side yard setback shall be ten feet.

(4) Rear yard: The minimum rear yard setback shall be 15 feet for the principal structure.

(5) Accessory structure. The minimum side and rear yard setback shall be five feet and corner side setback shall be ten feet. Accessory structures shall not extend past the front line of the principal structure.

(d) Parking. A minimum of one off-street parking space in an enclosed garage is required per dwelling unit.

(e) Maximum building height. The maximum height of any building in the open-single-family residential district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.

**Sec. 77-29. - Planned unit development (PUD) district.**

(a) Purpose. The purpose of a planned unit development district (PUD) is to promote diversity and creativity in site design. The PUD process is provided as an option to encourage unique developments which may combine a mixture of residential and non-residential land uses and building functions. The PUD allows flexibility in the application of development standards by permitting departures from the conventional siting, setback, and density requirements of a particular zoning district in the interest of achieving site development not otherwise possible.

The purpose of the PUD is to:



- (1) Encourage greater innovative design for new development;
- (2) Allow for a mixture of compatible land use and building functions;
- (3) Promote the highest and best use of the land;
- (4) Protect open space and areas identified as needing additional review based on environmental conditions;
- (5) Facilitate adequate provisions for roads and public facilities;
- (6) Promote alternative transportation methods for circulation and connectivity;
- (7) Protect and enhance natural, historic, and traditional community features; and
- (8) Promote a physical form in the community that supports the vision of the city.

By allowing flexibility in the application of development standards, this process will promote developments that will benefit both the citizens that live, work, and play within the city and visitors coming to the city.

All PUD applications shall be developed in compliance with the standards of the major thoroughfare plan, the city's comprehensive plan and vision statement. The future land use element of the comprehensive plan shall also be considered in all PUD applications. A planned unit development manual ("PUD Manual") establishing the procedural process and requirements for application and approval of a PUD may be adopted and amended from time to time by resolution of the council.

(b) Effect of ordinance on prior PUD approvals. The ordinance from which this section was derived and the city's PUD manual shall not apply to any PUD application approved by council prior to the city's adoption of the ordinance from which this section was derived. In the event that a previously approved PUD is modified or requires a series of approvals, the application or modification will be evaluated under the rules in effect of the time of the original to the extent required by V.T.C.A., Government Code ch. 245, as amended, or other municipal ordinance.

(c) Underlying zoning. PUDs are created as an overlay district and the underlying zoning classification shall remain in place. The establishment of a PUD overlay district will supersede the underlying zoning classification unless the PUD expires or is terminated; in which case the underlying zoning classification and related regulations will be enforced. PUDs may be located in any zoning districts, pursuant to the terms and provisions of the ordinance from which this section was derived.

(d) PUD development size requirements. All PUDs shall meet the size requirements listed in Table 77-29.1. All land within a PUD shall be contiguous unless divided by an existing railroad or publicly owned or regulated right-of-way.

Table 77-29.1. PUD Minimum/Maximum Acreage Requirements

| Planned Unit Development Project Size | Project Acreage<br>Not Less Than: | Project Acreage<br>Not More Than: |
|---------------------------------------|-----------------------------------|-----------------------------------|
| Small PUD Development                 | 10 acres                          | 40 acres                          |
| Medium PUD Development                | 40 acres                          | 160 acres                         |
| Large PUD Development                 | 160 acres                         | Not Applicable                    |

(e) Eligible applicants. PUD applications may be initiated by a property owner(s) or the city. If the ownership of the land is not under a single ownership, then all owners shall either join in the application or provide a letter of consent to submit with the PUD application. In the event the city is the applicant for a PUD, consent of the property owners is not required.

(f) PUD approval process. All PUDs shall meet the detailed requirements listed in the PUD manual and are summarized below:

(1) Pre-application conference. Prior to the submittal of a PUD application, the applicant shall attend a pre-application meeting with the development review committee (DRC).

(2) Formal application submittal. The applicant shall file a formal submittal of the PUD application and accompanying documentation to the city.

(3) Planning commission review. The planning commission will conduct a public hearing on all completed PUD applications in accordance with public notification procedures contained in V.T.C.A., Government Code ch. 211, as it may be amended. Prior to consideration of the PUD application by council, the planning commission will provide its final report recommendation to council for action.

(4) Final approval. Council is the final decision making authority for all PUD applications. Following the receipt of the final report from the planning commission, council shall consider the application in accordance with V.T.C.A., Government Code ch. 211, as it may be amended.

(5) PUD review criteria. A PUD application shall be evaluated based on the following criteria:

- a. The proposal is unique in design to warrant the use of a PUD and the development is not possible using the existing zoning regulation of the property;



- b. The project depicts creative land development, providing a variety in the development patterns of the city which conform to the intended purpose of the city's comprehensive plan and vision statement;
- c. Mixed uses and building functions if proposed shall be complementary, and pose minimal impact to adjacent uses or functions;
- d. Development within the PUD encourages the use of alternative transportation circulation between structures and open spaces, including pedestrian and bicyclist;
- e. Landscaping areas shall visually enhance the structures within the development and conform to the city's comprehensive plan and vision statement; and
- f. The proposed project is in compliance with the minimum development requirements described in the PUD Manual.

(g) Administration. The council shall administer the provisions of this section. Council, or its designated agent, may prepare or modify development policies or minimum standards within the PUD Manual deemed essential to the effective administration of this section.

The city reserves the right to waive one or more of the required items of a PUD application as deemed necessary due to the size of the PUD, proposed use, or availability of existing infrastructure in the immediate area; and retains the authority to request additional information deemed necessary to provide a thorough review of the application.

(h) Zoning map. Every PUD approval shall be considered an amendment to the zoning ordinance for the property involved, and as such will be indicated on the official city zoning map with the approval date and ordinance number.

(i) Modification of approved PUDs. A modification of an approved PUD which does not deviate more than ten percent from the approved table of land use acreage and/or building function square footage, may be reviewed and action taken by the planning commission without further action by council. Requests for modification of an approved PUD shall be considered in accordance with the procedures outlined in the PUD Manual.

(j) Monitoring PUD development. The owner or owner's designee shall submit an annual progress report to the city on the PUD anniversary date (the date of final approval of the PUD). The progress report shall provide the percentage of project completed, expected completion date of uncompleted portion, and status of the development.

In the event the owner or designee fails to provide the annual progress report, all permits and plat recordation approval may be frozen and no further permits will be issued or recordation of plats allowed. Should the owner fail to submit the required progress report, the planning commission may consider recommending to the council that the PUD be terminated. If the council determines that an approved PUD is not being developed in accordance with the conditions of approval, the council may terminate the PUD.

(k) PUD approval. PUD approvals shall be valid from the date of council approval in the following manner: a small PUD shall be valid for four years; a medium PUD shall be valid for eight years; and a large PUD shall be valid for 12 years. All development of a PUD must be completed within the original approved timeframe.

(l) Extension of PUD approval. PUD extensions may be requested if the project is not completely constructed by the end of the original approval timeline in accordance with the PUD Manual. The owner or designee may apply for multiple two-year extensions provided that building permits have been issued or subdivision plats have been recorded within the time limit of approval. Extensions shall be requested for and approved prior to the expiration of the original PUD approval.

(m) Dedications and improvements.

(1) All public dedications and improvements, including (but not limited to) rights-of-way, easements, streets and roads, alleys, pedestrian way, bikeways, sidewalks, storm drainage facilities, sewer systems, and water and electrical distribution systems, shall be provided in accordance with the requirements of this Code and the PUD Manual.

(2) In conjunction with the open space requirements in [section 62-109](#), each PUD shall dedicate a public safety site to the city for future municipal uses. The amount of acreage required is specified in the PUD Manual.

(n) Issuance of permits. The approval of a subdivision plat, or the issuance of building or other development permits for the development of an approved PUD may be delayed or issued contingent upon the applicant's providing for adequate access, storm drainage facilities, water and sanitary sewer supply systems, and electrical power supply systems.

(o) Open planned unit development (O-PUD).

(1) Development plan. Any property that is currently zoned under the former open planned unit development (O-PUD) district may be developed according to the development plan approved by the council upon recommendation by the planning commission.

a. At a minimum, a development plan shall include the following:

1. Scale;
2. North arrow;
3. Owner, applicant, engineer, architect and surveyor information;
4. Name of title of project;
5. Property lines;
6. Existing and proposed easements and rights of way;



7. Roads, driveways, sidewalks, parking, loading areas, and water bodies;
8. Trash receptacle areas;
9. All proposed land uses, buildings and structures;
10. Façade treatments;
11. Area map of adjacent uses;
12. Existing trees (tree survey for all trees over four-inch caliper);
13. Proposed landscaping including plant materials, location, and plant sizes;
14. Open spaces, parks, trails;
15. Signage plans including sign locations, materials, colors, and dimensions of such signs;
16. Detention areas;
17. Lighting plans; and
18. Identification of adequate water, sewer, and storm sewer facilities.

b. Setbacks—Setbacks shall be as specified in the development plan. There is no minimum setback.

c. Minimum development size or minimum lot size—There is no minimum project development size in the O-PUD district; there is no minimum lot size in the O-PUD district.

d. Maximum building height—The maximum height of any building in the O-PUD district shall not exceed 90 feet measured from the finished grade to the highest point of the roof, not including projections such as chimneys.

(2) [2]. Land uses. All uses allowed in the open single-family residential (O-SFR), single-family residential (SFR), and light commercial (LC) district shall be allowed in O-PUD.

(3) [3]. Recommendation. The planning commission shall make a recommendation to the council on whether to approve or deny the open planned unit development plan. In order for the open planned unit development plan to be approved, the council must adopt an ordinance which includes all pertinent written and graphic maps and materials identifying the development project.

(4) [4]. Open planned unit development plan conditions of approval. Plan approval in the O-PUD district is subject to conditions of approval by the planning commission and the council which are deemed necessary to make the project in conformance with the required findings of approval.

