

# Pearland, Texas

## Subdivision Ordinance



*Includes all amendments. 6/19/05*

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TABLE OF CONTENTS

	PAGE
SEC. 27-1. GENERAL . . . . .	1609
SEC. 27-2. DEFINITIONS . . . . .	1609
SEC. 27-3. SUBMISSION OF PLATS PROCEDURE . . . . .	1613
(A) Preapplication Procedure . . . . .	1613
(1) Preliminary conference . . . . .	1613
(2) Special provisions . . . . .	1614
(3) Variances . . . . .	1616
(B) Schedule of Fees . . . . .	1617
(C) Preliminary Plat (Plan Plat) . . . . .	1617
(D) Final Plat (Subdivision Plat) . . . . .	1622
SEC. 27-4. GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS	1627
(A) Streets and Alleys . . . . .	1627
(B) Blocks . . . . .	1632
(C) Lots . . . . .	1634
(D) Building Setback Lines . . . . .	1635
(E) Public Use and Service Areas . . . . .	1636.1
SEC. 27-5. IMPROVEMENTS REQUIRED . . . . .	1639
(A) General . . . . .	1639
(B) Minimum Standards . . . . .	1642
SEC. 27-6. PRIVATE STREETS . . . . .	1642
(A) Definition . . . . .	1642
(B) Exceptions to Definition . . . . .	1643
(C) Submission of Plats . . . . .	1644
(D) General Requirements and Design Standards for Private Streets . . . . .	1645
SEC. 27-7. EXCEPTION . . . . .	1647
SEC. 27-8. EXTENTION OF EXTRATERRITORIAL JURISDICTION . . . . .	1647
SEC. 27-9. ADOPTION OF THOROUGHFARE PLAN . . . . .	1648

EXHIBIT A

DESIGN STANDARDS FOR STREET CONSTRUCTION

	PAGE
1.1	SCOPE . . . . . 1
1.2	MINIMUM SECTION FOR MAJOR THOROUGHFARE. . . . . 1
1.3	MINIMUM SECTIONS FOR PRIMARY COLLECTORS . . . . . 2
1.4	MINIMUM SECTIONS FOR SECONDARY COLLECTORS . . . . . 2
1.5	MINIMUM SECTIONS FOR RESIDENTIAL STREETS IN STANDARD R-1, R-2, AND R-3 ZONES. . . . . 3
1.6	MINIMUM SECTIONS FOR RESIDENTIAL STREETS IN LARGE LOT SUBDIVISIONS. . . . . 3
(1)	Reinforced Portland Cement. . . . . 3
(2)	Flexible Base Pavement. . . . . 4
(3)	Roadway Ditches . . . . . 5

EXHIBIT B

DESIGN STANDARDS FOR STORM DRAINAGE IMPROVEMENTS

	PAGE
1.1	GENERAL. . . . . 1
1.2	QUANTITY OF STORM WATER. . . . . 2
1.2.1	Runoff Coefficient . . . . . 2
1.2.2	Rainfall Intensity . . . . . 3
1.2.3	Area . . . . . 4
1.3	STORM DRAINAGE DESIGN. . . . . 4
1.3.1	Surface Drainage on Streets. . . . . 4
1.3.2	Surface Drainage on Private Property . . . . . 4
1.3.3	Storm Sewers . . . . . 4
1.3.4	Open Channels. . . . . 5
1.3.5	Bridges and Culverts . . . . . 6
1.3.6	Hydraulic Gradient . . . . . 6

SUBDIVISION FEE AND PLATTING SCHEDULE

## Chapter 27

### SUBDIVISIONS\*

#### Sec. 27-1. General.

(a) In order to promote orderly development of the area and to secure adequate provision for transportation, drainage, water, sewer and other sanitary facilities, the city hereby adopts the following rules, regulations and requirements for the subdivision or resubdivision of land lying within the corporate limits of the city or within five (5) miles of the corporate limits.

(b) Before any plan, plat or replat of a subdivision or addition of land in the city or within five (5) miles of the city shall be recorded with the county clerk it shall first be approved by the planning and zoning commission.

(c) These rules, regulations and requirements and any future additions thereto and changes thereof will be binding on all new subdivisions within the jurisdiction of the city and must be complied with before approval or acceptance of the streets, utility easements, sanitary sewers, storm sewers, drainage ditches and water distribution systems by the city. (Ord. No. 58, § I, 4-18-63; Ord. No. 421, § 1, 3-23-81)

#### Sec. 27-2. Definitions.

For the purposes of these regulations, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section; in the event such terms are not defined in these regulations, they shall have the meaning ascribed to them in the land use and urban development ordinance of the city.

*Alley:* A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is

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\*Cross references—Building, Ch. 7; electricity, Ch. 9; fire prevention and protection, Ch. 10; health and sanitation, Ch. 13; mobile homes, Ch. 17; streets in mobile home parks, § 17-43; plumbing and gas, Ch. 23; streets and sidewalks, Ch. 26; utilities, Ch. 30.

used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

*Building setback line:* A line which marks the setback distance from the property line, and establishes the minimum required front, side or rear yard space of a lot.

*City:* The term "city" as used in these regulations shall mean the planning and zoning commission, city engineer, city planning department, city building inspector or department of public works, or the City of Pearland, Texas, as the case may be.

*City engineer:* City engineer or a designated representative.

*Commission:* The planning and zoning commission of the city.

*Cul-de-sac:* A street having but one outlet to another street and terminated on the opposite end by a vehicular turnaround.

*Dead-end street:* A street, other than a cul-de-sac, with only one outlet.

*Flood:* A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

*Floodway:* The channel of a watercourse and portions of the adjoining floodplain which are reasonably required to carry and discharge the regulatory flood.

*Floodplain:* That area inundated by storm water run-off equivalent to that which would occur from a 100-year frequency after a total development of the watershed; said area defined by an elevation plus one foot, below which no development may take place unless consistent with these regulations.

*Engineer:* A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

*Lot:* An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be of-

ferred for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed or recorded.

*Pavement width:* The portion of a street available for vehicular traffic where curbs are laid. "Pavement width" is the portion between the face of curbs.

*Planning department:* Director of planning and transportation or his appointed representative.

*Regulatory flood:* A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regulatory flood generally has a flood frequency of approximately one hundred (100) years as determined from an analysis of floods on a particular stream and other streams in the same general region.

*Regulatory flood protection elevation:* The elevation of the regulatory flood plus one foot of freeboard to provide a safety factor.

*Shall, should, may:* The word "shall" is always mandatory. The word "should" is advisory. The word "may" is permissive.

*Street:* A public right-of-way, however designated, which provides vehicular access to adjacent land.

- (a) *Arterial street:* An arterial street primarily provides vehicular circulation to various sections of the city.
- (b) *Collector street:* A collector street primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.
- (c) *Marginal access street:* A marginal access street is a street which is parallel to and adjacent to an arterial street, and primarily provides access to abutting properties and protection from through traffic.

(d) *Minor street*: A minor street is one used primarily for access to abutting residential property.

*Subdivider*: Any person or any agent thereof, dividing or proposing to divide land so as to construct a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

*Subdivision*: The term "subdivision" means the division of any lot, tract or parcel of land into two (2) or more parts, lots or sites, for the purpose, whether immediate or future, of the sale or division of ownership. This definition also includes the resubdivision of land or lots which are part of a previously recorded subdivision. An addition is a subdivision as defined herein. The term "subdivision" includes the division of land whether by plat or by metes and bounds description, and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. A subdivision developed and sold off by metes and bounds description shall meet the minimum lot sizes as set forth in the land use and urban development ordinance of the city.

*Surveyor*: A licensed state land surveyor or a registered public surveyor, as authorized by state statute to practice the profession of surveying.

*Utility easement*: An interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Any office referred to in these regulations by title means the person employed or appointed by the city in that position, or his duly authorized representative.

Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal plan-Supp. No. 13

ning and engineering practices. (Ord. No. 58, § II, 4-18-63; Ord. No. 58D, § 1, 4-26-76; Ord. No. 421, § 2, 3-23-81)

**Sec. 27-3. Procedures for submission of plats.**

*(A) Preapplication Procedure.*

- (1) *Preliminary conference.* It has been in the past, and shall be in the future, the policy of the City of Pearland to endeavor to cooperate with subdividers of property in an effort to promote sound planning in the subdivision of land and to prevent expense errors in platting of property. The rules and regulations as set forth herein have been made after careful study by the commission and the city of existing local conditions and the desirable future of modern subdivision planning principals as recommended by the city staff and consultants and is allowed and is followed by other progressive cities in this state and this general locality. It is not the desire nor the intent of the city or planning commission to regiment the design of subdivisions of property in Pearland and its environs, but rather to recommend the utilization, to the fullest possible extent, of good sound modern subdivision planning principals. It is intended that as much freedom as possible be allowed the individual owners and subdividers in the design and ultimate development of new subdivisions so they will contribute to the community new residential neighborhoods with individuality and character, and, at the same time, provide for sufficient and adequate major and secondary traffic thoroughfares, public utilities, parks and playgrounds and other public grounds that may be required, and to otherwise preserve the integrity of the plans for the city which have been formulated, and to meet the provisions of the comprehensive master plan of the city which is designed and intended to stabilize and protect the established pattern of the best land usage of all property within and to be ultimately added to the city.



- (a) The owner or subdivider of land shall first confer with the planning department and building inspector before preparing the preliminary plat of their proposed subdivision and to secure a copy of the rules and regulations governing subdivisions of land so that they may become thoroughly familiar with subdivision requirements and policies of the city, and with the features, provisions and recommendations of the various plans for the city that may relate to and have affect upon the general area in which the proposed subdivision is situated.
- (b) It is also suggested that each owner or subdivider of land review the comprehensive master plan of the city to ensure a subdivision layout consistent with this plan.

(2) *Special provisions.*

- (a) No building permit shall be issued by the city for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.
- (b) No building, repair, plumbing or electrical permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.
- (c) The developer shall not install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

- (d) The city nor other utility shall not sell or supply any water, gas, electricity, telephone or sewage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (e) In behalf of the city, the city attorney shall, when directed by the city council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of these regulations or the standards referred to herein with respect to any violation thereof which occurs within the city, within the extraterritorial jurisdiction of the city as such jurisdiction is determined under the municipal annexation act, or within any area subject to all or a part of the provisions of this chapter.
- (f) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the city council of the city shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of paragraphs (a), (b), (c) and (d) of subsection 27-3(A)(2) will apply to the subdivision and the lots therein, the city secretary shall, when directed by the city council of the city, cause a certified copy of such resolution under the corporate seal of the city to be filed in the deed records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the city secretary shall forthwith file an instrument in the deed records of such county or counties stating that paragraphs (a), (b), (c) and (d) no longer apply.
- (g) Provided, however, that the provisions of this section shall not be construed to prohibit the issuance

of permits for any lots upon which a residence building exists and was in existence prior to passage of this subdivision chapter, nor to prohibit the repair, maintenance or installation of any street or public utility services for, or to abutting any lot, the last recorded conveyance of which prior to passage of these regulations was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of these regulations.

- (3) *Variances.* The commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings hereinbelow required, the commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the commission finds:
- (a) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land; and
  - (b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
  - (c) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - (d) That 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 these regulations. Such findings of the commission together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these regulations so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

(B) *Schedule of fees.* Subdivision plats submitted to the city for approval must be accompanied by a check made payable to the city for an amount specified in the schedule of fees as determined by the city council from time to time and on file in the office of the city secretary.

(C) *Preliminary Plat (Plan Plat).*

- (1) Following the preapplication conference all persons desiring to subdivide a tract of land within the area above described shall first prepare or cause to be prepared a preliminary plat which shall be filed with the city, together with other supplementary information as specified below:
- (2) The preliminary plat shall be at a minimum scale of one hundred (100) feet to the inch and shall show the following:

(a) Title of the plat should show:

1. The proposed name of the subdivision (check for duplication).
2. The legal description of the location of the subdivision.
3. The total acreage and total number of lots and blocks.
4. The name of the owner (and address unless given in letter of transmittal). If the owner

is a company or corporation, the name of the responsible individual such as the president or vice-president must be given.

5. The name of the registered professional engineer and registered public surveyor responsible for the survey and design. If different from the surveyor of the boundary, so indicate.
  6. Scale: One inch equals one hundred (100) feet minimum (show graphic scale).
  7. North point, (true or magnetic), north to be at the top of the sheet, if possible, or at the left side.
  8. Date; each revision shall bear a new date.
- (b) A location sketch, preferably in the upper right corner of the map, to show the relation of the subdivision to well-known streets, railroads and watercourses in all directions to a distance of at least one mile. Suggested scale one inch equals one mile.
- (c) Boundaries of ownership with bearings and overall dimensions.
1. Area to be subdivided drawn in heavy lines with overall dimensions and bearings.
  2. Lines outside of boundaries to be dashed.
  3. An accurate location of the subdivision in reference to the real estate records of this county, showing a tie to a well-established point for plats inside the city limits or to a survey corner if outside city limits.
- (d) Contours with intervals of five-tenths (0.5) foot, referred to sea-level (U.S. Coast and Geodetic Survey) datum, as required to show at least two (2) contours within the subdivision in addition to those necessary to clearly show outfall drainage. Identify basis of control and temporary benchmark set within the subdivision.

- (e) The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of land which is unsubdivided land.
- (f) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, easements and other important features, such as section lines, political subdivision or corporation lines and school district boundaries, on all sides for a distance of not less than two hundred (200) feet.
- (g) Existing sewers, water mains, culverts, pipelines or other underground structures and other public utilities within the tract and immediately adjacent thereto with pipe sizes, grades and locations indicated.
- (h) All parcels of land intended to be dedicated for public use or reserved in deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
- (i) The proposed plan of subdivision, showing streets, blocks, lots, alleys, easements, building lines, parks, etc., with principal dimensions. The preliminary plat shall cover all of the tract intended to be developed, at any time, even though it is intended by the developer or developers to file plats and install improvements for parts of the tract by sections or units.
- (j) The proposed number and location of all streetlights as shall be appropriate for the location of the subdivision and for the type of development and use contemplated. (Refer to section 27-5(B) (9).)
- (k) The exact location, dimensions, description and flow line of existing water courses and drainage structures within the subdivision.

- (l) Base flood elevations and boundaries of flood-prone areas, including floodways shall meet development permit requirements in accordance with information in Ordinance No. 372, Art. IV, and Art. V, Section C.
  - (m) A preliminary plan for proposed fills or other structure elevating techniques, levees, channel modifications, seawalls and other methods to overcome flood or erosion-related hazards in compliance with temporary base elevation standards of Ordinance No. 372.
  - (n) If the developer and/or owner wishes to plat only a portion of a larger tract, a conceptual plat will be filed to ensure that the development will be consistent with the comprehensive master plan of the City of Pearland.
  - (o) Proposed uses of the land within the subdivision and a copy of restrictive covenants on all residential developments outside the city limits but within Pearland's extraterritorial jurisdiction; a residential density factor will be required based on the computed lots per acre of total development.
- (3) Submittal:
- (a) Prior to submittal to the city, the preliminary plat shall have the approval of the Brazoria County Drainage District No. 4, if the property is situated in Brazoria County, or approval of the Harris County Drainage District, if the property is situated in Harris County.
  - (b) Fifteen (15) prints of the preliminary plat and one reproducible original shall be submitted at least ten (10) days prior to a meeting of the commission without exception.
  - (c) Prints shall be accompanied by the completed form, in triplicate, entitled "Application for Preliminary Approval of Subdivision Plat." (These

forms may be obtained from the city upon request.)

