

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

LARRY AKERY, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY

**NOTICE OF A CITY COUNCIL MEETING
OF THE CITY OF MANVEL
November 20, 2023**

**NOTICE IS HEREBY GIVEN
5:00 P.M. WORKSHOP – 6:00 P.M. REGULAR SESSION**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Manvel City Council 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 City Council 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. The City Council 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 x6 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."

Workshop Session

Discussion on any subject listed on the agenda dated November 20, 2023.

Regular Session

Call To Order

Invocation

Inspirational Reading - Mayor Davis

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Public Hearing

1. TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 1.5 ACRES LOCATED AT 20514 HIGHWAY 6, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 532120 "TRUCK, UTILITY TRAILER, AND RV (RECREATIONAL VEHICLE) RENTAL AND LEASING"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

2. TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.10 ACRE TRACT OF LAND LOCATED AT 7050 MASTERS ROAD, MANVEL, TEXAS (NORTHWEST CORNER OF LEWIS LANE AND MASTERS ROAD INTERSECTION), FROM HIGHWAY MIXED USE DISTRICT (HMU) TO HIGHWAY MIXED USE DISTRICT WITH SPECIFIC USE PERMIT (HMU-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 6244 "CHILD DAY CARE SERVICES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

3. TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 1.455 ACRES LOCATED AT 7355 MCCOY, MANVEL, TEXAS, CURRENTLY ZONED LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) TO ALLOW NAICS USE 813110-"RELIGIOUS ORGANIZATION", BY EXPANDING THE LIST OF PERMITTED NAICS USES OF THE PROPERTY TO INCLUDE: COMMUNITY CENTER (YOUTH), GYMNASIUM, ADVANCE COMMUNITY EMPOWERMENT PROGRAMS, MEMORIAL ASSISTANCE MINISTRY, ALCOHOLISM COUNSELING, WIC FAMILY WELFARE SERVICES, FOOD BANK SERVICES, CHILD DAY CARE, COFFEE SHOP, GED CLASSES AND EVENT CENTER/RECEPTION HALL; PROVIDING FOR CONDITIONS TO AUTHORIZE THE ADDITIONAL USES OF THE PROPERTY AND PARKING LOT EXPANSION; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

4. TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATE 82.60 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF CROIX ROAD/ COUNTY ROAD 58 AND STATE HIGHWAY (SH) 288 INTERSECTION, GENERALLY BOUNDED BY SH 288 (WEST), CROIX ROAD/COUNTY ROAD 58 (NORTH), COOPER DITCH (EAST) AND DEL BELLO LAKES SUBDIVISION (SOUTH); AND LOCATED WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 79 AND IN THE CITY OF MANVEL, FROM OPEN PLANNED UNIT DEVELOPMENT (O-PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; AND ADOPTING A PUD DOCUMENT PROVIDING FOR ZONING AND DEVELOPMENT RELATED PROVISIONS AND REQUIREMENTS; SUCH TRACTS BEING SITUATED IN THE A.C.H. & B.R.R. CO. SURVEY, ABSTRACT NO. 459, BRAZORIA COUNTY PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

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.

City Manager Update

Update on current events and city issues.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Acceptance of infrastructure improvements for Maverick Water Plant Improvements to begin the Two-Year Maintenance Period.
3. Acceptance of infrastructure improvements for Pollard Boulevard Phase 1 Segment C and Charlotte Street Phase 1 Segment A to begin the Two-Year Maintenance Period.

Items Removed from Consent Agenda

Regular Agenda

1. Consideration and possible action to direct staff on the Franchise Agreement for the Collecting, Hauling, Recycling, and Disposal of Municipal Solid Waste with Waste Connections of Texas, LLC.

2. Consideration and possible action to approve the first of two readings of 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. (Forwarded with a favorable recommendation by PD&Z 6/0)

3. Consideration and possible action to approve the first of two readings of Ordinance No. 2023-O-42;

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 1.5 ACRES LOCATED AT 20514 HIGHWAY 6, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 532120 "TRUCK, UTILITY TRAILER, AND RV (RECREATIONAL VEHICLE) RENTAL AND LEASING"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. (Forwarded with a favorable recommendation by PD&Z 5/1)

4. Consideration and possible action to approve the first of two readings of Ordinance No. 2023-O-43;

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.10 ACRE TRACT OF LAND LOCATED AT 7050 MASTERS ROAD, MANVEL, TEXAS (NORTHWEST CORNER OF LEWIS LANE AND MASTERS ROAD INTERSECTION), FROM HIGHWAY MIXED USE DISTRICT (HMU) TO HIGHWAY MIXED USE DISTRICT WITH SPECIFIC USE PERMIT (HMU-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 6244 "CHILD DAY CARE SERVICES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. (Forwarded with a favorable recommendation by PD&Z 5/1)

5. Consideration and possible action to approve a subdivision variance request for an approximate 1.1-acre tract of land located at 7225 Lewis Lane (7050 Masters Road), Manvel, Texas (northwest corner of Lewis Lane and Masters Road intersection), seeking to vary the requirements of Chapter 62, Section 62-113, Sidewalks.

6. Consideration and possible action to approve the first of two readings of Ordinance No. 2023-O-44;

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 1.455 ACRES LOCATED AT 7355 MCCOY, MANVEL, TEXAS, CURRENTLY ZONED LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) TO ALLOW NAICS USE 813110- "RELIGIOUS ORGANIZATION", BY EXPANDING THE LIST OF PERMITTED NAICS USES OF THE PROPERTY TO INCLUDE: COMMUNITY CENTER (YOUTH), GYMNASIUM, ADVANCE COMMUNITY EMPOWERMENT PROGRAMS, MEMORIAL ASSISTANCE MINISTRY, ALCOHOLISM COUNSELING, WIC FAMILY WELFARE SERVICES, FOOD BANK SERVICES, CHILD DAY CARE, COFFEE SHOP, GED CLASSES AND EVENT CENTER/RECEPTION HALL; PROVIDING FOR CONDITIONS TO AUTHORIZE THE ADDITIONAL USES OF THE PROPERTY AND PARKING LOT EXPANSION; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. (Forwarded with a favorable recommendation by PD&Z 6/0)

7. Consideration and possible action to approve the first of two readings of Ordinance No. 2023-O-45;

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATE 82.60 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF CROIX ROAD/ COUNTY ROAD 58 AND STATE HIGHWAY (SH) 288 INTERSECTION, GENERALLY BOUNDED BY SH 288 (WEST), CROIX ROAD/COUNTY ROAD 58 (NORTH), COOPER DITCH (EAST) AND DEL BELLO LAKES SUBDIVISION (SOUTH); AND LOCATED WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 79 AND IN THE CITY OF MANVEL, FROM OPEN PLANNED UNIT DEVELOPMENT (O-PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; AND ADOPTING A PUD DOCUMENT PROVIDING FOR ZONING AND DEVELOPMENT RELATED PROVISIONS AND REQUIREMENTS; SUCH TRACTS BEING SITUATED IN THE A.C.H. & B.R.R. CO. SURVEY, ABSTRACT NO. 459, BRAZORIA COUNTY PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

8. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-46;
AN ORDINANCE GRANTING TO UNIVERSAL NATURAL GAS, LLC (d/b/a UNIVERSAL NATURAL GAS, INC.) AND ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TEN (10) YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, A NON-EXCLUSIVE FRANCHISE AND RIGHT TO ENTER THE PUBLIC RIGHTS-OF-WAY TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM WITHIN, ALONG, ACROSS, OVER AND UNDER THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF MANVEL, TEXAS
AN ORDINANCE GRANTING TO UNIVERSAL NATURAL GAS, LLC (d/b/a UNIVERSAL NATURAL GAS, INC.) AND ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TEN (10) YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, A NON-EXCLUSIVE FRANCHISE AND RIGHT TO ENTER THE PUBLIC RIGHTS-OF-WAY TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM WITHIN, ALONG, ACROSS, OVER AND UNDER THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF MANVEL, TEXAS FOR THE TRANSPORTATION, DISTRIBUTION AND/OR SALE OF GAS TO CUSTOMERS AND THE PUBLIC GENERALLY IN THE CITY; DEFINING THE WORDS AND PHRASES THEREIN; PROVIDING FOR ASSIGNMENT, SALE OR LEASE OF THE FRANCHISE; PROVIDING FOR USE AND REPAIR OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR REGULATION OF SERVICE; ESTABLISHING DEPTH OF PIPELINES; ESTABLISHING RIGHTS AND DUTIES IN THE MOVEMENT AND ALTERATION OF PIPELINES; PROVIDING FOR INDEMNIFICATION OF THE CITY OF MANVEL; PROVIDING FOR INSPECTION OF GRANTEE'S RECORDS; REQUIRING GRANTEE TO PAY A FRANCHISE FEE; PROVIDING FOR CONDITIONS OF THE FRANCHISE; PROVIDING FOR CONSTRUCTION OF THIS ORDINANCE UPON THE INVALIDITY OF ANY PART THEREOF; PROVIDING FOR ACCEPTANCE OF THIS FRANCHISE BY GRANTEE AND BOTH AN EFFECTIVE AND AN OPERATIVE DATE THEREOF; REPEALING ALL OTHER ORDINANCES DIRECTLY IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND PRESCRIBING AN EFFECTIVE DATE.
9. Consideration and possible action to approve Resolution 2023-R-32;
A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.
10. Consideration and possible action to approve Resolution 2023-R-33;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING TERMINATION OF THE CONTRACT WITH CORE CONSTRUCTION FOR THE NEW POLICE DEPARTMENT BUILDING CONTRACT; APPROVING EXECUTION OF A TERMINATION AGREEMENT; APPROVING THE COMPETITIVE SEALED PROPOSAL PROCESS TO RESUME THE CONSTRUCTION OF THE NEW POLICE DEPARTMENT BUILDING; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.
11. Consideration and possible action to approve Resolution 2023-R-34;
A RESOLUTION OF THE MANVEL CITY COUNCIL OF THE CITY OF MANVEL APPROVING THE OFFICIAL BALLOT AND ITS CASTING VOTES FOR THE CANDIDATE(S) FOR A POSITION ON THE BOARD OF DIRECTORS OF THE BRAZORIA COUNTY APPRAISAL DISTRICT.
12. Consideration and possible action to direct staff regarding the 2024 International Business Code (IBC) and Accessory Dwelling Units (ADU's).

13. General Updates (Requested by Mayor Davis)

- Police Station, Public Works, and City Hall Projects
- Upcoming Events - Holidays
- Staffing Updates - New Hires, Open Positions, Performance Reviews
- Development Services Survey and Monthly Reports (general updates and financial standing)
- Outline of all development agreements
- Strategy Session for 2024
- Budget Timeline for 2024
- Team building day
- Homestead Exemption
- Financial Policy and Bylaws
- 20-year vision plan
- Akery Lake

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

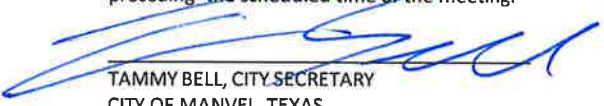
Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council 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 November 17, 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





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: November 20, 2023

TOPIC: Acceptance of infrastructure improvements for Maverick Water Plant Improvements to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER
Jessica Rodriguez

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: November 20, 2023

TOPIC: Acceptance of infrastructure improvements for Pollard Boulevard Phase 1 Segment C and Charlotte Street Phase 1 Segment A to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER
Jessica Rodriguez

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: November 20, 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 (PD&Z) 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.

At the October 23, 2023 PD&Z meeting, staff was directed to review and revise the amendment to provide clarity with respect to standards for wooden fences, especially, engineering design requirement. Revisions were made to capture the following and was presented to PD&Z on November 13, 2023:

- Wooden fence post minimum footing  requirement of one-third the height of post above ground.
- Design by Professional Engineer requirement only applies to masonry fences and pillars that are taller than 6 feet.
- City Engineer may require masonry walls used as community fence to be designed by Professional Engineer, irrespective of fence height, based on factors including the span of the fence; proximity to buildings and sidewalks; abutting land use; soil type; and proposed construction details.

PD&Z RECOMMENDATION: At the November 13, 2023, regular Planning Development and Zoning Commission meeting, the Commission voted to recommend approval of the proposed text amendment located in *Manvel Code of Ordinances*, Chapter 77, *Zoning*, to amend Article I. – *In General*, Article II. – *District Regulations*, and Article III. – *Administration*, as presented by adopting proposed Ordinance No. 2023-O-40. The vote was six ‘yeas’ to zero ‘nays’ vote.

CITY STAFF 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*, Article II. – *District Regulations*, and Article III. – *Administration*, as presented by adopting proposed Ordinance No. 2023-O-40.

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 _____



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.

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 of Manvel 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) 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 ¹				S			
Game room ¹				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 ¹			S	S	S		S
446 Health and personal care stores			P	P	P		P
447 Gasoline stations ¹			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 ¹			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 ¹			S	S	S		S
622 Hospitals ¹			S	S	S		S
623 Nursing and residential care facilities ¹			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
¹ 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 Not Less Than:	Project Acreage 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;

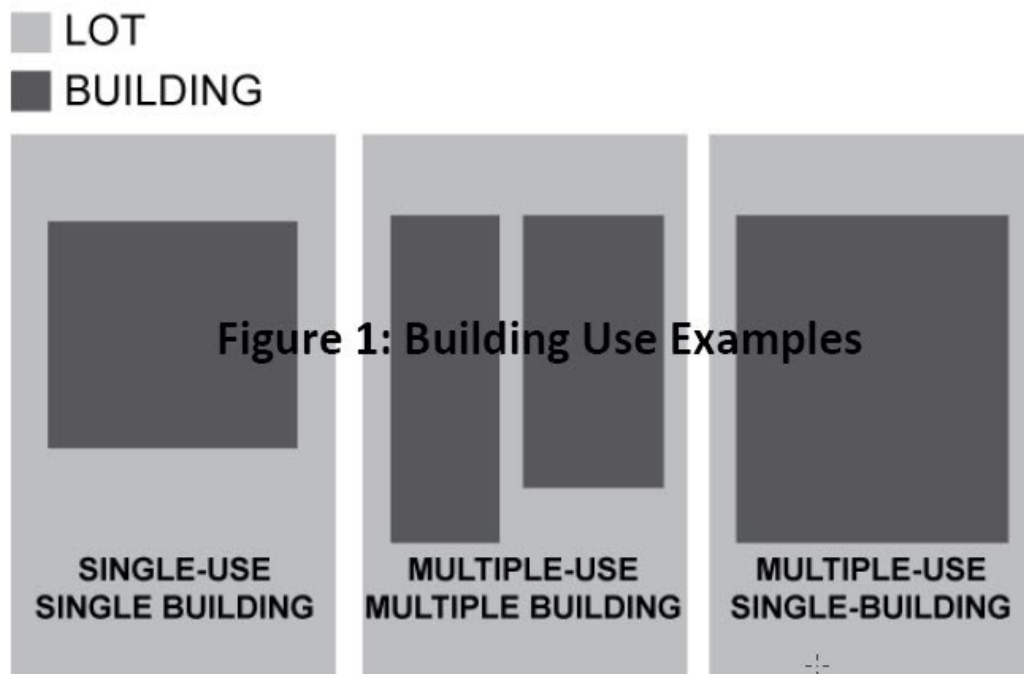
- (2) Non HUD-Code manufactured homes. Mobile homes that are not HUD-Code manufactured homes may not be installed within the city;
- (3) Lots that have a primary building. HUD-Code manufactured homes shall not be permitted as accessory buildings on a lot, which has a primary building;
- (4) Lots with 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.

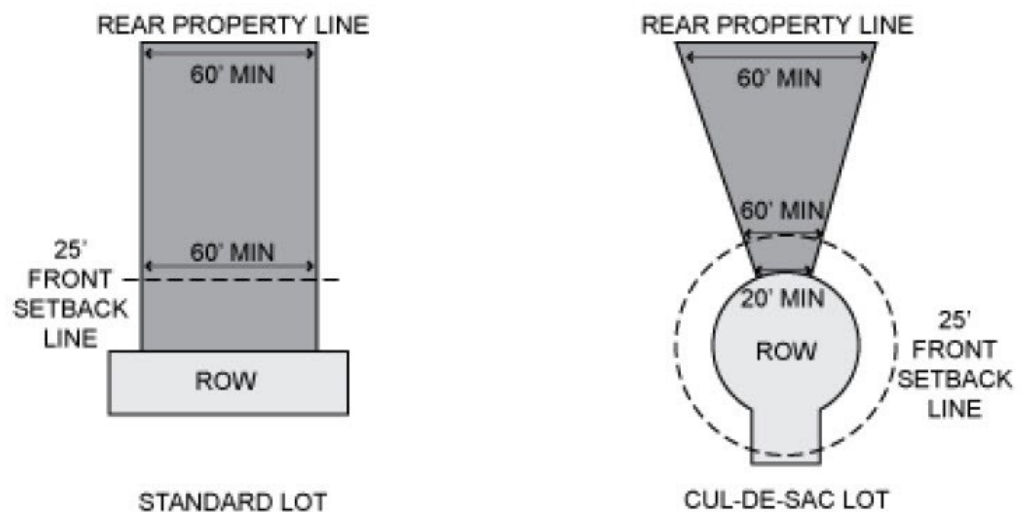
(d) Minimum lot size. (See Figure 2: Lot Size Measurements)

(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.

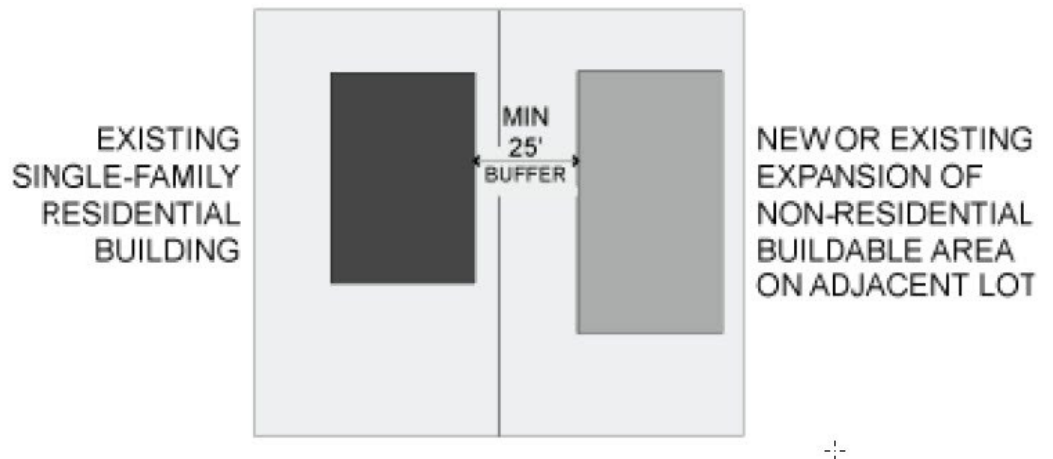
(f) Buffers for existing single-family residential.

(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.

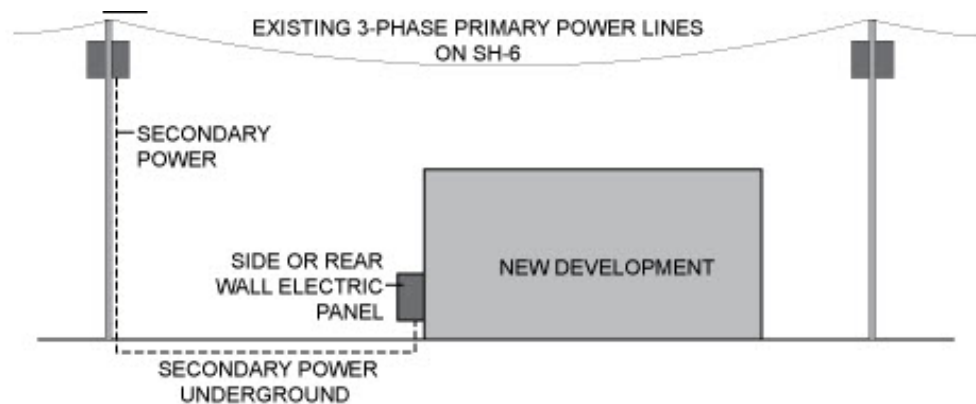
(1) Exterior trash receptacles and recycle bins should be located behind a building and not visible from S.H. 6. If an exterior trash receptacle or recycle bin cannot be located behind a building, it must be enclosed on all sides with screening material at least as high as the top of the receptacle/bin 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 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 repairs.
- 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 or Construction 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 along 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), shall conform to fence standards for single-family residential zoning district.

c. Wooden fence construction.

1. Fence posts shall be installed with concrete footing with a depth of at least a third of the fence post's height above ground.

2. Rot board not exceeding six inches shall be included in wooden fence construction and top cap, not exceeding two inches in height may be added to wood fences.

3. Height of the top cap and rot board shall not be counted towards the total height of wood fences.

d. Allowance of barbed wire fence is limited to:

1. 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.

2. Placement of barbed wire cradles on top of fences enclosing public utility buildings, or other public facilities where the City Manager finds such are necessary to address security interest.

e. 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.

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. Masonry fences and masonry pillars for fences that are taller than six feet above ground shall be designed by a professional engineer licensed in the State of Texas.

h. For masonry walls used as community fence, irrespective of fence height, the city engineer may require that the foundation be designed by a professional engineer licensed in the State of Texas, to ensure structural stability and safety. The city engineer's decision shall be based on factors including the span of the fence; proximity to buildings and sidewalks; abutting land use; soil type; and proposed construction details.

(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.

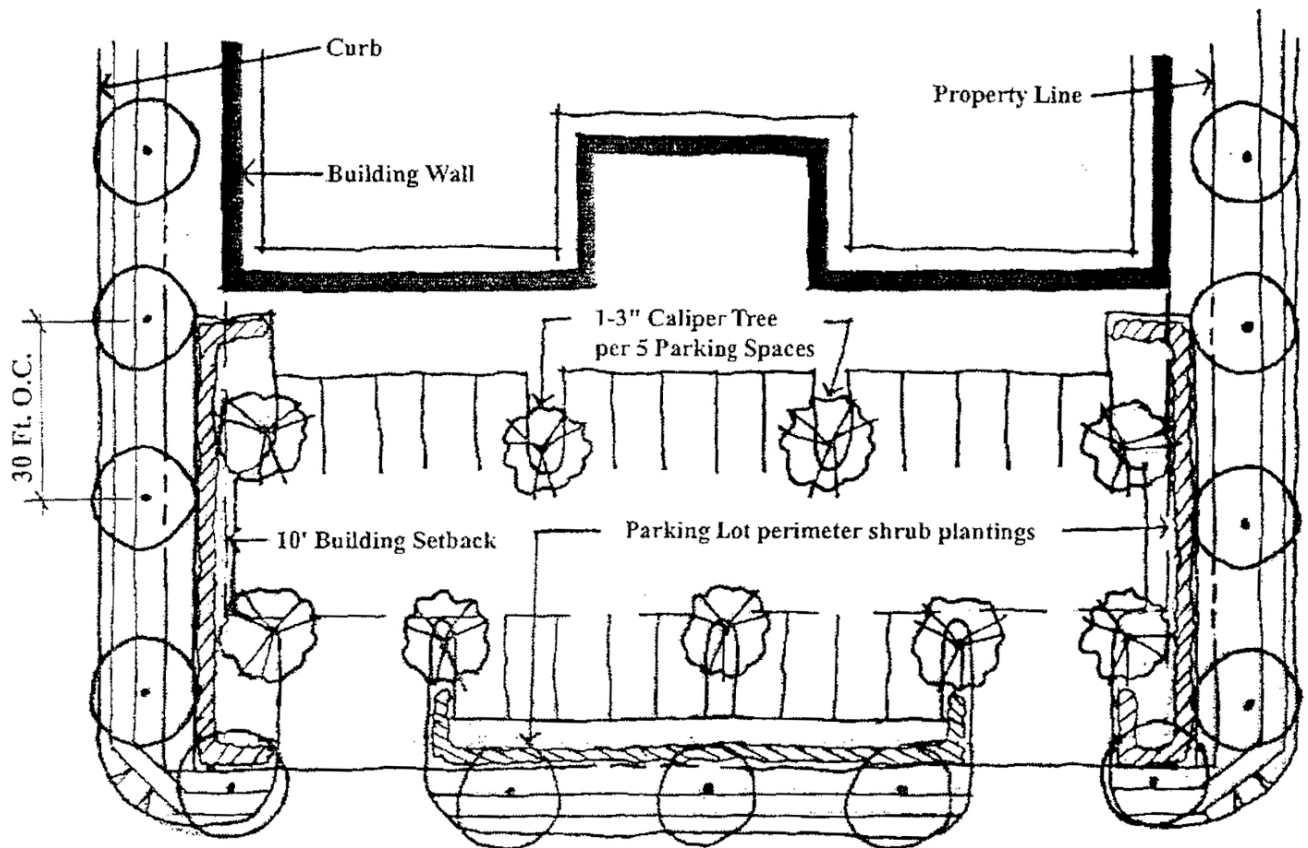
2. The minimum planting size for street trees is 1½ inches in caliper measured at the base of the tree.

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 2 per two bedroom unit 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 of showroom and office area
Auto repair	1 per auto repair bay plus 1 per 200 gross square feet of office area
Hotel/motel	1 per two sleeping rooms plus 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 1 per 200 gross square feet of office area
Warehouse	1 per 2,000 gross square feet of warehouse area plus 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 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 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 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;~~

- ~~e. 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.~~

~~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.]~~

(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 \$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) ~~[(4)]~~ 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 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

Chapter 77 ZONING¹

ARTICLE I. IN GENERAL²

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

¹State 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.

²Editor'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.

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, 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.

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 REGULATIONS³

³Editor'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.

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) 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 ¹				S			
Game room ¹				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 ¹			S	S	S		S
446 Health and personal care stores			P	P	P		P
447 Gasoline stations ¹			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 ¹			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 ¹			S	S	S		S
622 Hospitals ¹			S	S	S		S
623 Nursing and residential care facilities ¹			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
¹ 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)

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 Not Less Than:	Project Acreage 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

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.

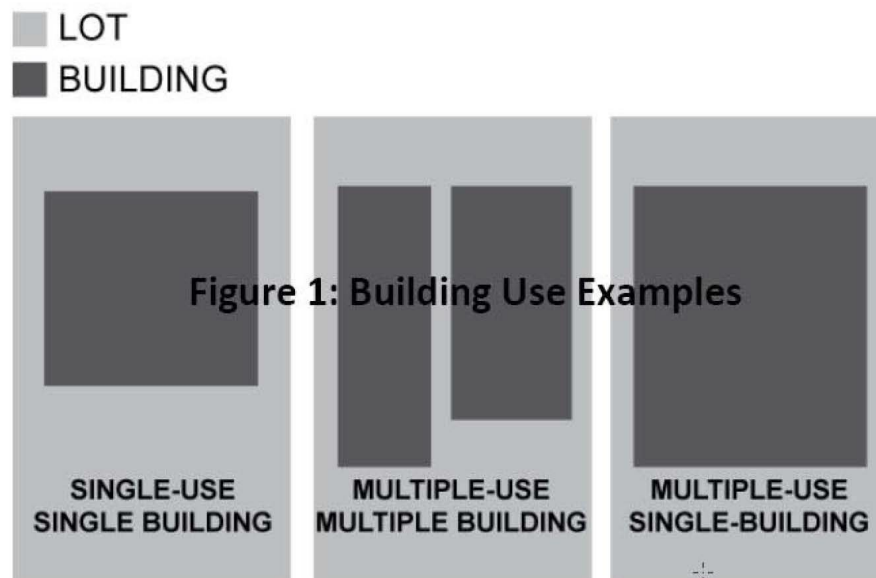
- c. *Corner side:* 10 feet.
 - d. *Rear yard:* 15 feet for the principal structure.
 - e. *Accessory structure:* Five feet for the side and rear yard and ten feet for the corner yard. An accessory structure may not extend past the front line of the principal structure.
- (13) *Replacement.* Replacement 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

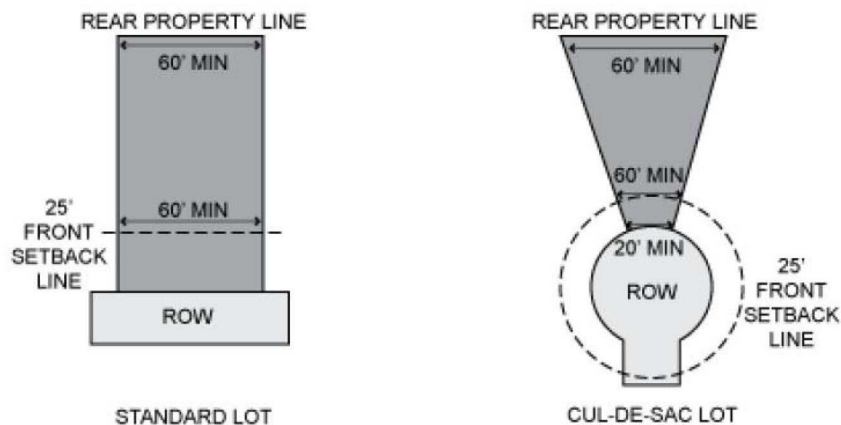


- (b) *Location.* Properties with the zoning designation of HMU district must be located adjacent to at least one side of a state highway or farm-to-market road. To be eligible to be zoned or rezoned as HMU, a property must be within 700 feet from the state highway or farm-to-market road right-of-way 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).

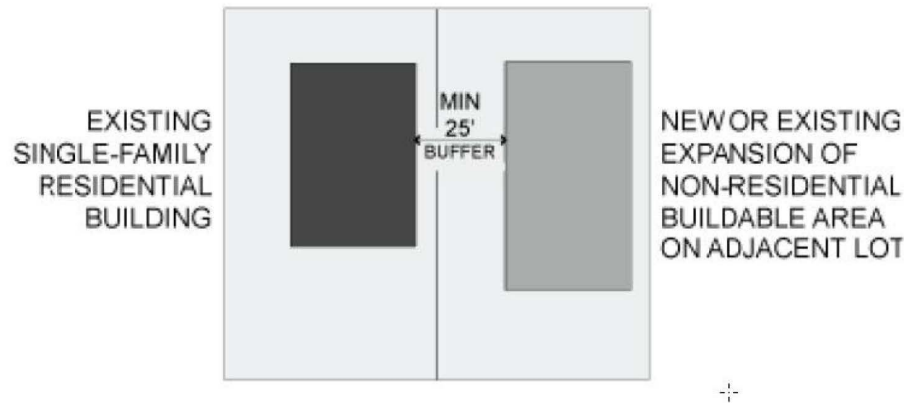
Figure 2: Lot Size Measurements



- (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.

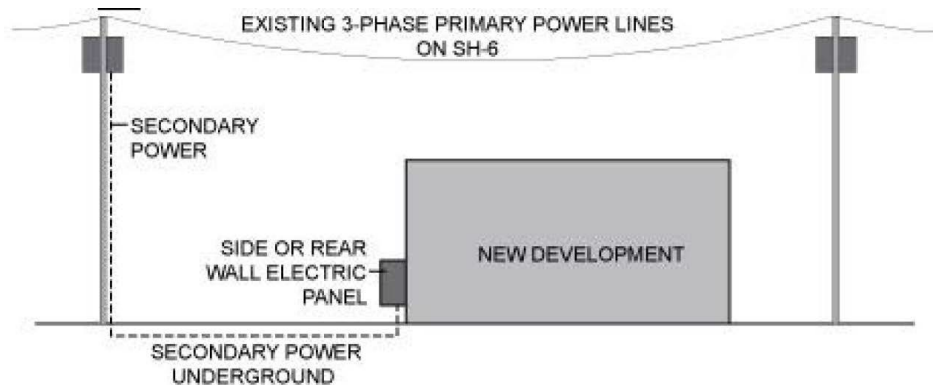
As an overlay district, the requirements specified herein are in addition to the existing zoning districts, and as such, do not replace any current zoning or any specific requirements of the existing zoning districts.

- (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

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 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 repairs.
- c. A fence permit is not required for agricultural fences on agricultural properties that are at least two acres in size.
- d. A separate fence permit is not required for a new fence that has been reviewed and approved as part of a Building or Construction 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 along 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), shall conform to fence standards for single-family residential zoning district.
- c. *Wooden fence construction.*
 - 1. Fence posts shall be installed with concrete footing with a depth of at least a third of the fence post's height above ground.
 - 2. Rot board not exceeding six inches shall be included in wooden fence construction and Top cap, not exceeding two inches in height may be added to wood fences.
 - 3. Height of the top cap and rot board shall not be counted towards the total height of wood fences.
- d. ~~(c) Acreage properties. Barbed wire fences are only allowed on~~ Allowance of barbed wire fence is limited to:
 - 1. Agricultural acreage ~~property~~ ~~ies 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.
 - 2. Placement of barbed wire cradles on top of fences enclosing public utility buildings, or other public facilities where the City Manager finds such are necessary to address security interest.

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- e. 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.
 - 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. Masonry fences and masonry pillars for fences that are taller than six feet above ground shall be designed by a professional engineer licensed in the State of Texas.
 - i. For masonry walls used as community fence, irrespective of fence height, the City Engineer may require that the foundation be designed by a professional engineer licensed in the State of Texas, to ensure structural stability and safety. The City Engineer's decision shall be based on factors including the span of the fence; proximity to buildings and sidewalks; abutting land use; soil type; and proposed construction details.

- (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:

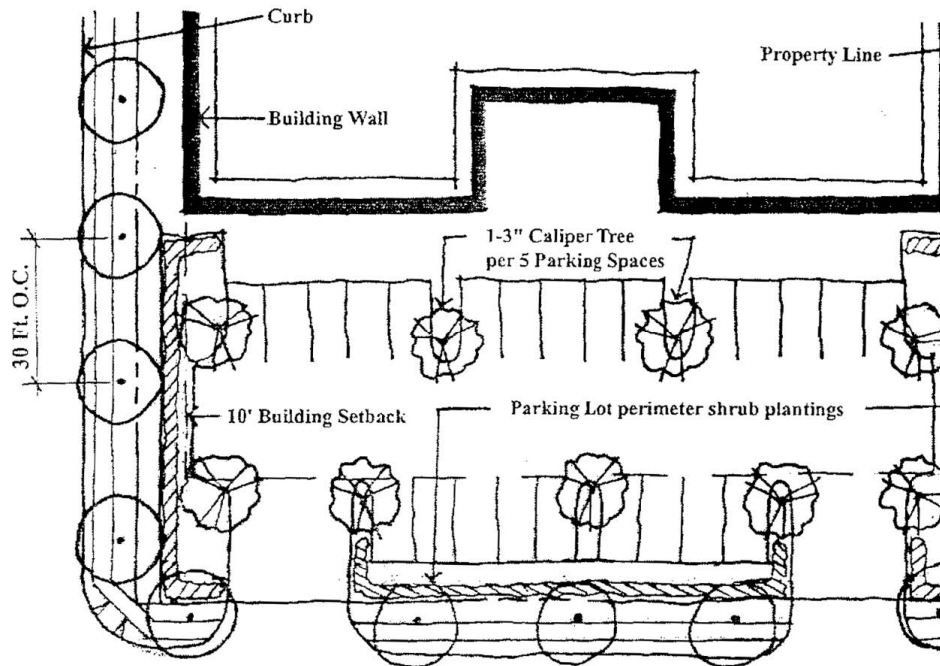
(1) *Trees.*

- 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 2 per two bedroom unit 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 of showroom and office area
Auto repair	1 per auto repair bay plus 1 per 200 gross square feet of office area
Hotel/motel	1 per two sleeping rooms plus 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 1 per 200 gross square feet of office area
Warehouse	1 per 2,000 gross square feet of warehouse area plus 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 1 per employee
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(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/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 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

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- (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.

(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.
 - (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

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- (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:

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- 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.

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- 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.
- (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.

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- (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.

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- (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.~~

~~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.

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- (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?

(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.

(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;
- (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;

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- 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;
- (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. ADMINISTRATION⁴

⁴Editor'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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(Supp. No. 31)

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.

(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.

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- (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, 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)

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 ZONING¹

ARTICLE I. IN GENERAL²

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

¹State 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.

²Editor'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.

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 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.

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.

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 REGULATIONS³

³Editor'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.

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) 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 ¹				S			
Game room ¹				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 ¹			S	S	S		S
446 Health and personal care stores			P	P	P		P
447 Gasoline stations ¹			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 ¹			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 ¹			S	S	S		S
622 Hospitals ¹			S	S	S		S
623 Nursing and residential care facilities ¹			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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(Supp. No. 31)

(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
¹ 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)

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 Not Less Than:	Project Acreage 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

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.

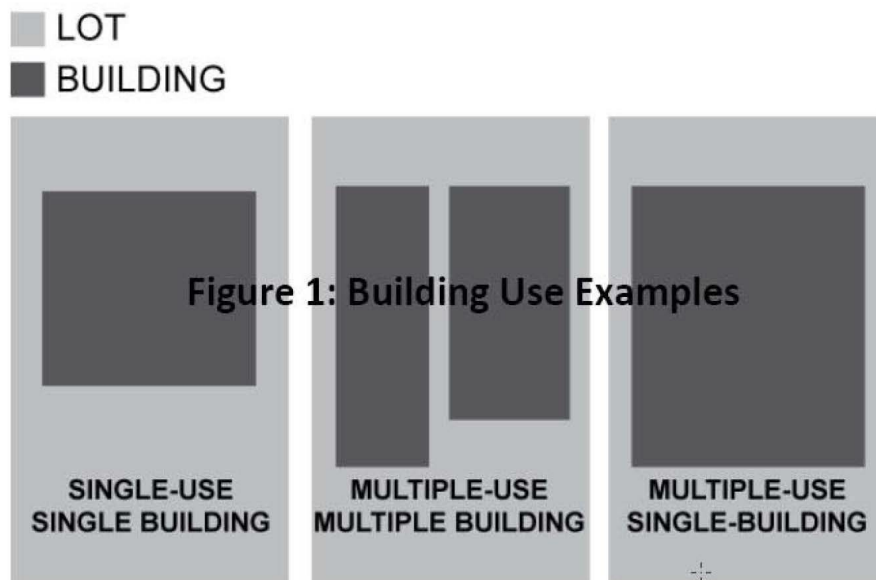
- c. *Corner side:* 10 feet.
 - d. *Rear yard:* 15 feet for the principal structure.
 - e. *Accessory structure:* Five feet for the side and rear yard and ten feet for the corner yard. An accessory structure may not extend past the front line of the principal structure.
- (13) *Replacement.* Replacement 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

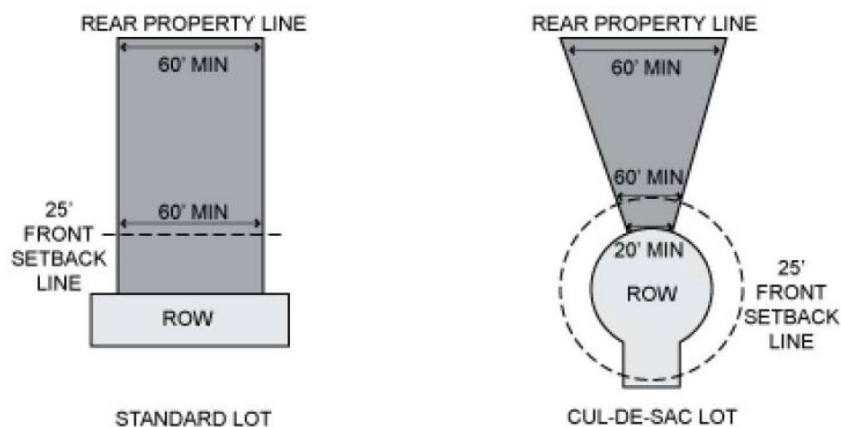


- (b) *Location.* Properties with the zoning designation of HMU district must be located adjacent to at least one side of a state highway or farm-to-market road. To be eligible to be zoned or rezoned as HMU, a property must be within 700 feet from the state highway or farm-to-market road right-of-way 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).

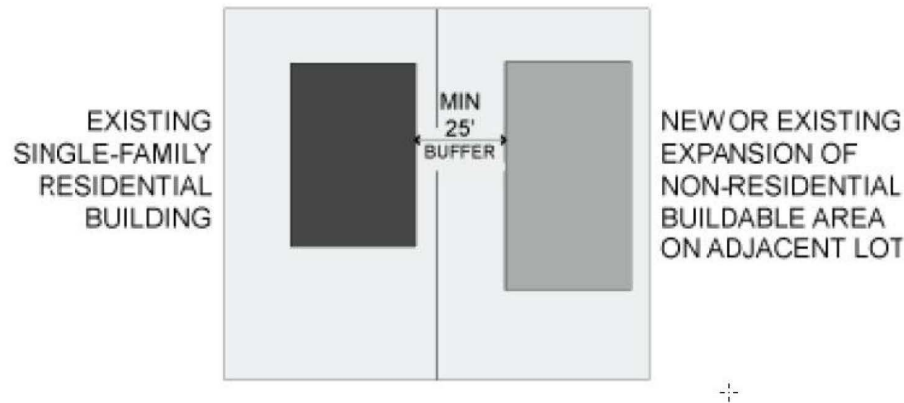
Figure 2: Lot Size Measurements



- (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).

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- (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.

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.*

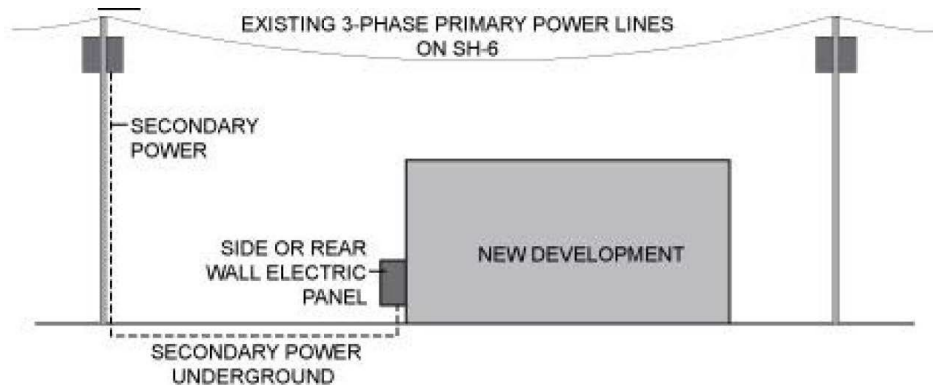
(1) Exterior trash receptacles and recycle bins should be located behind a building and not visible from S.H. 6. If an exterior trash receptacle or recycle bin cannot be located behind a building, it must be enclosed on all sides with screening material at least as high as the top of the receptacle/bin 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

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 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 repairs.
- c. A fence permit is not required for agricultural fences on agricultural properties that are at least two acres in size.
- d. A separate fence permit is not required for a new fence that has been reviewed and approved as part of a Building or Construction 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 along 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), shall conform to fence standards for single-family residential zoning district.

c. *Wooden fence construction.*

- 1. Fence posts shall be installed with concrete footing with a depth of at least a third of the fence post's height above ground.
- 2. Rot board not exceeding six inches shall be included in wooden fence construction and Top cap, not exceeding two inches in height may be added to wood fences.
- 3. Height of the top cap and rot board shall not be counted towards the total height of wood fences.

d. Allowance of barbed wire fence is limited to:

- 1. 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.
- 2. Placement of barbed wire cradles on top of fences enclosing public utility buildings, or other public facilities where the City Manager finds such are necessary to address security interest.

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- e. 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.
 - 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. Masonry fences and masonry pillars for fences that are taller than six feet above ground shall be designed by a professional engineer licensed in the State of Texas.
 - i. For masonry walls used as community fence, irrespective of fence height, the City Engineer may require that the foundation be designed by a professional engineer licensed in the State of Texas, to ensure structural stability and safety. The City Engineer's decision shall be based on factors including the span of the fence; proximity to buildings and sidewalks; abutting land use; soil type; and proposed construction details.
- (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.

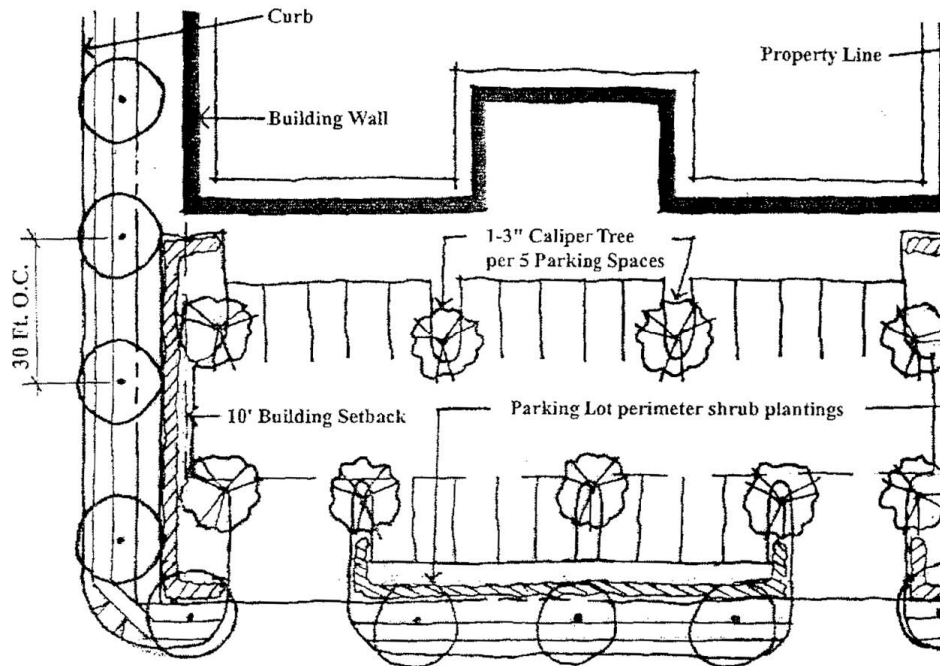
The following regulations shall apply to all new land development projects, except new single-family residential:

- (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 2 per two bedroom unit 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 of showroom and office area
Auto repair	1 per auto repair bay plus 1 per 200 gross square feet of office area
Hotel/motel	1 per two sleeping rooms plus 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 1 per 200 gross square feet of office area
Warehouse	1 per 2,000 gross square feet of warehouse area plus 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 1 per employee
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(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/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 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

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- (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.

(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.
 - (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

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- (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:

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- 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.

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- 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.
- (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.

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- (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.

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- (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 \$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)

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.

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- (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;
 - 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. ADMINISTRATION⁴

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

⁴Editor'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.

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
- (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:

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- (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.

(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)



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: November 20, 2023

TOPIC: Public hearing regarding amending the zoning classification of an approximate 1.5 acre tract of land, currently, developed as a retail center located at 20514 Morris Avenue, Manvel, Texas (location of Manvel library), from Light Commercial District/ State Highway 6 Overlay District (LC/SH6) to Light Commercial District/ State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP); providing for the granting of a Specific Use permit with conditions to authorize the use of property for NAICS use code 532120 "Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing".

BACKGROUND: The subject site is an existing shopping center on an approximate 1.5-acre tract of land located at 20514 Highway 6, Manvel, Texas. The subject site is situated along the south side of Highway 6 in the Light Commercial District /State Highway 6 Overlay District (LC/SH6). The immediate vicinity of the subject site is Light Commercial District /State Highway 6 Overlay District (LC/SH6), with an antique store to the north across from State Highway 6 and abutting a body shop to the west, and undeveloped Light Commercial District /State Highway 6 Overlay District (LC/SH6) lots to the south and east. There is an existing non-conforming residential use to the south of the subject site. Subject site can be accessed from State Highway 6 and Rogers Street. State Highway 6 is classified as Major Thoroughfare with minimum right-of-way width of 120 feet and Rogers Street is a minor street with a minimum right-of-way width of 60-feet.

