

Town of Pine Island  
Planning & Development Ordinance | Table of Contents

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**DRAFT – FOR REVIEW AND COMMENT ONLY**

1.1. In General

A. Preamble

The Town of Pine Island City Council declares it to be the purpose and intent of this Planning and Development Ordinance to establish a uniform procedure for the protection and enhancement of the city through the integration of land use, transportation, and natural resource elements to preserve and strengthen Pine Island as a unique and vibrant community.

Suburban sprawl, strip commercial development, and infill development that is incompatible with surrounding development due to massing and scale when set into a traditional rural community such as Pine Island, can produce an adverse effect on town character and quality of life. Conventional planning models and zoning ordinances can produce linear development, homogeneous architecture, large expanses of asphalt, and a proliferation of signage – all of which diminish the native prairie landscape that defines Pine Island’s identity and ecological character.

Careful city-wide planning can allow new development to be successfully blended into the existing community without compromising the rural character of Pine Island. The purpose of this Ordinance is to implement appropriate regulations based on the Town of Pine Island Comprehensive Plan to protect the public health, safety, and welfare and to direct Pine Island’s smart growth. The Town also seeks to enhance open space conservation, including the protection and restoration of native prairies and landscapes, and provide for a mixed-use community and alternative transportation opportunities through a pedestrian/bicycle/equestrian network compatible with the surrounding landscape.

The City Council recognizes that segregated land uses lead to traffic congestion and promote sprawl and continued reliance on the automobile for transportation. The Council further recognizes that conventional subdivision development causes roads that are not interconnected, thus hampering opportunities for alternative transportation. In order to preserve Pine Island’s rural ambiance, guidelines are necessary to prevent the continuation of segregated land uses, incompatible infill development, and continued reliance on the automobile. The primary goal of this Ordinance is to protect the public health, safety, and welfare and to protect the character of the Town while utilizing appropriate standards and criteria to direct future development in harmony with the Town of Pine Island. The objectives also include the safe and efficient use of the roadways, and the encouragement of quality, sensible development in keeping with the rural character of Pine Island.

A further purpose is limitation on large-footprint buildings and the parking lots which create vast impervious surfaces incompatible with the hydrology of the native coastal prairie. The construction of new, smaller scale traditional buildings along the roadside and frontage can assist in achieving the desired effect by buffering views of asphalt lots and maintaining visual continuity with the open prairie landscape.

The Town also seeks to enhance open space conservation and access to nature and recreation, with particular emphasis on the preservation and active restoration of native coastal prairie ecosystems. Open space conservation would be achieved through a density-neutral approach and set aside of remaining undeveloped land through conservation easements, contributing to a connected prairie corridor across the region.

The Town wishes to focus upon the compatibility of forms, scale, massing, and materials such that new structures will conform to neighboring community features and standards, and more closely reflect the rural character and landscape of the community. New structures should be reasonably harmonious with open, low-profile character of the prairie. Height, mass and roof shape are important elements. The consideration of development that preserves the integrity of residential neighborhoods shall carry great weight. More specifically, see the Town of Pine Island Comprehensive Plan, which is incorporated herein and made a part hereof by reference

## 1.2. Purpose and Intent

### A. Generally.

As authorized under chapter 211 of the Texas Local Government Code, the general purpose and intent of this Planning and Development Ordinance is to protect the public health, safety, and general welfare, and to implement the policies and objectives in the Town of Pine Island Comprehensive Plan, other adopted plans, and design criteria as may be amended from time to time. The Planning and Development Ordinance is intended to:

- a. Secure safety from fire, panic, and other natural and man-made dangers;
- b. Protect life and property in areas subject to floods, landslides, and other natural disasters;
- c. Provide adequate light and air;
- d. Lessen congestion in the streets while enhancing pedestrian and vehicular movement with the least detriment to environmental quality;
- e. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements to avoid transportation and public service and facility demands that cannot be satisfied; provide for orderly growth of the community and of government services and facilities;
- f. Ensure that development and resource decisions are sustainable not only for the current residents of Pine Island but for future residents and generations;
- g. Preserve the viability of Pine Island as a location to conserve and enhance the value of the investments of the people living and/or investing in Pine Island;
- h. Promote the economic stability of existing and compatible land uses that are consistent with the comprehensive plan and protect them from intrusions by incompatible land uses;
- i. Encourage the conservation of energy by encouraging the use of products and materials that maximize energy efficiency; and,
- j. Encourage the fiscal resiliency of the Town of Pine Island through sound development regulation and infrastructure design.

### B. Reasonable Consideration

This Ordinance is drawn with reasonable and able consideration, among other things, as to the character of each zoning district and its peculiar suitability for particular structural designs and uses, and with a view to conserving the value of buildings and property and encouraging the most appropriate structural designs and uses of land throughout the Town of Pine Island.

## 1.3. Short Title

- A. This document shall be officially known as the Planning and Development Ordinance of the Town of Pine Island, Texas, and is referred to throughout this document as “this Ordinance” or “the Planning Ordinance”, or the “PDO”.

1.4. Enactment and Effect

- A. This ordinance, and its provisions, shall apply to all applications received on or after its effective date. Any application received prior to its effective date shall be processed under the provisions of any ordinances in effect on the date that the application was received and deemed complete. However, for any application pending at the time of the effective date of this title, the city manager will change the zoning classification applied for to the most appropriate zoning classification under the new ordinance based on a comparison of the permitted uses associated with the two zoning classifications.
- B. Structure permit. Nothing contained in this title shall require any change in plans, construction, alteration, or designated use of a structure for which a complete application for a building permit has been filed with the Town of Pine Island prior to the effective date of this ordinance.
- C. Any preliminary plat for a subdivision approved prior to the effective date of this ordinance will be null and void 18 months following the effective date of this title, unless approval of a final plat for any portion of the subdivision is secured.
- D. The conditions for approval of any rezoning, variance, or conditional use approved by the commission under any prior ordinance shall remain in full force and effect and enforceable under the procedures of this title.

1.5. Authority

This Planning and Development Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including but not limited to Texas Local Government Code Chapters 211 and 212.

1.6. Applicability and Jurisdiction

- A. Within the Town of Pine Island:
  - a. This Ordinance shall apply to all land, buildings, structures, construction, substantial modifications, development, improvements, and uses thereof located within the corporate boundaries of the Town of Pine Island, unless an exemption is provided under the terms of this Ordinance.
  - b. No building or structure shall be erected and no structure shall be moved, altered, expanded, or extended, nor shall any land, building, or structure be used, designated to be used, or intended to be used for any purpose or in any manner other than as provided for in the regulations for the zoning district in which such land, building, or structure is located and with other applicable regulations of the Town of Pine Island, as they may be amended.
  - c. No lot of record that did not exist on the effective date of this Ordinance shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this Ordinance, except as expressly exempted from the provisions of this Ordinance.

B. Within the Extra Territorial Jurisdiction (ETJ).

This ordinance shall also apply to the subdivision and development of land within the Town of Pine Island's ETJ under Texas Local Government Code ch. 212 and subject to any adopted interlocal agreements, unless expressly prohibited under Texas Local Government Code ch. 212.

C. **Annexed Property**

When any property is brought into the jurisdiction of the Town of Pine Island, by annexation or other means, it shall be zoned according to the land use classification recommended in the Comprehensive Plan.

In the event the property is not addressed by the Comprehensive Plan, the City Council may designate the zoning district(s) applicable to such property at the time of annexation. This provision shall not preclude subsequent rezoning of such property by amendment in the manner set forth in this Ordinance.

D. Application to Public Agencies

To the extent allowed by law, this Ordinance shall apply to all land, buildings, structures, and uses owned and/or controlled by municipal, county, state, or federal government agencies in the Town of Pine Island. Where the provisions of this Ordinance do not legally control such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this ordinance.

1.7. Comprehensive Planning

The Pine Island City Council intends for this Ordinance to implement the planning policies in the Comprehensive Plan and other adopted plans and policies. While the City Council reaffirms its commitment that this Ordinance be in conformity with the Comprehensive Plan and adopted planning policies, the City Council hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

1.8. Minimum Requirements

This Ordinance establishes minimum requirements for the establishment and protection of public health, safety, and welfare.

1.9. Transitional Provisions

A. Continuity of Provisions

This section is intended to clarify the status of properties with pending applications, recent approvals, or outstanding violations, as those terms are used below, at the time of the adoption of this Ordinance.

a. Uses, Lots, Structures, and Sites Rendered Nonconforming

- i. When a lot is used for a purpose that was a lawful use before the effective date of this Ordinance and this Ordinance no longer classifies such use as either a permitted use or conditional use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled under the provisions of Article XI, Nonconformities.

- ii. Where any building, structure, lot, or development site that legally existed on the effective date of this Ordinance does not meet all standards set forth in this Ordinance, such building, structure, lot, or site shall be considered nonconforming and shall be controlled under the provisions of Article XI, Nonconformities.

1.10. Chapter 245 Designation.

- A. Application for Establishment of Chapter 245 Rights. The provisions of this Section shall apply to any application for a permit or any other approval of a project for which an applicant desires to establish development rights under Chapter 245 of the Texas Local Government Code. There are two basic types of Chapter 245 determinations.
  - a. The first type of Chapter 245 determination involves a demonstration by the applicant that a project is vested with Chapter 245 development rights because the original application for a permit gave Fair Notice of the project to the City and of the nature of the permit being sought and neither a permit nor the project have expired.
  - b. The second type of Chapter 245 determination involves a demonstration by the applicant that a project permit is entitled to be reviewed in accordance with the regulations of the City in effect on the date that the original application for the first permit in the series of permits was filed because progress toward the completion of the project has been made by the applicant even though the permit and/or project time limits have expired.
  - c. An applicant, in order to establish development rights for a particular project, may need to demonstrate both Fair Notice of the project and that progress toward completion of the project has been made.
  - d. "Fair Notice" under Chapter 245 for purposes of this ordinance means an application that gives the city enough information to identify the project's scope, location, and character, so the city can fairly determine which regulations apply.

- B. Expiration of Existing Permits.
- a. Preliminary Plat Approvals. An application for which approval of a preliminary subdivision plat was granted prior to the adoption date of this Ordinance shall be considered as having received preliminary plat approval under the ordinance in effect on the date the application was approved, unless the applicant requests approval under this Ordinance. Preliminary approvals granted under the previous regulations shall be valid for five years from the date of approval. Failure to obtain a final plat approval within the time allotted shall result in the expiration of the preliminary plat and shall cause the submission of another preliminary plat that complies with the requirements of this Ordinance. In the instance of large tracts or blocks of land contained within a recorded subdivision and intended or designed for further subdivision into tracts, lots, or building sites, the further subdivision shall comply with all provisions of this Ordinance.
  - b. Final Plat Approvals. A final plat shall be deemed to have expired if it has not been recorded with the Waller County Clerk within **2 years of the approved date.**
  - c. Any use permits, site plans, building permits, and variances that are valid on the effective date of this Ordinance shall remain valid until their expiration date (if any). Projects with valid approvals or permits shall be completed pursuant to the development standards in effect at the time of approval. If the approval or permit expires, future development shall comply with the requirements of this Ordinance
- C. Applications for Chapter 245 Determination
- a. An application related to a demonstration that the City has Fair Notice of the project shall be submitted in a form prescribed by the City and shall be initially reviewed for completeness to ensure that all required items are available for technical review purposes. The application shall state the proposed date of applicable rules for the first permit in the series of permits, and the applicant shall supply documentation in support of the request. The burden of proof is on the applicant to provide sufficient written information to substantiate a claim under this Section. One or all of the following items may be considered as part of the Fair Notice Documentation:
    - i. Any of the documentation described in Subsection (iii) below.
    - ii. Documentation that clearly shows specific land uses, densities and intensities.
    - iii. Documentation that shows the layout of streets, public easements, parking areas and building footprints.
    - iv. Any other documentation that the applicant believes provides evidence of Fair Notice.
  - b. Chapter 245 development rights shall only apply to the specified land uses, densities, and intensities set forth in the Fair Notice Documentation provided by the applicant. Any modification of the land uses, densities or intensities from those set out in the Fair Notice Documentation shall be considered a new project subject to current City ordinances.
  - c. An application related to a demonstration that a permit or project has not expired because progress has been made toward completion of the project shall be submitted in a form prescribed by the City and shall be initially reviewed for completeness to ensure that all required items are available for technical review purposes. The application shall state the proposed date of applicable rules for the first permit in the series of permits and shall clearly describe each permit that has been issued and the date of approval for each subsequent permit. The applicant shall provide a statement in narrative form that describes the efforts that have been undertaken toward completion of the project and shall supply documentation in support of the request. The burden of proof is on the applicant to provide sufficient written information to substantiate a claim under this Section. One or all of the following items may be considered:

- i. Copy of an application for a Final Plat or plan that was previously submitted to a regulatory agency;
    - ii. Proof that a good-faith attempt was previously made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
    - iii. Documentation of costs that have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
    - iv. Documentation of fiscal security posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or,
    - v. Documentation of utility connection fees or impact fees for the project paid to a regulatory agency.
  - D. The provisions of Subsection (iii) above shall only apply to the project and specified land uses, densities, and intensities set forth in the permits that have been previously approved by the City. Any modification of the land uses, densities, or intensities shall be considered a new project and subject to current City regulation.
  - E. Any application for a Chapter 245 determination that is not deemed complete by the City shall be rejected, and the applicant shall be notified in writing of the missing or incomplete items within 10 working days of the submission of the application. An incomplete application shall expire if the missing or incomplete items are not provided by the applicant within 45 days of the date of initial submission of the application.
  - F. Each application shall be reviewed by the City Manager, in consultation with the City Attorney. The application may be denied in whole, granted in whole or denied in part and granted in part. Where the documentation submitted by the applicant is adequate to confirm a determination that rights exist under Chapter 245, then the regulations in place at the time such rights vested shall be applied in the further review and processing of permits for the project as applicable to the portion of the application that was granted.
  - G. The City Manager shall provide his or her decision on the application within 45 days of the date of receipt of a complete application.
  - H. The applicant may appeal a final determination by the City Manager under this Section to the City Council within 10 calendar days of the date of the City Manager's decision on the application.
  - I. The City may enter into a consent agreement with the applicant that is intended to resolve a good-faith dispute concerning Chapter 245 development rights and applicable regulations to avoid the cost and uncertain
- 1.11. Zoning Map Interpretations

Questions or disputes regarding zoning designations on the Town of Pine Island Zoning Map resulting from the adoption of this new Planning and Development Ordinance shall be submitted in writing, along with the to the City Manager for written interpretation.

1.12. Conflicting Provisions

A. Harmonious Development

The Town of Pine Island intends that all provisions of this Ordinance be construed harmoniously. When two or more provisions of this Ordinance may appear to be in conflict, the City Manager shall construe such provisions in such a manner, if possible, as to give effect to both by harmonizing them with each other. In cases of conflict, the City Manager shall make an interpretation as to which provision governs.

B. Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This Ordinance is intended to complement other City, state, and federal regulations that affect land use. This Ordinance is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as long as the Town of Pine Island is not preempted by such laws, as determined by the City Manager, shall govern.

C. Conflict with Agreements between Private Parties

This Ordinance is not intended to revoke or repeal any easement, covenant, or other agreements between private parties. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other agreements between private parties, then the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance. In no case shall the Town of Pine Island be obligated to enforce the provisions of any easements, covenants, or agreements between private parties, unless the City is a party to such agreements and only if the City decides, in its sole discretion, to pursue enforcement action.

1.13. Effect of Maps, Tables, and Illustrations

A. Maps and Tables Integral

Maps, tables, and the standards in this Development Code are an integral part hereof.

B. Diagrams, Images, and Illustrations

Diagrams, photographs and illustrations in tables are provided to provide guidance in implementing any associated written provisions and to indicate the general character or placement of and/or reference to the various elements shown thereon and shall have regulatory force and effect to that extent.

C. "Illustration" and "Illustrative" Items

All depictions entitled "Illustration" or denoted as "Illustrative" are provided for purposes of explaining any associated written provisions and are regulatory to that extent.

1.14. Zoning Compliance Law

- A. This Planning and Development Ordinance is crafted as a series of Articles.
- B. Article 3, as well as those definitions set forth in Article \*\*. that constitute, by reference, text of these Articles, are all intended to constitute a zoning ordinance within the meaning of Chapter 211 of the Texas Local Government Code, et seq. Changes to the text of these Articles, as well as official zoning map amendments and other zoning actions addressed in those Articles, require compliance with the public notice and hearing procedures provided in Article 2., Administration, and in said state statute.
- C. The remaining articles are not intended to constitute a zoning ordinance and may be amended using the City's general procedures for ordinance amendments.

1.15. Severability

A. Generally

It is expressly declared that this Ordinance and each section, subsection, sentence, and phrase would have been adopted regardless of whether one or more portions of this Ordinance is declared invalid or unconstitutional

- a. If any section, subsection, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, the remaining portions of this Ordinance shall not be affected.
- b. If any court of competent jurisdiction invalidates the application of any provision of this Ordinance, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- c. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
- d. Effective Date.

1.16. Effective Date

This Ordinance shall become effective after adoption upon signature by the mayor INSERT DATE

## 2. Administration and Procedures

### 2.1. Review Bodies

#### A. City Council

*Duties and Approval Authority.* In addition to other rights of approval, the City Council shall render final decisions pertaining to applications for development on the following applications:

- a. Amendment to the Comprehensive Plan;
- b. Establish or amend a zoning district map classification, including creation or amendment of an overlay district;
- c. Amendment to the PDO;
- d. Annexation;
- e. A Development Agreement within the City's corporate boundaries and in the City's ETJ;
- f. Rezoning requests including applications for a Conditional Use Permit;
- g. An appeal of a vested rights determination; and,
- h. an appeal of the decision of any City Board, Commission or Committee, or as expressly provided for in this PDO or the Local Government Code.

#### B. Planning and Zoning Commission

##### a. Establishment of the Planning and Zoning Commission

Pursuant to Texas Local Government Code, Sec. 211.007 et seq. there is hereby established a planning and zoning commission hereinafter referred to in this article as the "Planning Commission" or "P&Z".

- i. The P&Z shall consist of three (3) members, whom the mayor shall appoint with the consent and approval of the city council, for overlapping three (2) year terms.
- ii. The members of the planning and zoning commission shall be identified by place numbers one through three.

##### b. Composition, Appointment, Term of Members

- i. The Planning Commission shall consist of 3 members, who shall be residents of the City, appointed by the City Council. The members of the planning and zoning commission shall be identified by place numbers one through three.
- ii. All members shall be citizens of the City and no member shall be a member of the City Council or an employee of the City. All members shall serve without compensation.
- iii. The terms of the members shall be 2 years, and until their successors are appointed and qualify. After the first P&Z is appointed, following the adoption of this PDO, each term shall begin on July 1, 2026, and end on June 30, 2028.

##### c. Filling Vacancies; Removal of Members

Any vacancy in membership in the Planning Commission shall be filled for the unexpired term by the City Council who shall also have the authority to remove any member for cause, on written charges, after a public hearing.

##### d. Powers and Duties of the Commission

- i. The P&Z shall have all the rights, powers, privileges and authority authorized and granted by the city council and through the statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in chapters 211 and 212 of the Texas Local Government Code, as may be amended.
- ii. In addition, in order to effectuate and carry out the purposes of this ordinance, the planning and zoning commission is also vested with the following powers and/or duties:

1. To prepare and recommend to the city council for adoption a comprehensive plan for the city.
2. To prepare and recommend to city council for adoption subdivision regulations and to approve or disapprove plats.
3. To prepare and recommend to city council for adoption zoning regulations and to recommend zoning district boundaries, including the power to hold public hearings, enforce the regulations, and recommend changes in the regulations and zoning district boundaries.
4. To prepare and recommend the adoption of urban conservation, rehabilitation, and redevelopment programs allowed by state law.
5. To report on planning and zoning problems that are referred to it for review by the city manager or the city council.
6. To recommend the preparation of such surveys, reports and studies are required for the above and other authorized purposes.
7. Consider variances to development regulations.

iii. Authority in the ETJ

Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the city's corporate limits and establishing ETJ are hereby adopted. The P&Z, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes and any lawfully executed agreements by the city pertaining to regulation of subdivisions in the city limits and ETJ.

e. Organization, Rules of Procedures, Meetings, and Records

The Planning Commission shall elect its chairperson and a vice-chairperson from among its members. The term of the chairperson shall be 1 year with eligibility for reelection. The Planning Commission shall appoint a secretary, who may be an officer or employee of the municipality. The Planning Commission shall make its own rules of procedure and determine its time of meeting; provided, that such Commission shall meet at least once per month. All meetings of the Planning Commission at which official action is taken shall be open to the public and all records of the Planning Commission shall be public records.

f. Joint Meetings

Whenever the city council and the P&Z are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the city to do so, the city council and the P&Z are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings.

C. City Manager

The city manager or his designee is hereby authorized and directed to enforce all the provisions of the PDO. Wherever authority is granted to the city manager, such authority is likewise granted to the city department, staff person, or consultant which the city manager designates.

**2.2. General Application Procedures**

A. Pre-application Meetings

a. Generally

Prior to the submission of an application for permit or approval, a pre-application meeting may be required or recommended between a potential applicant and the planning director, or a designated representative of either party, and any other pertinent representatives or

staff. The pre-application meeting is intended for the city and potential applicant to exchange non-binding information to promote an efficient development review process. The planning director shall determine and publish which application types require a pre-application meeting.

- b. Pre-application forms and materials  
The City Manager may determine and publish forms or documents that include information requirements, materials checklist, contact information, and any other information necessary to sufficiently describe the potential application. Such forms may be updated from time to time.
- c. Vesting rights  
Neither a pre-application meeting, nor any informal meeting, nor any forms, materials, and information submitted for a pre-application or informal meeting, shall be considered a vesting instrument or event, nor shall it vest a permit, application, or any type of approval.

B. Application Submittal

All development applications to be considered by any Board, Commission or Committee, or by the City Council shall be initiated by the filing of the application by the owner of the property on which the permit is applicable or by the owner's designated agent. In the event an application is submitted by a designated agent, the application must be accompanied by a written statement, signed by the owner, authorizing the agent to file the application on the owner's behalf.

C. Knowledge of Deadlines the Responsibility of the Applicant

Knowledge of the expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held accountable for notification of expirations, although it may notify an applicant of the date of expiration.

D. Fees

- a. Generally  
Every application shall be accompanied by the prescribed fees set forth in city's fee schedule. The city shall not accept an application for review without the required application fee. The adopted fees may be revised from time to time by the city council and shall not require amendment of these regulations.
- b. Payable  
All required fees shall be made payable to: "Town of Pine Island (unless otherwise stated in the Code)."
- c. Required for Administrative Completeness  
All applications shall be accompanied by the prescribed fees to be considered administratively complete.
- d. Fee Refunds
  - i. Withdrawn Applications. Withdrawn applications that have not been determined to be administratively complete may be refunded one hundred (100) percent of the application fee.
  - ii. Administratively Complete Applications. Once an application has been determined to be administratively complete, the prescribed fees shall not be refundable, except when submitted in error. If submitted in error, fees shall not be refundable once public notice has been sent.

E. Determination of Application Completeness

- a. All development applications shall be subject to a determination of completeness by the City Manager or his/her designee .
- b. No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this PDO.
- c. The City Manager or his/her designee may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this PDO.
- d. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this PDO.
- e. Not later than the tenth (10th) business day after the date an application is submitted, the City Manager or his/her designee shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by this PDO for the type of permit being requested or other requirements have been submitted. A determination that the application is incomplete shall be sent to the applicant within such time period by email to the address listed on the application or by United States mail at the address listed on the application. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information are not submitted within forty-five (45) days after the date the application was submitted.
- f. An application filed on or after the effective date of this PDO shall be deemed complete on the eleventh (11th) business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this section, the applicant shall be deemed to have been notified if the City has emailed or mailed a copy of the determination as provided in subsection C.e above.
- g. The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing. However, this application may be denied for incompleteness within the forty-five (45) day period.
- h. A Development Application shall be deemed to expire on the forty-fifty (45th) day after the application is submitted to the City Manager or his/her designee for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this PDO or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be discarded and a new application must be submitted.
- i. No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

F. Notice Requirements

- a. Published Notice.  
Whenever published notice of a public hearing before a Board, Commission, Committee or the City Council is required, the City Manager or his/her designee shall cause notice to be published in an official newspaper or a newspaper of general circulation in the City before the fifteenth (15th) day before the date set for the required hearing. Said notice shall set forth the date, time, place and purpose of the hearing as required under LGC section 211.006(a).
- b. Written Notice.  
Whenever written notice of a public hearing before a Board, Commission, Committee or the City Council is required, before the tenth (10th) day before the hearing date, the City Manager or his/her designee shall cause written notice to be sent to each owner, as indicated

by the most recently approved municipal tax roll, of real property within 200 feet of the exterior boundary of the property in question. Said notice shall set forth the date, time, place and purpose of the hearing as required under LGC section 211.007(c). The notice may be served by its deposit, properly addressed with postage paid, in the United States mail. If the property within 200 feet of the property in question is located in territory within the City and is not included on the most recently approved municipal tax roll, notice to such owners shall be given by one (1) publication in an official newspaper or a newspaper of general circulation in the municipality at least fifteen (15) days before the date of the hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

c. Constructive Notice.

Minor defects in the content of any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, like the omission of a course or distance, or typographical or grammatical errors that do not impede communication of the notice to affected parties and an understanding regarding the general location of the property involved and the zoning change requested. In all cases, however, the requirements for the timing of the notice; the description of the affected area; and for specifying the time, date, and place of a hearing shall be strictly construed.

G. Public Hearings

a. Public Hearing Required

Whenever a public hearing is required, the City Manager or his/her designee shall establish the date, time and place of the public hearing and shall cause any notice required under section 2.2.F of this Article to be prepared and made accordingly.

b. Conduct of Hearing

Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her name, address, and if appearing on behalf of an organization, state the name and mailing address of the organization for the record. Subject to the chairperson's inherent authority to conduct meetings, public hearings shall generally be conducted as follows:

- i. The City staff may present a description of the proposed project and a written or oral recommendation, if required. Any written recommendation shall be available to the public at the time that the agenda packet for the body conducting the hearing is compiled.
- ii. The applicant may present any information it deems appropriate.
- iii. Testimony in support of the application may be presented by any individual who expresses an interest in the proposed project.
- iv. Testimony in opposition to the application may be presented by any individual who expresses an interest in the proposed project.
- v. At the discretion of the chairperson, the City staff and the applicant may respond to any statement by the public.
- vi. The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.
- vii. At the sole discretion of the chairperson of the body conducting the hearing, an individual may be permitted to pose relevant questions to staff, the applicant or the body conducting the hearing, as directed by the chairperson.
- viii. The public hearing shall be closed.
- ix. The advisory body shall make a recommendation.

- x. The advisory body shall prepare a written report with its recommendations to the City Council.
  - c. Continuation of Hearing  
The body conducting the hearing may, on its own motion or at the request of any person, for good cause, continue the hearing to a fixed date, time and place. Except as required by the Texas Open Meetings Act or other applicable law, no notice shall be required if a hearing is continued. If a public hearing is closed, no further public testimony shall be taken.
  - d. Additional Rules  
The body conducting the hearing may adopt additional rules of procedure and may apply such additional rules to govern the public hearing which are not inconsistent with this section.
  - e. Joint Public Hearing  
Unless otherwise prescribed in this PDO, whenever an application must be preceded by a public hearing both before an advisory body (i.e. Board, Commission and/or Committee) and before the City Council, the advisory body and the Council may conduct a joint public hearing and take action on the application in the following manner:
    - i. The City Council shall establish the date of the joint public hearing by motion at a regular or special meeting.
    - ii. The City Council shall cause notice of the joint public hearing to be provided as required by this PDO and the Texas Open Meetings Act and, by a vote of two-thirds of its members, may prescribe the type of notice for the joint public hearing.
    - iii. The advisory body (i.e. Board, Commission and/or Committee) and the City Council shall be convened for the hearing and for any action to be taken on the petition or application.
    - iv. The advisory body (i.e. Board, Commission and/or Committee) and the City Council may take action on the application at the same meeting, provided that the City Council shall not take action until the written report and recommendation of the advisory body (i.e. Board, Commission and/or Committee) has been received.
- H. Post-Decision Procedures
- a. Notification Required.  
Within ten (10) business days following final action on any Development Application, the appropriate City department shall provide written notification to the applicant of the decision of the Board, Commission, Committee or the City Council considering the request. If an application has been denied, the notification should include the reasons for denial as well as any information relating to reapplication procedures for the appropriate application.
  - b. Reapplication Following Denial.  
Whenever any Development Application, with the exception of any plat application, is denied, a Development Application for all or a part of the same property shall not be accepted for filing for a period of six (6) months after the date of denial unless the subsequent application involves a proposal that is substantially different from the previously denied proposal. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager or his/her designee shall resolve any questions concerning the similarity of the reapplication. The final decision-maker may, at its option, waive the six (6) month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.
  - c. Amendments and Revisions to Approved Application.

Unless otherwise expressly provided by this PDO, any request to amend or revise an approved Development Application shall be considered a new application, which must be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.

d. Amendments Required.

Whenever a subsequent Development Application differs substantially from a previously approved Development Application to which the subsequent application must conform, the applicant shall submit an amended Development Application for the initial Development Application, which shall be decided prior to the subsequent application. The applicant's failure to comply with this section shall result in denial of the subsequent application.

### **2.3. Nonconforming Uses and Structures**

#### **A. Intent of Provisions**

- a. Within the districts established by this chapter, or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this chapter was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this zoning to permit such nonconforming uses to continue, as long as the conditions within this section and other applicable sections of this chapter are met.
- b. Nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district, except as otherwise provided herein.
- c. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

#### **B. Nonconforming Status**

- a. Any use, platted lot or structure which does not conform with the regulations of this chapter on the effective date hereof or any amendment hereto, except as expressly provided in herein, shall be deemed a nonconforming use, provided that:
  - i. Such use, platted lot or structure was in lawful existence prior to this chapter; or,
  - ii. Such use, platted lot or structure was in existence at the time of annexation to the city, was a legal use of the land at such time, and has been in regular and continuous use since such time.
- b. Any use, platted lot, or structure that does not conform with the regulations of the zoning district in which it is located on the effective date of this chapter (or any amendment thereto), and was not in lawful existence prior to the enactment of this chapter, shall be deemed to be in violation of this chapter for which the city shall be entitled to initiate an enforcement action against such use, platted lot, or structure (except as provided in subsection 2.3.F below).

#### **C. Continuing Lawful Uses and Structures**

- a. A nonconforming use may continue to be used, operated or occupied in accordance with the terms of the regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it is annexed.
- b. A nonconforming structure occupied by a nonconforming use may be reoccupied within six months by a conforming use, following abandonment of the nonconforming use, without losing its nonconforming structural status.