- (d) The owner shall, along with the preliminary plat, submit a certificate or letter from a title guaranty company or a title attorney indicating a current search and certifying to at least the following concerning the title to the land: A statement of records examined and the date of the examination; a description of the property in question, including a metes and bounds description of the tract; the name of the fee owner as of the date of the examination and the date, the file number, the date of filing, and the volume and page of any lienholders; and a general description of any easement or fee strips granted, along with the file number, the date of filing, and the volume and page of recording.
- (e) The draft of any protective covenants whereby the subdivider proposes to regulate the use of the land in the subdivision shall be submitted; provided, however, that such restrictive covenants, conditions or limitations shall never be less than the minimum requirements of the city under the terms of these regulations.
- (f) The city planning department shall check the preliminary plat as to its conformity with the master plan, major street plan, land use plan, zoning districts and the standards and specifications set forth herein or referred to herein.
- (g) Pertinent copies of the preliminary plat data shall be submitted to the city engineer, and he shall check the same for conformity with the standards and specifications contained or referred to herein.
- (h) The city planning department and city engineer shall return the preliminary plat data to the commission with their suggestions as to modifications, additions or alterations of such plat area.



- (i) The city building inspector shall be responsible for interpretation of base flood elevation information and boundaries of flood hazards as described herein and reflecting the temporary base flood elevation standards for residential construction within the City of the City of Pearland, Texas as set forth in Ordinance No. 372.
- (4) On receipt of the preliminary plat and other information, the commission shall render a decision thereon within thirty (30) days. Such decision may consist of approval, disapproval or conditional approval. Conditional approval shall be considered to be the approval of a plat or replat subject to conformity with prescribed conditions, but shall be deemed to be a disapproval of such plat or replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.
  - (5) Preliminary approval will expire six (6) months after the approval by the city of the preliminary plat or of final sections of a preliminary general plan, except that if the subdivider shall apply in writing prior to the end of such six (6) month period, stating the reasons for needing the extension, this period may be extended for another six (6) months but not beyond a total of one year.
- (D) *Final Plat (Subdivision Plat).*
- (1) No final plat shall be considered unless a preliminary plat has been submitted.
  - (2) After the foregoing procedure has been complied with and a preliminary plat approved or conditionally approved by the city, the subdivider shall prepare or cause to be prepared a final plat, or plats, together with other supplementary information as specified herein. The final plat shall conform substantially to the preliminary plat as approved.

- (3) The subdivider may at his discretion, after approval or conditional approval of a preliminary plat, file a final plat or plats covering a portion of the preliminary plat. The remainder of the preliminary plat shall be deemed as approved or conditionally approved as in section 27-3(C)(4) and (5) hereof; provided, however, that such approval or conditional approval of the remainder of the preliminary plat shall be limited to a two (2) year period; provided further, however, that the city may, at its discretion, extend such period of validity.
- (4) The final plat (subdivision plat) shall be drawn on tracing linen in India ink (or shall be a photographic reproduction on lines which is of equal or greater durability), and shall be one of the following sizes: 12" x 18", 18" x 24", 18" x 36", 18" x 48" or 24" x 36". This original tracing is to be filed in the office of the county clerk as a permanent record. A duplicate ink on linen shall be furnished the city for its records. This plat shall be a minimum scale of one inch equals one hundred (100) inches and shall show the following:
- (a) Title of the plat should show:
1. The name of the subdivision.
  2. The legal description and identification of the subdivision including the names of the surveys, with abstract numbers, in which it is situated, which description shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram drawn to scale, and shall show by reference that the subdivision is a particular portion or part of a previously filed plat or recognized grant or partition, which diagram and description shall show as being included in the subdivision, at least all of the smallest unit of the last filed subdivision, plat or grant, out of which the instant subdivision is divided, or so much thereof as is owned by the subdivider.

3. The total acreage and total number of lots and blocks.
  4. The name of the owner (and address unless given in letter of transmittal). If the owner is a company or corporation, the name of the responsible individual such as the president or vice-president shall be given.
  5. The name of the registered professional engineer and registered public surveyor responsible for the plat.
  6. Scale: One inch equals one hundred (100) feet minimum (show graphic scale).
  7. Northpoint, (true or magnetic), north to be at the top of the sheet, if possible, or at the left side.
  8. Date; each revision shall bear a new date.
- (b) A location sketch to show the relation of the subdivision to well-known streets, railroads and water-courses in all directions to a distance of at least one mile, preferably drawn in the upper right-hand corner of the sheet. Suggested scale, one inch equals one mile.
- (c) The boundaries of the subdivision:
1. Ownership drawn in very heavy lines, with overall dimensions and bearings.
  2. Lines outside of boundaries to be dashed.
  3. Provide a tie to a well-established point for plats inside the city or to a survey corner if outside the city.
- (d) The name and adjacent boundary location of the subdivision, streets, easement, pipelines, water-courses, railroad rights-of-way, easements and other important features, such as section lines, political subdivision or corporation lines and school district boundaries, on all sides for a distance of not less than two hundred (200) feet; if acreage, show as such.

- (e) Show all streets and alleys with street names, widths measured at right angles or radially (where curved), complete curve data (R, L, P.C., P.R.C. & P.T.), length and bearing of all tangents between curves.
- (f) All lot, block and street boundary lines, with blocks and lots numbered consecutively. Building lines and easements shall be shown and shall be defined by dimension. All principal lines shall have the bearing given and deviation from the norm indicated. The plat must provide a note stating that all existing pipelines or pipeline easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision.
- (g) Accurate dimensions, both linear and angular, of all items on the plat, the boundary survey on the side shall close within one in ten thousand (1:10,000). Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all essential information given; circular curves shall be defined by actual length of radius and not by degree of curve. Complete dimensional data shall be given on fractional lots.
- (h) The description and location of all lot and block corners and permanent survey reference monuments shall be shown.
- (i) Designate any sites for schools, churches, parks, sewage disposal plants, water plants, business, industry or other special land uses. If the proposed use is unknown, designate as unrestricted. The tracts for nonresidential use should be labeled A, B, C, etc., rather than numbered as blocks and lots.
- (j) Watercourses and ravines, showing high bank and width of existing or proposed easements.

- (k) A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by all owners of any interest in the land. The acknowledgment shall be in the form required in the conveyance of real estate. The approval and acceptance of all lienholders shall be included.
- (l) A certificate by the registered professional engineer, duly authenticated, that the plat is true and correct and in accordance with the determination of surveys actually made on the ground. Also, the certificate should show whether or not the tract is within five (5) miles of the city limits of the city, measured in a straight line from the nearest points on the city limits, unless the information is shown in a suitable manner elsewhere on the face of the plat.
- (m) The final plat submitted to the city and to be filed for record with the county clerk shall not show the construction features such as curblines or public utility lines or other structures not involved in the title covenant.

(5) Submittal of final plat:

- (a) Prior to submittal to the city, the final plat shall have the approval of the Brazoria County Drainage District No. 4, if the property is situated in Brazoria County, or approval of the Harris County Flood Control District, if the property is situated in Harris County.
- (b) Four (4) prints of the final plat and original tracing shall be submitted with the written application for approval at least seven (7) days prior to a meeting without exception.
- (c) Upon request and immediately prior to filing of the final plat, the letter or title certificate required in section 27-3(CX3)d shall be brought up to current date by a supplementary report from the title guaranty company or title attorney.

- (d) A copy of the final restrictive covenants to govern the nature of the use of the property shall be submitted. The city may, in the public interest, require that the restrictive covenants be filed simultaneously with the plat.
- (6) Upon the filing of the final plat and supplementary material, the city shall render a decision within thirty (30) days of receipt thereof. The decision may consist of the approval, disapproval or conditional approval as defined in section 27-3(C) (4) and (5), hereof.
- (7) Final approval will expire one year after city action granting approval of any plat unless the plat has been filed for record, except that if the subdivider shall apply in writing prior to the end of such one-year period stating the reasons for needing the extension, this period may at the discretion of the city be extended for another year but not beyond that period. (Ord. No. 58, § III, 4-18-63; Ord. No. 58C-1, §§ 1, 3, 6-14-71; Ord. No. 421, § 3, 3-23-81; Ord. No. 421-1, § 1, 8-22-83)

**Sec. 27-4. General requirements and minimum design standards.**

**(A) Streets and Alleys.**

- (1) General: The street pattern of a neighborhood should provide adequate circulation within the subdivision and yet discourage excessive through traffic on the local streets. This may be accompanied by providing adequate major thoroughfares spaced at approximately one-mile intervals in accordance with the general plan for the city and secondary through streets within the neighborhood spaced at about half-mile intervals to provide reasonable access to all points in the neighborhood.
- (2) Major street location, alignment, width and cross section shall be determined by the city.

## (3) Streets:

- (a) The arrangement, character, extent, width, grade and location of all streets shall conform to the general plan for the city and shall be considered in their location to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (b) Where such is not shown in the general plan for the city, the arrangement of streets in a subdivision shall either:
  1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  2. Conform to a plan for the neighborhood approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- (c) Curves in major streets are to have a center line radius of two thousand (2,000) feet or more with exceptions to this standard granted only by the city.
- (d) Where a subdivision abuts or contains an existing or proposed arterial street, the city may require marginal-access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (e) Where a subdivision borders on or contains a railroad right-of-way or limited-access highway right-of way, the city may require a street approxi-

mately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate locations. Such distances shall also be determined with due regard



for the requirements of approach grades and future grade separations.

- (f) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the city.
- (g) Street jogs with center line offsets of less than one hundred and twenty-five (125) feet shall be avoided.
- (h) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles, variation of ten (10) degrees on minor streets and five (5) degrees on major or secondary (collector) streets subject to approval of the city.
- (j) Property lines at street intersections shall be rounded with a radius of twenty (20) feet or of a greater radius where the city may deem it necessary.
- (k) Street right-of-way width shall be as shown in the comprehensive master plan of the city and where not shown therein shall be not less than as follows:

<i>Street Type</i>	<i>Minimum Right-of-Way Width (feet)</i>
Major thoroughfare _____	100
Collector _____	70
Minor, for multifamily _____	60
Marginal access _____	40
Minimum open ditch section _____	to be determined by city

<i>Street Type</i>	<i>Minimum Right-of-Way Width (feet)</i>
Minor, for other residences if curb and gutter installed _____	50
Minor, for other residences with open ditch section _____ to be determined by city	

(1) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the city finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, the other remaining half of the street shall be platted within such subdivision, in accordance with section 27-6 of these regulations. Inside the city limits, the partial street may be dedicated, with a one-foot reserve in fee along the property line. Outside the city limits, the following note shall be used on such partial streets:

"This one-foot strip is dedicated as an easement for all utility purposes including storm and sanitary sewers and shall automatically become dedicated for street purposes when and insofar as a one-foot strip adjacent to it is so dedicated."

Provisional one-foot reserves shall be used along the side or end of streets that abut acreage tracts, as follows:

"One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets in subdivision plats where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way pur-

poses (and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns or successors)."

(m) Dead-end streets:

1. Culs-de-sac (dead end streets with turnaround) shall not be longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet except where other than curb and gutter development is used the street property line diameter shall be at least one hundred twenty (120) feet.
2. Temporary turnarounds are to be used where curb and gutter is not installed at the end of a street more than four hundred (400) feet long that will be extended in the future and noted thus: "Cross-hatched area is temporary easement for turnaround until street is extended (direction) in a recorded plat."

(n) Street grades shall be approved by the city.

(o) Trees and shrubs cannot be planted in the street rights-of-way except that on residential streets where the distance between the curb and the sidewalk is a minimum of seven (7) feet, trees may be planted provided the lower limbs are trimmed to a height of seven (7) feet.

(p) Streets on comprehensive plan. Where a subdivision embraces a street as shown on the comprehensive plan of the city, such street shall be platted in the location and of the width indicated by the comprehensive plan.

(q) Curbs. Curbs shall be installed by the subdivider on both sides of all interior streets.

- (r) Street names. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- (s) Streetlights. Streetlights shall be installed by the subdivider at all street intersections within the subdivision and in cul-de-sacs.
- (t) Street signs. Street signs shall be installed by the subdivider at all intersections within or abutting the subdivision. Such signs shall be provided by the city, and shall be installed in accordance with standards of the city with the cost charged to the developer.

(4) Alleys:

- (a) Alleys shall be provided in commercial and industrial districts, except that the city may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- (b) The minimum width of an alley shall be twenty (20) feet.
- (c) Alley intersections and sharp changes in alignment shall be avoided, but where necessary corners shall be cut off sufficiently to permit safe vehicular movement.
- (d) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the city.

(B) Blocks.

- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:

- (a) The provisions of adequate building sites suitable to the special needs of the type of use contemplated.
  - (b) The requirements as to lot sizes and dimensions.
  - (c) The needs for convenient access, circulation, control and safety of street traffic.
  - (d) The limitations and opportunities of topography.
- (2) Block lengths:
- (a) The minimum block length shall be not less than three hundred (300) feet.
  - (b) The maximum block length for residential, one thousand two hundred (1,200) feet, measured along the center of the block.
  - (c) The maximum block length along a major thoroughfare, one thousand six hundred (1,600) feet, except under special conditions and upon approval by the city.
- (3) Sidewalks shall be required in all subdivisions, commercial or residential, as set forth in the following performance standards. Sidewalks shall be installed prior to the issuance of a certificate of occupancy for a building or residence constructed upon a platted lot.
- (a) On the subdivision side of all arterial streets adjacent to the subdivision; and
  - (b) The commission shall determine sidewalk locations in all commercial, industrial, public and multi-family areas; and
  - (c) On both sides of all residential streets.
  - (d) Specifications for sidewalks: Sidewalks shall be constructed in accordance with specifications established therefor by the city and on file with the planning department.

(C) *Lots.*

- (1) The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (2) Lot dimensions shall be as follows:
  - (a) Residential lots served by a public sewer:
    1. Residential lots fronting on any city street where served by the public sewer shall comply with all regulations as set forth in the land use and urban development ordinance of the city.
    2. Residential lots fronting on any city cul-de-sac, where served by the public sewer, shall have a minimum front width of not less than thirty-five (35) feet and shall meet all the regulations of the land use and urban development ordinance of the city.
  - (b) Residential lots where not served by the public sewer shall be not less than sixty (60) feet in width at the building line nor have an area less than fifteen thousand (15,000) square feet for health and sanitation purposes. Such lots shall be laid out keeping in mind the possibility of resubdivision at such time as sanitary sewers become available.
  - (c) Depth and width of properties reserved or laid out for church, club or other semipublic use or for business or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (3) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets. When such lots side upon a ma-

for thoroughfare or collector street, no driveway or garage entrance shall enter on the thoroughfare or collector street. A note to this effect shall be properly entered on the plat to be recorded.

- (4) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- (5) Double frontage, and reverse frontage lots, should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages to topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- (6) Side lot lines shall be substantially at right angles or radial to street lines.
- (7) Development adjacent to floodplains. Land platted in the floodplain shall comply with the provisions of Ordinance 372 of the city.

(D) *Building Setback Lines.*

(1) Residential:

- (a) A minimum twenty-five (25) feet on the front of all lots and ten (10) feet on the side of corner lots; fifteen (15) feet between houses at sides, minimum seven (7) feet off each lot of interior lots, with aggregate of fifteen (15) feet between houses.
- (b) Lots, adjacent to major thoroughfares, minimum thirty-five-foot front building line when lots are facing or minimum twenty-foot rear building line when lots are backing and minimum twenty-foot building line on side when lots are siding.
- (c) Front building lines may be reduced twenty (20) feet in special cases where lot depths are less than one hundred five (105) feet.