The applicant intends to lease an approximate 800 to 1,000 square feet office space within the existing shopping center for a U-Haul Rental Agency. The proposed use, which is classified as NAICS Use Code No. 532120 "Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing", requires granting a SUP approval. Section 77-50 (e) of the Zoning Ordinance provides the criteria for SUP approval which is discussed in the following sections.

The proposed use is also not anticipated to have any negative impact on the nearby properties, considering, (a) location along a major thoroughfare and (b) surrounding properties being zoned LC district. The proposed U-Haul agency is not anticipated to be a large operation with several trucks and trailers parked in the shopping center. However, it is important to note that having multiple U-Haul Agencies or a larger operation may have a detrimental impact to the area. The applicant has indicated that the agency will generally have four trucks and four trailers for renting, but occasionally, there may be additional trucks or trailers resulting from unplanned and emergency drop-

offs. The proposed scale of the operation is not anticipated to disrupt vehicular movement or parking within the shopping center. The proposed use is not significantly different from other general office or retail sales and service use in terms of its operation and traffic patterns. The applicant is proposing parking to be along the side and rear of the building, to avoid visual clutter along the Highway 6 corridor. The proposed use meets all the criteria of approval provided in Section 77-50 (e) of the code of ordinances, which focus on ensuring that the proposed use will be in harmony with the adjacent property and will not have a detrimental impact on the general area.

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The proposed use aligns with the Comprehensive Plan goals. The subject site being located along a major thoroughfare, makes it an appropriate location for the proposed use. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity. Additionally, inclusion of the proposed use to the shopping center provides a commercial service to the community without impacting the small-town quality of life.

STAFF RECOMMENDATION: City staff recommends approval with six (6) conditions as proposed by staff and listed in the Staff Report.



PD&Z DISCUSSION: At the November 13, 2023, Planning, Development and Zoning Commission held a public hearing at which no public input was received. The PD&Z Commission generally discussed the project and asked clarifying questions regarding parking, location of the lease space, and type of business. Staff clarified that staff is recommending a condition that parking shall meet the requirements of Section 77-45.- Parking of the City of Manvel Zoning Ordinance. A concern was raised about large trucks damaging the existing parking pavement. Staff clarified that applicant has indicated that the agency will generally have four trucks and four trailers for rent, and will be small and regular size box trucks. Staff also highlighted the condition regarding Gross Floor area of a business and the condition that only one business categorized under NAICS Use Code No. 532120 is permitted at any given time. This was to explain that the SUP will only allow this use at a smaller scale and only within a small portion of the building and site. Staff also confirmed that parking requirements shall be verified at the time when a Certificate of Occupancy application is filed. The last concern raised was if the approval of the SUP also allows for leasing of Recreational Vehicles. Staff explained that the SUP if approved will only allow renting and leasing of box trucks and utility trailers.

PD&Z RECOMMENDATION: The PD&Z Commission recommended approval of Ordinance No. 2023-O-42 with a vote of five (5) "Yeas" to one (1) "Nays" at their November 13, 2023, meeting.

ATTACHMENTS: Staff Report and Ordinance No. 2023-O-42

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER

Jose Abraham

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____





City Council Specific Use Permit Request

Agenda of:	November 20, 2023	Initiated By:	Jose Abraham City Planner Zoning Official
Department:	Development Services	Presented By:	Jose Abraham City Planner Zoning Official

Subject/Proceeding

Specific Use Permit (SUP) request to establish a U-Haul rental agency on an approximate 1.5-acre tract of land developed as a retail shopping center, located at 20514 Highway 6, Manvel, Texas, in the Light Commercial District /State Highway 6 Overlay District (LC/SH6).

Exhibits

Zoning Vicinity Map, Aerial Vicinity Map, Major Thoroughfare Plan Map, Application, Letter of Authorization, Letter of Request, and Public Hearing Notice.

Recommended Action

A Public Hearing followed by consideration and action from the City Council to approve Ordinance No. 2023-O-42.

Executive Summary

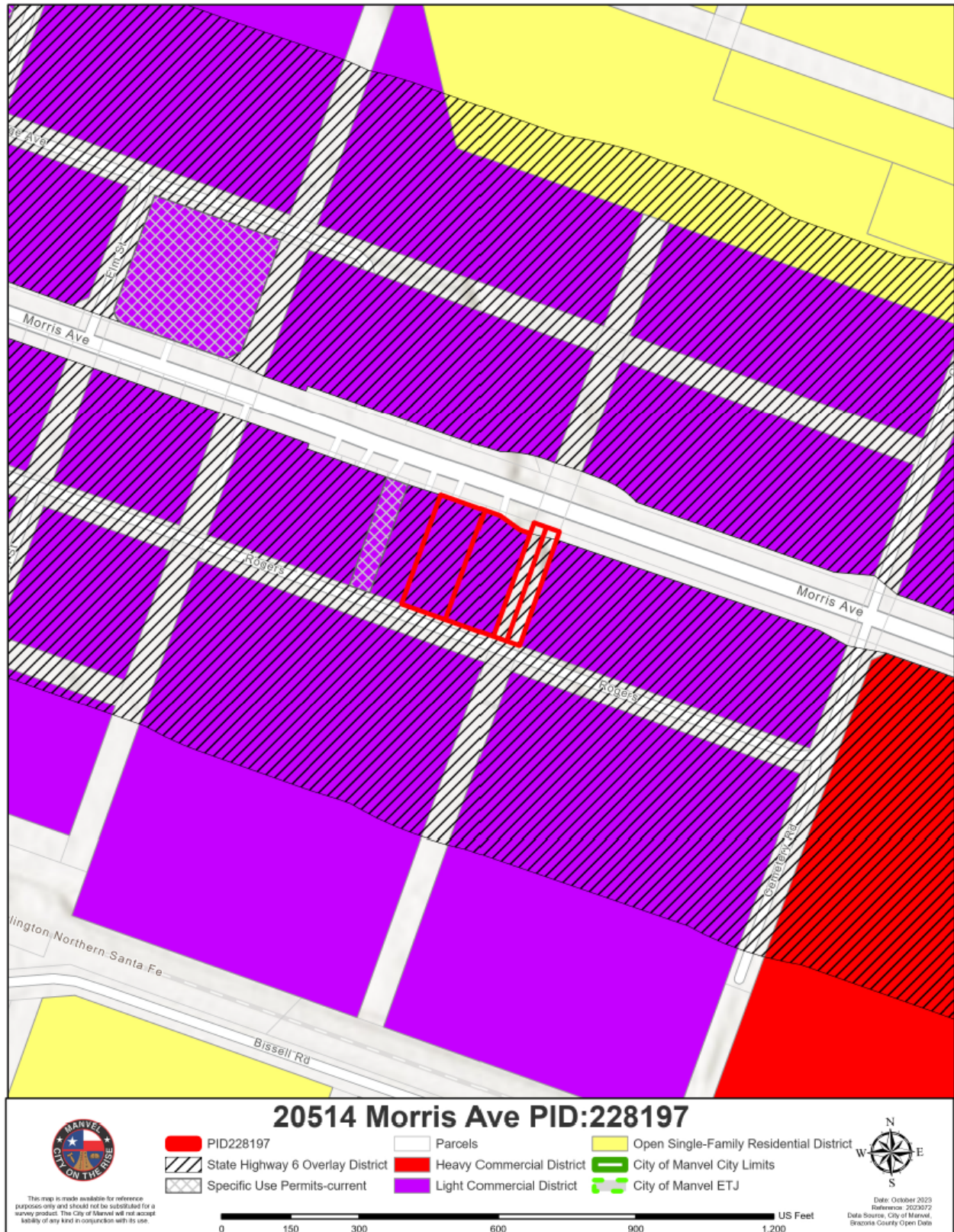
The subject site is a shopping center with associated parking located at 20514 Morris Avenue, Manvel, Texas (location of Manvel Library). The subject site with approximately 1.5 acres is currently zoned Light Commercial District /State Highway 6 Overlay District (LC/SH6).

The applicant Latisha Wilder, with permission from the property owner AMAENS Investments LLC, is requesting a SUP to allow NAICS Use Code No. 532120 "Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing" at the subject site. The applicant intends to lease an approximate 800 to 1,000 square feet office space within the existing shopping center for a U-Haul Rental Agency. Staff overview of the proposed SUP is contained in the attached Staff Report section.

Aerial Vicinity Map



Zoning Vicinity Map



Staff Report

Zoning Ordinance Provisions for Specific Use Permits

In Section 77-50 (a) *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states “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 City Council and Planning, Development and Zoning 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 judgement relative to the location and site plan of the proposed use are required.”

In Section 77-50 (b) of the Zoning Ordinance it further states, “the city council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use 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.”

General Site Information

The following is a summary of general site information.

Surrounding Property Zoning	North: Light Commercial District /State Highway 6 Overlay District (LC/SH6) South: Light Commercial District /State Highway 6 Overlay District (LC/SH6) East: Light Commercial District /State Highway 6 Overlay District (LC/SH6) West: Light Commercial District /State Highway 6 Overlay District (LC/SH6)
Surrounding Land Use	North: Commercial South: Vacant/ Undeveloped and Non-Conforming Residential East: Vacant / Undeveloped West: Commercial

Overview

The subject site is an existing shopping center on an approximate 1.5-acre tract of land located at 20514 Highway 6, Manvel, Texas. The subject site is situated along the south side of Highway 6 in the Light Commercial District /State Highway 6 Overlay District (LC/SH6). The immediate vicinity of the subject site is Light Commercial District /State Highway 6 Overlay District (LC/SH6), with an antique store to the north across from State Highway 6 and abutting a body shop to the west, and undeveloped Light Commercial District /State Highway 6 Overlay District (LC/SH6) lots to the south, and east. There is an existing non-conforming residential use to the south of the subject site. Subject site can be accessed from State Highway 6 and Rogers Street. State Highway 6 is classified as Major

Thoroughfare with minimum right-of-way width of 120 feet and Rogers Street is a minor street with a minimum right-of-way width of 60 feet.

The applicant intends to lease an approximate 800 to 1,000 square feet office space within the existing shopping center for a U-Haul Rental Agency. The proposed use, which is classified as NAICS Use Code No. 532120 "Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing," requires granting a SUP approval. Section 77-50 (e) of the Zoning Ordinance provides the criteria for SUP approval which is discussed in the following sections.

The proposed use is also not anticipated to have any negative impact on the nearby properties, considering, (a) location along a major thoroughfare and (b) surrounding properties being zoned LC district. The proposed U-Haul agency is not anticipated to be a large operation with several trucks and trailers parked in the shopping center. However, it is important to note that having multiple U-Haul Agencies or a larger operation may have a detrimental impact to the area. The applicant has indicated that the agency will generally have four trucks and four trailers for renting, but occasionally, there may be additional trucks or trailers resulting from unplanned and emergency drop-offs. The proposed scale of the operation is not anticipated to disrupt vehicular movement or parking within the shopping center. The proposed use is not significantly different from other general office or retail sales and service use in terms of its operation and traffic patterns. The applicant is proposing parking to be along the side and rear of the building, to avoid visual clutter along the Highway 6 corridor. The proposed use meets all the criteria of approval provided in Section 77-50 (e) of the code of ordinances, which focus on ensuring that the proposed use will be in harmony with the adjacent property and will not have a detrimental impact on the general area.

Comprehensive Plan

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The subject site being located along a major thoroughfare, makes it an appropriate location for the proposed use and hence aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity. Additionally, inclusion of the proposed use to the shopping center provides a commercial service to the community without impacting the small-town quality of life.

Staff Recommendation

Based on the above discussion, staff recommends approval of this SUP request for the subject site to allow NAICS Use Code No. 532120 "Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing" with the following conditions:

1. The land use allowance of this Specific Use Permit is limited only to renting and leasing of trucks and utility trailers.
2. Only one business categorized under NAICS Use Code No. 532120 "Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing" is permitted at any given time.
3. Gross Floor area of a business categorized under NAICS Use Code No. 532120 "Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing" shall not exceed 1,500 square feet.

4. Parking of rental vehicles shall not block access to the property or impede on-site traffic movement.
5. Parking of rental vehicles shall be restricted to the side or rear of the building and shall not extend past the front line of the principal building.
6. Parking spaces required for this use shall be marked and shall conform to the requirements of Section 77-45.- *Parking* of the City of Manvel Zoning Ordinance.

Planning, Development and Zoning Commission Public Hearing

The Notice of Public Hearing at the Planning Development and Zoning (PD&Z) Commission was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. No one spoke in favor or opposition of the proposed SUP at the Public Hearing held on November 13, 2023 at the PD&Z Commission regular meeting.

Planning, Development and Zoning Commission Discussion

The PD&Z Commission generally discussed the project and asked clarifying questions regarding parking, location of the lease space, and type of business. Staff clarified that staff is recommending a condition that parking shall meet the requirements of Section 77-45.- *Parking* of the City of Manvel Zoning Ordinance. A concern was raised about large trucks damaging the existing parking pavement. Staff clarified that applicant has indicated that the agency will generally have four trucks and four trailers for rent, and will be small and regular size box trucks. Staff also highlighted the condition regarding Gross Floor area of a business and the condition that only one business categorized under NAICS Use Code No. 532120 is permitted at any given time. This was to explain that the SUP will only allow this use at a smaller scale and only within a small portion of the building and site. Staff also confirmed that parking requirements shall be verified at the time when a Certificate of Occupancy application is filed. The last concern raised was if the approval of the SUP also allows for leasing of Recreational Vehicles. Staff explained that the SUP if approved will only allow renting and leasing of box trucks and utility trailers.

Planning, Development and Zoning Commission Recommendation

The PD&Z Commission recommended approval of Ordinance No. 2023-O-42 with a vote of five (5) "Yeas" to One (1) "Nays" at their November 13, 2023, meeting.

Public Hearing

The Notice of Public Hearing to receive public input regarding this request was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, staff has received one informational inquiry and is not aware of any opposition to the request.

Site Photographs



Viewing subject site from Hwy 6



Viewing subject site from Hwy 6

Site Photographs



View of the access to subject site from Rogers St.



View of the property from the south-east corner (Rogers St.)

Site Photographs

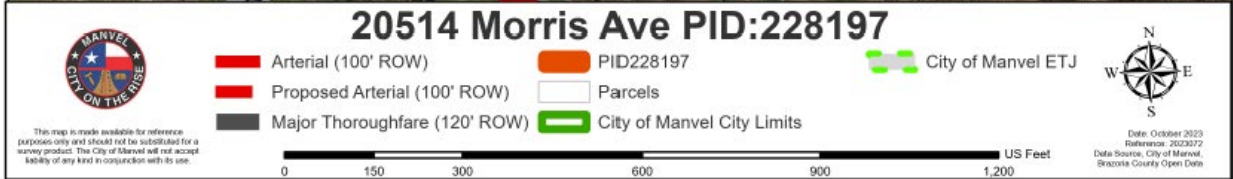


View of abutting commercial property to the west



View of commercial development to the north across from Highway 6

Major Thoroughfare Plan Map



Application



DEVELOPMENT SERVICES
20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION

PROJECT INFORMATION

Project Name: manvel one stop shop
Project Location/Address: 20514 Highway 6 manvel TX 77578
Legal Description: lot 0485B - [86C] - 86D - 86I
Current Zoning: LC Proposed Land Use: _____ NAICS No.: 532120
Parcel/Tax ID# (s): 63980164130 Total Acreage: 1.5071

APPLICANT INFORMATION

Applicant Name: Latashe Wilder
Company Name: manvel one stop shop
Address: 12601 Floral Park Ln City: Pearland State: TX Zip: 77581
Phone #: 414 788-7235 Email: wilderlatasha@gmail.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

[Signature]
Applicant Signature (REQUIRED)

9/18/2023
Date

PROPERTY OWNER INFORMATION

Owner(s) Name: AMAENS INVESTMENTS LLC
Address: 20514 Highway 6 City: Manvel State: TX Zip: 77578
Phone #: 281-658-6286 Email: robert.yay@gmail.com

PROPERTY OWNER'S AUTHORIZATION (Required - If owner is also the applicant, must sign as both):

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

[Signature]
Owner's Signature (REQUIRED)

09-18-2023
Date

**DEVELOPMENT SERVICES**

20025 HIGHWAY 6

MANVEL, TX 77578

P: 281-489-0630

F: 281-489-0634

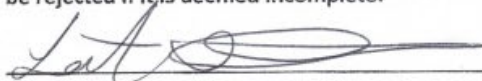
SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	✓
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	✓
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	
Two (2) Copies of Recorded Plat (if platted)	
Two (2) Applicant Letters of Request	✓
Traffic Impact Analysis, (if applicable)	
Paid Application Fee	

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.


Applicant Signature

9/18/2023
Date



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Robert Yang

Owner Name

20514 Highway 6

Owner Address

Manvel TX 77578

Owner City, State

Zip

09-18-2023

Date

Building and Inspections

20025 Highway 6

Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, Robert Yang, certify that I am the owner of the project property located at 20514 Highway 6 Unit C and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Latasha Wilder with the company manvel one stop shop (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 281-658-6286 if you have any questions.

Sincerely,

Owner Name [Signature]

Owner Signature 09-18-2023

To whom it may concern,

I Latasha Wilder at Manvel One Stop Shop is at this time seeking to open a U-Haul truck rental business located at 20514 highway 6 suite C, Manvel Tx 77578. My business is very low volume primarily to rent out trucks, and trailers. I will have about 800 to 1000 square feet of office space to include a public restroom. The landlord Robert Yang has given me a number of parking spaces fair to the amount of space I am leasing. I also have been giving any rear behind the building, and common area lot space within reason. I feel that my business will be an asset to the city of Manvel, especially with there being an enormous amount of building growth in the city. My hours of operation will be seven days a week from 7am till 7pm. This building currently has the library located in the front off of highway 6. The library takes up about 3 office spaces. The total parking lot can hold between 60 to 68 vehicles at one time. The U-Haul business will be located on the side of the building to the rear. I will provide pictures for your view. I will only take up about 8 parking spaces 4 trucks and 4 trailers, and any excess will be parked in the rear of the building. I thank you in advance for your consideration in allowing me to bring a national rental company to the city of Manvel.

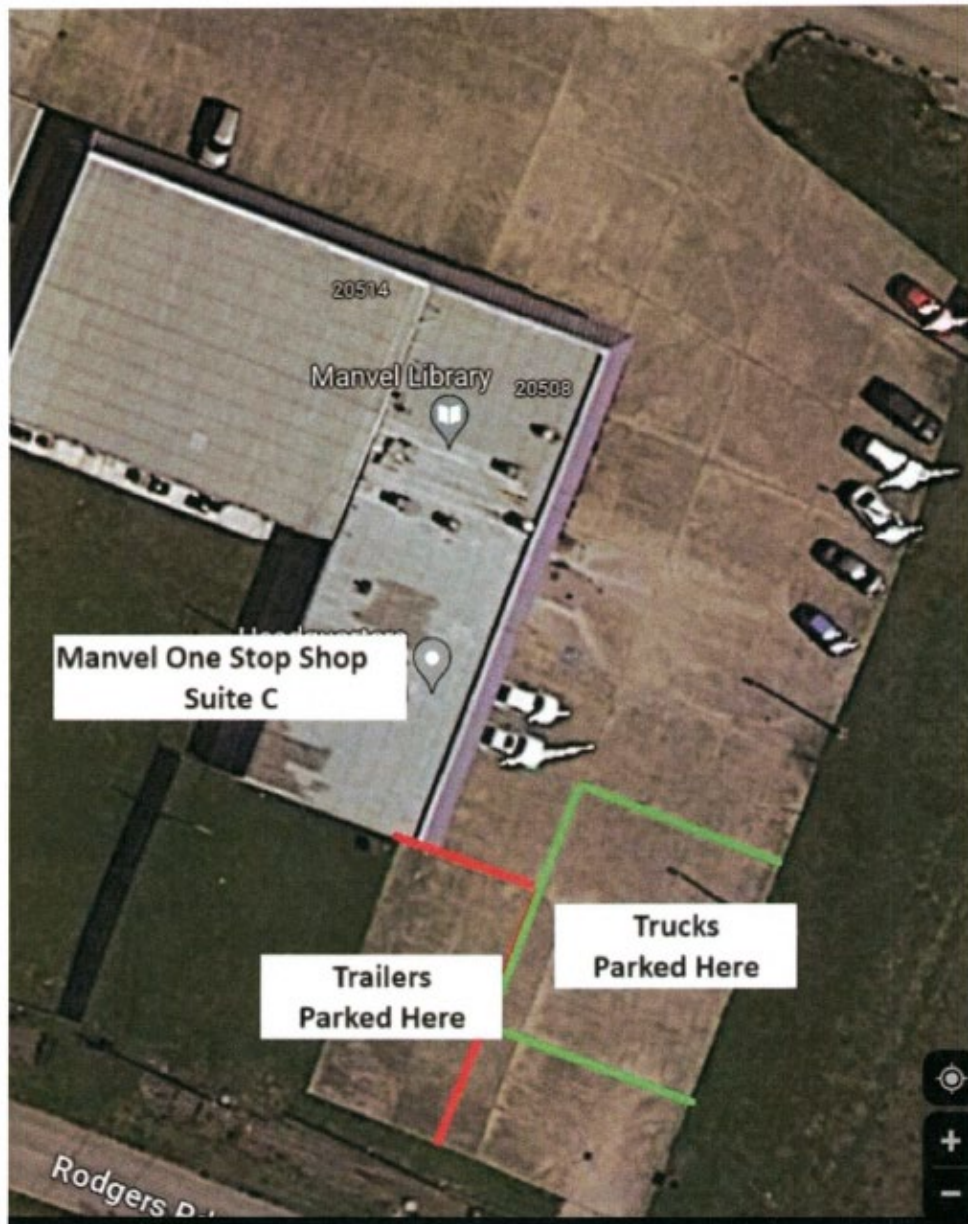
Latasha Wilder



9/19/2023

Owner Manvel One Stop Shop

Proposed Location of Parking



Public Hearing Notice

Public Hearing Notice to run on Sunday 10/29/2023

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX 77578 AT 6:00 P.M. ON MONDAY, NOVEMBER 13, 2023 BEFORE THE MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION AND AT 6:00 P.M., ON MONDAY, NOVEMBER 20, 2023 BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.5 ACRE TRACT OF LAND, CURRENTLY, DEVELOPED AS A RETAIL CENTER WITH ASSOCIATED PARKING, LOCATED AT 20514 MORRIS AVENUE, MANVEL, TX (LOCATION OF MANVEL LIBRARY), FROM LIGHT COMMERCIAL DISTRICT/ STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 532120 “TRUCK, UTILITY TRAILER, AND RV (RECREATIONAL VEHICLE) RENTAL AND LEASING”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. /S/ TAMMY BELL, CITY SECRETARY.

ORDINANCE NO. 2023-O-42

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 1.5 ACRES LOCATED AT 20514 HIGHWAY 6, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 532120 “TRUCK, UTILITY TRAILER, AND RV (RECREATIONAL VEHICLE) RENTAL AND LEASING”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, AMAENS Investments LLC, represented by Mr. Robert Yang, is the owner (the “Owner”) of a certain retail center on an approximate 1.5-acre tract of land located at 20514 Highway 6, Manvel, Texas; a map of which is attached hereto as Exhibit “A”; and

WHEREAS, the 1.5-acre tract is currently zoned Light Commercial District/State Highway 6 Overlay District (LC/SH6); and

WHEREAS, Latisha Wilder (the “Applicant”), with the Owner’s permission has filed an application to change the zoning classification of the 1.5-acre tract to Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) allowing the use of the property for NAICS use 532120 “Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing”; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the zoning and specific use permit; 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. The zoning classification of a certain 1.5-acre tract of land located at 20514 Highway 6, Manvel, Texas, a map of which is attached hereto as Exhibit “A”; shall be changed from Light Commercial District/State Highway 6 Overlay District (LC/SH6) to Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP), for uses as permitted within such zone classification, subject to the requirements, regulations, and conditions hereinafter set forth:

1. Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing
– (NAICS 532120)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the additional NAICS use listed in Section 2, above.

Section 4. The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit “B,” attached hereto and incorporated herein as if set out in full. The general area for parking of rental vehicles shall be as shown in Exhibit “C,” attached hereto.

Section 5. The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one-year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year.

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City’s Comprehensive Land Use Plan. 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 in zoning classification of said tract(s) as described above.

Section 8. 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 9. 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.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, 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.

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

Exhibit A

Aerial Vicinity Map for 20514 Highway 6



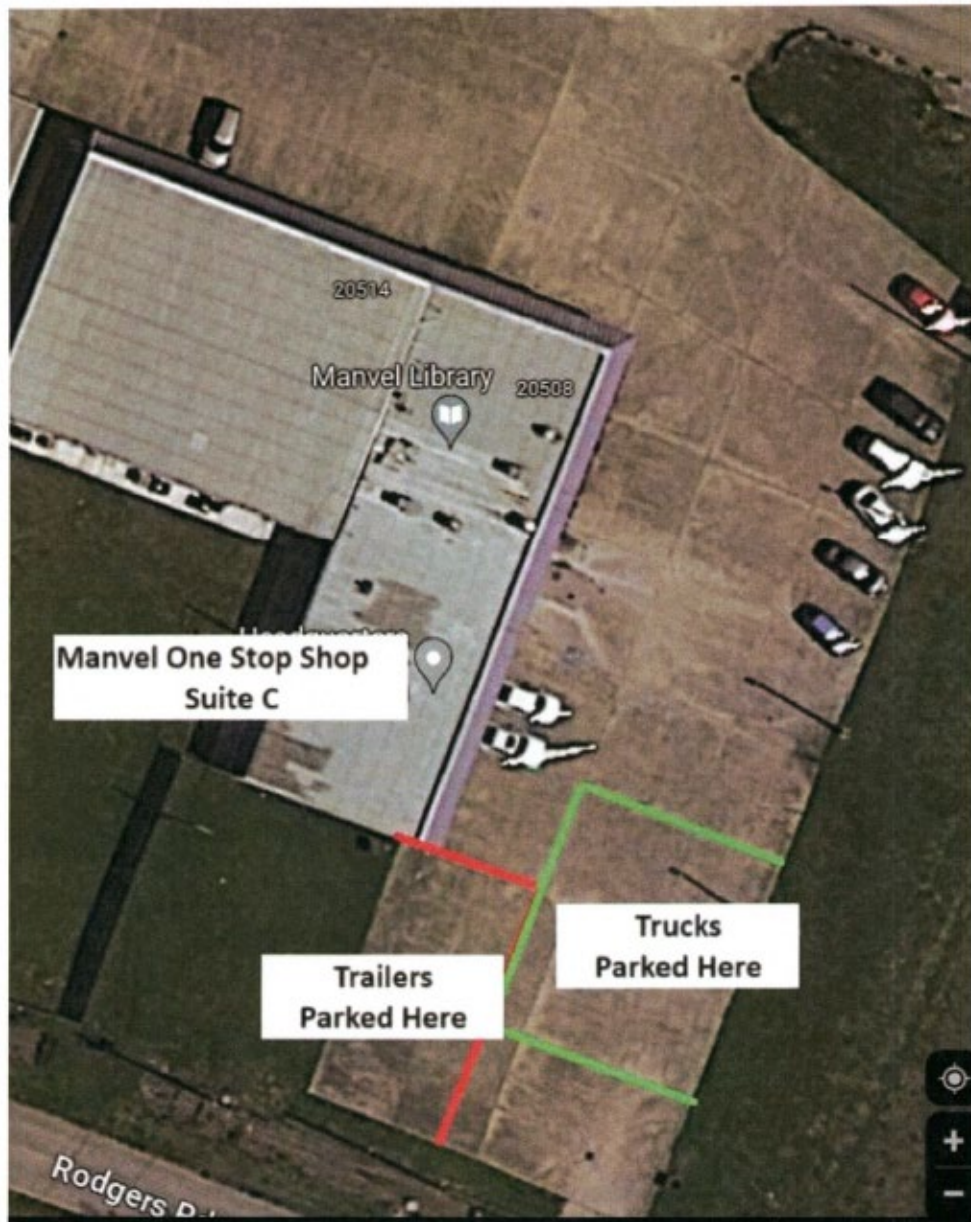
Exhibit B

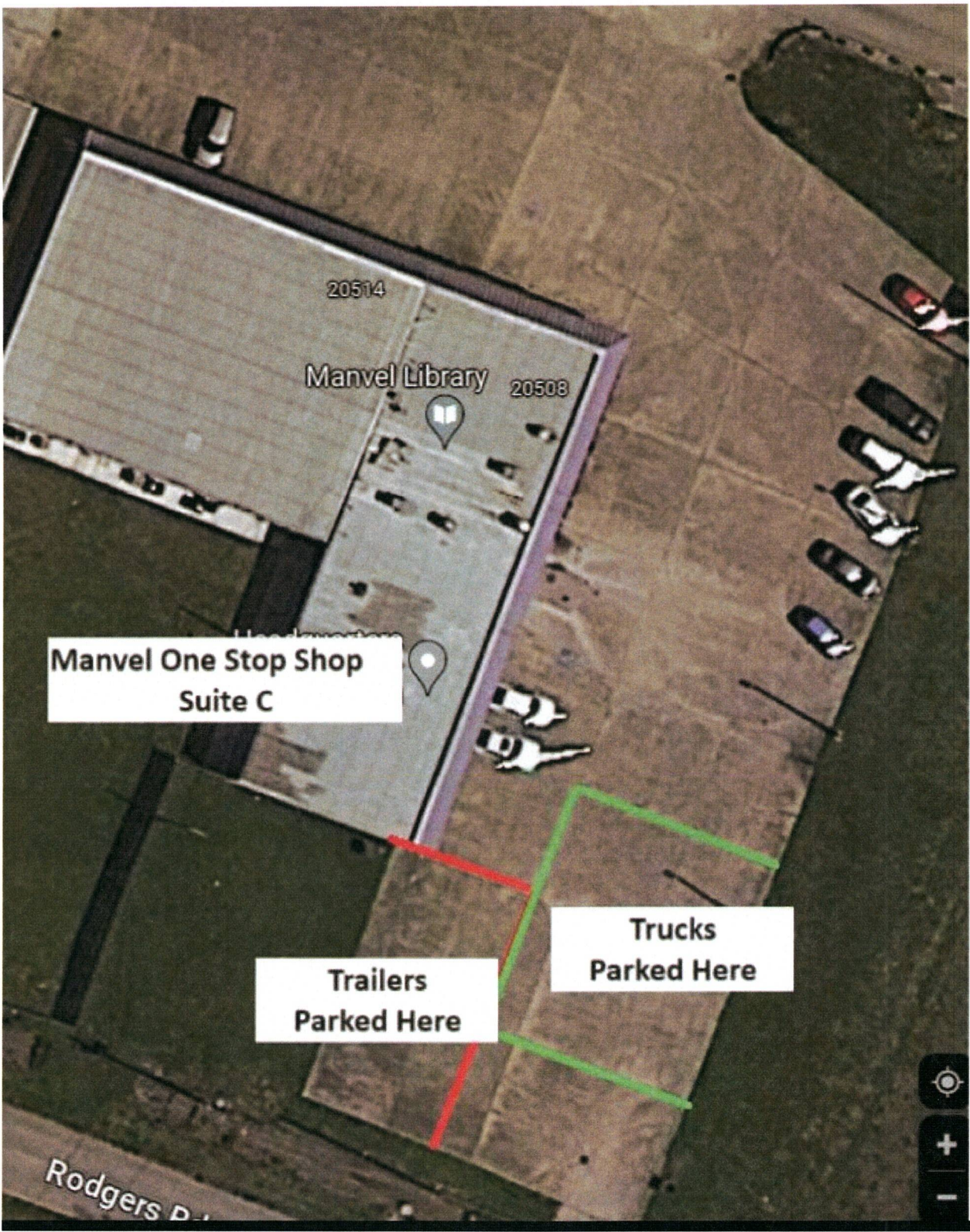
CONDITIONS FOR 20514 HIGHWAY 6 (TRUCK, UTILITY TRAILER, AND
RECREATIONAL VEHICLE RENTAL AND LEASING)

1. The land use allowance of this Specific Use Permit is limited only to renting and leasing of trucks and utility trailers.
2. Only one business categorized under NAICS Use Code No. 532120 “Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing” is permitted at any given time;
3. Gross Floor area of a business categorized under NAICS Use Code No. 532120 “Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing” shall not exceed 1,500 square feet.
4. Parking of rental vehicles shall not block access to the property or impede on-site traffic movement.
5. Parking of rental vehicles shall be restricted to the side or rear of the building and shall not extend past the front line of the principal building.
6. Parking spaces required for this use shall be marked and shall conform to the requirements of Section 77-45.- *Parking* of the City of Manvel Zoning Ordinance.

Exhibit C

RENTAL VEHICLES PARKING AREA







MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: November 20, 2023

TOPIC: Public hearing regarding amending the zoning ordinance by changing the zoning classification of an approximate 1.1-acre tract of land located at 7225 Lewis Lane (7050 Masters Road), Manvel, Texas (northwest corner of Lewis Lane and Masters Road intersection), from Highway Mixed Use District (HMU) to Highway Mixed Use District with Specific Use Permit (HMU-SUP); providing for the granting of a Specific Use Permit with conditions to authorize the use of property for NAICS use 6244 "Child Day Care Services".

BACKGROUND: The subject site is located at 7225 Lewis Lane (7050 Masters Road), Manvel, Texas (northwest corner of Lewis Lane and Masters Road intersection). The subject site is an approximate, 1.1-acre tract of land and is currently zoned Highway Mixed Use District (HMU). Potential buyer of the subject site intends to develop it as a daycare. Daycare use, which is classified as NAICS Use No. 6244 "Child Day Care Services," requires a SUP approval in HMU District. Therefore, applicant, Jose A. Cavazos, B Ingenious Designs, LLC, with permission from property owner, Chad Thumann - Terra Estates LLC, is requesting a SUP. Section 77-50 (e) of the Zoning Ordinance provides the criteria for SUP approval, which focus on ensuring that the proposed use will be in harmony with the adjacent property and will not have a detrimental impact on the general area. Following list highlights certain aspects of the proposed site plan with respect to these criteria and challenges associated with the subject site.

- HMU zoning district requires a minimum rear property line width to be 60 feet. The property was platted as a conforming lot, considering access from Masters Road. The applicant is proposing access from Lewis Lane and due to the odd shape of the subject site, the rear property line in this case becomes non-conforming. Staff found that the front of the property may also be considered based on the address of the property. Initially, the subject site had a Masters Road address but the applicant had changed the address to be on Lewis Lane. Based staff comment and input, the address was again changed (from "7225 Lewis Ln" to "7050 Masters Road").
- Section 77-35 (g)(2) of the Zoning Ordinance requires that "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." This requirement is more relevant to the mixed-use allowance in HMU District. The applicant is requesting the parking lot be allowed on the south side of the property with access from Lewis Ln. Easy drop-off/pick-up and safe on-site vehicular maneuverability are necessary components of a daycare use. Therefore, this requirement is not a beneficial

requirement for the proposed use, especially, considering the odd shape of the property.

- The applicant is proposing to not construct a sidewalk along Masters Road required by Section 62-113. *Sidewalks* of the Subdivision Ordinance and has submitted a subdivision variance application. Applicant has mentioned that building sidewalk along Masters in not beneficial due to lack of connectivity due to surrounding areas having developed without sidewalks. Applicant has also mentioned that the existing utilities at the northwest corner of Lewis Ln and Masters Rd would need to be relocated to build sidewalk along Masters Road.
- It is important to review the impact of the proposed use on traffic in the general area because of (a) location along major thoroughfares and (b) other similar land uses in close proximity (Tiny Toonz Academy, J.B. Hensler College & Career Academy, and E.C. Mason Elementary School). Based on the ITE Trip Generation Manual, 11th edition, the proposed child day care with 104 students will result in 425.36 Average Daily Trips (ADT). The City Engineer was able to verify that the proposed development will not have a negative impact on traffic in the area.
- The outdoor play area is located along Masters Road which is a major thoroughfare. This is a contrary to generally accepted best practices, whereby, the play area is located behind the primary building. The applicant is proposing to place a line of bollards for protection along the fence line between the play areas and the property line along Master Rd.
- A buffer yard with trees and shrubs is provided along property line abutting Terra Estates residential lots.

The proposed daycare is not anticipated to have a negative impact to traffic in the area and is compatible with the surrounding land uses. Therefore, the proposed SUP aligns with the Comprehensive plan goals and is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

STAFF RECOMMENDATION: City staff recommends approval with six (6) conditions as proposed by staff and listed in the Staff Report.

PD&Z DISCUSSION: On November 13, 2023, the Planning, Development and Zoning Commission held a Public Hearing where five speakers spoke. Jose Cavazos, the applicant gave an overview of the proposed project. Kevin Schmidt, residing at 5729 Lira Road asked general questions about the proposed project. He expressed his concerns about traffic in the area and asked for more clarity on the proposed parking layout. He also expressed concerns about requested variances associated with the proposed project. Kesha, owner of Tiny Toonz Academy and Saleem Makda, owner of Little Rascal Child Care expressed their opposition to the proposed SUP. Their concern was mostly about having the same business in one area and traffic related impact on Masters Rd and Lewis Ln resulting from the proposed daycare. Erica Piper, the owner of the proposed daycare addressed the Commission and explained the need for daycares with different services and high quality in the area due to the projected residential growth. She also highlighted that her daycare offers unique programs with an emphasis on outdoor activities.

The PD&Z Commission generally discussed the project. The commission asked for clarity on adequacy of parking, drainage, impact on traffic, outdoor play area, and buffering from adjacent single-family residential buildings. Staff clarified that compliance with City's parking requirements is included as condition of approval, and that drainage for this site was considered as part of Terra Estates development. Commission members expressed their concerns about how the proposed daycare could impact traffic in the area. They indicated that the area already has heavy traffic during peak hours. Regarding traffic related concerns, staff noted that traffic related impact is minimal based on Engineering review. Staff also indicated that unlike schools, the daycare will have flexible pick-up and drop-off time. Staff clarified that the proposed project will have its own fence in addition to the existing Terra Estates residential fence. Staff also clarified that the proposed site plan provide a buffer are between adjacent single-family residential lots and the proposed daycare building.

PD&Z RECOMMENDATION: The PD&Z Commission recommended approval of Ordinance No. 2023-O-43 with a vote of five (5) "Yeas" to one (1) "Nays" at their November 13, 2023, meeting.

ATTACHMENTS: Staff Report and Ordinance No. 2023-O-43

FUNDING ISSUES

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



SUBMITTING STAFF MEMBER
Jose Abraham

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



City Council Specific Use Permit Request

Agenda of:	November 20, 2023	Initiated By:	Jose Abraham City Planner Zoning Official
Department:	Development Services	Presented By:	Jose Abraham City Planner Zoning Official

Subject/Proceeding

Specific Use Permit (SUP) request to establish Child Day Care Services (daycare) on an approximate 1.1-acre tract of land located at 7225 Lewis Lane (7050 Masters Road), Manvel, Texas, (described as Reserve "C" of Terra Estates Replat), in the Highway Mixed-Use (HMU) District. The property address has changed from 7225 Lewis Lane to 7050 Masters Road, since the application was submitted.

Exhibits

Aerial Vicinity Map, Zoning Vicinity Map, Site Photographs, Major Thoroughfare Plan Map, Property Survey, Proposed Site Plan (Landscaping Plan), Proposed Floor Plan, Proposed Elevations, Proposed 3D Renderings, Application Form, Letter of Authorization, Letter of Request, Recorded Terra Estates Replat, and Public Hearing Notice.

Recommended Action

A Public Hearing followed by consideration and action from the City Council to approve Ordinance No. 2023-O-43.

Executive Summary

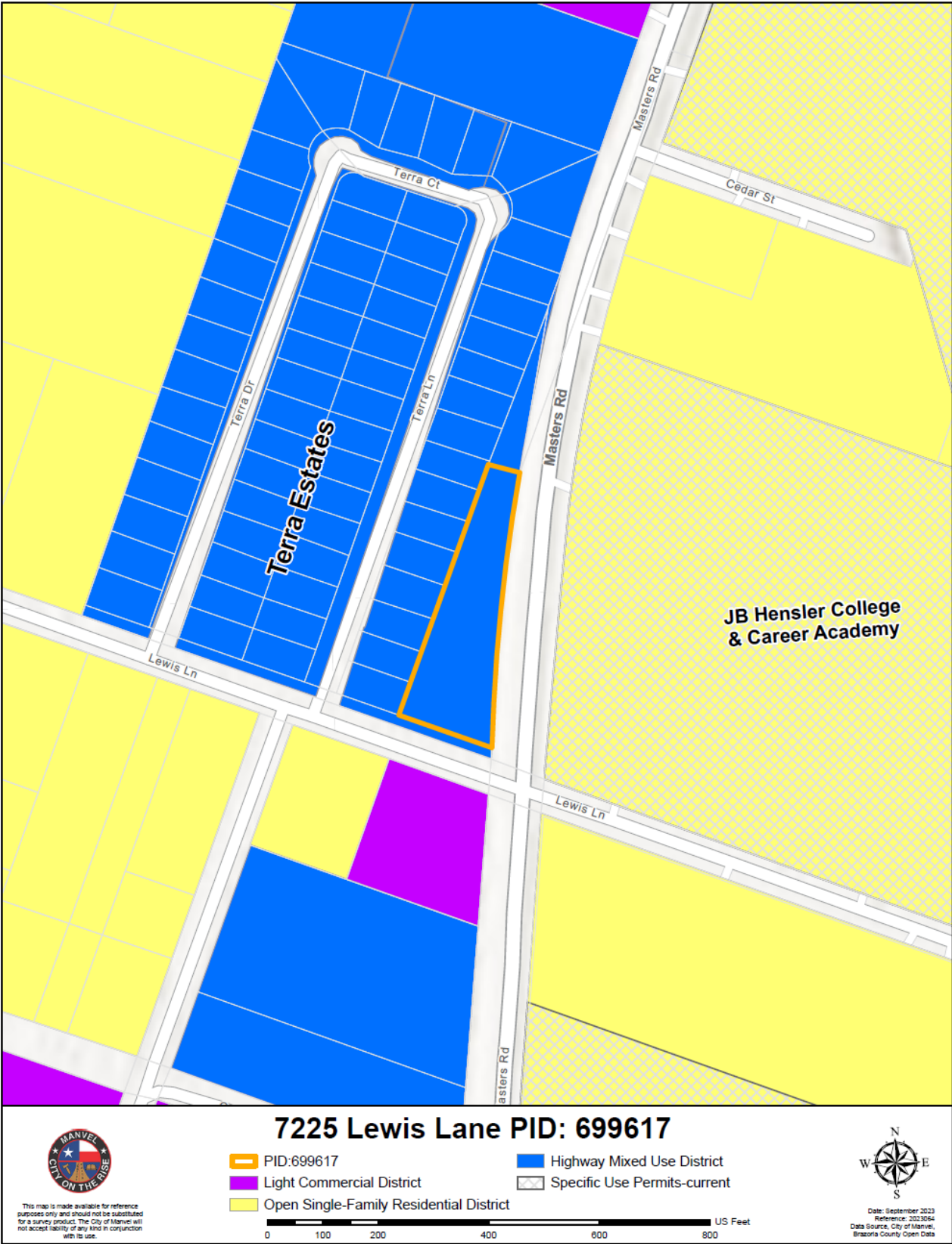
The subject site is located at 7225 Lewis Lane (7050 Masters Road), Manvel, Texas (northwest corner of Lewis Ln and Masters Rd (FM 1128) intersection) across from J.B. Hensler College & Career Academy. The subject site with approximately 1.1 acres, described as Reserve "C" of Terra Estates Replat, is currently zoned Highway Mixed-Use (HMU) District. The property address has changed from 7225 Lewis Lane to 7050 Masters Road, since the application was submitted.

The subject site is proposed to be developed for a daycare use, which is allowed in HMU District upon approval of a SUP. Therefore, the applicant, Jose A. Cavazos, B. Ingenious Designs, LLC, with permission from property owner, Chad Thumann - Terra Estates LLC, is requesting a SUP to allow NAICS Use No. 6244 "Child Day Care Services" at the subject site. The owner of the proposed daycare met with staff in December 2022 to discuss the project. At that time, the owner was not accompanied by a design team. Since then, the owner has involved the applicant to provide design services. The applicant submitted the SUP application packet in August 2023.

Aerial Vicinity Map



Zoning Vicinity Map



Staff Report

Zoning Ordinance Provisions for Specific Use Permits

In Section 77-50 (a) *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states “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 City Council and Planning, Development and Zoning 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 judgement relative to the location and site plan of the proposed use are required.”

In Section 77-50 (b) of the Zoning Ordinance it further states, “the city council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use 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.”

General Site Information

The following is a summary of general site information.

Surrounding Property Zoning	North: Highway Mixed Use District (HMU) South: Light Commercial District (LC) East: Open- Single Family Residential District/Specific Use Permit (O-SFR/SUP) West: Highway Mixed Use District (HMU)
Surrounding Land Use	North: Terra Estates monument sign and landscaping & single-family residential South: Tiny Toonz Academy across from Lewis Lane East: J.B. Hensler College & Career Academy across from Masters Road West: Terra Estates Residential Development

Overview

The subject site is an approximate 1.1-acre tract of land located at 7050 Masters Road, Manvel, Texas. The subject site was platted as a commercial reserve (Reserve “C”) within Terra Estates development and is generally located at northwest corner of Lewis Ln and Masters Rd intersection. The City’s Major Thoroughfare Plan classifies North Masters Road as a “parkway” with an ultimate right-of-way (ROW) width of 120 feet and Lewis Ln as an “arterial” with an ultimate ROW width of 100 feet. The subject site is currently vacant. Properties in the immediate vicinity of the subject site on the north and west sides are zoned Highway Mixed Use (HMU) District with Subdivision monument sign on the north and residential structures on the west. The property on the south side of the subject site (across

from Lewis Ln) is zoned Light Commercial (LC) District with Tiny Toonz Academy, and on the east side of the subject site (across from N. Masters Rd) is zoned Open-Single Family Residential District/Specific Use Permit (O-SFR/SUP) with J.B. Hensler College & Career Academy.

Potential buyer of the subject site intends to develop it as a daycare. Daycare use, which is classified as NAICS Use No. 6244 "Child Day Care Services," requires a SUP approval in HMU District. Therefore, applicant, Jose A. Cavazos, B Ingenious Designs, LLC, with permission from property owner, Chad Thumann - Terra Estates LLC, is requesting a SUP. Section 77-50 (e) of the Zoning Ordinance provides the criteria for SUP approval which is discussed in the following sections. Staff met with the owner of the proposed daycare in December 2022 to discuss development processes, requirements, and standards. The SUP application with proposed site plan was submitted in August 2023 and staff reviewed the site plans and provided comments in September 2023 to the applicant. After that, the applicant resubmitted SUP with a revised site plan on October 17, 2023 to address comments provided by staff. Section 77-50 (e) of the Zoning Ordinance provides the criteria for SUP approval, which focus on ensuring that the proposed use will be in harmony with the adjacent property and will not have a detrimental impact on the general area. Following list highlights certain aspects of the proposed site plan with respect to these criteria and challenges associated with the subject site.