(5) [5]. Findings of approval. In order for an open planned unit development plan to be approved in the O-PUD district, the planning commission and the council must make written findings that the development conforms with the following findings of approval:

- a. Development within the district encourages pedestrian circulation between structures and open spaces;
- b. Where a mixture of uses are planned within the district, they shall be complementary in function, shall encourage complementary use, and shall be planned to pose minimal impact on each others quality of life;
- c. Vehicular circulation within the district shall be pedestrian friendly, emphasizing slow vehicular speeds, and safe crosswalks where necessary;
- d. Development within the district shall emphasize professionally designed, constructed, and maintained landscape areas with shaded pedestrian gathering areas, landscaped parking lots, and landscaping which visually enhances all structures within the district;
- e. Open space, either active or passive, shall be included and shall be designed and located in a manner to best serve the prospective users;
- f. Signage within the district shall comply with all city regulations governing signs, shall not compete with view of buildings, shall not impede pedestrian or vehicular flow, and shall use natural products to the greatest extent possible;
- g. Development within the zone shall be visually and functionally compatible with surrounding developed property.

(6) [6]. Future revisions. Future revisions to the open planned unit development plan may only be approved following a recommendation by the planning commission and adoption of an ordinance by council.

**Sec. 77-30. - Multi-family (MF) district.**

(a) Land uses allowed. Uses permitted in a MF, multi-family district, are set forth in [section 77-26\(f\)](#), permitted use table. This is the only district permitting apartments as a permitted use.

(b) Setbacks, minimum.

(1) All setbacks adjacent to a street shall be a minimum of 25 feet.

(2) Rear or side yard setbacks not adjacent to a street shall be a minimum of 15 feet and ten feet for accessory structures.

(c) Density.

(1) Apartment density. Apartments shall have a maximum density of 15 units per gross acre.



(2) Condominiums, townhomes, and patio homes shall have a maximum density of seven units per gross acre.

(d) Maximum building height. The maximum height of any building in the multifamily district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.

**Sec. 77-31. - Light-commercial (LC) district.**

(a) Land uses allowed. Uses permitted in a LC, light-commercial district, are set forth in [section 77-26\(f\)](#), permitted use table.

(b) Minimum lot size.

(1) The minimum lot width is 60 feet measured at the setback line.

(2) The minimum lot depth is 100 feet measured at the setback line.

(c) Setbacks.

(1) Minimum front yard setback is 25 feet.

(2) Minimum rear yard setback is ten feet.

(3) Minimum side yard and corner side yard is five feet.

(4) Accessory structure. A minimum side and rear yard setback of five feet and corner side setback of ten feet. Accessory structures shall not extend past the front line of the principal structure.

(d) Maximum building height. The maximum height of any building in the light commercial district may not exceed 60 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.

(e) Open storage and display of new or used cars for sale shall only be permitted where in compliance with [section 77-52](#).

**Sec. 77-32. - Heavy-commercial (HC) district.**

(a) Land uses allowed. Uses permitted in a HC, heavy-commercial district, are set forth in [section 77-26\(f\)](#), permitted use table.

(b) Lot size. The minimum lot size is one acre with 120 feet of frontage.

(c) Setbacks. A minimum front yard setback of 25 feet is required. The minimum side and rear yard setback shall be 20 feet. Accessory structures shall not extend past the front line of the principal structure. A minimum side, corner side, and rear yard setback of 10 feet shall be required.

(d) Maximum building height. The maximum height of any building in the heavy commercial district shall not exceed 70 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.

(e) Open storage and display of new or used cars for sale shall only be permitted where in compliance with [section 77-52](#).

#### **Sec. 77-33. - Commercial activities; garage sales.**

(a) Permanent structure required. Except as herein provided, every business within the city must be operated out of a permanent, stationary, site-built building.

(b) Restroom facilities. Every business within the city must provide permanent restroom facilities on-site available for use by the customers of that business. These facilities shall be located within the same building as the business. Restroom facilities shall be in compliance with all applicable state, county and city building and health code provisions, including restroom facilities for handicapped individuals, for the size and type of business to be conducted at that location.

(c) Garage sales. Garage sales shall be allowed at private residences as provided in this section.

(1) As used herein, the term "garage sale" also referred to by such names as "back yard sale," "estate sale," "yard sale," or "porch sale," shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes. "Occupant" shall mean either the owner-occupant of the premises whereon such sale is to be conducted, or the tenant of the owner, provided such tenant is actually residing upon such premises, and dependent members of the immediate family of such owner, occupant, or tenant.

(2) Garage sale regulations. No person other than the occupant shall conduct a garage sale. No permit or fee shall be required however there shall be a maximum of six garage sales per calendar year. No garage sale shall be conducted for a period in excess of 72 consecutive hours.

(3) The garage sale shall be conducted in such a manner by the occupant so as not to create a disturbance or become a traffic hazard or nuisance in the neighborhood.

#### **Sec. 77-34. - HUD-Code manufactured home (HCMH) district.**

In addition to any city regulations of mobile homes and HUD-Code manufactured homes, the following regulations shall also apply in the HUD-Code manufactured district:

(1) Existing mobile homes. An existing mobile home may only be replaced by a HUD-Code manufactured home, as defined by these regulations;



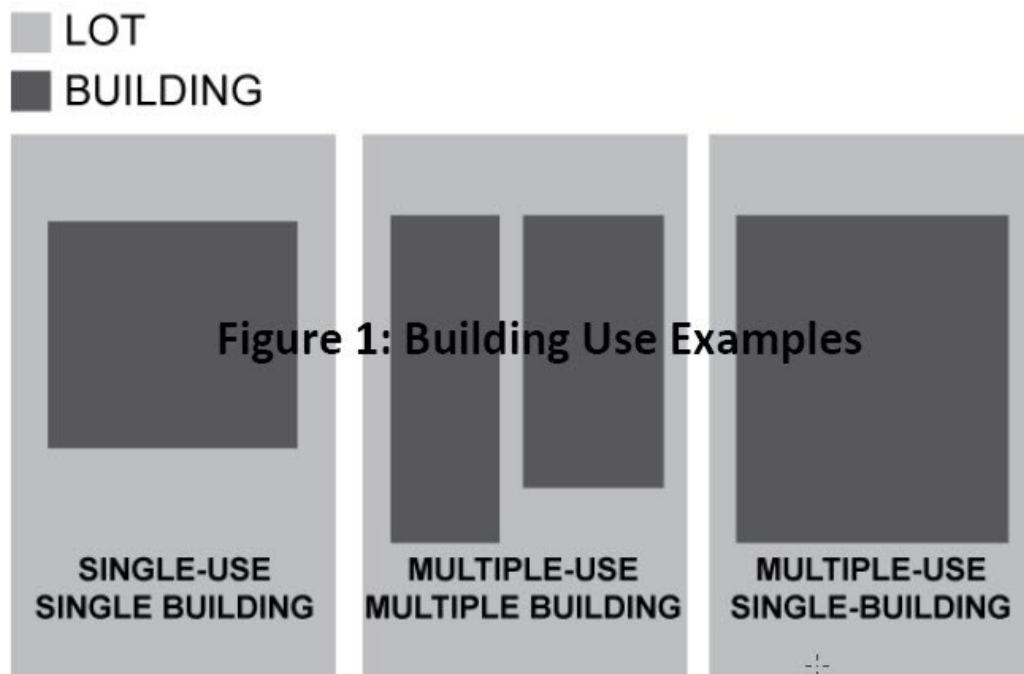
- (2) Non HUD-Code manufactured homes. Mobile homes that are not HUD-Code manufactured homes may not be installed within the city;
- (3) Lots that have a primary building. HUD-Code manufactured homes shall not be permitted as accessory buildings on a lot, which has a primary building;
- (4) Lots with other residences. HUD-Code manufactured homes shall not be located on a lot with any other residence;
- (5) Compatibility. Skirting or screening materials shall be compatible with the design of the HUD-Code manufactured home;
- (6) Attachment. Skirting or screening materials shall be attached to the HUD-Code manufactured home to prevent the passage of animals beneath the home;
- (7) Removal. Tires, wheels, axles, towing and like mechanisms shall be removed from the HUD-Code manufactured home and placed out of sight of the public;
- (8) Land uses allowed. Uses permitted in a HCMH, HUD-Code manufactured home district, are set forth in [section 77-26\(f\)](#), permitted use table. This is the only district permitting HUD-Code manufactured homes as a permitted use.
- (9) Maximum building height. The maximum height of any building in the HUD-code manufactured home district shall not exceed 40 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys;
- (10) Parking. A minimum of one off-street parking space is required per dwelling unit;
- (11) Minimum lot size.
- a. The minimum lot width is 120 feet measured at the setback line.
  - b. The minimum lot area is one acre.
- (12) Setbacks, minimum.
- a. Front yard: 25 feet.
  - b. Side yard: five feet.
  - c. Corner side: 10 feet.
  - d. Rear yard: 15 feet for the principal structure.
  - e. Accessory structure: Five feet for the side and rear yard and ten feet for the corner yard. An accessory structure may not extend past the front line of the principal structure.

(13) Replacement. Replacement of existing mobile homes or HUD-Code manufactured homes. Nothing in this section shall preclude the replacement of an existing mobile home or HUD-Code manufactured home in any zoning district with a HUD-Code manufactured home. The mobile home or HUD-Code manufactured home that is being replaced shall be removed within 30 days from placement of the new HUD-Code manufactured home.

**Sec. 77-35. - Highway mixed-use (HMU) district.**

(a) Purpose. The purpose of the highway mixed-use district (HMU) is to allow a mixture of residential and non-residential development along state highways or farm-to-market roads, as designated by the Texas Department of Transportation, either as a single use or multiple-uses within the same building or located on the same lot (see Figure 1: Building Use Examples). It is the intent of this section to allow a use in existence at the time that the HMU is adopted to remain as a conforming building use, even if the use was non-conforming in the existing zoning district prior to the adoption of the HMU.