- (2) Apartments: A minimum twenty (20) feet on the front of all lots and ten (10) feet on the side of all corner lots.
- (3) Commercial, industrial or other special uses other than residential:
  - (a) When adjacent property has residential lots facing, a minimum twenty-five-foot building line is required.
  - (b) Minimum ten-foot building line on the front of all lots and ten (10) feet on the side of corner lots.
- (4) Transition building lines having a minimum angle of forty-five (45) degrees are to be provided where an offset in building lines is greater than five (5) feet.
- (5) Where residential lots back upon industrial areas or other land uses which may pose a hazardous effect on the residential property, an additional building setback may be required by the city.
- (6) In all cases in which residential lots in a proposed subdivision are crossed by or come within one hundred (100) feet of any existing oil or gas pipeline or pipeline easement, the subdivider shall, prior to and as a condition of city approval of the subdivision, execute the following waiver and hold harmless agreement, which shall be duly acknowledged in the manner provided by law, and which shall thereafter be recorded in the appropriate deed or other permanent county records:

" (Subdivider), by and through its duly undersigned and authorized officer, does hereby state that it fully realizes that it is applying for a permit from the City of Pearland to build within 100 feet of an existing oil or gas pipeline or pipeline easement, and that the City of Pearland considers building near such pipeline or pipeline easement to have certain inherent dangers, including, but not limited to, explosion and release of noxious, toxic and flammable substances. For the aforementioned reasons, (Subdivider) does hereby RELEASE and agrees to forever HOLD



HARMLESS the City of Pearland, Texas, its officers, successors and assigns from all liability in any way arising from the building, use or habitation of the structure described in the said permit.”

(E) *Public Use and Service Areas.* Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

- (1) *Public open spaces:* Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the city, is located in whole or in part in the applicant's subdivision, the city may require the dedication or reservation of such open space within the subdivision up to a total of ten (10) per cent of the gross area or water frontage of the plot, for park, school or recreation purposes.

- (2) *Easements for utilities:* Except where alleys are permitted for the purpose, the city may require easements at least ten (10) feet, for poles, wires, conduits, storm and sanitary sewers, gas and water or other utility lines, along all rear lot lines, along side lot lines if necessary, or if, in the opinion of the city advisable. Easements of the same or greater widths may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities.
- (3) *Drainage easements:*
- (a) Where a subdivision is traversed by a watercourse, drainageway, bayou, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith. Location and width of easements shall be determined by Brazoria County Drainage District Number 4.
- (b) Easements for drainage adjacent to lots, tracts or reserves shall be noted: "This easement shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of the drainage facility and abutting property shall not be permitted to drain into this easement except by means of an approved drainage structure."
- (4) *Platting of public streets or easements across private easements or fee strips.*
- (a) A copy of the instrument establishing any private easement shall be submitted with the preliminary plat.
- (b) Easement boundaries must be tied by dimensions to all adjacent lot and tract corners. Where the private easements has no defined location or

width, an effort shall be made to reach agreement on a defined easement. Where no agreement can be reached, then pipelines shall be accurately located and tied to lot lines and building setback lines shall be shown at a distance of ten (10) feet from and parallel to the center line of the pipeline.

- (c) Prior to approval of the final plat, the developer or dedicator of any subdivision plat wherein public streets or easements are shown crossing private easements or fee strips shall, by letter to the city, assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the city prior to the filing of the plat for record.
- (d) Prior to filing of the final plat for record, the following requirements shall be met:
  - 1. The developer or dedicator of any plat shall obtain from the holder of any private easement or fee strip within the plat crossed by proposed streets or other public easements an instrument granting to the public the use of the public streets or easements over and across the private easements or fee strips for construction, operation and maintenance of those public facilities normally using the type of public streets and easements indicated. This instrument shall be delivered to the city to be filed for record along with the plat.
  - 2. The developer shall furnish the city with a letter from the holder of the private easements or fee strips in question stating that arrangements for any required adjustments in pipelines, electric transmission lines or other similar facilities have been made to the satisfaction of the holder of the easement.

- (5) *Community assets:* In all subdivisions due regard shall be shown for all natural features, such as large trees, water-courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the property.

(Ord. No. 58, § IV, 4-18-63; Ord. No. 58C-1, § 2, 6-14-71; Ord. No. 421, § 4, 3-23-81; Ord. No. 58E, § 1, 7-22-85; Ord. No. 421-3, §§ 1, 2, 8-10-87; Ord. No. 421-5, § 1, 8-8-88)

### Sec. 27-5. Required improvements.

#### (A) *General.*

- (1) When a preliminary plat of a subdivision has been approved, the developer shall submit to the city plans and specifications for all improvements pertinent to the subdivision. The city shall within thirty (30) days of receipt of the plans and specifications approve same if they conform to the requirements of these regulations, or disapprove same giving its reasons therefore in writing to the subdivider. Thereafter, when the subdivider has met the objections, if any, the city shall approve the plans and specifications and forthwith deliver same to the subdivider, his agent or his engineer. Any plans and specifications submitted in connection with a preliminary plat which may have been conditionally approved in section 27-3(C) are subject to the final determination of the conditions of such approval.
- (2) Before beginning any construction of the improvements outlined in this section on proposed roadways or public utilities pertaining to any subdivision coming under the provisions of these regulations, three (3) complete sets of plans, specifications and contracts including performance, payment and maintenance bonds covering the construction, in the form of plats, sketches or other satisfactory written specifications shall be filed with the city. These shall show such features as roadways, cross sections, and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slope, dimensions and specifications concerning public utilities to be installed showing the proposed position on the ground.

specifications of materials and construction, and profile maps of all sanitary and storm sewers showing both ground surface and flow line and any other pertinent information of similar nature.

- (3) Improvements shall be installed within all of the area of any subdivision or portion thereof given final approval and filed or to be filed for record.
- (4) All improvements shall be designated and constructed in conformity with the provisions of these regulations and no construction shall be commenced until these regulations are complied with. It shall be the duty of the subdivider or his engineer to see that this provision is complied with in its entirety.
- (5) Guarantee of performance.
  - (a) A certificate by the city engineer, stating that the construction conforms to the specifications and standards contained or referred to herein, must be presented to the city council prior to final acceptance of the subdivision. Prior to final acceptance by the city council the subdivider shall file with the city a bond, executed by a surety company holding a license to do business in the State of Texas, and acceptable to the city, in an amount equal to fifty (50) per cent of the cost of the improvements required, as estimated by the city engineer, conditioned that the subdivider will keep and maintain such subdivision improvements in good condition for a period of two (2) years after the acceptance of the subdivision by the city. Such bond shall be approved as to form and legality by the city attorney. The subdivider shall file with the city a complete set of reproducible as-built drawings of the subdivision, which shall include water, sewer, storm drainage, streets and other public utilities.

- (b) The city engineer shall inspect the construction of the improvements while in progress, and he shall, upon request of the developer's engineer, inspect such improvements upon completion of construction. After final inspection, he shall notify the city council in writing as to his findings. The city council may reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If they reject such construction, the city attorney shall proceed to enforce the guarantees provided in this chapter.
- (6) There will be no participation by the City of Pearland in the cost of any of the underground utility lines within the subdivision except in the event of the requirements for oversize lines to serve land areas and improvements beyond the subdivision in question, or to serve other subdivisions. Each installation of this character in the terms and extent of city participation will be considered individually upon the merits of each facility and the conditions involved. Trunk lines of such systems to serve the subdivision under consideration will be considered upon each facility's individual merits for each subdivision. Off site, along side, and oversize improvements will be subject to participation only upon the city's agreement to participate.
- (7) Street improvements, curb and gutter, storm sewer and payment: The subdivider of each tract of land will be required to construct, at his own expense, those improvements required to serve the land platted as determined by the commission. Such improvements may include streets, pavement, curbs and gutters, storm sewers and any other improvements, all as required by the City Code of Ordinances and city specifications. The subdivider shall install, construct or reconstruct the same, all according to current City of Pearland standards and specifications as provided in such ordinances, and shall pay all costs including engineering costs covering design, layout and construction super-

vision by the city. The commission may require deposit of an escrow with the city, of an amount sufficient to pay for improvement of one-half of the street and all adjacent improvements. Detailed construction plans, including plan and profile for each street, shall be filed with the submission of the final plat in the same number of copies as required of the final subdivision plat, and failure to supply the same shall be grounds for a denial of the final plat. Streets shall be built to the standards required for the classification such street carries on the city's thoroughfare plan. For medians required by the city for traffic separation and extra traffic lanes required by the city for turning movements onto public streets, the city may require, but shall not pay for, medians or extra lanes required to provide safe ingress or egress for the subdivider's property.

(B) *Minimum standards:* The minimum standards and specifications for improvements within a subdivision, including but not limited to, storm drainage, street pavement, sidewalks, alley payment, sanitary sewers and water lines, shall be those minimum standards and specifications as determined and approved by the city council from time to time and on file in the office of the planning department. Full compliance with said standards and specifications in each subdivision shall be a prerequisite for the final approval of a plat by the city. (Ord. No. 58A, §§ 1, 2, 10-24-68; Ord. No. 58B, § 1, 5-25-70; Ord. No. 58C-1, § 4, 6-14-71; Ord. No. 58B-1, § 1, 2-23-76; Ord. No. 421, § 5, 3-23-81; Ord. No. 421-2, § 1, 5-12-86)

#### Sec. 27-6. Private streets.

(A) *Definition.* Any area, parcel, or strip of land whether or not the same to be depicted or shown as such on any plan, map, or drawing, and which is not a duly dedicated and established public street of and in the city which provides access from any public street to any building or buildings and to which buildings there is no other access from such public street than over the area, strip, or parcel of land in question. The term "private street" as used in this section shall also include any area, strip, or parcel of

land whether or not the same is depicted or shown as such on any map, plan, or plat which provides a connection between any two (2) public streets in the city and which the general public is permitted to use for the purpose of traveling from one of such public streets to the other. Under this definition, the public shall be considered as being permitted to so use such area, strip, or parcel of land if in fact it does so and its use is not obstructed by gates, chains, or watchmen. The mere fact that there may be posted signs prohibiting such use by the public shall not suffice to keep the area from being considered a private street under the terms of this section if in fact the owner thereof does not take and continue to take sufficient steps to actually prevent such use.

(B) *Exceptions to definition.* Notwithstanding the foregoing definition, however, the following shall not be considered "private streets" within the purview of this section, namely:

- (1) Any driveway designed principally to provide access to the outbuildings appurtenant to any principal building, or to provide access to delivery platforms or the entrances of a building appropriate for the delivery thereto of goods or merchandise;
- (2) An area appurtenant to a store or a group of stores, offices, a theatre, a church or any similar establishment, designed primarily to be used as a parking space by customers or patrons of the establishment or group of establishments in question; and
- (3) An entrance way or roadway designed to provide entrance to and/or communication or passage between the several units of a single industrial establishment or of a group of such establishments which are under common control or management; provided such industrial entrance way or roadway shall be considered a private street under the terms of this section if it has entrances upon two (2) or more public streets, unless there are at each of such entrances, gates, chains, or watchmen by which all persons are prevented from using the same except those employed by or having business to conduct at such industrial plants or establishments in question.



- (C) *Submission of plats.*
- (1) *Platting.* Every person, firm or corporation desiring or intending to open, lay out, grade or otherwise improve any private street as defined in this section or desiring to erect any building which shall have over any such private streets its access or its principal access to any public street in the city, shall before opening, laying out, grading or otherwise improving such private street and before applying for a building permit for the erection of any such building, first cause a map or plat to be made of the entire area owned by him or under his control into or across which such private street is to be laid out or opened and shall file the same with the city planning and zoning commission for its approval or disapproval.
  - (2) *Specifications.* Each plat submitted shall accurately describe the entire tract or area of land giving the dimensions thereof and indicating the location of all public streets touching or crossing the same; and shall show the location and dimensions of all buildings within the area and of all buildings which it is proposed to erect therein, with an indication of the location of the principal entrances of each building, and of how access is intended to be had thereto from the nearest public street. On such map there shall also be shown the proposed location and the dimensions of any private street proposed or intended to be opened, laid out, graded, or improved thereon. If the area is proposed to be used for the erection therein of four (4) or more separate buildings, exclusive of outbuildings, designed primarily for residential purposes, the map shall also show the division of the area into lots in accordance with the sales, use or development intended to be made thereof. Plat submitted shall be in accordance with section 27-3 of the Code of Ordinances.
  - (3) [*Required information.*] The face of plats containing private streets shall also show the following information:
    - (a) Number of buildings (containing dwelling units)
    - (b) Number of dwelling units
    - (c) Location of building entrances

- (d) Number of off-street parking spaces required
- (e) Number of off-street parking spaces provided
- (f) Location of existing and proposed fire hydrants

Planned unit development lot and open space data analysis to include:

- (a) Total number of lots
- (b) Total area of lots (in square feet and acres)
- (c) Average lot area ( $b \div a$  in square feet)
- (d) Typical lot size (length and width)
- (e) Total area of common open space (in square feet and acres)
- (f) Average common open space per lot ( $e \div a$ )
- (g) Lot plus common open space ( $c + f$ )
- (h) Total area for: street rights-of-way (both public and private), unrestricted reserves, drainage easements or other areas in square feet and acres
- (i) Dwelling unit density ( $a \div$  total gross area of project, exclusive of unrestricted reserves)

(D) *General requirements and design standards for private streets.*

- (1) *General arrangement and layout.* The pattern or layout of the street system in any project should provide for the following basic design concepts:
  - (a) Provide adequate vehicular access to all buildings and facilities within the plat boundaries;
  - (b) Provide adequate interior traffic circulation and access to all buildings containing dwelling units by fire-fighting personnel and equipment;
  - (c) Provide adequate access to the existing public street system adjacent to the boundaries of the plat, and;
  - (d) Be so designed to allow for the smooth flow of through vehicular traffic, avoiding such traffic hazards as closely off-set intersections, angular and multiple point intersections, jogs and other design features which would induce a hazard to vehicular traffic and the occupants of the project.
- (2) *Width.* Private streets shall have a minimum unobstructed paving width of twenty-eight (28) feet. If parallel parking

is proposed along the private street, additional paving width will be required to accommodate such parking.

- (3) *Dead ends, Cul-de-sacs, L-type and T-type turnarounds.* Dead-end private streets shall be terminated by a circular cul-de-sac having an outside roadway diameter of eighty (80) feet or a T-type turnaround design approved by the city.
- (4) *Names.* Street names shall be designated on any private street, driveway, or access easement shown on any plat submitted to the city planning commission for approval.
- (5) *Length of dead-end streets.* No dead-end private street shall extend further than three hundred (300) feet from the nearest right-of-way line of the intersecting public or private street measured along the center line of said private street to the center of the circular turnaround (cul-de-sac) or the outer limit of the paving in the T-type or L-type turnaround configuration.
- (6) *Intersections.* In those instances where a private street intersects with a public street paved with dual roadways and esplanade, the private street should be located at an established esplanade opening. Private streets shall not be direct (straight line) projections of any public street, except in those instances where such extension is at an intersection with a public street paved with dual roadways and esplanade. Intersections of all streets shall be at right angles with variations not to exceed ten (10) degrees. Right angle intersections of private streets shall have a twenty-foot radius at both corners. Acute angle intersections shall have a twenty-five-foot radius at the acute corner on both public and private streets.
- (7) *Multiple access points to public streets.* All projects containing private streets shall have a private street system so designed to provide adequate emergency vehicular access. (Ord. No. 421-1, § 2, 8-22-83)

**Sec. 27-7. Exception.**

(a) Where any street forms any part of the boundaries of a subdivision and some part of the width of the street has been dedicated or committed to improvement, then the subdivider shall be required to dedicate and/or improve the balance of the width of any such street, but otherwise no improvements shall be required as a prerequisite to the approval of the plat for any existing dedicated street forming a boundary of a subdivision.