#### **D. Abandonment of Nonconforming**

- a. If a nonconforming use is abandoned, any future use of the premises shall be in conformity with the provisions of this chapter, as amended, prior to the time the use was abandoned.
  - b. A nonconforming use shall be deemed abandoned in the following circumstances:
    - i. The use ceases to operate for a continuous period of six months;
    - ii. Where the use occupies a structure, the structure remains vacant for a continuous period of six months; or,
    - iii. In the case of a temporary use, the use is moved from the premises.
- E. Changing Nonconforming Uses
- a. A nonconforming use shall not be changed to another nonconforming use.
  - b. A nonconforming use may be changed to a conforming use; provided that, once such change is made, the use shall not be changed back to a nonconforming use.
  - c. A conforming use located in a nonconforming structure may be changed to another conforming use.
- F. Expansion of Nonconforming Uses and Structures
- a. A nonconforming use may be extended throughout the structure in which it is located, provided that:
    - i. No exterior alteration shall be made to the structure occupied by the nonconforming use, except those required by law to preserve the integrity of the structure; and,
    - ii. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
  - b. A nonconforming use occupying a structure shall not be extended to occupy land outside the structure.
  - c. A nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use became nonconforming, except to provide additional off-street parking or loading areas required by the zoning ordinance.
- G. Restoration of Nonconforming Structure
- A. If more than 50 percent of the total appraised value of a nonconforming structure, as determined from the records of the Waller County Appraisal District, has been destroyed, it may be rebuilt only in conformity with the standards of this chapter.
  - B. If less than 50 percent of the total appraised value of a nonconforming structure is destroyed, it may be reconstructed to its original dimensions.
  - C. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use, the nonconforming use may be re-established at the same location subject to the limitations on expansion set forth in this section.
- H. Right to Proceed Preserved
- Nothing contained in subsections 2.3.A through 2.3.G are intended to alter any authorizations that may have been granted under prior regulations, pursuant to Texas Local Government Code section 43.002, or Texas Local Government Code chapter 245. Those applicants asserting privileges under prior regulations are referred to the city's grandfathered development status ordinance.

#### **2.4. Comprehensive Plan Amendments**

##### **A. Applicability**

The Comprehensive Plan reflects the City's long-term plan for growth and development of the city. The City Council may, from time to time, amend the text of the Plan or the Future Land Use Map (FLUM)—on its own motion, at the request of the City Manager, or upon application by a

property owner. Approved amendment to the Comprehensive Plan authorize a property owner to submit subsequent applications consistent with the amendment.

B. Application Requirements

- a. Pre-application meeting required.
- b. Application Required. Submit a completed application for any requested Plan Amendment.
- c. Concurrent Applications. A FLUM amendment may be filed together with:
  - i. A zoning change application (for land within the City limits); or,
  - ii. A Subdivision Master Plan (for land within the ETJ).

Approval of a Comprehensive Plan amendment shall require all subsequent development applications to be consistent with the approved amendments.

C. Processing and Decision

- a. Submittal and Staff Review. Submit the application to the Planning Department. Staff will:
  - i. Review the application for completeness per Sec. 2.2.E;
  - ii. Consult other City departments or consultants as needed;
  - iii. Notify the applicant of any deficiencies; and
  - iv. Forward a written staff recommendation to the Planning and Zoning Commission
- b. Public Notice. In accordance with Sec. 2.2.F, the application requires:
  - i. Written notice before the P&Z Commission hearing; and,
  - ii. Published notice before the City Council hearing.
- c. P&Z Commission Recommendation. The Commission shall hold a public hearing (per the Texas Open Meetings Act and Sec. 2.2.G) and forward a written recommendation to the City Council. The Commission may recommend approval, approval with conditions, or denial.
- d. City Council Action. The City Council shall hold a public hearing (per the Texas Open Meetings Act and Sec. 2.2.G), consider the Commission's recommendation, and vote to approve, approve with conditions, or deny the amendment.

D. Criteria for Approval

The P&Z Commission and City Council shall consider the following when evaluating a proposed amendment:

- a. The amendment promotes the health, safety, or general welfare of the City;
- b. A text amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan;
- c. A FLUM amendment is consistent with the applicable policies of the Comprehensive Plan;
- d. The amendment addresses changed circumstances since the Plan was last amended, better implements Plan policies, corrects a mapping error, or remedies a Plan deficiency; and
- e. Any other factors deemed relevant by the reviewing body

**2.5. Text Amendments to the Planning and Development Ordinance**

A. Applicability

The provisions of this section apply to any request for an amendment to the text of this PDO. The City Council may, from time to time, on its own motion, or at the request of the City Manager or his/her designee, amend, supplement, change, modify or repeal the text of any portion of this PDO in order to establish and maintain sound, stable and desirable development within the

jurisdiction of the City. The provisions of this section shall exclude amendments to any appendix which may be amended by general consent of the City Council.

B. Application Requirements

Requests for amendments to the text of this PDO may be initiated by the request of the Planning and Zoning Commission, the City Council or the City Manager on his/her own initiative. A request for an amendment to the text of this PDO shall be accompanied by a completed Development Application.

C. Processing of Application and Decision

a. Submittal

An application for an amendment to the text of this PDO shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application and may direct the proposed amendment to any other City departments or consultants for review and recommendation. After appropriate review, the City Manager or his/her designee shall forward a recommendation to the Planning and Zoning Commission for consideration.

b. Notification Requirements

An application for an amendment to the text of this PDO requires published notice prior to consideration by the City Council.

c. Commission Recommendation

The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 2.2.G of this Article and make a written recommendation regarding a proposed amendment to the text of this PDO to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the amendment.

d. Decision by City Council

The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed amendment to the text of this PDO and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 2.2.G of this Article. The City Council may vote to approve, approve with conditions, or deny the amendment. Such amendment shall be by ordinance, and the identifying number of any such ordinance shall be noted on the cover of this PDO.

D. Criteria for Approval

- a. The proposed amendment promotes the health, safety, and general welfare of the City;
- b. The proposed amendment is consistent with the goals, objectives, and policies of this PDO and the City;
- c. The proposed amendment corrects an error, meets the challenge of changing conditions, or is in response to changes in state law; and,
- d. Other factors which are deemed relevant and important in the consideration of the amendment.

E. Non-substantive Amendments

Notwithstanding the other provisions of this section, the City Council may by resolution correct spelling or punctuation errors, cross-reference errors, and other matters herein determined by

the City Attorney to be non-substantive without complying with the foregoing provisions of this section. The number of any such resolution shall be noted on the cover of this PDO.

## **2.6. Rezoning**

### **A. Applicability**

- a. The City Council may, from time to time, on its own motion, by request of the City Manager or his/her designee, or by application from a property owner, establish or amend the boundaries shown on the Official Zoning Map of the City. A zoning change is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable and desirable development within the City.
- b. Approval of a zoning change authorizes a property owner to submit subsequent development applications consistent with the amendment.

### **B. Application Requirements**

- a. **Application Required**  
Any request for a rezoning shall be accompanied by a complete application.
- b. **Accompanying Applications**  
A request for a zoning change may be accompanied by an application for amendment of the Future Land Use Map or by a Subdivision Master Plan. Approval of a zoning change shall require all subsequent development applications to be consistent with the approved amendments.
- c. **Tax Certificate Required**  
All applications made as a request for a zoning change shall be accompanied by a copy of a Tax Certificate.

### **C. Processing of Application and Decision**

- a. **Submittal**  
An application for a zoning change shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 2.2.E. The City Manager or his/her designee may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
- b. **Notification Requirements**
  - i. Written notice prior to consideration by the Planning and Zoning Commission; and,
  - ii. Published notice prior to consideration by City Council.
- c. **Commission Recommendation**  
The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 2.2.G and make a written recommendation regarding a proposed zoning change to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the zoning change. The Planning and Zoning Commission may, on its own motion or by request of

the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.

d. Decision by City Council

The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed zoning change and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 2.2.G. The City Council may vote to approve, approve with conditions, or deny the zoning change. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

e. Consideration of a Previously Denied Zoning Change

A request for a zoning change for a tract of land shall not be considered by the Planning and Zoning Commission or the City Council within six (6) months after the Council's decision to deny the request unless the request is to a different zoning classification or there has been a substantial change in the conditions surrounding the parcel since the initial request. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager or his/her designee shall have the authority to determine whether the request is substantially different from the initial request.

D. Criteria for Approval

The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a zoning change, should consider the following criteria:

- a. Whether the proposed zoning change implements the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans;
- b. Whether the proposed zoning change promotes the health, safety, and general welfare of the City;
- c. Whether the uses permitted by the proposed change will be consistent and appropriate with existing uses in the immediate area;
- d. Whether other factors are deemed relevant and important in the consideration of the amendment

E. Protests

- a. If a proposed zoning change is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of all members of the City Council according to LGC, Local Government Code § 211.006(d). The protest must be written and signed by the owners of at least twenty percent (20%) of either:
  - i. The area of the lots or land covered by the proposed zoning change; or,
  - ii. The area of the lots or land immediately adjoining the area covered by the proposed zoning change and extending 200 feet from that area.
- b. In computing the percentage of land area under section 21.5.4.E.1 above, the area of streets and alleys shall be included.

- c. In determining property ownership under section \*\*\*\* above, the property owner shall be the owner as indicated on the most recently approved municipal tax roll, unless the property has been bought or sold since the last approved municipal tax roll. The City Manager or his/her designee determines property ownership in the above-mentioned municipal tax roll from the Waller County Appraisal District.
  - i. If a property has recently been purchased and the County Appraisal District has not updated their public records to reflect the now current property owner, the new property owner must submit proof of ownership with their written protest to demonstrate ownership for the protest to be counted under section \*\*\*\*.
  - ii. In the event of a conflict in property ownership, the City Manager or his/her designee shall determine who the owner of the property is for the purposes of calculating written protest.
  - iii. The written protest will only be counted if signed by the owner of the property. Written protests from tenants or lessees will not be counted toward the written protest calculations under section \*\*\*\*.
- d. The following deadline applies to the receipt and calculation of written protest:
  - i. Written protest must be received before noon (12pm) on the Friday before the consideration of the proposed zoning change ordinance by the City Council, in order to be included in the calculation of written protest described by section \*\*\*\*.
  - ii. In the event a federal, state, or local holiday prevents staff from receiving votes on the Friday before the City Council reading, the deadline will be extended to noon (12pm) on the next business day.

## 2.7. Variances

- A. Presumption

There shall be a presumption against variances.
- B. Applicability
  - a. The City Council shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this PDO if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this PDO would result in unnecessary hardship, so that the spirit of this PDO is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this PDO to other parcels of land in the district.
  - b. Approval of a variance authorizes a property owner to submit subsequent development applications consistent with the approved variance.
- C. Submittal Requirements

A request for a variance shall be accompanied by a complete application and:

  - a. Existing site plan or survey drawn to scale of the subject property;
  - b. Proposed site plan or survey drawn to scale of the proposed project for which the variance is sought;
  - c. Aerial map or properties adjacent to the subject property; and,
  - d. Other supporting documentation.
- D. Processing of Application and Decision
  - a. Submittal

An application for a variance shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with section 2.2.E, *Application Completeness*. The City Manager may, at their option, request a recommendation from any other appropriate City department or consultant. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a written recommendation to the City Council for consideration.

b. Notification Requirements

An application for a variance requires the following notification in accordance with section 2.2.F, *Notice Requirements*:

- i. Written notice; and,
- ii. Published notice.

c. Decision by the City Council

- i. The City Council shall receive the recommendation of the City Manager or his/her designee and shall hold a public hearing in accordance with section 2.2.F., *Public Hearings*. The Council may vote to approve, approve with conditions, or deny the variance.
- ii. The City Council may, on its own motion or by request of the property owner, postpone consideration of the variance to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
- iii. The approval shall be effective for a period of 180 days after the date of such approval. If no application for building permit is submitted within that time, the variance shall become null and void.
- iv. The disapproval of a variance shall require compliance by the applicant, if applicable, within fifteen (15) days after the date of disapproval and upon written notification by staff

E. Criteria for Approval

- a. The requested variance does not violate the intent of this PDO or its amendments;
- b. The request is the minimum variance necessary to gain the relief requested;
- c. Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;
- d. The hardship is in no way the result of the applicant's own actions; and,
- e. The interpretation of the provisions in this PDO or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.
- f. In considering a variance as applied to an existing structure, the City Council may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:
  - i. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
  - ii. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
  - iii. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

- iv. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or,
- v. The municipality considers the structure to be a nonconforming structure.

F. Findings of Fact

The Council shall complete a finding of fact for variance or appeal to support its conclusion for each variance or appeal presented to it.

**2.8. Conditional Use Permits**

A. Applicability

Conditional Use Permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this PDO. These uses and the districts where they may be located are listed in **Table 3.\*\***, *Use Table*. Approval of a Conditional Use Permit authorizes a property owner to submit subsequent development applications consistent with the approved CUP.

B. Application Requirements

- a. *Application Required.* Any request for a Conditional Use Permit (CUP) shall be accompanied by a complete application.
- b. *Tax Certificate Required.* All applications made as a request for a Conditional Use Permit shall be accompanied by a copy of a Tax Certificate.

C. Processing of Application and Decision

a. Submittal

An application for a Conditional Use Permit shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 2.2.E. The City Manager or his/her designee may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.

b. Notification Requirements

An application for a Conditional Use Permit requires the following notification in accordance with section 2.2.F:

- i. Written notice prior to consideration by the Planning and Zoning Commission; and,
- ii. Published notice prior to consideration by the City Council.

c. Commission Recommendation

The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 2.2.G and make a written recommendation regarding a proposed Conditional Use Permit to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the CUP. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.

d. Decision by City Council

The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed Conditional Use Permit and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 2.2.G. The City Council may vote to approve, approve with conditions, or deny the CUP. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

D. Criteria for Approval

The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a Conditional Use Permit, should consider the following criteria:

- a. The proposed use at the specified location is consistent with the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans.
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
- c. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods.
- d. The proposed use will not adversely affect the overall health, safety or general welfare of the City;
- e. Whether other factors are deemed relevant and important in the consideration of the Conditional Use Permit

E. Conditions

The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action, may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, hours of operation, and requiring a site layout.

F. Expiration of Conditional Use Permit

- a. A building permit, if necessary, for the use has not been approved within two (2) years after the approval of the CUP;
- b. A building permit approved as a result of the approval of the CUP expires within two (2) years after the approval of the CUP;
- c. The use has been abandoned or discontinued for a period of time exceeding six (6) months; or,
- d. The CUP expires in accordance with its terms.

## 2.9. Annexation

A. Applicability

The provisions of this section apply to any request for voluntary annexation by a property owner wishing to extend the corporate limits of the City to incorporate property adjacent to the City's existing municipal boundaries.

B. Application Requirements

a. Application Required.

A request for annexation shall be accompanied by a complete application.

b. Accompanying Applications.

Any request for annexation shall be accompanied by an application to establish the initial zoning on the property. An application to establish the zoning may be considered at the same meeting as the annexation request so long as the ordinance providing for annexation is acted on prior to any action on the zoning request. In the event that an application for annexation is considered concurrently with the application for zoning, the Planning and Zoning Commission may consider the zoning request and provide a written recommendation to the City Council so long as the City Council has adopted the annexation ordinance.

C. Processing of Application and Decision

a. Submittal

An application for annexation shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 2.2.E of this Article. The City Manager or his/her designee may, at its option, request a recommendation from any other City department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the City Council for consideration.

b. Development Agreement

The City Manager or his/her designee shall comply with the approval. The City Council shall comply with LGC, Local Government Code § 43.035.

c. Notification Requirements

The City Manager or his/her designee shall provide notification in accordance with LGC, Local Government Code § 43.062.

d. Service Plan Required

The City Manager or his/her designee shall prepare an annexation service plan in accordance with LGC, Local Government Code § 43.056.

e. Decision by City Council

The City Council shall hold two public hearings in accordance with LGC, Local Government Code § 43.063 and shall take final action as required in LGC, Local Government Code.

f. Other Procedures Applicable.

A request for annexation is subject to all applicable rules and procedures required by State law. In the event of a conflict between the requirements of this PDO and State law, the requirements of State law shall apply.

D. Criteria for Approval

When considering a request for voluntary annexation, the City Council should consider the following criteria:

- a. The application is consistent with the requirements of state law and this PDO;
- b. The annexation promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
- c. The property owners and residents of the area consent to the annexation;
- d. The application includes a service plan as required by Section 2.9.C.d, above;

- e. The annexation is consistent with the goals and objectives of the Comprehensive Plan;  
and,
- f. Other criteria which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment

**2.10. Development Agreements**

**A. Applicability**

The purpose of a Development Agreement is to determine whether the City wishes to authorize a plan of development for land located within its ETJ, to prescribe land uses, environmental standards, development standards and public facilities standards governing development of the land for the term of the agreement, to provide for the delivery of public facilities to the property and to provide for annexation of the property to the City. A Development Agreement may be approved for land located in the ETJ of the City in accordance with LGC, Local Government Code § 212.172.

**B. Application Requirements**

**a. Application Required**

Any application for a Development Agreement shall be accompanied by a complete application.

**b. Accompanying Applications**

An application for a Development Agreement shall be accompanied by a preliminary plat prepared in accordance with the Town of Pine Island Subdivision Ordinance. Approval of a preliminary plat as part of a Development Agreement shall meet the requirements for preliminary plat approval under the Town of Pine Island Subdivision Ordinance.

**C. Processing of Application and Decision**

**a. Submittal**

An application for a Development Agreement shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 2.2.E.

**b. Preparation and Negotiation of Development Agreement**

An application for a Development Agreement shall be prepared in accordance with LGC, Local Government Code § 212.172. After review by the City staff, the application and accompanying plans shall be transmitted to the office of the City Attorney for review. After appropriate review by all parties, a recommendation shall be forwarded to the Planning and Zoning Commission for review and recommendation. The City Council shall have the final authority for approval of a Development Agreement.

**c. Commission Recommendation**

The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 2.2.G and make a written recommendation regarding a proposed Development Agreement to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the agreement. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.

d. Decision by City Council

The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed Development Agreement and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 2.2.G. The City Council may vote to approve, approve with conditions, or deny the Development Agreement. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision. If the City Council approves the Development Agreement, it shall approve the agreement by appropriate action that authorizes the City Manager to execute the agreement on behalf of the City following execution by the property owner. Unless otherwise specified by the City Council, the property owner shall accept the Development Agreement and accompanying preliminary plat within ten (10) working days after the date the City Council's action is adopted. If not executed by the property owner within such period, the Council's approval shall be deemed void.

e. Recording Development Agreement

The approved Development Agreement shall be recorded in the real property records of Waller County.

**2.11. Appeals**

A. Purpose and Applicability

The purpose of an appeal is to contest an initial decision on a Development Application based upon alleged misapplication of the regulations contained within this PDO and the criteria for approval of the Development Application. An appeal may not be used to amend, vary or otherwise modify the standards of this PDO that apply to the Development Application. Any decision on a Development Application required by this PDO may be appealed to the Board, Commission or the City Council indicated within the procedures for each Development Application. The granting of an appeal supersedes the decision from which the appeal was taken and results in approval, conditional approval or denial of the Development Application for which the approval was sought.

B. Appeal Requirements

Any person or persons aggrieved by any decision on a Development Application, or any marshal, officer, department, or board of the City may appeal a decision on a Development Application to the Board, Commission or the City Council responsible for consideration of the appeal as indicated in this PDO. An appeal shall contain a written statement of the reasons why the decision is erroneous, and shall be accompanied by a fee established by the City Council. An appeal by an applicant shall be accompanied by a copy of the Development Application on which the initial decision was rendered. An appeal may include any other documents that support the position of the appellant. A written appeal must be filed with the City Manager or his/her designee no later than twenty (20) days after the date of the decision on the Development Application.

C. Processing of Appeal and Decision

a. Submittal

An appeal shall be submitted to the City Manager or his/her designee for processing of the Development Application being appealed. Upon receipt of a written appeal, the City Manager or his/her designee shall compile all documents constituting the record of the

decision subject to appeal and transmit the record to the Board, Commission or the City Council responsible for considering the appeal.

b. Stay of Proceedings

Receipt of a written appeal of a decision on a Development Application stays all proceedings of the City in furtherance of the decision from which appeal is taken, including without limitation acceptance, processing or issuance of any subsequent development applications, and any development activities authorized by initial approval of the Development Application. The stay shall be lifted only if the City Manager or his/her designee certifies in writing to the Board, Commission or the City Council responsible for consideration of the appeal that a stay would cause imminent peril to life or property. Thereafter, the stay may be reinstated only by order of the Board, Commission or the City Council responsible for consideration of the appeal or a court of record, on application, after notice to the City Manager or his/her designee, for due cause shown.

c. Notification Requirements

An appeal requires the following notification in accordance with section 2.2.F, Notice Requirements:

- i. Written notice; and,
- ii. Published notice.

d. Decision on Appeal

The Board, Commission or the City Council responsible for consideration of the appeal shall hold a public hearing and decide the appeal not later than the next meeting for which notice can be provided and not later than the 60<sup>th</sup> day after the date the appeal is filed. The Board, Commission or the City Council responsible for consideration of the appeal shall affirm, reverse or modify the decision from which the appeal was taken.

e. Notification of Decision on Appeal

The property owner and the applicant for the Development Application under appeal shall be notified of the decision on the appeal in accordance with section 2.2.H, *Post-Decision Procedures*.

D. Criteria for Approval

In deciding the appeal, the Board, Commission or the City Council responsible for consideration of the appeal shall apply the same criteria that govern the initial decision on the Development Application under the provisions of this Article.

E. Expiration and Extension

For purposes of determining expiration or extension periods under this PDO, the date the Board, Commission or the City Council responsible for consideration of the appeal grants relief on the appeal is the date on which the Development Application is deemed approved.

- a. Once the Board, Commission or the City Council grants relief on the appeal, a new Development Application or permit application shall be submitted within 180 days after the date of such approval or the appeal shall become null and void.
- b. The disapproval of an appeal shall require compliance by the applicant, if applicable, within fifteen (15) days after the date of disapproval and upon written notification by staff.

**2.12. Building Permits**

A. Applicability

An application for a building permit is required within the City corporate limits, or where provided for in a Development Agreement, in the City's ETJ, prior to the placement, construction or alteration of a building or structure. Approval of an application for a building permit authorizes the property owner to construct, alter or place a structure on the lot, tract or parcel. Approval of an application for a building permit also authorizes the property owner, upon completion of a structure intended for human occupancy, to make application for a certificate of occupancy.

B. Application Requirements

Any request for a building permit shall be accompanied by an application prepared in accordance with requirements of the building inspections division. The City Manager or his/her designee shall be responsible for determining the form and content of the building permit application.

C. Processing of Application and Decision

a. Submittal.

An application for a building permit shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 2.2.E. The City Manager or his/her designee shall review the permit for compliance with all adopted building codes and regulations and shall provide written notification of any items requiring correction or attention within forty-five (45) days after submittal of a complete application.

b. Decision by the City Manager.

The City Manager or his/her designee may approve, approve with conditions, or deny the building permit.

c. Appeals.

Any person or persons aggrieved by any decision of the City Manager or his/her designee, or any taxpayer or any officer, department, or board of the City may appeal the decision of the City Manager or his/her designee to the City Council.

D. Criteria for Approval

The City Manager or his/her designee shall apply the following criteria in deciding the application for a building permit:

- a. The application generally conforms to all prior approved development applications for the property and any variance petition authorizing variation from the standards otherwise applicable to the permit;
- b. The location of the structure on the property is in accordance with all prior approved development applications;
- c. The proposed plan for construction or alteration conforms to the Building Code and other applicable construction codes adopted by the City;
- d. All applicable fees have been paid;
- e. A final plat of the property has been recorded in the Waller County plat records; and,
- f. All public infrastructure required has been installed and accepted by the City and all electric, gas, telephone cable utility, and fiber services necessary to serve the development have been installed within the development

E. Issuance

- a. Additions to existing structures not exceeding twenty-five percent(25%) of the building at the time of the adoption of this PDO; and,
- b. Interior finish out or improvements to existing structures.

### **Article III. Zoning Districts**

#### **3.1 Zoning Map**

- A. The Town of Pine Island is divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the zoning district map of the city, which may also be cited as the "Zoning Map," said map being adopted as a part of this chapter as fully as if the same were set forth herein in detail.
- B. One original of the zoning district map shall be filed in the office of the city secretary. In case of any question, this copy, together with amending ordinances, shall be controlling.
- C. A copy of the zoning district map shall be placed in city hall. The map copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official zoning district map.
- D. The Zoning Map and all the notations, references, and other information shown are a part of this Ordinance and have the same force and effect as if the Zoning Map and all the notations, references, and other information shown were all fully set forth or described herein, which Zoning District Map is properly attested and is on file with the city secretary of the Town of Pine Island, Texas.
- E. Any changes/amendments made to the zoning district boundaries shall be made on the map copy promptly after the amendment has been approved by the city council.
- F. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the mayor and commission of Pine Island may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the official zoning map, except in accordance with the procedures of this title.

#### **3.2 Zoning District Boundary Delineations**

- A. The zoning district boundary lines shown on the zoning district map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the zoning district map, the following rules shall apply:
- B. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be constructed to follow such centerline.
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- D. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- E. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
- F. Boundaries indicated as following the centerline of creeks, streams or drainageways shall be construed to follow such centerline, and in the event of change in the centerline shall be construed to move with such centerline.
- G. Whenever any street, alley or other public way is vacated by official action of the city council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

- I. When there is a question as to the boundary of a tract and that question cannot be resolved by the application of Subsections above, the Planning and Zoning Commission shall determine the boundary by interpreting the official zoning district map and ordinances amending the map.
- J. If, because of error or omission on the Official Zoning Map, any property in the City is not shown to be included in a zoning district, such property shall be classified as the "A" Agricultural district until changed by a zoning map amendment.

**3.3 Digital Mapping**

- A. Digital maps, created through the use of geographic information system technology, containing registration points recorded on the Texas State Plane Coordinate System of 2022 may be used in the administration and enforcement of this title, but shall not replace the paper originals of official maps required by this ordinance.

**3.4 Zoning Districts Established**

- A. In order to regulate the location and use of buildings and land for trade, industry, residence, and other purposes in accordance with the comprehensive plan; to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces, and the density of population, the Town of Pine Island is hereby divided into the following zoning districts:

Table 3.1

District		Intent
RER	Rural Estate Residential	The RER District is intended to provide for very low-density residential development together with recreational facilities, public uses, and accessory uses as may be necessary or are normally compatible with residential surroundings. Since substantial tracts of vacant land are or may be included in the RER District, agricultural and open space uses are expected to be intermixed with rural cluster and conservation subdivisions which emphasize conservation of agricultural and prairie lands. Major subdivisions with very low densities and no central sanitary sewer system are also allowed.
CN-1	Community Neighborhood 1	The CN-1 District is intended to provide low-density residential development that balances rural character with neighborhood-scale living while relying on individual water wells and on-site sewage facilities. This district accommodates single-family homes and out-buildings. These districts serve as a transition between Rural Estate Residential (RER) and more intense, mixed-use districts.
CN-2	Community Neighborhood 2	The CN-2 District is intended to provide low- to moderate-density residential development along major roadways. Development in these districts is single-family residential and associated out-buildings.
TC	Town Center	The Town Center district is intended to provide a mix of uses and services for residents, provide a sense of place and identity for the community, and serve as a destination for visitors. The district is steered by design standards to ensure that development complements and supports rural charm and character. This district is intended to create a lasting City Center likely partnering with private development for a combination of public and private uses.

RM-1	Regional Mixed Use 1	The RM-1 District is intended to accommodate a mix of commercial, office, and civic uses at a rural, small-town scale. These districts are centered at intersections and are intended to provide services to residents and passers-by. Because of their high visibility, design standards for building design, landscaping, signage and lighting are applied in this district.
RM-2	Regional Mixed Use 2	The RM-2 District is intended to accommodate a more intense mix of commercial, office, and civic uses. These districts are located along US 290 and are intended to serve highway traffic. Because of their high visibility, design standards for building design, landscaping, signage, and lighting are applied in this district.
CE	Campus Employment	The Campus Employment District is intended to accommodate existing campus-style industrial uses and employment centers while providing a high-quality, cohesive development pattern for future business expansion. The district supports job-producing uses in a landscaped, well-planned campus setting that emphasizes compatibility with surrounding land uses, environmental stewardship, and long-term economic viability. Development standards are designed to ensure that expansions integrate seamlessly with the community and reflect a professional, low-impact character. Any future industrial development is required to rezone as a Planned Development Campus Employment (PDCE).
BOD	Boulevard Overlay	The BOD is established to foster the thoughtful and context-sensitive development of non-residential properties within 500 feet of planned boulevards. The goal of the district is to encourage appropriately scaled and well-integrated development that is both functional and aesthetically pleasing. To accomplish this, development in the BOD must adhere to design standards regulating building placement and design, signage, landscaping, and parking. Cooperation with developers, Waller County and TxDot are key components to this particular district.

- i. Permitted uses are detailed in Sections 3.8, *Use Provisions*.
- ii. A summary of the height and area regulations for the zoning districts is included in Article 4, *Community Development and Design Standards*.
- iii. Certain terms and definitions used within this chapter can be found in article 12, *Definitions*. Definitions specifically applicable to particular sections are contained within the section.

B. Rural Estate Residential (RER)

A. Special Requirements

a. Large Lot Residential Subdivision

In the RER district, subdivision of more than two lots is permitted outright if the lot sizes are ten acres in size or greater. Developments in which all lots are ten acres in size or greater shall not be subject to the provisions of chapter 3.7, *Planned Development Cluster/Conservation Subdivision District (PDCS)*. If open space is dedicated as part of a large lot residential subdivision, adequate guarantee shall be provided for the permanent retention as “open space” for the dedicated open space area. The guarantee shall be in the form of

private reservation for the use of project residents through permanent conservation easements if approved by the Town of Pine Island, or as land held in a common undivided interest dedicated to a recognized land trust. The care and maintenance of such private open space shall similarly be provided for.

b. HUD Certified Manufactured Homes:

HUD Certified Manufactured Homes are not permitted within approved or platted subdivisions of ten or more lots that have a common subdivision scheme. Where permitted, the placement of HUD Certified Manufactured Homes shall be subject to the following criteria:

- i. The manufactured home shall be placed on an excavated and back-filled foundation, and the foundation shall be fully enclosed.
- ii. The foundation area of the manufactured home shall be fully skirted in masonry.
- iii. All new manufactured homes will comply with the design standards for residential structures in Article 4, *Community Development and Design Standards*.

C. Boulevard Overlay (BOD)

A. Locations and Applicability

- a. The Boulevard Overlay is applied to properties within 500 feet of the following roadways.
  - i. Brumlow Road
  - ii. FM 359
  - iii. Pine Island Road
  - iv. Cochran Road
  - v. FM 3346 from FM 359 to Walton Road.
- b. The provisions of this ordinance shall apply to :
  - i. All new construction of principal and accessory buildings;
  - ii. Exterior building expansions exceeding 25% of existing building footprint;
  - iii. Change of use requiring site plan approval;
  - iv. New or expanded parking areas;
  - v. New or replacement signage; and
  - vi. Site improvements requiring development permits

B. Relationship to Base Zoning

Where a standard in this Chapter conflicts with the underlying zoning district, this Chapter controls. Where this Chapter is silent, the underlying district controls. The BL-O is intended to supplement, not replace, the use regulations of the underlying district.