- HMU zoning district requires a minimum rear property line width to be 60 feet. The property was platted as a conforming lot, considering access from Masters Road. The applicant is proposing access from Lewis Lane and due to the odd shape of the subject site, the rear property line in this case becomes non-conforming. Staff found that the front of the property may also be considered based on the address of the property. Initially, the subject site had a Masters Road address but the applicant had changed the address to be on Lewis Lane. Based on staff comment and input, the address was again changed (from "7225 Lewis Ln" to "7050 Masters Road").
- Section 77-35 (g)(2) of the Zoning Ordinance requires that "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." This requirement is more relevant to the mixed-use allowance in HMU District. The applicant is requesting the parking lot be allowed on the south side of the property with access from Lewis Ln *"in order to provide safe vehicular drop-off/pick-up line for the students, minimize unsafe vehicular maneuverability within the site, provide a compliant fire lane, and also minimize the off-site vehicular traffic within the driveway vicinity."* Easy drop-off/pick-up and safe on-site vehicular maneuverability are necessary components of a daycare use. Therefore, this requirement is not a beneficial requirement for the proposed use, especially, considering the odd shape of the property.
- The applicant is proposing to not construct sidewalk along Masters Road required by Section 62-113. *Sidewalks* of the Subdivision Ordinance and has submitted a subdivision variance application. Applicant has mentioned that building sidewalk along Masters in not beneficial due to lack of connectivity due to surrounding areas having developed without sidewalks. Applicant has also mentioned that the existing utilities at the northwest corner of Lewis Ln and Masters Rd would need to be relocated to build sidewalk along Masters Road.
- It is important to review the impact of the proposed use on traffic in the general area because of (a) location along major thoroughfares and (b) other similar land uses in proximity (Tiny Toonz Academy, J.B. Hensler College & Career Academy, and E.C. Mason Elementary School). Based on the ITE Trip Generation Manual, 11th edition, the proposed child day care with 104 students will

result in 425.36 Average Daily Trips (ADT). The City Engineer was able to verify that the proposed development will not have a negative impact on traffic in the area.

- The outdoor play area is located along Masters Road which is a major thoroughfare. This is a contrary to generally accepted best practices, whereby, the play area is located behind the primary building. The applicant is proposing to place a line of bollards for protection along the fence line between the play areas and the property line along Master Rd.
- A buffer yard with trees and shrubs is provided along property line abutting Terra Estates residential lots.

Comprehensive Plan

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The subject site being located along a major thoroughfare, makes it an appropriate location for commercial uses. The proposed daycare is not anticipated to have a negative impact to traffic in the area and is compatible with the surrounding land uses. Therefore, the proposed SUP aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

Staff Recommendation

Based on the above discussion, staff recommends approval of this SUP request for the subject site to allow NAICS Use No. 6244 "Child Day Care Services" with the following conditions:

1. The site development shall follow the attached site plan. However, changes necessary to conform to any adopted City of Manvel codes and ordinances shall be made as part of the construction plan and building permit review process, unless a variance is granted separately.
2. Parking area with pick-up/drop-off area shall be designed to conform with Section 77-45, *Parking* and located between the primary building and the street ROW providing access.
3. Fence enclosing outdoor play area along Masters Road shall meet Texas Health and Human Services Commission's minimum standards for Child-Care Centers and a line of bollards along the fence line between the play areas and the property line along Master Road shall be installed.
4. Outdoor lighting shall be shielded and shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture.
5. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to abutting properties, and shall be designed so that any overspill of lighting onto abutting properties shall not exceed three-tenths foot-candles, measured vertically and horizontally.
6. Buildings shall be designed in conformance with all adopted technical codes, including Building and Fire Codes.

Planning, Development and Zoning Commission Public Hearing

The Notice of Public Hearing at the Planning Development and Zoning (PD&Z) Commission was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. On November 13, 2023, the Planning, Development and Zoning Commission

held a Public Hearing where five speakers spoke. Jose Cavazos, the applicant gave an overview of the proposed project. Kevin Schmidt, residing at 5729 Lira Road asked general questions about the proposed project. He expressed his concerns about traffic in the area and asked for more clarity on the proposed parking layout. He also expressed concerns about requested variances associated with the proposed project. Kesha, owner of Tiny Toonz Academy and Saleem Makda, owner of Little Rascal Child Care expressed their opposition to the proposed SUP. Their concern was mostly about having the same business in one area and traffic related impact on Masters Rd and Lewis Ln resulting from the proposed daycare. Erica Piper, the owner of the proposed daycare addressed the Commission and explained the need for daycares with different services and high quality in the area due to the projected residential growth. She also highlighted that her daycare offers unique programs with an emphasis on outdoor activities.

Planning, Development and Zoning Commission Discussion

The PD&Z Commission generally discussed the project. The commission asked for clarity on adequacy of parking, drainage, impact on traffic, outdoor play area, and buffering from adjacent single-family residential buildings. Staff clarified that compliance with City's parking requirements is included as condition of approval, and that drainage for this site was considered as part of Terra Estates development. Commission members expressed their concerns about how the proposed daycare could impact traffic in the area. They indicated that the area already has heavy traffic during peak hours. Regarding traffic related concerns, staff noted that traffic related impact is minimal based on Engineering review. Staff also indicated that unlike schools, the daycare will have flexible pick-up and drop-off time. Staff clarified that the proposed project will have its own fence in addition to the existing Terra Estates residential fence. Staff also clarified that the proposed site plan provide a buffer are between adjacent single-family residential lots and the proposed daycare building.

Planning, Development and Zoning Commission Recommendation

The PD&Z Commission recommended approval of Ordinance No. 2023-O-43 with a vote of five (5) "Yeas" to one (1) "Nays" at their November 13, 2023, meeting.

Public Hearing

The Notice of Public Hearing to receive public input regarding this request was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, staff has received one informational inquiry and is not aware of any opposition to the request.

Site Photographs



View of the property from south-east corner (looking from Lewis Ln and Masters Rd intersection)



View of the property from JB Hensler College & Career Academy looking to the west



View of the property from north-east corner (Masters Road looking to the south)

Site Photographs



View of the south side of the subject property (utility boxes) and JB Hensler College & Career Academy looking from west Lewis Ln to the east

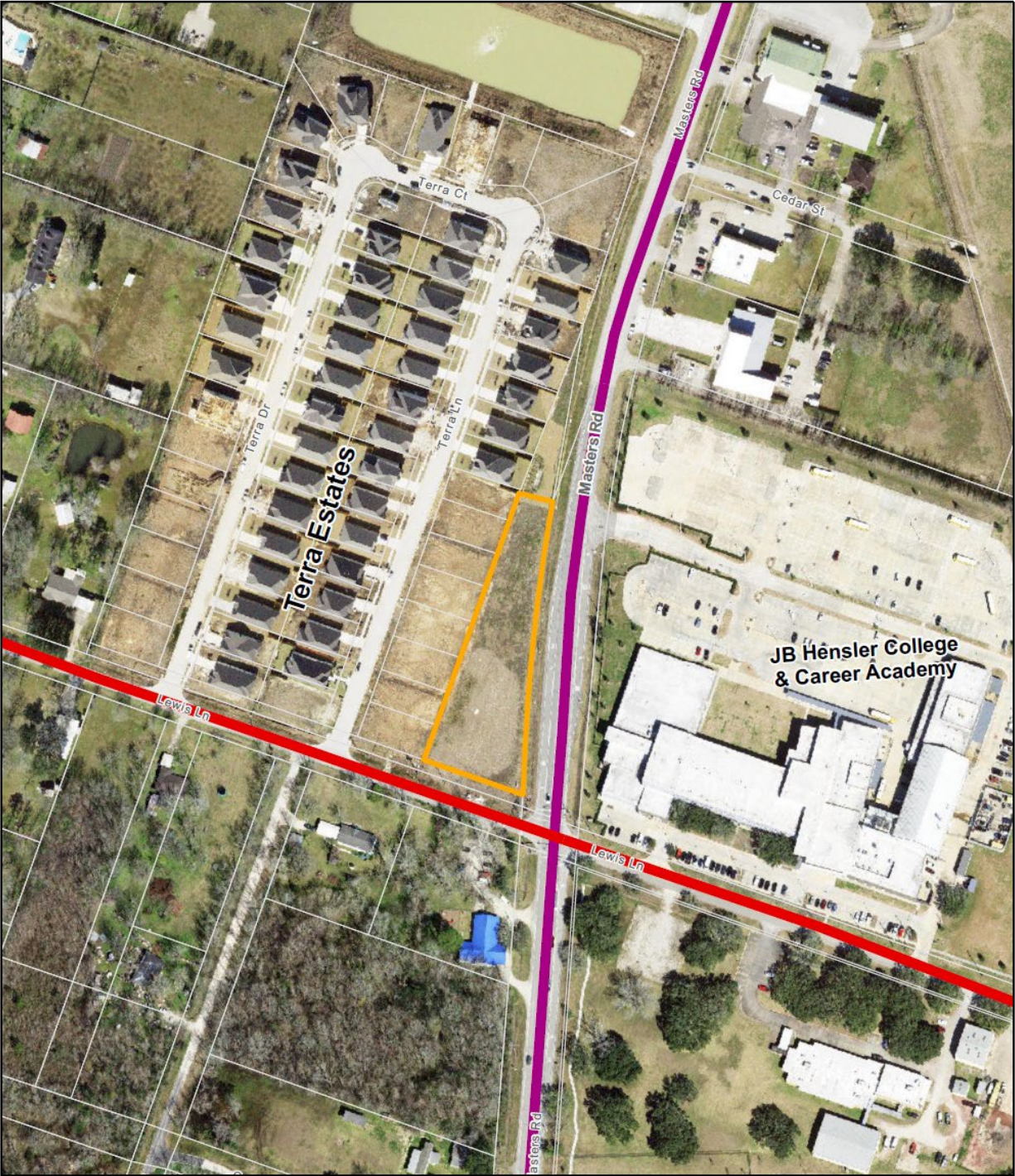


Abutting Highway Mixed Use properties to the west (along Lewis Ln)



View of the Light Commercial (Tiny Toonz Academy) property looking from the subject property to the south

Major Thoroughfare Plan Map



7225 Lewis Lane PID: 699617

 PID699617  Arterial (100' ROW)  Parkway (120' ROW)



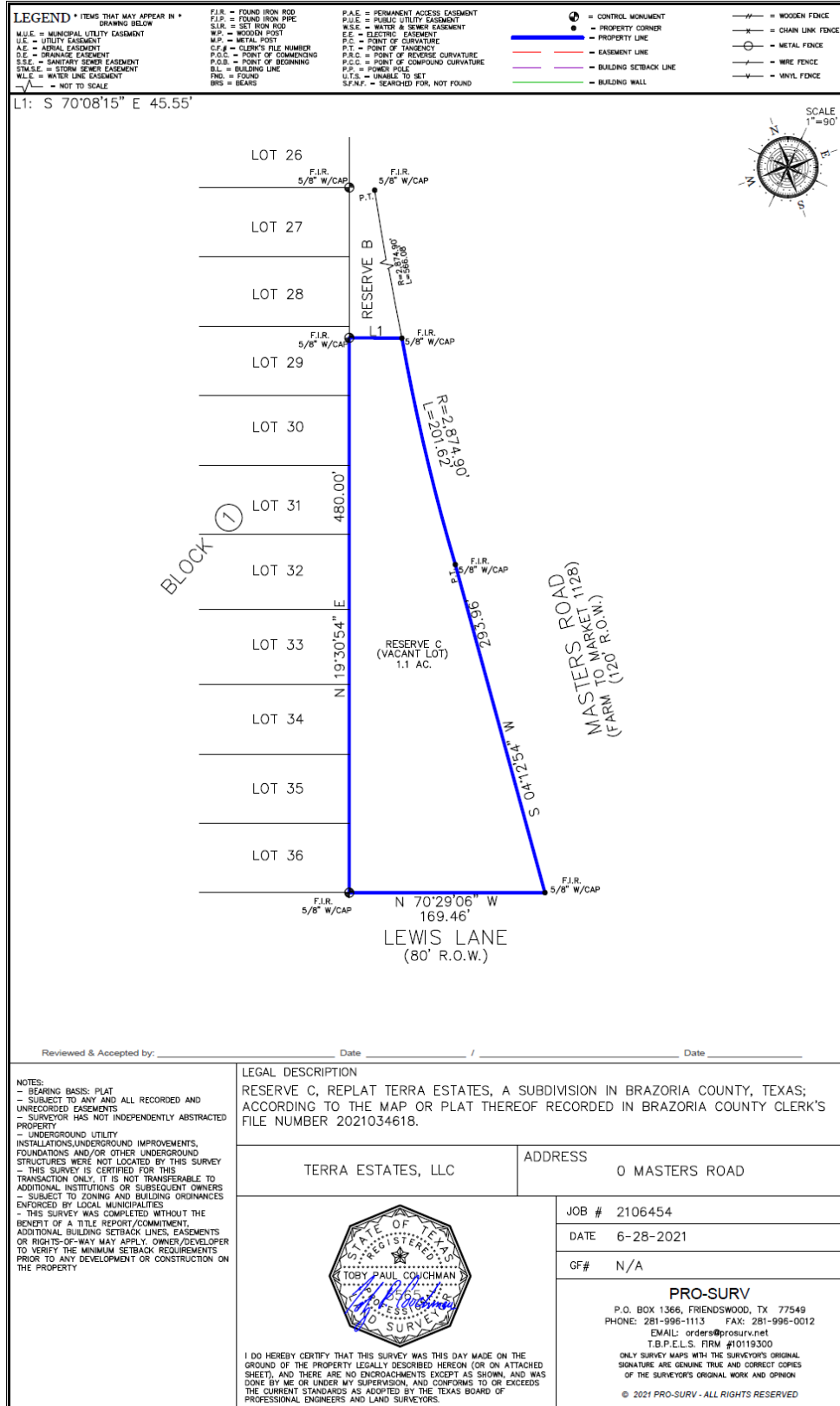
This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

0 105 210 420 630 840 US Feet



Date: September 2023
Reference: 2023064
Data Source: City of Manvel,
Brazoria County Open Data

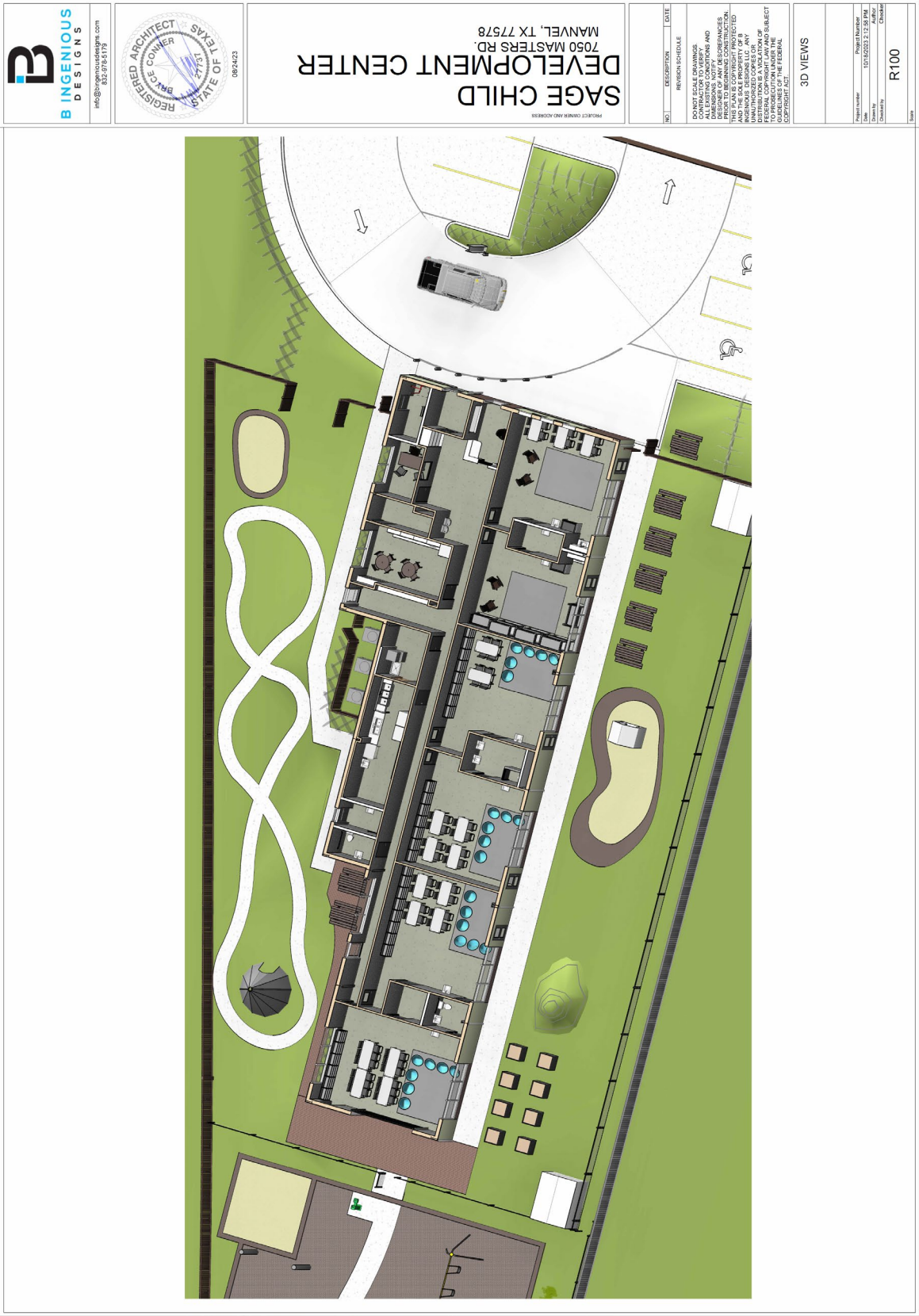
Property Survey

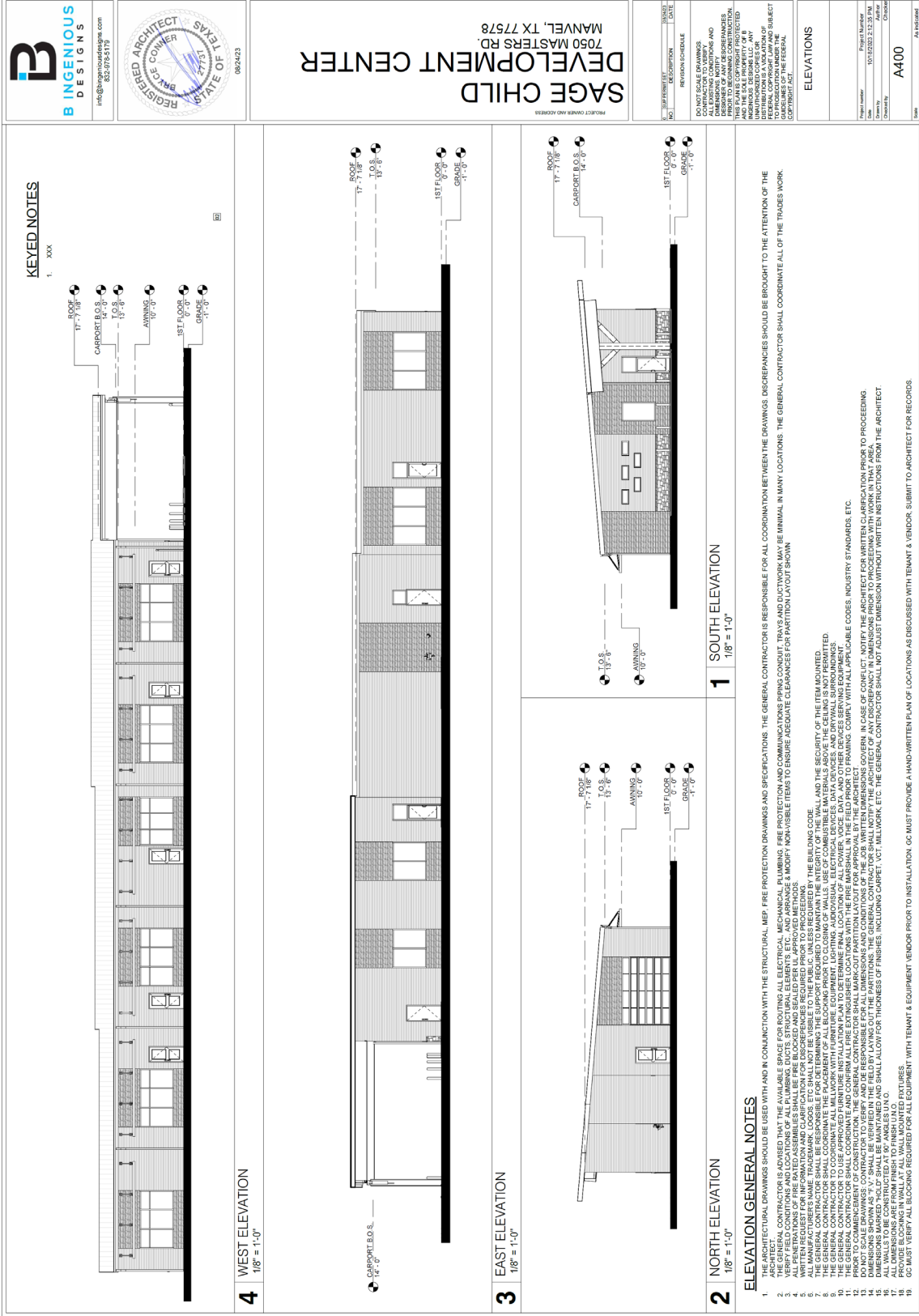


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Proposed Floor Plan





1 AERIAL VIEW FROM SOUTHEAST

Proposed 3D Renderings



2 | SOUTHEAST PERSPECTIVE



1 | SOUTHWEST PERSPECTIVE



2 | NORTHWEST PERSPECTIVE



1 | NORTHEAST PERSPECTIVE



B
INGENIOUS
DESIGNS
info@bingeniousthoughts.com
852-878-5178



REGISTERED ARCHITECT
BRUCE CORNETT
27551
08/24/23
STATE OF TEXAS

SAGE CHILD
DEVELOPMENT CENTER
7050 MASTERS RD.
MANVEL, TX 77576

NO.	DESCRIPTION	DATE
01	REVISIONS	
DO NOT SCALE DRAWINGS CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO BEGINNING CONSTRUCTION THESE DRAWINGS ARE THE PROPERTY OF BINGENIOUS THOUGHTS, LLC AND INDIVIDUALS OWNED BY BINGENIOUS THOUGHTS, LLC. ANY REPRODUCTION OR DISTRIBUTION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF BINGENIOUS THOUGHTS, LLC IS STRICTLY PROHIBITED. THESE DRAWINGS ARE THE PROPERTY OF THE FIRM AND SUBJECT TO THE TERMS AND CONDITIONS OF THE FIRM'S COPYRIGHT, ETC.		

3D VIEWS

Project Number	Project Name
101000011144761	
Drawn By	Architect
Checked By	Engineer

R101

Page



B
INGENIOUS
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REGISTERED ARCHITECT
BRUCE CORNETT
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SAGE CHILD
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3D VIEWS

Project Number	Project Name
101000011144761	
Drawn By	Architect
Checked By	Engineer

R102

Page

Application



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION

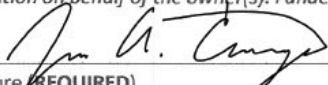
PROJECT INFORMATION

Project Name: Sage Child Development Center
Project Location/Address: 7050 Masters Rd.
Legal Description: Reserve C, Terra Estates
Current Zoning: HMU Proposed Land Use: Daycare/School NAICS No.: 624410
Parcel/Tax ID# (s): 699617 Total Acreage: 1.184

APPLICANT INFORMATION

Applicant Name: Jose A. Cavazos
Company Name: B Ingenious Designs, LLC
Address: 2323 S. Voss Rd. Suite 480 City: Houston State: TX Zip: 77057
Phone #: 832-563-7750 Email: jose.cavazos@bingeniousdesigns.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

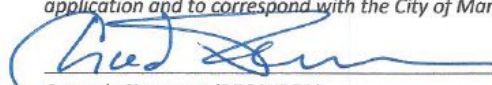
 10/17/23
Applicant Signature (REQUIRED) Date

PROPERTY OWNER INFORMATION

Owner(s) Name: TERRA ESTATE, LLC
Address: 6302 BROADWAY STE 200 City: PEARLAND State: TX Zip: 77581
Phone #: 281-914-5202 Email: Chad@rwestdevelopment.com

PROPERTY OWNER'S AUTHORIZATION (Required – If owner is also the applicant, must sign as both):

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

 8-14-2023
Owner's Signature (REQUIRED) Date

Application



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

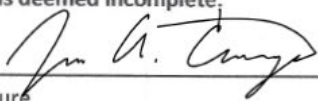
SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	X
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	X
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	X
Two (2) Copies of Recorded Plat (if platted)	X
Two (2) Applicant Letters of Request	X
Traffic Impact Analysis, (if applicable)	Not Provided
Paid Application Fee	X

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.

	10/17/23
Applicant Signature	Date

Letter Of Authorization



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

TERMA ESTATES, LLC
Owner Name

6302 BROADWAY STE 200
Owner Address

PEARLAND TX 77581
Owner City, State Zip

8-14-2023
Date

Building and Inspections
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, CHAD THOMANN, certify that I am the owner of the project property located at 7249 LEWIS LANE and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint JOSE CAJAZOS with the company BINGENOUS DESIGNS (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 281-914-5202 if you have any questions.

Sincerely,

Owner Name CHAD THOMANN

Owner Signature [Signature]

Letter Of Request



B INGENIOUS DESIGNS LLC
BRYCE CONNER, AIA, NCARB
BRYCE@BINGENIOUSDESIGNS.COM
832-978-5179

Sage Child Development Center- SUP Request

**7050 Masters Road
City of Manvel, TX 77578**

10/16/23

To The City of Manvel Council Member and Planning Commission Members,

As the design firm for this new development project, we would like to request a Special Use Permit for the property described as "Reserve C, Terra Estates- 7050 Masters Road" located at the corner of Lewis Lane and Masters Rd. in the City of Manvel. The intent is to provide a day care facility in the area for the support of the mixed commercial and residential uses within this HMU zone.

Sage Child Development Center is to provide full child care services on-site for the people within and outside of this zone. This center will provide a child care facility with an emphasis on outdoors spaces and activities that will exceed the recommended time for physical activities. A site plan was developed showing the intended building use & size, site uses and activities, and all applicable site components for this development that reflect this unique programming of this care facility.

One of the specific requirements needed for the Special Use Permit is a 25ft. buffer area (as diagramed in Figure 3-Section 77-35) to provide for separation from the existing residential uses at the adjacent lots. We exceeded this buffer requirement and provided a 50ft buffer zone between the adjacent residences, which includes some of the outdoor/activity spaces mentioned above.

The existing site conditions includes an open drainage ditch within the right-of-way on both street fronts. The landscaping is being provided as required even with this significant space obstacle. The sidewalk design was adjusted to account for this existing open ditch condition. We are also proposing a variance to remove the sidewalk requirement along Masters Road. Provided a variance is granted, we are proposing to not construct the required sidewalk along Masters Road due to lack of connectivity and use to the adjacent lot North of our property. All other existing conditions on-site and right-of-way conditions have been surveyed and coordinated with this site plan.

The proposed building will be a one-story, approximately 6,500 sq.ft. (max) structure, with a starting height of 14ft. & a top roof line of approximately 25ft. in height. The site will include accommodations for vehicular parking, drive-through drop-off lane, access ways for vehicular ingress & egress, screened trash disposal, the required landscaping, private & public

Letter Of Request



B INGENIOUS DESIGNS LLC
BRYCE CONNER, AIA, NCARB
BRYCE@BINGENIOUSDESIGNS.COM
832-978-5179

walkways, and a monument sign. Most of the outdoor space for the use of the building occupants will include a variety of playscapes throughout the site with the inclusion of playground equipment and shaded areas. These outdoor spaces will also have a mixture of activity spaces, depending on the age groups of the children and classes, such as outdoor dining, biking and exercise spaces, gardening, etc. We are also proposing new vegetative screens, existing and proposed fences, and other structures have been designated on the SUP site plan. A 24 sq.ft.(max) on-site monument sign facing the street corner with the business name is proposed for the street corner. The site currently has availability of all utilities within the immediate vicinity of the site.

The site conditions in the right-of-way did pose limitations for the right-of-way component's placement & site layout. The existence of utilities and data/telephone boxes with an existing driveway along Lewis Ln. made it unfeasible to provide a new access driveway while also meeting the minimum driveway separation distance. Also, in addition to the existence of several utility components in the right-of-way, an existing open drainage ditch on both street will require modification to some of the existing utility poles. We are proposing the removal of the sidewalk requirement along Masters Road due to an unfeasible connection to the North property (Subdivision Monument Sign). The submitted site design meets most the requirements set forth by the Design Criteria Manual with the exception of a few due to the existing right-of-way conditions and lack of development at the adjacent properties.

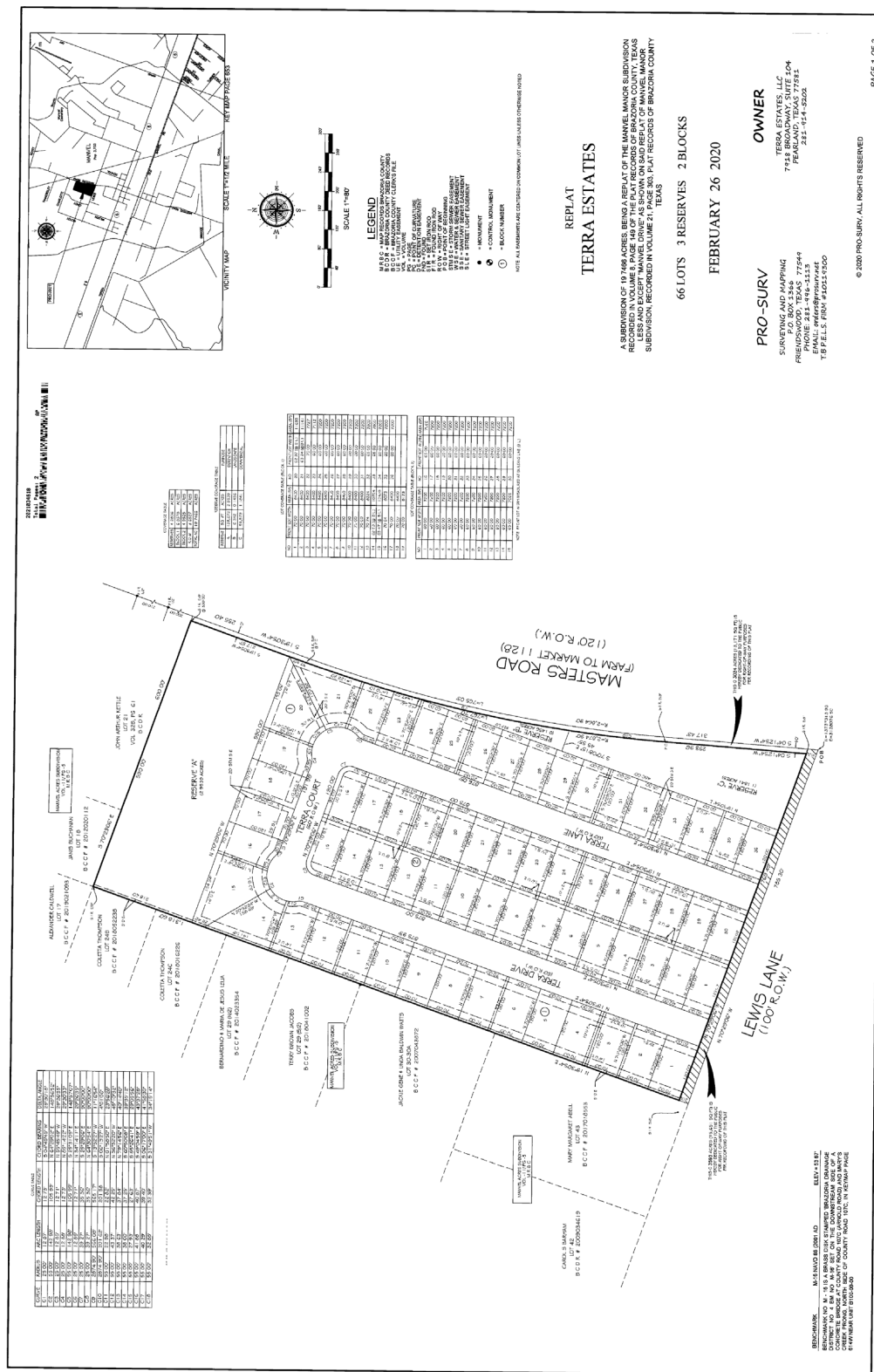
We believe that this building's use and proposed design meets the requirements for approval by both the planning commission and the city council members with the exception of a few deviations that were necessary given the intent of this development. The business itself will be desirable for this area, neighboring properties, and businesses, and have a positive impact on the community. Though this use is not permitted within this zone, the benefits of this development outweigh the limitations set forth by the ordinance and provides good reason for the Special Use Permit to be approved.

Project Manager,
Jose A. Cavazos

Project Architect,
Registered Architect,
Bryce Jimmy Conner



Recorded Terra Estate Replat



Public Hearing Notice

Public Hearing Notice to run on Sunday 10/29/2023

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX 77578 AT 6:00 P.M. ON MONDAY, NOVEMBER 13, 2023 BEFORE THE MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION AND AT 6:00 P.M., ON MONDAY, NOVEMBER 20, 2023 BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.10 ACRE TRACT OF LAND LOCATED AT 7225 LEWIS LANE, MANVEL, TEXAS (NORTHWEST CORNER OF LEWIS LANE AND MASTERS ROAD INTERSECTION), FROM HIGHWAY MIXED USE DISTRICT (HMU) TO HIGHWAY MIXED USE DISTRICT WITH SPECIFIC USE PERMIT (HMU-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 6244 “CHILD DAY CARE SERVICES”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. /S/ TAMMY BELL, CITY SECRETARY.

ORDINANCE NO. 2023-O-43

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.10 ACRE TRACT OF LAND LOCATED AT 7050 MASTERS ROAD, MANVEL, TEXAS (NORTHWEST CORNER OF LEWIS LANE AND MASTERS ROAD INTERSECTION), FROM HIGHWAY MIXED USE DISTRICT (HMU) TO HIGHWAY MIXED USE DISTRICT WITH SPECIFIC USE PERMIT (HMU-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 6244 “CHILD DAY CARE SERVICES”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Mr. Chad Thumann - Terra Estates LLC, is the owner (the “Owner”) of a certain 1.1-acre tract of land located at 7050 Masters Road, Manvel, Texas, such tract being Reserve “C” of Terra Estates Replat, a subdivision recorded in File Number 2021034618, of Plat Records of Brazoria County, Texas, a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, the 1.1-acre tract is currently zoned Highway Mixed-Use (HMU) District; and

WHEREAS, the applicant, Jose A. Cavazos, B Ingenious Designs, LLC, with permission from the property owner, has filed an application to change the zoning classification of the 1.1-acre tract to Highway Mixed-Use District, with a Specific Use Permit (HMU-SUP) allowing the existing use of the property for NAICS use 6244 “Child Day Care Services”; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the zoning and specific use permit; 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. The zoning classification of a certain 1.1-acre tract of land located at 7050 Masters Road, Manvel, Texas, such tract being Reserve “C” of Terra Estates Replat, a subdivision recorded in File Number 2021034618, of Plat Records of Brazoria County, Texas, as more particularly described in Exhibit “A” attached hereto, shall be changed from Highway Mixed-Use (HMU) to Highway Mixed-Use District, with a Specific Use Permit (HMU-SUP), for uses as permitted within such zone classification, subject to the requirements, regulations, and conditions hereinafter set forth:

1. Child Day Care Services – (NAICS 6244)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the additional NAICS use listed in Section 2, above.

Section 4. The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit “B,” attached hereto and incorporated herein as if set out in full. Use and Development of the Property shall comply with the conditions and with the site plan as shown in Exhibit “C,” attached hereto. The uses and site may not be changed or expanded except by amendment of this Specific Use Permit.

Section 5. The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one-year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year.

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City’s Comprehensive Land Use Plan. 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 in zoning classification of said tract(s) as described above.

Section 8. 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 9. 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.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, 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.

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

Exhibit A

Being Reserve "C" of Terra Estates Replat, a subdivision recorded in File Number 2021034618, of Plat Records of Brazoria County, Texas.

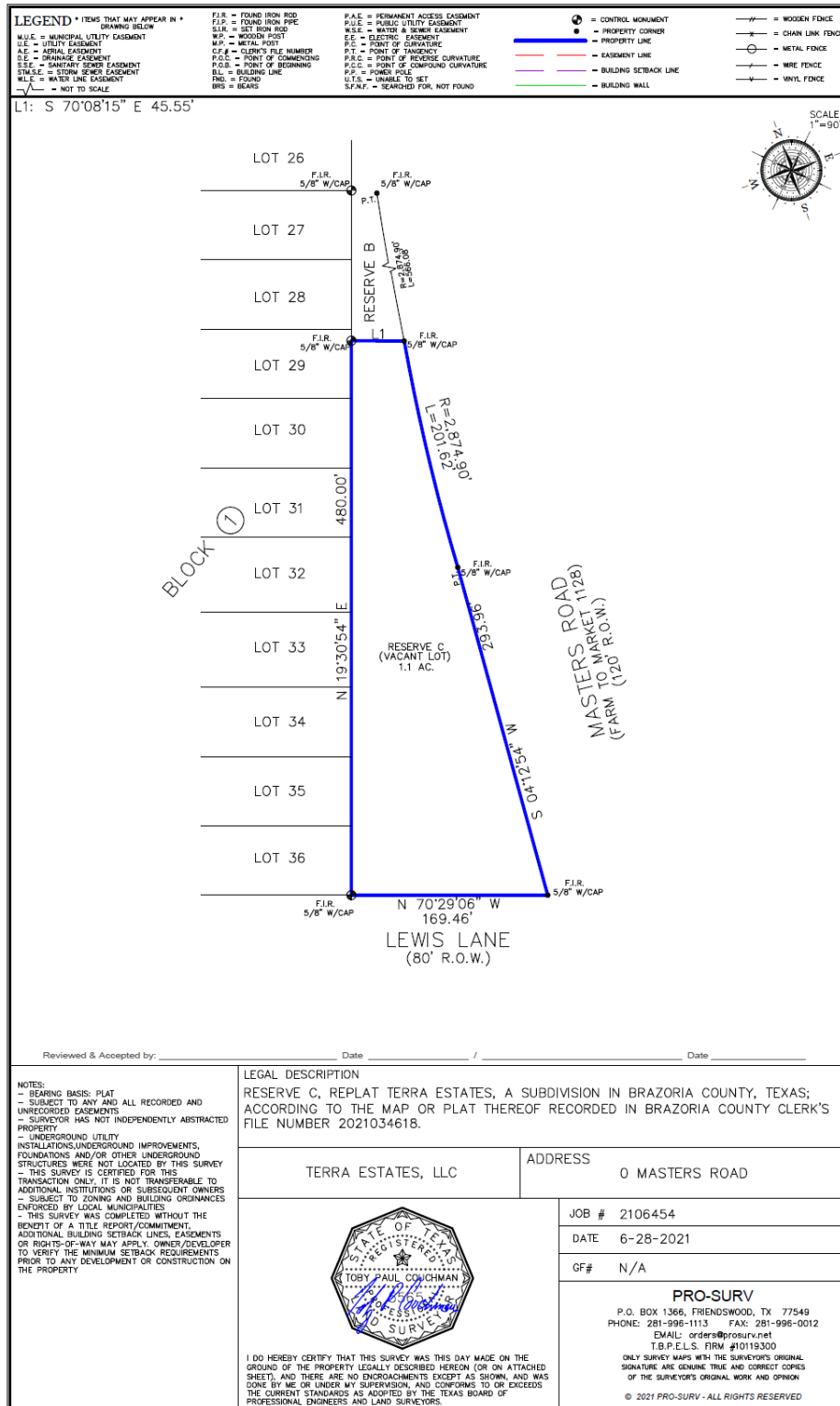
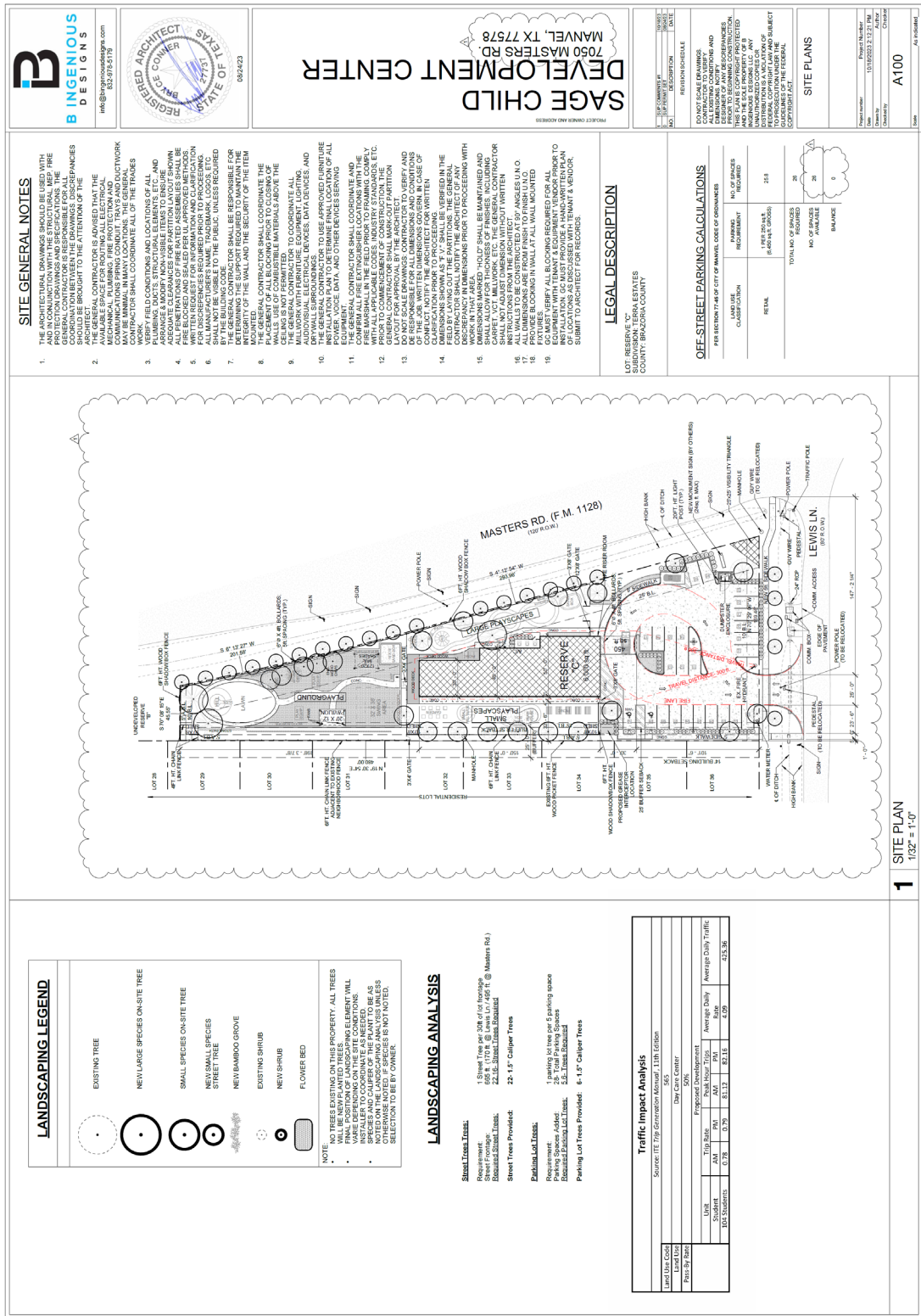


Exhibit B

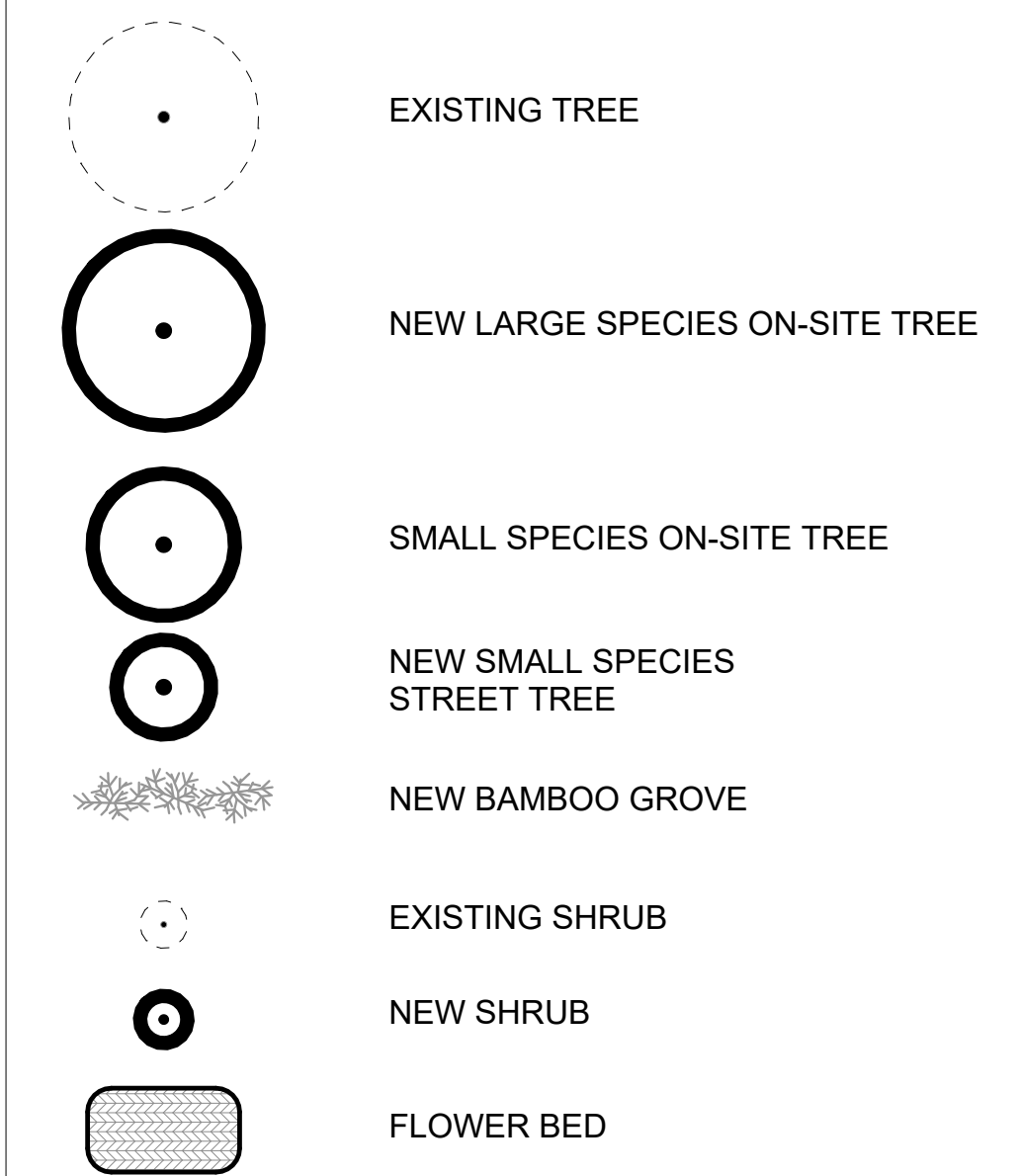
CONDITIONS FOR 7225 LEWIS LANE (7050 MASTERS ROAD),
(CHILD DAY CARE SERVICES)

1. The site development shall follow the site plan presented as Exhibit B. However, changes necessary to conform to any adopted City of Manvel codes and ordinances shall be made as part of the construction plan and building permit review process, unless a variance has been granted separately.
2. Parking area with pick-up/drop-off area shall be designed to conform with Section 77-45, *Parking* and located between the primary building and the street ROW providing access.
3. Fence enclosing outdoor play area along Masters Road shall meet Texas Health and Human Services Commission's minimum standards for Child-Care Centers and a line of bollards along the fence line between the play areas and the property line along Master Rd shall be installed.
4. Outdoor lighting shall be shielded and shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture.
5. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to abutting properties, and shall be designed so that any overspill of lighting onto abutting properties shall not exceed three-tenths foot-candles, measured vertically and horizontally.
6. Buildings shall be designed in conformance with all adopted technical codes, including Building and Fire Codes.