(b) Large tract residential subdivisions: Where a parcel is divided into larger tracts than standard minimum sized residential building lots, such parcels shall be so divided as to allow for the opening of major thoroughfares and the ultimate extension of adjacent minor streets. The city may vary the other requirements of these regulations in such a manner as the general welfare of such area may require to permit such large tracts. Where such large tract subdivision is on the basis of lots of five-eighths acres or larger, the subdivider may develop improvements for storm drainage, street pavement, sidewalks, alley pavement, sanitary sewers, and water lines according to the minimum standards and specifications for large lot subdivisions as determined and approved by the city council from time to time and on file in the office of the planning department. Full compliance with said large lot standards and specifications shall be a prerequisite for the final approval of a plat by the city.

(c) Where subdivision is unit of a large tract: Where the proposed subdivision constitutes a unit for a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a conceptual plan of the entire area. (Ord. No. 421, § 6, 3-23-81; Ord. No. 458, § 1, 7-11-83; Ord. No. 421-1, § 3, 8-22-83)

**Sec. 27-8. Extension of extraterritorial jurisdiction.**

(a) Pursuant to Article 970a, Section 4 of the Revised Civil Statutes of the State of Texas, this chapter is hereby extended in its application to include all of the area within the extra-

territorial jurisdiction of the city. The provisions of this chapter shall have the same force and effect within the area of extraterritorial jurisdiction as within the corporate limits of the city, except as provided in subsections (b) and (c) of this section.

(b) No violation of any provision of this chapter outside the corporate limits of the city, but within such city's area of extraterritorial jurisdiction, shall constitute a misdemeanor.

(c) In the event any provision of this chapter is violated within the area of extraterritorial jurisdiction of the city and outside its corporate limits, the city may institute any appropriate action or proceedings in the district court to enjoin such violation. (Ord. No. 189, 2-26-70; Ord. No. 421-1, § 4, 8-22-83)

#### Sec. 27-9. Adoption of thoroughfare plan.

A thoroughfare plan of the City of Pearland, Texas is hereby adopted and placed on file in the office of the city secretary. Such plan bears the legend "Thoroughfare Plan of the City of Pearland, Texas." Such plan shall be from time to time updated and approved by ordinance of the city council. (Ord. No. 421-1, § 5, 8-22-83)

[The next page is 1701]

EXHIBIT A  
CITY OF PEARLAND  
DESIGN STANDARDS  
FOR  
STREET CONSTRUCTION

1.1 SCOPE: These standards are to be adhered to in the design of all streets and roads within the City of Pearland or within the City's Extraterritorial Jurisdiction. All streets within the City Limits and/or Extraterritorial Jurisdiction shall be of reinforced portland cement concrete construction with curbs designed in accordance with current Portland Cement Association practices; shall be of the minimum thicknesses and minimum widths specified in the following sections; shall be constructed on a minimum of 6 inches of lime stabilized subgrade and shall be drained by an adequately designed underground storm sewer system.

1.2 MINIMUM SECTION FOR MAJOR THOROUGHFARE: Thoroughfares shall be defined as through streets which carry an ADT of over 13,000 v.p.d., throughout a length of at least 2 miles, or fit into an arterial pattern and carry an ADT of over 8,000 v.p.d., or carry less 8,000 v.p.d. and are essential to the continuity of existing arterial patterns of streets which are shown in the Comprehensive Plan as a thoroughfare. Arterial streets shall have a minimum paved width of 48 feet

back-to-back of curb; and shall have a R.O.W. width of 100 feet or more. The minimum pavement thickness for arterial streets shall be 7 inches.

1.3 MINIMUM SECTIONS FOR PRIMARY COLLECTORS: Primary Collectors shall be defined as through streets which carry an ADT of 8,000 to 13,000 v.p.d. throughout a length of at least 2 miles, or fit into a collector pattern and carry an ADT of over 5,000 v.p.d., or carry less than 5,000 v.p.d., and are essential to the continuity of existing Primary Collector patterns as defined in the Comprehensive Plan. A Primary Collector shall also be placed adjacent to, and/or within, all areas where the residential density consists of 10 units or more per acre or adjacent to or within all multi-family, business, commercial, or industrial developments. Primary Collectors shall have a width of 41 feet back-to-back of curbs and shall have a minimum R.O.W. width of 70 feet. The minimum undesignated pavement thickness for Primary Collectors shall be 7 inches.

1.4 MINIMUM SECTIONS FOR SECONDARY COLLECTORS: Secondary Collectors shall be defined as through streets which carry an ADT of 2,000 to 8,000 v.p.d. throughout a length of at least 1 mile or fit into a collector pattern and carry an ADT of over 2,000 v.p.d., or carry less than 2,000 v.p.d. and are essential to the continuity of existing Secondary Collector patterns as defined in the Comprehensive Plan. Secondary Collectors shall have a width of 38 feet back-to-

back of curb and shall have a minimum R.O.W. width of 60 feet. The minimum undesigned pavement thickness for Secondary Collectors shall be 6 inches.

1.5

MINIMUM SECTIONS FOR RESIDENTIAL STREETS IN STANDARD R-1, R-2, AND R-3 ZONES; RESIDENTIAL STREETS, ETC: Residential Streets shall be defined as non-through streets which carry an ADT of less than 2,000 v.p.d. and are located in residential areas for the sole purpose of going to and coming from one's home. Residential Streets shall have a minimum width of 28 feet back of curb to back of curb and shall have a minimum R.O.W. width of 50 feet. The minimum undesigned pavement thickness for Residential Streets shall be 6 inches.

1.6

MINIMUM SECTIONS FOR RESIDENTIAL STREETS IN LARGE LOT SUBDIVISIONS: Residential Streets in large lot subdivisions having lots which measure a minimum of 125 feet in width at the R.O.W. line and have an area of  $\frac{5}{8}$  (0.625) acres or more as provided for in Section 27-6 (b) of the Subdivision Ordinance shall conform to the following design standards:

1. A reinforced portland cement concrete pavement 25 feet in width without curbs; a minimum of 6 inches in thickness increasing to a minimum of 8 inches in thickness in the outer 4 feet of the pavement width; constructed on a minimum of 6 inches of lime stabilized subgrade; have a compacted limestone shoulder 6 feet in width and 8 inches in thickness and drained by an open ditch section not less than 1.5 foot nor more than 3



feet in depth. The slope from the outer edge of the limestone shoulder to the bottom of the ditch shall be no steeper than 1 foot vertical to 3 feet horizontal; the bottom of the ditch shall be a minimum of 2 feet in width; the slope from the bottom of the ditch to natural ground shall not be steeper than 1 foot vertical to 1.5 feet horizontal and there shall be a minimum of 3 feet between the top of the bank and the property line. The R.O.W. width shall be a minimum of 70 feet.

2. FLEXIBLE BASE PAVEMENT:

A flexible base pavement structure requirement in capacity to a 6 inch reinforced concrete pavement designed by a Registered Professional Engineer in accordance with the design procedures or the T.D.H.P.T. The surface to be of 2 inch thick Hot Mix Asphaltic Concrete, 24 feet in width; the base to be of crushed limestone conforming to T.D.H.P.T. specifications with crown width of 36 feet and a minimum thickness of 8 inches; subgrade to be lime stabilized a minimum of 6 inches in depth for the entire width of the subgrade crown and drained by an open ditch not less than 1.5 feet nor more than 3 feet in depth. The slope from the outer edge or the limestone shoulder to the bottom of the ditch shall be no steeper than 1 foot vertical to 3 feet horizontal; the bottom of the ditch shall be a minimum of 2 feet in width; the slope from the bottom

of the ditch to natural ground shall not be steeper than 1 foot vertical to 1.5 feet horizontal and there shall be a minimum of 3 feet between the top of the bank and the property line. The R.O.W. width shall be a minimum of 70 feet.

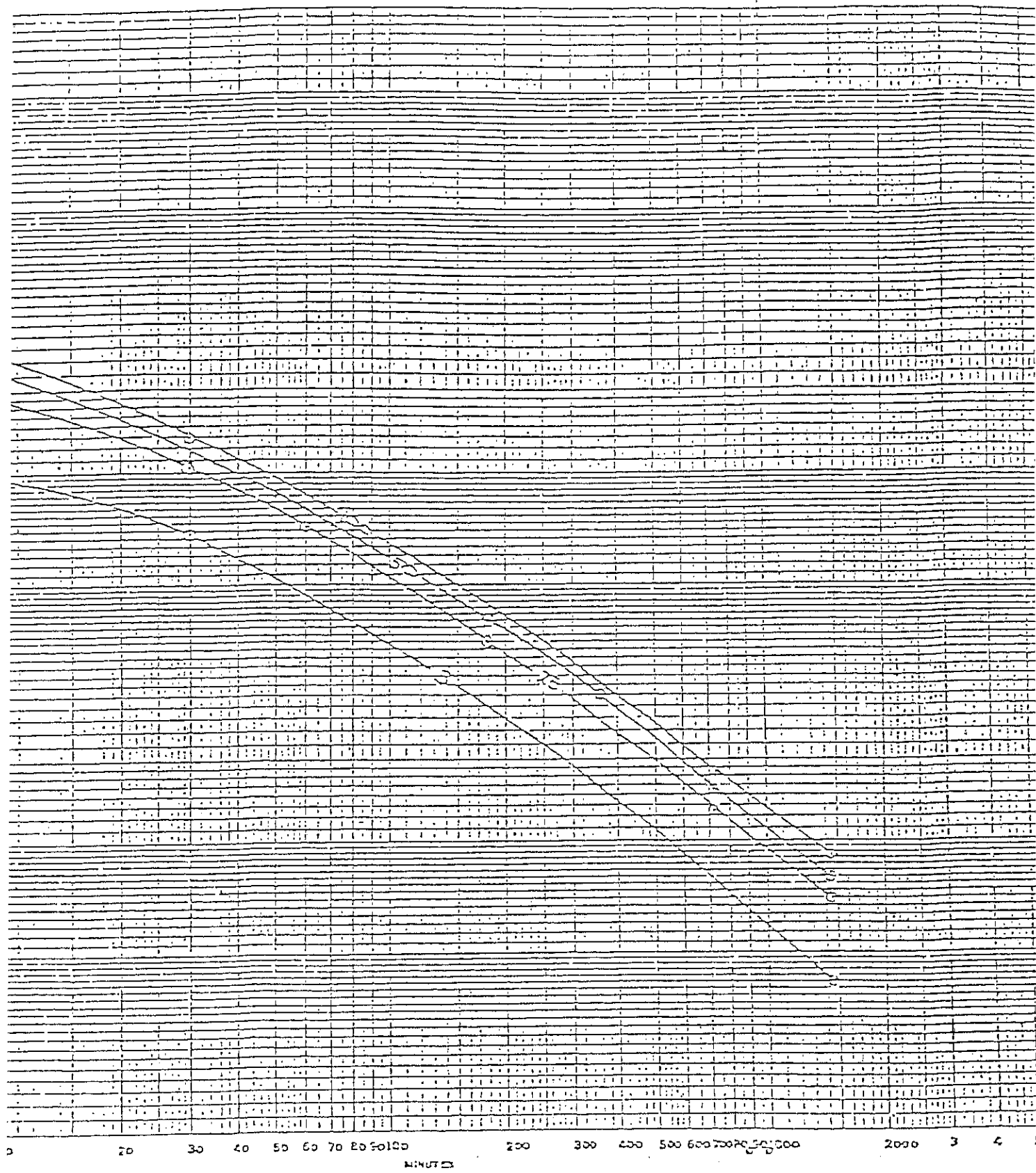
3. Roadway Ditches:

Open ditches to provide drainage for uncurbed pavements shall be of the minimum and maximum sections described in Section 1.6 (1) and 1.6 (2) above; shall be designed to provide the drainage capacity imposed by a 25 year frequency storm at a non-erosive velocity and meet or exceed the requirements contained in Exhibit B, City of Pearland Design Standards for Storm Drainage Improvements.

drainage systems. In open channels, the water surface itself is the hydraulic grade line. Calculation of the hydraulic grade line must be related to the downstream water elevation for the particular design storm.

For the three year design storm the hydraulic grade line in a storm sewer system shall remain below the gutter elevation of the street. For open channels the hydraulic grade line shall be one (1) foot below the lowest top of bank. Allowances must be made for future extensions of the storm drainage system.

At each point of discharge into a channel, the hydraulic grade line of the channel shall be determined for the 100-year design storm. The hydraulic grade line shall not be raised more than 6 inches due to the increased flow caused by the proposed improvements; provided that the water levels do not exceed the bank of the channel if the original level was confined in the banks or does not cause damage to downstream property.



DURATION

Figure 1

EXHIBIT B

CITY OF PEARLAND

DESIGN STANDARDS

FOR

STORM DRAINAGE IMPROVEMENTS

1.1 GENERAL: The design of storm drainage improvements in the City of Pearland shall be based on one of the following methods:

a) For areas of 1,000 acres or less: The design for areas less than 1,000 acres shall be based on the Rational Formula. The formula for calculating storm flows in this manner is

$$Q = CIA, \text{ where}$$

Q is the storm flow in cubic feet per second at a given point design.

C is a runoff coefficient which is the ratio of the maximum rate of runoff to the average rate of rainfall. I is the average intensity of rainfall in inches per hour for the calculated time of concentration at the design point.

A is the drainage area in acres at the design point.

b) For areas of more than 1,000 acres: The unit hydrograph method shall be used in determining the design runoff for watersheds greater than 1,000 acres. The unit hydrographs may be determined by use of the Corps of Engineers computer program HEC-1 with analysis

of the channels to be completed using the Corps of Engineers HEC-2 program. Copies of all computer runs shall be submitted to the City of Pearland for review. Background information may be taken from a Corps of Engineer's report on any major channel for which a report has been published.

Two (2) copies of a map of the total area involved showing individual drainage areas for each inlet, ditch, or point of design shall be submitted with the preliminary plat or design. The area in acres and volume of flow in CFS shall be indicated at each point of design. Calculations showing percent runoff, time of concentration, rainfall intensity, etc. shall be submitted for the approval of the City Engineer.

1.2 QUANTITY OF STORM WATER: The quantity of storm water runoff shall be determined for each inlet, bridge, culvert, or other designated design point by using the following standards as applicable to the above requirements:

1.2.1 Runoff Coefficient: The runoff coefficients to be used in calculating the amount of drainage anticipated from each drainage area/s will be varied according to the land use existing or proposed and will be as follows:

a)	Commercial areas and General Business	0.95
b)	Neighborhood Service, Office and Professional and Multi-Family Areas	0.90
c)	Industrial Areas M1 and M2	0.85
d)	Residential Areas	
	1) Lots $\leq$ 1.0 Acre	0.55
	2) Lots $>$ 1.0 Acre	0.40
e)	Park Areas	0.30

Composit runoff coefficients will be determined in direct proportion when more than one land use exists within a drainage

area, i.e. Planned Unit Development, Plan Approval.