C. Boulevard Cross-Section - *Reserved*

D. Median and Parkway Standards - *Reserved*

E. Site Design Standards

a. Minimum Lot Size:

The Minimum lot size in the BOD will vary based upon the availability of utilities.

b. Minimum Setbacks:

1. Minimum setbacks will be determined on a project by project basis based on existing and surrounding conditions and proposed uses.
2. The minimum front setback is 10 feet from the edge of right of way.

3. The maximum front setback is 25 feet from the edge of right of way unless a courtyard, outdoor seating, or other active use area is proposed.
4. The front setback faces the boulevard.

c. Street build-to Requirement

The primary building facade shall be located 10-30 feet from the right of way line.

d. Parking

1. In the BOD parking is only allowed to the rear or side of the building.
2. No off-street parking is allowed between the building and the boulevard.
3. Parking lots must be screened in accordance with Article 4.

e. Curb Cuts: There must be a minimum of 150 feet between curb cuts on the same street. Uses are encouraged to connect parking lots to minimize the need for curb cuts and unsafe maneuvering along the boulevard.

f. Mechanical Screening

All rooftop and ground-level mechanical equipment must be screened from view.

F. Building Design

In addition to the requirements found in Article 4, *Community Development and Design Standards*, buildings are subject to the following site design requirements:

a. Primary Entry

1. Primary entries shall be accessed directly from the public street and sidewalk.
2. The primary entry must be clearly identified with a canopy, stoop, or other architectural feature.
3. A secondary entry providing access from a side or rear parking lot is allowed.
4. On a corner lot, a corner-oriented entry counts as boulevard facing.

b. Windows shall be provided with trim and molding. Windows shall not be flush with the exterior wall treatment.

c. The pitch of a structure's roof shall have a minimum vertical rise of 2½ feet for every 12 feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction or a standing seam metal roof.

d. Prohibited Features

1. Drive-through lanes on street-facing facades.
2. Exposed loading docks facing the street.
3. Blank walls of 30 feet or more on the street facade.

G. Buffer Requirements:

a. Landscape buffers shall be installed:

1. Between the road and parking and buildings.
2. Landscape buffers shall be installed between uses.

b. Within the BOD, one of the following types of buffer or a combination of the following types of buffers, shall be utilized to provide the required buffer:

1. Landscape buffer strip: A buffer strip at least 30 feet wide, densely planted with a mix of trees and shrubs a minimum of three feet high at the time of planting, of a type that will possess growth characteristics of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least six

feet within three years. A landscape plan identifying all plants to be incorporated in the buffer strips must be approved by planning staff prior to any site construction. Planning staff may require additional planting to acquire a uniform buffer strip. Varietals from the John Fairy Gardens are encouraged and may allow for a reduction in the 30' width.

2. Landscape buffer wall: A buffer strip at least 15 feet wide, containing an opaque wall or barrier or uniformly painted fence at least six feet in height. The framework for newly constructed fences and walls shall face toward the builder's property. Buffer strips shall have eight feet of landscape plantings on the exterior, finished side of the wall and shall be planted with appropriate trees, shrubs, and ground cover as to provide a transition from the wall to both edges of the buffer strip. A landscape plan identifying the location and construction of the wall or barrier and all plants to be incorporated in the buffer strip must be approved by planning staff prior to any site construction. Planning staff may require additional planting to acquire a uniform buffer strip. Varietals from the John Fairy Gardens are encouraged and may allow for a reduction in the 30' width.

H. Lighting Requirements: In accordance with the City's Outdoor Lighting Ordinance.

3.5 Use Provisions - - SEE NEXT DOCUMENT FOR SECTIONS 3.5 - 3.10

### 3. ZONING

#### 3.1. Zoning Map

#### 3.2. Zoning District Boundary Delineations

#### 3.3. Digital Mapping

#### 3.4. Zoning Districts Established

#### 3.5. **Planned Development District**

##### 3.5.1. Applicability

To be considered for a Planned Development District, the applicant shall meet all of the following criteria:

- A. *Location.* Any property located within the city limits is eligible for a Planned Development District. Upon City Council approval, an owner or developer of a specific piece of property located within the city's designated planning area may be authorized to submit a Planned Development District application in conjunction with an annexation request, but final approval of the PD will not be effective until said property is annexed into the Town of Pine Island.
- B. *Size.* There shall be no minimum or maximum tract size for a PD application.

##### 3.5.2. Purpose

The intent of the Planned Development District is to permit and encourage comprehensively planned zoning and development whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Development District application.

- A. *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts .
- B. *Compatibility.* Providing for compatibility with the surrounding land uses.
- C. *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- D. *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- E. *No Negative Impact.* Does not have a negative effect upon the future development of the area.
- F. *Coordination.* Permit coordination and planning of the land surrounding the PD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- G. *Open Space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- H. *Natural Features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- I. *Comprehensive Plan.* Comprehensive and innovative planning and design of mixed-use yet harmonious developments consistent with the guiding policies of the Comprehensive Plan.
- J. *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

##### 3.5.3. Approval Procedure

Property may be rezoned to the Planned Development District by the City Council in accordance with the requirements of this chapter and **Article 2, Administration and Procedures.**

- A. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PD." The rezoning shall include the adoption of zoning standards and a specific master plan.

- B. All uses identified within the Use Matrix may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Development District request .

### **3.6. Planned Development Campus Employment**

#### **3.6.1. Description and Purposes**

- A. The Planned Development/Campus Employment (PDCE) is established to provide a flexible regulatory framework for the development of campus-style light industrial, research, technology, office, and employment centers within Pine Island. This district accommodates employment centers in a coordinated, master-planned setting that integrates buildings, landscape, infrastructure, and open space.
- B. The purposes of the PDCE district are:
  - a. To accommodate light industry and employment generating uses, conducting predominantly within enclosed buildings and producing no significant external impact in the form of noise, vibration, odor, dust, glare, emissions, or heavy truck traffic, in a campus setting characterized by generous landscaping, coordinated architecture, internal circulation, shared amenities, and substantial open space and buffering between uses.
  - b. To encourage development that meets a demonstrably higher standards of site planning, architectural quality, environmental performance, and long-term land stewardship than would be achieved under base zoning and development standards.
  - c. To provide flexibility in the arrangement of uses, building placement, lot configuration, parking, and infrastructure.
  - d. To protect adjacent properties, public rights-of-way, and natural systems through enhanced buffering, transitional setbacks, controlled access, dark-sky compliant lighting, and stormwater management practices.

#### **3.6.2. Inappropriate and Prohibited Uses**

The PDCE district is expressly not intended to accommodate heavy industrial, intensive resource-extraction, large-scale outdoor storage, or high-impact utility and infrastructure uses, regardless of how such uses might otherwise be characterized by an applicant. The following uses, and uses of similar character, scale, or external impact, are prohibited within the PDCE district and shall not be authorized through the planned development process:

- A. Heavy manufacturing, primary metals production, foundries, refineries, petrochemical processing, and the bulk manufacture or processing of cement, asphalt, concrete or chemicals;
- B. Meat packing, slaughtering, rendering, tallow works, fish processing, and commercial poultry or livestock facilities;
- C. Hyperscale, wholesale, colocation, or other large-scale data center facilities, including any data center exceeding 10,000 square feet of gross floor area, exceeding 5 MW of contracted or installed electrical load, or relying on evaporative or other high-consumption water cooling systems; provided, however, that data and computing facilities accessory and incidental to a permitted principal use on the same campus may be permitted subject to the DEVELOPMENT STANDARDS;
- D. Pipe yards, pipe coating or fabrication yards, oilfield service yards, frac sand or proppant storage and transfer facilities, drilling mud and produced water handling, and similar oil and gas service operations;
- E. Truck terminals, freight terminals, intermodal facilities, container storage yards, and long-haul trucking and logistics operations whose primary function is the staging, transfer, or storage of tractor-trailers, intermodal containers, or bulk cargo.
- F. Outdoor storage yards as a principal use, including contractor's yards, equipment yards, lumber yards, salvage yards, junkyards, automobile wrecking or dismantling, and recycling collection or processing facilities other than small-scale, full enclosed operations accessory to a permitted use;

- G. Concrete batch plants, asphalt batch plants, rock crushing, quarrying, mining, and other resource-extraction uses;
- H. Bulk fuel, chemical, or hazardous materials storage, distribution, or transfer facilities, other than quantities reasonable necessary for and incidental to the operation of a permitted principal use;
- I. Electric generating stations, peaker plants, substations exceeding the capacity necessary to serve the campus and immediately surrounding area, and large-scale battery energy storage systems operated as a principal use;
- J. Any use that, by reason of its emissions, noise, vibration, odor, glare, traffic generation, hours of operation, hazardous materials handling, or visual impact, is determined by the City Council to be inconsistent with the campus employment character of the district.

A use shall not be permitted within a PDCE solely because it is not specifically enumerated above; the absence of a use from this list shall not be construed as an indication that the use is appropriate for the district.

### 3.6.3.Applicability

The PDCE district is available only through the planned development process established in SECTION. A PDCE designation may be considered for properties of sufficient size and configuration to support an integrated campus-style development, as determined by the City Council. Approval of a PDCE requires adoption of a Concept Plan, Development Standards, and any applicable design guidelines specific to the district, all of which will be incorporated into the approving ordinance and will govern development of the property in lieu of, or as a modification to, the otherwise applicable provisions of this PDO.

### 3.6.4.Approval Procedure

The approval procedure for a PDCE is the same procedure as for Planned Developments outlined in section 3.5.3.

## **3.7. Planned Development Cluster Conservation Subdivision District (PDCS)**

### 3.7.1.Description and Purposes

- A. The purpose of the Planned Development Cluster/Conservation Subdivision (PDCS) is to preserve rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting development in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:
  - a. Provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
  - b. Provide design flexibility and efficiency in the location of services and infrastructure, by reducing road length, utility runs, and the amount of paving required for residential development.
  - c. Create neighborhoods with visual as well as physical access to preserved open space, with amenities in the form of central open space, and with strong neighborhood identity.
  - d. Reduce erosion and sedimentation by preserving existing vegetation and/or restoring native prairie.
  - e. Restore or create new native prairies and tree canopy where appropriate and encourage the preservation and enhancement of wildlife habitat.
  - f. Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
  - g. Preserve important historic and archaeological sites.

- h. Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility extensions, necessary for residential development.
- i. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- j. Require contiguous permanent open space between adjacent parcels.
- k. Encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of open space, play areas and community facilities as focal points in the neighborhood.
- l. Encourage street designs that reduce traffic speeds and reduce reliance on arterial roads.
- m. Conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to, and views of, dedicated open space.
- n. Protect prime agricultural land and preserve farming, ranching, and agriculture as an economic activity.
- o. Protect the character of surrounding neighborhoods and the quality of life of adjacent residents.
- p. Promote other purposes of the zoning ordinance, subdivision regulations, soil erosion and sedimentation control ordinance, protected environmental areas ordinance, greenway network plan, and other ordinances and policies of the City of Pine Island.

#### 3.7.2. Applicable land use districts

- A. The Planned Development / Cluster Conservation Subdivision is allowed in the RER and CN-1 zoning districts.

#### 3.7.3. Minimum Subdivision Acreage

The site proposed for a cluster/conservation subdivision must contain a gross area of ten (10) acres or more in order to meet the requirements of this chapter.

#### 3.7.4. Approval Procedure

- A. The application for the PDCS shall be executed by all property owners, including holders of deeds to secure debt, as recorded in the official records of Waller County.
- B. Any request involving the approval of a conservation subdivision planned development shall be considered an amendment to the zoning ordinance. If approved by the governing body, the conservation subdivision planned development regulations shall become the zoning for the property.
- C. Exceptions or variations in the general regulations and standards associated with the underlying zoning district, or exceptions or variations to other applicable requirements of the zoning ordinance, may be requested as part of the preparation and review of the conservation subdivision planned development submittal. Such requests may be approved if the spirit and intent of such requirements are complied with in the total development plan approved for the conservation subdivision planned development.
- D. Conservation subdivision planned development submittals shall be prepared in accordance with the requirements outlined in this chapter.
- E. Approval of the conservation subdivision concept plan shall constitute preliminary plat approval. Procedures for the preparation of the final plat shall comply with the Town of Pine Island Subdivision Ordinance.
- F. After review and recommendation by the planning commission, the petitioner must submit the plan to the City Manager for submittal to the City Council for consideration and approval. Four (4) copies of the concept shall be submitted to the City Secretary.

Additionally after review and recommendation by the planning commission, any adjustment or amendment submitted to binding site plans by the petitioner, beyond those recommended by the planning commission, shall be considered a new application and cause the original rezoning request to be returned to the planning commission for reconsideration. All fees normally associated with a rezoning request shall also be applicable.

- G. If the planning commission recommends changes to the binding site plan, and petitioner decides to include such changes to his or her request, then said petitioner must make appropriate changes to the binding site plan, submit said plan in accordance with the provisions of paragraph F above, and will include on the plan a statement signed by the preparer outlining the changes and stating that no other changes have been made except those requested.
- H. Phased Site Plan
- a. If the project is to be developed in phases, following the approval of the concept plan, the owner shall submit a detailed site plan of each project phase to the City Manager for approval prior to the issuance of any permits. The City Manager may refer, at their discretion, and shall refer, upon the request of the owner, approval of the site plan for each phase to the full planning commission.
  - b. The detailed site plan of each project phase shall be drawn to scale, fully dimensioned, and shall include the same information as required for a final plat as detailed in the Town of Pine Island Subdivision Regulations.
  - c. The City Manager shall approve, and may only approve, the phased site plan if it conforms to the approved concept plan. Any deviation from the concept plan shall be grounds for denial of the phase site plan and shall necessitate the petitioning for approval of an amendment of the concept plan and "CSPD" zoning before the phase site plan can be approved. Approval of the phase site plan will be through a staff permit procedure.
  - d. The approval of the phase site plan and related information for each phase shall allow the owner to proceed with the installation of improvements and submit (when appropriate) a final subdivision plat for approval, all in accordance with the procedures set forth in the Town of Pine Island Subdivision Regulations.
- I. Compliance. In any event where it is determined by the City Council, after referral and/or receipt of a recommendation from the planning commission, that the development of an approved planned development project is not in accordance with this section, the City Council, after holding a public hearing, may amend the zoning ordinance to place parts or all of the property in the planned development district in its prior zoning classification or any other appropriate classification.
- J. Application of Regulations
- a. For the purposes of zoning compliance, a planned development property shall be treated as one lot.
  - b. To ensure adequate and proper construction of: recreation lands and appurtenances; streets and sidewalks; drainage facilities; grading improvements; and, sewer, water, and other utilities; the City Council may require that the owner submit a performance bond or other financial guarantee. Such guarantee, if required, shall be in an amount set by the City Council and sufficient to allow the Town of Pine Island to construct the stipulated facilities. In addition, the owner shall be required to grant right-of-entry to the Town of Pine Island or its designees to construct such improvements where a bond is required. The bonding requirements shall be the same as required of a subdivision as detailed in the Town of Pine Island Subdivision Regulations.

- K. The City Manager shall have the authority to grant waivers and variances to those restrictions and conditions of planned developments that the applicant has established instead of or in addition to the underlying district regulations using the staff permit procedure. The City Manager shall not change any condition or restriction that has been imposed by the planning commission or the mayor and commission nor grant any changes to the lot regulations that would be less restrictive than those set by the underlying district regulations. Variance and waiver requests shall be in writing to the City Manager. The City Manager may request any additional information or documents deemed necessary to make a determination on the requested action.
- L. The approved concept plan constitutes a binding site plan.

#### 3.7.5. Pre-planning Site Visit

The applicant shall schedule a pre-planning site visit to obtain advice and assistance prior to preparing layouts or designs for the proposed subdivision. This consultation shall occur at the site of the proposed subdivision, and shall be attended by applicant, applicant's designer, and city staff. If the applicant is considering putting any of the site into a conservation easement, a representative from a qualified land trust of the applicant's choosing that is active in the protection of land in Waller County shall also be invited to attend the pre-planning site visit.

The purpose of this visit is to discuss the applicant's objectives, review the applicant's documentation and analysis of existing conditions, and discuss optional concepts for subdivision layout and location of open space.

#### 3.7.6. Pre-Planning Site Conference

Following the pre-planning site visit, the applicant shall schedule a pre-planning site conference to obtain advice and assistance prior to preparing layouts or designs for the proposed subdivision. A representative from a qualified land trust of the applicant's choosing active in the protection of land in Waller County shall also be invited to attend the pre-planning site conference.

The purpose of this conference is to discuss the Applicant's objectives, review the applicant's documentation and analysis of existing conditions, and discuss optional concepts for subdivision layout and location of open space.

#### 3.7.7. Sketch Plan

Applicant shall submit a sketch plan for review by the planning and zoning commission following the completion of the pre-planning site visit and the pre-planning site conference, and prior to preparing the conceptual plan. The sketch plan shall be submitted at least 14 days prior to the planning commission meeting at which the Sketch Plan is to be discussed. Any actions taken by the planning commission regarding the sketch plan are non-binding and shall constitute a tentative recommendation only. The sketch plan shall be prepared by a registered architect, registered landscape architect, and/or registered engineer, and shall depict the following information. The sketch plan will diagrammatically indicate initial thoughts about how the special or noteworthy features of the site may be preserved while providing for the allowed density. The applicant is strongly encouraged to review the sketch plan with abutting property owners prior to its submittal to the planning commission. For the purposes of planned development review, the sketch plan shall serve as the preliminary development plan.

#### 3.7.8. Review of Sketch Plan

For proposed subdivisions not intended to be served by public sewer, applicants are strongly encouraged to request an informal sketch plan review meeting with the City OSSF inspector. Applicant should bring

to this meeting soils survey data for the entire property, in addition to the sketch plan, and a concept for wastewater treatment.

### 3.7.9. Conceptual Plans

Conceptual plan submittal requirements: Following the planning commission's review of the sketch plan, the applicant shall submit a conceptual plan for consideration by the Town. For the purposes of planned development conservation subdivision review, the conceptual plan shall serve as the master development plan. Conceptual plan shall be prepared by a registered architect, registered landscape architect, and/or registered engineer, and shall depict the following information. If approved by the governing body, the requirements associated with the approval of the conservation subdivision development shall be in addition to, and shall amend, the requirements associated with the underlying zoning district.

### 3.7.10. Open Space

- A. Definition. For the purposes of this chapter, open space is defined as the portion of the conservation subdivision that has been set aside for permanent protection for the common use of the residents of the development, or for the use of the community as a whole if so designated. The land designated as open space shall be in single ownership, and shall not be divided among any of the constituent lots of the subdivision. The open space may be left or restored with native vegetative cover. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument and are subject to the terms of this chapter.
- B. At least 75 percent of the open space shall be contiguous. Contiguous open space may be bisected by dedicated street right-of-way. At the point where the open space is bisected by the street right-of-way, the open space must be at least 75 feet in width.
- C. Permitted Uses of Open Space
  - a. Conservation of natural, archeological or historical resources.
  - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
  - c. Walking or bicycle trails, provided they are constructed of porous paving materials;
  - d. Passive recreation areas, such as open fields.
  - e. Active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. These areas must be clearly indicated on all submitted plans. Active recreation areas in excess of this limit must be located outside of the protected open space. Active recreation areas located in the protected open space may not include impervious surfaces.
  - f. Agricultural uses, including but not limited to, timber harvesting, raising of livestock, crop growth, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas.
  - g. Landscaped stormwater management facilities and impoundments. Such facilities shall be located outside of primary conservation areas.
  - h. Community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of primary conservation areas.
  - i. Easements for drainage, access, and underground utility lines.
  - j. Other conservation-oriented uses compatible with the purposes of this ordinance.
- D. Prohibited Uses of Open Space

- a. Golf courses.
  - b. Parking lots and impervious surfaces, unless otherwise permitted in this chapter.
  - c. Agricultural activities, including but not limited to, timber harvesting, raising of livestock, crop growth, that are not conducted according to accepted best management practices.
  - d. Planting of invasive exotic plant species, such as kudzu, Chinese privet, and Japanese honeysuckle or other species identified as noxious or invasive.
  - e. Active recreation areas, including but not limited to tennis courts, basketball courts, or swimming pools.
  - f. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
- E. Ownership of open space. The following methods may be used to own open space land and all common facilities:
- a. Homeowners association. A homeowners association representing residents of the conservation subdivision may own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the homeowners association.
  - b. Private conservation organization. With approval by the Pine Island City Manager, fee simple title of the open space or easements on the open space may be transferred to a private nonprofit conservation organization provided that the conservation organization meets the following criteria set forth herein. The organization shall have a letter from the Internal Revenue Service stating that it is exempt under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3a), and is a qualified conservation organization as defined by the U.S. Treasury Regulations (1.170A-14(c)) intended to exist indefinitely. The organization should also adhere to the Land Trust Alliance's current Statement of Land Trust Standards and Practices and be able to demonstrate such adherence to the City Manager on request. The conveyance shall contain appropriate provisions for proper reverter or retransfer in event the organization becomes unwilling or unable to continue carrying out its functions.
  - c. Fee simple dedication to the Town of Pine Island. Pine Island may, but shall not be required to, accept any portion of the common facilities, provided that there is no cost of acquisition to the city and the city agrees to and has access to maintain such facilities.
- F. Open space management plan. At the time of submittal of the conceptual plan, applicant shall submit a draft open space management plan that addresses the issues identified below. Included in the draft open space management plan shall be a draft conservation easement and documentation regarding the organization of the homeowner's association, which shall be subject to legal review for content and form. Prior to final plat approval, applicant shall submit a final open space management plan for the management of open space and common facilities that:
- a. Identifies the use(s), restrictions on use(s), ownership, maintenance, and perpetual preservation of the open space areas.
  - b. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.
  - c. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided.

- d. Provides that any amendments to the open space management plan be approved by the City Manager.
  - e. Provides for enforcement of the open space management plan.
- G. Default on maintenance of open space. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, and in the event that other legal remedies available under the open space management plan have failed, the Town of Pine Island may, but shall not be required to, assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowners association, or to the individual property owners that make up the homeowners association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
- H. Permanent protection of open space. An instrument of permanent protection, such as a conservation easement as described below, shall be placed on the open space concurrent with or prior to the issuance of a land disturbance permit. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
- a. A land trust or similar qualified conservation organization; or,
  - b. A governmental entity with an interest in pursuing goals compatible with the purposes of this title. If the entity accepting the easement is not the Town of Pine Island, then a third party right of enforcement favoring the Town shall be included in the easement.
  - c. In no case shall the holder of the conservation easement be the owner of the open space protected by said conservation easement.
  - d. Open space use restrictions. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the use of the open space.
- I. Homeowner's Association  
In all cases, a homeowner's association shall be established. Membership shall be automatic and mandatory for all lot owners in the subdivision and their successors. The homeowner's association shall have the power to file liens to collect dues and assessments. Documentation organizing the homeowner's association shall be provided to the City Manager and City Attorney for review in conjunction with the submittal of the draft open space management plan. Approval of the organizing documentation must be received prior to final plat approval.

#### 3.7.11. Violation.

The approved conceptual plan constitutes a binding site plan. The violation of any provision included within the approved conservation subdivision planned development shall constitute a violation of this title.

### **3.8. Use Provisions**

#### 3.8.1. Generally

- A. Permitted uses are assigned by zoning category, in accordance with the table of uses of section 3-9.
- B. No use shall be permitted pursuant to this chapter, and no development permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use conforms to the provisions and regulations of this Planning and Development Ordinance.

- C. Notwithstanding, uses which are required to be permitted in any zoning category by state statute may be permitted, in accordance with state law, whether or not the use is included in the table of uses.
- D. In cases where a particular use is not identified in the use tables but meets all of the characteristics of and is so similar to a use specifically described below that no difference in impact on the district or adjacent property can be anticipated, the City Manager or designee may interpret that use as being included within that similar category and use type. If a use is determined by the City Manager or designee to be potentially impactful, it will be required to seek a conditional use permit for the location.
- E. The City Manager or designee shall determine whether a proposed use is included or excluded from the scope of the uses listed in these tables and the provisions concerning particular districts. Uses not listed in the base zoning category may require council approval based on the interpretation of the City Manager or designee.

### 3.8.2. Classification of Uses

No building shall be erected, converted, enlarged, reconstructed, moved, structurally altered or used, except for a use permitted in the district in which the building is located.

#### A. Principal Uses

- a. The allowed use table in Sec. 3.9. establishes permitted uses by district. No land shall be used except for a purpose permitted in the district in which it is located.
- b. The primary or predominant use of any lot, parcel, or structure. Where more than one use occurs on a lot, the principal use shall be the use that occupies the greatest floor area or land area, unless otherwise specified by this Ordinance.

#### B. Accessory Uses

- a. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.
- b. No accessory use or structure shall be located, constructed or moved upon a lot until the construction of the main building has commenced. No accessory structure shall be used unless the main building is in use.
- c. Standards for accessory uses are specified in Sec. 3.11.

#### C. Temporary Uses

- a. A temporary use is a use that is in place for a limited period of time only.
- b. Requirements for temporary uses are specified in Sec. 3.12.

### 3.8.3. Multiple Uses on a Single Lot

#### A. Generally

Except as provided in this Section or elsewhere in this Ordinance, only one principal use shall be permitted per lot.

#### B. Districts and Designations Allowing Multiple Uses

Multiple principal uses are permitted on a single lot, and within a single building, in the following districts and designations, subject to the standards of this Section and any district-specific standards:

- a. Town Center (TC)
- b. Regional Mixed Use 1 (RMU-1)
- c. Regional Mixed Use 2 (RMU-2)
- d. Boulevard Overlay District (BOD)
- e. Any Planned Development (PD, PD/CS, PD/CE)

C. General Standards Applicable to all Multiple Use Lots

Where multiple principal uses are permitted on a single lot:

- a. Use Compatibility  
Each principal use shall be a use permitted by right or by conditional use approval in the underlying district. Uses combined on a single lot shall be compatible in operation, hours, traffic generation, and external impacts, or shall be separated or buffered as necessary to ensure compatibility.
- b. Applicable Standards  
Each principal use shall comply with all supplemental use standards, performance standards, and operational requirements applicable to that use under this Ordinance.
- c. Parking  
Off-street parking shall be calculated separately for each principal use based on the parking ratios in Article 4, and the total parking requirement shall be the sum of the requirements for each use, except that shared parking reductions may be applied in accordance with Table 4.7 *Parking Standards by District*.
- d. Signage  
Signage shall be regulated based on the lot as a whole and the building frontage occupied by each use, in accordance with the Town of Pine Island Sign Ordinance. Multiple principal uses shall not entitle a lot to additional freestanding signs beyond those permitted for the lot.
- e. Loading Refuse and Service Areas  
Service areas may be shared among multiple principal uses, provided that the shared facilities are sized to accommodate the combined demand and meet the screening and location standards of Article 4.
- f. Site Plan Review  
Development of a lot containing multiple principal uses shall require site plan review and approval in accordance with Article 2, demonstrating that the proposed combination of uses meets the standards of this Section.

D. Determination of Principal Use for Regulatory Purposes

- a. Where the standard is reasonably divisible (such as parking, loading, or use-specific performance standards), the standard shall be applied separately to each principal use.
- b. Where the standard is not reasonably divisible (such as a single overall lot standard), the standard applicable to the predominant principal use—measured by gross floor area—shall apply, unless the City Manager determines that a more stringent standard applicable to a non-predominant use is necessary to address site-specific impacts.
- c. The City Manager's determination under this subsection may be appealed in accordance with Article 2.

E. Boulevard Overlay Mixed-Use Standards - *Reserved*

F. Planned Development Mixed Use Standards - *Reserved*

G. Campus Employment Mixed-Use Standards - *Reserved*

3.8.4. Principal Uses Not Listed

- A. The City Manager is responsible for categorizing all principal uses. If a proposed use is not listed in a use category, but is similar to a listed use, the City Manager may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the City Manager must consider the following criteria:
- a. The actual or projected characteristics of the proposed use;
  - b. The relative amount of site area or floor area and equipment devoted to the proposed use;
  - c. Relative amounts of sales;
  - d. The customer type;
  - e. The relative number of employees;
  - f. Hours of operation;
  - g. Building and site arrangement;
  - h. Types of vehicles used and their parking arrangement;
  - i. The number of vehicle trips generated;
  - j. How the proposed use is advertised;
  - k. The likely impact on surrounding properties; and,
  - l. Whether the activity is likely to be found independent of the other activities on the site.
- B. Where a use not listed is found by the City Manager not to be similar to any other permitted use, the use is only permitted following a text amendment.

### 3.9. Use Matrix

#### A. Use Table Key

a. Permitted Use (✓)

Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of the PDO.

b. Additional Use Requirements (AR)

Indicates a use is permitted in the respective district, subject to a use standard found in the right-hand column of the use table. The use is also subject to all other applicable requirements of the PDO. Additional Use Requirements are detailed in Section 3.10 *Additional Use Requirements*.

c. Conditional Use (C)

Indicates a use may be permitted in the respective district only after a public hearing by the Planning Commission and approval by the City Council. Conditional uses are subject to all other applicable requirements of this PDO, including any applicable use standards, except where the use standards are expressly modified by the City Council as part of the approval.

d. Use Not Permitted

A blank / empty cell indicates that a use is not permitted in the respective district.

✓ = Permitted by Right  
C = Conditional Use Permit (CUP)  
(Blank) = Prohibited

\*Allowable uses in the Boulevard Overlay shall match those in the base zoning district unless otherwise indicated.