**Figure 1: Building Use Examples**



(b) Location. Properties with the zoning designation of HMU district must be located adjacent to at least one side of a state highway or farm-to-market road. To be eligible to be zoned or rezoned as HMU, a property must be within 700 feet from the state highway or farm-to-market road right-of-way line. In the event a parcel is bisected by the 700 foot distance limitation, the current zoning district will remain in place for the portion of the parcel that is located outside the HMU. However, when considering specific parcel physical characteristics such as size, width, and shape or physical barriers such as, but not limited to, drainage facilities within or adjacent to specific parcels, the council may deviate from the 700-foot distance, either less or more, to accommodate parcel-specific



characteristics. Additionally, when considering multiple contiguous parcels under the same ownership, with at least one parcel being adjacent to one side of a state highway or farm-to-market road, the council may deviate from the required adjacency of all parcels to accommodate the multiple contiguous parcels and single ownership characteristic.

(c) Land uses allowed. Uses permitted in a HMU, highway mixed-use district, are set forth in [section 77-26\(f\)](#), Permitted use table. Only one single-family detached residence is permitted per platted lot, tract or parcel.

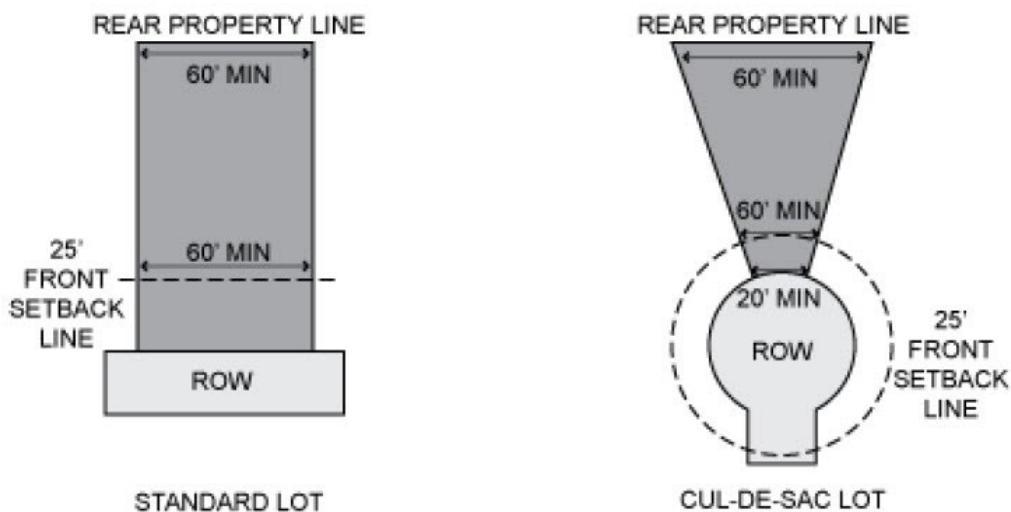
(d) Minimum lot size. (See Figure 2: Lot Size Measurements)

(1) The minimum lot area is 6,300 square feet.

(2) The minimum lot width is 60 feet measured as a straight line at all points between the front building setback line and the rear property line(s).

(3) The minimum lot width for a cul-de-sac lot is 20 feet measured at the street right-of-way (ROW) line and 60 feet measured as a straight line at all points between the front building setback line and the rear property line(s).

**Figure 2: Lot Size Measurements**



(e) Setbacks, minimum.

(1) Minimum front yard building setback is 25 feet measured as a straight line from the front property line.

(2) Minimum rear yard building setback is 15 feet for the principle building measured as a straight line from the rear property line.

(3) Minimum side yard building setback is ten feet measured as a straight line from any side property line.

(4) Minimum corner side yard building setback is ten feet measured as a straight line from the corner side street right-of-way.

(5) Minimum side and rear yard building setbacks for an accessory structure are five feet and the minimum corner side yard building setback is ten feet measured as a straight line from any side or rear property line. Accessory structures cannot extend past the front line of the principle building or between the building and the street ROW.

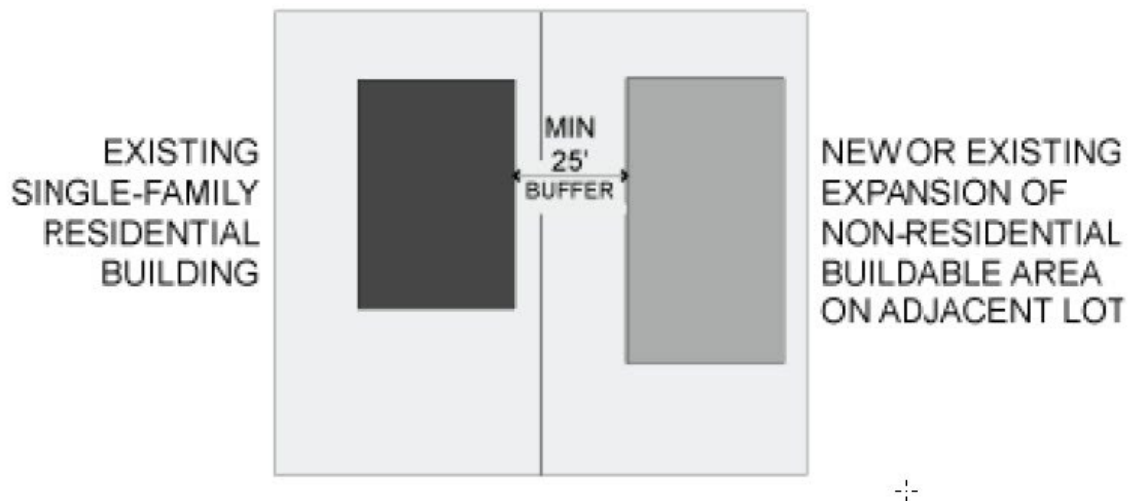
(f) Buffers for existing single-family residential.

(1) All new non-residential development or non-residential redevelopment or expansion is required to provide a minimum 25-foot wide open space buffer from all adjacent primary single-family residential buildings existing at the time the HMU is designated by council (see Figure 3: Single-Family Residential Buffer Example).

(2) Buffers required in subsection (f)(1) above, will no longer be required if:

- a. The pre-existing single-family building is expanded, and such floor area expansion or addition is greater than 35 percent of the original building square footage or greater than 800 square feet;
- b. The use of the pre-existing single-family building is completely changed to a non-residential use; or
- c. The pre-existing single-family building is removed completely.

**Figure 3: Single-Family Residential Buffer Example**





(g) Parking.

- (1) Refer to [section 77-45](#), parking, for on-site parking requirements for this section.
- (2) All new non-residential buildings within the HMU will locate parking behind the primary building but not between the primary building and the street ROW.

(h) Building height.

- (1) Maximum height for any single-family residential building will not exceed 40 feet measured from the finished grade to the highest point in the roof with a maximum of three stories, but not to include ancillary structures such as chimneys.
- (2) Maximum building height for any non-residential building will not exceed 60 feet measured from the finished grade to the highest point in the roof with a maximum of five stories, but not to include ancillary structures such as chimneys.
- (3) Maximum building height for any building containing a combination of residential and non-residential uses will not exceed 60 feet measured from the finished grade to the highest point in the roof with a maximum of five stories, but not to include ancillary structures such as chimneys.

**Sec. 77-36. - State Highway 6 overlay (SH-6) district.**

(a) Purpose. The purpose of the State Highway 6 (S.H. 6) overlay district is to manage critical visual elements and to promote future development that showcases S.H. 6 as a high-quality, mixed-use, multi-modal transportation corridor in Manvel. This overlay is intended to direct development in the S.H. 6 corridor toward compliance with the comprehensive plan.

As an overlay district, the requirements specified herein are in addition to the existing zoning districts, and as such, do not replace any current zoning or any specific requirements of the existing zoning districts.

(b) Location. The S.H. 6 overlay district will extend along S.H. 6 from the eastern city limit to the western city limit at a depth of 700 feet from the right-of-way along both sides of S.H. 6. In the event a parcel is bisected, the current zoning district will remain in place for the portion of the parcel that is located outside the S.H. 6 overlay district, and the S.H. 6 overlay requirements will not.

(c) Exterior building materials.

- (1) All building façades must be constructed of a minimum of 90 percent masonry materials on all non-transparent portions of all exterior walls. The percentage of masonry materials is calculated on a per façade basis. Permitted masonry materials include:

- a. Stone;

- b. Brick;
- c. Concrete;
- d. Hollow clay tile;
- e. Decorative concrete block or tile;
- f. Glass block;
- g. True stucco.

The use of any material that is not specified on the above permitted masonry materials list is prohibited.

(2) Up to the remaining ten percent of all exterior walls on non-transparent portions of the building may be constructed of materials not listed in the permitted masonry materials list but under no circumstances will the following prohibited materials be allowed:

- a. Sheet metal material; coated, galvanized, or uncoated with a metal thickness less than one-quarter inch;
- b. Smooth concrete masonry units (CMU) or block, painted or un-painted;
- c. Exterior insulation finish systems (EIFS);
- d. Plywood or oriented strand board (OSB).

(3) No more than 75 percent of any façade may consist of glass

(d) Parking.

(1) Refer to [section 77-45](#), parking.

(e) Dumpster/mechanical screening.

(1) Exterior trash receptacles and recycle bins should be located behind a building and not visible from S.H. 6. If an exterior trash receptacle or recycle bin cannot be located behind a building, it must be enclosed on all sides with screening material at least as high as the top of the receptacle/bin and composed of the same materials as used in the building façade. The enclosure gate must be of solid metal painted to match the color of the enclosure material(s).