1.2.2 Rainfall Intensity: Rainfall Intensity - Duration - Frequency curves have been developed for 3, 25, 50, and 100 year frequency storms from data contained in Attached Figure 1. These curves as presented in Figure 1 have been determined for durations of 10 minutes to 24 hours. The intensity,  $I$ , in the Rational Formula shall be determined from the time of concentration and design storm frequency.

a) Time of Concentration: The time of concentration shall be calculated for all inlets and pipe junctions in a proposed storm sewer system or other points of analysis. The time of concentration shall consist of inlet time and time of flow in the sewer plus a 10 minute initial concentration time. For drainage areas of one acre or less the time of concentration need not be calculated and a storm duration of 10 minutes may be used as the basis of design.

b) Storm Frequency: Storm frequencies for the storm drainage improvements in the City of Pearland are as follows:

Design Storm Frequency

<u>Type of Facility</u>	<u>Design Frequency (years)</u>
Road Side Ditches & Road Side Culverts	3 years
Storm Sewers	3 years
Culverts, Bridges and Channels	100 years
Creeks	100 years
Detention Ponds	100 years

- 1.2.3 Area: The area used in determining flows shall be calculated by subdividing a map into drainage areas within the basin contributing storm water runoff to the system.
- 1.3 STORM DRAINAGE DESIGN: Before the construction or reconstruction of any street and before the construction of any building or other structure on a site of three or more acres, an engineering investigation shall be made to determine the necessity of on-site or off-site storm drainage facilities to meet the requirements of this ordinance.
- 1.3.1 Surface Drainage on Streets: Storm drainage inlets shall be located and designed so as to limit the depth of water at the face of curb on any Class A street to five inches based on a 5-year frequency storm.
- 1.3.2 Surface Drainage on Private Property: On lots or tracts of three acres or more or on all lots zoned other than single-family residential, storm water runoff shall not be permitted to drain onto adjacent property or streets except in existing creeks, channels, or storm sewers provided easements for the creek, channel, or storm sewer have been dedicated to the City of Pearland or the Brazoria County Drainage District No. 4. In these instances where drainage is to State Highway Department drains or ditches approval by the S.D.H.P.T. must be shown on the plat or by permit/letter.
- 1.3.3 Storm Sewers: Storm water runoff in excess of that permitted to be carried on the surface shall be collected and transported in a storm sewer system. Such storm sewer systems shall be designed using Manning's equation for pipe and channel capacity:



$$Q = A \left[ \frac{1.486}{n} (R)^{2/3} (S)^{1/2} \right]$$

Q = Discharge in cubic feet per second

n = Coefficient of roughness

A = Cross-sectional area of flow in square feet

R = Hydraulic Radius in feet

S = Slope of hydraulic gradient in feet per foot

The coefficient of roughness shall be determined as follows:

<u>Sewer Type</u>	<u>N</u>
Concrete Pipe	0.013
Corrugated Metal Pipe	0.021
Concrete Lined Channel	0.015
Earth Channel	0.045

Storm sewer pipes shall be designed so that the average velocity of flow shall be not less than three (3) feet per second and not more than fifteen (15) feet per second. The outfall shall in all cases be properly protected. The minimum size of storm sewers placed in public right-of-way shall be eighteen (18) inches in diameter or equivalent cross-sectional area. Storm sewers used to drain private property shall be no less than eight (8) inches in diameter. The connection between the private system and the public system shall be no less than fifteen (15) inches in diameter.

1.3.4 Open Channels: When the calculated pipe size for a storm sewer system exceeds seventy-two (72) inches in diameter, storm water runoff may be transported in open channels. Open channels may

be fully lined, partially lined or unlined. All unlined or partially lined channels shall be bordered by an open space on both sides of the channel, a minimum width of twenty-five (25) feet. Maximum earth slopes for unlined or partially lined channels shall not exceed 2:1. Partially lined channels shall consist of a concrete paved bottom and either earth slopes or concrete lined slopes to a height not less than one foot above the design depth of water. Fully lined channels shall consist of concrete lined bottom and slopes extending at least one foot above the height of design water depth. Maximum side slopes for fully lined channels shall be 1:1.

1.3.5 Bridges and Culverts: In addition to satisfying capacity requirements resulting from the application of Manning's formula, bridges constructed to provide crossings of streams and open channels shall have a clear height of one foot above the calculated upstream water depth for the design storm. The side slopes of the channel underneath the bridge shall be protected with concrete riprap. Culverts shall be designed using the Texas Highway Department design criteria. Culverts shall have upstream and down stream slope protection in the form of headwalls or wing walls.

1.3.6 Hydraulic Gradient: In storm drainage systems flowing full, all losses of energy through resistance of flow in pipes must be accounted for by the accumulative head losses along the system. These calculations determine the hydraulic grade line along the storm drain system or the water surface elevation which will exist at each structure.

The hydraulic grade line shall be established for all

drainage systems. In open channels, the water surface itself is the hydraulic grade line. Calculation of the hydraulic grade line must be related to the downstream water elevation for the particular design storm.

For the three year design storm the hydraulic grade line in a storm sewer system shall remain below the gutter elevation of the street. For open channels the hydraulic grade line shall be one (1) foot below the lowest top of bank. Allowances must be made for future extensions of the storm drainage system.

At each point of discharge into a channel, the hydraulic grade line of the channel shall be determined for the 100-year design storm. The hydraulic grade line shall not be raised more than 6 inches due to the increased flow caused by the proposed improvements; provided that the water levels do not exceed the bank of the channel if the original level was confined in the banks or does not cause damage to downstream property.

## SUBDIVISION FEE AND PLATTING SCHEDULE

APPROVED BY THE CITY COUNCIL ON JANUARY 27, 1986

All applications to the Planning and Zoning Commission for the approval of any proposed plat required to be submitted to the Commission shall be submitted to the Code Enforcement Department and shall be accompanied by a filing fee of Three Hundred Dollars (\$300.00). Applicants shall also furnish the Department additional fees as determined by said department in conformance with the following schedule and the Planning and Zoning Commission shall not act upon any plat submitted to it unless all fees as provided herein have been received and certified by the Code Enforcement Department.

The schedule of fees is as follows:

1. Preliminary Subdivision Plats:
  - a. Five Dollars (\$5.00) per designated lot, tract or building site designed for residential purposes or dwelling units where lots are not designated on the plat.
  - b. Twenty-Five Dollars (\$25.00) per acre or any fraction thereof for tracts, blocks, or areas not divided into lots and to be used for commercial, industrial, multiple dwellings or unrestricted uses.
2. Final Subdivision Plats:
  - a. Three Dollars (\$3.00) per designated lot, tract, or building site designated for residential purposes or dwelling units where lots are not designated on the plat.
  - b. Twenty Dollars (\$20.00) per acre or any fraction thereof for tracts,

blocks or areas not divided into lots and to be used for commercial, industrial, multiple dwelling or unrestricted uses.

3. Vacation of Subdivisions:
  - a. Fifty Dollars (\$50.00) per acre (gross area of whole tract) or any fraction thereof.
4. General Overall Plans and Street Dedications  
Street dedication plats - Sixty Dollars (\$60.00) per acre (gross area of street right-of-way being dedicated) or any fraction thereof.
5. Extension of Approval - One Hundred Twenty-Five Dollars (\$125.00) filing fee.
6. Change of Name - One Hundred Twenty-Five Dollars (\$125.00) filing fee.
7. Development Plat - One Hundred Twenty-Five Dollars (\$125.00) filing fee.
8. Amending Plat - One Hundred Dollars (\$100.00) filing fee.
9. Replat (No lot number increase) Three Hundred Dollars (\$300.00) filing fee.

ORDINANCE NO. 421-6

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF CITY OF PEARLAND, TEXAS, AT CHAPTER 27, SUBDIVISIONS, BY ADDING SECTION 27-10 FOR THE PURPOSE OF ESTABLISHING RULES AND PROCEDURES FOR AMENDING PLATS; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Section 212.016 of the Local Government Code authorizes a municipal authority responsible for approving plats to approve and issue an amending plat under certain circumstances;

WHEREAS, the Planning and Zoning Commission has recommended to the City Council that provisions of the aforementioned statute be adopted insofar as they pertain to areas of the City zoned R-1, R-2, R-3, R-4, or MF; now, therefore,

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

Section 1. The Code of Ordinances of City of Pearland, as the same may have been heretofore from time to time amended, is further amended at Chapter 27, Subdivisions, by the inclusion of a new Section 27-10, which shall hereafter read as follows:

"Sec. 27-10. Amending Plat.

(a) The Planning and Zoning Commission may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

- (1) to correct an error in a course or distance shown on the preceding plat;
- (2) to add a course or distance that was omitted on the preceding plat;
- (3) to correct an error in a real property description shown on the preceding plat;
- (4) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (6) to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

- (7) to correct an error in courses and distances of lot lines between two adjacent lots if:
    - (A) both lot owners join in the application for amending the plat;
    - (B) neither lot is abolished;
    - (C) the amendment does not attempt to remove recorded covenants or restrictions; and
    - (D) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
  - (8) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
  - (9) to relocate one or more lot lines between one or more adjacent lots if:
    - (A) the owners of all those lots join in the application for amending the plat;
    - (B) the amendment does not attempt to remove recorded covenants or restrictions; and
    - (C) the amendment does not increase the number of lots; or
  - (10) to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
    - (A) the changes do not affect applicable zoning and other regulations of the municipality;
    - (B) the changes do not attempt to amend or remove any covenants or restrictions; and
    - (C) the area covered by the changes is located in an area that the planning commission has approved, after a public hearing, as a residential improvement area.
- (b) Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
  - (c) An amending plat does not require the approval of the Drainage Commission.
  - (d) The provisions of this section shall be applicable only to those areas of the City which are, or may hereafter be, zoned as R-1, R-2, R-3, R-4, or MF."

Section 2. All rights and remedies which have accrued in the favor of the City under its Subdivision Ordinance, and amendments thereto, shall be and are preserved for the benefit of the City.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This Ordinance shall become effective upon passage of Second Reading.

PASSED and APPROVED on First Reading this 27 day of May,  
A. D., 1992.

  
C. V. COPPINGER  
MAYOR

ATTEST:

  
PAT JONES  
CITY SECRETARY


PASSED and APPROVED on Second and Final Reading this 1 day of  
June, A. D., 1992.

  
C. V. COPPINGER  
MAYOR

ATTEST:

  
PAT JONES  
CITY SECRETARY

APPROVED AS TO FORM:

  
LESTER G. RORICK  
CITY ATTORNEY



**ORDINANCE NO. 741**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, *SUBDIVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, FOR THE PURPOSE OF REQUIRING DEVELOPERS OF PROPOSED PROJECTS TO SUBMIT, FOR APPROVAL OF THE CITY ENGINEER OR HIS DESIGNEE, COMPREHENSIVE DRAINAGE PLANS THAT MEET NATIONAL FLOOD INSURANCE PROGRAM REQUIREMENTS, FEMA REGULATIONS, AND THE CITY'S *DESIGN STANDARDS FOR STORM DRAINAGE IMPROVEMENTS*; PROVIDING A PENALTY FOR VIOLATION; HAVING A SAVINGS CLAUSE, A REPEALER CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION, PUBLICATION AND AN EFFECTIVE DATE.

**WHEREAS**, an increase in the City's economic growth and residential population has resulted in extensive and rapid development in Pearland; and

**WHEREAS**, the need exists to ensure compliance with federal, state, and local flood regulations and insurance requirements to preserve and protect Pearland citizens; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is hereby amended to ADD the following:

"Developers of proposed projects shall submit, for approval of the City Engineer or his designee, comprehensive drainage plans that meet National Flood Insurance Program requirements, FEMA regulations, and the City's *Design Standards for Storm Drainage Improvements*."

**Section 2. Penalty.** Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon final

**ORDINANCE NO. 741**

conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense. Each day such violation continues to exist shall constitute a separate offense. But in case any person, firm or corporation violates any of the provisions of this Ordinance or fails to comply therewith, the City of Pearland, in addition to imposing the penalties above provided, may institute any appropriate action or proceedings in court to prevent, restrain, correct, or abate any illegal act pertaining to development projects within the City; and any violation of the terms of this Ordinance classified as a misdemeanor shall not preclude the City of Pearland from invoking the civil remedies given it by law in such cases; but same shall be cumulative of and in addition to the penalties prescribed for such violation.

**Section 3. Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

**Section 4. Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

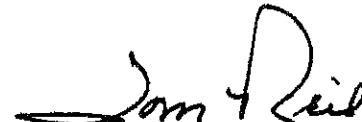
**Section 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ORDINANCE NO. 741

**Section 6. Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**Section 7. Publication and Effective Date.** The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official City newspaper.

PASSED and APPROVED ON FIRST READING this the 12th day of August, A. D., 1996.




TOM REID  
MAYOR

ATTEST:



YOLANDA C. BENITEZ  
CITY SECRETARY

PASSED and APPROVED ON SECOND AND FINAL READING this the 20th day of August, A. D., 1996.




TOM REID  
MAYOR

ORDINANCE NO. 741

ATTEST:

  
\_\_\_\_\_  
YOLANDA C. BENITEZ  
CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
AMY MOTES McCULLOUGH  
CITY ATTORNEY

VOTING RECORD (FIRST READING) AUGUST 12, 1996

Voting "Aye" - Councilmembers Cole, Wilkins, Richardson, Tetens & Beckman  
Voting "No" - None

Motion Passed 5 to 0.

VOTING RECORD (SECOND READING) AUGUST 26, 1996

Voting "Aye" - Councilmembers Cole, Wilkins, Richardson, Tetens & Beckman  
Voting "No" - None.

Motion Passed 5 to 0.

PUBLICATION DATE: SEPTEMBER 4, 1996

EFFECTIVE DATE: SEPTEMBER 13, 1996

PUBLISHED AS REQUIRED BY SECTION 3.10 OF THE CHARTER OF THE CITY OF PEARLAND,  
TEXAS.

**ORDINANCE NO. 741-1**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, *SUBDIVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, TO ADD A NEW SECTION 27-11 TO BE ENTITLED, *PARKLAND DEDICATION*, FOR THE PURPOSE OF ESTABLISHING GUIDELINES FOR THE DEDICATION OF PARKLAND BY RESIDENTIAL SUBDIVIDERS; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the availability of parks and other recreational facilities is crucial to maintaining Pearland's high quality of life; and

**WHEREAS**, as more residential subdivisions are built, it is important to establish new parks so that existing facilities are not overcrowded; and

**WHEREAS**, residential subdividers should share the burden of providing new park and recreation facilities, which increase the property value of new subdivisions; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is hereby amended to ADD a new Section 27-11, to read as follows:

**"Section 27-11. Parkland Dedication.**

The dedication of public parkland or private recreational facilities shall comply with the following parkland dedication requirements and the park master plan of the City's comprehensive plan:

- A. In view of the fact that land, when subdivided, increases in value to the owner and that residential subdividing increases the burden on the city's park and recreation facilities, the city shall require residential subdividers to offset some of this additional burden by dedicating suitable sites for park and recreation purposes or to make a cash deposit to the city in lieu thereof.