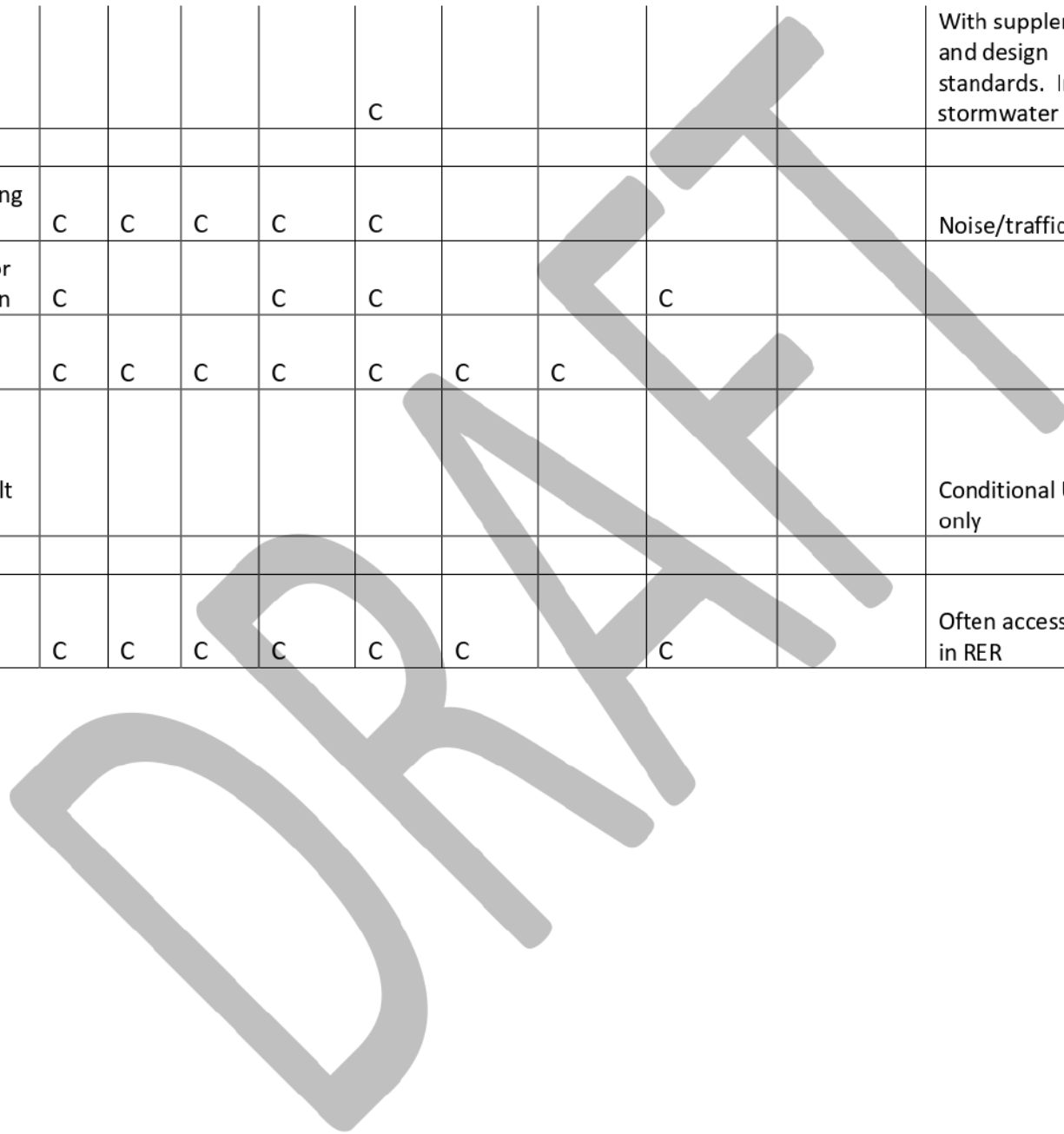
Table 3. 1, Use Matrix										
Residential Uses	RER	CN-1	CN-2	Town Center	RMU-1	RMU-2	Campus Emp.	Boulevard Overlay*	Additional Reqs. (See Art. 3.10)	Notes / Standards
Single-family detached	✓	✓	✓							CN districts limited by well/septic capacity
Rural cluster / conservation subdivision	✓	C								Must preserve ≥60% open space; no central sewer in RER
Duplex / cottage court			C							Subject to design standards where applicable
Townhome / small multiplex				C	C					CN-2 limited by TCEQ lot size minimums
Mixed-use residential / apartments				C	C	C				Upper story encouraged in Town Center/RMU-1
Live-work unit				C	C	C				Must meet design standards
Accessory dwelling unit (ADU)										Not Allowed

Manufactured Home	✓									Must meet foundation, skirting, and roof standards /Point to design standards
Manufactured Home Subdivision										Not Allowed
Manufactured Home Park										Not Allowed
Mobile Home										Not Allowed / See Article 12, Definitions.
										Existing mobile homes are nonconforming structures.
<b>Ag / Open Space Uses</b>	<b>RER</b>	<b>CN-1</b>	<b>CN-2</b>	<b>Town Center</b>	<b>RMU-1</b>	<b>RMU-2</b>	<b>Campus Emp.</b>	<b>Boulevard Overlay*</b>		<b>Notes / Standards</b>
Barns, silos, ag structures	✓	✓	C							Accessory to ag use
Agritourism / farm stand	✓	C	C	C	C					Parking and traffic review required
Community garden	✓	✓	✓	✓	✓	C	C			
Parks / trails / open space	✓	✓	✓	✓	✓	✓	✓			Encouraged in all districts
Conservation / prairie preserve	✓	✓	✓	C	C		C			May count toward open space requirements
<b>Civic / Institutional Uses</b>	<b>RER</b>	<b>CN-1</b>	<b>CN-2</b>	<b>Town Center</b>	<b>RMU-1</b>	<b>RMU-2</b>	<b>Campus Emp.</b>	<b>Boulevard Overlay*</b>		<b>Notes / Standards</b>
Church / place of worship	C	C	C		C	C				Traffic and parking review
School (public/private)	C	C	C					✓		Septic capacity limits in CN

Library / post office / city hall				✓	✓	C		✓	Primary use in Town Center
Community center / amphitheater	C	C	C	✓	✓	C			Noise/lighting standards apply
Fire / EMS / public safety	C	C	C	C	C	C	C		
<b>Retail, Service, Commercial Uses</b>	<b>RER</b>	<b>CN-1</b>	<b>CN-2</b>	<b>Town Center</b>	<b>RMU-1</b>	<b>RMU-2</b>	<b>Campus Emp</b>	<b>Boulevard Overlay*</b>	<b>Notes / Standards</b>
Neighborhood retail (<5,000 sf)			C	✓	✓	C		✓	Boulevard Overlay may apply
Restaurant / café	C	C	C	✓	✓	✓		✓	Drive-throughs are restricted and must be approved by the Town Council
Personal services			C	✓	✓	✓		✓	
Grocery / market				✓	✓	✓		✓	
Hotel / Inn / B&B	C	C	C	✓	✓	✓		✓	
Gas station / convenience				C	C	✓			Only in RMU-2 by right
Drive-through use				C	C	C			Prohibited along Boulevard Overlay (Brumlow) without CUP
Sale of fireworks									
Smoke / Vape / Tobacco Shop									
Auto repair / tire shop					C	✓			Screened from view
Pawn Shop									

Office, Employment, & Industrial Uses	RER	CN-1	CN-2	Town Center	RMU-1	RMU-2	Campus Emp.	Boulevard Overlay*		Notes / Standards
Professional office				✓	✓	✓	C	✓		
Medical office / clinic				✓	✓	✓	C	✓		
Artisan / maker space				✓	✓	✓	C	✓		
Light manufacturing					C	✓	✓*			Must be low-impact
Warehouse / distribution						C	✓*			Access to major roadway required
Research / tech / lab					C	✓	✓*			
Resource Extraction										
Solar Farm										
Wind Farm										
Vehicle / RV / Boat Storage										
Mini Storage / Self Storage										
Commercial Kennel	C	C	C		C			C		
Communication / Cell Towers	C	C	C		C	C	C			
Existing industrial							✓			
* Requires PD-Campus Employment rezoning for new uses.										
Recreation, Events, Lodging Uses	RER	CN-1	CN-2	Town Center	RMU-1	RMU-2	Campus Emp.	Boulevard Overlay*		Notes / Standards
RV park										Must maintain natural buffers

Waller County Fairgrounds					C					With supplemental use and design standards. Including stormwater
Private campground										
Event venue / wedding barn	C	C	C	C	C					Noise/traffic controls
Private club, lodge, or fraternal organization	C			C	C				C	
Sports fields / rec complex	C	C	C	C	C	C	C			
Sexually Oriented Business / Adult Entertainment / Adult Novelty Shop										Conditional Use Permit only
Gun Range										
Brewery / winery / distillery / tasting room	C	C	C	C	C	C			C	Often accessory to ag use in RER



3.10. Additional Use Requirements

3.10.1. Purpose and Applicability

Due to their nature, some particular uses, though allowed by right, must demonstrate compliance with additional standards in order to preserve the health, safety, welfare and economic stability of the community. The following uses shall be allowed, provided the use meets the standards established herein, and the use is permitted under the zoning district assigned to the property.

3.10.2. Uses Permitted with Additional Standards

- A. Uses listed in the Use Matrix as “Uses Permitted with Additional Requirements” (AR) shall comply with the additional criteria set forth in this section for such uses in addition to other applicable criteria contained in this ordinance. Such uses are permitted by-right provided they meet the specific additional standards set forth in this section.
- B. Approval procedures for uses permitted with additional requirements are found in Article 2, *Administration and Procedures*

3.10.3. Temporary Uses

- A. Uses listed in the Temporary Use Table in Section 3.7.7.B shall comply with the additional criteria set forth in this section for such uses in addition to other applicable criteria contained in this ordinance. Such uses are permitted by-right provided they meet the specific additional requirements set forth in this section.
- B. Approval procedures for uses which require a Temporary Use Permit are found in Article 2, *Administration and Procedures*.

3.10.4. Essential Services

- A. Utility distribution lines, which deliver service to the end user, and utility transmission lines which deliver service to an area larger than an individual parcel, shall be installed underground, unless subsurface conditions make underground installation impossible or state or federal law preempts the enforcement of this provision.
- B. Facilities used for the operation of essential services should, wherever possible be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.
- C. Buildings and other structures which cannot adhere to the scale, volume, spacing, setback and typology of existing buildings along fronting streets shall provide an opaque landscape screen in accordance with the provisions of Article 4 to shield them from view of all public rights-of-way and from abutting properties.

3.10.5. Residential Uses

- A. Accessory Apartments
  - a. Only allowed in the TC district;
  - b. The principal use of the property is primarily for business;
  - c. The floor area occupied by the accessory apartment shall be no larger than one-half the area of the total floor area occupied by the main business building, but in no case shall the accessory apartment occupy more than 1,200 square feet; and,
  - d. The residential use is in accord with the on-site business and adjacent land uses within the community.
  - e. Parking for the business must meet the requirements outlined in the parking section of this PDO plus one space per apartment.

B. Assisted Living Facilities

- a. Assisted living facilities shall comply with all requirements of chapter 247 and, as applicable, chapter 242 of the Texas Health and Safety Code.
- b. Assisted living facilities with six (6) or fewer residents shall be permitted by right in any residential district.
- c. An assisted living facility with more than six (6) residents shall require a conditional use permit in all single-family residential districts.
- d. An assisted living facility with more than six (6) residents shall be permitted by right in any district where multi-family residential is permitted.
- e. Assisted living facilities shall be separated from other assisted living facility by two thousand five hundred (2,500) feet measured door to door.

C. Group Homes (Community Homes)

- a. Community homes shall be allowed wherever single-family residences are allowed, provided that they conform to the dimensional standards of the property zoning.
- b. To qualify as a community home for persons with disabilities (community home), the home shall be a community-based residential home operated by:
  - i. The Texas Department of Aging and Disability Services; or,
  - ii. A community center that provides services to persons with disabilities; or,
  - iii. A non-profit corporation; or,
  - iv. An entity certified by Texas Department of Aging and Disability Services as a provider under the ICF-IID medical assistance program; or,
  - v. Be classified as an assisted living facility licensed under Health and Safety Code chapter 247.002, with an exterior structure compatible with surrounding residential dwellings, which:
    1. Furnishes food and shelter to four (4) or more unrelated persons.
    2. Provides personal care services or administration of medication by licensed or authorized person.
    3. May provide assistance with or supervision of administration of medication.
    4. May provide skilled nursing services for limited purposes.
- c. A community home shall not house more than six (6) persons with disabilities and two (2) supervisors at the same time, regardless of relationship. A request for reasonable accommodation to accomplish the goals and policies of the Fair Housing Act (42 U.S.C. 3601) may be authorized as a conditional use to allow from seven (7) to no more than sixteen (16) residents.
- d. Reasonable accommodation is encouraged where such accommodation may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.
- e. A group home shall meet all applicable licensing requirements.
- f. Group homes shall register with the Town of Pine Island.
- g. A current and valid certificate of occupancy issued by the Town of Pine Island is required.
- h. The number of vehicles kept at the community home shall not exceed the number of bedrooms in the home.
- i. Group homes shall be separated from other group homes by two thousand five hundred (2,500) feet measured door to door.

D. Manufactured Home

In addition to the design standards included in Article 4, *Community Development and Design*, manufactured homes must comply with the following requirements:

- a. HUD-code manufactured homes, as defined in Article 12, *Definitions*, of this Ordinance and in Tex. Occ. Code § 1201.003, are permitted as a principal use only in the Rural Estate Residential (RER) zoning district, subject to all applicable development standards of that district and the supplemental standards set forth in Section [X].05 of this Article.
- b. HUD Certification Required: Every manufactured home shall bear a valid, unaltered HUD certification label affixed to each transportable section, and a data plate located in the interior of the unit. Prior to issuance of a development or building permit, the applicant shall provide the certification label number(s) and data plate information to the Building Official for verification. No permit shall be issued for any unit constructed prior to June 15, 1976, or any unit that cannot be verified as HUD-code compliant.
- c. Permanent Foundation: Every manufactured home shall be installed on a permanent foundation in accordance with:
  - i. The manufacturer's installation instructions;
  - ii. the Texas Manufactured Housing Standards Act (Tex. Occ. Code Ch. 1201) and the rules of the Texas Department of Housing and Community Affairs (TDHCA) governing manufactured home installation ;
  - iii. any applicable NFIP/floodplain management requirements ; and,
  - iv. the standards of the City's adopted Building Code.
  - v. Acceptable permanent foundation systems include a continuous perimeter masonry or concrete foundation, a pier-and-beam system with approved blocking and tie-downs, or a concrete slab-on-grade system, provided the system permanently anchors the unit to the ground and resists applicable wind, load, and other forces. The Building Official may require submission of engineered foundation plans where site conditions warrant.
- E. Prohibition on Tire Ballast and Anchoring: The use of tires, tire stacks, or any tire-derived material as a roof ballast, wind anchor, tie-down, hold-down device, or structural support element for any manufactured home is expressly prohibited. Any manufactured home found to use tires for this purpose shall be deemed in violation of this Ordinance and subject to the enforcement and penalty provisions of Article\*\*\*. Tires shall also not be used as skirting, skirting support, or exterior decorative screening elements.

### 3.10.6. Non-residential Uses

#### A. Automobile repair services

- a. For properties zoned RMU-1 facilities that only service vehicles of seven thousand (7,000) pounds gross weight or less shall be permitted. No service to larger vehicles shall be permitted.
- b. All automobile repair services shall meet the following minimum standards:
  - i. Vehicles may be stored outside overnight, provided that they are completely screened from view from public streets, sidewalks, public spaces and residential lots.
  - ii. Damaged or non operational vehicles will be screened from the right of way, and shall not be stored outdoors for more than 5 business days.
  - iii. No exterior display or storage of new or used automobile parts is permitted.
  - iv. There shall be no storage of motor vehicles in landscaped areas or within ten feet of the public road right-of-way.
  - v. The use shall be designed to ensure proper functioning of the site in regard to vehicle stacking, circulation, and turning movements.
- c. Where an auto repair garage is permitted as an accessory use:

- i. All work shall be conducted wholly within a completely enclosed building.
      - ii. The repair service space shall be separated or structurally partitioned from the retail space.
      - iii. The repair service space shall have a separate entry from the entry used for the retail space.
      - iv. The gross floor area of the auto repair service area shall not exceed the gross floor area of the retail sales area.
    - d. Garage doors or bays shall be completely screened from view if they face a neighborhood street or residential lot, in accordance with the city's screening requirements.
- B. Automobile sales/rental
  - a. Used vehicles may only be sold as an ancillary use to new vehicle sales.
  - b. All outside display of vehicles shall be on an approved concrete surface, enhanced concrete surface, or a surface approved by the City Engineer.
  - c. Vehicle display areas shall meet the landscaping requirements for parking areas.
- C. Bar/ Wine Bar / Tavern / Pub
  - a. Bars shall be located at least one hundred (100) feet from a residential use and shall have an interior square footage of no more than two thousand five hundred (2,500) square feet.
  - b. Bars shall not serve alcohol or play music past midnight in the Town Center (TC) District.
  - c. Bars shall not allow any external amplified sound past 10:00 pm in the Town Center (TC) District.
- D. Bed and Breakfast
  - a. Each bed and breakfast will obtain an annual permit from the city.
  - b. Such uses shall only be located in a detached single-family house.
  - c. No changes shall be made to the building exterior that would detract from its appearance as a single family dwelling.
  - d. Any additions or modifications for the bed and breakfast shall be residential in appearance and compatible with the original structure and surrounding structures and the overall footprint of the original structure.
  - e. Guest rooms shall not have cooking facilities.
  - f. The maximum stay for a guest shall be 14 days.
  - g. An owner/manager of a bed and breakfast shall reside on the property.
  - h. Signage shall be limited to a single post and arm style sign with a maximum height of 6 feet with a sign board not to exceed six square feet or a projecting sign or hanging sign not to exceed six square feet.
  - i. One off-street parking space shall be provided per bedroom.
  - j. Off-street parking must be screened from adjacent residential uses by a six foot high wall or fence, or by evergreen shrubs at six feet on center and a minimum three feet high at planting with a maturity height of not less than six feet, or by a combination of these options.
  - k. Bed and breakfast establishments are permitted solely to provide lodging and breakfast accommodations. Additional activities, including receptions, parties and other events, are not permitted unless specifically authorized by the conditional use permit. Authorization for additional activities will be based on the suitability of the house and property for hosting such events. Specific consideration will be given to the floor plan of the house, the proximity of the house to neighboring houses, the size of the lot,

provisions to buffer the effects of such activities from adjacent property and the ability to provide parking for such events.

E. Car wash

- a. Entrances and exits to the car wash shall not directly face any public street. Where car washes are located on corner lots, entrances and exits shall not face the street with the higher traffic volume, as determined by the City Manager or designee.
- b. The car wash structure shall be set back a minimum of fifty (50) feet from any street frontage.
- c. Free-standing vacuuming, cleaning and servicing areas that are not found inside of an enclosed structure shall be set back at least fifty (50) feet from any street frontage.
- d. Car washes shall be located and designed so that vehicular circulation does not conflict with traffic movements in adjacent streets, service drives, and/or parking areas.
- e. Car washes shall be constructed in a design similar to the building character of the surrounding area.
- f. Vehicles and other material stored on the property before or after the hours of normal business operation shall be stored in the rear yard space of the property, out of view from public streets, public spaces and residential properties.

F. Childcare Center (Day Care)

- a. Any outdoor playscape must be enclosed on all sides by building and/or permitted types of walls/fences and may not be located in the front yard. Outdoor play space may not include driveways, parking areas, or land otherwise unsuited for children's play space.
- b. There is not limit to the hours of operation for such facility, but such facilities shall not serve any client on a continuous 24-hour basis.
- c. Such facilities shall meet all applicable requirements of Waller County and the State of Texas.
- d. All day care centers shall provide sufficient stacking lanes for drop-off and pick-up on the site so that traffic circulation is not impeded on any public right-of-way. An analysis of traffic and stacking is required.
- e. A transportation impact analysis may be required.
- f. A City administrative permit is required.

G. Childcare, In Home

- a. In-home childcare shall be limited to a maximum of six (6) children.
- b. Outdoor play space shall not be permitted within the front yard area.
- c. No signs shall be permitted except for a name plate not exceeding one (1) square foot in size and attached flat to the primary building.
- d. Daycare facility (more than six (6) children, not home occupation). The outdoor play space for childcare centers which abut or are zoned for residential use shall be enclosed by a six (6) foot solid (opaque) fence.
- e. If the adjacent property is zoned residential but is in use as a school, church or park, a fence shall be required, but fencing materials are at the discretion of the applicant, provided the fence conforms to the fencing requirements of the city.
- f. A City administrative permit is required.

H. Event Venue (Also: Wedding barn)

- a. Structures used for an event in whole or in part and requiring a building permit by Pine Island code must have a valid certificate of occupancy prior to use.

- b. The minimum yard setbacks for the district shall apply to all structures, including but not limited to, tents and portable toilets that are used in whole or in part for the event.
  - c. Parking may be provided on a pervious or impervious surface. If the parking area is on grass or in a field, the applicant shall reseed or restore the parking area within 30 days of the event.
  - d. The private water supply and onsite sewage system serving the event shall be approved by the City OSSF Direct Representative.
  - e. Temporary improvements to accommodate the event, such as but not limited to tents and portable toilets, must be removed within 48 hours of the event's cessation.
  - f. Signs advertising the event must comply with the city's sign ordinance.
  - g. Lighting for the event must comply with the exterior lighting standards article of this chapter.
  - h. There shall be no outdoor use of amplified sound later than 9:00 p.m. on Sundays through Thursdays or later than 10:00 p.m. on Fridays or Saturdays.
  - i. In addition to the requirements included here, event venues must also comply with the Town of Pine Island Mass Gathering Ordinance.
- I. Gasoline Service Station / Convenience Store.
- a. Applicants shall demonstrate that the use will be compatible with the neighborhood with regards to traffic circulation, parking, and appearance and size of structures.
  - b. The primary building shall be set back at least fifty (50) feet from any street frontage.
  - c. Accessory structures, including gasoline pumps, canopies, and associated service area, will not be located in the front yard and will be located to the side or rear of the primary structure.
  - d. Canopies shall be no more than fourteen (14) feet high gabled roofs with recessed lighting, shall be setback at least ten (10) feet from any property line, and shall cover no more than one thousand five hundred (1,500) square feet of area.
  - e. No visibly damaged or junk vehicle may be stored outdoors on the property overnight. No vehicle awaiting repair, maintenance, or pick-up may be stored on the property longer than 48 hours.
  - f. All outdoor areas where vehicles are stored temporarily shall be considered parking lots. Such parking lots must be located at the rear of the building and must comply with the applicable provisions of Article 4, *Community Development and Design Standards*.
  - g. Gasoline service stations shall have a maximum of six pumping stations.
  - h. A car wash shall only be permitted as an accessory use to a gasoline service station and shall be placed and screened in accordance with the standards for off-street parking areas in Article 4, *Community Development and Design Standards*.
  - i. Dumpsters shall be located to minimize view from off-site areas and shall be fully screened by a wall constructed of the same material and color as the principal structure.
  - j. The City Manager may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.
  - k. See also standards for Gasoline Service Stations and Convenience Stores in Article.
- J. Home Occupations
- a. Use shall be conducted as an accessory use and shall not change the character of the dwelling unit nor have any exterior evidence of its use.
  - b. There shall be no exterior display, exterior storage of materials, or other exterior indication of the home occupation which would cause the structure to vary in character from a residential use.

- c. The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area.
- d. The home occupation shall not increase the demand on public water, public sewer, or garbage collection services to the extent that its use combined with the residential use of the dwelling shall not be significantly higher than is normal for residential uses.
- e. The home occupation shall generate no nuisance for neighbors or the general public. The equipment used by the home-based business and the operation of the business shall not create any noise, vibration, heat, glare, dust, odor or smoke discernible at the property lines or use or store hazardous materials in excess of quantities permitted in residential structures.
- f. The following uses are not allowable as a home occupation:
  - i. Motorized vehicle repair.
  - ii. Electronics and appliance repair.
  - iii. Small engine repair.
  - iv. Any industrial use.
  - v. Retail sales involving on-site purchases.
- g. Sample sales, garage sales, estate sales and other event-related sales.
  - i. There shall be no more than four (4) sale days per calendar year for a property.
  - ii. Sales events in a residence shall only take place between the hours of 7am and 7pm.
- h. All existing residential single-family residential buildings located in a non-residential district, as of the effective date of this chapter, may be used as both a single-family dwelling and a business. Home occupations in non-residential districts must meet the following requirements:
  - i. There shall be no exterior storage of equipment or materials used in the home occupation at any time.
  - ii. The home occupation must be conducted entirely within a permanently enclosed building, except for those necessary outdoor activities related to a day-care nursery. A private garage which is not completely enclosed shall not be utilized as part of a home occupation.
  - iii. On-site parking in addition to that required for the dwelling shall not be required for those business uses which require three (3) or fewer parking spaces.
  - iv. No automobile engine or small engine repair shall be permitted as a home occupation.
- i. Home occupations in all residential districts shall meet the following requirements:
  - i. Home occupation shall never be permitted as the primary use of the property.
  - ii. No business shall be permitted that principally involves the resale of tangible personal property at the business.
  - iii. No manufacturing or industrial use shall be permitted.
  - iv. No barber shop, beauty shop, carpenter shop, electrician shop, plumber shop, radio shop, or sign painting business shall be permitted. No automobile engine or transmission, or small engine repair or service work shall be permitted as a home occupation.
  - v. All employees must reside on the premises.
  - vi. The home occupation shall not utilize more than twenty-five (25) percent of the gross floor area of the building.
  - vii. No construction features shall be permitted which are not customarily found in a dwelling.

- viii. No signs identifying the home occupation shall be permitted, except that a single nameplate, not exceeding one (1) square foot in area, may be attached flat to the main building.
  - ix. There shall be no exterior storage of equipment or materials used in the home occupation at any time.
  - x. The home occupation must be conducted entirely within a permanently enclosed building, except for those necessary outdoor activities related to in-home childcare.
  - xi. A private garage which is not completely enclosed shall not be utilized as part of a home occupation.
- K. Kennel, Commercial
- All commercial kennels must:
- a. Setback 100 feet from the property lines;
  - b. Setback 200 feet from any residence not on the associated parcel;
  - c. Provide screening that is approved by the City Manager that visually blocks the front and closest side property lines.
- L. Micro-Brewery or Micro-Distillery
- a. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25 percent of the gross floor area of all buildings on a lot and shall be screened from view from any public right-of-way and from all abutting properties by a landscape screen in accordance with the provisions of Article 4, *Community Development and Design Standards*.
  - b. Such uses may include a beverage tasting facility in RER, TC, and RMU-1.
- M. Outdoor retail sales
- a. Permanent outdoor storage and display areas shall be indicated on the site plan submitted to the city.
  - b. Outdoor storage, sales and display areas may not exceed ten (10) percent of the enclosed portion of the primary building.
  - c. Where allowed for commercially zoned properties, outdoor storage, sales and display areas shall be screened from view of adjacent roadways, public areas and adjacent properties. Such screening shall:
    - i. Be at least eight (8) feet in height or one (1) foot taller than the display area, whichever is greater.
    - ii. Be of one (1) or a combination of the following materials:
      - 1. Solid screening, using material that matches the primary building.
      - 2. Landscape screening, provided that the material is evergreen and conforms to the screening standards of the PDO.
      - 3. Wrought iron accompanied by evergreen landscape screening.
      - 4. Chain link fencing accompanied by evergreen landscape screening.
      - 5. Other similar material that meets the screening requirements of the city.
    - iii. Outdoor storage, sales and display areas shall maintain adequate, permanent lighting that complies with the city's Outdoor Lighting Ordinance.
    - iv. Outdoor storage, sales and display areas shall be adjacent to the primary structure or connected to the primary structure.
    - v. Outdoor storage, sales or display areas shall not be located in areas that are used to meet the minimum parking requirements for the property.

N. Outdoor Storage

- a. Permitted only as an accessory use in conjunction with a building, no storage area shall be placed in any building setback area or closer than 40 feet from a street right-of-way.
- b. All areas established for outdoor storage shall be screened from view from any public right-of-way and from all abutting properties by an opaque landscape screen in accordance with the provisions of Article 4, *Community Development and Design*. Wherever security fencing is desired, it shall be placed on the interior side of the screen.
- c. A maximum of two trailers, containers, pods or similar storage devices may be allowed as a temporary use. See Section 3.12, *Temporary Uses*.

O. Outdoor commercial recreation. Outdoor commercial recreation facilities shall not be located within four hundred (400) feet of residentially zoned land.

P. Private club, lodge, or fraternal organization

- a. The club shall be located at least three hundred (300) feet from a church, school or public hospital at its nearest point, in any direction.
- b. A variance shall be required to locate a private club, lodge or fraternal organization nearer than three hundred (300) feet from a church, school or hospital.
- c. The measurement of the distance between a private club, lodge or fraternal organization and a public or private school shall be:
- d. There shall be no exterior signs advertising the sale of alcoholic beverages, provided this does not prohibit using established trademark names.
- e. The bar area shall not exceed thirty (30) percent of the total floor area of the establishment, whether indoor or outdoor.
- f. If the private club is located in a multi-tenant building, the boundaries of the club are hereby defined as only that portion of the building in which the private club is located, which is separately leased or owned, or with contiguous internal access, should such floor area be leased to more than one (1) party.
- g. No uses that meet the terms or definitions of "sexually oriented business" as defined in this PDO shall be located in a private club.
- h. A copy of the permit approved by the state shall be submitted to the city prior to issuance of a certificate of occupancy, to ensure that the property is in compliance.
- i. All conditional use permits issued for the operation of private clubs may be canceled, suspended, or revoked in accordance with the provisions of this chapter and of the procedures chapter of the PDO, or as the same shall be amended.

Q. Resource Extraction

Excavation or filling, borrow pits, extraction, processing, and removal of sand or gravel and stripping of topsoil and other major excavations in a district where listed as a conditional use permit and subject to the following conditions for major borrow pits, clay pits, mines, quarries, sand, and gravel mining and similar operations:

- a. The excavations shall be confined to areas located at least 50 feet from all adjoining property lines, at least 100 feet from any and all adjoining property lines in any residential or any business district, and at least 200 feet from any dwelling or any and all property lines in any platted subdivision except that excavations may be conducted within such limits, provided that the written consent of the owners of such adjoining properties is secured.

- b. The excavation shall be confined to areas located at least 200 feet from the right-of-way lines of any existing or platted street, road or highway, except that where the ground level is higher than the road, the board may permit excavations down to the road level.
- c. Any building containing power-driven or power-producing machinery or equipment shall be located at least 600 feet from all adjacent property in any residential or business district or the right-of-way lines of any existing or platted street, road, or highway.
- d. Access shall not be from a minor residential street. All roadways and all vehicular entrances and exits from the premises on which such operations are conducted to any public roads shall be located to secure public safety, lessen congestion and facilitate transportation, and shall be so maintained as to eliminate any nuisance from dust to neighboring properties.
- e. All equipment used for the production or transportation of materials shall be constructed, maintained and operated in such a manner as to eliminate as far as practicable noises, vibrations, or dust which are injurious or annoying to persons living in the vicinity.
- f. A specific plan of systematic operation and simultaneous rehabilitation shall be submitted to and approved by the City Council which shall provide in all respects for the adequate safeguarding and protection of other nearby interests and the general public health, safety, convenience, prosperity, and welfare, and which shall include a satisfactory plan and program showing, by contour maps and otherwise how the land is to be restored to a safe, stable, usable and generally attractive condition by regrading, draining, planting or other suitable treatment to resist erosion and conform substantially with adjacent land characteristics.
- g. Whenever the special use exception permit issued by the City Council shall have expired, or whenever the operation shall have ceased for any period exceeding 12 consecutive months, then all plants, buildings, structures (except fences), stockpiles and equipment shall be entirely removed from the premises, and the premises shall be restored as required in this subsection.
- h. The City Council may renew a permit, after a public hearing, provided that an application therefor is filed within 60 days before its expiration date, in the same manner as for an original permit, provided that the applicant is carrying out the requirements of the existing permit in good faith.