7050 MASTERS ROAD SITE PLAN



LANDSCAPING LEGEND



NOTE:

- NO TREES EXISTING ON THIS PROPERTY. ALL TREES WILL BE NEW PLANTED TREES.
- FINAL POSITION OF LANDSCAPING ELEMENT WILL VARIE DEPENDING ON THE SITE CONDITIONS. INSTALLER TO COORDINATE AS NEEDED.
- SPECIES AND CALIPER OF THE PLANT TO BE AS NOTED ON THE LANDSCAPING ANALYSIS UNLESS OTHERWISE NOTED. IF SPECIES IS NOT NOTED, SELECTION TO BE BY OWNER.

LANDSCAPING ANALYSIS

Street Trees Trees:

Requirement: 1 Street Tree per 30ft of lot frontage
Street Frontage: 665 ft. (170 ft. @ Lewis Ln./ 495 ft. @ Masters Rd.)
Required Street Trees: 22.16- Street Trees Required

Street Trees Provided: 22- 1.5" Caliper Trees

Parking Lot Trees:

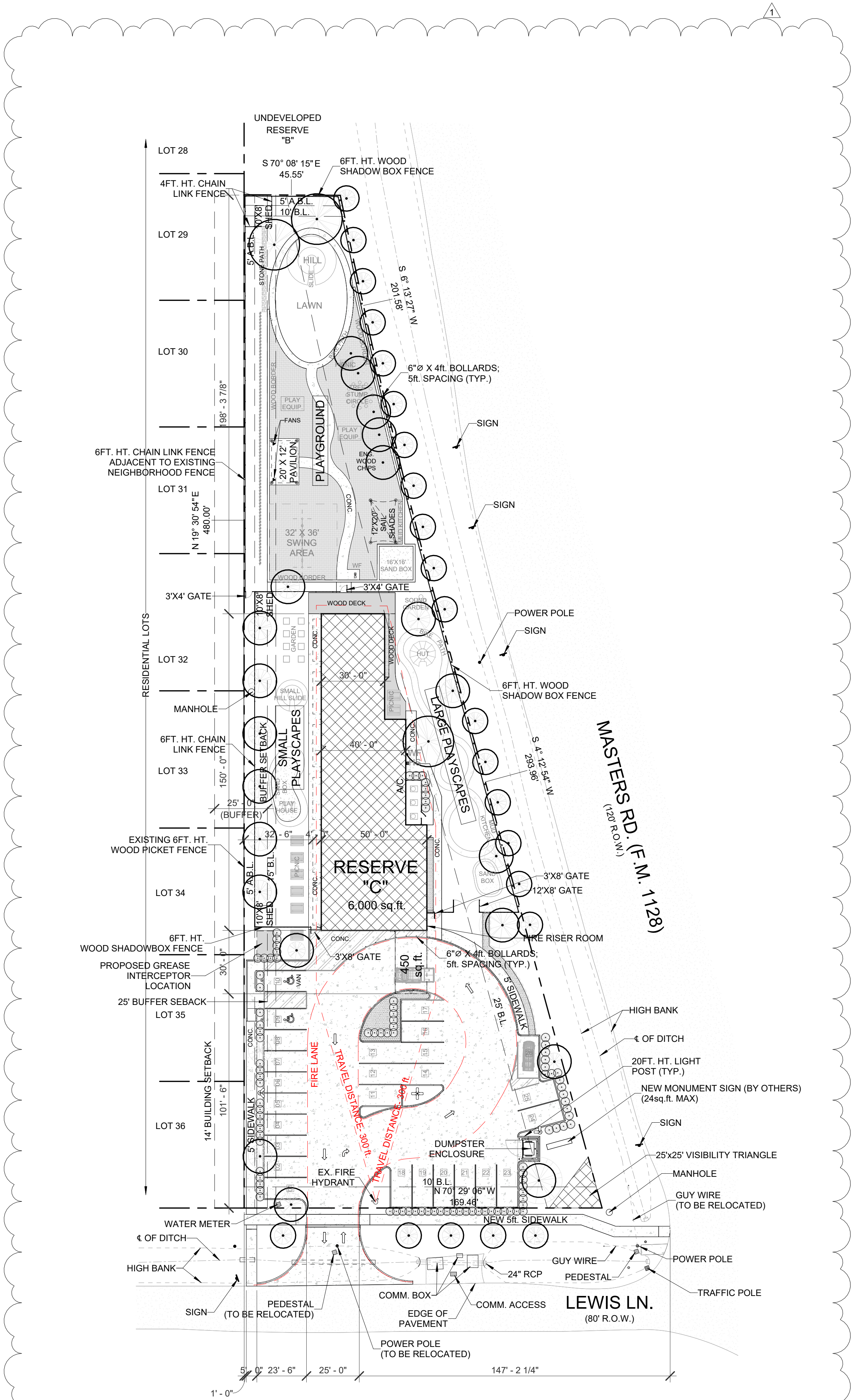
Requirement: 1 parking lot tree per 5 parking space
Parking Spaces Added: 28- Total Parking Spaces
Required Parking Lot Trees: 5.6- Trees Required

Parking Lot Trees Provided: 6- 1.5" Caliper Trees

Traffic Impact Analysis

Source: ITE Trip Generation Manual , 11th Edition

Land Use Code	565					
Land Use	Day Care Center					
Pass-By Rate	50%					
	Proposed Development					
	Unit	Trip Rate		Peak Hour Trips		Average Daily Traffic
	Student	AM	PM	AM	PM	
	104 Students	0.78	0.79	81.12	82.16	4.09
						425.36



SITE GENERAL NOTES

- THE ARCHITECTURAL DRAWINGS SHOULD BE USED WITH AND IN CONJUNCTION WITH THE STRUCTURAL, MEP, FIRE PROTECTION DRAWINGS AND SPECIFICATIONS. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL COORDINATION BETWEEN THE DRAWINGS. DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.
- THE GENERAL CONTRACTOR IS ADVISED THAT THE AVAILABLE SPACE FOR ROUTING ALL ELECTRICAL, MECHANICAL, PLUMBING, FIRE PROTECTION AND COMMUNICATIONS PIPING CONDUIT, TRAYS AND DUCTWORK MAY BE MINIMAL IN MANY LOCATIONS. THE GENERAL CONTRACTOR SHALL COORDINATE ALL OF THE TRADES WORK.
- VERIFY FIELD CONDITIONS AND LOCATIONS OF ALL PLUMBING, DUCTS, STRUCTURAL ELEMENTS, ETC., AND ARRANGE & MODIFY NON-VISIBLE ITEMS TO ENSURE ADEQUATE CLEARANCES FOR PARTITION LAYOUT SHOWN
- ALL PENETRATIONS OF FIRE RATED ASSEMBLIES SHALL BE FIRE BLOCKED AND SEALED PER UL APPROVED METHODS. WRITTEN REQUEST FOR INFORMATION AND CLARIFICATION FOR DISCREPENCIES REQUIRED PRIOR TO PROCEEDING.
- ALL MANUFACTURER'S NAME, TRADEMARK, LOGOS, ETC SHALL NOT BE VISIBLE TO THE PUBLIC, UNLESS REQUIRED BY THE BUILDING CODE.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE SUPPORT REQUIRED TO MAINTAIN THE INTEGRITY OF THE WALL AND THE SECURITY OF THE ITEM MOUNTED.
- THE GENERAL CONTRACTOR SHALL COORDINATE THE PLACEMENT OF ALL BLOCKING PRIOR TO CLOSING OF WALLS. USE OF COMBUSTIBLE MATERIALS ABOVE THE CEILING IS NOT PERMITTED.
- THE GENERAL CONTRACTOR TO COORDINATE ALL MILLWORK WITH FURNITURE, EQUIPMENT, LIGHTING, AUDIOVISUAL, ELECTRICAL DEVICES, DATA DEVICES, AND DRYWALL SURROUNDINGS.
- THE GENERAL CONTRACTOR TO USE APPROVED FURNITURE INSTALLATION PLAN TO DETERMINE FINAL LOCATION OF ALL POWER, VOICE, DATA, AND OTHER DEVICES SERVING EQUIPMENT.
- THE GENERAL CONTRACTOR SHALL COORDINATE AND CONFIRM ALL FIRE EXTINGUISHER LOCATIONS WITH THE FIRE MARSHALL IN THE FIELD PRIOR TO FRAMING. COMPLY WITH ALL APPLICABLE CODES, INDUSTRY STANDARDS, ETC.
- PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE GENERAL CONTRACTOR SHALL MARK-OUT PARTITION LAYOUT FOR APPROVAL BY THE ARCHITECT.
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- ALL WALLS TO BE CONSTRUCTED AT 90° ANGLES U.N.O.
- ALL DIMENSIONS ARE FROM FINISH TO FINISH U.N.O.
- PROVIDE BLOCKING IN WALL AT ALL WALL MOUNTED FIXTURES.
- GC MUST VERIFY ALL BLOCKING REQUIRED FOR ALL EQUIPMENT WITH TENANT & EQUIPMENT VENDOR PRIOR TO INSTALLATION. GC MUST PROVIDE A HAND-WRITTEN PLAN OF LOCATIONS AS DISCUSSED WITH TENANT & VENDOR, SUBMIT TO ARCHITECT FOR RECORDS.

LEGAL DESCRIPTION

LOT: RESERVE "C"
SUBDIVISION: TERRA ESTATES
COUNTY: BRAZORIA COUNTY

OFF-STREET PARKING CALCULATIONS

PER SECTION 77-45 OF CITY OF MANVEL CODE OF ORDINANCES

LAND USE CLASSIFICATION	PARKING REQUIREMENT	NO. OF SPACES REQUIRED
RETAIL	1 PER 250 sq.ft. (6,450 sq.ft. GROSS)	25.8
TOTAL NO. OF SPACES REQUIRED		26
NO. OF SPACES AVAILABLE		26
BALANCE		0



info@bingeniousdesigns.com
832-978-5179



08/24/23

SAGE CHILD
DEVELOPMENT CENTER
7050 MASTERS RD.
MANVEL, TX 77578

PROJECT OWNER AND ADDRESS

1	SUP COMMENTS #1	10/18/23
0	SUP PERMIT SET	08/24/23
NO.	DESCRIPTION	DATE

REVISION SCHEDULE

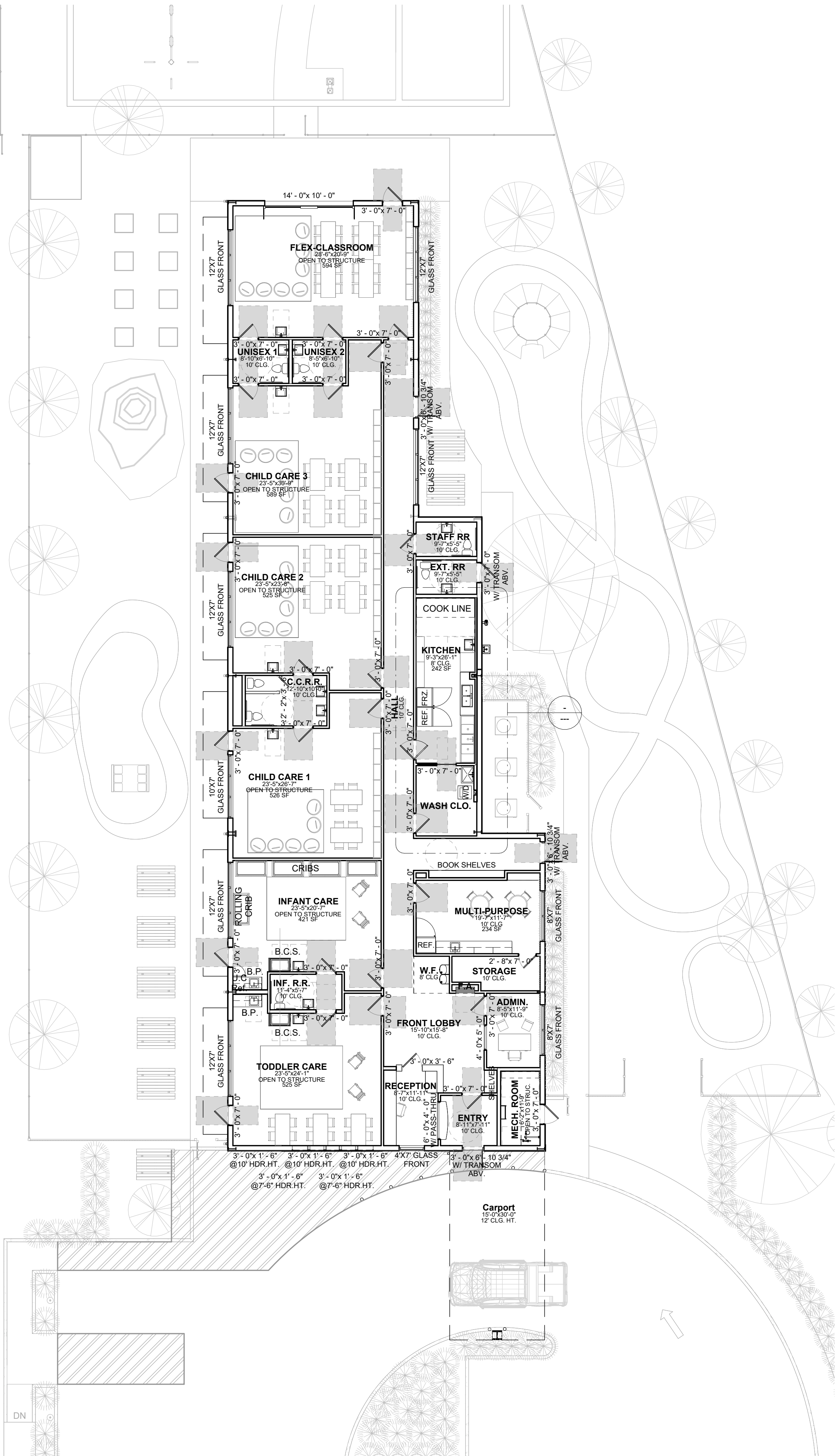
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SITE PLANS

Project number	Project Number
Date	10/18/2023 2:12:21 PM
Drawn by	Author
Checked by	Checker

A100

Scale As indicated



1 FLOOR PLAN
3/32" = 1'-0"

FLOOR PLAN GENERAL NOTES

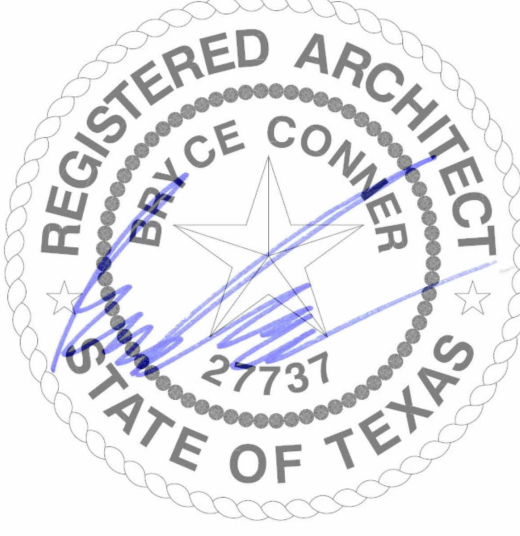
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KEYED NOTES

1. XXXXX



info@bingenioussdesigns.com
832-978-5179



08/24/23

SAGE CHILD
DEVELOPMENT CENTER
7050 MASTERS RD.
MANVEL, TX 77578

PROJECT OWNER AND ADDRESS

0	SUP PERMIT SET	08/24/23
NO.	DESCRIPTION	DATE

REVISION SCHEDULE

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FLOOR PLANS

Project number	Project Number
Date	10/18/2023 2:12:28 PM
Drawn by	Author
Checked by	Checker

A200

Scale As indicated

B

B

INGENIOUS

DESIGNS

info@bingeniousexamples.com

832-978-5179

REGISTERED ARCHITECT

BRYCE CONNER

27737

STATE OF TEXAS

08/24/23

PROJECT OWNER AND ADDRESS

SAGE CHILD DEVELOPMENT CENTER

7050 MASTERS RD.

MANVEL, TX 77578

0	SUP PERMIT SET	08/24/23
NO.	DESCRIPTION	DATE
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ELEVATIONS		
Project numberProject Number		
Date10/18/2023 2:12:35 PM		
Drawn byAuthor		
Checked byChecker		
A400		
ScaleAs indicated		

KEYED NOTES

1. XXX

4 WEST ELEVATION
1/8" = 1'-0"

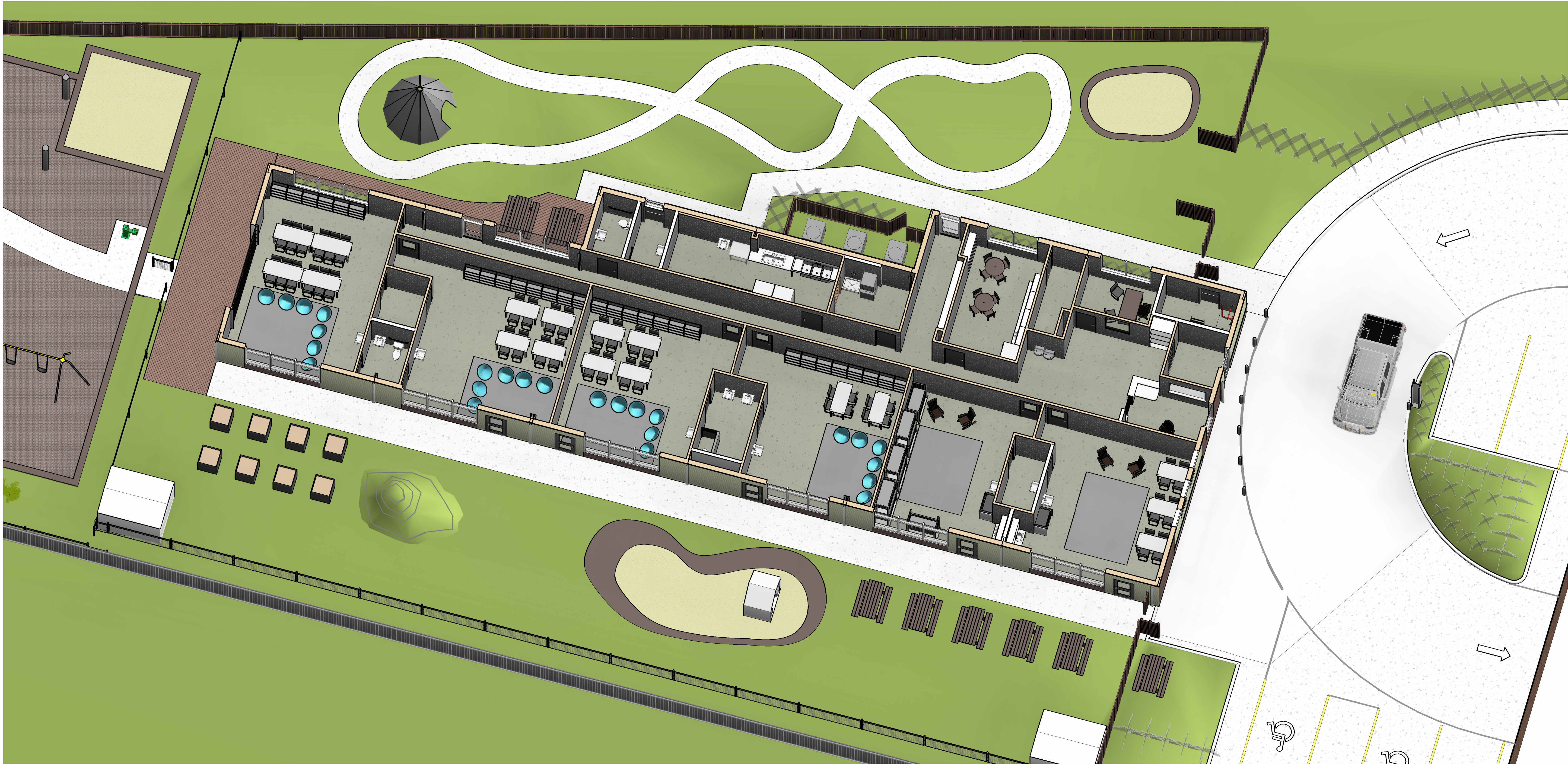
3 EAST ELEVATION
1/8" = 1'-0"

2 NORTH ELEVATION
1/8" = 1'-0"

1 SOUTH ELEVATION
1/8" = 1'-0"

ELEVATION GENERAL NOTES

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NO.	DESCRIPTION	DATE
REVISION SCHEDULE		

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3D VIEWS	
Project number	Project Number
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Drawn by	Author
Checked by	Checker
R100	
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2 SOUTHEAST PERSPECTIVE



1 SOUTHWEST PERSPECTIVE

NO.	DESCRIPTION	DATE
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3D VIEWS	
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2 NORTHWEST PERSPECTIVE

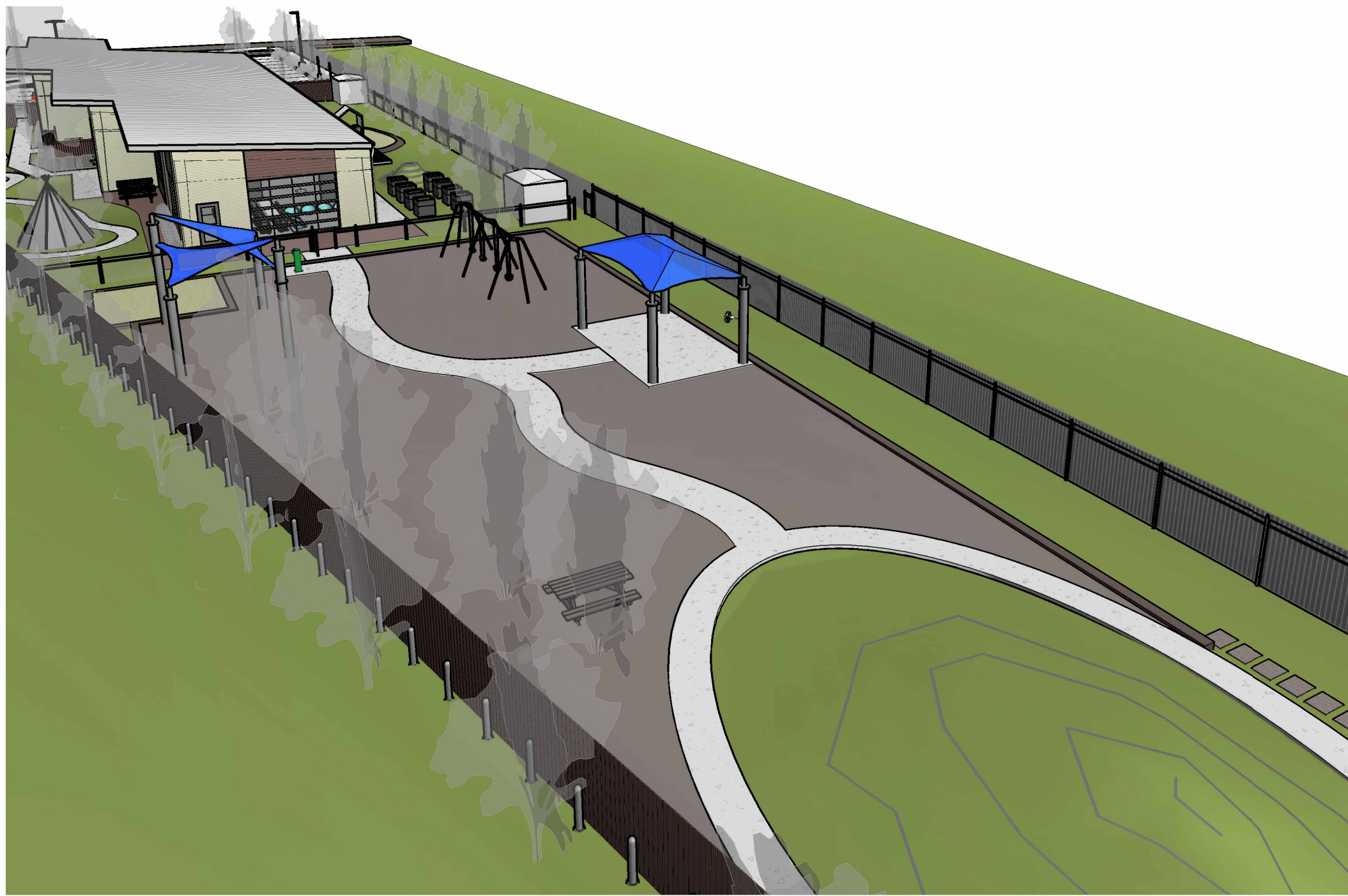


1 NORTHEAST PERSPECTIVE

PROJECT OWNER AND ADDRESS

**SAGE CHILD
DEVELOPMENT CENTER**
7050 MASTERS RD.
MANVEL, TX 77578

NO.	DESCRIPTION	DATE
REVISION SCHEDULE		
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4 AERIAL PLAYGROUND VIEW FROM NORTHEAST



3 AERIAL VIEW FROM SOUTHWEST



2 AERIAL VIEW FROM NORTHEAST



1 AERIAL VIEW FROM SOUTHEAST

0	SUP PERMIT SET	08/24/23
NO.	DESCRIPTION	DATE

REVISION SCHEDULE

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3D VIEWS	
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MANVEL CITY COUNCIL

DATA SHEET

MEETING DATE: November 20, 2023

TOPIC: Subdivision variance request for an approximate 1.1-acre tract of land located at 7225 Lewis Lane (7050 Masters Road), Manvel, Texas (northwest corner of Lewis Lane and Masters Road intersection), seeking to vary the requirements of Chapter 62, Section 62-113, *Sidewalks*.

BACKGROUND: The subject site is located at 7225 Lewis Lane (7050 Masters Road), Manvel, Texas (northwest corner of Lewis Lane and Masters Road intersection). Potential buyer of the subject site intends to develop it as a daycare and a Specific Use Permit (SUP) application for the proposed daycare is being considered by the City Council. As part of the SUP application, a site plan for the proposed daycare was prepared and submitted. The SUP application is being considered by the City Council on the same agenda as this item (November 20, 2023 Agenda). Section 62-113 of the subdivision ordinance establishes the sidewalk requirement and states, *"Sidewalks shall be constructed at a minimum of four feet wide or as determined by the city's thoroughfare plan and in accordance with the city's design criteria profile. Sidewalks shall be installed in accordance with the city's design criteria manual."* The Design Criteria Manual (DCM) states that *"Sidewalks are required along all streets."* The subject site being located at the intersection of Lewis Lane and Masters Road is required to construct a sidewalk along both streets. The applicant, Jose A. Cavazos, B. Ingenious Designs, LLC., is proposing to not construct a sidewalk along Masters Road. The current Terra Estates plat also requires construction of sidewalks as part of development of each reserve. Please note that Masters Rd is a Texas Department of Transportation (TxDOT) right-of-way and placement of a sidewalk would require TxDOT approval. The applicant is not requesting a variance for the sidewalk requirement along Lewis Lane.

The applicant has indicated the following reasons and basis for the requested variance in the request letter (attached):

- The existing development on the north side, along Masters Rd is not a typical development which requires sidewalks (Reserve for Terra Estates Monument Sign and Detention Pond).
- There are no existing sidewalks or trails to connect to on the north side.
- Existing utility relocation may be needed to include sidewalks.
- Granting of the variance will not result in any significant change to the right-of-way along the subject site.
- Allowing this variance will help the project move forward and the project is providing a sidewalk along Lewis Lane.

With respect to Section 62-5, *Variance*., Staff finds the following:

- Satisfying the first criterion requires existence of any special circumstances affecting the property. According to the applicant, the special circumstance affecting this property is that properties to the north do not have a sidewalk along them. Also,

existing development to the north are not traditional development that could benefit from a sidewalk. Most of the surrounding properties, including the daycare across from the subject site along Lewis Lane (Tiny Toons Academy), do not have a sidewalk along Masters Road. Properties along Masters Rd have developed over a span of time with varying development standards and enforcement. Therefore, it is true that several developments do not have a sidewalk. Recent developments such as Stripes, E C Mason Elementary School, and Brazoria County Emergency Services have constructed a sidewalk along Masters Rd. A proposed development may abut undeveloped sites or sites developed without a sidewalk; however, construction of the sidewalk is necessary to achieve eventual sidewalk connectivity in the future as envisioned by the Comprehensive Plan and Major Thoroughfare Plan.

- The strict enforcement of the requirement will not deprive the applicant of a substantial property right. The proposed development project can continue as planned if a sidewalk is constructed. The sidewalk requirement will result in additional cost, however, will be an improvement to the existing sidewalk connectivity as intended by the regulation and adopted plans for the community.
- The applicant indicated that granting the variance will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Sidewalks provide many benefits including safety, mobility, and healthier communities. Even though currently, Masters Rd has fewer pedestrians compared to some other nearby streets, the value of sidewalk in terms of pedestrian safety cannot be ignored, especially considering proximity to a residential neighborhood and schools. It is true that currently, adjoining properties do not have a sidewalk, however, not having a sidewalk along the subject site will only make the situation worse in terms of pedestrian safety and ADA accessible sidewalk system, and is generally against the intent of the requirement.

City of Manvel's Major Thoroughfare Plan focuses on pedestrian safety and strongly recommends provision of sidewalks along all streets as part of development. The plan acknowledges that while sidewalks provide access to destinations, it is also necessary for recreational use and sometimes incidental use. Additionally, please note that staff and City Council have been receiving input and feedback from citizens regarding the need for safe sidewalks in Manvel, especially, near schools.

RECOMMENDATION: The City staff is not recommending approval of this variance request to Chapter 62, Section 62-113, *Sidewalks.*, based on the above discussion.

ATTACHMENTS: Application Form, Vicinity Aerial Map, Major Thoroughfare Plan Map, Recorded Plat, Proposed Site Plan, and Site Pictures.

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER Jose Abraham, City Planner	FINANCE DIRECTOR APPROVAL _____ CITY MANAGER APPROVAL _____
--	---



CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

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

Subdivision Variance Application

Applicant Information

Applicant (if not owner): Jose A. Cavazos

Phone: 832-563-7750 e-mail: jose.cavazos@bingeniousdesigns.com

Owner: Terra Estates, LLC

Owner Address: 6302 Broadway St. Suite 200 City Pearland State TX Zip 77581

Phone: 281-914-5202 e-mail: chad@rwestdevelopment.com

Property Information

Site Address: 7050 Masters Rd

Legal description (from deed): Reserve C, Terra Estates
(Property must be legally subdivided or be lot of record)

Brazoria County Identification Number: 699617

Description of Subdivision Variance Request

Removal of the sidewalk requirement along the Eastern street front
(Masters Rd.)- Sec. 62-113- Sidewalks (see Exhibit A- Proposed Site Plan)

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

A response is provided on supporting letter attached to this application.

o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

A response is provided on supporting letter attached to this application.

o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

A response is provided on supporting letter attached to this application.

o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

A response is provided on supporting letter attached to this application.

Applicant Authorization

I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.


Applicant Signature

10/18/23

Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.

10/18/23

Sage Child Development Center
7050 Masters Rd.
Manvel, TX 77578

Subdivision Variance Application- Continued

What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

There are several properties North of the site that are atypical developments that do not require a sidewalk. That causes our development to lack connectivity to adjacent sidewalk & properties to the North. There are no reasonable connections or pathways to connect to North of the site. Also, given the existing conditions and utilities at the street corner, a significant redevelopment of the existing utilities would be needed to relocate them, if a pathway from the street corner towards the North is provided. (See Exhibit B for the plans and images of the existing conditions referenced).

How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

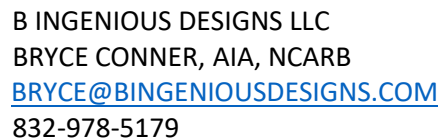
Granting this variance would allow the development to keep the existing, established right-of-way conditions with the exception of the street trees and bollard that are being proposed as required.

Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

Granting this variance would allow a new, safe sidewalk path from the existing neighborhood to the West along Lewis Ln. to be established as the main pedestrian access way to the site and not allow a undetermined path to an undeveloped area.

Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

This is a unique condition that was designed during the platting process to designate a reserve for the neighborhood monument sign and the reserve for detention pond that serves this subdivision along the Masters Rd. and cause an atypical development on the adjacent lots to the North. (See Exhibit C for a copy of the recorded plat). Any plans to subdivide or redevelop this property, or the properties to the North, would not have an effect on the orderly subdivision of this land or other land in the area if this variance is granted.

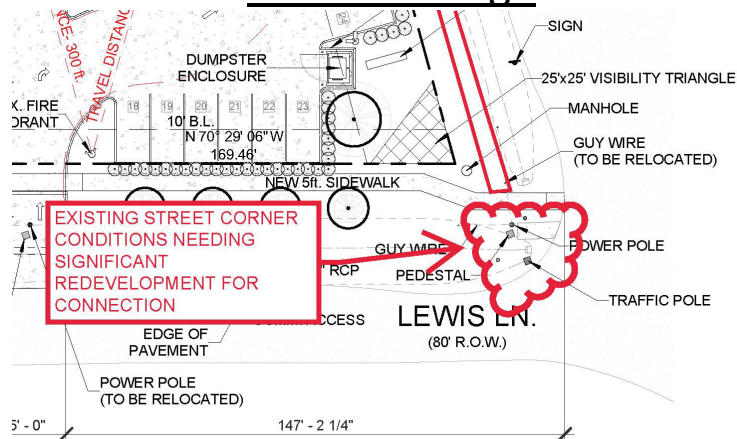
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Proposed Site Plan

Exhibit B



Satellite Image



Street Corner Plan



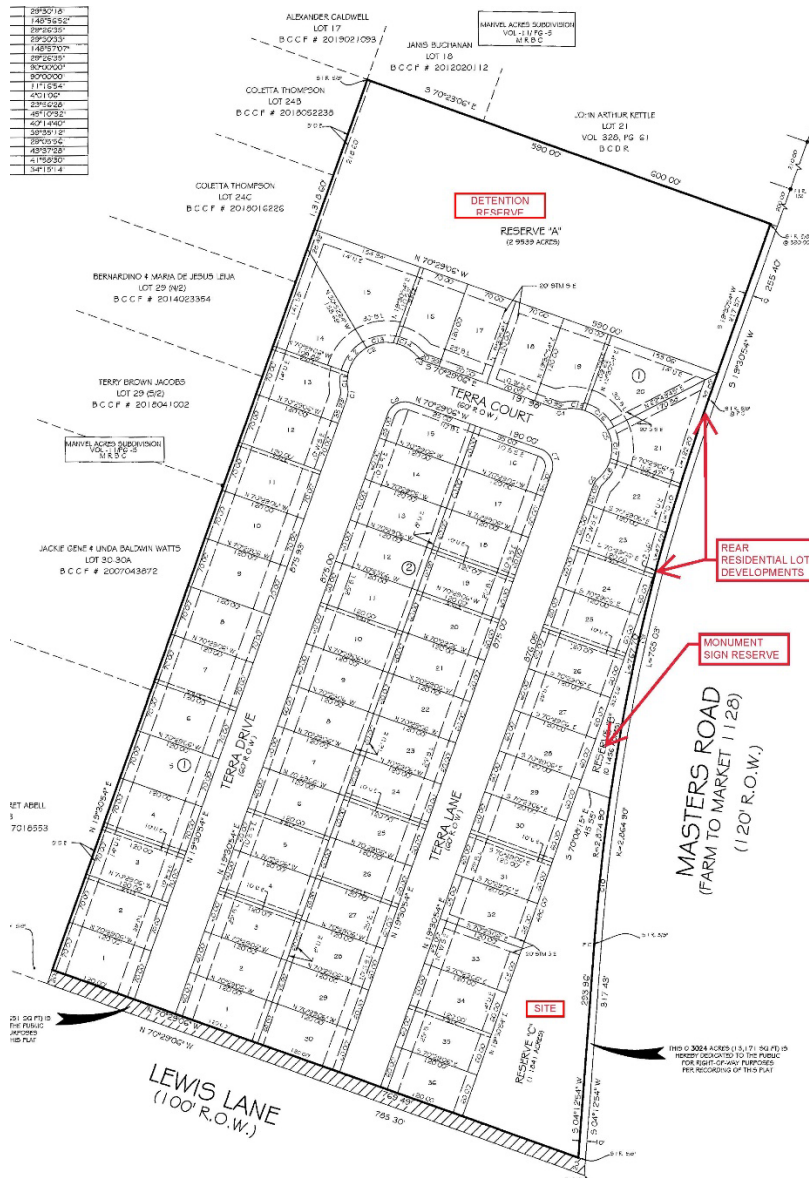
Street Perspective Photos @ Site Corner





Street Perspective Photos- North of Site

Exhibit C

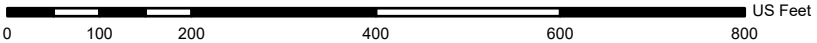


Recorded Subdivision Plat



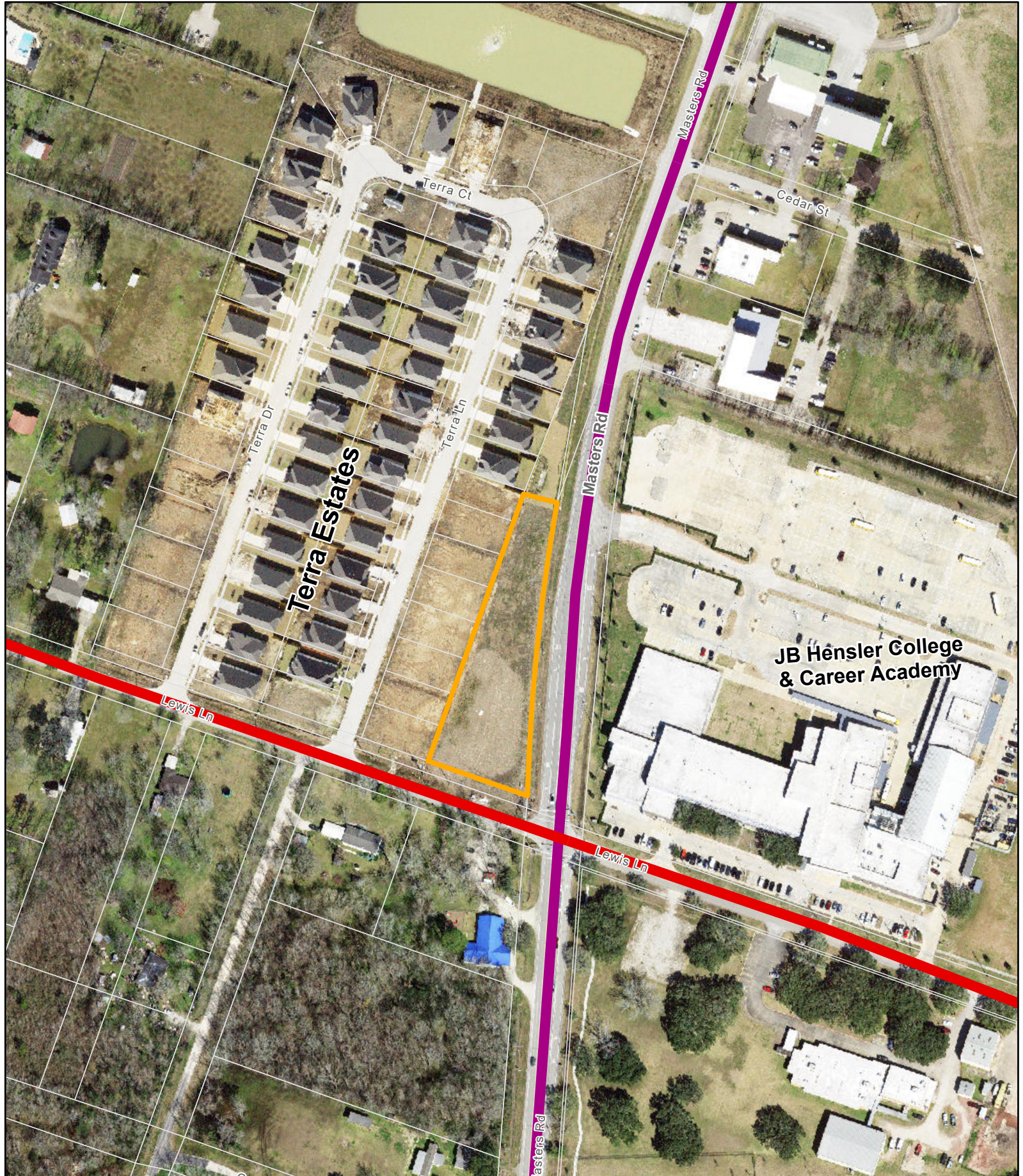
7225 Lewis Lane PID: 699617

 City of Manvel ETJ  City of Manvel City Limits  PID:699617



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

Date: September 2023
Reference: 2023064
Data Source: City of Manvel, Brazoria County Open Data



7225 Lewis Lane PID: 699617

 PID699617  Arterial (100' ROW)  Parkway (120' ROW)



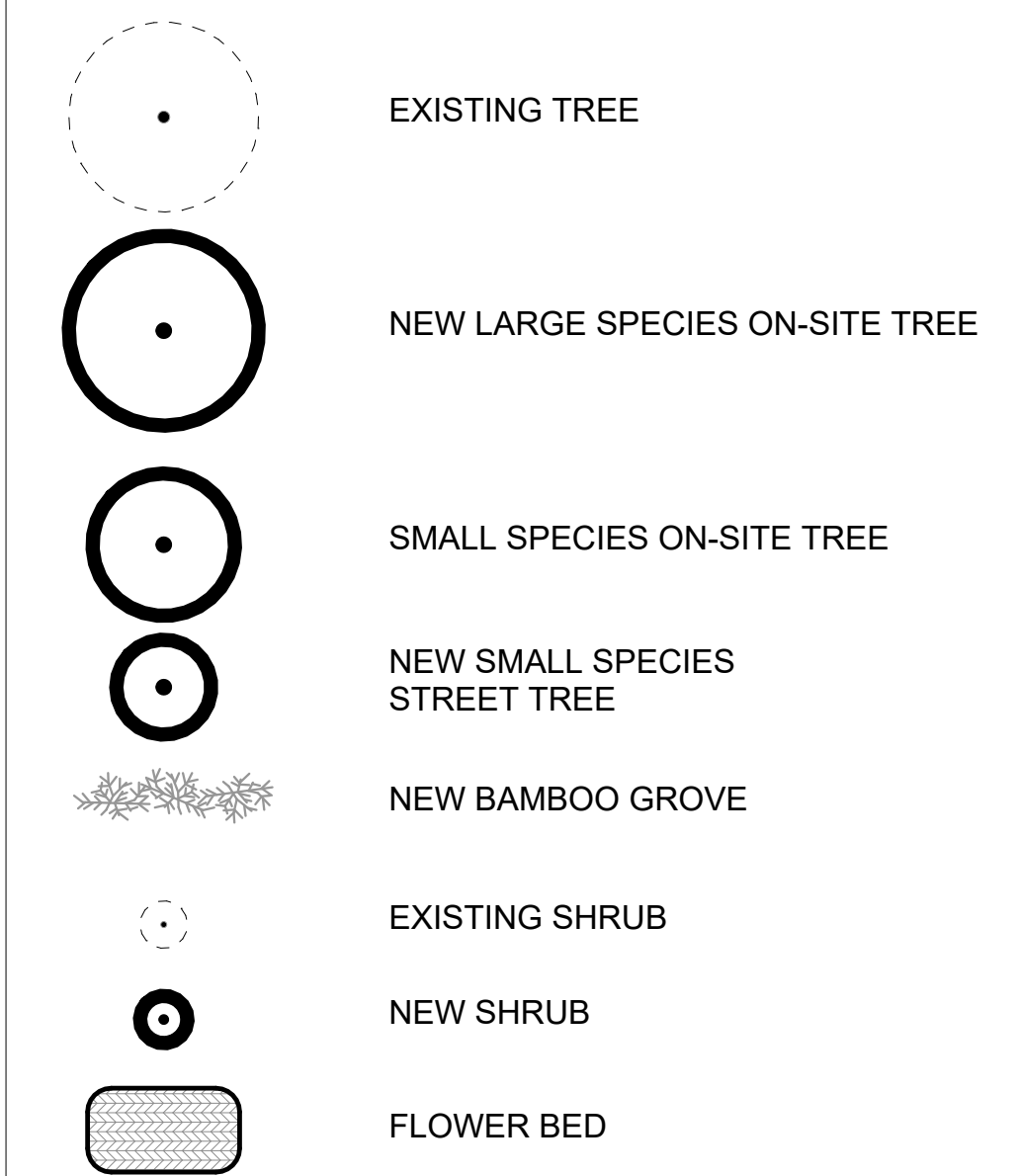
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0 105 210 420 630 840 US Feet



Date: September 2023
Reference: 2023064
Data Source: City of Manvel,
Brazoria County Open Data

LANDSCAPING LEGEND



NOTE:

- NO TREES EXISTING ON THIS PROPERTY. ALL TREES WILL BE NEW PLANTED TREES.
- FINAL POSITION OF LANDSCAPING ELEMENT WILL VARIE DEPENDING ON THE SITE CONDITIONS. INSTALLER TO COORDINATE AS NEEDED.
- SPECIES AND CALIPER OF THE PLANT TO BE AS NOTED ON THE LANDSCAPING ANALYSIS UNLESS OTHERWISE NOTED. IF SPECIES IS NOT NOTED, SELECTION TO BE BY OWNER.