## ORDINANCE NO. 741-1

- B. The method of assuring that adequate and suitable areas for park and recreation sites are set aside shall be guided by the comprehensive master plan and shall be governed by the following standards and regulations:
1. The subdivider or developer shall dedicate a site or sites for park and recreation purposes at the time that the plat is recorded at a location(s) recommended by the developer and approved by the Parks and Recreation Director after consultations with the Parks, Recreation, and Beautification Board members, at a ratio of one acre of park for every one-hundred (100) dwelling units. The Planning and Zoning Commission shall have final approval of the site(s) selected. The following definitions and conditions shall apply if there is a site dedication for park purposes:
    - a. The area of the park or recreation site to be dedicated shall be appropriate in area, shape and terrain for the uses intended for it in the park's plan. Areas where pipeline easements exist shall not be considered a part of a proposed park dedication. Where streets, ditches, easements (other than pipeline), or detention ponds infringe on or are part of the area to be dedicated, the Planning and Zoning Commission must agree to the acceptance of those areas. Any infringements that make the area unsuitable for parks and recreation uses shall not be considered as part of the required park dedication acreage.
    - b. When a subdivision or complex is to be developed in stages or units and the required park site is to be provided in future stages or units, a binding agreement concerning the size, improvements and tentative location of the park site(s) must be delivered with the final plat of the first stage or unit. The provisions of this ordinance shall not apply to subdivisions for which the City Council has previously adopted a planned unit development.
    - c. The foregoing subsections shall not apply in the case of a replat of a plat, subdivision or addition that has previously met facility requirements, or the resubdividing or existing single lots, unless the replatting results in an increase in facility requirements.
    - d. Each park and recreation site shall, upon completion of all construction of surrounding facilities, have ready access to a public street.
    - e. Park and recreation facilities in the city shall be dedicated to the city. Park and recreation facilities in the city's police jurisdiction shall be dedicated to the city. If the city does not wish to accept the dedication

## ORDINANCE NO. 741-1

of public parkland in its extraterritorial jurisdiction, it shall be dedicated to the county, municipal utility district, or a homeowners' association (as defined) and subject to acceptance by such entity.

2. The city may elect to accept a fee as an alternative to the dedication of part, or all, of the park land under any of the following conditions:
  - a. Where the subdivision is too small to dedicate park sites sufficiently large enough to be economically operated.
  - b. If an adequately sized community park already exists in the area.

At the time of submission of the final plat for Planning and Zoning Commission approval, the transmittal letter must be accompanied by the appropriate fee (attached as Exhibit "A") or a statement that the appropriate Park Land Dedication is included in the plat. The fee in lieu of park dedication shall be set by the city council and shall be reviewed every two years, or as the market value warrants. Fees collected in accordance with this ordinance shall be deposited in the park and recreation development fund for the purchase of additional park land or the development of parks or recreation facilities.

3. Improvements. The developer may request to combine land, fees, or improvements to the park area by the addition of playgrounds, swimming pools, tennis courts or other similar recreational amenities. The Parks & Recreation Director shall review the developer's request and make a final recommendation to the Planning and Zoning Commission for approval.
4. Applicability. The provisions of this section shall apply to any preliminary plat approved after January 31, 2000."

**Section 2. Savings.** All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed

**ORDINANCE NO. 741-1**

a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 5. Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**Section 6. Effective Date.** The Ordinance shall become effective on January 1, 2000.

PASSED and APPROVED ON FIRST READING this the 22nd day of November, A. D., 1999.



TOM REID  
MAYOR

ATTEST:




YOUNG LORFING  
CITY SECRETARY

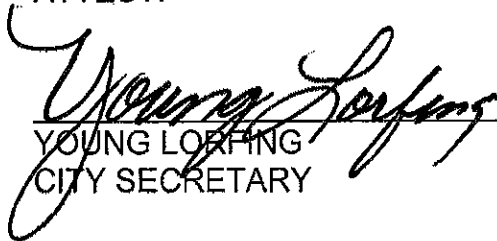


**ORDINANCE NO. 741-1**

PASSED and APPROVED ON SECOND AND FINAL READING this the 13th  
day of December, A. D., 1999.

  
\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

  
\_\_\_\_\_  
YOUNG LORING  
CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY

EXHIBIT "A"

CITY OF PEARLAND PARKLAND DEDICATION FEE

\$350.00 PER DWELLING UNIT

**ORDINANCE NO. 741-2**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, *SUBDIVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, FOR THE PURPOSE OF ESTABLISHING GUIDELINES FOR GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS FOR CUL-DE-SACS AND LENGTHS OF DEAD-END STREETS; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That Section 27-4 (A)(3)(m)1, of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is hereby amended to read as follows:

- "1. Cul-de-sacs (dead end streets with turnaround) shall not be longer than six hundred (600) feet from the centerline of the intersecting street measured along the center line of said street to the center of the circular turnaround (cul-de-sac) and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet except where other curb and gutter development is used the street property line diameter shall be at least one hundred twenty (120) feet.

*Exception:* (dead end streets with turnaround) may be extended to a maximum length of one thousand two hundred (1,200) feet if platted and constructed with a minimum sixty (60) foot right-of-way and thirty-six (36) foot pavement sections (back of curb to back of curb) or if an acceptable all weather emergency access street fitted with 911 locks is provided at the end of the cul-de-sac turnaround. All roadway and property line diameters referenced above (Section 27-4 (A)(3)(m)1 shall apply."

**Section 2.** That Section 27-6 (D)(5), of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is hereby amended to read as follows:

- "(5) *Length of dead-end streets.* No dead-end private street shall extend further than three hundred (300) feet for multi-family developments and six hundred (600) feet for single family detached developments from the centerline of the intersecting public or private street measured along the center line of said private street to the center of the circular turnaround (cul-de-sac) or the outer limit of the paving in the T-type or L-type turn-around configuration.

**ORDINANCE NO. 741-2**

*Exception:* (non multi-family dead end private streets with turnaround) may be extended to a maximum length of one thousand two hundred (1,200) feet if platted and constructed with a minimum sixty (60) foot right-of-way and thirty-six (36) foot pavement sections (back of curb to back of curb) or if an acceptable all weather emergency access street fitted with 911 locks is provided at the end of the cul-de-sac turnaround. All roadway and property line diameters referenced in Section 27-4 (A)(3)(m)1 shall apply."

**Section 3.** **Savings.** All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

**Section 4.** **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.


**Section 5.** **Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 6.** **Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**Section 7.** **Effective Date.** The Ordinance shall become effective after its passage on second and final reading.

ORDINANCE NO. 741-2


PASSED and APPROVED ON FIRST READING this the 12 day of  
February, A. D., 2001.

  
\_\_\_\_\_  
TOM REID  
MAYOR

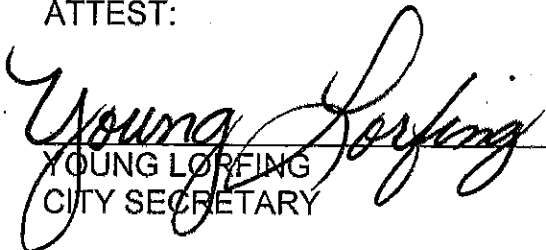
ATTEST:

  
\_\_\_\_\_  
YOUNG LORFING  
CITY SECRETARY

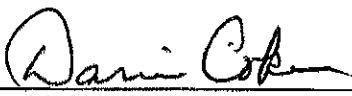
PASSED and APPROVED ON SECOND AND FINAL READING this the 26 day  
of February, A. D., 2001.

  
\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

  
\_\_\_\_\_  
YOUNG LORFING  
CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY

**ORDINANCE NO. 741-2A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, *SUBDIVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, TO DELETE SECTION 27-11, ENTITLED *PARKLAND DEDICATION*, IN ITS ENTIRETY, AND TO ADD CHAPTER 21½, TO BE ENTITLED *PARKLAND DEDICATION*, FOR THE PURPOSE OF ESTABLISHING UPDATED GUIDELINES FOR THE DEDICATION OF PARKLAND BY RESIDENTIAL SUBDIVIDERS; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the availability of sufficient parks and other recreational facilities is crucial to maintaining Pearland's high quality of life; and

**WHEREAS**, as more residential subdivisions are built bringing to Pearland more users of park facilities, it is important to establish new parks so that existing facilities are not overcrowded; and

**WHEREAS**, residential subdividers should share the burden of providing new park and recreation facilities to offset the additional use of park facilities that their subdivisions create; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is hereby amended to DELETE Section 27-11, entitled "Parkland Dedication," in its entirety.

**Section 2.** That Chapter 21½, to be entitled *Parkland Dedication* is hereby ADDED to the Pearland Code of Ordinances to read as follows:

**"Chapter 21½**

**PARKLAND DEDICATION**

## **ORDINANCE NO. 741-2**

### **Section 21½-1. Park Master Plan.**

The City Council shall, every five (5) years or more frequently as the City Council shall deem necessary, adopt a Park Master Plan for the City of Pearland. The Park Master Plan shall show existing and proposed city parks and park facilities. The Park Master Plan shall divide the City of Pearland into park zones, the number and boundaries of which shall be recommended by the City's Park Board.

### **Sec. 21½-2. Definitions.**

(a) *Dwelling unit* shall mean any structure or building or portion thereof designed or used primarily for habitation by one family.

(b) *Family* shall mean an individual, any number of persons related by blood or marriage, or not more than four unrelated persons living as a single housekeeping unit.

### **Sec. 21½-3. Donation prerequisite to final subdivision plat approval.**

No final subdivision plat for any property zoned R-E, R-1, R-2, R-3, R-4, MF, MH, or PUD, in the city shall be approved unless the owner of the property shall have made a park donation pursuant to this chapter.

### **Sec. 21½-4. Methods of park donation.**

The proper method of park donation for a subdivision subject to the park donation requirement shall be determined by the city prior to the approval of the final subdivision plat and shall be based upon the size of the subdivision as follows:

(a) *500 dwelling units or more.* The final plat of any subdivision subject to this chapter that establishes five hundred (500) or more dwelling units shall include dedication of land to the city for neighborhood park purposes. Such dedication shall be at the rate of one acre of land per each 100 dwelling units on the plat.

(b) *100 to 499 dwelling units.* For subdivisions establishing one hundred (100) to four hundred and ninety-nine (499) dwelling units, the City Council, in consultation with the City's Park Board, shall have the sole and final discretion to accept either a dedication of land on the final plat at the above rate, or to require payment of cash in lieu thereof in the amount provided in Section 21½-110.

(c) *Fewer than 100 dwelling units.* The city declares that development of a park of less than one acre is impractical and creates unreasonable and unnecessary maintenance and operating expenditures. Therefore, if the proposed subdivision contains fewer than 100 units, the subdivider shall be required to pay cash in lieu thereof in the amount provided herein. No plat showing a dedication of less than

## **ORDINANCE NO. 741-2**

one acre shall be approved unless the dedicated property may reasonably be developed in conjunction with adjacent park property.

### **Sec. 21½-5. Alternate methods of donation at subdivider's request.**

Any subdivider may submit written request to the City Council, who shall have the sole and final discretion to approve or deny such requests, to satisfy the park donation requirement, in whole or in part, by one or both of the methods below in lieu of the dedication of parkland.

- (a) Payment of a cash donation.
- (b) Construction of improvements to existing public neighborhood park sites located within the same park zone as the subdivision fulfilling the park donation requirement, subject to the following conditions:
  - (1) Such improvements shall be constructed in accordance with a site plan. The site plan will include at a minimum a topographic element including proposed grading, landscaping and beautification elements, site facilities, recreational facilities, and existing and proposed utilities. The site plan shall be drawn at a scale of one inch to 20 feet (or other suitable scale). All approved improvements shall be designed in compliance with the Design Manual for Public Works/Utilities applicable to such improvements. Additionally, the subdivider shall include details related to materials, equipment, methods of construction, warranties, assurances, and indemnifications. All proposed improvements shall be subject to the approval of the City's Parks Director.
  - (2) The site plan must be approved by the City's Parks Director prior to the filing of the final plat.
  - (3) Improvements proposed in the site plan may include one or more of the following neighborhood park improvements. Any improvements proposed by the subdivider, but not included in this list, and/or any improvements which are deemed unnecessary at the site, may be rejected by the city. In addition, the City's Parks Director may approve the provision of any improvement not shown on this list if such improvement is in compliance with the findings and recommendations of the park master plan.
    - (A) Playgrounds (provisions for handicap access and use must be made).
    - (B) Practice athletic fields.



**ORDINANCE NO. 741-2**

- (C) Volleyball courts.
  - (D) Basketball courts.
  - (E) Tennis courts.
  - (F) Multipurpose trails and walkways.
  - (G) Benches and picnic tables.
- (4) All improvements constructed pursuant to this section are subject to final acceptance by the City's Parks Director. If any or all of the improvements are deemed unacceptable, the subdivider shall make up that portion of the park donation requirement that would have been satisfied by the unacceptable improvements by payment of a cash donation prior to the final acceptance of the subdivision by the city.

**Sec. 21½-6. Approval of parkland proposed to be dedicated.**

- (a) Parkland that is proposed to be dedicated to the city to fulfill the park donation requirement must be approved by the City's Parks Director. If the City's Parks Director determines that the subdivision fulfilling the park donation requirement is located in a park zone that already has sufficient neighborhood parkland in the public domain, or that the land proposed to be dedicated is not suitable for the city's park needs, the city shall have the right, in its sole and final discretion, to refuse the dedication of land and require payment of cash in lieu thereof at the rate set out in Section 21½-107 (a) and in the amount provided in Section 21½-110, or to require a combination of land and cash in lieu of land in appropriate amounts as provided herein.
- (b) No parkland shall be accepted to satisfy the park donation requirement unless it meets the following criteria:
  - (1) The parkland shall be located in the same park zone as the subdivision fulfilling the park donation requirement.
  - (2) The parkland shall be clearly visible to public safety vehicles and the neighborhood residents.
  - (3) Pedestrian and vehicular access to the parkland shall be available from one or more public streets. Street frontage shall be required to ensure public access to the parkland.
  - (4) The parkland shall be of suitable width, depth, topography and size to

## **ORDINANCE NO. 741-2**

permit the development and/or construction of facilities listed herein and as described in the park system master plan. This requirement may vary from subdivision to subdivision depending upon the specific need being served by the dedication.

- (5) Potable water, sanitary sewer, and electric power shall be readily available to the parkland from an adjacent street right-of-way or public utility easement.
  - (6) The parkland shall be free of easements, pipelines, overhead utilities, and other conditions which prohibit the effective use of the property as a neighborhood park.
  - (7) The subdivider shall remove all dead trees, trash, refuse, and waste materials from the dedicated parkland prior to its acceptance.
  - (8) The parkland shall have adequate drainage as determined by the city engineer, who shall review all construction plans for any detention or retention proposed to be built on the property.
- (c) Parkland proposed to be dedicated to the city to satisfy the park donation requirement that is located in the floodway as determined by the city engineer, may only be accepted by the City's Parks Director if
- (1) it is adjacent to parkland not located in the floodway that is also being dedicated and does not constitute more than 50% of the entire tract of parkland being dedicated for park donation, and
  - (2) it is credited toward the park donation requirement at the discounted rate of three acres per 100 dwelling units.
- (d) The city council may consider and approve for dedication any area which does not meet the standards of this section if it determines that the acceptance of such dedication would be in the best interest of the public.

### **Sec. 21½-7. Calculation of cash donation.**

If the park donation requirement is to be satisfied by payment of cash, the amount of such cash payment shall be calculated as provided herein. The council shall, after reasonable study and investigation, and based upon the best available information as to land and property values within the community, determine what the cost would be of acquiring one acre of vacant land in a developing area of the community. This figure divided by one hundred shall be the park fee per dwelling unit, and it shall be established by ordinance and adjusted at the discretion of the City Council. The

## **ORDINANCE NO. 741-2**

amount of cash donation required for a development or portion thereof shall be calculated by multiplying the number of dwelling units in the subdivision or portion thereof by the park fee per dwelling unit.