#### R. Short-term rentals

- a. Definitions. As used in this article, unless the context requires a different meaning:
  - Booking transaction* means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.
  - Entire-dwelling STR* means a short-term rental in which the entire dwelling is rented and the owner is not on-site during the rental period.
  - Guest or transient* means a person who occupies a short-term business rental unit.
  - Owner-Occupied STR* means a short-term rental in which the owner or a long-term tenant maintains a primary residence on the property and is on-site during the rental period, including the rental of individual rooms.
  - Primary resident (or host)* means the owner of the short-term business rental, or lessee of the short-term business rental with a lease agreement that is one year or greater in length.
  - Residential dwelling unit* means a residence where one or more persons maintain a household.

*Short term rental (STR)* means a legally permitted dwelling unit or any portion of any legally permitted dwelling unit that is used or advertised for occupancy, for dwelling, lodging or sleeping purposes for a period of less than 30 consecutive days. This use type does not include bed and breakfast establishments and does not apply to month to month extensions following completion of a year's lease.

- b. City Permit and other requirements
  - i. No host shall operate a short-term rental without first obtaining an annual City Permit from the city.
  - ii. A registration book must be maintained for one year and be made available for review by the city upon request.
  - iii. No signage advertising a short-term business rental shall be allowed.
  - iv. License may be revoked if more than two substantiated complaints are received within a one-year period. Revocation is for a minimum of one year but may be permanent at the discretion of the city.
  - v. Any short-term business rental in violation of zoning regulations, including operation without a license, is subject to all relevant penalties as set forth by the city.
  - vi. The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.
- c. Safety. The unit shall meet all applicable building codes for a rental unit and the city may inspect any short-term rental once per year for compliance with applicable building codes.
- d. Site Address. Building (dwelling) will have an approved address placed in a position that is plainly legible and visible from the street fronting the property. Structures obscured from street view or access roads in excess of 150 feet in length shall additionally post the numerical address at the roadway entrance.
- e. Use Regulations
  - i. No recreational vehicles may be used in conjunction with the short-term rental to increase the occupancy of the rental unit.
  - ii. The host shall not permit occupancy of a short-term business unit for a period of less than overnight.
  - iii. The name and telephone number of the host or the host's designee shall be conspicuously posted within the rental unit for guest(s).
  - iv. The principal guest of a short-term rental unit shall be at least 21 years of age.
  - v. No outdoor amplified music between the hours of 10:00 p.m. and 8:00 a.m.
  - vi. No weddings, receptions, or other assembly-type events unless separately permitted.
  - vii. Trash and recycling containers shall be stored out of view except on collection days.
- f. City Permit suspension or cancellation  
Two or more substantiated violations within a twelve (12) month period may result in revocation of the STR registration or Conditional Use Permit after notice and opportunity for appeal to the City Council.

#### S. Sexually Oriented Businesses

These regulations are authorized by Texas Local Government Code, chapter 243.

- a. Notwithstanding any provision of this chapter to the contrary, it shall be a violation to use or occupy land or a building for the purpose of operating or maintaining a sexually

oriented business within one thousand (1,000) feet of a property that is described as follows:

- i. Another sexually oriented business;
  - ii. Any property within a residential zoning district boundary, whether temporary or permanent, or devoted to a residential use, including any land zoned for one (1) of the aforementioned residential uses which is also described as a Planned Unit Development (PUD) or a unit within a Planned Development District (PDD);
  - iii. Any place of regular religious worship, including property used as a church, synagogue, mosque, or other religious assembly facility;
  - iv. Any public or private elementary, secondary, or high school;
  - v. Any public park; or,
  - vi. Any licensed childcare facility.
- b. Method of measurement and survey requirements.
- i. Sole Tenant. Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot on which the sexually oriented business is located, to the nearest property line of the protected properties described in the above subsection (a), which requires separation. This method of measurement shall apply to a sexually oriented business that is the sole tenant within one (1) building located on one (1) platted lot.
  - ii. Multiple Tenants. Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point of the occupied space of the sexually oriented business to the nearest property line of the protected property described in the above subsection (a) which requires separation. This method of measurement shall apply to a sexually oriented business that is a tenant within a multiple tenant building.
  - iii. Easements excluded. In calculating the distances described herein, easements (such as right-of-way, drainage and utility easements) that are zoned as, or abut, a protected property classification, shall not be considered as part of the protected property.
  - iv. Surveyor. A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with this subsection shall be submitted to the City Manager for all sexually oriented businesses as part of the application for the certificate of occupancy for the use. Any certificate of occupancy issued for a building or facility used to conduct a sexually oriented business without submission of the required survey shall be null and void.
- c. Annexation. Any sexually oriented business annexed by the city after the effective date of this ordinance shall be subject to all the requirements of this section.

### 3.11. Accessory Uses

#### A. In General

- a. Accessory buildings and uses are permitted in conjunction with an allowed principal use. Allowed uses include those listed in this section and additional accessory uses as interpreted by the City Manager.
- b. No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.

- c. Accessory buildings that are not identified as an accessory dwelling unit must share utility services and meters with the main buildings.
  - d. Accessory buildings may have a ½ bath or a kitchen, but cannot contain both a full bathroom and a kitchen. Habitation is not permitted in an accessory building unless it is identified as an accessory dwelling unit.
  - e. Dimensional standards for accessory buildings are included with the principal structure standards for each district.
- B. Automatic Teller Machine (ATM)
- a. Such uses shall be permitted as accessory use to a commercial or institutional use only.
  - b. ATMs shall be incorporated within the primary structure and not within a standalone accessory structure.
- C. Carports
- a. Carports shall be open on at least two (2) sides,
  - b. Carports must adhere to the setback requirements for garages.
  - c. Carports which are visible from a public street shall be constructed of materials matching those of the primary residential structure.
  - d. Porte-cocheres are not carports, and are permitted, provided that they are an attached and structurally integrated component of the house.
- D. Dumpster / Trash Receptacle
- All dumpsters and solid waste containers on nonresidential and multifamily properties shall be enclosed on three (3) sides by a masonry wall no less than six (6) feet in height and on the fourth side by a solid opaque gate. The enclosure shall be located to minimize visual impact from public streets and shall be accessible to collection vehicles. Enclosures shall be maintained in good repair and kept free of graffiti .
- E. Generators
- a. No generator shall be located in front of the main structure.
  - b. In TC, CNU-, and RMU-1 the generator must be shielded from public view by shrubbery.
- F. Drive-thru Facilities
- a. All drive-thru entrances must be at least 50 feet from an intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.
  - b. Drive-thru facilities shall be located and designed so that vehicular circulation does not conflict with traffic movements in adjacent streets, service drives, and/or parking areas
  - c. A drive-thru shall not be located on a property adjacent to a residential use and shall be separated from a residential use by an intervening building.
  - d. Stacking spaces, speaker boxes, service windows, and other facilities associated with a drive-thru lane shall be located a minimum of one hundred fifty (150) feet from any residential property boundary.
  - e. A drive-thru shall not be accessible from a neighborhood street.
  - f. Stacking lanes for service windows shall meet the requirements of 4.5.12, Drive-Through Facilities.
- G. Electric Vehicle Charging Stations
- Electric vehicle charging stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible

electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.

H. Greenhouses as Accessory Uses.

Greenhouses which are not used for commercial purposes and which are accessory structures shall conform to the dimensional standards for accessory buildings for the zoning category applied to the property.

I. Limited Outdoor Retail Displays

- a. Limited outdoor retail displays shall only occur during limited portions of the business hours and shall be brought indoors after business hours.
- b. Limited outdoor retail displays are limited in extent to less than ten (10) percent of the entire merchandise area of the retail use.
- c. Limited outdoor retail displays are limited to seasonal sales or events lasting no longer than two (2) weeks at a time, with at least four (4) weeks between consecutive events.

J. Portable Buildings

- a. Portable buildings are only permitted in the rear yard space and must be located outside of the side and rear setback areas of the property.

3.12. Temporary Uses

A. General Standards for All Temporary Uses

- a. Storage of goods in or sale of goods from trailer(s) or vehicles longer than 30 feet on the site are prohibited unless expressly permitted in the table in Section 3.9.B *Standards for Specific Temporary Uses*, below.
- b. Temporary uses and all associated parking shall be conducted behind the average established setback line for structures within 300 feet in either direction on the same side of the street.
- c. Notwithstanding the provisions of Section 3.9.B below, all temporary uses which include temporary off-street parking areas shall require a temporary use permit. Access and parking plans for such uses shall be approved by the City Manager and made a part of such permit.
- d. Landscaping will be required in accordance with Article 4 for temporary structures that are permitted for more than 6 months.
- e. Board of Health approval, if applicable as determined by the City Manager, shall be required for certain uses requiring a temporary use permit. When required, such approval must be documented and made a part of the temporary use permit.
- f. At the conclusion of a temporary use, all areas used in conjunction with such use shall be adequately cleaned of all trash and debris.
- g. Notwithstanding the provisions of Section 3.9.B below, all temporary uses which are proposed to encroach upon any public property or right-of-way shall require a temporary use permit. No temporary use permit shall be granted for such uses except

where an encroachment agreement has been approved by the applicable governing agency

B. Standards for Specific Temporary Uses

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Temporary Use	Permit Required	Maximum Duration	Frequency per Site	Allowed Zoning Districts	Setback / Site Requirements	Signage	Parking & Access	Additional Standards
<b>A. Temporary Commercial and Retail Uses</b>								
Seasonal Sales (Christmas trees, pumpkins, produce stands)	Admin. Permit	45 consecutive days per event	Christmas trees: once annually (Nov 15–Dec 31) Pumpkins: once annually (Sept 15–Nov 30) Produce: up to 3 events per year	RER TC BDO RMU-1	Min. 15 ft from any right-of-way  Min. 10 ft from any property line  No obstruction of sight triangles	One on-site sign, max 32 sf  No flashing or inflatable signs  Must be removed within 3 days of event end	Min. 5 off-street spaces  Safe ingress/egress from public road	Written consent of property owner required  Site must be returned to original condition within 7 days  Fireworks sales subject to state law and fire marshal approval
Outdoor Sales Events (sidewalk sales, tent sales, vehicle sales events)	Admin. Permit	10 consecutive days per event	Up to 4 events per calendar year per site	TC RMU-1	Activity must occur on the business's own property  No encroachment into required parking beyond 25% of spaces	Temporary signage permitted per Sign Ordinance Section [TBD]  Banners allowed; no inflatable attention-getting devices	Must maintain minimum 75% of required parking  Fire lanes must remain clear	Accessory to established business on site  Not permitted within landscape buffers or open space
Mobile Food Vendors / Food Trucks (single-unit, short-term)	Admin Permit; County Health Permit	Max. 12 hours per day at any one location	Not more than 4 days per week at same location  Private property: with owner consent	TC RMU-1	Min. 20 ft from building openings of other food establishments  Min. 10 ft from property lines	Signage limited to vehicle/trailer surface  One A-frame sign, max 6 sf, permitted during operation only	Vendor must not reduce available parking below 90% of required spaces  Customer queuing area must not obstruct circulation	See also, Sec. 3.**.X, Restaurant, mobile (Food truck)

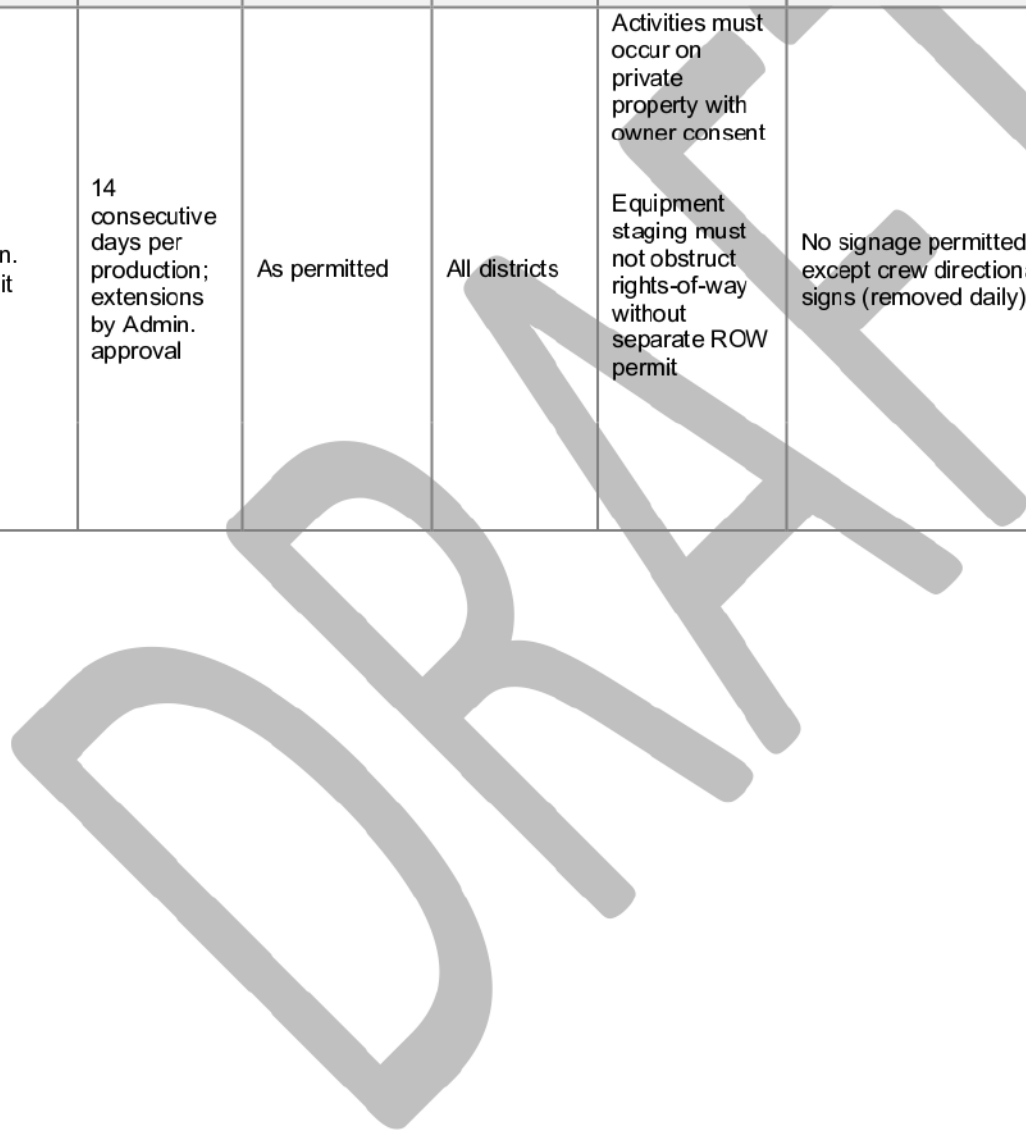
Farmers Markets	Admin. Permit	Up to 8 hours per market day	Weekly or more frequent; annual permit renewal	RER TC RMU-1 BDO	Designated site plan approved with application  Pedestrian circulation min. 6 ft clear	One freestanding market identification sign, max 32 sf  Vendor signage limited to individual stalls	Min. 1 space per 4 anticipated vendors, plus customer parking  ADA-accessible access required	Sanitation facilities (trash, restrooms) required for markets exceeding 4 hours or 10+ vendors  Prepared food vendors must hold applicable state/county permits
<b>B. Temporary Events and Assembly</b>								
Community Events, Festivals, Fairs, and Outdoor Concerts	Special Event Permit	4 consecutive days per event	Up to 3 events per year per site	Any district, subject to Council approval for residential districts	Site plan showing staging, tents, fencing, utilities, and emergency access  Min. 50 ft from any occupied residential dwelling for amplified sound areas	Off-site directional signs permitted 7 days prior through 2 days after  On-site event signage per Sign Ordinance	Parking plan required for events expected to exceed 100 attendees  Traffic control plan required if street closure is needed	Certificate of insurance naming the City as additional insured  Sanitation plan (restrooms, waste); noise compliance per Chapter [TBD]  Fire marshal approval required for tents > 400 sf
Circuses, Carnivals, Rodeos, and Amusement Rides	Special Event Permit	10 consecutive days per event	Up to 2 events per year per site	Any district, subject to Council approval	Min. 5-acre site  Min. 100 ft setback for rides from any residential property line	One primary identification sign up to 64 sf  Directional signage subject to Sign Ordinance	Min. 1 space per 3 anticipated attendees at peak  On-site traffic control during arrival/departure	State inspection certificates for all rides  Liability insurance min. \$1,000,000 per occurrence

								Security plan subject to review by law enforcement
Religious Revivals, Tent Meetings, and Similar Assemblies	Special Event Permit	14 consecutive days per event	Up to 2 events per year per site	Any district with owner consent; subject to additional standards in residential districts	Min. 25 ft from all property lines  Tents over 400 sf require fire marshal approval	One on-site sign, max 32 sf  Directional signage subject to Sign Ordinance	Parking plan required  ADA-accessible access required	Amplified sound must comply with noise standards; in residential districts, no amplified sound after 9:00 PM  Portable restrooms required if event exceeds 4 hours
<b>C. Construction-Related Temporary Uses</b>								
Construction Office / Field Trailer	Admin. Permit with building permit	Duration of active building permit, not to exceed 24 months; extensions by Admin. approval	One per active construction site	Any district with an active building permit	Must meet setbacks of the underlying zoning district	One project identification sign, max 32 sf	Min. 2 off-street parking spaces	Removed within 30 days of final certificate of occupancy
					Must be anchored and skirted	Safety and required contractor signage per state/federal law		Stabilized access drive required
Model Homes and Temporary Real Estate Sales Offices	Admin. Permit	Through buildout of subdivision, not to exceed 5 years; renewable	Max. 1 model home per 25 lots in a subdivision	Residential districts; mixed-use districts within platted subdivisions; planned development districts	Must comply with underlying district setbacks  Must be a permanent structure convertible to residential use	One on-site sign, max 32 sf  Off-site directional signs per Sign Ordinance	Min. 4 off-street guest parking spaces; may be temporary stabilized surface	Upon conclusion of sales activity, unit must be converted to a conforming dwelling within 90 days  Temporary sales office not in a model home is limited to one portable structure

Portable Storage Units (PODS and similar)	Admin. Permit if over 30 days	Residential: 30 days without permit; up to 90 days with permit  Non-residential: duration of permit not to exceed 180 days	Not more than 2 periods per calendar year per property	All districts	Must be placed on driveway or improved surface  No placement in public right-of-way without separate ROW permit	No signage beyond manufacturer/company markings	Must not block required parking or sight distance at driveways	Max. 1 unit per residential lot  During active building permit, units may be allowed in addition to this standard
Batch Plants (concrete, asphalt) – Temporary, Project-Specific	Conditional Use Permit	Duration of related public or private construction project; not to exceed 18 months	One per active project site	RER, subject to Council approval	Min. 500 ft from any residential district or occupied dwelling Min. 6-ft screening fence along all street frontages	Identification sign only, max 16 sf	All-weather access drive  Truck staging must occur on-site	TCEQ air quality registration/authorization required  Dust suppression plan required  Site restoration within 90 days of project completion
<b>D. Temporary Residential Uses</b>								
Temporary Dwelling During Home Construction or Reconstruction	Admin. Permit with building permit	12 months; one 6-month extension by Admin. approval	One per active residential building permit	RER CN-1 CN-2	Must meet setbacks of underlying district  Must be connected to approved water and wastewater	No signage permitted	Must not reduce required parking for the principal residence	Applicant must demonstrate active construction through permit inspections every 90 days  Must be removed within 30 days of certificate of occupancy for principal dwelling

Emergency / Disaster Relief Housing	Admin. Permit; fee waived	Up to 24 months following declared disaster; extensions by Council	As needed based on disaster recovery	Any district following a disaster declaration affecting the site	Must meet minimum life-safety setbacks  Connected to approved utilities or self-contained with regular service	No signage required or restricted	As site permits; ADA-accessible route required	Limited to persons displaced by the disaster event  Removed within 60 days of issuance of certificate of occupancy for repaired/reconstructed dwelling
<b>E. Other Temporary Uses</b>								
Garage and Yard Sales	No permit required	3 consecutive days per sale	Max. 4 sales per calendar year per residence	RER CN-1 CN-2	On residential property of the person conducting the sale	On-site sign max 6 sf during sale only  Off-premises signs only on private property with owner consent; removed within 24 hours of sale end	Must not block sidewalks, streets, or driveways of neighboring properties	Subdivision- or neighborhood-wide sales may occur without counting against individual residence limit
Temporary Parking Lots (unpaved, event-related)	Special Event Permit or Admin. Permit	Duration of event plus 24 hours	Tied to permitted event(s)	RERRMU-1	Stabilized surface (compacted gravel, turf reinforcement, or equivalent)  Min. 10 ft setback from rights-of-way	Directional signage only	Designated ingress/egress with flagging or traffic control  ADA-accessible spaces and route required	Site must be restored to prior condition within 14 days  No fueling or vehicle servicing permitted
Temporary Outdoor Recreation (haunted houses, corn mazes, hay rides, petting zoos)	Admin. Permit	45 consecutive days per event	Up to 2 events per year per site	RER	Min. 25 ft from all property lines for active use areas  Min. 5-acre site for corn mazes and hay rides	One on-site sign max 32 sf; off-site directional signage per Sign Ordinance	Dedicated on-site parking required  Traffic control plan for sites expecting > 100 visitors per day	Liability insurance required  Animal facilities subject to applicable state health standards

								Night operations require lighting plan consistent with the Outdoor Lighting Ordinance
Film Production (on private property, short-term)	Admin. Permit	14 consecutive days per production; extensions by Admin. approval	As permitted	All districts	<p>Activities must occur on private property with owner consent</p> <p>Equipment staging must not obstruct rights-of-way without separate ROW permit</p>	No signage permitted except crew directional signs (removed daily)	<p>Crew parking plan required for productions with &gt; 10 vehicles</p> <p>No on-street parking in residential districts without owner consent</p>	<p>Certificate of insurance naming the City as additional insured</p> <p>Compliance with noise standards; no exterior filming between 10:00 PM and 7:00 AM in residential districts without Council approval</p> <p>Site restored to pre-production condition within 5 days</p>



3.13. Uses requiring a Conditional Use Permit (CUP)

- A. Certain primary or accessory uses which have unique and definitive impacts on the community, though not permitted by right, may, if meeting certain conditions, be acceptable in certain zoning districts, as indicated by the table of uses.
- B. Exercise of these uses requires a conditional use permit.
- C. No inherent right exists to receive a conditional use permit; such authorizations are a conditional privilege granted by the City Council under a specific set of circumstances and conditions, and each application and situation is unique. Consequently, mere compliance with the generally applicable requirements may not be sufficient and additional measures may be necessary to mitigate the impact of the proposed development.

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**4. Community Development and Design Standards**

**4.1. Dimensional Standards**

**4.1.1. Purpose**

The dimensional standards established in this Section implement the character and intensity goals of each zoning district by regulating the size, placement, and massing of structures and the configuration of lots. These standards are designed to reinforce the rural, natural, and small-town qualities of Pine Island, protect residents from incompatible development intensities, and ensure that new development is compatible with existing patterns and infrastructure capacity. Standards vary by district to reflect each district's intended form, density, and relationship to surrounding land uses.

**4.1.2. Applicability**

No structure shall be erected, relocated, expanded, or altered, and no lot shall be subdivided or replatted, except in conformance with the dimensional standards applicable to the zoning district in which the property is located, as set forth in Table 4.1 (Site Dimensional Standards by District) and as further specified in this Section. Where a use is governed by additional or more restrictive dimensional requirements under Article 5 (Supplemental Use Standards) or an applicable overlay district, the more restrictive standard shall control.

**4.1.3. Site Dimensional Standards Table**

Table 4.1 establishes the dimensional standards applicable to each base zoning district. Standards not expressly listed in Table 4.1 shall be determined by the City Manager through interpretation consistent with the intent of the applicable district and the purposes of this Ordinance, subject to appeal to the City Council.

**Table 4.1 – Site Dimensional Standards Table**

Standard	RER	CN-1	CN-2	Town Center	RMU-1	RMU-2	Campus Emp.	Notes
Minimum Lot Size	10 acres	5 acres	1.5 acres	5,000 sf	7,500 sf	10,000 sf	2 acres	<i>CN-2 based on TCEQ well/septic minimum</i>
Minimum Lot Width	300 ft	200 ft	150 ft	50 ft	75 ft	100 ft	200 ft	<i>Supports rural vs. town form</i>
Minimum Lot Depth	400 ft	300 ft	200 ft	100 ft	120 ft	150 ft	300 ft	—
Minimum Front Setback	75 ft	50 ft	35 ft	0–15 ft	25 ft	25 ft	50 ft	<i>Town Center allows build-to line</i>
Min. Side Setback, Primary	40 ft	25 ft	15 ft	0–10 ft	15 ft	15 ft	30 ft	—

Standard	RER	CN-1	CN-2	Town Center	RMU-1	RMU-2	Campus Emp.	Notes
Min. Rear Setback, Primary	50 ft	40 ft	25 ft	10 ft	25 ft	25 ft	40 ft	—
Accessory Structure Setback	Rear/side only; 75 ft from front	Rear/side; 40 ft from front	Rear/side; 25 ft from front	Rear/side; behind primary	Rear/side; behind primary	Rear/side; behind primary	Rear/side; 50 ft from front	—
Max. Building Height, Primary	35 ft	35 ft	40 ft	50 ft	50 ft	60 ft	60 ft	—
Maximum Accessory Height	25 ft	25 ft	25 ft	30 ft	35 ft	40 ft	40 ft	—
Maximum Lot Coverage	10%	15%	25%	80%	70%	60%	40%	<i>Preserves open character in rural districts</i>
Minimum Open Space	60%*	40%	25%	—	—	—	30%	<i>*Required for conservation subdivisions</i>
Building Separation	50 ft	30 ft	20 ft	10 ft	15 ft	20 ft	40 ft	<i>Campus / rural spacing</i>
Street Build-To Requirement	—	—	—	70% of frontage	50%	—	—	<i>Creates Town Center form</i>

**Table Notes:**

- a) *Lots served by on-site well and septic shall comply with all TCEQ requirements regardless of zoning minimums.*
- b) *Town Center setbacks may be replaced by a build-to line established during site plan review.*
- c) *Open space in RER conservation subdivisions shall be permanently preserved by easement or deed restriction.*
- d) *Additional buffering and screening may be required during site plan review where districts of differing intensity abut.*

4.1.4. Lot Standards

A. Minimum Lot Size

The minimum lot size requirements reflect the distinct character of each district. The Rural Estate Residential (RER) district requires a minimum of ten (10) acres to preserve the rural character of Pine Island's western reaches and to accommodate private wells and on-site sewage facilities at appropriate densities. The Commercial Neighborhood-2 (CN-2) district minimum of one and one-half (1.5) acres is based on the minimum lot area required by TCEQ for a development served by both an on-site well and an on-site sewage facility. Town Center lots may be as small as five thousand (5,000) square feet in recognition of the compact, pedestrian-oriented form intended for that district.

B. Minimum Lot Width and Depth

Minimum lot widths and depths are calibrated to support the building configuration, setback, and open space requirements applicable to each district. The lot width is the length of a lot's shortest front lot line. Minimum lot depth shall be measured along the longest axis generally perpendicular to the street right-of-way. Flag lots are not allowed.

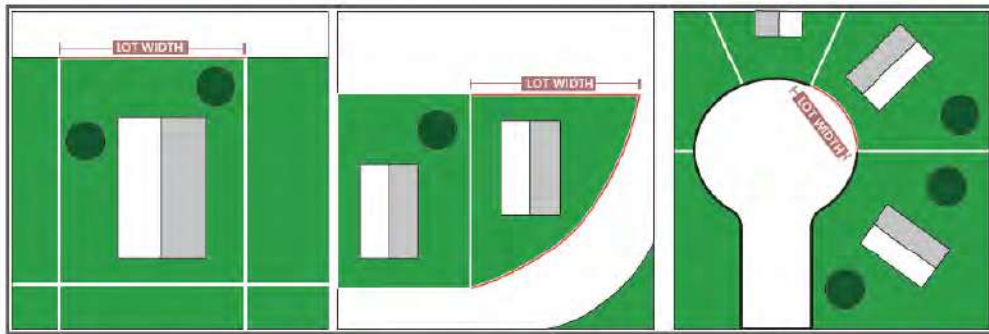


Figure 4.1: Graphic showing different lot widths, including on a rectangular, triangular, and pentagonal lot.

C. On-site Utility Compliance

Notwithstanding any minimum lot size established in Table 4.1, all lots served by an on-site well, on-site sewage facility, or both shall comply with all applicable minimum area and setback requirements of the Texas Commission on Environmental Quality (TCEQ), as amended. TCEQ requirements shall be treated as a floor and shall prevail over any less restrictive zoning minimum.

4.1.5. Setback Standards

A. Front Setback

- a. The minimum front setback shall be measured from the edge of the right-of-way of the abutting street to the nearest wall of the primary structure. In the Town Center district, the front setback may range from zero (0) to fifteen (15) feet, and may be replaced by a build-to line established during site plan review consistent with Section 4.1.8 of this Ordinance. In all other districts, the front setback is a firm minimum; no structure, other than those expressly permitted in Section 4.1.5(E), shall encroach into the required front setback.
- b. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets. Where single-family lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and rear yards in the case of single-family uses shall be identified and the front of the structure shall not face the side or rear yard.

- c. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.
- d. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage
- e. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

**B. Side Yard Standards**

- a. Minimum side setbacks shall apply to each side yard abutting an interior lot line. In the Town Center district, side setbacks may range from zero (0) to ten (10) feet to allow attached or closely-spaced building configurations that support the walkable, mixed-use character of that district. Zero-foot side setbacks in the Town Center district are permitted only where a party wall or fire-rated wall is provided in compliance with the applicable building code.
- b. On a corner lot used for single-family dwellings, both street exposures shall be treated as front yards on all lots platted after the initial date of the adoption of the city zoning ordinance, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek or floodplain area, or other similar phenomenon. In such a case, a building line may be designated by the City Manager with a minimum side yard of 15 feet or more, as determined by the applicable zoning district standards. On lots which were official lots of record prior to the effective date of this chapter, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- c. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed 12 inches into the required side yard, and roof eaves projecting not to exceed 36 inches into the required side yard. Air-conditioning compressors and similar equipment are permitted in the side yard.
- d. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

**C. Rear Setback**

The minimum rear setback shall be measured from the rear lot line to the nearest wall of the primary structure. Where a lot abuts an alley, the rear setback may be measured from the centerline of the alley right-of-way, provided the setback from the alley edge is no less than ten (10) feet.

**D. Accessory Structure Setback**

Accessory structures shall be located in the side or rear yard only and shall not be located in any required front setback. The minimum distance from the front lot line to any accessory structure is set forth by district in Table 4.1. Accessory structures shall maintain the minimum side and rear setbacks applicable to the district, except as otherwise provided in Article 3 for specific accessory use types.