LANDSCAPING ANALYSIS

Street Trees Trees:

Requirement: 1 Street Tree per 30ft of lot frontage
Street Frontage: 665 ft. (170 ft. @ Lewis Ln./ 495 ft. @ Masters Rd.)
Required Street Trees: 22.16- Street Trees Required

Street Trees Provided: 22- 1.5" Caliper Trees

Parking Lot Trees:

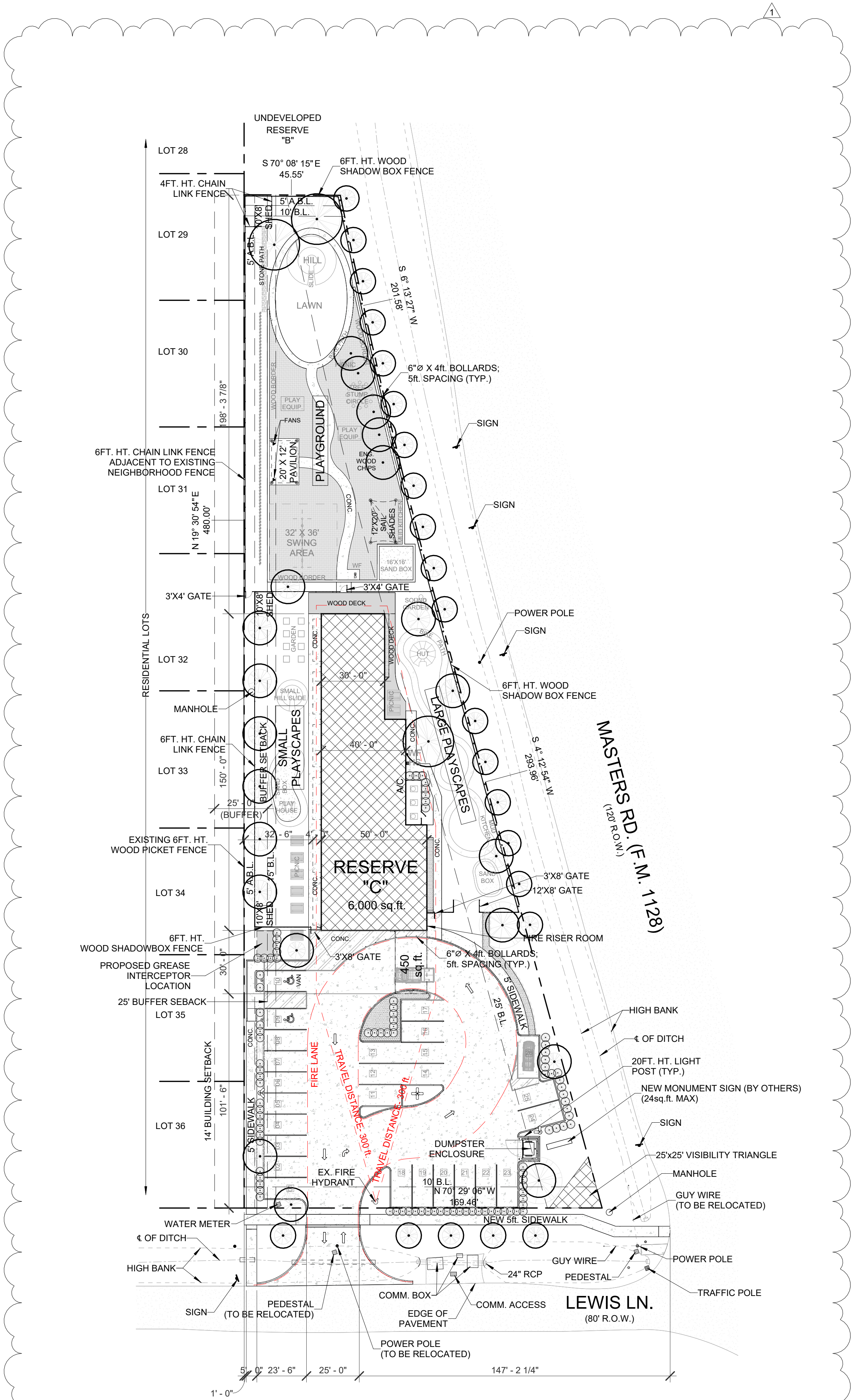
Requirement: 1 parking lot tree per 5 parking space
Parking Spaces Added: 28- Total Parking Spaces
Required Parking Lot Trees: 5.6- Trees Required

Parking Lot Trees Provided: 6- 1.5" Caliper Trees

Traffic Impact Analysis

Source: ITE Trip Generation Manual , 11th Edition

Land Use Code	565					
Land Use	Day Care Center					
Pass-By Rate	50%					
	Proposed Development					
	Unit	Trip Rate		Peak Hour Trips		Average Daily Traffic
	Student	AM	PM	AM	PM	
	104 Students	0.78	0.79	81.12	82.16	4.09
						425.36



SITE GENERAL NOTES

- THE ARCHITECTURAL DRAWINGS SHOULD BE USED WITH AND IN CONJUNCTION WITH THE STRUCTURAL, MEP, FIRE PROTECTION DRAWINGS AND SPECIFICATIONS. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL COORDINATION BETWEEN THE DRAWINGS. DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.
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LEGAL DESCRIPTION

LOT: RESERVE "C"
SUBDIVISION: TERRA ESTATES
COUNTY: BRAZORIA COUNTY

OFF-STREET PARKING CALCULATIONS

PER SECTION 77-45 OF CITY OF MANVEL CODE OF ORDINANCES

LAND USE CLASSIFICATION	PARKING REQUIREMENT	NO. OF SPACES REQUIRED
RETAIL	1 PER 250 sq.ft. (6,450 sq.ft. GROSS)	25.8
TOTAL NO. OF SPACES REQUIRED		26
NO. OF SPACES AVAILABLE		26
BALANCE		0



info@bingeniousdesigns.com
832-978-5179



08/24/23

SAGE CHILD
DEVELOPMENT CENTER
7050 MASTERS RD.
MANVEL, TX 77578

PROJECT OWNER AND ADDRESS

1	SUP COMMENTS #1	10/18/23
0	SUP PERMIT SET	08/24/23
NO.	DESCRIPTION	DATE

REVISION SCHEDULE

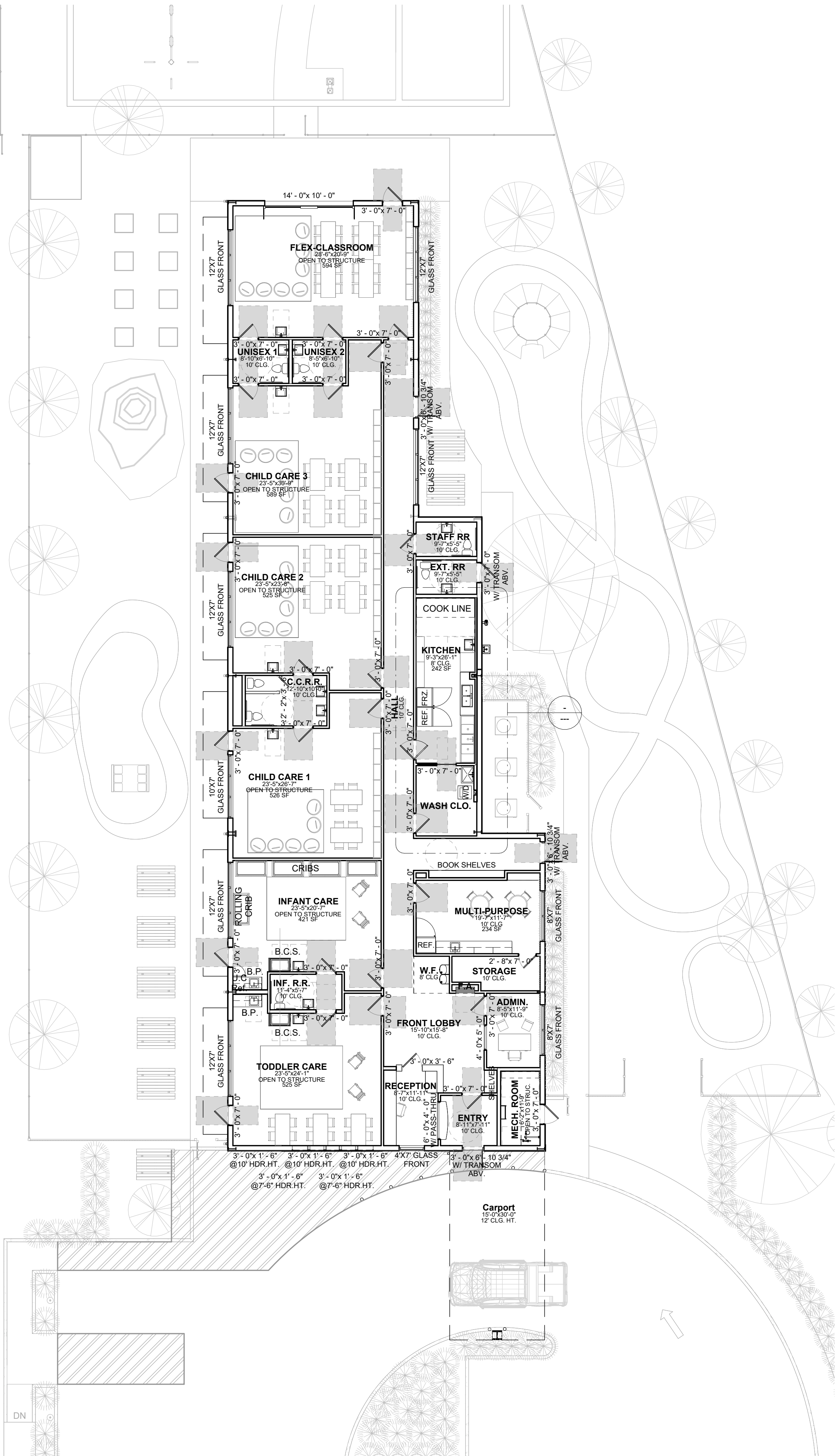
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SITE PLANS

Project number	Project Number
Date	10/18/2023 2:12:21 PM
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A100

Scale As indicated



1 FLOOR PLAN
3/32" = 1'-0"

FLOOR PLAN GENERAL NOTES

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KEYED NOTES

1. XXXXX



info@bingenioussdesigns.com
832-978-5179



08/24/23

SAGE CHILD DEVELOPMENT CENTER
7050 MASTERS RD.
MANVEL, TX 77578

PROJECT OWNER AND ADDRESS

0	SUP PERMIT SET	08/24/23
NO.	DESCRIPTION	DATE

REVISION SCHEDULE

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FLOOR PLANS

Project number	Project Number
Date	10/18/2023 2:12:28 PM
Drawn by	Author
Checked by	Checker

A200

Scale As indicated

B

B INGENIOUS
DESIGNS

info@bingenioussdesigns.com
832-978-5179

REGISTERED ARCHITECT
BRYCE CONNER
27737
STATE OF TEXAS

08/24/23

PROJECT OWNER AND ADDRESS

SAGE CHILD
DEVELOPMENT CENTER
7050 MASTERS RD.
MANVEL, TX 77578

0	SUP PERMIT SET	08/24/23
NO.	DESCRIPTION	DATE
REVISION SCHEDULE		
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ELEVATIONS		
Project numberProject Number		
Date10/18/2023 2:12:35 PM		
Drawn byAuthor		
Checked byChecker		
A400		
ScaleAs indicated		

KEYED NOTES

1. XXX

4 WEST ELEVATION
1/8" = 1'-0"

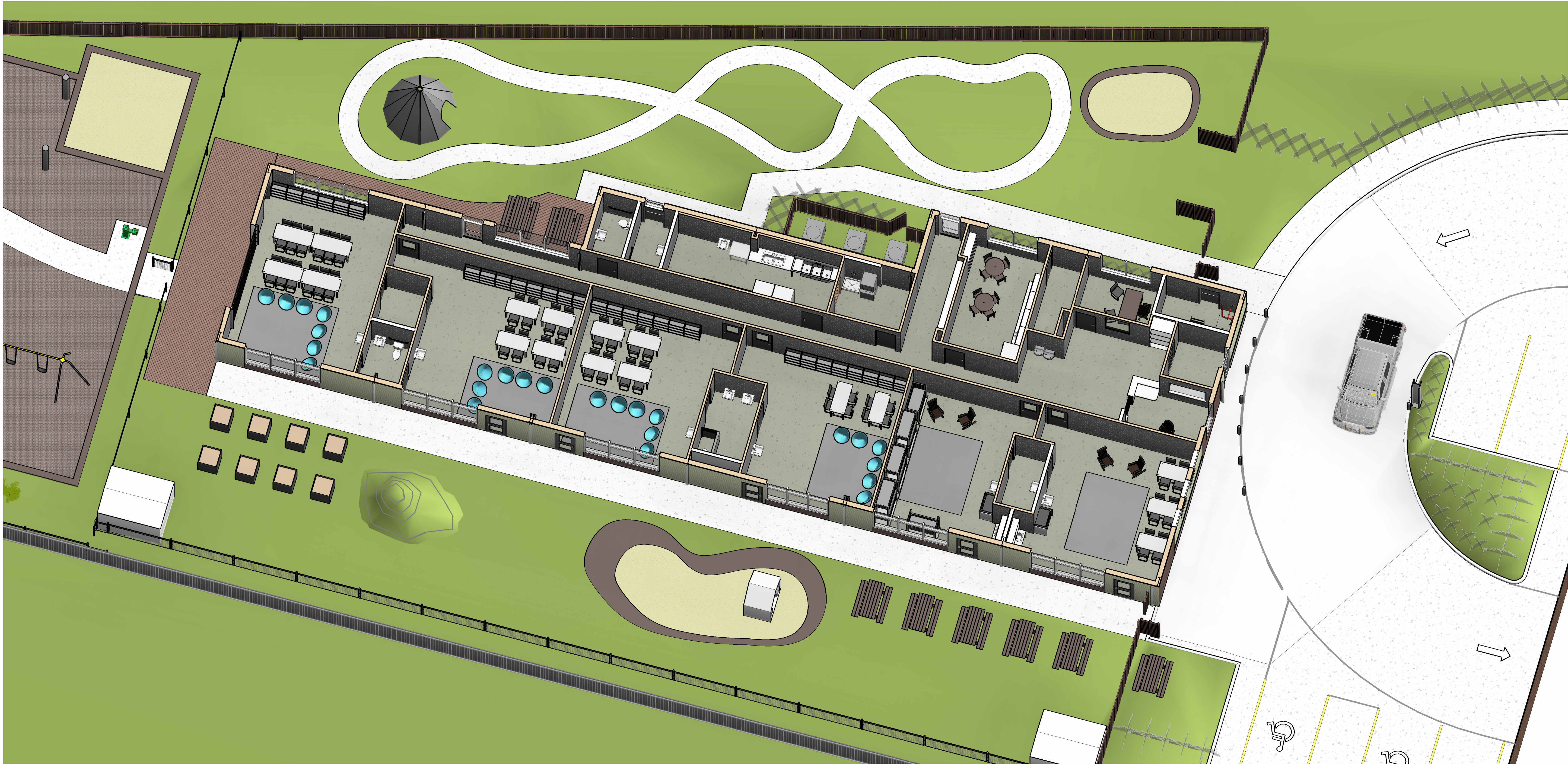
3 EAST ELEVATION
1/8" = 1'-0"

2 NORTH ELEVATION
1/8" = 1'-0"

1 SOUTH ELEVATION
1/8" = 1'-0"

ELEVATION GENERAL NOTES

- THE ARCHITECTURAL DRAWINGS SHOULD BE USED WITH AND IN CONJUNCTION WITH THE STRUCTURAL, MEP, FIRE PROTECTION DRAWINGS AND SPECIFICATIONS. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL COORDINATION BETWEEN THE DRAWINGS. DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.
- THE GENERAL CONTRACTOR IS ADVISED THAT THE AVAILABLE SPACE FOR ROUTING ALL ELECTRICAL, MECHANICAL, PLUMBING, FIRE PROTECTION AND COMMUNICATIONS PIPING CONDUIT, TRAYS AND DUCTWORK MAY BE MINIMAL IN MANY LOCATIONS. THE GENERAL CONTRACTOR SHALL COORDINATE ALL OF THE TRADES WORK.
- VERIFY FIELD CONDITIONS AND LOCATIONS OF ALL PLUMBING, DUCTS, STRUCTURAL ELEMENTS, ETC., AND ARRANGE & MODIFY NON-VISIBLE ITEMS TO ENSURE ADEQUATE CLEARANCES FOR PARTITION LAYOUT SHOWN
- ALL PENETRATIONS OF FIRE RATED ASSEMBLIES SHALL BE FIRE BLOCKED AND SEALED PER UL APPROVED METHODS.
- WRITTEN REQUEST FOR INFORMATION AND CLARIFICATION FOR DISCREPENCIES REQUIRED PRIOR TO PROCEEDING.
- ALL MANUFACTURER'S NAME, TRADEMARK, LOGOS, ETC SHALL NOT BE VISIBLE TO THE PUBLIC, UNLESS REQUIRED BY THE BUILDING CODE.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE SUPPORT REQUIRED TO MAINTAIN THE INTEGRITY OF THE WALL AND THE SECURITY OF THE ITEM MOUNTED.
- THE GENERAL CONTRACTOR SHALL COORDINATE THE PLACEMENT OF ALL BLOCKING PRIOR TO CLOSING OF WALLS. USE OF COMBUSTIBLE MATERIALS ABOVE THE CEILING IS NOT PERMITTED.
- THE GENERAL CONTRACTOR TO COORDINATE ALL MILLWORK WITH FURNITURE, EQUIPMENT, LIGHTING, AUDIOVISUAL, ELECTRICAL DEVICES, DATA DEVICES, AND DRYWALL SURROUNDINGS.
- THE GENERAL CONTRACTOR TO USE APPROVED FURNITURE INSTALLATION PLAN TO DETERMINE FINAL LOCATION OF ALL POWER, VOICE, DATA, AND OTHER DEVICES SERVING EQUIPMENT.
- THE GENERAL CONTRACTOR SHALL COORDINATE AND CONFIRM ALL FIRE EXTINGUISHER LOCATIONS WITH THE FIRE MARSHALL IN THE FIELD PRIOR TO FRAMING. COMPLY WITH ALL APPLICABLE CODES, INDUSTRY STANDARDS, ETC.
- PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE GENERAL CONTRACTOR SHALL MARK-OUT PARTITION LAYOUT FOR APPROVAL BY THE ARCHITECT.
- DO NOT SCALE DRAWINGS: CONTRACTOR TO VERIFY AND DE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS OF THE JOB. WRITTEN DIMENSIONS GOVERN. IN CASE OF CONFLICT, NOTIFY THE ARCHITECT FOR WRITTEN CLARIFICATION PRIOR TO PROCEEDING.
- DIMENSIONS SHOWN AS "F.V." SHALL BE VERIFIED IN THE FIELD BY LAYING OUT THE PARTITIONS. THE GENERAL CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCY IN DIMENSIONS PRIOR TO PROCEEDING WITH WORK IN THAT AREA.
- DIMENSIONS MARKED "HOLD" SHALL BE MAINTAINED AND SHALL ALLOW FOR THICKNESS OF FINISHES, INCLUDING CARPET, VCT, MILLWORK, ETC. THE GENERAL CONTRACTOR SHALL NOT ADJUST DIMENSION WITHOUT WRITTEN INSTRUCTIONS FROM THE ARCHITECT.
- ALL WALLS TO BE CONSTRUCTED AT 90° ANGLES U.N.O.
- ALL DIMENSIONS ARE FROM FINISH TO FINISH U.N.O.
- PROVIDE BLOCKING IN WALL AT ALL WALL MOUNTED FIXTURES.
- GC MUST VERIFY ALL BLOCKING REQUIRED FOR ALL EQUIPMENT WITH TENANT & EQUIPMENT VENDOR PRIOR TO INSTALLATION. GC MUST PROVIDE A HAND-WRITTEN PLAN OF LOCATIONS AS DISCUSSED WITH TENANT & VENDOR, SUBMIT TO ARCHITECT FOR RECORDS.



NO.	DESCRIPTION	DATE
REVISION SCHEDULE		

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3D VIEWS	
Project number	Project Number
Date	10/18/2023 2:12:58 PM
Drawn by	Author
Checked by	Checker
R100	
Scale	



2 SOUTHEAST PERSPECTIVE



1 SOUTHWEST PERSPECTIVE

NO.	DESCRIPTION	DATE
REVISION SCHEDULE		

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3D VIEWS	
Project number	Project Number
Date	10/18/2023 2:13:44 PM
Drawn by	Author
Checked by	Checker
R101	
Scale	



2 NORTHWEST PERSPECTIVE



1 NORTHEAST PERSPECTIVE

NO.	DESCRIPTION	DATE
REVISION SCHEDULE		

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CONTRACTOR TO VERIFY
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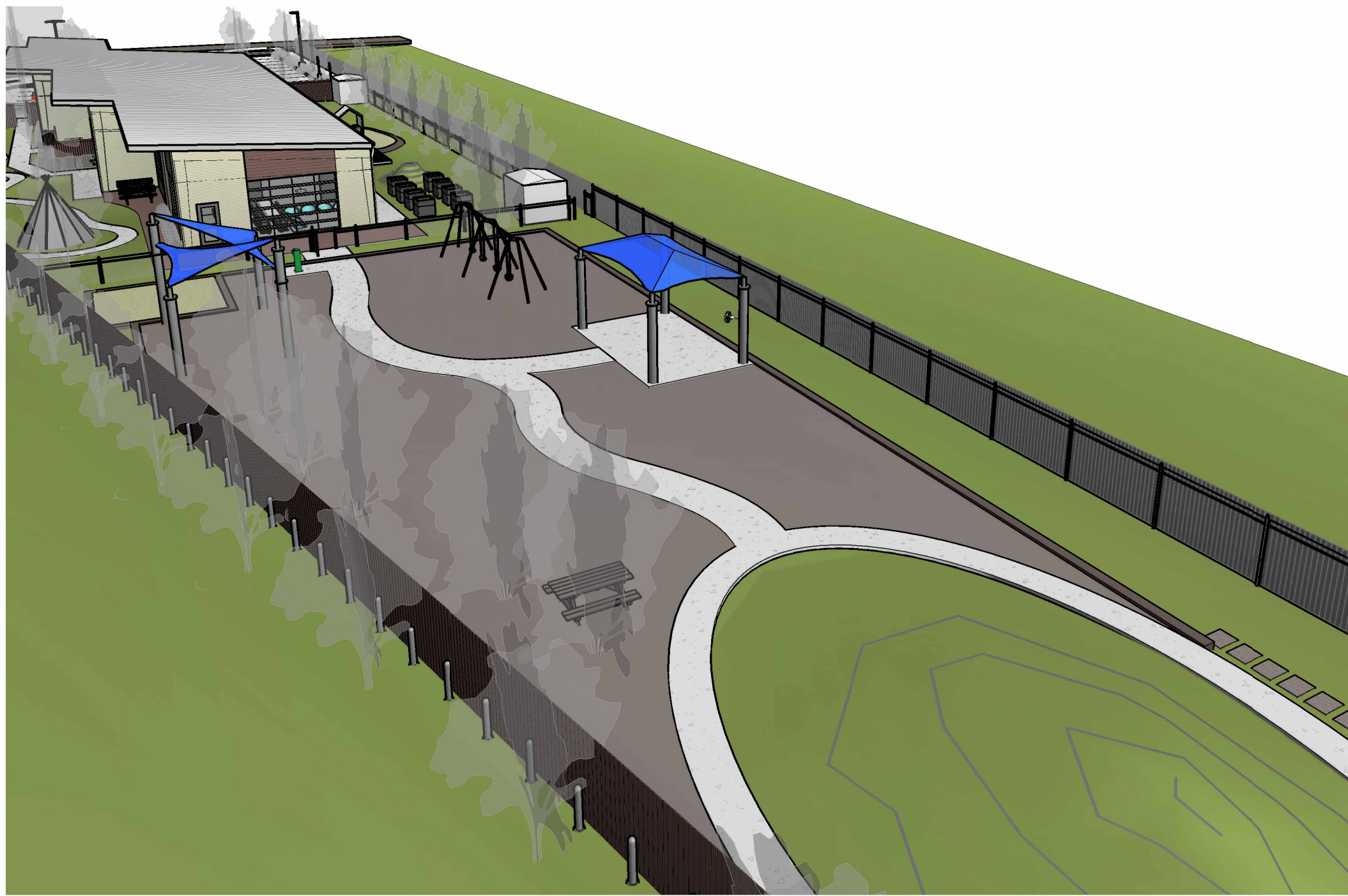
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3D VIEWS

Project number	Project Number
Date	10/18/2023 2:14:09 PM
Drawn by	Author
Checked by	Checker

R102

Scale



4 AERIAL PLAYGROUND VIEW FROM NORTHEAST



3 AERIAL VIEW FROM SOUTHWEST



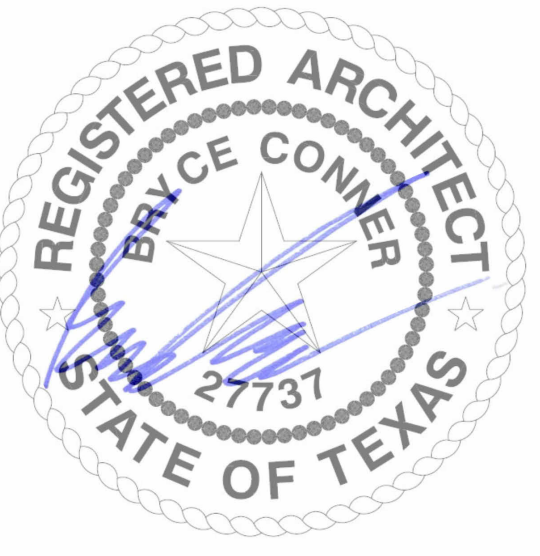
2 AERIAL VIEW FROM NORTHEAST



1 AERIAL VIEW FROM SOUTHEAST



info@bingeniousthings.com
832-978-5179



08/24/23

PROJECT OWNER AND ADDRESS

SAGE CHILD DEVELOPMENT CENTER
7050 MASTERS RD.
MANVEL, TX 77578

NO.	DESCRIPTION	DATE
0	SUP PERMIT SET	08/24/23

REVISION SCHEDULE

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3D VIEWS

Project number	Project Number
Date	10/18/2023 2:15:29 PM
Drawn by	Author
Checked by	Checker

R103

Scale

Site Photographs



View of the property from south-east corner (looking from Lewis Ln and Masters Rd intersection)



View of the property from JB Hensler College & Career Academy looking to the west



View of the property from north-east corner (Masters Road looking to the south)

Site Photographs



View of the south side of the subject property (utility boxes) and JB Hensler College & Career Academy looking from west Lewis Ln to the east



Abutting Highway Mixed Use properties to the west (along Lewis Ln)



View of the Light Commercial (Tiny Toonz Academy) property looking from the subject property to the south



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: November 20, 2023

TOPIC: This is request to amend Ordinance No. 2017-O-49 pertaining to the granting of a Specific Use Permit (SUP), allowing NAICS use 813110, "Religious Organizations" with conditions, for an approximate 1.455-acre tract of land located at 7335 McCoy Road, Manvel, Texas, currently, zoned Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP); to specify detention and parking lot construction requirements. Applicant is seeking this amendment to allow the use of permeable pavers for the church parking area and allowance for shared parking.

BACKGROUND: The subject site is the former Overflow Church located at 7335 McCoy Road. Zoning of the subject site is governed by Ordinance No. 2017-O-49 which allows NAICS use 813110 – Religious Organizations as the primary use and also allows additional uses including Community Center; Gymnasium; Advance Community Empowerment Programs; Senior Citizen Programs; Memorial Assistance Ministry; Alcoholic Anonymous Counselling; Family Welfare Services; Food Bank Services; Child Day Care Center; Coffee Shop; GED Classes; and Event Center. The subject site is currently owned by Disciples Christian Fellowship Church. The subject site includes a church building and 15 parking spaces. The applicant Marcus Rives is a design professional, helping the church achieve site improvements, specifically, expansion of on-site parking. The subject site is within the Floodplain (Flood Zone AO) and has limited site area for parking expansion and meeting the detention and mitigation requirements. The maximum occupancy for the church will depend on the amount of parking available on-site. Therefore, the applicant is requesting an amendment to Ordinance No. 2017-O-49 to allow the use of permeable pavers for parking expansion. Additionally, the applicant has also requested that allowance for shared parking with adjacent property be allowed. Based on the site plan presented by the applicant, the scope of work includes removal of small portion of existing parking area, addition of sidewalks, and construction of new parking area using permeable gravel paver system. The applicant is using permeable paver system by the manufacturer TrueGrid.

Engineering staff has reviewed the submitted plans and offer a list of Pros and Cons in the staff report. Use of permeable paving system may be beneficial in certain situations; however, it involves certain constraints as discussed above. In the past, permeable pavers were allowed for the Redemer Church located at 18218 Morris Ave., through the SUP approval process. Regarding shared parking, City of Manvel Zoning Ordinance encourages shared parking intended to make use of parking areas that are not used during certain times of the day. However, shared parking is permitted only with a written

agreement between the subject landowners.

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth. Additionally, the Comprehensive Plan encourages research and using zero-effect drainage and low-impact development, especially for business growth and commercial development along SH6 (Page 44).

STAFF RECOMMENDATION: City staff recommends approval of the requested SUP amendment (Ordinance No. 2017-O-49) with three (3) additions to the current list of general conditions in the SUP as proposed by staff and listed in the Staff Report.

PD&Z DISCUSSION: On November 13, 2023, the Planning, Development and Zoning Commission held a Public Hearing where three speakers spoke. Tracey Burrige, the owner of the property abutting the subject site to the east expressed her concern regarding drainage resulting from the addition of parking. Kevin Schmidt, residing at 5729 Lira Road, asked general questions about the scope of the project associated with the proposed SUP. Marcus Rives, the designer for the proposed project indicated that he is present to answer any questions on the project.

The PD&Z Commission generally discussed the project and staff explained the proposed SUP will allow the use of alternate permeable paver system to meeting parking surface and drainage related requirements. The commission wanted clarification on whether the proposed material will be considered 100% permeable, to which staff explained that for drainage calculation purposes it would be considered 100% permeable. Marcus Rives, the designer of the proposed project verified staff's comments and indicated that during extreme events all surfaces have some surface run-off. The Commission also asked about load bearing capacity and lifespan of the permeable paver system. The project designer and staff clarified that system the product has different grades for different application and the load bearing capacity is dependent on the specific application. Regarding lifespan, staff noted that it depended on regular maintenance. Staff also highlighted that permeable pavers were used for the Redemer Church located at 18218 Morris Ave., through the SUP approval process. Commission members also inquired about regular inspections. Staff indicated that because of the condition for the SUP approval, lack of maintenance can result in a code violation and that it could also be part of the annual inspection by the Fire Marshal's office.

PD&Z RECOMMENDATION: The PD&Z Commission recommended approval of Ordinance No. 2023-O-44 with a vote of six (6) "Yeas" to zero (0) "Nays" at their November 13, 2023, meeting.

ATTACHMENTS: Staff Report and Ordinance No. 2023-O-44

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER
Jose Abraham

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____





City Council Specific Use Permit Request

Agenda of:	November 20, 2023	Initiated By:	Jose Abraham City Planner Zoning Official
Department:	Development Services	Presented By:	Jose Abraham City Planner Zoning Official

Subject/Proceeding

This is request to amend Ordinance No. 2017-O-49 pertaining to the granting of a Specific Use Permit (SUP), allowing NAICS use 813110, “Religious Organizations” with conditions, for an approximate 1.455-acre tract of land located at 7335 McCoy Road, Manvel, Texas, currently, zoned Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP); to specify detention and parking lot construction requirements. Applicant is seeking this amendment to allow the use of permeable pavers for the church parking area and allowance for shared parking.

Exhibits

Zoning Vicinity Map, Aerial Vicinity Map, Major Thoroughfare Plan Map, Application, Letter of Authorization, Letter of Request, Site Plan, Construction Details, Public Hearing Notice, and Protest Letter.

Recommended Action

A Public Hearing followed by consideration and action from the City Council to approve Ordinance No. 2023-O-44.

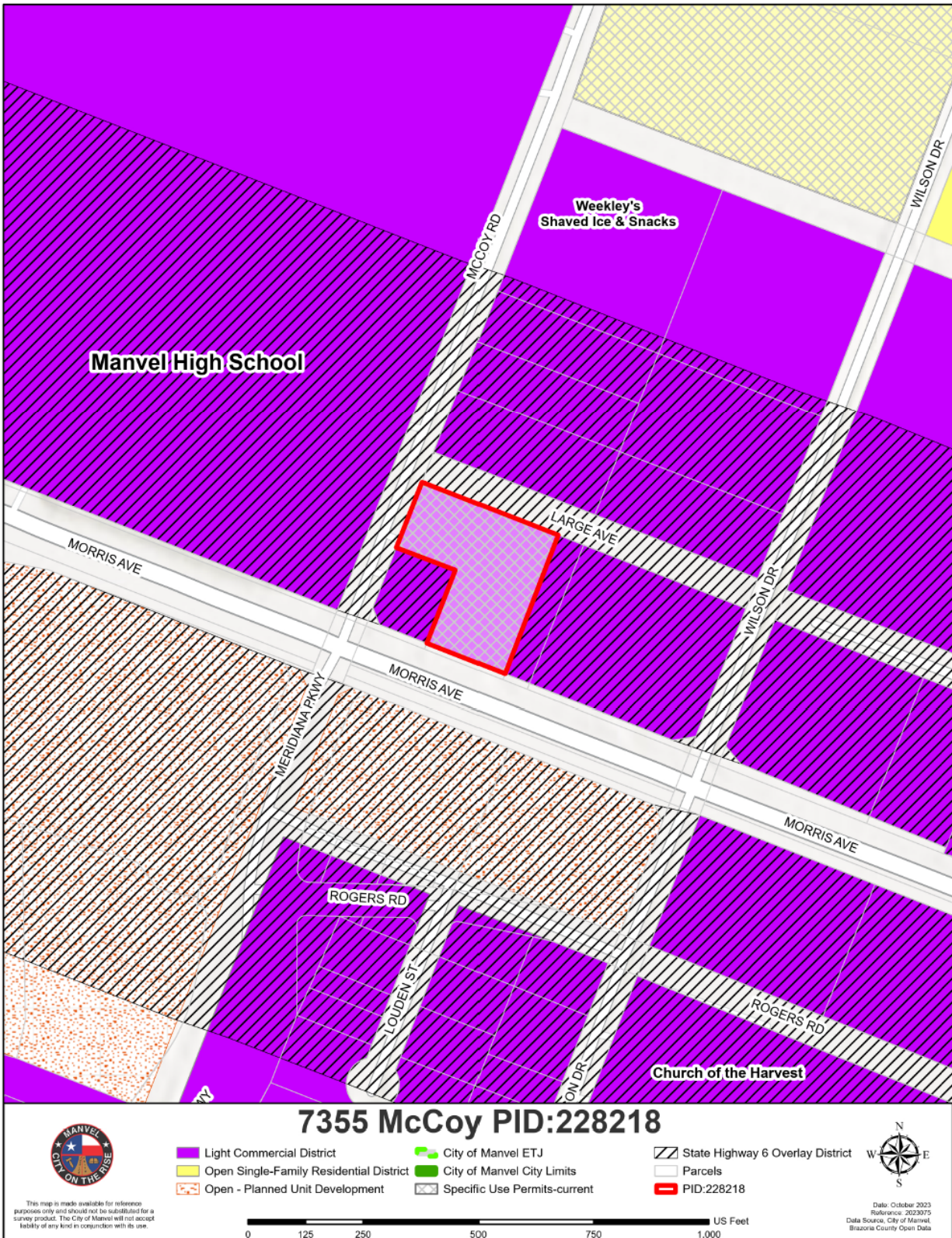
Executive Summary

The subject site is the former Overflow Church located at 7335 McCoy Road and wraps around the property at the northeastern corner of McCoy Road and Highway 6 intersection. In 2013, the subject site was rezoned from Light Commercial (LC) District to Light Commercial (LC) District with a SUP allowing NAICS use 813110 – Religious Organizations (Ordinance No. 2013-O-07). The SUP for the subject site was amended in 2017, to include additional uses—Community Center; Gymnasium; Advance Community Empowerment Programs; Senior Citizen Programs; Memorial Assistance Ministry; Alcoholic Anonymous Counselling; Family Welfare Services; Food Bank Services; Child Day Care Center; Coffee Shop; GED Classes; and Event Center—by the current Ordinance No. 2017-O-49. The applicant is requesting an amendment to Ordinance No. 2017-O-49 to allow the use of permeable pavers for parking expansion.

Aerial Vicinity Map



Zoning Vicinity Map



Staff Report

Zoning Ordinance Provisions for Specific Use Permits

In Section 77-50 (a) *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states “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 City Council and Planning, Development and Zoning 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 judgement relative to the location and site plan of the proposed use are required.”

In Section 77-50 (b) of the Zoning Ordinance it further states, “the city council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use 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.”

General Site Information

The following is a summary of general site information.

Surrounding Property Zoning	North: Light Commercial District /State Highway 6 Overlay District (LC/SH6) South: Open Planned Unit Development (O-PUD, Meridiana Development) East: Light Commercial District /State Highway 6 Overlay District (LC/SH6) West: Light Commercial District /State Highway 6 Overlay District (LC/SH6)
Surrounding Land Use	North: Legal non-conforming single-family residential South: State Farm office & commercial development (under construction) East: Vacant / Undeveloped West: Manvel High School

Overview

The subject site is the former Overflow Church located at 7335 McCoy Road. Zoning of the subject site is governed by Ordinance No. 2017-O-49 which allows NAICS use 813110 – Religious Organizations as the primary use and also allows additional uses including Community Center; Gymnasium; Advance Community Empowerment Programs; Senior Citizen Programs; Memorial Assistance Ministry; Alcoholic Anonymous Counselling; Family Welfare Services; Food Bank Services; Child Day Care Center; Coffee Shop; GED Classes; and Event Center. The subject site is currently owned by Disciples Christian Fellowship Church. The subject site includes a church building and 15 parking spaces. The applicant Marcus Rives is a design professional, helping the

church achieve site improvements, specifically, expansion of on-site parking. The subject site is within the Floodplain (Flood Zone AO) and has limited site area for parking expansion and meeting the detention and mitigation requirements. The maximum occupancy for the church will depend on the amount of parking available on-site. Therefore, the applicant is requesting an amendment to Ordinance No. 2017-0-49 to allow the use of permeable pavers for parking expansion. Additionally, the applicant has also requested that allowance for shared parking with adjacent property be allowed. Based on the site plan presented by the applicant, the scope of work includes removal of small portion of existing parking area, addition of sidewalks, and construction of new parking area using permeable gravel paver system. The applicant is using permeable paver system by the manufacturer TrueGrid.

Engineering staff has reviewed the submitted plans and offer the following input regarding the TrueGrid Gravel Paver system:

PROS

- The compressive and tensile strength, as well as, balance of rigidity and flexibility to handle commercial vehicle traffic is rated for load capacities of 120,000 lbs. per sq. ft. (H20, HS20+ rated)
- Built in expansion joints for soil movement and varies climates.
- High visibility domed SuperSpots, ADA compliant identifiers, with integral snap-lock design and multiple color options for use as parking stall delineators, directional arrows, fire lanes, handicap signs, etc.
- TruGrid, 98% to 100% pervious cover, is designed to infiltrate storm 100% runoff instead of shedding it off conventional pavement which may contain constituents such as metals, oil, grease, etc. into existing storm systems. As rain filters through, the soil and aggregates below bioremediation help pollutants from the stormwater resulting in cleaner, naturally-filtered rainwater flowing into the water table and water supplies.
- TruGrid surface has very high initial surface infiltration rates of 1000+ in/hr. that immediately infiltrates and stores rainfall and runoff, with 0.0 to 0.05 coefficient, from high intensity rain events.
- Storm detention volume is based on the depth of sub-base which eliminates reserve space for detention ponds and utilizes the space under the surface as detention.
- 100% post-consumer recycled plastic provides eco-friendly alternative to concrete and asphalt
- TruGrid reduces the absorbability of solar rays which helps steady and cool the environment. No slippery pavement during the cold months. Natural parking lots have a lesser environmental impact than traditional concrete and asphalt options.
- No potholes, puddles, or cracks as conventional pavement.

CONS

- Correct base material and proper depth have to be used to serve as proper detention.
- Twigs, trash, leaves, and other debris can clog the TruGrid pavers, if not removed in a considerable amount of time.
- Regular inspection is needed, especially, after a heavy rain event for pooling water and materials or visible dirt in the gaps that indicates a clog beneath the surface.
- TruGrid pavers require resealing when signs of wear and tear are visible. This is critical part of preventing water infiltration and further damage.

Use of permeable paving system may be beneficial in certain situations; however, it involves certain constraints as discussed above. In the past, permeable pavers were allowed for the Redemer Church located at 18218 Morris Ave., through the SUP approval process. Regarding shared parking, City of Manvel Zoning Ordinance encourages shared parking intended to make use of parking areas that are not used during certain times of the day. However, shared parking is permitted only with a written agreement between the subject landowners.

Comprehensive Plan

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth. Additionally, the Comprehensive Plan encourages research and using zero-effect drainage and low-impact development, especially for business growth and commercial development along SH6 (Page 44).

Staff Recommendation

Based on the above discussion, staff recommends the amendment of the current SUP (Ordinance No. 2017-O-49) for the subject site located at 7355 McCoy Rd to include the following general conditions:

1. Permeable gravel paver system for parking area and drainage construction is permitted in accordance with Exhibit C and Exhibit D; and shall be maintained in good condition with no pooling of water, leaves, twigs, trash, debris, or visible dirt.
2. Shared parking with abutting commercial property located at 19701 Highway 6, in lieu of on-site parking construction, is allowed provided a written agreement between the subject landowners is submitted. Such agreement shall be maintained in the office of the City Secretary.
3. Except as expressly amended by this Ordinance 2023-O-44, requirements, regulations, and conditions included in Ordinance No. 2013-O-07 and Ordinance 2017-O-49 remain in full force and effect, and unchanged.

Planning, Development and Zoning Commission Public Hearing

The Notice of Public Hearing at the Planning Development and Zoning (PD&Z) Commission was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. On November 13, 2023, the Planning, Development and Zoning Commission held a Public Hearing where three speakers spoke. Tracey Burrridge, the owner of the property abutting the subject site to the east expressed her concern regarding drainage resulting from the addition of parking. Kevin Schmidt, residing at 5729 Lira Road, asked general questions about the scope of the project associated with the proposed SUP. Marcus Rives, the designer for the proposed project indicated that he is present to answer any questions on the project.

Planning, Development and Zoning Commission Discussion

The PD&Z Commission generally discussed the project and staff explained the proposed SUP will allow the use of alternate permeable paver system to meeting parking surface and drainage related requirements. The commission wanted clarification on whether the proposed material will be considered 100% permeable, to which staff explained that for drainage calculation purposes it would be considered 100% permeable. Marcus Rives, the designer of the proposed project verified staff's comments and indicated that during extreme events all surfaces have some surface run-off. The Commission also asked about load bearing capacity and lifespan of the permeable paver system. The project designer and staff clarified that system the product has different grades for different

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Planning, Development and Zoning Commission Recommendation

The PD&Z Commission recommended approval of Ordinance No. 2023-O-44 with a vote of six (6) "Yeas" to zero (0) "Nays" at their November 13, 2023, meeting.

Public Hearing

The Notice of Public Hearing to receive public input regarding this request was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, staff has received one letter of opposition which is attached.

Site Photographs



View of the subject site from SH 6 looking to the north-east



View of the property from McCoy Dr looking to the south-east

Site Photographs



View of the property from Large Ave to the west



View of the Manvel High School and surrounding developed properties from the subject property to the north

Site Photographs



View of the legal nonconforming residential (Light Commercial) property looking from Large Ave to the north-west

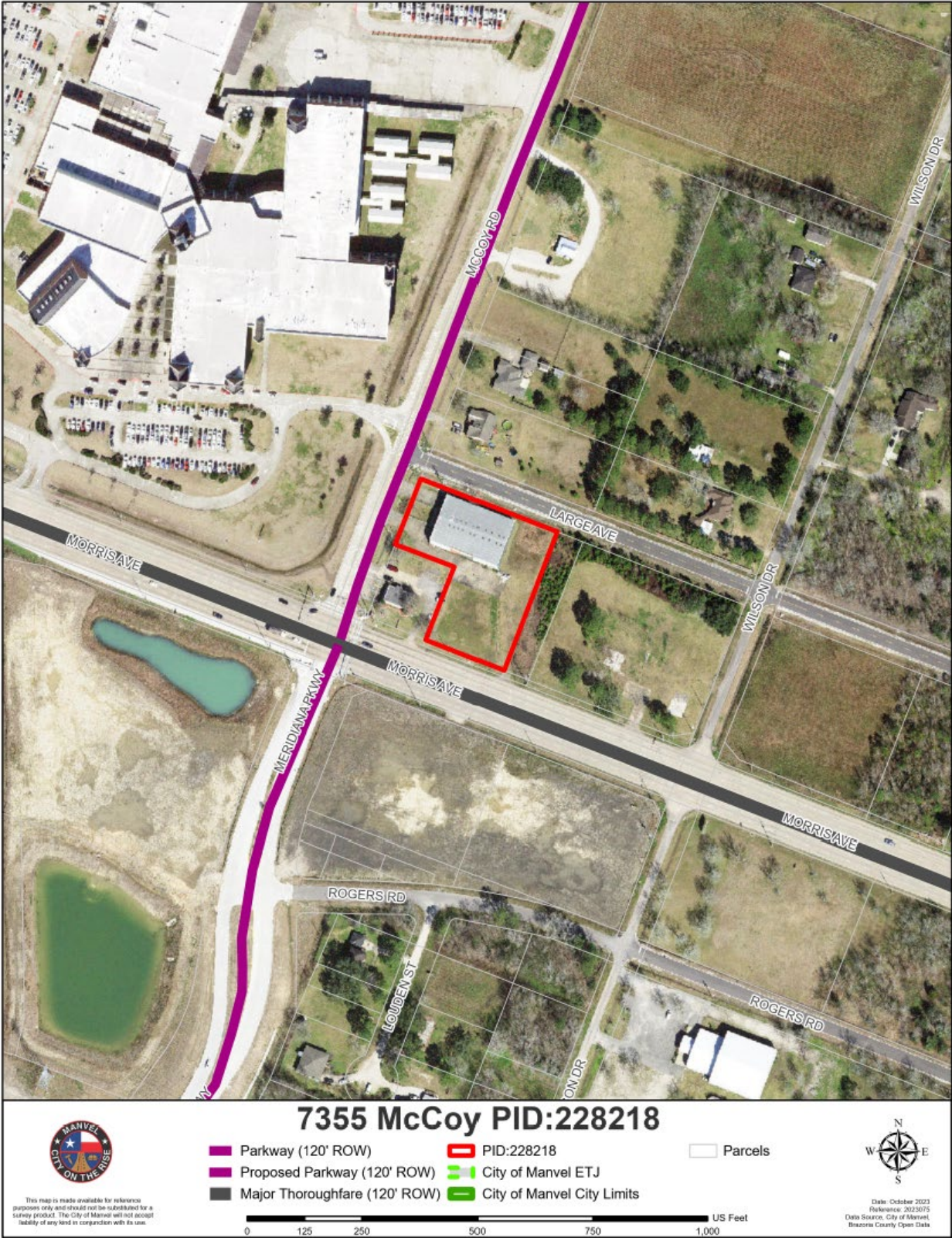


View of the abutting Light Commercial property to the west

TrueGrid Pavers Photographs



Major Thoroughfare Plan Map



Application



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION

PROJECT INFORMATION

Project Name: DISCIPLES FELLOWSHIP CHURCH (AMENDMENT TO EXISTING S.U.P.)
Project Location/Address: 7355 McCoy Road, Manvel
Legal Description: ORDINANCE # 2017-0-49
Current Zoning: SUP Proposed Land Use: UNCHANGED NAICS No.: 813110
Parcel/Tax ID# (s): _____ Total Acreage: 1.45

APPLICANT INFORMATION

Applicant Name: MARCUS RIVES
Company Name: MARCUS RIVES DESIGNER
Address: 2886 BRIDLE PATH LANE City: FRIENDSWOOD State: TX Zip: 77546
Phone #: 713-816-0047 Email: MARCUSRIVES@GMAIL.COM

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

Applicant Signature (REQUIRED)

Date

PROPERTY OWNER INFORMATION

Owner(s) Name: DISCIPLES CHRISTIAN FELLOWSHIP CHURCH
Address: 7355 McCoy Road City: MANVEL State: TX Zip: 77578
Phone #: 713-653-3044 Email: LESTER@WINCORSALES.COM

PROPERTY OWNER'S AUTHORIZATION (Required - If owner is also the applicant, must sign as both):

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

Lester Benjamin
Owner's Signature (REQUIRED)

10/3/2023
Date

Application



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	
Two (2) Copies of Recorded Plat (if platted)	
Two (2) Applicant Letters of Request	
Traffic Impact Analysis, (if applicable)	
Paid Application Fee	

SUBMITTING AS PER
JOSE ABRAMON'S
INSTRUCTIONS.