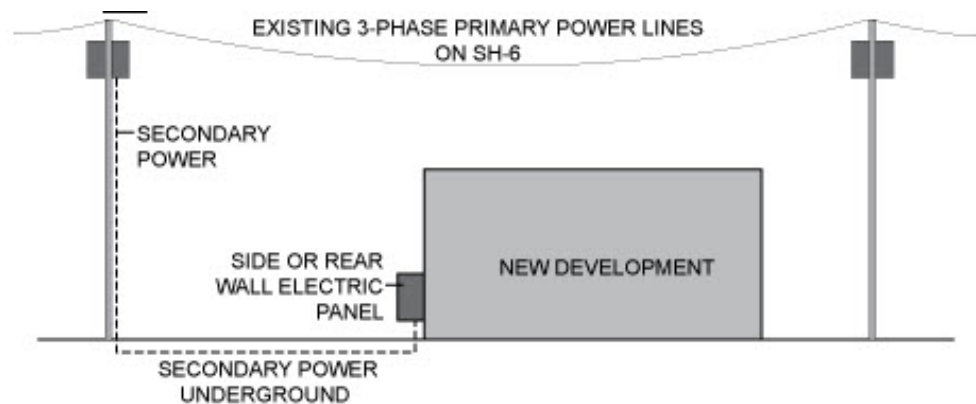
(2) All building systems and mechanical equipment must be screened from public view by being located at the rear of a building, on the roof out of public view, or fully screened by the same materials as used in the building façade.

(f) Electric, phone, utility and cable line location.



- (1) When determined by the utility provider as physically possible, all new three-phase (primary) overhead power lines will be located at the rear of new developed property.
- (2) Secondary power connections for new development and substantial improvement from existing power poles will be placed underground.
- (3) Electrical panel boxes will not be located on a building façade facing S.H. 6.

**Figure H.1: Electric, Phone, Utility, and Cable Line Location**



(g) Vehicular access and circulation.

(1) All developments must provide public access easements (PAE) allowing reciprocal travel between adjacent parcels that meet the following minimum standards:

- a. The PAE must be a minimum 25 feet in width;
- b. The PAE must be continuous between property lines;
- c. The PAE must be paved;
- d. No parking or loading activity within, or with direct access to, the 25-foot minimum PAE is permitted; and
- e. All PAEs within a property must connect to each other and a connection must also be made to any existing PAE located on the property line of an adjacent development.

(2) Perpendicular PAEs (providing circulation and access perpendicular to S.H. 6):

- a. All developments located within the S.H. 6 overlay district must provide at least one PAE, approximately perpendicular to S.H. 6, from the front property line to the rear property line if any part of the proposed development is more than 1,000 feet from either an existing

perpendicular PAE that intersects S.H. 6 or an existing paved public street that intersects S.H. 6.

b. Perpendicular PAEs must not be more than 1,000 feet apart.

(3) Parallel PAEs (providing circulation and access parallel to S.H. 6):

a. All developments within the S.H. 6 overlay district must provide at least one PAE, approximately parallel to S.H. 6; from one side property line to the opposite side property line located no more than 700 feet from S.H. 6.

b. Parallel PAEs are not required on parcels less than 300 feet deep from S.H. 6.

(4) In heavy commercial zones only, in lieu of a PAE, an emergency access easement (EAE) between adjacent properties is required and must meet the following standards:

a. The gates must be 20 feet wide, marked as emergency access, and equipped with a Knox box.

b. The EAE must be an improved hard surface incorporated into the fire lanes and able to accommodate emergency vehicles.

**Secs. 77-37, 77-38. - Reserved.**

**Sec. 77-39. - Prohibited land uses.**

Notwithstanding any other provision of this chapter to the contrary, the zoning official, the planning commission, and the zoning board of adjustment shall have no authority to rule that the following uses are allowed under any zoning district with the city; and the following uses are hereby explicitly prohibited:

(1) Mobile home;

(2) Manufactured homes in any district other than a manufactured home district.

**Sec. 77-40. - Underground utility lines.**

Utility lines serving new buildings or other facilities, including signs and outdoor lighting, outside of the utility easement, shall be placed underground from the building, sign, outdoor lighting, or other facility, prior to occupancy of a new building.

**Sec. 77-41. - Reserved.**

**Sec. 77-42. - Selling merchandise in public right-of-way.**

No merchandise, materials, goods, wares, vehicles, or services may be sold in any public right-of-way.



## **Sec. 77-43. - Fences.**

(1) Permit Required. A fence permit is required to authorize the construction, reconstruction, modification, enlargement, extension, or alteration of a fence. Upon completion of construction, the fence shall be inspected by the city to ensure compliance with the provisions of this ordinance and other applicable codes. An application for fence permit shall include the following:

a. Location of the fence identified on a survey, plat, or an approved site plan;

b. Drawings showing construction details and dimensions necessary to show compliance to the requirements of this section. Engineer stamped drawings, by a professional engineer licensed in the State of Texas, are required for masonry fences and fences that exceed six feet in height; and

c. If necessary, photographs to explain the scope of work.

(2) Exemptions.

a. A fence permit is not required for regular maintenance and minor repair but such maintenance and repair must conform to the standards of this section.

b. A fence permit is not required for agricultural fences on agricultural properties that are at least two acres in size.

c. A separate fence permit is not required for a new fence that has been reviewed and approved as part of a Building Permit application.

(3) Location restrictions.

a. No fence shall be built on any lot or tract outside the surveyed lot lines;

b. No fence shall be built by a private party on public land without the specific prior approval of the public entity. Removal of any such fence or wall shall be at the expense of the private party;

c. Fences shall not limit or obstruct the flow of water in natural drainage courses, or drainageways created within easements; and

d. Placement of a fence within sight distance triangles is prohibited.

(4) Design and construction standards.

a. Single-family residential zoning districts. Fences in any single-family residential zoning district, shall not exceed six feet in height, except when located on a major thoroughfare where fences shall not exceed eight feet in height. Community fences shall have a minimum height of six feet.

b. Other zoning districts. Fences in other zoning districts shall not exceed eight feet in height. Residential uses in other zoning districts, including Planned Unit Development (PUD), must conform to fence standards for single-family zoning district.

c. Barbed wire fences are only allowed on agricultural acreage properties that are at least two acres in size. The barbed wire portion of the fence shall not exceed 52 inches as measured from the natural ground.

d. Opaque privacy fences restricting visibility of a vacant property completely from the abutting street are prohibited. Fences along front or street side of a vacant property shall be designed to allow visibility from the abutting street.

e. Wooden fence construction shall include, fence posts with concrete footing and rot boards. The total height of wooden fences may exceed the maximum allowed height by six inches. Top cap, not exceeding two inches in height may be added to wood fences and shall not contribute to total fence height calculation.

f. The finished side of all fences, including community fences, shall face outward (posts and supports faced inward to the lot) toward adjacent right-of-way.

g. All concrete footing required in the construction of community fences or any masonry fence shall be designed by a professional engineer licensed in the State of Texas.

(5) Maintenance. All fences constructed under the provisions of this ordinance shall be kept in good repair. All fences must be maintained to be free from rot, mildew, termite infestation, rust, vandalism, and other sources of physical or visual damage.

~~[(a) Single-family residential zoning districts. Fences in any single-family residential zoning district shall not exceed six feet in height, except when located on a major thoroughfare where fences shall not exceed eight feet in height.~~

~~(b) Other zoning districts. Fences in other zoning districts shall not exceed eight feet in height.~~

~~(c) Acreage properties. Barbed wire fences are only allowed on property at least two acres in size. The barbed wire portion of the fence shall not exceed 52 inches as measured from the natural ground.]~~

#### **Sec. 77-44. - Trees, landscaping, fencing and screening.**

The following regulations shall apply to all new land development projects, except new single-family residential:

##### **(1) Trees.**

a. Preservation required of existing street trees. Trees located in any public street right-of-way must be preserved and may not be removed without prior written approval of the zoning official.



b. Retention of existing trees. Where appropriate, new development should be located to take advantage of existing mature trees. The protection and retention of existing trees which are at least 1½ inches in caliper shall be credited to the tree planting requirements except for street tree planting requirements.

c. Protection of existing trees. Trees that are to be protected and retained shall be protected during construction. The tree protection area shall not be used for the parking or storage of any soil, vehicles, equipment, or materials. No waste or surplus products of any nature shall be disposed of within or near the tree preservation area. Grade changes around existing trees are limited to three inches.

d. Planting of new street trees. Street trees shall be reasonably regularly spaced with at least one tree for each 30 feet of street frontage for each street on which the property fronts.

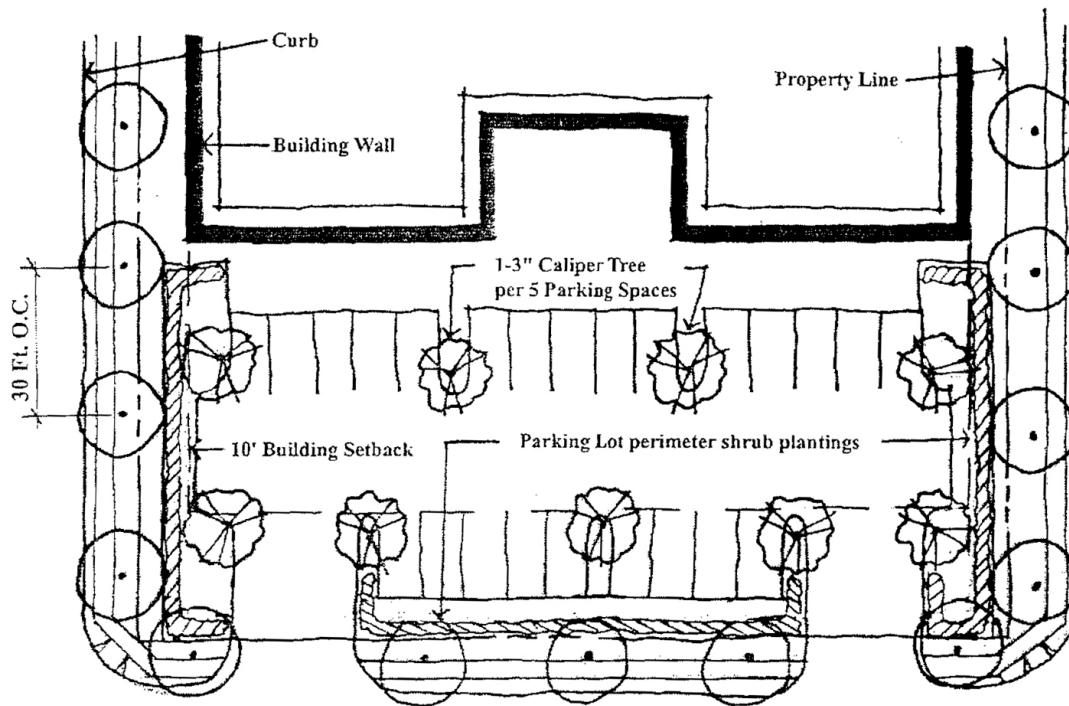
1. Street trees shall be planted within the right-of-way line with adjustments in spacing allowed for driveways, streetlights, visibility triangles, transit shelters, and utility or traffic control appurtenances. If sufficient street trees to meet the requirement already exist along the frontage of a site, no additional trees are required, provided they are protected and retained in accordance with these regulations.