**E. Permitted Setback Encroachments**

The following features may encroach into required setbacks as specified, but shall not encroach into any public right-of-way or utility easement without prior written authorization:

- a. Roof eaves, cornices, and architectural projections: up to two (2) feet into any required setback;
  - b. Mechanical equipment, utility meters, and similar appurtenances: up to three (3) feet into a required side or rear setback, provided equipment is screened from view from adjacent rights-of-way and residentially zoned properties
- F. Setback Measurement from Thoroughfare to Rights-of-Way  
Where a property abuts a thoroughfare classified under the **Article 4.\*\***, *Street Classification*, the front setback shall be measured from the planned right-of-way line rather than the existing right-of-way line, if the two differ.

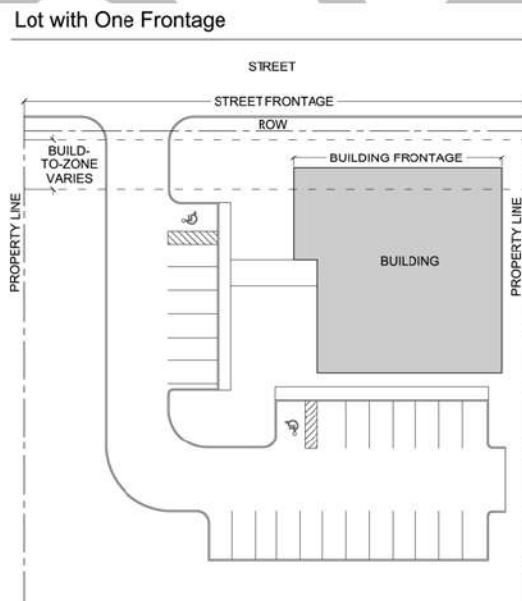
#### 4.1.6. Build-To Zone

##### A. Purpose

The purpose of build-to zone regulations is to ensure traditional town form by locating buildings and structures in the build-to zone adjacent to the street.

##### B. Lot with One Street Frontage

- a. Calculated by measuring the linear distance of the street adjacent to the lot and applying the build-to zone requirement of the underlying zoning district.
- b. The build-to zone requirement shall be met by locating the principal façade of the primary structure in the build-to zone.
- c. If the build-to zone requirement cannot be met by locating the principal façade of the primary structure in the build-to zone, supplemental elements shall be required and shall not exceed 10% of the build-to zone requirement.

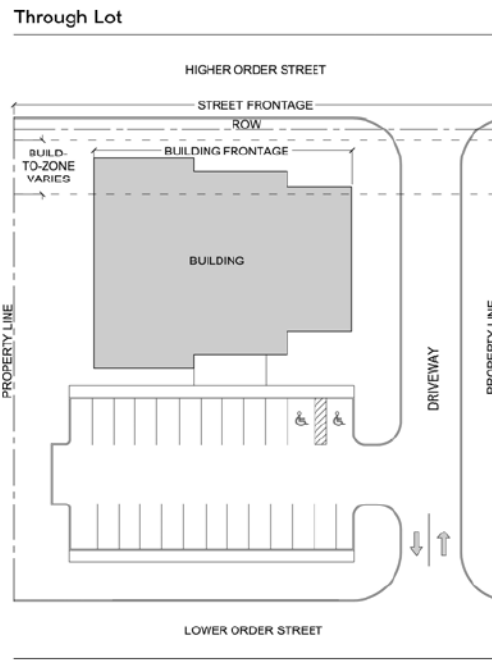


##### C. Through/Double frontage Lot

- a. Calculated by measuring the linear distance of the higher functional classification street adjacent to the lot and applying the build-to zone requirement of the underlying zoning district. When the two (2) adjacent rights-of-way of a through lot are of an equal

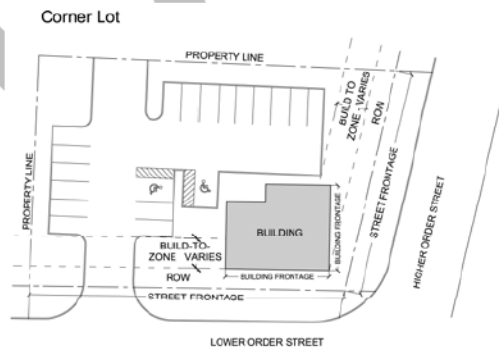
functional street classification, the applicable street frontage to be measured shall be established by the property owner.

- b. The build-to zone requirement shall be met by locating the principal façade of the primary structure in the build-to zone measured for the purposes of a through lot.
- c. If the build-to zone requirement cannot be met, supplemental elements shall be required and shall not exceed 10% of the build-to zone requirement.



D. Corner Lot

- a. Calculated by summing the linear distance of two (2) intersecting streets adjacent to the lot and applying the build-to zone requirement of the underlying zoning district to the total.
- b. The build-to zone requirement shall be met by locating the principal façades of the primary structure in the build-to zone at the intersection of the two streets measured for the purposes of a corner lot.
- c. If the build-to zone requirement cannot be met supplemental elements shall be required and shall not exceed 25% of the build-to zone requirement.



E. Standards for Auto-Oriented Facilities

a. Drive-Through Facilities

- i. Auto-oriented developments that generate the majority of their business from a drive-in/drive-thru format shall make every effort but shall not be required to meet the build-to zone requirement of the underlying zoning district.
- ii. These facilities shall locate the building's principal façade within the build-to zone. Supplemental elements shall be utilized to make up the remaining build-to zone requirement for the development site.

b. Fueling Stations with Convenience Stores

- i. These facilities shall locate the convenience store's principal façade within the build-to zone, but shall not have to meet the build-to zone requirement of the underlying zoning district with the building. Supplemental elements shall be utilized to make up the remaining build-to zone requirement for the development site.

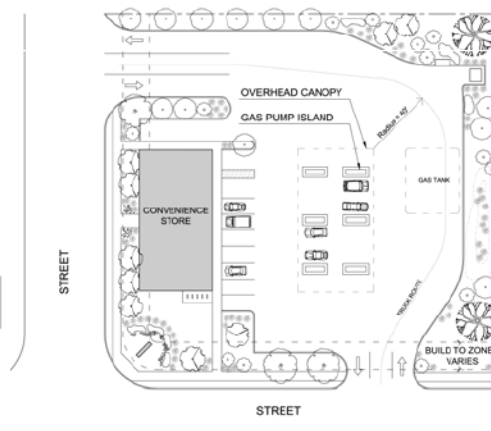


Figure 4.5, Preferred Layout

- ii. The preferred layout of a fueling station places the pumps near the rear of the lot while having the convenience store out in front near the street. This helps to highlight the building, shield the utilitarian pumps and canopy and pulls the curb cuts away from the intersection, creating safer and easier access.
- iii. Fueling Station Canopy
  1. Fueling station canopies should be designed as a cohesive part of the station architecture whenever possible, and are encouraged to be integrated with the overall roof structure of the convenience store.
  2. The canopy structure shall be setback a minimum of 20 feet from the master street plan right-of-way; pump islands, compressed air connections and similar equipment shall be setback a minimum of 25 feet from the master street plan right-of-way line.
  3. The canopy structure and supports shall be consistent with the design of the primary structure with respect to materials and design. Metal support columns must be clad (with brick, stone, wood etc.) to aesthetically complement the primary structure and provide greater variety in materials, unless they are architecturally designed for aesthetic interest.

4. Canopy supports shall have a minimum width to height ratio of 1:10.
5. Canopy height, as measured from the finished grade to the lowest point on the canopy fascia, shall not exceed 13 feet 9 inches.
6. Canopy downspouts and related hardware shall be integrated into the structure to reduce visibility.
7. Canopy ceiling shall be textured or have a flat finish; glossy or highly reflective materials are not permitted.
8. See City outdoor lighting standards.
9. When visible from the street, fueling station bays/pump islands shall be screened on the street side with articulated masonry walls 32 inches—42 inches in height, as least as wide as the pump island or bay; or,
10. A masonry screen wall 32 inches—42 inches in height shall be constructed between the drive aisle serving the fueling station pumps and the public sidewalk, within the build-to zone; or,
11. A hedge row 32 inches—42 inches in height shall be installed between the drive aisle serving the fueling pumps and the public sidewalk, within the build-to zone.

F. Supplemental Elements

A supplemental element that is utilized for meeting the build-to zone requirement shall consist of at least one of the following, in addition to other required open spaces or pedestrian-oriented elements:

- a. Functional outdoor space with an overhead structure and a minimum depth of six feet, such as a porch, outdoor dining area or courtyard;
- b. A colonnade with a minimum depth of 8 feet and a minimum height of 10 feet.
- c. Other similar features meeting the intent of this subsection, subject to the approval of the City Manager.

G. Exceptions

- a. Single-family dwellings in all zoning districts shall be exempt from the build-to zone requirement.
- b. Portions of a lot's build-to zone determined by the City Manager to be un-buildable due to the minimum requirements of another ordinance or special regulation may be excepted from the linear street length used to calculate the build-to zone requirement, including but not limited to: required setbacks, easements, significant topography, tree preservation, floodway and required driveway access dimensions.
- c. For developments on lots that only disturb a portion of the original lot, thereby leaving buildable area for future development, the City Manager may allow consideration of only the portion adjacent to the proposed development when calculating the build-to zone. The remaining area may be excluded from the calculation.

4.1.7. Building Height

A. Maximum Primary Height

Building heights shall be measured from finished grade at the base of the structure to the highest point of the roof, excluding mechanical penthouses, parapets not exceeding four (4) feet in height, flagpoles, and telecommunications antennas. In residential districts, finished grade shall be the pre-construction grade unless the City Manager determines that site grading has materially altered the ground plane for purposes of height manipulation.

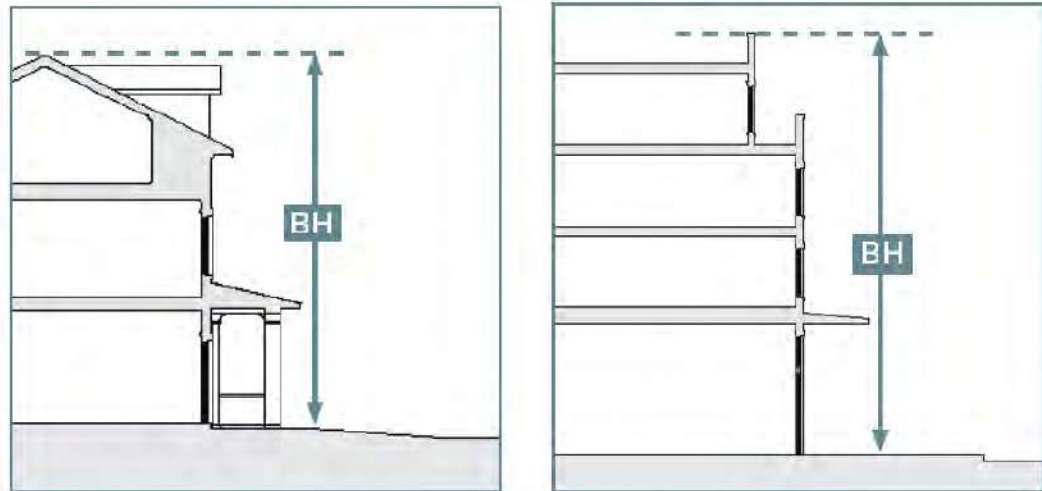


Figure 4.6: Graphic showing how to measure the building height (BH) of a pitched roof building (left) and a flat-roofed building (right).

B. Maximum Accessory Height

Accessory structures shall not exceed the maximum accessory height set forth in Table 4.1. In no case shall an accessory structure exceed the height of the primary structure on the same lot.

C. Height Transitions

Where a nonresidential district or mixed-use district abuts a residential district, maximum building heights within fifty (50) feet of the shared district boundary shall be reduced to the lesser of the abutting residential district's maximum height or thirty-five (35) feet, whichever is lower.

4.1.8. Lot Coverage and Open Space

A. Maximum Lot Coverage

Lot coverage is measured as the percentage of the total lot area covered by all impervious surfaces, including the footprints of all structures, driveways, parking areas, walks, and other hardscape. Lot coverage limits are most restrictive in rural districts, where they serve to preserve the landscape character, support stormwater infiltration, and protect the functioning of on-site utility systems. Lots in the Town Center district are permitted up to eighty percent (80%) coverage to support compact, urban-form development consistent with the district's purpose.

B. Minimum Open Space

Where a minimum open space standard is specified in Table 4.1, that percentage of the gross lot area shall be maintained as open, pervious, or naturally vegetated area. Open space required under this Section shall not include impervious parking or drive areas, building footprints, or structures of any kind. Open space in the RER district is required only in connection with conservation subdivisions, as further provided in Chapter 3.7, *Planned Development Cluster/Conservation District* of this Ordinance. Open space required in the Campus Employment district shall be distributed to provide functional amenity and visual relief and shall not consist solely of perimeter buffers.

C. Conservation Subdivision Open Space

Open space preserved in RER conservation subdivisions shall be permanently protected through a recorded conservation easement, deed restriction, or equivalent instrument running with the land, in a form acceptable to the City Attorney.

4.1.9. Town Center Build-To Requirements and Street Frontage

In the Town Center district, at least seventy percent (70%) of the primary street frontage of each lot shall be occupied by a building facade located at or between zero (0) and fifteen (15) feet from the right-of-way line, establishing a continuous and engaging streetwall. On secondary streets or in mixed-use residential components of the Town Center, at least fifty percent (50%) of the frontage shall meet this requirement. The build-to standard may be met in whole or in part through the placement of an activated outdoor dining area, plaza, or landscaped courtyard within the build-to zone, subject to approval during site plan review. Parking areas shall not be located between the primary structure and the street in the Town Center district.

4.1.10. Building Separation

Where more than one primary structure is located on a single lot or development site, the minimum building separation distances established in Table 4.1 shall apply between all primary structures. Building separation shall be measured wall-to-wall at the closest points of the structures. This requirement is intended to ensure adequate fire access, light and air, and visual relief between structures on larger sites, particularly in the RER and Campus Employment districts where multiple buildings on a single large parcel are anticipated.

4.1.11. District Adjacency Buffering

Where a lot in a nonresidential or higher-intensity district directly abuts a lot in a lower-intensity residential district, additional buffering and screening may be required as a condition of site plan approval. Buffer requirements shall be determined by the City Manager in accordance with the standards in Article 4.2, *Landscaping, Fencing, and Buffering*, and shall be responsive to the specific adjacency conditions present on the site, including building orientation, vehicular circulation, outdoor activity areas, and lighting.

4.2. Landscaping, Fencing, and Buffering

4.2.1. Purpose

- A. The purpose of this Section is to establish standards for landscaping, site design, buffering, and screening that reinforce the rural character, coastal prairie landscape, and environmental quality of the Town of Pine Island.
- B. These standards are intended to:
  - a. Preserve and enhance the visual character and open vistas that define Pine Island's identity;
  - b. Protect floodplains, wetlands, creeks, native prairie remnants, and natural drainageways;
  - c. Reduce erosion and improve stormwater infiltration through vegetative practices;
  - d. Improve compatibility between adjacent properties through buffering and screening;
  - e. Support high-quality development along major corridors and at future growth nodes while maintaining rural character; and,
  - f. Ensure safety, privacy, and environmental stewardship throughout the community.

4.2.2. Native Plant Emphasis

- A. All landscaping and buffering shall include plant, grass, and tree species identified as suitable for Pine Island and included on the Approved Plant List maintained by the City Manager. Landscapes should prioritize:
  - a. Native prairie grasses and wildflowers;

- b. Native shade trees;
- c. Priority should be given to drought-tolerant, low maintenance species;
- d. Species that support pollinators and local ecosystems.

#### 4.2.3. Noxious and Invasive Plants

- A. It shall be unlawful for any owner, occupant, or agent of any lot or parcel of land in the city to allow any noxious or invasive plant species as identified by the Texas Department of Agriculture.

#### 4.2.4. Pocket Prairies

##### A. Purpose

The Town of Pine Island finds that pocket prairies consisting of native Texas coastal prairie grasses, wildflowers, and groundcovers constitute a desirable and ecologically beneficial form of landscaping when properly established and maintained. The purpose of this Ordinance is to authorize pocket prairies as a permitted landscaping alternative in CN-1, CN-1, and the BOD districts and to establish clear, easy-to-administer standards for their establishment and maintenance.

##### B. Applicability

Pocket prairies are authorized as a permitted landscaping alternative in CN-1, CN-2, and BOD zoning districts, subject to the standards set forth in this section, 4.2.4 *Pocket Prairies*. A pocket prairie that complies with these standards shall not be deemed a violation of any city ordinance requiring landscaping or prohibiting weeds, overgrown vegetation, or nuisance conditions.

##### C. Standards for Pocket Prairies

###### a. Plant Composition

A pocket prairie shall consist of plants included on the approved plant lists. No invasive species shall be permitted within a pocket prairie.

###### b. Location

Pocket prairies may be located anywhere on a lot, subject to the following:

- i. A minimum three-foot (3') border of maintained conventional turf, low-growing groundcover, mulch, or hardscaping shall be provided along all property lines abutting a public street right-of-way or a neighboring property;
- ii. Pocket prairies in the primary street yard shall not exceed fifty percent (50%) of the total primary street yard area on lots less than one (1) acre in size. Lots of one (1) acre or more have no percentage limitation;
- iii. Pocket prairies shall not obstruct vehicular sight distance triangles at intersections or driveways, as required by the City's street standards.

###### c. Height

- i. The required perimeter border described in Section 4.2(a) shall be maintained at a height not to exceed twelve inches (12").
- ii. Woody vegetation (shrubs and trees) within a pocket prairie is subject to applicable height and setback requirements of the underlying zoning district.

###### d. Signage (Optional but Encouraged)

Property owners are encouraged to post a small, legible sign (not to exceed two (2) square feet) identifying the area as a native plant habitat or pocket prairie. Such signage is not required for compliance.

###### e. Maintenance Standards

Pocket prairies shall be maintained in a manner that:

- i. Prevents the spread of Invasive Species into or from the pocket prairie area;
- ii. Does not allow accumulation of trash, debris, or materials creating a harborage for rodents or vermin;
- iii. Does not create a fire hazard, as determined by the City's fire official; and,
- iv. Does not allow vegetation to encroach beyond the property line onto public rights-of-way or adjacent private property without consent.

Annual mowing or cutting of pocket prairies is permitted and may be performed at the property owner's discretion, consistent with seasonal best practices for native plantings

- f. A pocket prairie in the process of establishment shall be afforded a reasonable establishment period of up to twenty-four (24) months from the date of planting. During the establishment period, the City shall not initiate enforcement action based solely on the appearance of the area, provided the perimeter border is maintained and the area is free of Invasive Species, debris, and rodent harborage.

D. Approved Plant List

The City Manager shall maintain and make publicly available an Approved Plant list of native Texas coastal prairie plants suitable for Pine Island.

4.2.5. Applicability

A. General

The requirements of this section apply to all new non-residential construction, development, and redevelopment and residential development requiring a major plat and all Planned Developments.

B. Timing of Review

Compliance with this section shall be reviewed as part of any Site Plan, Development Plan, Planned Development, or Zoning Permit application.

4.2.6. Landscape Plan Requirements

A. Applicability

The requirements of this section apply to all new non-residential construction, development, and redevelopment and residential development requiring a major plat and all Planned Developments.

B. Landscape Plan Requirements:

The landscape plan shall:

- a. Be submitted with the required site plan, plat, or permit
- b. Be prepared or certified by a qualified design professional
- c. Cover the entire project area included in the development plan.

C. Landscape Plan Exemptions: a Landscape Plan is not required for:

- a. Agricultural or silvicultural activities;
- b. Individual single-family dwellings not part of a larger development;
- c. Removal of trees that pose an immediate hazard to life or property.

D. Landscape Plan Contents

- a. Location, species, size, and number of proposed plantings;
- b. Installation details and planting specifications appropriate to Pine Island's soil, climate, and prairie conditions;
- c. Existing vegetation to be preserved and protection measures during construction;
- d. Identification of floodplains, drainageways, wetlands, and native prairies to be preserved;

- e. Location of hardscape, signage, open space areas, fences, and utilities;
- f. Required setbacks, yards, and buffer areas;
- g. Emphasis on sustainable, drought-tolerant, and native prairie and Texas Gulf Coast plant species.

4.2.7. General Standards

A. Preservation of Existing Vegetation

Existing trees, prairie grasses, and native vegetation shall be preserved to the greatest extent practicable. Existing healthy vegetation may be credited toward landscaping requirements if protected during construction.

B. Installation and Maintenance

- a. Required landscaping shall be installed prior to issuance of a Certificate of Occupancy, or bonded if outside planting season.
- b. Property owners are responsible for maintenance and replacement in perpetuity.
- c. Dead or failing plant materials shall be replaced within the next planting season.
- d. Plant materials shall be nursery grown and installed according to best horticultural practices.
- e. Landscaping shall be scaled to the size of the property and surrounding rural context.

4.2.8. Minimum Plant Measurements

Table 4.2. Minimum Plant Measurements		
Plant Type	Minimum at Planting	Minimum at Maturity
Large shade trees	2-inch caliper	40+ feet
Evergreen trees	6 feet height	
Ornamental/understory trees	4 feet height	20 feet
Shrubs	18-inch spread/height	3 feet

4.3. Transitional Buffers and Screening

4.3.1. Intent

Transitional buffers reduce visual and noise impacts between incompatible uses while maintaining Pine Island’s open space and natural character.

4.3.2. Applicability

Buffers are required when:

- i. A higher-intensity use abuts a lower-intensity use
- ii. New development occurs adjacent to residential or agricultural land;
- iii. Major subdivisions are created;
- iv. A rezoning or change in use increases development intensity.

4.3.3. Transitional Buffer Area

Table 4.3. Buffer Types				
Buffer Type	Width	Trees / 100 LF	Understory / 100 LF	Shrubs / 100 LF
A	10 ft	3	1	6
B	20 ft	3	3	8
C	50 ft	8	6	10

- i. Major subdivisions shall provide at least Type A buffering even when adjacent uses are similar, to reinforce Pine Island’s rural setting.

TABLE 4.4. TRANSITIONAL BUFFER STANDARDS					
DISTRICT OF PROPOSED DEVELOPMENT	ABUTTING DISTRICT				
	RER	CN1, CN2	Town Center	RMU-1, RMU-2	Campus Employment
RER	n/a				
CN1, CN2	Type A	n/a			
Town Center	Type B	Type A	n/a		
RMU-1, RMU-2	Type B		Type B	n/a	
Campus Employment	Type C			Type B	n/a
n/a = transitional buffer not required					

4.3.4. Buffer Alternatives

Table 4.5. Buffer Alternatives			
Alternative	Min Height	Width Reduction	Plant Reduction
Solid fence/wall	6 ft	10 ft	25%
Continuous evergreen screen	6 ft planted	50%	50%
Berm with plantings	6 ft	None	25%

- i. Berms and plantings are strongly encouraged to reflect Pine Island’s natural topography and landscape character.

4.3.5. Screening Enclosures

- A. The following shall be located to the side or rear of buildings and screened from view from public roads and adjacent property:
  - i. Dumpsters and recycling (*see 4.3.5.C, Refuse Enclosures, below*)
  - ii. Loading / service areas
  - iii. Outdoor storage (*see 4.3.5.D, Outdoor Storage, below*)
  - iv. Mechanical equipment (HVAC, generators, meters)
- B. Screening methods may include:
  - i. Opaque fence or wall
  - ii. Double row of evergreen plantings
  - iii. Landscaped berm
- C. Refuse Enclosures:
 

Refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way or residential district shall be visually screened by a minimum six-foot solid masonry wall on at least three sides. The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved through the site plan approval process. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Reinforced concrete paved areas shall be provided for refuse facilities and their approaches for loading and unloading
- D. Outdoor Storage:

In districts permitting open storage, screening shall be required only for those areas used for open storage. Open storage of materials, commodities or equipment shall be screened with a minimum six-foot fence or wall, and shall not be visible from the street or from adjacent property. A six-foot screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:

- i. Solid masonry consisting of rock, stone, or other material that is equivalent, visually and qualitatively;
- ii. Wrought iron in conjunction with solid landscape screening;
- iii. Wood or wood vinyl in conjunction with solid landscape screening; and,
- iv. Alternate equivalent screening may be approved through the site plan approval process.
- v. No outside storage may exceed the height of the fence. Outside storage exceeding eight feet shall require a conditional use permit.

4.3.6.Sight Visibility:

Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping 30 inches or higher above the street centerline obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:

- A. At a street intersection, clear vision must be maintained for a minimum of 25 feet across any lot measured from the corner of the property line in both direction
- B. At an intersection with an alley, this clearance must be maintained for ten feet
- C. Shrubs and hedges that are typically less than 30 inches in height at maturity, as measured from the centerline of the street, may be located in the visual clearance areas of all districts
- D. A limited number of single-trunk trees having a clear trunk (branching) height of at least eight feet may be located within sight visibility areas provided that they are spaced and positioned such that they will not produce a visibility inhibiting, "picket-fence" effect when they attain mature size.
- E. Fence and Wall Height

Fences and walls on corner lots must maintain visibility across the sight triangle in accordance with Table 4.6, Fence and Wall Height:

4.3.7.

Table 4.6. Fence and Wall Height	
Location	Maximum Height
Between street and front building line	4 feet
Residential, commercial, mixed-use	6 feet
Rural/agricultural districts	8 feet

**INSERT SIGHT TRIANGLE DIAGRAM**

4.3.8.Walls and Fences:

- A. Purpose: To ensure fences and walls provide privacy and security without creating visual clutter or unsafe conditions.
- B. Location and Visibility
  - i. Fences and walls may be permitted in any required building setback or any required setback area, or along the edge of any setback, provided the fence or wall does not materially impede vision between vehicular or pedestrian traffic.

- ii. Walls or fences shall not:
  - 1. Be located in public right-of-way
  - 2. Block drainage
  - 3. Obstruct sight visibility
  - 4. Block access to utilities or hydrants
  - 5. Fences may be located within setbacks.

C. Height Limits:

- i. Corner lots must maintain sight visibility

D. Materials

- i. Prohibited materials include sheet metal, plywood, razor wire, or scrap materials (such as tires or construction debris).
- ii. Allowed materials include:
  - 1. Wood
  - 2. Masonry
  - 3. Decorative metal (wrought iron)
  - 4. Composite materials designed to resemble traditional fencing
  - 5. Barbed wire and electrical fences are only allowed for agricultural purposes.

E. Maintenance

All fences and walls shall be maintained.

4.4. Parking Lot Landscaping

A. Applicability

Parking lots containing more than 20 spaces shall provide landscaping to:

- a. Provide shade
- b. Reduce heat and glare
- c. Improve stormwater infiltration
- d. Maintain Pine Island's rural visual character

B. Maintenance

Property owners shall maintain all landscaped areas in healthy condition. Dead plant materials shall be replaced within the next planting season.

C. Exemptions

These standards do not apply to:

- a. Single-family residential parking
- b. Structured parking
- c. Redevelopment sites that do not increase parking counts

D. Parking Lot Buffers (Perimeter)

Where parking lots or driveways abut a public road or residential property:

- a. A minimum 10-foot landscape buffer shall be provided
- b. 1 shade tree per 50 linear feet
- c. Remaining area shall be native groundcover or mulch

E. Parking Lot Interior Islands

a. Required when:

- i. Parking exceeds 20 spaces of
- ii. Three or more parking bays run parallel

- b. Minimum Standards
  - i. Landscape islands shall equal 8% of total parking area
  - ii. 1 tree per 5 parking spaces
  - iii. Minimum island size: 100 sq ft
  - iv. Minimum width: 8 feet
  - v. Islands shall be distributed throughout the lot

#### 4.5. Off-Street Parking and Loading

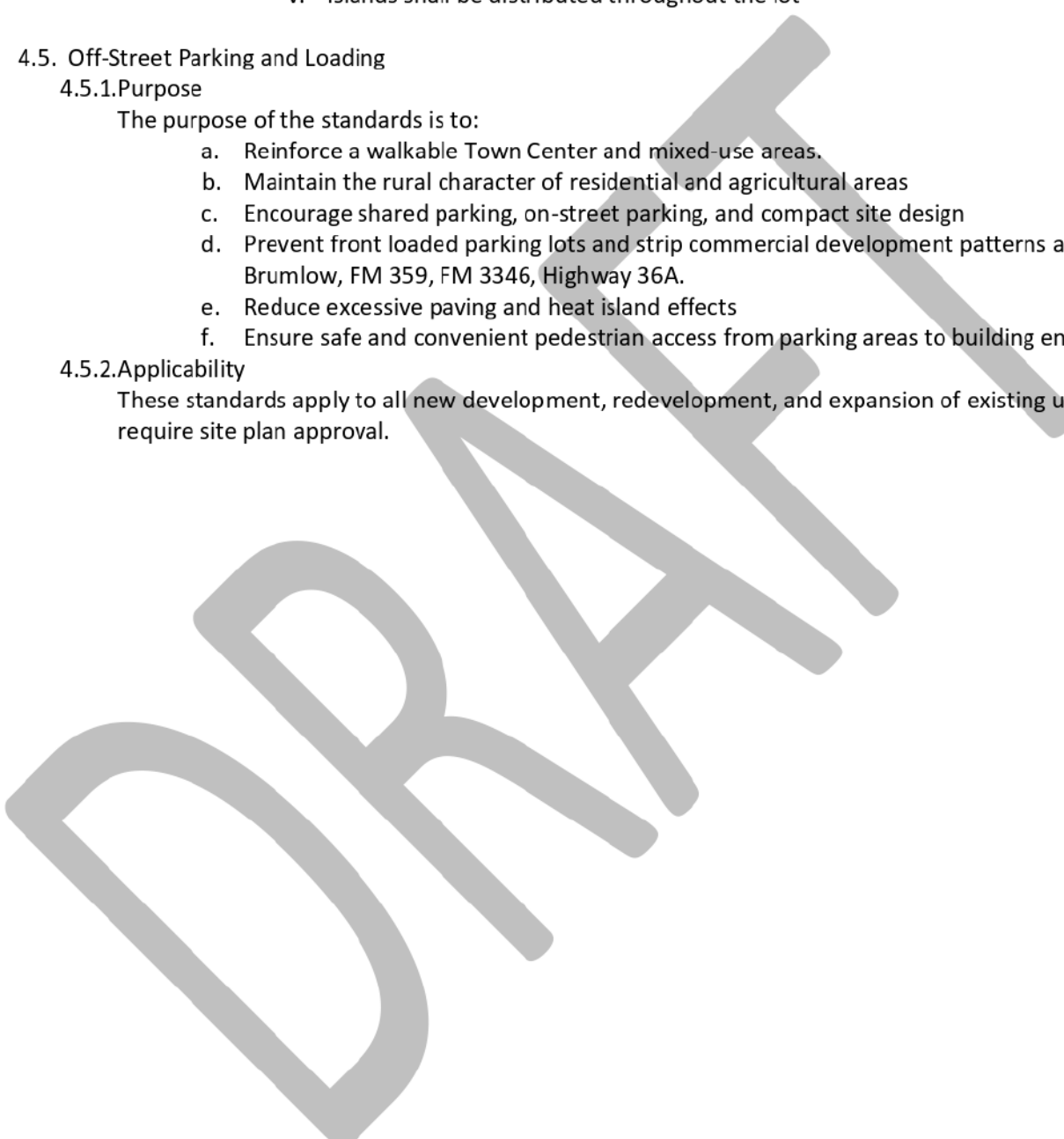
##### 4.5.1. Purpose

The purpose of the standards is to:

- a. Reinforce a walkable Town Center and mixed-use areas.
- b. Maintain the rural character of residential and agricultural areas
- c. Encourage shared parking, on-street parking, and compact site design
- d. Prevent front loaded parking lots and strip commercial development patterns along Brumlow, FM 359, FM 3346, Highway 36A.
- e. Reduce excessive paving and heat island effects
- f. Ensure safe and convenient pedestrian access from parking areas to building entrances.