### **Sec. 21½-8. Deadline for park donation.**

- (a) If the park donation requirement is to be satisfied by the dedication of approved parkland, such dedication must appear on the final plat of the subdivision sought to be approved prior to that plat's approval and be substantially in the form of "Dedicated to the City of Pearland for use as a public park."
- (b) If the park donation requirement is to be satisfied by payment of a cash donation, such payment shall be calculated and made prior to the approval of the final plat for the subdivision.
- (c) After the park donation requirement is satisfied by the dedication of parkland or the payment of a cash donation, if such donation is later rendered insufficient for the subdivision because the number of dwelling units established by the subdivision is greater than the number of dwelling units reflected on the final plat of the subdivision, the subdivider shall be obligated to correct the insufficiency by payment of a cash donation to cover the increased number of dwelling units. Such cash donation shall be paid prior to the issuance of certificates of occupancy for the additional dwelling units.
- (d) If the park donation requirement is to be satisfied by the construction of park site improvements, said improvements must be finally accepted by the city prior to the final acceptance of the subdivision by the city.

### **Sec. 21½-9. Application to replats.**

If a replat is filed that increases the number of dwelling units from the previous plat, the park donation requirement shall apply to the additional dwelling units.

### **Sec. 21½-10. Expenditure of collected funds.**

- (a) *Special fund.* There is hereby established a special fund for the deposit of all sums paid in lieu of parkland dedication under this article. This fund shall be known as the parkland dedication fund. Monies may be expended from this fund only for the purchase, lease or other acquisition of parkland and open space; the improvement, preparation and maintenance of such areas and sites; the installation of utilities to such sites; the construction of landscaping, play equipment or recreational improvements on such sites; or attendant engineering and planning costs associated with such park activities. Monies placed in this fund may not be utilized for any other general business activity of the city. All

## **ORDINANCE NO. 741-2**

expenditures from this fund shall be made in accordance with the city's Park Master Plan and shall be approved by the City Council.

- (b) *Right to refund.* The city shall account for all sums paid in lieu of parkland dedication under this article with reference to the individual plats involved. Any funds paid for such purposes must be expended by the city within ten years from the date received by the city for acquisition and/or development of city parks. Such funds shall be considered to be spent on a first in, first out basis. If not so expended, the subdivider or the owner of the subdivision on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage or area basis. The owners of such property must request such refund within one year of entitlement, in writing, or such right shall be forfeited.
- (c) *Geographic limits of use of funds.* All funds accumulated through the payment of cash in lieu of parkland dedication shall be identified as being attributable to the park zone where the subdivision is located, and shall be so designated in the parkland dedication fund. All expenditures from the parkland dedication fund shall be expended only for land or improvements within the zone from which received, unless the city council determines that existing conditions preclude the effective acquisition or development of parkland or recreation facilities, such as a lack of undeveloped sites, in which case the funds collected from one zone may be expended in a contiguous zone. In no case shall the funds be expended at distance greater than two miles from the boundary of the zone from which the funds were collected.
- (d) *Contributions by individual organizations.* Any individual organization or entity desiring to make a contribution to the park and recreation system of the city may contribute funds to be placed in this account. Once funds have been placed in this specific account, they can only be expended as provided in this section."

**Section 3.** **Savings.** All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

**Section 4.** **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a

**ORDINANCE NO. 741-2**


separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 5. Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

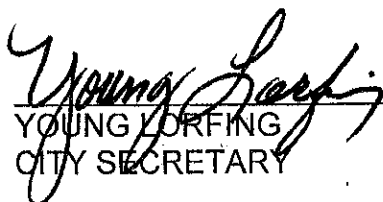
**Section 6. Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**Section 7. Effective Date.** The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption, in the official City newspaper.

PASSED and APPROVED ON FIRST READING this the 10th day of  
March, A. D., 2003.

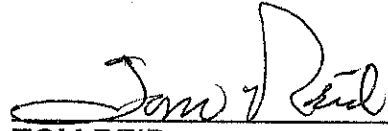
  
\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

  
\_\_\_\_\_  
YOUNG LORFING  
CITY SECRETARY

ORDINANCE NO. 741-2

PASSED and APPROVED ON SECOND AND FINAL READING this the 24th day  
of March, A. D., 2003.

  
\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

  
\_\_\_\_\_  
YOUNG LORFING  
CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY

EXHIBIT "A"

CITY OF PEARLAND PARKLAND DEDICATION FEE

\$350.00 PER DWELLING UNIT

**ORDINANCE NO. 741-3**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, *SUBDIVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, FOR THE PURPOSE OF PROMOTING ORDERLY DEVELOPMENT IN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That Section 1.6 of Exhibit A, of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is repealed and a new Section 1.6 of Exhibit A hereby adopted to read as follows:

1.6 OPEN DITCH SUBDIVISIONS AND ASPHALT STREETS PROHIBITED: Open ditch subdivisions and asphalt streets are prohibited, subject to the following exceptions:

1. Open ditch subdivisions and asphalt streets shall be permitted in areas developed in conformance with "RE" zoning as specified in the City's Land Use and Urban Development Ordinance.
2. A variance is granted in accordance with section 27-3 (A) (3) of this chapter.

**Section 2.** That Exhibit B, of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is repealed and a new Exhibit B hereby adopted to read as follows:

**EXHIBIT B**

1. All storm drainage improvements constructed in the City of Pearland or its Extraterritorial Jurisdiction shall conform to the Storm Drainage Design Criteria Requirements for the City of Pearland
2. All perimeter drainage and detention required by this ordinance shall be constructed and operational prior to construction of any site earthwork or improvements.
3. Subject to Section 27-3 (A)(3) variances, storm water detention facilities requiring mechanical pumping systems are prohibited.



**ORDINANCE NO. 741-4**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, *SUBDIVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, FOR THE PURPOSE OF PROMOTING ORDERLY DEVELOPMENT IN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That Exhibit B, of Chapter 27, Subdivisions, of the City of Pearland Code of Ordinances, is hereby amended to read as follows:

**EXHIBIT B**

1. All storm drainage improvements constructed in the City of Pearland or its Extraterritorial Jurisdiction shall conform to the Storm Drainage Design Criteria Requirements for the City of Pearland and the maintenance requirements set forth in Chapter 13, *Health and Sanitation*, of the Pearland Code of Ordinances.
  2. All perimeter drainage and storm water detention required by this ordinance shall be constructed and operational prior to construction of any site earthwork or improvements.
  3. All storm water detention facilities requiring mechanical pumping systems are generally prohibited. However, pumped detention shall be allowed under the following conditions:
    - a. The discharge delivery system shall not exceed the design values described in City of Pearland Resolution No. 2003-49, and shall not exceed the project pre-developed storm flow characteristics (flow rate and water level) in the receiving out fall(s).
    - b. Two pumps minimum shall be required, each capable of providing the design discharge rate. If three pumps are used, any two pumps must be capable of handling the design discharge rate. The total discharge pumping rate shall not exceed the design discharge rate.
-

**ORDINANCE NO. 741-4**

- c. A gravity overflow route and outfall must be submitted to the City Engineer for approval. Pumping from detention into an existing storm sewer is prohibited unless the pre-developed land already drains into an inlet and storm sewer system.
  - d. Pumped detention shall not be allowed for detention basins that collect public water runoff, except for detention basins owned, operated and maintained by the City or Brazoria Drainage District #4. Public water runoff shall be defined as run off water that originates from the property of more than one property owner.
  - e. For detention basins collecting non-public (originates from a single property owner) runoff water that utilize mechanical pumping systems, a cash amount, equal to the fair market value cost of the pumps and their installation, shall be deposited with City and placed into escrow prior to approval of the final plat, or prior to the issuance of a building permit if platting is not required. This deposit shall be placed in a permanent interest bearing account for the use of the City to maintain the pump system in the event the owner fails to maintain the pump system in accordance with the requirements of the City.
4. Any prohibition of mechanical pumping systems provided for in this chapter shall not apply to the pumping of dead storage (maintenance or amenity water stored at or below discharge pipe control level).
5. All requests for a variance from the requirements contained herein shall be in conformance with the criteria set forth in Section 27-3 (A)(3) of the Subdivision Ordinance and subject to any conditions placed upon the applicant by the City Engineer.

**Section 2. Penalty.** Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500.00).

**ORDINANCE NO. 741-4**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, *SUBDIVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, FOR THE PURPOSE OF PROMOTING ORDERLY DEVELOPMENT IN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

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

**Section 1.** That Exhibit B, of Chapter 27, Subdivisions, of the City of Pearland Code of Ordinances, is hereby amended to read as follows:

EXHIBIT B

1. All storm drainage improvements constructed in the City of Pearland or its Extraterritorial Jurisdiction shall conform to the Storm Drainage Design Criteria Requirements for the City of Pearland and the maintenance requirements set forth in Chapter 13, *Health and Sanitation*, of the Pearland Code of Ordinances.
2. All perimeter drainage and storm water detention required by this ordinance shall be constructed and operational prior to construction of any site earthwork or improvements.
3. All storm water detention facilities requiring mechanical pumping systems are generally prohibited. However, pumped detention shall be allowed under the following conditions:
  - a. The discharge delivery system shall not exceed the design values described in City of Pearland Resolution No. 2003-49, and shall not exceed the project pre-developed storm flow characteristics (flow rate and water level) in the receiving out fall(s).
  - b. Two pumps minimum shall be required, each capable of providing the design discharge rate. If three pumps are used, any two pumps must be capable of handling the design discharge rate. The total discharge pumping rate shall not exceed the design discharge rate.

**ORDINANCE NO. 741-4**

- c. A gravity overflow route and outfall must be submitted to the City Engineer for approval. Pumping from detention into an existing storm sewer is prohibited unless the pre-developed land already drains into an inlet and storm sewer system.
  - d. Pumped detention shall not be allowed for detention basins that collect public water runoff, except for detention basins owned, operated and maintained by the City or Brazoria Drainage District #4. Public water runoff shall be defined as run off water that originates from the property of more than one property owner.
  - e. For detention basins collecting non-public (originates from a single property owner) runoff water that utilize mechanical pumping systems, a cash amount, equal to the fair market value cost of the pumps and their installation, shall be deposited with City and placed into escrow prior to approval of the final plat, or prior to the issuance of a building permit if platting is not required. This deposit shall be placed in a permanent interest bearing account for the use of the City to maintain the pump system in the event the owner fails to maintain the pump system in accordance with the requirements of the City.
4. Any prohibition of mechanical pumping systems provided for in this chapter shall not apply to the pumping of dead storage (maintenance or amenity water stored at or below discharge pipe control level).
5. All requests for a variance from the requirements contained herein shall be in conformance with the criteria set forth in Section 27-3 (A)(3) of the Subdivision Ordinance and subject to any conditions placed upon the applicant by the City Engineer.

**Section 2. Penalty.** Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500.00).

**ORDINANCE NO. 741-4**

**Section 3. Declaration of Emergency.** The Council finds and determines that the need to promote orderly development in the City and its Extraterritorial Jurisdiction inures to the benefit of the public and, therefore, bears directly upon the health, safety and welfare of the citizenry; and that this Ordinance shall be adopted as an emergency measure, and that the rule requiring this Ordinance to be read on two (2) separate occasions be, and the same is hereby waived.

**Section 4. Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 6. Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 7. Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**Section 8. Publication and Effective Date.** The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official city newspaper.

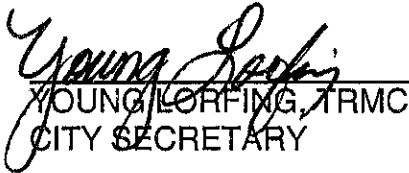
**ORDINANCE NO. 741-4**

PASSED and APPROVED ON FIRST AND ONLY READING this the 5<sup>th</sup> day of May, A. D., 2003.




TOM REID  
MAYOR

ATTEST:



YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM



DARRIN M. COKER  
CITY ATTORNEY

VOTING RECORD FIRST AND ONLY READING  
MAY 5, 2003

Voting "Aye" - Councilmembers Tetens, Viktorln,  
Owens, and Seeger.

Voting "No" - Councilmember Marcott.

Motion passes 4 to 1.

PUBLICATION DATE: May 7, 2003

EFFECTIVE DATE: May 17, 2003

PUBLISHED AS REQUIRED BY SECTION 3.10 OF  
THE CHARTER OF THE CITY OF PEARLAND, TEXAS

**ORDINANCE NO. 741-5**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, *SUBDIVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, FOR THE PURPOSE OF PROMOTING ORDERLY DEVELOPMENT IN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

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

**Section 1.** That Section 27-4(B)(3), of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is hereby amended to read as follows:

- “(3) Sidewalks shall be required in all subdivisions, commercial or residential, as set forth in the following performance standards. Sidewalks shall be installed prior to the issuance of a certificate of occupancy for a building or residence constructed upon a platted lot.
- a) On the subdivision side of all arterial streets adjacent to the subdivision; and
  - b) The commission shall determine sidewalk locations in all commercial, industrial, public and multi-family areas; and
  - c) On any side of a minor street that abuts residential property, except within subdivisions that utilize open ditches for the drainage of storm water.
  - d) Specifications for sidewalks: Sidewalks shall be constructed in accordance with specifications established therefore by the city and on file with the planning department.”

**Section 2. Penalty.** Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500.00).

**Section 3. Declaration of Emergency.** The Council finds and determines that the need to promote orderly development in the City and its Extraterritorial Jurisdiction

**ORDINANCE NO. 741-5**

inures to the benefit of the public and, therefore, bears directly upon the health, safety and welfare of the citizenry; and that this Ordinance shall be adopted as an emergency measure, and that the rule requiring this Ordinance to be read on two (2) separate occasions be, and the same is hereby waived.

**Section 4. Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 6. Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 7. Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**Section 8. Publication and Effective Date.** The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official city newspaper.




**ORDINANCE NO. 741-5**

PASSED and APPROVED on First and Only Reading this the 9<sup>th</sup> day of May,  
A.D., 2005.



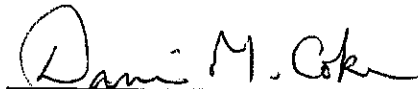
**TOM REID  
MAYOR**

ATTEST:



**YOUNG LORFING, TRMC  
CITY SECRETARY**

APPROVED AS TO FORM



**DARRIN M. COKER  
CITY ATTORNEY**

**VOTING RECORD FIRST AND ONLY READING**

**MAY 9, 2005**

Voting "Aye" - Councilmembers Tetens, Owens, Viktorin,  
Marcott, and Cole.

Voting "No" - None.

Motion passes 5 to 0.

PUBLICATION DATE: May 18, 2005

EFFECTIVE DATE: May 28, 2005

PUBLISHED AS REQUIRED BY SECTION 3.10 OF  
THE CHARTER OF THE CITY OF PEARLAND, TEXAS

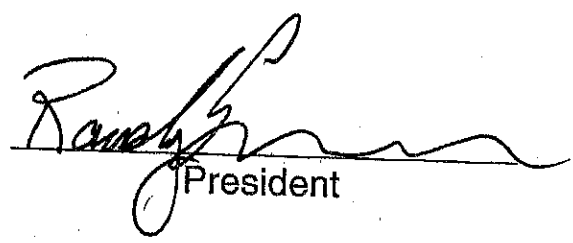
# AFFIDAVIT OF PUBLICATION

The Pearland Reporter News  
2404 South Park  
Pearland, Texas 77581

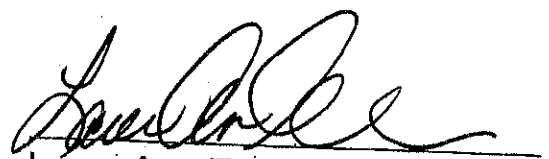
State of Texas  
Brazoria and Harris Counties

I, Randy Emmons, hereby certify that the notice hereby appended was published in Brazoria and Harris Counties in THE REPORTER NEWS, a newspaper of general circulation in Brazoria, Harris & Galveston Counties, for 1 issues, as follows:

No. <u>1</u>	Date <u>May 18</u>	20 <u>05</u>
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____
No. _____	Date _____	20 _____

  
President

Subscribe and sworn to before me this 19 day of May  
2005

  
Laura Ann Emmons, Publisher  
Notary Public, State of Texas

Published May 18, 2005

**ORDINANCE NO. 741-5**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, SUBDIVISIONS, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, FOR THE PURPOSE OF PROMOTING ORDERLY DEVELOPMENT IN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

**Section 2. Penalty.** Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500.00).

PASSED and APPROVED ON FIRST AND ONLY READING this the 9th day of May, A.D. 2005.

s/ Tom Reid

Mayor

ATTEST:

/s/ Young Loring, TRMC  
City Secretary

APPROVED AS TO FORM:

/s/ Darrin M. Coker  
City Attorney

VOTING RECORD FIRST  
AND ONLY READING

MAY 9, 2005

Voting "Aye" - Councilmembers Cole, Marcott, Viktorin, Owens and Tetens.