WPG
PDF

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.


Applicant Signature

10.3.2023

Date

Letter Of Authorization



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Disciples Christian Fellowship

Owner Name

15002 HWY TX 6

Owner Address

Rosharon TX 77583

Owner City, State

Zip

10/3/2023

Date

Building and Inspections

20025 Highway 6

Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, DCF, certify that I am the owner of the project property located at 7355 McCoy RD Manvel TX and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Marcus Rives with the company Rives Designs (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 832-270-0790 if you have any questions.

Sincerely,

Owner Name Disciples Christian Fellowship

Owner Signature Lester Benjamin

Letter Of Request

Marcus Rives, Designer

2886 Bridle Path Lane
Friendswood, Tx 77546

Phone: 713.816.0047
Email: marcusrives@gmail.com

October 3, 2023

Jose Abraham
City of Manvel
20025 HWY 6
Manvel, Texas 77578

RE: Disciples Christian Fellowship – SUP Amendment
7355 McCoy Road, Manvel

Mr. Abraham,

Please find the attached PDF package for submittal of an amendment to the existing SUP for the above mentioned address.

The proposed amendment is to address additional parking at the existing site (current parking only has 15 spaces) and the associated drainage. The original SUP, in exhibit B, allows for additional parking not to exceed 80 spaces. The attached drawings propose 47 spaces on site, with shared use of the adjacent drive and parking (see attached MOU).

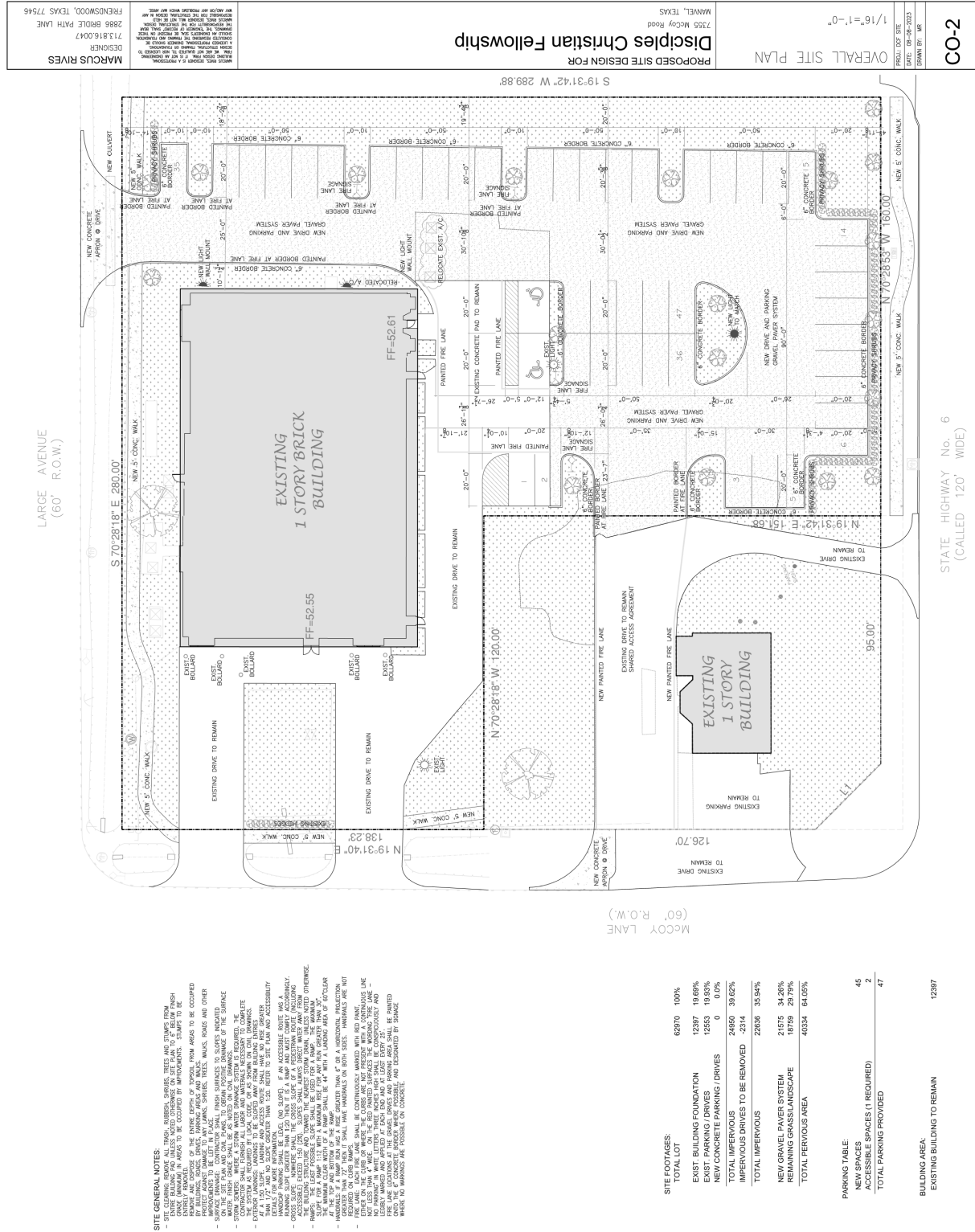
Due to limited area, we propose using the “TrueGrid” permeable paver system as an alternative to concrete parking and the costly drainage systems associated with a large parking lot. The attached set includes product documentation. I recently saw this system used in Houston at 2201 Leeland Street. The city staff and fire marshal have been supportive of this proposal at the pre-development review meeting.

If you have any questions, please contact me.

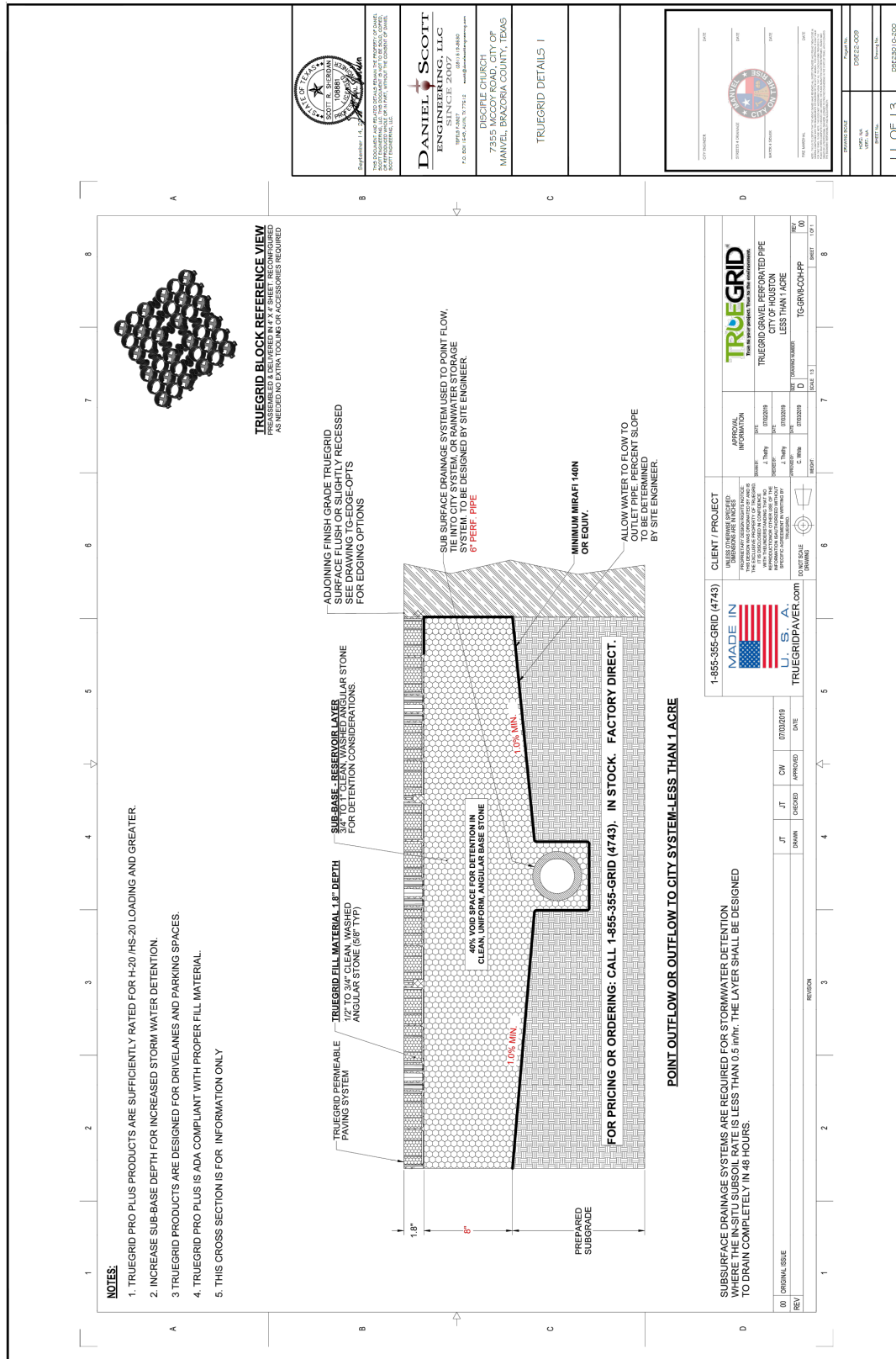
Very truly yours,

Marcus Rives
Designer

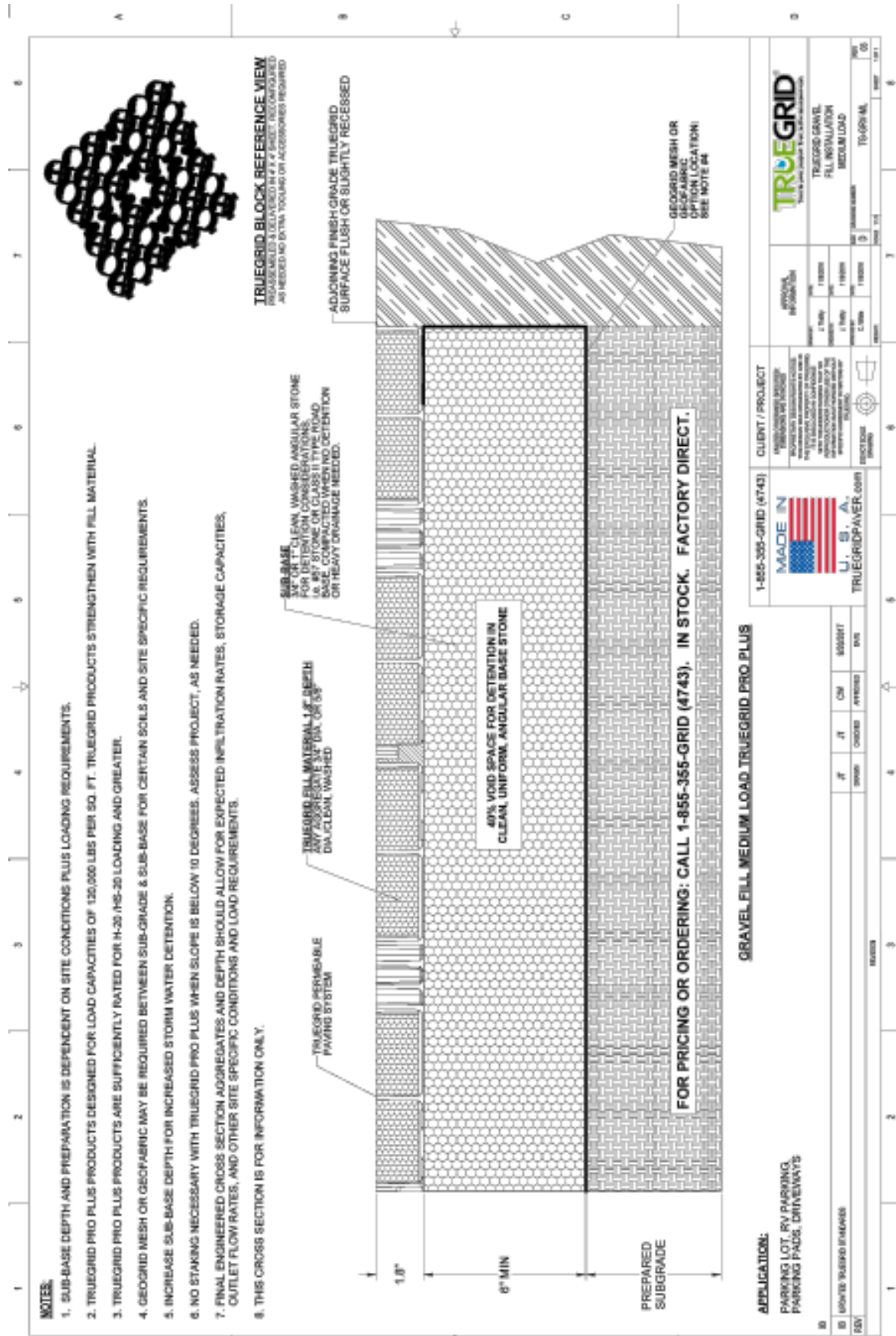
Proposed Site Plan



Permeable Paver System Detail



Permeable Paver System Detail



Public Hearing Notice

Public Hearing Notice to run on Sunday 10/29/2023

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX 77578 AT 6:00 P.M. ON MONDAY, NOVEMBER 13, 2023 BEFORE THE MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION AND AT 6:00 P.M., ON MONDAY, NOVEMBER 20, 2023 BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING ORDINANCE NO. 2017-O-49 PERTAINING TO THE GRANTING OF A SPECIFIC USE PERMIT, ALLOWING NAICS USE 813110, RELIGIOUS ORGANIZATIONS WITH CONDITIONS, FOR AN APPROXIMATE 1.455 ACRE TRACT OF LAND LOCATED AT 7335 MCCOY ROAD, MANVEL, TEXAS, CURRENTLY, ZONED LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); TO SPECIFY DETENTION AND PARKING LOT CONSTRUCTION REQUIREMENTS; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. /S/ TAMMY BELL, CITY SECRETARY.

Letter of Protest

Mr. Jose Abraham
Manvel City Hall
P.O. Box 187
Manvel, Texas 77578

Dear Mr. Abraham,

My name is Laurie Cimrhanzel and live at 7310 Wilson Dr, Manvel.

Let me say thank you for this opportunity to voice my opinion for or against granting the amendment for a specific use permit to the Disciples of Christian Fellowship.

With that I'm against/oppose the amendment for the Specific Use Permit for Disciples of Christian Fellowship.

There are approximately 7-10 churches in or around the Manvel area. One is in Rosharon and the other in Missouri City which I believe the Fellowship is located. Most of these churches are not located in a residential area or not within 200 ft of someone's home or acreage. We built our house in a residential zoned area however, sometime over the years it changed and rezoned light commercial.

To be blunt, I went through hell with the previous establishment and their SUP. All I wanted from them was to be good neighbors, adjust their lights down so they would not shine on my property, house and bedroom. I live on 2.5 acres and their "security lights" like I said above - spread over to my acre, house and bedroom. I couldn't even use my deck to sit outside because of the blinding lights.

Let's not forget the loud music.

They did not follow the permit and if fined they didn't pay the \$2,000 for each violation. Or that matter where they fined for their violations? There is already a parking lot in front and the side of the building. So why build another/expand the parking lot? Detention ponds can overflow. Where would that water go? The ditches are not maintained on Large or Wilson, specifically at the corner of Hwy 6 and Wilson. I believe they (Overflow Church) also wanted to build a parking lot without a permit.

I reached out to them either in person, by phone or email with the (Overflow Church) and through all of this, I believe it was a little over a year, the previous City Council did nothing to help me with the situation and after that at times I cried. The City may have tried but gave up. Moving forward the City lost the trial because the Church played the race card (that's another story). I was left to fend for myself with reporters coming to my house. But I still called Manvel Police Department to file a complaint.

I will not go through this again and I'm against anything that comes in at 7335 McCoy. I know I have no control of any establishments that is approved but my heart sank when I read the letter for the granting an amendment/SUP.

I cannot say everything what needs to be said. But dealing with the Overflow Church left me with a very bad taste in my mouth.

Please let me know if I need to be at the meeting on November 13 with the Zoning Commission or if this letter is adequate for your needs. I will be in attendance for the City Council meeting on November 20.

Thank you again for this opportunity and I sincerely hope the amendment pertaining to the SUP is not granted to the Disciples of Christian Fellowship.

Regards,
Laurie Cimrhanzel

ORDINANCE NO. 2023-O-44

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 1.455 ACRES LOCATED AT 7355 MCCOY, MANVEL, TEXAS, CURRENTLY ZONED LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) TO ALLOW NAICS USE 813110-“RELIGIOUS ORGANIZATION”, BY EXPANDING THE LIST OF PERMITTED NAICS USES OF THE PROPERTY TO INCLUDE: COMMUNITY CENTER (YOUTH), GYMNASIUM, ADVANCE COMMUNITY EMPOWERMENT PROGRAMS, MEMORIAL ASSISTANCE MINISTRY, ALCOHOLISM COUNSELING, WIC FAMILY WELFARE SERVICES, FOOD BANK SERVICES, CHILD DAY CARE, COFFEE SHOP, GED CLASSES AND EVENT CENTER/RECEPTION HALL; PROVIDING FOR CONDITIONS TO AUTHORIZE THE ADDITIONAL USES OF THE PROPERTY AND PARKING LOT EXPANSION; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Disciples Christian Fellowship Church is the current owner of a certain 1.455 acre tract of land located at 7355 McCoy, Manvel, Texas, out of Out lot 88 of Dr. A.A. Luther Subdivision of the Town of Manvel, as recorded in volume 1, pages 71 and 72 of the plat of records of Brazoria County, Texas situated in Section 63 of the H.T. & B. Railroad Company Survey, Abstract 283, Brazoria County, Texas, a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, in 2013, on behalf of the Texland Venture, the former owner of the above-named property, Patrick Williams/The Overflow Church (“Applicant”) filed an application and obtained a change to the zoning classification of the Property from Light

Commercial District/State Highway 6 Overlay District (LC/SH6) to Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) allowing use of the Property for NAICS use 813110 – Religious Organizations; and

WHEREAS, in 2017, Flowing Over, Inc. who was the owner of the above-named property requested for an amendment to the Specific Use Permit; and Ordinance No. 2013-O-07 amended the zoning of the property that was zoned Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) by expanding the list of permitted NAICS uses allowed under the Specific Use Permit; and

WHEREAS, by Ordinance No. 2017-O-49, additional NAICS uses were included in the SUP:

1. Community center (except recreational only), youth - (NAICS 624110 Child and Youth Services)
2. Gymnasium – (NAICS 713940 Fitness and Recreational Sports Centers)
3. Advance Community Empowerment Programs; Senior Citizen Programs - (NAICS 624120 Services for the Elderly and Persons with Disabilities)
4. Memorial Assistance Ministry – (NAICS 812210 Funeral Homes and Funeral Services)
5. “Alcoholics Anonymous” alcoholism counseling (except medical treatment), nonresidential – (NAICS 624190 Other Individual and Family Services)

6. WIC; Family Welfare Services – (NAICS 624190 Other Individual and Family Services)
7. Food Bank Services – (NAICS 624210 Services for the Elderly and Persons with Disabilities)
8. Child Day Care Center – (NAICS 624410 Child Day Care Services)
9. Coffee Shop- (NAICS 722213 Snack and Nonalcoholic Beverage Bars)
10. GED Classes - (NAICS 611710 Educational Support Services)
11. Event Center/ Reception Hall rental leasing- 531120 (Lessors of Non-residential Buildings)

WHEREAS, Marcus Rives (the applicant), now seeks to amend the Specific Use Permit granted to the above-named property by Ordinance No. 2017-O-49, to allow the use of permeable pavers for the church parking area and allowance for shared parking; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the rezoning and specific use permit; 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. The zoning classification of a certain 1.455 acre tract of land located at 7355 McCoy, Manvel, Texas, out of Outlot 88 of Dr. A.A. Luther Subdivision of the Town of Manvel, as recorded in volume 1, pages 71 and 72 of the plat of records of Brazoria County, Texas situated in Section 63 of the H.T. & B. Railroad Company Survey, Abstract 283, Brazoria County, Texas, currently zoned Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) as approved by Ordinance No. 2013-O-07, and Ordinance 2017-O-49 allows permitted uses within such zone classification, subject to the regulations, restrictions, and conditions hereinafter set forth:

1. Religious Organizations – (NAICS use 813110)
2. Community center (except “recreational only”), youth - (NAICS 624110 Child and Youth Services)
3. Gymnasium – (NAICS 713940 Fitness and Recreational Sports Centers)
4. Advance Community Empowerment Programs; Senior Citizen Programs - (NAICS 624120 Services for the Elderly and Persons with Disabilities)
5. Memorial Assistance Ministry – (NAICS 812210 Funeral Homes and Funeral Services)

6. “Alcoholics Anonymous” alcoholism counseling (except medical treatment), nonresidential – (NAICS 624190 Other Individual and Family Services)
7. WIC; Family Welfare Services – (NAICS 624190 Other Individual and Family Services)
8. Food Bank Services – (NAICS 624210 Services for the Elderly and Persons with Disabilities)
9. Child Day Care Center – (NAICS 624410 Child Day Care Services)
10. Coffee Shop- (NAICS 722213 Snack and Nonalcoholic Beverage Bars)
11. GED Classes - (NAICS 611710 Educational Support Services)
12. Event Center/ Reception Hall rental leasing- 531120 (Lessors of Non-residential Buildings)

These uses are permitted use(s) allowed under Ordinance No. 2013-O-07 and Ordinance 2017-O-49. Except as expressly amended herein, Ordinance No. 2013-O-07 and Ordinance 2017-O-49 remains in full force and effect, and unchanged.

Section 3. The Specific Use Permit granted by Ordinance No. 2013-O-07 and amended by Ordinance 2017-O-49 for a certain 1.455-acre tract of land located at 20514 Highway 6, Manvel, Texas; a map of which is attached hereto as Exhibit “A”; is amended to allow the further development of the permitted use by (a) incorporating permeable paver system for the construction of parking area and drainage; and (b) allowing shared parking with adjacent property located at 19701 Highway 6, in lieu of on-site parking construction, as illustrated in Exhibit “C” – Site Plan and Exhibit “D” -

Construction Details, subject to the regulations, and conditions provided in Exhibit “B”. Except as expressly amended herein, Ordinance No. 2013-O-07 and Ordinance 2017-O-49 remains in full force and effect, and unchanged.

Section 4. The request meets the criteria set forth in section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting an amended Specific Use Permit authorizing use of the Property for the NAICS uses listed in section 2 and section 3 above.

Section 5. The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit “B”, attached hereto and incorporated herein as if set out in full. Use and Development of the Property shall comply with the conditions and with the site plan submitted to the city as part of the application. The uses and site may not be changed or expanded except by amendment of this SUP.

Section 6. The specific use permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one-year period, the owner of the property to which the specific use permit applies in writing, for an extension, the city council may, after recommendation from the planning development and zoning commission, grant such extension for one additional year.

Section 7. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said multiple tracts, as described and as provided

in Section 2 above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 8. The City Council hereby finds and determines that said rezoning comports to the City's comprehensive land use plan. 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 in zoning classification of said tract(s) as described above.

Section 9. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part or provision hereof 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 10. 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.

Section 11. Revocation. This specific use permit may be revoked or modified by the City Council, in whole or in part, 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.

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

Exhibit A - Property Description

1.455 acre tract of land located at 7355 McCoy, Manvel, Texas, out of Outlot 88 of Dr. A.A. Luther Subdivision of the Town of Manvel, as recorded in volume 1, pages 71 and 72 of the plat of records of Brazoria County, Texas situated in Section 63 of the H.T. & B. Railroad Company Survey, Abstract 283, Brazoria County, Texas.

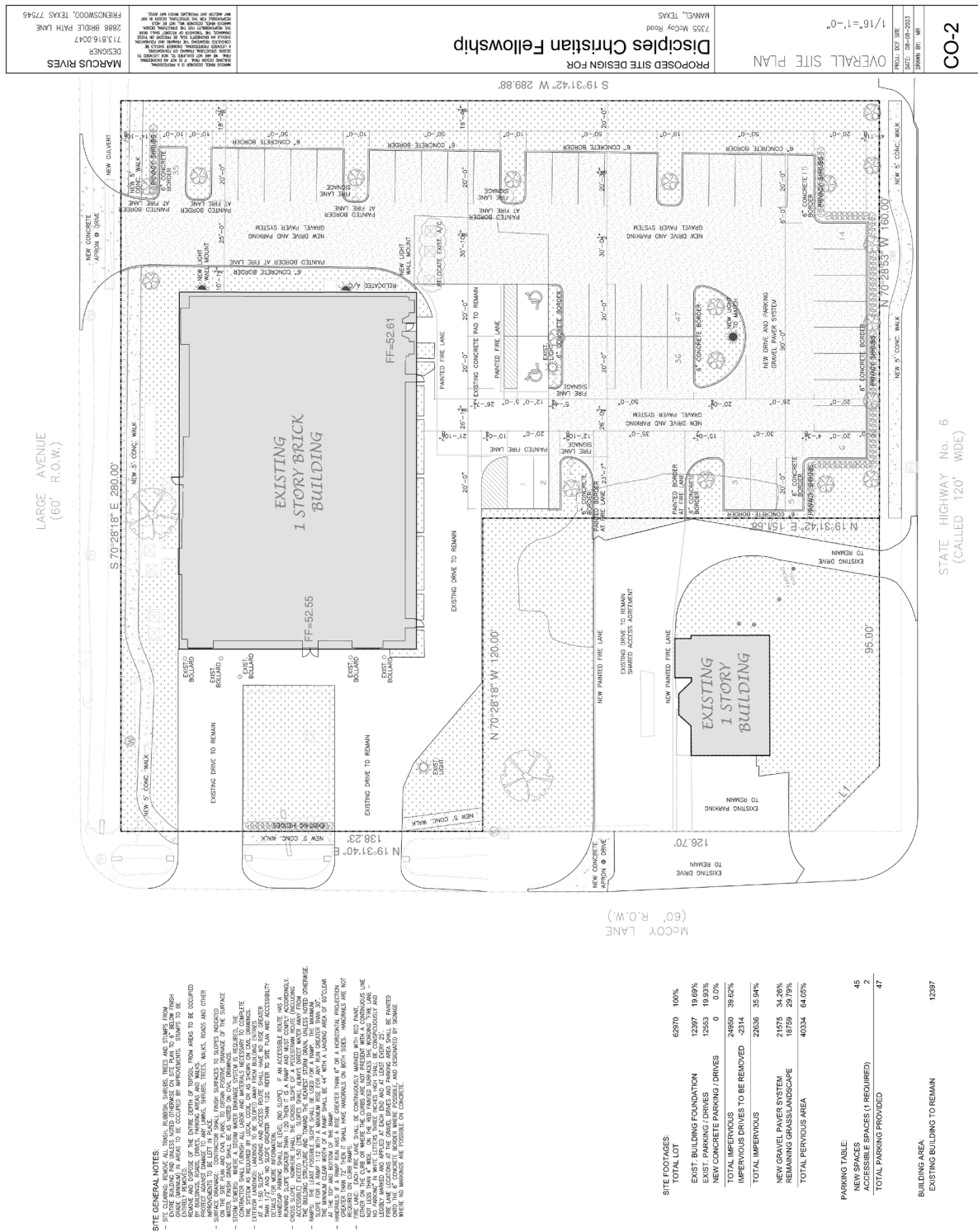


Exhibit B- CONDITIONS FOR THE OVERFLOW CHURCH SUP

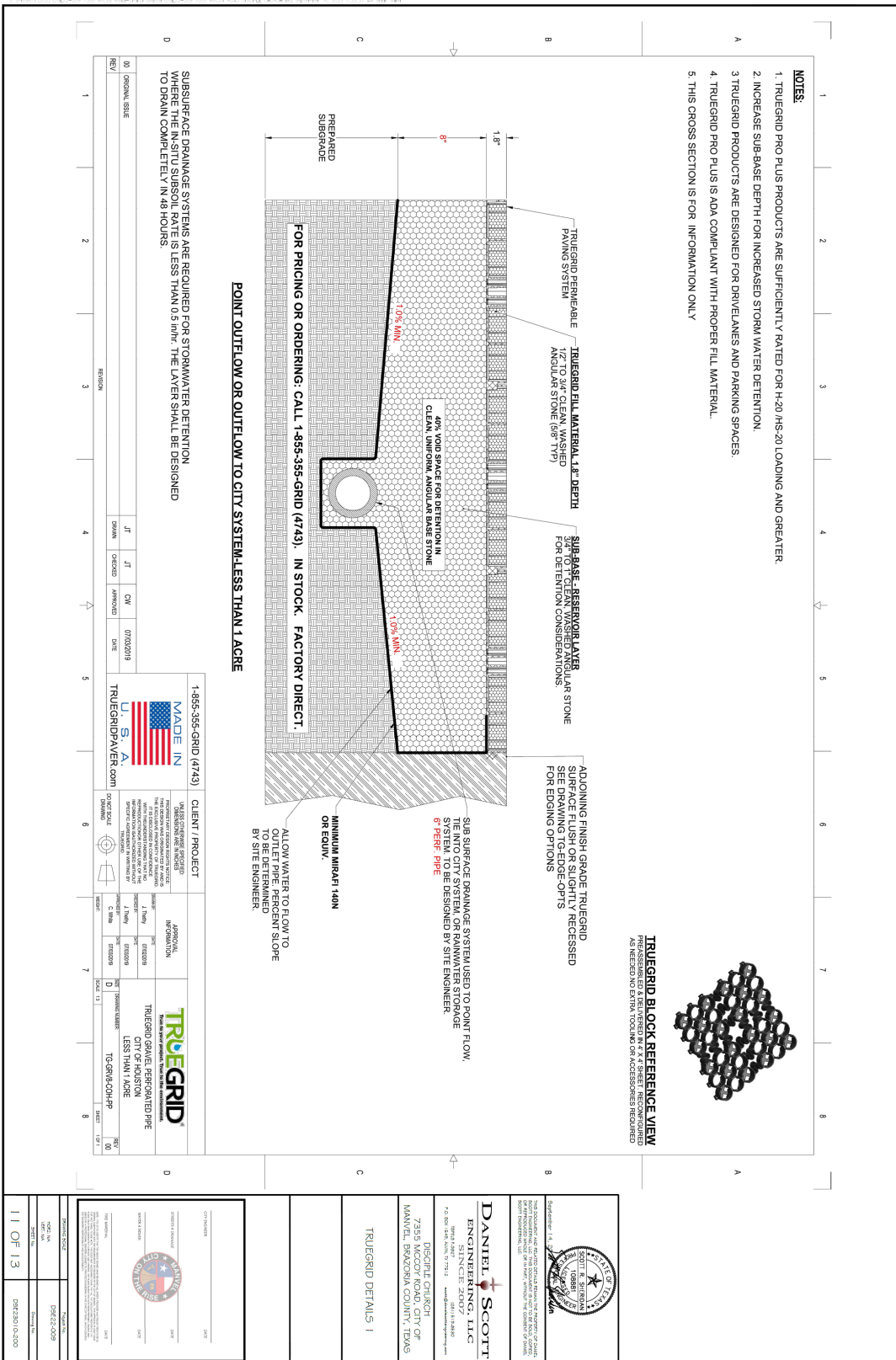
GENERAL:

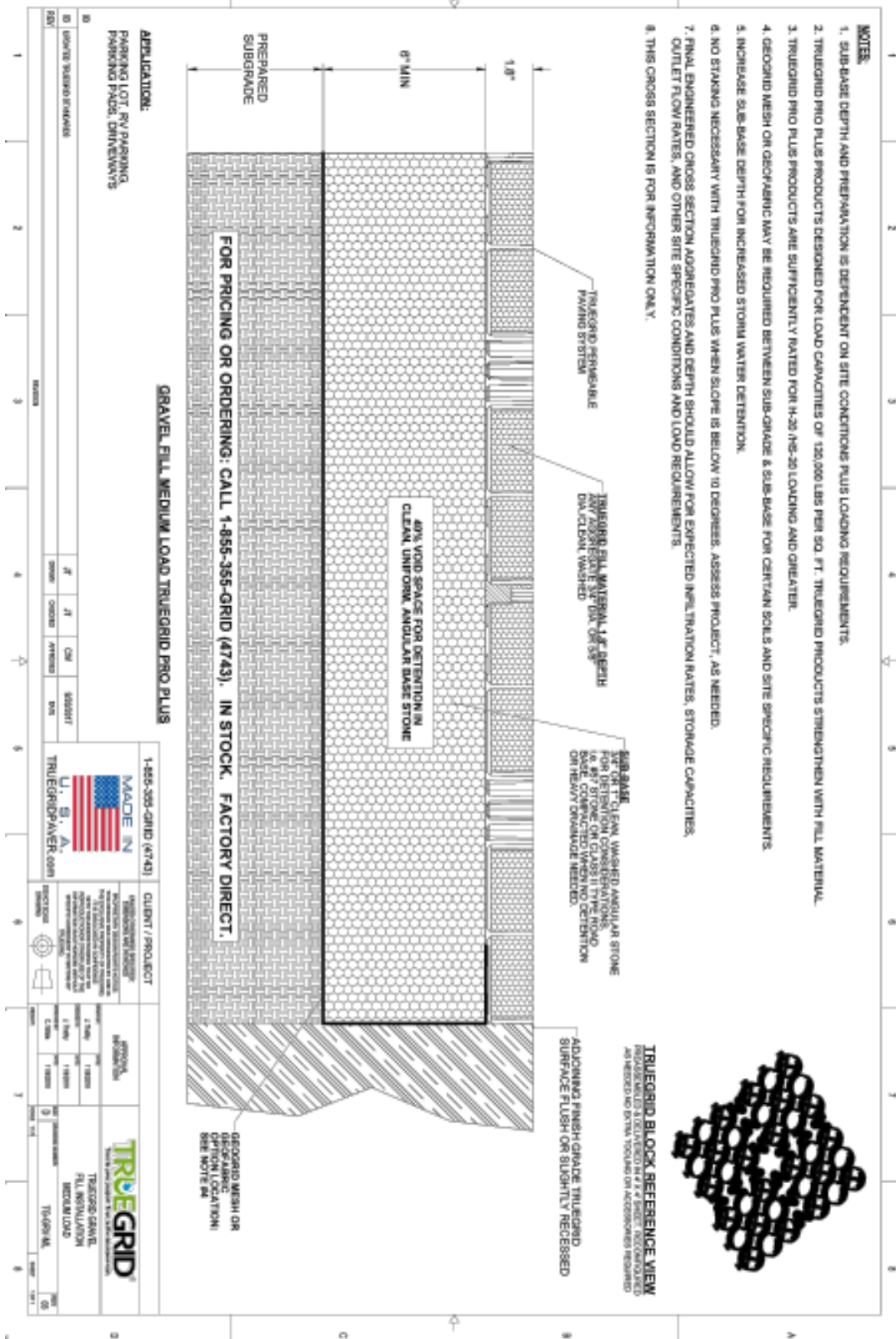
1. Permeable gravel paver system for parking area and drainage construction is permitted in accordance to Exhibit C and Exhibit D; and shall be maintained in good condition with no pooling of water, leaves, twigs, trash, debris or visible dirt.
2. Shared parking with abutting commercial property located at 19701 Highway 6, in lieu of on-site parking construction, is allowed provided a written agreement between the subject landowners is submitted. Such agreement shall be maintained in the office of the city secretary.
3. Except as expressly amended by this Ordinance 2023-O44, requirements, regulations, and conditions included in Ordinance No. 2013-O-07 and Ordinance 2017-O-49 remains in full force and effect, and unchanged.

Exhibit C - Site Plan



13





[illegible]

- SITE CLEARING: REMOVE ALL TRASH, RUBBISH, SHRUBS, TREES AND STUMPS FROM ENTIRE BUILDING PAD UNLESS NOTED OTHERWISE ON SITE PLAN TO 6" BELOW FINISH GRADE (MINIMUM) IN AREAS TO BE OCCUPIED BY IMPROVEMENTS. STUMPS TO BE ENTIRELY REMOVED.
- REMOVE AND DISPOSE OF THE ENTIRE DEPTH OF TOPSOIL FROM AREAS TO BE OCCUPIED BY BUILDINGS, ROADS, DRIVES, PARKING AREAS AND WALKS. PROTECT AGAINST DAMAGE TO ANY LAWNS, SHRUBS, TREES, WALKS, ROADS AND OTHER IMPROVEMENTS TO BE LEFT IN PLACE.
- SURFACE DRAINAGE: CONTRACTOR SHALL FINISH SURFACES TO SLOPES INDICATED ON THE SITE PLAN AND CIVIL PLANS TO OBTAIN POSITIVE DRAINAGE OF THE SURFACE WATER. FINISH GRADE SHALL BE AS NOTED ON CIVIL DRAWINGS.
- STORM SEWERS: WHERE A STORM WATER DRAINAGE SYSTEM IS REQUIRED, THE CONTRACTOR SHALL FURNISH ALL LABOR AND MATERIALS NECESSARY TO COMPLETE THE SYSTEM AS REQUIRED BY LOCAL CODE, OR AS SHOWN ON CIVIL DRAWINGS.
- EXTERIOR LANDINGS: LANDINGS TO BE SLOPED AWAY FROM BUILDING ENTRIES AT A 1:50 SLOPE. LANDING AND ACCESS ROUTE SHALL HAVE NO RISE GREATER THAN 1" AND NO RISE GREATER THAN 1:20. REFER TO SITE PLAN AND ACCESSIBILITY DETAILS FOR MORE INFORMATION.
- HANDICAP PARKING SHALL BE LEVEL (NO SLOPE). IF AN ACCESSIBLE ROUTE HAS A RUNNING SLOPE GREATER THAN 1:20 THEN IT IS A RAMP AND MUST COMPLY ACCORDINGLY.
- CROSS SLOPE: NOWHERE SHALL THE CROSS SLOPE OF A PEDESTRIAN ROUTE (INCLUDING ACCESSIBLE) EXCEED 1:50 (2%). SLOPES SHALL ALWAYS DRAIN WATER AWAY FROM THE BUILDING STRUCTURE TOWARD THE NEAREST STORM DRAIN, UNLESS NOTED OTHERWISE.
- RAMPS: THE LEAST POSSIBLE SLOPE SHALL BE USED FOR A RAMP. THE MAXIMUM SLOPE FOR A RAMP 1:12 WITH A MAXIMUM RISE FOR ANY RUN GREATER THAN 30". THE MINIMUM CLEAR WIDTH OF A RAMP SHALL BE 44" WITH A LANDING AREA OF 60" CLEAR AT THE TOP AND BOTTOM OF THE RAMP.
- HANDRAILS: IF A BANK OR RISE HAS A RISE GREATER THAN 6" OR A HORIZONTAL PROJECTION GREATER THAN 72" THEN IT SHALL HAVE HANDRAILS ON BOTH SIDES. HANDRAILS ARE NOT REQUIRED ON CURB RAMPS.
- FIRE LANE: EACH FIRE LANE SHALL BE CONTINUOUSLY MARKED WITH RED PAINT, EITHER ON THE CURB OR WHERE THE CURBS ARE NOT PRESENT WITH A CONTINUOUS LINE NOT LESS THAN 4" WIDE. ON THE RED PAINTED SURFACES THE WORDING "FIRE LANE - NO PARKING" IN WHITE LETTERS THREE INCHES HIGH SHALL BE PAINTED CONTINUOUSLY AND EQUALLY MARKED AND APPLIED AT EACH END AND AT LEAST EVERY 25'.
- FIRE LANE LOCATIONS AT THE TRAVEL DRIVES AND PARKING AREA SHALL BE PAINTED OUT TO THE 6" CONCRETE BORDER WHERE POSSIBLE, AND DESIGNATED BY SIGNAGE WHERE NO MARKINGS ARE POSSIBLE ON CONCRETE.

PARKING TABLE:	
NEW SPACES	45
ACCESSIBLE SPACES (1 REQUIRED)	2
TOTAL PARKING PROVIDED	47

STATE HIGHWAY No. 6
(CALLED 120' WIDE)

MARCUS RIVES, DESIGNER IS A PROFESSIONAL BUILDING DESIGN FIRM. IT IS NOT AN ENGINEERING FIRM. WE ARE NOT QUALIFIED TO, OR LICENSED TO, DESIGN STRUCTURAL FOUNDATIONS OR FOUNDATIONS FOR STRUCTURAL ENGINEERS. WE HAVE BEEN CONSULTED REGARDING THE FRAMING AND FOUNDATION DRAWINGS. THE ENGINEER'S SEAL IS PRESENT ON THESE DRAWINGS. THE "ENGINEER OF RECORD" SHALL BEAR THE RESPONSIBILITY FOR THE STRUCTURAL DESIGN. MARCUS RIVES, DESIGNER WILL NOT BE HELD RESPONSIBLE FOR THE STRUCTURAL DESIGN IN ANY WAY AND/OR ANY PROBLEMS WHICH MAY ARISE.

OVERALL SITE PLAN

CO-2



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: November 20, 2023

TOPIC: This is request to rezone an approximate 82.60 acres of land in the A.C.H. & B.R.R. Co. Survey, Abstract No. 459, Brazoria County, from the current designation of Open-Planned Unit Development (O-PUD) to Planned Unit Development (PUD) and to adopt a PUD document providing for zoning and development related allowances and requirements.

BACKGROUND: The subject site located at the southeast corner of Croix Road/County Road 58 and State Highway (SH) 288 intersection, generally bounded by SH 288 (west), Croix Road/County Road 58 (north), Cooper Ditch (east) and Del Bello Lakes Subdivision (south). The property is located in Brazoria County Municipal District No. 79 (MUD 79). The City Council approved MUD 79 consent by Resolution No. 2021-R-15 on August 2, 2021. The applicant Adam France, BGE, Inc., on behalf of the property owner VDB Partners, Ltd., is requesting for a zoning change for the subject site from O-PUD to PUD and adoption of a proposed PUD document. The proposed PUD is named "Reserve at Manvel" and is intended to be a mixed-use commercial project that will include a mix of light commercial uses such as hotels, retail, offices, and restaurants.

Any property that is currently zoned under the former O-PUD district may be developed according to the development plan approved by the City Council upon recommendation by the PD&Z. A development plan was not approved for the subject site and the applicant intends to develop the subject site in phases. Therefore, the PUD district designation would be beneficial in terms of allowing flexibility and consistency. Provisions, requirements, and standards of the proposed PUD document can be summarized as follows:

- *Land Use* within the Reserve at Manvel is based on Light Commercial (LC) District of the City of Manvel Zoning Ordinance. No deviation from the land use allowances of LC district including Specific Use Permit (SUP) requirement is requested in the PUD document. The development will include commercial uses with associated driveways and parking areas, detention areas, landscaping areas, right-of-way dedications, drive-ways, and necessary easements.
- *Development Standards* proposed for Reserve at Manvel generally follow the current standards of the current City of Manvel Zoning Ordinance and Design Criteria Manual. Where standards are not specified in the PUD document, City of Manvel regulations shall apply. LC district setback requirements (front- 25', rear and street side – 10' and side – 5') are proposed for this development. Minimum parking requirements and dimensional standards are based on Section 77-45 of the Zoning Ordinance. The PUD document proposes a maximum height allowance of 35 feet for pad sites, 60 feet for commercial anchor tenants; and 90 feet for multi-story uses.
- *Building Materials* requirements are incorporated within the proposed PUD. All commercial buildings must be composed of 75% masonry exclusive of windows, doors or other transparent materials. This masonry requirement is slightly less than the Highway 6 Overlay

District requirement of 90%. Please note that masonry requirement of the zoning ordinance does not apply to properties outside the Highway 6 Overlay District. The PUD also includes additional building material allowance for national chains.

- *Landscaping* requirements for Reserve at Manvel slightly deviate from the City's landscaping requirement, however, the resulting landscaping for the overall development may not vary significantly. The deviation pertains to street tree requirements and is based on providing 1.5 caliper inches for every 30 feet of street frontage and also allows for grouping of trees instead of placing them at regular intervals.
- *Signage* requirements for Reserve at Manvel defaults to the City of Manvel's Sign Ordinance.
- *Utilities* shall be provided by MUD 79; however, the applicant is working towards establishing a utility services contract with the City of Manvel and adjacent MUD.
- *Other Miscellaneous allowance* includes provision of a voter home and administrative approval of minor changes to the PUD Document.

A Traffic Impact Analysis (TIA) has been submitted for the proposed development. The proposed PUD conforms to the Comprehensive Plan goals of creating a mixed-use community, promoting economic development, and meeting community's retail needs. The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, staff has received one informational inquiry and is not aware of any opposition to this request at the time of preparing this datasheet.

PD&Z RECOMMENDATION: At the November 13, 2023, regular Planning Development and Zoning Commission meeting, the Commission voted to recommend approval of the proposed rezoning of the subject site from its current designation of Open-Planned Unit Development (O-PUD) to Planned Unit Development (PUD);  and the adoption of the proposed PUD document through Ordinance No. 2023-O-44. The vote was six 'yeas' to zero 'nays' vote.

CITY STAFF RECOMMENDATION: City staff recommends approval of the proposed rezoning of the subject site from its current designation of Open-Planned Unit Development (O-PUD) to Planned Unit Development (PUD) and to adopt the proposed PUD document.

ATTACHMENTS: Vicinity Map, Request Letter, Ordinance No. 2023-O-44, and PUD Document.