##### 4.5.2. Applicability

These standards apply to all new development, redevelopment, and expansion of existing uses that require site plan approval.



4.5.3. Parking Standards by Zoning District

Table 4.7. Parking Standards by District								
Standard	RER	CN-1	CN-2	Town Center	RMU-1	RMU-2	Campus Employment	Notes / Intent
Parking Location	Side/Rear only	Side/Rear only	Side/Rear only	Rear/Side only	Side/Rear	Side/Rear	Side/Rear	Prevents front-loaded lots
Front Yard Parking		Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	
On-Street Parking Counts Toward Requirement				Yes	Yes	Yes		Encourages shared streetscape parking
Shared Parking Allowed				Yes	Yes	Yes	Yes	Supports compact sites
Maximum Parking (not minimum)				Yes	Yes			Prevents overbuilding lots
Parking Lot Landscaping		Required	Required	Required	Required	Required	Required	Shade + screening
Parking Lot Size Before Landscape Break				20 spaces	30 spaces	40 spaces	40 spaces	Internal landscape islands
Drive-Through Lane Location				Side/Rear (CUP)	Side/Rear (CUP)	Allowed		Keeps corridors from strip look
Loading Dock Location				Prohibited	Rear only	Rear/Side	Rear/Side	Screened from ROW
RV/Equipment Parking (residential)	✓	✓	✓					Consistent with rural character
Bicycle Parking Required				✓	✓	✓		Supports walkability
Pedestrian Connection Required				✓	✓	✓		Sidewalk to entrance
Parking Surface	Gravel/Improved	Gravel/Improved	Improved	Paved	Paved	Paved	Paved	Rural vs. town distinction
Screening of Parking from Street				Required	Required	Encouraged	Required	Landscape or building

Table 4.7 Notes:

- a. In CN-1 and CN-2 districts:
  - i. All Required off-street parking shall be provided on the same site as the use it is to serve

- ii. All vehicle parking shall be on a suitable parking surface as approved by the City Manager, such as asphalt, concrete, gravel, or other permeable paving surfaces including brick, stone, special paving blocks or tire-tread woven mats. All driveways and approaches to parking spaces shall be similarly surfaced
- iii. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions for heavy load vehicle).
- b. In TC, RMU-1, RMU-2, and BOD Districts:
  - i. Interconnected parking lots are encouraged for traffic flow, safety, and firefighting purposes.
  - ii. All off-street parking, maneuvering, loading and storage areas shall be surfaced in accordance with the parking lot surfacing requirements as established in the city's ordinances (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces). All vehicle parking shall be on a suitable parking surface as approved by the City Manager, such as asphalt, concrete, gravel, or other permeable paving surfaces including brick, stone, special paving blocks or tire-tread woven mats. All driveways and approaches to parking spaces shall be similarly surfaced.
  - iii. Permanent paved parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space..
  - iv. Each standard off-street surface parking space size shall be in accordance with the design standards provided herein for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
    - 1. Standard: Nine feet by 18 feet
    - 2. Parallel: Eight feet by 22 feet
    - 3. Compact:
  - v. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed three foot minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
  - vi. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies.
  - vii. Handicap parking space(s) shall be provided according to building codes, State laws, and requirements of the federal Americans with Disabilities Act (ADA).
  - viii. In all nonresidential and multifamily zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment; or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).

- ix. To ensure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the City Manager).
- x. See also, design standards in 4.9.10.B

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4.5.4. Required Parking By Use

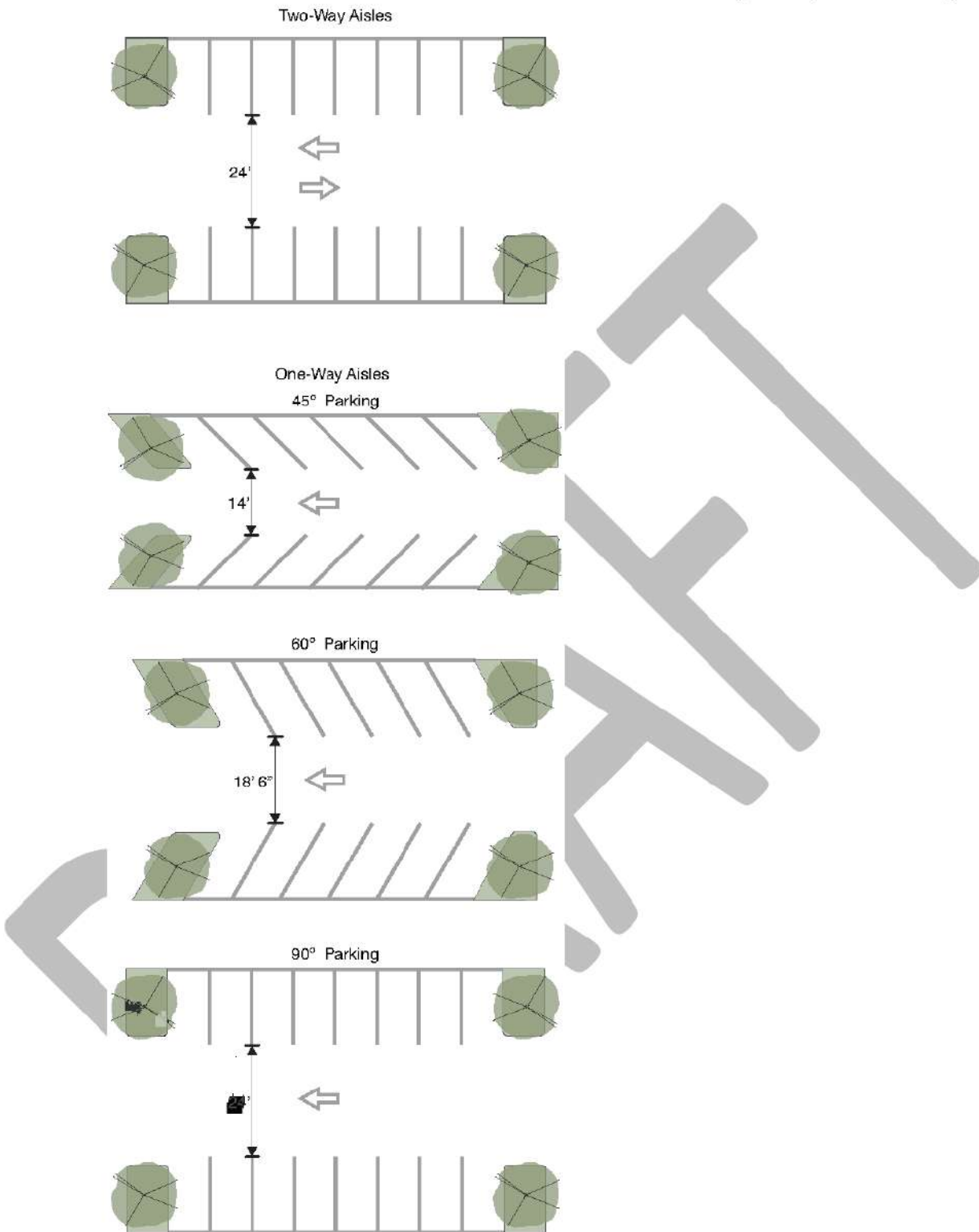
Use	Parking Requirement
Single-family	2 spaces per dwelling
Duplex / Townhome	2 spaces per unit
Apartments	1.25 spaces per unit
Retail / Restaurant	1 space per 300 sf
Office / Medical	1 space per 350 sf
Hotel	1 space per room
Industrial / Warehouse	1 space per 2,000 sf
Event Venue	By parking study
Church / Assembly	1 space per 4 seats
Use	Parking Requirement
Single-family	2 spaces per dwelling
Duplex / Townhome	2 spaces per unit

\*In the Town Center and RMU-1 districts, these ratios are maximums, not minimums.

4.5.5. Dimensional Standards

4.5.6. Adequate Space for Maneuvering

- A. Two-way aisles between parking spaces shall be at least 24 feet in width.
- B. One-way aisles between parking spaces shall be at least 14 feet in width for 45-degree angle parking, at least 18 feet, 6 inches in width for 60-degree parking, and at least 24 feet in width for 90-degree angle parking.



4.5.7. Parking Access from Public Street

- A. In the approval of a detailed site plan, design consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.

- B. In all districts (except RER, CN-1, and CN-2) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the City Manager, and in compliance with the city's approved transportation criteria.
  - a. Based upon analysis by the city, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference. The above referenced data is to be provided by the property owner.
  - b. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
- C. Vehicular access to nonresidential uses shall not be permitted from alleys serving residentially zoned areas.
- D. Residential subdivision traffic requirements must meet all standards as referenced and approved within the subdivision ordinance.

4.5.8. Shared Parking

Shared parking between uses with different peak demand periods is permitted in Town Center, RMU-1, RMU-2, and Campus Employment districts, subject to approval of a shared parking plan.

4.5.9. On-Street Parking Credit

In the Town Center, RMU-1, and RMU-2 districts, on-street parking spaces abutting the property frontage may count toward required parking.

4.5.10. Pedestrian Access

A continuous pedestrian path shall be provided from the public sidewalk to the primary building entrance in Town Center, RMU-1, RMU-2, and Campus Employment districts.

4.5.11. Bicycle Parking

Bicycle parking is required in Town Center, RMU-1, and RMU-2 districts.

4.5.12. Drive-Through Facilities

- A. Drive-through lanes:
  - a. Are prohibited in front yards
  - b. Must be located to the side or rear of buildings in Town Center and RMU-1 (CUP required)
  - c. May be permitted in RMU-2 with site plan approval
- B. Off-street stacking spaces shall be provided in accordance with the following requirements:
  - a. Stacking spaces shall not interfere with travelway traffic or designated parking spaces.
  - b. Stacking spaces shall be a minimum of 18 feet in length.
  - c. Stacking spaces shall be located to the side or rear of the principal structure and shall not be adjacent to any street right-of-way.
  - d. Off-street parking spaces shall be provided in accordance with the following table:

C.

Stacking Space Requirements		
Type of Activity	Required Number of Stacking Spaces	Start Point for Stacking Spaces
Financial Institutions—Automated teller machine	3	Teller machine
Financial Institutions—Bank teller lane	3	Teller window/tube

Professional Personal Service —dry-cleaning/laundry	3	Cleaner/laundry window
Retail Sales—Pharmacy	3	Pharmacy window
Restaurant	6	Order box/speaker
	4*	Pick-up window
Other	To be determined by the City. Such determination shall consider any study prepared by an engineer or other qualified design professional.	
* These spaces are required in addition to the stacking spaces required to be located behind the order box/speaker and shall be located between the pickup window and the order box/speaker.		

4.5.13. Fire Lanes

A. Location:

Fire lanes shall be provided in all multiple-family, manufactured home, and nonresidential developments, and in some single-family attached, as required by the adopted fire code of the city (if any) and the subdivision ordinance for certain fire lane regulations.

B. Dimension:

Fire lanes shall be a minimum width of 24 feet of paving, and shall have a minimum inside turning radius at curves of 20 feet, or as required by the adopted fire code of the City of Dripping Springs (if any).

C. Vertical clearance:

The minimum overhead vertical clearance over fire lanes shall be 14 feet for a linear distance of 50 feet on each side (in front of and behind, as a fire apparatus would traverse underneath) of any overhead structure, such as a canopy, roof overhang or vertical height control device.

4.5.14. Storage and parking of Recreational Vehicles, Trailers, and Other Vehicles

- A. RV and equipment parking is permitted on residential lots in RER, CN-1, and CN-2, provided it is located to the side or rear of the dwelling, behind the front elevation of the primary structure.
- B. No commercial vehicle used for hauling explosive, gasoline, or liquefied petroleum products is permitted.
- C. It is prohibited to park or store abandoned, wrecked or junked vehicles, power-driven construction equipment, used lumber or metal, commercial vehicles (except those on a service call), or any miscellaneous scrap or salvageable material not in an enclosed building. For the purposes of this section, an abandoned vehicle is a vehicle without a current state license and is not immediately drivable.
- D. No automobile, recreational vehicle, trailer, or other vehicle offered for sale shall be parked in the right-of-way.

4.5.15. Parking Surface Standards

Table 4.9. Surface Standards for Parking	
District	Surface Type
RER	Gravel, improved surface, paved
CN-1, CN-2	Improved surface, paved
Town Center, RMU-1, RMU-2, Campus Employment	Paved

4.5.16. Off-Street Loading and Service Areas

A. Purpose

To ensure loading, delivery, and service functions occur safely and efficiently without disrupting pedestrian movement, parking circulation, public streets, or the rural visual character of Pine Island.

B. General Requirements

- a. All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
- b. In all zoning districts loading docks or service/delivery entrances shall not be constructed facing any public street and shall not be visible from any primary public street.
- c. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation on adjacent residences.
- d. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten students cared for excluding child care in a residence. An additional lane shall also be required to allow pass-by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.
- e. Loading areas in Town Center are prohibited unless accessed from an alley or rear drive.
- f. In all other districts, each site shall provide a designated on-site maneuvering area for trucks. All loading areas must be located to the rear or side and screened from public view. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet by 45 feet, and such spaces or berths shall be provided in accordance with the following schedule:

Size (square feet)	Requirement
Zero to 20,000 sq ft	None
20,000 to 60,000 sq ft	1 loading space

C. Minimum Size

- a. 12 feet wide
- b. 30 feet long
- c. 15 feet vertical clearance

D. Location

- a. Loading spaces shall be located on the same lot as the use served.
- b. Loading spaces shall not be located within a required front yard.
- c. Loading areas shall be located to the side of rear of buildings.

E. Access and Circulation

- a. Loading spaces shall have safe access from a public street via approved driveways
- b. Loading activities shall not impede pedestrian, bicycle, or vehicle circulation.

- c. Maneuvering for trucks shall occur entirely on-site and shall not block parking aisle or public rights-of-way.
- d. Where a building includes truck-height doors, at least one loading space shall be provided adjacent to such doors

F. Surfacing

All loading areas, driveways, and maneuvering areas shall be constructed of a durable, dust-free surface such as concrete, asphalt, or permeable pavement.

G. Screening

Loading and service areas visible from:

- a. A public right-of-way, or
- b. Adjacent residential property
- c. Shall be screened with landscaping, berms, fences, or walls consistent with this section.

H. Setback from Residential Uses

Loading areas shall be located at least 50 feet from residential property lines unless fully enclosed within a building or screened by an 8-foot opaque fence or wall.

4.6. Street Classification and Streetscape

4.6.1. Purpose and Intent

This Chapter establishes a functional classification system for streets within the City of Pine Island, Texas, and prescribes landscape design standards applicable to all public and private streets within the City's jurisdiction. These regulations are adopted to:

- A. Create a legible, connected street network that supports safe movement of people, vehicles, bicycles, and pedestrians while reinforcing Pine Island's rural, small-town character;
- B. Ensure that the City's principal corridors are planned and built as tree-lined, landscaped boulevards that establish a distinctive sense of arrival and community identity rooted in the native coastal prairie landscape;
- C. Establish clear and enforceable street tree, parkway landscaping, and median planting requirements for all street classifications to create green infrastructure that provides shade, reduces heat island effects, manages stormwater, and supports native biodiversity;
- D. Provide a regulatory framework that anticipates and guides future growth and right-of-way improvements consistent with the Pine Island Comprehensive Plan;
- E. Protect and celebrate the native prairie ecosystem as a defining element of Pine Island's environmental identity and aesthetic character.

4.6.2. Applicability

A. Applicability

- a. All new streets constructed within the corporate limits of the City of Pine Island or within its ETJ where subdivision plat approval is required;
- b. All redevelopment, reconstruction, or widening of existing streets involving a change in classification, the addition of travel lanes, or the reconstruction of curb, gutter, or right-of-way improvements;
- c. All new subdivisions and site development requiring approval under this PDO;
- d. All landscaping within public street rights-of-way, medians, parkways, and tree lawns, whether planted by the City, a property owner, a developer, or a homeowners' association.

B. Relationship to Other Regulations

The standards in this Chapter shall apply in addition to any applicable requirements of the Texas Department of Transportation (TxDOT) for State-designated roadways, and in addition to any requirements of Waller County where streets are within the City's ETJ. In cases of conflict, the more stringent standard shall apply, unless the City Engineer determines that TxDOT or county requirements preempt the City's authority.

4.6.3. Functional Classification System

A. Street Classification Table

Table [X]-1 below establishes the functional classification system for Pine Island. Streets shall be designed to meet the standards shown for their assigned classification. The landscape tier assigned to each classification is implemented through Sections [X].06 through [X].09.

**Table 4.11 - Pine Island Street Functional Classification**

Classification	Designation / Examples	Min. ROW Width	Travel Lanes	Connectivity Function	Landscape Tier
Principal Arterial (Boulevard)	Brumlow Road / FM 359 / FM 3346 / Business 290 / future US 290 frontage roads	100–120 ft	2–4 lanes + raised median	Primary entry and movement corridor; connects city to regional highway network; defines community identity	<b>Tier 1</b> — Landscaped Boulevard (see Sec. [X].06)
Minor Arterial (Boulevard / Not a boulevard)	Major collector streets connecting residential and commercial areas such as Cochran, Pine Island Road	80–100 ft	2–4 lanes ± turn lanes	Connects neighborhoods to principal arterials; moderate through-traffic; commercial frontage permitted	<b>Tier 2</b> — Enhanced Street Tree Corridor (see Sec. [X].07)
Collector	Neighborhood collector streets; commercial/industrial access roads	60–80 ft	2 lanes ± turn lanes	Distributes traffic from local streets to arterials; serves residential blocks, parks, and civic uses	<b>Tier 2</b> — Enhanced Street Tree Corridor (see Sec. [X].07)
Local Residential	Internal subdivision streets; cul-de-sacs	50–60 ft	2 lanes	Provides direct lot access; low volume; pedestrian and bicycle priority	<b>Tier 3</b> — Standard Street Tree (see Sec. [X].08)
Local Industrial / Commercial	Internal access streets in industrial parks or commercial centers	60–70 ft	2 lanes ± shoulder	Serves industrial or commercial parcels; must connect to collector or arterial	<b>Tier 3</b> — Standard Street Tree (see Sec. [X].08)

Classification	Designation / Examples	Min. ROW Width	Travel Lanes	Connectivity Function	Landscape Tier
Alley / Rear Access Lane	Rear-access lanes in residential or mixed-use areas	20–24 ft	One-way or 2-way	Provides rear utility, service, and parking access; minimizes front-yard curb cuts	<b>Tier 4</b> — Utility Planting (see Sec. [X].09)
Trail / Shared Use Path	Hike-and-bike trail network; off-street paths	12–16 ft paved width	Non-motorized	Recreation and active transportation; connects parks, schools, civic nodes, and open space	<b>Tier 4</b> — Native Groundcover Buffer (see Sec. [X].09)

B. Classification Determinations

The classification of any street shall be determined by the City Engineer based on the criteria in Table [X]-1, the projected traffic volume, and the street's relationship to adjacent land uses. The determination of the City Engineer is subject to appeal to the City Council.

C. Thoroughfare Plan - *Reserved*

4.7. Residential Design Standards

Table 4.12 establishes form-based development standards for all residential zoning districts. Where a standard is not listed, the City Manager shall apply the most restrictive comparable standard from an adjacent district or make an interpretation consistent with the district intent. These standards apply to all residential construction including manufactured and modular homes.

**Table 4.12 Residential Design Standards**

Standard	RER	CN-1	CN-2	Notes
<b>BUILDING FORM STANDARDS</b>				
Minimum Roof Pitch	3:12	3:12	3:12	<i>All primary structures</i>
Minimum Dwelling Size	1,500sf	1,500 sf	1,500 sf	<i>Gross living area</i>
Covered Entry Feature	Required	Required	Required	<i>Min. 48 sf</i>
Garage Placement	Side / rear preferred	Side / rear preferred	No restriction	
Facade Articulation	Required	Required	Required	<i>See ***</i>

Block-Face Variety	Required	Required	Required	See ***
<b>LANDSCAPING &amp; ENVIRONMENT</b>				
Native / Adaptive Planting	Min. 60% native	Min. 50% native	Min. 40% native	<i>Of landscape area</i>
Pocket Prairie Option	Permitted	Permitted	Permitted	See ***
Tree Preservation	Required	Required	Required	RESERVED
Outdoor Lighting	Dark-sky compliant	Dark-sky compliant	Dark-sky compliant	≤3000K CCT

*Table 4.12 Notes:*

- a. Lots served by on-site well and/or septic system shall comply with all applicable TCEQ requirements regardless of zoning minimums. TCEQ minimum area requirements shall govern where more restrictive.
- b. Conservation cluster subdivisions in the RER and CN-1 districts shall comply with the standards of Article 3.7, *Planned Development Cluster/Conservation District*. The preserved open space percentage applies to the entire subdivision, not individual lots.
- c. Maximum building height applies to the principal structure. Accessory structures shall not exceed 25 feet or the height of the principal structure, whichever is less.
- d. Maximum impervious cover is calculated over the entire lot, including driveways, rooftops, patios, and paved surfaces. LID credit may be available in accordance with the Town of Pine Island Stormwater Management Ordinance.

4.7.1. Residential Design Standards Narrative

A. Roof Pitch

All primary residential structures shall have a minimum roof pitch of 4:12 (four inches of rise for every twelve inches of run) on any roof plane visible from a public street or right-of-way. Flat-roof additions to existing structures may be permitted by the City Manager upon a finding that the addition is not visible from the public street.

B. Minimum Dwelling Size

No single-family residential structure shall be erected or placed on a lot with a gross living area of less than 1,500 square feet. Gross living area is measured as the total conditioned floor area of the dwelling, excluding garages, carports, covered porches, and utility rooms.

C. Covered Entry Feature

All primary residential structures shall include a covered entry feature (porch, stoop, portico, or covered porch) on the street-facing facade. The covered entry feature shall have a minimum floor area of forty-eight (48) square feet and a minimum depth of six (6) feet measured from the exterior wall to the outside edge of the roof structure.

The covered entry feature is a form standard. It regulates the shape and placement of the building entry, not the materials used.

D. Garage Placement and Orientation

- a. In the RER and CN-1 districts, attached garages shall be oriented to the side or rear of the primary structure. Front-facing attached garages are discouraged. Where a front-facing garage is the only feasible option, the garage door(s) shall be recessed a minimum of five (5) feet behind the plane of the primary facade.

- b. In the CN-2 district, no restriction on garage orientation applies, provided the structure complies with all other dimensional standards.

E. Facade Articulation

- a. Purpose. Facade articulation standards regulate the three-dimensional form of building facades to prevent long, flat walls and to create visual interest consistent with the small-town, rural character of Pine Island.
- b. The facade shall include at least one change in roof form, roof height, or architectural feature (dormer, gable end, bay window, covered porch) for every forty (40) feet of horizontal facade length.
- c. Windows shall be distributed across the street-facing facade in a pattern that relates to the interior use of the building. Blank walls exceeding twenty (20) feet in width on a street-facing facade are prohibited.

F. Block Face Variety

To prevent monotony within a subdivision, no two dwellings constructed under a common building permit application shall have identical front elevations on adjoining lots, and no three of any five consecutive dwellings shall have identical front elevations.

Two front elevations are not "identical" if they differ by any one of the following form characteristics:

- a. The form of the covered entry feature (porch, stoop, portico);
- b. The location and form of the garage (recessed, side-load, detached);
- c. The roof form (gable, hip, shed, flat);
- d. The window pattern (number, location, or proportion of front-facade windows);
- e. The footprint shape (L, T, rectangular, etc.); or
- f. The plane projection or recess pattern of the front facade

This standard regulates form variation only. No specific material, color, or finish is required to differ between dwellings.

4.8. Nonresidential Design Standards

4.8.1. Purpose and Intent

- A. Pine Island's identity comes from buildings that fit the human scale, address the street and pedestrian, and read coherently as parts of a neighborhood rather than isolated objects in a parking lot. This Section regulates the form of new buildings — their mass, articulation, fenestration pattern, entry, and relationship to the street — to achieve that identity without regulating specific materials or products.
- B. Encouraging quality new development which is architecturally compatible with the town's rural, prairie character; creating appropriately-scaled and attractive buildings with well-planned pedestrian experiences; promoting long-term enjoyment of the community's streets, commercial establishments, public spaces, and common areas; and enhancing the overall ambience of the community. Appropriate, skillful design and attention to harmonious exterior design principles, standards, and details contribute to greater community health and well-being; ensure the preservation of the community's aesthetic qualities; and benefit the health, welfare, and general well-being of the community.
- C. These exterior design standards are intended to be principled yet flexible, and result in an architecture which seeks to be consistent and harmonize with the current community, rather than conflict and contrast. The standards are intended to encourage, not discourage, architectural creativity, to enhance, not decrease nor limit, the use or enjoyment of property. The requirements set forth in this article are intended to elevate and promote the overall design quality of the construction within the city, and by extension, both preserve and reinforce the city's

unique identity. This article does not seek to impose undue economic hardship on any property owner, but expressly encourages well-designed improvements and thoughtful, economically viable development consistent with the community character and its "sense of place," while providing public enjoyment and private benefits to all who will use it.

#### 4.8.2. Applicability

- A. Generally. This article applies to all new buildings in the TC, CNU-1, CNU-2, and non-residential buildings in the BOD zoning districts within the city limits, buildings within development requiring subdivision of land or site plan approval, and that are subject to commercial zoning requirements or property covered by a development agreement that applies these standards.
- B. This article may be applied at the discretion of the city pursuant to a development agreement or other discretionary approval of a commercial or residential project in the extraterritorial jurisdiction (ETJ).
- C. Existing buildings. All buildings on properties going through redevelopment through extension, reconstruction, or structural alteration, or facade alterations facing a street or right-of-way must also come into compliance, except as exempted below.
- D. This article applies to any permit submission after the date of enactment.

#### 4.8.3. Alternative Exterior Design Standards

- A. Generally. An alternative exterior design standard may be submitted for consideration by the City Manager, when site conditions, demonstrated hardships, or design challenges make strict compliance with the requirements unworkable, undesirable, or impractical. Examples of such site conditions include, but are not limited to, the following:
  - a. Existing non-complying buildings, utilities, or other improvements; and,
  - b. Life safety code issues.
- B. Considerations and findings for approval. The alternative exterior design standard shall, as a whole, be found to meet or exceed the standards of this article. When a design provision is challenged to comply or reduced, the alternative exterior design standard shall propose an increase of other provisions to offset any noncompliance. For instance, if certain elements do not meet the design principles or requirements of this article, other elements may be enhanced, accentuated, or increased to offset the challenge and balance the building's overall architectural qualities. Conditions for approval of an alternative design standard may include the requirement for certain building materials that allow the alternative design standard to meet or exceed the standards and purpose of this article.
- C. Approval and appeal process. The City Manager shall, at the expense of the applicant, engage a registered architect to serve as the City Architect. The City Architect shall review and recommend to the City Manager the approval or disapproval of a waiver from the enforcement of this article. The City Manager may, solely at the Manager's discretion, either rule on the alternative exterior design standard, or refer it to the P&Z. If the decision is to disapprove, the City Manager shall state the reasons in writing, citing areas of non-compliance or deficiencies with this article. An applicant may appeal the decision to the P&Z. Such appeal shall be processed as a variance.

#### 4.8.4. Exemptions

The provisions of this article shall not apply to:

- A. Ordinary repairs, maintenance, or remodeling not involving building expansion or increase in square footage, change in footprint, rooflines, structural alteration, or facade alterations facing a public street or right-of-way.
- B. Minor alterations to an existing building that affect 50 percent of the existing gross floor area and not resulting in an increase in building height (as defined in the zoning ordinance). Design of such

projects shall be consistent with that of the existing building and compatible with its massing, scale, and architectural character, as determined by the city architect.

- C. Accessory buildings (as defined in the zoning ordinance) less than 150 square feet gross floor area.
- D. Temporary buildings or facilities, such as jobsite construction trailers, temporary offices, temporary kitchens, portable classrooms, etc. as determined by the City Manager.

#### 4.8.5. Waivers

##### A. Generally

Upon request by the applicant, the City Manager may waive the requirements of this article. There shall be a presumption against waiver of this article. Waivers must meet the following criteria and findings for approval:

- a. Exterior alterations to an existing building which would result in damage to existing utilities, curbs, sidewalks, or other public or private services, and infrastructure.
- b. No waiver may result in an overall incompatibility with surrounding buildings and environments, with respect to height, scale, massing, gross volume, proportion, and character.
- c. Other special or extraordinary design conditions or site circumstances, as determined by the City Manager, in consultation with the city architect, which do not result in substantive harm to surrounding buildings and environment.

##### B. Approval and Appeal Process

At the expense of the applicant, the city architect shall review and recommend to the City Manager the approval or disapproval of a waiver from the enforcement of this article. The City Manager may, solely at the Manager's discretion, either approve the waiver or deny the waiver. If the decision is to disapprove, the City Manager shall state the reasons in writing, citing areas of non-compliance or deficiencies with this article. If the waiver is denied, the applicant can appeal the decision to the planning and zoning commission. The appeal must be submitted to the planning and zoning commission within ten business days of receipt of the City Manager's decision. If the commission denies the waiver, the applicant may appeal the decision to city council. The appeal must be submitted to the city council within ten business days of receipt of the planning and zoning meeting at which the appeal was considered.

#### 4.8.6. Enforcement

##### A. Civil Remedies

- a. If any building, structure, or land is used, constructed, maintained, repaired, or altered, or any development is commenced or continued, in violation of this article, the city and its officers may institute any appropriate action to prevent, restrain, correct, or abate the violation, including all remedies available pursuant to state law.
- b. The city is authorized to seek civil penalties not to exceed \$100.00 per violation, with each day a violation of this article continues constituting a distinct and separate offense.
- c. The imposition of any penalty shall not preclude the city and its officers from instituting any other appropriate action to require compliance with this code and with administrative orders and determinations made pursuant to this article.

##### B. Administrative Actions

- a. Stop-work orders. When an appropriate authorized official of the city determines that there has been noncompliance with any material term, condition, requirement, or agreement under this article, the person obtaining such approved plan or permit shall be

ordered by the city in writing to cease and desist from further development or construction, material to the alleged noncompliance until corrected by compliance.