Voting "No" - None  
Motion passes 5 to 0

PUBLICATION DATE:

MAY 18, 2005

EFFECTIVE DATE:

MAY 28, 2005

PUBLISHED AS

REQUIRED BY SECTION  
3.10 OF THE CHARTER  
OF THE CITY OF  
PEARLAND, TEXAS.

1

**ORDINANCE NO. 1023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ORGANIZING DEVELOPMENT AND BUILDING FEES IN ONE ORDINANCE TO IMPROVE CUSTOMER SERVICE; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, various departments of the City charge fees for permits and other services related to new developments; and

**WHEREAS**, these various fees are currently scattered throughout the City's Code of Ordinances; and

**WHEREAS**, the organization of all such development fees into one ordinance would enhance efficiency in the dissemination of information regarding fee amounts and the fee amendment process and improve customer service; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That the charges and fees contained in the attached Exhibits "A" through "H" are hereby adopted.

**Section 2.** **Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

**Section 3.** **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a

**ORDINANCE NO. 1023**

separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 5. Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**Section 6. Publication and Effective Date.** The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption, in the official City newspaper.

PASSED and APPROVED ON FIRST READING this the 27<sup>th</sup> day of August,  
A. D., 2001.

  
\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

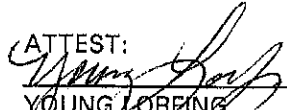
  
\_\_\_\_\_  
YOUNG LORFING  
CITY SECRETARY

**ORDINANCE NO. 1023**

PASSED and APPROVED ON SECOND AND FINAL READING this the 10<sup>th</sup> day of September, A. D., 2001.



TOM REID  
MAYOR

ATTEST:  
  
YOUNG LORING  
CITY SECRETARY

APPROVED AS TO FORM:

  
DARRIN M. COKER  
CITY ATTORNEY

VOTING RECORD (SECOND AND FINAL READING  
SEPTEMBER 10, 2001)

Voting "Aye" - Councilmembers Tetens, Owens, Marcott,  
Wilkins, and Seeger.

Voting "No" - None.

Motion passes 5 to 0.

PUBLICATION DATE: SEPTEMBER 12, 2001

EFFECTIVE DATE: SEPTEMBER 22, 2001

PUBLISHED AS REQUIRED BY SECTION 3.10 OF  
THE CHARTER OF THE CITY OF PEARLAND, TEXAS

FEEES FOR  
ZONING CHANGE REQUESTS

- (A) 0 to less than 25 acres:
1. \$250 plus \$25 per each type of zoning requested on a tract of land; or
  2. \$400 if Planned Unit Development.
- (B) 25 to less than 50 acres:
1. \$300 plus \$25 per each type of zoning requested on a tract of land; or
  2. \$450 if Planned Unit Development.
- (C) 50 to less than 75 acres:
1. \$350 plus \$25 per each type of zoning requested on a tract of land; or
  2. \$500 if Planned Unit Development.
- (D) 75 to less than 100 acres:
1. \$400 plus \$25 per each type of zoning requested on a tract of land; or
  2. \$550 if Planned Unit Development.
- (E) 100 acres and over:
1. \$450 plus \$25 per each type of zoning requested on a tract of land; or
  2. \$600 if Planned Unit Development.

- a. For residential purposes or dwelling units where lots are not designated on the plat, \$6.00 per designated lot, tract, or building site.
- b. For tracts, blocks, or areas not divided into lots and to be used for commercial, industrial, multiple dwellings, or unrestricted uses, \$30.00 per acre or any fraction thereof.

(B) Final Subdivision Plats:

1. \$400.00 filing fee, plus
2. The platting fee, as follows:
  - a. For residential purposes or dwelling units where lots are not designated on the plat, \$4.00 per designated lot, tract, or building site.
  - b. For tracts, blocks, or areas not divided into lots and to be used for commercial, industrial, multiple dwellings, or unrestricted uses, \$25.00 per acre or any fraction thereof.

(C) Vacation of Subdivisions:

Fee amount: \$100.00 per acre (gross area of whole tract) or any fraction thereof.

(D) Extension of Approval:

Fee amount: \$150.00 filing fee.

(E) Amending Plat:

Fee amount: \$150.00 filing fee, plus \$4.00 per lot increase. (No lot number increase greater than six (6)).



(F) Replat: See "Final Plat":

Fee amount: \$200.00, plus \$4.00 per lot increase.

(G) Recheck of Plats and Associated Construction Drawings:

1. Fee amount: \$200.00.
2. Payment deadline: Due upon or before resubmission of corrected plat or drawing.

(H) Park Dedication:

3. Fee amount: \$350.00 per residential unit, or 1 acre/100 units, at discretion of City.
4. Payment deadline: Due before approval of final plat.

BUILDING FEE SCHEDULE

## (A) Civil Site Work Permit

1. Fee Amount: Percent of construction value -- \$15.00 for first \$1,000.00; \$5.00 for each \$1,000 or fraction thereof thereafter.
2. Payment Deadline: Due before issuance of site work permit.

## (B) Plan Check Fee:

1. Fee Amount: An amount equal to one-half of building or civil site work permit fee.
2. Payment Deadline: Due upon plan submission.

## (C) Building Permit:

1. Fee Amount: Percent of construction value -- \$63.04 per square foot for commercial or residential; \$33.04 per square foot for detached garage).
2. Payment Deadline: Due before issuance of building permit.

## (D) Sign, Fence, and Miscellaneous Building Permits:

1. Fee Amount: Percent of construction value -- \$15.00 for first \$1,000.00; \$5.00 for each \$1,000.00 or fraction thereof thereafter.
2. Payment Deadline: Due before issuance of building permit.

## (E) Water &amp; Sewer Impact Fee:

1. Fee Amount: \$2,968.00 per single family equivalent.
2. Payment Deadline:
  - a. If at existing building:
    - (1) due before connection; or
    - (2) paid via 36-month payment plan with interest, subject to City Manager's approval.
  - b. If at new building, due before issuance of building permit.

## (F) Water &amp; Sewer Prorata Fee (limited areas):

## 1. Fee Amount:

a. *Park Street between Walnut and Pear Streets:*

	<u>Lots 1-23 of Block 25</u>	<u>Lots 26-44 of Block 26</u>
Water -	\$354.29 per 25' Lot (\$14.17 per linear foot)	\$354.29 per 25' Lot (\$14.17 per linear foot)
Sewer -	\$537.83 per 25' Lot (\$21.51 per linear foot)	

b. *Pearland Parkway between Barry Rose Road and Mary's Creek:*

Water - 96.9 acres at \$776.00 per acre

Sewer - 360.2 acres at \$584.33 per acre

c. *FM 518 at FM 1128 west of Reid Boulevard:*North Side of FM 518   South Side of FM 518

Sewer - \$44.60 per linear foot   \$53.91 per linear foot

d. *Service Area 1 (South of Beltway 8, North of Clear Creek, West of State Highway 288, and East of FM 521):*

Water - 1638 acres at \$41.00 per acre

Sewer - 1638 acres at \$15.00 per acre

e. *Service Area 2 (South of Broadway Street, North of County 59, East of County Road 48, and West of State Highway 288):*

Water - 521 acres at \$74.00 per acre

Sewer - 2221 acres at \$33.00 per acre

2. Payment Deadline:
  - a. If platting, before approval of final plat.
  - b. If not platting, before issuance of building permit.

(G) Water and/or Sewer Tap Fee:

1. Fee Amount: Actual cost.
2. Payment Deadline:
  - a. If at existing building, before connection.
  - b. If at new building, before issuance of building permit.

(H) Meter Set (where tap is already installed):

1. Fee Amount: \$250.00.
2. Payment Deadline: Due before connection.

(I) Water and/or Sewer Deposit:

1. Fee Amount: \$75.00.
2. Payment Deadline:
  - a. If at existing building, before connection.
  - b. If at new building, before issuance of building permit.

(J) Pearland Parkway Street Light Charge:

1. Fee Amount: \$1,200.00 per pole.
2. Payment Deadline:
  - a. If platting, before subdivision acceptance.
  - b. If not platting, before issuance of certificate of occupancy.

- (K) Street Light Operation and Maintenance Escrow (Two Years):
  - 1. Fee Amount: \$16.00 - \$25.00 per light per month (minimum = \$384.00 per light).
  - 2. Payment Deadline:
    - a. If platting, before subdivision acceptance.
    - b. If not platting, before issuance of certificate of occupancy.
- (L) Construction Inspection of Streets, Drainage, Water, and Sanitary Sewer Facilities for New Subdivision Construction:
  - 1. Fee Amount: One percent (1%) of direct construction cost, not including engineering, survey, testing, and contingencies.
  - 2. Payment Deadline: payable prior to approval of final plat.
- (M) Traffic Impact Analysis Review/Thoroughfare Amendment Review Fee
  - 1. Fee Amount: \$750.00
  - 2. Payment Deadline:
    - a. Development within City Limits:
      - 1) If platting, before approval of final plat.
      - 2) If not platting, before issuance of building permit.
    - b. Development in ETJ: Due before approval of final plat.
- (N) Variance Application Fee
  - 1. Fee Amount: \$250.00.
  - 2. Payment Deadline: Due at time of application.

ELECTRICAL FEE SCHEDULE

## (A) Electrical Permit - Permit fee is the total of the following per item charges:

1.	Meter Loop & Service (includes four outlets) .....	\$6.00
2.	Outlets, Including Switches .....	\$0.25
3.	Fixtures .....	\$0.15
4.	Range Receptacle .....	\$1.25
5.	Clothes Dryer .....	\$1.25
6.	Cooking Top .....	\$1.25
7.	Ovens .....	\$1.25
8.	Garbage Disposal .....	\$1.25
9.	Dishwasher .....	\$1.25
10.	Electric Heater .....	\$1.25
11.	Water Heater .....	\$1.25
12.	Window Air/Washer Receptacle .....	\$1.25
13.	Motors up to but not including ½ h.p. ....	\$0.60
14.	½ h.p. and less than 10 h.p. ....	\$2.50
15.	10 h.p. and less than 50 h.p. ....	\$5.00
16.	Temporary Saw Pole .....	\$10.00
17.	Temporary Cut In .....	\$10.00
18.	Reconnection Fee .....	\$10.00
19.	Transfer .....	\$10.00
20.	Temporary Lighting and Equipment Connections ....	\$5.00
21.	Temporary, such as Carnivals or Shows .....	\$15.00
22.	Minimum Fee .....	\$24.00
23.	Fee for Issuing Permit .....	\$1.00

## (B) Electrical License Fees

1. Master - \$50.00
2. Journeyman - \$25.00
3. Apprentice - \$15.00

MECHANICAL PERMIT FEE SCHEDULE

Permit Fee is the total of the following per item charges:

(A)	Heating and Air Conditioning .....	\$10.00 + \$2.00 per 1000
(B)	Refrigeration .....	\$10.00 + \$2.00 per 1000
(C)	Cooling Tower .....	\$2.00
(D)	Vent System (Bathroom) .....	\$5.00
(E)	Duct Extensions .....	\$5.00
(F)	Vent Hood (Commercial) .....	\$5.00
(G)	Air Conditioning Outlets .....	\$2.00
(H)	Kitchen Vent (Residential) .....	\$2.00
(I)	Commercial Kitchen (Makeup Air) .....	\$2.00
(J)	Mobile Home .....	\$25.00
(K)	Repairs per 1000 of job cost .....	\$2.00
(L)	Miscellaneous (Dryer, Water Heater, etc.) .....	\$2.00
(M)	Application Fee .....	\$15.00

PLUMBING FEE SCHEDULE

(A) Plumbing Permit - Permit Fee is the total of the following per item charges:

## 1. Plumbing

a.	Sewer Collection System .....	\$15.00
b.	Water Distribution System .....	\$5.00
c.	Water Closet .....	\$2.50
d.	Tubs/showers .....	\$2.50
e.	Urinals .....	\$2.50
f.	Disposal and Dishwasher .....	\$2.50
g.	Washing Machine .....	\$2.50
h.	Air Conditioning Trap .....	\$2.50
i.	Basin, Sink .....	\$2.50
j.	Miscellaneous .....	\$2.50
k.	Hose Bib/Vacuum Breaker .....	\$2.50
l.	Grease Trap .....	\$15.00
m.	Tanks 1,000 Gallon .....	\$20.00
n.	Tanks 6,000 Gallon .....	\$30.00
o.	Sample Well .....	\$10.00
p.	Plumbing Permit Fee .....	\$15.00

## 2. Gas

a.	Central Heating Plant .....	\$25.00
b.	Commercial Oven .....	\$2.50
c.	Commercial Dryer .....	\$2.50
d.	Central Heating .....	\$2.50
e.	Floor Furnace .....	\$2.50
f.	Wall Heater .....	\$2.50
g.	Space Heater .....	\$2.50
h.	Unit Heater .....	\$2.50
i.	Cooking Range .....	\$2.50
j.	Dryer .....	\$2.50
k.	Water Heater .....	\$2.50
l.	Bake Oven .....	\$2.50
m.	Gas Piping .....	\$10.00
n.	G. T. O. .....	\$10.00
o.	Fireplace .....	\$2.50
p.	Miscellaneous .....	\$2.50



(B) Irrigation Permit - Permit Fee is the total of the following applicable charges:

1.	Water Distribution System .....	\$5.00
2.	Backflow Preventor Device .....	\$2.50
3.	Sprinkler Heads to 25 .....	\$10.00
4.	Sprinkler Heads to 50 .....	\$20.00
5.	Each Additional Sprinkler Head .....	\$0.20
6.	Permit Fee .....	\$15.00

HEALTH AND SANITATION FEE SCHEDULE

(A)	Food Handlers Cards - 1 year .....	\$10.00
(B)	Food Handlers Cards - 2 year .....	\$15.00
(C)	Health Certificates	
1.	1 - 5 employees .....	\$75.00
2.	6 - 10 employees .....	\$100.00
3.	11 - 15 employees .....	\$125.00
4.	16-20 employees .....	\$150.00
5.	21 or more employees .....	\$200.00
6.	Mobile Unit .....	\$150.00
7.	Additional Unit .....	\$50.00
8.	Produce Vendor .....	\$75.00
9.	Club/Tavern .....	\$75.00
10.	Temporary (1-10 Days) .....	\$15.00
11.	Other .....	\$25.00

MISCELLANEOUS FEES

(A)	Garage Sale Permit .....	\$15.00
(B)	Occupancy Permit .....	\$50.00
(C)	Reinspection Fee .....	\$35.00
(D)	Returned Check Fee .....	\$25.00