2. The minimum planting size for street trees is 1½ inches in caliper measured at the base of the tree.

e. Planting of trees and shrubs for new parking lots. Trees for new parking lots shall total at least one tree for each five parking spaces and at the end of each parking row. Trees and landscaping must be located within the parking area in areas protected by a curb or other vehicle obstruction. Such trees shall be a minimum of 1½ inches in caliper measured at the base of the tree. Shrub plantings shall be placed along the perimeter of a parking lot in an amount to provide a visible screen for the parking lot. The shrubs must be maintained at a maximum height of 36 inches for safety and visibility purposes.

Example:

## REQUIRED STREET AND PARKING LOT TREES AND SHRUBS



Scale: 1 inch = 30 feet

(2) Maintenance of landscaping. All landscaping must be perpetually maintained in good health by the property owner on which the landscaping lies or by the adjacent property owner. In the case of street trees planted within the right-of-way, the owner of the adjacent property shall have the responsibility for tree maintenance. Trees lost for any reason, with the exception of street or utility work, shall be replaced by the property owner within six months. Replacement trees must be a minimum of three-inch caliper. The responsibility for replacement of trees removed because of natural disaster, vehicular accident, or other similar circumstance, is that of the adjacent property owner regardless of whether that owner is reimbursed by the responsible party.

### (3) Planting areas.

a. Site areas. All site areas not covered by buildings or paving shall be planted with trees, shrubs, grass, ground covers or other plant materials. Special ground covering materials are permissible in playgrounds or active sports areas or other areas as determined by the city zoning official.

b. Landscape plans. Landscape plans shall be submitted to the city zoning official at the time of submittal of all other construction plans for all new construction. In the open-planned unit development district landscape plans shall be submitted to the city zoning official prior to consideration of the plan by the planning commission.



c. Irrigation. All planting areas shall be irrigated. Irrigation plans must be submitted with the landscaping plans and all irrigation materials shall be installed prior to occupancy of the building.

(4) Land uses requiring landscape screening and/or fencing.

a. Air conditioning and other mechanical equipment. Ground mounted mechanical equipment of all types must be fenced or screened from pedestrian view. This requirement does not apply to traffic control equipment boxes, telecommunication housings (smaller than three feet by six feet) or similar public facilities.

b. Utility facilities. All utility facilities must be screened from pedestrian view subject to a screening and buffering plan approved by the zoning official.

c. Parking lots. All parking lots for nonresidential uses must be landscaped according to these regulations.

d. Drive-through facilities. Where drive-through lanes or stacking bays and/or service windows are within 50 feet of a side or rear property line that adjoins an existing residential use, a six foot high wooden fence must be constructed and retained adjacent to the property line.

**Sec. 77-45. - Parking.**

(a) Number of spaces required. The required number of parking spaces are as follows:

| <i>Land Use</i>                       | <i>Amount of Parking</i>                                                          |
|---------------------------------------|-----------------------------------------------------------------------------------|
| Single-family residential             | 1 enclosed garage space per unit                                                  |
| Apartments                            | 1 per one bedroom unit<br>2 per two bedroom unit<br>2 per three/four bedroom unit |
| Office (not medical)                  | 1 per 200 gross square feet                                                       |
| Medical office (medical, dental, vet) | 1 per 300 gross square feet                                                       |
| Retail                                | 1 per 250 gross square feet                                                       |

|                                         |                                                                                                    |  |
|-----------------------------------------|----------------------------------------------------------------------------------------------------|--|
| Restaurant                              | 1 per 250 gross square feet                                                                        |  |
| Tavern                                  | 1 per 200 gross square feet                                                                        |  |
| Auto sales/manufactured home sales      | 1 per 400 gross square feet<br>of showroom and office area                                         |  |
| Auto repair                             | 1 per auto repair bay plus<br>1 per 200 gross square feet of office area                           |  |
| Hotel/motel                             | 1 per two sleeping rooms plus<br>1 per 200 gross square feet of office area                        |  |
| Theater/auditorium/church/assembly hall | 1 per 4 seats                                                                                      |  |
| Industrial/manufacturing                | 1 per 500 gross square feet of work area plus<br>1 per 200 gross square feet of office area        |  |
| Warehouse                               | 1 per 2,000 gross square feet of warehouse area plus<br>1 per 200 gross square feet of office area |  |
| Schools (elementary, middle school)     | 1 per 20 students                                                                                  |  |
| Schools (high school)                   | 1 per 4 students                                                                                   |  |
| College or University                   | 1 per 2 students                                                                                   |  |
| Trade or Vocational School              | 1 per student and<br>1 per employee                                                                |  |



(b) Americans with Disabilities Act (ADA). Parking for land uses, which require handicapped parking spaces shall be provided in the amount stipulated by the Americans with Disabilities Act or other applicable law.

(c) Shared parking.

(1) Shared parking is encouraged and intended to make use of parking areas that are not used during certain parts of the day. Shared parking is permitted only with a written agreement between the subject landowners. Such agreement shall be maintained in the office of the city secretary.

(2) Property on which shared parking is proposed shall be no further than 300 feet from the boundary of the principal property, as measured along public rights-of-way, such as streets or sidewalks.

(3) No more than 75 percent of the total amount of parking spaces required for the principal use shall be shared parking spaces.

(4) Required handicapped parking spaces shall not be used in the calculation for shared parking spaces.

(d) Parking space dimensions.

(1) The minimum size of a car parking space shall be ten feet wide and 20 feet long for residential or commercial land uses.

(2) The minimum size of a handicapped parking space shall be as required by the Americans with Disabilities Act.

(3) Compact car parking spaces shall not be credited to the overall parking calculation requirement.

(e) Parking lot aisle dimensions.

(1) The minimum unobstructed aisle width for angled parking shall be 18 feet with the maximum angle being 60 degrees or 15 feet with the maximum angle being 45 degrees.

(2) The minimum unobstructed aisle width for 90 degree perpendicular parking shall be 24 feet.

(f) Vehicular backing. No parking space shall be designed so as to require a vehicle to back onto a public street or across a sidewalk, except for residential parking spaces.

(g) Replacing existing parking. Additions or remodels of an existing land use shall not replace area that is devoted to parking, unless additional offstreet parking is constructed in conformance with this section.

(h) Parking requirements for unspecified land uses. If parking for a specified use is not identified in the subsection (a) table above, the zoning official shall determine the parking requirements based on the most closely associated land use.

(i) Mixed/combination of land uses. Where a mixed or combination of land uses is proposed, parking shall be calculated based on the respective requirements of each land use. Shared parking is encouraged, if appropriate.

#### **Sec. 77-46. - Gun ranges.**

Gun ranges shall be allowed in the appropriate zoning district, as set forth in [section 77-26\(f\)](#), permitted use table.

#### **Sec. 77-47. - Animals.**

Animals, including but not limited to, livestock like cows, horses, donkeys, sheep, goats, buffalo, and exotic animals such as emu, peacock, camels, and lions are not allowed on property less than one acre in size, with the exception of Future Farmers of America (FFA) or 4-H animal-related land uses intended for education or competition.

#### **Sec. 77-48. - Nonconforming land uses and structures.**

(a) Purpose. The purpose of this section shall be as follows:

- (1) To regulate the continuing existence of nonconforming land uses and structures by prohibiting their enlargement;
- (2) To preclude the re-establishment of nonconforming land uses and structures after their abandonment;
- (3) To allow the continued use and normal maintenance of nonconforming land uses and structures; and
- (4) To regulate development that is not in compliance with the city's development regulations

(b) Applicability. The burden of establishing that any nonconforming land use and nonconforming structure legally existed prior to the effective date of these regulations is the sole burden of the owner.

(c) Authority to continue.

- (1) A nonconforming land use or nonconforming structure may continue to exist as long as it remains otherwise lawful, subject to the city's regulations.
- (2) No accessory land use or accessory structure shall continue after the principal use or structure has been terminated.



(d) Maintenance, repair and structural safety. Normal interior and exterior maintenance and incidental repair may be performed on any nonconforming land use or nonconforming structure. Nothing in this article shall be construed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a city official who declares a structure to be unsafe and orders its restoration to a safe condition.

(e) Enlargement and improvement of a nonconforming land use or structure. A nonconforming land use or structure shall not be enlarged, expanded or extended unless such enlargement, expansion, or extension complies with the city's regulations and the zoning official determines that such enlargement will not result in an increase in the degree of noncompliance with the city's regulations; provided, however, that a nonconforming residential use located in the light commercial (LC) district may be expanded if such expansion does not exceed 50 percent of the current use and the zoning official determines that the expansion complies with all other requirements of this chapter.