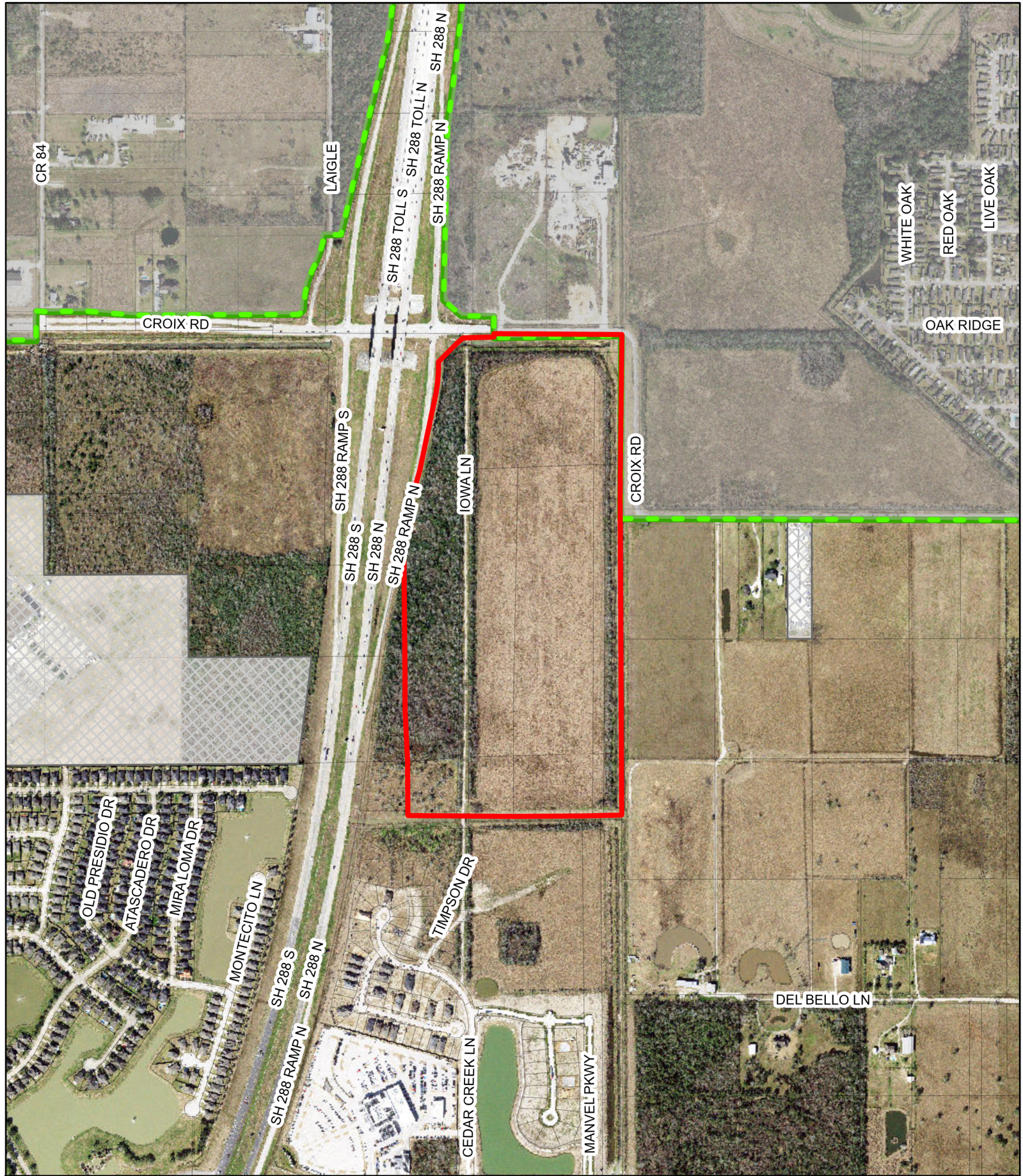
FUNDING ISSUES

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

SUBMITTING STAFF MEMBER
Jose Abraham, Zoning Official

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

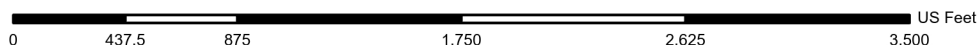


Reserve At Manvel Planned Unit Development



- Target Area
- Parcels
- City of Manvel ETJ
- City of Manvel City Limits

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Date: October 2023
Reference: 2023076
Data Source: City of Manvel,
Brazoria County Open Data



August 16, 2023

City of Manvel
Development Services Department
20025 Highway 6
Manvel, Texas 77578

RE: Reserve at Manvel PUD Applicant Letter of Request

To whom it may concern:

On behalf of VDB Partners, Ltd., please find enclosed the Reserve at Manvel PUD, which has been prepared pursuant to the City of Manvel's ordinances related to the Open Planned Unit Development District (O-PUD) for your review.

The Reserve at Manvel PUD District ("Reserve at Manvel") is a commercial project located within the City of Manvel, Brazoria County, Texas. Reserve at Manvel consists of approximately 82.6 acres of land and is physically located immediately east of State Highway 288, south of County Road 58, and west of the future Manvel Parkway (CR 94).

Please do not hesitate to contact me should you have any questions or require any additional information.

Sincerely,

Adam France

Adam France, AICP

Senior Planner

ORDINANCE NO. 2023-O-45

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATE 82.60 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF CROIX ROAD/COUNTY ROAD 58 AND STATE HIGHWAY (SH) 288 INTERSECTION, GENERALLY BOUNDED BY SH 288 (WEST), CROIX ROAD/COUNTY ROAD 58 (NORTH), COOPER DITCH (EAST) AND DEL BELLO LAKES SUBDIVISION (SOUTH); AND LOCATED WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 79 AND IN THE CITY OF MANVEL, FROM OPEN PLANNED UNIT DEVELOPMENT (O-PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; AND ADOPTING A PUD DOCUMENT PROVIDING FOR ZONING AND DEVELOPMENT RELATED PROVISIONS AND REQUIREMENTS; SUCH TRACTS BEING SITUATED IN THE A.C.H. & B.R.R. CO. SURVEY, ABSTRACT NO. 459, BRAZORIA COUNTY PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, VDB PARTNERS, LTC. is the owner (the "Owner") of 82.60 acres of land in the A.C.H. & B.R.R. Co. Survey, Section 90, Abstract No. 459, Brazoria County, and within the boundaries of Brazoria County Municipal Utility District No. 79, which is presently zoned Open Planned Unit Development (O-PUD) District; and

WHEREAS, the tracts are currently used as vacant open space; and

WHEREAS, Adam France, BGE Inc., ("Applicant"), on behalf of Owner, has made application to the City to change the zoning designation of said 82.60 acres, same being more particularly described by Exhibit "A" - Vicinity Map, Exhibit "B" - Survey and Exhibit "C" - Metes and Bounds Descriptions, attached hereto and for all things made a part hereof, from Open Planned Unit Development (O-PUD) District to the Planned Unit Development (PUD) District; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has made a positive recommendation on the application; and

WHEREAS, the City Council deems it appropriate to grant such request, subject to certain regulations, restrictions, and conditions; 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. The zoning classification of approximately 82.60 acres located at the southeast corner of Croix Road/County Road 58 and State Highway (SH) 288 intersection, generally bounded by SH 288 (west), Croix Road/County Road 58 (north), Cooper Ditch (east) and Del Bello Lakes Subdivision (south), and located within Brazoria County Municipal District No. 79, and in the City of Manvel, is hereby changed from Open Planned Unit Development (O-PUD) District to Planned Unit Development (PUD) District for use as permitted within such zone classification, subject to the regulations, restrictions, and conditions hereinafter set forth.

Said area is described as:

BEING an approximate 82.60 acres of land in the A.C.H. & B.R.R. Co. Survey, Section 90, Abstract No. 459, Brazoria County, Texas, said 82.60 acres of land being more particularly described by Exhibit "A" - Area Map, Exhibit "B" - Survey and Exhibit "C" - Metes and Bounds Descriptions, attached hereto and for all things made a part hereof.

Section 3. Development of the Property shall strictly comply with the **Reserve at Manvel PUD Document**, attached hereto as Exhibit “D” and made a part hereof for all purposes.

Section 4. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said land, as described and as provided in Section 2 above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 5. The City Council hereby finds and determines that said rezoning comports to the City’s comprehensive land use plan, and to the extent of any conflict, amends said comprehensive land use plan. 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 in zoning classification of said tract(s) as 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 on this _____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED ON SECOND READING on this _____ day of _____, 2023.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Bobby Gervais, City Attorney

EXHIBIT A – AREA MAP

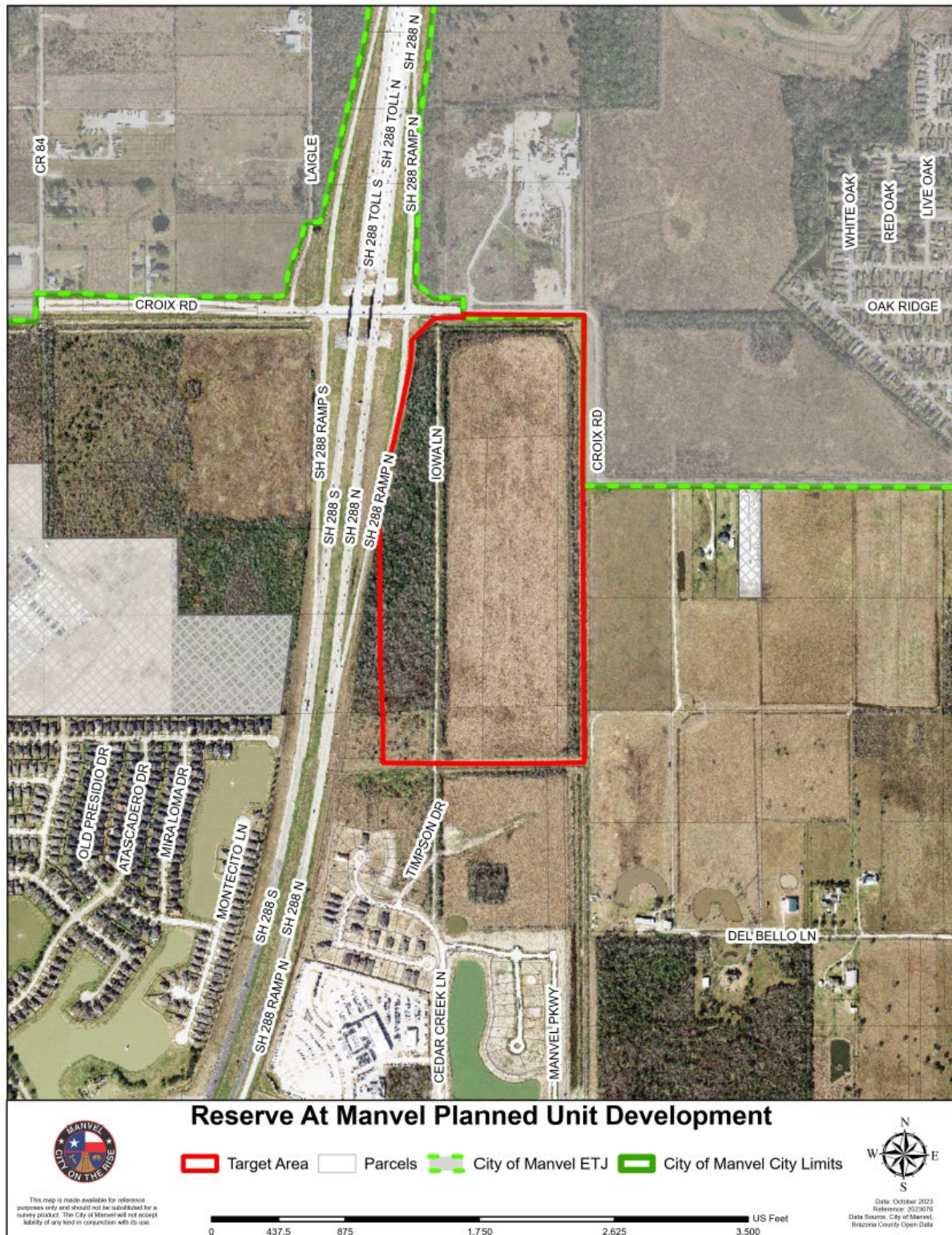


EXHIBIT B - SURVEY

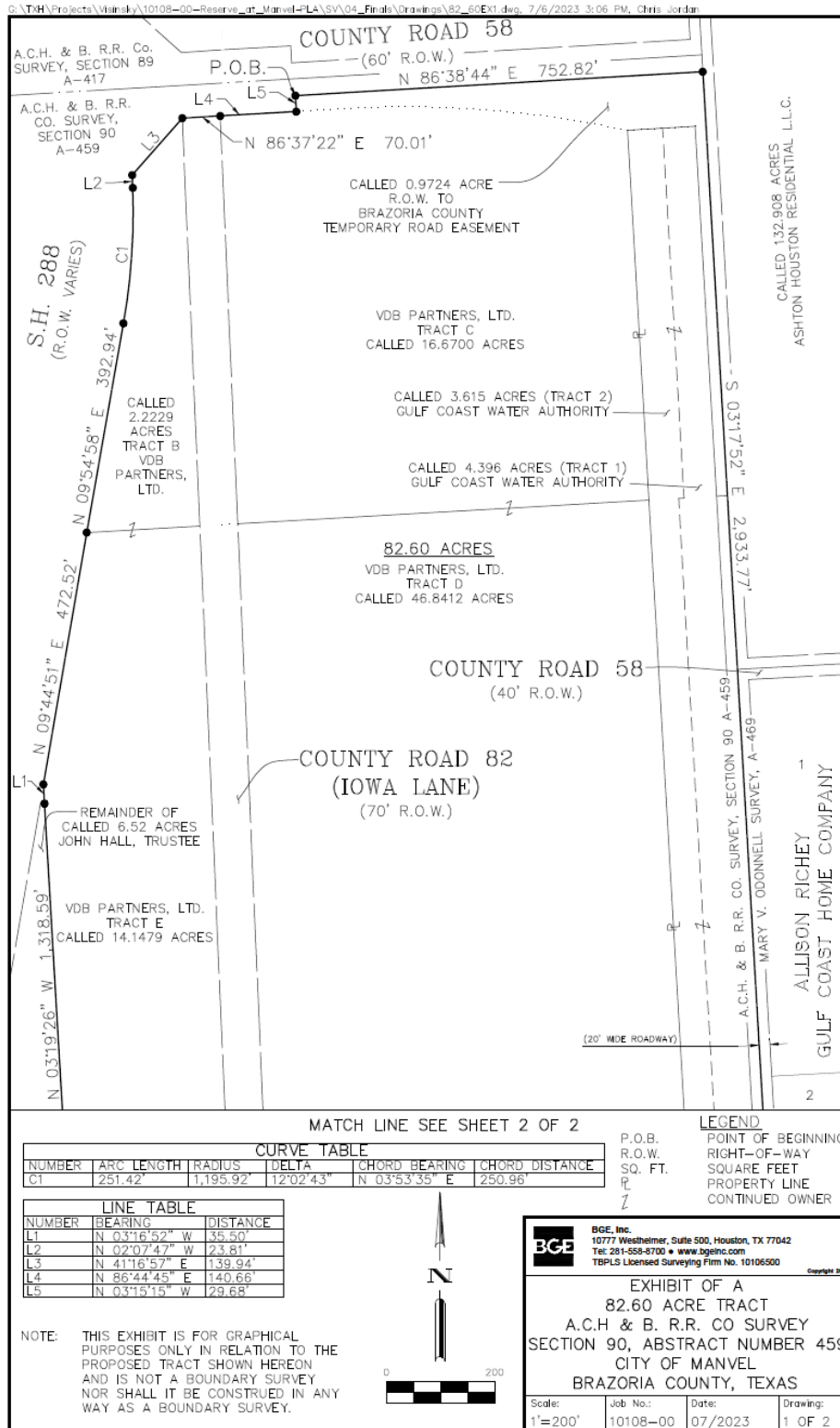


EXHIBIT B – SURVEY

G:\TX\Projects\Vitinsky\10108-00-Reserve_of_Marvel-LA\SV\04_Finals\Drawings\82_60EX1.dwg, 7/6/2023 3:06 PM, Chris Jordan

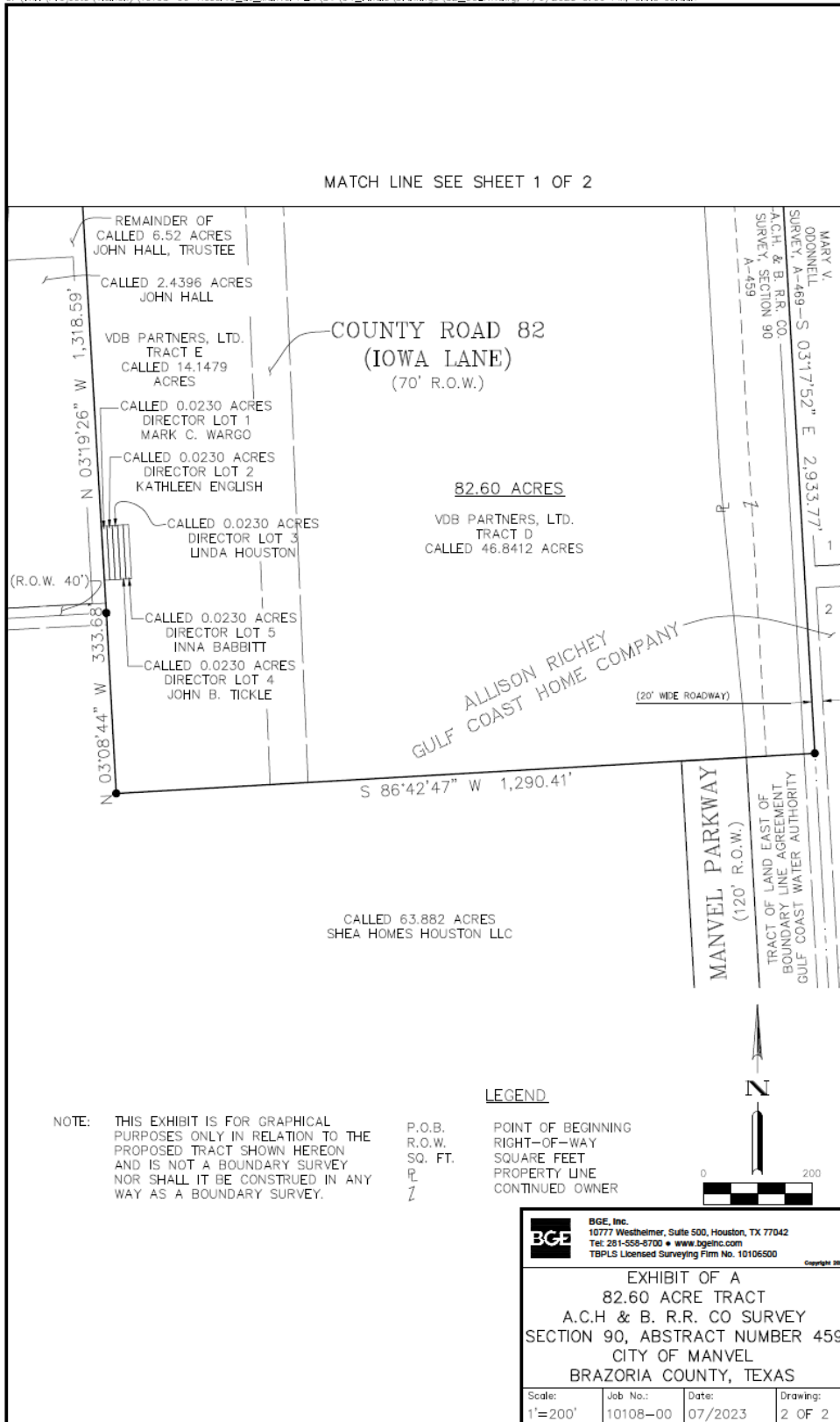


EXHIBIT C - METES AND BOUNDS

B.C.M.U.D. NO. 79
82.60 ACRES

JULY 5, 2023
JOB NO.8443-00

DESCRIPTION OF A 82.60 ACRE TRACT OF LAND SITUATED IN THE A.C.H. & B. R.R. CO. SURVEY, SECTION 90, ABSTRACT NO. 459 BRAZORIA COUNTY, TEXAS

BEING a 82.60 acre tract of land situated in the A.C.H. & B. R.R. Co. Survey, Section 90, Abstract No. 459 of Brazoria County, Texas and being a portion of a called 16.6700 acre tract (Tract C) of land as described in an instrument to VDB Partners, Ltd. recorded under Brazoria County Clerk's File Numbers (B.C.C.F. No.) 1999050834 and 1999050835, being a portion of a called 46.8412 tract (Tract D) as described in an instrument to VDB Partners, Ltd. recorded under B.C.C.F. No. 1999050835, being all of a called 2.2229 acre tract (Tract B) of land as described in an instrument to VDB Partners, Ltd. recorded under Brazoria County Clerk's File Numbers (B.C.C.F. No.) 1999050834 and 1999050835, being all of a called 14.1479 acre tract (Tract E) as described in an instrument to VDB Partners, Ltd. recorded under B.C.C.F. No. 1999050835, being all of a called 4.396 acre tract of land described as Tract 1 and a called 3.615 acre tract of land described as Tract 2 in an instrument to Gulf Coast Water Authority under B.C.C.F. No. 2021070570, being a portion of County Road 82 (70 feet wide as occupied) as adopted by map as order No. 12 during commissioners court session dated June 26, 1967, being all of Director's Lot 1 thru 5 recorded under B.C.C.F. No.'s 2021053236, 2021053238, 2021053240, 2021053242, 2021053244, said 82.60 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the west line of said 46.8412 acre tract as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description:

BEGINNING at a 1/2-inch iron pipe with cap stamped "BGE INC" found for the northerly northwest corner of said 16.6700 acre tract and the herein described tract, same being the northeast corner of a called 0.095 acre tract of land as described in an instrument to the State of Texas recorded under Vol. 1037, Pg. 639 of the Brazoria County Deed Records (B.C.D.R.), lying on the south right-of-way line of County Road 58 (60 feet wide), from which a found 5/8-inch iron rod bears N 80°15' W, 2.0 feet;

THENCE, N 86°38'44" E, along and with said south right-of-way line of said CR 58, same being the north line of said 16.6700 acre tract, a distance of 752.82 (called 784.31) to a 1/2-inch iron pipe with cap stamped "BGE INC" found for the northeast corner of said 16.6700 acre tract and the herein described tract, lying on the east line of said A.C.H. & B. R.R. Co. Survey, same being the west line of a called 132.908 acre tract as described in an instrument to Ashton Houston Residential, LLC recorded under B.C.C.F. No. 2017015415;

THENCE, S 03°17'52" E, along and with the east lines of said 16.6700 acre tract and said 46.8412 acre tract and partially along and with the west line of said 132.908 acre tract, at a distance of 785.98 feet passing the southeast corner of said 16.6700 acre tract and the northeast corner of said 46.8412 acre tract, at a distance of 1,106.65 feet passing a 4-inch by 4-inch concrete monument found for the southwest corner of said 132.908 acre tract, same being the northwest corner of Section 0 as shown on ALLISON-RICHEY GULF COAST HOME COMPANY subdivision plat recorded under Vol. 2, Pg. 91 of said Brazoria County Plat Records, and continuing along and with the east line of said 46.8412 acre tract and the west line of said Section 0 for a total distance of 2,933.77 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" found for the southeast corner of the herein described tract and said 46.8412 acre tract, same being the north line of a tract of land described in an instrument to Gulf Coast Water Authority recorded under B.C.C.F. No. 2019016351;

EXHIBIT C - METES AND BOUNDS

B.C.M.U.D. NO. 79
82.60 ACRES

JULY 5, 2023
JOB NO.8443-00

THENCE, S 86°42'47" W, along and with the south line of said 46.8412 acre tract, same being the north line of said tract described in B.C.C.F. No. 2019016351, at a distance of 20.00 feet passing the southeast corner of said 4.396 acre tract, continuing along and with the south line of said 4.396 acre tract and the north line of said tract described in B.C.C.F. No. 2019016351 at a distance of 90.00 feet passing the common south corner of said 4.396 acre tract and said 3.615 acre tract, continuing along and with the south line of said 3.615 acre tract and the north line of said tract described in B.C.C.F. No. 2019016351 at a distance of 126.56 feet passing a 5/8-inch iron rod with cap stamped "LJA" found for the southwest corner of said 3.615 acre tract, same being the northeast corner of the north terminus line of Manvel Parkway (120 feet wide) as shown on DEL BELLO BOULEVARD AND MANVEL PARKWAY STREET DEDICATION, a subdivision per plat recorded under Plat Number 2019062193 of the Brazoria County Plat Records, continuing along and with the south line of said 46.8412 acre tract and the north terminus line of said Manvel Parkway at a distance of 246.56 feet passing a 5/8-inch iron rod found under water for the northwest corner of the north terminus line of said Manvel Parkway and the northeast corner of a called 63.882 acre tract of land described in an instrument to Shea Homes Houston LLC recorded under B.C.C.F. No. 2020049110, continuing along and with the south line of said 46.8412 acre tract and the north line of said 63.882 acre tract at a distance of 936.03 feet passing the southwest corner of said 46.8412 acre tract, from which a found 5/8-inch iron rod with cap stamped "LJA" bears S 22°47' E, 0.3 feet, said point lying on the east right-of-way line of said County Road 58, continuing at a distance of 1,006.04 feet pass a 1/2-inch iron pipe with cap stamped "BGE INC" found for the southeast corner of said 14.1479 acre tract, from which a 5/8-inch iron rod bears N 13°40' E, 1.5 feet, said point lying on the west right-of-way line of said County Road 58, and continuing along and with the south line of said 14.1479 acre tract and the north line of said 63.882 acre tract for a total distance of 1,290.41 feet to the southwest corner of the herein described tract and said 14.1479 acre tract, same being an interior corner of said 63.882 acre tract;

THENCE, N 03°08'44" W, continuing along and with a common line of said 14.1479 acre tract and said 63.882 acre tract, a distance of 333.68 feet to a 5/8-inch iron rod with cap stamped "LJA" found for an angle point in the west line of said 14.1479 acre tract and the herein described tract, same being the most northerly northeast corner of said 76.692 acre tract and the southeast corner of the remainder of a called 6.52 acre tract as described in an instrument to John Hall, Trustee recorded under Vol. 1545, Pg. 659 of the B.C.D.R.;

THENCE, N 03°19'26" W, along and with the common line of said 14.1479 acre tract and said 6.52 acre tract, a distance of 1,318.59 feet to a 4-inch by 4-inch concrete monument found for an angle point in the west line of said 14.1479 acre tract and the herein described tract, said point lying on the east right-of-way line of S.H. 288 (width varies) recorded under Volume 1037, Page 639 and 917, Volume 1038, Page 849, and Volume 1045, Page 396 of the B.C.D.R.;

THENCE, along and with the east right-of-way line of said S.H. 288, same being the west line of said 14.1479 acre tract and said 2.2229 acre tract, the following courses and distances:

N 03°16'52" W, a distance of 35.50 feet to a 4-inch by 4-inch concrete monument found for an angle point in said common line;

N 09°44'51" E, a distance of 472.52 feet to a 5/8-inch iron rod found for the common west corner of said 2.2229 acre tract and said 14.1479 acre tract;

EXHIBIT C - METES AND BOUNDS

B.C.M.U.D. NO. 79
82.60 ACRES

JULY 5, 2023
JOB NO.8443-00

N 09°54'58" E, a distance of 392.94 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" found for the beginning of a tangent curve to the left;

In a Northerly direction, along said curve to the left, an arc distance of 251.42 feet, having a radius of 1,195.92 feet, a central angle of 12°02'43" and whose chord bears N 03°53'35" E, 250.96 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" found for the point of tangency;

N 02°07'47" W, a distance of 23.81 feet to a 5/8-inch iron rod with cap stamped "LJA" found for the northwesterly corner of said 2.2229 acre tract and the herein described tract;

N 41°16'57" E, a distance of 139.94 feet to a 5/8-inch iron rod with cap stamped "LJA" found for the north corner of said 2.2229 acre tract and the northwest corner of the herein described tract, lying on the west right-of-way lane of said County Road 82 and the south line of said 0.095 acre tract;

THENCE, N 86°37'22" E, a distance of 70.01 feet along and with the south line of said 0.095 acre tract and over and across said County Road 82 to a 5/8-inch iron rod with cap stamped "LJA" found for the westerly northwest corner of said 16.6700 acre tract, lying on the east right-of-way line of said County Road 82;

THENCE, along and with the common lines of said 16.6700 acre tract and said 0.095 acre tract, the following courses and distances:

N 86°44'45" E, at a distance of 70.00 feet passing a 5/8-inch iron rod with cap stamped "LJA" found for a northwest corner of said 16.6700 acre tract and continuing for a total distance of 210.52 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" found for the southeast corner of said 0.095 acre tract and an interior corner of the herein described tract;

N 03°15'15" W, a distance of 29.68 feet to the POINT OF BEGINNING and containing 82.60 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



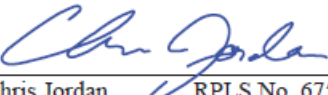

Chris Jordan RPLS No. 6750
BGE, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500

EXHIBIT D

RESERVE AT MANVEL
PUD DOCUMENT

Reserve at Manvel Planned Unit Development

**Prepared for:
VDB Partners, Ltd.**

Prepared by:



**10777 Westheimer Road #500
Houston, Texas 77042**

October 23, 2023

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**RESERVE AT MANVEL
PLANNED UNIT DEVELOPMENT DISTRICT**

October 23, 2023

1. Introduction

A. Purpose

On behalf of VDB Partners, Ltd. this PUD document (“PUD”) has been prepared pursuant to the City of Manvel’s ordinances. Currently the property is zoned Open Planned Unit Development District (O-PUD). With the application and upon the adoption of the PUD ordinance, the zoning designation will become PUD. The purpose of the PUD District is to encourage flexibility in the use and development of land in order to promote the most appropriate uses; to provide a high level of amenities; and to provide flexibility in the development of land subject to the development standards coordinated with the necessary public services and facilities.

The Reserve at Manvel PUD District (“Reserve at Manvel”) is a project located within the City of Manvel, Brazoria County, Texas. Reserve at Manvel consists of approximately 82.6 acres of land and is physically located immediately east of State Highway 288, south of County Road 58, and west of the future Manvel Parkway (CR 94) (Exhibit A). The overall project site is comprised of several tracts under common ownership (Exhibit “D”).

B. Description of the Property

The subject property is located in northernmost central Manvel, east of State Highway 288, south of County Road 58, and west of the future Manvel Parkway (CR 94). The subject property is comprised of several tracts of land totaling 82.6 acres. Gulf Coast Water Authority (GCWA) irrigation canals form the northern and eastern boundaries of the property.

The property is currently undeveloped, with the westernmost parcels being heavily wooded, and the easternmost parcels cleared, with trees along the perimeter of the property. Additionally, the property is encumbered by a 6.11-acre Brazos Valley Irrigation Company easement along the northern property line and is bifurcated by unimproved County Road 92 (Iowa Lane), a 70-foot right-of-way (as occupied and monumented, Exhibit “F”).

The property is located within Brazoria County Municipal Utility District No. 79 (BCMUD No. 79).

C. Description of Proposed Development

The proposed development may include a mixture of light-commercial uses, including retail, hotel, office, and restaurants.

D. Description of the Area

The subject site is bound by State Highway 288 and two undeveloped parcels to the west. The surrounding land uses within the City of Manvel City Limits consist of the Del Bello Master Planned Community to the south (Planned Unit Development District) and undeveloped agricultural land to the east (Open Single-Family Residential District). The surrounding land uses within the City of Manvel Extra-Territorial Jurisdiction ("ETJ") include future sections of the Sedona Lakes Master Planned Community to the northeast and a concrete plant to the north.

E. Intent

The intent of the PUD is to allow flexible and creative planning in order to create a high-quality commercial destination and a source of employment and services for residents in the area. Reserve at Manvel may be comprised of several land uses including, but not limited to retail, hotel, office, and restaurants that promote the highest and best use of the property while allowing for a mixture of compatible land use and building functions. Additionally, this PUD helps to facilitate adequate provisions for roads and public facilities while encouraging innovative design for new development.

F. Comprehensive Plan

The proposed PUD is consistent with the goals established by the Comprehensive Plan by providing a high-quality development that:

- Contributes to creating a mixed-use community.
- Contributes to economic development.
- Provides retail services for community residents.

2. Zoning and Land Use

A. Existing Zoning

The property is currently zoned as "Open Planned Unit Development District: (O-PUD).

B. Proposed Base Zoning District(s)

The proposed base zoning district is Light Commercial (LC) Zoning District with the Reserve at Manvel PUD overlay district.

C. Land Use Summary

The land use summary for the project is shown in Table 1.

Table 1
Land Use Acreage

Use	Acres	% of Total
Light Commercial (LC)	42.1	52
Detention	14.4	17
Easements & Fee Strip	13.9	16
R.O.W. Dedication	12.2	15
Total	82.6	100%

Note: Acreages are approximate

D. Permitted, Specific Use Permit (SUP), and office function only

The commercial development may allow uses according to the list provided below. The uses listed as permitted, Specific Use Permit (SUP), and office function only are permitted in the same manner as Light Commercial (LC) District in the City's zoning ordinance land use table. The PUD commercial land use list has been proposed to exclude certain uses allowed in the LC district.

The following list is the proposed permitted uses and NAICS use classification in the Reserve at Manvel PUD.

- Retail bakeries
- Furniture and home furnishing store
- Electronics and appliance stores
- Building material, garden equipment and supplies dealers
- Food and beverage stores
- Health and personal care stores
- Hotel
- Clothing and clothing accessories stores
- Sporting goods, hobby, book and music stores
- General merchandise stores
- Miscellaneous store retailers
- Postal service
- Finance and insurance
- Real estate
- Lessors of nonresidential buildings (except mini warehouses)
- Consumer good rental
- Professional, scientific, and technical services
- Accounting, tax preparation, bookkeeping and payroll
- Veterinary services
- Management of companies and enterprises
- Administrative and support services
- Educational support services

- Social assistance
- Child day care services
- Arts, entertainment, and recreation
- Fitness and sports centers
- Food services and drinking places
- Electronic and precision equipment repair and maintenance
- Automotive glass replacement shop
- Personal and laundry services

The following list is the proposed Specific Use Permit (SUP) uses and NAICS use classifications in the Reserve at Manvel PUD.

- Ambulatory health care services
- Hospitals
- Information
- Lessors of mini warehouses and self-storage units
- Automotive and equipment rental
- Amusement and recreation industries
- Recreational goods rental
- Colleges, universities, professional, and business schools
- Nursing and residential care facilities
- Other residential care facilities
- Bed and breakfast
- All other amusement and recreational industries
- Personal and household goods repair and maintenance
- Other personal care services
- Religious organizations
- Civil and social organizations
- Non-store retailers
- Technical and trade schools
- Other schools and instruction

The following list is the proposed for “office functions only” uses in the Reserve at Manvel PUD.

- Any manufacturing or industrial related uses
- Support activities for agriculture and forestry
- Construction of buildings
- Transportation and warehousing
- Commercial and industrial machinery and equipment rental

3. Development Design Standards

Unless otherwise outlined in this document, all City of Manvel regulations applicable at the effective date of this ordinance shall apply to this PUD including the City of Manvel Design Criteria Manual dated April 17, 2023 as referenced in Exhibit H.

A. Access/Parking

The number of parking spaces will be at a minimum the number required in the Manvel Code of Ordinances Section 77 - 45 Parking based on the land use. Parking will conform to all requirements of Section 77 - 45 including but not limited to the following.

a) Shared parking is permitted, subject to a recorded agreement between the participating owners and approved by the City of Manvel.

b) All parking stalls shall be a minimum of ten (10) feet in width by twenty (20) in depth.

B. Landscape Requirements

The project will include publicly accessible landscaped areas such as pocket parks, trails, amenitized detention ponds, and spaces for public art.

Ten percent (10%) of the gross acreage of each developed site not covered by buildings and not a part of the right-of-way, public streets, driveways, or GCWA canals shall be landscaped per Sec. 77-51.

a) Landscaping and opaque decorative fencing shall screen outside storage areas, loading docks, garbage collection bins and delivery entrances from adjacent property and rights-of-way.

b) Street trees shall be required along all rights-of-way.

i.) Street trees shall be provided at a rate of 1.5 caliper inches for every thirty (30) feet of street frontage. This calculation gives the number of required trees in street frontage. Under no circumstance shall there be no less than two trees planted along the frontage of any individual developed site.

ii.) Street trees shall be no less than three (3) inch caliper for trees counting towards the street tree calculation referenced above.

iii.) Street trees less than 3.0 caliper inches shall be permitted to be planted but will not count towards the street tree calculation referenced above.

iv.) The number of required trees may be grouped or placed at regular intervals so long as the required number of trees from the street tree calculation referenced above.

c) Parking Lot Landscaping

- i.) In addition to the street tree requirements listed above, a tree with a minimum two-inch (2") caliper shall be provided within or adjacent to the parking area at tree islands that:
 - a. Are at least nine feet (9') wide.
 - b. Each have a square footage minimum of 100 square feet.
 - c. Are located so that no parking space is further away than one hundred feet (100') from a tree island.
- ii.) Shrub planting shall be placed along the perimeter of parking lots in order to screen the parking lot. The shrubs shall be maintained at a maximum height of thirty-six inches (36").
- iii.) Shrubs and ground cover less than or equal to twelve inches (12") in height shall be allowed to be planted within sight distance triangles. All trees and shrubs and landscaping will be continuously maintained with sprinkler systems. Any trees or shrubs which are deemed to be unhealthy will be replaced within 120 days.

C. Public Paving Sections

Generally, public paving sections shall match the standards as prescribed in the City of Manvel Design Criteria Manual, in effect at the time of this PUD approval.

D. Building Setbacks

Front Building Setback Line	25'
Rear Building Setback Line	10'
Side (Interior) Building Setback Line	5'
Side Street Building Setback Line	10'

E. Building Materials

a) All commercial buildings must be composed of a minimum of seventy-five percent (75%) masonry, exclusive of windows, doors, or other transparent materials. The calculation shall be based on the total square footage of all facades.

The following materials shall meet the masonry requirement:

- Stone
- Brick
- Concrete (including tilt wall)
- Hollow clay tile

- Concrete Masonry Unit (CMU)
- Glass block
- True Stucco
- Insulated concrete forms (ICF)

b) Non-masonry materials may not exceed twenty-five percent (25%) of the building's elevation.

c) The following non-masonry materials are permitted. Prior to approval of the use of the below materials, proof must be provided to show that the material and installation process meets ICC and Texas Windstorm standards and as approved by the City's Building Official.

- Cementitious Fiber
- EIFS
- Architectural metal panels

d) Nationally or regionally recognized chains will be permitted to use company specific materials not listed above (metal roofing and/or siding, wood siding, and other materials) This provision applies only to non-masonry materials.

- Nationally recognized chains shall mean any chain with a minimum of ten (10) locations across two (2) or more states.
- Regionally recognized chains shall mean any chain with a minimum of five (5) locations within the greater Houston area.

F. Building Height

a) Building Height is measured from the finished grade to the highest point of the roof not including ancillary structures such as chimneys.

Building heights must be in compliance with the below standards:

- i.) Pad Site – No building may exceed thirty-five (35) feet in height.
- ii.) Commercial Anchor Tenant- No building may exceed sixty (60) feet in height.
- iii.) Office, medical and/or other multi-story uses – No building may exceed ninety (90) feet in height.

G. Signage

All signage shall conform to Chapter 53 Sign Provisions in the City of Manvel Code of Ordinances, as modified from time to time.

H. Code of Ordinances Compliance

Property use and development, including permitting and certificates of occupancy will conform to the requirements of the City of Manvel Code of Ordinances unless specifically mentioned/identified in this PUD.

The construction of modular voter home, shall be allowed to be located on the site throughout the duration of the project. The voter home will be removed within 90 days after the election. A recorded final plat and/or permanent access shall not be required for such uses.

4. Public Infrastructure

A. Utilities

Utilities to serve this project will be financed by Brazoria County Municipal Utility District No. 79 pursuant to a Utility Services contract with the City of Manvel and/or an agreement with an adjacent municipal utility district.

B. Roadway Improvements

Dedications of land for right-of-way and construction of roads, and/or portions thereof for County Road 58 and County Road 94 (Manvel Parkway) are pursuant to the Road Construction Agreement recorded under Brazoria County Clerk's File Number 2022022956. All other roads and rights-of-way will be dedicated and built per City of Manvel Code of Ordinances and City of Manvel Design Criteria Manual.

5. Revisions

The City Manager or his or her designee may allow minor changes at the discretion of the City Manager or his or her designee to the PUD to be approved administratively, provided such changes are consistent with the intent and general purpose of the PUD.

6. Exhibits

The exhibits provided within this PUD are illustrative in nature and are subject to engineering and site limitations. Final plans for the development will be equivalent or similar in nature to the exhibits and illustrations contained within this PUD. The PUD includes the following exhibits as referenced herein:

- A. Project Location
- B. Proposed Zoning Designation
- C. Conceptual Design Plan
- D. Property Ownership
- E. Major Thoroughfare Plan
- F. Survey
- G. Metes & Bounds

Exhibit A. Project Location



Exhibit B. Proposed Zoning Designations



Exhibit C. Conceptual Design Plan



Exhibit D. Property Ownership



Exhibit E. Major Thoroughfare Plan

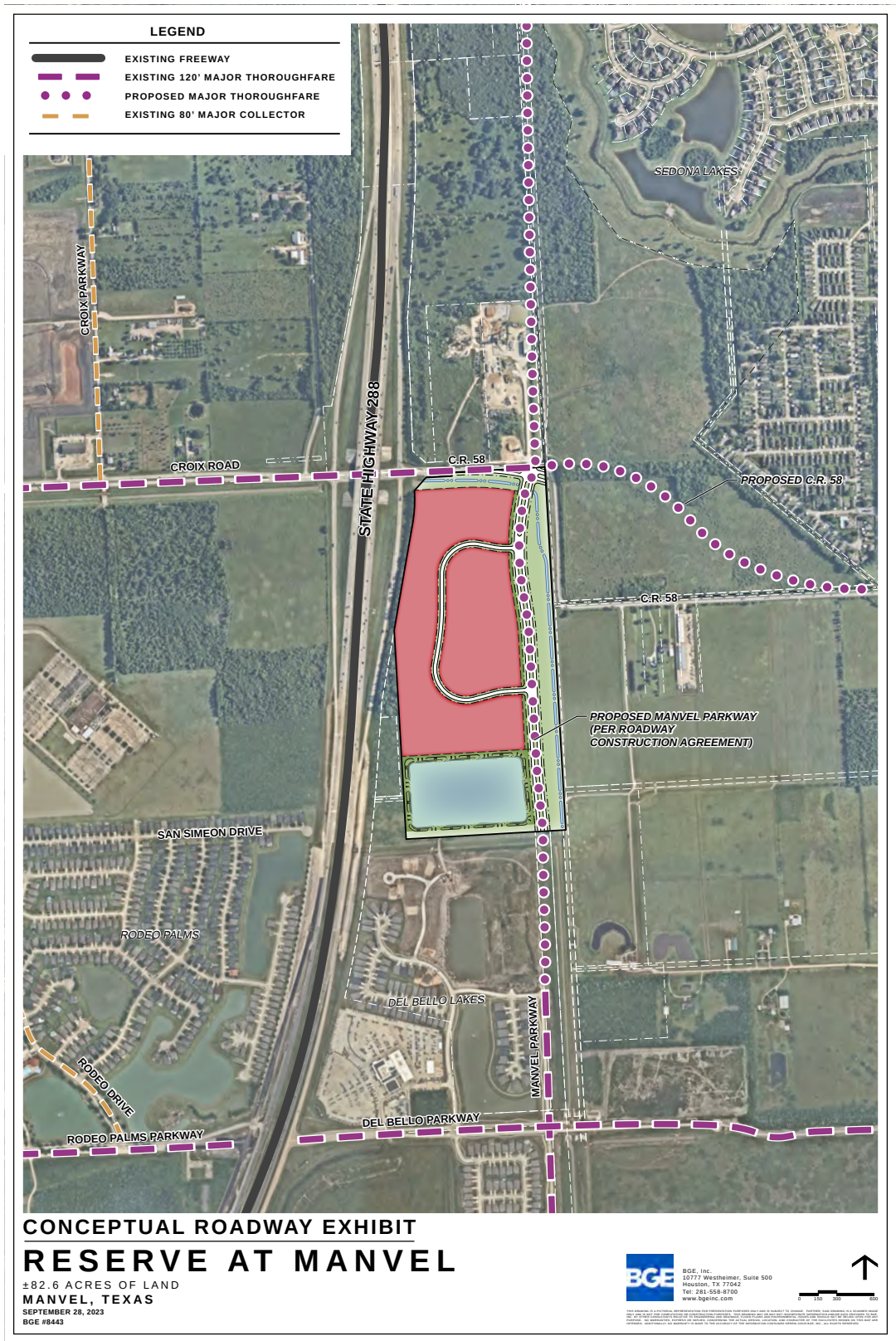


Exhibit F. Survey

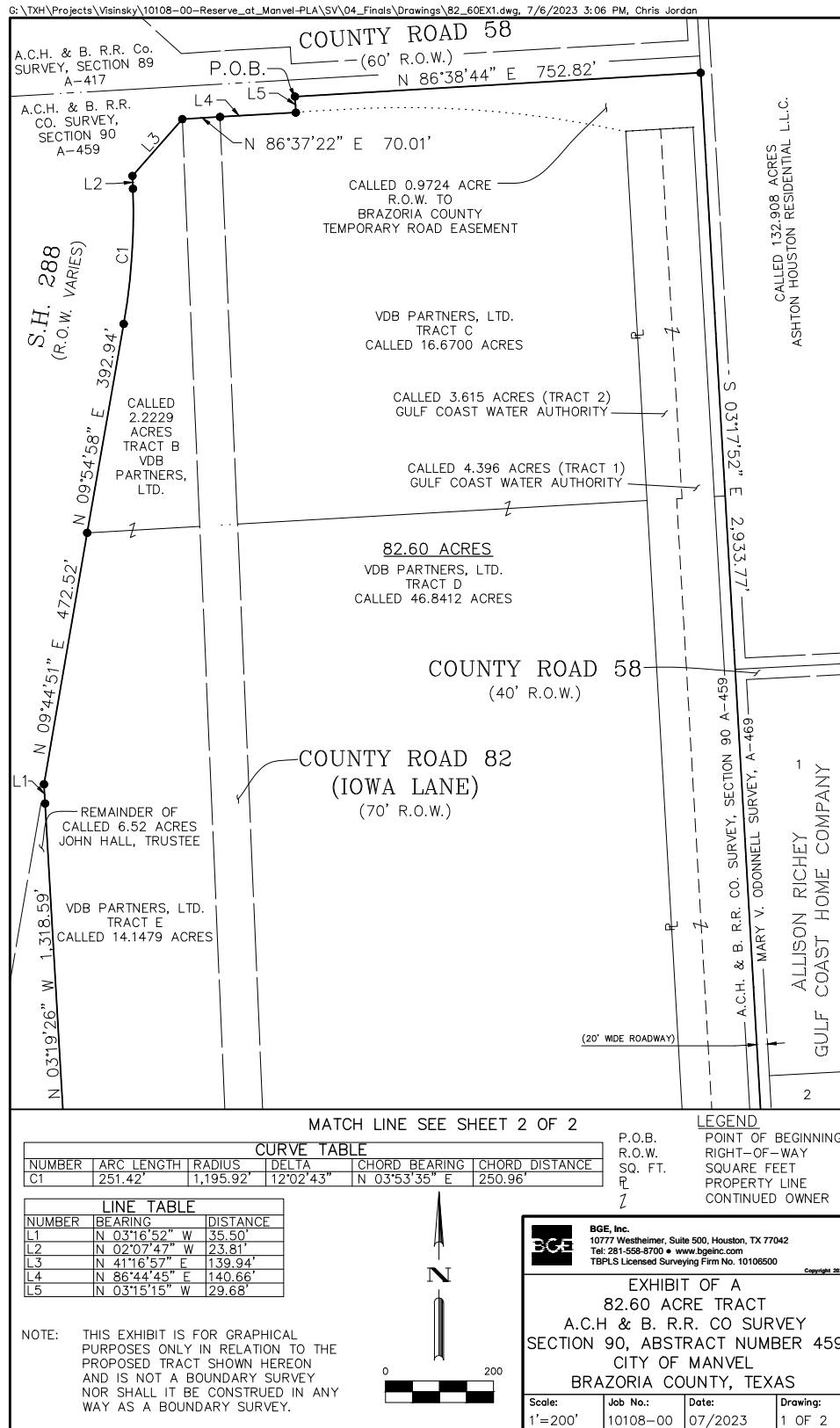


Exhibit F. Survey (cont.)