- b. Withholding of other authorizations. The city may refuse to grant development, construction, or occupancy approvals for improvements for a property that does not fully and completely comply with all terms and conditions of this article. Without limiting the type or number of approvals the city may withhold, the city is specifically authorized to refuse to grant site development permits, building permits, utility connections, and certificates of occupancy.
- c. Appeals. Said person may appeal an administrative order to the City Manager by giving written notice. The City Manager shall hear the appeal within five business days of receiving such notice. Said person may appeal, in writing, a negative ruling by the City Manager to the city council, which shall hear the appeal at the next regular meeting following receipt of the notice so long as the appeal is received at least five business days before the next regular meeting. If an appeal is received within five business days of the next regular meeting, the appeal will be heard at the council meeting after the next regular council meeting.

#### 4.8.7. Design Review and Approval Process, Submittals, Inspections

##### A. Pre-design Scoping Meeting

Prior to formal application for approval of any proposed building design, the applicant(s) shall request and attend a pre-design scoping meeting with the city architect, the city planner, and any other pertinent city official(s) in order to become familiar with the requirements of this article, and the design review and approval process. At the pre-design scoping meeting, the applicant may be represented by its architect, engineer, or other design professional that will be responsible for the design of the proposed building(s).

##### B. Site Development Review and Comments

Upon application for a site development permit, applicant shall submit to the city, conceptual building design information for review and preliminary comments. Such comments shall be considered preliminary and advisory in nature and shall not constitute an "approval" in whole or in part, of any proposed design. Preliminary comments must be received by the applicant prior to approval of the site development permit.

- a. Concept site plan showing building footprints, building floor areas and general building orientation and arrangement on the site.
- b. Conceptual floor plans.
- c. Conceptual building elevations.
- d. Supplemental conceptual design information (i.e. schematic designs, massing models, sketches, or other design studies) as appropriate to explain the proposed design concept(s).

##### C. Building Permit Review and Approval

- a. Site plan (for building orientation)
- b. Floor plans (as required, for reference)
- c. Exterior elevations ("all sides," with "primary" elevations in color or as required; color and material call-outs or key notes indicated on each drawing. Drawings to be at appropriate scale as required).
- d. Color sample board (11 inches by 17 inches min. size. Showing all proposed colors as indicated on exterior elevations. Submission of a material sample board showing actual material samples as indicated on exterior elevations, i.e. native stone masonry, standing

seam metal roof, other exterior materials and colors may be required if material requirements are part of an alternative design standard).

- e. Supplemental exterior design information (as required). Color renderings or design studies; other drawings or information as required to show specific intentions of exterior design.

D. Construction Phase Compliance Reviews and Inspections

After building permit issuance by the city and prior to issuance of certificate of occupancy, the city shall reserve the right to review and inspect the work in progress for compliance with the provisions and requirements of this article.

4.8.8. Nonresidential Form-Based Standards by District

**Table 4.13 Nonresidential Form-Based Standards**

Standard	TC	RM-1	RM-2	Notes
<b>BUILDING FORM &amp; FACADES</b>				
Ground-Floor Transparency	Min. 60%	Min. 40%	Min. 25%	Street-facing facade
Facade Articulation	Required	Required	Required	See ***
Primary Entry Orientation	Street-facing	Street-facing	Flexible	
Roofline Variation	Required	Required	Required	See ***
Mass Articulation	Required	Required	Required	See ***
Canopies / Awnings	Required	Encouraged	Optional	Along street facade
<b>PARKING &amp; ACCESS</b>				
Parking Location	Rear or side only	Rear preferred; side permitted	No restriction	See *
Parking Screening	Required	Required	Required	Along street frontage
Shared Parking	Encouraged	Permitted	Permitted	Agreement required
Bicycle Parking	Required	Required	Optional	Min. 2 spaces
Pedestrian Connection	Required	Required	Required	To ROW / trail
<b>LANDSCAPING &amp; STREETScape</b>				
Landscaped Buffer — Street	8 ft min.	10 ft min.	15 ft min.	
Street Trees	Required	Required	Required	1 per 40 linear feet of frontage
Foundation Planting	Required	Required	Required	See ***

Standard	TC	RM-1	RM-2	Notes
Pocket Prairie Option	Permitted	Permitted	Permitted	See ***

#### 4.8.9. Nonresidential Design Principles

##### A. Generally

Primary building forms and massing schemes shall create a quality architectural expression, creating a clear hierarchy and articulation of building elements, produce visual distinction in the design composition, and create an overall harmonious effect which is consistent with the rural, native Texas prairie character of the surrounding environment. Traditional and contemporary designs are allowed, subject to the requirements and standards for this article. Preference is for native stone masonry and may be a condition of any variance or waiver.

##### B. Ground-Floor Transparency

- a. Ground-floor transparency standards ensure that buildings activate the street edge by providing visual connection between interior uses and the public realm. Transparency is measured as a percentage of the wall area between two (2) and ten (10) feet above grade on the primary street-facing facade. Clear glazing only (spandrel glass, glass block, and translucent panels do not count toward the transparency requirement).
- b. The base of the building shall include elements that relate to the humans scale. These should include doors and windows, texture, projections, awnings and canopies, ornament, etc.

##### C. Façade Articulation

Architectural massing shall be highly articulated, breaking up the overall building scale and volume (vertically and horizontally), working to define building entries, protect existing trees where possible, create landscaped courtyards, plazas, patios, gardens and pedestrian-oriented spaces, and contribute to an overall sense of place.

- a. No blank walls shall be permitted to face the public street, sidewalk, or other public spaces such as plazas, or parks.
- b. When a building fronts a roadway with parking in the rear, the rear façade shall be the secondary façade and shall also comply with this ordinance.
- c. Horizontal Articulation  
For every fifty (50) linear feet of continuous street-facing facade, the building shall include at least one of the following form elements:
  - i. A change in wall plane of at least two (2) feet in projection or recess;
  - ii. A change in facade material pattern (the use of a material that creates a distinct visual band, course, or pattern without prescribing the material type);
  - iii. A continuous canopy, arcade, or awning spanning the full length of the module; or,
  - iv. An architectural feature such as a pilaster, column, or engaged pier.
- d. Vertical Articulation  
Buildings exceeding two (2) stories shall express a clear ground floor, middle/upper floors, and top (cornice, parapet, cupola or roof structure) through form and massing. No specific material is required.

##### D. Roofline Variation

- a. Roof designs shall be compatible with the traditional rural architectural character and be harmonious with the surrounding environs. Simple gable with shed roof forms

featured on the primary elevation are preferred, with a clear, uncluttered, visual hierarchy of massing and well articulated rooflines. Flat roofs behind parapets may be allowed only as part of an approved alternative design standard on buildings exceeding 5,000 gross square feet. Not more than 25 percent of the total building roof footprint shall be flat and no flat portion shall adjoin a primary elevation. Rooftop mechanical equipment (if any) shall be shielded and screened from ground level view from any adjacent common lot line. Preference is for a standing seam metal roof and may be a condition of any variance or waiver.

- i. On street-facing facades, rooflines and parapets shall vary in height or form to avoid a monotonous horizontal profile:
    1. Flat-roof or parapet structures: the parapet height shall vary by a minimum of two (2) feet for every fifty (50) linear feet of facade length.
    2. Pitched-roof structures: the roof shall change plane, pitch, or form (gable to hip, etc.) at intervals consistent with the facade articulation module.
    3. Mechanical equipment, HVAC units, and service structures visible from the street shall be screened by parapet extensions, roof screens, or comparable enclosures.
- E. Building Height  
Building heights shall be as allowed by applicable zoning. Landmark architectural features or distinctive vertical design elements are encouraged, shall not exceed allowable building heights (except as part of an approved variance or alternative design standard) and are limited in their footprint area to a maximum of 25 percent of the total gross building footprint.
- F. Fenestration / Door and Window Openings
- a. Windows shall be designed with punched and recessed openings, in order to create a strong rhythm of light and shadow.
  - b. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior.
  - c. Window shape, size and patterns shall emphasize the intended organization of the façade and the definition of the building.
- G. Mass Articulation  
Large-footprint buildings (those exceeding 10,000 square feet of ground-floor area) shall use massing strategies to reduce the perceived bulk of the building from the street:
- a. The primary building mass shall be broken into modules of no more than 80 linear feet of continuous facade length without a significant change in plane, height, or roofline.
  - b. Entrance elements (vestibules, towers, porticos, gable ends) shall be used to identify primary public entrances and to break up the roofline.
  - c. Where a large-footprint building abuts a residential district, a step-down in height or a significant landscape buffer shall be provided on the abutting side.
- H. Porches  
Porch elements or permanent pedestrian shading devices of an approved type shall be provided on every building's primary elevation, contributing to the design's forms and massing schemes. These elements shall be of permanent and durable construction, projecting six feet minimum from the building and extending across 50 percent minimum of the primary elevation. Wrap-around porches, porch or pedestrian shading devices on multiple building elevations, and raised porches with pedestrian-oriented wood handrail designs are encouraged.

I. Colors

Building color schemes shall be predominately of neutral hues and subdued tones, consistent with the earthy, natural look of the surrounding prairie. Primary colors shall be used with restraint and preferably limited to accents, and shall not exceed ten percent of the area of any building elevation. This requirement is not designed to limit what building materials can be used, but instead what color the final construction will be.

J. Pedestrian Amenities

Pedestrian amenity elements of an approved type, such as benches, dining and seating groups, umbrellas, potted plants, trash receptacles, etc., shall be provided for all buildings, in locations and arrangements appropriate and suitable to each design and use, to enhance the welcoming qualities of the building and contribute to the overall feel and quality of the city. A minimum of three pedestrian amenity elements shall be provided for each building or each 5,000 square feet of building.

K. Signage

Tenant identity signage shall comply with the city's sign and outdoor lighting ordinance. Any architectural signage elements or treatments, whether integral to the building or freestanding, shall be designed to be consistent with the building architecture and the native Texas prairie environment, and shall be communicative, appropriately scaled, and not garish.

L. Outdoor Lighting

All outdoor lighting shall comply with the Town of Pine Island Outdoor Lighting Ordinance.

4.8.10. Accessory Building Design Elements

A. Trash Receptacle Screens

- a. All sides of outdoor trash receptacles must be screened from view with durable, opaque walls on three sides and durable, opaque doors on the fourth side.
- b. It is preferred that all sides of outdoor trash receptacles be screened from view with walls faced with native stone masonry on three sides and opaque metal doors on the fourth side.

B. Fuel Station Canopies

Fuel station canopies shall be designed to be architecturally compatible with other buildings covered by this agreement, and consistent with this article, including provision of sloped roof forms, and adherence to colors provisions. "Trade dress" colors and elements shall be limited to application of allowable signage. Fuel station canopies may not exceed 24 feet in height measured from finished grade to the highest roofline.

C. Building Material Preferences and Incentives

a. Building Materials

There are no building material requirements in areas not in a historic district. The city has building material preferences, as listed in this section, which may become a condition of an alternative design standard under this article, or a related waiver or variance from a related city ordinance.

b. Stone Building Entry Elements

The preference is that the primary facade consist of a minimum of 75 percent stone and glazing; the remaining 25 percent shall consist of exterior finish insulation system, stucco, wood, metal or other equivalent materials.

c. Stone Building Base Element

The preference is that the exterior wainscot is 100 percent faced with stone masonry to a minimum height equal to one-fourth (or 25 percent) of the wall height or up to four feet high, whichever is less. This masonry "skirt" precludes the use of EFIS as a wainscoting material on the primary and secondary facades of the buildings and will have appropriate adjustments in height for changes in finished grade.

d. Metal Roofs

The preference is that all sloped roof elements (including permanently roofed pedestrian scale elements) be clad in prefinished metal roofing panels of an approved type.

D. Veneers

Primarily native stone veneers with some stucco and/or brick accents are preferred.

E. Preferred

It is preferred that fuel station canopies be designed to be architecturally compatible with other buildings covered by this agreement, and consistent with this article, including sloped "standing-seam metal roof, predominance of native stone masonry," and "tasteful materials palette" provisions. Fuel station canopies cannot exceed 24 feet in height measured from finished grade to the highest roofline.

4.9 Signs

*See the Town of Pine Island Sign Ordinance*

4.10 Outdoor Lighting

*See the Town of Pine Island Outdoor Lighting Ordinance*

## 7. Definitions

### 7.1. Word Usage

- A. For the purposes of this ordinance, certain words or terms shall be defined as follows:
- a. Words used in the present tense include the future.
  - b. Words in the singular include the plural, and the plural includes the singular.
  - c. The word "shall" or "must" is always mandatory; the word "may" is permissive.
  - d. The words "used for" include "designed for," "arranged for," or "occupied for."
  - e. The word "building" includes "structures" and shall be construed as if followed by the phrase "or part thereof."
  - f. The word "person" includes "individual," "partnership," "company," "profit or nonprofit corporation," "organization," or other similar entities.
  - g. The word "erected" shall be deemed also to include "constructed, reconstructed, altered, placed, or moved."
  - h. The word "City" and "Town" means the Town of Pine Island, Texas.
  - i. The word "ETJ" means the Extraterritorial Jurisdiction of the Town of Pine Island as established by Texas law.
  - j. The word "State" means the State of Texas.
  - k. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."
  - l. Unless otherwise specified, the term 'day' means a calendar day.
  - m. Unless otherwise specified, all distance shall be measured horizontally and at right angles to the line in relation to which the distance is tied.
  - n. The terms architect, engineer, landscape architect, and surveyor refer to professionals licensed by the State of Texas.
- B. The words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.
- C. When a term or phrase is not specifically defined within this Article, the common definition of such term or phrase shall be applied per the Merriam-Webster Dictionary

### 7.2. List of Abbreviations

Abbreviation	Meaning
BOA	Board of Adjustment
CCN	Certificate of Convenience and Necessity
ETJ	Extraterritorial Jurisdiction
FEMA	Federal Emergency Management Agency
LGC	Texas Local Government Code
ROW	Right-of-Way
SF	Square Feet
TXDOT	Texas Department of Transportation
TCEQ	Texas Commission on Environmental Quality

Table 7.1. List of Abbreviations	
Abbreviation	Meaning
USDA	United States Department of Agriculture

### 7.3. Definitions

#### Access

The means by which vehicles and pedestrians enter or leave a lot.

#### Accessory Structure

A detached subordinate structure located on the same lot as a principal structure, the use of which is incidental and customarily associated with the principal use.

#### Accessory Use

A use that is incidental, customary, and subordinate to the principal use of the lot.

#### Agritourism

Activities conducted on a working farm, ranch, or agricultural operation that allow members of the public to visit for recreation, education, or entertainment related to agriculture.

#### Agricultural Operation

The bona fide production of crops, livestock, poultry, bees, forage, timber, or other agricultural products, including customary accessory uses and structures.

#### Agriculture, Intensive

Commercial animal confinement or feeding operations not typical of Pine Island's rural residential character.

#### Agriculture, Residential

Small-scale, non-commercial keeping of chickens, bees, gardens, and similar activities incidental to a residence.

#### Alley

A public or private service way providing secondary access to lots.

#### Applicant

The property owner or authorized agent submitting an application under this Ordinance.

#### Approved Plant List

Means the list of native Texas coastal prairie plants maintained by the City, as amended from time to time, and based on resources from the Native Plant Society of Texas, the John Fairey Garden, the Lady Bird Johnson Wildflower Center, and similar authoritative sources

#### Architectural Lighting

Lighting used to illuminate building facades, landscaping, or architectural features for aesthetic purposes rather than safety or security.

#### Bee Hive

An enclosed structure used to house honey bees.

#### Buffer

A landscaped area, natural area, fence, berm, or combination thereof intended to soften or screen impacts between differing land uses.

**Buildable Area**

The portion of a lot remaining after required setbacks, easements, floodplain, buffers, and environmental constraints are excluded.

**Building**

Any structure having a roof supported by walls or columns.

**Building Height**

The vertical distance measured from the average finished grade to the highest point of the roof.

**Building Line**

A line parallel to a lot line indicating where a structure may be placed.

**Caliper**

The diameter of a tree trunk measured six inches above grade.

**Community Center**

A building used for educational, civic, cultural, or social gatherings available to the public or members.

**Conditional Zoning**

A zoning action in which specific conditions are attached to a rezoning approval pursuant to Texas Local Government Code Chapter 211.

**Construction Yard**

A site used for the storage of equipment, vehicles, or materials associated with a construction business.

**Corner Lot**

A lot abutting two streets at their intersection.

**Cultural Center**

A facility used for the display, performance, or enjoyment of heritage, history, or the arts.

**Development**

Any man-made change to real property, including construction, grading, paving, utilities, or subdivision.

**Drive Aisle**

The maneuvering area within a parking lot providing access to parking spaces.

**Driveway**

A private access way connecting a lot to a public street.

**Drip Line**

The imaginary vertical line extending from the outermost branches of a tree to the ground.

**Dwelling Unit**

A building or portion thereof designed for residential occupancy by one family with independent living, cooking, and sanitation facilities.

**Dwelling, Accessory (ADU)**

A smaller, independent dwelling unit located on the same lot as a principal dwelling.

Erosion

The wearing away of land surface by water, wind, or other natural forces.

ETJ (Extraterritorial Jurisdiction)

The unincorporated area beyond the Town limits in which the Town retains subdivision authority under Texas law.

Easement

A legal right to use a portion of land for a specific purpose.

Emergency Services Facility

A facility operated for fire protection, law enforcement, EMS, or emergency management functions.

Event Venue

A property where the primary use is hosting events such as weddings, receptions, meetings, reunions, concerts, or similar gatherings.

Floodplain

Land identified by FEMA as subject to flooding, including Special Flood Hazard Areas.

Footcandle

A unit of illumination equal to one lumen per square foot.

Frontage

The length of a lot abutting a public street.

Glare

Excessive brightness that causes visual discomfort or reduces visibility.

Grade

The average finished ground elevation around a structure.

Gravel Surface

A surface composed of loose stone used for access, parking, or drives that is not considered an improved or paved surface.

Green Infrastructure

Natural or engineered landscape features designed to manage stormwater and protect natural systems.

Impervious Surface

Any surface that prevents natural infiltration of water into the soil.

Improved Surface

A stabilized surface such as compacted gravel or crushed stone designed to reduce dust and erosion but not considered paved.

Indoor Recreation

Includes: Adult entertainment, amusement center, game/video arcade; art, music, dance, and photographic studio; billiard parlor; bowling alley; club; lodge; gym, health spa, yoga or pilates studio; ice, roller skating rink; indoor sports facility; inflatable playground, trampoline park; miniature golf facility; movie theater, playhouse, live performance venue; private gaming club

**Interior Lot**

A lot other than a corner lot.

**Interior Aisle**

A drive aisle within a parking facility not used for parking.

**Irregular Lot**

A lot whose shape prevents standard application of dimensional measurements.

**Invasive Species**

Means any plant species identified as invasive by the Texas Department of Agriculture or the USDA PLANTS Database for the Gulf Coast region.

**Kennel, Commercial**

A facility providing boarding, grooming, or care for animals for compensation.

**Kelvin (K)**

A unit describing the color temperature of light.

**Kennel, Commercial**

**Kennel, Personal**

**Landscaping**

The planting of trees, shrubs, grasses, and groundcover to enhance site appearance and environmental performance.

**Loading Space**

An off-street space for loading and unloading vehicles.

**Lot**

A parcel of land intended for separate ownership or development.

**Lot Area**

The total horizontal area within the lot lines.

**Lot Coverage**

The percentage of the lot covered by buildings and impervious surfaces.

**Lot Depth**

The horizontal distance between front and rear lot lines.

**Lot, Double Frontage**

In the case of a lot that fronts on two streets, the front yard setback will apply to both streets.

**Lot Line, Front / Rear / Side**

Property lines defining the boundaries of a lot.

**Lot of Record**

A lot legally recorded prior to adoption of this Ordinance.

**Lot Width**

The horizontal distance between side lot lines measured at the front setback.

**Luminaire**

A complete lighting fixture including lamp, housing, and mounting.

**Luminaire, Full Cutoff**

A fixture designed so that no light is emitted above the horizontal plane.

**Luminaire, Shielded**

A fixture designed to direct light downward and prevent glare and light trespass.

**Manufactured Home**

A structure that: (1) is transportable in one or more sections; (2) in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet; (3) is built on a permanent chassis; (4) is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities; and (5) is constructed on or after June 15, 1976, in accordance with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.) and bearing a data plate and HUD certification label. The term includes any addition, accessory structure, or appurtenance attached to or associated with the unit. The term does not include a recreational vehicle, park model RV, modular home, or any structure manufactured prior to June 15, 1976.

Note: Per Tex. Occ. Code § 1201.004, this definition is binding on all persons and agencies in the state and may not be modified.

**Manufactured Home Park (Also: Mobile Home Park, Trailer Park)**

A tract of land under single ownership or unified control that is improved, designed, or used for the accommodation of two (2) or more manufactured homes occupied or intended for occupancy as dwellings, where: (1) the land is not subdivided into individual lots for conveyance in fee simple; (2) spaces or pads are rented, leased, or otherwise made available to the occupants of individual manufactured homes; and (3) the park operator retains ownership or control of the underlying land. A manufactured home park may include common facilities such as roads, utility systems, recreation areas, laundry facilities, and management offices serving park residents. The term includes any expansion of an existing park. A manufactured home park with four (4) or more spaces is a manufactured home community under Tex. Occ. Code § 1201.003

**Manufactured Home Subdivision**

A subdivision of land platted and recorded in accordance with Tex. Local Gov't Code Ch. 212 (within corporate limits) or Ch. 232 (within the extraterritorial jurisdiction), in which individual lots are conveyed or intended to be conveyed to individual owners in fee simple for the placement and occupancy of manufactured homes as permanent dwelling units. Each lot in a manufactured home subdivision is separately owned, and infrastructure serving the subdivision is dedicated or made available in the same manner as in a conventional residential subdivision. A manufactured home subdivision is distinguished from a manufactured home park in that lot ownership is transferred to individual homeowners rather than retained by a common operator

**Mixed-Use Development**

A development that integrates residential and nonresidential uses within a unified site design.

**Mobile Food Vendor**

A wheeled vehicle or trailer designed to prepare and sell food at temporary locations.

**Mobile Home**

A factory-built dwelling unit constructed prior to June 15, 1976, built to standards other than the HUD Manufactured Home Construction and Safety Standards. A mobile home does not bear a HUD certification label and is not a manufactured home for any purpose under this Ordinance or state law. Per Tex. Occ. Code § 1201.004, a mobile home is not a HUD-code manufactured home and a HUD-code manufactured home is not a mobile home. The installation, placement, or occupancy of a mobile home as a new or replacement dwelling unit is prohibited within the corporate limits of the City.

**Modular Home (Also: Industrialized Building; Factory-built Home)**

A dwelling unit that is: (1) constructed in a factory in one or more modules or sections; (2) designed to be installed on a permanent foundation at the building site; (3) constructed in accordance with the Texas Industrialized Building Code under Tex. Gov't Code Ch. 1202 and bearing the state insignia of approval issued by the Texas Department of Licensing and Regulation (TDLR); and (4) subject to all applicable local building codes, zoning regulations, and design standards in the same manner as a conventionally site-built dwelling. A modular home does not bear a HUD certification label and is not a manufactured home. For purposes of this Ordinance, a modular home shall be classified, permitted, and regulated as a site-built single-family dwelling in any district where single-family dwellings are permitted.

**Nonconforming Lot**

A legally existing lot that does not meet current dimensional standards.

**Nonconforming Structure**

A legally existing structure that does not meet current setback, height, or coverage standards.

**Nonconforming Use**

A legally existing use that does not comply with current zoning regulations.

**Off-Street Parking**

Parking located outside of the public right-of-way.

**Open Space**

Land not covered by buildings, pavement, or storage areas.

**Outdoor Sales, Seasonal**

Temporary outdoor retail activities.

**Outdoor Storage**

The placement of goods or materials outside a building for more than 24 hours.

**Parking Lot**

A ground-level area designed for vehicle parking.

**Parking Space**

A defined area for the parking of one vehicle.

**Paved Surface**

Asphalt, concrete, or similar durable, dust-free surface.

**Pocket Prairie**

Means an area of landscaping within a single-family residential lot that consists primarily of native grasses, wildflowers, sedges, and other native groundcovers characteristic of the Texas coastal prairie ecosystem

**Principal Structure**

The main building in which the primary use of the lot is conducted.

#### Recreation, Indoor

A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following:

1. Adult entertainment / sexually oriented businesses;
2. Amusement center, game/video arcade;
3. Art, music, dance, and photographic studio;
4. Assembly hall, auditorium, meeting hall;
5. Billiard parlor;
6. Bowling alley, Club, Lodge;
7. Gym, health spa, yoga studio;
8. Ice, roller skating rink;
9. Indoor sports facility;
10. Inflatable playground, trampoline park;
11. Miniature golf facility;
12. Movie theater, playhouse, live performance venue; and,
13. Similar indoor recreation facilities

#### Recreation, Outdoor

A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominantly outdoors or within outdoor structures. Outdoor recreation includes the following:

1. Drive-in theater;
2. Golf driving range;
3. Miniature golf facility;
4. Outdoor sporty field / court;
5. Outdoor theater / amphitheater; and,
6. Other similar outdoor recreation facilities.

#### Recreational Vehicle (Also: RV, Park Model RV)

A vehicle that is: built on a single chassis; designed to be self-propelled or permanently towable by a light duty truck; and, designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. The term includes motorhomes, travel trailers, fifth-wheel trailers, folding camping trailers, and truck campers. A recreational vehicle is not a manufactured home and shall not be used as a permanent dwelling unit in any zoning district .

#### Recreational Vehicle Storage Facility

An area where RVs and boats are stored for a fee.

#### Religious Assembly

A facility used for regular organized worship.

#### Right-of-Way (ROW)

Land dedicated for public use for streets, utilities, drainage, or access.

#### Screening

Landscaping, fencing, or walls used to visually shield uses.

#### Setback (Front / Rear / Side)

The minimum required distance between a structure and a lot line.

**Sexually Oriented Business**

Includes adult entertainment, book stores, movie theaters,

**Short-Term Rental**

Rental of a dwelling unit for fewer than 30 consecutive days.

**Sign**

Any device used to communicate information visible from a public way.

**Sign Area**

The total surface area used to display a message.

**Sign Height**

The vertical distance from grade to the highest point of the sign.

**Sign, Monument**

A freestanding sign mounted on a solid base at grade.

**Sign, Temporary**

A sign intended for short-term display.

**Structure**

Anything constructed or erected requiring location on the ground.

**Subdivision**

The division of land into two or more lots pursuant to Texas Local Government Code Chapter 212.

**Use**

The purpose for which land or a structure is designed or intended.

**Yard (Front / Rear / Side)**

The open space between a structure and a lot line

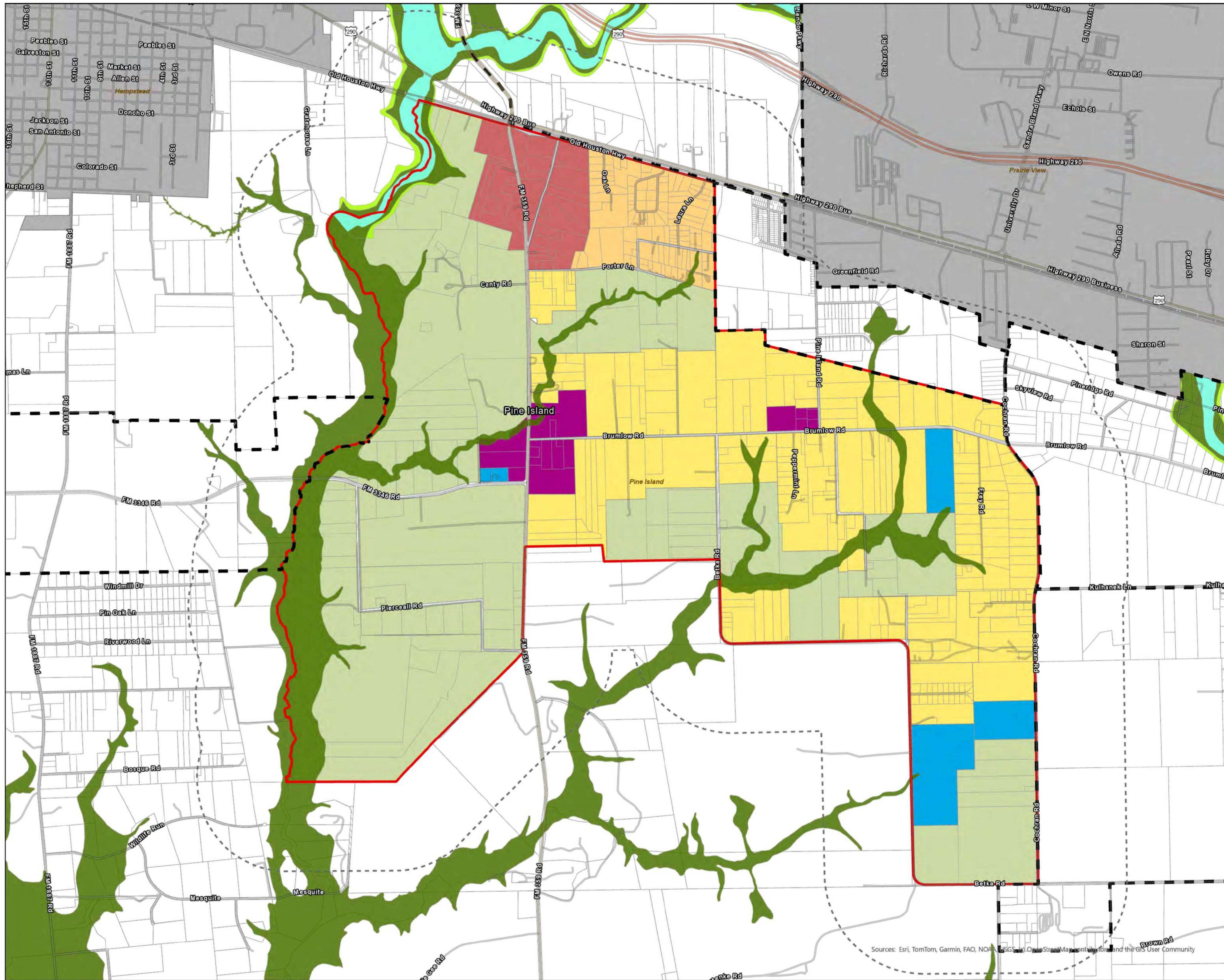
# Town of Pine Island, Texas

## Draft Zoning Map

01/05/2026

### Legend

- Pine Island City Limits
  - Pine Island ETJ
  - Parcels
- Zoning Designation
- RE, Rural Estate
  - CN1, Community Neighborhood 1
  - CN2, Community Neighborhood 2
  - TC, Town Center
  - RMU1, Regional Mixed Use 1
  - CE, Campus Employment
- Flood Zones
- 0.2% Annual Chance Flood Hazard
  - 1% Annual Chance Flood Hazard
  - Regulatory Floodway



0 0.75 1.5 3 Miles

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, and the GIS User Community