(f) Abandonment. When the use of a nonconforming land use or structure ceases for a continuous period of 180 days or more, it shall not be reestablished or resumed. After abandonment, any subsequent use of the property must conform to all of the city's regulations. The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the zoning official that during such period the owner or agent has:

(1) Maintained the property in accordance with all city regulations and did not intend to discontinue the use; or

(2) Has been actively and continuously marketing the land or structure for sale or lease.

(g) Change of land use. A nonconforming land use may not be changed to any land use other than an allowed land use.

(h) Damage or destruction of a structure. If greater than 50 percent of the floor area of a legal nonconforming structure or structure containing a legal nonconforming land use, is damaged or destroyed by fire or other casualty, the structure may not be reconstructed and the land use may not be resumed, unless it complies with all applicable city regulations.

#### **Sec. 77-49. - Calculation of measurements.**

(a) Minimum requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50-foot strip, the resulting fraction of 1.37 is rounded up to two required trees.

(b) Maximum limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 3,000 square feet is applied to an 8,000 square foot site, the resulting fraction of 2.67 is rounded down to two allowed dwelling units.

(c) Underground structures. Structures or portions of structures that are entirely underground shall not be included in any measurement.

## **Sec. 77-50. - Uses requiring specific use permit (SUP).**

(a) Certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides council and planning commission the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning commission judgment relative to the location and site plan of the proposed use are required.

(b) The council, after receiving the recommendation of the planning commission, may by ordinance, grant a specific use permit for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.

(c) Where provided for in [section 77-26\(f\)](#), permitted use table, a specific use permit shall be required before that specific use can be permitted within the district specified. A building permit or certificate of occupancy shall not be issued for any use to be located in a zoning district which permits that use, unless a specific use permit has been issued in accordance with the provisions of this section.

(d) Application procedure. An application for a specific use permit shall be filed with the city. The application shall be accompanied by a conceptual site plan that, complete application, and fees that will become a part of the specific use permit, if approved. Verification of all information contained in the conceptual site plan shall be required to be certified by an engineer and/or surveyor, as applicable, as a condition for the granting of any specific use permit. The accompanying conceptual site plan shall provide the following information:

- (1) Data describing all processes and activities involved with the proposed use.
- (2) Boundaries of the area covered by the site plan.
- (3) The location of existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roofline, gross floor area and the location of building entrances and exits.
- (4) The location of existing drainage ways, and significant natural features.
- (5) Proposed landscaping and screening buffers.
- (6) The location of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities.



- (7) The location and type of each wall, fence, and other types of screening.
- (8) The location, height and size of all proposed signs.
- (9) Show all existing or proposed water, sewer and electrical.
- (10) Show all dedicated easements.

(e) Criteria for approval. In considering any application for a specific use permit, the planning commission and the council shall hold public hearings as with any amendment request and consider the following criteria:

- (1) Conformance of the proposed use with the city's comprehensive plan and land use policies;
- (2) The character of the neighborhood, the zoning and use of nearby properties, and the extent to which the proposed use would be compatible;
- (3) The suitability of the property for the uses permitted by right;
- (4) The extent to which the proposed use would detrimentally affect nearby property, including, but not limited to, sound, light, traffic, aesthetics, odor, dust, vibration, and dangerous or hazardous activity;
- (5) The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or present parking problems in the vicinity of the property;
- (6) The extent to which approval of the use would harm the value of nearby properties;
- (7) Whether the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
- (8) The extent that adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
- (9) Whether the design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
- (10) The extent that directional lighting will be provided so as not to disturb or adversely affecting the general public or adjacent developments;
- (11) Whether there is sufficient landscaping and screening to insure harmony and compatibility with adjacent property; and

(12) Any other any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.

(f) Use of property permitted by a specific use permit must commence within one year from the date of approval, unless extended by action of the council.

(g) In addition to other conditions the council may impose, the following conditions shall apply to the land uses specified below:

(1) Accommodations. The conditions for hotel (except casino hotels) and motels and all other traveler accommodation shall include:

a. Hotels (except casino hotels) and motels as defined by NAICS No. 721110 in [section 77-26](#), permitted uses, shall include the following conditions:

1. All guest rooms are accessed via interior hallway;
2. All interior hallways accessed from a central lobby;
3. A minimum 1,000 square feet dedicated to meeting and event space;
4. The use of a kitchenette is not permitted;
5. Maintain a copy of guest registration information for a minimum 30 days which includes guest photographic identification, guest vehicle license plate number, guest permanent address, guest bill including method of payment, guest check-in and check-out dates and times, and number of persons staying in the room(s);
6. Install and maintain security cameras in each interior hallway, lobby, parking lots, and exterior door;
7. Require all guests to enter through a central lobby after 11:00 p.m.; and
8. A hotel owner, operator, or manager must be present and accessible in person on a 24-hour basis.

b. All other traveler accommodation as defined by NAICS No. 721199 in [section 77-26](#), permitted uses, shall include the following conditions:

1. Maintain a copy of guest registration information for a minimum 30 days which includes guest photographic identification, guest vehicle license plate number, guest permanent address, guest bill including method of payment, guest check-in and check-out dates and times, and number of persons staying in the room(s);
2. Install and maintain security cameras in the central lobby, parking lots, and exterior doors;



3. A facility operator, owner, or manager must be present and accessible in person on a 24-hour basis; and
  4. Require all guests to enter through a central area after 11:00 p.m.
- (2) Adult entertainment business. The conditions for an adult entertainment business shall include:
- a. A business license; and
  - b. A minimum of 500 feet from any school, day care, place of worship, or residential neighborhood or other district.
- (3) All other general merchandise stores. All other general merchandise store as defined by NAICS No. 452990, Permitted Uses, shall include the following conditions:
- a. There shall be a minimum separation distance between "dollar/general store" uses of two miles. The distance shall be measured from the nearest dollar/general store property line to the nearest dollar/general store property line; and
  - b. A minimum 10 percent gross floor area shall be dedicated to fresh produce, meat, and dairy products.
- (4) Ambulatory health care services. Ambulatory health care services as defined by NAICS No. 621, Permitted Uses, shall include the following conditions:
- a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
  - b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
  - c. All doors shall remained unlocked and accessible during normal business hours.
- (5) Convenience stores. Convenience stores as defined by NAICS No. 445120, Permitted Uses, shall include the following condition:
- a. A convenience store shall not be located within two miles of an existing convenience store and gasoline station. The distance shall be measured from property line to property line.
- (6) Game room. The conditions for a game room shall include:
- a. A business license;
  - b. A minimum of 300 feet from any place of worship, daycare, school, or hospital; and
  - c. All doors shall remain unlocked and accessible during normal business hours.

(7) Gasoline stations. Gasoline stations as defined by NAICS No. 447, Permitted Uses, shall include the following condition:

- a. A gasoline station shall not be located within two miles of an existing gasoline station and convenience store. The distance shall be measured from property line to property line.

(8) Hospitals. Hospitals as defined by NAICS No. 622 in [section 77-26](#), permitted uses, shall include the following conditions:

- a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
- b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside;
- c. All doors shall remained unlocked and accessible during normal business hours.

(9) Nursing and residential care facilities. Nursing and residential care facilities as defined by NAICS No. 623 in [section 77-26](#), permitted uses, shall include the following conditions:

- a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
- b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside;
- c. All doors shall remained unlocked and accessible during normal business hours.

(10) Other personal care services. Other personal care services as defined by NACIS No. 81219 in [section 77-26](#), permitted uses, shall include the following conditions:

- a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP.
- b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
- c. All doors shall remained unlocked and accessible during normal business hours.

(11) Place of worship, private school, or governmental agency with an oversized sign. The conditions include:

- a. A minimum of 2,000 feet when the main structure is located 200-feet from the State Highway 288 right-of-way;
- b. An approved site plan; and
- c. Approved sign permit application.



(h) Time limit. A specific use permit issued under this section shall expire one year after its date of issuance if construction or use authorized there under is not substantially under way prior to the expiration of said one-year period. If prior to the expiration of such one-year period, the owner of property to which a specific use permit applies in writing, for an extension. The council after recommendation from the planning commission may grant such extension for one additional year.

(i) Revocation. A specific use permit may be revoked or modified, after notice and hearing, for either of the following reasons:

(1) The specific use permit was obtained or extended by misrepresentation, fraud or deception; or

(2) That one of more of the conditions imposed by the permit has not been met or has been violated.

(j) Amendments. The procedure for amendment of a specific use permit shall be the same as for a new application provided however, that the city manager may approve minor variations from the original permit which do not increase density, change in traffic patterns, or result in any increase in external impact on adjacent properties or neighborhoods.

(k) Application fee. An application fee is required for the processing of each specific use permit request.

(l) Religious institutions, private school, or governmental agency signs. Consistent with [section 53-17](#), where the main structure of a property of a religious institution, private school or governmental agency lies within 2,000 feet of the S.H. 288 right-of-way, a sign that exceeds the height and/or area requirements of the sign ordinance may be permitted by the council by approval of a specific use permit incorporating an approved site plan and sign drawings. The procedure and criteria for approval of this section shall apply to an application for this type of specific use permit.

#### **Sec. 77-51. - Plan review, landscaping and building facade requirements.**

(a) Site plan review. All site plans and drainage studies shall be approved administratively by the building official, fire marshal, and city engineer and shall be submitted to the appropriate drainage district for non-residential development within the city limits.

(b) Building setback lines. Building setback lines shall be determined by the property's zoning district.

(c) Landscape site plan. Prior to the construction and erection of a nonresidential building or structure, a landscape plan shall be submitted to the zoning official for the consideration by the planning commission. The landscape plan shall contain as a minimum the following information:

(1) A conceptual plan of the landscaping identifying the general layout and description of the trees and plans specified.