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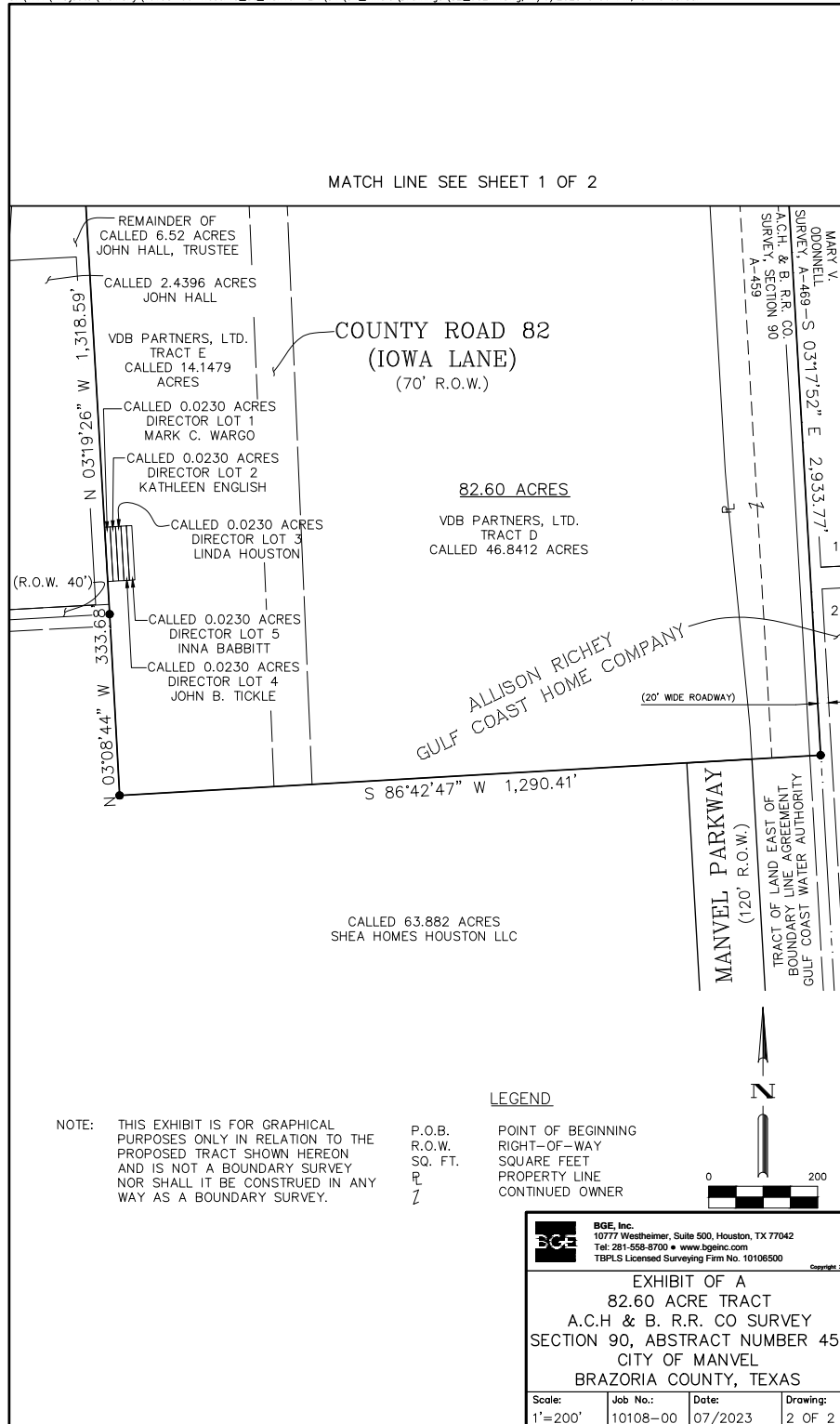


Exhibit G. Metes & Bounds

B.C.M.U.D. NO. 79
82.60 ACRES

JULY 5, 2023
JOB NO.8443-00

DESCRIPTION OF A 82.60 ACRE TRACT OF LAND SITUATED IN THE A.C.H. & B. R.R. CO. SURVEY, SECTION 90, ABSTRACT NO. 459 BRAZORIA COUNTY, TEXAS

BEING a 82.60 acre tract of land situated in the A.C.H. & B. R.R. Co. Survey, Section 90, Abstract No. 459 of Brazoria County, Texas and being a portion of a called 16.6700 acre tract (Tract C) of land as described in an instrument to VDB Partners, Ltd. recorded under Brazoria County Clerk's File Numbers (B.C.C.F. No.) 1999050834 and 1999050835, being a portion of a called 46.8412 tract (Tract D) as described in an instrument to VDB Partners, Ltd. recorded under B.C.C.F. No. 1999050835, being all of a called 2.2229 acre tract (Tract B) of land as described in an instrument to VDB Partners, Ltd. recorded under Brazoria County Clerk's File Numbers (B.C.C.F. No.) 1999050834 and 1999050835, being all of a called 14.1479 acre tract (Tract E) as described in an instrument to VDB Partners, Ltd. recorded under B.C.C.F. No. 1999050835, being all of a called 4.396 acre tract of land described as Tract 1 and a called 3.615 acre tract of land described as Tract 2 in an instrument to Gulf Coast Water Authority under B.C.C.F. No. 2021070570, being a portion of County Road 82 (70 feet wide as occupied) as adopted by map as order No. 12 during commissioners court session dated June 26, 1967, being all of Director's Lot 1 thru 5 recorded under B.C.C.F. No.'s 2021053236, 2021053238, 2021053240, 2021053242, 2021053244, said 82.60 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the west line of said 46.8412 acre tract as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description:

BEGINNING at a 1/2-inch iron pipe with cap stamped "BGE INC" found for the northerly northwest corner of said 16.6700 acre tract and the herein described tract, same being the northeast corner of a called 0.095 acre tract of land as described in an instrument to the State of Texas recorded under Vol. 1037, Pg. 639 of the Brazoria County Deed Records (B.C.D.R.), lying on the south right-of-way line of County Road 58 (60 feet wide), from which a found 5/8-inch iron rod bears N 80°15' W, 2.0 feet;

THENCE, N 86°38'44" E, along and with said south right-of-way line of said CR 58, same being the north line of said 16.6700 acre tract, a distance of 752.82 (called 784.31) to a 1/2-inch iron pipe with cap stamped "BGE INC" found for the northeast corner of said 16.6700 acre tract and the herein described tract, lying on the east line of said A.C.H. & B. R.R. Co. Survey, same being the west line of a called 132.908 acre tract as described in an instrument to Ashton Houston Residential, LLC recorded under B.C.C.F. No. 2017015415;

THENCE, S 03°17'52" E, along and with the east lines of said 16.6700 acre tract and said 46.8412 acre tract and partially along and with the west line of said 132.908 acre tract, at a distance of 785.98 feet passing the southeast corner of said 16.6700 acre tract and the northeast corner of said 46.8412 acre tract, at a distance of 1,106.65 feet passing a 4-inch by 4-inch concrete monument found for the southwest corner of said 132.908 acre tract, same being the northwest corner of Section 0 as shown on ALLISON-RICHEY GULF COAST HOME COMPANY subdivision plat recorded under Vol. 2, Pg. 91 of said Brazoria County Plat Records, and continuing along and with the east line of said 46.8412 acre tract and the west line of said Section 0 for a total distance of 2,933.77 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" found for the southeast corner of the herein described tract and said 46.8412 acre tract, same being the north line of a tract of land described in an instrument to Gulf Coast Water Authority recorded under B.C.C.F. No. 2019016351;

Exhibit G. Metes & Bounds (cont.)

B.C.M.U.D. NO. 79
82.60 ACRES

JULY 5, 2023
JOB NO.8443-00

THENCE, S 86°42' 47" W, along and with the south line of said 46.8412 acre tract, same being the north line of said tract described in B.C.C.F. No. 2019016351, at a distance of 20.00 feet passing the southeast corner of said 4.396 acre tract, continuing along and with the south line of said 4.396 acre tract and the north line of said tract described in B.C.C.F. No. 2019016351 at a distance of 90.00 feet passing the common south corner of said 4.396 acre tract and said 3.615 acre tract, continuing along and with the south line of said 3.616 acre tract and the north line of said tract described in B.C.C.F. No. 2019016351 at a distance of 126.56 feet passing a 5/8-inch iron rod with cap stamped "LJA" found for the southwest corner of said 3.615 acre tract, same being the northeast corner of the north terminus line of Manvel Parkway (120 feet wide) as shown on DEL BELLO BOULEVARD AND MANVEL PARKWAY STREET DEDICATION, a subdivision per plat recorded under Plat Number 2019062193 of the Brazoria County Plat Records, continuing along and with the south line of said 46.8412 acre tract and the north terminus line of said Manvel Parkway at a distance of 246.56 feet passing a 5/8-inch iron rod found under water for the northwest corner of the north terminus line of said Manvel Parkway and the northeast corner of a called 63.882 acre tract of land described in an instrument to Shea Homes Houston LLC recorded under B.C.C.F. No. 2020049110, continuing along and with the south line of said 46.8412 acre tract and the north line of said 63.882 acre tract at a distance of 936.03 feet passing the southwest corner of said 46.8412 acre tract, from which a found 5/8-inch iron rod with cap stamped "LJA" bears S 22°47' E, 0.3 feet, said point lying on the east right-of-way line of said County Road 58, continuing at a distance of 1,006.04 feet pass a 1/2-inch iron pipe with cap stamped "BGE INC" found for the southeast corner of said 14.1479 acre tract, from which a 5/8-inch iron rod bears N 13°40' E, 1.5 feet, said point lying on the west right-of-way line of said County Road 58, and continuing along and with the south line of said 14.1479 acre tract and the north line of said 63.882 acre tract for a total distance of 1,290.41 feet to the southwest corner of the herein described tract and said 14.1479 acre tract, same being an interior corner of said 63.882 acre tract;

THENCE, N 03°08' 44" W, continuing along and with a common line of said 14.1479 acre tract and said 63.882 acre tract, a distance of 333.68 feet to a 5/8-inch iron rod with cap stamped "LJA" found for an angle point in the west line of said 14.1479 acre tract and the herein described tract, same being the most northerly northeast corner of said 76.692 acre tract and the southeast corner of the remainder of a called 6.52 acre tract as described in an instrument to John Hall, Trustee recorded under Vol. 1545, Pg. 659 of the B.C.D.R.;

THENCE, N 03°19' 26" W, along and with the common line of said 14.1479 acre tract and said 6.52 acre tract, a distance of 1,318.59 feet to a 4-inch by 4-inch concrete monument found for an angle point in the west line of said 14.1479 acre tract and the herein described tract, said point lying on the east right-of-way line of S.H. 288 (width varies) recorded under Volume 1037, Page 639 and 917, Volume 1038, Page 849, and Volume 1045, Page 396 of the B.C.D.R.;

THENCE, along and with the east right-of-way line of said S.H. 288, same being the west line of said 14.1479 acre tract and said 2.2229 acre tract, the following courses and distances:

N 03°16' 52" W, a distance of 35.50 feet to a 4-inch by 4-inch concrete monument found for an angle point in said common line;

N 09°44' 51" E, a distance of 472.52 feet to a 5/8-inch iron rod found for the common west corner of said 2.2229 acre tract and said 14.1479 acre tract;

Exhibit G. Metes & Bounds (cont.)

B.C.M.U.D. NO. 79
82.60 ACRES

JULY 5, 2023
JOB NO.8443-00

N 09°54'58" E, a distance of 392.94 feet to a 1/2-inch iron pipe with cap stamped 'BGE INC' found for the beginning of a tangent curve to the left;

In a Northerly direction, along said curve to the left, an arc distance of 251.42 feet, having a radius of 1,195.92 feet, a central angle of 12°02'43" and whose chord bears N 03°53'35" E, 250.96 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" found for the point of tangency;

N 02°07'47" W, a distance of 23.81 feet to a 5/8-inch iron rod with cap stamped "LJA" found for the northwesterly corner of said 2.2229 acre tract and the herein described tract;

N 41°16'57" E, a distance of 139.94 feet to a 5/8-inch iron rod with cap stamped "LJA" found for the north corner of said 2.2229 acre tract and the northwest corner of the herein described tract, lying on the west right-of-way line of said County Road 82 and the south line of said 0.095 acre tract;

THENCE, N 86°37'22" E, a distance of 70.01 feet along and with the south line of said 0.095 acre tract and over and across said County Road 82 to a 5/8-inch iron rod with cap stamped "LJA" found for the westerly northwest corner of said 16.6700 acre tract, lying on the east right-of-way line of said County Road 82;

THENCE, along and with the common lines of said 16.6700 acre tract and said 0.095 acre tract, the following courses and distances:

N 86°44'45" E, at a distance of 70.00 feet passing a 5/8-inch iron rod with cap stamped "LJA" found for a northwest corner of said 16.6700 acre tract and continuing for a total distance of 210.52 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" found for the southeast corner of said 0.095 acre tract and an interior corner of the herein described tract;

N 03°15'15" W, a distance of 29.68 feet to the **POINT OF BEGINNING** and containing 82.60 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.




Chris Jordan RPLS No. 6750
BGE, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500

UNIVERSAL NATURAL GAS FRANCHISE

ORDINANCE NO. 2023-O-46

AN ORDINANCE GRANTING TO UNIVERSAL NATURAL GAS, LLC (d/b/a UNIVERSAL NATURAL GAS, INC.) AND ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TEN (10) YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, A NON-EXCLUSIVE FRANCHISE AND RIGHT TO ENTER THE PUBLIC RIGHTS-OF-WAY TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM WITHIN, ALONG, ACROSS, OVER AND UNDER THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF MANVEL, TEXAS FOR THE TRANSPORTATION, DISTRIBUTION AND/OR SALE OF GAS TO CUSTOMERS AND THE PUBLIC GENERALLY IN THE CITY; DEFINING THE WORDS AND PHRASES THEREIN; PROVIDING FOR ASSIGNMENT, SALE OR LEASE OF THE FRANCHISE; PROVIDING FOR USE AND REPAIR OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR REGULATION OF SERVICE; ESTABLISHING DEPTH OF PIPELINES; ESTABLISHING RIGHTS AND DUTIES IN THE MOVEMENT AND ALTERATION OF PIPELINES; PROVIDING FOR INDEMNIFICATION OF THE CITY OF MANVEL; PROVIDING FOR INSPECTION OF GRANTEE'S RECORDS; REQUIRING GRANTEE TO PAY A FRANCHISE FEE; PROVIDING FOR CONDITIONS OF THE FRANCHISE; PROVIDING FOR CONSTRUCTION OF THIS ORDINANCE UPON THE INVALIDITY OF ANY PART THEREOF; PROVIDING FOR ACCEPTANCE OF THIS FRANCHISE BY GRANTEE AND BOTH AN EFFECTIVE AND AN OPERATIVE DATE THEREOF; REPEALING ALL OTHER ORDINANCES DIRECTLY IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND PRESCRIBING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

SECTION 1. DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the following meanings:

- A. "Affiliate" means any person or entity that directly or indirectly owns or controls, that is directly or indirectly owned or controlled by, or that is under common ownership or control with Grantee.
- B. "City" means the City of Manvel, in Brazoria County, Texas, a home-rule municipal corporation, hereinafter also referred to as "Grantor".
- C. "City Secretary" means the City Secretary of the City or other such officer of the City designated to serve as the filing officer for official documents and records of the City.
- D. "City Council" means the City Council of the City as the governing body of the City.

- E. “City Engineer” means the City Engineer of the City, the Public Works Director of the City, or such other officer of the City designated to approve engineering plans and designs for construction within Public Rights-of-Way.
- F. “City Manager” means the City Manager of the City, the city administrator of the City, or such other chief administrative officer of the City designated to hear appeals from the decisions of other City officers.
- G. “Customer” means any individual person, corporation, company, partnership, firm, unincorporated association, trust, municipality, or public or private entity located within the municipal corporate limits of the City and serviced by the Grantee through any use of the Public Rights-of-Way.
- H. “Franchise Fee” or “Franchise Fees” shall mean the sum of fees to be paid to the City by Grantee under Section 12 of this Ordinance.
- I. “Franchise Agreement” refers to this Ordinance.
- J. “Gas Sales” means the sale of natural gas to Grantee’s Customers located within the corporate limits of the City by use of the System.
- K. “Gas Transportation” means the transportation of Transport Gas for redelivery to Customers with re-delivery points located within the corporate limits of the City.
- L. “Grantee” shall mean UNIVERSAL NATURAL GAS, LLC, a Texas limited liability company, and its successors and assigns.
- M. “Gross Receipts from Gas Sales” shall constitute and include Grantee’s total receipts from Gas Sales to Grantee’s Customers within the corporate limits of the City. Grantee’s Gross Receipts from Gas Sales shall also include: amounts collected from customers for fees paid to the City pursuant to this Ordinance, contributions in aid of construction (“CIAC”), and the following “miscellaneous charges” – charges to connect, disconnect, or reconnect gas within the City and charges to handle returned checks from consumers within the City, and State gross receipts fees.

Grantee’s Gross Receipts from Gas Sales subject to the Franchise Fee shall specifically exclude, without limitation:

- [1] sales of gas billed but not collected or received by the Grantee;
- [2] the revenue of any Affiliate of Grantee, to the extent that such revenue is also included in Gross Receipts from Gas Sales of the Grantee;
- [3] sales taxes paid to the City;
- [4] any interest or investment income earned by the Grantee; and

- [5] all monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's Public Rights-of-Way.
- N. "Gross Receipts from Gas Transportation" shall constitute and include Grantee's total receipts from its transportation of Transport Gas, consisting of receipts from cost of service. Grantee's Gross Receipts from Gas Transportation shall also include: amounts collected from customers for fees paid to the City pursuant to this Ordinance, CIAC, and the following "miscellaneous charges" – charges to connect, disconnect, or reconnect gas within the City and charges to handle returned checks from consumers within the City, and State gross receipts fees.
- Grantee's Gross Receipts from Gas Transportation subject to the Franchise Fee shall specifically exclude, without limitation:
- [1] fees for gas transportation services billed but not collected or received by the Grantee;
- [2] the revenue of any Person including, without limitation, an Affiliate of Grantee, to the extent that such revenue is also included in Gross Sales Revenues of the Grantee;
- [3] sales taxes paid to the City;
- [4] any interest or investment income earned by the Grantee; and
- [5] all monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's Public Rights-of-Way.
- O. "Person" means an individual, corporation, general or limited partnership, limited liability company, trust, association, or other business or legal entity.
- P. "Public Right(s)-of-Way" means the present and future streets, medians, avenues, boulevards, parkways, roads, lanes, alleys, bridges, sidewalks, easements, highways, public utility easements, viaducts, bridges across water ways, and other public places within the municipal corporate limits of the City, whether dedicated or not, that are owned or controlled by the City and are available for Grantee's use.
- Q. "System" means Grantee's system of mains, pipelines, conduits, valves, feeders, regulator stations, laterals, service lines, measuring devices, and all other necessary plants, attachments, land, structures, facilities and appurtenances for the purpose of selling, storing, supplying, conveying, transmitting, distributing, and/or transporting natural gas and any gas, including the equivalent substitutes, for all other lawful purposes in, through, upon, under, and along the present and future streets, avenues, alleys, bridges, sidewalks, easements, highways, and any other public place within the municipal corporate limits of the City.

- R. “Transport Gas” means gas owned or controlled by a user or its designee (i.e., gas that is purchased or otherwise acquired by a user from someone other than Grantee) and delivered by such user or its designee to Grantee at a point on Grantee’s System, such point of delivery to be defined by Grantee, and carried, delivered or transported through Grantee’s System at a point of redelivery within the municipal corporate limits of the City by Grantee to the user for a fee.

SECTION 2. GRANT OF FRANCHISE

- A. Subject to the terms and conditions of this Ordinance, the Grantor hereby grants to Grantee, its successors and assigns and Affiliates, for the term of ten (10) years from the Effective Date of this Ordinance, the right to enter upon the Public Rights-of-Way to construct, install, extend, remove, replace, abandon, operate and maintain a System along, across, over and under the Public Rights-of-Way for the privilege of transporting, distributing and/or selling gas to Customers and the public generally within the municipal corporate limits of the City, and including any territory that the City may hereafter annex, acquire, purchase; and to distribute, sell, store, supply, transport, carry and/or convey natural gas and any gas through Grantee’s System in the City to other cities, towns, communities and areas outside the City and to inhabitants thereof, for the full term of this Ordinance.
- B. The Ordinance shall have the effect of and shall be a contract between Grantor and Grantee and shall be the measure of the rights and liabilities of Grantor as well as Grantee.
- C. The Franchise granted by this Ordinance shall in no way affect or impair the present or future rights, obligations, or remedies of the City or Grantee under the Texas Gas Utility Regulatory Act, as amended. This is a non-exclusive franchise.
- D. All of the regulations and activities required by this Ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public.
- E. All extensions of Grantee’s System within the city limits shall; become a part of the aggregate property of Grantee, shall operate as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant herein made. The right to use and maintain any extension shall terminate at the same time and under the same condition with this Ordinance.
- F. Grantor may require Grantee to extend its System in any Public Rights-of-Way as necessary to provide adequate service to the public so long as it is economically feasible.

SECTION 3. FRANCHISE ASSIGNMENT, SALE OR LEASE

This Franchise Agreement may not be transferred or assigned to any non-Affiliate of Grantee, in whole or in part, without the written consent of the City, which may be administratively approved by the City Manager. As such, Grantee shall notify Grantor of: the name of the buyer, transferee or assignee; the type of service(s) intended to be provided through the facilities of such buyer, transferee or assignee; and the name, mailing address, and telephone number of a contact person associated with such buyer, transferee or assignee. Notice shall be sent by registered or certified mail, return receipt requested, postage prepaid, and addressed to:

City of Manvel
20031 Morris Avenue,
Manvel, Texas 77578
Attention: City Manager
Phone: (281) 489-0630
Facsimile number: (281) 489-0634

Notwithstanding the foregoing, City consent is not required when an assignment, transfer, merger or consolidation is between entities that control, are controlled by, or are under common control with Grantee. However, Grantee must give the City reasonable notice of any such assignment, transfer, merger or consolidation in the same manner required above for non-Affiliate transfers or assignments.

SECTION 4. USE AND REPAIR OF THE PUBLIC RIGHTS-OF-WAY; PERMIT PROCESS

- A. Grantee and its contractors shall give Grantor reasonable prior notice, of the dates, location and nature of all work to be performed on its System within the Public Rights-of-Way, and shall first make application to, and obtain, any required permits from the City of Manvel, if any are required
- B. Grantee's System shall be of sound material and good quality, and shall be laid so that it will not interfere with the artificial drainage of the City or its underground fixtures, or with navigation in or the natural drainage of any stream. Grantee's System shall be erected, placed, extended, repaired, laid or otherwise installed, operated and maintained in such a manner as will, consistent with reasonable necessity, cause the least interference with other existing public uses of the Public Rights-of-Way, including but not limited to existing sewer, water, pipes, electricity, telephone wires, public or private drains, and any other facilities within the City and also including those utilities granted by franchise or permit by the City. Within the Public Rights-of-Way, the location and route of the System shall be subject to the reasonable and proper regulation, direction and control of the City or the City official to whom such duties have been delegated. In order to initiate any work on Grantee facilities or the System within the Public Rights-of-Way, Grantee must obtain a permit under the procedure enumerated in the City's Right-of-Way Management Ordinance.
- C. This Ordinance shall constitute a permit for Grantee to park vehicles in the Public Rights-of-Way when necessary for the installation, replacement, abandonment, operation or maintenance of Grantee's System, and where the vehicles do not obstruct traffic or ingress or egress of adjacent property.
- D. No permit shall be required to initiate emergency repairs, including repairing gas leaks or as may be required by the rules and regulations of the Railroad Commission of Texas and

the Texas One-Call Statute (Texas Utilities Code, Chapter 251, and any successor statutes). However, Grantee shall give the City telephone and e-mail notice of the initiation of emergency repairs as soon as practicable under the circumstances, but no later than 24 hours after initiation of such work, and shall seek a permit pursuant to the City's Right-of-Way Management Ordinance following completion of the work. If in conducting such emergency repair work there is anticipated or actual blockage of traffic lanes on any roadway or in public school zones that will be longer than 15 minutes, Grantee shall give the City telephone and email notice immediately before initiation of such work, including, specifically, notice to the Manvel Police Department.

- E. Except for emergency repairs of gas leaks, before any performing any work in the Public Rights-of-Way, Grantee shall, with due diligence and dispatch, comply with the City's Right-of-Way Management Ordinance and all other City ordinances governing time periods and standards relating to performing work in the Public Rights-of-Way to place the Public Rights-of-Way in a condition in compliance with the Grantor's reasonable standards and specifications. No Public Right-of-Way shall be encumbered for a longer period than shall be necessary to execute the work.
- F. Grantee shall provide current and up-to-date maps showing the physical location of Grantee's System and make the maps available for inspection by the Grantor in January of each year at no cost to the City, including as built information after the installation, removal or relocation of any facilities in a City Right-of-Way.
- G. Grantee shall be required, at any time, compensation and rental use of public streets, sidewalks, highways, bridges, alleys, and public places.

SECTION 5. REGULATION OF SERVICE

The System of Grantee shall at all times be installed, operated and maintained in accordance with accepted good practice, and in accordance with all State, Federal and City regulations, and in such condition as will enable the Grantee to furnish adequate and continuous service as required by the orders, rules and regulations of the Railroad Commission of Texas or other regulatory authority having jurisdiction. The requirements set forth in this Section shall not relieve Grantee of any other obligations set forth herein.

SECTION 6. QUALITY OF SERVICE

The service furnished hereunder to the City and its inhabitants shall be in accordance with the quality of service rules of the Railroad Commission of Texas and all other applicable local, state and federal regulations. Grantee shall furnish the grade of service to its customers as provided by its rate schedules and shall maintain its system in reasonable operating condition during the continuance of this Franchise. An exception to this requirement is automatically in effect, but only for so long as is necessary, when caused by a shortage in materials, supplies and equipment beyond the control of Grantee as a result of fires, strikes, riots, storms, floods and other casualties, governmental regulations, limitations and restrictions as to the use and availability of materials, supplies and equipment and as to the use of the services, and unforeseeable and unusual demands

for service. In any of such events, Grantee shall do all things reasonably within its power to restore normal service as quickly as practicable.

Additionally, to ensure compliance with quality-of-service rules of the Railroad Commission and to establish defined service standards to the City of Manvel and its residents, Grantee shall:

- maintain a regional office within one hour drive time to the City;
- maintain a 24/7 call center phone line at 1-800-925-0705. Grantee shall notify the City of any changes to the call center number provided herein;
- provide designated City staff (and/or other personnel designated by the City) with login access to Grantee's GIS software establishing the location of Grantee's pipelines within the City;
- ensure employees (or third-party contractors) of Grantee are at all times located within a one-hour response time in the event of an emergency;
- provide the City with direct point of contact for communication of any issues affecting the City and/or residents of the City related to Grantee's services and/or operations within the City;
- in the event of an emergency, notify the Brazoria County Emergency Services District No. 3, the City police department and/or designated City emergency management staff;
- provide the Brazoria County Emergency Services District No. 3, the City police department and/or designated City emergency management with details of Grantee's emergency management response plan.

SECTION 7. DEPTH OF PIPELINES

After the Effective Date of this franchise, Grantee's main or lateral lines installed or replaced in Public Rights-of-Way shall be installed or replaced at depths which comply with all applicable state and federal rules, regulations and company policies establishing minimum safety standards for the design, construction, maintenance and operation of pipelines. Depth shall be measured from the lower of existing grade or proposed future grade as set forth on plans or other specifications existing at the time such lines are installed or replaced.

SECTION 8. DUTY TO MOVE OR ALTER LINES

- A. Grantor reserves the right to lay or permit to be laid cables, electric conduits, water, sewer, gas or other pipelines and to do or permit to be done any underground work deemed necessary and proper by the Grantor, along, across, over or under the Public Rights-of-Way.
- B. Grantee shall, upon the written request of Grantor, relocate, or modify its System's facilities within Public Rights-of-Way at Grantee's own expense, exclusive of any facilities within the System installed for service directly to the City, whenever such relocation or

modification shall be reasonably necessary to accommodate a municipal purpose, benefitting the health, safety, or welfare of the public.

- C. When Grantee is required by Grantor to remove or relocate its mains, laterals, and other facilities to accommodate construction of streets and alleys by the Grantor, and Grantee is eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Grantee as a result of such removal or relocation, and such reimbursement is required to be handled through Grantor, then Grantee's costs and expenses shall be included in any application by Grantor for reimbursement, if Grantee provides the Grantor its appropriate cost and expense documentation prior to the filing of the application. Grantor shall provide reasonable notice to Grantee of the deadline for Grantee to submit documentation of the costs and expenses of such relocation to Grantor.
- D. When Grantee is required to remove or relocate its mains, laterals or other facilities to accommodate construction of streets or alleys by the Grantor without reimbursement, Grantee shall have the right to seek a surcharge to recover relocation costs pursuant to Section 104.112 of the Texas Utilities Code or any other applicable law or regulations.

SECTION 9. INDEMNITY

IF GRANTOR SHALL REQUIRE THE GRANTEE TO ADAPT OR CONFORM ITS SYSTEM OR IN ANY WAY TO ALTER, RELOCATE OR CHANGE ITS PROPERTY TO ENABLE ANY OTHER PERSON, FIRM, CORPORATION OR ENTITY (WHETHER PUBLIC OR PRIVATE), OTHER THAN THE GRANTOR, TO USE THE PUBLIC RIGHTS-OF-WAY, THE GRANTOR SHALL MAKE DEMAND TO THE OTHER ENTITY TO REIMBURSE GRANTEE FOR ANY AND ALL LOSS, COST OR EXPENSE OCCASIONED THEREBY. GRANTEE AND ITS SUCCESSORS AND ASSIGNS SHALL INDEMNIFY, SAVE, DEFEND, PROTECT AND HOLD CITY AND ITS AGENTS, SUCCESSORS, ASSIGNS, LEGAL REPRESENTATIVES, EMPLOYEES, CONTRACTORS, ELECTED AND NON-ELECTED OFFICIALS AND OFFICERS HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DAMAGES, LOSSES, LIABILITIES, DEMANDS, COSTS, CAUSES OF ACTION, SETTLEMENTS, AWARDS, PENALTIES, FEES ASSESSMENTS, FINES, CHARGES, DEMANDS, LIENS, PUNITIVE DAMAGES, ATTORNEY FEES AND JUDGMENTS OF EVERY KIND OR CHARACTER, KNOWN OR UNKNOWN, FIXED OR CONTINGENT (COLLECTIVELY "CLAIMS") ARISING OUT OF THE ACTS OR OMISSIONS OF THE GRANTEE, ITS SERVANTS, AGENTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES, OR ANY OTHER PERSON OR ENTITY IN CONNECTION WITH THE GRANTEE AND THE OPERATION OF THIS FRANCHISE AGREEMENT, INCLUDING WITHOUT LIMITATION ANY CLAIMS ARISING FROM TORT, PERSONAL INJURY, DEATH, PROPERTY DAMAGE OR NUISANCE, PROVIDED HOWEVER, THAT IN THE EVENT OF SUCH CLAIM OR CLAIMS BEING PROSECUTED AGAINST THE CITY, GRANTEE SHALL HAVE THE RIGHT TO DEFEND AGAINST THE SAME, AND TO SETTLE OR DISCHARGE SAME IN SUCH MANNER AS IT MAY SEE FIT, AND THE CITY SHALL GIVE PROMPT WRITTEN NOTICE TO GRANTEE OF THE PRESENTATION OR PROSECUTION OF SUCH CLAIMS. THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY CLAIMS OR LIABILITY RESULTING FROM THE ACTS, OMISSIONS, OR NEGLIGENCE OF THE CITY, ITS

AGENTS, LEGAL REPRESENTATIVES, EMPLOYEES, CONTRACTORS, ELECTED AND NON-ELECTED OFFICIALS AND OFFICERS OR ANY OTHER PERSON OR ENTITY IN CONNECTION WITH THE CITY.

SECTION 10. GRANTEE'S RATES, RULES AND REGULATIONS

- A. The City reserves the right, power, and authority to regulate and set rates and charges for the services provided within the City of Manvel.
- B. Grantee shall supply natural gas and provide regulated services at the rates and under the terms and conditions specified by such rules, any tariffs filed with Railroad Commission of Texas, available on the Railroad Commission of Texas's website, and attached to this Franchise Agreement as Exhibit A. Grantee shall maintain on file with City copies of its current tariffs, schedules or rates and charges, customer service provisions, and line extensions policies for the duration of this Ordinance

SECTION 11. INSPECTION OF RECORDS

Grantee shall permit Grantor or its agents to inspect, examine and audit, during regular business hours, the books, papers and records kept by Grantee in the ordinary course of business and pertaining to the natural gas business carried on by it in the City, such as plats, maps and atlases identifying Grantee's pipelines in the City, and the books and records necessary to verify the franchise fee payment provided for in Section 12 hereof. Notwithstanding the obligation herein, Grantee shall have the right to the reasonable protection of proprietary information and to provide redacted documents or require Grantor or its agents to enter into such agreements pertaining to confidentiality as may reasonably [necessary to ?] protect the proprietary information of Grantee but which do not unreasonably frustrate the purposes of this Section, except where may be required to be disclosed through subpoena, Public Information Act request, or other law . The City shall compile and maintain a public record of this Ordinance, or other utility franchises.

SECTION 12. CONSIDERATION FOR FRANCHISE: FRANCHISE FEE

- A. As full consideration for the rights and privileges conferred by this Ordinance, Grantee agrees to pay Grantor as follows:
 - [1] Grantee shall collect the Franchise Fee from its Customers and shall pay Grantor a Franchise Fee the sum of which is equal to Five Percent (5%) of the Gross Receipts received by Grantee, per billing period, from the transportation and sale of natural gas for consumption within the municipal corporate limits of the City. The Franchise Fee shall include only Gross Receipts from Gas Sales to Customers located in the City; Gross Receipts from Gas Transportation to Transport Gas Customers with re-delivery points located in the City. All sums due from Grantee shall be in lieu of all other franchise fees, licenses, or occupational taxes, which may be levied or attempted to be levied on Grantee by the City.
 - [2] Grantee shall pay such Franchise Fee collected from its Customers to the Grantor under the terms of this Ordinance, based upon meters read on or after the Effective Date of this Ordinance. During the term of this Ordinance, Grantee shall collect

from its Customers and pay the City on a quarterly basis, on or before the forty-fifth (45th) day following the end of each calendar quarter. Grantee shall include with the Franchise Fee payment a statement showing its collections of Gross Receipts from Gas Sales and Gross Receipts from Gas Transportation in the City, including the calculation of the Franchise Fee for the subject time period. Collection and payment of Franchise Fee shall be final as to both parties unless questioned by written notice provided by one party to the other within one year after payment thereof has been made.

- [3] Any payments that are received after 5:00 P.M. on the due date constitute late payments. Late payments shall accrue interest from such due date until payment is received by the Grantor. Interest shall be calculated in accordance with the interest rate for customer deposits established in accordance with Texas Utilities Code Section 183.003 for the time period involved.
- [4] The Franchise Fee shall be in lieu of and accepted as payment of all of Grantee's obligations to pay all other franchise fees, permit fees, licenses, easement or occupation taxes, levies, exactions, rentals, street-cut fees, inspection fees, right of way inspection fees, franchise fees, easement taxes, or charges of any kind whatsoever which may be levied or attempted to be levied in general by the City for the use of City's Public Rights-of-Way and other rights-of-way, with the sole exception of sales taxes, ad valorem taxes and special assessments which are made without reference to or dependence upon Grantee's franchise or occupancy of the streets and public right of way, e.g., special assessment paving liens.
- [5] Grantor may conduct an audit or other inquiry or may pursue a cause of action in relation to the payment of the franchise fee only if such audit, inquiry, or pursuit of a cause of action concerns a payment made less than three (3) years before the commencement of such audit, inquiry, or pursuit of a cause of action ("Audit Period"). Each party shall bear its own costs of any such audit or inquiry. Upon receipt of a written request from the Grantor, all books and records related to Grantee's operations under this Ordinance shall be made available for inspection and copying no later than thirty (30) days from receipt of such request. If an audit determines underpayments or overpayments occurred during the Audit Period, Grantee shall pay such underpayments and may deduct such overpayments from the succeeding Franchise Fee payment with interest until paid in full at a rate equal to the return on equity granted to Grantee in its most recent proceeding setting rates applicable to customers within the corporate limits of the City.

The rights, privileges, and franchises granted by this Ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time as it may see fit, like privileges, rights, and franchises to any other person or corporation for the purpose of furnishing gas in the City.

Unless expressly set forth herein, or otherwise provided by law, by accepting this Ordinance, Grantee does not agree to be responsible for the payment of franchise fees other

than as expressly set forth herein, or for the payment of franchise fees owed to the City by any other entity, corporation or firm.

SECTION 13. CONDITIONS OF FRANCHISE

This contract, franchise, grant and privilege is granted and accepted under and subject to all applicable laws and under and subject to all of the orders, rules, regulations, and ordinances of Grantor now or hereafter adopted by governmental bodies now or hereafter having jurisdiction.

To the extent that all or any other existing ordinance shall conflict with any provision of this Ordinance, this Ordinance shall prevail upon passage, adoption and acceptance of this Ordinance.

In addition to all other rights, powers and remedies retained by the Grantee and Grantor under this Franchise Agreement or otherwise, in the event a dispute arises regarding the obligations under this Franchise Agreement, the Grantor shall give written notice specifying the nature of the dispute to the Grantee. The Grantee shall have 30 (thirty) days from receipt of such notice to remedy the dispute. If the cure cannot reasonably be completed within such 30-day period, commercially reasonable best efforts to complete such cure shall be used. In the event a remedy does not occur, the Grantor shall give 20 days' written notice of intent to pursue additional judicial and/or legal remedies to the Grantee, including but not limited to injunctions to prevent breaches of this Franchise Agreement and to enforce specifically the terms and provisions of this Franchise Agreement, or termination of this Franchise Agreement. Any termination under this provision shall be by ordinance adopted by City Council. Actions taken by Grantee in order to comply with then-current laws and regulations shall not be considered grounds for a dispute hereunder. Nothing herein shall be construed to limit Grantee's or Grantor's right to seek judicial determination of a breach of this Franchise Agreement.

SECTION 14. INVALIDITY OF ORDINANCE

If any clause, sentence, or section of this Ordinance shall be held to be invalid, it shall not affect the remaining portions of this Ordinance, which shall remain valid and effective as if such invalid provision did not exist, although the parties shall be entitled to a judicial interpretation or construction of this Ordinance to address the validation of such provision by minimal amendment thereof. Further, should any governmental body now or hereafter having jurisdiction determine that Grantee shall not be permitted to collect in whole or in part the compensation due Grantor by others for Transport Gas as set forth in Paragraph (2) of Subsection A of Section 12 of this Ordinance, Grantee shall thereafter have no obligation to make such payment to Grantor and Paragraph (2) of Subsection A of Section 12 shall be of no force and effect with regard to the sale of Transport Gas.

SECTION 15. EFFECTIVE DATE

This ordinance shall take effect and be in full force immediately upon the date of its final passage ("Effective Date").

SECTION 16. NOTICE OF ORDINANCE

Full text of Ordinance shall be published once, within fifteen (15) days following the first reading, in a newspaper of general circulation in the City, and the expense of such publication shall be borne by the Grantee.

SECTION 17. ACCEPTANCE BY GRANTEE

Grantee shall have thirty days from the execution of this Ordinance within which to file in the office of the City Secretary its consent to and written acceptance of the provisions and conditions of this Franchise Agreement.

SECTION 18. REPEALER

Each and every other ordinance or part thereof which is directly in conflict with any provision herein as to the grant of a franchise for natural gas services and the regulation thereof is hereby repealed. City reserves its right to repeal its grant to Grantee, by ordinance, at any time for failure to begin construction or operation within the time prescribed or otherwise comply with the terms of this Ordinance, such power to be exercised only after due notice and hearing.

SECTION 19. SEVERABILITY

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 20. NO WAIVER OF POWER.

In granting this Franchise, the City does not waive its regulatory powers, nor any rights under the Constitution and laws, present and future, of the State of Texas, nor any of its rights under future ordinances which are not in conflict herewith. The enumeration of special duties required of the Grantee shall not be construed as a limitation of the powers and duties conferred upon the City by the Constitution or laws of the State of Texas, or any present or future ordinances; and the Grantee shall perform all duties required by of it, by any valid ordinances not in conflict herewith adopted by the City, and by the laws of the State of Texas.

SECTION 21. CITY RESERVES POWER

The City retains exclusive control over its streets, including (without enumerating all of its powers and without limiting its other powers) the power to lay out, establish, open, alter, widen, lower, elevate, extend, grade, abandon, discontinue, abolish, close, sell, pave, supervise, maintain and improve all of its streets and to construct, maintain and repair sewer pipes, water mains, drainage systems and other public works within its streets. In the exercise of such powers, the City may,

whenever it deems it to be necessary, require the Grantee to alter, lower, elevate, relocate, or remove its pipelines in any such street, as and when required by the City. Such alterations to the Grantee's systems shall be made at Grantee's expense, subject to the Grantee's right to recover such costs from the ratepayers within the City pursuant to Section 104.112 of the Texas Utilities Code.

SECTION 22. VENUE

This Franchise Agreement is performable in Brazoria County, Texas and in the event of a dispute between such parties hereto, by agreement of such parties, venue shall be established in Brazoria County, Texas.

SECTION 23. ANNEXATIONS

Grantor shall promptly notify Grantee in writing of areas newly annexed into or de-annexed from the corporate limits of Grantor, and Grantee shall update its records for the purpose of payment of franchise fees as soon as reasonably practicable after receiving such notice. Upon receipt of notice of annexation from the City, Grantee shall have one hundred eighty (180) days to begin collecting and paying the Franchise Fee for any revenues received from Grantee's customers residing in the newly annexed territories.

SECTION 24. RENEWAL OF FRANCHISE; NOTICE

Upon expiration of the initial ten (10) year term of this franchise, unless one of the parties provides written notice of termination to the other party hereto, this franchise shall be automatically renewed for up to two (2) successive terms, with each renewal term lasting for five (5) years. Either party may provide written notice of termination to the other party prior to the expiration of a renewal term.

Notices to Grantee shall be sent by registered or certified mail, return receipt requested, postage prepaid, and addressed to:

Universal Natural Gas, LLC (d/b/a Universal Natural Gas, Inc.)
Attn: General Counsel
9950 Woodloch Forest Dr.
The Woodlands, Tx 77380

Notices to the City shall be sent by registered or certified mail, return receipt requested, postage prepaid, and addressed to:

City of Manvel
Attn: City Manager
20031 Morris Avenue,
Manvel, Texas 77578
Phone: (281) 489-0630
Facsimile number: (281) 489-0634

Any party may change the address to which notices and other communications hereunder are to be delivered by giving notice to the other party in the manner described herein.

SECTION 25. PROOF OF LIABILITY TO PERFORM UNDER THIS FRANCHISE

At the City's request, the Grantee will provide a copy of its Annual Report to the City Manager each year as proof of its financial ability to perform the duties required by this franchise.

SECTION 26. INSURANCE

During the term hereof, the Grantee shall maintain one or more policies of general liability insurance having policy limits of not less than \$5,000,000.00 per occurrence. The City shall be named as an additional insured. The Grantee shall provide a certificate of insurance evidencing such coverage.

SECTION 27. COMPLIANCE WITH CHARTER AND ORDINANCES.

Grantee's operations and activities within the Public Rights-of-Way in the City shall be subject to all City ordinances, including the City's Right-of-Way Management Ordinance, and the City's Charter. The City Charter shall prevail over any conflicting term of this agreement, unless otherwise in conflict with any federal or state laws. Grantor shall endeavor to provide Grantee with reasonable notice and opportunity to review and comment upon any new or revised City laws that impact Grantee's use of the Public Rights-of-Way, but the failure to do so shall not affect the applicability of such laws to Grantee. Nothing herein shall be deemed a waiver, release or relinquishment of any right by either party to contest, appeal, or file suit with respect to any action or decision of the other party.

Specifically, Grantee acknowledges the requirements of section 9.05 of the City Charter:

Sec. 9.05. - Right of franchise.

All grants, renewals, extensions, or amendments of utility franchises shall be subject to the following rights of the city:

- (a) To repeal the same, by ordinance, at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.
- (b) To require an adequate extension of plant and service as is necessary to provide adequate service to the public, and maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (c) To require at any time compensation and rental for use of public streets, sidewalks, highways, bridges, alleys, and public places.
- (d) To require the franchisee to locate, move, or remove its facilities when needed for the installation, maintenance or repair of city facilities.

(e) To require the franchisee to restore, at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair or removal. The franchise holder in opening and refilling of all earth openings shall repair the pavement and do all other work necessary to complete restoration of streets, sidewalks or grounds to a condition equally as good or better as when disturbed.

(f) To require every franchisee to furnish to the city, in January of each year and without cost to the city, a general map, with updates outlining the location, character, size, length, and terminals of all facilities of such franchise in, over, and under ground of property in the city and to provide detailed information on request in a format as specified by the city.

(g) To impose other regulations, requirements, and conditions as may be deemed necessary to promote the health, safety, welfare, or accommodation of the public and to ensure safe, efficient and continuous service to the public.

SECTION 28. INALIENABILITY OF CONTROL OF PUBLIC PROPERTY.

The sole right to control, easement, use, ownership of, title to the public streets, sidewalks, highways, bridges, alleys, public places, and other real property of the city is hereby declared to be inalienable, except by ordinance adopted by a majority of the city council.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MANVEL, TEXAS, ON FIRST READING ON THIS _____ DAY OF
_____, 2023.**

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MANVEL, TEXAS, ON SECOND AND FINAL READING ON THIS _____ DAY OF
_____, 2023.**

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

The above and forgoing Franchise Ordinance and the grants, franchise, powers, rights and privileges thereto were accepted by Grantee this ____ day of _____, 2023.

UNIVERSAL NATURAL GAS, LLC

By: _____

Name: _____

Title: _____

STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2023, by _____, _____ of UNIVERSAL NATURAL GAS, LLC, and who represents he has been given authority to sign this Agreement by and on behalf of said entity.

[SEAL]

Notary Public in and for the State of Texas

Printed Name: _____

My Commission Expires: _____

RESOLUTION NO. 2023-R-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING TERMINATION OF THE CONTRACT WITH CORE CONSTRUCTION FOR THE NEW POLICE DEPARTMENT BUILDING CONTRACT; APPROVING EXECUTION OF A TERMINATION AGREEMENT; APPROVING THE COMPETITIVE SEALED PROPOSAL PROCESS TO RESUME THE CONSTRUCTION OF THE NEW POLICE DEPARTMENT BUILDING; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, in 2022 the City Council adopted Resolution No. 2022-R-07 which approved the use the “construction manager-at-risk” alternative means of procurement and contracting for construction of the new police department building; and

WHEREAS, the City of Manvel selected a contractor, CORE Construction Services of Texas, Inc., to be the contractor for this project; and

WHEREAS, the contractor has indicated that they are no longer able to perform under the contract and have requested termination of the agreement; and

WHEREAS, the City of Manvel is amenable to mutual termination of the contract with CORE, and the execution of a termination agreement which provides the conditions for said termination; and

WHEREAS, the city now determines, at this stage of the process, that the competitive sealed proposal method of procurement and contracting is the best and fastest way to resume this project and complete it in a timely manner; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The City Council hereby approves termination of the contract with CORE Construction for the construction of the new police department building, pursuant to the terms and conditions of the attached “Termination Agreement.” The form of the “Termination Agreement” is

attached as Exhibit A and the city manager is authorized to execute the agreement in substantially the same form as attached, upon final review by the city attorney.

Section 3. The City Council of the City of Manvel determines that the "competitive sealed proposal" method of procurement and construction will now provide the best value and timing for resuming construction of the Police Department Building, and elects to use this delivery method to resume the project. The city manager is authorized to execute any documentation necessary to proceed to this next step in the procurement and construction process.

Section 4. It is hereby found and determined that the NOTICE OF MEETING relating to the meeting of the City Council at which this Resolution was considered and the posting thereof, was proper and said notice and posting are hereby authorized, approved, resolved, ratified, and confirmed.

PASSED, APPROVED, and RESOLVED this ____ day of _____, 2023.

Debra Davison
Mayor

ATTEST

Tammy Bell
City Secretary

EXHIBIT A
Termination Agreement