(2) The plans should contain dimensions and elevations of special structural elements, such as building facades, walls, planters, foundations, berms, walkways, irrigating systems and property boundaries.

(3) Building outlines, parking areas (in accordance with the standards and specification adopted by the commissioner of licensing and regulation of the Texas Department of Transportation, relating to the identification and dimensions of parking spaces for persons with disabilities, as amended, or as otherwise required by federal or state law) and arrangements, fences and structural features to be constructed on the site shall be on the plan.

(4) Landscape plans shall be prepared at the scale of one inch equals 40 feet and on a sheet size of 24 inches times 36 inches. The plan sheets shall contain a scale, north arrow, name and address of the licensed landscape architect, designer or architect and the site owner and/or developer. The plans shall also identify the development and provide a brief description of the property and its location.

(5) Plan shall also include names of owners and/or business of adjacent property owners.

(d) Minimum landscape requirements. Up to ten percent of the entire area of the site not covered by buildings and not a part of the right-of-way or dedicated public streets or three percent of the gross area of the site, whichever is greater, shall be required as landscaping to meet the requirements of this section:

(1) Trees with a minimum two-inch caliper measured 12 inches from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch for each 15 feet of frontage. Where intensity of site development makes planting the required trees impractical, an alternate plan may be developed with the approval of the planning commission.

(2) Landscaping and/or decorative fence shall screen outside storage areas, loading docks, garbage collection bins and delivery entrances from adjacent property and public street right-of-way.

(3) Landscaping shall be located so as not to interfere with the act of parking or with parking area maintenance and so as not to create a traffic hazard by obscuring driver or pedestrian vision of the intersections of walkways, driveways, collector lanes and streets or any combination thereof. Landscaping is discouraged within three meters of the state highway right-of-way due to utilities. Plans are required for any type of landscape development on Texas Department of Transportation right-of-way and must be submitted to:

Director of Maintenance

Post Office Box 1386

Houston, TX 77251



(4) Reserved.

(5) Artificial plants and trees shall not be considered in the satisfaction of the outside landscape requirements.

(e) Maintenance. The owner and tenant of landscaped premises and their agents, if any, shall be jointly and severally responsible for the use of high-quality, hardy and drought-tolerant plant materials. These plants materials must be maintained in a healthy, growing condition at all times. Regular weeding, mowing of grass, irrigation, fertilizing, pruning and other maintenance of all plantings such as free of refuse and debris is required. Any plant that dies must be replaced with another living plant. Failure to maintain the landscaped premises, after written notice allowing up to 60 days to bring the premises into conformance, shall be grounds for the revocation of the certificate of occupancy by the city building official.

(f) Landscape construction. Prior to issuing a certificate of occupancy, all approved landscaping must be in place, or if seasonal considerations prohibit the completion of the planting of landscape material, a temporary certificate of occupancy may be issued for such time as is reasonable to complete the landscape planting.

(g) Permits. Building permits and all other necessary permits shall be obtained from the city before construction begins.

(h) Inspections. The city inspectors shall inspect each phase of construction and certify that the building is constructed according to the city and the standard building code. (A schedule of which may be obtained at city hall).

(i) ~~Building facade requirements.~~

~~(1) Applicability. All nonresidential building facades within the city must be constructed of a minimum of 90 percent masonry materials on all non-transparent portions of all exterior walls. The percentage of masonry materials is calculated on a per facade basis. A facade shall mean the front or principal side of a building. Permitted masonry materials include:~~

~~a. Stone;~~

~~b. Brick;~~

~~c. Concrete;~~

~~d. Hollow clay tile;~~

~~e. Decorative concrete block or tile;~~

~~f. Glass block;~~

~~g. True stucco; and~~

~~h. Insulated concrete forms (ICF).~~

~~The use of any material that is not specified on the above permitted masonry materials list is prohibited.~~

~~Planning commission may consider approval of any alternate material that is consistent with the approved materials and that serves to further the goals of structural stability, product longevity, and durability.~~

~~All existing structures in place at the date of the adoption of this ordinance and not in compliance with these adopted regulations will be considered as non-conforming structures. Nonconforming structures will be allowed to remain in violation of this ordinance as long as the structure does not lose its nonconformity as specified by [section 77-48](#) of the City Code.~~

~~(2) Remainder. Up to the remaining ten percent of all exterior walls on non-transparent portions of the building may be constructed of materials not listed in the permitted masonry materials list, including but not limited to fiber cement siding, but under no circumstances will the following prohibited materials be allowed:~~

- ~~a. Sheet metal material; coated, galvanized, or uncoated with a metal thickness less than one-quarter inch;~~
- ~~b. Smooth concrete masonry units (CMU) or block, painted or unpainted;~~
- ~~c. Exterior insulation finish systems (EIFS);~~
- ~~d. Plywood or oriented strand board (OSB).~~

~~(3) Glass. No more than 75 percent of any facade may consist of glass.~~

~~(4) Heavy commercial exception. Notwithstanding subsection (i)(1), for a building facade in an area zoned heavy commercial (HC), the rear of the structure does not have to be constructed of a minimum of 90 percent masonry materials, where the rear of the structure is not clearly visible from a roadway.~~

~~(5) Color palette. The color palette for nonresidential developments, other than industrial developments, at least partially located within 1,000 feet of the center line of the right of way of a major thoroughfare as indicated on the city's major thoroughfare plan, condominiums, and multifamily developments shall be as follows:~~

~~a. Primary materials and colors for building and structure exteriors and fencing:~~

~~Architectural masonry unit, brick: Beige, brown, burgundy, gray, rust, red, rose, sage.~~

~~Stone: Beige, brown, cream, tan.~~



~~b. Materials and colors for visible roofing:~~

~~Standing seam metal, slate, or concrete tile: Black, bronze, brown, gray.~~

~~Half-barrel clay tile: Rust, gray.~~

~~e. Accent exterior colors:~~

~~Beige, black, bronze, buff, cream, forest green, gray, olive, rose, rust, sage, sand, sepia, tan, terracotta, white, a business identity color, as provided by subsection (i)(6) below.~~

~~(6) Business identity colors. Business identity colors may be incorporated into the architectural design of a building as provided for herein:~~

~~a. Business identity colors shall complement the building design.~~

~~b. Business identity colors shall not dominate the building design and shall not be designed to create an advertisement of the building itself.~~

~~c. Business identity colors shall be exempt from subsection (i)(5)(c).~~

~~d. A maximum of five percent of each exterior wall may consist of business identity colors. Business identity colors located on awnings are excluded from the calculation of the maximum percentage of business identity colors allowed on each exterior wall.]~~

(i) [(j)] Enforcement of violations and penalties. Any construction that is erected in violation of this section shall not be issued a certificate of occupancy, shall not be permitted utility service and shall be fined not less than \$5.00 nor more than \$200.00 for each offense. Each day that a violation exists shall constitute a separate offense.

(j) [(k)] Grandfather clause. Buildings pre-dating the passage of this section shall be grandfathered to their existing conditions unless they impact health, safety ~~[safety]~~ and welfare. They are encouraged to update their facilities when possible. For expansion and/or additions they must comply with subsection (1).

(k) [(l)] Variance and appeals clause. If there shall be any special circumstances connected with any provision of this section, the individual shall have the right to a hearing before the city planning commission to request a variance. This request for a variance must be submitted in writing 72 hours accompanied with any and all pertinent documentation for the city planning commission to review before the hearing. A determination will be made by the commission that granting this variance will not result in increased flood issues, additional threats to public safety, public expense, create nuisances, cause fraud or conflict with existing laws or other ordinances. If the commission should deny the requested variance, the individual shall have the right to appeal the request variance to the council who will have the final judgment in this matter.

When seeking a variance from the city planning commission, it is necessary to bring documentation to explain your circumstances, such as:

- (1) A deed of ownership of the property.
- (2) Paid tax receipt of last year's taxes.
- (3) What is the function of the building?
- (4) What is the setback distance?
- (5) How will the building aesthetics fit in with the surrounding area?
- (6) Is there a general theme that needs to be followed?
- (7) The building is within 600 feet of what thoroughfares?
- (8) Will there be ample parking?
- (9) What utilities, if any, are available?
- (10) Is there a large vehicle access?
- (11) Is there a fire hydrant nearby?
- (12) A copy of the drainage district's drainage study.
- (13) Is the property in the flood plain?
- (14) Will this type of business impede traffic?
- (15) Landscape plan? Who will be responsible for the upkeep?

(l) ~~(m)~~ Severability clause. In the event any section, paragraph, clause, phrase, provision, sentence, or part of this section or the application of the same to any person or circumstance shall for any reasonable adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this section as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the council of the City of Manvel, Texas declares that it would have passed each 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.

**Sec. 77-52. - Open storage and display of items.**

(a) Open storage and display of items not for sale. Open storage and display of items which are not for sale shall be permitted only when incidental to the principal land use located on the same property and must comply with the following:



- (1) Items may not extend past the front line of the building;
- (2) Items may not be located in any required parking or landscaping areas;
- (3) Items must be behind a fence or wall;
- (4) Materials shall not be visible or protrude above the height of the fence or wall;
- (5) Mobile homes, manufactured homes, and HUD-code manufactured homes may not be stored in any zoning district;
- (6) Storage cargo/shipping containers shall be prohibited, except that the temporary use of such containers may be permitted for up to 30 days total per calendar year.
- (7) Hay and similar items are exempt from this section.

(b) Open storage and display of items for sale.

- (1) Boats, recreational vehicles, campers, jet-skis, and similar type of vehicles may not be stored in front of the front line of a building of a commercial or residential land use unless such items are for sale as part of a continuous business operation, in which case the items must be set back 25 feet from the front property line and ten feet from any and all side property lines;
- (2) Open storage and display of merchandise for sale or display is permitted only when incidental to a commercial or residential use located on the same property and must not be located in any required parking or landscaping areas and must be set back at least 25 feet from the front property line and ten feet from any and all side property lines. Open storage and display of merchandise for sale or display on property located in the heavy commercial district may extend to the property lines but only when the storage items are behind a chain linked fence or wall of at least six feet in height;
- (3) Mobile homes, manufactured homes, and HUD-Code manufactured homes may not be stored and displayed as an item for sale in any zoning district;
- (4) Storage cargo/shipping containers shall be prohibited, except that the temporary use of such containers may be permitted for up to 30 days total per calendar year. Exemption, heavy commercial district when used as part of the business operation;
- (5) Commercial temporary uses permitted by [section 77-54](#) are exempt from this subsection (b);
- (6) Automobiles, trucks, boats, recreational vehicles, campers, jet-skis, and similar type of vehicles stored or displayed for sale, new or used, shall be on at least four inches of paved asphalt or concrete. Storage and display of items is prohibited within parking and fire lanes as designated by the fire marshal. Nothing herein shall be construed to prohibit the private sale, by owner, of a personally-owned vehicle, boat, trailer, or recreational vehicle, provided such is in operating condition, and when parked, is parked on an all-weather surface on the owner's residential property.

(7) Garage sales shall be limited to six per calendar year as permitted by [section 77-33\(c\)](#). More than six per calendar year shall constitute commercial use.

**Sec. 77-53. - Home business.**

The city recognizes that home businesses are becoming a more common method of employment. Home businesses help alleviate traffic, help decrease the cost of doing business, allow people to work who might otherwise be unable to work, and are appropriate within residential areas, subject to certain provisions which are established to maintain the character, quality of life and property values of existing residential areas. A home business does not include a resident occasionally working from home where the resident has a place of business at another location. A home business in a residential home shall be approved by the zoning official if it complies with all of the following standards:

- (1) The home business shall be within the principal residence or a permitted accessory building;
- (2) The home business shall not occupy more than 50 percent of the gross floor area of the principal residence;
- (3) There shall be no exterior indication that the home business is taking place, except that one nonilluminated sign is allowed with a maximum area of two square feet;
- (4) Home businesses include:
  - a. Consultant;
  - b. Accountant;
  - c. Lawyer;
  - d. Seamstress;
  - e. Hairdresser;
  - f. Writer, artist, musician;
  - g. Realtor;
  - h. Collections/billing;
  - i. Therapist;
  - j. Day care, with specific use permit;
  - k. Teacher/tutor;
  - l. Caterer/cook;



m. Other traditional home occupations, with specific use permit.

(5) All parking for home businesses shall be off-street. A permit for a home business is only valid so long as the home business remains in compliance with this section.

**Sec. 77-54. - Temporary commercial business.**

Commercial temporary uses, including, but not limited to, carnivals, circuses, Christmas tree sales, plant sales, pumpkin sales, and agricultural products sales, are allowed in any zone, except residential zones, subject to the following conditions:

- (1) An application must be made to the zoning official, and the appropriate fee paid;
- (2) The zoning official shall approve the application if it is demonstrated that the commercial temporary use conforms to the intent of the comprehensive plan and these regulations, and that the use will not constitute a nuisance or be detrimental to the character or welfare of the community;
- (3) Commercial temporary uses may be approved for a period not to exceed a total of 60 total days per year;
- (4) The temporary commercial sale of vehicles is not authorized under this section;
- (5) The temporary commercial sale of mobile homes, manufactured homes, or HUD-Code manufactured homes is not authorized under this section;
- (6) Christmas tree sales, plant sales, pumpkin sales, agricultural products sales, are allowed in any zone subject to the above conditions.

**Secs. 77-55—77-71. Reserved.”**

Section 4. Chapter 77 of the Code of Ordinances of the City of Manvel, and same also being the Zoning Ordinance of the City, is hereby amended by amending Article III to read and provide as follows:

**“Chapter 77 - ZONING**

. . .

**ARTICLE III. - ADMINISTRATION**

**Sec. 77-72. - Planning commission.**

(a) Planning commission established. The planning commission of the city (the "commission" or "PD&Z") is hereby created pursuant to the authority provided in V.T.C.A., Local Government Code § 211.007.

(b) Number of members; appointment; term.

(1) The commission shall be composed of seven members. Each member of the commission shall be a resident of the city and shall have no outstanding debts owed to the city.

(2) Subject to the provisions of subsection (4) below, new PD&Z members will be required to attend two consecutive PD&Z meetings, submit an application to the city secretary, and allow for a background check.

(3) Each member of the commission shall serve for a period of two consecutive years. A staggered drawing for one-year or two-year terms will initially be established for each current member. Staggered terms to be in effect and commence upon approval of these bylaws. A member of the PD&Z commission may serve more than one term, provided that the member is nominated/appointed in the same manner set forth in this subsection.

(4) Initially, upon the effective date of this section, the members of the commission shall remain in effect as they are prior to the approval of this section and subject to the staggering of terms required and as mentioned in subsection (3) above.

(c) Removal; compensation.

(1) Each member of the commission may be removed by a majority vote of the council, each such removed member shall be notified in writing of council's action.

(2) Members of the commission shall serve without compensation.

(d) Vacancies. Vacancies on the commission shall be filled subject to provisions established under subsection (b)(2). Any member of the commission appointed in the manner prescribed in this paragraph shall serve until the end of the term of the PD&Z member to whom the replacement position is made.

#### **Sec. 77-73. - Zoning board of adjustment/zoning official.**

(a) The zoning board of adjustment shall have the authority to:

(1) Exercise the appropriate power, authority, duties, and procedures pursuant to the laws of the state, and applicable ordinances of the city.

(2) To hear and decide where it is alleged there is error in any order, requirement, decision or determination by the zoning official in the enforcement of these regulations. Any person may appeal a decision of the zoning official to the zoning board of adjustment as provided under state law. Such appeal shall be filed with the city secretary no later than 30 days after the date a decision is made, in writing, by the zoning official. If such person or persons fails



to file such petition within the 30-day period, then the decision of the zoning official shall become final and binding.

(3) To authorize variances from these regulations where it is determined that the granting of a variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done.

(b) The zoning board of adjustment shall consist of five members.

(c) Each case before the zoning board of adjustment shall be heard by at least 75 percent of its members.

(d) The concurring vote of 75 percent of the members of the board is necessary to:

(1) Reverse an order, requirement, decision, or determination of an administrative official;

(2) Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or

(3) Authorize a variation from the terms of a zoning ordinance.

#### **Sec. 77-74. - Variances.**

(a) The zoning board of adjustment shall not grant a variance unless it shall, in each case, make specific written findings based directly upon the particular evidence presented to it which support written conclusions that:

(1) The granting of a variance is necessary to secure appropriate development of a parcel of land which differs from other parcels in the zone by being of such restricted area, shape or slope that it cannot be appropriately developed without modification;

(2) The granting of a variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood; and

(3) The variance desired will not be contrary to the general purpose and intent of these regulations.

(b) The board of adjustment may establish reasonable stipulations of approval or modifications to a plan proposed with a variance, in order to minimize the impact of the variance on surrounding property, preserve the character of the area or protect property in the area.

#### **Sec. 77-75. - Appeal of a decision of the zoning board of adjustment.**

Any person may appeal a decision of the zoning board of adjustment to a court of competent jurisdiction. Such petition shall be filed with the court no later than ten days after the filing of the board's decision with the city clerk. If such person or persons fails to file such petition within such ten-day period of time, then the decision of the board of adjustment shall become final and binding.

**Sec. 77-76. - Effect of filing an appeal.**

(a) The filing of a notice of an appeal shall stay any proceedings in furtherance of the action appealed from unless the zoning official rendering such decision, determination or interpretation certifies in writing to the board of adjustment and the applicant that a stay poses an imminent peril to life or property, in which case the appeal will not stay further proceedings. The board may review such certification and grant or deny a stay of the proceedings.

(b) The zoning board of adjustment may reverse, affirm or modify the decision, determination or interpretation appealed from and in so modifying such decision, determination or interpretation, the board of adjustment shall be deemed to have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.

(c) All decisions made by the zoning board of adjustment shall be provided in writing to the applicant and shall include the following, at a minimum: the action taken by the zoning board of adjustment; any correction or compliance that is necessary to bring a project into conformance; the subsequent procedures or steps that may or shall be taken; and the location, time, date for taking subsequent procedures or steps.

**Sec. 77-77. - Fees.**

All applicable fees shall be established with the adoption of a resolution by the council following a recommendation by the planning commission. The planning commission shall review all applicable fees annually or at any other appropriate time for the purpose of determining whether the fees appropriately cover the costs associated with the work being performed by the city or its consultants. Following the annual review, the planning commission shall make its recommendation to the council.

**Sec. 77-78. - Limitation on all land and structures.**

No land within the city shall be used or occupied and no structures shall be erected or used or occupied except in conformity with these regulations and upon the performance of all conditions set forth herein. However, a structure or use lawfully existing at the date of adoption of these regulations may be occupied as a nonconforming use under the procedures and requirements of these regulations.

**Sec. 77-79. - Zoning at time of annexation.**

(a) The default zoning district for any area annexed into the city for full purposes shall be open single-family residential (O-SFR). Notwithstanding the foregoing, the council may establish a different zoning district for land being annexed into the city, based on the city's comprehensive plan, at the same time as the land is annexed into the city limits.



(b) The city shall allow continuation of prior land use in the annexed area where required by the V.T.C.A., Local Government Code § 43.002.

**Sec. 77-80. - Conflict with other ordinances or regulations.**

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Sec. 77-81. - Penalty.**

Any person who shall violate any provision of this article 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.”

Section 5. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, 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 intentionally, knowingly, recklessly, or with criminal negligence 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 \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Dan Davis, Mayor

Attest:

\_\_\_\_\_  
Tammy Bell, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Gervais, City Attorney